

Andrew J. Zarutskie
Town Clerk
Town of Newburgh, 1496 Route 300
Newburgh NY 12550 Tel.(845) 564-4554

AGENDA

AUDIT/WORKSHOP TOWN COUNCIL MEETING
Wednesday, September 5, 2012
(7:00 p.m.)

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. ADULT ORIENTED BUSINESS:
 - A. Negative Secondary Effects -- Discussion
 - B. Authorization for Preparation of Introductory Local Law -- Discussion
 - C. Authorization for Preparation of Environmental Assessment Form
7. FLEET MAINTENANCE: Bid for Truck Bodies
8. ENGINEERING:
 - A. Northeast Orange County Water Supply Study
 - B. Stewart Airport Water Storage Tank
 - C. Chadwick Lake Filter Plant Water Chemistry Analysis & Treatment Optimization Study
 - D. Highway Garage Emergency Generator/Electrical Upgrades
9. WIRELESS CODE: Technical Review for Wireless Communications Facilities Local Law
10. ANIMAL CONTROL: T-92 Withdrawal Request
11. PARKS & RECREATION: Stage Request
12. DATA PROCESSING: Time Block Purchase
13. INTRODUCTION OF LOCAL LAW OVERRIDING THE TAX LEVY LIMIT
14. DISTRIBUTION OF REVISED LOCAL LAW Amending Public Notice Code Provision
15. SETTLEMENT OF TAX CERTIORARIS:
 - A. 17k Property Group LLC (Rt. 17k)
 - B. Land Investment Group FKA (New Rd.)
 - C. Carrols Corp. #308 (Rt. 17k)
 - D. A & A Food Systems Inc. (Perkins Restaurant & Bakery)
 - E. American Tower Corp. (Rt. 300/Orchard Drive)
 - F. Corbelli LLC and/or Confinance Inc. (Rte 300/Union Ave.)
 - G. Segall (Rte. 17k & Arbor Drive)
16. MOTION FOR EXECUTIVE SESSION: Proposed/Pending Litigation for Orchard Hills/Roseton Sewer Works
17. ADJOURNMENT

5. APPROVAL OF AUDIT

VOUCHERS: 123482 to 123677

Audit Date: September 5, 2012

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants the amount opposite his name.

I acknowledge the following vouchers are in violation of New York State's General Municipal Law section 103 (Competitive Bidding Laws) and approve payment thereof.

<u>Voucher</u>	<u>Vendor Name</u>	<u>Amount</u>
123504	NY Communication	9,340.00
123537	Mid hudson mack	67.44
123538	Newburgh steel products	662.12
123586	Newburgh steel products	153.75
123595	TAM Enterprises inc.	2,350.00
123629	Schmidts wholesale	7,650.90

Dated: _____

Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

AUDIT # 17

September 5, 2012

VOUCHERS: 123482 to 123677

FUND	REGULAR	PREPAID
GENERAL	\$ 90,752.60	\$ 23,516.30
TRUST & AGENCY	5,659.45	-
STREET LIGHTING	-	-
HIGHWAY	238,525.06	1,052.96
WATER	158,047.45	1,579.24
SEWER	6,034.23	452.19
WATER CAPITAL	-	-
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	65.44	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 499,084.23	\$ 26,600.69
GRAND TOTAL	<u>\$ 525,684.92</u>	

- 6. ADULT ORIENTED BUSINESS:**
 - A. Negative Secondary Effects -- Discussion**
 - B. Authorization for Preparation of Introductory Local Law -- Discussion**
 - C. Authorization for Preparation of Environmental Assessment Form**

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DRAFT

At a regular meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 5th day of September 2012 at 7:00 P.M.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION REGARDING SECONDARY EFFECTS RELATED TO THE OPERATION OF ADULT-ORIENTED BUSINESSES PRELIMINARY TO POSSIBLE DRAFTING OF LOCAL LAW

Councilman/woman _____ presented the following resolution which was seconded by Councilman/woman _____.

WHEREAS, a Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 29th day of February, 2012; and

WHEREAS, the Town Board of the Town of Newburgh duly adopted a proposed local law, designated as Introductory Local Law # 1 of the Year 2012 entitled "A Local Law Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses" on the 4th day of April, 2012 at 3:00 o'clock p.m., prevailing time; and

WHEREAS, the Town Board of the Town of Newburgh, by resolution dated the 4th day of April, 2012 at 3:00 o'clock p.m., prevailing time, found that the Town has addressed and continues to address legislative and administrative Action Items recommended by the adopted Comprehensive Plan Update in a deliberate and serial fashion in accordance with prudent management for the Town's financial resources and budgetary restrictions. Resources have additionally been required to be devoted to litigation arising from challenges to the implementation of certain Action Items. The implementation of the Comprehensive Plan Update has included the following:

- 2006 Environmental Review and Adoption for Southwest Zoning Map Changes R-2 ad R-3 to R-1 and IB to B
- Open Space acquisition and planning
- Submission of Requests for NYSDOT speed limit reductions
- Workforce housing drafting and senior housing report
- Review of potential Town "sensitive sites" and mapping
- Draft of proposed amendments pertaining to ridgeline and viewshed protection, clustering, neighborhood preservation, travel centers

- 2007 Environmental Review and Adoption of Setback and Buffers

Zoning Amendment

Open Space Acquisition and planning

Submission of Requests for NYSDOT speed limit reductions

Update zoning regulations pertaining to Orange Lake lakefront access lots

Consideration of proposed amendments pertaining to ridgeline and viewshed protection, clustering, neighborhood preservation, travel centers

Environmental Review and Adoption of Design Guidelines Manual

2008 Consideration of Meadow Avenue Rezoning

Environmental Review and Adoption of Amendments Pertaining to Accessory Apartments and certain Route 9W corridor uses

Submission of Requests for NYSDOT speed limit reductions

Review of sidewalk requirements

2009 Environmental review and adoption of revised Floodplain Regulations

Open Space Acquisition and planning

Environmental review and adoption of Sign Amendments pertaining to illumination

Study of costs of further sewer plant expansion

Authorizing establishment of Department of Public Works

2010 Adoption of Zoning Amendments pertaining to additional Route 9W corridor uses

Submission of Requests for NYSDOT speed limit reductions

Implementation of trial traffic calming measures on Meadow Hill Road and Gun Hill Road [sic: Powder Mill Road]

Examination of additional inter-municipal connections with Catskill Aqueduct and other water supplies in connection with Orange County and other municipalities

2011 Adoption of Amendments pertaining to steep slopes, wetlands, residential lots, buildable area and senior housing

Commencement of East Coldenham hamlet study

Adoption of Revised Stormwater Management Regulations

Submission of Requests for NYSDOT speed limit reductions

Implementation of traffic calming measures on Gardnertown Road

Participation in Transportation Plan undertaken by Orange County

Adoption of regulations pertaining to sidewalks

Review workforce housing regulations in light of Tri-County study

Adoption of driveway regulations
Examined additional inter-municipal connections with Catskill
Aqueduct and other water supplies in connection with Orange
County and other municipalities
2012 Town hamlet continued study
Adult Uses: examining negative secondary effects
Agricultural parcel evaluation in conjunction with Orange County
Real Property Department; and

WHEREAS, the Town Board of the Town of Newburgh, by resolution dated the 4th day of April, 2012, found that a dire necessity existed for the moratorium established by Local Law # 1 of the Year 2012 entitled "A Local Law Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses" on permits and approvals for adult-oriented businesses to afford sufficient time for the Town Board to carefully and diligently review and consider whether there are secondary effects associated with Adult-Oriented Businesses in order to further consider possibly amending the Zoning Code of the Town of Newburgh and its associated maps and tables to address such effects due to the following:

- (1) Provisions are presently absent from the Municipal Code to control the siting of adult-oriented businesses;
- (2) Under current Code interpretation, property owners and developers can add adult-oriented business activities to certain existing permitted uses, such as eating and drinking places and retail and personal service stores or obtain approvals for new uses in those categories without any ability on the part of the Town to regulate the location of such adult-oriented business activities relative to certain sensitive sites, including, for example, schools, places of worship, parks and residential districts;
- (3) Without an application requirement or process in place the Town is unable to accurately account for the number of adult-oriented business activities that are currently under consideration or proposed and their proximity to sensitive sites in the Town; and

WHEREAS, during the term of the moratorium established by Local Law # 1 of the Year 2012 entitled "A Local Law Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses", the Town Board of the Town of Newburgh has reviewed and considered numerous studies, reports and written analyzes regarding possible secondary effects of Adult-Oriented Businesses; copies of said studies, reports and written analyzes are on file and available for public inspection at the office of the Town Clerk of the Town of Newburgh; and

WHEREAS, the Town Board of the Town of Newburgh duly conducted a Public Input

Session on the 14th day of August, 2012 at 7:00 o'clock p.m. to receive the comments, if any, of members of the public regarding possible secondary effects of Adult-Oriented Businesses, provided that such public comments were based on each member's personal knowledge and observation; and

