

**TOWN OF ORANGETOWN  
SPECIAL TOWN BOARD MEETING  
FOR A PUBLIC HEARING ON THE A PLANNED ADULT HOUSING ZONE  
MONDAY, NOVEMBER 17, 2003**

The Special Town Board Meeting was opened at 8:10 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Edward Fisher  
Councilman Denis O'Donnell  
Councilman Denis Troy  
Councilwoman Marie Manning

Also present: Charlotte Madigan, Town Clerk  
Eliot Tozer, Deputy Supervisor  
Suzanne Barclay, Executive Asst. to Supvr.  
James Riley, Town Attorney  
Thomas O'Connell, Deputy Town Attorney  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Kevin Nulty, Chief of Police  
Robert Simon, Receiver of Taxes  
Mary McCloskey, Assessor's Office  
John Paci, Building Department  
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.).

^ ^ ^

The Pledge of Allegiance to the Flag was led by Charlotte Madigan, Town Clerk

**RESOLUTION NO. 674 OPEN/PH/PLANNED ADULT HOUSING ZONE**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that the public hearing on a Planned Adult Housing Zone is hereby opened.

Ayes: Councilpersons Troy, O'Donnell, Fisher, Manning  
Supervisor Kleiner

Noes: None

\* \* \*

Charlotte Madigan, Town Clerk, presented the affidavit of publication and notice of posting, copies are labeled Exhibit II-B-03 and made a part of these minutes.

Public portion:

Betsy Barrios for John & Helen Norton, Blauvelt, against the Adult/Senior Housing.  
Charlotte S. Gross, Blauvelt, over congested on Erie Street. This would increase traffic.  
Edith Loeb, Blauvelt, cautions Town Board to look into further plans but is in favor.  
Frank Neeson, Pearl River, feels we should be able to raise our families and continue to live in Orange town.  
Eileen Larkin, Palisades, spoke about housing, seniors' handicaps and age limits and is concerned about PAC zones.  
Mary Paul, Blauvelt, is against the housing. She feels the density is too high for this area and traffic will be too much for this area.  
Alan Post, Tappan, is upset that the Adult/Senior Housing is not moving fast enough. He has been waiting 5 years.  
Fred W. Hoffman, Blauvelt, feels 55 years of age is too young.  
Mary McCloskey, Blauvelt, stressed the importance for support of all the people who turned out for this meeting. She is in favor of Adult/Senior Housing and stressed the need for this

project to move forward. There were a number of people present that waived their right to speak but are in favor of the housing.

Genevieve Coffey, Pearl River, feels the Mercedes property should not be developed.

Gail Raffaele, Tappan, spoke about roads unable to support projects, especially if state or county roads are involved; housing project should be for Orangetown residents; If in Pearl River 1-2 story housing is for seniors, it should include lift chair or elevator; procedures for filing for affordable housing should be written into the language.

Andrew Wiley, Pearl River, spoke about the density vs. the acreage. He feels it should be an equal playing field for all of Orangetown not just a selection.

Fran Oldenburger, Blauvelt, feels down zoning only accommodates developers and we must address future water issues and density.

Beth Abramson, Pearl River, feels 55 years of age is too young. She is in favor of smaller units and questioned whether sub-letting would be allowed.

Mike Smith, Blauvelt, an engineer, feels not economical to support zone and feels the Town should consider the impact on the area.

**RESOLUTION NO. 675 CLOS**

**EPH/ PLANNED ADULT HOUSING ZONE**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that the public hearing is hereby closed.

Ayes: Councilpersons Troy, O'Donnell, Fisher, Manning  
Supervisor Kleiner

Noes: None

**RESOLUTION NO. 676 DESIGNATION OF LEAD**

**AGENCY**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted.

RESOLVED, that the Town of Orangetown hereby declares itself Lead Agency in this matter.

Ayes: Councilpersons Manning, Troy, Fisher, O'Donnell  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 677 SEQRA**

**A DECLARATION**

Councilwoman Manning offered the following resolution, which was seconded by Councilman O'Donnell and was adopted on a roll call.

RESOLVED, that a negative SEQRA Declaration is hereby adopted, copy is labeled Exhibit I 1-C-03 and made part of these minutes.

Ayes: Councilpersons Manning, O'Donnell, Troy  
Supervisor Kleiner

Noes: Councilman Fisher

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**RESOLUTION NO. 678 T**

**B DECISION/PLANNED ADULT HOUSING ZONE / CONTINUE**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted.

**Resolution No. 678 - Continued**

RESOLVED, that the public hearing for the Planned Adult Housing is to be continued on December 15, 2003 at 8:30 p.m.

