



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 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 Comprehensive Plan Committee's Public Hearing on the 2022 Comprehensive Plan will be on August 2, 2022. The draft plan is on the Orangetown website.**

PRESENTATIONS:

- ◆ **Kyle John Boyce Memorial Scholarship Committee presenting a check in the amount of \$1,535.00 for seven children to attend the Town of Orangetown 2022 Summer Day Camp in memory of Kyle.**
- ◆ **Rescind Local Law Designating William Street as a Truck Route--Traffic Advisory Board Chairperson, Michael Yannazzone.**

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. POSTPONE AND CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1 / FROM RTBM OF JULY 26, 2022 TO RTBM OF AUGUST 23, 2022 AT 7:05 PM**

RESOLVED, that the public hearing for the proposed Zone Change for Gatto Lane Property, Tax Lot 68.07/2/1, is hereby postponed and continued until August 23, 2022 at 7:05 pm.

- 4. POSTPONE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK / FROM RTBM OF AUGUST 9, 2022 TO AUGUST 23, 2022 AT 7:10 P.M.**

RESOLVED, that the public hearing on the proposed Local Law to amend Chapter 43, by adding Article XVIII regarding zoning in the former Village of South Nyack, which was previously scheduled for August 9, 2022 is hereby postponed until August 23, 2022 at 7:10 pm.

- 5. APPROVE / ORANGETOWN 2023 BUDGET CALENDAR**

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2023 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law;

SEPTEMBER 7, 2022 (Wednesday): Special Town Board Meeting at 5:30 P.M. will take place at Town Hall, Orangeburg, New York, to include all Department Heads to present their budget requests.

SEPTEMBER 20, 2022 (Tuesday): Last day for Department Heads to submit budget estimates.

SEPTEMBER 27, 2022 (Tuesday): At the RTBM of the Town Board at 7:00 P.M., the 2023 Supervisor's Tentative Budget shall be distributed to the Town Board and Department Heads, and the Finance Department will publish it on the Town's website;

SEPTEMBER 27, 2022 (Tuesday): Schedule a Public Hearing for October 11, 2022, 7:00 P.M. / Blauvelt Fire Protection District Contract;

SEPTEMBER 27, 2022 (Tuesday): Schedule a Public Hearing for October 11, 2022, 7:10 P.M. / Regarding the Orangetown Library Districts for a one-year contract (Blauvelt, Orangeburg, Tappan and Palisades);

SEPTEMBER 27, 2022 (Tuesday): Schedule a Public Hearing for October 11, 2022, 7:15 P.M./ Regarding the 2023 Preliminary Budget; once the Town Board approves modifications to the Tentative Budget (by Resolution(s), it becomes the Preliminary Budget; and is filed with the Town Clerk and the Director of Finance is authorized to publish it on the Town's website.

OCTOBER 11, 2022 (Tuesday): Public Hearings: (1) Blauvelt Fire Protection District; (2) Orangetown Library Districts; and (3) 2023 Preliminary Budget

NOVEMBER 15, 2022 (Tuesday): Public Hearing at 7:00 P.M. / Continuation of Public Hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the Hearing, the Town Board may by resolution adopt a final budget, by either accepting or amending the Preliminary Budget and said budget may become the legally Adopted Budget for the Town of Orangetown for the year commencing January 01, 2023.

6. **CHANGE DATE OF POLICE COMMISSION MEETING / AUGUST 9TH TO AUGUST 23RD / 2022**

RESOLVED, upon the recommendation of the Police Chief, the August 9, 2022 Police Commission meeting is hereby moved to August 23, 2022 starting at 6:30 pm.

7. **SET DATE / STBM OF AUGUST 23, 2022 (TUESDAY) AT 6:00 P.M. RE: DEME 2023 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on August 23, 2022 (Tuesday) at 6:00 P.M. regarding the DEME 2023 Budget Presentation to the Town Board.

