



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday June 14, 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 Town Board would like to wish Esta Baitler a Happy 66th Birthday on June 21st!**
- ★ **Camp Shanks is now open every weekend until August 28, 2022 from 12:00 pm to 4:00 pm. Please note that it will be closed July 2nd and 3rd, in observance of Independence Day. Thanks to Commander John Gray and all of the veteran volunteers for helping us with this important mission.**
- ★ **The Public Hearing on amending Chapter 43 in the Town Code to address zoning in the Hamlet of South Nyack has been continued to June 28, 2022.**
- ★ **The Comprehensive Plan Committee's Public Hearing on the 2022 Comprehensive Plan has been adjourned to August 2, 2022.**

**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 / CONTINUE PUBLIC HEARING / RTBM OF JUNE 14, 2022 AT 7:05 P.M. / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

**RESOLVED**, that the public hearing is hereby continued.

SUMMARY OF PUBLIC COMMENTS:

4. **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 \_\_\_\_\_.

5. **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.

6. **AUTHORIZE / CANDLE AGREEMENT / 2022**

**RESOLVED**, that the Town Board hereby authorizes the Supervisor, or her designated representative, to sign an Agreement between the TOWN and Community Awareness Network for a Drug-Free Life and Environment, Inc. ("CANDLE"), at a cost to the TOWN of \$30,000.00 pursuant to which CANDLE shall provide programs and services to promote the prevention of substance abuse and violence amongst the youth of the Town of Orangetown during and throughout calendar year 2022.

**7. APPROVE / GARBAGE HAULERS / MONTHLY RATE INCREASE**

**WHEREAS**, in a letter dated March 25, 2022, Donald Brenner, Esq., as attorney and on behalf of the licensed garbage haulers of the Town of Orangetown, requested an increase in the authorized rates for the collection of garbage within the Town of Orangetown; and

**WHEREAS**, pursuant to Town Code Section 17B-6.C, the Town of Orangetown Sanitation Commission on April 27, 2022 duly held a public hearing on the matter; and

**WHEREAS**, the Orangetown Sanitation Commission, after considering the testimony and exhibits entered into evidence at the public hearing, recommends to the Town Board pursuant to Section 17B- 6.H of the Town Code that the Town Board approve a rate increase for the garbage haulers in the Town of Orangetown from \$30.00 per month to \$32.50 per month effective June 2022 with a \$0.50 increase annually in January for a period of four years thereafter.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 17B-6.I of the Town of Orangetown Town Code, the following monthly rate increases are hereby approved and authorized as follows:

Year	Effective Date	Amount
2022	7/1/2022	\$32.50
2023	1/1/2023	\$33.00
2024	1/1/2024	\$33.50
2025	1/1/2025	\$34.00
2026	1/1/2026	\$34.50

**8. APPOINT T. P. BAILEY / CHAIRPERSON / ORANGETOWN PARKS AND RECREATION DEVELOPMENT ADVISORY COMMITTEE / 2022 / 1-YEAR TERM**

**RESOLVED**, that T. P. Bailey is hereby appointed Chairperson of the Orangetown Parks and Recreation Development Advisory Committee, for a 1-year term, commencing January 01, 2022, and expires on December 31, 2022.

**9. AWARD BID / FAIRWAY TESTING / SWPPP COMPLIANCE INSPECTIONS AND REPORTING/ 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 four entities to provide Storm Water Pollution Prevention Plan (SWPPP) Inspections and Reporting Services as anticipated as part of the design and other approvals related to the project, and

**WHEREAS**, Calgi Construction has reviewed the four proposals and recommends that the Town accept the proposal submitted by Fairway Testing Co. Inc., Stony Point, New York, dated May 18, 2022,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby finds, upon recommendation of Calgi Construction, that the proposal from Fairway Testing Co., Inc. dated May 18, 2022 in the amount of \$21,300.00, is the lowest responsible proposer, and

**BE IT FURTHER RESOLVED**, the Town Board hereby accepts the proposal of Fairway Testing Co. Inc. for Storm Water Pollution Prevention Plan (SWPPP) Inspections and Reporting 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.

