



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday October 24, 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:

- ◆ Pearl River Farmers Market: October 28, 2023 from 10 am – 2 pm, Central Avenue Field

DISCUSSION:

- ◆ PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 43, ARTICLE IV / SPECIAL PERMIT / OUTDOOR PARKING AND STORAGE OF VEHICLES
- ◆ 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. **RESUME PUBLIC HEARING FROM OCTOBER 10, 2023 / 7:10 P.M. / 2024 PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the Preliminary Budget is hereby resumed.

SUMMARY OF PUBLIC COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING / REGARDING THE 2024 PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the 2024 Preliminary Budget is hereby closed or continued to _____.

5. **SET PUBLIC HEARING / RTBM NOVEMBER 14, 2023 AT 7:10 PM / CHAPTER 24C-15 OF THE TOWN CODE / PERFORMING WORK ON 202 OLD PASCACK ROAD, PEARL RIVER**

RESOLVED, that a public hearing is scheduled for November 14, 2023 at 7:10 pm pursuant to Chapter 24C-15 of the Town Code for the Town of Orangetown, to consider performing work at the property known as 202 Old Pascack Road, Pearl River, Tax Lot: 68.14-2-28.

6. **SET PUBLIC HEARING / RTBM NOVEMBER 14, 2023 AT 7:15 PM / CHAPTER 24C-15 OF THE TOWN CODE / PERFORMING WORK ON 218 OLD PASCACK ROAD, PEARL RIVER**

RESOLVED, that a public hearing is scheduled for November 14, 2023 at 7:15 pm pursuant to Chapter 24C-15 of the Town Code for the Town of Orangetown, to consider performing work at the property known as 218 Old Pascack Road, Pearl River, Tax Lot: 68.14-2-30.

7. **WAIVE 30-DAY ADVANCE NOTICE / ON-PREMISES ALCOHOLIC BEVERAGE LICENSE / HUDSON WEST SPORTS BAR, LLC.**

RESOLVED, that the Town Board hereby waives the 30-day advance notice to the Town of Orangetown for the on-premises alcoholic beverage license for Hudson West Sports Bar, LLC.

TOWN ATTORNEY

8. APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATION

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:

- Pro Cut Landscaping, Inc., 11 Pineview Road, West Nyack, NY 10994

9. APPROVE RETAINER AGREEMENT WITH HODGES, WALSH AND BURKE / NOTICE OF CLAIM / SQUITIERI

RESOLVED, on the recommendation of the Town Attorney, approve the retainer of Hodges, Walsh & Burke, LLP to represent the Town and Town Police Department, in connection with a Notice of Claim and any resulting litigation, brought by Ralph Squitieri, Jr., on the terms and conditions set forth in a proposed Engagement Letter, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

POLICE

10. APPROVE / AWARD MINI-BID / DENOYER CHEVROLET / TWO 2023 CHEVROLET TAHOE SPECIAL SERVICE VEHICLES

RESOLVED, based on the recommendation of the Chief of Police, utilizing RICO Enhancements budget line B.3120.408.16, to purchase two (2) 2023 Chevrolet Tahoe Special Service Vehicles (SSVs) at a grand total cost of \$93,688.48 from DeNooyer Chevrolet, Albany, NY, in accordance with NYS OGS Vehicle Marketplace Solicitation 23166 and Mini-Bid Award #14596.

HIGHWAY

11. APPROVE SUPPLEMENT AGREEMENT / 2020-2021 MUNICIPAL SNOW & ICE AGREEMENT

WHEREAS, pursuant to Section 12 of the New York State Highway Law, the maintenance of State Highways includes the control of snow and ice thereon, and the work of such control of snow and ice may be performed by any municipality, which includes towns, pursuant to an agreement between the governing board of a town and the State Commissioner of Transportation; and,

WHEREAS, pursuant to Resolution #2020 -239, the Town entered into an agreement with the NYSDOT for the Town of Orangetown to provide Snow and Ice Control on State highways located within the Town from 2019 to 2024; and,

WHEREAS, the agreement allows labor costs to be adjusted based on the agreement between the Town and CSEA for the 2020/2021 season; and,

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Highways, the Supervisor is hereby authorized to sign a Supplement Agreement to adjust the estimated expenditures for the 2020-2021 Municipal Snow & Ice Agreement, between the Town of Orangetown and the New York State Department of Transportation, to \$201,871.17, an increase of \$4,088.05.

12. APPROVE/ AWARD CONTRACT / VAD CONSTRUCTION CORP./ FRANKLIN AVENUE CURB AND SIDEWALK IMPROVEMENTS

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Franklin Avenue Curb And Sidewalk Improvements , which were received and publicly opened on October 4, 2023; and,

NOW, THEREFORE BE IT RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby awards this bid to VAD Construction Corp, White Plains, NY, the low bidder, in the amount of \$ 115,309.50 to be charged to H.5410.200.08.

