



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 14, 2021

This Town Board Meeting was opened at 7:00 PM.

Councilperson Denis Troy	_____
Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **The deadline for FEMA Individual Assistance for Hurricane Ida has been extended to January 4, 2022. Please visit [DisasterAssistance.gov](https://www.disasterassistance.gov) or call the FEMA Helpline at 800-621-3362.**

PRESENTATIONS:

- ◆ **Assemblyman Mike Lawler presentation in honor of Councilman Denis Troy**
- ◆ **Raymond W. DeMeola VFW Memorial Post 1615 of Blauvelt presentation in honor of Councilman Denis Troy**
- ◆ **Town of Orangetown presentation in honor of Councilman Denis Troy**

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. RESOLUTION TO RE-SCHEDULE PUBLIC HEARING OF DECEMBER 14, 2021 AT 7:05 PM TO FEBRUARY 1, 2022 AT 7:05 PM / VAN HOUTEN / ROCKLAND CIDER WORKS / PROPOSED ZONE TEXT AMENDMENT**

RESOLVED, that the public hearing regarding the petition by Van Houten Farm Market Benefit Trust, owner of the property located at 68 Sickletown Road, Orangeburg, NY and operated by Rockland Cider Works, for a proposed zone text amendment, is re-scheduled to February 1, 2022 at 7:05 pm.

- 4. ADOPT / 2022 TOWN BOARD MEETING CALENDAR**

RESOLVED, that the following 2022 Town Board Meeting Calendar is hereby approved:

01/04/22 Re-Organizational Meeting
01/18/22 Police Commission / Regular Town Board Meeting
02/01/22 Police Commission / Regular Town Board Meeting
02/15/22 Regular Town Board Meeting
03/08/22 Police Commission / Regular Town Board Meeting
03/22/22 Regular Town Board Meeting
04/12/22 Police Commission / Regular Town Board Meeting
04/26/22 Regular Town Board Meeting
05/10/22 Police Commission / Regular Town Board Meeting
05/24/22 Regular Town Board Meeting
06/14/22 Police Commission / Regular Town Board Meeting
06/28/22 Regular Town Board Meeting
07/12/22 Police Commission / Regular Town Board Meeting
07/26/22 Regular Town Board Meeting
08/09/22 Police Commission / Regular Town Board Meeting
08/23/22 Regular Town Board Meeting
09/13/22 Police Commission / Regular Town Board Meeting
09/27/22 Regular Town Board Meeting
10/11/22 Police Commission / Regular Town Board Meeting
10/25/22 Regular Town Board Meeting
11/15/22 Police Commission / Regular Town Board Meeting
11/29/22 Regular Town Board Meeting
12/13/22 Police Commission / Regular Town Board Meeting

Police Commission Meetings start at 6:30 pm; Town Board Meetings begin at 7:00 pm.

5. **AMEND RESOLUTION 2020-19 TO AUTHORIZE SUPERVISOR TO SIGN GRANT AGREEMENT WITH EFC FOR TELEMETRY UPGRADES TO THE ORANGETOWN WWTP**

WHEREAS, pursuant to Town Board Resolution 2020-19 the Town Board confirmed its acceptances of a NYS Water Infrastructure Improvement Grant (WIIA) from the New York State Environmental Facilities Corporation (EFC), identified as project No. C3-5345-09-00 "Telemetry Upgrades to the Orangetown WWTP" and

WHEREAS, the previous resolution authorized the Supervisor to sign the Grant Agreement no later than June 25, 2021 and

WHEREAS, NYS EFC sent the Grant Agreement for review and signature of the Town Supervisor in November, 2021,

NOW THEREFORE, BE IT RESOLVED, that resolution 2020- 19 is hereby amended to the extent that the Supervisor or her designee is authorized to enter into and sign the Grant Agreement for the WIIA Grant on behalf of the Town before December 31, 2021.