After a long discussion the Town Board further commented and based on comments of the public, agreed that we are very close to passing this Local Law but need another public hearing.

Ayes: Councilperson n Troy, O'Donnell, Fisher, Manning  
Supervisor Kleiner  
Noes: Non e


**RESOLUTION NO. 679 ADJOURNMENT**

**T**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that this Public Hearing for the Planned Adult Housing is adjourned in memory of Marten Oldenburger of Blauvelt.

Ayes: Councilperson s Troy, O'Donnell, Fisher, Manning  
Supervisor Kleiner  
Noes: Non e

  
"Charlotte Madigan, Town Clerk

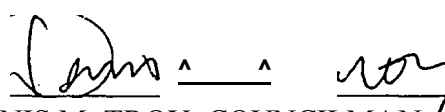
II .

WAIVER OF NOTICE OF SPECIAL MEETING

We, the undersigned members of the Town Board of the Town of Orangetown, do hereby waive Notice of Special meeting duly called by the Supervisor of the Town of Orangetown, pursuant to Section 62 of the Town Law at Town Hall.

On November 17 . 2003, at the Orangetown Town Hall, Orangeburg, New York  
For the purpose of a Public Hearing on the Planned Adult Housing Zone .

MARIE MANNING, COUNCIL WOMAN

  
\_\_\_\_\_  
DR. EDWARD FISHER, COUNCILMAN  
\_\_\_\_\_  
DENIS O'BONNELL, COUNCILMAN  
\_\_\_\_\_  
DENIS M. TROY, COUNCILMAN  
\_\_\_\_\_  
THOM KLEINER, SUPERVISOR

Dated at Orangeburg, New York

This 17th day of November 2003

NOTICE OF POSTING: Notice of public hearing to consider a proposed local law adding a new Chapter to the Code of the Town of Orangetown entitled Local Law No. 5, 2003 "Planned Adult Housing Zone" within the Town of Orangetown.

Jl-fi/1^ . ///?^/1 3

STATE OF NEW YORK )  
COUNTY OF ROCKLAND )  
TOWN OF ORANGETOWN )

**SS.**

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

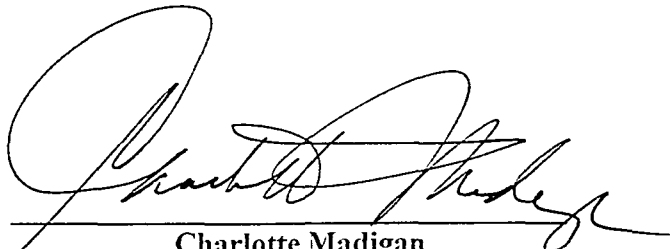
That, she is, at all times hereinafter mentioned was, duly elected. Qualified and acting Town Clerk of the *TOWN of ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 3rd day of November r \_\_\_\_\_ 2003, 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

3.

4.



Charlotte Madigan  
Town Clerk

*Chi^Lu^ /Jd^*  
Subscribed and sworn to before me

on this 3rd day of November r \_\_\_\_\_ . J100 J

## NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, No. 26 Orangeburg Road, Orangeburg, New York 10962, on the 17<sup>th</sup> day of November, 2003 at 8:00 P M to consider a proposed local law adding a new Chapter to the Code of the Town of Orangetown, entitled Local Law No. 5, 2003 "Planned Adult Housing Zone" within the Town of Orangetown

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: October 27, 2003

CHARLOTTE MADIGAN  
Town Clerk

JAMES K. RILEY  
Town Attorney  
Town of Orangetown

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# AFFIDAVIT OF PUBLICATION

from

## Wxt Journal News

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COUNTY CF WESTCi«STH?

