

**PROCEEDINGS**

**OF THE**

**County Legislature**

**COUNTY OF ORANGE**

---

**AT GOSHEN, NY**

**2008**

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**2008 • TABLE OF CONTENTS • 2008**

	Page
County Legislators .....	4
Statutory Committees .....	5
County Officers .....	6
January 3, 2008 Organization Meeting .....	7
February 7, 2008 Regular Session .....	18
March 6, 2008 Regular Session .....	63
April 11, 2008 Regular Session .....	100
May 1, 2008 Regular Session .....	142
June 5, 2008 Regular Session .....	177
July 2, 2008 Regular Session .....	222
August 7, 2007 Regular Session .....	253
August 28, 2008 Special Session .....	292
September 4, 2008 Regular Session .....	296
October 2, 2008 Annual Session .....	314
November 6, 2008 Regular Session .....	351
December 4, 2008 Regular Session .....	382
December 22, 2008 Regular Session .....	425
Public Hearings .....	461
Local Laws .....	469
Local Acts .....	559
Town Budget Summaries .....	567
Footing Report Towns .....	586
Footing Report Villages .....	587
Equalization Table .....	588
General Purpose Financial Statements .....	589
Certificate of the Clerk .....	638
Newspapers to do Public Printing .....	639
Index .....	640

**COUNTY LEGISLATORS  
FOR THE YEAR 2008  
COUNTY OF ORANGE**

**1st LEGISLATIVE DISTRICT**

Michael Amo  
16 Summit Avenue  
Central Valley, New York 10917

**2nd LEGISLATIVE DISTRICT**

Melissa Bonacic  
P.O. Box 501  
New Hampton, New York 10958

**3rd LEGISLATIVE DISTRICT**

Michael R. Pillmeier  
334 Round Hill Road  
Florida, New York 10921

**4th LEGISLATIVE DISTRICT**

Harvey J. Burger  
P. O. Box 208  
Newburgh, New York 12550

**5th LEGISLATIVE DISTRICT**

Frank A. Fornario, Jr.  
10 Rose Ann Lane  
Chester, New York 10918

**6th LEGISLATIVE DISTRICT**

James M. Kulisek  
26 Memorial Drive  
Newburgh, New York 12550

**7th LEGISLATIVE DISTRICT**

Gregory W. Townsend  
4 Crescent Place  
Monroe, New York 10950

**8th LEGISLATIVE DISTRICT**

Noel C. Spencer  
735 Broadway (Bus.)  
Newburgh, New York 12550

**9th LEGISLATIVE DISTRICT**

L. Stephen Brescia  
69 Railroad Avenue  
Montgomery, New York 12549

**10th LEGISLATIVE DISTRICT**

Bernard Winstanley  
P. O. Box 1195  
Greenwood Lake, New York 10925

**11th LEGISLATIVE DISTRICT**

M. William Lahey  
70 Willow Lane  
New Windsor, New York 12553

**12th LEGISLATIVE DISTRICT**

A. Alan Seidman  
P. O. Box 371  
Salisbury Mills, New York 12577

**13th LEGISLATIVE DISTRICT**

Wayne A. Decker  
530 Prospect Hill Road  
Cuddebackville, New York 12729

**14th LEGISLATIVE DISTRICT**

Roxanne Donnery  
26 Kings Road  
Highland Falls, New York 10928

**15th LEGISLATIVE DISTRICT**

Christopher W. Eachus  
65 Clancy Avenue  
New Windsor, New York 12553

**16th LEGISLATIVE DISTRICT**

Leigh J. Benton  
28 Pilla Drive  
Newburgh, New York 12550

**17th LEGISLATIVE DISTRICT**

Anthony Marino  
1257 Union Avenue  
Newburgh, New York 12550

**18th LEGISLATIVE DISTRICT**

Daniel C. Depew  
211 Howells Turnpike  
Middletown, New York 10940

**19th LEGISLATIVE DISTRICT**

Michael D. Paduch  
39 Scotchtown-Collabar Road  
Middletown, New York 10941

**20th LEGISLATIVE DISTRICT**

Jeffrey D. Berkman  
46 Cantrell Avenue  
Middletown, New York 10940

**21st LEGISLATIVE DISTRICT**

Thomas Pahucki  
111 Celery Avenue  
New Hampton, New York 10958

**ORANGE COUNTY LEGISLATURE  
STATUTORY COMMITTEES  
2008**

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS**

Chairperson:	A. Alan Seidman	Jeffrey D. Berkman
	Anthony Marino	Michael R. Pillmeier
	Thomas Pahucki	Daniel C. Depew
	L. Stephen Brescia	

**WAYS AND MEANS**

Chairperson:	Bernard Winstanley	James M. Kulisek
	A. Alan Seidman	Michael Amo
	Leigh J. Benton	Michael D. Paduch
	L. Stephen Brescia	

**PHYSICAL SERVICES**

Chairperson:	Michael D. Paduch	A. Alan Seidman
	Michael R. Pillmeier	Thomas Pahucki
	Wayne A. Decker	James M. Kulisek
		Daniel C. Depew

**HEALTH AND MENTAL HEALTH**

Chairperson:	Leigh J. Benton	Bernard Winstanley
	Frank A. Fornario, Jr.	Wayne A. Decker
	Roxanne Donnery	Noel C. Spencer
	Gregory Townsend	

**HUMAN SERVICES**

Chairperson:	Jeffrey D. Berkman	Michael Amo
	Harvey J. Burger	James M. Kulisek
	Daniel C. Depew	Christopher W. Eachus
	Noel C. Spencer	

**PUBLIC SAFETY AND EMERGENCY SERVICES**

Chairperson:	L. Stephen Brescia	Roxanne Donnery
	Christopher W. Eachus	Melissa Bonacic
	Gregory W. Townsend	Frank A. Fornario, Jr.
	Michael Amo	

**PERSONNEL AND COMPENSATION**

Chairperson:	Harvey J. Burger	Melissa Bonacic
	Thomas Pahucki	Gregory W. Townsend
	Anthony Marino	Roxanne Donnery
		Frank A. Fornario, Jr.

**EDUCATION AND ECONOMIC DEVELOPMENT**

Chairperson:	Anthony Marino	Leigh J. Benton
	Melissa Bonacic	Christopher W. Eachus
	Noel C. Spencer	Bernard Winstanley

## \*\*\*COUNTY OFFICERS - 2008\*\*\*

Representatives-		
19th Congressional District	John Hall	Dover Plains, NY
22nd Congressional District	Maurice D. Hinchey	Kingston, NY
Representatives-		
19th Congressional District	John J.Hall	Dover Plains, NY
22nd Congressional District	Maurice D. Hinchey	Kingston, NY
State Senators-		
38th Senatorial District	Thomas P. Morahan	New City, NY
39th Senatorial District	William J. Larkin, Jr.	New Windsor, NY
42nd Senatorial District	John J. Bonacic	Middletown, NY
Assemblypersons-		
96th Assembly District	Nancy Calhoun	New Windsor, NY
97th Assembly District	Annie G. Rabbitt	Greenwood Lake, NY
98th Assembly District	Aileen M. Gunther	Monticello, NY
100th Assembly District	Frank K. Skartados	Newburgh, NY
County Executive	Edward A. Diana	Goshen, NY
County Judge	Nicholas DeRosa	Newburgh, NY
County Judge	Robert H. Freehill	Wallkill, NY
County Judge	Jeffrey G. Berry	New Windsor, NY
Family Court Judge	Andrew P. Bivona	Newburgh, NY
Family Court Judge	Debra Kiedaisch	Greenwood Lake, NY
Family Court Judge	Carol S. Klein	Chester, NY
Family Court Judge	Lori Currier Woods	Monroe, NY
Sheriff	Carl E. DuBois	Otisville, NY
District Attorney	Francis D. Phillips, II	Monroe, NY
County Clerk	Donna L. Benson	Florida, NY
Deputy County Clerk	Mary S. Coleman	Florida, NY
Deputy County Clerk	Maureen E. Hudson	Campbell Hall, NY
Court Clerk	Thomas W. Adams	Poughkeepsie, NY
Legislators' Chairman	M. William Lahey	New Windsor, NY
Legislators' Clerk	Laurie M. Whightsil	Goshen, NY
Legislators' Deputy Clerk	Vicki Ann Mitchell	New Windsor, NY
Commissioner of Finance	Joel Kleiman	Harriman, NY
Deputy Commissioner of Finance	Jody Currier	Middletown, NY
Budget Director	J. Neil Blair	New Windsor, NY
Surrogate Court Judge	Elaine Slobod	Middletown, NY
Surrogate Deputy Chief Clerk	Jeanne M. Smith	Goshen, NY
Commissioner of Social Services	David A. Jolly	Newburgh, NY
Superintendent of Schools	Dr. Robert Hanna	Goshen, NY
Commissioner of Public Works	Edmund A. Fares	Monroe, NY
Commissioner of Parks, Recreation and Conservation	Richard Rose, Jr.	Hamptonburgh, NY
Medical Examiner	Charles A. Catanese, M.D.	Wallkill, NY
Director of Consumer Affairs	Charles F. Mitchell	Warwick, NY
County Attorney	David L. Darwin	Montgomery, NY
Commissioners of Elections	David C. Green	New Windsor, NY
	Susan Bahren	Chester, NY
Probation Director	Victoria Casey	Greenville, NY
Commissioner of Health	Jean M. Hudson, MD,MPH	South Salem, NY
Commissioner of Personnel	Cathy Stagmier	Pine Bush, NY
Commissioner of Planning	David Church	Walker Valley, NY
Director of Veterans Serv.Agency	Anthony Zippo	New Windsor, NY
Commissioner of Mental Health	Chris Ashman	Goshen, NY
Commissioner of Jurors	Tonie A. Murphy	Warwick, NY
Director of Office for Aging	Nicholas Gerten	Glen Spey, NY

## ORGANIZATION MEETING

Thursday, January 3, 2008

The County Legislature convened at its Chambers in the Village of Goshen, New York, on the 3rd day of January, Two Thousand Eight, and was called to order with a moment of silence and the Pledge of Allegiance to the Flag at 1:35 p.m., by Laurie M. Whightsil, Clerk of the Legislature. The Clerk of the Legislature acted as Temporary Chairman.

A roll call, being taken, the following Legislators representing their respective Legislative Districts were present and answered to their names as follows:

Michael Amo	First Legislative District
Melissa Bonacic	Second Legislative District
Michael R. Pillmeier	Third Legislative District
Harvey J. Burger	Fourth Legislative District
Frank A. Fornario, Jr.	Fifth Legislative District
James M. Kulisek	Sixth Legislative District
Gregory W. Townsend	Seventh Legislative District
Noel C. Spencer	Eighth Legislative District
L. Stephen Brescia	Ninth Legislative District
Bernard Winstanley	Tenth Legislative District
M. William Lahey	Eleventh Legislative District
A. Alan Seidman	Twelfth Legislative District
Wayne A. Decker	Thirteenth Legislative District
Roxanne Donnery	Fourteenth Legislative District
Christopher W. Eachus	Fifteenth Legislative District
Leigh J. Benton	Sixteenth Legislative District
Anthony Marino	Seventeenth Legislative District
Daniel C. Depew	Eighteenth Legislative District
Michael D. Paduch	Nineteenth Legislative District
Jeffrey D. Berkman	Twentieth Legislative District
Thomas Pahucki	Twenty-first Legislative District

The Temporary Chair stated that the first order of business would be to elect a Chairman of the County Legislature for the year 2008.

The Temporary Chair recognized Mr. Seidman who placed in nomination the name of M. William Lahey for Chairman of the Orange County Legislature for the year 2008.

Mr. Seidman wished everyone a Happy New Year. He stated that it is his pleasure to place in nomination the name of M. William Lahey as Chairman of the Legislature. Mr. Lahey is intelligent, hard-working, dynamic and caring. He has spent 30 years with IBM and 9 years on the Newburgh School Board, with 2 years as President. He served on the New Windsor Town Board for 12 years. He is beginning his 11th year with this Legislature and served on numerous committees as chair, 4 years as Majority Leader and 2 years as Chairman. During that time this Legislature has instituted the Office of Medical Examiner, the Newburgh campus project for OCCC and improvements to the Middletown campus. Along with the County Executive the Legislature has worked to obtain Camp LaGuardia from New York City and has rehabilitated the Fire Training Center, ski lodge, passed the Electrical Licensing Law and instituted the Board. We have completed another round of open space funding and have almost completed the construction of the Emergency Communications Center. Along with Mr. Marino's leadership the Legislature has instituted a Green Building Study Committee with respect to County buildings and has passed a Child Safety Law regarding sex offenders. The Legislature has accomplished a great deal under Mr. Lahey's leadership and he looks forward to

having him serve as our Chairman for this year.

Mr. Pillmeier seconded the name of M. William Lahey as Chairman of the Orange County Legislature for the year 2008.

Mr. Spencer also seconded the name of M. William Lahey as Chairman and he stated that in the past year he has reached out to him and should be given the Chairmanship for this year.

Mr. Marino also seconded the nomination of Mr. Lahey as Chairman and he stated that he has known him for over fifty years and he knows that his long-time friend will do a good job.

The Temporary Chair asked if there were any other nominations.

There being no other nominations, Mr. Depew moved to close nominations, and the Temporary Chair cast one ballot for M. William Lahey as Chairman of the Orange County Legislature. The motion was seconded by Mr. Fornario and adopted by a vote of 20 ayes and 1 no.

The Temporary Chair declared M. William Lahey as Chairman of the Orange County Legislature for the year 2008.

The Temporary Chair recognized Mr. Winstanley who announced that the Republican Caucus has unanimously chosen Michael R. Pillmeier as leader of the Republican Caucus.

The Temporary Chair recognized Mr. Berkman who announced that the Democratic Caucus has unanimously chosen Wayne A. Decker as leader of the Democratic Caucus.

The Temporary Chair recognized Mr. Amo who announced that the Independence Party Caucus has selected Michael Amo to be its leader for the year 2008.

The Temporary Chair announced that these three designations have been referred to the Rules Committee for consideration along with the Rules Committee's pending review of the Legislative Manual.

The Temporary Chair asked Mrs. Judith Lahey and County Clerk Donna Benson to escort Chairman Lahey to the Chair.

The County Clerk, Donna Benson, then administered the Oath of Office to Chairman Lahey.

Chairman Lahey addressed the Legislature and accepted the Chairmanship of the Orange County Legislature for the year 2008 with the following remarks:

County Executive Diana, County Clerk Benson, District Attorney Phillips, Sheriff DuBois, Legislators, ladies and gentlemen:

Today is a historic day for the Legislature and for Orange County. The political make-up of the Legislature has changed and the organization of the Legislature must change with it.

For that reason, I am announcing an alliance between the two major political parties whereby there will be a sharing of responsibilities and duties of the Legislature, including the Chairmen and make-up of the statutory committees.

At this point, specific Legislative assignments have not been made but the agreement crafted by Legislators Decker, Pillmeier and myself has been taken to both caucuses and has been well received. Obviously there will have to be some give and take on both sides.



The specific details will be worked out over the days ahead and put in place in time to be effective on February 1st.

On a different note, I'd like to talk about 2007 and 2008.

Recently, a Legislator said to me: "We don't do anything by ourselves, we just rubber stamp what the County Executive sends to us."

As we should, we do act on those items sent to us by the County Executive. However, we are able to initiate actions on issues that we deem important to us.

Let me take a few minutes to mention a few of our 2007 accomplishments and I'd like you to pay attention to the number that were initiated by the Legislature. Many started without the blessing/approval of the executive branch but ultimately this was changed because of compelling evidence put forward by the Legislature.

- Green building and environmental protection policy — establishing green building guidelines for the construction and renovation of county buildings.
- Passage of electrical licensing law.
- Restructuring of consumer affairs — new director, increased staffing, oversee electrical licensing operation.
- Restoration of the Orange Blossom Monument in Goshen.
- Continue to preserve open space and farmlands — insured that the second round of the 2007 program was completed.
- Worked with the County Executive to facilitate the closing and ultimate purchase by the County of the "homeless shelter" known as Camp LaGuardia.
- Passed a resolution to ensure that all Orange County employees serving in the armed forces would continue to receive benefits, including health insurance.
- Created the Office of Medical Examiner.
- Established child safety zones — prohibits registered sex offenders from being within 300 feet of schools, day care centers, parks and areas where children congregate. This initiative was signed into law yesterday by our County Executive.
- Municipal parks grants — added dollars to the capital plan to fund a program in 2008. We urge the County Executive to move forward with the request of the Legislature.
- In late 2006, the Legislature chose the proper location for the OCCC expansion. This was done in the face of enormous opposition by some civic leaders, elected officials and special interest groups. We continue to show our support for the project as it moves forward.

A very impressive list — a very good year.

2008 offers us the opportunity to match the successes of 2007. Here are a few items that we will be working on in the year ahead:

- Revamping our Legislative Manual.

- Completion of the ski lodge, E-911 building, parking garage at OCCC Middletown.
- OCCC campus in Newburgh.
- Address the retrofitting of Valley View nursing care facility to meet the current needs of our senior citizen population and the requirements of the Berger Commission.
- Work to ensure that the turn lane is completed for the Newburgh transfer station. Currently traffic backs up on N.Y. State Route 17K because of the heavy volume of vehicles accessing the facility. Traffic actually stops on 17K because of the lack of a turning lane.
- Green Building Committee will continue to review and recommend alternative fuel for vehicles to our fleet when appropriate, energy audits on existing County-owned buildings, use of environmentally safe cleaning products, to mention a few.
- Other issues where Legislators have an interest:
  - forming Legislative subcommittee to study the need for a County-wide integrity officer.
  - establish a review process for the use of County tax parcels for open space.

These are just a few of the things that we have done, which I think we are to be commended for and the things that we look forward to doing next year. 2008 will be a very busy year and I look forward to working with you all. Thank you.

#### **RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE:**

**Sponsor: Seidman**

**“RESOLUTION ADOPTING THE LEGISLATIVE MANUAL FOR THE COUNTY OF ORANGE AND THE RULES OF ORDER AND PROCEDURE FOR THE ORANGE COUNTY LEGISLATURE, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 2.02(a) OF THE ORANGE COUNTY CHARTER, SECTION 153 OF THE COUNTY LAW AND ARTICLE II, C 1(e), ARTICLE III (INTRODUCTION) AND ARTICLE IV, E 1(a) AND (b) OF THE SAID LEGISLATIVE MANUAL.”**

Seconded by Mr. Winstanley.

Mr. Seidman moved that the Legislative Manual and Rules of Order and Procedure be referred back to the Rules Committee and anyone having any comments or suggestions for changes and updates to the manual, since we do not have a Rules Chairman yet, please get your comments to Mrs. Reed and they will be considered at the January meeting of Rules to be brought back in February, seconded by Mr. Pahucki.

On roll call, Mr. Seidman’s motion was adopted by the following vote:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

**Sponsor: Pillmeier**

**RESOLUTION NO. 1 OF 2008**

**RESOLUTION ESTABLISHING LEGISLATIVE CALENDAR FOR 2008, PURSUANT TO ARTICLE II, C, 1 (f) OF THE LEGISLATIVE MANUAL.**

**WHEREAS**, Article II, C, 1 (f) of the Legislative Manual provides that a Legislative Calendar must be adopted, setting the date and time of all statutory meetings of the County Legislature for the calendar year, which calendar shall then be published;

**RESOLVED**, that the statutory meetings of the County Legislature, for the calendar year 2008, shall be held at the dates and times hereinafter stated:

January 3, 2008	1:30 P.M.
February 7, 2008	3:30 P.M.
March 6, 2008	3:30 P.M.
April 11, 2008 (Youth in Government)	10:00 A.M.
May 1, 2008	3:30 P.M.
June 5, 2008 (Senior Citizens)	3:30 P.M.
July 2, 2008	7:00 P.M.
August 7, 2008	7:00 P.M.
September 4, 2008	7:00 P.M.
October 2, 2008 (Annual)	3:30 P.M.
November 6, 2008	3:30 P.M.
December 4, 2008	3:30 P.M.

**FURTHER RESOLVED**, that the Clerk of the County Legislature is directed to publish the foregoing Legislative Calendar for the year 2008.

Seconded by Mr. Winstanley.

Chairman Lahey stated that there will be a change on the Legislative Calendar. The July 3, 2008 is the day before a holiday, Independence Day. The July meeting will be moved to Wednesday, July 2, 2008, at 7:00 p.m. Messrs. Pillmeier and Winstanley agreed to the change.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;        Noes 0;        Absent 0;        ADOPTED.

**Sponsor: Marino**

**RESOLUTION NO. 2 OF 2008**

**RESOLUTION CONTINUING ALL STATUTORY AND SPECIAL COMMITTEES OF THE COUNTY LEGISLATURE PENDING THE APPOINTMENT OF SAID COMMITTEES BY THE CHAIRPERSON OF THE COUNTY LEGISLATURE, PURSUANT TO SECTION 154 OF THE COUNTY LAW AND ARTICLE II, D2 AND 3, OF THE LEGISLATIVE MANUAL.**

**WHEREAS**, Article II, D2 of the Legislative Manual provides that the Chairperson thereof must, within 30 days of his election as Chairperson, appoint, among the membership of the Legislature, members of the Statutory Committees; and

**WHEREAS**, it is desirable, pending the appointment of members to said committees that all Statutory and Special Committees of this Legislature be continued in order to expedite the business of the County Legislature.

**RESOLVED**, that all Statutory and Special Committees of the County Legislature of Orange County in existence on December 31, 2007, comprised of only those members of the County Legislature who have continued to hold office on and after January 1, 2008, be continued until such time as the Chairperson of the County Legislature has appointed the members thereof in accordance with Article II, D2 and 3, of the Legislative Manual.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;          Noes 0;          Absent 0;          ADOPTED.

**WAYS AND MEANS COMMITTEE:**

The Clerk read the following:

**COUNTY FINANCIAL OFFICE-DOG LICENSE REPORT**

Office of the Financial Officer of  
the County of Orange  
255 Main Street  
Goshen, NY 10924

January 1, 2008

This report is filed pursuant to Section III of the Agriculture and Markets Law and covers the moneys remitted and the moneys expended by me under the provisions of Article 7 of the Agriculture and Markets Law for the period January 1, 2007 to December 31, 2007.

**RECEIPTS**

Total balance on hand January 1, 2007	\$26,261.83
Dog license fees received	29,760.95
Tag Fees received	586.00
 Total amount available for the year ending December 31, 2007	 \$56,608.78

**DISBURSEMENTS**

Paid 36% of dog license fees to Dept. of Agri. & Mkts.	\$10,713.94
Paid tag fees to Dept. of Agri. & Mkts.	586.00

Paid to towns and cities 75% of total surplus for last reporting period	19,696.37
Total disbursement during the year ending December 31, 2007	30,996.31
Total surplus for the year ending December 31, 2007	25,612.47

75% of the above surplus amounting to \$19,209.35 to be apportioned to cities and towns ratably to the remittance each made. Attached is a list showing the remittance each made the amount apportioned.

(Signed by) Joel Kleiman  
County Financial Officer

STATEMENT OF AMOUNTS REMITTED AND APPORTIONED  
REPORTING PERIOD JANUARY 1, 2007 TO DECEMBER 31, 2007

<u>REMITTING MUNICIPALITY</u>	<u>AMOUNT REMITTED</u>	<u>SEVENTY-FIVE PER CENT OF SURPLUS APPORTIONED</u>
BLOOMING GROVE	\$1,918.74	\$1,238.46
CHESTER	1,339.48	864.57
CORNWALL	1,088.03	702.27
CRAWFORD	386.55	249.50
DEERPARK	1,018.69	657.52
GOSHEN	1,019.88	658.29
GREENVILLE	407.70	263.15
HAMPTONBURGH	800.15	516.46
HIGHLANDS	264.35	170.63
MINISINK	1,077.44	695.44
MONROE	1,130.34	729.58
MONTGOMERY	1,855.30	1,197.51
MT. HOPE	535.77	345.82
NEWBURGH	3,139.56	2,026.44
NEW WINDSOR	1,449.91	935.85
TUXEDO	279.61	180.48
WALLKILL	2,373.48	1,531.97
WARWICK	4,846.85	3,128.43
WAWAYANDA	713.19	460.33
WOODBURY	1,345.35	868.36
MIDDLETOWN (CITY)	1,364.15	880.50
NEWBURGH (CITY)	679.13	438.35
PORT JERVIS (CITY)	<u>727.30</u>	<u>469.44</u>
	29,760.95	\$19,209.35

On motion the same was received and ordered placed on file.

**Sponsor: Winstanley**

**RESOLUTION NO. 3 OF 2008**

**RESOLUTION APPROVING THE REPORT AND APPORTIONMENT OF THE DOG  
LICENSE FEES, PURSUANT TO SECTION 122, ARTICLE 7 OF THE AGRICULTURE**

**AND MARKETS LAW, AND DIRECTING THE COMMISSIONER OF FINANCE TO MAKE PAYMENTS AS SHOWN IN SAID APPORTIONMENT.**

**WHEREAS**, the Commissioner of Finance of the County of Orange having submitted the Report and Apportionment of Dog License Fees for the term ending December 31, 2007, as required by Article 7 of the Agriculture and Markets Law, be it

**RESOLVED**, that the Report and Apportionment be approved and the Commissioner of Finance directed to make payments to the several cities and towns of the amount shown in said apportionment and the Clerk of the Legislature be hereby directed to furnish the Commissioner of Finance two certified copies of the foregoing resolution.

Seconded by Mr. Townsend.

Chairman Lahey thanked Messrs. Seidman, Marino, Spencer and Pillmeier for their kind comments today.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;           Noes 0;           Absent 0;   ADOPTED.

**MISCELLANEOUS:**

The Clerk read the following:

**DESIGNATION BY MEMBERS OF THE COUNTY LEGISLATURE REPRESENTING THE REPUBLICAN PARTY OF NEWSPAPERS TO PUBLISH THE CONCURRENT RESOLUTIONS OF THE STATE LEGISLATURE AND ELECTION NOTICES TO BE PUBLISHED IN 2008, PURSUANT TO SECTION 214 OF THE COUNTY LAW.**

We, the undersigned, being a majority of all Republican members of the County Legislature of the County of Orange, having given consideration to the newspapers advocating the principles of such party, the support of its nominees, and the extent of the circulation in the County, do hereby designate the following named newspapers, published within the County to publish in 2008 the matters immediately preceding the names of said newspapers, to wit:

1. To publish the CONCURRENT RESOLUTIONS of the Legislature, The Sentinel, P. O. Box 406, Vails Gate, N.Y. 12584; News of the Highlands, Inc., P. O. Box B, Cornwall, NY 12518; Times Community Newspapers, 300 Stony Brook Court, Newburgh, NY 12550; Hudson Valley Press, P. O. Box 2160, Newburgh, NY 12550

2. To publish the ELECTION NOTICES issued by the Secretary of State, The Sentinel, P. O. Box 406, Vails Gate, NY 12584; Times Community Newspapers, 300 Stony Brook Court, Newburgh, NY 12550; News of the Highlands, Inc., P. O. Box B, Cornwall, NY 12518; Warwick Advertiser Photo News, P. O. Box 190, Warwick, NY 10990; Orange County Post, 15 Goshen Avenue, Washingtonville, NY 10992; Hudson Valley Press, P. O. Box 2160, Newburgh, NY 12550

Dated: January 3, 2008.

