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§ 1C-6. Suspension or revocation of alarm user permits.

- A. More than four false alarms in any twelve-month period from any alarm system for which an alarm user permit has been obtained will constitute grounds for suspension of said permit.
- B. The holder of any alarm user permit charged with a false alarm as described herein may appeal said charge in writing to the Chief of Police within seven days of notification of the charge. False alarm charges may be waived by the Chief of Police after consideration of said appeal.
- C. In addition to the suspension of an alarm user permit, more than four false alarms within any twelve-month period from any alarm system shall constitute a violation of this local law **and shall be punishable as set forth in Chapter 41A of the Code.** [Added 9-23-1985 by L.L. No. 8, 1985]
- D. Any person that causes a false alarm at a residential or commercial premises that utilizes an alarm system shall constitute a violation of this section whether or not said person is the owner of the premises or has an alarm user permit **and shall be punishable as set forth in Chapter 41A of the Code.** [Added 5-9-5-2005 by L.L. No. 11-2005]

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§ 1C-13. Penalties for offenses.

In addition to the suspension or revocation of a license or permit, a violation of this local law may subject the violator to the following fines and penalties:

- A. Alarm users.
- (1) Operating or maintaining an alarm system without an alarm user permit: a ~~fine of not less than \$50 nor more than \$250~~ **a penalty as set forth in Chapter 41A of this Code.** [Amended 10-16-1995 by L.L. No. 31, 1995]
  - (2) Operating or maintaining an alarm system after an alarm user permit has been suspended or revoked: ~~not less than \$100 nor more than \$250.~~ **a penalty as set forth in Chapter 14A of this Code.** [Amended 10-16-1995 by L.L. No. 31, 1995]
- B. A violation of any other section of this local law for which no penalty has been prescribed may subject the violator to a ~~fine of not more than \$250~~ **a penalty as set forth in Chapter 14A of this Code.** [Amended 10-16-1995 by L.L. No. 31, 1995]

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**§ 6-20. Penalties for violation.**

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this ordinance or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy.
- B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building, who shall knowingly violate any of the applicable provisions of this ordinance or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than \$500 or 30 days in jail, or both. ~~Each day that a violation continues shall be deemed a separate offense~~ **a penalty as set forth in Chapter 41A of this Code.**
- C. ~~Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.~~
- C. This section shall not apply to violations of the provisions of the State Building Construction Code, punishable under § 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law, punishable under § 304 of the Multiple Residence Law of the State of New York.

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**§ 6A-2(E)(3) Violations and penalties.**

- (a) Irrespective of any penalty provided for any of the laws hereunder enforced or to be enforced by the Director of the Office of Building, Zoning and Planning Administration and Enforcement, the Fire Prevention Bureau or the Town Clerk, any person who knowingly or willfully violates or assists in the violation of any of the codes enforceable within the jurisdiction of the Director of the Office of Building, Zoning and Planning Administration, the Fire Prevention Bureau or the Town Clerk shall, upon conviction, be punished by a fine of not more than \$250 or imprisoned for not more than 30 days, or both, for each offense. ~~Each day that such violation continues shall constitute a separate offense~~ **a penalty as set forth in Chapter 41A of this Code.** The term "person," as used in this section, shall include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of any subject premises or part thereof.
- (b) Any fine or imprisonment hereinabove provided for shall be in addition to and not in limitation of any concurrent rights, reliefs or remedies, either at law or equity, for the enforcement of or prevention of any violation of any part or parts of any of the laws, ordinances, rules or regulations to be enforced hereunder.

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§ 8-6. Violations and penalties. [Amended 10-27-1958; 10-16-1995 by L.L. No. 14, 1995]

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be punishable by a fine not exceeding \$750 or imprisonment for 60 days, or both, and such party shall be guilty of an offense against the Demolition Ordinance of the Town of Orangetown **a penalty as set forth in Chapter 41A of this Code.**

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§ 14A-13. Penalties for offenses. [Amended 12-10-1984 by L.L. No. 24, 1984; 7-15-1991 by L.L. No. 10, 1991]

Any person or persons, firm or corporation violating any of the provisions of this local law or of Chapter C and relevant sections of the New York State Uniform Fire Prevention and Building Code and the Fire Prevention Code of the Town of Orangetown or neglecting to comply with any other order issued pursuant to any section thereof shall be guilty of offense and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 for each offense. ~~Each day that said violation is permitted to exist beyond the period fixed in the order so issued shall be a separate offense. In default of payment, said offender may be imprisoned not to exceed 10 days for each offense a~~ **penalty as set forth in Chapter 41A of this Code.**

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§ 15-6. Penalties for offenses.

