



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday January 10, 2023

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 _____

PRESENTATIONS / ANNOUNCEMENTS:

- ☛ **Pledge of Allegiance to the Flag of the United States of America**

- ☛ **Public Hearing to consider adopting the Orangetown Comprehensive Plan Update / January 24, 2023 at 7:05 P.M. (continued from December 13th meeting)**

- ☛ **2023 STATE OF THE TOWN SPEECH:**
 - ★ **Town of Orangetown Supervisor Teresa M. Kenny**

- ☛ **SUPERVISOR'S APPOINTMENTS:**
 - ★ **Jeffrey Bencik, Finance Director**
 - ★ **Denis Troy, Deputy Town Supervisor**
 - ★ **Carmel Reilly, Director of Economic Development and Tourism**
 - ★ **Allison Kardon, Confidential Assistant to Supervisor**
 - ★ **Mary Cardenas, Town Historian**

- ☛ **COMMENTS FROM THE TOWN BOARD:**

AGENDA ITEMS:

TOWN BOARD

1. OFFICIAL UNDERTAKING FOR ELECTED AND APPOINTED OFFICIALS

RESOLVED, that upon the recommendation of the Director of Finance, Jeffrey Bencik, to approve Official Undertaking to be filed in the Rockland County Clerk's Office for elected and appointed officials, officers and employees as the Town Board may require for the faithful performance of their duties and the prompt and proper account for paying over all money received by said employees in their official capacities.

2. 2023 / MARRIAGE OFFICERS

RESOLVED, that the following are designated as Marriage Officers effective January 1, 2023 - December 31, 2023, at no salary:

- Supervisor Teresa M. Kenny
- Councilman Thomas F. Diviny
- Councilman Paul Valentine
- Councilman Gerald Bottari
- Councilman Brian Donohue
- Town Clerk, Rosanna Sfraga

3. 2023 / OFFICIAL NEWSPAPER

RESOLVED, that the Town Board hereby designates the Journal News as the official newspaper of the Town pursuant to NYS Town Law Section 64 (11), and the Journal News and the Rockland County Times, for additional notices as the Board may determine necessary or advisable, on a case by case basis.

4. 2023 BANKING DEPOSITORIES

RESOLVED, that the following banks are designated as the banking depository for the Town of Orangetown:

- J. P. Morgan Chase
- Key Bank
- TD Bank
- Webster Bank
- Connect One
- NYClass
- Orange Bank & Trust Company

5. **2023 TOWN CLERK FOR COLLECTION OF TAXES / BANKING DEPOSITORIES**

RESOLVED, that the following banks are designated as the banking depository for the Town Clerk for Collection of Taxes:

- J. P. Morgan Chase
- Webster Bank

6. **AMEND RESOLUTION 2022-6 / REGISTRAR OF VITAL STATISTICS / ROSANNA SFRAGA / EFFECTIVE JANUARY 1, 2022 - DECEMBER 31, 2022**

WHEREAS, the minutes of the Town Board Meeting of January 4, 2022 report Resolution 2022-6 as having appointed Rosanna Sfraga as Registrar of Vital Statistics effective January 1, 2022 through December 31, 2023, and

WHEREAS, a review of the meeting finds that the Board actually voted for the appointment to be effective January 1, 2022 through December 31, 2022,

NOW THEREFORE BE IT RESOLVED, that the minutes of the Town Board Meeting of January 4, 2022 are hereby corrected, and to the extent required, Resolution 2022-6 is hereby considered to be amended to reflect that the effective date of the appointment of Rosanna Sfraga as Registrar of Vital Statistics on January 4, 2022 was for the period of January 1, 2022 through December 31, 2022.

7. **AMEND RESOLUTION 2022-7 / RECORDS MANAGEMENT OFFICER (RMO) / ROSANNA SFRAGA / EFFECTIVE JANUARY 1, 2022 - DECEMBER 31, 2022**

WHEREAS, the minutes of the Town Board Meeting of January 4, 2022 report Resolution 2022-7 as having appointed Rosanna Sfraga as Records Management Officer (RMO) effective January 1, 2022 through December 31, 2023, and

WHEREAS, a review of the meeting finds that the Board actually voted for the appointment to be effective January 1, 2022 through December 31, 2022,

NOW THEREFORE BE IT RESOLVED, that the minutes of the Town Board Meeting of January 4, 2022 are hereby corrected, and to the extent required, Resolution 2022-7 is hereby considered to be amended to reflect that the effective date of the appointment of Rosanna Sfraga as Records Management Officer (RMO) on January 4, 2022 was for the period of January 1, 2022 through December 31, 2022.