(Signed)           Melissa Bonacic  
                      A. Alan Seidman

M. William Lahey  
Leigh J. Benton

Michael R. Pillmeier  
 Bernard Winstanley  
 Daniel C. Depew

Gregory W. Townsend  
 Frank A. Fornario, Jr.  
 L. Stephen Brescia

On motion the same was received and ordered placed on file.

The Clerk read the following:

**DESIGNATION BY MEMBERS OF THE COUNTY LEGISLATURE REPRESENTING THE DEMOCRATIC PARTY OF NEWSPAPERS TO PUBLISH THE CONCURRENT RESOLUTIONS OF THE STATE LEGISLATURE AND ELECTION NOTICES TO BE PUBLISHED IN 2008, PURSUANT TO SECTION 214 OF THE COUNTY LAW.**

We, the undersigned, being a majority of all Democratic members of the County Legislature of the County of Orange, having given consideration to the newspapers advocating the principles of such party, the support of its nominees, and the extent of the circulation in the County, do hereby designate the following named newspapers, published within the County to publish in 2008 the matters immediately preceding the names of said newspapers, to wit:

1. To publish the CONCURRENT RESOLUTIONS of the Legislature, Independent Republican, 132 West Main Street, Goshen, NY 10924; Hudson Valley Press, P. O. Box 2160, Newburgh, NY 12550

2. To publish the ELECTION NOTICES issued by the Secretary of State, Times Community Newspapers, 300 Stony Brook Court, Newburgh, NY 12550; Times Herald Record, 40 Mulberry Street, Middletown, NY 10940, Independent Republican, 132 West Main Street, Goshen, NY 10924; Hudson Valley Press, P. O. Box 2160, Newburgh, NY 12550

Dated: January 3, 2008.

(Signed)	Thomas Pahucki	Noel C. Spencer
	Wayne A. Decker	Harvey J. Burger
	Christopher W. Eachus	Anthony Marino
	Michael D. Paduch	James M. Kulisek
	Roxanne Donnery	effrey Berkman

On motion the same was received and ordered placed on file.

**DESIGNATION BY MEMBERS OF THE COUNTY LEGISLATURE REPRESENTING THE REPUBLICAN PARTY OF NEWSPAPERS TO PUBLISH ALL LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED IN 2008, PURSUANT TO SUBDIVISION 2 OF SECTION 214 OF THE COUNTY LAW.**

We, the undersigned, being a majority of all the Republican members of the County Legislature of the County of Orange having given consideration to the newspapers advocating the principles of such party, the support of its nominees, and the extent of the circulation in the County, do hereby designate the following named newspapers, published within the County to publish in 2008 the matters immediately preceding the names of said newspapers, to wit:

1. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, The Sentinel, P. O. Box 406, Vails Gate, NY 12584

2. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, Warwick Advertiser Photo News, P. O. Box 190, Warwick, NY 10990

3. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, News of the Highlands, Inc., P. O. Box B, Cornwall, NY 12518

Dated: January 3, 2008.

(Signed)	Melissa Bonacic	M. William Lahey
	A. Alan Seidman	Leigh J. Benton
	Michael R. Pillmeier	Gregory W. Townsend
	Bernard Winstanley	Frank A. Fornario, Jr.
	Daniel C. Depew	L. Stephen Brescia

On motion the same was received and ordered placed on file.

The Clerk read the following:

**DESIGNATION BY MEMBERS OF THE COUNTY LEGISLATURE REPRESENTING THE DEMOCRATIC PARTY OF NEWSPAPER TO PUBLISH ALL LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED IN 2008, PURSUANT TO SUBDIVISION 2 OF SECTION 214 OF THE COUNTY LAW.**

We, the undersigned, being a majority of all the Democratic members of the County Legislature of the County of Orange having given consideration to the newspapers advocating the principles of such party, the support of its nominees, and the extent of the circulation in the County, do hereby designate the following named newspaper, published within the County to publish in 2008 the matters immediately preceding the name of said newspaper, to wit:

1. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, Times Community Newspapers, 300 Stony Brook Court, Newburgh, NY 12550

2. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, Hudson Valley Press, P. O. Box 2160, Newburgh, NY 12550

3. To publish as one of the OFFICIAL NEWSPAPERS of the County Legislature of the County of Orange, all LOCAL LAWS, NOTICES AND OTHER MATTERS required to be published by the County Legislature, News of the Highlands, Inc., P. O. Box B, Cornwall, NY 12518

Dated: January 3, 2008.

(Signed)	Thomas Pahucki	Anthony Marino
	Wayne A. Decker	Harvey J. Burger
	Christopher W. Eachus	Roxanne Donnery
	Michael D. Paduch	Noel C. Spencer
	Jeffrey Berkman	James M. Kulisek

On motion the same was received and ordered placed on file.



Sponsors: **Pillmeier, Decker**

**RESOLUTION NO. 4 OF 2008**

**RESOLUTION DESIGNATING NEWSPAPERS PUBLISHED WITHIN THE COUNTY AS OFFICIAL NEWSPAPERS FOR THE PUBLICATION OF ALL LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED IN 2008, PURSUANT TO SUBDIVISION 2 OF SECTION 214 OF THE COUNTY LAW.**

**WHEREAS**, the County Legislature is required annually to designate at least two newspapers published within the County as official newspapers for the publication of local laws, notices and other matters required by law to be published, and in the making of such designations consideration shall be given to those newspapers advocating the principles of the two major political parties into which the people of the State are divided, and their general circulation throughout the County.

**RESOLVED**, that The Sentinel published in Vails Gate, New York; the Warwick Advertiser Photo News, published in Warwick, New York; News of the Highlands, Inc., published in Cornwall, New York; Times Community Newspapers, published in Newburgh, New York; and Hudson Valley Press, published in Newburgh, New York are hereby designated as official newspapers for the publication of all local laws, notices and other matters required by law to be published in the year 2008.

**FURTHER RESOLVED**, that nothing herein contained shall be deemed to prevent the designation of additional newspapers for any publication and such designation shall be deemed an official newspaper for that particular publication.

Seconded by Mr. Winstanley.

Mr. Berkman noted that the Democratic Caucus is supportive of the changes of the Times Herald-Record. He hopes that there will be more and better coverage of the Legislature. Much of the work done here is under-reported and they look to work in a cooperative spirit with the Record and all news media to get the message out.

Mr. Eachus agreed with Mr. Berkman in the hope that the Legislature will get better coverage on the issues in the Legislature. It is one of the few and only ways to get the message out and they are asking for the general public and citizens of the County.

Mr. Amo stated that the Independence Caucus agrees.

Mr. Depew stated that the cost of having to pay to advertise County government issues that the citizens and taxpayers of the County deserve to know are way too high. He hopes the press covers this and to inform the citizens.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnelly, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

On motion of Mr. Decker, seconded by Mr. Pillmeier, the Legislature adjourned at 2:05 p.m.

ADJOURNED.  
Laurie M. Whightsil, Clerk

## REGULAR SESSION

Thursday, February 7, 2008

The Legislature convened in Regular Session at 3:30 p.m. today.

The Legislature was called to order by Acting Chairman Seidman with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call all members were present with the exception of Chairman Lahey.

Newly-elected Legislator Gregory W. Townsend was sworn in by Assemblywoman Annie Rabbitt as the Legislator from District 7. Mr. Townsend thanked the Assemblywoman and the Sheriff for his color guard. He stated that he is humbled and honored to have been elected to this position by the people of the 7th District. He thanked the people of the Villages of Harriman and Monroe and the Town of Monroe for their support.

Acting Chairman Seidman and Legislators Pillmeier, Decker and Amo presented 30-year pins for dedicated service to Legislator Anthony Marino, Clerk Laurie M. Whightsil and Probation Director Victoria Casey. Chairman Seidman noted that these three people have done an outstanding job for the County of Orange and it has been a pleasure to serve with them all.

Mr. Pillmeier also thanked them for a job well done. Mr. Decker stated that 30 years is an incredible amount of time to put in and he thanked them all.

Mr. Marino stated that he has been very privileged and honored to serve the people in his Legislative District and he enjoys being a County Legislator.

Mrs. Casey stated that she would like to recognize Orange County for giving her such a great career. She feels completely supported by the Legislature and County Executive.

Mrs. Whightsil also thanked all the members of the Legislature.

**PUBLIC PARTICIPATION** (On file, in Clerk Legislative Office).

By Mr. Pillmeier:

**RESOLVED**, that the minutes of December 6, 2007 and December 20, 2007 be approved. The motion was seconded by Mr. Winstanley and adopted.

ADOPTED.

### **RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE:**

Sponsors: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Lahey

#### **RESOLUTION NO. 5 OF 2008**

#### **RESOLUTION RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH.**

**WHEREAS**, since 1976, February has been recognized in America as Black History Month to celebrate the contributions of African Americans in our society and the world. Originally established

as Negro History Week in 1926 by Dr. Carter G. Woodson, the celebration began in order to bring national attention to the contributions of African Americans throughout American History. Woodson, whose parents were former slaves in the South, changed the consciousness of people regarding the true and positive place of “Black Americans” in history books; and

**WHEREAS**, since 1926, the Association for the Study of Afro-American Life and History (“ASALH”) has established the national theme for the month-long celebration. The theme for 2008 is “Carter G. Woodson and the Origins of Multiculturalism.” Carter G. Woodson along with fellow African American intellectuals, W. E. B. DuBois, Theodore Herzel and Randolph Bourne believed that modern America should embrace the cultural differences that newcomers brought with them to America. Democracy, they believed, required tolerance of difference and could sustain those differences in harmony. Mr. Woodson did most to forge an intellectual movement to educate Americans about cultural diversity and democracy. For the sake of African Americans and all Americans, Woodson heralded the contributions of African Americans and Black tradition. In 1915, he established the Association for the Study of Negro Life and History and by the time of his death in 1950, he had laid the foundation for rethinking of American culture; and

**WHEREAS**, from October 2, 2007 through March 2, 2008, the Metropolitan Museum of Art in New York City is offering a special exhibit entitled “Eternal Ancestors: The Art of the Central African Reliquary.” The exhibit features more than 150 works of acclaimed sculptural masterpieces from the heart of Africa’s equatorial rainforest and relate to fourteen distinct traditions in Cameroon, Equatorial Guinea, Gabon, the Republic of Congo, and the Democratic Republic of Congo. The works are drawn from some of the most important collections of African art in Europe and the United States. Many of these works came to international acclaim during Carter G. Woodson’s time.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Orange County Legislature recognizes February as Black History Awareness Month for Orange County; and We commend these sentiments to every citizen of Orange County that all might reflect upon the great accomplishments of Carter G. Woodson and his contributions to multiculturalism.

Seconded by Mr. Winstanley.

Mr. Spencer read the resolution recognizing February as Black History Month into the record. He invited Assemblywoman Rabbitt, Legislator Harvey J. Burger and Reverend Williams to join him at the podium. He also recognized the County Legislature’s first black committee chairman, Harvey J. Burger.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20;        Noes 0;        Absent 1;        ADOPTED.

**Sponsors: Brescia, Pahucki**

**AN ACT, BEING ACT NO. 1 OF 2008, ENTITLED “AN ACT AUTHORIZING THE PAYMENT OF A MILEAGE ALLOWANCE TO ORANGE COUNTY LEGISLATORS, PURSUANT TO SECTION 203 OF THE COUNTY LAW.”**

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Bonacic, Brescia, Burger, Depew, Donnery, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Winstanley, Seidman

Noes: Berkman, Eachus, Townsend

Absent: Lahey

Ayes 17;            Noes 3;                            Absent 1;                            ENACTED.

(SEE LOCAL ACTS OF ORANGE COUNTY)

**Sponsors: Seidman, Berkman**

**“RESOLUTION AMENDING AND ADOPTING THE LEGISLATIVE MANUAL FOR THE COUNTY OF ORANGE AND THE RULES OF ORDER AND PROCEDURE FOR THE ORANGE COUNTY LEGISLATURE, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 2.02(a) OF THE ORANGE COUNTY CHARTER, SECTION 153 OF THE COUNTY LAW AND ARTICLE II, C, 1(e), ARTICLE III (PREAMBLE) AND ARTICLE IV, E 1(a) AND (b) OF THE SAID LEGISLATIVE MANUAL.”**

Mr. Amo stated that he would like to support this resolution as it came out of the Rules Committee. He provided all Legislators with a statement from the Orange County Independence Party which he read into the record (available in the Clerk’s Office).

Acting Chairman Seidman asked Legislative Counsel to address one part of Mr. Amo’s statement.

Mrs. Reed clarified that members of the Legislature belonging to the same political party and having the largest plurality shall be considered the majority. This is not tied to enrollment in the County.

Acting Chairman Seidman noted that was the discussion about how it could potentially be handled in the next term of the Legislature, not currently.

Mr. Depew asked if this resolution has anything to do with the number of people you need to be distinguished as a Leader of the body.

Mrs. Reed suggested Mr. Depew look at the first paragraph on page 2 on the back side of the resolution.

Mr. Depew moved to amend the first paragraph on page 2 of the proposed resolution to indicate that there needs to be a minimum of three members in a party for leadership to be distinguished by the Legislature, seconded by Mr. Fornario.

Acting Chairman Seidman clarified that the amendment is from one member to three members.

Mr. Pahucki noted that they are looking for this topic to come back to the Rules Committee in a short period of time. The matter of compensation for Party Leaders still needs to be discussed. It would be more appropriate to discuss this change in committee. He is uncomfortable making a snap decision now and he would be forced to vote no.

Acting Chairman Seidman clarified that the matter of compensation was discussed at the Rules Committee and compensation for other than the two top parties was voted down. Also, the number

one was chosen by the committee so this would be the appropriate place to amend that choice.

Mr. Amo also clarified that it was his motion to have the stipend equivalent to that of the Majority and Minority Leaders. He believes the matter of stipend should be discussed more thoroughly. He asked Mr. Depew how he arrived at the number three from the number one.

Mrs. Reed reminded Mr. Amo that all questions must be directed to the Chairman.

Mr. Spencer asked Mrs. Reed if there are any national precedents to define how to set up a party leader.

Acting Chairman Seidman responded that Mrs. Reed did a great deal of research for him and as he understands it, different states and bodies of government choose their own method as long as there is a certain guideline and logic to it. They do not interfere in the operation of local government on that.

Mrs. Reed added that some states do not have caucuses. This is not addressed in state laws but is in the body's rules.

Mr. Marino asked if the one paragraph can be broken out to vote on separately.

Mrs. Reed replied that a resolution can be amended or a specific paragraph can be removed.

Mr. Marino stated that if it must be voted on today, it creates more of a problem.

Mrs. Reed replied that sending it back to committee will not necessarily get a different result as it was discussed in committee extensively.

Mr. Marino stated if that is the case, Mr. Depew's amendment is in order.

Acting Chairman Seidman confirmed that it is in order.

Mr. Depew spoke to the logic of the amendment. Removal of the amendment today is a concern regarding the compensation for the major parties' caucus leaders. At this point Messrs. Pillmeier and Decker have not been paid for the work that they are doing. When you are a leader of a group within a body, you are leading a group. If you are just one person, it is hard to justify that you are leading anyone other than yourself. This is not a leadership role. He respects and understands Mr. Amo's position as a member of the Independence Party in Orange County but as a leader recognized by this Legislature he would have to be leading a group of fellow Legislators. If the Legislature starts recognizing individuals as leaders, then in many of the discussions that take place, we disenfranchise each of the 21 Legislators. This Legislature has a history of recognizing leadership. It starts with three. Mr. Marino was on the Legislature when there were three Democrats and 18 Republicans and that was the smallest number of any group that was ever recognized to have a caucus leadership position. He was asked why the number was not two and he responded because there could then be a stalemate. Therefore, he sees the minimum number as three.

With respect to compensation, Mr. Depew stated that any Legislator can change parties but it should not be recognized by the Legislature unless they have been elected to the position once they have changed their party by the constituents who elected them. The change of party should not be recognized by the body of the Legislature until a full election has happened and the constituents of that district have elected that person to represent that political interest. When it comes to compensation, the Legislature makes decisions on compensation for different positions before the term begins. The Legislature does not have the money to make a change in the current year's budget.

Ms. Bonacic asked about the discussion in committee.

Acting Chairman Seidman responded that the vote was 4 to 3.

Mr. Marino added that originally there was no number attached to it and after more discussion the sponsor of the original proposal decided to go to one. The next issue was compensation and it was defeated.

Mr. Amo stated that he can support the resolution but not the amendment to it. His statement on the record is proof of his leadership role. What we are discussing here is whether or not we want to include, in this Legislative body, recognition for another party other than the top two. When making that decision, he asked that the Legislators think about the following: approximately 57,000 people in Orange County are registered in other than the Democratic and Republican parties which is approximately 30 percent of all the registered voters in Orange County.

Mr. Marino disagreed with Mr. Amo in that compensation cannot be separated out of this proposal today. In fairness, a Party Leader must be compensated as the Majority and Minority Leaders are. That is why the number three is appropriate.

Mr. Eachus disagreed with Mr. Depew because if there is a single member to a party and they are not availed of the information as a Party Leader, they then can walk into a caucus meeting but it changes that meeting to being an open public meeting and new rules would apply. He believes that the Legislature does have to recognize one as a legitimate party and one person as that party leader.

Acting Chairman Seidman agreed if more than one party and more than 11 people meet in the same room, it becomes a public meeting. No one is disenfranchised by giving him a title.

Mr. Benton stated that this is a unique situation for this year and the next two years. If the number is not kept at the number one, the Legislature will be revisiting this in two years, because if anyone changes their registration or Mr. Amo is reelected as a member of the Independence Party, if he is not considered a Party Leader, the rules would have to be updated again or the voters in his district would be disenfranchised because they did elect him as an Independence Party member.

Mr. Fornario stated that the word "disenfranchised" means loss of the right to vote and no one is losing their right to vote. The Party Leader meets with people in his political party. An undue amount of power is created for one individual by creating a Party Leader.

Mr. Pahucki agreed with Mr. Depew except on one point. We represent in the Legislature a philosophical difference and framework of the party we belong to. He believes Mr. Amo is representing the Independence Party.

Mr. Berkman stated that he does not think the issue of compensation is tied to the issue of Party Leader. He does not think it is a problem for any Legislator representing his party as a Party Leader to have access to information. He will support this amendment.

Mr. Depew stated that the government has legitimacy because it is elected by the majority of the people. What concerns him most is the legitimacy factor when you are going to run the government and earn the trust and respect from the people. The government that governs has to be in some way elected by a majority of people. The same should apply in the Legislature. Issues are discussed and in the end the majority of the group makes the decision. Those are the fundamental bricks and foundation that hold the government up and gives them the power to govern. It is not a government for fractions; it is a government for the majority and what is in the best interest of the majority. We listen to the minority but the structure of the government protects the minority. A party earns its right to representation by having the best ideas and the strongest leadership. When the Independence

Party can elect enough people to change the will of the people in the Legislature, then we should definitely listen to them. Until that happens, that party will not have earned the right to have leadership roles and representatives in the Legislature.

Mr. Eachus thanked Acting Chairman Seidman for the clarification and he stated that in no way was he implying that anyone was withholding information. He thanked Mr. Fornario for saying that there are several ways of voting and Mr. Depew for saying whether the minority is heard or not. We have already run in to circumstances here where not all three parties have been invited to the table and been heard. That is why one person representing a party should have the title of Party Leader.

(Mr. Spencer left the meeting at 4:20 p.m.)

Mr. Benton stated that there may be a problem if the Independence Party is not recognized. According to State Election Law you are entitled to have your ballot position established if you receive 50,000 votes on your line. Statewide, the Independence Party has earned their position on the ballot.

Acting Chairman Seidman commented that we are talking about party, not individuals. He thanked Mr. Berkman for bringing up the line items in Section II-12 (f). These nine criteria do not apply to a caucus of one. The State and Federal Governments leave to this body the decision as to how many leaders there are and their titles and roles. There is nothing to prevent the Legislature from revisiting this issue in the future. He asked everyone to vote their conscience.

Mr. Decker asked Legislative Counsel if this section of State Election Law refers only to the five parties that are recognized on the ballot.

Mrs. Reed responded that it refers to the five parties with the highest number of votes.

Mr. Decker asked if he would have to be a member of one of the five recognized parties in order to be a Party Leader.

Mrs. Reed responded that the language in this resolution does not distinguish between a party recognized by New York State and a party not recognized by New York State.

Acting Chairman Seidman added that you could have 21 Party Leaders.

Mr. Amo asked when you read the nine items in the Legislative Manual, there are three or four that have implications for a party philosophy. If an Independence candidate ran on the Independence line for Governor and won, No. 8 would definitely apply.

Acting Chairman Seidman called for a roll call on the amendment.

On roll call, Mr. Depew's motion to amend the Resolution was adopted by the following vote:

Ayes: Pillmeier, Decker, Bonacic, Burger, Depew, Donnery, Fornario, Kulisek, Marino, Townsend, Winstanley, Seidman

Noes: Amo, Benton, Berkman, Brescia, Eachus, Paduch, Pahucki

Absent: Lahey, Spencer

Ayes 12; Noes 7; Absent 2;

ADOPTED.

The resolution, as amended, follows:

**RESOLUTION NO. 6 OF 2008**

**RESOLUTION AMENDING AND ADOPTING THE LEGISLATIVE MANUAL FOR THE COUNTY OF ORANGE AND THE RULES OF ORDER AND PROCEDURE FOR THE ORANGE COUNTY LEGISLATURE, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 2.02(a) OF THE ORANGE COUNTY CHARTER, SECTION 153 OF THE COUNTY LAW AND ARTICLE II, C, 1(e), ARTICLE III (PREAMBLE) AND ARTICLE IV, E 1(a) AND (b) OF THE SAID LEGISLATIVE MANUAL.**

**WHEREAS**, by Resolution No. 2 of 1970, passed by the Orange County Legislature on January 8, 1970, the Legislative Manual for the County of Orange was adopted; and

**WHEREAS**, Article II, C, 1(e) (page II - 6) of said Manual provides that the County Legislature must adopt annually its Legislative Manual, including any amendments incorporated therein; and

**WHEREAS**, the Committee on Rules, Enactments and Intergovernmental Relations reports that the following amendments have been proposed to Section II F. of said Manual and Rules:

**“The members of the Legislature shall be constituted into a majority and minority of the body. The majority of the Legislature shall consist of those elected members of the Legislature belonging to the same political party, who, by arithmetic total, comprise the largest plurality of the Legislature. The designated leader of the majority party shall be deemed the “Majority Leader.” The Minority shall be those elected members of the Legislature belonging to the same political party, who, by arithmetic total, comprise the second largest plurality of the Legislature. The designated leader of the minority party shall be deemed the “Minority Leader.”**

**“In 2008 and 2009, in the event there is a tie in the number of members of the Legislature representing the two major political parties as that term is defined by New York State Election Law Section 1-104(24)\*, the designated party leaders for the two major political parties shall be deemed Party Leaders, in lieu of majority and minority leaders and shall be entitled to the compensation established by this Legislature under Local Law No. 6 of 2004.”**

**“A Party Leader not of the majority and minority must have a membership of three members of the Legislature belonging to the same political party to qualify as a Party Leader.”**

**“\*Two parties which polled for their respective candidates for the office of Governor the highest and next highest number of votes at the last preceding election for such office.”**

The Party Leader is expected to perform the following functions:

5. To present a “Party position” to the Legislature when called upon to do so by “each” side during meetings of the Legislature.”; and

**WHEREAS**, said Committee has recommended the adoption of said Manual and Rules, together with the amendments thereto heretofore approved by the Orange County Legislature.

**RESOLVED**, that the Legislative Manual for the County of Orange and the Rules of Order and Procedure for the Orange County Legislature, heretofore adopted on January 8, 1970, and is hereby amended and are hereby adopted.

Seconded by Mr. Winstanley.

The vote resulted as follows:



Ayes: Pillmeier, Decker, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Noes: Amo

Absent: Lahey, Spencer

Ayes 18; Noes 1; Absent 2;

ADOPTED.

**WAYS AND MEANS COMMITTEE:**

**Sponsors: Decker, Brescia**

**RESOLUTION NO. 7 OF 2008**

**RESOLUTION AMENDING AND REAFFIRMING THE ORANGE COUNTY INVESTMENT POLICY, PURSUANT TO ARTICLE III, SECTION 3.02(d) OF THE ORANGE COUNTY CHARTER, AND SECTION 39 OF THE NEW YORK STATE GENERAL MUNICIPAL LAW.**

**WHEREAS**, the purpose of establishing a comprehensive investment policy for Orange County is to develop operating principles under the guidelines of current legislation relating to investment activity; and

**WHEREAS**, Orange County's Investment Policy was last revised and reaffirmed by Resolution No. 344 of 2007.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature does accept, amend and reaffirm the Orange County Investment Policy with such amendments as follows:

**"IV – DESIGNATION OF DEPOSITORIES**, pursuant to Article III, Section 3.02(d) of the Orange County Charter, the County Executive has designated, subject to the approval of the County Legislature, the following depositories located within the County, along with their maximum dollar limits.

<b><u>DEPOSITORY NAME</u></b>	<b><u>MAXIMUM \$</u></b>
Citibank N.A.	\$180,000,000.00
JP Morgan Chase Bank	\$180,000,000.00
Bank of America	\$175,000,000.00
Wachovia Bank	\$150,000,000.00
TD Banknorth N.A.	\$120,000,000.00
Key Bank	\$120,000,000.00
Citizens Bank	\$100,000,000.00
Berkshire Bank	\$100,000,000.00
Provident Municipal Bank	\$ 80,000,000.00
HSBC Bank USA	\$ 40,000,000.00
Manufacturers and Traders Trust Company	\$ 40,000,000.00
Catskill Hudson Bank	\$ 20,000,000.00
Orange County Trust Company	\$ 3,000,000.00
Bank of New York	\$ 1,000,000.00
Capital One	\$ 750,000.00

Adirondack Trust Company	\$	200,000.00
North Fork Bank	\$	100,000.00

Listed below are the two **Primary Dealers** the County has authorized under PSA Agreements to handle County investments in Repurchase Agreements and U.S. Government obligations. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the Federal Reserve Bank, as Primary Dealers:

- (1) Merrill Lynch Corp.
- (2) Banc of America Securities, LLC

Seconded by Mr. Winstanley.

Acting Chairman Seidman stated he would abstain from voting on the proposed resolution.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley

Abstained: Seidman

Absent: Lahey, Spencer

Ayes 18; Noes 0; Abstentions 1; Absent 2; ADOPTED.

