



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday August 20, 2024

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

Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Councilperson Dan Sullivan	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **ALS Ice Bucket Challenge / September 7, 2024 / 1 pm / Splash Pad at Veterans Memorial Park in Orangeburg / Visit www.orangetown.com to Sign Up**

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. **OPEN PUBLIC HEARING / RTBM OF AUGUST 20, 2024 AT 7:05 PM / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

RESOLVED, that the public hearing to hear comments concerning the renewal of Verizon New York Inc.'s franchise agreement with the Town of Orangetown is hereby opened.

4. **CLOSE PUBLIC PORTION / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

RESOLVED, that the public comment portion of this public hearing is hereby closed.

5. **SEQRA / LEAD AGENCY / TYPE II ACTION / NEGATIVE SEQRA DECLARATION / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to the matter of extending the Verizon New York Franchise agreement; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

6. **AUTHORIZING THE TOWN OF ORANGETOWN TO RENEW A CABLE FRANCHISE AGREEMENT WITH VERIZON NEW YORK, INC. TO OPERATE A CABLE SYSTEM IN THE TOWN OF ORANGETOWN**

WHEREAS, the Town of Orangetown (the "Town") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934, (the "Communications Act"), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws");

WHEREAS, the Town, executed a franchise agreement with Verizon New York, Inc. (the "Franchisee") on March 12, 2007, which was thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on April 20, 2007 for a term of fifteen (15) years (Case No.07-V-0321), and

WHEREAS, said franchise agreement expired on April 19, 2022; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the "Franchise Renewal Agreement") to continue operating its system within the Town for a term of 5 (five) years; and

WHEREAS, The Town and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a Cable System within the Town and that Franchisee's proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreement was held before the Town on August 20, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and

BE IT FURTHER RESOLVED that the Town Council hereby authorizes the Town Supervisor to enter into the Franchise Renewal Agreement with Verizon New York, Inc. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Orangetown.

7. **ACCEPT DONATION / BROSNAN RISK CONSULTANTS, LTD. / FURNITURE**

RESOLVED, upon the recommendation of the Director of the Office of Building, Zoning, Planning, Administration & Enforcement, the Town Board hereby accepts, with gratitude, the donation of furniture from Brosnan Risk Consultants, Ltd.

8. **APPROVE AGREEMENT / PAYMENT IN LIEU OF TAXES (PILOT) / INSTRUMENTATION LABORATORY COMPANY / 526 ROUTE 303 ORANGEBURG**

RESOLVED, that upon the recommendation of the Town Attorney, the Supervisor is hereby authorized to execute a Payment in Lieu of Taxes Agreement ("PILOT"), between and among the Town of Orangetown, Instrumentation Laboratory Company, the South Orangetown Central School District, the County of Rockland and the County of Rockland Industrial Development Agency, relating to real property known as and located at 526 Route 303, Orangeburg, NY (Tax Map designation Section 70.19 Block 1 Lot 45), commencing with the 2025 tax assessment roll through and including the 2034 tax assessment roll as set forth more fully in the agreement.

9. **AWARD MINI-BID / FRIENDLY FORD OF HAMILTON / TWO 2024 FORD F-150 LIGHTNING PRO ELECTRIC VEHICLES**

RESOLVED, upon the recommendation of the Supervisor's Office and in accordance with NYS OGS Vehicle Marketplace Solicitation #23166 and Mini-Bid Award # 001-2024, the Town Board hereby awards the Mini-Bid for two (2) 2024 Ford F-150 Lightning Pro Electric Vehicles to Friendly Ford of Hamilton, NY, the lowest qualified bidder, in the amount of \$88,466.66, to be paid using grants funds with the overage charged to Account Nos: A.7110.200 (Parks) and G.8120.200 (DEME).

10. **APPROVE / FUND OVERAGE / STATE AND MUNICIPAL (SAM) GRANT / WATER REFILLING STATIONS / JOSEPH B. CLARKE RAIL TRAIL**

WHEREAS, the Town of Orangetown has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant to be administered by the Dormitory Authority of the State of New York (DASNY) for water refilling stations for the Joseph B. Clarke Rail Trail in the amount of \$50,000, subject to review and approval of DASNY and the submission of further documentation by the Town to DASNY; and,

WHEREAS, the Town Board hereby finds the purchase of water refilling stations for the Joseph B. Clarke Rail Trail and acceptance of the grant a Type II action under SEQRA which requires no further review with respect to SEQRA;

NOW THEREFORE, BE IT RESOLVED, that the Town Board agrees to accept the SAM grant from the State of New York, which is to be administered by DASNY, in the amount of \$50,000 towards the purchase of the water refilling stations for the Joseph B. Clarke Rail Trail; and,

BE IT FURTHER RESOLVED, the Town Board agrees to fund the remainder of the cost and any overages, through the Parks Trust, for the water refilling stations, not to exceed \$10,000; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant for the water refilling stations for the Joseph B. Clarke Rail Trail in accordance with DASNY requirements, subject to review and approval of the Town Attorney's Office.

