

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, APRIL 27, 2010**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Whalen presided and the Deputy Town Clerk called the Roll. Present were:

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

Also present: Teresa Accetta-Pugh, Deputy Town Clerk  
John Edwards, Town Attorney  
Teresa Kenny, First Deputy Town Attorney  
AnnMarie Hahr, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
Ann Maestri, Supervisor of Fiscal Services  
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.

The Town Board recognized St. Margaret's CYO 6<sup>th</sup> Grade Boys Basketball Team for their achievement of winning the State Championship. The team players are Thomas Carty, Kyle Flaherty, Matt Josephson, Tim Lazur, Eamon Lee, Robert Magrino, Kyle Murphy, Jack O'Flynn, Mark Russell, Brian Syracuse, Dylan Walsh and Tyler Witte. Jerry Kavanagh, Head Coach, John Warner, Assistant Coach and Peter DiGiovanni and Rich Masley, Student Assistants are proud of these boys.

James Dean, Superintendent of Highways, explained and presented the following awards:

Highway Helper Award (55 years of community service): Mel Liebmann

Beautification Award: Joseph Lagana-USIS/Vision Fitness

Adopt-A-Road – 15 Year Anniversary: Blauvelt Lions Club

Road Master I: Michael Yannazzone

Patriotic Employer Award to the Town of Orangetown: Michael Yannazzone, recipient

American Public Works Association – 2009 Municipal Agency Award for Drainage and Road Improvements-Phase I at Kings Highway and Greenbush Road, Tappan: Highway Department

Highway Perfect Attendance Award: Darrell Butler, Mike Dillon, Stephen F. Munno, Matthew Plenge and Michael Yannazzone

The Summer Youth Employment Program

Dottie Dean and Brant Goldsmith, Principal of Summit School, brought the following students to receive an award because of their hard volunteer work in making the quality of life in Orangetown better over the past year.

Students:

James Balleta	Maria Bellini	Billy Catone	Patrick Chmela
Ricky Davis	Clarence Davis	Alex Diaz	Joshua Farber
Rosanna Barcia	Santiago Garmaise	Jonathan Georgens	Kyle Gordon
Grayson Krupp	Gabriel Lang	Alex May	Chris Melville
Josie Morales	Brandon Price	Phillip Puppola	Robert Ramer
	Jordan Schroder	Phillip Simon	

Work Supervisors - Shulton Whitley, Kyle Hassell, and Sy Samuals

Summary of Public Comments (RTBM):

Esta Baitler, Consumer Advocate for Cathy Lukens Home, spoke about the noise from CSX trains and funding from the Town for Project Graduation and Camp Venture.

RoseMarie Raccioppi, Tappan, presented and read the poem "Abundance BE" in acknowledgement of National Poetry Month and Earth Day.

Brian Kelly, Orangeburg, spoke about sewage backing up into his home on April 26<sup>th</sup>.

Frank & Cathy Tracey, Orangeburg, said they also had sewage backup into their home and asked Eileen Larkin, Palisades, invited everyone to attend the Cable TV Committee meeting on Wednesday, May 5<sup>th</sup> at Town Hall.

Evelyn Beckerle, Pearl River, encouraged the Town Board to pass the resolution for renovations of the Blue Hill Golf Course facility.

Jim Castagna, Sparkill, asked the Town Board to take action to move the commuter parking outside the center of Sparkill.

Michael Killeen, Pearl River, is still waiting for a response regarding the sewer backup in his home.

Habib Hasan, Pearl River, asked how many other businesses have not been called by the Rockland County Economic Development Corp.

**RESOLUTION NO. 266**

**CLOSE PUBLIC COMMENTS**

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

Noes: None

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**RESOLUTION NO. 267**

**AFRICAN INLAND MISSIONS  
AUTHORIZE PURCHASE  
NEGOTIATIONS**

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

RESOLVED, that the Supervisor is hereby authorized to begin negotiations for the purchase of the African Inland Missions.

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

Noes: None

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**RESOLUTION NO. 268**

**PEARL RIVER SHOP-RITE/PETITION  
FOR A ZONE CHANGE/245 EAST  
CENTRAL AVENUE/SBL 69.13-3-35  
ACCEPT/REFER/INTENTION TO BE  
LEAD AGENCY**

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

RESOLVED, that the Town Board accepts the Petition of G.L.F. Realty Company, Inc. for a zoning text amendment and change to the Town zoning map, relating to Tax Parcel 69.13-3-35, and directs that the said Petition and all accompanying papers and exhibits be referred to the Town Planning Board, pursuant to § 10.5 of the Town Code, for its review and recommendation, and further be circulated to the Rockland County Department of Planning, pursuant to GML § 239-*l* and *m*, as well as to the Rockland County Highway Department, Rockland County Drainage Agency and Pearl River School District for their review and comment;

AND IT IS FURTHER RESOLVED, that the Town Board hereby declares its intention to act as Lead Agency for environmental review of the proposed action under the State Environmental Quality Review Act (“SEQRA”), and directs that this resolution be circulated to the Town Planning Board and Rockland County Department of Planning.