**Sponsors: Brescia, Burger**

#### **RESOLUTION NO. 8 OF 2008**

#### **RESOLUTION REVIEWING AND AFFIRMING THE ORANGE COUNTY DEBT MANAGEMENT POLICY.**

**WHEREAS**, the primary objective of the Debt Management Policy is to establish conditions for the use of debt and to create procedures and policies that minimize the County's debt service and issuance costs, maintain the highest practical credit rating, and provide full and complete financial disclosure and reporting. This policy applies to all general obligation debt issued by the County.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature does hereby accept and approve of the Orange County Debt Management Policy, Appendix A and Appendix B, as presented by the Orange County Commissioner of Finance. There are no other recommended changes to the policy.

#### **APPENDIX A**

The following table sets forth the debt limit for the County:

#### COMPUTATION OF DEBT CONTRACTING LIMITATION AS OF DECEMBER 31, 2007

<u>Year</u>	<u>Assessed Valuation (a)</u>	<u>State Equalization Rate (b)</u>	<u>Full Valuation</u>
2003	\$10,160,895,413	47%	\$ 21,757,682,460
2004	\$10,420,939,328	43%	\$ 24,439,244,682
2005	\$10,900,604,771	38%	\$ 28,223,656,673
2006	\$11,175,377,132	34%	\$ 32,599,344,908
2007	\$11,369,859,401	30%	\$ 37,787,468,660
Total Five-Year Full Valuation			\$144,807,397,383
Average Five-Year Full Valuation			\$ 28,961,479,477
Debt Limit - 7% of Average of Full Valuation			\$ 2,027,303,563

(a) Assessed valuations are determined by the City and Town governments comprising the County

(b) State equalization rates presented represent the weighted average of State equalization rates established for each City and Town in the County

Source: Office of the State Comptroller, Division of Municipal Affairs, Bureau of Research and Statistics

#### **APPENDIX B**

The following table presents the debt-incurring power of the County and shows that the County is well within its constitutional debt limit at December 31, 2007.

#### **STATEMENT OF DEBT CONTRACTING POWER**

	<u>Amount As of December 31, 2007</u>	<u>Percentage of Debt Limit</u>
Debt Contracting Limitation: Seven Per centum of Five Year Average Full Valuation	\$2,027,303,563	100.00%
Gross Direct Debt:		
Serial Bonds	\$ 302,518,655	14.92%
Bond Anticipation Notes	<u>0</u>	<u>.00</u>
Total Gross Direct Debt	\$ 302,518,655	14.92%
Exclusions and Deductions:		
Excludable Sewer Debt (a)	\$ 19,420,000	.96%
Refunded Bonds	\$ 62,335,000	3.37%
Current Budget Appropriations	<u>\$ 11,523,000</u>	<u>.57%</u>
Total Exclusions and Deductions	\$ 99,278,000	4.90%
Total Net Direct Debt	\$ 203,240,655	10.02%
Debt-Contracting Margin	<u>\$1,824,062,908</u>	<u>89.98%</u>

(a) Excluded pursuant to Section 124.10 of the New York State Local Finance Law and ordered by the State Comptroller on January 20, 1978

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Absent: Lahey, Spencer

Ayes 19; Noes 0; Absent 2; ADOPTED.

**Sponsors: Brescia, Burger**

**Co-Sponsor: Fornario, Berkman, Paduch, Depew**

#### **RESOLUTION NO. 9 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH CERTAIN ORANGE COUNTY MUNICIPALITIES PROVIDING FOR THE EXEMPTION FROM COUNTY TAXATION OF LANDS OWNED AND USED BY THEM FOR WATER SUPPLY AND RELATED PURPOSES, PURSUANT TO SECTION 406(3) RPTL.**

**WHEREAS**, Section 406(3) RPTL does provide that upon agreement of a taxing agency, property owned by a municipal corporation used for water supply and related purposes may be exempt from the imposing of certain taxes thereon; and

**WHEREAS**, this Legislature has considered the requests of the several municipalities listed herein for exemptions from County taxation relative to lands owned and/or used by them for such water supply and related purposes; and

**WHEREAS**, this Legislature does wish to authorize the County Executive to enter into an agreement in writing with said municipalities providing for the exemption of these properties from County taxation.

**RESOLVED**, that the County Executive be and hereby is authorized to enter into and execute such agreements as may be necessary to exempt the properties set forth in the annexed schedule from the imposition of County taxes, said properties being owned and/or used by the stated municipalities for water supply and related purposes; and it is further

**RESOLVED**, that the exemption granted hereby shall be effective for the year 2009; and it is further

**RESOLVED**, that prior to the execution of any such contract by the County Executive, the County Attorney shall review the same as to form and content.

**SCHEDULE A**

<b><u>MUNICIPALITY</u></b>	<b><u>LOCATION</u></b>	<b><u>TAX PARCEL NO.</u></b>
City of Middletown	Town of Wallkill	999 - 1 - 21
		999 - 1 - 22
		999 - 1 - 23
		999 - 1 - 24
		999 - 1 - 25
		999 - 1 - 26
		999 - 1 - 27
		999 - 1 - 28
		999 - 1 - 29
		999 - 1 - 19
		999 - 1 - 20
		48 - 1 - 5
		48 - 1 - 6.1
		64 - 1 - 2
		69 - 1 - 15
		999 - 1 - 20.1
		49 - 1 - 32
49 - 1 - 62.2		
64 - 1 - 4.1		
City of Middletown	Town of Mount Hope	12 - 1 - 23
		14 - 1 - 44.1
		14 - 1 - 76
		14 - 1 - 95
		14 - 1 - 127
17 - 1 - 19		
City of Newburgh	Town of New Windsor	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
32 - 2 - 53		
City of Newburgh	Town of Newburgh	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44
City of Port Jervis	Town of Deerpark	54 - 1 - 35.1
		52 - 1 - 2
		52 - 1 - 54.1
		35 - 1 - 8.2
		57 - 1 - 40
Village of Chester	Town of Monroe	13 - 1 - 28

Village of Cornwall-on-Hudson	Town of Cornwall	31 - 1 - 15 29 - 1 - 54 29 - 1 - 50 4 - 2 - 56 32 - 1 - 17 32 - 1 - 8.1
Village of Cornwall-on-Hudson	Town of New Windsor	65 - 1 - 20
Village of Goshen	Town of Goshen	13 - 1 - 32.61 15 - 1 - 8 15 - 1 - 48 15 - 1 - 50
	Town of Walkkill	61 - 1 - 43
Village of Highland Falls	Town of Highlands	1 - 1 - 2
Village of Maybrook	Town of Hamptonburgh	3 - 1 - 6
Village of Montgomery	Town of Montgomery	28 - 1 - 63
Village of Tuxedo Park	Town of Tuxedo	13 - 3 - 12
Village of Walden	Town of Montgomery	10 - 1 - 4.21 2 - 1 - 24.1 2 - 1 - 24.21 2 - 1 - 25.11

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Absent: Lahey, Spencer

Ayes 19; Noes 0; Absent 2; ADOPTED.

**Sponsor: Brescia**

#### **RESOLUTION NO. 10 OF 2008**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1136 OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY LOCAL LAW NO. 7 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 7 of 2001, authorizing the sale of certain lands owned by the County pursuant to a judgment rendered by the New York State Supreme Court in connection with its tax foreclosure proceedings; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering party, upon receipt by the Commissioner of Finance of Orange County of the amount set forth in either cash or good certified check by 5:00 p.m., March 10, 2008, as indicated below; and
2. That upon the receipt of said sum, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the property listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Town of Deerpark 55-1-52.3	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00
Town of Deerpark 56-3-3	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00
Town of Newburgh 83-1-32	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00
Town of Wallkill 38-9-19	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00
Town of Wallkill 86-1-51.2	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00
Town of Warwick 214-12-14	Equitable Attraction, LLC 1576 W. Kenai Court Eagle, ID 83616	\$100.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Absent: Lahey, Spencer

Ayes 19;

Noes 0;

Absent 2;

ADOPTED.

**Sponsor: Benton**

**RESOLUTION NO. 11 OF 2008**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 8 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 8 of 2001), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., March 24, 2008, as indicated below;

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Town of Chester 12-1-53.2	Sugar Loaf Historical Society P.O. Box 114 Sugar Loaf, NY 10981	\$250.00
Town of Deerpark 21-18-7	Tivon Meir 3539 Newtown Road Odessa, NY 14869	\$350.00
Town of Minisink 5-1-10.2	Hudson Valley Realty Co 25 Main Street Goshen, NY 10924	\$151,000.00





<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Montgomery 34-1-44.23	NYS Dept. of Environmental Conservation	550(2)-g Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be CORRECTED</u>
County	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Town	\$ 0.00	\$ 0.00	\$337,300	\$ 281.41	\$ (281.41)
Highway	\$ 0.00	\$ 0.00	\$337,300	\$ 770.16	\$ (770.16)
PT Town	\$ 0.00	\$ 0.00	\$337,300	\$ 872.16	\$ (872.16)
Maybrook Fire	\$ 0.00	<u>\$ 0.00</u>	\$337,300	<u>\$ 972.37</u>	<u>\$ (972.37)</u>
		\$ 0.00		\$2,896.10	\$(2,896.10)

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Montgomery 34-1-44.23	NYS Dept. of Environmental Conservation	550(7)-d Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Town	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Highway	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
PT Town	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Pro-rated/Omitted		\$2,573.23	\$ 0.00	\$ 0.00	\$ 2,573.23
Maybrook Fire	\$ 0.00	<u>\$ 0.00</u>	\$ 0.00	<u>\$ 0.00</u>	<u>\$ 0.00</u>
		\$2,573.23		\$ 0.00	\$2,573.23

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Warwick 219-1-32	John & Tina Bolich, Jr.	550-(2)-c Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$71,300	\$1,901.35	\$71,300	\$1,901.35	\$ 0.00
Town	\$71,300	\$ 353.01	\$71,300	\$ 353.01	\$ 0.00
Open Space PDR	\$71,300	\$ 77.55	\$71,300	\$ 77.55	\$ 0.00
Gen Police Service	\$71,300	\$ 761.59	\$71,300	\$ 761.59	\$ 0.00
Village Relevy	\$	\$2,637.05	\$	0.00	\$ 2,637.05
Warwick Ambulance	\$71,300	\$ 69.97	\$71,300	\$ 69.97	\$ 0.00
Warwick Fire	\$71,300	\$ 283.64	\$71,300	\$ 283.64	\$ 0.00
Warwick Recycling	1	<u>\$ 46.96</u>	1	<u>\$ 46.96</u>	<u>\$ 0.00</u>
		\$6,131.12		\$3,494.07	\$ 2,637.05

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Absent: Lahey, Spencer

Ayes 19;

Noes 0;

Absent 2;

ADOPTED.



**WHEREAS**, the County of Orange wishes to allow land located in the Cronomer Hill Park to be used as a site for a telecommunications tower and related uses.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Clerk of the Legislature be and hereby is authorized to send to the Legislature of the State of New York a Home Rule Request under Municipal Home Rule Law Section 40 requesting the adoption of State legislation permitting the alienation of parkland in the Cronomer Hill Park for use as a site for a telecommunications tower and related uses.

Seconded by Mr. Winstanley.

Mr. Berkman stated that he would again vote against this resolution and he hopes the State Assembly does not pass this for several reasons. This tower was built many years ago without authorization and County parkland is the responsibility of this Legislature. He has never gotten a report on this matter. There should be an investigation and report on this issue. He is not getting any answers to his questions. It happened many years ago but it exists today. It was dangerous at times. The idea of the Legislature finally getting around to abiding by the law and having a resolution authorizing this is a definition of bad government. Secondly, alienation of parkland requires compensation transferred to abide by the State law and that compensation was insufficient. This 50 foot square parcel has a gigantic tower on it which has an economic impact on the whole area around it. Also, the land being accepted as alienation was already deemed to be unbuildable by the Town Board, to their credit. Lastly, he asked what the County is being paid for the tower. He has heard \$1,000 or \$1,200 per month. The County should be paid a great deal more.

Mr. Depew stated that the larger concern for him is that the State will withhold any park grants until this issue is addressed. The State has voted to accept the 14 acres offered to mitigate the alienation issue as more than enough property. The people are being served by the tower.

Mr. Marino agreed that the tower at Cronomer was constructed many years ago without authorization of the Legislature. He spoke with the Town Supervisor in Newburgh and determined that there are three fire companies now using that tower. This tower is not in the Cronomer Park area on Powder Mill Road and Gardnertown Road. It is not in the middle of a park but in a very secluded, rural part of the park in a totally different location. It is wooded and the fence was necessary. There are unanswered questions and it should be looked at further. In any case the tower is vital to security and protection in the Town of Newburgh.

Mr. Amo asked where Mr. Marino was when his district wanted to build a water tower in a park for the exact same reasons—fire safety, access to the community. That was a real problem. However, when we have a tower that was illegally done, it is a strange position. The Legislature should think of consistency here. The County should say something if anyone is not taking alienation seriously. The Legislature should be more angry with this process.

Acting Chairman Seidman explained that this tower was built as a fire tower and he is not sure the County even owned the property when the tower was built. He believes it belonged to the Town of Newburgh and was then turned over. The tower was there and then the Commissioner of Parks was approached by a phone company and they put up more antennas. This was not hidden from this Legislature. The property was acquired when the SEQRA process was in place. The sooner we can move on from this problem, the better.

Mr. Berkman clarified that the State requires the County to have a Home Rule Message again because the Assembly did not accept the bill last year. He also clarified that he never said anything about taking down the tower. Many of the functions of this and other towers are very legitimate and needed. There is an observation deck which is 100 yards away. He cannot understand why the

tower and observation deck were not put together by the communications company. This is the first time that he heard it verbally stated that the Commissioner of Parks gave verbal permission. Any verbal permission by anyone is of very dubious legal binding effect.

Acting Chairman Seidman corrected Mr. Berkman in that he did not say verbal.

Mr. Berkman replied that then he would like to see the written contract or approval. He noted that the razor wire was removed which was good. However, now he sees another telephone pole outside that perimeter.

Mr. Townsend stated that the Legislature should bring it back to committee to look at it. The Legislature must continue to vote on this to make sure the County obtains all of the grants and that there are proper services for the EMS people and the people in the community.

Mr. Pahucki asked the County Attorney for a copy of the contract with the communications company because the rates are very low. He was told that the contract could not be found. He noted he also has not seen a copy of the letter from the State informing the County that all grants would be withheld until this is taken care of.

Mr. Depew stated that he did not know if they got a copy of the letter. They were told by counsel from the County that this was the situation.

Mr. Pahucki agreed that he also likes to trust all department heads. The County wants to get rid of the whole problem.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Benton, Bonacic, Brescia, Burger, Depew, Donnery, Fornario, Kulisek, Marino, Townsend, Winstanley, Seidman

Noes: Amo, Berkman, Eachus, Paduch, Pahucki

Absent: Lahey, Spencer

Ayes 14; Noes 5; Absent 2; ADOPTED.

**Sponsors: Seidman, Decker, Pillmeier, Marino**

#### **RESOLUTION NO. 15 OF 2008**

**RESOLUTION SENDING A HOME RULE REQUEST, PURSUANT TO SECTION 40 OF THE MUNICIPAL HOME RULE LAW, ASKING THE NEW YORK STATE LEGISLATURE TO ADOPT LEGISLATION AUTHORIZING THE ALIENATION OF PARKLAND BY PERMITTING THE CONSTRUCTION AND MAINTENANCE OF A TELECOMMUNICATIONS TOWER AND SHEDS HOUSING RELATED EQUIPMENT AT THE THOMAS BULL MEMORIAL PARK, TOWN OF HAMPTONBURGH, ORANGE COUNTY, NEW YORK.**

**WHEREAS**, under the provisions of current State law, State Legislature must authorize the alienation of certain portions of parklands in the Thomas Bull Memorial Park in the Town of Hamptonburgh, Orange County, New York by permitting the construction and maintenance of a telecommunications tower and sheds housing related equipment at said park; and

**WHEREAS**, the County of Orange wishes to allow land located in the Thomas Bull Memorial

Park to be used as a site for a telecommunications tower and sheds housing related equipment.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Clerk of the Legislature be and hereby is authorized to send to the Legislature of the State of New York a Home Rule Request under Municipal Home Rule Law Section 40 requesting the adoption of State legislation permitting the alienation of parkland in the Thomas Bull Memorial Park for use as a site for a telecommunications tower and sheds housing related equipment.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Benton, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Townsend, Winstanley, Seidman

Noes: Amo, Berkman, Pahucki

Absent: Lahey, Spencer

Ayes 16;           Noes 3;           Absent 2;           ADOPTED.

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE:**

**Sponsors:       Pillmeier, Brescia**

**Co-Sponsors:   Eachus, Townsend**

**RESOLUTION NO. 16 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT THE DONATION OF A FIRE TRUCK ON BEHALF OF THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES/DIVISION OF FIRE SERVICES , PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the Orange County Department of Emergency Services/Division of Fire Services has been offered a 1980 Pemfab fire truck with an estimated value of approximately \$5,000.00, from the Irvington Township, Irvington, New Jersey. Said truck will be used to conduct emergency vehicle operation classes and training.

**WHEREAS**, this Legislature does wish to accept said donation to be utilized by the Department of Emergency Services/Division of Fire Services.

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept the above fire truck, and it is further

**RESOLVED**, that on behalf of the residents and taxpayers of Orange County, this Legislature extends its thanks and appreciation for such gifts, and that this Resolution shall be spread in full upon the Minutes of the Orange County Legislature, and that the Clerk of this Legislature shall forthwith transmit a true copy thereto to the Irvington Township in Irvington, New Jersey.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Townsend, Winstanley, Seidman

Absent: Lahey, Spencer

Ayes 19; Noes 0; Absent 2; ADOPTED.

**Sponsors: Brescia, Bonacic**

#### **RESOLUTION NO. 17 OF 2008**

#### **RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY SHERIFF'S OFFICE, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the Orange County Sheriff's Office in the amount of \$215,164.00 in order to purchase two Chevrolet Express 3500, 12 passenger vans and for Corrections overtime, and in order to accomplish said purposes, this Legislature does wish to supplement the 2008 Budget for the Orange County Sheriff's Office.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 Budget for the Orange County Sheriff's Office is hereby supplemented as indicated below in order to purchase two Chevrolet Express 3500, 12 passenger vans and for Corrections overtime, and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	28	313808	4389	Other Public Safety	\$215,164.00
<b>Expense :</b>	28	313808	8111	Capitalized Autos	\$ 40,221.58
		313808	6987	Overtime	\$174,942.42

Seconded by Mr. Winstanley.

Mr. Marino questioned the overtime and security at the BOCES facility. He asked if the County would be reimbursed for the overtime there.

Mr. Brescia replied that the County will be reimbursed by BOCES.

(Mr. Spencer rejoined the meeting at 5:00 p.m.)

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors:**        **Donnery, Townsend**  
**Co-Sponsor:**    **Bonacic**

**RESOLUTION NO. 18 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF'S OFFICE, TO ACCEPT STATE GRANT FUNDS FROM THE NEW YORK STATE SENATE, IN CONJUNCTION WITH SENATOR JOHN J. BONACIC, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Senate, has offered the Orange County Sheriff's Office a grant in the amount of \$25,000.00 to provide funding for equipment for the Orange County Sheriff's Office, said term being from April 1, 2006 to September 15, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant funds for the Office of the Sheriff as indicated below.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Sheriff of Orange County, be and hereby is authorized to accept from the New York State Senate, a grant in the amount of \$25,000.00 in order to provide funding for equipment for the Orange County Sheriff's Office.

2. That the 2008 Budget for the Office of the Sheriff is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	28	313706	3389	State Grant	\$25,000.00
<b>Expenses:</b>	28	313706	8380	Specialty Equipment	\$25,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20;        Noes 0;        Absent 1;        **ADOPTED.**



**HEALTH AND MENTAL HEALTH COMMITTEE:****Sponsors: Decker, Depew****RESOLUTION NO. 19 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$1,935.00 for the Migrant Health Services Program in order to provide funding for public health outreach and education services to the migrant/seasonal farm worker population throughout Orange County. The term of the grant will be from January 1, 2007 through December 31, 2007; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$1,935.00 for the Migrant Health Services Program.
2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.
4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.
5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004137 3472	State	\$1,935.00
<b>Expenses:</b>	14.004137 7382	Specialty Materials	\$1,935.00

Seconded by Mr. Winstanley.

Mr. Fornario stated that he will vote no because the citizenship of those applying for these

benefits is not ascertained by the Health Department. He finds it outrageous that a government entity cannot ask if a resident is a citizen of the United States or not. These grant funds are taxpayer dollars. He hopes the State will reconsider its policy.

Mr. Decker disagreed with Mr. Fornario. This is a health issue and if people do not get health education and services regardless of whether they are here legally or not, they will affect others in their community who are here legally. This is a completely viable and appropriate use of Health Department funds as a preventative action and will improve the health of people in the community in general.

Mr. Pahucki stated that many of the migrant workers are not U.S. citizens. They are here on work visas and at the request of the farmers. This program provides extremely important medical services to the migrant workers and their children. It is an absolute necessity in the County.

Mr. Spencer had invited Mr. Fornario to come to one of the farms to get some edification on this process. The migrant seasonal farm workers are not illegal in this country because they are issued official work permits. Some of the farmers issue W-2s to these workers so they are paying social security taxes. This is very worthwhile and has his vote.

Mr. Amo stated that if in fact those are legal individuals there is no issue. This program does not guarantee 100 percent contact in education.

Mr. Depew noted that this came to the committee twice before. Mr. Fornario is saying that they do not question if a person is legally or illegally in the country. The question for him is that the Health Department wanted to purchase hats for the immigrant workers to protect them from skin cancer which was a noble effort. He does not think County taxpayers' dollars should be handed out to special groups, especially when you cannot determine if they are legal or illegal.

Mr. Decker wondered why Legislators are asking for citizen status on this resolution but are willing to pass legislation for other Health Department programs where citizenship has not been an issue. All these programs are important.

Mr. Berkman agreed that it is important that everyone get health services in Orange County.

Acting Chairman Seidman agreed with Mr. Berkman in that preventative health care should be provided to the migrant workers because if it is not, the County will be picking up their Medicaid costs at our local hospitals. The preventative treatment is much less expensive.

Mr. Fornario clarified that the other health programs are County resident programs.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Benton, Berkman, Bonacic, Brescia, Burger, Donnery, Eachus, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Noes: Amo, Depew, Fornario

Absent: Lahey

Ayes 17;           Noes 3;           Absent 1;

ADOPTED.

**Sponsors:       Paduch, Donnery**

**Co-Sponsor:     Berkman**

**RESOLUTION NO. 20 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$2,580.00 for the prevention and control of Tuberculosis in Orange County. The term of the grant will be from March 31, 2007 to March 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$2,580.00 for the prevention and control of Tuberculosis in Orange County.

2. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004126	3472	State	\$ 2,580.00
<b>Expenses:</b>	14.004126	7183	Contractual Services	\$2,580.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; **ADOPTED.**

**Sponsors: Eachus, Spencer**

**RESOLUTION NO. 21 OF 2008****RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$115,265.00 for the Adolescent Tobacco Use Prevention Act (ATUPA) in order to implement and enforce New York State's Adolescent Tobacco Use Prevention Program. The term of the grant will be from October 1, 2007 through September 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$115,265.00 for the Adolescent Tobacco Use Prevention Act (ATUPA) in order to implement and enforce New York State's Adolescent Tobacco Use Prevention program.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004154	3472	State	\$115,265.00
<b>Expenses:</b>	14.004154	6188	CHO Coordinator	\$ 39,390.00
	14.004154	6189	Community Health Wkr.	\$ 21,536.00
	14.004154	8660	Fringe Benefits	\$ 33,991.00
	14.004154	7125	Legal Fees	\$ 200.00
	14.004154	7182	Youth Compliance Wkrs.	\$ 3,500.00
	14.004154	7310	Office Supplies	\$ 400.00
	14.004154	7314	Postage	\$ 400.00
	14.004154	7348	Paper Products	\$ 100.00

14.004154	7382	Specialty Materials	\$ 2,250.00
14.004154	7575	County Motor Pool	\$ 6,000.00
14.004154	7612	Transcription Services	\$ 348.00
14.004154	7634	Telephone	\$ 800.00
14.004154	7676	County Employee Mileage	\$ 3,000.00
14.004154	7677	Special Travel	\$ 1,000.00
14.004154	7678	Meal Allowance	\$ 200.00
14.004154	7682	Specialty Pmts. (Evidence)	\$ 1,100.00
14.004154	7691	Witnesses	\$ 150.00
14.004154	7708	Printing	<u>\$ 900.00</u>
			\$115,265.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Donnery, Winstanley**

#### **RESOLUTION NO. 22 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$1,761.00 for the Arthropod Borne Disease (Lyme) Program; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$1,761.00 for the Arthropod Borne Disease (Lyme) Program.
2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004140	3472	State	\$1,761.00
<b>Expenses:</b>	14.004140	7382	Specialty Materials	\$1,761.00

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Fornario, Eachus**

#### **RESOLUTION NO. 23 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$140,000.00 for the Youth Action/Reality Check Program in order to provide funding to decrease the social acceptability of tobacco use and prevent initiation of tobacco among youth and young adults. The term of the grant runs from August 1, 2008 until July 31, 2009; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$140,000.00 for the Youth Action/Reality Check Program in order to provide funding to decrease the social acceptability of tobacco use and prevent initiation of tobacco among youth and young adults.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004175	3472	State	\$140,000.00
<b>Expenses:</b>	14.004175	6534	Public Health Educator	\$ 45,747.00
	14.004175	8660	Fringe Benefits	\$ 12,724.00
	14.004175	7182	Consultants/Subcontractors	\$ 6,500.00
	14.004175	7310	Office Supplies	\$ 1,500.00
	14.004175	7314	Postage	\$ 1,000.00
	14.004175	7320	Meeting Supplies	\$ 2,000.00
	14.004175	7382	Specialty Materials	\$ 19,729.00
	14.004175	7518	Equipment Lease	\$ 400.00
	14.004175	7634	Telephone	\$ 1,800.00
	14.004175	7664	Advertising	\$ 30,000.00
	14.004175	7674	Special Travel/Non-County Employee	\$ 500.00
	14.004175	7676	Routine Mileage	\$ 3,600.00
	14.004175	7677	Special Travel	\$ 2,000.00
	14.004175	7682	Specialty Payments	\$ 5,000.00
	14.004175	7791	Indirect Cost Expense	<u>\$ 7,500.00</u>
				\$140,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20;

Noes 0;

Absent 1;

ADOPTED.