TOWN ATTORNEY

11. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. SHULTER LLC C/O CVS PHARMACIES #00631-02 V. TOWN OF ORANGETOWN (TAX LOT #69.13-1-22)**

RESOLVED that, upon the recommendation of the Tax Assessor, approve and authorize Robert V. Magrino, Town Attorney, and any of his Deputy Town Attorneys, to sign settlement documents regarding the tax certiorari proceeding *Shulter LLC c/o CVS Pharmacies #00631-02 v. Town of Orangetown* (NYS Supreme Court, Rockland County, Index Numbers 033380/2023 & 034299/2024), for property commonly known as 19 North Middletown Road, Pearl River (Tax Map Designation: 69.13-1-22), for the tax certiorari filing years 2023 and 2024, for a total refund by the Town of \$0.00, a total refund by the School District of \$2,672.00, and a total refund by the County of \$0.00. The Pearl River Union Free School District has approved of this settlement. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

HIGHWAY

12. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF ANTHONY LIMANDRI /HIGHWAY MAINTENANCE SUPERVISOR III / HIGHWAY DEPARTMENT / EFFECTIVE AUGUST 16, 2024**

RESOLVED, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of Anthony Limandri, Highway Maintenance Supervisor III from the Orangetown Highway Department, after 35 years, effective August 16, 2024.

13. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF DARRELL D. BUTLER /LABORER / HIGHWAY DEPARTMENT / EFFECTIVE AUGUST 30, 2024**

RESOLVED, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of Darrell D. Butler, Laborer from the Orangetown Highway Department, after 29 years, effective August 30, 2024.

POLICE

14. **GRANT PERMISSION / POLICE DEPARTMENT DET. MARK DURNEY / CRIMES AGAINST CHILDREN CONFERENCE / DALLAS TX**

RESOLVED, that permission is hereby granted to Det. Mark Durney to attend the Crimes Against Children Conference as part of a county contingent being sponsored by the Rockland County District Attorney's Office from August 10-15, 2024 at no cost to the Town of Orangetown, nunc pro tunc.

15. **DECLARE SURPLUS VEHICLES/POLICE DEPARTMENT**

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following vehicles are to be declared as surplus:

- 2FAFP71W16X145386 2006 Ford Crown Vic Blue 92,000 miles - end of serviceable life/body rust.
- 2FAFP71V48X134294 2008 Ford Crown Vic Blue 89,000 miles - end of serviceable life/body rust.
- 1FM5K8AR6FGA35472 2015 Ford Explorer Black 120,000 miles - totaled beyond repair in motor vehicle accident.

DEME

16. **ESTABLISHING FEE / CERTIFICATE OF SEWER REGISTRATION / TOWN CODE CHAPTER 30**

WHEREAS, pursuant to the newly amended Chapter 30, Section 30-6 of the Town Code, entitled "Sewers, Rules and Regulations" the Town Board is authorized to determine and

set the fees for permits to be issued pursuant to said Chapter for certificates of sewer registration; and

WHEREAS, the Town Board having taken into consideration the recommendation of the Commissioner of the Department of Environmental Management and Engineering (DEME) and the costs to the Town associated with the issuance of such permits, ,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby sets the fee for certificates of sewer registration pursuant to §30-6 of the Town Code at \$250.00 (Two Hundred and Fifty Dollars).

17. APPROVE BID / INGERSOLL AUTO OF DANBURY / PURCHASE OF ONE (1) 2024 CHEVROLET SILVERADO 3500HD DUMP TRUCK

WHEREAS, the Commissioner of the Department of Environmental Management and Engineering duly advertised for sealed bids for the purchase of One (1) 2024 Chevrolet Silverado 3500HD Dump Truck and the sealed bids were received by the Orangetown Clerks Office and opened on May 21, 2024; and,

WHEREAS, one bid was received from Ingersoll Auto of Danbury for which the bid documents and the bid tabulation are attached as exhibits; and,

NOW THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of the Department of Environmental Management and Engineering that this bid is awarded to Ingersoll Auto of Danbury in the amount of \$67,197 to furnish One (1) 2024 Chevrolet Silverado 3500HD Dump Truck that met the specification of the aforementioned bid, paid with Bonded Funds previously approved using account H.8120.200.24.

18. APPROVE / SURPLUS EQUIPMENT AND VEHICLES / D.E.M.E.

RESOLVED, upon the recommendation of the Commissioner of D.E.M.E., the Town Board hereby declares the following vehicles and equipment surplus available for auction or surplus for scrap:

1. 2004 Ford F-250 Pickup with Western Plow, VIN #: 1FTNX21L84EA67296
2. 2007 Jeep Grand Cherokee, VIN #: 1J8GR48K47C622927
3. 1999 Bobcat Skid Steer Model 873, VIN #: 514124130
4. Toro Grounds Master 345 Ride-on Mower
5. Western 60308 8'6" Pro-Plow
6. 1999 Bobcat 8709 Backhoe Attachment
7. 1986 Ingersoll-Rand G-1600 Air Compressor
8. Wallace Model SG10-15SAC, 3-ton Gantry

FINANCE

19. APPROVE / AGREEMENT / TROY & BANKS / UTILITY AUDIT

RESOLVED, the Town Board authorizes the Director of Finance to enter into an agreement with Troy & Banks to conduct a utility audit on the Town's bills. There is no cost to the Town unless savings are found. If overcharges are found, Troy & Banks is entitled to 24% of the refund, while the Town gets 76%. Similarly, for a period of 1 year, future savings will recur at the same rate. After 1 year, all of the savings revert to the Town.