WHEREAS, during said Public Input Session several members of the public related their personal experiences regarding possible secondary effects of Adult-Oriented Business; a copy of the minutes of said Public Input Session are on file and available for public inspection at the office of the Town Clerk of the Town of Newburgh; and

WHEREAS, at the conclusion of said Public Input Session, the Town Board of the Town of Newburgh advised the public that the Town Board would receive and consider any written submissions any member of the public wished to submit regarding possible secondary effects of Adult-Oriented Business; and

WHEREAS, several members of the public provided such written submissions, including additional studies, reports and written analyzes, provided either in hard-copy or electronic format, regarding possible secondary effects of Adult-Oriented Business; copies of said submissions are on file and available for public inspection at the office of the Town Clerk of the Town of Newburgh; and

WHEREAS, the Town Board of the Town of Newburgh reviewed and considered both the public comments made during the Public Input Session and memorialized in the minutes of the Public Input Session and the written submissions on file at the office of the Town Clerk of the Town of Newburgh.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby ascertains that:
 - a. Adult-Oriented Businesses, as said term is defined by Local Law # 1 of the Year 2012 entitled "A Local Law Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses", and their adult patrons have a constitutionally-protected right to offer and view non-obscene, sexually explicit materials and activities; and
 - b. Adult-Oriented Businesses are associated with unlawful, unhealthy and detrimental effects secondary to the constitutionally protected speech activities of such businesses and that included among the secondary effects associated with Adult-Oriented Businesses are: negatively affecting economic development; a tendency to decrease property values, thereby limiting tax revenues; impeding economic activity; encouraging criminal activity; proliferating sex-related criminal enterprises including solicitation and prostitution; damaging neighborhood character and the well-being of residents including children; and increasing the cost of maintaining and patrolling areas in which such businesses are located; and

- c. Said secondary effects of Adult-Oriented Business represent a real and significant problem and hazard to the public health, safety and welfare of the Town of Newburgh, its residents and businesses; and
- d. After careful and diligent review and consideration, that the members of the Town Board reasonably believe that the studies, reports and written analyzes, the public comments memorialized in the minutes of the Public Input Session and the written submissions are relevant to the problem and hazard faced by the Town of Newburgh and posed by said secondary effects of Adult-Oriented Businesses.

2. In light of the above resolutions and consistent with the legislative and administrative Action Items recommended by the adopted Comprehensive Plan Update, the Town Board of the Town of Newburgh shall consider possible amendments to the Zoning Code and its associated maps and tables, consistent with the rights of Adult-Oriented Businesses and their patrons to engage in all constitutionally-protected speech activities inherent in such businesses, for the purpose of ameliorating the secondary effects of such businesses to the greatest extent possible consistent with law.

Upon the introduction of a proposed local law by a member of the Town Board, the legislative proceedings shall afford opportunity to the public to submit information and views for the Town Board to consider in relation to the proposed amendments. Any such proposed local law will include proposed legislative findings of the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Ernest C. Bello, Jr., Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.



Client Authorization

50 Main Street
Suite 360
White Plains, NY 10606

Tel : (914) 761-3582
Fax: (914) 761-3759
www.vhb.com

Transportation
Land Development
Environmental Services


New Contract
 Amendment No. 2
Date 8/28/12
Project No. 28693.00

Project Name Town of Newburgh Adult Land Use Environmental Processing

To:	Hon. Wayne C. Booth, Supervisor Town Hall 1496 Route 300 Newburgh, NY 12550	Cost Estimate		
			<u>Amendment</u>	<u>Contract Total</u>
		Labor		Not to exceed
		Expenses		\$2,850
				Without prior written approval
As Requested By:	Mark Taylor, Esq Town Attorney	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Time & Expenses	
		<input type="checkbox"/> Cost + Fixed Fee	<input type="checkbox"/> Other	
Date:	August 28, 2012	Estimated Date of Completion	September 13, 2012	

Scope of Services: See attached cover letter dated August 28, 2012.

Prepared By:

Department Approval: 

Please execute this Client Authorization for VHB Engineering, Surveying and Landscape Architecture, P.C. to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to VHB.

Subject to attached terms & conditions. Subject to terms & conditions in our original agreement dated 2/26/12

VHB Engineering, Surveying and Landscape Architecture, P.C. Authorization

Client Authorization (Please sign original and return)

By _____
Title _____
Date _____

By _____
Title _____
Date _____

SEP - 5 2012



VHB Engineering, Surveying and Landscape Architecture, P.C. | Affiliated with Vanasse Hangen Brustlin, Inc.

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Planning
Transportation
Land Development
Environmental

August 28, 2012

Mr. Mark Taylor, Town Attorney
Rider Weiner Frankel
655 Little Britain Road
New Windsor, NY 12553

Re: Adult Oriented Use Environmental Processing

Dear Mark,

Based on your correspondence of August 28, 2012 the Town of Newburgh is in the process of considering the potential environmental impacts as part of a determination of significance relative to legislation that would regulate adult use activities in the Town of Newburgh. For the purposes of SEQRA, a Long Form EAF is proposed just including Parts 1 and 2. We will use the proposed adult use overlay map provided to the town earlier this year as a baseline for evaluation in conjunction with the EAF. Our estimated fee for the work described above is \$2,850. This does not include any additional revisions to the adult use overlay map, the preparation of EAF Part 3 narrative or attendance at meeting(s)/public hearing(s) with the Town Board to present the preliminary findings. Prior to any formal submission, a draft version of the EAF will be provided to your office for review and comment. A final version of the EAF, in both paper and electronic format will be provided to the Town for their use as part of the environmental review process.

I have attached a VHB client authorization form for the Town's consideration and authorization. Based on your previous correspondence this effort will need to be provided to the Town on or about September 13, 2012, we will have the appropriate staff available to meet this deadline. Should you have any questions please feel free to call me directly at (914) 761-3582 or via email davidsmith@vh.com.

On behalf of VHB, thank you for providing us with the opportunity to work with the Town on this important project.

Kind regards,

A handwritten signature in black ink, appearing to read "D. Smith".

David B. Smith
VHB, Engineering, Surveying and Landscape Architecture, PC

50 Main Street, Suite 360
White Plains, New York 10606
914.761.3582 | FAX 914.761.3759
email: info@vhb.com
www.vhb.com

7. FLEET MAINTENANCE: Bid for Truck Bodies

SEP - 5 2012

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**TOWN OF NEWBURGH
FLEET MAINTENANCE
88 GARDNERTOWN ROAD
NEWBURGH, NY 12550
(845) 561-2288 Fax# (845) 561-3975**

TO: Wayne Booth, Supervisor, and Town Board Members

FROM: James LaColla, Head Mechanic-Fleet Maintenance

DATE: August 31, 2012

RE: Bid for Truck Bodies

**CC: Darrell Benedict, Highway Superintendent
Jacqueline Calarco, Accountant
Andrew Zarutskie, Town Clerk
Mark Taylor, Town Attorney**

On August 28, 2012 a bid opening was held for the purchase of new dump bodies for highway trucks #14 and #24. The only bids received were from Amthor Welding. I have reviewed these bids and I recommend that these bids be accepted. I would like to have this added to the September 5th Work Session agenda. Thank You.

TOWN OF NEWBURGH
NOTICE OF BID INVITATION
REPLACEMENT OF TRUCK BODIES

The Town Board of the Town of Newburgh, County of Orange, New York, hereby invites the submission of sealed bids to replace the dump body on Highway Department Truck #24, a 2004 Mack Model CV 713. The Town Board further invites the submission of sealed bids to replace the dump body on Highway Department Truck #14, a 1997 Mack model RD 688S.

The bid for Truck #24, the 2004 Mack Model CV 713 must include the removal of 14' Combination body and 160 gallon liquid tank, the supplying and installation of a new 14' Combination body on the chassis, the installation of an original 160 gallon tank; the installation of a hoist cylinder; the relocation of hydraulic valves from the top of the reservoir to the top of the wing support; the repair of cracks in the wing support; and paint body to match cab. We also require amber strobes (LED) in the rear, the tail gate to have three doors, and that all ICC stop/turn/tail to be LED.

The bid for Truck #14, the 1997 Mack model RD 688S must include the removal of the old body, the supplying and installation of a new 10 to 12 yard body, which will be 13' by 7' HTS, with a floor which will consist of 8 gauge steel balance, the steel of which will be 10 gauge steel. The side height will be 36", the front height will be 44" and the tail height also 44". The underbody hoist is NTEA Class 2824 Class 90, with a half cab shield. All ICC stop/turn/tail lights to be LED. There will be rear amber LED strobes. A G1500 Pioneer Load Cover will be provided, and the body shall be painted to match the cab. The tail gate is to have three doors.

