

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

AGENDA

AUDIT/WORKSHOP TOWN COUNCIL MEETING
Wednesday, July 11, 2012
(7:00 p.m.)

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. ORCHARD PROPERTIES INC.: 3 Lots on a Common Drive
7. POLICE: Canine Request
8. OLD SOUTH PLANK ROAD: Route 52 Entrance
9. ASSESSOR: Elapus LTD Certiorari Settlement
10. PLANNING BOARD: Landscape Bond Estimate for Mid Hudson II Holding Company
11. EXECUTIVE SESSION:
 - A. Central Hudson Litigation
 - B. DPW Personnel
12. ADJOURNMENT

5. APPROVAL OF AUDIT

JUL 11 2012

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AUDIT # 13

July 11, 2012

VOUCHERS: 122700 to 122848

FUND	REGULAR	PREPAID
GENERAL	\$ 251,625.75	\$ 83,208.56
TRUST & AGENCY	2,065.00	-
STREET LIGHTING	14,789.44	-
HIGHWAY	304,809.65	41,527.47
WATER	25,721.98	39,696.11
SEWER	46,701.36	20,315.36
WATER CAPITAL	292,250.81	-
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	-	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 937,963.99	\$ 184,747.50
GRAND TOTAL	<u>\$ 1,122,711.49</u>	

JUL 11 2012

AUDIT # 13

7/11/2012

VOUCHERS: 122700 to 122848

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Audit Date: July 11, 2012

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>
122722	Valley septic systems	650.00
122734	Newburgh steel products	259.20
122793	NY Communication	1,589.23
122805	Schmidts wholesale	8,883.69

Dated: _____

Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

6. ORCHARD PROPERTIES, INC. 3 Lots on a Common Drive

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Vincent J. Doce Associates

Surveyors Planners Project Consultants Land Consultants

**242 South Plank Road
Newburgh, NY 12550
Tel: 561-1170 Fax: 561-7738**

June 7, 2012

James W. Osborne, Town Engineer
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Re: Orchard Properties, Inc. – PB Project 2006-19 – 3 lot Subdivision
Lakeside Road (S28-B1-L18.2)

Dear Jim:

Thank you for your letter of May 17, 2012, in which you advise that the Town Board has granted the above captioned project a waiver from the requirement to construct a private road to access Lakeside Road, as said waiver was requested by the Town Planning Board, thereby allowing the intended subdivision to access Lakeside Road by a common driveway.

Your letter sets forth the requirement that certain notes be placed on the subdivision map and in the deeds conveying the lots to any purchasers, specifically stating that the approved lots shall not be further subdivided and that no more than three single family dwellings shall be located on the three lots.

As I stated at the Town Board meeting of May 2, 2012, my client does not object to the Panning Board's request that the three lots utilize a common drive, nor does he object to the Town Board request that the lots not be further subdivided, and he is in support of this restriction. The Town Board then moved and approved the proposal.

However, the condition that the subdivision be limited to single family homes was not a part of the motion and approval. The property is zoned for one and two family homes and the intended use of the lots contemplates this zoning if all governing Town regulations are met. The May 2nd motion and approval limits this parcel to three lots with no further subdivision approval and my client has no problem with this. He does not want to preclude the possibility of building a two family home on one of the lots, specifically Lot #1, as allowed by the zoning.

The existing Town regulations require that any lot upon which a two family home is requested requires a separate, specific, individual application and approval to and from the Town beyond the approval granting the subdivision. Therefore any note restricting the lots to single family homes is unnecessary. Should anyone wish to build a two family home on one of the lots, they must file an application and obtain approval from the Town. Consequently, at the time of application for a two family use the Town can mandate that the lot housing a two family home will not be allowed to use the common drive and will

require its own drive access to Lakeside Road, if the Town so desires. In our case only Lot #1 could meet that condition, having direct lot frontage on Lakeside Road, while the other two lots front on the common drive and do not have the required unfettered frontage on Lakeside Road.

