



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 13, 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:

- ◆ **Rockland Community Power Energy Program (Community Choice Aggregation) / In-Person Information Session / Wednesday, December 14, 2022, 7 pm Orangetown Town Hall**

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. **CONTINUATION OF PUBLIC HEARING FROM OCTOBER 25, 2022 / 7:05 P.M. / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding accepting the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan, is hereby continued.

SUMMARY OF COMMENTS:

4. **CLOSE OR CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding accepting the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan is hereby closed and/or continued to _____.

5. **APPROVE AGREEMENT / SOLAR SIMPLIFIED / COMMUNITY SOLAR / 1 YEAR**

WHEREAS, the Town of Orangetown ("Town") is desirous to support local renewable infrastructure in New York State; and,

WHEREAS, the New York State Energy Research & Development Authority ("NYSERDA") offers incentives to develop community solar projects which allow residents and businesses to benefit from renewable energy from local solar farms; and,

WHEREAS, Solar Simplified, LLC is a community solar platform that matches residents and businesses with local solar farms so they can lower their monthly utility bills while supporting local generated solar power without installing panels; and,

NOW, THEREFORE BE IT RESOLVED, that upon the recommendation of the Supervisor's Office, the Town Board hereby approves to enter into a one-year agreement with Solar Simplified, LLC to provide and market community solar to qualified Orangetown residents and businesses; and,

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign the agreement with Solar Simplified, LLC, subject to review and approval of the Town Attorney.

6. **AUTHORIZE / CHRISTMAS LIGHTING COMPANY / HOLIDAY LIGHTS / DOWNTOWN PEARL RIVER**

RESOLVED, that the Town Board hereby authorizes up to \$15,000 to Christmas Lighting Company to supply holiday lights for display in Downtown Pearl River, to be paid from the Pearl River Parking District budget line item SP 3320.457, and further authorizes the Supervisor or her designee to execute any and all documents for the installation of the holiday lights.

7. **APPROVE / 2023 AGREEMENT WITH HUDSON VALLEY HUMANE SOCIETY**

RESOLVED, that the Town Board authorizes and approves an Agreement with Hudson Valley Humane Society by quarterly payments for fiscal year 2023 for the statutory shelter/pound services required to be provided by the Town, in accordance with the terms of the Agreement, a copy of which is expressly incorporated herein by reference, and the Supervisor is hereby authorized to sign same.

8. **AUTHORIZE AGREEMENT WITH VORTEX USA INC. / VETERANS PARK SPLASH PAD**

WHEREAS, pursuant to Town Board Resolutions 2021-475 and 2022-16 the Town Board agreed to accept grants totaling \$325,000.00 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 construction of a splash pad 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, the League of Oregon Cities ("LOC"), acting as a lead agency is permitted to engage in cooperative purchasing, pursuant to ORS 279A, 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, the National Purchasing Partners ("NPPGov") has instituted a cooperative purchasing program under which member participating agencies may reciprocally utilize competitively solicited Master Price Agreements awarded by the LOC.

WHEREAS, on or about October, 2020 LOC, issued a Request for Proposal for the procurement of park, playground and recreation equipment, which proposals were due, received and opened publicly on January 18, 2021; and

WHEREAS, as a result thereof, a contract #PS21110 was awarded to Vortex USA, Inc. which contract was expressly made available to participating agencies, including the Town of Orangetown; and

WHEREAS, Vortex USA, Inc. has provided to the Town a proposal based upon the aforementioned contract, which proposal meets the specifications and needs of the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the purchase of splash pad equipment, including installation, with Vortex USA, Inc., under NPPGov Contract #PS21110, at a total cost of Two Hundred Ninety-Seven Thousand and Nine Hundred Ten and No Cents (\$297,910.00), and further authorizes the Supervisor to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase, subject to review and approval by the Town Attorney.

9. AUTHORIZE / DEMAND FOR PAYMENT / ORANGETOWN METRO SPORTS CLUB / NON-RESIDENT FEES

WHEREAS, the Town of Orangetown and the Orangetown Metro Sports Club, Inc. (formerly known as OMM and hereinafter "OMSC"), are parties to several agreements related to land that is owned by the Town at the Orangetown Soccer Complex alongside Veteran's Memorial Drive, Orangeburg, NY (hereinafter "Complex"), and

WHEREAS, in Article XVIII of a Second Amended Use Agreement dated as of September, 2016 ("Use Agreement") OMSC is obligated to charge a non-resident fee to all non-Town residents who play at the Complex and to remit said non-resident fees to the Town, and

WHEREAS, in 2021, the parties entered into an agreement with respect to the replacement of Field 1 at the Complex (Field One Replacement Agreement), which Agreement is incorporated herein, wherein, among other items, the parties agreed to continue negotiations to amend the 2016 Use Agreement between the parties for OMSC's use and operation of the complex, including the potential for use of non-resident fees toward certain improvements at the complex, in exchange for relieving the Town of any obligation with respect to field replacement at the facility, and

WHEREAS, the parties have been unable to reach an agreement regarding an amended Use Agreement,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby authorizes the Town Attorney or his designee to make a written demand for payment to OMSC for outstanding non-resident fees collected by OMSC for the years 2020, 2021 and 2022.