### Northern Area

**Amawalk**  
**Armonk**  
**Baldwin Place**  
**Bedford**  
**Bedford Hills**  
**Blauvelt Manor**  
**Catskill**  
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### Central Area

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### Southern Area

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NOTICE OF HEARING

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'NONC E I SHEREB Y GIVE N  
that a public hearing will be  
held by the Town Board of the  
Town of Orangetown at the  
Orangetown Town Hall, No. 26  
Orangetown Road, Orange -  
burg, New York 10962, on the  
11th day of November, 2003 at  
5:30 PM to consider a proposed  
local law adding a new Chapter  
to the Code of the Town of  
Orangetown, entitled Local  
Law 5, 2003 "Planne d Adult  
Housing Zone " within the  
Town of Orangetown

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: October 27, 2003

CHARLOTTE MADIGAN  
Town Clerk

JAMES K. RILEY  
Town Attorney  
Town of Orangetown

this 1^ <fevof

*Mary A. Dewane*  
**MARY A. DEWANE**

Nraiy PiMc, Westriester County

MARY A. DEWANE

Notary Public, State of New York  
No. 4830671

Qualified in Westchester County  
Commission Expires July 31, 2005

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X

SHORT ENVIRONMENTAL ASSESSMENT FORM for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION ( to be completed by Applicant or Project Sponsor)

1. APPLICANT/ SPONSOR

Town of Orangetown

2. PROJECT NAME

Planned Adult Community (PAC) Floating Zone

3. PROJECT LOCATION ;

Town of Orangetown  
Municipality

Rockland  
County

4. PRECISE LOCATION : Street Addresses and Road Intersections, Prominent landmarks set - or overview map  
The PAC Floating Zone may be applied to any parcel within the Town of Orangetown zoned R15 (Medium Density Residence), RG (General Residence), LIO (Light Industrial-Office), CC (Retail-Commerce), CS (Community Shopping), CO (Commercial- Office) and MFR (Multi-family Residence).

5. IS PROPOSED ACTION : New; **DA** <sup>2</sup> <sub>nsion</sub> **DA** <sup>1</sup> <sub>Modification, alteration</sub>

6. DESCRIBE PROJECT BRIEFLY :

The Planned Adult Community Floating Zone is an amendment to the current Town code which seeks to address housing needs for adults who are 55 years or older by allowing for the development of a range of housing types and prices in various locations within the Town. The amendment describes the types of housing, affordable unit requirements, lot and bulk controls, design guidelines, procedures and other requirements for development of this kind of housing.

7. AMOUNT OF LAND AFFECTED : <sup>f</sup> <sup>Pi</sup>  
Initially acre s Ultimately y

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS ?

YES No If no, describe briefly:

The PAC Floating Zone is an amendment of the Town code.

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT ? (Choose as many as apply.)

Residential Industrial y/1 Commercial Agriculture Park/Forest/Open Space | Other (describe )

**MFR**

10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)

If Yes, list agency name and permit / approval :

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL ?

If Yes, list agency name and permit / approval :

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION ?

YES NO

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name

Signature

Date:

1/5-1-12

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 5 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF

Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 5 NYCRR, PART 517.5? If No, a negative declaration may be superseded by another involved agency.

Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING; (Answers may be handwritten, if applicable)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: \_\_\_\_\_  
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? If yes, explain briefly:

Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:

Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Board of the Town of Orangetown October

October 16, 2003

Name of Lead Agency

Date

Thomas Kleiner

Director

Name of Responsible Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer in Agency; from responsible agency

**TOWN OF ORANGETOWN  
SPECIAL TOWN BOARD MEETING  
NOVEMBER 17, 2003**

This Special Town Board Meeting was opened at 9:49 p.m. Supervisor Thom Kleiner presided. The Supervisor called the roll.

Present were: Councilman Edward Fisher  
Councilman Denis O'Donnell  
Councilman Denis M. Troy  
Councilwoman Marie Manning

Also Present: Chariotte Madigan, Town Clerk  
Eliot Tozer, Deputy Supervisor  
James Riley, Town Attorney  
Thomas O'Connell, Deputy Town Attorney  
Suzanne Barclay, Executive Asst. to Supvr.  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Kevin Nulty, Chief of Police  
Robert Simon, Receiver of Taxes  
Mary McCloskey, Assessor's Office  
John Paci, Building Department  
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.).

**RESOLUTION NO. 680 ENTE**

**R STBM/2004  
PRELIMINARY BUDGET**

Councilman Fisher offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that this Town Board enters a Special Town Board Meeting for the purpose of adopting the 2004 Preliminary Budget.

Ayes: Councilpersons Fisher, Manning, O'Donnell, Troy  
Supervisor Kleiner  
Noes: None

**RESOLUTION NO. 681 T**

**B DECISION/SUPERVISOR'S  
PROPOSED AMENDMENTS TO  
2004 PRELIMINARY BUDGET**

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

RESOLVED, that the Supervisor's Proposed Eleven Amendments and Paramedics Special District to the 2004 Preliminary Budget are adopted and made a part of these minutes (see Exhibit 11-D-03).

