

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, SEPTEMBER 27, 2011**

This Town Board Meeting was opened at 7:43 p.m. First Deputy Supervisor Troy presided and the Town Clerk called the Roll. Present were:

Councilwoman Nancy Low-Hogan  
Councilman Michael Maturo  
Councilman Thomas Diviny

Absent: Supervisor Paul Whalen

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  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

The following Pearl River Little League Junior Girls State Champs led the Pledge of Allegiance to the Flag.

Sam Alicandri	Katherine Gilbride	Caroline Kardashian
Kristen McGarvey	Katie Ryan	Erin Woods
Jules Madigan	Mandy McCarthy	Alexa Murphy
	Dee O'Malley	

Manager: Mike Woods and Coaches Rick Alicandri and Mike O'Malley

The Town Board along with the Town Clerk congratulated the girls, presented Certificates and thanked their parents and coaches for their dedication, hard work and sacrifices that resulted in achieving the title of **“New York Junior Girls State Champs”** (13 & 14 yrs). The girls won 18 games with only two losses, during the summer. These girls also won the Championship two years ago as 12 year olds.

Esta Baitler, Advocate for Camp Venture, was congratulated by the Town Board for her involvement with the NYS Office for People with Developmental Disabilities.

Scott Owen & Margaret Dunnio from O'Connor, Davies, Munns & Dobbins, LLP (Bennett Kielson), presented some of the highlights of the 2010 Audit. He complemented the Town for doing the financial statement in a difficult and time consuming format. The Town received a “Certificate of Achievement for Excellence in Financial Reporting”. Margaret, the Audit Manager, explained the largest areas of positive General Fund variances were in Franchise fees and Fines and Forfeitures. On the Expenditure side, the actual expenditures were \$10,936,809, which was \$311,945 better than budget. The largest area in savings occurred in the Town Clerk General Government support area. Over all, when the budget was originally adopted, it was anticipated that \$18,510 would have to be used from the General fund balance. After amendments and transfers during the year it was then anticipated that \$32,327 would have to be used from the General fund balance. In actuality, the fund balance was increased by \$702,102. The year was finished with a General Fund Balance of 6,775,077. The Town Outside Villages Fund is divided into Police and other. The Police fund finished \$367,679 better on the revenue side and \$375,872,000 better on the expenditure side. At the end of 2010, there was a balance of \$5,201,750. The Town Outside Villages Fund-Other Revenue finished \$126,632 better than budget and the expenditures exceeded by \$698,383. The Town Outside Villages Fund ended in a deficit of \$443,566.

Summary of Public Comments:

Eileen Larkin, Palisades, questioned why building permit fees are high. She spoke about Tax Cert Settlements and asked what percentage of the budget will be affected.

Andrew Wiley, Pearl River, said the use of Town vehicles has liability concerns. Also, the County has bonded \$157 million dollars for 2011 and the County is looking at a minimum 20% tax increase.

**RESOLUTION NO. 517****CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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**RESOLUTION NO. 518****APPROVE WAIVER/BUILDING PERMIT FEES/JOHN M. PERRY POST #1044**

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

RESOLVED, that the request of the John M. Perry Post #1044, to waive the building permit fees, for upgrading of the men and ladies bathrooms, in their meeting hall to accommodate disabled veterans, in the amount of \$515.00 for the building permit, \$190.00 for a GIS fee, and \$30.00 for the stream fee, for a total amount of \$735.00 is hereby approved.

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

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**RESOLUTION NO. 519****APPROVE SHOWMOBILE/NYACK CHAMBER OF COMMERCE HALLOWEEN PARADE**

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

RESOLVED, that the request of the Nyack Chamber of Commerce, for use of the Showmobile, on Saturday, October 22, from 12:00pm to 9:00pm, for the Nyack Halloween Parade is hereby approved. Organization to provide a certificate of insurance listing the Town of Orangetown as additionally insured and pays the \$350.00 rental fee.

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

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**RESOLUTION NO. 520****APPROVE/EMPLOYEE ASSISTANCE PROGRAM/NYACK HOSPITAL**

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

RESOLVED, that the Employee Assistance Program contract with Nyack Hospital in the amount of \$9,900.00 for the period of October 1, 2011 through September 30, 2012 is hereby approved.

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

**RESOLUTION NO. 521****AWARD BID/MAINTENANCE-MINOR  
REPAIR OF VEHICULAR TRAFFIC &  
PEDESTRIAN CONTROL SIGNALS  
VERDE ELECTRIC MAINTENANCE  
CORP.**

Councilman Maturo 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 Maintenance and Minor Repair of Vehicular Traffic and Pedestrian Control Signals and Devices, which were received and publicly opened on September 1, 2011. (A copy of the publication and bid summary are labeled Exhibit 09-A-11 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded, to Verde Electric Maintenance Corp., the only qualified bidder, in the amount of \$50,000 per year, for a term of three (3) years.

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

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**RESOLUTION NO. 522****AUTHORIZE/IMPLEMENTATION/  
FUNDING/100% OF THE FEDERAL-AID  
AND STATE "MARCHISELLI" PROGRAM-  
AID/TRANSPORTATION FEDERAL-AID  
PROJECT/PIN 8761.02**

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

WHEREAS, a Project for the Pearl River Downtown Revitalization, PIN 8761.02 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% Local funds; and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering.

