

**EXHIBIT**  
03-A-12, 3/15/12

NOTICE OF POSTING: NOTICE OF PUBLIC HEARING - AMENDING THE TOWN CODE, CHAPTER 6  
BUILDING CONSTRUCTION & ADMINISTRATION  
ENERGY EFFICIENCY.

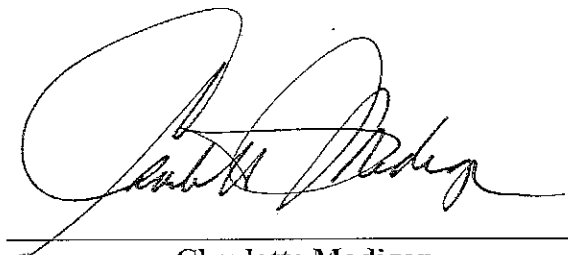
STATE OF NEW YORK        }  
COUNTY OF ROCKLAND    }  
TOWN OF ORANGETOWN     }                   SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected,  
Qualified and acting Town Clerk of the *TOWN Of ORANGETOWN*, in the County of  
Rockland, State of New York.

That, on the 5th day of March  
2012, she caused to be conspicuously posted and fastened up a notice, a true copy of  
which is annexed hereto and made a part of hereof, in the following places, at least one of  
which is a public place within the *TOWN Of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Charlotte Madigan  
Town Clerk

Subscribed and sworn to before me

This 5th day of March, 2012



DONNA A. MORRISON  
Notary Public, State of New York  
No. 01MO5081099  
Qualified in Rockland County  
Commission Expires June 30, 2015

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 130 of the Town Law of the State of New York, and pursuant to resolution of the Town Board of the Town of Orangetown, adopted February 16, 2012, a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, on the 15<sup>th</sup> day of March, 2012 at 8:00 P.M., to consider a proposed Local Law amending the Town Code of the Town of Orangetown, Chapter 6, entitled "Building Construction and Administration Energy Efficiency".

The purpose of the proposed Local Law is to require new subject dwellings to meet the Home Energy Rating System (HERS) index of 70 or less, as opposed to the currently required compliance with ENERGY STAR standards. As ENERGY STAR standards are becoming more rigorous, the intent is to maintain approximately the same level of energy efficiency required under ENERGY STAR in 2009. Additionally, the local law will specifically apply to construction where all exterior walls (excluding foundation walls) of a dwelling are removed, and a new dwelling is built upon the preexisting foundation.

A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 16, 2012  
Orangeburg, New York

**CHARLOTTE MADIGAN**  
Town Clerk

**JOHN S. EDWARDS, ESQ.**  
Town Attorney  
Town of Orangetown

# AFFIDAVIT OF PUBLICATION

FROM

## The Journal News

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to Section 130 of the Town Law of the State of New York, and pursuant to resolution of the Town Board of the Town of Orangetown adopted February 16, 2012, a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, 25 Orangeburg Road, Orangeburg, New York 10962, on the 15th day of March, 2012 at 8:00 P.M. to consider a proposed Local Law amending the Town Code of the Town of Orangetown, Chapter 6, entitled "Building Construction and Administration Energy Efficiency".

The purpose of the proposed Local Law is to require new subject dwellings to meet the Home Energy Rating System (HERS) index of 70 or less, as opposed to the currently required compliance with ENERGY STAR standards. As ENERGY STAR standards are becoming more rigorous, the intent is to maintain approximately the same level of energy efficiency required under ENERGY STAR in 2009. Additionally, the local law will specifically apply to construction where all exterior walls (excluding foundation walls) of a dwelling are removed, and a new dwelling is built upon the preexisting foundation.

FLORENCE  
Jury Public, State

01806  
Continued in Brochure  
Foundation Expires

A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown:

Dated: February 16, 2012  
Orangeburg, New York

CHARLOTTE MADIGAN

Town Clerk  
JOHN S. EDWARDS, ESQ.,  
Town Attorney  
Town of Orangetown

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the newspaper annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See Legend)

ZONE  
RK

DATE  
03/07/2012

Signed Cecilia Hernandez

Sworn to before me

T 9<sup>pm</sup> day of March 20 12

Notary Public, Westchester County

#### Legend:

##### Northern Area (AN):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

##### Central Area (AC):

Ardsley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains

##### Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

##### Greater Westchester (GW or LGW):

Includes Northern area, Southern area and Central area. (See details below each area)

##### Westchester Rockland (WR):

Includes Greater Westchester area and Rockland area.

