



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 10, 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 a property on Gatto Lane in the Hamlet of Pearl River**
- ♦ **The Town of Orangetown Highway Department will be hosting their 26th Annual Open House on Saturday, May 14, 2022, from 10 AM until 12 noon, at the Highway Maintenance Facility, 119 Route 303, Orangeburg, NY. The first 50 children in attendance will receive Highway Helper T-shirts.**
- ♦ **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 / Proposal for the re-use of the former Chase Bank property on Main Street in the Sparkill Overlay District.**
- ♦ **2022 Orangetown Memorial Day Events: Please visit www.orangetown.com for more information**

PRESENTATIONS:

- ★ **Proclamation for Building Safety Month - May 2022 - Presented to OBZPAE Director Jane Slavin**
- ★ **Proclamation for Mental Health Awareness Month - May 2022 - Presented to: Sandra Wolf, MPA / President of NAMI Rockland Board of Directors / Executive Director of NAMI and Rena Finklestein / Board Member of NAMI and Past President**

- ★ **Proclamation for National Police Week - Sunday, May 15 - Saturday May 21, 2022 - Presented to Chief Donald Butterworth**
- ★ **Proclamations for National Public Works Week - Sunday, May 15 - Saturday May 21, 2022 - Presented to Highway Superintendent James J. Dean, Parks and Recreation Superintendent Aric Gorton and DEME's Commissioner Eamon Reilly**
- ★ **Honoring Commander John Antonucci and the Raymond W. DeMeola VFW Memorial Post 1615 for their service to the Camp Shanks Museum.**

DISCUSSION:

◆ WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. RECOGNIZE STEVEN SILVERBERG / MEMBER / ROCKLAND COUNTY PLANNING BOARD / REPRESENTING THE TOWN OF ORANGETOWN / 4-YEAR TERM / EFFECTIVE APRIL 20, 2022

RESOLVED, that STEVEN SILVERBERG is hereby recognized as a MEMBER to the Rockland County Planning Board for a 4-year term, representing the Town of Orangetown, commencing April 20, 2022 and expiring April 2026.

4. ACCEPT / FUND OVERAGE / THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) / \$5000 GRANT / CLEAN ENERGY COMMUNITY / RECYCLE BINS IN PEARL RIVER

WHEREAS, the Town of Orangetown recently completed four high- impact actions under the New York State Energy Research and Development Authority's (NYSERDA) Clean Energy Communities program. On November 17, 2021 the Town of Orangetown had been named a Clean Energy Community by NYSERDA and became eligible for a \$5000 Designation Grant.

WHEREAS, on April 22, 2022, the Town of Orangetown applied for and received a \$5000 grant for recycle bins in the Pearl River business district.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby agrees to accept the \$5000 grant from NYSERDA for the purposes of purchasing recycle bins for the Pearl River business district according to the Town's procurement policy.

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in costs for the recycle bins, not to exceed \$1,500.

5. **AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF \$605,000 OUTSTANDING BONDS OF THE VILLAGE OF SOUTH NYACK; APPROPRIATING SAID AMOUNT THEREFOR; AND MAKING OTHER DETERMINATIONS RELATIVE THERETO**

WHEREAS, the Village of South Nyack, in the County Rockland, New York (herein called the "Village"), has heretofore, on October 24, 2008, issued \$925,000 Public Improvement Serial Bonds-2008, of which \$170,000 currently remain outstanding (such outstanding bonds herein called the "Outstanding 2008 Bonds"); and

WHEREAS, the Village was dissolved as of March 31, 2022 pursuant to applicable law and, by operation of applicable provisions of New York State law, the Town of Orangetown, New York (the "Town") has taken over responsibility for paying the Village's outstanding debt as of April 1, 2022 and allocating the debt service in accordance with the law; and

WHEREAS, the Outstanding 2008 Bonds mature on June 15 in the years and in the principal amounts, and bear interest payable annually on June 15 and December 15 in each year to maturity, at the interest rates, all as set forth below:

