

**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
April 11, 2023**

This meeting was opened at 7:15 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
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Brendon Carton, IT Department
Donald Butterworth, Police Chief
James Acheson, Police Captain
Michael Shannon, Police Captain

Pledge of Allegiance to the Flag.

ANNOUNCEMENTS:

- **Planning Board Notice / WPT-Mountainview warehouse project that was scheduled for the April 12th Planning Board meeting has been postponed at the request of the applicant. No future date has been assigned.**
- **2023 MILITARY TRIBUTE BANNER PROGRAM / Please email: supervisor@orangetown.com for more details / The deadline to order or renew your banner will be Friday, April 14, 2023.**
- **ORANGETOWN SHREDDING EVENT - Saturday, April 15, 2023 / 8:00 a.m. - 11:30 a.m. Hosted by Orangetown Town Clerk, Rosanna Sfraga, Rockland Green and People to People.**
- **April 22, 2023 Saturday / Earth Day Celebration at STAC / 12 pm – 6 pm**
- **Public Hearing on the PROPOSED ACQUISITION OF A PERMANENT PROPERTY INTEREST / HNA TRAINING CENTER / April 25, 2023**

PRESENTATIONS:**Proclamation for 2023 National Poetry Month Honoring our Town Poet Laureate, Rose Marie Raccioppi***We Question ~ WHAT BE*

*what be the purpose of words to share
 but to know of one's heart expressing care
 what be the purpose of banner and praise
 but to bring celebration to our gift of days
 what be the purpose to guide and teach
 but to know that beauty and truth are within our reach
 what be the purpose to know of time, space and measure
 but to account for life's perceived treasure
 what be the purpose to know of vistas so very far
 but to know that we too hold the light of a star
 what be the purpose to know of history and time's story
 but to understand the ever present quest for power and glory
 what be the purpose of drama and stage
 but to act out the calling of soul, time and age
 what be the purpose of music, dance and a song to sing
 but to know the pulsing our hearts do bring
 what be the purpose to draw, paint, sculpt, to hold a vision divine
 but to revere and mark in splendor a life yours, a life mine
 what be the purpose of holding accord of word and deed
 but to live the honor of our days as a blessed creed.*

***Rose Marie Raccioppi, Poet Laureate
 Orangetown, New York***

DISCUSSION:**WORKSHOP OF AGENDA ITEMS****RESOLUTION NO. 204**

**RESUME PUBLIC HEARING / RTBM of APRIL 11, 2023 at 7:05 P.M. / ACCEPT
 DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN
 COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Adoption of the Orangetown Comprehensive Plan is hereby resumed.

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 (PH):

Larry Vale, Tappan, claims the Draft Comprehensive Plan is not perfect but it can work. He would like to see the Town Board adopt this plan tonight.

Michael Andrea, Blauvelt, thanked the Board and committee members for their hard work on this plan. He is in support of adopting it as it is now.

Jeff Hirsch, S. Nyack (former Trustee) thanked the Town for their help with the dissolution of the Village of S. Nyack, continuing efforts to the hamlet and residents and the ex-village's landscape inclusion into this Comprehensive Plan. He is in favor of adopting it as it stands.

Andrew Goodwillie, S. Nyack, supports this Comp Plan. It's a good start from an environmental standpoint but it is needed.

Summary of Public Comments (PH): - Continued

Wayne Gavioli, Orangeburg, congratulated the Board for the work done but its still not there yet and it needs more work. Nobody wants high-density affordable housing, congestion and drainage problems.

RESOLUTION NO. 205
CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN
CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN

RESOLVED, that the Public Hearing regarding the Adoption of the Orangetown Comprehensive Plan is hereby continued to May 23, 2023, 7:10 pm.