Bids must be in writing on the forms furnished and shall be subject to the conditions contained in the Instruction to Bidders and Specifications as well as the following; (1) the Town Board reserves the right to reject all bids and re-advertise for new bids; (2) all bidders shall be prepared to submit proof of responsibility as required by the Town Board; (3) each bid must contain the certificate set forth and required by Section 103d of the General Municipal law relating to non-collusion and (4) no bidder may withdraw his bid with 45 days after the actual date of the opening of the same.

Further information may be secured at the Town Clerk's Office, 1496 Route 300, Newburgh, New York, 12550.

All bids are to be submitted on bid forms obtainable at the Town Clerk's Office, 1496 Route 300, Newburgh, New York 12550 and shall be contained in sealed envelopes marked "Replacement of Dump Bodies".

Sealed bids will be received by the undersigned on behalf of the Town Board up until 10:00 a.m., on Tuesday, August 28, 2012 at the Town Clerk's Office, 1496 Route 300, Newburgh, New York 12550 when the same will be publicly opened and read aloud. The Town Board reserves the right to reject any or all bids and to waive any irregularity in a bid as the interests of the Town may require.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF NEWBURGH

ANDREW J. ZARUTSKIE, TOWN CLERK

August 9, 2012

TOWN OF NEWBURGH
1496 Route 300
Newburgh, New York 12550

BID INVITATION
REPLACEMENT OF TRUCK BODIES
Bid Opening August 28, 2012 @ 10:00 a.m.

BIDDER

Amthor Welding Inc.

20 Osprey Lane

Gardiner NY 12525

Telephone # 845-778-5576

Fax # 845-778-5916

BID AMOUNT

TRUCK # 14

1997 Mack

model RD 688S

\$ 21,997.^{xx}/₁₀₀

BID AMOUNT

TRUCK # 24

2004 Mack Model CV713


\$ 32,800.^{xx}/₁₀₀

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief: (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.


The bidder further certifies that this bid is made without any connection with any other person making a bid for the same purpose, and is in all respects fair and without collusion or fraud, and that no elected official or other officer or employee or person whose salary is payable in whole or in part from the Town treasury is directly or indirectly interested therein, or in supplies materials and equipment to which it relates, or in any portion of the profits thereof.

Bidder Name and Address: Amthor Welding Inc.
20 Osprey Lane
Gardiner NY 12525

Signature (Authorized): BY:  TODD WIDMARK

Title: DIRECTOR OF MUNICIPAL SALES

Date: 8-16-2012



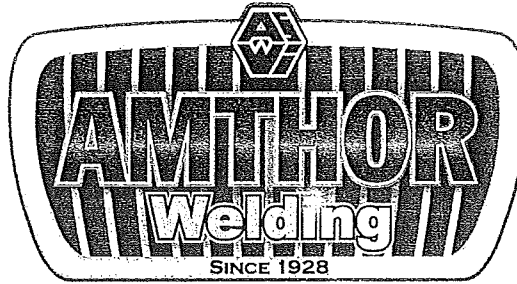
Tank Truck and Truck Body
Equipment Specialists

20 Osprey Lane
Gardiner, NY 12525

TODD WIDMARK
Director of Municipal Sales

tel: 845/778.5576
fax: 845/778.5916
cell: 845/742.9041

twidmark@AmthorWelding.com
www.AmthorWelding.com



Tank Truck and Truck Body Equipment Specialists

RE: TOWN OF NEWBURGH BID:

Bid Date: August 28, 2012 @ 10:00 AM.

Bid for Truck # 24 2004 Mack CV 713

New Combination Dump Body Material Spreader.

REMOVE OLD TENCO BODY FROM CHASSIS AND INSTALL BELOW EQUIPMENT.

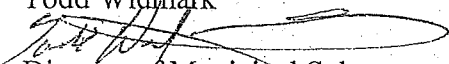
Amthor's proposes to furnish the following equipment for the above referenced bid:

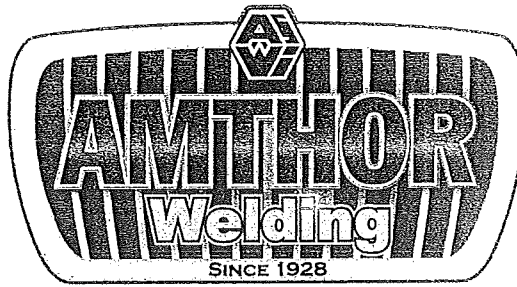
- a) **TENCO** Model TCB-14-T-AH-S-CH-LF 14' (12.3 YARD CAPACITY) combination dump body/material spreader with ½ cab shield, air tailgate, DOUBLE- ACTING hoist with body up light on dash..
- b) **AMTHOR** 12" wide asphalt pan, from ¼" plate material, with 28" end plates.
- c) Ladder located driver side of body.
- d) Red, oval shaped, stop/tail/turn **LED**. lights installed in rear corner posts of body. **L.E.D.** amber, oval-shaped Strobes in rear corner post of body.
- e) **PIONEER** Model G-1500 load cover with wind deflector, asphalt tarp and ground control (**REUSE LOAD COVER FROM OLD BODY**).
- f) All hoses and fittings per specifications.
- g) **TENCO** 160 gallon pre-wetting tank mounted in the cab-shield.(**REUSE OLD CAB SHIELD AND LIQUID TANK FROM OLD BODY**)
- h) Body -painted to match color of chassis. All other frame attachments - black.
- i) Relocation of hydraulic valves from top of hydraulic reservoir to top of wing support./ (**Repair Cracks on Wing Support**)
- k) **Tailgate Chutes:** Three (3) Chutes in Tailgate of the body.

Amthor takes NO EXCEPTIONS to the specifications.

INSTALLED BID PRICE: \$32,800.00

Todd Widmark


Director of Municipal Sales



Tank Truck and Truck Body Equipment Specialists

RE: TOWN OF NEWBURGH BID:

Bid Date: August 28, 2012 @ 10:00 AM.

Bid for Truck # 14-1997 Mack RD688S

New **DURACCLASS (Heil) Dump Body.**

REMOVE OLD BODY FROM CHASSIS AND INSTALL BELOW EQUIPMENT.

Amthor's proposes to furnish the following equipment for the above referenced bid:

- a) **DURACCLASS:** (Heil) Model LH -13-10/12 Length 13' Width 7' (10.1 / 12.3 YARD CAPACITY) dump body/material 8 Gauge Hi-Ten Steel Floor, with 10 Gauge Hi-Ten Steel Balance with a ½ cab shield, manual tailgate, DOUBLE- ACTING 2824 NETA Class 90 hoist, front-sides-tailgate heights 44"/36"/44", with body up light on dash..
- b) Bolt-On 12" wide asphalt pan.
- c) Three Coal chutes in Tailgate.
- d) Greaseable top pins on tail gate.
- e) Ladder located driver side of body.
- f) Red, oval shaped, stop/tail/turn **LED.** lights installed in rear corner posts of body. **L.E.D.** amber, oval-shaped Strobes in rear corner post of body.
- g) All ICC marker lights.
- h) **PIONEER** Model G-1500 load cover with wind deflector, asphalt tarp and ground control.
- f) All hoses and fittings per specifications.
- g) Body -painted to match color of chassis. All other frame attachments - black.

Amthor takes NO EXCEPTIONS to the specifications.

INSTALLED BID PRICE: \$21,997.00

Todd Widmark


Director of Municipal Sales

8. ENGINEERING:

- A. Northeast Orange County Water Supply Study**
- B. Stewart Airport Water Storage Tank**
- C. Chadwick Lake Filter Plant Water Chemistry Analysis & Treatment Optimization Study**
- D. Highway Garage Emergency Generator/Electrical Upgrades**

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ____ day of August, 2012 at 7:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION SUPPORTING THE PURSUIT OF INTERMUNICIPAL AGREEMENTS FOR SHARING WATER SUPPLY AND THE DESIGN AND CONSTRUCTION OF INFRASTRUCTURE FOR SUCH PURPOSE

Councilman/woman _____ presented the following motion which was seconded by Councilman/woman _____.

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into agreements for the performance among themselves on a cooperative or contract basis for the provision of joint services, including, but not limited to, joint water projects and any other municipal service, activity, project or undertaking; and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP), the County of Orange, the Orange County Water Authority (OCWA), the City of Newburgh, the Town of Newburgh, and, the Town of New Windsor, (the "Municipalities") have an interest in water interconnections; and

WHEREAS, the Municipalities through their technical meetings have identified the priority water interconnection projects as:

1. Installation of approximately 7500 linear feet of water main from the City of Newburgh's Water Treatment Plant (WTP) to the Town of Newburgh's distribution system;
2. Installation of approximately 5600 linear feet of water main from the City of Newburgh's WTP to the Town of New Windsor's distribution system;
3. The construction of a pump station or stations necessary to supply said interconnections;
4. An evaluation of the City of Newburgh's water treatment plant's associated operating costs that will result from the implementation of the priority interconnection projects; and

WHEREAS, the Orange County Water Authority has secured a grant from the State of New York to implement the priority projects; and

WHEREAS, the County of Orange is negotiating with the NYCDEP to enter into an Intergovernmental Agreement to provide the funds to design and build the priority projects;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Newburgh hereby:

1. Supports the implementation of the grant procured by the Water Authority and will identify a representative who will attend project working group meetings, as well as share data, documents, and drawings with the consultants implementing the grant, and
2. Will work with the other Municipalities to enter inter-municipal agreements detailing the price, terms and conditions of water sharing by December 31, 2012; and
3. Supports the efforts of the County of Orange in advancing the design of the priority interconnection projects and securing funds from the NYCDEP to design and build the priority projects.

