



## TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday February 07, 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	_____

### ☼ Pledge of Allegiance to the Flag

### ANNOUNCEMENTS:

- ◆ The following Public Hearings are scheduled for February 21, 2023 starting at 7:05 pm:
  - Proposed Local Law to Amend Town Code Chapter 34, Taxation / Senior Citizen Real Property Tax Exemption and Partial Exemption for Disabled Persons with Limited Income
  - Proposed Local Law to Amend Town Code Chapter 34, Taxation / Volunteers Real Property Tax Exemption
  - Proposed Acquisition of a Permanent Property Interest / HNA Training Center / 334 Route 9W, Orangetown
- ◆ The following Public Hearings are scheduled for March 7, 2023 starting at 7:05 pm:
  - Request for Demapping of Second Street, Pearl River
  - Consider Adopting the Orangetown Comprehensive Plan

### PRESENTATIONS:

- ◆ Black History Month / February 2023
  - ★ Honoring Dr. Dana Stilley

### 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. **SCHEDULE PUBLIC HEARING REGARDING CONSIDERATION OF ADOPTION OF LOCAL LAW TO ESTABLISH A NEW CHAPTER 16 OF THE CODE OF THE TOWN OF ORANGETOWN TO BE ENTITLED “FOOD TRUCKS.” / MARCH 21, 2023 AT 7:05 PM**

**RESOLVED** that a Public Hearing is scheduled by the Town Board for March 21, 2023, 7:05 PM, to consider the adoption of a Local Law to establish a new Chapter 16 of the Code of the Town of Orangetown to be entitled “Food Trucks.”

4. **AUTHORIZE / COST OF FIRE HYDRANTS TO TOWN OF ORANGETOWN / ORANGEBURG WATER DISTRICT**

**WHEREAS**, fire hydrants located within the Orangeburg Fire District, which district is co-terminus with the Orangeburg Water District, had previously been the responsibility of the Orangeburg Fire District, and properties located within such district being assessed by the Town Assessor as part of the Orangeburg Fire District, and thus part of the Orangeburg Fire District annual budget to pay for the costs of such hydrants, and

**WHEREAS**, the Orangeburg Fire District has requested that the Town take over responsibility for the cost of the fire hydrants in this district, and include this assessment as part of its assessment of properties located in this district, which responsibility the Town already performs in the other unincorporated areas of the Town, and which is considered a “transfer of function” for budgeting and tax cap purposes, and

**WHEREAS**, the Tax Assessor is authorized to assess the properties located within the Orangeburg Water District for such service, under New York Town Law §239, and the Town may include such cost as part of its annual budget as the Town already does with respect to hydrants in the other unincorporated areas of the Town;

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes and acknowledges that the Town of Orangetown will hereby undertake responsibility for the costs of fire hydrants in the Orangeburg Water District, in place of the Orangeburg Fire District as a transfer of function, and has and shall continue to include same in its annual budget costs, and the Town Tax Assessor is authorized to assess the appropriate properties within the Orangeburg Water District for the costs associated with such hydrants, as part of the Town budgeting process, effective, nunc pro tunc, as of January 1, 2023.

## TOWN ATTORNEY

### 5. APPROVE CARETAKER AGREEMENT 2023 / HENRY V. BORST PARK / INCREASE

**RESOLVED**, that the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with an INCREASE for a new fee of ONE THOUSAND THREE HUNDRED AND 00/100 (\$1,300.00) DOLLARS per month, for a term from January 1, 2023 through December 31, 2023, between the Town and BRIAN EDWARDS is hereby approved and the Supervisor is hereby authorized to sign same.

### 6. APPROVE CARETAKER AGREEMENT 2023/ NIKE PARK / INCREASE

**RESOLVED**, that the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with an increase, for a fee of ONE THOUSAND TWO HUNDRED SIXTY AND 00/100 (\$1,265.00) per month for a term from January 1, 2023 through December 31, 2023, between the Town and LOUIS CAPUTO is hereby approved and the Supervisor is hereby authorized to sign same.

### 7. APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATIONS

**RESOLVED**, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2023 Sewer Work is approved to:

- Innovative Excavating Ltd., 15 Conklin Drive, Stony Point, NY 10980
- Travcon, Inc., 375 Kings Highway, Valley Cottage, NY 10989
- Treestone Builders Group, 110 W. Crooked Hill Road, Pearl River, NY 10965
- Scaffidi Paving & Excavating, Inc., 34 North Route 9W, W Haverstraw, NY 10993

### 8. ACCEPT DEDICATION / PUBLIC IMPROVEMENTS / VIRGINIA HOMES SUBDIVISION / TAX LOT SECTION 77.08-BLOCK 5-LOTS 33.2 & 36 / SPARKILL, NY

**RESOLVED**, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, accept for dedication as public improvements the following items as part of the Virginia Homes Subdivision, Sparkill, New York:

- 1) Road Widening Deed,
- 2) Drainage Easement, and
- 3) Covenant, Conservation Easement and Indemnification Agreement,

And authorize the Town Supervisor or her designee to execute all transfer documents necessary to effectuate the acceptance of these public improvements, have same recorded with the Rockland County Clerk at the applicant's expense, and returned for filing with the Town Clerk

9. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. WOON YOUNG ROU V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (TAX LOT #71.09-1-35)**

**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. *Woon Young Rou v. Town of Orangetown, and Nyack Union Free School District*, for property commonly known as 6 Treeline Terrace, Upper Grandview (Tax Map Designation 71.09-1-35), for the tax assessment years 2020 and 2021, for a total refund by the Town of \$3,780.00, a total refund by the School District of \$11,642.00, and a total refund by the County of \$1,601.00. 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.

