



**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
January 05, 2021**

This meeting was opened at 7:20 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:
Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Denis Troy
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny

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.
Anthony Bevelacqua, Director of Automated Systems
Matthew Lenihan, Computer Network Specialist
Donald Butterworth, Police Chief

DISCUSSION:
WORKSHOP OF AGENDA ITEMS

Summary of Public Comments:

Helena Power, Palisades, land use board meetings / public hearings need to be held in person. People who do not have access to computers have no way to ask questions or voice their concerns. She voiced her concerns regarding the development of 125 Park Ave, Palisades. Mike Mandel, Pearl River, and Eileen Larkin, Palisades, spoke about two Bills before the State, Senate and Assembly: Mandating the COVID vaccine; and Detention Centers and Communicable Diseases.

RESOLUTION NO. 14
CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 15
ACCEPT RESIGNATION / MICHAEL LAWLER / DEPUTY TOWN SUPERVISOR /
EFFECTIVE DEC. 31, 2020**

RESOLVED, that upon the recommendation of the Town Supervisor, accept with regret the resignation of Michael Lawler, Deputy Town Supervisor, effective Dec. 31, 2020.

Supervisor Teresa M. Kenny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 16
APPROVE RETAINER AGREEMENT WITH HODGES, WALSH AND BURKE, IN
CONNECTION WITH FEDERAL LITIGATION**

RESOLVED, on the recommendation of the Town Attorney, approve the retainer of Hodges, Walsh & Burke, LLP to represent the Town and named Police Officers, as defendants, in connection with a federal lawsuit filed in the U.S. District Court, Southern District of New York, under docket 20 civ.05851, brought by Kim Vasquez as Plaintiff, 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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 17
DROP OFF CENTER PERMIT FEE INCREASE**

RESOLVED, that per approved 2021 budget, the annual fee for the Drop Off Center, for acceptable materials, other than green waste, shall be a charge of \$50.00, effective January 1, 2021. There shall be no charge for first-time use for the current year.

Supervisor Teresa M. Kenny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 18
APPROVE/ RFP / SIDEWALK SAWCUTTING / ALWAYS SAFE SIDEWALKS**

RESOLVED, that upon the recommendation from the Superintendent of Highways, to approve the RFP for Sidewalk Sawcutting to Always Safe Sidewalks, Springhouse, PA, the only qualified bidder to meet Town Specifications, at a cost of \$56.00 per inch/foot, not to exceed \$36,000. Work completed under this contract will be charged to Account #A.5410.457 and paid for out of the 2020 operating budget.

RESOLUTION NO. 18 - Continued

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 19

APPROVE/ RFP / INSTALLATION OF FIRE SUPPRESSION SYSTEM / ALPHA FIRE SUPPRESSION SYSTEMS, INC.

RESOLVED, that upon the recommendation from the Superintendent of Highways, to approve the RFP for Installation of Fire Suppression System- South Storage Building to Alpha Fire Suppression Systems, Inc the lowest qualified bidder to meet Town Specifications, at a cost of \$18,500. Work completed under this contract will be charged to Account #D.5112.457.04.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 20

AUTHORIZE / 155 CORPORATE DRIVE, LLC (BLOOMBERG PROPERTY) / INSTALLATION OF TEMPORARY STRUCTURE / EMPLOYEE COVID-19 TESTING

WHEREAS, the pursuant to Town Code Section 6-5(F), the Director of OBZPAE has the authority to modify, waive or adjust the regulations, rules and procedures of Chapter 43, Zoning, for non residential establishments/uses during times that a state, county or local state of emergency is in effect or as part of the economic recovery form any such state of emergency, and

WHEREAS, the 155 Corporate Drive, LLC, the owners of property at 155 Corporate Drive, Orangeburg, NY, tax lot 73.15/1/18 (subject property), also known as the Bloomberg property, as part of the recovery from the economic impacts of the COVID 19 pandemic and the state of emergency that exists in the State of New York, wishes to place a temporary building on the property for the purpose of providing fast and easy access for testing for COVID 19 for its employees and

WHEREAS, the Town Board hereby finds that as part of the response to and economic recovery from the COVID19 pandemic, authorization for use of the property and temporary structures, as authorized by the Director of OBZPAE, which as planned will not have a negative impact on the Town and is in the best interests of the Town and its residents,

