

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JANUARY 11, 2011**

This Town Board Meeting was opened at 6:00 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy (arrived 8 p.m.)  
Councilwoman Nancy Low-Hogan  
Councilman Michael Maturo (arrived 8 p.m.)  
Councilman Thomas Diviny

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
AnnMarie Hahr, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Scott Burton, Director of Environmental Management & Engineering  
Guy DeVincenzo, Clerk of the Works

Esta Baitler led the Pledge of Allegiance to the Flag.

**RESOLUTION NO. 30**

**ENTER EXECUTIVE SESSION**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the Town Board entered Executive Session at 6:00 p.m.

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo  
Supervisor Whalen  
Noes: None

**Resolution Nos. 31 and 32 see Executive Session.**

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River, is in favor of replacing the roof on the Highway's garage. We must maintain our infrastructure and protect the vehicles stored there.

**RESOLUTION NO. 33**

**CLOSE PUBLIC COMMENTS**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the public portion is hereby closed.

Ayes: Councilpersons Diviny, Low-Hogan  
Supervisor Whalen  
Noes: None  
Absent: Councilperson Troy, Maturo

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**RESOLUTION NO. 34**

**ACCEPT RETIREMENT  
MARY MC CLOSKEY**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the Town Board hereby accepts, with regret, the retirement of Mary Mc Closkey. effective December 30, 2010.

Ayes: Councilpersons Low-Hogan, Diviny  
Supervisor Whalen  
Noes: None  
Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 35****ACCEPT RETIREMENT  
BARBARA HOSOMER**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the Town Board hereby accepts, with regret, the retirement of Barbara Hofsommer, effective December 31, 2010.

Ayes: Councilpersons Low-Hogan, Diviny  
Supervisor Whalen  
Noes: None  
Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 36****2011 BINGO LICENSES**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED that the following are hereby approved for 2011 Bingo Licenses:

St. Margaret's Catholic Church  
St. Margaret's Church School Auxiliary  
St. Margaret's Church Parish Council  
Beth Am Temple

Ayes: Councilpersons Diviny, Low-Hogan  
Supervisor Whalen  
Noes: None  
Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 37****ACCEPT MINUTES**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the December 7, 2010 Police Commission Meeting, Special Town Board Meeting, and Executive Session minutes; and the December 14, 2010 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Diviny, Low-Hogan  
Supervisor Whalen  
Noes: None  
Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 38****SUPERVISOR'S REPORT/2011 TAX  
ROLL/RECEIVED/FILED**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the fully executed Supervisor's Report, addressed to the Rockland County Legislature regarding the 2011 Tax Rolls is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Low-Hogan, Diviny  
Supervisor Whalen  
Noes: None  
Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 39**

**FIRE DISTRICTS ANNUAL ELECTION RESULTS RECEIVE/FILED**

Supervisor Whalen offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED that the following Fire Districts Annual Election results are hereby received and filed in the Town Clerk’s Office.

- Central Nyack Fire District
- Tappan Fire District
- Sparkill-Palisades Fire District
- Orangeburg Fire District
- Nyack Joint Fire District

Ayes: Supervisor Whalen, Councilman Diviny  
 Noes: None  
 Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 40**

**MEMORANDUM OF UNDERSTANDING NEW YORK SHARKS AQUATICS RECEIVED/FILED**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the fully executed Memorandum of Understanding, between the New York Sharks Aquatics and the Town is received and filed in the Town Clerk’s Office

Ayes: Councilpersons Diviny, Low-Hogan  
 Supervisor Whalen  
 Noes: None  
 Absent: Councilpersons Troy, Maturo

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**RESOLUTION NO. 41**

**OPEN PH/CDBG COMMUNITY DEVELOPMENT BLOCK GRANT**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that 8:00 p.m. public hearing to consider applications and recommendations, from the Town’s CDBG Committee, to be submitted to the Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint of the 2011 Block Grant Funds is hereby opened.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny  
 Supervisor Whalen  
 Noes: None

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Summary of Public Comments:

Sr. Peggy Scarano presented the CDBG applications and explained the three projects advising the Town Board that the applications need to be ranked: Thorpe Village is requesting \$200,000 for generators; Conway House is requesting \$82,208.71 for windows, insulation, siding and gutters; and Rockland Conservatory of Music is requesting \$25,000 for transportation of students.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, would like to see Camp Venture be included next year.

Mike Mandel, Pearl River, is in favor of Thorpe Village and Conway House applications. The elderly and disabled must come first.

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**RESOLUTION NO. 42****CLOSE PH/CDBG COMMUNITY DEVELOPMENT BLOCK GRANT**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the public comments portion is hereby closed.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo  
Supervisor Whalen  
Noes: None

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**RESOLUTION NO. 43****APPROVE ACCEPTANCE/SUBMIT APPLICATIONS/COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Supervisor Whalen and was unanimously adopted:

RESOLVED, that the Orangetown Town Board approved, in the following order, the 2011 CDBG Committee's recommendation, to be submitted to the County of Rockland Community Development Office for consideration and approval. Application(s) to be delivered to Rockland Community Development Office by January 31, 2011.

1. Thorpe Village, \$200,000 for generators
2. Conway House, \$ 82,208.71 for windows, insulation, siding and gutters
3. Rockland Conservatory of Music, \$25,000 for transportation of students

Ayes: Councilpersons Low-Hogan, Troy, Diviny  
Supervisor Whalen  
Noes: None  
Abstained: Councilman Maturo

The entire Board agreed on the order of submission but they wanted to stipulate how worthwhile all the applications were and the importance of all the projects. The Town Board thanked Sister Peggy Scarano for her many long hours this year and for the past several years. Councilman Maturo advised he would be abstaining from this vote stating he is on the Board of Directors for the Rockland Conservatory of Music.