##### Rockland Area (JN or RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

##### Review Press Express (XBV):

Bronxville, Eastchester, Scarsdale, Tuckahoe

##### Sound Shore Express (XSS)

Purchase, Port Chester, Rye, Harrison, Mamaroneck, Pelham

##### White Plains Express (XWP)

Elmsford, Hartsdale, Hawthorne, Valhalla, White Plains

##### Yorktown and Cortlandt Express (XYC)

Amawalk, Buchanan, Cortlandt Manor, Croton-on-Hudson, Granite Springs, Jefferson Valley, Mohegan Lake, Montrose, Ossining, Peekskill, Shrub Oak, Yorktown Heights

##### Northern Westchester Express (XNW)

Armonk, Bedford, Bedford Hills, Briarcliff Manor, Chappaqua, Cross River, Goldens Bridge, Katonah, Millwood, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdy's, Somers, South Salem, Thornwood, Waccabuc

##### Rockland Express (XRK)

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sparkill, Spring Valley, Tappan, Thiells, Tomkins Cove, Sloatsburg, Suffern, Stony Point, Valley Cottage, West Haverstraw, West Nyack

##### Express Putnam (LHPN)

Baldwin Place, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Putnam Valley, Patterson

##### Express Rivotowns (LHRT)

Ardsley, Dobbs Ferry, Hastings, Irvington, Tarrytown

##### Express Yonkers/Mount Vernon (LHYM)

Mount Vernon, Yonkers

AD# 3324586



**- DRAFT 3/13/12 REVISED -**

**LOCAL LAW NO. \_\_ - 2012 OF THE TOWN OF ORANGETOWN,  
AMENDING CHAPTER 6 OF THE TOWN CODE RELATING  
TO BUILDING CONSTRUCTION ADMINISTRATION**

Be it enacted by the Town Board of the Town of Orangetown as follows:

**BOLD TYPE** = PROPOSED ADDITIONS

**STRIKEOUTS** = PROPOSED DELETIONS

*Section 1.* § 6-8.B shall be amended as follows:

(9) For new subject dwellings as defined below in section 6-8.1.B, a Town of Orangetown ~~New York ENERGY STAR~~ **Home Energy Rating System (HERS)** Building Permit Affidavit.

(10) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

*Section 2.* § 6-14 shall be amended as follows:

E. For new subject dwellings as defined below in section 6-8.1.B, the owner or agent shall file with the Building Inspector the required **Home Energy Rating System (HERS)** ~~New York ENERGY STAR~~ certification documents, as required below by section 6-8.1.F. No certificate of occupancy shall be granted prior to the filing of these documents with the Building Inspector.

*Section 3.* Chapter 6 shall be amended by adding:

§ 6-8.1. ~~ENERGY STAR~~ **Home Energy Rating System (HERS)**.

- A. Legislative intent. The purpose of this law is to protect the public health, safety and welfare of the residents of Orangetown by reducing energy use and greenhouse gas emissions, thus also protecting the integrity of our environment. The Town recognizes that energy conservation provides not only important environmental benefits, but also reduces the cost of owning a home. **Homes constructed with a Home Energy Rating System (HERS) rating of 70 or lower** ~~New York ENERGY STAR Labeled Homes~~ offer homeowners a more comfortable and healthier environment, while providing significant savings on monthly energy bills, thereby reducing the costs associated with home ownership, preventing unnecessary economic hardship and strengthening our community.
- B. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

**CERTIFIED HOME ENERGY RATER** - A Residential Energy Services Network (RESNET) Certified Home Energy Rater listed as being active in the New York State Energy Research and Development Authority (NYSERDA) New York ENERGY STAR Labeled Homes Program.

**HOME ENERGY RATING SYSTEM (HERS)** – A scoring system established by the Residential Energy Services Network (RESNET), whereby each 1-point decrease in the HERS Index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home.

**ENERGY STAR HOME ENERGY RATING SYSTEM (HERS) CERTIFICATION DOCUMENTS** – Documents required to be filed with the Building Inspector prior to the issuance of a certificate of occupancy. Said documents shall include:

1. A certification by a Certified Home Energy Rater that the new subject dwelling **meets the required Home Energy Rating System (HERS) index of 70 or less** ~~satisfies applicable New York ENERGY STAR Labeled Homes requirements.~~
2. ~~An~~ **Home Energy Rating System (HERS) ENERGY STAR Home** Report.
3. Qualification Forms clearly stating the results of performance testing and Combustion Appliance Zone Safety testing of the entire home.

**NEW SUBJECT DWELLING** – All new single-family dwellings and multi-family dwellings not more than three stories in height, including but not limited to townhouses, provided that said dwellings contain: (i) a separate means of egress for each unit, (ii) a minimum of one heating facility for each unit, and (iii) a separate primary electric meter for each unit. **The term “new subject dwelling” shall specifically include the situation where all exterior walls (excluding foundation walls) of a preexisting dwelling are removed at any time throughout construction, and a new dwelling is built upon the preexisting foundation.**

~~NEW YORK ENERGY STAR LABELED HOMES REQUIREMENTS – The current minimum requirements necessary for a new subject dwelling to be certified as a New York ENERGY STAR Labeled Home under the New York ENERGY STAR Labeled Homes Program. The New York ENERGY STAR Labeled Homes Program is operated as part of the state’s Energy Smart program, which is sponsored by the New York State Public Service Commission (PSC) and the New York State Energy Research and Development Authority (NYSERDA).~~

C. The Building Inspector shall maintain the following:

1. A document that contains a complete and current description of the **Town’s current Home Energy Rating System (HERS) requirements**

~~New York ENERGY STAR Labeled Homes requirements.~~

2. Town of Orangetown **Home Energy Rating System (HERS)** ~~New York ENERGY STAR Building Permit Affidavit forms.~~
3. A list of certified home energy raters ~~active in the New York ENERGY STAR Labeled Homes Program.~~