**10. APPOINT HEARING / OFFICER/EMPLOYEE NO. 2709 / DISCIPLINARY CHARGES**

**BE IT RESOLVED** that the Town Board hereby appoints Judge William E. Sherwood, P.C. to act as a hearing officer pursuant to § 75 of the Civil Service Law of the State of New York with respect to certain disciplinary charges, dated June 1, 2022, preferred against employee number 2709; and

**BE IT FURTHER RESOLVED**, that the hearing officer is directed to conduct a hearing, making findings of fact and issue a recommendation of guilt or innocence, along with a recommended penalty, if appropriate, to the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Board approves of the compensation of Hearing Officer Judge William E. Sherwood, P.C. at a rate of \$225.00 per hour not to exceed \$5,000 for services rendered.

**11. APPROVE / 2022 NYS CONSOLIDATED FUNDING APPLICATION (CFA) / WATER QUALITY IMPROVEMENT PROGRAM (WQIP) / NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) / ORANGETOWN MS4 VACUUM TRUCK REPLACEMENT PROJECT**

**WHEREAS**, the Town of Orangetown, after due consideration, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of a grant application under the 2022 NYSDEC Water Quality Improvement Program (WQIP) for the purchase of a new storm sewer infrastructure vacuum truck; and

**WHEREAS**, the Town Board is hereby committed to using municipal funds to provide a local match of at least twenty five percent (25%) of the project cost under the NYSDEC Water Quality Improvement Project (WQIP) Grant Program; and

**WHEREAS**, the Water Quality Improvement Program (WQIP) grant request will not exceed the maximum request of \$500,000 or seventy-five percent (75%) of eligible project costs to complete the project;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes and directs the Town Supervisor to submit an application to the NYSDEC WQIP program for the "Town of Orangetown MS4 Vacuum Truck Replacement Project" and to execute all documents necessary for the implementation of this work relating to the financial and/or administrative processes of the grant program; and

**BE IT FURTHER RESOLVED**, that 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law and the proposed Vacuum Truck Replacement project has been determined to be a Type II action under SEQRA 617.5(c)(31) "purchase or sale of furnishings, equipment or supplies,

including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials” and no further review is necessary; and

**BE IT FURTHER RESOLVED**, that the Town of Orangetown is hereby committed to using municipal funds to provide a local match up to twenty-five percent (25%) of the grant request; and

**BE IT FURTHER RESOLVED**, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor, all are hereby ratified and confirmed and this Resolution shall take effect immediately.

## **TOWN ATTORNEY**

### **12. APPROVE RETAINER AGREEMENT WITH WILSON ELSER / QUINN v. TOWN / ROCKLAND INDEX NO. 2021/030210**

**RESOLVED**, on the recommendation of the Town Attorney, approve the retainer of Wilson Elser, White Plains, New York to provide legal services for the Town in the matter of Maureen Quinn v. Orangetown, Rockland County Index No. 2021/030210 at the rate of no more than \$250.00 per hour and on the terms and conditions set forth more fully in a proposed Retainer Agreement, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

### **13. SETTLE CLAIM OF JOSEPH B. BROWN**

**WHEREAS**, on December 6, 2021, a property damage incident occurred whereby Joseph B. Brown claims that a Town of Orangetown Highway Department (“Town”) vehicle backed into Brown’s automobile resulting in damage to Brown’s vehicle; and

**WHEREAS**, on or about December 10, 2021, the Town received a Notice of Claim from Joseph B. Brown (hereinafter “Brown”) and then on or about February 28, 2022, a Notice of Claim from State Farm Mutual Automobile Insurance Company as subrogee for their insured Brown which notified the Town of damages and/or repairs in the amount of \$7,575.92; and

**WHEREAS**, the Town investigated this claim and obtained estimates concerning the damage to Brown’s automobile and the cost of repairs claimed or alleged and the Town has agreed to pay, subject to Town Board approval, the amount of \$7,575.92 as full and final settlement of the damages asserted in the Notice of Claim; and

**NOW THEREFORE BE IT RESOLVED**, that the claim by State Farm in the full and final amount of \$7,575.92 shall be settled and paid by the Town; and

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

14. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING JUNIPER TIME OWNER, LLC, F/K/A NYLO NYACK, LLC V. ORANGETOWN, ET AL. (65.28-1-2 & 3)**