6. **AUTHORIZE SUPERVISOR TO SIGN ENGAGEMENT LETTER FROM O'CONNOR DAVIES/ ACCOUNTING SERVICES FOR THE TOWN / CY 2021 IS \$109,900.00 PER YEAR AND CY 2022 IS \$102,900.00 PER YEAR**

RESOLVED, upon the recommendation of the Finance Director, the Town of Orangetown Board authorizes the Supervisor to sign a contract with O'Connor Davies to perform auditing services for the Town for CY 2021 and CY 2022. The cost of services is a 2% increase per year. In 2021, the cost is \$100,900 and in 2022 the cost is \$102,900.

7. **RETAIN LABERGE GROUP / HYBRID ZONING SOUTH NYACK**

WHEREAS, pursuant to NY General Municipal Law (GML) Article 17-A, the Village of South Nyack will be dissolved as of March 31, 2022, and

WHEREAS, according to NY GML §789, all laws of the former Village continue in effect for a period of up to two years after dissolution, and

WHEREAS, the Town Board finds it is in the interests of the Town to review the current Village of South Nyack Code in order to incorporate appropriate zoning and other provisions into the Town of Orangetown Code, which will be the Code that applies to the area that comprised the former Village, and

WHEREAS, LaBerge Group, Albany, New York, has submitted a proposal to assist the Town in review of current codes and drafting appropriate amendments to the Town Code,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the retention of the Laberge Group for purposes of providing professional planning services in accordance with the attached proposal, at the pro-rated cost of \$24,250.00, 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.

8. **AUTHORIZE INTERMUNICIPAL AGREEMENT / VILLAGE OF SOUTH NYACK / HIGHWAY SERVICES / PURCHASE OF EQUIPMENT**

WHEREAS, the voters of the Village of South Nyack elected to dissolve the Village and the Village Board of the Village of South Nyack has adopted a plan for dissolution effective March 31, 2022 pursuant to General Municipal Law Article 17-A; and

WHEREAS, GML Article 5-G specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide, cooperatively, jointly or by contract or agreement, any facility, service, activity or undertaking, which each participating municipal corporation has the power to provide separately; and

WHEREAS, the Village of South Nyack has requested that the Town of Orangetown provide highway maintenance and building and grounds related services to the Village, such as snow and ice control measures on Village streets, and services similar to those services currently performed by the Village Department of Public Works, commencing on January 1, 2022 through and including March 31, 2022 until such time as the Village dissolves, and

WHEREAS, the Town of Orangetown, in anticipation of ultimately providing such services to the area that comprised the dissolved Village as of April 1, 2022, and in consideration of the payment of the sum of \$82,751.00, is willing to provide such services subject to a formal written agreement between the Town and the Village and

WHEREAS, the Village of South Nyack has certain equipment from its Department of Public Works (see list annexed hereto) that it is selling as part of the dissolution process and the Town is desirous of purchasing same for the purpose of using same as part of its operation in providing highway related services to the Village under the proposed IMA, as well as the area comprising the former Village as of April 1, 2022, and

WHEREAS, the Town and Village have agreed that the amount to be paid by the Town to the Village for the subject equipment totals \$374,800.00 and the Town has agreed to pay same,

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board authorizes the Town Supervisor to execute an Intermunicipal Agreement between the Town of Orangetown and the Village of South Nyack, subject to review and approval of the Town Attorney, whereby the Town of Orangetown agrees to provide highway maintenance and building and grounds services, including snow and ice control measures to the Village of South Nyack, commencing at midnight, January 1, 2022, for the sum of \$82,751.00, to be paid on or before January 1, 2022 and

BE IT FURTHER RESOLVED that the Town Board authorizes the purchase certain equipment from the Village of South Nyack that it is selling as part of its dissolution plan and which it is in the best interests of the Town to purchase such equipment, as set forth in the subject Intermunicipal Agreement, for the sum of \$374,800.00 and

BE IT FURTHER RESOLVED that the Supervisor or her designee is authorized to execute any and all documents necessary to effectuate the terms of this resolution.

9. **WAIVE 30-DAY ADVANCE NOTICE / ON-PREMISES ALCOHOLIC BEVERAGE LICENSE / UNKNOWN22 CORP.**

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 Unknown22 Corp. d/b/a The Unknown Restaurant and Bar.

