



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 24, 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:

- ◆ **Town of Orangetown DRAFT Municipal Separate Storm Sewer System (MS4 Annual Report Year 19) will be available for review on the Town’s website.**
- ◆ **2022 Orangetown Memorial Day Events: Please visit www.orangetown.com for more information.**
- ◆ **Pearl River Public Library Budget Vote and Board Elections: Tuesday, June 7, 2022 from 9:30 am – 9:00 pm at the Pearl River Public Library, 80 Franklin Avenue, Pearl River.**

PRESENTATIONS:

- ◆ **Orangetown Sanitation Commission on the proposed rate increase for the garbage haulers in the Town of Orangetown.**

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. **OPEN PUBLIC HEARING / RTBM OF MAY 24, 2022 AT 7:05 P.M. / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

4. **CLOSE/CONTINUE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing is hereby closed or continued to _____.

5. **DECLARATION OF LEAD AGENCY / SEQRA / LOCAL LAW / CHAPTER 43 ARTICLE XVIII / HAMLET OF SOUTH NYACK**

WHEREAS, the Town Board is considering the adoption of a Local Law, amending Chapter 43, of the Town Code by incorporating provisions therein for the hamlet of South Nyack as set forth more specifically therein; and

WHEREAS, on or about April 12, 2022 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review (SEQRA) of the above referenced action; and

WHEREAS, having received no requests from any other agency, and pursuant to the relevant SEQRA regulations, being the only Involved Agency for environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be "Lead Agency" for purposes of SEQRA review and authorizes the Town Supervisor or her designated agent to execute all appropriate documentation for this purpose, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

6. **OPEN PUBLIC HEARING / RTBM OF MAY 24, 2022 AT 7:10 P.M. / PROPOSED ZONE CHANGE FOR GATTO LANE / TOLL BROTHERS, INC. / LOCATED ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

7. **CLOSE/CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR GATTO LANE / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby closed or continued to _____.

8. **DECLARATION OF LEAD AGENCY / SEQRA / LOCAL LAW / GATTO LANE ZONE CHANGE**

WHEREAS, the Town Board is considering the adoption of a Local Law, amending Chapter 43, of the Town Code by changing the zoning for the property located on Gatto Lane and identified as SBL 68.07-2-1, from R40 to R15 and thereafter to PAC, as set forth more specifically therein; and

WHEREAS, on or about April 12, 2022 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review (SEQRA) of the above referenced action; and

WHEREAS, having received no requests from any other agency, and pursuant to the relevant SEQRA regulations, being the only Involved Agency for environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be "Lead Agency" for purposes of SEQRA review and authorizes the Town Supervisor or her designated agent to execute all appropriate documentation for this purpose, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

9. **APPROVE / 2022 HIGH SCHOOL PROJECT GRADUATION FUNDING**

RESOLVED, that upon the recommendation of the Director of Finance, PROJECT GRADUATION funding for 2022 is hereby approved as follows and charged to Account No. A4211.457;

Pearl River High School	\$1,500.00
Tappan Zee High School	\$1,500.00
Nanuet High School	\$750.00
Nyack High School	\$750.00
Albertus Magnus HS	\$400.00

10. **AWARD BID / ATLAS ATC ENGINEERING, INC. / CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES / NEW TOWN HALL ADDITION**

WHEREAS, as part of the construction process for the New Town Hall Addition, Calgi Construction, the Town's construction manager on the project, solicited quotes from five entities to provide Construction Materials Testing & Inspection Services as anticipated as part of the design and other approvals related to the project, and

WHEREAS, Calgi Construciton has reviewed the five proposals and recommends that the Town accept the proposal submitted by Atlas ATC Engineering, Inc. dated May 10, 2022, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds, upon recommendation of Calgi Construction, that the proposal from Atlas ATC Engineering, Inc., dated May 10, 2022, is above referenced bids are the lowest responsible proposer, and

BE IT FURTHER RESOLVED, the Town Board hereby accepts the proposal of Atlas ATC Engineering, Inc. for Construction Materials Testing & Inspection Services and authorize the Supervisor and/or her designee is authorized to execute any documents as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