10. **APPOINT STEFANIE SCHERA KOCOVIC / DEPUTY TOWN ATTORNEY / EFFECTIVE FEBRUARY 17, 2023**

**RESOLVED**, that the Town Board hereby appoints Stefanie Schera Kocovic as a part-time Deputy Town Attorney, at a salary of \$55,000.00 per year, effective February 17, 2023, to serve at the pleasure of the Town Board.

11. **SETTLE LAWSUIT VJC CORP. d/b/a Strawberry Place and SPERANZA TROVATA, LTD. v. TOWN OF ORANGETOWN, et al.**

**WHEREAS**, on or about June 21, 2020, Plaintiffs sustained flooding and property damage that occurred from the shifting of Plaintiff's lateral sewer pipe alleged to have been caused by prior municipal repair or maintenance work performed by Defendants on or surrounding the Town sewer line; and

**WHEREAS**, the Town has received and been served with a Notice of Claim and a subsequent Summons and Complaint, Rockland Index No. 035393/2021 for damages, and

**WHEREAS**, without any admission of fault and in an effort to resolve this matter without further litigation and costs, the Town has agreed to pay the amount of FOUR THOUSAND DOLLARS and 0/100 (\$4,000.00) as full and final settlement of the damages asserted in the Complaint as against the Town,

**NOW THEREFORE BE IT RESOLVED**, that the above lawsuit shall be settled and paid by the Town in the full and final amount of FOUR THOUSAND DOLLARS and 0/100(\$4,000.00) subject to applicable conditions and releases, 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

### 12. APPROVE / 2023 HIGHWAY DEPARTMENT OPEN HOUSE / SATURDAY, MAY 20, 2023

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 27th Annual Open House on Saturday, May 20, 2023, from 10 am to 12 pm, to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

### 13. APPROVE / HIGHWAY DEPARTMENT TO HOST 2023 AMERICAN PUBLIC WORKS ASSOCIATION ANNUAL EQUIPMENT SHOW

**RESOLVED**, that the Highway Department is hereby authorized to host the 2023 American Public Works Association Annual Equipment Show on Wednesday, May 24, 2023, from 10:00 a.m. to 3:00 p.m. at the Highway Department Facility.

## DEME

### 14. APPROVE / SURPLUS EQUIPMENT AND VEHICLES / D.E.M.E.

**RESOLVED**, upon the recommendation of the Commissioner of D.E.M.E., the Town Board hereby declares the following vehicles and equipment surplus available for auction or surplus for scrap.

1. 2008 Chevrolet Express 1500. VIN: 1GCFH154281232108
2. Simplex Auxiliary 500 Load Bank, SN: 26416. Model: Auxiliary 500E
3. Cable reel out of Aries sewer camera truck. Approx. 1000-ft. of cable
4. Bishman "Sav-T-Lift" automotive air jack. Model 415
5. South Bend Quick Change Gear lathe
6. Snap-On fuel transfer tank caddy, SN: 66407
7. Snap-On ACT 3340 recycling/recharging refrigerant system. Refrigerant: 13 A95090224
8. Pallet of tire cable/chain. Mfg: Radial Chain by SCC. SN: SC1038
9. Thermal Dynamics Thermal ARC PAK10XR Plasma Cutting System. SN: T82662A183501C  
Phase: 3
10. Miller Zip Cut DC Plasma Cutting System. SN: JE806274
11. Miller Millermatic WC-3 Weld Control. SN: JH252881. Includes Miller Spoolm gun
12. Miller Millermatic 35 welder. SN: HH053072
13. Water tanks from a Bobcat skid-steer
14. Aries TR3400 Pathfinder XL Transporter
15. Wheel kits for Aries TR3400 Pathfinder XL Transporter.
16. Caterpillar 499A Forklift. Type G. Machine capacity: 4,000 lb. SN: 39Y01364

## AUDIT

### 15. 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 seven (7) warrants (attached) for a total of **\$2,040,589.80**.

## **EXECUTIVE SESSION**

### **16. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss employment matters.

## **ADJOURNMENTS**

### **17. RE-ENTER RTBM / ADJOURNED / MEMORY**

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

- ❖ **Eileen Emsworth**, *Resident of Pearl River*
- ❖ **Brian Smith**, *Resident of Park Ridge, NJ*