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. 206
OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

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

Summary of Public Comments:

Jocelyn & Jacquelyn DeCrescinzo, Valley Cottage, and Gerry Goggin, Orangeburg, thanked the Town Board for the Resolution opposing the discharge of contaminated water from Indian Point into the Hudson River and urging the NYS Legislature to support S.5181 and A.5338 amending the Environmental Conservation Law in relation to the discharge of any radiological agent into the waters of the State.

Gerry Goggin, Orangeburg, RCW has been shut-down by the courts and they have submitted the papers to file an appeal. The farm-stand, stables and nursery are open and he hopes it stays this way for a long time.

Denis Troy, Pearl River, a Town Councilmember for the past 22 years and was part of the 2003 Comprehensive Plan. According to the last two censuses, the population of Orangetown has not changed. The current Town Board is better than the previous Town Boards in terms of representing the needs, will, thoughts and protection of the residents of Orangetown.

RESOLUTION NO. 207
CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

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. 208

ACCEPT / FUND OVERAGE / THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) / \$50,000 GRANT / CLEAN ENERGY COMMUNITY ACTION GRANT / ELECTRIC VEHICLE

WHEREAS, the Town of Orangetown recently adopted the NYStretch Energy Code under the New York State Energy Research and Development Authority's (NYSERDA) Clean Energy Communities program and became eligible for a \$50,000 Action Grant; and

WHEREAS, to demonstrate the Town's commitment to lowering greenhouse gas emissions, the Town of Orangetown applied for and received a \$50,000 grant for an electric vehicle on June 14, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby agrees to accept the NYSEDA grant in the amount of \$50,000 for the purposes of purchasing an electric vehicle according to the Town's procurement policy; and

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in costs for the electric vehicle, not to exceed \$9,000; and

BE IT FURTHER RESOLVED, the Town Board authorizes and directs the Supervisor or her designee to execute any and all documents necessary for the financial and administrative processes of the grant program.

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. 209

OPPOSING THE DISCHARGE OF CONTAMINATED WATER FROM INDIAN POINT INTO THE HUDSON RIVER AND URGING THE NYS LEGISLATURE TO SUPPORT S.5181 AND A.5338 AMENDING THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE DISCHARGE OF ANY RADIOLOGICAL AGENT INTO THE WATERS OF THE STATE

WHEREAS, the company decommissioning the Indian Point nuclear power plant has announced its intention to release water from onsite radioactive fuel waste pools into the Hudson River; and

WHEREAS, to date there has been no specific reporting of the radionuclide contents of this water which is heavily contaminated from the storage of the nuclear fuel waste; and

WHEREAS, pre-release filtration to remove these isotopes has been presented as a solution to reduce the content of these carcinogenic contaminants to a level "as low as reasonably achievable;" and

WHEREAS, the National Academy of Science has indicated that there is no verifiable safe level of these isotopes when they are ingested or inhale and such pre-release treatment would not remove tritium, also carcinogenic, from the water; and

WHEREAS, any contaminants in the Hudson present the risk of entering the food chain; and

WHEREAS, there are community members who depend on fish from the river as a food source, and in addition, there are seven communities upriver who source their drinking water from the Hudson; and

RESOLUTION NO. 209 - Continued

WHEREAS, since the river is an estuary that flows from south to north as well as from north to south, this fact must be considered; and

WHEREAS, the river also serves as a source of recreational activities and represents an economic resource that will be endangered by this reckless action; and

WHEREAS, New York Senate bill S.5181 and New York State Assembly bill A.5338 have been introduced, an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the waters of the State; and

NOW THEREFORE, BE IT RESOLVED, that the Orangetown Town Board hereby strongly opposes the plan to release over a million gallons of contaminated water from the Indian Point Nuclear Power Plant site into the Hudson River; and

BE IT FURTHER RESOLVED, that the Orangetown Town Board hereby urges the New York State Senate to pass S.5181 and the New York State Assembly to pass A.5338 - an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the waters of the State and urges the governor to sign such legislation; and

BE IT FURTHER RESOLVED, that the Clerk to the Town Board is hereby authorized and directed to send a certified copy of this resolution to the Hon. Kathy Hochul, Governor of the State of New York; Hon. Bill Weber, New York State Senator; Hon. John W. McGowan, Member of the New York State Assembly; the President Pro Tempore of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the New York State Public Service Commission, the New York State Department of Environmental Conservation, the Indian Point Decommissioning Oversight Board; and to such other persons as the Clerk in her discretion may deem proper in order to effectuate the purpose of this resolution.