A. The following fines and other penalties are hereby imposed in addition to the punishments imposed by other statute, law or ordinance on every person violating any of the requirements or other provisions of this Code. ~~A fine not to exceed \$1,000 per day or imprisonment not exceeding one year, or both, or other penalty that may be imposed by the judicial authority.~~ **A penalty as set forth in Chapter 41A of this Code.**

~~B. A sentence to pay a fine which is imposed on a corporation for an offense defined in this Code shall be in conformity with § 80.10 of the Penal Law which states as follows or as hereafter modified by action of the State Legislature:~~

~~§ 80.10 Fines for corporations~~

1. ~~In general. A sentence to pay a fine, when imposed on a corporation for an offense defined in this chapter or for an offense defined outside this chapter for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding;~~
  - (a) ~~Ten thousand dollars, when the conviction is of a felony;~~
  - (b) ~~Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized;~~
  - (c) ~~Two thousand dollars, when the conviction is of a class B misdemeanor or of an unclassified misdemeanor for which the authorized term of imprisonment is not in excess of three months;~~
  - (d) ~~Five hundred dollars, when the conviction is of a violation;~~
  - (e) ~~Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~2. Exception. In the case of an offense defined outside this chapter, if a special fine for a corporation is expressly specified in the law or ordinance that defines the offense, the fine fixed by the court shall be as follows:~~

~~(a) An amount within the limits specified in the law or ordinance that defines the offense; or~~

~~(b) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~3. Determination of amount of value. When the court imposes the fine authorized by paragraph (e) of subdivision one or paragraph (b) of subdivision two for any offense the provisions of subdivision three of section 80.00 shall be applicable to the sentence.~~

~~C. The continuation of an offense against the provisions of the Code shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.~~



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**§ 24C-9. Maintenance of abandoned or fire-damaged buildings.**

All abandoned or fire-damaged buildings in the unincorporated portion of the Town of Orangetown shall be boarded up by the owner as follows:

- A. Material for boarding shall be a minimum of one-half-inch exterior plywood.
- B. First floor and cellar windows shall have the material cut to fit between the staff moldings and rest on the windowsill to provide solid nailing all around. All remaining windows visible from a public way shall also be so covered.
- C. Windows in exterior doors shall be secured, and doors either padlocked or boarded with plywood.
- D. All material shall be nailed with a minimum of six-penny nails.
- E. Fire-damaged buildings shall be boarded immediately, but in no event later than 48 hours of the fire. Abandoned buildings shall be boarded within five days.
- F. Any owner of a building who fails to comply with this section shall be subject to a fine of \$100 per day from the date of written notice from the Building Inspector and/or Code Enforcement Officer **a penalty as set forth in Chapter 41A of this Code.**

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**§ 24C-14. Penalties for offense.**

- A. Any person failing to comply with a lawful order pursuant to this chapter or committing an offense against any provision of this chapter shall be guilty of a violation punishable by ~~a fine not exceeding \$250 for a first offense and, upon conviction for a second and any further subsequent offense committed, shall be guilty of a misdemeanor subject to a fine not exceeding \$1000~~ **a penalty as set forth in Chapter 41A of this Code.**
- ~~B. The continuation of an offense against the provisions of this chapter shall constitute for each week the offense is continued, a separate and distinct offense hereunder.~~
- ~~C. B.~~ Failure to comply with the direction of any official of the Town of Orangetown when notice has been provided in accordance with § 24C-13 shall constitute a separate and distinct offense hereunder.

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§ 10.61. Penalties.

- (a) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure or sign or portion thereof or any plat or parcel of land in violation of any provision of this code or to fail in any manner to comply with a notice, directive or order of the Inspector, or to construct, alter or use and occupy any building, structure, plot of land or sign or part thereof in a manner not permitted by an approved permit or certificate of occupancy.
- (b) Any person who shall fail to comply with a written order of the Inspector within the time fixed for compliance therewith and any owner, builder, architect, engineer, tenant, contractor, subcontractor, construction superintendent or his agent or an other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Inspector made thereunder shall be punishable by a fine not to exceed \$350 or imprisonment not to exceed six months, or both. ~~Each week's continued violation shall constitute a separate additional violation~~ **a penalty as set forth in Chapter 41A of this Code.**
- (c) This section shall not apply to violations of the provisions of the State Building Construction Code punishable under § 385 of the Executive Law of the State of New York, nor to violations of the provisions of the Multiple Residence Law punishable under § 304 of the Multiple Residence Law of the State of New York, nor to violations of other related local laws and ordinances of the Town of Orangetown.
- Abatement of violation.** Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building structure or premises to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to the penalties prescribed in the preceding section.

10.61.

CHAPTER 41A. Penalties for offenses.

- A. Penalties. Any person, corporation, firm, partnership, association, or entity of any kind who shall violate any provision of the Orangetown Town Code to which reference is made to this Chapter, shall be liable to a fine of not more than five thousand dollars (\$5,000) or to imprisonment for a period not exceeding fifteen (15) days or both such fine and imprisonment. The continuation of an offense shall constitute, for each week the offense is continued, a separate and distinct offense, and shall require a separate and distinct penalty as per this Article. In addition to the foregoing provisions, the town shall have such other remedies for any violation or threatened violation as is now or may hereafter be provided by law. The application of any above penalty shall not be held to prevent any action under Subsection B of this Chapter.
- B. Noncompliance with orders. Any person, corporation, firm, partnership, association, or entity of any kind who shall violate any stop-work order of the Building Inspector, Code Enforcement Officer or any other person lawfully entitled to issue such order according to the Orangetown Town Code or any other applicable law shall be punished as set forth in this Chapter.
- C. Except as provided otherwise by law, any violation of any provision of the Orangetown Town Code to which reference is made to this Chapter shall not be a crime, as that term is defined in Article 10 of the Penal Law, but shall be, instead, a violation, as that term is defined in Article 10 of the Penal Law.
- D. Penal Law §80.10 shall apply in full force and effect to any prosecution against any corporation.
- E. Any violation charged under of the New York Uniform Fire Prevention and Building Code shall be punishable as set forth in this Chapter, unless said New York State Code provides for greater or further punishment

NOTICE OF POSTING: NOTICE OF PUBLIC HEARING AMENDING LOCAL LAW NO. 3, 1964  
(Chapter 30 of the TOWN CODE ENTITLED "VEHICLES & TRAFFIC").

