

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

AGENDA

PUBLIC TOWN COUNCIL MEETING

Monday, July 1, 2013

7:00 p.m.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. MOMENT OF SILENCE**
- 4. CHANGES TO AGENDA**
- 5. COMMENTS ON AGENDA ITEMS**
- 6. APPROVAL OF AUDIT**
- 7. APPOINTMENT OF SOLE ASSESSOR**
- 8. POLICE:**
 - A. T-90 Withdrawal for K9 Equipment**
 - B. Part Time Court Officer**
- 9. CODE COMPLIANCE: Road Name (Raaby Lane)**
- 10. RESOLUTION: Designation Officer to Receive Filed "Notices of Claim" from Secretary of State**
- 11. PARKS AND RECREATION: Change Order for Fireworks**
- 12. ACCOUNTING: T-20 Budget Transfer**
- 13. PLANNING BOARD: Reduction of Performance Security**
- 14. ANNOUNCEMENTS AND PRESENTATIONS**
- 15. PUBLIC COMMENTS**
- 16. POTENTIAL EXECUTIVE SESSION: Proposed Acquisition of Real Property**
- 17. ADJOURNMENT**

6. APPROVAL OF AUDIT

AUDIT # 12

July 1, 2013

VOUCHERS: 132364 to 132700

FUND	REGULAR	PREPAID
GENERAL	\$ 248,658.70	\$ 330,464.98
TRUST & AGENCY	136,935.69	2,051.11
STREET LIGHTING	-	-
HIGHWAY	287,276.56	74,714.32
WATER	119,275.32	41,431.78
SEWER	50,230.79	8,357.00
WATER CAPITAL	21,587.15	-
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	-	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 863,964.21	\$ 457,019.19
GRAND TOTAL	<u>\$ 1,320,983.40</u>	

AUDIT # 12
7/1/2013
VOUCHERS: 132364 to 132700

Audit Date: July 1, 2013

To the Supervisor:

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

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

<u>Voucher</u>	<u>Vendor Name</u>	<u>Amount</u>
132456	Amthor welding	88.52
132459	Business automation	1,980.00
132513	Amthor welding	2,712.00
132544	Hoffman equipment	217.00
132555	Mid hudson mack	41.60
132556	Mid hudson mack	182.45
132564	NY Communication	9,034.00
132608	Schmidts wholesale	63.45
132621	TAM Enterprises	850.00

Dated: _____

Andrew J. Zarutskie, Town Clerk

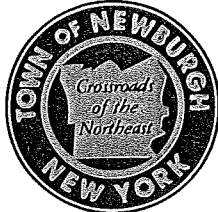
Town Board:

Exceptions:

7. APPOINTMENT OF SOLE ASSESSOR

JUL - 1 2013

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TOWN OF NEWBURGH

1496 ROUTE 300, NEWBURGH, NEW YORK 12550

John T. Venezia
Sole Assessor

845-564-4550

To: Supervisor Wayne Booth and
Town Board Members

From: John T. Venezia

Date: June 25, 2013

Subject: Reappointment to the position of Sole Assessor

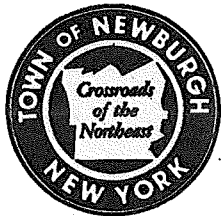
On September 30, 2013 the 6-year term of Sole Assessor will expire. It has been more than a year since my appointment; it has truly been a pleasure and an honor to have served the Town Supervisor, Members of the Town Board and most of all, the Taxpayers of the Town of Newburgh. I am respectfully requesting to be reappointed for the next 6-year term.

John T. Venezia, IAO

8. POLICE:
 - A. T-90 Withdrawal for K9 Equipment
 - B. Part Time Court Officer

JUL - 1 2013

8a



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Michael Clancy
Chief of Police

(845) 564-1100

June 27, 2013

To: Town Board

From: Chief Michael Clancy

Subject: Authorization to Purchase K-9 Equipment Using T-90 Account

I am requesting authorization to purchase fencing to build an indoor k-9 kennel to be kept in the corner of the security bay. The proposed kennel will fit without causing a problem for vehicles coming in and out of the bay. It will also afford a climate controlled environment for the k-9s when a k-9 officer is in the station for an extended period of time. The outdoor kennels have not been maintained or used in several years and would require replacement or extensive repairs.