The question of the adoption of the foregoing motion was duly put to a vote on roll call which resulted as follows:

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Ernest C. Bello, Jr., Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The motion was thereupon declared duly adopted.

TOWN OF NEWBURGH
TOWN ENGINEER
1496 Rte. 300
Newburgh, NY 12550
(845) 564-7814

MEMORANDUM

TO: Wayne Booth, Supervisor & Town Board

FROM: James W. Osborne, Town Engineer . *JO*
John Platt, DPW Commissioner

DATE: September 4, 2012

RE: **W \ STEWART AIRPORT WATER STORAGE TANK**

The Town solicited three proposals for the rehabilitation of the 1.8 Million Gallon Water Storage Tank located at Stewart Airport Industrial Park (copies of all three proposals were previously distributed to the Town Board). Based on a review of these proposals by both myself and the DPW Commissioner, we are recommending the selection of GHD Consulting Engineers to complete this engineering inspection at a proposed lump sum fee of \$17,500.

As this requires Town Board action, I am requesting that this item be placed on the next available agenda for Town Board approval. If you have any questions or comments, I am available to discuss them with you.

cc: M. Taylor, Attorney
J. Platt, DPW Commissioner
J. Calarco, Town Accountant



CLIENTS | PEOPLE | PERFORMANCE

8c

September 4, 2012

Mr. James Osborne, P.E.
Town Engineer
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Re: Water Chemistry Analysis and Treatment Optimization Study
Chadwick Lake Filter Plant

Dear Jim:

We are pleased to offer our proposal for a Water Chemistry Analysis and Treatment Optimization Study for the Chadwick Lake Filter Plant.

Background

The Town has experienced treatment challenges with the conventional filtration process due to changes in raw water quality since the hurricanes and tropical storms of fall 2011. The conventional filtration process has had challenges in meeting turbidity standards and settling performance has degraded. A recent switch to the use of polyaluminum chloride (PACL) as a coagulant (in lieu of alum) has improved the performance of the plant recently. The greensand filtration process has also been impacted and has issues of short filter runs and potential biofouling.

Based on a comprehensive performance evaluation completed by New York State Department of Health (letter dated June 29, 2012), the following observations were made regarding to plant performance:

- Individual filter effluent (IFE) and combined filter effluent (CFE) from both filters were below the regulatory standard of 0.3 NTU during the evaluation. Based on turbidity and particle counts, sedimentation basin and filter performances are unequal (basin 1 and filter 1 appear to perform better than basin 2 and filter 2) and both filters are not achieving 3 log removal of turbidity or particles.
- During the evaluation, carryover of floc was observed from the sedimentation basins to the filters. A green tinge was also observed in the sedimentation basins, an indicator of potential algae/organic growth.
- An increase in color was observed in the CFE as compared to the IFE. The State of New York (10NY CRR 5-1.51) enforces an MCL for color (color <15 cu).
- Recommendations were made to switch to PACL instead of alum or use a polymer with alum to improve particulate removal, color reduction to improve plant performance relative to color removal, and disinfection by product (DBP) regulations.

S:\Administration\Letter Proposals\2012\Newburgh (T) - Chadwick Lake WTP.docx

GHD Consulting Engineers, LLC
One Remington Park Drive Cazenovia NY 13035 USA
T 1 315 679 5800 F 1 315 679 5801 E cazmail@ghd.com W www.ghd.com



Based on the previous investigations, the filters and underdrains are clogged due to alum/potassium based precipitate, algae and organic biomass. It is normal to expect some level of accumulation of manganese and biomass during routine operations. However, the concentrations observed in these investigations show that the water entering the filters has significant biofouling potential. Although in-place chemical cleaning can improve the operation of the filters, it would be prudent to optimize the upstream processes (coagulation, flocculation, sedimentation) to improve the water quality entering the filters thereby minimizing the fouling and enhancing their performance.

Due to the recent treatment challenges, the Town is seeking a proposal to evaluate the treatment performance of the plant and provide recommendations for improved performance. The focus of the evaluation would be to characterize the raw water quality changes that have occurred since the storms of 2011, characterize the water quality of the feeder streams to the reservoir, improve settling performance, improve filtration performance, identify instrumentation improvements that would assist the operators in reacting to changing water quality conditions, evaluate the potential addition of bentonite clay as a coagulant or aid for the process, and to determine the biofouling potential of the water as it relates to the granular media filtration processes employed at the plant.

GHD's project team will consist of: Clayton Johnson, P.E.; Andrew Weiss, P.E.; Chandra Mysore, Ph.D., P.E.; and Kevin Castro, P.E. We also propose to utilize the services of Dr. John Tobiason of the University of Massachusetts for consultation on manganese, oxidation kinetics, and review of results. Dr. Tobiason is an expert in manganese treatment and removal and will assist in reviewing our results and recommendations.

We propose the following Scope of Services.

Scope of Services

1.
 - a. Attend a chartering meeting with the Town Engineer and plant operations staff to review the scope of work schedule and critical success factors for the project and to interview the operators on standard operation and maintenance procedures at the plant.
 - b. Collect and review the past three years of available data from plant operations records on water quality and treatment levels.
2. Over a two-day period, observe the operation of the plant and procedures followed by the operations staff for dosing, backwashing, and general operation of the plant.



3. Characterize the raw water quality through select water quality parameter sampling and analysis as follows:

Water Quality Parameter	Raw Water
pH	✓
Temperature (°C)	✓
Turbidity (NTU)	✓
DO (mg/L)	✓
Color (pcu)	✓
TOC (mg/L)	✓
DOC (mg/L)	✓
UV254 (cm ⁻¹)	✓
SUVA* (L/mg-m)	✓
Alkalinity (mg/L as CaCO ₃)	✓
Hardness (mg/L as CaCO ₃)	✓
Total and Dissolved Iron (mg/L)	✓
Total and Dissolved Manganese (mg/L)	✓
Particle Counts (#/ml)	✓
Algae (#/ml)	✓
Nitrate-N (mg/L)	✓
Nitrite (mg/L)	✓
Ammonia-N (mg/L)	✓
HPC(cfu/ml)	✓
OrthoPhosphate-PO ₄ (mg/L)	✓
Anaerobic Growth (%)	✓
Iron/Manganese Oxidizing Bacteria	✓
ATP (cells/ml)	✓
Sulfate Reducing Bacteria (SRB)	✓
ORP (mv)	✓
DBP Formation Potential	✓

* Specific ultraviolet absorption (SUVA) is an indicator of the humic content of water. It is a calculated parameter equal to the ultraviolet (UV) absorption at a wavelength of 254 nm divided by the dissolved organic carbon (DOC) concentration of the water (in mg/L). The principle behind this measurement is that UV-absorbing constituents will absorb UV light in proportion to their concentration. Waters with low SUVA values (<2.0 L/mg-m) contain primarily non-humic organic matter and are not amenable to enhanced coagulation. On the other hand, waters with moderate to high SUVA values generally are amenable to enhanced coagulation.



Outside laboratory analytical costs will be paid for by the Town (typical of all analytes proposed herein). In addition, we will develop a sampling protocol for the Town's use in continued long-term characterization of the raw water quality to determine seasonal trends and storm influences on raw water quality.

To profile water quality after coagulation, the following analytes will be sampled:

Water Quality Parameter	Sedimentation Basin Influent
pH	✓
Turbidity (NTU)	
UV254 (cm^{-1})	✓
Alkalinity (mg/L as CaCO_3)	
Floc Formation (visual observation)	✓

- Develop and implement a jar testing program for screening coagulants and coagulant dosages for improved settling performance at the plant. This effort will include testing various polyaluminum chlorides, both high basicity and medium basicity with a comparison against alum. The jar testing will also evaluate the potential use of ferrate (a coagulant/oxidant). Ferrate is a supercharged iron molecule in which iron is in the plus 6 oxidation state; it is better known as Iron(VI). Ferrate behaves as an oxidant, disinfectant, and coagulant. Ferrate is very effective at color and organics removal, as well as metals removal, than other coagulants such as ferric compounds. It prevents the formation of regulated disinfection byproducts by reducing the organics, and reducing the amount of chlorine needed as a secondary disinfectant, and does not create any known regulated disinfection byproducts itself. Water samples will be shipped to Ferrate treatment technologies for evaluating the applicability of ferrate. Based on coagulants that provide improved performance, select analytes will be sent to an outside laboratory for further analysis and assessment of DBP formation potential. The Town will pay for outside analytical services. The jar testing program will also assess the potential benefit that could be received from the use of bentonite clay. This effort will also include an estimate of the increased sludge production that may occur from the use of bentonite.
- Evaluate Pre- and Post-Filter Water Quality – The general objective of this effort is to evaluate the fouling mechanisms responsible for the clogging of the existing filters (travelling bridge and greensand) and to determine if biomass is contributing to poor filter performance. Utilizing the results obtained, recommendations to filter operations will be made to enhance performance and meet regulatory requirements.