**EXHIBIT**

11-c-06, 1/13/06

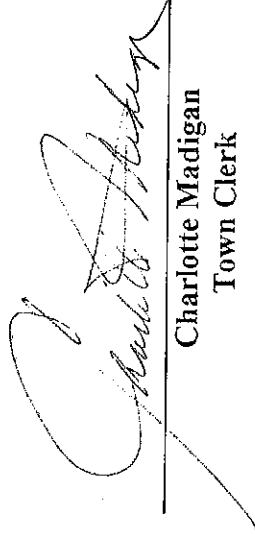
STATE OF NEW YORK            }  
COUNTY OF ROCKLAND        }  
TOWN OF ORANGETOWN        }        SS.

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 1st day of November  
2006, 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.

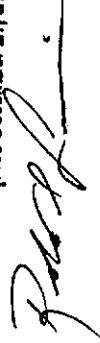
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.

  
Charlotte Madigan  
Town Clerk

Subscribed and sworn to before me

This 1st day of November, 2006

**ROBERT R. SIMON**  
Notary Public, State of New York  
No. 015800687  
Residing in Rockland County  
Commission Expires December 21, 2006



**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orangetown, at the Orangetown Town Hall, 26 Orangeburg Road, New York 10962, on the 13<sup>th</sup> day of November, 2006 at 8:00 PM to consider a proposed local law amending Local Law No. 3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic") so as to add a new sub-section "3" to paragraph "L" of §39-5, as follows:

§ 39-5. Prohibition of stopping, standing or parking in specified places.

L. In the Hamlet of Tappan:

- (3) No parking on the north side of Old Tappan Road, east and West of the entrance to the building commonly known as the "Manse Barn" for a distance of thirty-five feet (35').

All interested persons are entitled to be heard at the Public Hearing. A copy of the proposed local law may be examined by any interested party at the Office of the Town Clerk of the Town of Orangetown (tel. #845-359-5100 ext. 263), during Town Hall's regular business hours, and copies may be made upon request for a fee.

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

Dated: October 10, 2006

CHARLOTTE MADIGAN  
Town Clerk

TERESA M. KENNY, ESQ.  
Town Attorney  
Town of Orangetown

**AFFIDAVIT OF PUBLICATION**  
from  
**The Journal News**

Florence Bonilla


\_\_\_\_\_ being duly sworn s  
principal clerk of The Journal News, a newspaper published in the County of Westchester  
of New York, and the notice of which the annexed is a printed copy, was published in the  
area(s) on the date(s) below:

**Note:** The two-character code to the left of the run dates indicates the zone(s) published. (See Legend below)

JN 11/03/06

Signed \_\_\_\_\_

Sworn to before me

This 7<sup>th</sup> day of November 2006  


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):**

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

**Southern Area (AS):**

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

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

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

**Patent Trader (PT):**

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

**Review Press (BVW):**

Bronxville, Eastchester, Scarsdale, Tuckahoe

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Croton-on-Hudson, at the Orangetown Town Hall, 26 Orangetown Road, New York 10962, on the 15th day of November, 2006 at 8:00 PM to consider a proposed local law amending Local Law No. 3, 1994 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic") so as to add a new sub-section "g" to paragraph "L" of Section 39-5, as follows:

Section 39-5: Prohibition of stopping, standing or parking in specified places.

(g) No parking on the north side of Old Tappan Road, east and west of the entrance to the building commonly known as the "Mange Barn" for a distance of thirty-five feet (35').

All interested persons are entitled to be heard at the Public Hearing. A copy of the proposed local law may be examined by any interested party at the Office of the Town Clerk, Town of Orangetown, East 265-5100, ex. 263, during Town Hall regular business hours and copies may be made upon request for a fee.

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

Dated: October 10, 2006

CHARLOTTE MADIGAN  
Town Clerk

NOTA

TERESA M. KENNY, ESQ.