Once the kennel is built inside the security bay the outdoor kennel can be taken down and used as a storage area for misc. Police Department equipment or Town equipment. The area would fit a medium sized storage container that some Town officials have previously inquired about.

There is an ample amount of money in the T-90 account that has been donated over the last few years to the k-9 Unit.

I have enclosed a copy of the quote for the above mentioned fencing.

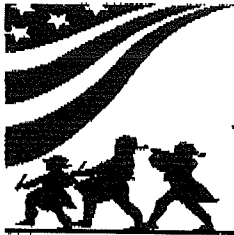
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Clancy", is written over the typed name of the Chief of Police.

Chief Michael Clancy

6 Marne Ave., Newburgh, NY 12550 Phone/Fax: 845-565-7235 teflagfence@yahoo.com www.teflagfence.com

VISIT US ON FACEBOOK & TWITTER



Flag & Fence

Fully Insured
Family Owned / 20 Years Experience
845-565-7235

<u>Customer / Location</u>	<u>Phone/ Fax</u>	<u>Date</u>
Town of Newburgh Police	564-1100	06/26/2013
Attn: Officer Henry Lawson	564-1870	
300 Gardnertown Road		
Newburgh, NY 12550		
<u>Cell Phone:</u>	<u>e-mail:</u>	

We Propose hereby to furnish material & labor complete in accordance with these specifications:

Install Interior Dog Kennel:
3' x 7', 2 Sided with Top & 1, 3' Walk Gate
➤ 9 Gauge, Galvanized Chain Link

Beginning/Completion Dependent on Weather Conditions & Scheduling of Multiple Contracts

for the sum of:

Dollars \$750.00
+ Tax \$
Total \$
Deposit \$
Balance Due \$750.00

Payment to be made as follows:

Cash or Check payable to T & C Flag & Fence : Deposit for Materials in Advance, Balance on Completion/Delivery
All material is guaranteed to be as specified. All work is to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. BUYER AGREES to accept full responsibility for the location of the fence/gate/flagpole described in this proposal, for any damages caused by public or private underground utilities/sprinkler systems, wear and tear of materials due to improper flag care or misuse/mishandling, as well as to defend SELLER, reimbursing them for all costs in connection with any claims made by anyone about the location of the fence/gate/flagpole.

Signature Terry Hovencamp Date 06/26/2013

Acceptance of Proposal:

The above prices, specifications, and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. LATE PAYMENT CHARGES at the rate of 1.5% per month or an annual rate of 18% will be charged 30 days after billing date. Until complete payment has been made for the entire job, all materials listed above thereupon shall be the property of the SELLER, and the SELLER shall of its own option, in the event of default in any of the payments, remove the materials whether they may be attached, or may otherwise appear to be part of the realty, without any recourse against the SELLER. Until final payment, all materials shall be deemed to be personally, and title shall remain with the SELLER.

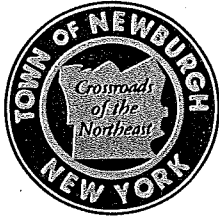
Authorized Signature _____ Date _____

Please Print _____

Note: This proposal may be withdrawn by us if not accepted within 90 days

Thank for Thinking of T & C

Customer Copy



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

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PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Supervisor Booth ✓
Town Board
Jackie Calarco, Town Accountant

From: Charlene M Black, Personnel Director

Date: June 28, 2013

Re: Part Time Court Officer

Please see attached the application, employee request form and letter from Chief Michael Clancy to hire Richard Pisani, as a part time Court Attendant. If approved Mr. Pisani will need to complete all necessary paperwork, physical and fingerprint process. Thank you in advance.



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Michael Clancy
Chief Michael Clancy

(845) 564-1100

June 27, 2013

To: Town Board

From: Chief Michael Clancy

Subject: Authorization to Fill Vacant Part-Time Court Officer Position

I am requesting authorization to fill a part-time court officer position. On June 26, 2013 Mr. Richard Pisani was interviewed for the position.