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

Noes: None

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**RESOLUTION NO. 269****PIERMONT POLICE ATHLETIC  
LEAGUE/APPROVE REQUEST  
SHOWMOBILE**

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

RESOLVED, that the request for use of the Showmobile by the Piermont Police Athletic League presented by the Turning Point for the Piermont Roots Festival on Monday, September 6, 2010 from 9:30 am to 6:30 pm for a rental fee of \$350.00 is hereby approved.

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

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**RESOLUTION NO. 270****DOMINICAN COLLEGE/APPROVE  
REQUEST/SHOWMOBILE**

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

RESOLVED, that the request for use of the Showmobile by Dominican College for the Fire in the Sky Festival on Sunday, September 12, 2010 from 9:00 am to 11:00 pm, for a rental Fee of \$350.00 is hereby approved.

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

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**RESOLUTION NO. 271****DENNIS P. MCHUGH FOUNDATION  
APPROVE REQUEST/AID**

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

RESOLVED, that the request of the Dennis P. McHugh Foundation for six portable toilets (two handicapped accessible) for their 5<sup>th</sup> Annual Run for Fun and Family Fair to be held on May 15, 2010 in Piermont, to be charged to Account No. A755004/50457, is hereby approved.

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

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**RESOLUTION NO. 272****APPOINT/BOARD OF ASSESSMENT  
REVIEW/MATTHEW REID**

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

RESOLVED, that Matthew Reid is hereby appointed to the Board of Assessment Review, effective April 28, 2010, for an unexpired term, through September 30, 2010.

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

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**RESOLUTION NO. 273****APPOINT/ACABOR/MICHAEL BOSCO**

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

**Resolution No. 273 - Continued**

RESOLVED, that Michael Bosco is hereby appointed to ACABOR (Architecture Community Appearance Board of Review), for a three-year term, effective April 28, 2010.

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

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**RESOLUTION NO. 274****REAPPOINT/ACABOR/JILL FIELDSTEIN**

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

RESOLVED, Jill Fieldstein is hereby reappointed to ACABOR (Architecture Community Appearance Board of Review), for a three-year term, effective April 28, 2010.

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

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**RESOLUTION NO. 275****AMEND/AUTHORIZE/ACQUISITION OF  
OPINION PROJECT LABOR  
AGREEMENT/BLUE HILL FACILITY**

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

RESOLVED, that the resolution to authorize the acquisition of an opinion on a project labor agreement as it pertains to the renovation of the Blue Hill Facility, to be charged to Account No. E7250004/50457, include "in the amount of \$12,500".

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

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**RESOLUTION NO. 276****AUTHORIZE/ACQUISITION OF OPINION  
PROJECT LABOR AGREEMENT/BLUE  
HILL FACILITY**

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

RESOLVED, that acquisition of an opinion on a project labor agreement, in the amount of \$12,500, as it pertains to the renovation of the Blue Hill Facility, to be charged to Account No. E7250004/50457 is hereby authorized.

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

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**RESOLUTION NO. 277****COMPTROLLER'S REPORT  
WASTEWATER CAPITAL PROJECT  
RECEIVE/FILE**

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

RESOLVED, that the Audit Report of N.Y.S. Comptroller - Town of Orangetown Wastewater Capital Project is received and filed in the Town Clerk's Office.

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

A discussion took place between the Town Board, John Edwards, Charles Richardson, and Ron Delo, regarding the NYS Comptroller's Report, the Wastewater Capital Project and Siemans. Supervisor Whalen said current and former Town officials have a different opinion than the State Comptroller. It is very important for the government, Town Boards, Town employees to have complete transparency in the future and not to offer up projects or initiatives without first discussing the long term costs of the project, like the wastewater.

Councilwoman Low-Hogan asked if the creation of a Sewer District is part or the same as the Wastewater Capital Project. She feels the Town should embrace the recommendations in the Comptroller's report.

Charles Richardson said the original requirement of Notice was related to the bond, with an estimate of capital costs, and not the creation of the district. A large part of what drove the costs was that the bids came in sufficiently higher than originally estimated and an increase in scope.