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

RESOLUTION NO. 210**ACCEPT PETITION/REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW, 175 E WASHINGTON AVE / PEARL RIVER**

WHEREAS, the owner of premises located at 175 E. Washington Avenue, Pearl River, New York, (Tax Map 68.16/5/56) being located in the "CC" (Retail-Commerce District) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of "R-G" (General Residence District), a zoning district that directly abuts the property; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because property currently abuts an RG zone, the property is currently used, and likely has always been used as a single family residence, and the proposed use as a single family residence, would be an appropriate use on the site; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board's request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations:

RESOLUTION NO. 210 - Continued

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:
 - a. Orangetown Planning Board;
 - b. Rockland County Department of Planning;
 - c. Rockland County Highway Department

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- 1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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. 211
SET PUBLIC HEARING ON PROPOSED ZONE CHANGE FOR 175 EAST
WASHINGTON AVENUE PEARL RIVER / MAY 23, 2023**

RESOLVED that the Town Board will hold a public hearing on May 23, 2023 at 7:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 175 East Washington Avenue, in the hamlet of Pearl River (Tax Lot 68.16/5/56) from “CC” to “RG”.

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. 212
RELEASE OF PERFORMANCE BOND / BERGSON SUBDIVISION**

WHEREAS, the developer of the Bergson Subdivision was required and did in fact post a performance bond in the amount of \$102,906.00 for the completion of certain public improvements related to the subdivision; and

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

RESOLUTION NO. 212 - Continued

voted pursuant to PB#23-09 to recommend to the Town Board that the above referenced Performance Bond be released; and

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEMA and the Town Attorney's Office, the Board hereby authorizes the release of the Bergson Subdivision Performance Bond in the sum of \$102,906.00.

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. 213**APPROVE TOWN PARTICIPATION IN NATIONAL OPIOID SETTLEMENT WITH TEVA, ALERGAN, CVS, WALGREEN AND WALMART**

WHEREAS, the Town of Orangetown has sustained financial damages directly arising out of the fraudulent and negligent manufacture and distribution of opioids, including, but not limited to, increased insurance and other workplace costs; and

WHEREAS, in connection with the aforesaid, the Town, among other municipalities, retained the Tate Law Group, of Savannah, Georgia ("Tate"), on a contingency fee basis, to represent its interests in nationwide litigation against the major pharmaceutical and other companies principally responsible for the manufacture and distribution of opioid products over the last decade; and

WHEREAS, the Town has been notified by Tate and the National Opioid Settlements Implementation Administrator of a settlement reached between the State of New York and other participant states, as claimants, and Teva, Allergan, CVS, Walgreens and Walmart, as responsible parties and Settling Defendants, pursuant to which the Settling Defendants will pay, over a period of years, approximately \$20 billion (inclusive of attorneys' fees and costs), of which \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis; and

WHEREAS, the Town is entitled to participate in the settlement on an "opt in" basis; and

WHEREAS, Tate, as the Village's special outside counsel, has recommended that the Town opt in to the settlement,

NOW, THEREFORE, BASED ON THE AFORESAID, BE IT RESOLVED, that the Town Board hereby approves the Town's participation in the states' settlement of all opioid litigation against the Settling Defendants; and

BE IT FURTHER RESOLVED, that the Supervisor or her designated agent, shall be authorized to execute the required "opt in" documents delivered by the National Opioid Settlements Implementation Administrator, and to take such other and further actions as may be necessary to effectuate the Town's participation in the settlement.

