

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING MINUTES
February 07, 2023**

This meeting was opened at 7:01 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:

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
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Donald Butterworth, Police Chief
James Acheson, Police Captain
Michael Shannon, Police Captain

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

The following Public Hearings are scheduled for February 21, 2023 starting at 7:05 pm:

- i. **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**
- ii. **Proposed Local Law to Amend Town Code Chapter 34, Taxation / Volunteers Real Property Tax Exemption**
- iii. **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

**RESOLUTION NO. 95
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:

Gerry Goggin & Susan McWhinney, Orangeburg, argued that Rockland Cider Works (RCW) is not a farm cidery and it does not belong in its current location. They would like to see Van Houten's farm and the horse stable to stay.

Dr. Stuart Rasch, Orangeburg, is concerned about the health and welfare of the community around RCW. It's still not complying with any regulations and codes.

Barbara Delo, Blauvelt, spoke about how the Comprehensive Plan is unacceptable.

Eileen Larkin, Palisades, spoke about the electric cars and their batteries. She explained, the child labor that is involved to gather the materials to build things that come from China.

Mike Mandel, Pearl River, asked for an explanation of the new Community Solar Program and the Community Choice Program.

**RESOLUTION NO. 96
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

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. 97
SCHEDULE PUBLIC HEARING / ADOPTION OF LOCAL LAW / 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."

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. 98
AUTHORIZE / COST OF FIRE HYDRANTS TO TOWN OF ORANGETOWN
ORANGETOWN 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

RESOLUTION NO. 98 - Continued

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.

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. 99

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.

Councilperson Brian Donohue 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. 100

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.

RESOLUTION NO. 100 - Continued

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. 101

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:

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

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. 102

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

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:

- a) Road Widening Deed,
- b) Drainage Easement, and
- c) Covenant, Conservation Easement and Indemnification Agreement

RESOLVED FURTHER, the Town Supervisor or her designee is hereby authorized 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

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. 103**APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN DOCUMENTS / TAX CERTIORARI SETTLEMENT / 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.

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. 104**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.

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. 105**SETTLE LAWSUIT VJC CORP. d/b/a Strawberry Place and SPERANZA TROVATA, LTD. v. TOWN OF ORANGETOWN, et al. / ROCKLAND INDEX NO. 035393/2021**

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.

RESOLUTION NO. 105 - Continued

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. 106**APPROVE / 2023 HIGHWAY DEPARTMENT OPEN HOUSE / SATURDAY, MAY 20th**

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.

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. 107**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.

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

RESOLUTION NO. 108**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.

RESOLUTION NO. 108 – Continued

- 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

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. 109

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**.

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. 110

ENTER EXECUTIVE SESSION

In attendance, at this Executive Session were Supervisor Kenny, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Rob Magrino, and Jeff Bencik.

RESOLVED, at 7:42 pm, the Town Board entered Executive Session to discuss matters of employment.

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

RESOLUTION NO. 111

RE-ENTER RTBM / ADJOURNED / MEMORY

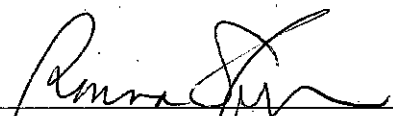
RESOLVED, at 8:45 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Eileen Emsworth, Resident of Pearl River** and **Brian Smith, Resident of Park Ridge, NJ**.

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



Rosanna Sfraga, Town Clerk

Town of Orangetown

DATE: January 24, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	122822	\$ 88,928.86
	012023	\$ 22,357.47
	122422	\$ 15,094.54
	122522	\$ 400,126.20
	020123	\$ 5,000.00
	020323	\$ 16,815.45
	020723	\$ 1,492,267.28
		\$ 2,040,589.80

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

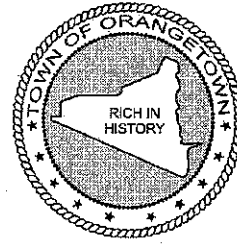
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kennedy

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 2/2/2023
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 2/7/2023 consists of 7 warrants for a total of \$2,040,589.80.

The first warrant had 3 vouchers for \$88,928 and had the following items of interest (2022 items).

1. Commissioner of Finance (p1) - \$72,527 for tax certiorari cases.

The second warrant had 27 vouchers for \$22,357 and was for utilities (2023 items).

The third warrant had 1 voucher for \$15,094 and was for worker's comp board (2022 items).

The fourth warrant had 37 vouchers for \$400,126 and had the following items of interest (2022 items).

2. Apecco (p2) - \$7,529 for oil tank installation.

3. Applied Golf (p2) - \$77,529 for Blue Hill GC contract (5% incentive payout).

4. Applied Golf (p3) - \$47,103 for Broadacres GC contract (5% incentive payout).

5. Calgi Construction (p4) - \$73,212 for construction manager for new town hall.

6. Global Montello (p7) - \$27,223 for fuel.

7. NAC van & truck (p9) - \$10,984 for sewer vehicle modifications.

8. Verde Electric (p12) - \$125,755 traffic signal replacement (bonded).

The fifth warrant had 1 voucher for \$5,000 and was for appraisal at HNA.

The sixth warrant had 6 vouchers for \$16,815 and was for 207c payments.

The eighth warrant had 103 vouchers for \$1,492,267 and had the following items of interest (2023 items).

9. Applied Golf (p4) - \$144,298 for Blue Hill GC contract.

10. Applied Golf (p4) - \$57,468 for Broadacres GC contract.

11. Biosafe Systems (p6) - \$10,848 for sewer chemicals.

12. Capasso & Sons (p8) - \$84,679 for recycling.
13. County of Rockland (p11) - \$309,600 for Pilot (pass-through).
14. CSEA Employee benefit fund (p11) - \$33,380 for dental benefits.
15. Fanshawe (p13) - \$96,425 for new town hall electrical (bonded).
16. General Code (p16) - \$24,298 for laserfiche software.
17. Global Montello (p16) - \$18,439 for fuel.
18. Joe Lombardo Plumbing & Heating (p20) - \$194,995 for new town hall plumbing (bonded).
19. Met Life (p23) - \$14,193 for Police dental benefits.
20. Vanas Construction (p36) - \$429,382 for General Contracting on new town hall (bonded).

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204