

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, FEBRUARY 23, 2010**

This Town Board Meeting was opened at 7:37 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.

Esta Baitler led the Pledge of Allegiance to the Flag.

**Summary of Public Comments (RTBM):**

Michael Mandel, Pearl River, spoke about Police matters regarding training. He questioned the retainer with Keane and Beane and he is in favor of Tallman State park staying opened.  
Esta Baitler, Consumer Advocate for Cathy Lukens Home, said the 2<sup>nd</sup> Deputy Supervisor deserves a chance. He is doing work for the Town at no cost.  
Annmarie Uhl, Sparkill, spoke about Orange and Rockland tree trimming of black spruce trees and if there has been any communication with them. She asked about sidewalks along Oak Tree Road.  
Janet Hoffman, Blauvelt, said the train horn does not have to be blown to announce a train is passing through the area. It is intrusive on people's personal lives.  
Jim Castagna, Sparkill, asked for support in restoring the Sparkill commuter parking lot back to a park.  
Andrew Wiley, Pearl River, spoke about his class action lawsuit against the Assessor.  
Watson Morgan, Blauvelt, is against Tallman park closing and he believes now may be an opportunity for the Town to control Tallman park.

**RESOLUTION NO. 136**

**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. 137**

**APPROVE REQUEST/JOHN PAULDING  
ENGINE CO. NO. 1/SHOWMOBILE**

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

RESOLVED, that the request of the John Paulding Engine Co. No. 1 (Sparkill Fire Department), for the use of the Town Showmobile May 1, 2010, 6:00 – 11:00 PM, for a rental fee of \$350.00 is hereby approved.

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

**RESOLUTION NO. 138****SET PUBLIC HEARING/APPROVE SITE  
DESIGNATION/EMPIRE ZONE  
BRADLEY CORPORATE PARK  
PARCEL ID 70.06-1-1.12**

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 a public hearing is scheduled for March 9, 2010 at 8:05 p.m. to receive public comment on a concurring resolution to amend the Rockland County Empire Zone boundaries to allow for designation of land as a Regionally Significant Project through the Empire Zone Program. The Aerco International Project meets the criteria and is to be located at Tax Parcel ID 70.06-1-1.12, in Bradley Corporate Park.

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

Noes: None

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**RESOLUTION NO. 139****APPROVE FEE SCHEDULE  
REHABILITATION/MEDICINE  
ASSOCIATES/POLICE GML207-C**

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

RESOLVED, that upon the recommendation of the Town Attorney, the following fee schedule for Rehabilitation Medicine Associates is hereby approved:

WHEREAS, the Town and the Orangetown PBA were parties to an arbitration proceeding that resulted in the issuance of an Interest Arbitration Award dated June 20, 2007; and

WHEREAS, such Interest Arbitration Award directed the parties to “implement for all current and future disputes the General Municipal Law Section 207-c procedure presently in use by the County of Westchester;” and

WHEREAS, the G.M.L. Section 207-c procedure used by Westchester County requires the Officer be examined at Rehabilitation Medicine Associates, 301 Main Street, Bay Shore, New York, in certain enumerated situations;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby approves the fee schedule attached hereto for services to be rendered by Rehabilitation Medicine Associates and approves payment of same upon presentment of a duly signed voucher for services actually rendered.

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

Noes: None

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**RESOLUTION NO. 140****POLICE/APPROVE RETAINER  
KEANE & BEANE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the retainer Agreement with Keane & Beane, P.C, to provide legal advice and services to the Town with regard to labor and employment issues at a rate of \$225.00 per hour on an “as requested” basis is approved and the Supervisor is authorized to sign the Agreement, to be charged to Account No. MS171049/50457.

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

Noes: None

**RESOLUTION NO. 141**

**SET PUBLIC HEARING/LOCAL LAW  
GRAFFITI**

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

RESOLVED, that upon the recommendation of the Town Attorney, Superintendent of Highways, Superintendent of Parks & Recreation, Director of OBZPAE, and the Police Department, public hearing is scheduled for March 23, 2010 at 8:10 p.m. to consider a Local Law for "Graffiti".

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

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**RESOLUTION NO. 142**

**SET PUBLIC HEARING/LOCAL LAW  
SIDEWALK MAINTENANCE**

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

RESOLVED, that upon the recommendation of the Town Attorney, Superintendent of Highways, Superintendent of Parks & Recreation, Director of OBZPAE, and the Police Department, a set public hearing is scheduled for March 23, 2010 at 8:15 p.m. to consider Local Law for "Sidewalk Maintenance".