For these reasons my client requests that the wording referencing single family homes be eliminated, particularly since it was not part of the motion of approval.

Thank you for your time and consideration.

Sincerely,

Vincent

7. POLICE: Canine Request

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TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Michael Clancy
Police Chief

(845) 564-1100

To: Town Board
From: Chief Michael Clancy
Re: Request to add new K-9's
Date: 4/11/12

As you may recall, the Police Departments last K-9 was retired in February. As a result, this is the first time in many years that there hasn't been a K-9 in service.

There are a number of positive reasons for having K-9's in a Police Department. Besides utilizing K-9's for officer protection and suspect apprehension, they are valuable for other uses such as searching for people and evidence, narcotics detection, explosives detection and public relations. The ability to utilize K-9's for searches alone can save a great deal of expense and man-hours in a department our size.

At this time I am requesting that the Board consider allowing the Police Department to re-build the K-9 Unit. If approved, we would start the process of interviewing for up to two (2) new K-9 handlers as soon as possible. We would then search for suitable dogs. The handlers and dogs would then have time to get familiar before the start of formal K-9 training which would most likely start in September.

The 2012 Police Budget has \$10,000 allocated for K-9's and there is several thousand dollars in a T-account designated for K-9. According to several current and former K-9 trainers, pre-tested dogs are estimated to cost \$5,000-6,000 each with a guarantee from the seller. Of course, there is always a chance that suitable dogs could be purchased for less.

The PBA has recently advised me that a local business has offered to donate \$12,000 to the PBA for the purchase of new dogs. Assuming the Board allows the program to start up again and the donation is made, the PBA would agree to purchase the dogs and then sign them over to the Town for the K-9 program.

Again, I am requesting that the Board consider this request for re-building the K-9 Unit. New, well-trained handlers and dogs could serve the Department and the residents for years to come.

Thank you for your time and consideration.


Chief Michael Clancy

8. OLD SOUTH PLANK ROAD: Route 52 Entrance

Discussion

9. ASSESSOR: Elapus LTD Certiorari Settlement

JUL 11 2012



DRAFT

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 ___th day of July, 2012 at 7:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDING UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL # 9-3-70.1, 70.3, 70.42 AND 70.5
ELAPUS, LTD
(BRIGHT STAR DRIVE)
INDEX NUMBER 2011-7629

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

WHEREAS, ELAPUS, LTD. ("Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Newburgh, Orange County, New York located at Bright Star Drive (Section 9-Block 3-Lots 70.1, 70.3, 70.42 and 70.5) on the tax assessment rolls for the tax years 2010 and 2011; and

WHEREAS, special counsel to the Town, Hacker & Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioners, the terms of which are embodied in a proposed Stipulation of Settlement and Order annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs Hacker & Murphy, LLP to execute and deliver the Stipulation of Settlement and Order on behalf of the Town; and

BE IT FURTHER RESOLVED, that the Supervisor, Hacker & Murphy, LLP, the Attorney for the Town, the Town's Sole Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; 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.

10. PLANNING BOARD: Landscape Bond Estimate for Mid Hudson II Holding Company

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KALA

Karen Arent Landscape Architect

Memorandum

To: Mr. Wayne Booth, Town Supervisor and Town Board

From: Karen Arent, Landscape Architectural Consultant to the Town of Newburgh
Planning Board

Date: July 6, 2012

Re: Landscape Bond Estimate for Mid-Hudson II Holding Company, Retail Office
Building for Franco Fidanza
North Plank Road, NYS Route 32
Town Project Number 2007-37

Consultant: Coppola Associates

Cc: Chairman John Ewasutyn and the Town of Newburgh Planning Board, Michael
Donnelly, Esq., Mr. Bryant Cocks, Mark Taylor, Esq., Ms. Cindy Martinez, Mr. Gerald
Canfield, Mr. Anthony Coppola

Attached for the Town Board's review is a landscape cost estimate for the above referenced project. The cost estimate, for the amount of \$16,340, is reasonable.