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. 214
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:

SDM Industries, 21 South Park Terrace, Congers, NY 10920

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. 215
APPROVE / FLEXIBLE WORK SCHEDULE / BUILDING MAINTENANCE
MECHANIC AND PARKS MAINTENANCE STAFF / APRIL 24, 2023 - OCTOBER 8,
2023**

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, approve change in the basic workweek for the Building Maintenance Mechanic and Parks Maintenance Staff from Monday through Friday from 6:30 a.m. to 3 p.m. to a four day work week from 6:30 a.m. – 4:30 p.m. This flexible work schedule shall be in place from April 24, 2023 through October 8, 2023. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible work hour schedules.

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. 216
AWARD BID / ATHLETIC COURT REPAIRS / SPORT-TECH CONSTRUCTION**

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Repairs to Athletic Courts, which were received and publicly opened on April 4, 2023; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-11-A, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Parks, & Recreation, the Town Board hereby awards the bid for athletic court repairs to Sport-Tech Construction of Brewster, NY in an amount not to exceed \$60,000.00.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Sport-Tech Construction, in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

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. 217
APPROVAL TO EXTEND THE 2021 AWARDED CONTRACT / RESOLUTION NO.
2021-226 / CHESTNUT RIDGE TRANSPORTATION / 2023 SUMMER DAY CAMP
PROGRAM**

WHEREAS, pursuant to Town Board Resolution 2021-226, the Town entered into an agreement with Chestnut Ridge Transportation, Inc., to provide bus services for the Orangetown Summer Day/Teen Camp for the 2021 season, which award was based on a competitive bidding process, and

WHEREAS, the agreement provides that it may be extended upon Town Board resolution up to three years on the same terms and conditions, and

WHEREAS, upon the recommendation of the Superintendent of Parks and Recreation, the Town Board finds that it is in the best interests of the Town to extend the agreement with Chestnut Ridge Bus Transportation, Inc. for the 2023 Summer Day.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby agrees to extend the agreement with Chestnut Ridge Transportation, Inc. for the summer 2023 season, on the same terms and conditions as the 2021 agreement, subject to satisfactory proof of insurance, and hereby authorize the Supervisor or her designee to execute any and all documents necessary to effectuate the terms and purposes of this resolution.

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. 218
MEMORIALIZING REQUEST FOR TRAFFIC SIGNAL STUDY AT THE
INTERSECTION OF CAMPBELL AVENUE AND ROUTE 303 IN TAPPAN**

WHEREAS, a section of New York State Route 303 and Campbell Avenue in the Hamlet of Tappan, has seen increased traffic volume and vehicle accidents; and

WHEREAS, this section of New York State Route 303 and Campbell Avenue intersects with the driveway of a condominium complex, Contempra at Tappan Condominium; and

WHEREAS, this section of Route 303 and Campbell Avenue merges into one lane of travel into the driveway of Contempra at Tappan Condominium; and

WHEREAS, this section of Route 303 and Campbell Avenue does not contain a traffic signal; and

WHEREAS, the current traffic conditions of this section of Route 303 and Campbell Avenue impede the ability of drivers to turn in and out of the condominium complex, Contempra at Tappan Condominium safely; and

WHEREAS, the Orangetown Traffic Advisory Board has considered the accident history and the concerns of residents of Contempra at Tappan Condominium about the need for a traffic signal; and

WHEREAS, it is in the direct interest of the Town of Orangetown to maintain the safety of our residents and visitors in the Hamlet of Tappan; and

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Traffic Advisory Board, the Town Board of the Town of Orangetown hereby requests that the New York State Department of Transportation conduct a traffic signal study at the intersection of Campbell Avenue and Route 303 in the hamlet of Tappan; and

RESOLUTION NO. 218 - Continued

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the New York State Department of Transportation, Hudson Valley Region, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

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. 219
APPOINT CAITLYNN MORRISON / ASSESSING CLERK II / GRADE 15, STEP 1 /
EFFECTIVE APRIL 12, 2023**

RESOLVED, that upon the recommendation of the Assessor, appoint Caitlynn Morrison to the position of Assessing Clerk II, Provisional, Grade 15, Step 1 at a salary of \$75,984, effective April 12, 2023.