8. **SET DATE / STBM OF SEPTEMBER 07, 2022 (WEDNESDAY) AT 5:30 P.M. RE: TOWN DEPARTMENTS 2023 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on September 07, 2022 (Wednesday) at 5:30 P.M. regarding the Town Departments 2023 Budget Presentation to the Town Board.

9. **SET DATE / RTBM OF SEPTEMBER 13, 2022 (TUESDAY) AT 7:05 P.M.FOR SPECIAL DISTRICTS RE: 2023 BUDGET PRESENTATIONS TO THE TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date of September 13, 2022 (Tuesday) at 7:05 P.M. for Special Districts (Blauvelt Volunteer Fire Department for the Blauvelt Fire Protection District, Rockland Paramedics, South Orangetown Ambulance Corps, Nyack Ambulance Corps, Orangeburg Library, Tappan Library, Palisades Library and the Blauvelt Library) regarding their 2023 Budget Presentations to the Town Board.

10. **AUTHORIZING / COOPERATION AGREEMENT WITH THE COUNTY OF ROCKLAND / ROCKLAND COUNTY CONSORTIUM**

WHEREAS, under Title I of the Housing and Community Development Act of 1974, and its amendments, the Secretary of Housing and Urban Development is authorized to make grants to States and units of general local government to help finance Community Development programs; and

WHEREAS, there is sufficient statutory authority under the laws of the State of new York for units of general local government, namely the County and its towns and villages to undertake cooperation agreements to provide community development, urban renewal, and housing assistance referred to in the Act as Eligible Activities; and

WHEREAS, it is desirable and in the public interest that the County make application for Community Development Block Grant funds as an Urban County; and

WHEREAS, through its participation as an Urban County, the County is also eligible for Home Investment Partnership Program funds; and

WHEREAS, It is recognized that participation by the County, as an Urban County, in US Department of Housing and Urban Development community development programs requires the cooperation of the towns and villages within the County; and

WHEREAS, The Town Board of the Town of Orangetown deems it to be in the public interest of the Town to enter into a cooperation agreement with the County of Rockland for the aforesaid purposes; and

NOW, THEREFORE BE IT RESOLVED, The Town Board of the Town of Orangetown hereby authorizes the Supervisor to enter into a Cooperation Agreement between the Town of Orangetown and the County of Rockland, in a form approved by the Town Attorney, for the purposes of membership in the Rockland County Consortium and participating in the Community Development Block Grant, Home Investment Partnership, and Emergency Solutions Grant Programs; and be it

FURTHER RESOLVED, that this agreement shall remain in full force and effect for the 2023 program year and will renew automatically unless the Town of Orangetown affirmatively withdraws.

11. **ADOPT / CURRENT BASE PERCENTAGES AND ADJUSTED BASE PROPORTIONS / 2022 TAX ASSESSMENT ROLL**

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 and 6703 / Exhibit 07-D-21) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes on the 2022 Assessment Roll, and the Town Clerk is hereby authorized to affix a Town certification.

12. AUTHORIZE JOULE ASSETS, INC. TO ISSUE A SUPPLY RFP / APPROVE ELECTRICITY SUPPLY AGREEMENT

WHEREAS, effective April 21, 2016, the New York State Public Service Commission (“Commission”) issued an “Order Authorizing Framework for Community Choice Aggregation Opt-Out Program” in Case #14-M-0224 “authorizing the establishment of Community Choice Aggregation programs by municipalities statewide;” and

WHEREAS, effective March 16, 2018, the Commission issued an “Order Approving Joule Assets’ Community Choice Aggregation Program with Modifications” in Case #14-M-0224 that authorized Joule Assets, Inc. (“Joule” or “Program Administrator”) to serve as a Community Choice Aggregation Program Administrator on behalf of cities, towns, and villages in New York State; and

WHEREAS, on 10/1/2019, the Town of Orangetown adopted local law 5 of 2019 Local Law To Establish a Community Choice Aggregation Program in the Town of Orangetown, enabling a Community Choice Aggregation Program in the Municipality (the “Program”); and