Ayes: Councilpersons Troy, Manning, Fisher, O'Donnell  
Supervisor Kleiner  
Noes: None

**RESOLUTION NO. 682 T**

**B DECISION/SALARY  
TOWN BOARD MEMBERS**

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

**Resolution No. 682 - Continued**

RESOLVED, that there is no increase in salary for the (part-time) Town Board Members.

Ayes: Councilperson s Troy, Manning, Fisher, O'Donnell  
Supervisor Kleiner

Noes: Non e

**RESOLUTION NO. 683 T**

**B DECISION/POLICE  
PERSONNEL**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and **failed** on a roll call:

RESOLVED, that the Police personnel be left at ninety (90) officers instead of ninety-five (95) officers.

Ayes: Councilperson s Troy, O'Donnell  
Noes: Councilperson s Fisher, Manning  
Supervisor Kleiner

\* \* \*

**RESOLUTION NO. 684 T**

**B DECISION/2004  
PRELIMINARY BUDGET**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Troy and **failed** on a roll call:

RESOLVED, that this Town Board adopts the 2004 Preliminary Budget with above two amendments. However , per State Law, in the event that if the Town Board shall fail to adopt a budget as of the twentieth (20<sup>th</sup>) day of November, the preliminary budget, with such changes, alterations and revisions, if any, as shall have been made by the Town Board, shall constitute the budget for the ensuing fiscal year.

Ayes: Councilwoma n Manning  
Supervisor Kleiner  
Noes: Councilperson s Troy, Fisher, O'Donnell

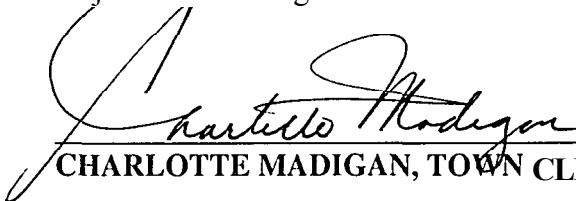
**RESOLUTION NO. 685 ADJOURNMENT**

**T**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted: :

RESOLVED, that this Special Town Board meeting adjourned at 10:47 p.m.

Ayes: Councilperson s Troy, O'Donnell, Manning  
Supervisor Kleiner  
Noes: Non e

  
\_\_\_\_\_  
CHARLOTTE MADIGAN, TOWN CLERK

WAIVER OF NOTICE OF SPECIAL MEETING

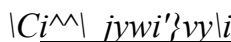
We, the undersigned members of the Town Board of the Town of Orangetown, do hereby waive Notice of Special meeting duly called by the Supervisor of the Town of Orangetown, pursuant to Section 62 of the Town Law at Town Hall.

On November 17 .2003 , at the Orangetown Town Hall, Orangeburg, New York  
For the purpose of adoptin g th e 200 4 Preliminar y Budget .

~~MARIE~~ MANNING, COUNCILWOMAN^



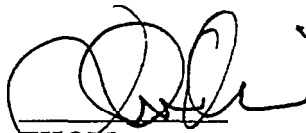
DR. EDWARD FISHE^, COUNCILMAN



bENIS O'DONNELL, COUNCILMAN



DE^ni'M. TROY, COUNCILM^N



THOM KLEINER, SUPERVISOR

Dated at Orangeburg, New York

This 17th da y of Novembe r 200 3

To: The Town Board  
 From: Charlie Richardson  
 Re: Budget Changes

Proposed Amendments to the 2004 Preliminary Budget

1. Amend the 2004 Preliminary Budget as follows (Supervisor's Amendments) :

Description	Account Number	Preliminary Budget Amount	Amended Budget Amount	Net Change
<b>Town Department s</b>				
General Fund Pensions	A9010/50800	\$ 381,550	\$ 400,000	\$ 18,45 0
General Fund Social Security	A9030/50800	\$ 330,000	\$ 310,000	\$ (20,000 )
Police Pensions	B9015/50800	\$ 2,058,000	\$ 2,200,000	\$ 142,00 0
Highway CHIPS Revenue	D3501/43501	\$ (112,000)	\$ (146,751)	\$ (34,751 )
Sewer Debt Service	1992 Issue	\$ 100,480	\$ 1,131	\$ (99,349 )
General Fund B.A.N.	A9730/50700	\$ 535,000	\$ 347,500	\$ (187,500)
Special Facilitie s Salaries	A7180/5001X	\$ 48,000	\$ 15,000	\$ (33,000 )
Special Facilities Op. Exp.	A7180/504XX	\$ 77,800	\$ 45,000	\$ (32,800 )
Special Facilitie s Revenue	A2089/42092	\$ (20,000)	\$ -	\$ 20,00 0
Assessor Part-Time Salarie s	A1355/50013	\$ 30,000	\$ 20,000	\$ (10,000 )
Planning Board Fees	B2115/42115	\$ (70,000)	\$ (110,000)	\$ (40,000 )
<b>Total Town Department s</b>				<b>\$(276,950)</b>
Paramedics Special District		\$ 809,279	\$ 742,779	\$ (66,500 )