Maturity Date	Principal Amount	Interest Rate
June 15, 2022	\$85,000	5.35%
June 15, 2023	\$85,000	5.45%

WHEREAS, the Outstanding 2008 Bonds are subject to redemption at the option of the Town prior to maturity, in whole or in part, on any date on or after June 15, 2018, at par; and

WHEREAS, the Town has determined to redeem on June 15, 2022, the \$85,000 Outstanding 2008 Bonds maturing in the year 2023 (the "2008 Outstanding Bonds to be Redeemed"); and

WHEREAS, the Village has heretofore, on March 13, 2014, issued \$995,000 Public Improvement Serial Bonds-2014, of which \$520,000 currently remain outstanding (such outstanding bonds herein called the "Outstanding 2014 Bonds" and, together with the Outstanding 2008 Bonds, the "Outstanding Bonds"); and

WHEREAS, the Outstanding 2014 Bonds mature on March 1 in the years and in the principal amounts, and bear interest payable annually on March 1 and September 1 in each year to maturity, at the interest rates, all as set forth below:

Maturity Date	Principal Amount	Interest Rate
March 1, 2023	\$65,000	3-1/8%
March 1, 2024	\$70,000	3-1/8%
March 1, 2025	\$70,000	3-1/8%
March 1, 2026	\$75,000	3.25%
March 1, 2027	\$80,000	3-3/8%
March 1, 2028	\$80,000	3.50%
March 1, 2029	\$80,000	3.50%

WHEREAS, the Outstanding 2014 Bonds are subject to redemption at the option of the Town prior to maturity, in whole or in part, on any date on or after March 1, 2022, at par; and

WHEREAS, the Town has determined to redeem on June 15, 2022, the \$520,000 Outstanding 2014 Bonds maturing in the years 2023 through 2029 (the "2014 Outstanding Bonds to be Redeemed" and, together with the 2008 Outstanding Bonds to be Redeemed, the "Bonds to be Redeemed"); and

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ORANGETOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town of Orangetown, in the County of Rockland, New York (herein called the "Town"), on behalf of the dissolved Village of South Nyack, New York, hereby authorizes the redemption prior to maturity of the Bonds to be Redeemed, in the aggregate principal amount of \$605,000, more particularly described in the Recitals hereto, and appropriates an amount not to exceed \$605,000 for said purpose to accomplish said redemption from currently available funds.

Section 2. In accordance with the provisions of Section 53.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), the Town hereby elects to call in and redeem on June 15, 2022 (the "Redemption Date") the Bonds to be Redeemed, maturing in each of the years 2023 through 2029, inclusive, which are subject to prior redemption according to their terms. The sum to be paid therefor on the Redemption Date is the par amount thereof and the accrued interest to such Redemption Date, if any.

Section 3. The Supervisor, Town Clerk, and any other appropriate officers of the Town are hereby authorized to take any and all appropriate and necessary actions, including providing notice of such call and redemption prior to maturity to the registered holder(s) of the Bonds to be Redeemed, substantially in the form set forth in Exhibits A-1 and A- 2 attached hereto. Such notice shall be given in the name of the Town in accordance with the terms set forth in the Bonds to be Redeemed.

Section 4. The election to call in and redeem such Bonds to be Redeemed prior to maturity and the notice thereof given as provided in Section 3 shall become irrevocable on the Redemption Date and shall constitute a covenant with the holders of such Bonds to be Redeemed.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A-1

NOTICE OF REDEMPTION

To the Holders of
Public Improvement Serial Bonds-2008
of the Village of South Nyack, New York, dated October 24, 2008