The landscape inspection fee for this project is \$2,000

The above requires Town Board action and should be placed on your next available agenda.

11. RESOLUTION: Execution of Application for Pension Waiver

W

DRAFT

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 ___th day of July, 2012 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

**RESOLUTION OF TOWN BOARD
AUTHORIZING EXECUTION OF
APPLICATION FOR PENSION WAIVER
PURSUANT TO SECTION 211 OF THE
NEW YORK STATE RETIREMENT AND
SOCIAL SECURITY LAW FOR
JOHN PLATT**

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

WHEREAS, the Town Board of the Town of Newburgh is the appointing authority for the position/office of Commissioner of Public Works of the Town of Newburgh; and

WHEREAS, after a formal recruitment effort and upon a determination that the employment of John Platt as the Commissioner of Public Works of the Town of Newburgh is in the best interest of government service, the Town Board of the Town of Newburgh determined to appoint John Platt as the Town's Commissioner of Public Works; and

WHEREAS, John Platt is a retiree in the New York State and Local Retirement System, having retired from employment by a political subdivision other than the Town and

WHEREAS, Section 150 of the Civil Service Law provides, generally, that a retiree's pension shall be suspended during periods of reemployment in the public service and Section 211 of the Retirement and Social Security Law provides for the reemployment of a retiree under certain circumstances without loss or diminution of pension ; and

WHEREAS, the law requires a final determination by the New York State Civil Service Commission that the requirements of Section 211 are met; and

WHEREAS, the Town Board of the Town of Newburgh desires to authorize the submission of an application to the State Civil Service Commission for such a final determination for pension waiver pursuant to Section 211 pertaining to John Platt.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Newburgh hereby authorizes the Town Supervisor to prepare, execute and file on behalf of the Town of Newburgh as the Requesting

Employer an application for pension wavier pursuant to Section 211 of the New York State Retirement and Social Security Law for John Platt for the position of Commissioner of Public Works of the Town of Newburgh; and

BE IF FURTHER RESOLVED, that the Supervisor and other officers and employees of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolution; 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.

DRAFT

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 __th day of July, 2012 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING EXECUTION OF
APPLICATION FOR PENSION WAIVER
PURSUANT TO SECTION 211 OF THE
NEW YORK STATE RETIREMENT AND
SOCIAL SECURITY LAW FOR
JOHN VENEZIA

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

WHEREAS, the Town Board of the Town of Newburgh is the appointing authority for the position/office of Sole Assessor of the Town of Newburgh; and

WHEREAS, after a formal recruitment effort and upon a determination that the employment of John Venezia as the Sole Assessor of the Town of Newburgh is in the best interest of government service, the Town Board of the Town of Newburgh determined to appoint John Venezia as the Town's Sole Assessor; and

WHEREAS, John Venezia is a retiree in the New York State and Local Retirement System, having retired from employment by a political subdivision other than the Town and

WHEREAS, Section 150 of the Civil Service Law provides, generally, that a retiree's pension shall be suspended during periods of reemployment in the public service and Section 211 of the Retirement and Social Security Law provides for the reemployment of a retiree under certain circumstances without loss or diminution of pension ; and

WHEREAS, the law requires a final determination by the New York State Civil Service Commission that the requirements of Section 211 are met; and

WHEREAS, the Town Board of the Town of Newburgh desires to authorize the submission of an application to the State Civil Service Commission for such a final determination for pension waiver pursuant to Section 211 pertaining to John Venezia.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Newburgh hereby authorizes the Town Supervisor to prepare, execute and file in the name of and on behalf of the Town of Newburgh

as the Requesting Employer an application for pension wavier pursuant to Section 211 of the New York State Retirement and Social Security Law for John Venezia for the position of Sole Assessor of the Town of Newburgh; and

BE IF FURTHER RESOLVED, that the Supervisor and other officers and employees of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolution; 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.