

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JULY 19, 2011**

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  
Teresa Kenny, First Deputy Town Attorney  
AnnMarie Hahr, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
Guy DeVincenzo, Clerk of the Works  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Charlotte, James, Rita McCabe and James Ridge led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Geraldine Tortorella, Esq., White Plains, said Orangeburg Commons was given approvals in 2006 and 2007, for mix-use development involving two hotels, two retail buildings, banking and food use services. The project was never constructed due to the down fall in the economy. A recommitment from the Marriott Residence Inn and a commitment from Stop and Shop have been secured. An amended Special Permit application, to combine the two retail buildings into a single building, has been submitted to the Town Board.

Kevin Mulhearn, FB Orangetown, LLC's Attorney, said \$540,000, in several \$45,000 installments beginning in July 2010 with the final payment of \$135,000 in March 2011 was paid to the Town prior to the signing of the map. The resolution or Town Law does not mandate any interest to be paid. He requested the Town Board to accept the new Sewer Easement and abandon the existing Sewer Easement.

Mike Mandel, Pearl River, spoke and corrected his previous statement regarding the Deputy Receiver of Taxes. He believes the Workshop Agenda should be on the web, a supermarket is needed in this area, and community funding should be eliminated.

Pat Alvarez, Orangetown, is in favor of Orangeburg Commons. It's a great boom for the economy and tax ratables.

Habib Hasan, Pearl River, suggested a moment of silence for Scott Burton. He started a newspaper, "The Hamilton Newsletter".

Alfred Rossi, Orangeburg, is employed by RD Management, an affiliate of Orangeburg Commons; however he speaks as a resident and taxpayer of the Town. Mr. Supervisor, since you have been in office, growth and development in Orangetown has been stagnant, at best. For the most part, all you can offer to the taxpayers under your watch to date is the coming of the Federal Express warehouse at the northern end of Route 303.

Allan Ryff, Tappan, believes that all monies due were paid to the Town for the Orangeburg Commons project. This is a shovel ready \$25 million project that will create hundreds of construction jobs, in a time when working people of this Town are struggling to make ends meet. Likewise, it will create long-term employment opportunities for our residents.

Gail Raffaele, Tappan, said in these economic times, we need all the clean property tax revenue we can get to keep Orangetown affordable. We do not need another consultant to take our money. We need relief now.

Anne Putko, Piermont and member of the Environmental Committee, spoke about reducing the noise and harmful admissions cause by leaf blowers. She would like to put in for a grant that would allow a leaf blower exchange.

Mary Cardenas, Orangetown Museum, is concerned about changing the name of Blaisdell Rd. The website and all of the literature and stationary for the museum has Blaisdell Road.

Eileen Rossi, Orangetown, requested the letter, which was handed to Mr. Mulhearn, be read into the minutes.

Councilman Diviny stated that he just received Orangeburg Commons request last Tuesday. It is a large project. He needs time to review it before a public hearing.

Councilman Maturo commented it needs further review. We tend to not have public hearings during the summer because it is not fair to the public who are on vacation or away.

Councilwoman Low-Hogan’s inclination is to support this kind of a project. She asked if there is any pending litigation about this case. Have all of the money issues been resolved? What are the next steps in the process? She believes the amendment is not a minor change.

Councilman Troy said the developer decided to pay \$50,000 a month in drips and drabs, eventually paying the \$540,000, which should have been paid within 30 days of a resolution granting final site plan approval. He needs to review the plans and believes a public hearing should be held in the fall. Everyone is aware of the economic challenges and he agrees that the Town does need rateables.

Supervisor Whalen said the Office of the Supervisor is always interested in economic development. We want to make sure that whatever is built on that site is in the best interest of the taxpayers. Orangetown is not for sale and it has never been for sale. We have always had very conservative land views, to make sure that the residents are served and not small pockets of developers, builders, former Planning Board members, former supermarket executives, attorneys and special interest groups profit at the expense of the quality of life for every resident of Orangetown. He represents all of the people of Orangetown, as does this entire Board. A small section of people are not going to come in and try to twist arms and push around and put in what they want to put in. Everyone is going to get the same fair hearing, but one thing we are not going to do is turn around and do something that would be contrary to the beliefs and what the residents of the Town want. So all of the special interests offering money to different community groups to approve things, to do this, and to do that, this is not Clarkstown and this is not Ramapo, it is Orangetown and we stand on the principles that everyone gets a fair hearing but we are not going to be shaken down for any thing or to let developers and builders put whatever they want on the property.