Town Attorney

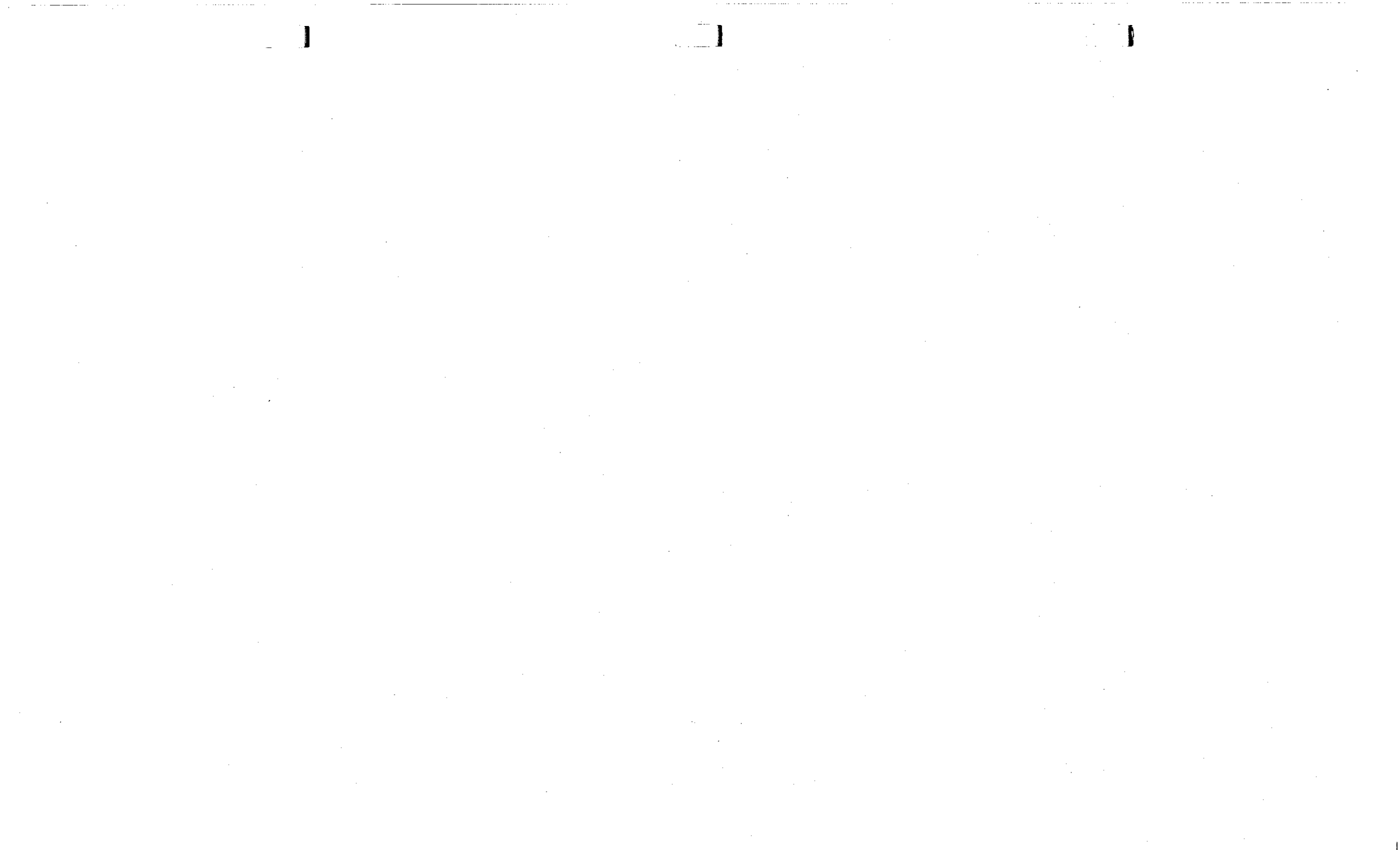
Town of Orangetown

TERMIN EXPIRES JULY 6, 2008

ALL  
E OF NEW YORK  
12633  
ESTER COUNTY  
JULY 6, 2008

Ad Number- H02104847

Account Number - 058523006





NOTICE OF POSTING: NOTICE OF PUBLIC HEARING AMENDING THE FINE SCHEDULE FOR VARIOUS BUILDING, ZONING, AND FIRE PREVENTION VIOLATIONS.

**EXHIBIT**

11-D-019, 11/13/06

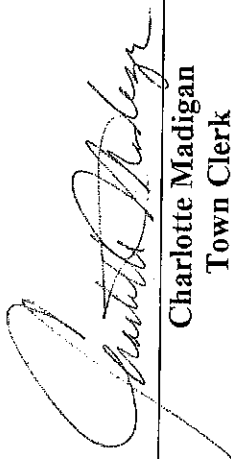
STATE OF NEW YORK            }  
COUNTY OF ROCKLAND        }  
TOWN OF ORANGETOWN         }        SS.

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 1st day of November 2006, 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 1st day of November, 2006

ROBERT R. SIMON  
 Notary Public, State of New York  
 No. 0158205857  
 Residing in Rockland County  
 Commission Expires December 21, 2006  


### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orangetown, at the Orangetown Town Hall, 26 Orangeburg Road, New York 10962, on the 13<sup>th</sup> day of November, 2006 at 8:10 PM to consider a proposed local law amending the fine schedule for various building, zoning, fire prevention violations by amending the following Town Code sections:

- § 1C-6. Suspension or revocation of alarm user permits.
- § 1C-13. Penalties for offenses.
- § 6-20. Penalties for violation.
- § 6A-2(E)(3) Violations and penalties.
- § 6-8. Violations and penalties. [Amended 10-27-1958; 10-16-1995 by L.L. No. 14, 1995].
- § 14A-13. Penalties for offenses. [Amended 12-10-1984 by L.L. No. 24, 1984; 7-15-1991 by L.L. No. 10, 1991].
- § 15-6. Penalties for offenses.
- § 24C-9. Maintenance of abandoned or fire-damaged buildings.
- § 24C-14. Penalties for offense.
- § 10.61. Penalties;

and by adding the following new Chapter:

Chapter 41A. Penalties for offenses.