NOW, THEREFORE, the Town of Orangetown Board, duly convened does hereby

RESOLVE, that the Town of Orangetown Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town of Orangetown Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the cost of preliminary engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$32,000.00 is hereby appropriated from the sidewalk account and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Orangetown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of

**Resolution No. 522 - Continued**

project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Commissioner of Public Works, Town Engineer, Finance Director are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

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**RESOLUTION NO. 523****PERMISSION GRANTED/JAMES DEAN  
 MANAGING SNOW & ICE CONTROL  
 OPERATIONS CONFERENCE**

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

RESOLVED, that permission is hereby granted for James J. Dean, Superintendent of Highways, to attend as a guest speaker, the University of Wisconsin's Managing Snow and Ice Control Operations Conference, October 3-4, 2011 in Allentown, PA and October 17-18, 2011 in Madison, WI, at no cost to the Town.

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

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**RESOLUTION NO. 524****APPROVE CHANGE ORDER 2/BLUE  
 HILL GOLF COURSE RENOVATIONS  
 DIVINE CONSTRUCTION**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, Change Order No. 2 to Contract 1-G, in the amount of \$12,000.00 for Divine Construction is hereby authorized for approval. The change order is for work related to the remediation and abatement of asbestos in the excavated area of the pro shop building. The asbestos to be remediated is within an abandoned, backfilled and buried basement boiler room. As stated in Resolution #334, dated May 10th, 2011, the original cost of \$90,745.00 was based upon an estimated amount of RACM (regulated asbestos-containing material). The total cost of work related to the abatement is now \$102,745.00 and is within the established contingency funds and covered in the project budget.

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

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**RESOLUTION NO. 525****APPROVE NETWORK/CYBER  
LIABILITY INSURANCE/ALLIED  
WORLD**

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

RESOLVED, that Network /Cyber Liability Insurance, with Allied World, at an annual cost of \$1,463, to be charged to Account No. MS.1722.457.49 is hereby approved.

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

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**RESOLUTION NO. 526****ADOPT REVISED ZONING MAP**

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

RESOLVED, that upon the recommendation of the OBZPAE Director, the Town Zoning Map, revised in September 2011 is hereby adopted.

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

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**RESOLUTION NO. 527****ACCEPT RETIREMENT/OPD  
CAROL RAPATSKI**

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

RESOLVED, that the Retirement of Carol Rapatski, from the Orangetown Police Department, effective September 17, 2011, is hereby accepted with regret.

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

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**RESOLUTION NO. 528****ACCEPT MINUTES**

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

RESOLVED, that the August 23, 2011 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

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

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**RESOLUTION NO. 529****2012 TENTATIVE BUDGET/BUDGET  
MESSAGES/FILED/DISTRIBUTED**

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

**Resolution No. 529 - Continued**

RESOLVED, that the Supervisor filed with the Town Clerk, the 2012 Tentative Budget and the 2012 budget messages, estimates and schedules of the various administrative units and the Town Clerk distributed the 2012 Tentative Budget to the Town Board.

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

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**RESOLUTION NO. 530****RECEIVE/FILE/DOCUMENTS  
TOWN CLERK'S OFFICE**

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

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

1. Letter to NYSDEC-Division of Water, Region 3, dated September 9, 2011, in response to their August 16, 2011 letter regarding Order on Consent Case #R3-20090303-37.
2. NYS DEC Annual Compliance Inspection Report for SPDES Permit No. NY00256051.
3. Comprehensive Annual Financial Report for Fiscal Year Ended December 31, 2010 with O'Connor Davies Munns & Dobbins, LLP independent auditor's report.

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

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**RESOLUTION NO. 531****PO MICHAEL SULLIVAN/ACCEPT  
RETIREMENT**

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

RESOLVED, that the Town Board accepts with regret and acknowledges the service and retirement of Police Officer Michael Sullivan, from the Orangetown Police Department, effective August 31, 2011.

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

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**RESOLUTION NO. 532****AID/NOBLE NINTH/GERMAN  
MASONIC GROUNDS/TRAUBENFEST**

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

RESOLVED, that the request of the Noble Ninth, to provide 50 traffic cones and 6 barricades for pedestrian and traffic control for use at the German Masonic Fairgrounds for the Traubenfest on October 2<sup>nd</sup> is hereby approved.

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

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**RESOLUTION NO. 533**

**APPROVE/REPLACE SENIOR CLERK  
TYPIST/JUSTICE DEPARTMENT**

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

RESOLVED, that Eileen Schlag, Director of Personnel, post position for an additional clerk, a grade 5 stenographer/typist with a starting salary of \$37,995.

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

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**RESOLUTION NO. 534**

**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 9:10 p.m.

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

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**RESOLUTION NO. 535**

**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 \$395,286.70.

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

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**RESOLUTION NO. 536**

**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 9:15 p.m.

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

**Resolution Nos. 537 and 538 see Executive Session.**

**RESOLUTION NO. 539**

**ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned at 10:07 p.m.

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

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**Charlotte Madigan, Town Clerk**