Councilman Diviny asked how much of Phase II increased the scope.

Charles Richardson said about \$8 million.

Ron Delo said in order to create the Sewer District, we had to prepare a Map/Plan/Report. In that report, bond counsel advised us, we had to identify a capital project, which was the initial project -Phase I (\$22.1 million). The scope increased in several ways by adding Phase II and parts of Phase III. This was done largely to take advantage of the State Revolving Fund financing. We are getting financing at half the going interest rate. The increased in costs was a combination of bid prices coming in higher, adding to the project, unforeseen conditions and changes made by the State of New York. New York State changed our permit requirements, which required an additional structure at the wastewater treatment plant.

Councilwoman Low-Hogan asked what about the engineering firm, in the beginning, saying it was a \$50 million project.

Ron Delo said when the initial capital project was first brought up, Mr. Troy wanted a comprehensive plan. Under the NYSERA (New York State Energy Research and Development Authority) study, we did an inventory of our entire infrastructure, all of the equipment in the pumping stations and in the plant. We rated the equipment based on age and condition and then developed a 5-year plan. It was a plan to spread out replacement of the equipment, based on need and priority. The plan was presented at a Workshop in 2005, prior to the Board voting on Phase I. We had numerous discussions with bond counsel about what we should put in the Notice. They told us to put \$22.1 million. We said, we could put \$500 million, we could put \$50 million and they said put in for were you are now, \$22.1 million.

Councilman Diviny said certain people wanted to do all phases so they kept on increasing it because if they came in originally with \$50 million it would have gotten voted down. That is how the report reads and that is my opinion on it.

Ron Delo said we repaired broken pumps, broken motors, broken pipes and things that were held together with wire and masking tape.

Councilman Diviny said there should have been more transparency and there should have been full disclosure that it was going to come in at \$50 million.

Councilman Troy said he voted for the \$22 million. He voted "No" for the increase in the scope going to \$34 million and voted "No" going to \$47 million. If we took advantage of the low financing rates, it would be like getting the difference in rates from 5% down to 3%. He does project management for software implementation and one of the biggest things you try to do is stop scope creeping. We should have stuck with the \$22, finished the \$22, and then we should have done triage and then decided what else needed to be done and in what time period. He thinks the Comptroller's report is superficial and it could have been released before November. He thinks we need a change in the leadership of the DEME and if it was up to him, today would be the last day. What needs to be done and it should have been done last year, is start looking for a replacement.

Councilman Diviny said in regards to the Siemans project, the Town went with a company that was rejected by other entities in this community.

Councilman Maturo thinks the audit is pretty good on the Siemans Contract indicating the only issue was the RFP. He asked John Edwards to explain why the RFP was done in the way it was done.

John Edwards thinks the Comptroller is unfairly relying upon initials in his report. He insists that the authorizing statute allows or requires the Town to do an RFP and the Town did an RFQ. Why did the Comptroller say the Town did an RFQ is because that is what the Town called it. We responded to the Comptroller to look beyond the initials that are used. After Siemans was determined to be the preferred vendor, they came in for a period of several months. They analyzed the books, the records, the bills, and other financial data referable to the energy performance at the Town's facilities and then they came up with their list of items that would be replaced or upgraded to lead to the energy savings that would pay for the project. We could have invited each of the prospecting vendors do the same thing at a considerable cost to the Town.

Whether, we acted appropriately or inappropriately under the Statue, we can differ with the Comptroller.

Ron Delo said the Town went through a competitive process in selecting Siemans and there were three firms that proposed. After we, including the Town Board, went through an indebt evaluation, interviews and reviews of their proposals, we selected Siemans. They had the best track record in getting the most grants back on the projects they had done; they had done the most projects throughout New York and throughout the region and they had a proven track record of their success. The RFQ – RFP was more a Request for Proposals because it wasn't just a simple list of qualifications.

Councilwoman Low-Hogan asked why was the term RFQ used.

Ron Delo said it was the term used by numerous municipalities throughout New York. We mirrored our RFQ-RFP after similar projects that had been successfully done throughout New York State.

Councilman Maturo doesn't think the Town is going to loose any money on the Siemens project. He believes there is a guarantee that Siemens will save the Town money.

Councilman Diviny said it was rushed through and it should have never been voted on.

**RESOLUTION NO. 278**

**NOBLE NINTH/APPROVE AGREEMENT  
2010 SUMMER DAY CAMP PROGRAM**

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

RESOLVED, that The Letter of Extension Agreement with The Noble Ninth, Inc, dated April 6, 2010, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2010 Summer Day Camp Program from July 6, 2010 through August 13, 2010 under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated May 18, 1991.