NOTICE IS HEREBY GIVEN that the Town of Orangetown, New York (the "Town"), on behalf of the dissolved Village of South Nyack, New York, has elected to call in and redeem on June 15, 2022 (the "Redemption Date") the above-referenced Bonds maturing in the year 2023 (the "Bonds to be Redeemed"), at a price of 100% of the par amount of the Bonds to be Redeemed, plus accrued interest, if any, to the Redemption Date. The Bonds to be Redeemed mature on the dates and in the principal amounts and have the CUSIP numbers as follows:

Maturity Date	Principal Amount	Interest Rate	CUSIP Number
June 15, 2023	\$85,000	5.45%	839027 BV0

NOTICE IS HEREBY FURTHER GIVEN that the Bonds to be Redeemed maturing on or after the Redemption Date should be presented and surrendered for payment as aforesaid on the Redemption Date at the office of the Town Clerk, Town of Orangetown, 26 West Orangeburg Road, Orangeburg, New York (845) 359-5100, the successor paying agent for the Bonds to be Redeemed.

NOTICE IS HEREBY FURTHER GIVEN that interest on the Bonds to be Redeemed shall cease to be paid after the Redemption Date.

Federal law requires the payor to withhold at the current rate of withholding from the payment if a certified taxpayer (social security) number is not provided. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

Neither the Town nor the paying agent shall be responsible for the selection or use of the CUSIP identification numbers printed herein or on the Bonds to be Redeemed nor is any representation made as to the correctness of any CUSIP identification number shown herein or printed on such Bonds to be Redeemed. Said CUSIP identification numbers are included solely for the convenience of the holders.

Dated: May ____, 2022

TOWN OF ORANGETOWN, NEW YORK

EXHIBIT A-2

NOTICE OF REDEMPTION

To the Holders of
Public Improvement Serial Bonds-2014
of the Village of South Nyack, New York, dated March 13, 2014

NOTICE IS HEREBY GIVEN that the Town of Orangetown, New York (the "Town") on behalf of the dissolved Village of South Nyack, New York, has elected to call in and redeem on **June 15, 2022** (the "Redemption Date") the above- referenced Bonds maturing in each of the years 2023 through 2029, inclusive (the "Bonds to be Redeemed"), at a price of 100% of the par amount of the Bonds to be Redeemed, plus accrued interest, if any, to the Redemption Date. The Bonds to be Redeemed mature on the dates and in the principal amounts and have the CUSIP numbers as follows:

Maturity Date	Principal Amount	Interest Rate	CUSIP Number
March 1, 2023	\$65,000	3-1/8%	839027 CE7
March 1, 2024	\$70,000	3-1/8%	839027 CF4
March 1, 2025	\$70,000	3-1/8%	839027 CG2
March 1, 2026	\$75,000	3.25%	839027 CH0
March 1, 2027	\$80,000	3-3/8%	839027 CJ6
March 1, 2028	\$80,000	3.50%	839027 CK3
March 1, 2029	\$80,000	3.50%	839027 CL1

NOTICE IS HEREBY FURTHER GIVEN that the Bonds to be Redeemed maturing on or after the Redemption Date should be presented and surrendered for payment as aforesaid on the Redemption Date at the office of the Town Clerk, Town of Orangetown, 26 West Orangeburg Road, Orangeburg, New York (845) 359-5100, the successor agent for the Bonds to be Redeemed.

NOTICE IS HEREBY FURTHER GIVEN that interest on the Bonds to be Redeemed shall cease to be paid after the Redemption Date.

Federal law requires the payor to withhold at the current rate of withholding from the payment if a certified taxpayer (social security) number is not provided. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

Neither the Town nor the paying agent shall be responsible for the selection or use of the CUSIP identification numbers printed herein or on the Bonds to be Redeemed nor is any representation made as to the correctness of any CUSIP identification number shown herein or printed on such Bonds to be Redeemed. Said CUSIP identification numbers are included solely for the convenience of the holders.