Based on the previous investigations, the filters and underdrains are clogged due to alum/potassium based precipitate, algae and organic biomass. Filter media analysis conducted by Water Systems Engineering Inc. indicated manganese dioxide concentrations (65.6 percent), iron oxide (9.2 to 15.7 percent), aluminum hydroxide (24.7 to 29.1 percent), organic biomass (8.4 to 54.5 percent), HPC >1500 cfu/ml; ATP (5.9 to 24 million cells/ml). Several species of bacteria are growing on the filters and were identified as *Ralstonia Pickettlii*, *Enterobacter cloacae*, *Micobacterium saperdae*, and *Bacillus cereus*.



Most of the DOC in natural waters consists of nonbiodegradable (or refractory) organic matter, a portion of which may be removed by adsorption on the filter. A smaller portion of the DOC consists of biodegradable (or assimilable) organic matter (bio-degradable dissolved organic carbon-BDOC or assimilable organic carbon-AOC), most of which is consumed and removed by biological activity within a biofilter, thereby sustaining the biomass within the filter. Indications of biological activity on filters include changes (reductions) in organic nutrients (e.g. TOC, DOC, BDOC, AOC), inorganic nutrients (nitrate, phosphate and ammonium) and dissolved oxygen (DO) in the filter effluent as compared to the filter influent. By reducing nutrients in the filter influent, the biological activity can be minimized on the filters.

Despite the plethora of published methods to measure the biological activity in water (Huck 1990; Volk 2002), most water systems and research studies in the US have used the assimilable organic carbon (AOC) or the biodegradable dissolved organic carbon (BDOC) assays. Although BDOC and AOC are accurate tests to determine the biological activity in a filter, their testing is difficult, requires sophisticated equipment and skilled personnel with a high level of proficiency, and hence is not included in this proposal at this time.

On the filter media, indicators of biomass activity include ATP measurements (a measure of biofilm formation and cell counts) and heterotrophic bacteria plate counts (HPC). A general approach to addressing the objectives is to obtain a water quality profile through the travelling bridge filter as shown in the following table: (A similar water quality profile will be developed for the greensand filter).

Water Quality Parameter	Filter Influent	Filter Effluent
pH	✓	✓
Temperature (°C)	✓	✓
Turbidity (NTU)	✓	✓
DO (mg/L)	✓	✓
Color (pcu)	✓	✓
TOC (mg/L)	✓	✓
DOC (mg/L)	✓	✓
UV254 (cm ⁻¹)	✓	✓
SUVA (L/mg-m)		
Alkalinity (mg/L as CaCO ₃)	✓	✓
Hardness (mg/L as CaCO ₃)	✓	✓
Total and Dissolved Iron (mg/L)	✓	✓
Total and Dissolved Manganese (mg/L)	✓	✓
ORP (mV)	✓	✓
Particle Count (#/ml)	✓	✓
Algae (#/ml)	✓	✓
Chlorine (mg/L as Cl ₂)	✓	✓
Nitrate-N (mg/L)	✓	✓
Nitrite (mg/L)	✓	✓



Water Quality Parameter	Filter Influent	Filter Effluent
Ammonia-N (mg/L)	✓	✓
Anaerobic Growth (%)	✓	✓
HPC(cfu/ml)	✓	✓
Sulfate Reducing Bacteria (SRB)	✓	✓
Iron/Manganese Oxidizing Bacteria	✓	✓
ATP (cells/ml)	✓	✓
Phosphate-P (mg/L)	✓	✓
TTHMs and HAAs (ppb) (on finished water only)		✓

6. Identify on-line instrumentation improvements and laboratory instrument additions that would assist the operators in reacting better to changing water quality conditions and providing the tools for improved performance of the plant. Contact manufacturers of analytical equipment to determine the potential for demonstration testing of the equipment at the plant.
7. Develop a raw water quality sampling program for the three feeder streams to the Chadwick Lake reservoir. Each of these streams would be analyzed for turbidity, alkalinity, pH, DBP formation potential, TOC, DOC, UV254, and ATP. Outside analytical costs would be paid for by the Town.
8.
 - a. Identify operational improvements to enhance performance and identify alternatives for potential additions or modifications to the plant to enhance performance (cost opinions will not be developed for the alternatives).
 - b. Summarize the results of the above evaluation in a draft report to the Town. Provide five draft copies to the Town for review and five final copies after incorporation of Town comments.

Payments to Engineer

We propose to complete the above Scope of Services for a lump sum fee of \$52,600 based on the following breakdown:

1. Chartering, Data Review	\$9,100
2. Two-Day Operational Review	\$3,200
3. Water Quality Characterization and Prefilter Treatment Performance	\$5,100
4. Jar Testing	\$8,100
5. Filter Biofouling Potential	\$10,400
6. Instrumentation Improvements	\$1,900
7. Feeder Stream Water Quality Characterization	\$1,100
8. Alternatives, Recommendations, and Report	\$13,700



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Mr. James Osborne, P.E.
Page 7

Period of Service

We propose to complete the above Scope of Services within 100 days of Notice to Proceed.

We appreciate the opportunity to submit this proposal and look forward to continued assistance to the Town.

Sincerely,

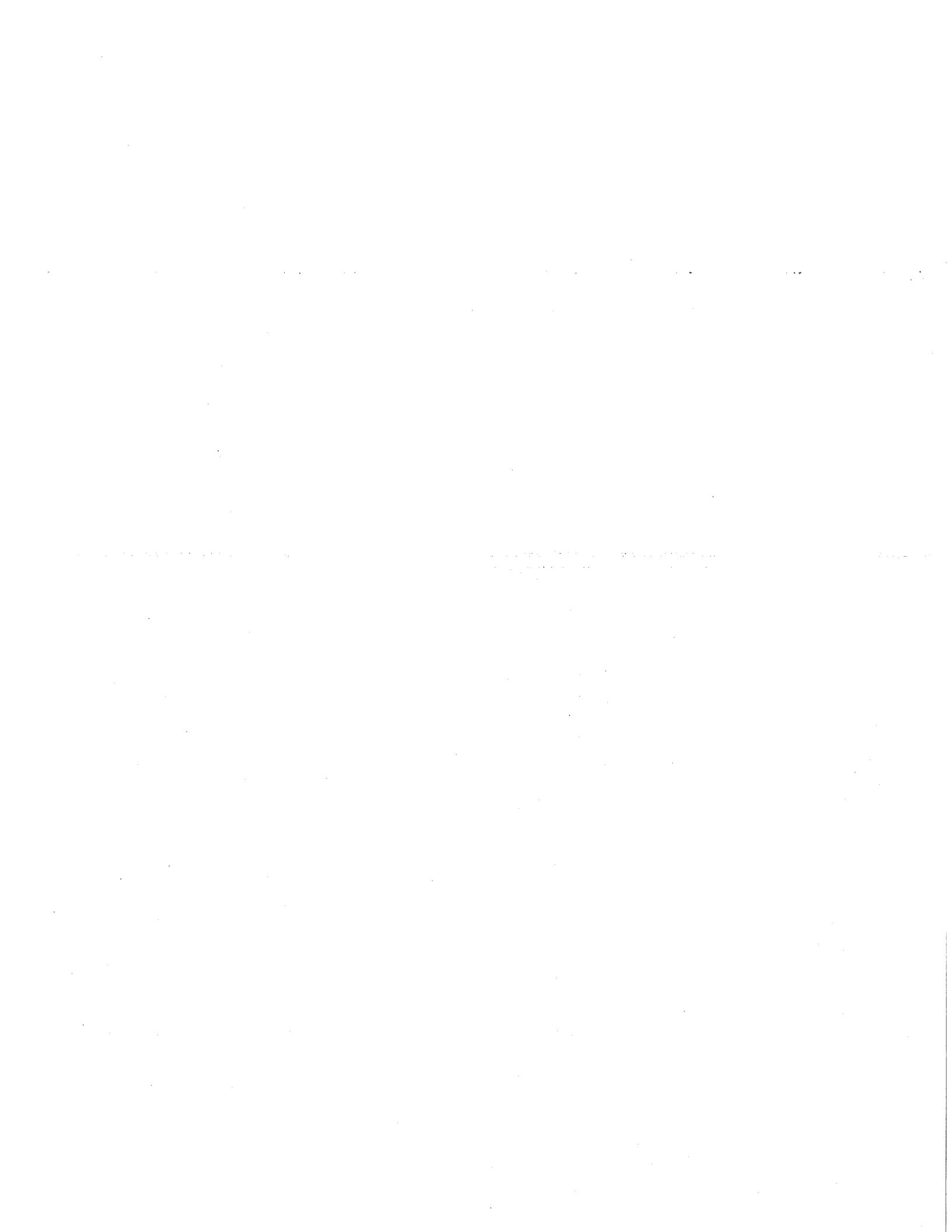
GHD CONSULTING ENGINEERS, LLC

A handwritten signature in black ink, appearing to read 'Kevin Castro', written over a horizontal line.