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

Noes: None

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**RESOLUTION NO. 279**

**DISCIPLINARY HEARING  
EMPLOYEE NO. 1027/ACCEPT  
RECOMMENDATION**

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

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, an employee is entitled to a hearing on any disciplinary charges and specifications preferred against him or her; and

WHEREAS, the Town of Orangetown filed charges against a certain employee, Employee No.1027, on July 21, 2009; and

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, a disciplinary hearing was held on September 23, 2009 and continued on October 29, 2009, before the hearing officer designated by the Town Board of the Town of Orangetown to determine the guilt or innocence of such employee; and

WHEREAS, the hearing officer found the employee guilty on April 3, 2010 of the specifications preferred against him and recommended demotion as the appropriate penalty.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the recommendation of the hearing officer and hereby immediately demotes Employee No.1027 from his position of Automotive Mechanic II to Automotive Mechanic I.

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

Noes: None

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**RESOLUTION NO. 280**

**APPOINT/COMPUTER NETWORK SPECIALIST/NICK DIMARCO**

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

RESOLVED, that provisional employee, Nick DiMarco, is hereby appointed to the position of Computer Network Specialist, permanent (full time) from Eligible List No. 09056, effective April 28, 2010.

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

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**RESOLUTION NO. 281**

**RESCIND RESOLUTION NO. 183  
 ABOLISH DATABASE ADMINISTRATOR**

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

RESOLVED, that Resolution No. 183 is hereby rescinded and Database Administrator position is hereby abolished.

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

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**RESOLUTION NO. 282**

**INFORMATION SERVICES AND EQUIPMENT SERVICES/CREATE POSITION**

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

RESOLVED, that upon the recommendation of the Personnel Administrator, an IT position, in the title of Information Services and Equipment Services (Networked System), Grade 12, (\$52,249), effective April 28, 2010, is hereby created.

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

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**RESOLUTION NO. 283**

**PROJECT GRADUATION/APPROVE FUNDING**

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

RESOLVED, that Project Graduation funding as follows, to be charged to Account No. A4211004/50457, is hereby approved.

Tappan Zee High School:	\$2000	Pearl River High School:	\$2000
Nanuet High School:	\$1000	Nyack High School:	\$1000
Albertus Magnus HS:	\$ 250		

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

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**RESOLUTION NO. 284**

**VOTING MACHINES/AUTHORIZE DISPOSAL/ROCKLAND COUNTY**

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

**Resolution No. 284 – Continued**

RESOLVED, that Rockland County is hereby authorized to dispose of 65 out of 75 Town-owned lever voting machines currently within the County's possession.

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

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**RESOLUTION NO. 285****SIDEWALK TRIP HAZARD  
REMOVAL/AWARD RFP**

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

RESOLVED, upon the recommendation of Superintendent of Highways, the RFP for Sidewalk Trip Hazard Removal is hereby awarded to Precision Concrete Cutting, Montgomery, New York, in an amount not to exceed \$25,000.00, the lowest qualified bidder to be charged to Account No. A541004/50457.

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

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**RESOLUTION NO. 286****ADOPT-A-ROAD/ORANGETOWN  
REPUBLICAN COMMITTEE BLAISDELL  
ROAD/OLD ORANGETOWN ROAD**

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

RESOLVED, that the Adopt A Road application submitted by the Orangetown Republican Committee for the section of Blaisdell Road, between Old Orangeburg Road and Orangeburg Road and the section of Old Orangeburg Road, between the Orangeburg Road/Hunt Road intersection and Orangeburg Road, Orangeburg is approved.”

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

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**RESOLUTION NO. 287****2010 ASSOCIATION OF TOWNS  
HIGHWAY SCHOOL/PERMISSION  
GRANTED**

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

RESOLVED, that permission is hereby granted to Jim Dean, Stephen Munno, Michael Yannazzone, and Anthony Limandri to attend the 2010 Association of Towns Highway School, Ithaca, NY, June 6-9, 2010 at a cost of \$1,575.00, to be charged to Account No. A5010004/50441/50780.

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

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**RESOLUTION NO. 288****ENTERED AUDIT**

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



**Resolution No. 288 – Continued**

RESOLVED, that the Town Board entered the Audit Meeting at 9:20 p.m.

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

Noes: None

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**RESOLUTION NO. 289**

**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 \$1,086,167.03.

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

Noes: None

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**RESOLUTION NO. 290**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned, in memory of Rose Laughran, Sparkill, at 9:25 p.m.

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

Noes: None

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**Teresa Accetta-Pugh, Deputy Town Clerk**