WHEREAS, on 10/1/2019, the Town by Resolution No. 529-2019, resolved to engaged the services of Joule to, among other things, act as Program Administrator on behalf of the Municipality for the Program, and thereafter entered into a municipal energy services agreement with Joule for performance of such services; and

WHEREAS, the Town seeks to obtain competitive bids from electricity suppliers (each a “Supplier”) pursuant to a request for proposal that shall include provision of a 100% renewable supply option (the “Supply RFP”) that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Municipality and the Program Administrator that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Program; and

WHEREAS, Program Administrator has prequalified prospective bidders based on creditworthiness and competence; has executed the public outreach campaign in the Municipality as required by the New York State Department of Public Service, and has obtained or will be obtaining utility data from the local distribution utility, all of which is necessary to solicit bids through the Supply RFP;

WHEREAS, a proposed “Electricity Supply Agreement” has been prepared by Joule provides benefits, adequate protections, and minimizes risk to the Town of Orangetown, as well as to residential and small commercial utility customers therein;

THEREFORE, BE IT RESOLVED, the Town Board hereby authorizes Program Manager to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and tenor parameters, and Supplier’s acceptance of all material terms of the Electricity Supply Agreement; and

BE IT FURTHER RESOLVED, Joule in its role as Program Administrator for the Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town;

BE IT FURTHER RESOLVED, subject to the conditions that the awarded Supplier has been prequalified as required by Program Administrator and that the awarded bid meets

the specifications established in the Supply RFP, the Supervisor is hereby authorized to execute an Electricity Supply Agreement on behalf of the Town, upon review and approval of the Town Attorney, and with changes deemed necessary in the Supervisor's reasonable discretion with the awarded Supplier and Program Administrator in a timely fashion; provided, however, the Town of Orangetown is under no obligation to award the Supply RFP should these conditions not be met.

TOWN ATTORNEY

13. APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING ARAN BANSHEE LLC V. ORANGETOWN, ET AL. (68.20-2-74)

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 Aran Banshee LLC v. The Assessor, etc. et al., tax map designation 68.20-2-74 (50 Franklin Ave, Pearl River), for the tax assessment year 2021 for a total refund by the County of \$569, a total refund by the Town of \$1,698, and a total refund by the School District of \$5,867. 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.

14. GRANT REVOCABLE LICENSE / JONATHAN AND CATHERINE STELLAR / 236 PIERMONT AVENUE / TAX LOT 75.70/1/7 / FORMER KITMAN PROPERTY

WHEREAS, the Town of Orangetown ("Town") is the owner of a certain parcel of land shown and designated on the tax map of the Town of Orangetown as lot #75.70/1/7, which parcel is adjacent to lands owned by Jonathan and Catherine Steller ("Stellar") and the Village of Piermont ("Piermont"); and

WHEREAS, Steller is the owner of a certain parcel of land shown and designated on the tax map of the Town as lot #75.70/1/4, which parcel is adjacent to lands of both the Piermont and the Town; and

WHEREAS, a certain pipe, cistern, outlet and other drainage structures (the "Drainage Structures") are located partially on property owned by the Town and are immediately adjacent to lands owned by Steller; and

WHEREAS, certain issues have arisen concerning the maintenance and use of the Drainage Structures that have affected the property of Steller; and

WHEREAS, a survey prepared by Anthony R. Celentano, PLS dated April 22, 2022, a copy of which is incorporated by reference herein, indicates the location of the Drainage Structures and their proximity to lands of Steller and also show certain encroachments including a frame shed, and two stone walkways onto land owned by the Town; and

WHEREAS, the parties seek to more clearly define their rights and responsibilities with respect to the Drainage Structures and the encroachment upon lands of the Town;

NOW THEREFORE, inconsideration of a resolution of the issues referenced herein, including but not limited to a release of any and all claims as against the Town by Stellar and their predecessors in interest, Jamie and Taya Kitman, and Stellar's agreement to maintain the drainage structures within the license area, and to assume responsibility for any drainage related issues with respect thereto, the Town hereby agrees to grant Stellar a revocable license over the area set forth more fully on the Celentao Survey dated April 22, 2022, under the specific terms and conditions as set forth in the proposed licensed agreement incorporated herein by reference, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor or her designee to execute a revocable license agreement with Stellar, and any documents necessary to effectuate the intent and purpose of this resolution, upon review and approval of the Town Attorney's Office.

