

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JANUARY 12, 2010  
7:30 p.m.**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy  
Councilwoman Nancy Low-Hogan  
Councilman Michael Maturo  
Councilman Thomas Diviny

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Teresa Kenny, First Deputy Town Attorney  
AnnMarie Hahr, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Ron Delo, Director of the Dept. of Env'tl Management & Engineering  
Robert Simon, Receiver of Taxes  
John Giardiello, Director of OBZPAE  
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Catherine Dodge led the Pledge of Allegiance to the Flag.

Summary of Public Comments

Eileen Larkin, Palisades, congratulated the newly elected officials and wished them well. She also asked if Cablevision would allow a credit on the bills because the food channel and HGTV is not being aired.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, congratulated the officials.

Shelly Morgan, Tappan, asked what the cost for not-for-profits will be for the Orangetown showmobile.

**RESOLUTION NO. 40**

**CLOSE PUBLIC COMMENTS**

Councilman Troy 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 Troy, Low-Hogan, Maturo, Diviny  
Supervisor Whalen

Noes: None

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**RESOLUTION NO. 41**

**REAPPOINTMENT/ BLUE HILL  
GOLF ADVISORY COMMITTEE**

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

RESOLVED, that Daniel Salmon is hereby reappointed to the Blue Hill Golf Advisory Committee for 2010.

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

Noes: None

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**RESOLUTION NO. 42****REAPPOINTMENT/SHADE  
TREE COMMISSION**

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

RESOLVED, that Rebecca Gmucs is hereby reappointed to the Shade Tree Commission for 2010.

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

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**RESOLUTION NO. 43****POLICE/AWARD BID/ACCESS  
CONTROL SYSTEM**

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

WHEREAS, the Town of Orangetown duly advertised for sealed bids for an Access Control System for the Orangetown Police Department, which were received and publicly opened on December 7, 2009. The Chief of Police made this recommendation to the Town Board; a copy is labeled Exhibit 1-A-10 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Blue Dragon Connections Video Surveillance Specialists, Stormville, NY, in the amount of \$21,635.00 to be charged to Account No. B3120162/50200.

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

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**RESOLUTION NO. 44****AWARD BID/POLICE  
UNIFORMS/STARR UNIFORM**

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

WHEREAS, the Town of Orangetown duly advertised for sealed bids for furnishing uniforms to the Orangetown Police Department, which were received and publicly opened on December 2, 2009. The Chief of Police made this recommendation to the Town Board; a copy is labeled Exhibit 1-B-10 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the only bidder, Starr Uniform Center, Inc., Scranton, PA., to be charged to Account No. B3120164/50465.

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

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**RESOLUTION NO. 45****AWARD BID/DRY CLEANING  
POLICE UNIFORMS/THE WASHING  
BOARD, INC.**

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

WHEREAS, the Town of Orangetown duly advertised for sealed bids for the cleaning of Orangetown Police Department's uniforms in 2010 and 2011, and one bid was received and publicly opened on December 2, 2009. The Chief of Police made this recommendation to the

**Resolution No. 45 - Continued**

Town Board; a copy is labeled Exhibit 1-C-10 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the only bidder, The Washing Board, Inc., Pearl River, NY, to be charged to Account No. B3120164/50466.

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

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**RESOLUTION NO. 46****TABLED BID/MAINTENANCE  
POLICE RADIO EQUIPMENT  
GOOSETOWN  
COMMUNICATIONS**

Councilman Maturo offered the following resolution, which was seconded by Councilman Troy and was unanimously TABLED:

WHEREAS, the Town of Orangetown duly advertised for sealed bids for the maintenance of police Radio equipment in 2010 and 2011, and one bid was received and publicly opened on December 2, 2009. The Chief of Police made this recommendation to the Town Board; a copy is labeled Exhibit 1-D-10 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this resolution is hereby TABLED.

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

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**RESOLUTION NO. 47****POLICE DEPARTMENT/PERMISSION  
GRANTED/D.A.R.E. TRAINING**

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

RESOLVED, that permission is hereby granted for one officer to attend D.A.R.E. Officer Training at the NJ Training Academy in Waretown, NJ, January 25-29, 2010 and February 1-5, 2010, at a cost of \$1,625.00, to be charged to Accts. B/3120/50441 and B/3120/0480.

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

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**RESOLUTION NO. 48****AID/AOH/ST. PATRICK'S DAY  
PARADE**

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

RESOLVED, that the request of the Ancient Order of Hibernians for the Town to provide trash barrels, barricades along the line of march, painting of the green stripe, sound system and personnel to assist, Town showmobile in the amount of \$350.00 and porto-sans (the cost to be shared with the Ancient Order of Hibernians) Town to pay for 14, for the St. Patrick's Day Parade to be held on March 21, 2010 is hereby approved.

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

**RESOLUTION NO. 49****AID/MARCH OF DIMES**

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

RESOLVED, that the request of the March of Dimes to use the Town Showmobile, in the amount of \$350.00, for their March for Babies walk, scheduled for Saturday, April 24, 2010 from 7:00 AM to 2:00 PM, to be held at Blue Hill Plaza is hereby approved.