TOWN ATTORNEY

10. MALONEY SUBDIVISION – PARTIAL RELEASE OF CASH BOND AND MONEY HELD IN ESCROW AND TRANSFER OF REMAINING FUNDS IN ESCROW TO THE HIGHWAY DEPARTMENT

WHEREAS, on May 25, 2020, in Resolution No. 2020-345, the Town of Orangetown Town Board resolved to accept, receive and file a cash bond and agreement from Michael Maloney, as owner of property located at 60 Fischer Avenue, Pearl River, New York (Tax Lot Section 68.11 Block 2 Lot 70), with regard to subdivision approval from the Town of Orangetown Planning Board for said property pursuant to Planning Board decision #19-51 for the project known as the "Maloney Minor Subdivision Plan," and

WHEREAS, the cash bond was in the amount of \$131,766, and

WHEREAS, Mr. Maloney duly submitted a check in the amount of \$131,766, which was deposited in the Town's escrow account, and

WHEREAS, on May 25, 2021, in Resolution No. 2021-220, the Town Board approved the partial release of the Maloney subdivision cash bond in the amount of \$128,166, leaving the total amount of \$3,600 in escrow, and

WHEREAS, the Planning Board, after receiving recommendations from the Department of Environmental Management and Engineering and the Superintendent

of Highways, voted pursuant to Planning Board decision #22 -52 to recommend to the Town Board that the above referenced cash bond be partially released to Mr. Maloney in the amount of \$2,600, and

WHEREAS, it has been further agreed between Mr. Maloney and the Highway Department that the \$1,000 remaining on the cash bond will be transferred from escrow to the Highway Department fund to cover expenses related to regrading of the drainage overflow swale at the site, and

WHEREAS, the Town Attorney's Office also recommends that the above referenced cash bond be partially released to the applicant in the amount of \$2,600 and that the \$1,000 remaining on the cash bond be transferred from escrow to the Highway Department fund to cover expenses related to regrading of the drainage overflow swale at the site.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEMA and the Town Attorney's Office, the Town Board hereby authorizes the partial release of the Maloney Subdivision cash bond in the sum of \$2,600 and that the \$1,000 remaining on the cash bond be transferred from escrow to the Highway Department fund to cover expenses related to regrading of the drainage overflow swale at the site.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, the Town Finance Department is authorized and directed to release \$ 2,600 being held in escrow on this matter to Michael Maloney, based upon the partial release of the Maloney Subdivision Cash Bond, and that the Finance Department is directed to transfer the remaining \$1,000 on the cash bond to the Highway Department fund to cover expenses related to regrading of the drainage overflow swale at the site.

HIGHWAY

11. APPROVE / RFP / SIDEWALK SAWCUTTING / PRECISION SAFE SIDEWALKS

RESOLVED, that upon the recommendation from the Superintendent of Highways, to approve the RFP for Sidewalk Sawcutting to Precision Safe Sidewalks, Arlington, VA, the only qualified bidder to meet Town Specifications, at a cost of \$67.00 per inch/foot, not to exceed \$40,000. Work completed under this contract will be charged to Account #A.5410.457.00 and paid for out of the 2022 operating budget.

TRAFFIC ADVISORY BOARD

12. APPROVE / INSTALLATION OF STOP SIGN / 6-MONTH POLICE REGULATION / DEDERER STREET AND WASHINGTON STREET INTERSECTION IN SPARKILL

RESOLVED, that upon the recommendation of the Orangetown Traffic Advisory Board and in accordance with the NYS Manual on Uniform Traffic Control Devices (MUTCD), the Town Board approves installation of a stop sign on Dederer Street heading southeast at the intersection of Washington Street and Dederer Street in Sparkill under a 6-month police regulation to be reviewed after 6 months.

LEND ASSISTANCE

13. APPROVE/ LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes this department to lend assistance which includes the use of barricades, cones, barrels and (2) message boards from the Highway Department for the Volunteer Fire Association of Tappan's Holiday Drive-Thru Event to be held on Saturday, December 17, 2022 from 4:30pm-7:30pm.

AUDIT

14. 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 two (2) warrants (attached) for a total of **\$2,991,753.30**.

EXECUTIVE SESSION

15. 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 and matters related to employment.

ADJOURNMENTS

16. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **John Cunningham**, *Resident of Pearl River*
- ❖ **Ciaran Green**, *Resident of Pearl River*
- ❖ **Brian Lenihan**, *Former Pearl River Resident*