

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, November 28, 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. ACCOUNTING – AUDIT SERVICES
 - A. Town of Newburgh
 - B. Justice Court
7. ASSESSOR – TAX CERTIORARI
 - A. Great Palace Realty (Lakeside Road)
 - B. Marino (Lakeside Road—Building Blocks)
 - C. WPA Acquisitions (Jeanne Drive)
8. ANIMAL CONTROL: Part Time Animal Control Officer
9. DPW: Working Leader Positions for Water Distribution and Sewer
10. SCHEDULE OF FEES
11. CONSIDERATION OF EXECUTIVE SESSION: Certiorari for New England Lamination (Governor Drive)
12. ADJOURNMENT

5. APPROVAL OF AUDIT

NOV 28 2012

AUDIT # 23

11/28/2012

VOUCHERS: 124696 to 124878

5

Audit Date: November 28, 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>
124705	Amthor welding	767.96
124706	Arkel motors	427.46
124715	Corsi tire	1,309.70
124716	Corsi tire	1,515.42
124717	Corsi tire	1,040.60
124750	Mid hudson mack	3,205.02
124751	Mid hudson mack	227.12
124752	Mid hudson mack	117.89
124753	Mid hudson mack	90.83
124756	Newburgh steel products	107.60
124828	Corsi tire	1,380.67
124853	NY Communications	95.00
124861	Spagnoli excavating	560.00
124875	Schmidts wholesale	15,684.32
124876	Schmidts wholesale	5,071.26

Dated: _____

Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

AUDIT # 23

November 28, 2012

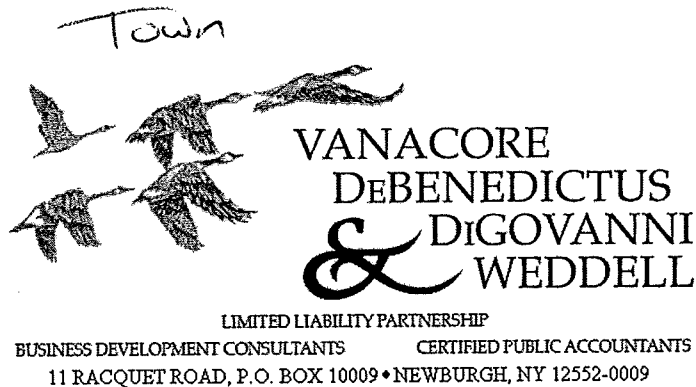
VOUCHERS: 124696 to 124878

FUND	REGULAR	PREPAID
GENERAL	\$ 1,833,261.41	\$ 4,111.32
TRUST & AGENCY	4,168.29	-
STREET LIGHTING	-	-
HIGHWAY	531,143.82	-
WATER	287,841.15	11,840.17
SEWER	191,443.85	-
WATER CAPITAL	410,745.65	-
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	6,650.00	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 3,265,254.17	\$ 15,951.49
GRAND TOTAL	<u>\$ 3,281,205.66</u>	

6. ACCOUNTING – AUDIT SERVICES

A. Town of Newburgh

B. Justice Court



September 6, 2012

Town Board
Town of Newburgh
1469 Route 300
Newburgh, NY 12550

Attention: Mr. Wayne Booth,

This letter is to explain our understanding of the arrangements for the services we are to perform for Town of Newburgh ("the Town") for the year ending December 31, 2012. We ask that you either confirm or amend that understanding.

Audit Services

We will perform an audit of Town of Newburgh's governmental activities, business-type activities, aggregate discretely presented component units, each major fund, and aggregate remaining fund information as of and for the year ending December 31, 2012 which collectively comprise basic financial statements. We understand that the financial statements will be prepared in accordance with accounting principles generally accepted in the United States of America. The objective of an audit of financial statements is to express an opinion on those statements.

We are responsible for forming and expressing an opinion about whether the financial statements that have been prepared by management, with the oversight of the Town Board, are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America.