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**RESOLUTION NO. 44****TABLED/AUTHORIZE/POLICE CONSOLIDATION GRANT**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously **TABLED**:

**RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR A GRANT FROM THE NEW YORK STATE DEPARTMENT OF STATE ON BEHALF OF THE TOWNS OF CLARKSTOWN, ORANGETOWN, HAVERSTRAW AND STONY POINT**

WHEREAS, the Supervisors of the Towns of Clarkstown, Orangetown, Haverstraw and Stony Point, recognizing the exemplary work and contribution of the men and women in their respective police departments, propose a feasibility study for the consolidation of the police departments currently operates separately in each municipality in order to reduce the cost and size of government; and

WHEREAS, the Towns of Clarkstown, Orangetown, Haverstraw and Stony Point wish to obtain the Local Government Efficiency (LGE) High Priority Grant in the program year 2010-2011 from the New York State Department of State for monetary assistance in carrying out the project known as the Study for the Consolidation of Police Departments in Rockland County; and

**Resolution No. 44 - Continued**

WHEREAS, the Town of Clarkstown is to be the lead agency for such grant, and the Towns of Orangetown, Haverstraw and Stony Point will be co-applicants, which pursuant to an intermunicipal agreement shall reimburse the Town of Clarkstown for the expenditures rendered in order to complete the named project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orangetown hereby authorizes the submission of an application to the New York State Department of State for a grant in the amount of \$50,000 for reimbursement of said project; and be it

FURTHER RESOLVED, that the Town Board of the Town of Orangetown hereby authorizes a 10% contribution or the balance of the project as the local share for the project costs, of which will be reimbursed proportionately by the participating Towns to be stated in an intermunicipal agreement to be developed;

FURTHER RESOLVED, that the Supervisor is authorized to execute said application on behalf of the Town of Orangetown and take all necessary actions to implement this resolution.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny  
Supervisor Whalen

Noes: None

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**RESOLUTION NO. 45****SEQRA DECLARATION/HIGHWAY  
ROOF REPLACEMENT/\$300,000 BOND**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that a SEQRA Declaration of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny  
Supervisor Whalen

Noes: None

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**RESOLUTION NO. 46****APPROVE/\$300,000 BOND  
HIGHWAY ROOF REPLACEMENT**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Troy and on a roll call was unanimously adopted:

A RESOLUTION AUTHORIZING THE ROOF REPLACEMENT AT THE ORANGETOWN HIGHWAY DEPARTMENT IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$300,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The replacement of the roof at the Orangetown Highway Department, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$300,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$300,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

**Resolution No. 46 - Continued**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Ayes: Councilpersons Diviny, Troy, Low-Hogan, Maturo  
Supervisor Whalen  
Noes: None

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**RESOLUTION NO. 47****AWARD BID/HIGHWAY GARAGE  
ROOF REPLACEMENT**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

**Resolution No. 47 - Continued**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the Highway Garage Roof Replacement, which were received and publicly opened on January 4, 2011. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 01-A-11, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Hayden Building Maintenance Corp., West Nyack, NY, the lowest qualified bidder, in the amount of \$284,685.00.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Maturo  
Supervisor Whalen  
Noes: None

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**RESOLUTION NO. 48****DEME/PARKS - BID DATE CHANGED  
BLUE HILL GOLF COURSE PRO SHOP  
AND CLUBHOUSE RENOVATIONS**

Under new business, Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

WHEREAS, by prior resolution, the Town Board authorized the advertisement for competitive bids for the public works contracts required for the renovation of the Blue Hill Golf Course Pro Shop and Clubhouse; and

WHEREAS, bids for such contracts have been solicited by advertisement duly published in accordance with § 103 of the General Municipal Law, said bids to be received no later than 10:30 a.m. on January 12, 2011, and publicly opened and read aloud on January 11, 2011 at 11:00 a.m.; and

WHEREAS, a significant snow event is presently underway and forecast to continue throughout the night and into the daylight hours tomorrow; and

WHEREAS, the Town Board is concerned that such a winter event will impede the timely receipt of all bids that might otherwise be received to the potential detriment of the Town; and

WHEREAS, the Town Board finds that it is in the best interests of the Town to delay the opening of the bids for 24 hours to Thursday January 13, at 11 a.m.,

NOW, THEREFORE, BE IT RESOLVED, that the date and time for the opening of the bids for the public works contracts for renovations to the Blue Hill Golf Course Pro Shop and Clubhouse is hereby postponed to Thursday January 13, 2011, at 11 a.m., at which time all bids received shall be publicly opened and read aloud; and be it further

RESOLVED, that in order to ensure the integrity of the competitive bidding process, and to ensure that no bidder is given a competitive advantage over any other bidder, no bids shall be opened prior to 11 a.m. on January 13, 2011. All bids must be received no later than 10:30 a.m. on January 13.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny  
Supervisor Whalen  
Noes: None

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**RESOLUTION NO. 49****ENTERED AUDIT**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the Town Board entered the Audit Meeting at 9:05 p.m.

Aye: Councilpersons Low-Hogan, Troy, Maturo, Diviny  
Supervisor Whalen  
Noes: None

**RESOLUTION NO. 50**

**PAY VOUCHERS**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$2,220,058.24.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny  
Supervisor Whalen  
Noes: None

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**RESOLUTION NO. 51**

**ADJOURNMENT**

Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the Town Board adjourned, in memory of Arthur (Artie) H. Ainsworth, Pearl River, at 9:48p.m.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan  
Supervisor Whalen  
Noes: None

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**Charlotte Madigan, Town Clerk**