



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday April 26, 2022

This Town Board Meeting was opened at 7:00 PM.

Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **The following Public Hearings will be held on May 24, 2022:**
 - **Amend Chapter 43 in the Town Code to address zoning in the Hamlet of South Nyack**
 - **Proposed zone change for Gatto Lane in the Hamlet of Pearl River**
- ◆ **Orangetown Comprehensive Plan Public Workshop #3 / Thursday, April 28, 2022 at 7 pm in the New Courtroom**
- ◆ **Free Paper Shredding Event at the Orangetown Town Hall held by the Town Clerk's Office / Saturday, April 30, 2022 from 8 am – 11:30 am / Please bring a non-perishable food item for donation to local food pantries**
- ◆ **Hunger's 5K Heroes Run / Saturday, May 14, 2022 at 10 am / To benefit Orangetown food pantries / Visit www.orangetown.com to register**
- ◆ **Upcoming Presentation / June 14, 2022 Town Board Meeting / Depot Square Apartments and adaptive re-use of former Chase Bank in the Sparkill Overlay District**

PRESENTATIONS:

- ◆ **Proclamation for National Poetry Month honoring:**
 - ★ **Rose Marie Raccioppi**
- ◆ **Certificates of Meritorious Service honoring:**
 - ★ **Christian Florencia, Tappan Zee Student**
 - ★ **Matt Irizarry, Tappan Zee Student**
 - ★ **Jessica Lappe, Tappan Zee Athletic Trainer**
 - ★ **Jimmy Sanchez, FDNY Lieutenant**

EXECUTIVE SESSION

1. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss personnel matters.

2. RE-ENTER RTBM

RESOLVED, at _____ pm, the Town Board re-entered the Regular Town Board Meeting.

DISCUSSION:

3. WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

4. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

5. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

6. AUTHORIZE / INTERMUNICIPAL AGREEMENT / VILLAGE OF NYACK / COMPLETE SIDEWALK IMPROVEMENT PROJECT / SOUTH BROADWAY AND CEDAR HILL AVENUE

RESOLVED, that the Town Board hereby authorizes the Town to enter into an intermunicipal agreement with the Village of Nyack to enter upon Town property for the purpose of permitting the Village to complete a sidewalk improvement project at the corner of South Broadway and Cedar Hill Avenue, whereby the Village agrees to indemnify and hold the Town harmless, and authorizes the Town Supervisor to execute such agreement and any other documents necessary to effectuate the purposes of this resolution.

7. REAPPOINT / KAREN JAHNES / CLERK TO THE SANITATION COMMISSION / 2022 / ONE-YEAR TERM

RESOLVED, that KAREN JAHNES is hereby reappointed Clerk to the Sanitation Commission for a term of one-year, commencing January 1, 2022 and expiring on December 31, 2022.

8. APPROVE SETTLEMENT AGREEMENT / EMPLOYEE PERSONNEL MATTER

RESOLVED, that the Town Board hereby authorizes implementation and settlement of a disciplinary proceeding with respect to employee no. 2709, and authorizes the department head to execute a Stipulation of Settlement to effectuate terms of the settlement.

TOWN ATTORNEY

9. AUTHORIZE TOWN ATTORNEY TO INSTITUTE ACTION IN INDEMNIFICATION AND CONTRIBUTION AS AGAINST ROCKLAND COUNTY / ROCKLAND SHERIFF'S OFFICE / JEAN V. ORANGETOWN / ROCKLAND SUPREME INDEX NO. 033456/2016

BE IT RESOLVED that the Town Board authorizes the Town Attorney's Office, as part of the defense of the matter known as Phadia Jean v. Town of Orangetown, et. al. Rockland County Index No. 033456/2016, to institute an action against the County of Rockland, County of Rockland Sheriff's Office and individual employees thereof, for certain relief including but not limited to indemnification and contribution.