LEND ASSISTANCE

20. COMBINE / APPROVE AGENDA ITEMS #21 TO 27

RESOLVED, the Town Board hereby combines and approves agenda items #21 to 27.

21. APPROVE / LEND ASSISTANCE / 2024 SONS OF ITALY ITALIAN FEAST / SEPTEMBER 5-8, 2024

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 fencing, cones, barricades, message board, trash cans & barrels from the Highway Department & police detail from the Police Department. This event will be held from September 5 - September 8, 2024.

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 by the Sons of Italy for their Italian Feast, Thursday, September 5 to Sunday, September 8, 2024, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

22. APPROVE / LEND ASSISTANCE / SOUTH NYACK 10- MILER / SEPTEMBER 8, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from OPD, for the South Nyack Road Race to be held on Sunday, September 8, 2024.

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board the rental of porto-jons (10 regular) for use at the South Nyack 10 Miler on September 8, 2024. With the organization providing a certificate of insurance naming the Town of Orangetown as being an additional insured.

23. APPROVE / LEND ASSISTANCE / TAPPAN 9/11 MEMORIAL DAY SERVICE / SEPTEMBER 11, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use

of two message boards from August 19th to September 11th for the Tappan 9/11 Memorial Service, to be held on Monday, September 11, 2024 from 8am-11am.

24. APPROVE / LEND ASSISTANCE / PEARL RIVER HOOK AND LADDER / WET DOWN / SEPTEMBER 13, 2024

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 by the Pearl River Hook and Ladder for their wet down on Saturday, September 14, 2024, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

25. APPROVE / LEND ASSISTANCE / TAPPAN FIRE DEPARTMENT / WET DOWN / SEPTEMBER 28, 2024

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 and the rental of 5 porto-jons (4 regular and 1 handicapped) by the Tappan Fire Department for their wet down on Saturday, September 28, 2024, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

26. APPROVE / LEND ASSISTANCE / PEARL RIVER MIDDLE SCHOOL COLOR RUN / SEPTEMBER 14, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance, which includes the use of barricades & cones, for the PRMS Color Run, to be held on Saturday, September 14, 2024.

27. APPROVE / LEND ASSISTANCE / 2024 PEARL RIVER HIGH SCHOOL PEP RALLY & BONFIRE / SEPTEMBER 27, 2024

RESOLVED, upon the recommendation of the Superintendent of Highways and Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, barrels and sand from the Highway Department & the presence of Auxiliary Police from the Police Department for the Pearl River High School Pep Rally & Bonfire to be held on Friday, September 27, 2024 at 7pm.

TOWN CLERK

28. ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

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

- Town Board Meeting minutes: July 9, 2024 Police Commission Meeting; July 9 & 23, 2024 Regular Town Board Meetings.

- Amended & Restated Memorandum of Understanding & Developer’s Agreement with Reveil, LLC for property located at 334 Rt 9W, Palisades (78.13-1-1).
- Second Amendment for Extension of the Sub-recipient Agreement with Rockland County on behalf of its American Rescue Plan Act for Grant Funds for the Franklin Street Park Improvements Project.
- NYS Comptroller Debt Statement, dated July 10, 2024.
- Deed for property located at 334 Route 9W, Palisades (78.10-1-1) related to the MOU between the Town and Reveil, LLC. Reveil purchased the property under a new entity name (Palisades Renewal Center Company, LLC).
- Restrictive Covenant (the Town’s 5-year right of first refusal to purchase the property located at 334 Route 9W, Palisades (78.10-1- 1) Reveil purchased the property under a new entity name (Palisades Renewal Center Company, LLC).
- Dichter Law LLC, engagement ltr for 2024 O & R rate increase case.
- Annual Comprehensive Financial Report for Fiscal Year Ended December 31, 2023.
- Restrictive Covenant (Amended), St Dominics Family Services, 2 Covenant Rd.
- Contract of Sale between Living Christ Church etc and the Town of Orangetown for the property located at 149-157 Piermont Ave, S. Nyack (66.54-2-11).

AUDIT

29. 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 six (6) warrants (attached) for a total of \$3,509,779.47.

EXECUTIVE SESSION

30. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

31. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Carole Finning**, *Mother of Orangetown Town Justice Richard Finning*
- ❖ **Peter Fitzpatrick**, *Resident of Pearl River*
- ❖ **Brigid “Della” Kivlehan**, *Resident of Orangeburg*
- ❖ **Layla So**, *Resident of Pearl River*