PARKS AND RECREATION

13. APPROVE / TEMPORARY LICENSE / TAPPAN FIRE DISTRICT / ACCESS FOR TREE REMOVAL

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance approve the temporary license agreement with the Tappan Fire District for access to Tappan Memorial Park for the purpose of tree removals in relation to the construction of the fire districts firehouse, and that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this resolution, upon review and approval of the Town Attorney's office.

14. APPROVE / AWARD CONTRACT / SPORT-TECH CONSTRUCTION CORP. / FRANKLIN STREET PARK BASKETBALL COURT IMPROVEMENTS IN SOUTH NYACK

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance award the bid for Franklin Street Park Basketball Court Improvements in South Nyack to Sport-Tech Construction Corp. of Brewster, New York, the lowest qualified bidder, in the amount of \$160,000 to be taken out of fund balance and charged to A.7110.200.

15. AMEND RESOLUTION #2023-546 / AWARD CONTRACT / PAT CORSETTI, INC. / ELIZABETH PLACE PARK PLAYGROUND PROJECT IN SOUTH NYACK

WHEREAS, Resolution #2023-546 awarded a bid Pat Corsetti, Inc. of Mamaroneck, New York in an amount not to exceed \$200,000.00 for the Elizabeth Place Park Playground Project in South Nyack; and,

WHEREAS, the Town was awarded \$200,000 for the playground project from Rockland County's Urban Green Space Grant Program; and,

WHEREAS, upon receiving revised drawings for the playground project, the price increased by \$30,000 to include equipment that would enhance the project and in the best interests of the Town to include as part of the project; and,

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, amend Resolution #2023-546 and award the bid for the Elizabeth Place Playground Project in South Nyack to Pat Corsetti, Inc. of Mamaroneck, New York, the only qualified bidder, in an amount not to exceed \$230,000, with \$200,000 to be taken out of fund balance and charged to A.7110.200 and \$30,000 charged to H.7110.200.90.

DEME

16. AWARD BID / NON-HAZARDOUS ANTI-CORROSIVE ODOR CONTROL CHEMICALS

WHEREAS, the Commissioner of DEME duly advertised for sealed bids for Non-Hazardous Anti-Corrosive Odor Control Chemicals. (DEME-2023-01) which were publicly opened on August 17, 2023.

NOW THEREFORE, BE IT RESOLVED, this bid is hereby awarded to Fusion Environmental Solutions, LLC, Warwick, Rhode Island, the lowest qualified bidder, at the unit price of \$3,770.00 at the total price of \$90,480.00.

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

ASSESSOR

17. OPTING TO INCLUDE IRA INCOME, OR DISTRIBUTIONS, IN TOTAL HOUSEHOLD ADJUSTED GROSS INCOME, FOR PURPOSES OF DETERMINING QUALIFICATION FOR THE AGED/SENIOR CITIZEN PROPERTY TAX EXEMPTION (RPTL §467), BEGINNING WITH THE 2024 TOWN ASSESSMENT ROLL

WHEREAS, the Town of Orangetown offers Senior Citizens or Aged taxpayers, who are 65 years of age or over, an exemption to reduce yearly Town tax amounts through the New York State (NYS) "aged exemption," pursuant to NYS Real Property Law (RPTL) §467, with qualifications based on yearly household income under \$58,400 through a sliding scale as set forth in RPTL §467.

WHEREAS, up to this year, the basis for defined income was Gross Income as noted in Federal or State income tax returns, plus Social Security payments, and other income from business.

WHEREAS, beginning with the 2024 Town of Orangetown Assessment Roll, income will now be defined as Adjusted Gross Income, as prescribed in the amended RPTL §467, which may allow an inordinate amount of taxpayers to be qualified for the aged exemption, and which statutory amendment does not adhere to the original intention of the aged exemption in the Town Board's opinion; namely, an exemption for senior citizens on fixed

incomes, or who are destitute homeowners, in need of help to pay property tax bills; and thus, this statutory change, places an unnecessary property tax burden on those who are not qualified, or who are not senior citizens, and who will have to subsidize this aged exemption through higher tax rates.

THEREFORE, BE IT RESOLVED, in order to minimize the burden on those who are not qualified for the RPTL §467 aged exemption, or those who are not senior citizens, the Town of Orangetown hereby opts to include Individual Retirement Account (IRA) income, or distributions, as part of the total household Adjusted Gross Income, which local legislative option is allowed in the amended RPTL §467, beginning with the 2024 Town Assessment Roll.