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

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**RESOLUTION NO. 143**

**APPROVE 2009 BUDGET TRANSFERS  
RECOMMENDED BY EXTERNAL  
AUDITORS**

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

RESOLVED, that the following 2009 budget transfers, as recommended by Town auditors, are hereby approved.

Final Budget Transfers/Amendments  
Year Ended December 31,  
2009

		<u>Increase</u>	<u>Decrease</u>
<u>Debt Service</u>			
EFC Charges	V1380493 50457	\$ 116,841	\$
RPC Principal	V9710840 50600	104,000	
RPC Interest	V9710840 50700		104,000
EFC Interest	V979007 50700		116,841
<u>General Fund</u>			
BAN Interest	A9730007 50700	\$ 98,704	\$
BAN Principal	A9730006 50600	72,500	
Sidewalk repairs	A5410004 50457		171,204

Special Districts Fund

Fund Bal	SW599 (Water)	\$	10,498	\$	
Hydrants	SW832004 50457 (Water)		10,498		
Fund Balance	SW599 (Fire)		5,956		
Blauvelt FD Insur	SW341004 50457 (Fire)		5,956		

Sewer Fund

Transfers	G9950009 50900	\$	76,332	\$	
Repairs	G8197004 50452				76,332
Unemployment	G905008 50800		1,215		
Dental	G9061008 50800				1,215
Salaries	G8110001 50011		50,000		
Misc	G8121004 50475		5,000		
Repairs	G8197004 50452				55,000

Highway Fund

Salaries	D5110041 50011	\$	57,041	\$	
Soc Sec	D9030058 50800		5,160		
Contracts	D5112044 50457				57,041
Unemployment	D9050058 50800				3,800
Health	D9060058 50800				928
Dental	D9061058 50800				432

Town Outside Villages Fund

Interest	B9730176 50700	\$	3,411	\$	
Contracts	B8560174 50457				3,411
Interest	B9730177 50700		13,644		
Retirement	B9015168 50800				13,644
Telephone	B8160174 50471		77		
Contracts	B8560174 50457				77
Street lights	B5182174 50455		84,923		
Fund Bal	B599		84,923		

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

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**RESOLUTION NO. 144**

**TABLED/CONTRACT/BUSINESS  
 AUTOMATION SERVICES, INC.**

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

RESOLVED, that approving the contract with Business Automation Services, Inc. for the following, including 2010 maintenance, in the amount of \$51,910, to be charged to Account No. A1682002/50457, is hereby TABLED.

Integrated Property System: \$33,480 (Building & Fire Prevention)  
 Tax Collection System: \$13,040 (Receiver of Taxes)

**Resolution No. 144 - Continued**

Internet Tax Tier 2:                 \$ 3,210 (Receiver of Taxes)  
 E-Government:                     \$ 2,180 (Receiver of Taxes)

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

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**RESOLUTION NO. 145****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:

MRJ Excavating, Inc., 7 Beaver Court, New City, New York  
 Dutra Excavating & Sewer, Inc., 10 Stone Hollow Road, Montvale, NJ 07645  
 M.P. Olsen Excavation, 57 North Airmont Road, Suffern, NY 10901  
 Rino Paving & Construction, Inc., 20 Viola Road, Suffern, NY 10901

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

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**RESOLUTION NO. 146****RENEW CONTRACT/CORNELL  
COOPERATIVE EXTENSION**

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

RESOLVED, that the Superintendent of Highways and Director of DEME, are hereby authorized to renew the 2010 Stormwater II Education Program Agreement with Cornell University Cooperative Extension of Rockland County at a cost of \$6,800.00, to be charged to Account No. A5010/50457 & A1440/50457.

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

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**RESOLUTION NO. 147****AWARD BID/TRASH RECEPTACLES  
VICTOR STANLEY, INC.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for thirty-five (35) trash receptacles with rain bonnet lid (Pearl River Parking District), which were received and publicly opened on January 27, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 2-E-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Victor Stanley, Inc., Dunkirk, MD, in the amount of \$26,810.00, the lowest qualified bidder, to be charged to Account SP565003/50300.

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

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**RESOLUTION NO. 148****AWARD BID/SIDEWALK PAVER  
ACORN-THOMPSON**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one (1) new sidewalk paver, which were received and publicly opened on February 10, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 2-F-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Acorn-Thompson, Newington, CT in the amount of \$26,844.00, the only qualified bidder to be charged to Account No. D51120042/50200.