**2. Eliminate increase in part-time Town Board member salaries**

Town Boani Salaries	A1010/50100	\$ 85,080	\$ 82,400	\$ (2,680 )
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**Approved 5-0**

**3. Eliminate five new officers in police department**

Police Salaries	B3120/50011	\$ 8,494,244	\$ 8,325,589	\$(168,655)
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**Defeated 2-3**

4. Approve Preliminary Budget as Amended

Defeated 2-3

The amended preliminary budget became the legal budget on November 20 pursuant to New York Town Law, section 109 (attached)

service and judgments, estimates for special district purposes, and for the repair and improvement of town highways.

Amounts to be raised for highway purposes must be within the limitations of Section 271 of the Highway Law.

The preliminary budget shall include any other data which the town board may require.

*Fire District Budgets* (Town Law, §105)

The board of fire commissioners must file their estimates with the budget officer by September 20 (October 20). The estimates must be in the same formal as the town budget. (See tentative and preliminary budget). The budget officer must affix the fire district budget to the tentative budget.

No changes may be made in the fire district budget by either the budget officer or the town board.

*Interest Charges Against Districts* (Town Law, §114)

The town board may include in the annual budget of a special district an appropriation for interest on tax or revenue anticipation notes borrowed for district purposes.

State and federal aid and gifts which are required to be expended for a particular object or purpose, and insurance recoveries received for the loss, theft, damage or destruction of real or personal property may be appropriated by the town board at any time for such objects or purposes.

*Public Hearing* (Town Law, §108)

On or before the Thursday following the November general election (on or before December 10, for Westchester Towns), the town board must hold a public hearing on the preliminary budget.

A notice of the public hearing must be published, with at least five days between the first publication of notice and the date specified for the public hearing. The notice must be published in the official newspaper; or if none has been designated, in any newspaper having general circulation in the town. The town board may, by resolution, require additional

The notice must state:

1. The time and place where the hearing will be held;
2. The purpose of the hearing;

3. The statement that a copy of the preliminary budget is available at the town clerk's office where it may be inspected during office hours;

4. The proposed salary for each member of the town board, an elected town clerk and an elected town highway superintendent.

At least five days before the day designated for the public hearing, a copy of the notice must be posted on the signboard of the town.

The hearing may be adjourned from day to day but not beyond November 15 (December 15).

At the public hearing any person may be heard in favor of, or against, the preliminary budget or any item in it.

*Final Revision and Adoption of Budget* (Town Law, §109)

After the public hearing, the town board may alter and revise the preliminary budget subject, of course, to the restrictions of Section 107 (i.e., must be in the prescribed form, appropriations for contingent purposes must be within the 10% limitations, and taxes for highway purposes must be within the limitations of Section 271 of the Highway Law).

The budget must be adopted by November 20 (December 20) and be recorded in the minutes of the town board. It then becomes the annual budget of the town for the next fiscal year.

If the town board fails to adopt a budget by November 20 (December 20), the preliminary budget, with such changes as the town board may have made, will constitute the budget for the ensuing fiscal year.

— *Tax Levy*, (Town Law, § 109)

The town clerk is required to prepare and certify in duplicate the annual budget as adopted by the town board, together with the estimates for special improvement districts. Within five days thereof, the year is required to deliver two copies to the supervisor who must present such copies to the county legislature within ten days after receipt thereof from the clerk, for levy with county taxes. (Ch. 250, L. 1975)

Historical Note

Effective January 1, 1971, pursuant to L.1969, c. 1049, § 49.

Derivation. Former section 113, added L.1942, c. 615, § 5; amended L.1944, c. 44(S, § 1; U1946, c. 979, § 3; L.1963, c. 420, § 4; and repealed by L.1969, c. 1049, § V).

Said former section 113 was from a prior section 113, L.1932, c. 634; amended L.1934, c. 792, § 2; L. 1936, c. 523, § 1; L.1941, c. 556, § 3; L.1941, c. 601, § 16; and repealed by L.1942, c. 615, § 5.