**Sponsors: Donnery, Decker**

**RESOLUTION NO. 24 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT FEDERAL DISCRETIONARY FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered funds in the amount of \$75,672.00 for the W.I.C. Program in order to improve the nutrition and health status of eligible pregnant, postpartum and breastfeeding women, infants and children in Orange County. The term of the program will be from October 1, 2007 through September 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said funds for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health funds in the amount of \$75,672.00 for the W.I.C. Program in order to improve the nutrition and health status of eligible pregnant, postpartum and breastfeeding women, infants and children in Orange County.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by these funds shall terminate absolutely upon the exhaustion of the availability of said monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004084	4482	Federal Aid	\$75,672.00
<b>Expenses:</b>	14.004084	7313	Books & Subscriptions	\$23,700.00
	14.004084	7382	Specialty Materials	\$48,472.00
	14.004084	7664	Advertising	\$ 2,000.00
	14.004084	8412	Audio Visual Equipment	\$ 1,500.00







3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004102 3472	State Aid	\$2,580.00
<b>Expenses:</b>	14.004102	Community Health Worker (Decker)	\$1,500.00
	14.004102	Fringe Benefits	\$ 300.00
	14.004102 7313	Educational Materials	<u>\$ 780.00</u>
			\$2,580.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Depew, Fornario**

#### RESOLUTION NO. 27 OF 2008

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$42,344.00 for the Eat Well Play Hard Program in order to establish a community program designed to prevent childhood obesity; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$42,344.00 for the Eat Well Play Hard Program.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004186	3472	State	\$42,344.00
<b>Expenses:</b>	14.004186	6311	Health and Wellness Coord.	\$19,763.00
	14.004186	8660	Fringe Benefits	\$ 6,864.00
	14.004186	7182	Contracted Services	\$ 8,000.00
	14.004186	7320	Food/Meeting Supplies	\$ 1,000.00
	14.004186	7664	Advertising	<u>\$ 6,717.00</u>
				\$42,344.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Eachus, Donnery**

#### **RESOLUTION NO. 28 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT DONATION FUNDS FROM THE MARCH OF DIMES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the March of Dimes has offered donation funds in the amount of \$40,000.00 for the Beginning Well/Comenzando Bien Program in order to provide a series of prenatal education

classes to high-risk, low socio-economic status residents in Orange County's three cities. The term of the program will be from February 1, 2008 through January 31, 2009; and

**WHEREAS**, this Legislature does wish to accept said donation funds for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the March of Dimes donation funds in the amount of \$40,000.00 for Beginning Well/Comenzando Bien Program in order to provide a series of prenatal education classes to high-risk, low socio-economic status residents in Orange County's three cities.

2. That in furtherance of this Resolution, the acceptance of said donation funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this donation shall terminate absolutely upon the exhaustion of the availability of said monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said donation funds is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.418908	2705	Beginning Well/Comenzando Bien	\$40,000.00
<b>Expenses:</b>	14.418908	7182	Contractor Services	\$10,100.00
	14.418908	7310	Office Supplies	\$ 250.00
	14.418908	7313	Educational Materials	\$ 300.00
	14.418908	7314	Postage	\$ 100.00
	14.418908	7324	Mtg. Supplies/Refreshments	\$ 1,556.00
	14.418908	7382	Specialty Materials	\$ 4,000.00
	14.418908	7677	Special Travel	\$ 200.00
	14.418908	7682	Specialty Payments	\$21,494.00
	14.418908	7991	Indirect Cost Expense	<u>\$ 2,000.00</u>
				\$40,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20;

Noes 0;

Absent 1;

ADOPTED.

**EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE:**

**Sponsor: Bonacic**

**Co-Sponsor: Marino**

**RESOLUTION NO. 29 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY YOUTH BUREAU, TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Office of Children and Family Services has offered a grant in the amount of \$50,000.00 in 2008 and 2009 to increase the capacity of youth development work in the County; and

**WHEREAS**, this Legislature does wish to authorize the County Executive to accept said grant funds from the New York State Office of Children and Family Services as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Director of the Youth Bureau, be and hereby is authorized to accept from the New York State Office of Children and Family Services, a grant in the amount of \$50,000.00 to increase the capacity of youth development work in the County.
2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.
4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.
5. That the 2008 Budget for the Youth Bureau is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	31	732208	3820	State Aid	\$50,000.00
<b>Expenses:</b>	31	732208	7182	Consultant Services	\$50,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**JOINT-PERSONNEL AND COMPENSATION COMMITTEE AND PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE:**

**Sponsors: Townsend, Burger**

**AN ACT, BEING ACT NO. 2 OF 2008, ENTITLED, "AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES AMENDING ACT NO. 11 OF 2004 TO INCREASE THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS THAT MAY BE EMPLOYED FROM 41 TO 42 AT THE OFFICE OF THE ORANGE COUNTY DISTRICT ATTORNEY, PURSUANT TO SECTION 2.02(l) OF THE ORANGE COUNTY CHARTER."**

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ENACTED.  
(SEE LOCAL ACTS OF ORANGE COUNTY)

**Sponsors: Townsend, Bonacic, Donnery**

**AN ACT, BEING ACT NO. 3 OF 2008, ENTITLED "AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO CREATE THE POSITION OF EXECUTIVE SECRETARY AND ADMINISTRATIVE ASSISTANT AT THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES, PURSUANT TO SECTION 2.02(l) OF THE ORANGE COUNTY CHARTER."**

**Seconded by Mr. Winstanley.**

Mr. Spencer noted that the County Executive recently did a press release regarding a freeze on hiring. He asked if any positions were not affected by that freeze.

Mr. O'Donnell replied there is no memorandum on that but it will be on a case by case basis,





**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$280,084.00 in order to create three (3) new positions in the Department of Health in order to conduct environmental inspections, outreach and education through the Primary Prevention of Childhood Lead Poisoning Pilot Program.
2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.
4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.
5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.419008	3472	Primary Prevention Pilot Program	\$280,084.00
<b>Expenses:</b>	14.419008	6540	PH Sanitarian	\$ 47,177.00
	14.419008	6189	Comm. Health Outreach Wkr.	\$ 24,617.00
	14.419008	6534	Public Health Educator	\$ 30,918.00
	14.419008	6597	Secretary	\$ 4,259.00
	14.419008	8660	Fringe Benefits	\$ 58,510.00
	14.419008	7575	Central Motor Pool	\$ 6,000.00
	14.419008	7676	Routine Mileage	\$ 2,500.00
	14.419008	7677	Special Travel	\$ 2,000.00
	14.419008	7310	Office Supplies	\$ 3,000.00
	14.419008	7313	Educational Materials	\$ 4,862.00
	14.419008	7314	Postage	\$ 800.00
	14.419008	7382	Specialty Materials	\$ 10,000.00
	14.419008	7382	Landlord Incentives	\$ 5,000.00
	14.419008	7664	Advertising	\$ 15,000.00
	14.419008	7324	Meetings	\$ 10,000.00
	14.419008	7518	Equip. Maint./Lease	\$ 2,650.00
	14.419008	7681	Printing	\$ 2,500.00
	14.419008	7951	Administrative Costs	\$ 28,008.00
	14.419008	7634	Telephone	\$ 2,533.00
	14.419008	8066	Office Equipment	\$ 6,000.00
	14.419008	8314	Computer Equipment	\$ 10,000.00
	14.419008	7379	Computer Software	<u>\$ 3,750.00</u>
				\$280,084.00



**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	29.007026	Adult Services	3610	DSS Administration	\$ 10,608.00
<b>Expenses:</b>	29.007026	Adult Services	6692	Social Caseworker	\$ 9,101.00
	29.007026	Adult Services	8610	ERS	\$ 802.00
	29.007026	Adult Services	8630	Soc. Security/Medicare	\$ 696.00
	29.007026	Adult Services	8650	Unemploy. Insurance	\$ 9.00
	29.007026	Adult Services	8660	Hospital Insurance	\$ 0.00
	29.007026	Adult Services	8665	Dental	\$ 0.00
	29.007026	Adult Services	8666	Vision	\$ 0.00
	29.007026	Adult Services	8670	Disability	\$ 0.00
	29.007026	Adult Services	8680	EAP	\$ 0.00
					\$ 10,608.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Townsend, Burger, Amo, Berkman**

**AN ACT, BEING ACT NO. 6 OF 2008, ENTITLED "AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO CREATE THE POSITION OF 'SOCIAL CASEWORKER' AT THE ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER."**

Seconded by Mr. Winstanley.

Mr. Eachus stated that these last few resolutions show a great faith in the County Executive in his determination of positions.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ENACTED.  
(SEE LOCAL ACTS OF ORANGE COUNTY)

**MISCELLANEOUS:**

**Sponsor:** Lahey  
**Co-Sponsor:** Spencer

**RESOLUTION NO. 32 OF 2008**

**RESOLUTION APPOINTING MEMBERS OF LABOR RELATIONS ADVISORY COMMITTEE, PURSUANT TO ARTICLE IV, SECTION G, OF THE LEGISLATIVE MANUAL.**

**WHEREAS**, on May 12, 1972, the County Legislature adopted Resolution No. 117 of 1972 creating a special committee of the County Legislature to be known as the “Labor Relations Advisory Committee”, composed of at least seven members; and

**WHEREAS**, Article IV, Section G, of the Legislative Manual provides that the Chairman of the Legislature will appoint all members of special committees, subject to the approval of this Legislature; and

**WHEREAS**, the Chairman of the County Legislature has appointed the following members to said Labor Relations Advisory Committee for the terms hereinafter mentioned:

Harvey J. Burger, Chairperson	for a term expiring December 31, 2008
Melissa Bonacic	for a term expiring December 31, 2008
L. Stephen Brescia	for a term expiring December 31, 2008
Thomas Pahucki	for a term expiring December 31, 2008
Michael R. Pillmeier	for a term expiring December 31, 2008
Bernard Winstanley	for a term expiring December 31, 2008
Wayne A. Decker	for a term expiring December 31, 2008

**RESOLVED**, that the appointment of the aforesaid members of the Labor Relations Advisory Committee of the County Legislature be and the same is hereby approved.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Winstanley, Seidman

Absent: Lahey

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsor:** Lahey  
**Co-Sponsor:** Spencer

**RESOLUTION NO. 33 OF 2008**

**RESOLUTION AMENDING RESOLUTION NO. 88 OF 1971 AND NO. 13 OF 2002 TO INCREASE THE NUMBER OF MEMBERS OF THE OFF-TRACK BETTING COMMITTEE, PURSUANT TO ARTICLE IV, SECTION G, OF THE LEGISLATIVE MANUAL AND SECTION 153 OF THE COUNTY LAW.**





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## REGULAR SESSION

Thursday, March 6, 2008

The Legislature convened in Regular Session at 3:35 p.m. today.

The Legislature was called to order by Chairman Lahey with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call, all members were present.

County Executive Diana addressed the Legislature and gave his State of the County Address.

Chairman Lahey, Leader Pillmeier, Leader Decker, Legislators, employees and citizens of Orange County ... I would like to take this opportunity to report to you on the State of our County.

First, I want to recognize my wife Mary, daughters Danielle and Lindsay and my entire family for all their support and encouragement.

I also would be remiss if I did not thank my hardworking staff, Mary, Sheri, Doreen, Donna, Lorrie, Jim, Steve, Ann Marie and Richard.

I would like to pause for a moment of silence and remember our servicemen and women who continue to serve in harm's way to keep us safe and our veterans, many of whom have continued to serve our nation long past their date of active duty.

I am proud to stand before you today to present a record of solid achievement that has been built from the common sense and fiscally conservative policies of the past with an eye toward providing for the future of this great County.

Today, Ladies and Gentlemen, you may be assured that the State of our County is on a firm foundation despite the economic difficulties facing our state and nation.

This was not accomplished without your hard work, dedication and cooperation. Working together we have made Orange County Government an efficient, cost effective and responsive government that we can all be proud of.

### **PUBLIC SAFETY**

As you all know, public safety remains a top priority of my administration and once again I must commend this legislative body for its foresight and diligence in rising to the challenges confronting us.

Let us make no mistake, the elements working against law abiding citizens become bolder and more sophisticated every year. Our efforts must be equally as bold to insure our citizens and communities stay safe from these new types of criminals.

Our Orange County District Attorney's Office continues to do an outstanding job, and I want to commend District Attorney Frank Phillips for his strong commitment to enforcing the law as well as his consistent and compassionate treatment of the victims of crime. In 2007, District Attorney Phillips prosecuted over 19,000 cases while maintaining a 96% conviction rate.

Technology is at the forefront of keeping the public safe and I am pleased to report that our new Emergency Services Center is on time and on budget.

This facility, when completed this spring, will provide the people of Orange County with the most technologically advanced E 911 Emergency Center in the state. This facility will also house our Emergency Operations Center and will serve our citizens for many years to come. I would like to thank Commissioner Koury and his entire department for their efforts in seeing this project through to such a successful conclusion.

Our efforts have not just been limited to brick and mortar. We have aggressively pursued grants and programmatic funding from New York State and the Federal government which have allowed us to initiate an Emergent Incident Notification system for first responders.

We also have licensed and installed an EMS transmitter on Schunemunk Mountain to improve emergency communications and to promote greater inter-operability among agencies and we have received well over \$1.6 million dollars in reimbursements from NYS wireless.

We have also instituted our new email audio communication system which will save precious time and mileage for communications between the Orange County District Attorney's office and our 911 center.

Orange County has received a new state-of-the-art mobile Command and Communications emergency vehicle, fully funded by a homeland security grant and we will be implementing a resource inventory system called DisasterLAN to better integrate County and local municipalities response capabilities.

This past year we have established, with the help of this Legislature, our own Orange County Traffic Safety Board and we continue to work with state and local officials to create a traffic management diversion plan for the County.

I also want to commend the Legislature, community groups and the Times Herald Record for the collaboration on the "Not One More" campaign to educate the youth of this County on safe driving practices.

Under the leadership of Fire Coordinator John Horan we have trained 118 new firefighters this year and we also acquired, at no cost, a fire truck from Irvington, New Jersey to assist with our fire training program. Additionally, through a CEDAP grant we have received a First Defender Handheld Identification System to enable our Hazmat responders to identify unknown substances in the field and at a safe distance.

Commissioner Koury and EMS Coordinator Michael Walton and his staff have also designed a course for EMS officers so the County can now teach First Responder Emergency Medical Technician courses as well as refresher courses.

The Police Chiefs' of Orange County Training Academy also graduated a new class of 35 recruits, men and women who are committed to dedicating their professional careers to the protection of our community.

Our Probation Department, under the direction of Vicky Casey, has conducted numerous compliance sweeps in cooperation with local police and the Sheriff's Office to ensure that probationers are meeting the terms of their probation. These aggressive community enforcement programs are just one more step the County is taking to protect the safety of our residents.

The Orange County Probation Department has established a full time field intelligence probation



officer and we have also hired a full time Juvenile Release Officer to begin the first program to intervene and supervise juveniles in the Impact area. We have begun a school based truant /Probation Officer program to assist at Middletown High School. Our Probation Department has also received a license plate reader to monitor offender compliance.

Furthermore, grants to municipalities for public safety improvements such as cameras in the three cities will continue as will the highly successful Gun Buy Back program which last year removed 198 illegal guns from the streets of our County.

Many of these new programs were achieved by utilizing grants from outside sources enabling us to enhance our public safety programs while not burdening our County taxpayers.

I am happy to say that our Medical Examiner, Dr. Catanese, has already become a part of Team Orange. His office has successfully completed the transition from the coroner system to a modern and efficient operation that will serve our County for generations to come.

I would like to thank Orange County Sheriff Carl DuBois and the men and women of the Sheriff's Office for the outstanding work they do for the people of this County every day. Under the leadership of Sheriff DuBois, the Sheriff's Office initiated a very progressive Inmate re-entry program that, coupled with mental health services, social services and other community resources, prepares inmates for re-entry into society.

Moreover, the Sheriff's Office has instituted a Crisis Intervention Unit and an Internal Controls Unit that will enhance the excellent services already provided by this office.

Sheriff DuBois, we appreciate your work in providing safety for the people of Orange County and salute your ongoing efforts.

### **ECONOMY AND FINANCES**

The strength of our economy and sound government finances are critical to providing the services and programs the people of Orange County have come to expect from their government.

This past year was one of the most challenging I have witnessed during my 25 years in public service. A slumping housing market, lagging sales tax revenue and an overall softening of our state and national economy made for challenges and choices that were extremely difficult.

However, continuing our commitment to streamlining the delivery of services, aggressive cost containment policies and working in partnership with this Legislature to control spending, we are staying within the parameters of our budget while still enhancing our physical infrastructure for the future.

I believe it is a testament to the strength and soundness of our government that led to over 40 companies applying to the IDA. These high quality firms have the ability to go anywhere in the country and yet they chose Orange County because of the strength of our economy, commitment to service, great labor pool and the serious nature with which we approach business development, retention and job creation.

I would like to acknowledge the efforts of Bill Trimble of our Orange County Office of Business Assistance, Maureen Halahan of the Orange County Partnership, Chairman Jim Petro of the Orange County IDA and Dr. John D'Ambrosio of the Orange County Chamber of Commerce.

These dynamic individuals, along with the outstanding organizations they lead, make Orange County one of the premier places to live, work and do business in the State of New York.

I would like to highlight the efforts of our Orange County Employment and Training Administration under the leadership of Steve Knob. In 2007 our one stop center served over 7,000 customers, both employers and job seekers. We assisted over 4,600 job seekers and maintained one of the highest success rates in New York State. Our Employment and Training Administration also placed 495 Welfare recipients in new jobs and 692 potential Welfare recipients into jobs prior to their entering the system.

The work of Steve Knob and this department is nothing less than extraordinary, saving almost \$300,000 in County taxation but more importantly changing lives before they enter a cycle of dependency that is often hard to escape. Well done, Steve.

Orange County continues its collaboration with SUNY Orange to insure that our Managers and Supervisors receive the best training to more effectively manage their departments. To better serve the people of this County we will continue these management training programs in the coming year.

Our grants and project coordinator, Angie Kays-Burden, has once again helped to identify and assist in obtaining \$6.2 million dollars in new grant funding to augment critical services and relieve the burdens on local taxation.

I am also pleased to note that our Risk Management Department under the direction of Mike Morris has begun the process of allowing our local municipalities to opt out of the Orange County Workers Compensation Fund. To date only three of our municipalities remain, as most have realized the savings they can achieve by leaving the program. The removal of the locals from this system, in conjunction with our own improved insurance programs, will result in significant savings to our budget this year and in the future.

As I have indicated before, this has been a difficult financial year for Orange County as well as the state and nation; however, I think it is important to remember that with the help of this legislative body we were able to once again provide a modest reduction to the county tax rate this year. Our tax rate continues to be the lowest since World War II and I have to commend Finance Commissioner Joel Kleiman and Budget Director Neil Blair for their prudent and conservative policies. Our Bond rating continues to be outstanding, second only to Westchester County. As a result of our high credit worthiness we have saved approximately \$1.7 million dollars over counties with only A ratings in future interest cost for 2007 borrowings.

Despite these impressive savings and reductions in the tax rate and conservative spending practices, the County still remains concerned with the fiscal projections for the coming years, and in our '08 budget my administration was forced to cut departmental budget requests by \$9.8 million dollars.

To our partners in State government, we understand your task is difficult and we know that each member of the State legislature is working diligently to produce a sound budget. Our concern as counties is the lack of control we have over the many programs that Albany places on local governments without sufficient funds to support these many programs. When 75% of our budget is mandated by the State of New York, even small percentages can make an enormous impact on the County's bottom line.

This year's proposed state budget will see Orange County lose 3 million dollars. That is a tremendous amount of money given the fact that we have already adopted our budget for this year.

To that end and with the Governor's most recent State budget in mind, I have created the Orange County Commission on Efficiency and Cost Containment. This Commission under the direction of Steve Gross, Director of Operations and Cost Control, will review and advise my office on any and all cost saving measures we can implement. To assist this Commission, my office has requested all

department heads to begin identifying ways to achieve reductions in spending and operational costs in their current 2008 budget.

As County Executive and a lifelong citizen of this County, I do not enjoy taking these hardline policies but I would be negligent in my fiduciary responsibilities if I did not prepare this County for our children and now, as a soon-to-be grandfather, our grandchildren. They deserve our commitment now to secure their future.

We can't always make the easy and popular choices. We make choices out of concern for the financial integrity of this County now and for the future.

I want to address our ongoing negotiations with our unionized County workforce. I, as well as the members of this legislative body, are proud of the service rendered by our County employees, and I want to thank them for their continued dedication to the people of this County.

I believe that the individual members want to settle these contracts and when you get past the posturing and rhetoric, we will achieve contracts which are fair and preserve the fiscal integrity of the County.

We have made significant offers to the leadership of our largest union and my only request is that they take our offers to the membership. Again, look past the stickers, slogans and personalities. The offer the County has on the table is reasonable, prudent and allows us to meet the needs of our employees and the taxpayers. I urge the leadership of the union to take the offer we have presented to the membership and let them have an opportunity to see it first hand.

While these are challenging economic times, I would like to report on the encouraging signs for our local economy coming from Stewart Airport. The changes brought about since the takeover by the Port Authority of New York and New Jersey have been nothing less than extraordinary.

The completion of the Drury Lane Project, the arrival of Jet Blue, Air Tran and Skybus confirm what many of us have said for years about Stewart Airport.

Now, under the leadership of the Port Authority, we finally have an entity with both the skill and resources to develop Stewart in a manner that will benefit not only Orange County but the entire Hudson Valley region.

Hand in hand with the progress at Stewart has been the transformation of our own Orange County Airport in Montgomery under the able leadership of Airport Director Lenny Llerena.

The overall improvements, coupled with the commitment of a first class fixed based operator for our Airport, will greatly improve the service at this facility.

Orange County Airport is poised to truly take off and benefit from increased corporate air travel while maintaining its long tradition of servicing the local flying enthusiast.

Another institution that is a rich part of our history and holds the promise to strengthen our future is SUNY Orange. Since its inception as the first County sponsored Community College in the State, SUNY Orange has been a leader in providing for the educational needs of our citizens. It is one of the great resources of our community.

I can't thank Dr. Richards and the Board of Trustees enough for their vision and leadership in making SUNY Orange a first class educational opportunity for the residents and students of this County.

I am also pleased to announce that the Newburgh Campus of SUNY Orange will be the first certified LEED facility in Orange County Government and I want to thank my Administrative Officer James O'Donnell for his hard work on this project.

With the cooperation of this body we are again positioning SUNY Orange for growth and stability well into the future. The Newburgh Branch Campus, the Gilman Institute and significant improvements to the Middletown Campus will continue to help SUNY Orange be the college of choice for generations of Orange County residents.

I would also like to recognize the efforts of our Orange County Office of Community Development. Under the direction of Thomas Lane, this Department has made great strides in improving services to County residents.

Community Development completed 8 HOME projects this past year with a total development cost of \$42 million dollars, of which \$1.8 million was funded by the HOME Program. These projects resulted in a total of 340 units of affordable housing of which 59 are dedicated HOME units. We sponsored the first ever "Catch a Dream" symposium which brought together first-time home buyers with federal, state, local and private resources to fulfill the dream of homeownership.

Tom revised our residential Rehabilitation Program to place new emphasis on major system repairs and weatherization of homes occupied by elderly residents. Community Development also funded two new senior centers in Montgomery and Maybrook and assisted with improvements to Goshen, Greenwood Lake and the Town of Mt. Hope.

Additionally, Community Development funding has also enhanced public accessibility and safety with new sidewalks in Otisville, Walden and Warwick.

I would like to thank our County Attorney David Darwin and his staff for the hard work they do in protecting County assets and reclaiming funds for the people of Orange County. Last year alone the County Attorney's Office reclaimed well over \$3 million dollars in settlements for the people of this County.

### **IMPROVING OUR COUNTY INFRASTRUCTURE**

Our efforts to strengthen and improve our County resources have continued this past year with our DPW. Under the strong leadership of Commissioner Ed Fares, Deputy Commissioners Pete Hammond, Charles Lee and Gary Scrittore, along with their DPW crews, they have shown that by keeping an "open mind" and a "can do" attitude, County government is reshaping the way we do business.

The Middletown Community Campus renovation is now complete, bringing over 120 County jobs to the City of Middletown. Our Buildings and Grounds Division just completed the last phase of the renovation to the 3<sup>rd</sup> floor of the Middletown Community Campus to house Cornell Cooperative Extension. We have also completed the renovations to our Consumer Affairs Department and made it ADA accessible on the main floor with significant cost savings to County taxpayers.

The Orange County Environmental Facilities and Services Division continues to lead the way in new and innovative measures to handle our County's solid waste disposal. We have obtained a permit from the New York State DEC to construct and operate a 675 ton per day solid waste transfer station at New Hampton. This modern facility will be more efficient and serve this County for many, many years.

We have obtained approval from the United States Environmental Protection Agency for the implementation of an Industrial Pretreatment Program for Orange County Sewer District No. 1.

A clean, safe and adequate supply of water is critical to our health and economic future. We are in the process of our first water exploration project to assess our water reserves to meet the growing needs of Orange County residents well into the future.

The potential for water at the County owned Indigot and Dwaarkill sites, as well as the Mid-County Study and our proposal for regional water systems are a direct response to aging infrastructure and an increased demand for water within our municipalities. We look forward to expanding this program to the eastern portion of the County as we recognize that a responsible approach is a regional approach.

We believe these important projects will allow the County to help direct growth in those areas defined by the master plan to ensure we control and effectively manage our County's growth for decades to come.

Through our Highway Division we continue to improve and maintain our roads and bridges, ensuring safe and efficient travel for our residents and visitors.

John McCarey and our Division of Real Property continue to modernize this Department to better serve the residents of our County. John has improved residential access to Real Property via the web for general information, assessment data, tax bills, tax maps and pictometry.

In these difficult economic times, Real Property has worked to reduce tax delinquent parcels to less than 100 out of a total 135,000 properties.

We are also training municipal staff on the preparation and printing of tax rolls and bills. John's office has dealings with all our local municipalities, school districts and 344 taxing districts.

Now that the state has enacted some technical corrections to the Cold War veterans' tax exemption, I am proud to support this proposal and I urge the Legislature to pass this important measure today.

Mark Coleman and the staff at the Division of Purchasing have completed our copier consolidation program, saving the County at least 1 million dollars over the next five years. We have enrolled the County in an electricity and natural gas co-op with other counties to save up to 20% on electric and natural gas costs. We have also implemented the sale of surplus property on E-Bay which has realized over \$13,000 in new revenue for the County.

The Orange County Office of Information Technology has begun replacing outdated software and systems across the County with our new Oracle E Business System. This system will provide state of the art financial management, purchasing, payroll, Human Resources, general ledgers and project management while insuring our compliance with applicable state and federal regulations. In negotiating this contract, my concern was that we have a system that would provide reliable service well into the future. I am also pleased to report that through tough negotiations my office was able to save three million dollars from the original purchase price.

John McCaffrey and his staff have also created the Geographic Information Systems Division that generated \$35,000 in new revenue. John has also expanded our Voice Over Internet Protocol phone system working with other telecommunication enhancements for a total savings of \$26,000 a year.

Brett Simmons and the staff at the Orange County Parks, Recreation and Conservation Department have truly transformed our County Park system. We have begun renovations to the Graham M. Skea Parks and Recreation Center and opened our first County Dog Park. We are committed to expanding and improving our County recreational activities and Gonzaga and Glenmere are on the horizon.

While golfing nationwide has experienced serious declines, in Orange County we have increased our revenues significantly by implementing a new On-Line Tee Time reservation system allowing us to increase the number of rounds, while opening up Stony Ford and Hickory Hill to more players. The Parks Department has also started on the second phase of updating playground equipment for our entire parks system and we are continuing to expand the Heritage Trail.