HIGHWAY

10. APPROVE / PUBLIC TRANSPORTATION MODERNIZATION PROJECT PIN 8TRM73 / ORANGETOWN COMMUTER PARK & RIDE FACILITY / SPARKILL, NY

WHEREAS, a Project to construct an Orangetown Commuter Park & Ride Facility in the hamlet of Sparkill, NY, in the Town of Orangetown, Rockland County, PIN 8TRM73 (the "Project") is eligible for 100% funding under the New York State Department of Transportation Public Transportation Modernization and Enhancement Program (MEP) Funding; and

WHEREAS, the .63 acre facility, located at 650 Route 340 in Sparkill, NY, owned by the American Legion, John M. Perry Post #1044, shall require a lease to the Town for a minimum of 20 years, the useful life of the parking facility, and

WHEREAS, funds for this project have been approved in the Rockland County Capital Project Funds, #18832 and funds for this project have been approved in the State TIP under PIN 8TRM73, and

WHEREAS, the Town of Orangetown desires to advance the Project, by making a commitment of 100% of the costs of construction and construction inspection and Rockland County shall reimburse the Town for 100% of construction and construction inspection, not to exceed \$969,000, and

WHEREAS, a public information briefing for the Project was held on May 5, 2021, and

WHEREAS, the purpose of the briefing was to obtain comments on the project from individuals, groups, officials and local agencies, and

WHEREAS, the project design and plans may be accessed and reviewed in-person at the Orangetown Highway Department at 119 Route 303, Orangeburg, NY 10962 and are also accessible via the Town of Orangetown Highway Department website,

NOW, THEREFORE, the Town of Orangetown Board, duly convened does hereby **RESOLVE**, that the Town of Orangetown Board hereby approves the above-subject project; and it is hereby further

RESOLVED, the Town shall enter into a lease agreement with the American Legion, John M. Perry Post #1044 for a minimum of 20 years, the useful life of the parking facility, a .63 acre facility, to be located at 650 Route 340 in Sparkill, NY, and it is further

RESOLVED, that the Town of Orangetown Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the State share of the cost of construction and construction inspection work for the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$969,000 is hereby appropriated to account # H.5110.200.61 and made available to cover the cost of participation in the above phase of the Project; and

RESOLVED, that in the event the State share of costs of the project exceeds the amount appropriated above, the Orangetown Town board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Orangetown Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid on behalf of the Town of Orangetown with the County of Rockland in connection with the advancement or approval of the Project and the municipality's first instance funding of project costs and permanent funding of the state-aid eligible Project costs and all Project cost within appropriations, therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Highway Superintendent, Town Engineer, Town Finance Director, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with the County of Rockland in connection with the advancement or approval of the project identified in the County and Town Intermunicipal Agreement;

RESOLVED, that a certified copy of this resolution be filed with the County of Rockland by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

POLICE

11. ACCEPT RESIGNATION / RETIREMENT LT. DAVID MELLIN/ POLICE DEPARTMENT / EFFECTIVE APRIL 26, 2022

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Lt. David Mellin from the Orangetown Police Department effective April 26, 2022.

12. ACCEPT RESIGNATION / RETIREMENT POLICE OFFICER THOMAS WANAMAKER / EFFECTIVE APRIL 28, 2022

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Thomas Wanamaker, from the Orangetown Police Department effective April 28, 2022.

13. PROMOTE DANIEL WILSON / POLICE LIEUTENANT/ POLICE DEPARTMENT / EFFECTIVE APRIL 26, 2022

RESOLVED, that upon the recommendation of the Chief of Police, promote Daniel Wilson from Rockland County Preferred Eligible List # 1179, to the position of Police Lieutenant, permanent, Town of Orangetown, effective April 26, 2022, at a base salary of \$186,984.

