



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday October 11, 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:

- ◆ **Saturday, October 15, 2022 from 8 am - 11:30 am / Free Paper Shredding Event at the Orangetown Town Hall held by the Town Clerk's Office / Please bring a non-perishable food item for donation to local food pantries**
- ◆ **Public Hearing / October 25, 2022 at 7:05 P.M. / Consider Adopting the Orangetown Comprehensive Plan**
- ◆ **October 27, 2022 Blood Drive at Town Hall / Postponed to a future date to be determined**

PRESENTATIONS:

- ◆ **Piermont Police Athletic League Presentation, Tahlaad Mahboeb**

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 / OCTOBER 11, 2022 AT 7:00 P.M. / ONE-YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / FOR 2023**

RESOLVED, that the public hearing on the proposed contract between the Town of Orangetown and the Blauvelt Volunteer Fire Company, Inc., for fire protection services in and throughout the Blauvelt Fire Protection District within the Town of Orangetown, for the calendar year 2023, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. **CLOSE OR CONTINUE / PUBLIC HEARING / ONE-YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / FOR 2023**

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

- 5. **OPEN PUBLIC HEARING / RTBM OF OCTOBER 11, 2022 AT 7:10 P.M. / ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN FREE LIBRARY / CALENDAR 2023**

RESOLVED, that the public hearing on the proposed Contracts between the Town of Orangetown the the Orangetown Library Districts is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 6. **CLOSE OR CONTINUE / PUBLIC HEARING / ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN FREE LIBRARY / CALENDAR 2023**

RESOLVED, that the public hearing on the proposed Contracts, between the Town of Orangetown and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library, and the Tappan Free Library, for library services for the calendar year 2023 is hereby closed or continued to _____.

7. **OPEN PUBLIC HEARING / RTBM OF OCTOBER 11, 2023 AT 7:30 P.M. / 2023 PRELIMINARY BUDGET**

RESOLVED, that the public hearing on the 2023 Preliminary Budget is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

8. **CLOSE AND/OR CONTINUE PUBLIC HEARING / 2023 PRELIMINARY BUDGET**

RESOLVED, that the public hearing regarding the 2023 Preliminary Budget is hereby closed and/or continued to _____.

9. **APPROVE PERMIT AGREEMENT / BUSINESSES TO DISPENSE ALCOHOLIC BEVERAGES ON TOWN PROPERTY / PEARL RIVER DAY / SATURDAY, OCTOBER 15, 2022**

WHEREAS, the Pearl River Chamber of Commerce has formally requested on behalf of the member businesses it represents, permission, pursuant to Town Code Section 10-4(B)(1) to dispense alcoholic beverages on Town Property as part of their Pearl River Day Festival to be held on Saturday, October 15, 2022,

BE IT RESOLVED, that subject to the requirements of the New York State Liquor Authority regulations (SLA), including a securing a proper license therefrom, and the requirements of the Town of Orangetown Police Department, and to the execution of an agreement with the Town to provide indemnification and proof of insurance to the Town, and execution of an Agreement/Permit with respect to same, the Town Board hereby grants permission to the businesses authorized under the Pearl River Chamber of Commerce's permit to dispense alcoholic beverages upon Town property during the hours of 1 pm to 6 pm at the Pearl River Day Festival to be held on Saturday, October 15, 2022.

TOWN ATTORNEY

10. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING FB ORANGETOWN HOTEL LLC, FB ORANGETOWN HOTEL TWO LLC, FB ORANGETOWN RETAIL LLC, ET AL V. THE ASSESSOR, ET AL. (74.15-1-21./5)**

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 FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC, FB Orangetown Retail LLC, et al. v. The Assessor, et al. tax map designation 74.15 -1-21./5 (Residence Inn by Marriot Hotel, Tappan), for the tax assessment years 2020 – 2022 for a total refund by the County of \$15,485, a total refund by the Town of \$53,124, and a total refund by the School District of \$149,557. 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.

11. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING FCA US LLC V. THE BOARD OF ASSESSORS, ETC. ET AL. (77.07-1-1)**

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 FCA US LLC v. The Board of Assessors, etc., et al., tax map designation 77.07-1-1 (108 Route 303, Tappan), for the tax assessment years 2019 – 2022 for a total refund by the County of \$11,296, a total refund by the Town of \$38,404, and a total refund by the School District of \$108,794. 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.

12. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING TOWN PLAZA II LLC V. THE BOARD OF ASSESSORS, ETC. ET AL. (74.07-1-6)**

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 Town Plaza II LLC v. The Board of Assessors, etc., et al., tax map designation 74.07-1-6 (500 Route 303, Orangeburg), for the tax assessment years 2018 – 2021 for a total refund by the County of \$2,764, a total refund by the Town of \$10,008, and a total refund by the School District of \$26,432. 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.