TOWN ATTORNEY

10. **ACCEPT ROAD WIDE WIDENING DEED 527-529 Route 303 BLAUVELT / FISKE RESUBDIVISION**

RESOLVED, upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering, and the Superintendent of Highways, the Town hereby accepts a quitclaim deed for road widening for the Fiske Industries Resubdivision, 527-529 Route 303 Orangeburg, New York, tax lot 70.19-1-40, from the current owner, 33 Twin Avenue Corp., which offer of a road widening deed had been previously submitted and approved, but not recorded in the Rockland County Clerk's Office, and authorizes the Supervisor or her designee to execute any and all documents necessary to effectuate acceptance and recording thereof

HIGHWAY

11. **APPROVE/ LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes this department to lend assistance which includes the use of barricades, cones, trash bins and (2) message boards from the Highway Department for the Volunteer Fire Association of Tappan's Holiday Drive- Thru Event to be held on Saturday, December 18, 2021 from 4:30pm-7:30pm.

12. **APPROVE / AWARD BID / TRIUS INC. / ONE (1) NEW DUMP BODY**

RESOLVED, that upon the recommendation of the Superintendent of Highways, award the bid for One (1) New Dump Body to Trius Inc., Bohemia, New York in the amount of \$63,698.00 to be charged to account # H.5130.200.08.

PARKS AND RECREATION

13. ACCEPT / ORANGETOWN METROS SOCCER CLUB / IMPROVEMENT TO YOUTH SOCCER COMPLEX

RESOLVED, pursuant to the agreement between the Town of Orangetown and OMSC, the Town Board accepts from OMSC the following improvements at the Orangetown Soccer Complex:

Flagpoles	\$	4,772.00
Refrigerator and Kitchen Pre table w Fridge	\$	7,230.00
Chain Link Fence	\$	4,250.00
Lighting around clubhouse	\$	10,000.00
Lighting around clubhouse	\$	2,495.00
Lighting Parts/Services	\$	6,200.00
Clubhouse repairs / Kitchen	\$	12,542.00
Clubhouse repairs / Kitchen	\$	5,227.00
Clubhouse repairs / Kitchen	\$	5,070.00
Clubhouse repairs / Kitchen	\$	3,138.00
Architectural services (club store)	\$	4,000.00
Install pavers back and side of building	\$	10,743.00
	\$	3,100.00
Fiscal 2019 Total	\$	78,767.00
Field Light upgrades / replacements	\$	4,842.00
Replace Barn Door, Upgrade lights in clubhouse to LED	\$	14,958.00
Upgrade public bathrooms at field level	\$	9,480.00
Upgrade bathroom faucets / window blinds	\$	381.00
Fiscal 2020 Total	\$	29,661.00

14. ACCEPT DONATION / MEMORIAL BENCHES

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board accepts, with gratitude, the donation of Memorial Benches to be placed at various locations, engraving will be as follows:

In memory of our Dear friends
deceased members of the Celtic Golf Club
At dheis De' go raibh a n-anamacha uaisle
May they rest in peace.

Our favorite park.
Enjoy. Compliments of Robert and June Hudson 2022

In loving memory of
Mary & Phil Angelastro

In Memory of Walter Hollinger
Friend-Sailing buddy-Colleague

POLICE

15. **AWARD BID / FURNISHING OF POLICE DEPARTMENT UNIFORMS / 2022-2023 / D & E UNIFORMS**

RESOLVED, that upon the recommendation of the Chief of Police, D & E UNIFORMS is hereby awarded the bid for furnishing of Police Department uniforms for 2022 -2023.

16. **AWARD BID / DRY CLEANING, LAUNDERING, MINOR SEWING AND REPAIRS / POLICE DEPARTMENT UNIFORMS / 2022 - 2023 / THE WASHING BOARD**

RESOLVED, that upon the recommendation of the Chief of Police, accept the bid from THE WASHING BOARD, Pearl River, for dry cleaning, laundering, minor sewing and repairs for the Police Department uniforms, 2022 - 2023.