**RESOLVED**, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Juniper Time Owner, LLC, f/k/a NYLO Nyack, LLC v. The Board of Assessors, etc. et al., tax map designation 65.28-1-2 & 3 (297 High Ave.,, Nyack), for the tax assessment years 2019 – 2021 for a total refund by the County of \$9,283, a total refund by the Town of \$35,383, and a total refund by the School District of \$ 88,950. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

**PARKS AND RECREATION**

15. **PROHIBIT SMOKING / TOWN PARKS**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation and in accordance with Chapter 7A-3 of the Town Code, designate the following Park areas as no smoking facilities within the Town of Orangetown: Franklin Street Park, Elizabeth Place Park, Towt Park and Gesner Park. “No Smoking, Young Lungs at Play” signs to be posted at each location

16. **AUTHORIZE AGREEMENT WITH GREENFIELDS OUTDOOR FITNESS / UPGRADE TO FITNESS EQUIPMENT / VETERANS PARK**

**WHEREAS**, pursuant to Town Board Resolution 2021 -474, the Town Board agreed to accept a grant totaling \$50,000.00 from the New York State and Municipal Facilities Program (SAM) to be administered by the Dormitory Authority of the State of New York (DASNY) for upgrades to the fitness equipment at Veterans Memorial Park, and

**WHEREAS**, pursuant to General Municipal Law § 103(16), a municipality is authorized to make purchases of apparatus, materials, equipment and supplies, or to contract for services related to the installation of apparatus, as required, through the use of a contract let by the United States, or any agency thereof, or any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value, in a manner consistent with GML § 103 and specifically made available to other municipalities; and

**WHEREAS**, Sourcewell, formerly known as the National Joint Powers Alliance (“NJPA”), is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and

**WHEREAS**, Sourcewell is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and

**WHEREAS**, in or about November 12, 2020 Sourcewell, issued a Request for Proposal for the procurement of playground and water play equipment with related accessories, which proposals were due, received and opened publicly on January 7, 2021; and

**WHEREAS**, as a result thereof, a contract #0107021GRN was awarded to Greenfields Outdoor Fitness which contract was expressly made available to participating entities, including the Town of Orangetown; and

**WHEREAS**, Greenfields Outdoor Fitness has provided to the Town a proposal based upon the aforementioned contract, which proposal meets the specifications and needs of the Town, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the purchase of fitness equipment, including installation, with Greenfields Outdoor Fitness, installation by Petinelli Recreation, Inc., under Sourcewell Contract #010721-GRN, as a at a total cost not to exceed Seventy Thousand Dollars (\$70,000.00), and further authorizes the Supervisor to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

## **POLICE**

**17. ACCEPT RESIGNATION / RETIREMENT POLICE SGT. (SCHILLER) PAULLIN/  
POLICE DEPARTMENT / EFFECTIVE JUNE 18, 2022**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Sgt. Kerri Lynne (Schiller) Paullin, from the Orangetown Police Department effective June 18, 2022.

**18. APPROVE SCHOOL RESOURCE OFFICER AGREEMENT /SOUTH ORANGETOWN  
CSD / 2022-23 SCHOOL YEAR**

**WHEREAS**, pursuant to Town Board Resolution 2018-440 and Section 119-0 of the General Municipal Law, the Town of Orangetown entered into an agreement with the South Orangetown Central School District (SOCSD) whereby the Town Police Department would assign a School Resource Officer (SRO) to the SOCSD for the 2018-19 school year subject to renewals through the 2022-23 school year, and

**WHEREAS**, the term of the agreement, the parties may renew the agreement on an annual basis, pursuant to the terms of reimbursement as set forth therein, and

**WHEREAS**, the Town has received a letter from the SOCSD indicating that they wish to renew the agreement in accordance with the renewal terms thereof,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby agrees to renew the SRO Agreement with the SOCSD, originally authorized pursuant to Town Board authorizes the Town to enter into an agreement with the SOCSD, for the 2022 -23 school year, under the terms and conditions as set forth in the agreement, and the SOSCSD shall reimburse the Town in accordance with the terms of the agreement.