13. **AUTHORIZE AMENDED EASEMENT / HOLD HARMLESS AGREEMENT / SANITARY SEWER / BARTELS PROPERTY / 15 ORCHARD STREET NYACK**

WHEREAS, Maryann Bartels is the owner and resident of the property located at 15 Orchard Street, Nyack New York, tax lot 66.22/2/14, and

WHEREAS, the Town, through the Village of Nyack, has an easement across the aforesaid property for sanitary sewer purposes, which easement is identified in Map 360 that was filed on April 25, 1939 in the Rockland County Clerk's Office, and

WHEREAS, the property owner has installed a stone retaining wall, and repaired existing stairs and landing, which could cause interruption to the Town's operation of the sewer line, and

WHEREAS, the Town's Department of Environmental Management and Engineering (DEME) and the Town Attorney's Office have reviewed the matter and recommend an amendment to the easement, including an indemnification and hold harmless by the property owner in the Town's favor, in the form as in the attached proposed amendment to easement, with a \$5,000.00 payment by the property owner to the Town as a credit for any damage incurred by the Town to remove the wall or damage to any Town apparatus within the easement,

NOW THEREFORE IT IS HEREBY RESOLVED, that based upon a review of the records and upon the recommendation of the Town Attorney's Office, and Commissioner of DEME that the Town hereby accepts from Maryann Bartels and agrees to enter into an amendment to the sanitary sewer easement upon and across the property known as 15 Orchard Street, Nyack, New York and identified as tax lot number 66.22/2/14 and agrees to accept the sum of \$5,000.00 to be deposited into the Town's General Fund, and to be credited to Bartels or any future owner as against any damages incurred by the Town, as set forth more fully in the easement amendment, and authorizes the Supervisor or her designee to execute any documents necessary to effectuate the purposes and intent of this resolution, and authorizes the amended easement to be recorded in the Rockland County Clerk's Office.

HIGHWAY

14. **DESIGNATE / STORMWATER BIO-RETENTION BASIN AT ROCKLAND HOMES FOR HEROES / AS HOMES FOR HEROES GREEN INFRASTRUCTURE PROJECT**

RESOLVED, that the Town Board hereby designates the stormwater bio-retention basin at Rockland Homes For Heroes in Tappan, N.Y. as the "Homes For Heroes Green Infrastructure Project."

15. **DESIGNATE / INSTALL MEMORIAL SIGN / PATHWAY / ROCKLAND COUNTY HOMES FOR HEROES / HOMES FOR HEROES GREEN INFRASTRUCTURE BASIN PROJECT**

WHEREAS, John Allen Murphy served as a Captain in the United States Marine Corps active/reserve for 14 years from 1961 until 1975, and;

WHEREAS, John Allen Murphy served 44 years as a Rockland County Legislator where he was elected 12 times, and;

WHEREAS, John Allen Murphy served on the Boards of Camp Venture (President & Chairman of the Board) — 44 years in one of Rockland County's most respected and long-serving social services agencies serving our intellectually & developmentally disabled; and Joseph's Home (Co-Founder & President) — serving the residential needs of our homeless; and the Loeb House (Co-Founder & President) — over 30 years serving the residential needs of our mentally ill; and the NYS Rockland Psychiatric Center (President of the Board of Visitors); and the Orangetown Narcotic Guidance Council; and the Rockland County Board of Mental Health, Mental Retardation & Alcoholism, and;

WHEREAS, John Allen Murphy is one of the Founders of Rockland Homes for Heroes and serves as the President & Chairman of the Board of Directors, and;

WHEREAS, John Allen Murphy was instrumental in the transfer of 7 of 14 acres of Rockland Homes for Heroes land to the Town of Orangetown to build a surface stormwater bio-retention basin to prevent the flooding of the iconic Sparkill Creek, and;

NOW THEREFORE, BE IT RESOLVED, that in honor of the John Allen Murphy, the pathway around the Homes for Heroes Green Infrastructure Project is hereby designated as "Captain John Allen Murphy Pathway" with the intention of installing nearby memorial street signs to signify the dedication.

PARKS AND RECREATION

16. ACCEPT DONATION / WATER FOUNTAIN / DUFFY'S DOG PARK IN ORANGEBURG

RESOLVED, that the Town Board hereby accepts with gratitude the donation of a water fountain at Duffy's Dog Park in Orangeburg from the Orangetown PBA, R2M Realty, Inc., and Rudy Thomas Arietta and Kenyatta Jones-Arietta.

17. AWARD BID / SNOW AND ICE REMOVAL / CORTWOOD VILLAGE

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance, award the bid for snow and ice removal for Cortwood Village for the 2022-23 season to Helmke Industries of Orangeburg, NY, in accordance with bid results.