Based on the interview and follow up background I am requesting that the board appoint Mr. Richard Pisani to fill the vacant part-time court officer position at the current starting hourly pay rate of \$13.00.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Clancy".

Chief Michael Clancy

Cc: Personnel

TOWN OF NEWBURGH
EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Richard Pisani

DEPARTMENT: Police Dept

TITLE OF POSITION: Court Officer P/T

FULL TIME OR PART TIME: P/T

HOURLY RATE: \$13.00 / hr.

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 3120, 1

PROPOSED HIRE DATE: As soon as possible

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

[Signature]
DEPARTMENT HEAD SIGNATURE

6/27/13
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

9. CODE COMPLIANCE: Road Name (Raaby Lane)

JUL - 1 2013



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

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Town Clerk

914-564-4554
Fax 914-566-1432

DATE: 6/12/13

TO: Patty

FROM: ANDREW J. ZARUTSKIE, TOWN CLERK

RE: PROPOSED ROAD NAME

ATTACHED IS A REQUEST FOR APPROVAL OF A ROAD NAME.

PLEASE REVIEW AND MAKE THE NECESSARY EVALUATIONS. WE WILL NOT RECOMMEND SUBMISSION FOR TOWN BOARD ACTION UNTIL WE RECEIVE YOUR DECISION. OUR OFFICE WILL NOTIFY THE APPLICANT AND ALL INTERESTED DEPARTMENTS OF THE BOARD'S ACTION.

IN ADDITION, PLEASE COMPLETE THE BOTTOM OF THIS FORM AND THEN RETURN TO THIS OFFICE.

DECISION: Approved by DATE: 6-25-13
Newburgh P.O.

ACCEPTABLE ROAD NAME: RABBY LANE

SECTION 47 BLOCK 1 LOT 64.22

PARCEL NUMBERS: 1 TO 25

FIRE DISTRICT: DLEC

LOCATION OF ROAD: OFF Hickory Hill Road

SUB-DIVISION NAME: DOMINGUEZ

Michael Farjuel
CODE COMPLIANCE SUPERVISOR

C

Talcott Engineering DESIGN, PLLC.

1 GARDNERTOWN ROAD * NEWBURGH, NY 12550
(845)-569-8400 * (fax) (845)-569-4583

June 11, 2013

Wayne Booth, Supervisor
Town of Newburgh
Town Board
1496 Route 300
Newburgh, NY 12550

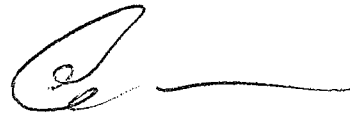
Re: Domingues Proposed 5 Lot
Subdivision
Hickory Hill Road
S-B-L: 47-1-64.22
Job #12156-CDS
Town PB #2011-17

Dear Mr Booth,

On behalf of our client, Carlos Domingues, we are requesting Town Board approval of the name "Raaby Lane" for the private road in the above referenced subdivision. As an alternate his second choice is "Raab Road" and third choice is "U.J. Court".

If you have any questions or concerns, please do not hesitate to contact me at the above number.

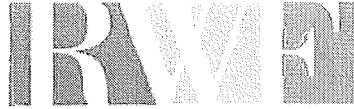
Very truly yours,



Charles T. Brown, PE
Talcott Engineering Design
President

Pc: John Ewasutyn, PB Chairman
Carlos Domingues, owner

10. RESOLUTION: Designation Officer to Receive Filed "Notices of Claim" from Secretary of State



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

TO: HON. WAYNE C. BOOTH, SUPERVISOR
TOWN BOARD MEMBERS
FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN
RE: RESOLUTION DESIGNATING OFFICER TO RECEIVE
FILED NOTICES OF CLAIM FROM THE SECRETARY OF
STATE UNDER THE UNIFORM NOTICE OF CLAIM ACT
OUR FILE NO. 800.1(B)() (2013)
DATE: JUNE 26, 2013

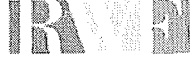
ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Shay A. Humphrey
Jeffrey S. Sculley
Donna M. Badura
Darren H. Fairlie
M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL
Stephen P. Duggan, III
OF COUNSEL
Craig F. Simon

The Uniform Notice of Claim Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against public corporations, including towns, to be served on the New York Secretary of State. This is an alternative means of filing, and notices of claim may still be served directly on the Town by delivering a copy "personally, or by registered or certified mail, to the person designated by law as one to whom a summons in an action in the supreme court issued against such corporation may be delivered, or to an attorney regularly engaged in representing" the Town.