8. **AMEND RESOLUTION 2022-9 / DEPUTY REGISTRAR(S) OF VITAL STATISTICS / TERESA ACCETTA-PUGH AND RIMA DEL VECCHIO / EFFECTIVE JANUARY 1, 2022 - DECEMBER 31, 2022**

WHEREAS, the minutes of the Town Board Meeting of January 4, 2022 report Resolution 2022-9 as having appointed Teresa Accetta-Pugh and Rima Del Vecchio as Deputy Registrar(s) of Vital Statistics effective January 1, 2022 through December 31, 2023, and

WHEREAS, a review of the meeting finds that the Board actually voted for the appointments to be effective January 1, 2022 through December 31, 2022,

NOW THEREFORE BE IT RESOLVED, that the minutes of the Town Board Meeting of January 4, 2022 are hereby corrected, and to the extent required, Resolution 2022-9 is hereby considered to be amended to reflect that the effective date of the appointments of Teresa Accetta-Pugh and Rima Del Vecchio as Deputy Registrar(s) of Vital Statistics on January 4, 2022 was for the period of January 1, 2022 through December 31, 2022.

9. **AMEND RESOLUTION 2022-10 / FIRST DEPUTY TOWN CLERK / COLLECTOR / JOSEPH THOMASSEN / EFFECTIVE JANUARY 1, 2022 - DECEMBER 31, 2022**

WHEREAS, the minutes of the Town Board Meeting of January 4, 2022 report Resolution 2022-10 as having appointed Joseph Thomassen as First Deputy Town Clerk/Collector effective January 1, 2022 through December 31, 2023, and

WHEREAS, a review of the meeting finds that the Board actually voted for the appointment to be effective January 1, 2022 through December 31, 2022,

NOW THEREFORE BE IT RESOLVED, that the minutes of the Town Board Meeting of January 4, 2022 are hereby corrected, and to the extent required, Resolution 2022-10 is hereby considered to be amended to reflect that the effective date of the appointment Joseph Thomassen as First Deputy Town Clerk/Collector on January 4, 2022 was for the period of January 1, 2022 through December 31, 2022.

10. **REAPPOINT / REGISTRAR OF VITAL STATISTICS / ROSANNA SFRAGA / EFFECTIVE JANUARY 1, 2023 - DECEMBER 31, 2023**

RESOLVED, that Rosanna Sfraga, Town Clerk, is hereby reappointed Registrar of Vital Statistics, effective January 1, 2023 through December 31, 2023.

11. **REAPPOINT / RECORDS MANAGEMENT OFFICER (RMO) / ROSANNA SFRAGA / EFFECTIVE JANUARY 1, 2023 - DECEMBER 31, 2023**

RESOLVED, that Rosanna Sfraga, Town Clerk, is hereby reappointed Records Management Officer (RMO), effective January 1, 2023 through December 31, 2023.

12. **REAPPOINT / RECORDS ACCESS OFFICER (RAO) / DEPARTMENT HEADS / EFFECTIVE JANUARY 1, 2023 - DECEMBER 31, 2023**

RESOLVED, that the Town Board reappoints each Department Head as Records Access Officer (RAO) for their Department records, effective January 1, 2023 through December 31, 2023.

13. ****PLACEHOLDER****

14. **REAPPOINT / 1ST DEPUTY TOWN CLERK / COLLECTOR / JOSEPH THOMASSEN / EFFECTIVE JANUARY 1, 2023 - DECEMBER 31, 2023**

RESOLVED, that the Town Board hereby recognizes and reaffirms the reappointment of Joseph Thomassen by the Town Clerk to the position of First Deputy Town Clerk / Collector, effective January 1, 2023 through December 31, 2023.

15. **INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES**

RESOLVED, that the provisions of Section 18 of the Public Officers' Law concerning defense and indemnification shall apply to the officers and employees of the Town of Orangetown who are named defendants in any action arising out of the proper performance of duties to the fullest extent permissible by law, including, but not limited to, punitive damages, and the benefits of Section 18 shall extend to all such employees, and

BE IT FURTHER RESOLVED, that all necessary and reasonable costs for providing this benefit shall be a proper Town charge.

16. **AUTHORIZE TOWN ATTORNEY TO INSTITUTE AND DEFEND ACTIONS**

RESOLVED, that for the year 2023, the Town Board hereby authorizes the Town Attorney to take all necessary steps to institute actions on behalf of or defend any proceedings brought against the Town of Orangetown, its agencies and employees, and

BE IT FURTHER RESOLVED, that this Resolution is hereby made retroactive to January 1, 2023.

17. **TOWN OF ORANGETOWN PROCUREMENT POLICY 2023**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML Section 103 or any other law; and

WHEREAS, the Town Board having previously adopted a procurement policy pursuant to Town Board Resolution #4 of 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt the procurement policy annexed to this Resolution and identified as the 2023 Orangetown Procurement Policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

18. **TOWN OF ORANGETOWN / TRAVEL AND CONFERENCE POLICY 2023**

WHEREAS, the Town Board has determined that it is in the best interests of the Town to adopt a "Travel and Conference Policy" which will establish guidelines for the

reimbursement of town business related travel and out-of-town travel expenses by officers and employees; and

WHEREAS, the Town Board having previously adopted a Travel and Conference Policy pursuant to Town Board Resolution 15 of 2022,

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt the Travel and Conference Policy as annexed hereto.