**RESOLUTION NO. 436**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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**RESOLUTION NO. 437**

**DEME/GRANT PERMISSION/GRADE 3 SUPERVISION & TECHNICAL OPERATIONS/MORRISVILLE COLLEGE**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, grant Permission to Mark Hovsepian and Fernando Seminelli, to attend the “Grade 3 Supervision and Technical Operations” course on August 1-5, 2011, at Morrisville College, NY, at a cost of \$1,235.00 to be charged to Account No. 0441 (Courses), and \$1,370.00 to be charged to Account No. 0480 (hotel/mileage/meals), with a total charge of \$2,605.00, for both participants.

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

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**RESOLUTION NO. 438****DEME/GRANT PERMISSION/REVIEW  
CLASS/ABC EXAM/MORRISVILLE  
COLLEGE**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, grant Permission to Mark Hovsepian and Fernando Seminelli of the DEME, to attend the "Review Class for ABC Exam" on September 28, 2011 at Morrisville, NY, at a cost of \$150.00 to be charged to Account No. 0441 (Courses) and \$450.00 to be charged to Account No. 0480 (hotel/mileage/meals), with a total charge of \$600.00, for both participants.

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

Noes: None

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**RESOLUTION NO. 439****AWARD BID/WASTEWATER  
TREATMENT PLANT FIRE  
SUPPRESSION SYSTEMS WWTP-11-  
1FSS /SANDERS FIRE & SAFETY**

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

WHEREAS, the Commissioner of the Department of Environmental Management & Engineering duly advertised (Exhibit 07-A-11) for sealed bids for Wastewater Treatment Plant Fire Suppression Systems Contract No. WWTP-11-1FSS, which were received and publicly opened and read on June 27, 2011. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Sanders Fire & Safety, Mechanicville, New York, 12118, the lowest qualified bidder, in the amount of \$113,330.00 to be charged to Account H.8132.200.

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

Noes: None

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**RESOLUTION NO. 440****APPROVE SETTLEMENT/ORANGE &  
ROCKLAND UTILITIES, INC.**

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

RESOLVED, that upon the recommendation of the Finance Director and the Town Attorney, approve settlement between the Town and Orange & Rockland Utilities, Inc., which will result in a refund of \$32,300.71, and authorize the Supervisor to execute same.

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

Noes: None

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**RESOLUTION NO. 441****ADOPT 2012 BUDGETCALENDAR**

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

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town; and

**Resolution No. 441 - Continued**

WHEREAS, the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2012 budget; Now, Therefore, Be It

RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law:

AUGUST 19, 2011: Last date for other department heads to submit estimate of 2012 operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

AUGUST 26, 2011, Last date for department heads to submit a capital budget for 2012, as well as a capital improvement plan for the period 2012 through 2015.

BETWEEN AUGUST 29 and SEPTEMBER 16, 2011: The Town Board shall endeavor to meet with department heads and amongst themselves to discuss the budget prior to the filing of the budget by the Supervisor;

SEPTEMBER 16, 2011: Last day for each ambulance and paramedic district, and South Orangetown libraries to submit an estimate of revenues and expenditures, as well as audited financial statements;

SEPTEMBER 27, 2011: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2012, and the estimates and schedules of the various administrative units;

SEPTEMBER 27, 2011: At a meeting of the Town Board at 7:30 P.M. at Town Hall, Orangeburg, New York, the Town Clerk shall distribute to the Town Board the 2012 Tentative Budget for the Town and publish it on the Town's web site.

OCTOBER 13, 2011: Last day for each fire district to submit to the Town Clerk the proposed 2012 budget and notice of public hearing on the 2012 budget for public review and inclusion on the Town's web site.