We recognize the important role recreation plays in the health and socialization of our residents and we will continue to explore additional recreational opportunities across the County in the coming years.

I also want to remind our municipalities of the great opportunity they have to once again enhance their own park systems with our local parks grant program funded by the Legislature. This half million dollar program will go a long way to provide for enhanced recreation in our local communities.

### **QUALITY OF LIFE ISSUES**

As you all know, one of the most significant projects this government undertook was the purchase and closure of Camp LaGuardia. For too long the people of Central Orange were burdened with the problems of a New York City homeless shelter. I want to thank the Legislature for recognizing and acting on this historic opportunity.

Already, we have seen property values rise and petty crimes fall. Now we look forward to bringing this parcel back on the tax rolls, and to develop it for the benefit of local residents and the entire County. I urge this body to review objectively the offers before it and understand that this is a once in a lifetime opportunity that will change our County for years to come.

The Orange County Office for the Aging, under the steady hand of Nick Gerten, continues to work hard to improve the lives of seniors in new and innovative ways. Working together with our Department of Social Services, they established Orange County NY Connects, to allow for a single point of entry for Long Term Care. The Senior Dining program has 1,161 consumers receiving over 190,000 meals through home delivery and congregate dining. Our Health Insurance Information Counseling and Assistance Program has helped over 2,800 Orange County residents navigate the complex world of Medicare.

I am happy to report the tremendous progress being made at our Department of Consumer Affairs under the leadership of Commissioner Charles Mitchell. This Department is taking an increasingly active role in helping consumers across our County.

Our Electrical Licensing Board is in place and testing should begin this spring with the first licenses being issued sometime this summer.

Orange County Clerk Donna Benson continues to make the Orange County Clerk's Office one of the most efficient and user friendly offices in the state.

Donna is a great asset to the people of this County and the Clerk's Office remains one of the most accessible and pleasurable departments to deal with in County Government.

Commissioner Chris Ashman and our Orange County Department of Mental Health continue their fine tradition of service to the residents of our County.

The work of this department is critical to protecting some of our most vulnerable citizens and we salute their many accomplishments.

As many of you know, Orange County has the largest number of returning veterans from Iraq

and Afghanistan in the Hudson Valley. Our Orange County Veterans Service Agency led by Director Tony Zippo has made meeting the needs of these brave men and women a high priority. Orange County will always respond to the needs of our nation's veterans and I want to thank Tony and his department for their hard work and dedication.

Commissioner of Health Dr. Jean Hudson continues her mission to protect and promote the Health of Orange County residents. Her commissioner columns, clinics, wellness screenings and educational sessions continue to grow and flourish across this County.

Dr. Hudson's dedication and vision truly reflect a growing recognition that public health is just as important as your own personal health and well being.

I would be remiss if I did not note the enormous commitments made by our local hospitals to improving health care for our residents. Orange Regional Medical Center will break ground this year on the first hospital built in 35 years between Albany and New York City.

The enhancements by Orange Regional Medical Center, Bon Secours and St. Luke's Cornwall Hospital continue the proud tradition of providing high quality care right here in Orange County.

Our Orange County Department of Social Services under the skillful leadership of Commissioner David Jolly continues to break new ground in offering programs to assist our residents while maximizing grants and streamlining services to save County tax dollars.

Dave Jolly truly is concerned with each person who faces adversity in this County. He understands the importance of rooting out fraud and abuse which leaves less funding for those who are truly in need. I applaud his efforts on reviewing Medicaid expenditures and providing for a safe efficient transfer from a fee for service Medicaid program to a managed care program.

In working with the Orange County Youth Bureau, DSS has established the first Orange County Youth Employment Project. This program directly targeted at risk teenagers in partnership with private businesses in Highland Falls. This project proved highly successful and is worthy of replication across the County as a way to reach out to the County's youth by providing employment, as well as hope and guidance from positive adult leaders in a community.

DSS has also launched a countywide Energy Campaign in conjunction with the Orange County Energy Task Force. This year over 1,800 Energy Saving Toolkits were distributed across Orange County and almost 300 county residents attended our energy saving workshops. This past year, we committed \$100,000 to weatherization service projects.

As a result of our commitment, Orange County will be highlighted with a statewide "Best Practice" in community partnerships to save energy. The Department also continues to target areas within our three cities with outreach programs and active partnerships with our Not for Profits. They truly make a difference for the people of this County each and every day.

The Orange County Youth Bureau continues to provide strong guidance and first rate programs to our young people. Carol Chichester and her staff have actively worked on the issues of violence in our schools and have developed a number of Safe School Ambassadors programs to help deal with escalating safety issues in our schools. Last Summer's Youth Academy was such a success in Port Jervis, we will now be expanding to Middletown and Newburgh.

The Youth Bureau also continues to educate police departments, schools and community leaders with countywide programs and symposiums to ensure that our community has the most accurate and current information on the difficult issues confronting our youth today.

As we continue to focus on our future, the Orange County Planning Department, led by David Church, has helped this County to adopt policies that are economically viable while respecting and retaining the unique quality of life that we all enjoy.

The Orange County Planning Department has been in the forefront of integrating our new Transit Orange program and helped with the introduction of free parking at all the County's Park n Rides. Transportation and land use programs are critical if we are to maintain our competitive edge while exploring new and innovative shared municipal services.

The Planning Department continues to oversee numerous studies that will help my office and this Legislature chart our course for years to come.

Ladies and Gentlemen, for 325 years this County has stood through recessions, depressions, world wars, cold wars and through it all we have been a people assembled from every corner of the globe with one purpose. We are seeking a better way of life for our children and our children's children.

I believe there is something special about this land, its people and the fierce passion with which we live, love and raise our families.

We are truly a blessed land nestled between two rivers, cradled by ancient mountains and fed by green valleys. This County ... our County is a special place worthy of our admiration and worthy of our labors to make this a great place to live, work and raise our families.

Together, we will continue to work with a steady purpose and one thought in mind... to leave this County better than when we started and continue to make our mark in history.

Thank you for listening and may God Bless the United States of America, our Great State of New York and our own County of Orange.

EDWARD A. DIANA  
County Executive

March 6, 2008

Mr. Seidman requested that Item No. 1, **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE FUNDING OF A CONSERVATION EASEMENT OVER THE KEZIAH LAIN FARM IN THE TOWN OF MINISINK, CLASSIFYING THE PROJECT AS AN UNLISTED ACTION AND ISSUING A NEGATIVE DECLARATION**, be withdrawn and referred to the Rules Committee and Item No. 2, **BOND RESOLUTION AUTHORIZING THE ACQUISITION OF THIRD PARTY ENFORCEMENT RIGHTS IN A CONSERVATION EASEMENT WITH RESPECT TO THE KEZIAH LAIN FARM LOCATED IN THE TOWN OF MINISINK FOR OPEN SPACE PURPOSES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$584,000, APPROPRIATING SAID AMOUNT THEREFOR, ETC.**, be withdrawn and referred to the Rules and Ways and Means Committees.

Chairman Lahey stated that if there were no objections, Item No. 1 would be withdrawn and referred back to the Rules, Enactments and Intergovernmental Relations Committee, and No. 2 would be withdrawn and referred back to both the Rules, Enactments and Intergovernmental Relations and Ways and Means Committees.

Mr. Paduch requested that Item No. 11, **BOND RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO 2008 PUBLIC WORKS BUDGET FOR REPLACEMENT OF WARWICK MAINTENANCE GARAGE, \$350,000, ETC.**, be withdrawn



and referred to the Physical Services Committee, and Item No. 12, **RESOLUTION APPROVING THE ABANDONMENT OF A PORTION OF DRURY LANE (CR No. 54) TO THE TOWN OF MONTGOMERY**, be withdrawn and referred to the Physical Services and Ways and Means Committees.

Chairman Lahey stated that if there were no objections, Item No. 11 would be withdrawn and referred to both the Physical Services and Ways and Means Committees, and Item No. 12 would be withdrawn and referred to the Physical Services Committee.

Mr. Pillmeier asked why Item No. 12 was being referred back.

Mr. Paduch replied that he had a conversation with the Supervisor of the Town of Montgomery who asked to have a discussion with the Supervisor of the Town of Newburgh and he asked that the Legislature put this aside for a month so they can have this discussion.

Chairman Lahey added that there was a question about some correspondence and a month will allow this to be resolved. It will be referred back to committee.

By Mr. Decker:

**RESOLVED**, that the minutes of January 3, 2008 and February 6, 2008 be approved. The motion was seconded by Mr. Winstanley and adopted.

ADOPTED.

**JOINT-WAYS AND MEANS AND RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEES:**

Certificate of the Clerk relative to the placing on desks of Legislators copy of Local Law Introductory No. 1 of 2008 was presented to the Legislature.

On motion the same was received and ordered placed on file.

**Sponsors: Brescia, Paduch, Seidman, Marino**  
**Co-Sponsors: Kulisek, Fornario, Donnery, Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Burger, Depew, Eachus, Pahucki, Spencer, Townsend, Lahey**

**A LOCAL LAW, BEING LOCAL LAW INTRODUCTORY NO. 1 OF 2008, ENTITLED "A LOCAL LAW OF THE ORANGE COUNTY LEGISLATURE EXERCISING CERTAIN OPTIONS WITH REGARD TO A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS AS AUTHORIZED BY REAL PROPERTY TAX LAW SECTION 458-b."**

Seconded by Mr. Winstanley.

Mr. Marino stated that he is pleased to be a co-sponsor and this is just one more effort to show the veterans that we appreciate the sacrifices they have made. The Town of Newburgh passed this in December and it should be widespread in the County as well.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey







<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Town of Blooming Grove 22-10-56	Equitable Attraction, LLC 1576 West Kenai Court Eagle, ID 83616	\$100.00
Town of Blooming Grove 27-1-24	Equitable Attraction, LLC 1576 West Kenai Court Eagle, ID 83616	\$100.00
Town of Blooming Grove 27-1-58	Rjazz Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$100.00
Town of Blooming Grove 27-3-10	Rjazz Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$100.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;           Noes 0;                           Absent 0;                           ADOPTED.

**Sponsors: Benton, Kulisek**

#### **RESOLUTION NO. 38 OF 2008**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 8 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 8 of 2001), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., April 21, 2008, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<b>PARCEL</b>	<b>BIDDER</b>	<b>AMOUNT OF BID NET TO COUNTY</b>
Town of Blooming Grove 25-2-92	Equitable Attraction, LLC 1576 West Kenai Court Eagle, ID 83616	\$100.00
Town of Blooming Grove 28-5-19.3	Rjazz Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$100.00
Town of Blooming Grove 28-5-19.4	Thomas Ruggiero 250 Oak Street Bellmore, NY 11710	\$100.00
Town of Blooming Grove 28-5-19.5	Rjazz Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$100.00
Town of Blooming Grove 29-2-83	Rjazz Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$100.00

Seconded by Mr. Winstanley.

Mr. Paduch stated that in committee there was discussion about a study being done through a grant for \$30,000 to see if there could be some infrastructure needs addressed in that area. We did not see the results of the study and the people doing the study need more money to complete it. On the recommendation of Mr. Church we will go with this sale. The people buying these properties are not from around here.

Mr. Fornario stated that he forwarded a list of these properties to the Town Supervisor in Blooming Grove. He asked if any of these parcels would be needed for infrastructure improvements and the answer was no.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Amo, Paduch**

**RESOLUTION NO. 39 OF 2008****RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 8 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 8 of 2001), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., April 21, 2008, as indicated below.
2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<b><u>PARCEL</u></b>	<b><u>BIDDER</u></b>	<b><u>AMOUNT OF BID NET TO COUNTY</u></b>
Town of Blooming Grove 32-2-25.2	Arthur R. Dechecci 16 Arcadian Trail Monroe, NY 10950	\$1,000.00
Town of Blooming Grove 32-3-29.2	Arthur R. Dechecci 16 Arcadian Trail Monroe, NY 10950	\$ 100.00
Town of Blooming Grove 32-3-29.3	Arthur R. Dechecci 16 Arcadian Trail Monroe, NY 10950	\$ 100.00
Town of Blooming Grove 32-3-29.4	Arthur R. Dechecci 16 Arcadian Trail Monroe, NY 10950	\$ 100.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Seidman, Kulisek**

**RESOLUTION NO. 40 OF 2008**

**RESOLUTION APPROVING THE APPLICATIONS FOR CORRECTION OF CERTAIN TAX ROLLS BECAUSE OF CLERICAL ERRORS, ETC., PURSUANT TO TITLE 3 OF ARTICLE 5, SECTION 554 OF THE REAL PROPERTY TAX LAW.**

WHEREAS, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2008 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 554 of the Real Property Tax Law as summarized below.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
2. That the taxes levied and extended upon said parcels be and the same hereby are reduced and or corrected in the manner and to the extent set forth in said reports of the Director, as shown below.

**FOR THE YEAR 2008**

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Cornwall 18-4-7.11	James & Mechele McGready	550-(2)-h Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$255,550	\$1,525.15	\$255,550	\$1,525.15	\$ 0.00
Town	\$255,550	\$ 375.15	\$255,550	\$ 375.15	\$ 0.00
Highway	\$255,550	\$ 262.65	\$255,550	\$ 262.65	\$ 0.00
PT Town	\$255,550	\$ 332.27	\$255,550	\$ 332.27	\$ 0.00
School Relevy		\$7,981.40		\$ 0.00	\$7,981.40
Canterbury Fire	\$255,550	\$ 388.87	\$255,550	\$ 388.87	\$ 0.00
Cornwall Hydrant	\$255,550	\$ 56.14	\$255,550	\$ 56.14	\$ 0.00
Cornwall Lt.	\$255,550	\$ 43.78	\$255,550	\$ 43.78	\$ 0.00
Cornwall Refuse	10 units	\$ 291.09	10 units	\$ 291.09	\$ 0.00
Cornwall Sewer o&m	\$255,550	\$ 366.69	\$255,550	\$ 366.69	\$ 0.00
Cornwall Sewer Cost	\$255,550	\$ 116.20	\$255,550	\$ 116.20	\$ 0.00
		\$11,739.39		\$3,757.99	\$7,981.40

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Cornwall 1-3-11	Steven & Carol Brown	550-(2)-h Clerical Error



	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$431,300	\$ 2,574.04	\$431,300	\$2,574.04	\$ 0.00
Town	\$431,300	\$ 633.15	\$431,300	\$ 633.15	\$ 0.00
Highway	\$431,300	\$ 443.29	\$431,300	\$ 443.29	\$ 0.00
PT Town	\$431,300	\$ 560.78	\$431,300	\$ 560.78	\$ 0.00
School Relevy		\$ 14,032.45		\$ 0.00	\$14,032.45
Cornwall Amb. Dist.	\$431,300	\$ 60.86	\$431,300	\$ 60.86	\$ 0.00
Salisbury Mills Fire	\$431,300	\$ 730.84	\$431,300	\$ 730.84	\$ 0.00
Or Mills Lt.	\$431,300	\$ 47.14	\$431,300	\$ 47.14	\$ 0.00
Cornwall Refuse	10 units	<u>\$ 291.09</u>	10 units	<u>\$ 291.09</u>	\$ <u>0.00</u>
		\$19,373.64		\$5,341.19	\$14,032.45

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 307-1-9.22	Regal Developers of OC Inc.	550-(2)-e Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$5,000	\$ 98.75	\$5,000	\$ 98.75	\$ 0.00
Town	\$5,000	\$ 29.20	\$5,000	\$ 29.20	\$ 0.00
SW060 Co 1 bond stp & intc	\$5,000	\$ 13.27	\$5,000	\$ 13.27	\$ 0.00
SW061 Co 1 bond lat.	\$5,000	\$ 1.20	\$5,000	\$ 1.20	\$ 0.00
County unpaid sewer		<u>\$10,062.49</u>		<u>\$ 0.00</u>	<u>\$10,062.49</u>
		\$10,204.91		\$142.42	\$10,062.49

**FOR THE YEAR 2006**

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 305-1-7.1	Cong. Keren V' Yoel Moshe	550-(2)-e Clerical Error

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount to be DECREASED</u>
County	\$ 0	\$ 0.00	\$ 0	\$ 0.00	\$ 0.00
Town	\$ 0	\$ 0.00	\$ 0	\$ 0.00	\$ 0.00
Village Relevy		\$ 871.81		\$ 871.81	\$ 0.00
Co 1 bond stp&intc	\$15,300	\$ 34.14	\$15,300	\$ 34.14	\$ 0.00
Co. bond laterals	\$15,300	\$ 3.15	\$15,300	\$ 3.15	\$ 0.00
County unpaid sewer		<u>\$6,707.75</u>		<u>\$4,092.08</u>	<u>\$2,615.67</u>
		\$7,616.85		\$5,001.18	\$2,615.67

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; **ADOPTED.**

Sponsors: Benton, Kulisek

**RESOLUTION NO. 41 OF 2008**

**RESOLUTION PURSUANT TO REAL PROPERTY TAX LAW SECTION 558  
DIRECTING  
THE CANCELLATION OF CERTAIN TAXES WHICH HAVE BEEN RENDERED  
UNENFORCEABLE.**

**WHEREAS**, it has been brought to the attention of the Commissioner of Finance that the lien for certain taxes extended on the tax rolls for the municipality listed is rendered permanently unenforceable by reason of law.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the delinquent taxes for the land listed below be cancelled and charged back to the affected municipality.

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Warwick 203-4-26	Chelsea Gardens, Inc.	Property is a road

**FOR THE YEAR 2005**

County	\$ 17.42
Town	\$ 4.25
AM005 Warwick Ambul.	\$ 0.66
FD043 Warwick Fire	\$ 2.86
Warwick Ctrl. School	\$ 98.39
7% relevy penalty	\$ 6.89
Village of Warwick	\$ 33.39
9% Village interest	\$ 3.01
7% relevy penalty	\$ 2.55
5% County/Town penalty	\$ 8.47
Town Mail Fee	<u>\$ 2.00</u>
	\$179.89

**FOR THE YEAR 2006**

County	\$ 17.70
Town	\$ 4.09
Gen. Police Service	\$ 7.60
AM005 Warwick Ambul.	\$ 0.79
FD043 Warwick Fire	\$ 2.95
Warwick Ctrl. School	\$ 101.71
7% relevy penalty	\$ 7.12
Village of Warwick	\$ 42.72
9% Village interest	\$ 3.84
7% relevy penalty	\$ 3.26
5% County/Town penalty	\$ 9.59
Town Mail Fee	<u>\$ 2.00</u>
	\$203.37

**FOR THE YEAR 2007**

County	\$ 19.81
Town	\$ 4.52

Gen. Police Service	\$ 8.14
AM005 Warwick Ambul.	\$ 0.79
FD043 Warwick Fire	\$ 3.00
Warwick Ctrl. School	\$ 104.97
7% relevy penalty	\$ 7.35
Village of Warwick	\$ 38.95
9% Village interest	\$ 3.51
7% relevy penalty	\$ 2.97
5% County/Town penalty	\$ 9.70
Town Mail Fee	<u>\$ 2.00</u>
	\$205.71

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**PHYSICAL SERVICES COMMITTEE:**

**Sponsors: Decker, Pahucki**

**RESOLUTION NO. 42 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE SIGHT DISTANCE IMPROVEMENTS FOR A PORTION OF SARAH WELLS TRAIL IN THE TOWN OF HAMPTONBURGH (CR NO. 8) AND CLASSIFYING THE PROJECT AS AN UNLISTED ACTION.**

**WHEREAS**, the County of Orange intends to improve the sight distance for a portion of the Sarah Wells Trail (CR No. 8) in the Town of Hamptonburgh; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), the Legislature of Orange County assumes Lead Agency status based on a review of Parts I, II and III of the Environmental Assessment Form ("EAF"), and the assessment indicates that the project will not have any significant adverse environmental impacts.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares itself as lead agency for the environmental review of the action pursuant to 6 NYCRR 617.6.
2. Classifies the Project as an Unlisted Action and that the project will not result in any significant adverse environmental impact and no further action is required.





of financing includes the issuance of \$3,300,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$3,300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$3,300,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, NY, the Warwick Advertiser-Photo News, published in Warwick, NY; News of the Highlands, Inc., published in Cornwall, NY; Times Community Newspapers, published in Newburgh, NY; and Hudson Valley Black Press, published in Newburgh, NY, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.



authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in *The Sentinel*, Vails Gate, N.Y., the *Warwick Advertiser-Photo News*, published in Warwick, NY; *News of the Highlands, Inc.*, published in Cornwall, NY; *Times Community Newspapers*, published in Newburgh, NY; and *Hudson Valley Black Press*, published in Newburgh, NY, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

Mr. Depew made a pledge in the Physical Services Committee to look into this issue with the members of the Public Works Department with respect to energy efficiency and he had a very positive telephone call today with Mr. Lee from DPW who assured Mr. Depew that he will be looking into idle policies.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Seidman, Spencer, Townsend, Winstanley, Lahey

Noes: Pahucki



Ayes 20;

Noes 1;

Absent 0;

ADOPTED.

**Sponsors: Decker, Seidman, Brescia, Benton****RESOLUTION NO. 47 OF 2008****BOND RESOLUTION DATED MARCH 6, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REPLACEMENT OF VARIOUS MOTOR VEHICLES FOR THE DEPARTMENT OF ENVIRONMENTAL FACILITIES AND SERVICES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$663,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$663,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Environmental Facilities and Services Department consisting of the replacement of various motor vehicles. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$663,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$663,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$663,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$663,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature

in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, NY, the Warwick Advertiser-Photo News, published in Warwick, NY; News of the Highlands, Inc., published in Cornwall, NY; Times Community Newspapers, published in Newburgh, NY; and Hudson Valley Black Press, published in Newburgh, NY, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

Mr. Kulisek stated that there is an RFP out for counsel to look at the governance of O. C. Sewer District No. 1. He supports a new governance of that Sewer District by the people and they need input in the District. He was curious as to why the Sewer District No. 1 Advisory Committee no longer met and if they could meet again.

Mr. Townsend thanked Mr. Kulisek and with Messrs. Fornario, Spencer and Amo they are starting to get more involved and talking with the people there. The people are getting more involved as well.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE:**

**Sponsors: Donnery, Bonacic**

**RESOLUTION NO. 48 OF 2008**

**RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY OFFICE OF THE DISTRICT ATTORNEY, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the Orange County Office of the District Attorney in the amount of \$644.00, for a Criminal Investigator to attend a four-day Cybercop 202-ILOOK Automatic Forensic Application course in Fairmont, West Virginia in order to gain a better understanding of the unique issues related to Linux based computers. Said funds shall come from the District Attorney's forfeiture account, and in order to accomplish said purpose, this Legislature does wish to supplement the 2008 Budget for the Orange County Office of the District Attorney as indicated below.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 Budget for the Office of the District Attorney is hereby supplemented as indicated below, for a Criminal Investigator to attend a four-day course; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	09	001168	2626	Asset Forfeiture Account	\$644.00
<b>Expense:</b>	09	001168	7677	Special Travel	\$644.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors:** Amo, Brescia  
**Co-Sponsor:** Spencer

#### **RESOLUTION NO. 49 OF 2008**

#### **RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY OFFICE OF THE DISTRICT ATTORNEY, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the 2008 budget of the Orange County Office of the District Attorney in the amount of \$10,000.00 for the travel and training for the Forensic Computer Lab Investigator to attend various sessions throughout 2008, and in order to accomplish said purpose, this Legislature does wish to supplement the 2008 budget for the Office of the District Attorney.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 budget for the Orange County Office of the District Attorney is hereby supplemented as indicated below for the travel and training for the Forensic Computer Lab Investigator to attend various sessions throughout 2008, said funds are to come from the forfeiture account; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.



**HEALTH AND MENTAL HEALTH COMMITTEE:**

**Sponsors:** Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

**RESOLUTION NO. 51 OF 2008****RESOLUTION RECOGNIZING MARCH AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH.**

**WHEREAS**, people with developmental disabilities, such as Down Syndrome, Fragile X Syndrome, Autism, Cerebral Palsy, Mental Retardation and others, constitute one of America's largest group of citizens who have disabilities; and

**WHEREAS**, the most effective methods for improving the lives of these individuals are public awareness, understanding and inclusion in the community; and

**WHEREAS**, the Orange County Department of Mental Health, along with the Hudson Valley Developmental Disabilities Service Office and local providers, established a Service Needs Access Panel (SNAP). SNAP offers a central point of entry into the system of services for county residents with a developmental disability and their families that have unmet needs. The panel is designed to simplify access to services; and

**WHEREAS**, a primary goal for New York State, the County of Orange and local agencies, providers and volunteers is to enable individuals with developmental disabilities to actively participate in their community; and

**WHEREAS**, Orange County is committed to empowering and supporting persons with developmental disabilities to achieve self-determined lifestyles through community-based activities and relationships; and

**WHEREAS**, Orange County is proud to recognize and support the efforts of municipalities, citizens and organizations that support persons with developmental disabilities in maximizing their full potential by residing and participating in the community.

**NOW THEREFORE, BE IT HEREBY**

**RESOLVED**, that We, the Orange County Legislature, recognize March as Developmental Disabilities Awareness Month for Orange County; and we urge all citizens, in recognition of the tremendous value and potential of children and adults with developmental disabilities, to dedicate themselves to the empowerment and full inclusion of these individuals in all aspects of community life, all year long; and be it further

**RESOLVED**, that we the Orange County Legislature wish to acknowledge and recognize the hard work and efforts of the following agencies in the area of Developmental Disabilities:

Orange County Department of Mental Health, Hudson Valley Developmental Disabilities Service Office, Action Toward Independence, Chemlu Developmental Disabilities Center, Inc., Crystal Run Village, Inc., Epilepsy Society, Inc., Family Empowerment Council, Inc., Footings, Inc., Greystone Programs, Inc., Hamaspik of Orange County, Inc., Independent Living, Inc., Inspire, The Cerebral Palsy Center, Mental Health Association of Orange County, Inc., Occupations, Inc., Orange County AHRC, Inc., Orange County Association for Learning Disabled; Rayim of Hudson Valley, Inc., Stony Ford Foundation, Inc., Orange/Ulster BOCES, and all School Districts who serve the residents



14.418807	7313	Educational Materials	\$ 7,000.00
14.418807	7314	Postage	\$ 1,000.00
14.418807	7320	Meeting Supplies	\$ 2,500.00
14.418807	7379	Software	\$ 2,000.00
14.418807	7382	Specialty Materials	\$ 20,000.00
14.418807	7518	Equipment Lease	\$ 1,000.00
14.418807	7634	Telephone	\$ 4,000.00
14.418807	7664	Advertising	\$ 30,000.00
14.418807	7676	Routine Mileage	\$ 6,000.00
14.418807	7677	Special Travel	\$ 2,431.00
14.418807	7682	Specialty Payments	\$ 5,000.00
14.418807	7708	Printing	\$ 5,000.00
14.418807	8044	Office Furniture (Other)	\$ 2,000.00
14.418807	8050	Chairs (<\$500)	\$ 1,000.00
14.418807	8314	Computer Equipment	\$ 4,000.00
14.418807	8410	Media Equipment	\$ 2,000.00
14.418807	7791	Indirect Cost Expense	<u>\$ 19,184.00</u>
Total Lead Safe Orange Program			\$383,671.00

Seconded by Mr. Winstanley.