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. 220
COMBINE / APPROVE AGENDA ITEMS #21 TO 23**

RESOLVED, the Town Board hereby combines and approves agenda items #21 to 23.

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. 221
APPROVE/ LEND ASSISTANCE/ JFCS WHEELS-FOR-MEALS: RIDE TO FIGHT
HUNGER/ SUNDAY JUNE 11, 2023**

RESOLVED, the Superintendent of Highways, Parks and the Chief of Police have forwarded for approval by the Town Board, authorization for the use of Town Roads from the Highway Department, authorization for the use of the Rail Trail from the Parks Department and police detail from the Police Department for The JFCS Wheels-for-Meals: Ride to Fight Hunger on Sunday, June 11, 2023.

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. 222
APPROVE/ LEND ASSISTANCE/ 2023 RELAY FOR LIFE**

RESOLVED, upon the recommendation from the Superintendent of Highways the Town Board hereby authorizes this department to lend assistance which includes the use of barrels, barricades, cones, trash barrels, caution tape, recycling kiosks, handicap signs and no parking signs for the Relay for Life to be held on Saturday, May 20, 2023.

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. 223
APPROVE / LEND ASSISTANCE / TAPPAN REFORMED CHURCH SPRING FLING**

RESOLVED, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board the use of three (3) portable toilets by the Tappan Reformed Church for the annual Spring Fling to be held on May 13, 2023 at the Manse Barn in Tappan. The Tappan Reformed Church will provide a certificate of insurance naming the Town of Orangetown as being an additional insured.

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. 224
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: March 7, 2023 Police Commission Meeting; and February 21, 2023 and March 7 & 29, 2023 Regular Town Board Meetings.
2. Agreements & Contracts:
 - Virtuit Systems (IT Consultant) 11.30.2022
 - Vortex Aquatic Structures (Splashpad) 3.3.2023
 - Blauvelt Volunteer Fire Dept. (Fire Protection) 2.2.23
 - Tappan Fire District, Drainage & Access Easement
 - Louis Caputo, Caretaker (Nike Lane) 2023
 - EV Connect's renewal contract (charging stations at the Pearl River Train Station)
 - Town of Ramapo, Firing Range / 2023
 - Brian Edwards, Caretake Maintenance-Henry V Borst Park
 - Reveil, MOU, HNA property
 - Washington Avenue Bridge – Deed & Temporary Easement
 - 2023 CANDLE Agreement

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. 225
APPROVE / 2022 BUDGET ADJUSTMENTS TO ORIGINAL AND FINAL BUDGET**

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board approves the following 2022 adjustments to both the Original and Final Budget:

To record an additional Highway appropriated fund balance to balance the budget

	Debit	Credit
D.3599.000.04 APPROPRIATED FUND BALANCE.PART TOWN	\$95,331.00	
D.3599.000.05 APPROPRIATED FUND BALANCE.TOWNWIDE		\$95,331.00
TOTAL	\$95,331.00	\$95,331.00

To adjust TOV appropriated fund balance to balance budget

B.3599.000.16 APPROPRIATED FUND BALANCE.POLICE	\$43,332.00	
B.3599.000.17 APPROPRIATED FUND BALANCE.OTHER THAN POLICE		\$43,332.00
TOTAL	\$43,332.00	\$43,332.00

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. 226
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 **\$4,092,345.31**.