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

Noes: None

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**RESOLUTION NO. 149****AWARD BID/COMPACT UTILITY  
LOADER/GRASSLAND EQUIPMENT**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for a Compact Utility Loader, which were received and publicly opened on January 13, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 2-G-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Grassland Equipment, Latham, New York in the amount of \$25,693.00, the only qualified bidder, to be charged to Account No. D5112042/50200.

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

Noes: None

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**RESOLUTION NO. 150****GRANT PERMISISON/2010  
GRASSROOTS CAMPAIGN**

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

RESOLVED, that permission is hereby granted for the Superintendent of Highways to attend the 2010 Grassroots Campaign, Local Roads and Bridges seminar to be held March 9 -10, in Albany, New York, at a cost of \$242.00 for lodging, meals and travel, to be charged to Acct. No. A5010004/50441.

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

Noes: None

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**RESOLUTION NO. 151****GRANT PERMISSION/EMERGENCY  
MANAGEMENT CONFERENCE**

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

**Resolution No. 151 - Continued**

RESOLVED, that permission is hereby granted for one police officer to attend the Long Island /NYC Emergency Management Conference, June 2<sup>nd</sup> and 3<sup>rd</sup>, 2010, at a cost of \$485.00, which includes lodging, tolls and class fee, to be charged to Acct. B/3120/50441.

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

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**RESOLUTION NO. 152****GRANT PERMISSION/ARMORER TRAINING**

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

RESOLVED, that permission is hereby granted for three police officers to attend the H&K/USP Armorer Training in Ashburn, VA, May 5 -7, at a cost of \$4,474.52, which includes travel, lodging and class fee to be charged to Acct. No. B/3120/50441.

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

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**RESOLUTION NO. 153****RECEIVE AND 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:

1. The Blauvelt Volunteer Fire Company Incorporated Financial Statements Year Ended March 31, 2009, with report of Certified Public Accountants.
2. Sickels Farm Subdivision (69.08-1-2.2 – 2.10) documents:  
O'Grady Court Deed (Rockland County Clerk Inst No. 2010-1070).  
20' Sanitary Sewer Easement Deed (Rockland County Clerk Inst No. 2010-1071).  
Declaration of Covenant (Rockland County Clerk Inst No. 2010-1068).  
Westcor Land Title Insurance Company Policy.
3. All Bright Electric, Change Order No. 1 for Contract No. PS-06-3E.

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

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**RESOLUTION NO. 154****NYS/POSTPONE CLOSING/TALLMAN STATE PARK**

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

WHEREAS, New York State proposes closure or reduction of service at 55 State parks, including Tallman's public outdoor pool,

WHEREAS, the residents of Orangetown would be directly and indirectly impacted by the recommended service reductions,

**Resolution No. 154 - Continued**

BE IT RESOLVED, that the Town of Orangetown requests that appropriate New York State officials postpone any decision on service changes at Tallman until thorough discussion can be had with Town of Orangetown officials and others to explore alternatives to closures or reductions in service.

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

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**RESOLUTION NO. 155**

**ORANGE & ROCKLAND TEMPORARY  
 ACCESS AGREEMENT/TRANSITION  
 STRUCTURES**

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

RESOLVED, that the Supervisor is hereby authorized to execute a temporary access agreement with Orange and Rockland Utilities, in a form as proposed and recommended by the Town Attorney, allowing Orange & Rockland to enter upon Town-owned lands comprising a part of Tax Lot 74.09-2-1 to conduct soil borings, perform a topographic survey and other test procedures as may be required to determine the feasibility of such property for the placement of transition structures to Corporate Park.

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

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**RESOLUTION NO. 156**

**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:18 p.m.

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

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**RESOLUTION NO. 157**

**PAY VOUCHERS**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 \$480,357.46.

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

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**RESOLUTION NO. 158**

**ENTER EXECUTIVE SESSION**

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



**Resolution No. 158 - Continued**

RESOLVED, that the Town Board entered Executive Session at 9:20 p.m.

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

Noes: None

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**Resolution Nos. 159 and 160 see Executive Session.**

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**RESOLUTION NO. 161**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned, in memory of John (Jack) Confrey, Garnerville, at 10:05 p.m.

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

Noe: None

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**Charlotte Madigan, Town Clerk**