Mr. Winstanley mentioned that this program is good at controlling the spread of lead-based paint with children but also that the County supplies new windows and doors to insure better heating and cooling.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsor: Benton**

#### **RESOLUTION NO. 53 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$14,173.00 for the Early Intervention Program in order to provide support for the administrative functions of said program in Orange County. The term of the grant runs from October 1, 2007 until September 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$14,173.00 for the Early Intervention Program in Orange County.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County’s right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County’s right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004122	3472	State	\$14,173.00
<b>Expenses:</b>	14.004122	8040	Desks	\$ 1,325.00
	14.004122	8044	Office Furniture	\$ 8,770.00
	14.004122	8050	Chairs	\$ 740.00
	14.004122	8022	Headsets, telephones	\$ 900.00
	14.004122	8211	Building Equipment	\$ 300.00
	14.004122	7310	Office Supplies	\$ 750.00
	14.004122	7676	Employee mileage	\$ 1,388.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsor: Townsend**

**RESOLUTION NO. 54 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS,** the New York State Department of Health has offered a grant in the amount of



\$1,952.00 for the Children with Special Health Care Needs Program for the implementation of programs that assist families of children with health-related needs in accessing appropriate community resources. The term of this grant runs from October 1, 2007 until September 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$1,952.00 for the Children with Special Health Care Needs Program in Orange County.
2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.
4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.
5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004160	3472	State	\$1,952.00
<b>Expenses:</b>	14.004160	8040	Desks	\$ 628.00
	14.004160	8044	Office Furniture	\$ 570.00
	14.004160	8050	Chairs	\$ 710.00
	14.004160	7676	Employee mileage	\$ 44.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

**Sponsor: Winstanley**

#### **RESOLUTION NO. 55 OF 2008**

#### **RESOLUTION APPOINTING MEMBER TO THE BOARD OF HEALTH OF ORANGE**





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## REGULAR SESSION

Friday, April 11, 2008

The Legislature convened in Regular Session at 10:06 a.m.

The Legislature was called to order by Chairman Lahey with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call, all members were present with the exception of Legislator Paduch.

Chairman Lahey welcomed the students to Youth In Government Day. All Legislators introduced their counterparts for the day.

County Executive Edward A. Diana presented a proclamation acknowledging Sexual Assault Awareness Month in Orange County.

### **PUBLIC PARTICIPATION** (On file in Clerk, Legislative Office)

Chairman Lahey announced that Item Nos. 20, 21, 22, 35, 36 and 37 were moved up to the beginning of the agenda to assure 14 votes in case the meeting must be continued after the luncheon.

Mr. Seidman requested that Item No. 8, **RESOLUTION APPROVING THE SALE OF A CERTAIN DEED SALE PARCEL TO THE PREVIOUS OWNER OF RECORD, PURSUANT TO SECTION FIVE, PARAGRAPH B, 1 OF LOCAL LAW NO. 7 OF 2001**, be withdrawn.

Chairman Lahey stated if there no objections, Item No. 8 would be withdrawn.

By Mr. Pillmeier:

**RESOLVED**, that the minutes of March 6, 2007 be approved. The motion was seconded by Mr. Winstanley and adopted.

ADOPTED.

The following communications were presented to the Orange County Legislature:

### **COMMUNICATIONS:**

Communications from County Executive Edward A. Diana reappointing members to the Board of Directors of the Orange County Water Authority (T. DeBenedictus, M. Jacobowitz, J. Mandelbaum). On motion the same was received and ordered placed on file.

Communications from County Executive Edward A. Diana reappointing members to the Community Development Advisory Committee (B. Winstanley, C. Bohan, J. Ward, Jr.) and Orange County HOME Program Committee (J. Kulisek, L. Zapata-Perez). On motion the same was received and ordered placed on file.

### **JOINT-PHYSICAL SERVICES AND WAYS AND MEANS COMMITTEES:**

**Sponsors: Depew, Brescia, Seidman**

**RESOLUTION NO. 56 OF 2008****BOND RESOLUTION DATED APRIL 11, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ACQUISITION OF VARIOUS MOTOR VEHICLES AND RELATED EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Department of Public Works consisting of the acquisition of various motor vehicles and related equipment. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$500,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$500,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY and News of the Highlands, Inc., Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0;

Absent 1;

ADOPTED.

**Sponsors: Pillmeier, Depew, Benton, Paduch**

#### **RESOLUTION NO. 57 OF 2008**

#### **BOND RESOLUTION DATED APRIL 11, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF A NEW COUNTY MAINTENANCE GARAGE BUILDING, IN THE TOWN OF WARWICK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$820,000, APPROPRIATING \$350,000 THEREFOR IN ADDITION TO THE \$470,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$350,000 BONDS OF THE COUNTY, IN ADDITION TO THE \$470,000 BONDS PREVIOUSLY AUTHORIZED, TO PAY THE COST THEREOF AND DECLARING THE PROJECT AN UNLISTED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue an existing capital project No. 195 for the Department of Public Works consisting of construction of a new County Maintenance Garage Building, on the site of the existing maintenance garage on County Route No. 1 in the Town of Warwick. The estimated maximum cost of said

specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$820,000, and \$350,000 is hereby appropriated therefor in addition to the \$470,000 previously appropriated therefor. The plan of financing includes the issuance of \$350,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$350,000 bonds previously authorized therefor pursuant to Resolution No. 148 of 1997 and \$120,000 bonds previously authorized therefor pursuant to Resolution No. 388 of 2005 and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$350,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The building to be constructed will be of at least Class "B" construction as defined by Section 11.00 a. 11.(b) of the Law, and the period of probable usefulness for the specific object or purpose for which the \$350,000 bonds herein authorized are to be issued is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Orange County Legislature hereby declares the Project an Unlisted Action under the State Environmental Quality Review Act (SEQRA), and that the Project will not result in any significant adverse environmental impact and no further action is required.





Section 3. The period of probable usefulness for the specific object or purpose for which the \$650,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 20 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY and News of the Highlands, Inc., Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

Chairman Lahey announced that the Supervisor of the Town of Chester, Steve Neuhaus, contacted him to indicate his support for keeping this project moving as quickly as possible. As he indicated, this is one of the five most dangerous roads in the County and has been home to many accidents.

Mr. Spencer agreed that this project is very critical to the people who live on LaRoe Road. He asked that the Deputy Commissioner of DPW elaborate on the purpose of the bonding for this part of the project.

Mr. Lee explained that the first mile of paving will be done this year and that involves three walls. One retains the roadway from a wetland area, another retains the soil underneath a garage to save the structure and the other retains a front yard of a person's home. They have looked at many types of walls and chose a strong stone wall that looks like split-face granite and is the color of cement. It is very durable and maintenance free.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey  
Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**JOINT-EDUCATION AND ECONOMIC DEVELOPMENT AND PHYSICAL SERVICES COMMITTEES:**

**Sponsors: Spencer, Winstanley, Paduch, Kulisek**

**RESOLUTION NO. 59 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE DETERMINING UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) THAT THE EXPANSION AND IMPROVEMENTS AT THE SUNY ORANGE BRANCH CAMPUS IN THE CITY OF NEWBURGH WILL NOT HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT AND ISSUING A NEGATIVE DECLARATION.**

**WHEREAS**, the County of Orange is proposing to expand and improve its Newburgh Campus through the acquisition of land and the development of new buildings and parking facilities; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), the Legislature of Orange County determines that said expansion and acquisition will not have an adverse impact on the environment and issues a Negative Declaration, based on the Environmental Assessment Form.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Orange County Legislature determines that the above project will not result in any significant adverse environmental impact and issues a Negative Declaration based upon the Environmental Assessment Form.

Seconded by Mr. Townsend.

Mr. Berkman stated that JMZ Architects did a professional job in preparing the SEQRA documents but they are still incomplete. There should be elaboration on the impacts of ground water in the parking area and the removal of bedrock. Also, a public hearing should be held so that there is an open forum for the people of Newburgh.

Mr. Depew added that it is important to know that the JMZ SEQRA documents do mitigate a number of concerns regarding the environment on this project. Due diligence has been done and the County should move forward.

Chairman Lahey noted that the next two items are bonding resolutions and he explained that the City of Newburgh Council passed a resolution last night in support of transferring title of the land



**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:**

Section (A). The bond resolution of said County duly adopted by the County Legislature on March 1, 2007 and amended August 2, 2007, entitled:

**“RESOLUTION NO. 223 of 2007**

**BOND RESOLUTION DATED AUGUST 2, 2007**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING PREPARATION OF SURVEYS, PRELIMINARY PLANS AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING ACQUISITION OF LAND AND THE CONSTRUCTION OF A BUILDING AND RELATED IMPROVEMENTS THEREON AT THE ORANGE COUNTY COMMUNITY COLLEGE CAMPUS IN NEWBURGH, STATING THE ESTIMATED TOTAL COST THEREOF IS \$7,900,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$7,900,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF;”** is hereby amended to read as follows:

**BOND RESOLUTION DATED MARCH 1, 2007, AMENDED AUGUST 2, 2007 AND FURTHER AMENDED APRIL 11, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF A NEW BUILDING AND PARKING GARAGE AND RECONSTRUCTION OF THE EXISTING TOWER BUILDING AT THE ORANGE COUNTY COMMUNITY COLLEGE CAMPUS IN NEWBURGH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$68,900,000; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$29,100,000 BONDS OF THE COUNTY TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING THE EXPENDITURE OF \$29,800,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK AND \$10,000,000 IN PRIVATE GRANT FUNDS EXPECTED TO BE RECEIVED; TO PAY THE BALANCE OF SAID APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called “County”), is hereby authorized to continue existing capital project No. 272 for the Orange County Community College (“OCCC”), to include construction of a new building and parking garage at First and Grand Streets and renovation of the existing Tower Building located at Broadway and Colden Street, and associated site work and improvements on the OCCC campus in the City of Newburgh. The estimated total cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$68,900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$29,100,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and application of \$29,800,000 expected to be received from the State of New York and \$10,000,000 in private grant funds expected to be received to be expended towards the cost thereof.

Section 2. Bonds of the County in the principal amount of \$29,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the

Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 93 of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY; and News of the Highlands, Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

Seconded by Mr. Winstanley.



**“RESOLUTION NO. 222 of 2007****BOND RESOLUTION DATED AUGUST 2, 2007**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND, BUILDINGS AND RELATED IMPROVEMENTS THEREON IN THE CITY OF NEWBURGH IN ORDER TO PROVIDE A NEW ORANGE COUNTY COMMUNITY COLLEGE CAMPUS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$16,100,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF,”** is hereby amended to read as follows:

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND, BUILDINGS AND RELATED IMPROVEMENTS THEREON IN THE CITY OF NEWBURGH IN ORDER TO PROVIDE A NEW ORANGE COUNTY COMMUNITY COLLEGE CAMPUS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$16,100,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called “County”), is hereby authorized to continue existing capital project No. 272 for the Orange County Community College consisting of (a) acquisition of various parcels in the City of Newburgh and related rights of way, described in the Orange County tax map entitled Orange County Community College, Newburgh Branch Campus, Bond Resolution Plan dated April 1, 2008 and filed April 2, 2008, index number book BK/PG:0 12643/1203 with location of map in the Orange County Clerk’s Office Unit #1, Drawer #19, at the estimated total maximum cost of \$1,750,000 and (b) acquisition of the buildings and related improvements located thereon, at the estimated maximum cost of \$14,350,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$16,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$16,100,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$16,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. (a) The period of probable usefulness applicable to the class of objects or purposes referred to in Section 1.(a) for which \$1,750,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21. of the Law, is thirty (30) years. (b) The period of probable usefulness applicable to the class of objects or purposes referred to in Section 1.(b) for which \$14,350,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 11.(b) of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reason-

ably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY; and News of the Highlands, Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.



**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE:****Sponsors: Pillmeier, Seidman, Marino****RESOLUTION NO. 62 OF 2008****RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PLANNING, TO ACCEPT A FEDERAL TRANSIT ADMINISTRATION GRANT, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the Orange County Planning Department has requested the acceptance of Section 5311 transit capital project Federal funding via the New York State Department of Transportation in the amount of \$316,000.00, State funding in the amount of \$39,500.00 and Local share in the amount of \$39,500.00, for a total of \$395,000.00. This funding is allocated toward the cost of purchasing six (6) replacement dial-a-buses for lease to various bus operators listed in Schedule A. These funds will be paid to the County as reimbursement following purchase of the vehicles; and

**WHEREAS**, this Legislature does wish to accept said grant funds for the Department of Planning as indicated above.

**NOW THEREFORE** it is hereby

**RESOLVED** as follows:

1. That the County Executive, in conjunction with the Commissioner of Planning, be and hereby is authorized to accept the Section 5311 Federal Transit Administration funding in the amount of \$316,000.00, State funding in the amount of \$39,500.00 and Local funding in the amount of \$39,500.00 to purchase dial-a-buses for lease to various municipal operators according to Schedule A.

2. That the 2008 Budget for the Department of Planning is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of the Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

**SOURCE OF FUNDS:**

<b>Revenue:</b>	90	000426	1750 Bus Operations Matching Funds	39,500.00
	90	000426	3597 Transportation State Funds	\$ 39,500.00
	90	000426	4597 Transportation Federal Funds	\$316,000.00
<b>Expense:</b>	90	000426	7701 Capital Budget	\$395,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20;

Noes 0;

Absent 1;

ADOPTED.

**Sponsors: Fornario, Pahucki, Pillmeier**

**RESOLUTION NO. 63 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE COMMEMORATING  
PASSAGE OF THE FAIR HOUSING ACT.**

**WHEREAS**, in 1964, President Lyndon B. Johnson signed the Civil Rights Act of 1964, which, as the most sweeping civil rights legislation since Reconstruction, prohibited discrimination of all kinds based on race, color, religion, or national origin; and

**WHEREAS**, the Civil Rights Act of 1968, initially passed by the Senate on March 11th and then passed by the House of Representatives and signed into law by the President after the April 4th assassination of Dr. Martin Luther King, Jr. extended the prohibition of discrimination to the sale, rental and financing of housing; and

**WHEREAS**, April 11, 2008 marks the 40th anniversary of the passage of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of fair housing with regard to race, color, religion, national origin, sex, familial status, the physically challenged, and encourages fair housing opportunities for all citizens; and

**WHEREAS**, the Orange County Legislature joins with the Orange County Association of Realtors® in recognizing the significance of the passage of this act and its being signed into law; and

**WHEREAS**, the County of Orange and the realtor community are committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination and to support programs that will educate both real estate professionals and the public about the right to equal housing opportunities, to help assure every American and every New Yorker of their right to fair housing.

**NOW, BE IT THEREFORE RESOLVED**

We, the members of the Legislature of Orange County, do hereby resolve that April 2008, being Fair Housing Month, begins a year-long commemoration of the 40th anniversary of the U.S. Fair Housing Law and urge all citizens of the Greater Hudson Valley to wholeheartedly recognize this celebration throughout the year.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20;           Noes 0;           Absent 1;

**ADOPTED.**

**Sponsors:       Pahucki, Depew**  
**Co-Sponsor:     Decker, Berkman**

**RESOLUTION NO. 64 OF 2008****RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT BY THE CHAIRMAN OF THE ORANGE COUNTY LEGISLATURE TO THE ORANGE COUNTY BOARD OF ETHICS, PURSUANT TO LOCAL LAW NO. 2 OF 1994.**

**WHEREAS**, Honorable M. William Lahey, Chairman of the Orange County Legislature, has notified the County Legislature that he has made the following appointment and reappointment to the Orange County Board of Ethics, subject to confirmation by the Orange County Legislature.

**APPOINTMENT**

**Term to Expire: December 31, 2009**

MaryAnn Schultes  
2 Reservoir Avenue  
Port Jervis, NY 12771

**REAPPOINTMENT:**

**Term to Expire: December 31, 2008**

Leonard Curcio  
13 Dorian Way  
Campbell Hall, NY 10916

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said appointment and reappointment are and the same hereby are confirmed.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; **ADOPTED.**

**JOINT-RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS AND WAYS AND MEANS COMMITTEES:**

**Sponsors: Berkman, Depew, Kulisek, Amo**

**RESOLUTION NO. 65 OF 2008****RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BOARD OF ELECTIONS, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide additional funds in the amount of \$6,732.00 to existing Capital Project No. 147 (\$127,892) entitled "BOE Voting Machines" for the Orange County Board of Elections for the purchase of HAVA compliant voting machines. Total funds of \$134,624 represent the County's five (5%) required match for the acquisition.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 Budget for the Orange County Board of Elections is hereby supplemented by adding \$6,732.00 to existing Capital Project No. 147 as indicated below for the HAVA compliant voting machines, and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	45	000192	1596 Appropriated Surplus	\$6,732.00
<b>Expense:</b>	45	000192	8535 To 110 Capital Fund	\$6,732.00
<b>Revenue:</b>	90	000147	5031 From Capital Reserve	\$6,732.00
<b>Expense:</b>	90	000147	7701 Capital Budget	\$6,732.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; **ADOPTED.**

**Sponsors: Pahucki, Decker, Seidman, Brescia**

**“RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY BOARD OF ELECTIONS, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.”**

Mr. Seidman moved to amend this resolution to strike out a specific location for storage of the machines and also to change the dollar number from \$300,000.00 to \$100,000.00. The purpose of the amendment is to protect our investment in the new machines, seconded by Mr. Depew.

Mr. Pahucki stated that the County does not own the property where the current machines are being stored. That building is being rented for \$17,000 per month. He favors looking at alternative sites for the new machines. He asked how an amount could be appropriated without being site specific.

Chairman Lahey replied that many amendments have been made on the floor which did not go through committees.

Mr. Seidman clarified that his amendment had nothing to do with the County Executive’s presentation. Mr. Depew did a great deal of investigation on this matter. This amount should be more than enough to cover the necessary electrical, plumbing, and HVAC work.

Mr. Marino stated that this situation is a result of poor planning along the way. Many plans came but there was no definite site. He encouraged the leadership of the Legislature and the County Executive to come up with a site within 30 days and they can tour the proposed sites.

Mr. Pahucki stated he could support this if a capital project is created, which money will have to come back to the Legislature.



accomplish said purposes, this Legislature does wish to supplement the 2008 Budget for the Orange County Board of Elections. This is proposed Project No. 66 in the 2008 Capital Plan.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves the establishment of a Capital Project entitled "Centralized Bd. of Elec./Voting Machine Center"; and it is further

**RESOLVED**, that the 2008 Budget for the Orange County Board of Elections is hereby supplemented as indicated below for said project; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

**SOURCE OF FUNDS:**

<b>Revenue:</b>	45	000192	1596	
Appropriated Surplus				\$100,000.00
<b>Expense :</b>	45	000192	8535	
To 110 Capital Fund				
\$100,000.00				

**EXPENDITURE OF FUNDS:**

<b>Revenue:</b>	90	000166	5031	From Capital Reserve	\$100,000.00
<b>Expense:</b>	90	000166	7701	Capital Budget	\$100,000.00

Seconded by Mr. Winstanley.

Chairman Lahey pointed out that a year ago or more there was a request from the Board of Elections for \$2 million to build a new building and hire two people to staff the building. That proposal was held off by the County Executive until the County knew more about the new machines. The machines will start to arrive later in April.

Mrs. Donnery remembered that the Middletown Campus was mentioned earlier when the building was being redone.

Mr. Brescia stated that he would be the liaison to the Independence Caucus.

Mr. Pillmeier stated that he did lobby Mr. Amo this morning on the amendment.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Abstained: Amo

Absent: Paduch

Ayes 19; Noes 0; Abstentions 1; Absent 1; ADOPTED.

**Sponsors: Pillmeier, Depew, Decker, Brescia, Seidman**  
**Co-Sponsor: Bonacic**

**RESOLUTION NO. 67 OF 2008****RESOLUTION ESTABLISHING AND FUNDING THE 2008 BUDGET FOR THE 2008 CAPITAL PROJECT FOR THE ORANGE COUNTY DEPARTMENT OF PLANNING ENTITLED "ORANGE COUNTY OPEN SPACE FUND."**

**WHEREAS**, the Orange County Department of Planning has requested this Legislature to approve the establishment and funding of the 2008 budget for a Capital Project entitled "Orange County Open Space Fund;" and

**WHEREAS**, this is proposed Capital Project No. 116 in the 2008 Capital Plan and is to be funded with \$1.25 million from borrowing.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves the establishment of a Capital Project entitled "Orange County Open Space Fund" to be funded with \$1.25 million from borrowing and the Department of Planning will oversee this Project.

Seconded by Mr. Winstanley.

Mr. Decker noted that many Legislators are in favor of continuing the open space program. This resolution is for \$1.25 million to finish projects in the works and he does not believe that assumes that there cannot or will not be further discussion by the Legislature this year or in the future.

Mr. Berkman agreed with Mr. Decker regarding this very popular program and he is looking forward to supplementing this program perhaps in a more modest amount. He hopes the communities who have not received money for open space will be targeted first.

Chairman Lahey explained there was \$2.5 million in a capital plan and the first \$1.25 million will be used along with \$900,000 from the Water Authority that can be used for open space projects that involve wells and watershed areas.

Mr. Eachus mentioned that there were a number of other people who wished to speak on this issue today and they would like the Legislature to continue with this program.

Mr. Depew stated that this is the time to regroup and revisit the rules and guidelines for the application.

Mr. Townsend noted that all the Legislators are concerned about this program and he pointed out that southern Orange County is one of the most populated areas in the County and there have never been any open space projects there.

Chairman Lahey noted that most municipalities down there have not asked for a project yet.

Mr. Fornario noted that the County has committed \$20 million to this project although the timetable may have to be changed slightly. He added that this County has done so much more than neighboring counties in a short amount of time. He looks forward to getting a wider variety of projects as well.

Chairman Lahey stated that there have been 23 projects and 3,000 acres have been protected for almost \$7 million.

Mr. Berkman agreed with Mr. Townsend that any municipality who has not previously received open space funds should have priority.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**WAYS AND MEANS COMMITTEE:**

**Sponsors: Brescia, Kulisek**

**RESOLUTION NO. 68 OF 2008**

**RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY OFFICE OF THE DISTRICT ATTORNEY, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the 2008 budget of the Orange County Office of the District Attorney in the amount of \$5,556.00 by matching funds from the Asset Forfeiture account for video and recording equipment. By Resolution No. 134 of 2007, these monies were granted but not used due to a technical issue. Therefore, this Legislature does now wish to supplement the 2008 budget for the Office of the District Attorney from monies previously granted but not used.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 budget for the Orange County Office of the District Attorney is hereby supplemented by funds granted by Resolution No. 134 of 2007, but not used at that time, for video and recording equipment, and said funds are to come from the Asset Forfeiture Account, and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

**SOURCE OF FUNDS:**

<b>Revenue:</b>	09	117008	2626	Asset Forfeiture Account	\$5,556.00
<b>Expense:</b>	09	117008	8412	Inv. Audio Visual Equipment	\$5,556.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.



**Sponsors: Seidman, Brescia, Benton**

**RESOLUTION NO. 69 OF 2008**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 8 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 8 of 2001), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., May 27, 2008, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Town of Blooming Grove 27-1-17 27-1-18	Caitlin Paoelli 2608 Campbell Avenue Schenectady, NY 12306	\$ 1,100.00
Town of Blooming Grove 28-1-2	SOS Enterprises, LLC 50 Barker St. Unit #328 Mt. Kisco, NY 10549	\$ 5,000.00
Town of Blooming Grove 28-5-19.4	RJAZZ Enterprises, LLC 2810 Van Marter Drive Kingman, AZ 86401	\$ 100.00
Town of Chester 6-1-63	Best Properties of NY Inc 8 D.A. Wieder Blvd. #302 Monroe, NY 10950	\$86,550.00
Town of Crawford 1-1-62	Robert & Stacey Stap 426 Drexel Drive Pine Bush, NY 12566	\$ 3,500.00

Town of Crawford 18-1-55	Amy Alexander & Michael Pluchino 3251 New Prospect Rd. Pine Bush, NY 12566	\$35,000.00
Town of Goshen 14-26-9	SOS Enterprises, LLC 50 Barker St. Unit #328 Mt. Kisco, NY 10549	\$ 2,000.00
Town of Tuxedo 25-2-20	Eric R. & Mary O. Hanson 354 Bramertown Road Tuxedo, NY 10987 -and- David A. & Nagoni Kistler 280 Benjamin Meadow Road Tuxedo, NY 10987	\$ 250.00
Town of Wallkill 22-2-4 & 5	Fedele Holdings, LLC 262 Greenwich Avenue Goshen, NY 10924	\$30,150.00
Town of Wallkill 76-2-4.1	1051 Corporation 5444 Arlington Avenue Bronx, NY 10471	\$25,500.00
Town of Wallkill 76-2-5	1051 Corporation 5444 Arlington Avenue Bronx, NY 10471	\$35,500.00
Town of Wawayanda 12-1-7.22	Best Properties of NY Inc 8 D.A. Wieder Blvd. #302 Monroe, NY 10950	\$51,550.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Amo, Paduch**

#### **RESOLUTION NO. 70 OF 2008**

**RESOLUTION APPROVING APPLICATIONS FOR THE CORRECTION OF CERTAIN ERRORS APPEARING ON THE 2008 TAX ROLLS FOR CERTAIN TOWNS AND DISTRICTS AND ORDERING THE CORRECTION OF SAID ERRORS, PURSUANT TO SECTION 556 OF THE REAL PROPERTY TAX LAW.**

**WHEREAS**, the County Director of the Real Property Tax Service Agency has transmitted his

reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2008 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 of the Real Property Tax Law as summarized below.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.

2. That the taxes levied and extended upon said parcels be and the same hereby are cancelled in the manner and to the extent set forth in said reports of the Director, as shown below.

**FOR THE YEAR 2008**

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 36-9-31	Daria and Michael Mitchell	550-(2)-h Clerical error in school tax relevy

	<u>Assessment</u>		<u>Assessment</u>		<u>Amount</u>
	<u>Now Reads</u>		<u>Should Read</u>		<u>Requested to</u>
					<u>be Refunded</u>
County	\$52,400	\$1,034.95	\$52,400	\$1,034.95	\$ 0.00
Town	\$52,400	\$ 305.98	\$52,400	\$ 305.98	\$ 0.00
Highway	\$52,400	\$ 49.17	\$52,400	\$ 49.17	\$ 0.00
Pt. Town	\$52,400	\$ 121.73	\$52,400	\$ 121.73	\$ 0.00
Sch. Relevy		\$5,378.91		\$ 0.00	\$5,378.91
Monroe Fire	\$52,400	\$ 179.66	\$52,400	\$ 179.66	\$ 0.00
Monroe Town Lt.	\$52,400	\$ 11.52	\$52,400	\$ 11.52	\$ 0.00
Monroe Refuse	200	\$ 388.80	200	\$ 388.80	\$ 0.00
Monroe Library	\$52,400	<u>\$ 134.73</u>	\$52,400	<u>\$ 134.73</u>	<u>\$ 0.00</u>
		\$7,605.45		\$2,226.54	\$5,378.91

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1;

ADOPTED.