All interested persons are entitled to be heard at the Public Hearing. A copy of the proposed local law may be examined by any interested party at the Office of

the Town Clerk of the Town of Orangetown (tel. #845-359-5100 ext. 263), during Town Hall's regular business hours, and copies may be made upon request for a fee.

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

Dated: October 23, 2006

CHARLOTTE MADIGAN  
Town Clerk

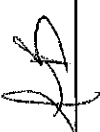
TERESA M. KENNY, ESQ.  
Town Attorney  
Town of Orangetown

**AFFIDAVIT OF PUBLICATION**  
from  
**The Journal News**

Florence Bonilla being duly sworn sa  
principal clerk of The Journal News, a newspaper published in the County of Westchester  
of New York, and the notice of which the annexed is a printed copy, was published in the  
area(s) on the date(s) below:

**Note:** The two-character code to the left of the run dates indicates the zone(s) in which the notice was  
published. (See Legend below)

JN 11/03/06

Signed 

Sworn to before me

This 2<sup>th</sup> day of November 20 06

Westchester County

NOTARY  
QUALIFIED

STATE OF NEW YORK  
WESTCHESTER COUNTY

By order of the Town Board  
of the Town of Orangetown.  
Dated: October 23, 2006

CHARLOTTE MADIGAN  
Town Clerk

**Legend:**

**Northern Area (AN):**

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, 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):**

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

**Southern Area (AS):**

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

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

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

**Patent Trader (PT):**

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

**Review Press (BVM):**

Bronxville, Eastchester, Scarsdale, Tuckahoe

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orangetown, at the Orangetown Town Hall, 26 Orangetown Road, New York 10962, on the 30th day of November, 2006 at 6:10 PM, to consider a proposed local law amending the schedule for enforcing violations during the pre-hearing violation period by providing the following Town Code sections:

Section 1C-6 Suspension or revocation of alarm user permits.  
Section 1C-13 Penalties for offenses.  
Section 6-20 Penalties for violation.  
Section 6A-2(E)(3) Violations and penalties.

Section 6-8 Violations and penalties. Amended. 10-27-1999; 10-16-1995 by L.L. No. 14, 1995).  
Section 14A-13 Penalties for offenses. Amended 12-10-1994 by L.L. No. 24, 1994; 7-15-1991 by L.L. No. 10, 1991).

Section 15-6 Penalties for offenses.  
Section 24C-9 Maintenance of abandoned or fire-damaged buildings.  
Section 24C-14 Penalties for offenses.  
Section 10-67 Penalties.

and by adding the following new Chapter:

Chapter 41A Penalties for offenses.

All interested persons are entitled to be heard at the Public Hearing. A copy of the proposed local law may be examined by any interested party at the Office of the Town Clerk of the Town of Orangetown, Tel. 845-339-5100 ext. 263, during Town Hall's regular business hours, and copies may be made upon request for a fee.

is the  
State  
paper

NOTICE OF POSTING: NOTICE TO BIDDERS FOR CHERRY BROOK DRAINAGE IMPROVEMENT  
PROJECTS: PROJECT 1 - CROOKED HILL ROAD DETENTION BASIN  
PROJECT 5 - STORM DRAIN-E CENTRAL AVE, PROJECT 6 - STORM  
DRAIN-GILBERT AVE & MEYER OVAL.

**EXHIBIT**  
11-E-06, 11/13/06

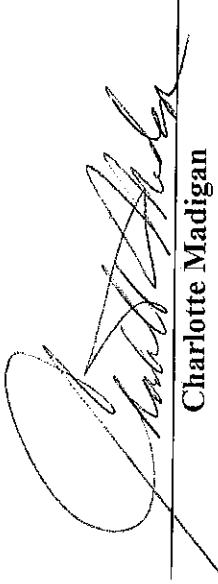
STATE OF NEW YORK            }  
COUNTY OF ROCKLAND        }  
TOWN OF ORANGETOWN         }        SS.

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 28th day of September  
2006, 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.

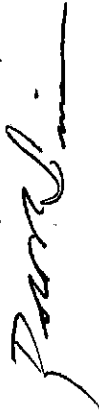
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.

  
Charlotte Madigan  
Town Clerk

Subscribed and sworn to before me

This 28th day of September, 2006

ROBERT R. SIMUN  
Notary Public, State of New York  
No. 0156705857  
Residing in Rockland County  
Commission Expires December 21, 2006



## NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York, 10962 until 10:30 am (local time) on November 1, 2006 and will be publicly opened and read aloud at 11:00 am (local time) for the following **Cherry Brook Drainage**

**Improvement projects:**

**Project #1 – Phase 2 - Crooked Hill Road Detention Basin**

**Project #5 – Storm Drain – East Central Ave.**

**Project #6 – Storm Drain - Gilbert Ave. & Meyer Oval**

In accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office. Copies of the Contract Documents will be on file after October 2, 2006 and may be examined during the usual business hours at the Office of the Town Clerk. A non-refundable fee of seventy-five (\$75.00) payable by check to the order of the Town of Orangetown will be required for each set of Contract Documents.