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. 227
ENTER EXECUTIVE SESSION**

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

RESOLVED, at 8:02 pm, the Town Board entered Executive Session to discuss collective bargaining negotiations per Article 14 of Civil Service Law and the proposed acquisition/sale/lease of real property when publicity might affect value.

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. 228
RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at 9:30 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of **Frank J. Bevelacqua**, *Former Superintendent of Blue Hill Golf Course*.

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

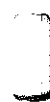
Motion: 5 - 0

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: April 11, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	032223	\$ 61,822.52
	041123	\$ 4,030,522.79
		\$ 4,092,345.31

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

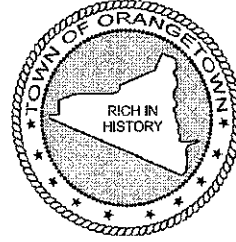
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 4/6/2023
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 4/11/2023 consists of 2 warrants for a total of \$4,092,345.31.

The first warrant had 44 vouchers for \$61,822.52 and was for utilities and had the following items of interest.

1. Calvary Insurance Services (p2) - \$5,000 quarterly consulting.
2. Forgacs, Larry D (p3) - \$8,500 administrative settlement.
3. Orangetown Sr Citizens Club-Pearl River (p6) - \$12,413.42 trip reimbursements.

The second warrant had 241 vouchers for \$4,030,522.79 and had the following items of interest.

1. A+ Technology & Service (p2) - \$5,377.43 camera equipment at Highway Department.
 2. Arthur J Gallagher & Co. of NY (p9) - \$1,450,261.20 insurance policies 4/23-4/24.
 3. B & B auto Body (p11) - \$5,430.57 auto repair on DEME vehicle.
 4. Bauer-Crowley Inc (p12) - \$6,569 insurance policy 4/23-4/24.
 5. Charles Capasso & Sons Carting (p21) - \$84,763 monthly recycling.
 6. Chemung Supply Corp (p22) - \$12,977 pipe for Highway project.
 7. Cotter, Michael (p26) - \$6,050 safety inspections.
 8. CSEA Employee Benefit Fund (p27) - \$34,138 employee benefits.
 9. Fanshawe, Inc (p32) - \$266,185.25 electrical work at new Town Hall project.
 10. Global Montello Group Corp (p36) - \$15,589.38 fuel costs.
 11. Hage Carpet Co. Inc (p39) - \$14,123.28 carpet at BroadAcres Golf Course.
 12. Joe Lombardo Plumbing & Heating (p47) - \$60,819.70 plumbing work at new Town Hall project.
 13. Metropolitan Life (p52) - \$14,008.27 employee benefits.
-

14. PKF O'Connor Davies, LLP (p58) - \$77,175 progress billing 2022 independent audit.
15. Rockland County Department of Health (p64) - \$12,943.68 permits.
16. State Comptroller (p73) - \$22,259 Justice Court fine collection.
17. Tek-Sales (p77) - \$6,706 sludge pump repair.
18. Traffic Logix Inc. (p80) - \$11,260 radar boxes for Highway Department.
19. Vanas Construction (p82) - \$1,658,472.29 General Contractor for new Town Hall project.
20. Virtuit System Inc (p83) - \$7,055 monthly data center managed service.
21. Vortex USA Inc (p83) - \$52,486.74 splashpad project.
22. W.W, Grainger Inc (86) - \$6,028.69 supplies.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204

EXHIBIT

84-11-A

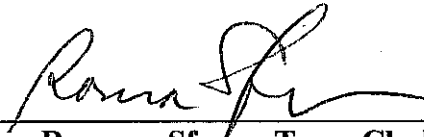
STATE OF NEW YORK }
COUNTY OF ROCKLAND } SS.
TOWN OF ORANGETOWN }

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 15th day, March, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

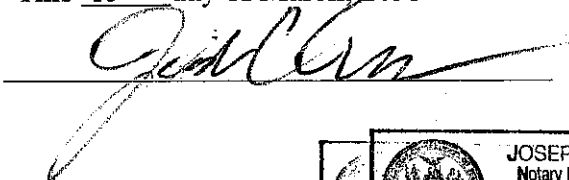
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 15th day of March, 2023



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town of Orangetown, at the office of the Town Clerk, Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, until 10:30AM on Tuesday, April 4, 2023, and then be publicly opened and read aloud at 11:00AM.