The Act requires, among other things, that all public corporations, no later than thirty days after the date the Act takes effect (i.e., July 15, 2013), file a certificate with the Secretary of State which provides the Secretary with the name, post office address and electronic mail address, if available, of an officer, or other person or agent for the transmittal of notices of claim served on the Secretary of State. The Secretary of State will be charging a \$250 service fee for accepting service of notices of claim and by filing the certificate, the Town will be entitled to one-half of that fee.

Attached for your consideration is a resolution designating the Town Clerk as the officer to receive notices of claim forwarded by the Secretary of State and authorizing the filing of the required certificate.



June 26, 2013
Page 2

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

MCT:sel

Enclosures

cc: Andrew J. Zarutskie, Town Clerk (*via e-mail*)
Jacqueline Calarco, Town Accountant (*via e-mail*)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___st day of July, 2013 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Ernest C. Bello, Jr., Councilman

Elizabeth J. Greene, Councilwoman

RESOLUTION PROVIDING FOR DESIGNATION OF OFFICER TO RECEIVE NOTICES OF CLAIM FORWARDED BY THE SECRETARY OF STATE

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

WHEREAS, the Uniform Notice of Claim Act (the "Act"), which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against public corporations (which includes towns) to be served on the New York Secretary of State as agent for New York's public corporations; and

WHEREAS, the Act provides, among other things, that all public corporations entitled to have served upon them a notice of claim as a condition precedent to commencement of an action or proceeding shall, no later than thirty days after the date upon which the Act takes effect, file a certificate with the Secretary of State which provides the Secretary with the name, post office address and electronic mail address, if available, of an officer, person, or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the Secretary as the public corporation's agent.; and

WHEREAS, the Town Board wishes to designate the officer to receive the transmittal of notices of claim served on the Secretary of State.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newburgh hereby designates the following officer as the officer to receive the transmittal of notices of claim served on the Secretary of State:

Town Clerk of the Town of Newburgh
1496 Route 300
Newburgh, New York 12550
town-clerk @ hvc.ny.com

and;

BE IT FURTHER RESOLVED, that the necessary certificate be filed with the Secretary of State on or before July 15, 2013 in accordance with the Act; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

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

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Ernest C. Bello, Jr., Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.

11.PARKS AND RECREATION: Change Order for Fireworks

**AMENDMENT TO CONTRACT/CHANGE ORDER
FOR
2013 TOWN OF NEWBURGH
COMMUNITY DAY FIREWORKS DISPLAY**

This Amendment to Contract/Change Order for 2013 Community Day Fireworks Display is made this ___ day of June, 2013 by and between the Town of Newburgh, NY and Legion _____ (“Contractor”).

Whereas, Contractor has bid and the Town of Newburgh, NY has accepted Contractor’s bid which includes the furnishing of all materials and labor for a fireworks display to be held at 9:30 p.m. on July __, 2013 (Rain date: July __, 2013 at the option of the Town) at Cronomer Hill Park, Powder Mill Road, Newburgh, New York subject to the specifications and terms and conditions set forth in the bid documents (the “Contract”); and

Whereas, the parties wish to amend the Contract to increase the contract amount by an additional \$1,500.00, so that the fireworks display will include additional fireworks.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Contract is hereby amended and modified in the manner hereinafter set forth.

1. In the event there is any inconsistency or difference between the terms and provisions of this Amendment/Change Order and the Contract, the terms and provisions set forth in this Amendment/Change Order shall prevail.

2. The total Contract amount payable to Contractor is increased by \$1,500.00. The fireworks display shall include additional fireworks to be mutually determined by the parties in writing by initialing a schedule listing the additional fireworks prior to the date of the Community Day event, the total price for which additional fireworks for the display, inclusive of all materials, labor and any other costs shall be equal to \$1,500.00

3. All the terms and conditions of the Contract except as otherwise stated herein shall remain in full force and effect. This Amendment/Change Order along with the original Contract constitutes the entire agreement between the Town and the Contractor with respect to the subject matter hereof and together supersedes all prior written or oral understandings, agreements, or representations from one party to another. This Amendment/Change Order and the Contract may not be further modified or extended orally.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals to this Amendment/Change Order the day and year first above written.