We will conduct the audit in accordance with auditing standards generally accepted in the United States of America and "Government Auditing Standards" issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. Accordingly, a material misstatement, may remain undetected. Also, an audit is not designed to detect errors or fraud that are immaterial to the financial statements. The determination of abuse is subjective; therefore, Government Auditing Standards do not expect us to provide reasonable assurance of detecting abuse.

An audit of financial statements includes obtaining an understanding of the Town and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, we will communicate to management and the Town Board any significant deficiencies or material weaknesses that we become aware of during the course of the audit.

We will also communicate to the Town Board (a) any fraud involving senior management and fraud (whether caused by senior management or other employees) that causes a material misstatement of the financial statements that becomes known to us during the audit, (b) any illegal acts that we become aware of during the audit (unless they are clearly inconsequential), (c) various matters related to the Town's accounting policies and financial statements and (d) any disagreements with management or other serious difficulties encountered in performing the audit, should any arise.

In addition to our report on the Town financial statements, we will also issue the following reports or types of reports:

A Report on internal control related to the financial statements. This report will describe the scope of testing of internal control and the results of our tests of internal controls.

A schedule of findings, responses and questioned costs.

The funds that you have told us are maintained by the Town and that are to be included as part of our audit are listed here.

- * General Fund
- * Highway Fund
- * Water Fund
- * Sewer Fund
- * Drainage Fund
- * Capital Projects Fund
- * Lighting Fund
- * Agency Fund

Town of Newburgh's Responsibilities

Management is responsible for the financial statements, including the selection and application of accounting policies, adjusting the financial statements to correct material misstatements, and for making all financial records and related information available to us. Management is responsible for providing us with a written management representation letter confirming certain representations made during the course of our audit of the financial statements and affirming to us that it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole and to the opinion units of the financial statements.

Management is responsible for establishing and maintaining effective internal control over financial reporting and for informing us of all significant deficiencies and material weaknesses in the design or operation of such controls of which it has knowledge.

Management is responsible for identifying and ensuring that the entity complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the entity involving management, employees who have significant roles in internal control and others where the fraud could have a material effect on the financial statements. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators or others.

Management is also responsible for (a) making us aware of significant vendor relationships where the vendor is responsible for program compliance, (b) following up and taking corrective action on audit findings, including the preparation of a summary schedule of prior audit findings and a corrective action plan and (c) report distribution, including submitting the reporting package.

The Town Board is responsible for informing us of its views about the risks of fraud within the Town, and its knowledge of any fraud or suspected fraud affecting the Town.

The Town agrees that it will not include our reports, or otherwise make reference to us, in any public or private securities offering without first obtaining our consent. Any request to consent is also a matter for which separate arrangements will be necessary. After obtaining our consent, the Town also agrees to provide us with printer's proofs or masters of such offering documents for our review and approval before printing and with a copy of the final reproduced material for our approval before it is distributed. In the event our auditor/client relationship has been terminated when the Town seeks such consent, we will be under no obligation to grant such consent or approval.

Because Vanacore, DeBenedictus, DiGiovanni and Weddell, LLP will rely on Town of Newburgh and its management and audit committee to discharge the foregoing responsibilities, Town of Newburgh holds harmless and releases Vanacore, DeBenedictus, DiGiovanni and Weddell, LLP, its partners and employees from all claims, liabilities, losses and costs arising in circumstances where there has been a knowing misrepresentation by a member of Town of Newburgh's management which has caused, in any respect, Vanacore, DeBenedictus, DiGiovanni and Weddell, LLP's breach of contract or negligence. This provision shall survive the termination of this arrangement for services.

Town of Newburgh's Records and Assistance

If circumstances arise relating to the condition of the Town's records, the availability of appropriate audit evidence, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting or misappropriation of assets which, in our professional judgment, prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawal from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the Town's books and records. The Town will determine that all such data, if necessary, will be so reflected. Accordingly, the Town will not expect us to maintain copies of such records in our possession.

The assistance to be supplied by Town personnel, including the preparation of schedules and analyses of accounts, will be discussed and coordinated with you. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report.