Dated: May ____, 2022

TOWN OF ORANGETOWN, NEW YORK

6. **AUTHORIZE LOTHROP ASSOCIATES TO PREPARE DEMOLITION PLANS / EXISTING TOWN HALL**

WHEREAS, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

WHEREAS, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

WHEREAS, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

WHEREAS, Lothrop Associates has been working with the Town on the plans for the new Town Hall and the Town has determined that additional services are needed to prepare demolition plans of the existing Town Hall Building, and

WHEREAS, Lothrop Associates, which has provided extensive services including but not limited to plans, drawings, and administrative services related to the construction bid process with respect to the New Town Hall addition, which incorporates the demolition of portions of the existing Town Hall,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts a proposal from Lothrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide architectural and engineering services to prepare plans, bidding and construction phase services for the demolition of portions of the existing Town Hall, in the amount of \$79,727.50, and

BE IT FURTHER RESOLVED, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

TOWN ATTORNEY

7. **GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / HOLLISTER B. KEENE AND JULIETTE DONATELLI, THE OWNERS OF PROPERTY LOCATED AT 23 WILLIAM STREET, SPARKILL, NEW YORK, S/B/L 77.08-5-24**

WHEREAS, Hollister B. Keene and Juliette Donatelli, the property owners of property located at 23 William Street, Sparkill, New York, have applied to the Town Highway Department for permission to have their fence remain on their property and upon review, a portion of which encroaches on to an existing Town right-of-way/easement; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the fence may remain at its current location provided the owner of the property provide to the Town and indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED , that the Town hereby grants to 23 William Street, Sparkill, NY, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the fence currently existing in the Town's right of way may remain and the owners of the property, Hollister B. Keene and Juliette Donatelli, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structures must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

8. **ACCEPT PERFORMANCE BOND / SANSONE SUBDIVISION / 483 KINGS HIGHWAY, SPARKILL**

WHEREAS, Steven Griffin, as owner of property located at 483 Kings Highway, Sparkill, New York (Tax Lot 74.20 Block 3 Lot 5), applied for and received subdivision plan approval from the Town of Orangetown Planning Board for said property, pursuant to Planning Board decision PB #21-17, and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board, at the recommendation of the Department of Environmental Management and Engineering, in its decisions identified as PB #22-07 required that the applicant post a Performance Bond in the amount of \$87,552.00 (Eighty-Seven Thousand Five Hundred and Fifty-Two Dollars) to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated April 13, 2022, issued by the Capitol Indemnity Corporation, as Surety, on behalf of Steven Griffin, as principal, in the amount of \$87,552.00 (Eighty-Seven Thousand Five Hundred and Fifty-Two Dollars) naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Sansone Subdivision," which Performance Bond has been approved as to form and substance by the Town Attorney's Office.

NOW THEREFORE BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated April 13, 2022 issued by the Capitol Indemnity Corporation, as Surety, on behalf of Steven Griffin, as principal, in the amount of \$87,552.00 (Eighty-Seven Thousand Five Hundred and Fifty-Two Dollars) naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Sansone Subdivision" no later than February 23, 2024 and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond, Planning Board decisions #21-17 and #22- 07, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

9. APPROVAL OF 2022 CERTIFICATE OF SEWER REGISTRATIONS

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2022 Sewer Work is approved to:

- King Excavating LLC, 113 Lake Road, Valley Cottage, NY 10989
- KJTM, Inc., 11 Hunter Place, West Nyack, NY 10994
- SDM Industries, 21 South Park Terrace, Congers, NY 10920

HIGHWAY

10. APPROVE/ LEND ASSISTANCE / FIELD OF HONOR, VOLUNTEER FIRE ASSOCIATION OF TAPPAN & CARL A SCHELIN AMERICAN LEGION POST 1271

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of (2) message boards for the Field of Honor to be held on Saturday, May 14, 2022 at 1pm.