Town of Newburgh, NY

Legion _____

BY: _____
Wayne C. Booth, Supervisor

BY: _____

12.ACCOUNTING: T-20 Budget Transfer

JUL - 1 2013

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TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

2nd Request

PH: 845-566-7785
Fax: 845-564-2170

To: Wayne C Booth, Town Supervisor
Town Board ✓
Jackie Calarco, Town Accountant

From: Charlene M Black, Personnel

A handwritten signature in cursive, appearing to be "C Black", is written next to the name Charlene M Black.

Date: June 20, 2013

Re: T-20 Account

Please approve the transfer of \$23.85 from the T-20 account to the general fund. The retiree (Thomas Masten) declined Optical/Dental and these funds need to be transferred back to our general account.

Thank you for your time in this matter.

13. PLANNING BOARD: Reduction of Performance Security

JUL - 1 2013

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

MEMORANDUM

TO: Wayne Booth, Town Supervisor & Town Board
FROM: James W. Osborne, Town Engineer *JWO*
DATE: June 21, 2013
RE: PB \ BALMVILLE ESTATES

The applicant has completed all work for the construction of the private road known as Osage Lane (off Susan Drive) and the public water main installation. Based on this, I am recommending that the Town Board release \$7,080 of the remaining \$13,000 of the performance security (\$5,920 will be held until the expiration of the warranty period for the water main in January 2014).

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

JWO/id

cc: M. Taylor, Attorney
J. Platt, DPW
D. Benedict, Hwy. Supt.
K. Lytle, Zen Design

14. ANNOUNCEMENTS AND PRESENTATIONS

15. PUBLIC COMMENTS

16.POTENTIAL EXECUTIVE SESSION: Proposed Acquisition of Real Property

APPRAISAL OF REAL PROPERTY

Borrower/Client		File No. 22022	
Property Address	100 Mill St	County	ORANGE
City	Walkkill	State	NY
Lender	TOWN OF NEWBURGH	Zip Code	12589



LOCATED AT

100 Mill St
Walkkill, NY 12589
2229/14

FOR

TOWN OF NEWBURGH
311 ROUTE 32
NEWBURGH, NY 12550

OPINION OF VALUE

AS OF

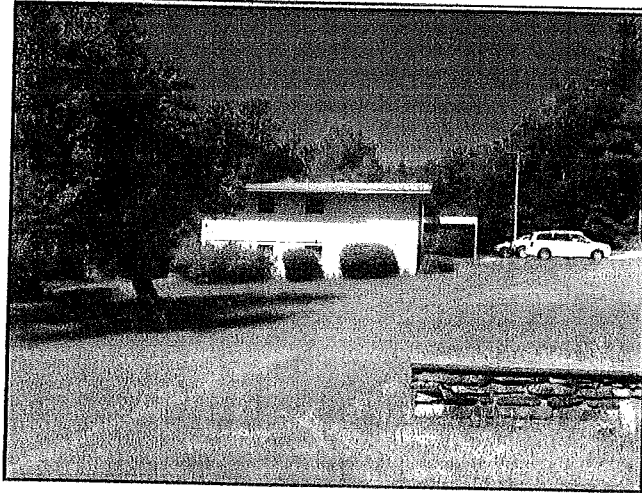
JUNE 4, 2013

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APPRAISAL OF REAL PROPERTY

Borrower/Client	NA	File No.	22021
Property Address	114- 118 Mill St		
City	Walkill	County	ORANGE
Lender	TOWN OF NEWBURGH RECREATION DEPT.		State NY Zip Code 12589



LOCATED AT

114- 118 Mill St
Walkill, NY 12589
1479-490

FOR

TOWN OF NEWBURGH RECREATION DEPT.
311 ROUTE 32
NEWBURGH, NY 12550

OPINION OF VALUE

AS OF

JUNE 4, 2013

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