If, in connection with our audit, you request us to perform accounting services necessary for the preparation of the financial statements (such as maintaining depreciation schedules, drafting the financial statements, etc.), you agree to designate an appropriate individual to oversee the services, make all management decisions involved in those services, evaluate the adequacy and results of the services, and accept responsibility for the results of the services.

From time to time and depending upon the circumstances, we may use third-party service providers to assist us in providing professional services to you. In such circumstances, it may be necessary for us to disclose confidential client information to them. We enter into confidentiality agreements with all third-party service providers and we are satisfied that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others.

Fees, Costs, and Access to Workpapers

Our fees for the services described above are based upon the time required by the individuals assigned to the engagement, plus direct expenses. We propose that our fee for this audit engagement will be \$28,400 for the year ending December 31, 2012. This fee estimate will be subject to adjustments based on unanticipated changes in the scope of our work and/or the incomplete or untimely receipt by us of the information on the client participation list. All other provisions of this letter will survive any fee adjustment. Interim billings will be submitted as work progresses. Billings are due upon submission.

It is agreed by Town of Newburgh and Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP that, should you hire any of our professionals assigned to this project within eighteen months of this assignment, you will be billed 100 percent of their current annual salary. This additional fee is being charged to offset recruitment, training and development expenses we would incur to replace this person. In addition, our professional standards require that we perform certain additional procedures, on current and previous years' engagements, whenever a partner or professional employee leaves the firm and is subsequently employed by, or associated with, a client in a key position. Accordingly, the Town agrees it will compensate Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP for any additional costs incurred as a result of the Town's employment of a partner or professional employee of Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP.

In the event we are requested or authorized by Town of Newburgh, or are required by government regulation, subpoena or other legal process, to produce our documents or our personnel as witnesses with respect to our engagements for Town of Newburgh, Town of Newburgh will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

Claim Resolution

It is agreed by the Town of Newburgh and Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP, or any successors in interest, that no claim arising out of services rendered pursuant to this agreement by or on behalf of the Town shall be asserted more than two years after the date of the last audit report issued by Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP.

If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

Additional Terms of Our Engagement


This letter constitutes the complete and exclusive statement of agreement between Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP and Town of Newburgh, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.

In accordance with Government Auditing Standards, a copy of our most recent peer review report has been provided for your information.

If this letter defines the arrangements as you understand them, please sign and date the enclosed copy and return it to us. We appreciate your business.

Sincerely,

VANACORE, DeBENEDICTUS, DIGOVANNI & WEDDELL
Limited Liability Partnership


Tonia A. Crown, CPA
Partner

Confirmed on behalf of the addressee:

Date

System Review Report

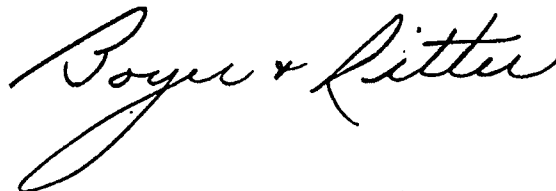
To the Partners of
Vanacore, DeBenedictus, DiGovanni
& Weddell, LLP

Peer Review Committee
New York State Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Vanacore DeBenedictus DiGovanni & Weddell, LLP (the firm) in effect for the year ended March 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Vanacore DeBenedictus DiGovanni & Weddell, LLP, in effect for the year ended March 31, 2011, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Vanacore DeBenedictus DiGovanni & Weddell, LLP has received a peer review rating of *pass*.



August 4, 2011
Camp Hill, Pennsylvania

JUN 27 2012 Justice Court

Re-08

2013

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VANACORE
DEBENEDICTUS
& DIGIOVANNI
WEDDELL

LIMITED LIABILITY PARTNERSHIP

CERTIFIED PUBLIC ACCOUNTANTS BUSINESS DEVELOPMENT CONSULTANTS

October 28, 2011

Town of Newburgh
311 Route 32
Newburgh, NY 12550

Attention: Town Council

This letter is to explain our understanding of the arrangements for, and the nature and limitations of, the audit services we are to perform for the Town of Newburgh pertaining to its Justice Court for the year ended December 31, 2011.