OCTOBER 18, 2011: Public hearing date for all fire district budgets (third Tuesday in October by State law).

OCTOBER 25, 2011: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk who will publish it on the Town's web site.

OCTOBER 25, 2011: Town Clerk is directed to publish said Preliminary Budget and post a notice of public hearing as required by law on said preliminary budget, in which notice includes the salaries of the Town Board and the Town Clerk;

NOVEMBER 9, 2011: At 8:00 P.M. a public hearing on the Preliminary Budget shall be held at Town Hall at Orangeburg, New York. At the conclusion of the hearing, the Town Board may by resolution adopt a final budget, either accepting or amending the Preliminary Budget and said budget may become the legally adopted budget for the Town of Orangetown for the year commencing January 1, 2012.

NOVEMBER 20, 2011: Legal deadline for budget adoption and submittal of approved fire district budgets to the Town Finance Director who will publish the budgets on the Town's web site.

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

Noes: None

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**RESOLUTION NO. 442****APPROVE REFINANCING/BLUE HILL GOLF COURSE BONDS**

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

RESOLVED, that refinancing the 2000 Blue Hill Golf Course improvement bonds, for the period of 2011 through 2015, is hereby approved, as shown below:

REFUNDING BOND RESOLUTION DATED JULY 19, 2011.  
A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY. (A detailed copy of the resolution is labeled Exhibit 07-B-11 and made a part of these minutes.)

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

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**RESOLUTION NO. 443****APPROVE LEASE AGREEMENT METROPCS NEW YORK, LLC/TOWN OWNED CELL TOWER**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Communications Site Lease Agreement, with MetroPCS New York, LLC., to lease space on the Town owned cellular tower, located at 119 Route 303, Orangeburg, New York, at a monthly fee of \$2500.00 for 5 years, with 3 additional options to renew, at an increased rent of 15% over the previous term is hereby approved, and the Supervisor is hereby authorized to sign the Agreement.

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

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**RESOLUTION NO. 444****ACCEPT MINUTES**

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

RESOLVED, that the June 7, 2011 Police Commission Meeting and Executive Session minutes; and the June 14, 2011 Regular Town Board Meeting and Audit Meeting minutes are hereby accepted.

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

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**RESOLUTION NO. 445****RECEIVE AND FILE/DOCUMENTS TOWN CLERK'S OFFICE**

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

**Resolution No. 445 - Continued**

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

1. Nyack Joint Fire District Financial Statements with independent auditor's report, dated December 31, 2010.
2. Bond Determinations Certificated, dated July 7, 2011, for authorizing the sale of \$3,369,194 Environmental Improvement (Serial) Bonds 2011 to pay part of the cost of the establishment of the Orangetown Sewer District.

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

Noes: None

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**RESOLUTION NO. 446****ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:45 p.m.

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

Noes: None

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**RESOLUTION NO. 447****PAY VOUCHERS**

Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny 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 in the amount of \$3,118,223.36.

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

Noes: None

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**RESOLUTION NO. 448****ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 8:59 p.m.

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

Noes: None

**Resolution Nos. 449 and 450 see Executive Session.**

**RESOLUTION NO. 451****ADJOURNMENT/MEMORY**

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

**Resolution No. 451 - Continued**

RESOLVED, that the Town Board adjourned, in memory of Ronald Place, Pearl River; Joseph Cornetta, Piermont; Ellen Poppe, Tappan; Nancy Lovett, Pearl River; Charles Reilly, Tappan; Debra Stroud, Tappan; John Lenihan, Pearl River; Frances Mannino, Orangeburg; Grace Bourke, Pearl River; Dorothy Gunn, Pearl River; Scott Burton, Commissioner of DEME; Mary Van Zilen, Tappan; Christine Brennan, Pearl River; Nora McGinnis, Pearl River; Jeanne Tedesco, Pearl River; Toni Ruggiero, Employee Guy DeVincenzo's sister-in-law; and Fred Berardi, Blauvelt, at 9:50 p.m.

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

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**Charlotte Madigan, Town Clerk**