A pre-bid meeting will be held at the Department of Environmental Management and Engineering office at the Orangetown Wastewater Treatment Plant, 127 Route 303, Orangeburg, New York on October 16, 2006. The meeting will start promptly at 10:00 am (local time). Prospective bidders are strongly encouraged to attend.

The Town Clerk and the Director of the Department of Environmental Management and Engineering will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the right to waive any informalities in the bidding and to reject any and all bids.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient

sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in the Contract Documents.

The successful bidder will be required to post a Performance Bond and a Payment Bond each in the amount of one hundred percent (100%) of the Contract Price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage, including, where applicable, wage rates mandated by the New York State Department of Labor for the work performed in connection with any project.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

**CHARLOTTE MADIGAN**

TOWN CLERK

**RONALD C. DELO, P.E., DEE**

DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT AND ENGINEERING

# AFFIDAVIT OF PUBLICATION

from

# The Journal News

**Florence Bonilla**

being duly sworn  
principal clerk of The Journal News, a newspaper published in the County  
of New York, and the notice of which the annexed is a printed copy, was  
area(s) on the date(s) below:

**Note:** The two-character code to the left of the run dates indicates the zone  
(See Legend below)

Zone	Dates
RK	10/1/2006

Signed     *fb*    

Sworn to before me

This 3rd day of October 2006

Notary Public, Westchester County

**NOTICE TO BIDDERS**

SEALED BIDS WILL BE RECEIVED  
BY THE Town Board of the Town  
of Orangeburg, at the Town  
Clerk's Office, 26 Orangeburg  
Road, Orangeburg, New York  
10962 until 11:30 am (local time)  
on November 1, 2006 and will be  
publicly opened and read aloud  
at 11:30 am (local time) for the  
following Cherry-Book Drainage  
Improvement projects:

Project #1 - Phase 2 - Crooked  
Hill Road Detention Basin  
Project #6 - Storm Drain - East  
Central Ave.  
Project #8 - Storm Drain - Gilbert  
Ave. & Meyer Oval

**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, Lincolndale, 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):**

Ardley, 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

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

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

**Patent Trader (PT):**

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

**Review Press (BVW):**

Bronxville, Eastchester, Scarsdale, Tuckahoe

208 3249

ment of Labor for the work per-  
formed in connection with any  
project.

It is understood that there  
must be a written contract exe-  
cuted by the Supervisor of the  
Town of Orangeburg, pursuant  
to the provisions of the contract  
subject to the approval ap-  
proved by the Town Board.

CHARLOTTE MADIGAN  
TOWN CLERK

ROBERT J. DOLY, JR., PRESIDENT  
DIRECTOR OF THE DEPARTMENT  
OF ENVIRONMENTAL  
MANAGEMENT AND ENGI-  
NEERING

and State  
newspaper

was published.

In accordance with the Con-  
tract Documents on file with and  
which they be copies at the  
County Clerk's Office, copies of the  
Contract Documents will be on  
file from October 2, 2006 and may  
be examined during business  
hours at the Office of the  
Town Clerk, 26 Orangeburg Road,  
Orangeburg, New York 10962, or  
by check to this office of the Town  
of Orangeburg will be required  
to:   \$50.00   set of Contract Documents

A public hearing will be  
held at the Department of Envi-  
ronmental Management and En-  
gineering, Office at 26 Orange-  
burg Road, Orangeburg, New York  
10962, on   October 16, 2006    
at   11:00 am   (local time) and  
prospective bidders are strongly  
encouraged to attend.

The Town Clerk and the Di-  
rector of the Department of Envi-  
ronmental Management and En-  
gineering will submit a report to  
the Town Board of all bids re-  
ceived and the amount of the  
bids concerning the award of a  
contract at a regular Town Board  
meeting.

The Town Board of the  
Town of Orangeburg reserves  
the right to waive any irregu-  
larities in the bidding and to reject  
any and all bids.

The Town Board requires  
each bid to be accompanied by a  
certificate check for a sum equal  
to five percent (5%) of the  
amount of the bid, one bond with  
sufficient sureties to be approved  
by the Town Attorney, in a sum  
equal to five percent (5%) of the  
amount bid, conditioned that if  
his/her proposal is accepted, he/  
she will execute such further se-  
curity as may be required for the  
faithful performance of the Con-  
tract as set forth on the Contract  
Documents.

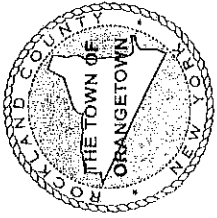
The successful bidder will be  
required to post a Performance  
Bond and a Payment bond each  
in the amount of one hundred  
percent (100%) of the Contract  
Price.

No bid will be accepted with-  
out a Non-Collusion Statement  
required pursuant to Section  
103-d of the General Municipal  
Law.

Contract warrants and re-  
sents that all employees and in-  
dependent contractors affiliated  
with or employed by such con-  
tractors or any subcontractors  
shall be compensated at the pre-  
vailing wage, including, where  
applicable, wage rates mandated  
by the New York State Depart-

SHARP  
State of New York  
H6019087  
Rockland County  
FEB. 1, 2007






# Department of Environmental Management and Engineering Town of Orangetown

Route 303 Orangeburg New York 10962  
Tel: (845) 359-6502 • Fax: (845) 359-6951

November 13, 2006

To: Thom Kleiner, Supervisor  
Town Board

From: Ronald C. Delo, P.E., DEE   
Director

Re: Phase II – Cherry Brook Drainage Improvements  
(Project #1 – Phase II, Project #5, and Project #6)

I recommend award of the above referenced bid to McNamee Construction Corp. with a total bid amount of \$2,147,000.