17. **ACCEPT WITH REGRET THE RESIGNATION/RETIREMENT / CAPTAIN JAMES BROWN / ORANGETOWN POLICE DEPARTMENT / EFFECTIVE DECEMBER 10, 2021**

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Captain James Brown from the Orangetown Police Department effective December 10, 2021.

18. **APPROVE INTERMUNICIPAL AGREEMENT / ROCKLAND COUNTY DRUG TASK FORCE / ASSIGN DETECTIVE / REIMBURSEMENT**

WHEREAS, the Town of Orangetown has been requested to assign a Detective from the Town Police Department to the Rockland County District Attorney's Drug Task Force, as part of the Law Enforcement Diversion (LEAD) program, which provides a screen for Peer Recovery involvement of eligible offenders, which assignment has been previously authorized, and

WHEREAS, the Town Board, in consultation Chief of Police, has determined that it is in the best interests of the Town Orangetown to continue to participate with the County of Rockland in this program and assign a Detective to the Rockland County Drug Task Force, for which the Town will be reimbursed the sum of \$30,000.00 from the County pursuant to written agreement; and

WHEREAS, General Municipal Law Article 5-G expressly authorizes municipal governments to perform together that which each such government individually is authorized to perform by means of an inter-municipal agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a certain Intermunicipal Agreement ("IMA") by and between the County of Rockland and the Town of Orangetown, which IMA was previously approved by Resolution 478 of 2021 of the Rockland County Legislature, pursuant to which the Town agrees to assign a Detective to

the Rockland County Drug Task Force and for which the Town will be reimbursed the sum of \$30,000.00, for the time period of January 1, 2022 through December 31, 2023,; and

IT IS FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to sign such IMA and to take further steps as may be necessary to effectuate its terms.

HIGHWAY / POLICE

19. APPROVE/ LEND ASSISTANCE /AMERICAN LEGION & TAPPAN REFORMED CHURCH ANNUAL CHRISTMAS TREE LIGHTING

RESOLVED, upon the recommendation from the Superintendent of Highways and the Chief of Police that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, trash barrels and a message board from the Highway Department and Auxiliary Police Detail from the Police Department for the American Legion & Tappan Reformed Church Annual Christmas Tree Lighting, to be held on Sunday, December 19, 2021 from 3pm- 6pm.

FINANCE

20. REOPEN SECTION 384-d RETIREMENT AND SOCIAL SECURITY LAW / POLICE PENSIONS

WHEREAS, pursuant to Town Board Resolution 2021-236 the Town Board requested and approved the submission of a Home Rule Request for the enactment of special state legislation, in the form of Senate Bill S 7169 entitled "AN ACT to authorize the town of Orangetown to offer a certain retirement option to Orangetown police officers Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan" and its matching Assembly bill of the same title and identified as Assembly Bill A 7444 authorizing the Town to elect to make participation available and reopen the provisions of 384-d together with section 384-e of the New York Retirement and Social Security Law for police officers Patrick J. Casey, Elizabeth M. Muckell and Keith Trojan, and

WHEREAS, said legislation was adopted into law by the State of New York as Chapter 544 of the Laws of 2021,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown does hereby elect to reopen Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 544 of the Laws of 2021.

TOWN CLERK

21. 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: 10/12/21 & 11/9/21 Police Commission Meetings; and 10/12/21, 10/26/21, 11/9/21 & 11/30/21 Regular Town Board Meetings.
2. Agreement w/Applied Golf-Blue Hill, LLC & Applied Golf-Broadacres, LLC for Management, Operation & Maintenance of the golf courses.
3. Agreement (Amendment #1) w/Federal Emergency Management Agency (FEMA), extension for use of the Orangetown Soccer Complex.

AUDIT

22. 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 **\$961,798.95**.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss _____.

ADJOURNMENTS

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Barbara Rose Hovorka**, *Resident of Orangeburg, Grandmother of Hunter Hovorka (Orangetown Parks Department)*
- ❖ **Virginia Lynch**, *Resident of Blauvelt*