18. **AUTHORIZE SUPERVISOR TO SIGN PILOT AGREEMENT WITH ROCKLAND GARDENS HOUSING PARTNERS LIMITED PARTNERSHIP, ROCKLAND COUNTY IDA, VILLAGE OF NYACK, AND NYACK UNION FREE SCHOOL DISTRICT, REGARDING PROPERTY COMMONLY KNOWN AS 84 NORTH FRANKLIN ST., NYACK (66.29-1-23)**

WHEREAS, real property known as Rockland Gardens Apartments located at 84 North Franklin Street, Nyack, and identified as Section 66.29, Block 1 and Lot 23 on the Tax Map of the Town of Orangetown (the “RGA Property”), is the subject of a transaction involving the County of Rockland Industrial Development Agency (“RCIDA”); and

WHEREAS, the RGA Property is situated within the Town of Orangetown and the Nyack Union Free School District (“Nyack UFSD”); and

WHEREAS, the RGA Property is the site of an affordable rental property comprised of eight (8) garden-style buildings that house seventy (70) apartments, of which all but two (2) units are rented to tenants on an income-restricted basis under a federal Section 8 Housing Assistance Program (“HAP”); and

WHEREAS, under this Section 8 HAP program, leased units are restricted to tenants earning at or below 60% of area median income; and

WHEREAS, RCIDA is prepared to acquire the RGA Property and, in turn, lease these premises to Rockland Gardens Housing Partners Limited Partnership (“RGH”); and

WHEREAS, RGH, upon taking a leasehold interest in the RGA Property, will continue to operate the apartments on an affordable, income-restricted basis, and will further undertake significant renovations of the apartments and premises; and

WHEREAS, the RCIDA transaction is intended to preserve an existing affordable housing resource within the Village of Nyack, which supports these efforts; and

WHEREAS, once RCIDA takes title to the RGA Property, it will be rendered exempt from real property taxes, including taxes levied by the Town of Orangetown, the Nyack UFSD and the Village of Nyack; and

WHEREAS, an agreement is proposed by and between RCIDA, RGH, the Town of Orangetown, the Village of Nyack and the Nyack UFSD, providing for the annual payment of monies in lieu of taxes (the “PILOT Agreement”) in furtherance of this transaction; and

WHEREAS, under the terms of the PILOT Agreement, which will commence in the 2024 Town assessment year and continue through the 2045 Town assessment year, annual payments will be made to the Town of Orangetown in lieu of taxes; and

WHEREAS, these payments shall be computed annually by applying the then prevailing Town tax rate to (a) the current assessment of the RGA Property of \$1,510,000 for a period of two (2) years, and (b) thereafter, to an increased amount of \$2,320,000 for the duration of the PILOT Agreement's term; and

WHEREAS, the PILOT Agreement will thereby allow for future PILOT payments to equal or exceed the amount of Town taxes currently levied against the RGA Property, and will further allow these future payments to adjust with annual changes in the tax rates employed in future Town tax levies; and

WHEREAS, the Town Board has obtained the advice and assistance of its Tax Assessor, Brian Kenney, concerning this PILOT Agreement; and

WHEREAS, the Town Board has concluded that entry into the PILOT Agreement is in the best interests of the Town of Orangetown;

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves of the Town of Orangetown entering into the PILOT Agreement; and

IT IS FURTHER RESOLVED that the Supervisor is hereby authorized to execute this PILOT Agreement in the form provided by RCIDA, and acceptable to the Tax Assessor and the Town Attorney, on the Town Board's behalf.

TOWN CLERK

19. 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: September 6, 2023 Special Town Board Meeting; September 12, 2023 Police Commission and September 12th & 26th, 2023 Regular Town Board Meetings.
2. Easements:
 - Drainage Easement: Bucci, Ezio (19 Villa Dr, Nanuet / 64.18-1-69)
 - Temporary Easement: Bucci, Ezio (19 Villa Dr, Nanuet / 64.18-1-69)
 - Hold Harmless Agreement, The Valley Area Network, Inc for the Farmers Market in Pearl River
3. Agreement & Contracts:
 - Pearl River Chamber of Commerce / Dispense Alcoholic Beverages on Town property during Pearl River Day.

- Memorandum of Agreement, Orangetown Policemen's Benevolent Association
- Laberge Group – Addendum, increase \$6500 for Parking Lots & Meters Local Law (S Nyack)
- Innovative Excavating – Installation of New 4" Ductile Iron Sprinkler Main

SUPERVISOR

20. GRANT ALLISON KARDON/ CONFIDENTIAL ASSISTANT TO TOWN SUPERVISOR/ CHANGE RATE OF PAY/ EFFECTIVE JANUARY 1, 2024

RESOLVED, that upon the recommendation of the Town Supervisor, Allison Kardon, Confidential Assistant to Town Supervisor, is hereby granted at a change of salary from \$82,568.00 to \$94,000.00, effective January 1, 2024.

AUDIT

21. 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 \$1,061,161.49.

EXECUTIVE SESSION

22. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

23. RE-ENTER RTBM / ADJOURNED / MEMORY

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