**PHYSICAL SERVICES COMMITTEE:**

**Sponsors: Seidman, Pahucki**

**Co-Sponsors: Fornario, Townsend**

**RESOLUTION NO. 71 OF 2008****RESOLUTION CONFIRMING REAPPOINTMENTS BY THE COUNTY EXECUTIVE TO THE ORANGE COUNTY WATER AUTHORITY BOARD OF DIRECTORS, PURSUANT TO SECTION 18.07 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following reappointments to the Orange County Water Authority Board of Directors, subject to confirmation by the Orange County Legislature.

<u>Name</u>	<u>Expiration</u>
Jonah Mandelbaum One Crescent Avenue Warwick, NY 10990	12/31/09
Thomas C. DeBenedictus 103 Sunset Drive Newburgh, NY 12550	12/31/09
Marcia Jacobowitz P. O. Box 366 156 Orange Avenue Walden, NY 12586	12/31/09

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said reappointments are and the same hereby are confirmed.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; **ADOPTED.**

**Sponsors: Seidman, Kulisek**

**RESOLUTION NO. 72 OF 2008****RESOLUTION APPROVING THE ABANDONMENT OF A PORTION OF DRURY LANE (CR NO. 54) TO THE TOWN OF MONTGOMERY.**

**WHEREAS**, the Orange County Department of Public Works has requested that a portion of Drury Lane (CR No. 54) be abandoned from New York State Route 17K to the cul-de-sac near the Catskill Aqueduct consisting of approximately 2,466 feet in length of roadway, to the Town of Montgomery.

**NOW, THEREFORE**, it is hereby



2. Classifies the Project as an Unlisted Action and that the project will not result in any significant adverse environmental impact and no further action is required.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Seidman, Pahucki**

#### **RESOLUTION NO. 74 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO CONTRACT WITH CERTAIN TOWNS, VILLAGES AND CITIES FOR PAVEMENT MARKINGS BY THE COUNTY ON CERTAIN TOWN, VILLAGE AND CITY HIGHWAYS WITHIN ORANGE COUNTY, PURSUANT TO GENERAL MUNICIPAL LAW ARTICLE 5-G.**

**WHEREAS**, Orange County has the necessary machinery and equipment to apply pavement markings upon non-County highways in certain Towns, Villages and Cities in Orange County; and

**WHEREAS**, it will be beneficial to Orange County for said work to be performed by the County.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County of Orange will furnish all necessary equipment to apply pavement markings upon non-County highways in certain Towns, Villages and Cities in Orange County; and it is further

**RESOLVED**, that the County Executive is hereby authorized to enter into contracts with certain Towns, Villages and Cities to apply pavement markings on certain Town, Village and City highways within said Orange County, subject to the review thereof by the County Attorney for purposes of form and content.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

#### **JOINT-PHYSICAL SERVICES AND RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEES:**

Certificate of the Clerk relative to the placing on desks of Legislators copy of Local Law Intro-



**RESOLVED**, that the 2008 Budget for the Orange County Department of Public Works is hereby supplemented as indicated below for the establishment of a full service, fixed base operator at the Orange County Airport; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

**Revenue:** 25            005610 1596            Appropriated Surplus            \$50,000.00

**Expense :** 25            005610 7182            Consultant Services            \$50,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20;            Noes 0;            Absent 1;            ADOPTED.

**Sponsors: Pillmeier, Seidman, Brescia**

**RESOLUTION NO. 76 OF 2008**

**RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the Orange County Department of Public Works in the amount of \$100,000.00 for building equipment replacement as needed, which project has been approved under the 2008 Capital Project Plan as Project No. 34, and in order to accomplish said purposes, this Legislature does wish to supplement the 2008 Budget for the Orange County Department of Public Works.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby establishes a Capital Project entitled "building equipment replacement"; and it is further

**RESOLVED**, that the 2008 Budget for the Orange County Department of Public Works is hereby supplemented as indicated below, for building equipment replacement; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

**Revenue:** 90            000427 5031            Transfer In            \$100,000.00

**Expense :** 90            000427 7701            Capital Budget            \$100,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:





proved under the 2008 Capital Project Plan as Project No. 54, and in order to accomplish said purposes, this Legislature does wish to supplement the 2008 Budget for the Orange County Department of Public Works.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2008 Budget for the Orange County Department of Public Works is hereby supplemented by adding funds to existing Capital Project No. 516 as indicated below for culvert replacement, and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	90	000516	5031	Transfer In	\$100,000.00
<b>Expense :</b>	90	000516	7701	Capital Budget	\$100,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Decker, Paduch, Kulisek, Benton**

#### **RESOLUTION NO. 79 OF 2008**

**RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the Orange County Department of Parks, Recreation and Conservation in the amount of \$150,000.00 for the Heritage Trail Maintenance Program, which will consist of culvert replacement and drainage improvements. This Project has been approved in the 2008 Capital Plan as Project No. 103. In order to accomplish said purposes, this Legislature does wish to supplement the 2008 Budget for the Orange County Department of Parks, Recreation and Conservation.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby establishes a Capital Project entitled "Heritage Trail Maintenance Program"; and it is further

**RESOLVED**, that the 2008 Budget for the Orange County Department of Parks, Recreation and Conservation is hereby supplemented as indicated below for the Heritage Trail Maintenance Program, which will consist of culvert replacement and drainage improvements; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	90	000760	5031	Transfer In	\$150,000.00
<b>Expense :</b>	90	000760	7701	Capital Expense	\$150,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**HUMAN SERVICES COMMITTEE:**

**Sponsors: Berkman, Spencer**

**Co-Sponsors: Pillmeier, Decker, Amo, Benton, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Townsend, Lahey**

**RESOLUTION NO. 80 OF 2008**

**RESOLUTION DESIGNATING THE DIRECTOR OF ORANGE COUNTY VETERANS SERVICES AS THE INDIVIDUAL RESPONSIBLE FOR THE BURIAL OF ORANGE COUNTY RESIDENTS WHO WERE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND THEIR FAMILIES, PURSUANT TO N.Y.S. GENERAL MUNICIPAL LAW SECTION 148.**

**WHEREAS**, by Resolution No. 127 of 2000 this Legislature established a reimbursement schedule for burial assistance and related services for the indigent, pursuant to New York State Social Services Law Section 141; and

**WHEREAS**, pursuant to N.Y.S. General Municipal Law Section 148, counties are responsible for the payment of reasonable expenses of burial and headstones of legal residents who are “honorably discharged members of the armed forces of the United States, or the body of any minor child, either parent or the spouse or unremarried surviving spouse of any such member of the armed forces of the United States, if such person shall hereafter die in a county without having sufficient means to defray his or her funeral expenses;” and

**WHEREAS**, reimbursement of burial and headstone expenses for indigent deceased veterans and their qualified family members are made by the County of Orange pursuant to Resolution No. 127 of 2000 through the Orange County Department of Social Services and as well as through the Orange County Veterans Service Agency; and

**WHEREAS**, it has come to this Legislature’s attention that the reimbursement procedure through two County departments is a cumbersome and lengthy process for those funeral directors who provide such burial services and it has been recommended that reimbursement for indigent deceased veterans and their qualified family members be done solely through the Orange County Veterans Service Agency.

**NOW, THEREFORE**, it is hereby



1. That the County Executive, in conjunction with the Commissioner of Social Services, be and hereby is authorized to accept from the New York State Office of Temporary and Disability Assistance a grant in the amount of \$348,454.00 for the Home Energy Assistance Program for 2008.

2. That the 2008 Budget for the Department of Social Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	29.006141	HEAP	4641	Federal	\$348,454.00
<b>Expenses:</b>	29.006141	HEAP	7506	Administration	\$222,365.00
	29.006141	HEAP	7509	Heating Equipment	\$ 8,314.00
	29.006141	HEAP	7503	NPA Payments	\$ 39,258.00
	29.006141	HEAP	7506	PA Payments	\$ 39,258.00
	29.006141	HEAP	7509	Emergencies	<u>\$ 39,259.00</u>
					\$348,454.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Berkman, Burger**

#### RESOLUTION NO. 82 OF 2008

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Office of Temporary and Disability Assistance has offered a grant in the amount of \$112,571.00 for the Home Energy Assistance Program (2007-2008 HEAP season); and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Social Services as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Social Services, be and

hereby is authorized to accept from the New York State Office of Temporary and Disability Assistance a grant in the amount of \$112,571.00 for the Home Energy Assistance Program for 2007-2008.

2. That the 2008 Budget for the Department of Social Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	29.006141	HEAP	4641	Federal	\$112,571.00
<b>Expenses:</b>	29.006141	HEAP	7506	Administration	\$112,571.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsors: Eachus, Depew**

#### RESOLUTION NO. 83 OF 2008

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Office of Temporary and Disability Assistance has offered a grant in the amount of \$69,763.00 for the Food Stamp Bonus Award Allocation Plan which funds will be used to increase participation of under-served populations and will support the Working Families Food Stamp Initiative Program; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Social Services as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Social Services, be and hereby is authorized to accept from the New York State Office of Temporary and Disability Assistance a grant in the amount of \$69,763.00 for the Food Stamp Bonus Award Allocation Plan in Orange County.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Social Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	29.007035	Food Stamps	4611 Food Stamp Administration	\$69,763.00
<b>Expenses:</b>	29.007035	Food Stamps	7182 Consulting	\$69,763.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsor: Spencer**

#### RESOLUTION NO. 84 OF 2008

#### RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A CERTAIN GIFT ON BEHALF OF THE ORANGE COUNTY RESIDENTIAL HEALTH CARE FACILITY, PURSUANT TO SECTION 215 OF THE COUNTY LAW.

**WHEREAS**, the Orange County Residential Health Care Facility has been offered a donation of an electric wheelchair, Jazzy Select 14, which belonged to a former resident of Valley View, with a retail value of \$3,499.00; and

**WHEREAS**, this Legislature does wish to accept said gift to be utilized by the Orange County Residential Health Care Facility.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept said donation; and it is further





**HEALTH AND MENTAL HEALTH COMMITTEE:**

**Sponsors: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Lahey**

**RESOLUTION NO. 86 OF 2008****RESOLUTION DECLARING APRIL, 2008 AS AUTISM AWARENESS MONTH.**

**WHEREAS**, autism is reported to be the third most common developmental disability in the United States affecting over 26,000 people in New York State; and

**WHEREAS**, the Center for Disease Control announced in March 2008 that 1 in 150 children and 1 in 33 boys are affected by autism; and

**WHEREAS**, the Orange County Legislature seeks to acknowledge national and New York State's efforts focusing on medical and behavioral research and developing data resource facilities; and

**WHEREAS**, neurological disorders such as autism afflict hundreds of children in Orange County and spare no racial, ethnic, religious or social group; and

**WHEREAS**, many citizens of Orange County are working diligently to improve the lives of children afflicted with autism and are worthy of support and recognition for their efforts; and

**WHEREAS**, there is a health and mental health public policy interest in assisting efforts to inform the people of Orange County of organizations, government offices and health professionals ready to help families in need.

**THEREFORE, BE IT HEREBY**

**RESOLVED** that the Orange County Legislature designates April, 2008 as Autism Awareness Month for Orange County; and We commend these sentiments to every citizen of Orange County so that all might promote the effort to help individuals and families afflicted by autism and to find the cause of and remedy for this condition.

Seconded by Mr. Winstanley.

Mrs. Donnery commended the mother of the autistic child that spoke during public participation. She spoke of the necessity to look at the education beyond high school. She also emphasized the need for early intervention. The dollars spent early can cause tremendous benefits to them and huge cost savings to the taxpayer.

Mr. Pahucki spoke of the environmental effects of pharmaceuticals on the afflicted. Many times the condition is treated and not the cause. He stated that there is a wealth of information on the internet.

Mr. Eachus mentioned that the Newburgh City School District and Warwick both run an autistic school program. There are post-education programs that must be developed and he is very aware because his daughter is in that situation.

Mr. Fornario stated that autism was considered a mental disorder 33 years ago and now it is a neurobiological disorder. The fight must be kept going and he supports this with all his might.



<b>Revenue:</b>	14.004137	3472	State	\$12,500.00
<b>Expenses:</b>	14.004137	6601	Sr. Comm. Health Worker	\$ 8,400.00
	14.004137	8660	Fringe Benefits	\$ 3,700.00
	14.004137	7676	Mileage	\$ 400.00

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**Sponsor: Townsend**

#### RESOLUTION NO. 88 OF 2008

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$2,941.31 for the Adolescent Tobacco Use Prevention Act (ATUPA) in order to implement and enforce New York State's ATUPA in Orange County. The term of the grant runs from October 1, 2007 through September 30, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept from the New York State Department of Health a grant in the amount of \$2,941.31 for the Adolescent Tobacco Use Prevention Act (ATUPA).

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	14.004154	3472	State	\$2,941.31
<b>Expenses:</b>	14.004154	7382	Specialty Materials	\$2,941.31

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch

Ayes 20; Noes 0; Absent 1; ADOPTED.

**EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE:**

**Sponsors: Marino, Winstanley**

**RESOLUTION NO. 89 OF 2008**

**RESOLUTION DESIGNATING THE ORANGE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT AS THE STATE TOURISM PROMOTION AGENCY OF ORANGE COUNTY, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature has heretofore designated the Orange County Department of Planning and Development as the Tourism Promotion Agency of Orange County; and

**WHEREAS**, a prerequisite for Orange County's participation in New York State 2008-2009 Tourism Matching Funds Program is the designation of the Department of Planning and Development as the County's "Tourism Promotion Agency."

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Orange County Department of Planning and Development shall continue to be charged with the duty of promoting tourism in Orange County and designated as Orange County's "Tourism Promotion Agency."

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Pillmeier, Decker, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Absent: Paduch



## REGULAR SESSION

Thursday, May 1, 2008

The Legislature convened in Regular Session at 3:35 p.m. today.

The Legislature was called to order by Chairman Lahey with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call all members were present.

**PUBLIC PARTICIPATION** (On file in Clerk, Legislative Office)

Chairman Lahey announced that there would be a short executive session at the end of the meeting with respect to the negotiations on the proposals for the Camp LaGuardia property.

Mr. Winstanley requested consent to place on the agenda, **SEMI-ANNUAL REPORT OF THE MORTGAGE TAX FOR THE PERIOD OCTOBER 1, 2007 THROUGH MARCH 31, 2008; APPORTIONMENT OF THE MORTGAGE TAX FOR THE PERIOD OCTOBER 1, 2007 THROUGH MARCH 31, 2008; and RESOLUTION ACCEPTING AND CONFIRMING THE REPORT OF THE APPORTIONMENT OF THE MORTGAGE TAX FOR THE PERIOD OCTOBER 1, 2007 THROUGH MARCH 31, 2008, AS COMPUTED FROM STATEMENT FILED BY THE COUNTY CLERK.**

Chairman Lahey stated that if there were no objections, the report, apportionment and resolution would be placed on the agenda as Item Nos. AA-27, A-27 and 27, respectively.

The following communications and report were presented to the Orange County Legislature:

### **COMMUNICATIONS:**

Resolutions adopted by the Rockland County Legislature requesting the State Legislature to restore base student aid to the 2007-2008 level and for SUNY to rescind its interpretation of Optional Retirement Plan Contributions. On motion the same was referred to the Rules, Enactments and Intergovernmental Relations and Education and Economic Development Committees.

Communication from County Executive Edward A. Diana appointing member to Community Development Advisory Committee (J. Pawliczek, Sr.). On motion the same was received and ordered placed on file.

### **REPORTS:**

Annual Report, Department of Mental Health for the year 2007. On motion the same was received and ordered placed on file.

### **RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE:**

**Sponsors:** Seidman, Pillmeier, Pahucki  
**Co-Sponsors:** Berkman, Bonacic









Section 3. The period of probable usefulness applicable to said specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Local Finance Law, is thirty (30) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY; and News of the Highlands, Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

**WAYS AND MEANS COMMITTEE:****Sponsor: Amo****Co-Sponsor: Spencer****RESOLUTION NO. 95 OF 2008****RESOLUTION PURSUANT TO REAL PROPERTY TAX LAW DIRECTING THE EXEMPTION OF CERTAIN REAL PROPERTY TAXES IN THE VILLAGE OF KIRYAS JOEL AS SAID PROPERTY IS A VILLAGE OWNED WATER SUPPLY PARCEL.**

**WHEREAS**, the Village of Kiryas Joel is the owner of real property located in the Town of Woodbury, County of Orange, and identified on the tax map as Section 213, Block 1, Lot 64.1; and

**WHEREAS**, the above real property is devoted solely to public use and part of the Village of Kiryas Joel water system and operated as sites for water lines, storage and necessary appurtenances; and

**WHEREAS**, the Real Property Tax Law Section 406(3) provides the authority for each taxing district in which the municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves the exemption of real property taxes for the property in the Town of Woodbury, Village of Kiryas Joel, and known as Section 213, Block 1, Lot 64.1 as said property is the Village of Kiryas Joel water supply site for public use and part of the Kiryas Joel water system.

Seconded by Mr. Winstanley.

Mr. Pahucki stated that he read that the Village of Woodbury is withholding their tax exemption on this property. He asked if this is the property that Kiryas Joel needs to clean up.

Chairman Lahey responded that it is the same County property.

Mr. Pahucki asked why the County would give Kiryas Joel tax exempt status under these circumstances.

Mr. Townsend replied that other municipalities receive tax exempt status. This particular parcel represents \$640.14 of tax dollars. He does not believe withholding this amount is the avenue the County should follow. The cleanup should be looked at as another issue.

Mrs. Donnery disagreed with Mr. Townsend. She stated that she does not believe that communities should be treated differently. That was recently proven when the County allowed a pipeline to go under the Heritage Trail. However, this is a community that very often does not follow the rules and regulations. Because of that, as soon as they are compliant with the County's wishes on this property, they should then have the benefit of the tax exemption. Until that time the County should not be giving anything. It is not about a dollar amount, it is sending a message that this municipality must be compliant.

Mr. Seidman stated that most Legislators agree that there is a dispute over the amount of money

owed for cleaning up the property they disturbed. Through the County Attorney's office that is being addressed. This exemption is given to all municipalities for municipal water supply. If Kiryas Joel is not compliant with respect to cleaning up this parcel, the County has the right to go after their sales tax money which is the proper way of getting retribution for what they have done to the property. Picking this tax exemption is the wrong avenue and sends the wrong message. The County should first play by the rules.

Mr. Fornario stated that he is very dissatisfied with the rate of progress on this issue and dissatisfied with the way the County is being treated. There is a letter being sent with a response requested by May 31, 2008. However, he does not believe this amount of money is the proper avenue to correct what has been done wrong.

Mr. Marino agreed with Mr. Fornario and Mr. Seidman. The County would be appearing way too vindictive to hold them accountable for an amount under \$700. The County does have recourse through the sales tax revenue and he would have no problem withholding money owed to the County for the damage to the Gonzaga property.

Mr. Townsend clarified that he personally sent Kiryas Joel a letter on February 28, 2008 on this issue with no response. If this is not corrected in a timely manner then the appropriate legal action needs to be taken.

Mr. Depew stated that this property issue must be mitigated and fixed. He could understand if the exemption was on another piece of Kiryas Joel property with a water tower or a sidewalk or right-of-way. He is trying to understand how the County can give this exemption on this particular piece of property which is the subject of the problem now and which has been going on for some time.

Mr. Decker stated that the fundamental difference is while the activities took place on this property, this is not the property that is damaged. The County's property is adjoining and a separate parcel. The issues need to be separated.

Mr. Spencer pointed out that this is an emotional issue that Kiryas Joel does not always follow the rules. The Legislators should follow the third Whereas in the resolution and follow the law.

Mr. Pahucki clarified that the third Whereas allows, it does not mandate. It is not the money. It is the issue of letting any municipality deface property and then prolonging the problem with seven months of letter writing.

Mrs. Donnery agreed totally with Mr. Pahucki.

Mr. Berkman understood Mr. Decker to say that this is not the exact piece of property that was trespassed upon. All municipalities must be treated the same.

Chairman Lahey clarified that Kiryas Joel owns the piece of property where the exemption is requested. The trespass on adjoining County property came when they were developing their property.

Mr. Berkman noted that the fact that the Legislature is having this debate sends the message to Kiryas Joel that they are concerned about the trespass. He is also concerned as to what the County has done to resolve this issue. He asked for an update by Mr. Darwin.

Chairman Lahey responded that Mr. Darwin is in what can be called negotiations.

Mr. Darwin agreed that is a fair assessment of where the County is. DPW sent out another series of letters recently. He cannot comment further because there is a possibility of litigation. Notice was also sent to the developer who may be responsible for some of the damage. He clarified that Real Property Tax Law Section 406 does not allow for complete discretion whether or not to grant tax exempt status. It states that if the property is deemed to be dedicated to public use then that property shall be tax exempt. That is separate and apart from the issue of whether or not there may be some responsibility to the County as a result of damage to the Gonzaga property.

Mr. Benton stated that it would set a bad precedent for the County to not follow the statute. Other remedies are possible in the future.

Chairman Lahey explained that in his opinion if the County and Kiryas Joel come to no compromise, then the County should pursue in any way possible. Since the negotiations are ongoing, it would be improper to deny this request now.

Mr. Paduch asked why the Democratic caucus was told this was going to be pulled from the agenda.

Chairman Lahey responded that there were a number of people who asked that it not be considered and three of them came back and asked to go ahead with the resolution because of the ongoing negotiation. It was not going to be pulled; pulling it was being discussed by both sides.

Mr. Paduch responded that Mr. Decker told them it was going to be pulled.

Chairman Lahey added that the Republicans had not yet decided.

Mr. Paduch noted that his caucus was in favor of it being pulled. He asked where the others were that determined it should not be pulled.

Chairman Lahey stated that he would ask for a roll call and find out.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Eachus, Fornario, Kulisek, Marino, Paduch, Seidman, Spencer, Townsend, Winstanley, Lahey

Noes: Depew, Donnery, Pahucki

Ayes 18; Noes 3; Absent 0;

ADOPTED.

**Sponsors: Amo, Seidman**

#### **RESOLUTION NO. 96 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY REAL PROPERTY TAX SERVICE AGENCY, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Office of Real Property Tax Service has offered a grant in the amount of \$50,000.00 for the CPTAP County Assessing Initiative Program in order to provide funding to study centralized property tax administration to give the County ways to improve the way it assesses taxes. The term of the grant runs from March 1, 2008 through September 1, 2008; and

**WHEREAS**, this Legislature does wish to accept said grant for the Orange County Real Property Tax Service Agency as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Director of Real Property Tax Service Agency, be and hereby is authorized to accept from the New York State Office of Real Property Services a grant in the amount of \$50,000.00 for the CPTAP County Assessing Initiative Program as indicated below.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Real Property Tax Service Agency is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	12	001357	3089	Other State Aid	\$50,000.00
<b>Expenses:</b>	12	001357	7182	Consultant Services	\$50,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Kulisek, Seidman**

#### **RESOLUTION NO. 97 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY REAL PROPERTY TAX SERVICE AGENCY, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Office of Real Property Tax Service has offered a grant in the amount of \$50,000.00 for the CPTAP County Tax Collection Information Program in order to provide funding to study and possibly implement a uniform County-wide tax collection program. The term of the grant runs from March 1, 2008 through January 30, 2009; and

**WHEREAS**, this Legislature does wish to accept said grant for the Orange County Real Property Tax Service Agency as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Director of Real Property Tax Service Agency, be and hereby is authorized to accept from the New York State Office of Real Property Services a grant in the amount of \$50,000.00 for the CPTAP County Tax Collection Information Program as indicated below.

2. That in furtherance of this Resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Real Property Tax Service Agency is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	12	001357	3089	Other State Aid	\$50,000.00
<b>Expenses:</b>	12	001357	7182	Consultant Services	\$50,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Brescia, Paduch**





Sponsors: Kulisek, Brescia

**RESOLUTION NO. 99 OF 2008**

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 8 OF 2001.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 8 of 2001), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., June 16, 2008, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Town of Blooming Grove 22-10-2	M & J Realty Services, Inc. 14 Fillmore Ct. # 201 Monroe, NY 10950	\$ 501.00
Town of Blooming Grove 31-1-6	Town of Blooming Grove 6 Horton Road Blooming Grove, NY 10914	\$ 400.00
Town of Deerpark 1-1-42	Paul Bildner & Sarah Hobden 15 Washington Place #5E New York, NY 10003	\$13,535.00
Town of Warwick 21-3-9	Randy Angrisano 20 Avondale Circle Newnan, GA 30265	\$ 1,200.00



**WHEREAS**, it has been brought to the attention of the Commissioner of Finance that the liens for certain taxes extended on the tax rolls for the municipalities listed are rendered permanently unenforceable by reason of law.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the delinquent taxes for the lands listed below be cancelled and charged back to the affected municipalities.

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Wallkill 102-1-22	Empire Housing & Development Corp.	Property is a road

**FOR THE YEAR 2005**

County	\$ 1.40
Town	\$ 0.66
Highway	\$ 0.72
FD006 Circleville Fire	\$ 0.19
FD038 Silver Lake Fire	\$ 0.22
LB001 Thrall Library	\$ 0.27
Pine Bush Ctrl. School	\$ 7.31
3% School interest	\$ 0.22
7% Relevy Penalty	\$ 0.53
5% County/Town penalty	\$ 0.58
Town Mail Fee	<u>\$ 1.00</u>
	\$13.10

**FOR THE YEAR 2006**

County	\$ 1.42
Town	\$ 0.58
Highway	\$ 0.79
FD006 Circleville Fire	\$ 0.20
FD038 Silver Lake Fire	\$ 0.25
LB001 Thrall Library	\$ 0.28
Pine Bush Ctrl. School	\$ 7.37
3% School interest	\$ 0.22
7% Relevy Penalty	\$ 0.53
5% County/Town penalty	\$ 0.58
Town Mail Fee	<u>\$ 1.00</u>
	\$13.22

**FOR THE YEAR 2007**

County	\$ 1.65
Town	\$ 0.56
Highway	\$ 0.79
FD006 Circleville Fire	\$ 0.25
FD038 Silver Lake Fire	\$ 0.27
LB001 Thrall Library	\$ 0.28
Pine Bush Ctrl. School	\$ 7.68
3% School interest	\$ 0.23
7% Relevy Penalty	\$ 0.55
5% County/Town penalty	\$ 0.61

Town Mail Fee	<u>\$ 1.00</u>
	\$13.87

**FOR THE YEAR 2008**

County	\$ 1.74
Town	\$ 0.68
Highway	\$ 0.66
FD006 Circleville Fire	\$ 0.26
FD038 Silver Lake Fire	\$ 0.27
LB001 Thrall Library	\$ 0.28
Pine Bush Ctrl. School	\$ 7.71
3% School interest	\$ 0.23
7% Relevy Penalty	\$ 0.56
5% County/Town penalty	\$ 0.62
Town Mail Fee	<u>\$ 1.00</u>
	\$14.01

**PROPERTY**

Town of Blooming Grove  
52-3-20

**OWNER**

Heritage Trail Estates, Inc.