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

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**RESOLUTION NO. 50****DEME/PERMISSION GRANTED/NY  
WATER ENVIRONMENT ASSOCIATION**

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

RESOLVED, that permission is hereby granted to Ron Delo, Director, DEME, to attend the 82<sup>nd</sup> Annual Meeting of the N.Y. Water Environment Association, February 1-3, 2010, at a cost of \$580.00 to be charged to Account #G8110004/50441.

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

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**RESOLUTION NO. 51****APPROVE CERTIFICATE OF  
REGISTRATION/2010 SEWER WORK**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2010 Sewer Work is approved to the following:

Kevin Stokes Excavating, Inc., P O Box 812, Pearl River, NY  
Ronald Filera Landscape Contractors, LLC, 520 South Pascack Rd, Chestnut Ridge, NY

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

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**RESOLUTION NO. 52****RELEASE OF PERFORMANCE  
BOND/ASH SUBDIVISION**

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

RESOLVED, that upon the recommendation of the Planning Board (PB# 2009-57), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorized the release of the Ash Subdivision Performance Bond and collateral in the amount of \$73,668.00, which was originally posted pursuant to Town Board Resolution #2006-587.

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

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**RESOLUTION NO. 53****ORANGE & ROCKLAND SPECIAL  
PERMIT TRANSITION TOWER  
TOWN LEAD AGENCY/SEQRA**

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

WHEREAS, at a regular meeting of the Town Board held on the 23rd day of November 2009, the Town Board adopted a resolution, declaring its intention to be Lead Agency for the environmental review process to be conducted under the State Environmental Review Act (“SEQRA”) in connection with a proposed project entitled “Orangeburg Road Transition Structures”, involving an application for a Special Permit from the Town Board and Site Development Plan Approval from the Town Planning Board, permitting the installation and construction of “H-Frame” structures to transition overhead lines to the underground lines at the Corporate substation located in an existing Orange & Rockland right-of-way south of Orangeburg Road (a/k/a Veterans memorial Drive), approximately 300± feet west of the intersection of Lester Drive on property bearing Tax Map Designation Sect. 74.09, Bl. 2, Lot 2 on the Tax Map of the Town of Orangetown (the “Proposed Action”); and

WHEREAS, in accordance with the aforesaid resolution the Town Board caused to be circulated a Lead Agency coordination letter to and among the various involved and/or interested agencies, together with the distribution package, including the application to the Town Board and Planning Board, Project Narrative, Drainage Report and Erosion & Sediment Control Maintenance Plan, Project Plan and Long Form Environmental Assessment Form and such other information as has been submitted in connection with the Proposed Action; and

WHEREAS, more than thirty (30) days having passed since the adoption of such resolution and the circulation of such coordination letter, and each such involved or interested agency which received such notice either has consented to the Town Board assuming Lead Agency status, or has failed to respond thereto (and none having objected to the Town Board assuming such status),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be Lead Agency in connection with environmental review process to be conducted under the State Environmental Review Act (“SEQRA”) for the Proposed Action.

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

John Edwards, Town Attorney, explained that the Town Board declares its intention to be Lead Agency and circulates it to other parties who could contest that determination. They have 30-days in which to do so. After the 30-days, the Town Board can declare themselves to be Lead Agency. Then anyone in the future who adopts or issues an approval has to do so in accordance with whatever findings the Town Board makes. Before any action is taken, the Town Board will have to make a determination whether there will be any significant environmental impacts and propose any conditions. The special permit, including the Planning Board’s site plan approval, will be bound by the conditions the Town Board imposes. The Town Board already declared its intent to be Lead Agency and, as of tonight, nobody challenged it. Assuming you act favorable, you will be the Lead Agency.

John Giardiello, Director of OBZPAE, said the abutting property owners will be notified.

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**RESOLUTION NO. 54****RECEIVE/FILE DOCUMENTS/TOWN  
CLERK’S OFFICE**

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

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

**Resolution No. 54 - Continued**

1. Maintenance/Performance Bond & the Hold Harmless Agreement (Sickles Farm Subdivision).
2. Title Insurance Policy (Ash Subdivision)
3. Hi-Tor Animal Shelter Agreement.
4. Maser Consulting, P.A. Professional Services Agreement (Sludge Holding Tanks 1 & 2).
5. Patrick Joseph Wrafter Agreement (Broadacres Golf Course pro shop).
6. Steven Bello Custodian/Caretaker Agreement (Blue Hill).
7. Thomas Iacobellis Custodian/Caretaker Agreement (Nike Lane).
8. Anthony Limandri Custodian/Caretaker Agreement (Borst Memorial Park).

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

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**RESOLUTION NO. 55 ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:15 p.m.

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

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**RESOLUTION NO. 56 PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,638,263.59.

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

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**RESOLUTION NO. 57 ENTERED EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 8:20 p.m.

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

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**Resolution Nos. 58 and 59 see Executive Session.**

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**RESOLUTION NO. 60 ADJOURNMENT/MEMORY**

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

**Resolution No. 60 - Continued**

RESOLVED, that the Town Board adjourned, in memory of Margaret Van Cura, mother of South Nyack Police Chief; Mary Fitzmaurice, Pearl River; and Dr. Mary O'Connor Quaranta, former chairperson of Orangetown ZBA, at 9:30 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**