18. ACCEPT DONATION / MEMORIAL BENCH / DELIOLIO

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept with gratitude the donation of a Memorial Bench to be placed along the Joseph B. Clark Rail Trail. Engraving to read:

In Loving Memory of
Jeff J. Dellolio
We Love You,
Yara, Mia and Luca

19. ACCEPT DONATION / MEMORIAL BENCH / BUCK

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance accept with gratitude the donation of a Memorial Bench to be placed along the Joseph B. Clark Rail Trail. Engraving to read:

IN MEMORY OF
BRIAN BUCK
WTC RECOVERY WORKER

POLICE

20. APPOINT / DAVID FONG / POLICE OFFICER

RESOLVED, upon the recommendation of the Chief of Police, David Fong is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 21033/ 67-540, effective October 27, 2022, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

21. **ACCEPT RESIGNATION / RETIREMENT POLICE OFFICER MCNEILL / POLICE DEPARTMENT / EFFECTIVE OCTOBER 14, 2022**

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Tyrone McNeill, from the Orangetown Police Department effective October 14, 2022.

22. **APPROVE / INTER-MUNICIPAL AGREEMENT WITH ROCKLAND COUNTY / LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM, PROJECT CONNECT**

WHEREAS, Rockland County, through the District Attorney's Office, in an effort to provide financial assistance to local law enforcement and to the Town for reimbursement of expenditures by the Town Police Department for the law enforcement assisted diversion (LEAD) program associated with Project Connect, and

WHEREAS, the County of Rockland, pursuant to its Resolution No. 424 of 2021 has authorized the County Executive to execute an Intermunicipal Agreement to reimburse the Town of Orangetown in the amount of \$27,500.00 for reimbursement for Law Enforcement Related to Project Connect, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any inter- municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

WHEREAS, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves entering into the Inter- municipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No 424 of 2021 with respect to the reimbursement of the sum of \$27,500.00 for reimbursement of expenses related to the training and overtime for Project Connect as part of the LEAD program referenced above, and authorizes the Supervisor to execute the aforesaid Inter-municipal Agreement and any and all documents necessary to effectuate same.

DEME

23. **APPOINT / GREGORY MICHEL / MEO II / EFFECTIVE OCTOBER 12, 2022**

RESOLVED, upon the recommendation of the Commissioner of DEME, Gregory Michel is hereby appointed to Motor Equipment Operator II Grade 12, Step 5, at an annual salary of \$78,688 effective October 12, 2022.

LEND ASSISTANCE

24. COMBINE / APPROVE AGENDA ITEMS #25 TO 28

RESOLVED, the Town Board hereby combines and approves agenda items #25 to 28.

25. APPROVE / LEND ASSISTANCE /GREEK FESTIVAL DRIVE-THRU EVENT/ ST. CONSTANTINE'S CHURCH

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 cones, barricades, directional signs & no parking signs from the Highway Department, and Auxiliary Police from OPD, for the Greek Festival Drive- Thru Event to be held on Saturday, October 15, 2022 from 12pm to 8pm.

26. APPROVE / LEND ASSISTANCE / 2022 TAPPAN REFORMED CHURCH FALL FLING / SATURDAY, OCTOBER 22ND

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Highway and the Chief of Police have forwarded for approval by the Town Board the use of barricades and trash bins and personnel to distribute leaf bags and recycle bins from the Highway Department and Auxiliary Police detail from OPD for the Tappan Reformed Church Fall Fling, Saturday, October 22, 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 units - 1 regular - 1 ADA) for the Tappan Reformed Church Fall Fling, Saturday, October 22, 2022.

27. APPROVE / LEND ASSISTANCE / 2022 TAPPAN FIRE DEPARTMENT 5K RUN / SUNDAY, NOVEMBER 13, 2022

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, cones and a message board from the Highway Department & the presence of Auxiliary Police from the Police Department, for the Tappan Fire Department 5K Run on Sunday, November 13, 2022 from 9am-1pm.

28. APPROVE / LEND ASSISTANCE / 2022 PEARL RIVER DAY FIREWORKS / CENTRAL AVENUE FIELD

RESOLVED, upon the recommendation from the Superintendent of Highways and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes field clean up, snow fence, barricades and Highway perimeter from the Highway Dept. and police detail from the Police Dept. for the Pearl River Day Fireworks to be held on Saturday, October 15, 2022 at the Central Avenue Field at dusk.

AUDIT

29. 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 \$1,417,260.24.

EXECUTIVE SESSION

30. 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

31. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Joan Feroldi**, *Mother of Orangetown Highway Employee, Chris Feroldi*