NOW THEREFORE BE IT RESOLVED that the Director of OBZPAE may authorize the use of the property in such fashion including the installation of temporary structures thereon on a temporary basis without the necessity for a formal site plan approval under the following terms and conditions:

- 1) The property owner must submit acceptable plans to Director of OBZPAE or her designee, who shall have discretion regarding the requirements of the detail to be shown on the plans. These plans may be approved, denied, or required to be modified, at the discretion of the Director of OBZPAE.
- 2) Any plans approved by OBZPAE must be strictly adhered to by the property owner and any violation thereof shall be considered to be a violation of the Town Code, Chapter 6-5(F) punishable pursuant to Chapter 41A of the Town Code.

RESOLUTION NO. 20 - Continued

- 3) Upon approval, such sketch plan shall be signed, stamped and dated “Approved” by the Director of OBZPAE, and displayed on premises near the main entrance during operation.
- 4) Any permission or authorization issued by OBZPAE pursuant to this resolution shall be effective from January 5, 2021 through December 31, 2021. Any temporary structures authorized pursuant to this resolution must thereafter be removed, unless formal site plan approval authorizes same.
- 5) The property owner and applicant must adhere to any and all applicable Federal, State, and County statutes, laws, codes, rules and regulations with respect to business operations, including but not limited to State and County Health Department regulations.
- 6) Any permission authorized herein, shall be revocable at the discretion of the Town Board, upon a finding that the property owner has violated the terms of this resolution, OR that the activities authorized pursuant to this resolution and as implemented at the property constitutes a nuisance, or otherwise adversely impacts upon the health, safety and welfare of the community, and that upon such revocation, the property owner and any other interested parties may be given an opportunity to be heard by the Town Board in an effort to have such permission reinstated upon such conditions as the Town Board shall deem just and appropriate under the circumstances.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 21

ACCEPT RETIREMENT / MICHAEL BETTMANN / FIRE PREVENTION / EFFECTIVE JANUARY 30, 2021

RESOLVED, accept the resignation/retirement of Michael Bettmann, Fire Prevention Inspector in the Fire Prevention Bureau, effective January 30, 2021.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 22

ACCEPT RETIREMENT / DONNA MORRISON / PERSONNEL DEPARTMENT / EFFECTIVE DEC. 31, 2020

RESOLVED, accept resignation / retirement of Donna Morrison, Human Resources Coordinator, in the Personnel Department, effective December 31, 2020.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 23
APPOINT KATHRYN MURPHY / ASSISTANT COURT CLERK /JUSTICE COURT
EFFECTIVE 1/01/2021**

RESOLVED, appoint Kathryn Murphy to the position of Assistant Court Clerk, Justice Court, from RC EL#19166, effective, January 01, 2021, Grade 12, Step 1, at a salary of \$62,458.00.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 24
APPROVE / INSTALLATION OF STREET LIGHT / 16 GARFIELD ST, BLAUVELT**

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light on 16 Garfield St, Blauvelt (utility pole #60433/38658) is hereby approved to be paid from the following budget line item B.5182.452.17.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 25
ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE**

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

- a) Town Board Meeting minutes: November 10, 2020, December 1, 2020 & December 15, 2020 Regular Town Board Meeting
- b) 2021 Adopted Budget.
- c) 2021 Agreement with the Blauvelt Free Library.
- d) 2021 Agreement with the Palisades Library.
- e) Retainer Agreement with Keane & Beane (Gavioli Matter)

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

AUDIT

**RESOLUTION NO. 26
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 four (4) warrants (attached) for a total of \$2,082,979.47.

RESOLUTION NO. 26 - Continued

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 27
ENTER EXECUTIVE SESSION**

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

RESOLVED, at 7:54 pm, the Town Board entered Executive Session to discuss matters related to personnel and the proposed acquisition/sale/lease of real property when publicity might affect value.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 28
RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at 9:00 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of **Elizabeth Van Wynen**, *Resident of Pearl River and Mother to Town Employee, Elizabeth McConeghy*.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Rosanna Sfraga, Town Clerk