We ask that you either confirm or amend our understanding regarding the procedures to be performed and their timing. The sufficiency of these procedures is the sole responsibility of the Town Council. We make no representation regarding the sufficiency of the procedures described, either for the purpose for which these services have been requested or any other purpose.

Our engagement will be conducted in accordance with standards established by the American Institute of Certified Public Accountants and will include applying procedures to selected records and transactions and consulting services related to certain operational matters of the Town's Justice Court for the period referred to in the preceding paragraph. Because these procedures and consulting services do not constitute an audit made in accordance with generally accepted auditing standards, we will not express an opinion on any of the specific elements, accounts or items referred to in our report, on internal control or any aspects thereof, or on the financial statements of the Justice Court taken as a whole. Our report will contain a paragraph pointing out that if we had performed additional procedures or if we had conducted an audit of the financial statements in accordance with generally accepted auditing standards, matters in addition to any findings, observations and recommendations that may result from the procedures performed might have come to our attention and been reported to you.

At the conclusion of the work, we will present a report to the Town Council outlining the procedures performed and our findings, observations and recommendations resulting therefrom. We will also submit reports outlining the results of any additional procedures performed.

Evaluation of the findings and recommendations resulting from our procedures, the preparation of management's response to these findings and recommendations, and determination of which recommendations will be implemented is the responsibility of the Town Council. We would be available to comment to the Council as to whether, in our view, the response to the findings addresses the substance of the findings.

Our report will contain a statement that it is intended solely for the use of the Town and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. Other parties to whom the report may be provided should be advised that the procedures were performed only for the purposes of the Town.

The internal control evaluation process involves the following procedures:

- Review of internal controls including interviews and documentation of the various cycles (i.e. cash disbursements, receipts). Evaluate the Town Justice Court's record keeping procedures to ensure that all appropriate information is being recorded.
- Testing of specific transactions to ensure that they have been handled properly according to existing policies and procedures.
- Review of the Town Justice Court's recording keeping and reporting procedures, including bank reconciliations, court records and monthly reports to the Justice Court Fund.

Our fees are based on the time required by the individuals assigned to the engagement. The price for the internal control evaluation will be \$5,100. If additional services are required of VDDW beyond the initial evaluation, these services will be billed at individual hourly rates, which vary according to the degree of responsibility involved and the skill required. Billings are due upon submission.

In the event we are requested or authorized by the Town or are required by government regulation, subpoena or other legal process to produce our documents or our personnel as witnesses with respect to our work for the Town Justice Court, the Town will, so long as we are not a party to the proceeding in which such information is sought, reimburse us for our professional time and expenses, as well as fees and expenses of our counsel, incurred in responding to such requests.

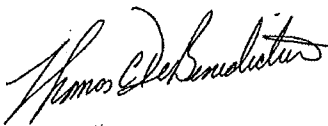
It is agreed by Town of Newburgh Justice Court and Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP, or any successors in interest, that no claim by or on behalf of either party arising out of services rendered pursuant to this agreement shall be asserted more than three years after the date of any report issued by us or one year after the date of termination of Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP's services, whichever occurs first.

This letter constitutes the complete and exclusive statement of agreement between Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP and the Town of Newburgh, superseding all other communications, oral or written, with respect to the terms of the engagement between the parties.

If this letter defines the arrangements as you understand them, please sign and date the enclosed copy and return it to us. Thank you for this opportunity to be of assistance. We appreciate your business.

Very truly yours,

VANACORE, DeBENEDICTUS, DiGOVANNI & WEDDELL
Limited Liability Partnership



Thomas C. DeBenedictus, CPA
Director of Audit Services

Confirmed on behalf of addressee(s):

System Review Report

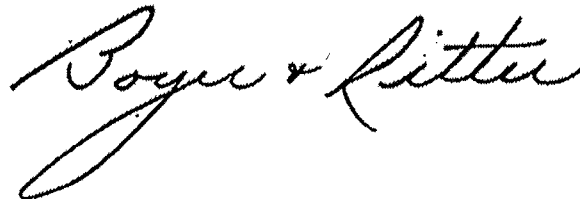
To the Partners of
Vanacore, DeBenedictus, DiGiovanni
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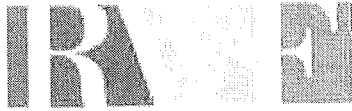