Kevin Castro, P.E., BCEE
Service Group Manager - Water

KC/mrv

cc: Andrew Weiss, P.E., GHD Consulting Engineers, LLC
Chandra Mysore, P.E., GHD Consulting Engineers, LLC
Clayton Johnson, P.E., GHD Consulting Engineers, LLC



TOWN OF NEWBURGH
TOWN ENGINEER
 1496 Rte. 300
 Newburgh, NY 12550
 (845) 564-7814

MEMORANDUM

TO: Wayne Booth, Supervisor & Town Board
FROM: James W. Osborne, Town Engineer *JWO*
DATE: September 4, 2012
RE: **M \ HIGHWAY GARAGE EMERGENCY GENERATOR AND
 ELECTRIC UPGRADES**

On August 27, 2012, the Town received bids for the above referenced project. Four bids were submitted as summarized below:

Contractor	Item 1	Item 2	Total
M.C. Electrical Systems	\$101,985	\$24,895	\$126,880
Hudson Valley Electrical Construction & Maintenance	104,111	32,800	136,911
Perreca Electric	123,700	23,700	147,400
Foremost Electrical Corp.	159,300	49,400	208,700

M.C. Electrical Systems has successfully completed numerous small projects for the Town and is often used by the Building and Grounds Superintendent for emergency work. Based on this, it is recommended that the above contract be awarded to M.C. Electrical Systems as the lowest responsible bidder.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda. If you have any questions or comments, I am available to discuss them with you.

cc: M. Taylor, Attorney
 L. Cornell, Building & Grounds Supt.
 D. Benedict, Highway Supt.
 J. Platt, DPW Commissioner
 J. Calarco, Town Accountant
 J. Fellenzer, Fellenzer Engineering

**9. WIRELESS CODE: Technical Review for Wireless Communications
Facilities Local Law**

ONE COMPANY | *Many Solutions*™

August 22, 2012
File No.: 046-000

Mr. Gerald Canfield
Code Compliance Officer
Town of Newburgh
308 Gardnertown Road
Newburgh, New York 12550

**Re: Proposal for Review of Existing Wireless Telecommunications Facilities Siting Law for the Town of Newburgh (Chapter 168) and Recommendations
Town of Newburgh, NY**

Dear Mr. Canfield:

Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) is pleased to present this scope and budget for tasks associated with the proposed review of the existing Wireless Telecommunications Facility (WTF) Code. The tasks presented are based on our experience with WTF planning and technical reviews in the Town of Newburgh and other municipalities, and our experience with working with – and reviewing/updating – wireless codes in other municipalities.

Costs are provided as requested, based on the scope and our experience in similar projects completed in the area. The details of the effort and cost are approximate.

TASK 1: Wireless Code Technical Review

HDR will coordinate with the Town of Newburgh, and its representatives (Town Planning Consultant, Town Attorney, and Code Compliance office) to review the current status of the Town's Code. As part of this task, HDR will conduct a technical review of the Wireless Telecommunications Facilities Siting Law for the Town of Newburgh (Chapter 168, 1999). This review will also include a comparison of the existing Code to recent Federal Communications Commission (FCC) and industry changes, such as the November 18, 2009 FCC's Declaratory Ruling (WT Docket No. 08-165), which sets forth timeframes in which a local authority must act on a wireless facility siting application ("Shot Clock"), and the Middle Class Tax Relief and Job Creation Act of 2012 (passed January 3, 2012 by the 112th Congress of the US), which addresses proposed modifications to existing wireless facilities.

The entire Wireless Ordinance (Chapter 168) will be reviewed, and written comments provided (in draft form) for discussion purposes to the Code Compliance office, Town attorney, and other Town representatives, as directed. The comments will provide recommendations for ordinance modifications to improve the Town's process for receiving and processing future wireless

applications (i.e., proposals for new cell sites, upgrades, and modifications).

TASK 2: Report and Discussion of Results/Recommendations

HDR will prepare a project report that includes our recommendations and comments received from the Town. The report will include proposed Code revision language. The comments will focus on recommendations for ordinance modifications to improve the Town's process for: receiving and processing of future wireless applications; siting of wireless facilities; assessing alternate technologies and mitigation techniques; inspection and maintenance at cell sites; and other items.

This task assumes the submittal of three (3) copies of the report and our participation at one (1) meeting to present our findings and recommendations. HDR will incorporate any comments from the Town, either in written form, or from the meeting. HDR assumes that all comments will be address within a single round of comments. A final copy of the recommended Code changes will be submitted.

TASK 3: SEORA Review

Should the Town decide to proceed with updating the WTF Code, HDR will review and prepare the necessary SEORA documentation associated with implementing the final Code modifications. HDR will prepare a Long Environmental Assessment Form (LEAF), as well as a point by point record of changes proposed to the Code, with each change's SEORA implications. It is our understanding that the Town Board will be the lead agency in any SEORA-type actions that are associated with this project.

Budget Estimates

The estimated cost for Task 1 is \$3,500, Task 2 is \$3,900, and Task 3 is \$2,400; for a total estimated budget of \$9,800. HDR proposes to work on a Time and Materials (T&M) basis, within the approved budget set by the Town, under our Standard Agreement (on file with the Town). HDR can begin work on the project upon receiving notice to proceed.

HDR continues to represent various municipalities in a variety of tasks associated with the wireless industry. Please note that HDR does not, and will not for the duration of our services to the Town of Newburgh, represent any wireless communication providers in support of wireless facilities (existing, proposed, or considered). HDR has performed reviews of permit applications and proposed installations submitted by providers on behalf of a number of municipalities in New York. HDR has also assisted with Wireless Siting Plans, including existing inventories, compilation of coverage maps, GIS mapping, and the preparation of



ONE COMPANY | *Many Solutions*

recommendations in a Siting Plan.

Please let me know if I can provide you with any additional information. HDR thanks you for again considering us for professional services.

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Musso, P.E.".

Michael P. Musso, P.E.
Senior Project Engineer

10. ANIMAL CONTROL: T-92 Withdrawal Request

TOWN OF NEWBURGH

1496 ROUTE 300
NEWBURGH, N.Y. 12550

Order No.

10

DO NOT WRITE IN THIS BOX

VOUCHER

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

M. D. W. Saline Assoc
1323 Union Ave.
Newburgh, NY
12550

TERMS _____

Date Voucher Received		AMOUNT		VOUCHER NO.
FUND - APPROPRIATION				
		\$349.	75	
TOTAL		\$349.	75	

Abstract No.
Vendor's Ref. No.

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
8/6/12	Neuter 1/2	Rabies Shot		38.25
8/15/12	Neuter 1/2	Rabies Shot		38.25
8/6/12	Neuter 1/4	Rabies Shot		38.75
8/6/12	Spay	3 Female Cats 1/2 Rabies Shot		135.00
5/12/12	Spay	2 Female Cats 1/2 Rabies Shot & de-tempor		100.00
(See Instructions on Reverse Side)			TOTAL	349.75

CLAIMANT'S CERTIFICATION

I, _____, certify that the above account in the amount of \$ _____ is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

8/20/12 DATE
Margaret Wicher SIGNATURE
President TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

DATE AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

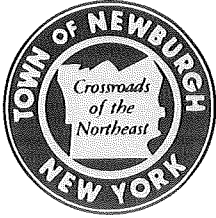
This claim is approved and ordered paid from the appropriations indicated above.

AUDITING BOARD

11. PARKS & RECREATION: Stage Request

SEP - 5 2012

11



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

845-564-7815
FAX: 845-564-7827

August 21, 2012

TO: Wayne Booth, Supervisor
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Stage Request

We are submitting for your approval the attached letter from the Coldenham Fire Department, Chief John Keenan, requesting the use of the portable stage on Saturday, September 22nd. They will provide their own means of transport for the stage.

Thank you for your consideration.