14. NOMINATE / KURT NIEMEYER / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN

RESOLVED, upon the recommendation of the Chief of Police, Kurt Niemeyer, from Rockland County Department of Civil Service nomination list # 21033/67-540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

15. NOMINATE / JOSEPH DAVIN / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN

RESOLVED, upon the recommendation of the Chief of Police, Joseph Davin, from Rockland County Department of Civil Service nomination list # 21033/67-540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

16. NOMINATE / ANDREW TUERS / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN

RESOLVED, upon the recommendation of the Chief of Police, Andrew Tuers, from Rockland County Department of Civil Service nomination list # 21033/67 -540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

17. APPROVE / PAY RATE / SCHOOL CROSSING GUARDS

RESOLVED, that the pay rate for school crossing guards, hired by the Orangetown Police Department be paid at the rate outlined in the attached chart effective May 9, 2022.

CROSSING GUARD PAY RATE CHART

New hires and substitute crossing guards:

\$20/hour

Permanent crossing guards:

Start of 4th school year \$21/hour

Start of 8th school year \$22/hour

Start of 12th school year \$23/hour

Start of 16th school year \$24/hour

Start of 20th school year \$25/hour

18. GRANT PERMISSION/ ONE POLICE OFFICER/ ATTEND THE NEW YORK STATE TACTICAL OFFICER'S ASSOCIATION (NYTOA) TRAINING CONFERENCE IN VERONA, NEW YORK

RESOLVED, that upon the recommendation of the Chief of Police, approve one officer to attend the New York State Tactical Officer's Association (NYTOA) Training Conference in Verona, NY April 25 - April 29, 2022 at a combined cost of \$313.02 for lodging, travel and meals to be charged to the Police Department's school and conferences account (B.3120.441.16)

19. GRANT PERMISSION/ THREE POLICE OFFICERS ATTEND THE NEW MEXICO TECH ENERGETIC MATERIALS RESEARCH AND TESTING CENTER TRAINING COURSE ON PREVENTION OF AND RESPONSE TO SUICIDE BOMBING INCIDENTS (PRSB) IN SOCORRO, NEW MEXICO

RESOLVED. that upon the recommendation of the Chief of Police, approve three Orangetown police officers to attend the New Mexico Tech Energetic Materials research and Testing Center training course on Prevention of and Response to Suicide Bombing Incidents (PRSB) in Socorro, New Mexico from May 15 - May 20, 2022 at a combined cost of \$10,740.00 for lodging, travel, tuition and meals of which up to a 100% may be reimbursed by the Department of Homeland Security (DHS) to be charged to the Orangetown Police Department's school and conferences account (B.3120.441.16)

TRAFFIC ADVISORY BOARD

20. APPROVE / INSTALLATION OF STREET LIGHT / INTERSECTION OF DENNIS MCHUGH COURT AND WASHINGTON STREET IN TAPPAN

RESOLVED, the upon the recommendation of the Traffic Advisory Board, the installation of a street light at the intersection of Dennis McHugh Court and Washington Street in Tappan (Utility Pole# 60998/37328) is hereby approved to be paid from the following budget line item B.5182.452.17.

BUILDING

21. APPOINT / KENNETH GORDON / ASSISTANT FIRE SAFETY INSPECTOR / EFFECTIVE DATE APRIL 27, 2022

RESOLVED, upon the recommendation of the Director of OBZPAE, KENNETH GORDON, is hereby appointed to the position of Assistant Fire Safety Inspector, probationary, Grade 15, Step 1, at a salary of \$71,432.00, effective April 27, 2022.

22. APPROVE FLEXIBLE WORK SCHEDULE / OBZPAE / MAY 9 - OCTOBER 9, 2022

RESOLVED, upon the recommendation of the Director of OBZPAE, the Town Board hereby approves a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from Monday, May 9, 2022 to Sunday, October 9, 2022. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

AUDIT

23. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of **\$2,061,537.99**.

EXECUTIVE SESSION

24. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

25. RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at _____ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of:

❖ **Timothy Klein**, *FDNY, Resident of Queens*