**REASON**

Property is a road.

**FOR THE YEAR 2005**

County	\$ 72.20
Town	\$ 43.41
Highway	\$ 21.22
Pt. Town	\$ 19.04
FD004 Chester Fire	\$ 15.40
AM002 B. G. Ambul. District	\$ 3.47
Monroe-Woodbury School	\$406.34
3% School interest	\$ 12.19
7% Relevy Penalty	\$ 29.30
5% County/Town penalty	\$ 31.13
Town Mail Fee	<u>\$ 2.00</u>
	\$655.70

**FOR THE YEAR 2006**

County	\$ 72.14
Town	\$ 40.82
Highway	\$ 25.54
Pt. Town	\$ 15.80
FD004 Chester Fire	\$ 15.67
AM002 B. G. Ambul. District	\$ 4.37
Monroe-Woodbury School	\$412.35
3% School interest	\$ 12.37
7% Relevy Penalty	\$ 29.73
5% County/Town penalty	\$ 31.44
Town Mail Fee	<u>\$ 2.00</u>
	\$662.23

**FOR THE YEAR 2007**

County	\$ 81.70
Town	\$ 48.76

Highway	\$ 31.81
Pt. Town	\$ 16.61
FD004 Chester Fire	\$ 17.54
AM002 B. G. Ambul. District	\$ 4.38
Monroe-Woodbury School	\$449.34
2% School interest	\$ 8.99
7% Relevy Penalty	\$ 32.08
5% County/Town penalty	\$ 34.56
Town Mail Fee	<u>\$ 2.00</u>
	\$727.77

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**PHYSICAL SERVICES COMMITTEE:**

**Sponsors: Pahucki, Depew**

**Co-Sponsor: Townsend**

**RESOLUTION NO. 101 OF 2008**

**RESOLUTION CONFIRMING REAPPOINTMENTS BY THE COUNTY EXECUTIVE TO THE ORANGE COUNTY FISH AND WILDLIFE MANAGEMENT BOARD, REGION 3, PURSUANT TO SECTION 18.07 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following reappointments to the Orange County Fish and Wildlife Management Board, Region 3, which terms expire December 31, 2009, subject to confirmation by the Orange County Legislature.

Name

Carmen Heitzman  
Sportsmen Representative  
1371 Orange Turnpike  
Monroe, NY 10950

Richard G. McCoy  
Alternate Sportsmen Representative  
1406 East Mombasha Road  
Monroe, NY 10950

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said reappointments be and the same hereby are confirmed.

Seconded by Mr. Winstanley.

Mr. Depew congratulated the reappointments to the Fish and Wildlife Advisory Board.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

Sponsors: Decker, Pahucki

**RESOLUTION NO. 102 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, TO ACCEPT FUNDS FROM THE NEW YORK STATE UNIFIED COURTS SYSTEM, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Unified Courts System has offered funds in the amount of \$150,000.00 for tenant work to be done as authorized by the Unified Courts System; and

**WHEREAS**, this Legislature does wish to accept said funds for the Department of Public Works as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

- 1. That the County Executive, in conjunction with the Commissioner of Public Works, be and hereby is authorized to accept funds in the amount of \$150,000.00 from the New York State Unified Courts System for tenant work to be done as authorized by said Unified Courts System.
- 2. That the 2008 budget for the Department of Public Works is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of the Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
- 3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	45	001162	3021	Court Facilities	\$150,000.00
<b>Expense:</b>	45	001162	7716	Major Repair Service	\$150,000.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey







Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0;

ADOPTED.

**Sponsors: Pahucki, Pillmeier, Paduch, Brescia**

**RESOLUTION NO. 106 OF 2008**

**BOND RESOLUTION DATED MAY 1, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED JUNE 1, 2006 AND THE BOND RESOLUTION ADOPTED JULY 7, 2005, IN RELATION TO FINANCING THE REPLACEMENT OF THE MECHANICSTOWN BRIDGE NO. 2 LOCATED ON COUNTY ROUTE 67 OVER THE MASONIC CREEK, IN THE TOWN OF WALLKILL, AT THE TOTAL ESTIMATED COST OF \$650,000.**

**Recitals**

**WHEREAS**, the County Legislature of the County of Orange, New York, has heretofore duly authorized the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning the replacement of the Mechanicstown Bridge No. 2 located on County Route 67 over the Masonic Creek, in the Town of Wallkill, at the estimated maximum cost of \$50,000, which amount was appropriated therefore pursuant to Bond Resolution Nos. 149 of 2006 and 196 of 2005 duly adopted on their respective dates, and it has now been determined that the period of probable usefulness for such surveys, plans, specifications and estimates may be increased so that it shall be equal to the period of probable usefulness for reconstruction of said bridge; and

**WHEREAS**, it is now appropriate to authorize reconstruction of such facility on such site, and it is necessary to increase the appropriation for such capital project by \$600,000 for estimated construction costs;

**NOW, THEREFORE, BE IT**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:**

Section (A). The bond resolution of said County duly adopted by the County Legislature on June 1, 2006, entitled:

**“BOND RESOLUTION DATED JUNE 1, 2006**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY PLANS AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF THE MECHANICSTOWN BRIDGE LOCATED ON COUNTY ROUTE 67 OVER THE MASONIC CREEK, IN THE TOWN OF WALLKILL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING \$25,000 THEREFOR IN ADDITION TO \$25,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$25,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$25,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR”** is hereby amended to read as follows:

**RESOLUTION NO. 106 OF 2008****BOND RESOLUTION DATED AMENDED MAY 1, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REPLACEMENT OF THE MECHANICSTOWN BRIDGE LOCATED ON COUNTY ROUTE 67 OVER THE MASONIC CREEK, IN THE TOWN OF WALLKILL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$650,000, APPROPRIATING \$625,000 THEREFOR IN ADDITION TO \$25,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$625,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$25,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County") is hereby authorized to continue existing capital project No. 488, consisting of replacement of the Mechanicstown Bridge No. 2 located on County Route 67 over the Masonic Creek, in the Town of Wallkill. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$650,000, and \$625,000 is hereby appropriated therefor, in addition to the \$25,000 previously appropriated therefor. The plan of financing includes the issuance of \$625,000 bonds of the County, in addition to the \$25,000 bonds previously authorized therefor pursuant to Bond Resolution No. 196 of 2005 duly adopted by the County Legislature on July 7, 2005, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$625,000 are hereby authorized to be issued for the specific object or purpose described in Section 1, in addition to the \$25,000 bonds previously authorized, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$625,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the

County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY; and News of the Highlands, Cornwall, NY, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Section (B). Section 3 of Resolution No. 196 of 2005, duly adopted by the Legislature on July 7, 2005, entitled:

**"RESOLUTION NO. 196 OF 2005"**

**BOND RESOLUTION DATED JULY 7, 2005.**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR THE REPLACEMENT OF MECHANICSTOWN BRIDGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$25,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$25,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF"** is hereby amended to read as follows:

"Section 3. The following additional matters are hereby determined and declared:

The period of probable usefulness for the specific object or purpose for which the \$25,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years."

Section (C). The amendments of the bond resolutions set forth in Sections (A) and (B) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolutions, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolutions, as so amended.

Section (D). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing amending bond resolution, in full, in the Hudson Valley Black Press, Newburgh, NY;

Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY; and News of the Highlands, Cornwall, NY, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (E). This Resolution shall take effect immediately.

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Pillmeier, Seidman, Paduch, Winstanley**

#### **RESOLUTION NO. 107 OF 2008**

#### **BOND RESOLUTION DATED MAY 1, 2008**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING CONSTRUCTION OF THE NEW HAMPTON TRANSFER STATION IN THE TOWN OF GOSHEN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,740,000, APPROPRIATING \$3,000,000 FOR THE 2008 PHASE OF THE PROJECT, IN ADDITION TO THE \$1,740,000 HERETOFORE APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue an existing Capital Project No. 893 for the Department of Public Works/Environmental Facilities and Services, consisting of the construction of the New Hampton Transfer Station to be located at 21 Training Center Lane in the Town of Goshen, including all original furnishings, equipment, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,740,000, and \$3,000,000 is hereby appropriated for the 2008 phase of the project, in addition to the \$1,740,000 heretofore appropriated therefor. The plan of financing includes the issuance of \$3,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$1,740,000 bonds previously authorized therefor pursuant to Resolution No. 273 of 2007 duly adopted by the County Legislature on October 4, 2007, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which the \$3,000,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Black Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY and News of the Highlands, Inc., Cornwall, NY; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE:**

**Sponsors: Bonacic, Donnery**

**RESOLUTION NO. 108 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A CERTAIN GIFT ON BEHALF OF THE ORANGE COUNTY SHERIFF'S OFFICE, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the Orange County Sheriff's Office has been offered a donation of a 1998 Honda Civic as part of a plea agreement from a defendant in a closed narcotics case, which vehicle will be used for narcotics operations; and

**WHEREAS**, this Legislature does wish to accept said donation to be utilized by the Orange County Sheriff's Office.

**RESOLVED**, that the County Executive be and hereby is authorized to accept said donation; and it is further

**RESOLVED**, that on behalf of the residents and taxpayers of Orange County, this Legislature extends its thanks and appreciation for such gift, and that this Resolution shall be spread in full upon the Minutes of the Orange County Legislature.

Seconded by Mr. Winstanley.

Mr. Depew asked if this vehicle was a hybrid.

Chairman Lahey responded that it was not; it is a 1998 vehicle and gets good mileage.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**Sponsors: Fornario, Brescia**

**RESOLUTION NO. 109 OF 2008**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A CERTAIN GIFT ON BEHALF OF THE ORANGE COUNTY SHERIFF'S OFFICE, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the Orange County Sheriff's Office has been offered a donation of a 1995 GMC van from the Village of Monroe Police Department, which vehicle will be used for narcotics operations; and

**WHEREAS**, this Legislature does wish to accept said donation to be utilized by the Orange County Sheriff's Office.







3. To specifically provide that the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2008 Budget for the Department of Residential Health Care Facility is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

<b>Revenue:</b>	26.007187	Valley View	3089	State Aid	\$49,999.00
<b>Expenses:</b>	26.007187	Valley View	8315	Computer	\$43,470.00
	26.007187	Valley View	7182	Consultant	\$ 6,529.00

Seconded by Mr. Winstanley.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

**EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE:**

**Sponsors: Marino, Spencer, Bonacic**

**Co-Sponsors: Townsend, Decker, Paduch, Donnery, Fornario, Berkman**

**RESOLUTION NO. 112 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE IN SUPPORT OF NEW YORK STATE'S EFFORTS TO ASSURE OVERSIGHT, COMPLIANCE AND ACCOUNTABILITY TO BUSINESSES RECEIVING BENEFITS UNDER THE NEW YORK STATE EMPIRE ZONE PROGRAM.**

**WHEREAS**, in 1986 the Empire Zone Program ("Program") was implemented "to stimulate economic growth through a variety of State tax incentives designed to attract new businesses to New York State and to enable existing businesses to expand and create jobs" in economically distressed communities where there was "persistent and pervasive poverty, high unemployment, limited new job creation, a dependence on public assistance income, dilapidated and abandoned industrial and commercial facilities and shrinking tax bases;" and

**WHEREAS**, Empire Zones provide tax incentives which include wage and investment tax credits, zone credits, real property tax and sales tax reimbursements to businesses that are State-certified to conduct business in the Zone. To qualify for certification a business must be able to demonstrate

that it will create new jobs and/or make investments in the Empire Zone and be consistent with the local Zone's development plan, including a cost benefit analysis; and

**WHEREAS**, in 2004 the New York State Comptroller's Office published a report entitled "Assessing the Empire Zones Program: Reforms Needed to Improve Program Evaluation and Effectiveness." The report noted that oversight, reporting and compliance with the Empire Zone Program requirements were lacking. The report found that in 2002, 27 of the 103 businesses randomly audited had failed to submit to the State their business annual report. The audit further revealed that only 18 out of 54 businesses had met their job creation goals. The report called for, among other things, the creation of an oversight board to monitor and report on the overall effectiveness of the Program and more comprehensive reporting of benefits and verification of reported data on tax benefits and job creation; and

**WHEREAS**, today there are 82 Empire Zones with over 9,800 certified businesses in New York State because over the years, the State has expanded the program to include entire counties and "regionally significant projects." The Empire Zone Program has *de facto* become the key economic tool to attracting business to New York State; and

**WHEREAS**, this Legislature finds that the Empire Zone Program is an intricate part of the County's business attraction program. Today in Orange County over 106 businesses are certified under the Program, bringing over 2,687 full-time and 309 part-time new jobs to the County; and

**WHEREAS**, certainly, the tax benefits are key to a company's decision to locate its business within the Empire Zone, but with benefits comes accountability. This Legislature must be assured that each certified business that receives such benefits fully complies with the Program's requirements.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that We, the Orange County Legislature, support New York State's efforts to assure oversight, compliance and accountability to businesses receiving benefits under the New York State Empire Zone Program; and it is further

**RESOLVED**, that the Clerk of the Legislature is hereby directed to send a certified copy of this Resolution to Honorable David A. Paterson, Governor of the State of New York, the Commissioner of the Empire State Development Corp., all New York State Senators and Assemblypersons whose district includes Orange County and the Director of the New York State Association of Counties for distribution to other counties located in New York State.

Seconded by Mr. Winstanley.

Mr. Marino stated that they were waiting for New York State to decide what to do with the program when he brought this resolution to committee last Fall. This resolution is applauding New York State's efforts to monitor more closely those businesses that are getting tax breaks. When the businesses do not live up to their agreement, steps can be taken against them.

Mrs. Donnery stated that she applauds all accountability.

Chairman Lahey noted that Orange County's Empire Zone Director, William Trimble, stated that he monitors this closely for the Orange County businesses and those who get the tax breaks here are held accountable. They do not have to look at Orange County, just the remainder of the State.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;           Noes 0;                           Absent 0;                           ADOPTED.

**Sponsors:**       **Spencer, Winstanley**

**Co-Sponsors:**   **Marino, Berkman, Eachus, Fornario, Decker, Bonacic**

#### **RESOLUTION NO. 113 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE URGING THE NEW YORK STATE LEGISLATURE AND THE GOVERNOR OF THE STATE OF NEW YORK TO RESTORE BASE STUDENT AID TO THE 2007-2008 LEVEL OF \$2,675 PER FTE AND TO INCREASE BASE STUDENT AID TO \$2,875 PER FTE (CONSISTENT WITH SUNY REQUEST OF \$200 INCREASE OVER CURRENT YEAR).**

**WHEREAS**, the Governor of the State of New York in his 2008-2009 Executive Budget proposed a reduction in student base operating aid for SUNY and CUNY community colleges by \$50 per FTE, from \$2,675 to \$2,625; and

**WHEREAS**, this reduction will impact the Orange County Community College Budget by \$220,000 for the 2008-2009 fiscal year and cause College officials to seek additional revenue sources to compensate for this loss of aid; and

**WHEREAS**, this reduction would continue a pattern of shifting the responsibility to fund Orange County Community College to Orange County taxpayers and students in a manner inconsistent with the New York State Education Law; and

**WHEREAS**, Orange County Community College recognizes the need for continued and increased funding by the State of New York in order to maintain its level of academic excellence and increase the services and programs that it provides to the residents of Orange County; and

**WHEREAS**, this Legislature shares the concerns of Orange County Community College and calls upon the Governor of the State of New York and the State Legislature to not only restore base aid to the 2007-2008 level of \$2,675 per FTE, but to also increase the per FTE to \$2,875, which is consistent with the SUNY request of \$200 increase per FTE over the past year.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, We, the Orange County Legislature, do hereby urge the Governor of the State of New York and the New York State Legislature to:

- . Restore Base Student Aid to the 2007-2008 Level of \$2,675 per FTE; and
- . Increase Base Student Aid to \$2,875 per FTE (consistent with SUNY request of \$200) over current year; and it is further

**RESOLVED**, that individual copies of this resolution be conveyed to the Governor of the State of New York, to the Senate Majority Leader, the Speaker of the House and to each member of the State Senate and Assembly whose districts include all or part of Orange County, the Chancellor of the State University of New York, Orange County Community College Office of the President and to the Director of the New York Association of Counties so that they may be apprised hereof and take all necessary and appropriate action to effectuate the purpose of this resolution.

**RESOLVED**, that the Clerk of the Legislature shall transmit copies of this resolution to the Clerks of all other county legislatures throughout New York State.

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

**Sponsors: Spencer, Winstanley**

#### **RESOLUTION NO. 114 OF 2008**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE REQUESTING SUNY TO RESCIND ITS INTERPRETATION OF OPTIONAL RETIREMENT PLAN CONTRIBUTIONS EDUCATION LAW SECTION 392(2)(c) AND TO SEEK AMENDMENT TO THE STATUTE IF NECESSARY AND REQUESTING THE NEW YORK STATE LEGISLATURE TO AMEND AND CORRECT THE FISCAL IMPACT STATEMENT FOR SAID LAW AND REQUESTING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO FUND THE OPTIONAL RETIREMENT PLAN EMPLOYEE CONTRIBUTIONS AFTER TEN YEARS PARTICIPATION OR IN THE ALTERNATIVE TO RESCIND NEW YORK STATE EDUCATION LAW SECTION 392(2)(c).**

**WHEREAS**, the Governor of the State of New York, in his 2008-2009 Executive Budget, proposed a change in the Optional Retirement Plan transferring the employee's required three percent contribution to the State after 10 years participating in the plan, over a three year phased in period; and

**WHEREAS**, the SUNY Chancellor's Office has distributed an e-mail which purports to interpret the recent amendment to the Optional Retirement Plan Education Law Section 392(2)(c); and

**WHEREAS**, SUNY's interpretation is "although the language of the legislation specifically says that the State will pick up the tab for the three percent payments, a fiscal note attached to the legislation states that for community colleges, the payments will be picked up by the traditional three-way split: 1/3 from the State, 1/3 from the local sponsor and 1/3 from student revenue. The practical effect of that fiscal note is that the community college payments for the three percent would come from their operations budgets. However, the major sponsors of the legislation, the unions, say that their intent was to have the State, not the community colleges, pick up the cost"; and

**WHEREAS**, Section 392(2)(c) of the Education Law of the State of New York, specifically states "the State shall contribute the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee;" and

**WHEREAS**, the SUNY Chancellor's Office opinion has caused great consternation to the local community colleges; and

**WHEREAS**, the opinion of the SUNY Chancellor's Office is not predicated upon the statute, nor on clear language, but on a fiscal footnote, to Section 392(2)(c); and

**WHEREAS**, in the alternative, if the SUNY interpretation is correct, it is imperative that the State Legislature and Governor amend the Education Law Section 392(2)(c) to eliminate confusion and require the State to make the full three percent contribution on behalf of individual employees after ten years in the Plan, or, in the alternative, that the employee unions and the colleges address this proposal in collective bargaining and remove any unfunded mandate in the law that this benefit be imposed unilaterally by the State and Governor.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the SUNY Chancellor's Office recall its prior notification and comply with the law as written, looking solely to the State of New York to make the employee contribution for the applicable period; and be it further

**RESOLVED**, that the SUNY Chancellor's Office seek amendment to the Optional Retirement Plan (Education Law) compelling the State only to make the employee contribution after 10 years on the Option Retirement Plan; and be it further

**RESOLVED**, that the New York State Legislature issue a clarifying interpretation reconciling the clear language of the State by stating that only the State will fund 100 percent of the employee contribution to the Optional Retirement Plan after 10 years participation by amending or correcting the fiscal impact statement; and be it further

**RESOLVED**, that We, the Legislature of Orange County, hereby request the Governor of the State of New York and the New York State Legislature to fund the Option Retirement Plan Contribution and not pass the cost to the college as an unfunded mandate or in the alternative that the State of New York rescind the Education Law Section 392(2)(c) amendment to the Option Retirement Plan; and be it further

**RESOLVED**, that individual copies of this resolution be conveyed to the Governor of the State of New York, to the Senate Majority Leader, the Speaker of the House and to each member of the State Senate and Assembly whose districts include all or part of Orange County, the Chancellor of the State University of New York, Orange County Community College Office of the President and to the Director of the New York Association of Counties so that they may be apprised hereof and take all necessary and appropriate action to effectuate the purpose of this Resolution; and be it further

**RESOLVED**, that the Clerk of the Legislature shall transmit copies of this resolution to the Clerks of all other county legislatures throughout New York State.

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;        Noes 0;        Absent 0;        ADOPTED.

**MISCELLANEOUS:**

**Sponsors:        Berkman, Seidman, Decker, Pillmeier, Amo, Benton, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Spencer, Townsend, Lahey**

**RESOLUTION NO. 115 OF 2008****RESOLUTION RECOGNIZING MAY 1, 2008 AS HOLOCAUST MEMORIAL DAY “YOM HASHOAH.”**

**WHEREAS**, in 1953, Israel signed a law to recognize a day each year for all its citizens to commemorate the victims of the Holocaust “Yom Hashoah Ve-Hagevurah” (the day of remembrance of the Holocaust and Heroism); and

**WHEREAS**, in 2005, the General Assembly of the United Nations adopted a Resolution on the Holocaust Remembrance, reaffirming, among other things, (i) the Universal Declaration of Human Rights which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion and other status and (ii) that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; and

**WHEREAS**, today, Holocaust Memorial Day, is recognized internationally as the day to commemorate all those who were victims of the Holocaust and Nazi persecution, as well as the victims of earlier and later genocides - including victims of persecution in Armenia, Cambodia, Rwanda, Bosnia, Kosovo, Darfur and others - and to explore wider issues of prejudice, hatred, discrimination and community cohesion throughout the world; and

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Orange County Legislature recognizes May 1, 2008 as Holocaust Memorial Day and We commend these sentiments to every citizen of Orange County that all might remember and reflect upon the Holocaust and more recent genocides as a clear warning of where racism and other forms of prejudice and discrimination can lead.

Seconded by Mr. Winstanley.

Mr. Berkman asked Mrs. Reed to draft this resolution and he thanked her and Mr. Amo for reviewing it. He appreciates everyone’s support on this. It is such a horrific event; it is difficult to fathom it. He introduced this resolution to show respect for certain individuals in the Middletown area who experienced the Holocaust personally.

Mr. Amo thanked Mr. Berkman for putting this forward and noted that there is probably not a person in Kiryas Joel who has not been touched by the Holocaust. He added that it is fitting to do this but the memorialization should be 365 days a year.

Mr. Spencer joined in supporting this resolution. One of his first clients was a Holocaust survivor.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21;

Noes 0;

Absent 0;

ADOPTED.

The Semi-Annual Report of the Mortgage Tax for the period October 1, 2007 through March 31, 2008, was presented to the Legislature. On motion the same was received and ordered placed on file.

The Clerk read the following:

Apportionment of the Mortgage Tax for the period October 1, 2007 through March 31, 2008

<u>TOWN OR CITY</u>	<u>VILLAGE</u>	<u>VILLAGE SHARE</u>	<u>CITY OR TOWN SHARE</u>	<u>TOTAL</u>
Middletown			357,866.47	357,866.47
Newburgh (City)			369,726.41	369,726.41
Port Jervis			94,067.33	94,067.33
Blooming Grove			279,949.69	
	WASHINGTONVILLE	45,997.42		
	SOUTH BLOOMING	29,142.58		355,089.69
Chester			198,499.36	
	CHESTER	35,156.16		233,655.52
Cornwall			221,405.60	
	CORNWALL	31,519.38		252,924.98
Crawford			190,653.41	190,653.41
Deerpar			145,074.03	145,074.03
Goshen			277,769.27	
	GOSHEN	67,483.17		
	FLORIDA	560.35		
	CHESTER	554.37		346,367.16
Greenville			73,622.28	73,622.28
Hamptonburgh			122,301.45	
	MAYBROOK	461.63		122,763.08
Highlands			81,352.07	
	HIGHLAND FALLS	35,519.57		116,871.64
Minisink			102,264.91	
	UNIONVILLE	4,457.78		106,722.69
Monroe			583,408.45	
	MONROE	136,016.63		
	HARRIMAN	19,654.63		
	KIRYAS JOEL	79,534.38		818,614.09
Montgomery			291,164.41	
	MAYBROOK	15,835.68		
	MONTGOMERY	27,020.53		
	WALDEN	42,451.49		376,472.11
Mount Hope			88,522.00	
	OTISVILLE	6,963.14		95,485.14
Newburgh (Town)			841,470.57	841,470.57
New Windsor			544,241.15	544,241.15
Tuxedo			263,116.23	
	TUXEDO PARK	67,949.05		331,065.28
Wallkill			753,894.57	753,894.57
Warwick			581,700.53	
	FLORIDA	25,499.99		
	GREENWOOD LAKE	29,753.55		

	WARWICK	57,925.66		694,879.73
Wawayanda			137,885.56	137,885.56
Woodbury			112,240.88	
	HARRIMAN	6,040.99		
	WOODBURY	109,044.26		227,326.13
TOTAL		874,542.39	6,712,196.63	7,586,739.02

On motion the same was received and ordered placed on file.

**Sponsor: Donnery**

**RESOLUTION NO. 116 OF 2008**

**RESOLUTION ACCEPTING AND CONFIRMING THE REPORT OF THE APPORTIONMENT OF THE MORTGAGE TAX FOR THE PERIOD OCTOBER 1, 2007 THROUGH MARCH 31, 2008, AS COMPUTED FROM STATEMENT FILED BY THE COUNTY CLERK.**

**RESOLVED**, that the report of the apportionment of the Mortgage Tax for the period October 1, 2007 through March 31, 2008, as computed from the statement filed by the County Clerk, pursuant to the provisions of Section 261 of the Tax Law, be accepted and confirmed and that a certified copy thereof be furnished to the Commissioner of Finance, which shall be his warrant to pay the same as specified.

Seconded by Mr. Townsend.

The vote resulted as follows:

Ayes: Decker, Pillmeier, Amo, Benton, Berkman, Bonacic, Brescia, Burger, Depew, Donnery, Eachus, Fornario, Kulisek, Marino, Paduch, Pahucki, Seidman, Spencer, Townsend, Winstanley, Lahey

Ayes 21; Noes 0; Absent 0; ADOPTED.

Chairman Lahey stated that before the Legislature adjourns, after 32 years of service to AHRC, Mr. Wayne Decker will be retiring on May 16, 2008 and we congratulate him.

Mr. Decker moved to go into executive session to discuss contract negotiations regarding the Camp LaGuardia property, seconded by Mr. Townsend. The Legislature entered executive session at 4:31 p.m.

Mr. Pahucki moved to exit executive session, seconded by Mr. Pillmeier.

The Legislature left executive session at 5:40 p.m.

On motion of Mr. Pahucki, seconded by Mr. Pillmeier, the Legislature was adjourned at 5:40 p.m.

ADJOURNED.  
Laurie M. Whightsil, Clerk