Copies of the Specifications, Bid Blanks and all necessary information may be obtained at the Office of the Town Clerk, between the hours of 9:00AM and 5:00PM, Monday through Friday. Bids must be submitted on official forms and in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder, and the words **"2023 Bid for Repairs to Athletic Court Facilities at Various Parks within the Town of Orangetown, Orangeburg, New York"**.

All proposals must be accompanied by a Statement of Non-Collusion in conformity with the requirements of Section 103-d of the General Municipal Law, as amended, and security in a sum equal to the five percent (5%) of the amount proposed.

Simultaneously with its delivery of the executed Agreement, the Contractor shall furnish to the Owner two (2) executed bonds in an amount at least equal to one hundred percent (100%) of the Contract Price, as security for faithful performance (Performance Bond) of this Contract and the for payment of all persons performing labor on the project under this Contract and for the payment of all persons performing labor and furnishing materials (Payment Bond) in connection with this Contract, in such form as acceptable to the Town Attorney and by a surety company authorized to transact business in the State of New York.

The Contractor shall furnish to the Owner a Maintenance Bond in the amount of one percent (1%) of the amount of the Contract, prior to final payment and executed by the Contractor as principle and having surety thereon a surety company acceptable to the Owner guaranteeing that the Contractor will either repair any work found to be defective or if it has been rejected by the Owner, remove it from the site and replace it at no additional cost to the Owner. The bond shall remain in effect for a period of one (1) year from the date of substantial completion.

The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

For interested bidders, you can arrange a pre-bid walkthrough by contacting the Office of Parks and Recreation, Veterans Memorial Park, 81 Hunt Road, Orangeburg, New York.

Proposals are requested from any and all parties including but not limited to minority businesses and enterprises operated and conducted by women.

The Town reserves the right to reject any and/or all proposals.

Dated: March 17, 2023

ARIC T. GORTON

Director

Office of Parks and Recreation

81 Hunt Rd.

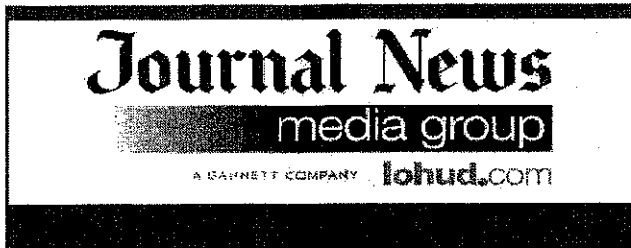
Orangeburg, NY 10962

(845) 359-6503

agorton@orangetown.com

ROSANNA SFRAGA

Town Clerk



**AFFIDAVIT OF PUBLICATION
FROM**

State of Wisconsin

County of Brown, ss.:

On the 17 day of March in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Futt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Futt being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated:

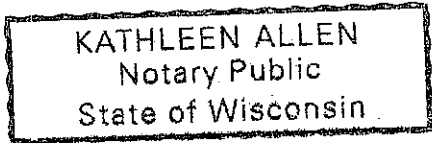
Zone:
Rockland

Run Dates:
03/17/2023

Linda Futt
Signature

Sworn to before me, this 17 day of March, 2023

Kathleen Allen
Notary Public, State of Wisconsin, County of Brown



1-7-25
My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005630854

NB-1

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Dated: March 17, 2023

ARIC T. GORTON
Director
Office of Parks and Recreation
81 Hunt Rd.
Orangeburg, NY 10962
(845) 359-6503
agorton@orangetown.com

ROSANNA SFRAGA
Town Clerk

0005630854

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