



**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING MINUTES
December 13, 2022**

This meeting was opened at 7:07 pm. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:

Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny
Councilperson Brian Donohue

Also Present:

Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Bob Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Brendon Carton, IT Department
Donald Butterworth, Police Chief

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

RESOLUTION NO. 557

CONTINUATION OF PUBLIC HEARING FROM OCTOBER 25, 2022 / 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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Summary of Public Comments:

Ashley Ley, AKRF Environmental, Planning & Engineering Consultants, gave a quick overview of the different changes they made in response to the 10/25/22 public comments. She also recommended the public be closed tonight.

Barbara Delo, Blauvelt, is concerned about multi-family dwellings and gave her opinion regarding certain items in the Comp Plan.

Darin Van Houten, Orangeburg, people are leaving Orangetown because of the cost of living and there is nothing to do in Orangetown.

Wayne Gavioli, Orangeburg, objects to this public hearing being closed. Where are the environmental studies? He believes the Comp Plan is a slippery slope and he does not want Orangetown to become Ramapo.

Mike Mandel, member of the Planning Board & resident of Pearl River, speaking as a resident, asked to remove "motel" from the Comp Plan and to clarify affordable and workforce housing. Eileen Larkin, Palisades, spoke about the younger generation vs senior citizens. She believes there should be a concentration on senior affordable housing.

Andy Andrews, Blauvelt, and member of the Planning Board, did not see anything in the Comp Plan regarding affordable / entry housing for young adults. Also, suggested increase industry, promote tourism and history needs to be expanded.

RESOLUTION NO. 558

**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 continued to January 24, 2023 at 7:05 pm.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 559

OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Summary of Public Comments:

Mark Griffith, Pearl River Businessman, wants all the powerlines in Pearl River, buried or moved to the back of the buildings. This will give Central Avenue a much cleaner & nicer look.

Mike Mandel, Pearl River, asked if the Rockland Community Power Program is coming back?

Barbara Delo, Blauvelt, had more questions about the Comp Plan.

Eileen Larkin, Palisades, again spoke about an increased income limit for a Senior Citizens Tax Exemption. She requested the Town Board to contact the other Towns & Villages, in order for this legislation to move forward.

Darin Van Houten, owner of Van Houten Farms (VHF) & Rockland Cider Works (RCW), again requested a meeting with the Supervisor. Also, he has submitted a business plan and he commented that "No Parking" signs have been installed and his parking lot accommodates 100 cars.

Gerry Goggin, Orangeburg, gave an update on the RCW court cases; gave a history & finance history of RCW.

Summary of Public Comments – Continued

Elizabeth Van Houten, RCW & Van Houten Farm, gave a retort to Mr. Goggin's comments. She also said, VHF will not survive on its own and RCW helps the farm to survive. She asked, what else does the Town want from them.

RESOLUTION NO. 560
CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 561
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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 562
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.

RESOLUTION NO. 562 - Continued

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 563**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 564**AUTHORIZE AGREEMENT / 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,

RESOLUTION NO. 564 - Continued

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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 565**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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 566**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

RESOLUTION NO. 566 - Continued

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, DEME 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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 567**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.

RESOLUTION NO. 567 - Continued

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue.

Noes: None

RESOLUTION NO. 568

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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 569

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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 570

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**.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 571
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Denis Troy, Deputy Supervisor, Rob Magrino, Jeff Bencik, Chief Butterworth and Captains Shannon and Acheson.

RESOLVED, at 8:25 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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 572
RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at 9:55 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*; and **Brian Lenihan**, *Former Pearl River Resident*.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None



Rosanna Sfraga, Town Clerk

Town of Orangetown

DATE: December 13, 2022

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	113022	\$ 18,979.22
	121322	\$ 2,972,774.08
		\$ 2,991,753.30

The above listed claims are approved and ordered paid from the appropriations indicated.

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottiari

Councilman Paul Valentine

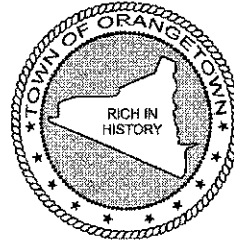
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 12/8/2022
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 12/13/2022 consists of 2 warrants for a total of \$2,991,753.30.

The first warrant had 29 vouchers for \$18,979 and was for utilities.

The second warrant had 152 vouchers for \$2,972,774 and had the following items of interest.

1. Atlantic Salt (p7) - \$33,153 for Highway salt purchases.
2. Crown Castle Fiber (p12) - \$8,513 for connectivity.
3. Fanshawe (p15) - \$73,815 for new town hall electrical (bonded).
4. Fleet, Pump & Service (p17) - \$6,123 for sewer pump repairs.
5. Foley Signs Inc. (p18) - \$5,635 for vets playground signage.
6. Global Montello (p21) - \$21,208 for fuel.
7. Goosetown Enterprises (p22) - \$32,990 for police equipment leases.
8. Gorman Brothers (p23) - \$339,595 for milling and paving.
9. Joe Lombardo Plumbing and Heating (p28) - \$18,657 for new town hall plumbing (bonded).
10. NYS Dept. of Civil Service (p31) - \$952,879 for H/C benefits.
11. Pearl River "A" Seniors Club (p34) - \$7,732 for trip reimbursements.
12. S & L Plumbing & Heating (p36) - \$15,200 for new town hall HVAC (bonded).
13. Tilcon NY (p47) - \$256,890 for milling and paving Erie, Highview streets (bonded).
14. Vanas Construction (p49) - \$1,087,820 for new town hall GC (bonded).
15. Verde Electric (p49) - \$5,075 for traffic signal maintenance contract.
16. W.W. Grainger (p53) - \$6,329 for Sewer supplies.

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204