Regards,

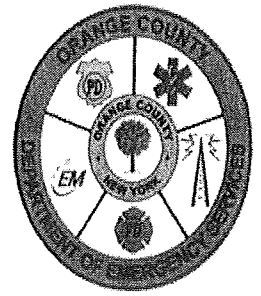
Robert J. Petrillo
Commissioner



From the Desk Of...

Chief John Keenan

Coldenham Fire District



1st Asst Chief Michael Yannantuono | 2nd Assisitant Chief Frank Draiss | 3rd Assistant Chief Rick Cameron

August 16, 2012

Dear Robert J. Petrillo,

This letter is in reference to your portable stage in which we would like to request for use on September 22, 2012 for our chiefs appreciation night taking place at the Coldenham Fire House located at 511 Coldenham Road, Walden, New York. This event will be taking place following the Orange County Volunteer Firemens Parade from 8:00pm until 12:00am on September 23, 2012. The stage will be used for our band that will be playing for the event. If we are able to use the stage, we will find our own means of transporting the stage to and from the location in which it is stored. If you have any questions or concerns in regards to this, please feel free to contact my mobile phone at (845) 206-1115 or Contact Steven Corbin at (845) 522-2650. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Keenan".

John Keenan
Chief
Coldenham Fire District

Coldenham Fire District
511 Coldenham Road
Walden, NY 12586
(845) 564-0438

12. DATA PROCESSING: Time Block Purchase

SEP - 5 2012

12

Sept

For Audit Meeting Wednesday ~~August~~ 5, 2012

1. Purchase of 37.5 hours @ \$ 80.00 from Firthcliffe Technologies Inc.
for a total of \$ 3000.00

This \$ 3000.00 purchase will be made from the computer maintenance account.

Computer maintenance account # 001-1680.0497 currently has \$ 30,854.00



Gil

13. INTRODUCTION OF LOCAL LAW OVERRIDING THE TAX LEVY LIMIT

INTRODUCTORY LOCAL LAW NO. __ OF THE YEAR 2012

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW 3-C**

BE IT ENACTED by the Town Board of the Town of Newburgh, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Newburgh, County of Orange pursuant to General Municipal Law § 3-c, and to allow the Town of Newburgh, County of Orange to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Newburgh, County of Orange is hereby authorized to adopt a budget(s) for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately.

**14. DISTRIBUTION OF REVISED LOCAL LAW Amending Public Notice
Code Provision**

RIDER, WEINER & FRANKEL, P.C.

ATTORNEYS & COUNSELLORS AT LAW

DAVID L. RIDER
CHARLES E. FRANKEL
MICHAEL J. MATSLER
MARK C. TAYLOR
DEBORAH WEISMAN-ESTIS (NY AND NJ)
M. JUSTIN RIDER (NY AND FL)
SHAY A. HUMPHREY
JEFFREY S.E. SCULLEY (NY AND IL)
DONNA M. BADURA
DARREN H. FAIRLIE

655 LITTLE BRITAIN ROAD
NEW WINDSOR, NEW YORK 12553

(MAILING ADDRESS)
POST OFFICE BOX 2280
NEWBURGH, NEW YORK 12550

TEL. (845) 562-9100
FAX (845) 562-9126

firm@riderweiner.com
www.riderweiner.com

M.J. RIDER (1906-1988)
ELLIOTT M. WEINER (1915-1990)

STEPHEN P. DUGGAN, III
COUNSEL

CRAIG F. SIMON
OF COUNSEL

1289 RT. 9
SUITE #3
WAPPINGERS FALLS, NY 12590
(845) 632-6094

MEMORANDUM

TO: HON. WAYNE C. BOOTH, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: INTRODUCTORY LOCAL LAW AMENDING THE APPLICATION AND
PUBLIC HEARING NOTIFICATION PROVISIONS OF CHAPTER 83
ENTITLED "CLEARING AND GRADING", CHAPTER 125 ENTITLED
"NOISE AND ILLUMINATION", CHAPTER 163 ENTITLED
"SUBDIVISION OF LAND", CHAPTER 168 ENTITLED
"TELECOMMUNICATIONS FACILITIES, WIRELESS" AND CHAPTER 185
ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH

OUR FILE NO. 800.1(B)(7)(2012)

DATE: SEPTEMBER 4, 2012

Enclosed please find a revised version of the introductory local law which modifies the mailing requirements for notices per the Board's direction and incorporates other revisions seeking to address certain of the comments submitted by the Zoning Board of Appeals, Planning Board and Orange County Planning Department. The local law is additionally revised to address the variance provisions of the Noise and Illumination Control Chapter, which presently contain a 300 foot mailing requirement. Finally, a provision is included which exempts pending applications for which public hearing notice has already been submitted for publication from additional or expanded mailing, posting or content requirements. The suggested modifications appear in red.

Should you have any questions or concerns in this regard, please feel free to contact me.

cc: Town Clerk Andrew J. Zarutskie
Town Engineer James Osborne (via e-mail)
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**INTRODUCTORY LOCAL LAW #__ OF 2012
A LOCAL LAW AMENDING THE APPLICATION
AND PUBLIC HEARING NOTIFICATION PROVISIONS
OF CHAPTER 83 ENTITLED “ CLEARING AND GRADING”,
CHAPTER 125 ENTITLED “NOISE AND ILLUMINATION CONTROL”,
CHAPTER 163 ENTITLED “SUBDIVISION OF LAND”,
CHAPTER 168 ENTITLED “TELECOMMUNICATIONS FACILITIES,
WIRELESS” AND
CHAPTER 185 ENTITLED “ZONING”
OF THE CODE OF THE TOWN OF NEWBURGH**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled “Clearing and Grading”, Chapter 125 Entitled “Noise and Illumination Control”, Chapter 163 Entitled “Subdivision of Land”, Chapter 168 Entitled “Telecommunications Facilities, Wireless” and Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh.”

SECTION 2 – PURPOSE

The legislative intent and purpose of this local law is to require that uniform and adequate public notice be given for public hearings conducted by the Planning Board and Zoning Board of Appeals pursuant to various chapters of the Town of Newburgh Municipal Code in order to promote the public health, safety and general welfare of the Town and its inhabitants..

SECTION 3 – AMENDMENT OF CHAPTER 83 ENTITLED “CLEARING AND GRADING”

A. Sub-section 83-8E of Section 83-8 entitled “Permit application review; issuance and compliance procedures” is hereby amended to read as follows:

“§ 83-8. Permit application review; issuance and compliance procedures.

E. The Town Planning Board may, upon its discretion, conduct public hearings which may be held in conjunction with hearings held during the environmental review or the preliminary review process on any permit applications and shall conduct public hearings which may also be held in conjunction with hearings held during the environmental review or the preliminary review process on permits for the following activities, which hearings shall be fixed at a reasonable time and shall be given notice by the official newspaper of the town at least ten (10) days prior to the date thereof: In addition to

publication, the notice shall otherwise be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The applicant shall be responsible for the cost of publication, posting and mailing of such notice.”

SECTION 4 – AMENDMENT OF CHAPTER 125 ENTITLED “NOISE AND ILLUMINATION CONTROL

- A. Subsection 125-10F entitled “Notice of hearing” of Section 125-10 entitled “Variances” is hereby amended to read as follows:

§125-10. Variances.

“F. Notice of hearing. Notice of any hearing shall be published by the Town Zoning Board of Appeals in the official newspaper of the town at least five (5) days prior to the date of said hearing. The applicant shall mail by certified mail, return receipt requested, at least ten (10) days before the date of said hearing, notice of the hearing to all abutting property owners and to all owners of property situated directly across a street from the property affected by such appeal and to all other owners within three hundred (300) feet, or such additional distance as the Zoning Board of Appeals may deem advisable, from the exterior boundaries of the property, as the names of said owners appear on the last completed assessment roll of the town. Proof of such mailing shall be submitted to the Town Zoning Board of Appeals by the applicant prior to the hearing. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The applicant shall be responsible for the cost of publication, posting and mailing of such notice.”

SECTION 4-5 – AMENDMENTS OF CHAPTER 163 ENTITLED “SUBDIVISION OF LAND”

- A. Subsection 163-5F entitled “When officially submitted” of Section 163-5 entitled “Minor subdivision” is hereby amended to read as follows:

§ 163-5. Minor subdivision.

“F. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular meeting of the Planning Board at which the complete application is to be considered, except where a later date is provided for by law, rule or regulation, in which case the later date shall apply.

At least 10 days prior to such meeting, the subdivision plat must be filed with the Secretary to the Planning Board. The application for plat approval may be placed on the agenda for consultation and discussion at the sole discretion of the Planning Board Chairperson even if the application is incomplete. Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town's Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.

B. Subsection 163-5H(4)(b) of Section 163-5 entitled "Minor subdivision" is hereby amended to read as follows:

§ 163-5. Minor subdivision.

H. Preliminary plat public hearing; approval of preliminary plat; revocation of approval.

(4) Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision

"(b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. In addition to publication, the notice shall otherwise be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings."