- D. All new subject dwellings shall be built to **achieve a rating of 70 or lower on the Home Energy Rating System (HERS) Index** ~~comply with the current New York ENERGY STAR Labeled Homes requirements.~~
- E. All applicants seeking a building permit for a new subject dwelling shall submit a Town of Orangetown **Home Energy Rating System (HERS)** ~~New York ENERGY STAR Building Permit Affidavit~~. This affidavit shall be signed by the applicant and a certified home energy rater. The affidavit must also be notarized prior to submission.
- F. Prior to any issuance of a certificate of occupancy, the applicant or owner must file with the Building Inspector the required **Home Energy Rating System (HERS)** ~~ENERGY STAR~~ certification documents as defined above in section 6-8.1.B.

*Section 4.* The provisions of this local law shall take effect upon filing with the Secretary of State and approval of the New York State Fire Prevention and Building Code Council. If the New York State Fire Prevention and Building Code Council determines, upon review under Energy Law § 11-109 that this local law is not more restrictive than the New York State Uniform Fire Prevention and Building Code and is, therefore, void and ineffective, then, and in that event, all ENERGY STAR requirements found in the Town Code (and any related provision of law or regulation) shall be abrogated and the energy efficiency requirements under the Town Code shall be those required by the New York State Uniform Fire Prevention and Building Code.

1

2


3



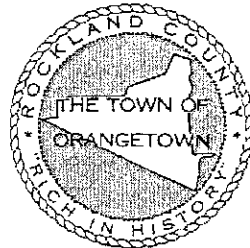
---

TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM

---

TO: THE TOWN BOARD  
FROM: CHARLIE RICHARDSON, FINANCE DIRECTOR   
SUBJECT: THURSDAY'S AUDIT MEMO - DRAFT  
DATE: 3/15/2012  
CC: ANN MAESTRI, CHARLOTTE MADIGAN, DEPARTMENT HEADS

---



The audit for Thursday tonight currently has four warrants that total to \$1,684,871.40. The first three warrants have been paid.

The first warrant is \$53,837 for All Bright Electric, which is the retainage release for the sewer project.

The second warrant for \$210,120 for monthly utilities including \$62,764 for February costs for United Water for both hydrants and Town facilities. The Orange and Rockland bill is \$76,615 including \$43,167 for street lights and \$21,696 for the sewer collection and treatment. Electricity supply from Direct Energy is \$42,473. Natural gas supply from Intelligent Energy is \$14,861.

The third warrant is \$25,566 for golf pro services at the two golf courses.

The fourth warrant has 439 unpaid invoices that total to \$1,395,335.42.

1. Atlantic Salt (p7) - \$15,049 for 251 tons of road salt for the Highway Department.
2. Charles Capasso (p16) - \$48,565 for February recycling costs.
3. Commissioner of Finance of Rockland County (p18) - \$6,600 the React Team training and \$2,950 for mosquito control.
4. Communications Supply Corp. (pp19-20) - \$38,983 for equipment for the Police camera system in Town Hall.
5. Dance Central Performing Arts (p21) - \$5,565 for Parks programs.
6. Envirotest Laboratories (pp25-26) - \$5,581 for sewer lab tests.
7. Steven Gentile (p33) - \$8,573 for 207c payment for two pay periods.
8. Good Samaritan Hospital (p34) - \$21,840 for knee surgery for retired Police Officer Frank Youngman. (207c related cost).

- 9011
9. Goosetown Enterprises (pp33-34) - \$24,656 semi-annual equipment leases as well as assorted parts for police cars.
  10. HP Direct - (p39) - \$22,466 for computer equipment for the replacement camera system for Town Hall.
  11. Ira Wickes Arborists (p41) - \$10,000 for tree work at Broadacres.
  12. Keane and Beane (pp46-47) - \$12,735 for January and February police costs.
  13. Lochner Engineering (p53) - \$24,375 for engineering services for the Rt. 340 sidewalks.
  14. Metropolitan Life (p60) - \$12,186 for March police dental costs.
  15. NY Bituminous (pp 65-67) - \$39,606 for materials for roadway crack filling.
  16. NYS Department of Civil Service (p69) - \$552,959 for March health insurance.
  17. Rockland County Solid Waste Management (p84) - \$6,008 for tipping fees.
  18. Keneck Skibinski (p92) - \$8,544 for consulting services as a sewer operator.
  19. Spectraserv Inc. (p93) - \$14,668 for the sludge handling tank capital project.
  20. Sprague Energy (p94) - \$39,765 for vehicle fuel for town departments.
  21. State Comptroller (p101) - \$26,850 for the State's share of January tickets.
  22. United Water (p108-109) - \$40,558 for March hydrant costs.
  23. Valentine Electric (p110) - \$19,664 for the final payment on the sewer project.
  24. W. Harris & Sons (pp112-113) \$10,400 for sewer line repairs.
  25. WW Granger (pp114-115) - \$7,773 for sewer supplies.

If you have questions, please let me know. Thanks.