August 4, 2011
Camp Hill, Pennsylvania

- 7. ASSESSOR – TAX CERTIORARI**
 - A. Great Palace Realty (Lakeside Road)**
 - B. Marino (Lakeside Road—Building Blocks)**
 - C. WPA Acquisitions (Jeanne Drive)**

NOV 28 2012

70



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

Attorney-Client privileged
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: SETTLEMENT OF TAX CERTIORARI (2011)
GREAT PALACE REALTY (LAKESIDE ROAD)
OUR FILE NO. 800.24

DATE: NOVEMBER 21, 2012

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

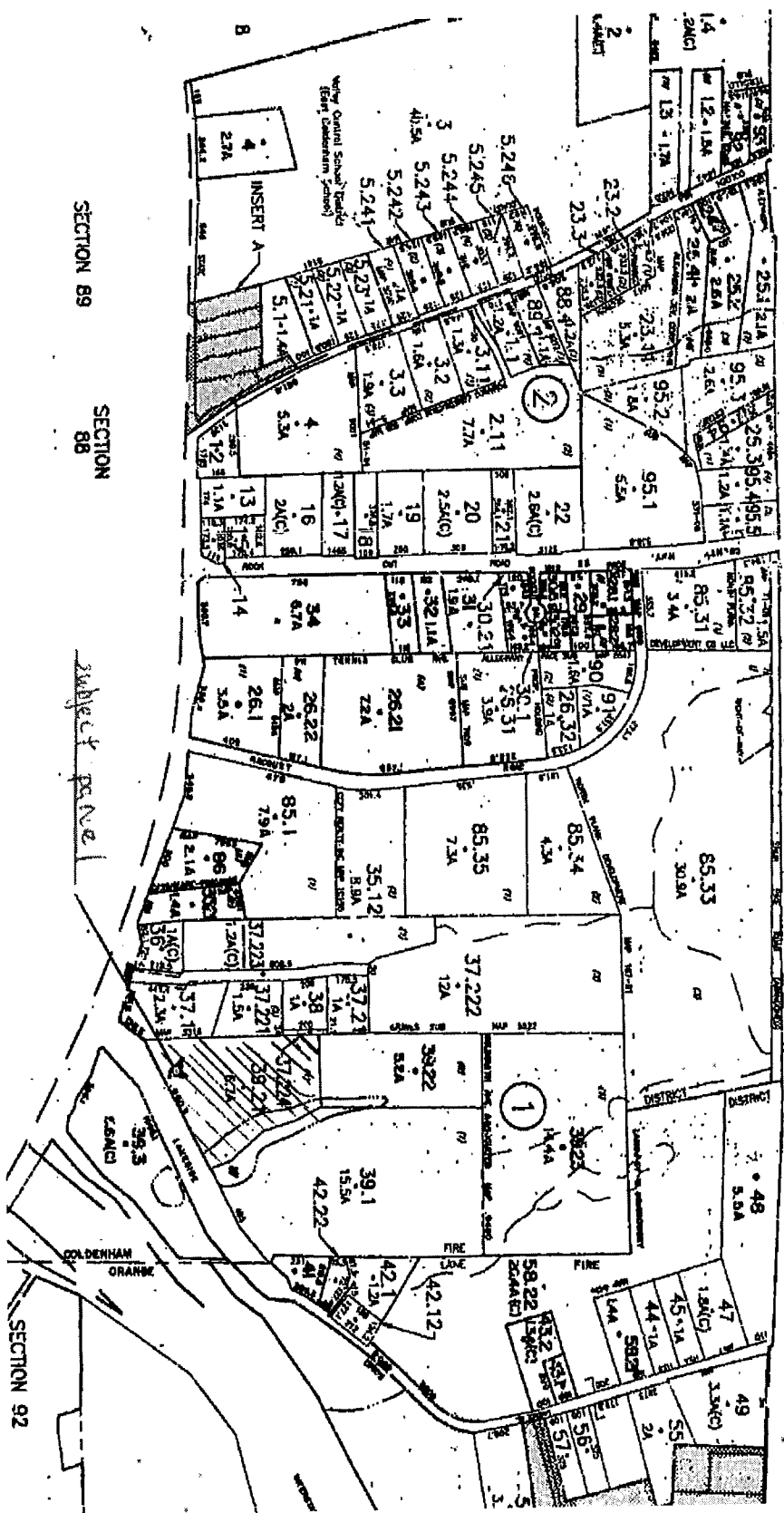
OF COUNSEL
Craig F. Simon

Attached are copies of a letter from Cathy Drobny, Esq. of Hacker & Murphy, a proposed Consent Order and Judgment and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Enclosed is a map showing the parcel's location.

The settlement provides for a reduction in the assessed value for 2011 by \$720,160 from \$2,550,000 to \$1,829,840. The refund liability for the Town (not including special districts and the Fire District) for the reductions will be approximately \$8,213.35.

Also attached is a proposed resolution which would authorize the Settlement.

cc: Hon. Andrew J. Zarutskio, Town Clerk
John Venezia, Town Sole Assessor (via e-mail)
Mary Lou Venuto, Receiver of Taxes (via e-mail)
Jacqueline Calarco, Town Accountant (via e-mail)
David Murphy, Esq. and Cathy L. Drobny, Esq. (via e-mail)



SECTION 47

SECTION 49

SECTION 47

SECTION 89

SECTION 88

SECTION 92

subject parcel

New Central School
(East Endersham School)

GOLDENHAN
ORANGE



Image Mate Online

Navigation Tax Maps | ORPS Links

Help Log In

Commercial
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

Com. Sites
< 1 >

Municipality of Newburgh			
SWIS:	334600	Tax ID:	86-1-39.21
Tax Map ID / Property Data			
Status:	Active	Roll Section:	Taxable
Address:	5 Lakeside Rd		
Property Class:	415 - Motel	Site Property Class:	400 - Commercial