C. Subsection 163-5H(5)(b) of Section 163-5 entitled "Minor subdivision" is hereby amended to read as follows:

§ 163-5. Minor subdivision.

(5) Planning Board not as lead agency under the State Environmental Quality Review

Act; public hearing; decision.

“(b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in ~~a newspaper of general circulation in~~ the official newspaper of the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. In addition to publication, the notice shall otherwise be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings.”

D. A new Subsection 163-7L is hereby added to 163-7 entitled “Preliminary plat for major subdivision” to read as follows:

“L. Public hearings on the preliminary plat shall be conducted in the same manner as specified in § 163-5 above.”

E. Subsection 163-7D entitled “Number of copies and when officially submitted” of Section 163-7 entitled “Preliminary plat for major subdivision” is hereby amended to read as follows:

“**D.** Number of copies and when officially submitted. The application for approval of the preliminary plat, complete with 15 copies of the preliminary plat and accompanied by the required fee and all data required by this chapter, shall be filed with the Secretary of the Planning Board at least 21 days prior to a regular monthly meeting of the Planning Board. A proposed submission which does not include all the required drawings and documents will be deemed incomplete and not be accepted for filing either when submitted or at the following Planning Board meeting. Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. ”

F. Subsection 163-8J(4)(a)[2] of Section 163-8 entitled “Final plat for major

subdivision” is hereby amended to read as follows:

§ 163-8. Final plat for major subdivision.

J. Public hearing; action on proposed final subdivision plat.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(a) Planning Board not as lead agency; public hearing; notice; decision.

“[2] Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in ~~a newspaper of general circulation in~~ the official newspaper of the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. In addition to publication, the notice shall otherwise be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings.”

G. Subsection 163-12.1 entitled “When officially submitted” of Section 163-12.1 entitled “Lot line changes” is hereby amended to read as follows:

“H. When officially submitted. The time of submission of the lot line change plat shall be considered to be the date of the regular meeting of the Planning Board at which the complete application is to be considered, except where a later date is provided for by law, rule or regulation, in which case the later date shall apply. The application for lot line change plat approval may be placed on the agenda for consultation and discussion at the sole discretion of the Planning Board Chairperson even if the application is incomplete. Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.

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**SECTION 5 6 - AMENDMENT OF CHAPTER 168 ENTITLED
“TELECOMMUNICATIONS FACILITIES, WIRELESS”**

A. Subsection 168-6U of Section 168-6 entitled “Special use permit application and other requirements” is hereby amended to read as follows:

“U. An applicant shall submit to the Clerk of the Board the number of completed applications determined to be needed at the preapplication meeting. A notification of the application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department if determined to be necessary, based upon the proposed location of the structure. Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, or such additional distance as the Planning Board may deem advisable as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.”

B. Section 168-16 entitled “Public hearing and notification requirements” is hereby amended to read as follows:

“§ 168-16. Public hearing and notification requirements.

A. Prior to the approval of any application for a special use permit for wireless telecommunications facilities, a public hearing shall be held by the Board, notice of which shall be published in the official newspaper of the town no less than 10 calendar days prior to the scheduled date of the public hearing. In order that nearby landowners are provided notice of the hearing, the applicant, at least three weeks prior to the date of said public hearing, shall be required to provide names and address of all landowners whose property is located within ~~300~~ 500 feet of any property line of the lot on which the new wireless telecommunications facilities are proposed to be located, or such additional distance as the Planning Board may deem advisable. The list of property owners shall be obtained by the applicant from the Town’s Assessor. Further, the applicant shall send notice of the public hearing to the adjoining identified in this section, via certified or registered

~~mail, at least 10 days prior to the scheduled date of the public hearing and shall submit to the Board at the public hearing proof of mailing of the notice of public hearing. The applicant shall additionally be required to post a copy of the notice in accordance with the requirements for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185.~~

B. The Board shall schedule the public hearing referred to in Subsection A of this section after it determines the application is complete. The Board, at any stage prior to issuing a special use permit, may require such additional information as it deems necessary.”

SECTION 6-7 - AMENDMENTS OF CHAPTER 185 ENTITLED “ZONING”

A. Subsection 185-55A of Section 185-55 entitled “Procedural, construal of provisions; conflict with state law” is hereby amended to read as follows:

“§ 185-55. Procedure; construal of provisions; conflict with state law.

The powers and duties of the Zoning Board of Appeals shall be exercised with the following procedure:

A. Public hearings.

(1) The Zoning Board of Appeals shall not grant any appeal ~~for a~~ or variance or issue any special or temporary permit or interpretation without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the Town at least five days before the date of such hearing. In addition to such published notice, ~~the applicant shall cause notice to shall~~ be given of the substance of every appeal ~~for a~~ and variance and of every application for a special permit, together with notice of the hearing thereon, by ~~causing~~ notices thereof to be mailed at least 10 days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal or application) and to all other owners within ~~300~~ 500 feet, or such additional distance as the Zoning Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of such owners appear on the last completed assessment roll of the Town. Such notice shall be ~~by certified mail, return receipt requested, and the applicant shall furnish proof of compliance with the notification procedure. However, in lieu of notice by certified mail, return receipt requested, if the application is for an area variance and the lot which is the subject of the public hearing contains or is proposed to contain one single family dwelling and permitted accessory uses to single family dwellings in the applicable district other than a home occupation or accessory apartment, and is used or proposed to be used~~

for no other primary use, the Zoning Board of Appeals may authorize notice by first class mail in envelopes to which have been addressed and on which required first class postage has been paid for and affixed by the applicant, to be mailed by the secretary of the Zoning Board of Appeals or another employee of the Town, who shall complete and file an affidavit of mailing with the Board listing each address to which the notice was sent. Any or all of the notices required by this section shall be issued by the Secretary of the Zoning Board of Appeals on order of the Zoning Board of Appeals. The notice shall identify both the street address of the lot(s) and the section, block and lot number(s) assigned on the Orange County tax map for the Town to the land involved in the application or appeal. An 11 inch by 17 inch copy of the notice shall also be posted at the property for which the application is made. The notice must be posted on or near a front property line within view of the nearest adjacent street right of way. If the property fronts on two or more streets, notices shall be posted on all the front property lines. The notice must not obstruct traffic visibility. The applicant shall submit a notarized affidavit of posting and photograph of the posting to the Secretary of the Zoning Board of Appeals prior to or on the tenth day prior to the public hearing date. The posted notice must be maintained and updated with amended information until after the public hearing is closed. The notice must be removed and properly disposed of within 10 days of the close of the public hearing.

(2) Provided that due notice shall have been published as above set forth and that there shall have been substantial compliance with the remaining provisions of the preceding subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance or issuance of any special or temporary permit pursuant thereto.”

- B. The following sentence shall be inserted after the first sentence of Subsection 185-57B(1) of Subsection 185-57B entitled “Sketch plan review” of Section 185-57 entitled “Application procedure”:

Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plan and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. ”

- C. Subsection 185-57K(1) of Section 185-57 entitled “Application procedure” is hereby amended to read as follows:

“§ 185-57. Application procedure.

K. Public hearings.

(1) Before authorizing any use or approving any plan, the Planning Board may hold a public hearing, the notice for which shall be subject to the same requirements established by this chapter for hearings on variances by the Zoning Board of Appeals in § 185-55. Such notice shall additionally include the following information, as of the date of publication: the size of the lot(s), the number of buildings and size of each building's footprint, number of stories and height of each building or structure, and a detailed description of the proposed use provided by the applicant, or where the use classification is generic and the applicant cannot commit to a particular use at the time of the application, a description of the possible uses to which the site might be put as permitted by the applicable Table of Use and Bulk Requirements for the classification of use subject to site plan approval for which approval is requested.”

SECTION 8 – EXEMPTION FOR PENDING APPLICATIONS FOR WHICH PUBLIC HEARING NOTICE HAS BEEN SUBMITTED FOR PUBLICATION

Notwithstanding anything to the contrary contained in this local law, applications which are pending before the Planning Board and Zoning Board of Appeals as of the effective date of this Local Law for which a notice of public hearing has already been submitted to the official newspapers of the town shall be exempt from additional or expanded mailing, posting and content requirements set forth herein.

SECTION 7-9 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8 10 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

15. SETTLEMENT OF TAX CERTIORARIS:

- A. 17k Property Group LLC (Rt. 17k 300/Orchard Drive)
- B. Land Investment Group FKA (New Rd.) (Rte 300/Union Ave.)
- C. Carrols Corp. #308 (Rt. 17k)
- D. A & A Food Systems Inc. (Perkins Restaurant & Bakery)
- E. American Tower Corp. (Rt. 300/Orchard Drive)
- F. Corbell LLC and/or Confinance Inc. (Rte 300/Union Ave.)
- G. Segali (Rte. 17k & Arbor Drive)