Enclosed for your review and information is a recommendation letter from HDR/LMS dated November 13, 2006.

There were some minor irregularities with McNamee's bid which have been reviewed by the Town Attorney's Office and can be waived.

Please note that McNamee Construction subsequently submitted a correct bid bond and a signed Non-Collusive Bidding Certificate.

McNamee Construction Corp. had a job(s) with the Town of Wyndham, N.Y., that it didn't finish and is in litigation.

All other references indicated McNamee Construction Corp. did satisfactory work and they would hire them again.

HDR/LMS and I met with the contractor today to ensure he had a good understanding of the job and that there weren't any outstanding issues. The contractor, with his superintendent for this project, assured us they could and would complete this job as required.

Should you have any questions on the above, please contact me.

Thank you for your attention to this matter.



November 13, 2006  
File: 287-050 (30421)

Mr. Ron Delo, P.E.  
Dept. of Environmental Management & Engineering  
Town of Orangetown  
127 Route 303  
Orangeburg NY 10962

RE: **Cherry Brook Drainage Improvements  
Project #1 - Phase 2, Project # 5 and Project # 6  
Recommendation of Award**

Dear Mr. Delo:

HDR has reviewed the Bid packages received on November 3, 2006 for the above referenced project. The enclosed table summarizes the Bid results. There were a total of five bids received and the apparent low bid was about 5% lower than the second bid (about 10% lower than the Engineers Estimate).

The apparent low bidder is McNamee Construction Corp., with a total Bid of \$2,147,000.00. Two minor irregularities were apparent with McNamee's bid; the Non-Collusive Bidding Certificate was not included in the Bid package, and the required 5% Bid Bond was for \$100,000 instead of \$107,350. McNamee provided a signed Non-Collusive Bidding Certificate immediately after the bid opening, and he faxed a Bid Bond in the correct amount later that day with the original mailed to the Town Clerks office.

Upon review of McNamee's Statement of Bidders Qualifications, we brought your attention to the bidders response to questions 10 (regulatory violations) and 11 (contract defaults). We understand that you or the Town Attorney has or will follow up on checking these issues.

After checking references on recent projects completed by this apparent low bidder, we believe that McNamee Construction Corp. should be able to complete the work in a safe, timely, efficient and workmanlike fashion. This opinion does not consider the regulatory violations and contract default issues noted in the above paragraph.

As a final comment we note that the USACOE has not yet issued the Nationwide Permit for Project 6, and this portion of the work cannot proceed until the permit

HDR | LMS  
Henningson, Durham & Richardson Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc.

One Blue Hill Plaza, 12th Floor  
PO Box 1509  
Pearl River, NY 10965-8509

Phone: (845) 735-8300  
Fax: (845) 735-7466  
www.hdrinc.com

Ron Delo, P.E.  
November 13, 2006  
File: 287-050 (30421)

Page 2

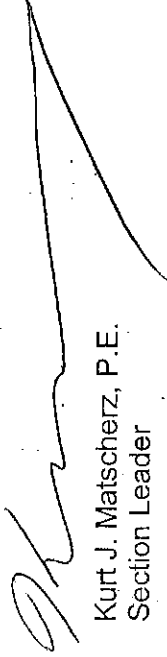
has become effective. In a recent telephone communication with the USACOE we were told that the required permit would be issued shortly. However, we cannot be sure that additional conditions which may affect the contract amount could be attached to the permit.

We therefore recommend the award of a Contract to McNamee Construction Corp. provided that the Town Board understands the USACOE issue, waives the two irregularities noted above and that the Town has satisfactorily resolved the bidder's regulatory violations and contract default issues.

If you have any questions please feel free to contact me.

Sincerely,

Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc.



Kurt J. Matscherz, P.E.  
Section Leader

Enclosure

HDR | LMS  
Henningson, Durham & Richardson Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc.

**TOWN OF ORANGETOWN, NY**  
**CHERRY BROOK DRAINAGE IMPROVEMENTS**  
 Project # 1 - Phase 2 - Crooked Hill Road Detention Basin  
 Project # 5 - Storm Drain - East Central Avenue  
 Project # 6 - Storm Drain - Gilbert Avenue & Meyer Oval

Bid Opening: November 3, 2006 @ 11:00 a.m.

ATTACHMENTS RECEIVED	BIDDER				TOTAL	BID AMOUNT	SECURITY	AMOUNT			
					(\$)	(\$)		1	2	3	4
	McNamee Construction Corp.	\$2,147,000	\$100,000 (a)	X	X	(b)	X				X
	Morano Brothers Corp.	\$2,260,105	\$113,005	X	X		X	X	X	X	X
	W. Harris & Son, Inc.	\$2,598,000	\$100,000 (c)	X	X		X	X	X	X	X
	Cal Mart Enterprises, Inc.	\$3,333,333	\$166,667	(d)	X		X	X	X	X	X
	Ben Ciccone, Inc.	\$3,911,000	\$195,550	X	X		X	X	X	X	X
	Engineer's Estimate	\$2,397,964									

Attachment #1 - Completed Bid Form

Attachment #2 - Statement of Bidder's Qualifications

Attachment #3 - Non Collusive Bidding Certificate

Attachment #4 - Bid Bond (5% of Bid Amount)

NOTES:

- (a) 5% of bid is \$107,350.00. Bidder has subsequently provided a Bond in the correct amount.
- (b) Non Collusive Bidding Certificate submitted after the bid opening.
- (c) 5% of bid is \$129,900.00.
- (d) Acknowledgement of receipt of Addenda (Page BF-4) missing from bid.