19. **AUTHORIZING RETENTION OF ACKERLY & HUBBEL APPRAISAL CORP. FOR APPRAISAL SERVICES**

RESOLVED, the Town Board hereby approves the retention of Ackerly & Hubbell Appraisal Corp. to conduct a fair market value appraisal of certain real property the Town is considering purchasing for public use, at a cost of \$4,900.00, pursuant to a written proposal dated January 6, 2023, incorporated herein by reference.

TOWN BOARD / IT

20. **ACCEPT / GRANT AWARD / NEW YORK STATE DHSES / FY2022 CYBER SECURITY GRANT PROGRAM**

WHEREAS, the Town of Orangetown has been awarded a grant by the New York State Department of Homeland Security and Emergency Services (DHSES), for the purposes of enhancing and sustaining the Town of Orangetown's cyber security posture through equipment, training and planning projects,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Grant from the NYS DHSES in the amount of \$50,000.00, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute any and all documents necessary to accept and administer the grant in accordance with the FY2022 Cyber Security Grant Program, subject to review and approval of the Town Attorney's Office.

TOWN ATTORNEY

21. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. 53 BURD REALTY LLC V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (66.38-3-3)**

RESOLVED, upon the recommendation of the Tax Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding re. 53 Burd Realty LLC v. The Assessor of the Town of Orangetown, the Board of Review of the Town of Orangetown and the Town of Orangetown, and Nyack Union Free School District, for property commonly known as 53 Burd Street in the Village of Nyack (Tax Map Designation 66.38-3-3), for the tax assessment years 2020 and 2021, for a total refund by the Town of \$830.00, a total refund by the School District of \$3,105.00, and a total refund by the County of

\$325.00. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

HIGHWAY

22. **AUTHORIZING SUBMISSION OF AN APPLICATION TO APPLY FOR A NYS DEPARTMENT OF TRANSPORTATION (NYSDOT) 2022 BRIDGE NY GRANT / DEFINING THIS ACTIVITY AS SEQRA TYPE II ACTION**

WHEREAS the Town of Orangetown has determined it desirable and in the public interest to submit an application to NYSDOT for funding consideration to replace a deteriorating multi-culvert system on Margaret Keahon Drive over Muddy Brook with a simple-span bridge.

WHEREAS the Town of Orangetown has committed to maintaining its roadway infrastructure to ensure the safety of its community.

WHEREAS the Project shall be titled "Town of Orangetown Culvert to Bridge Project" and include a grant narrative, work plan and schedule, and other supporting documents necessary for submission of the application; and

WHEREAS the transitioning from the multi-culvert roadway to a span bridge and recoding of its physical attributes is an operational activity, which does not provide for potential alteration of the environment because it involves replacing existing infrastructure;

WHEREAS the amount of funding being requested under this program shall not exceed the maximum request of \$5,000,000 grant allowance for individual municipalities, such funding which is intended to perform requisite culvert replacement; and

WHEREAS the 2022 BRIDGE NY Grant Program requires a minimum 5 percent (5%) local match totaling up to \$250,000 of the \$5,000,000 cap; and

WHEREAS the Town of Orangetown Town Board is hereby committed to a cash match of up to \$250,000 should the maximum for the bridge be reached.

THEREFORE, BE IT RESOLVED the Town of Orangetown defines the proposed culvert replacement by a bridge on Margaret Keahon Drive undertaking as a Type II action according 6 NYCRR Part 617, State Environmental Quality Review standards, 617.5(c) (2), and other parts, because the undertaking involves replacement, rehabilitation or reconstruction of a structure on the same site, thus requiring no further environmental review; and

BE IT FURTHER RESOLVED the Town of Orangetown is hereby committed to using municipal funds to provide a local 5% match of the total project cost; and

BE IT FURTHER RESOLVED that the Town Board authorizes and directs the Town Supervisor to submit an application on behalf of the Town of Orangetown for a culvert to bridge conversion under the 2022 BRIDGE NY Grant Program, and is authorized to

execute all other documents necessary for the implementation of this work, and is authorized to execute all financial and/or administrative processes relating to the grant program.

TOWN CLERK

23. ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

RESOLVED that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board Meeting minutes: November 15, 2022 & December 13, 2022 Police Commission Meeting; November 15 & 29, 2022 and December 13, 2022, Regular Town Board Meeting; and November 3, 2022 Special Town Board Meeting.

Agreement & Contracts:

2. Wilson Elser – retainer agreement (Collection of Overdue Non-Resident Fees)
3. EV Connect Sourcewell, Depot Square, Renewal 12/1/2022 – 11/30/2027
4. Solar Simplified, LLC, (Solar Farms) 12/14/2022 – 12/14/2023
5. Custom Gardens Contract for the Shade Tree Planting Program

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 six (6) warrants (attached) for a total of **\$2,639,043.79**.

ADJOURNMENTS

25. ADJOURNED / MEMORY

RESOLVED, at ____ pm, the Town Board adjourned in memory of:

- ❖ **John Bertussi**, *Resident of Pearl River*
- ❖ **Stephen Darby**, *Resident of Pearl River*
- ❖ **Warren Majewski**, *Father of Orangetown Fire Inspector David Majewski*
- ❖ **Robert "Smitty" Smith**, *Resident of Pearl River and Retired Orangetown Police Officer*