15. SETTLE CLAIM / METROPOLITAN TRANSPORTATION AUTHORITY V. TOWN OF ORANGETOWN / VEHICLE DAMAGE

WHEREAS, on or about February 1, 2021, an accident occurred whereby Claimants Metropolitan Transportation Authority ("Claimant") via its tenant, BarMac Southbound, Inc., claimed that a Town of Orangetown ("Town") Highway Department vehicle struck Claimant's building resulting in property damage for which a Notice of Claim was filed on March 10, 2021; and

WHEREAS, the Town Attorney's Office recommends, subject to Town Board approval, to pay the amount of \$940.00 as full and final settlement of the damages asserted in the Notice of Claim,

NOW THEREFORE BE IT RESOLVED, that the claim by the Metropolitan Transportation Authority in the amount of \$940.00 shall be settled and paid by the Town in the full and final amount of \$940.00, and the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

HIGHWAY

16. AWARD CONTRACT / TILCON NEW YORK, INC. / MILLING AND PAVING-EAST ERIE STREET, BLAUVELT, HIGHVIEW AVENUE, ORANGEBURG AND SOUTH HIGHLAND AVENUE, SOUTH NYACK

RESOLVED, upon the recommendation of the Superintendent of Highways, award the contract for the Milling and Paving of East Erie Street, Blauvelt, Highview Avenue, Orangeburg and South Highland Avenue, South Nyack to Tilcon New York, Inc., Parsippany, NJ the lowest qualified bidder in the amount of \$426,300 to be charged to account #H.5110.200.22.

HIGHWAY / DEME

17. **APPROVE AGREEMENT / 2022 STORMWATER II EDUCATION PROGRAM / CORNELL COOPERATIVE EXTENSION ROCKLAND COUNTY**

WHEREAS, the Town of Orangetown contracts with Rockland County Cornell Cooperative Extension to provide educational services as part of meeting NYS DEC's Minimum Control Measures for Stormwater Phase II Regulations;

BE IT RESOLVED, the Town of Orangetown hereby authorizes the renewal of Stormwater II Education Program Agreement with Cornell Cooperative Extension of Rockland County for 2022 for the period of April 1, 2022 - March 31, 2023 in the amount of \$7,300.00, between Highway D.5110.457.04 and DEME G.8120.457.

POLICE

18. **NOMINATE/APPOINT/MICHAEL MANTE /TEMPORARY POLICE OFFICER/RESIDENT TOWN OF ORANGETOWN**

RESOLVED, that upon the recommendation of the Chief of Police, per the authorization of the Commissioner of the Rockland County Department of Personnel, and with the understanding that he will need to successfully complete all other phases of the civil service certification and background investigation processes in order to receive a permanent appointment, nominate/appoint, Michael Mante, from Rockland County Civil Service List # 21033/67-540 to the position of "Temporary Police Officer/Resident Town of Orangetown", effective August 29, 2022, for the sole purpose of allowing him to attend the DCJS Basic Police Officer training program at the Rockland County Police & Public Safety Academy, Pomona, NY, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

19. **NOMINATE / DAVID FONG/ POLICE OFFICER RESIDENT TOWN OF ORANGETOWN**

RESOLVED, upon the recommendation of the Chief of Police, David Fong, 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.

