

In the Matter of the Objections

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-of-

THOM KLEINER, DENIS TROY, DENIS O'DONNELL, MARIE MANNING and THOMAS MORR, individually and collectively as the TOWN BOARD OF THE TOWN OF ORANGETOWN, Objectors to the Petition Purporting to Request the Taking of a Referendum Vote upon a Certain Bond Resolution, Duly Adopted by the Town Board of the Town of Orangetown on January 24, 2005, for the purpose of financing certain improvements to Town recreation fields, Stating the Estimated Maximum Cost Thereof to be \$2,550,000.00, Appropriating the Said Amount Therefore and Authorizing the Issuance of \$2,550,000,00 in Serial Bonds of the Town of Orangetown to Finance Said Appropriation

TO THE TOWN CLERK OF THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK:

MADAM CLERK:

The undersigned, THOM KLEINER, DENIS O'DONNELL, DENIS TROY, MARIE MANNING and THOMAS MORR, individually and collectively as the TOWN BOARD OF THE TOWN OF ORANGETOWN, and each a duly qualified elector of the Town of Orangetown, Rockland County, New York, do hereby object to the Referendum Petition filed with the Town Clerk of the Town of Orangetown on February 23, 2005, purporting to request the conduct of a referendum vote of the qualified electors of the Town of Orangetown upon a certain Bond Resolution, duly adopted by the Town Board of the Town of Orangetown on January 24, 2005, for the purpose of financing certain original improvements to Town recreation fields on Town owned lands formerly a part of the Rockland Psychiatric Center, Stating the Estimated Maximum Cost Thereof to be \$2,550,000.00, Appropriating the Said Amount Therefore and Authorizing the Issuance of \$2,550,000,00 in Serial Bonds of the Town of Orangetown to Finance Said Appropriation.

The undersigned allege that the Referendum Petition is insufficient, void and not in

accordance with the provisions of the Town Law of the State of New York and the Election Law of the State of New York in that:

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OBJECTION NO. 1

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The signatures on the Referendum Petition are not subscribed and authenticated, as required, in the manner provided in the Election Law for nominating petitions which expressly requires, at § 6-140(1)(a), that the preamble to such a petition set forth that “. . . my present place of residence is truly stated opposite my signature hereto. . . .” To the extent that the Referendum Petition filed herein fails to conform to the said statutory requirement in the stated manner, the said Referendum Petition is invalid.

OBJECTION NO. 2

The Referendum Petition, viewed as a whole, so fails to conform to the requirements of the Election Law as not to be in substantial compliance therewith. More specifically, the Referendum Petition contains other defects and irregularities which, when viewed as a whole, in the light both of the form of petition prescribed in the Election Law, compels the conclusion that the said Referendum Petition fails to substantially meet the requirements of the Town Law and the Election Law, and, as such, should be declared invalid.

By way of illustration, in the first 30 pages of the Referendum Petition the following defects and irregularities have been identified:

(i) Upon information and belief, contrary to the requirements of the Town Law and Election Law, there are numerous signatures which fail to reflect either the street address, hamlet or town of the signer;

(ii) Upon information and belief, contrary to the requirements of the Town law and Election Law, there are at least an additional 9 persons who are not registered at the address affixed next to their signatures.

(iii) Upon information and belief, contrary to the requirements of the Town Law and Election Law, there are at least 49 signatures on the Referendum Petition affixed by persons who are not registered to vote, and, therefore, are not qualified electors of the Town of Orangetown;

(iv) Upon information and belief, contrary to requirements of the Town Law and Election Law, there are signatures which appear on the Petition which appear to have been affixed by someone other than the purported signer, i.e., the husband signing for the wife or vice versa, calling into question the integrity of the acknowledgment of the purported witness, and thus the integrity of every signature claimed to have been witnessed by such person(s).

OBJECTION NO. 3

By reason of Objection Nos. 1 through 2, inclusive, the said Referendum Petition does not set forth valid signatures of qualified electors equal in number to at least five per centum of the total vote cast for governor in the Town of Orangetown at the last general election held for the election of state officials. As such, the request for a referendum on the Bond Resolution must fail.

Dated: Orangeburg, New York
February 28, 2005

Respectfully submitted, individually and as members
of the Town Board of the Town of Orangetown,

THOM KLEINER, Supervisor
DENIS O'DONNELL, Town Councilman
MARIE MANNING, Town Councilwoman
DENIS TROY, Town Councilman
THOMAS MORR, Town Councilman

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VERIFICATION

STATE OF NEW YORK)

ss.:

COUNTY OF ROCKLAND)

DENIS TROY, being duly sworn, says:

I am a member of the Town Board of the Town of Orangetown, and one of the Objectors to the Referendum Petition filed in connection with a certain Bond Resolution duly adopted by the Town Board of the Town of Orangetown on January 24, 2005.

I have read the annexed Objections, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

Denis Troy
DENIS TROY

Sworn to before me this
28th day of February, 2005.

[Signature]
Notary Public

JOHN S. EDWARDS
Notary Public, State of New York
No. 4948110
Qualified in Rockland County
Commission Expires March 6, 2005

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