TOWN ATTORNEY

11. **APPROVAL OF 2022 CERTIFICATE OF SEWER REGISTRATION**

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:

- American Field Services, Inc., 149 Main Street, Ste E, Nanuet, NY 10954

POLICE

12. **DECLARE SURPLUS VEHICLES**

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following vehicles are to be declared as surplus:

- 1D8HB38N58F126816 2008 Black Dodge Durango - 61,000 miles - old 3316 - significant body rust / end of serviceable life / flood damage
- 1FAHP2MK7DG213536 2013 Black/White Ford Taurus - 96,000 miles - old 3323 - mechanical issues / end of serviceable life / flood damage
- 2FAHP71V48X160841 2008 Black Ford Crown Victoria - 103,750 miles - old 33D3 - end of life / significant body rust / flood damage
- 1FAFP53U85A262082 2005 Maroon Ford Taurus - 60,000 miles - old 3308 - mechanical issues / end of serviceable life / flood damage

- 1D8HB38N38F126815 2008 Black Dodge Durango - 70,000 miles - old 3314 - significant body rust / end of serviceable life / flood damage
- 2FAFP71WX3X112611 2003 Black Ford Crown Victoria - 120,000 + miles - old 33D2 - transmission / broken odometer / end of serviceable life / flood damage

13. ACCEPT FUNDING FROM ROCKLAND COUNTY STOP DWI PROGRAM

RESOLVED, upon the recommendation of the Chief of Police, accept funding from Rockland County through the Rockland County Stop-DWI Department in the amount up to \$5,000.00 to provide overtime reimbursement for Impaired Driving Enforcement within the Town of Orangetown, New York from July 1, 2022 to January 2, 2023.

DEME

14. CREATE POSITION / MAINTENANCE SUPERVISOR (ELECTRICAL) / DEME

RESOLVED, that upon the recommendation of Rockland County Personnel Department and the Labor Management Committee, create the position of Maintenance Supervisor (Electrical), Grade 19 in the Department of Environmental Management and Engineering (DEME). This is for the purpose of posting the position.

15. AWARD BID / GENERAL CONTRACT / TIER IV PUMPING STATION IMPROVEMENTS / FRED DEVENS CONSTRUCTION

WHEREAS, the Commissioner of DEME duly advertised for sealed bids for Tier IV Pumping Station Improvements ITB-PS-21-4G, for general construction services, which were received and publicly opened on May 5, 2022; a copy of the Bid Sheet is made a part of these minutes; and,

WHEREAS, upon review of all of the submissions, the Commissioner of DEME has found Fred Devens Construction to be is the lowest qualified and responsible bidder, which bid is in the amount of \$2,422,000.00; and

WHEREAS, Funding for this project has previously been approved pursuant to Town Board Resolution No. 81 dated January 28, 2020, and any shortcoming shall be addressed through fund balance or grants, as applicable; and

NOW THEREFORE, BE IT RESOLVED, that upon recommendation of the Commissioner of DEME, the bid of May 5, 2022 for the Tier IV Pumping Station Improvements ITB-PS-21-4G, general contractor services, is hereby awarded to Fred Devens Construction, the lowest qualified and responsible bidder, in the amount of \$2,422,000.00.

16. AWARD BID / ELECTRICAL CONTRACT / TIER IV PUMPING STATION IMPROVEMENTS / FANSHAWE INC.

WHEREAS, the Commissioner of DEME duly advertised for sealed bids for Tier IV Pumping Station Improvements ITB-PS-21-4E, for electrician services which were received and publicly opened on May 5, 2022; a copy of the Bid Sheet is part of these minutes; and

WHEREAS, upon review of all of the submissions, the Commissioner of DEME has found Fanshawe Inc. to be the lowest qualified and responsible bidder, which bid is in the amount of \$434,000.00; and

WHEREAS, Funding for this project has previously been approved pursuant to Town Board Resolution No. 81 dated January 28, 2020, and any shortcoming shall be addressed through fund balance or grants, as applicable; and,

THEREFORE, BE IT RESOLVED, that upon recommendation of the Commissioner of DEME, the bid of May 5, 2022 for the Tier IV Pumping Station Improvements ITB-PS-21-4E, electrician services, is hereby awarded to Fanshawe Inc., the lowest qualified and responsible bidder, in the amount of \$434,000.00.