11. APPROVE/ LEND ASSISTANCE/ VOLUNTEER FIRE ASSOCIATION OF TAPPAN, RECRUITNY EVENT

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of (2) message boards for the RecruitNY Event to be held on Saturday, April 23, 2022 from 10am-1pm, nunc pro tunc.

PARKS AND RECREATION

12. APPROVE FLEXIBLE WORK SCHEDULE / BUILDING MAINTENANCE MECHANIC / MAY 9 - OCTOBER 9, 2022

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board hereby approves a change to the basic work week for the Building Maintenance Mechanic from Monday to Friday from 6:30 am to 3 pm, to a four day work week (Monday to Thursday), 6:30 am to 4:30 pm. This flexible work schedule shall be in place from Monday May 9, 2022 though 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 work hour schedules.

13. APPROVE / LEND ASSISTANCE / 2022 MOTOR FEST / SATURDAY, JUNE 11, 2022

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of two Portable Toilets (1 regular Unit & 1 ADA Unit) for the Orangeburg Fire Department's Motor Fest, Saturday, June 11, 2022.

14. **APPROVE / LEND ASSISTANCE / 2022 HUNGER'S 5K HEROES / SATURDAY, MAY 14, 2022**

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of Portable Toilets (2 regular units) for the Town of Orangetown's Hunger's 5K Heroes, Saturday, May 14, 2022.

15. ****PLACEHOLDER** AWARD BID / RENOVATION OF THE PICKLEBALL COURTS AT VETERANS MEMORIAL PARK / SPORT-TECH CONSTRUCTION**

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation award the bid for the renovation of the pickleball courts at Veterans Memorial Park to Sport-Tech Construction of Brewster, NY in the amount of \$360,000.00.

16. *****PLACEHOLDER*** AWARD BID / CONCESSION STAND / ORANGETOWN YOUTH BASEBALL COMPLEX / _____**

RESOVLED, that upon the recommendation of the Superintendent of Parks and Recreation award the bid for the operation of the concession stand at the Orangetown Youth Baseball Complex to _____ in the amount of \$_____ through November of 2022.

HIGHWAY / POLICE

17. **APPROVE / LEND ASSISTANCE / 2022 PEARL RIVER FIREWORKS / CENTRAL AVENUE FIELD**

RESOLVED, upon the recommendation from the Superintendents of Highway & Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash receptacles, field clean up, dumpster, snow fence, barricades & message board from the Highway Dept., (6) port o sans, with (2) being handicapped accessible from the Parks Dept., and police detail from the Police Dept., for the Pearl River Fireworks to be held on Monday, July 4, 2022 (rain date: 7.5.2022) from 6 pm – 11 pm.

18. **APPROVE / LEND ASSISTANCE / 2022 SPARKILL MEMORIAL DAY PARADE / MAY 30, 2022**

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from the Police Dept., for the Sparkill Memorial Day Parade to be held on Monday, May 30, 2022, from 11:30 am - 12:30 pm.

19. **APPROVE / LEND ASSISTANCE/ 2022 PALISADES MEMORIAL DAY PARADE / MAY 30, 2022**

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from the Police Dept., for the Palisades Memorial Day Parade to be held on Monday, May 30, 2022, from 8:45 am - 9:45 am.

DEME

20. **APPOINT BRYAN ANTONUTTI / SLUDGE PROCESSING EQUIPMENT OPERATOR I / GRADE 14, STEP 3 / EFFECTIVE MAY 11, 2022**

RESOLVED, upon the recommendation of the Commissioner of DEME, Bryan Antonutti is hereby appointed to Sludge Processing Equipment Operator I(Provisional) Grade 14, Step 3, at an annual salary \$76,010, effective May 11, 2022.

AUDIT

21. **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 four (4) warrants (attached) for a total of **\$2,091,714.20**.

EXECUTIVE SESSION

22. **ENTER EXECUTIVE SESSION**

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss_____.

ADJOURNMENTS

23. **RE-ENTER RTBM / ADJOURNED / MEMORY**

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