FIRE PREVENTION

20. **SET FEES FOR CERTIFICATE OF COMPLIANCE / FIRE PREVENTION / TOWN CODE, CHAPTER 15, ARTICLE II, SECTION 15-17**

WHEREAS, Town Code §15-17(A) authorizes the Town Board to change by resolution the fees for certificates of compliance for new or changed uses and inspection fees payable for the various specific uses subject to inspection by the Chief of the Bureau of Fire Prevention and/or Assistant Fire Inspector,

BE IT RESOLVED that the fee for Multiple Residence (R occupancy) shall be \$75.00 for three (3) living units, and an additional \$10.00 for each additional living unit,

BE IT RESOLVED that the fee for B Business (Office) and M Mercantile (Retail) is \$50.00 biennially for 1 square foot to 2,500 square feet; and

BE IT RESOLVED that the fee for B Business (Office) and M Mercantile (Retail) is \$75.00 biennially for 2,501 square feet to 5000 square feet; and

BE IT RESOLVED that the fee for Business (Office) and Mercantile (Retail) shall follow the same fee schedule as Industrial/Storage/Institutional for over 5,000 square feet set forth hereafter,

BE IT FURTHER RESOLVED THAT the fees for F or H Industrial, S Storage and I Institutional, shall be as follows:

Gross Square Footage	Fee
1 – 5000	\$ 150.00
5,001 – 10,000	\$ 330.00
10,001 – 25,000	\$ 660.00
25,001 – 50,000	\$ 990.00
50,001 – 75,000	\$1,320.00
75,001 – 100,000	\$1,650.00
100,001 – 125,000	\$1,980.00
125,001 – 150,000	\$2,310.00
150,001 – 175,000	\$2,640.00
175,001 – 200,000	\$3,000.00
200,001 – 250,000	\$3,300.00
250,001 – 300,000	\$3,630.00
300,001 – 350,000	\$3,960.00
350,001 – 400,000	\$4,290.00
400,001 – 450,000	\$4,620.00
450,001 – 500,000	\$4,950.00
500,001 – 550,000	\$5,280.00
550,001 – 600,000	\$5,610.00
600,001 – 650,000	\$5,940.00
650,001 – 700,000	\$6,270.00
700,001 – 750,000	\$6,600.00
750,001 – 850,000	\$6,930.00
850,001 – 950,000	\$7,260.00
950,001 +	\$7,590.00

BE IT FURTHER RESOLVED THAT the fees for A1 through A5 Place of Assembly shall be:

Capacity of Persons	Fee
1 – 50	\$100.00
51 – 100	\$150.00
101 – 300	\$175.00
301+	\$175.00 plus \$0.75 per person over 300 persons

BE IT RESOLVED THAT the fees set forth hereinabove shall be effective on January 1, 2023.

DEME

21. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF STEPHEN FORDHAM / MAINTENANCE SUPERVISOR /D.E.M.E./SEWER DEPARTMENT / EFFECTIVE JULY 8, 2022**

RESOLVED, that the Commissioner of D.E.M.E. and the Town Board accepts with regret, the resignation/retirement of Stephen Fordham, Maintenance Supervisor, from the D.E.M.E./Sewer Department, after 36 years, effective July 8, 2022.

22. **APPOINT KEVIN MCGARVEY / ASSISTANT MAINTENANCE SUPERVISOR (SEWERAGE SYSTEMS) / GRADE 18, STEP 8/13 / EFFECTIVE JULY 27, 2022**

RESOLVED, upon the recommendation of the Commissioner of DEME, Kevin McGarvey is hereby appointed to Assistant Maintenance Supervisor (Sewerage Systems) Grade 18, Step 8/13, Provisional at an annual salary \$109,188 effective July 27, 2022.

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 four (4) warrants (attached) for a total of **\$878,955.63**.

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:

- ❖ **Joseph B. Clarke**, *Resident of Orangeburg and Orangetown's First Superintendent of Parks, Recreation and Building Maintenance - 1969 to 1996.*
- ❖ **Thomas Christopher Mooney, Sr.**, *Resident of Orangeburg*
- ❖ **William J. Tomford**, *Resident of Pearl River and United States Marine Corps Veteran*