Project #1-Phase 2 - Crooked Hill Rd. Detention Basin, Project #2 Storm Drain - East Central Ave., Project #3 Storm Drain - Gilbert Ave. & Meyer Oval

BID OPENING TIME: 11:00 AM

DATE 11/01/06

CONTRACTOR NAME & ADDRESS	MORANO Bros CROTON-ON-HUDSON N.Y.	W. HARRIS W. HARRIS N.Y.	BEN CICCONE TOWLEKEEPERS INC N.Y.
	MCNAMEE CONSTRUCTION LINDENHOLME, N.Y.	WEST N.Y.C. ENTERPRISES N.Y.C.	

11-3-06	11-3-06	11-3-06	11-3-06	11-3-06
9:58	9:13	10:20	10:25	10:29
BOND	BOND	BOND	BOND	BOND
✓	✓	✓	✓	✓

Bid Item No. 1 (Project - Phase 2)

The Contractor shall provide all Labor, materials and equipment necessary for the work required for the Phase 2 construction of the detention basin at Crooked Hill Road and the drainage improvements at the entrance to Wyeth Pharmaceuticals in accordance with the Specifications and Contract Drawings for the following total lump sum amount:

\$ 604,276	\$ 500,000	\$ 661,020	\$ 470,000	\$ 722,000
------------	------------	------------	------------	------------

Item No. 2 (Hunt Road Pump Station Site)

Contractor Shall Provide all labor, materials and equipment necessary for the work required for Site clearing and the installation and maintenance of erosion control measures, construction of diversion swales and berms and stabilized construction entrance, seeding and mulching at the Hunt Road Pump Station site in accordance with the Specifications and Contract Drawings for the following total lump sum amount:

\$ 71,493	\$ 40,000	\$ 69,540	\$ 30,000	\$ 99,000
-----------	-----------	-----------	-----------	-----------

Bid Item No. 3 (Project #5)

The Contractor shall provide all Labor, materials and equipment necessary for the work required for the construction of a storm drain at East Central Avenue in accordance with the Specifications and Contract Drawings for the following total lump sum amount:

\$ 223,550	\$ 350,000	\$ 355,496	\$ 448,000	\$ 550,000
------------	------------	------------	------------	------------

Bid Item No. 4 (Project #6)

The Contractor shall provide all labor, materials and equipment necessary for the work required for the construction of a storm drain at Gilbert Avenue and Meyer Oval in accordance with the Specifications and Contract Drawings for the following total lump sum amount:

\$ 1060,786	\$ 1057,000	\$ 2,047,277	\$ 1,450,000	\$ 2,340,000
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Bid Item No. 5

Allowance No. 1 - Miscellaneous Additions Work

75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
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Bid Item No. 6

Allowance No. 2 - Rock Excavation (700 cubic yards, in - place measure)

\$	\$	\$	\$	\$
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Bid Item No. 7

Allowance No. 3 - Select Fill (100 cubic yards, in - place measure)

\$	\$	\$	\$	\$
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**BID ITEM: CHERRY BROOK DRAINAGE IMPROVEMENTS SHEET 2 OF 3**

Project #1-Phase 2 - Crooked Hill Rd. Detention Basin, Project #2 Storm Drain - East Central Ave., Project #3 Storm Drain - Gilbert Ave. & Meyer Oval

**BID OPENING TIME: 11:00 AM DATE 11/01/06**

<b>CONTRACTOR NAME &amp; ADDRESS</b>	Mercuro Bros MC NAMEC CONSTRUCTION P.O. BOX 1 W. HAMPS + SON Barn Glendon
--------------------------------------	---

DATE RECEIVED	TIME RECEIVED	NON COLLUSION STATEMENT	BID BOND OR CERTIFIED CHECK				
Bid Item No. 8							
Allowance No. 4 - Top Soil (500 cubic yards, in - place measure)							
				\$	\$	\$	\$
Bid Item No. 9							
Allowance No. 5 - Pipe Embedment Material (500 cubic yards, in - place measure)							
				\$	\$	\$	\$
Bid Item No. 10							
Allowance No. 6 - Common Fill (230 cubic yards, in - place measure)							
				\$	\$	\$	\$
Bid Item No. 11							
Allowance No. 7 - Payment for County Roads (35 square yards, in - place measure)							
				\$	\$	\$	\$
Bid Item No. 12							
Allowance No. 87 - Payment for Town Roads (175 square yards)							
				\$	\$	\$	\$

TOTAL BID AMOUNT (Bid Item No. 1 through No. 12)  
 \$ 2,260,105 \$ 2,147,000 \$ 3,333,333 \$ 2,598,000 \$ 3,911,000

DISTR: TB, TK, TA