LEND ASSISTANCE

17. APPROVE / COMBINE AGENDA ITEMS #18 TO 21

RESOVLED, the Town Board hereby approves to combine agenda items #18 to 21.

18. APPROVE / LEND ASSISTANCE / PLUS POLISH FESTIVAL / SATURDAY JUNE 4 - SUNDAY JUNE 5, 2022

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, plastic barrels, cones, one message board, sidewalk control on road edge and plastic fencing from the Highway Department and auxiliary police from OPD, for the Plus Polish Festival to be held on Saturday, June 4, 2022 from 11am to 10pm and Sunday, June 5, 2021 from 11am to 9pm.

19. APPROVE/ LEND ASSISTANCE/ JFCS WHEELS-FOR-MEALS: RIDE TO FIGHT HUNGER/ SUNDAY JUNE 12, 2022

RESOLVED, the Superintendent of Highways, Parks and the Chief of Police have forwarded for approval by the Town Board, authorization for the use of Town Roads from the Highway Department, authorization for the use of the Rail Trail from the Parks Department and police detail from the Police Department for The JFCS Wheels-for-Meals: Ride to Fight Hunger on Sunday, June 12, 2022.

20. APPROVE/ LEND ASSISTANCE/ ROCKLAND SOLACE SUNRISE SUICIDE PREVENTION WALK/ SATURDAY, JUNE 11, 2022

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & cones from the Highway Department and Police detail from OPD, for the Solace Sunrise Suicide Prevention Walk in Orangeburg, to be held on Saturday, June 11, 2022, from 5:00am – 7:00 am.

21. APPROVE / LEND ASSISTANCE / KYLE J. BOYCE FUNDRAISER / HONORING JOHN MARKOWSKI / SATURDAY, JUNE 12, 2022

RESOLVED, that upon the recommendation from the Superintendent of Highways and the Superintendent of Parks, that the Town Board hereby authorizes these (2) departments to lend assistance which includes the use of barricades, cones and trash receptacles from the Highway Department, the use of the Showmobile from the Parks Department (at a rental cost of \$500.00) for the Kyle John Boyce Memorial Fundraiser honoring John Markowski to be held on Sunday, June 12, 2022, at the German Masonic Grounds, Tappan, NY from 12 pm to 9 pm.

TOWN CLERK

22. ACCEPT / RECEIVE / FILE DOCUMENTS /TOWN CLERK'S OFFICE

RESOLVED that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board Meeting minutes: 4/12 & 5/10/2022 Police Commission; 4/12 & 4/26/2022 Regular Town Board Meeting.
2. Deeds from the former Village of South Nyack to the Town of Orangetown: 282 S Broadway (66.62-1-28); 315 S Broadway (66.77-1-38); 115 Piermont Ave (66.46-2-12); Piermont Ave (66.78-1-30); Elizabeth Street Park; 65 Brookside Ave So (66.53-3-6.1 & 6.2); 95 S Franklin St (66.45-2-22); Route 9W (66.77-1-6); 101 S Franklin St (66.45-2-24); and 131 S Franklin St (66.53-2-24).

Agreement / Contracts:

3. Calgi Construction Company, Inc. (Construction Manager – Town Hall Addition)
4. Lothrop Associates (Demolition Plans – existing Town Hall)

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 **\$1,937,291.06**.

EXECUTIVE SESSION

24. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation, and 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:

- ❖ **Charles Hoffman**, *Resident of Blauvelt, Lifetime Member of the Orangeburg Volunteer Fire Department and past Chief from 1964-1966*
- ❖ **Jeremiah McAuliffe**, *Resident of Blauvelt, former longtime resident of Pearl River*