Said prior section 113 was from Town Law of 1909 §§ 146, 593; section 146 was added by L.1916, c. 396, § 1; section 593 was added by L.1919, c. 170, and amended by L.1922, c. 212, § 1; both sections repealed by section 340 of this chapter.

Prior Section 108. Section, L.1932, c. 634; amended L.1936, c. 774, § 1; and repealed by L.1939, c. 584, § 4, related to limitation of town debt.

Cross Reference

Additional provisions of notice requirements, see section 64.

West's McKinney's Forms

The following form appears in Local Government Forms under Town Law, § 108 :

Notice of Public Hearing on Preliminary Budget, see Form 1.

Library Reference

Towns ¶48.  
C.I.S. Towns § § 119 to 124.

Notes of Decision

Notice of hearing  
Public hearings 2

in compliance with this section. 15 Op. State Compt. 410, 1959, 2nd case.

Failure to give notice of a public hearing on a preliminary budget would be such a defect as would render the budget adopted invalid but such defect may be cured by giving the proper notice, holding a public hearing and adopting a budget even though the proceeding will be late. 14 Op.State Compt. 446, 1958.

2. Public hearings

A town board may make reasonable rules with respect to a spectator's right to be heard at the public hearing on the town's preliminary budget. 29 Op.State Compt. 177, 1973.

The annual public hearing on the town budget differs from a town board meeting in that its very purpose is to give the public an opportunity to express its views and to make inquiries in respect to budget matters hence, the public may freely participate in such a meeting. 19

I. Notice of hearing

It is not necessary to advertise the proposed salary of the town comptroller in the notice of hearing on the preliminary town budget, but such salary must be slated separately in said budget. 23 Op.State Compt. 722, 1967.

It is not necessary to include the separate salaries for other positions held by the officer's name in this section when the salaries they receive for those specified offices are published in the notice of hearing on preliminary budget, as only the salaries received for those particular offices need be published. Op.State Compt. 64-817.

Where through error a weekly newspaper failed to publish the second notice of the hearing on the preliminary budget a week before the hearing, but said notice was published on the same day as

§ 109. Final revision and adoption of budget

1. After the public hearing, the town board may further change, alter and revise the preliminary budget, subject, however, to the requirements of subdivision one of section one hundred seven of this chapter.

2. The preliminary budget as submitted or amended shall be finally adopted by resolution of the town board not later than the twentieth day of November, except that in towns in Westchester county not later than the twentieth day of December. The preliminary budget as adopted shall be known as the annual budget for the town for the fiscal year beginning on the first day of January next succeeding, and it shall be entered in the minutes of the town board.

3. Upon the adoption of the resolution required by this section the amounts proposed to be appropriated shall thereupon be appropriated. In the event that the town board shall fail to adopt a budget as of the twentieth day of November, or in towns in Westchester county as of the twentieth day of December, the preliminary budget, with such changes, alterations and revisions, if any, as shall have been made by the town board, shall constitute the budget for the ensuing fiscal year.

(Added L.1969, c. 1049, § 26.) ~ \_\_\_\_\_

Historical Note

Effective Date. Section effective January 1, 1971, pursuant to L.1969, c. 1049, § 49.

Derivation. Former section 114, L.1932, c. 634; amended L.1936, c. 419, § 6; L.1942, c. 615, § 6; L.1943, c. 710, pt. I, § 2607; and repealed by L.1969, c. 1049, § 7.

Said former section 114 was from Town Law of 1909 §§ 147 and 594.

Said section 147 was added by L.1916, c. 396, § 1. Said section 594 was added by L.1919, c. 170, § 1. Both sections were repealed by section 340 of this chapter.

Former Section 109. Section, L.1932, c. 634; amended L.1937, c. 501, § 1; and repealed by L.1943, c. 584, § 4, related to limitation of indebtedness in Adirondack Park, and is now covered by Local Finance Law § 104.10.

Cross Reference

Appropriations for —

Education of illiterate and non-English speaking persons, see Education Law § 4604.

Zoning and planning, see section 261.

Expenditures for —

Bridges and other highway purposes, see Highway Law § 285.

Repair and improvement of highways, see Highway Law § 284.

Town boards' authority to make miscellaneous appropriations, see section 64.

West's McKinney's Forms

The following form appears in Local Government Forms under Town Law, § 109 :

Resolution Finally Adopting Preliminary Budget as Annual Budget, see Form 1.