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or her designee to execute any documents necessary to effectuate the terms of this resolution, and

**BE IT FURTHER RESOLVED** that the Town Board hereby authorizes the Chief of Police or his designee to execute any documents necessary to effectuate the terms of this resolution on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

## **TRAFFIC ADVISORY BOARD**

19. **APPROVE / INSTALLATION OF STREET LIGHT / AT OMM PARKING LOT EXIT ON OLD ORANGEBURG RD / ORANGEBURG**

**RESOLVED**, that upon the recommendation of the Traffic Advisory Board, the installation of a street light at the OMM parking lot exit on Old Orangeburg Rd in Orangeburg (Utility Pole# 59753/38056) is hereby approved to be paid from the following budget line item B.5182.452.17.

## **DEME**

20. **APPROVE / PURCHASE AND INSTALL SECURITY CAMERAS / INDOOR AND OUTDOOR LOCATIONS UNDER CONTROL OF DEME**

**WHEREAS**, the Town of Orangetown (“Town”) Department of Environmental Management and Engineering (“DEME”) has the desire to install a security system, with separate security cameras at certain indoor and outdoor locations under the control of DEME, to wit: Town Sewer Treatment Plant, 127 Route 303, Orangeburg, NY; Hunt Road Pump Station, near 175 Hunt Road, Orangeburg, NY; Sparkill Pump Station, near William and New Streets, Sparkill, NY; Convent Road Pump Station, near Convent Road and Swanekin Road, Blauvelt, NY; Route 303 Pump Station, near the Highway Department Salt Shed; and Nyack Pump Station, near 2 Spear Street and the Nyack Marina, Nyack, NY;

**WHEREAS**, the installation of such security cameras shall be for video recording purposes to ensure the security of the Town’s critical infrastructure and protecting the safety of Town employees;

**WHEREAS**, the Town desires to contract with A+ Technology and Security, a NYS contract holder for providing security systems (NYS PT68745), to provide equipment, associated products, training and installation services for the amount of ONE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED TEN AND 13/100 (\$122,310.13) DOLLARS;

**WHEREAS**, pursuant to Town Code 1A-13(F), the Town of Orangetown authorizes purchases made in accordance with GML §103(16), and permits the purchase of equipment through the use of contracts let by the United States or any agency thereof, or of any State or any other political subdivision or district therein, and purchases made in accordance with this law are not subject to the competitive bidding requirement of GML §103 and fulfill the prerequisites under the “piggybacking” law;

**NOW THEREFORE BE IT RESOLVED**, that the Town deems the installation of security cameras at all of the above-referenced DEME locations a necessity for the security of Town infrastructure and protection of Town employees; and



**BE IT FURTHER RESOLVED**, that upon the recommendation of the Commissioner of DEME, the Town Board hereby authorizes the Supervisor to execute any legal documents, on behalf of the Town, for the purchase of said equipment, associated products, training and installation.

## **LEND ASSISTANCE**

21. **APPROVE/ LEND ASSISTANCE / 2022 PEARL RIVER ELKS CLUB FATHER'S DAY ROAD RACE**

**RESOLVED**, upon the recommendation of the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes road use only from the Highway Department and Auxiliary Police from OPD, for the Pearl River Elks Club annual Father's Day Race, to be held on Sunday, June 19, 2022, from 8:30 am – 9:30 am.

## **FINANCE**

22. **APPROVE / 2021 FINAL BUDGET LINE ADJUSTMENTS**

**RESOLVED**, that based upon the recommendation of the Finance Director, the Town Board approves the attached 2021 final Budget line adjustments.

23. **AWARD / NATURAL GAS SUPPLY CONTRACT / MARATHON ENERGY**

**RESOLVED**, that upon the recommendation of the Director of Finance, the Town Board awards the natural gas supply contract to the lowest qualified bidder, Marathon Energy, which is a fixed price contract at \$0.7889 per therm and includes line losses, for a period of 36 months beginning in July, 2022, and authorizes the Director of Finance to execute any documentation necessary to effectuate the purposes of this resolution.

## **AUDIT**

24. **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 **\$2,105,914.02**.

**EXECUTIVE SESSION**

**25. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss employment matters.

**ADJOURNMENTS**

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

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

- ❖ **William Keane**, *Resident of Pearl River*
- ❖ **Glenn S. Lee**, *Formerly of Pearl River*