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	11016 -	School District:	Valley Central
Legal Property Description:	Lt 1 Goldsmith Ave Assoc Map 9480		
Total Acreage/Size:	6.70	Equalization Rate:	----
Land Assessment:	2012 - \$276,400	Total Assessment:	2012 - \$2,550,000
Full Market Value:	2012 - \$6,535,100		
Deed Book:	5167	Deed Page:	330
Grid East:	598872	Grid North:	980039
Bank Code:	N/A		
Special Districts for 2012			

Description	Units	Percent	Type	Value
Coldenham fire	0	0%		0

Photographs
No Photo Available

Pictometry LiveLink
View this property's Pictometry Imagery in LiveLink.

Documents
No documents found for this parcel

Maps
View Tax Map
View In Google Maps
View In Yahoo! Maps
View In Bing Maps

Consol wtr 1	0	0%	0
Consol wtr 2	0	0%	0
Land Types			
Type		Size	
Primary		6.70 acres	

Map.
Disclaimer

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 November, 2012 at 7:00 o'clock p.m.

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 SETTLEMENT OF PROCEEDING UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW: SBL # 86-1-39.21 GREAT PALACE REALTY (Lakeside Road), INDEX NUMBER 2011-6900

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

WHEREAS, Great Palace Realty ("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 on Lakeside Road (Section 86-Block 1-Lot 49.32) on the tax assessment roll for the tax year 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 Consent Order and Judgment 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 Consent Order and Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that Hacker & Murphy, LLP, the Attorney for the Town, the Town's 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.

HACKER MURPHY, LLP
ATTORNEYS AT LAW
7 AIRPORT PARK BOULEVARD
LATHAM, NEW YORK 12110-1429
TELEPHONE (518) 783-3843
FACSIMILE (518) 783-8101
WWW.HACKERMURPHY.COM

October 17, 2012

Mark C. Taylor, Esq.
Rider, Weiner, Frankel & Calhelha, P.C.
P.O. Box 2280
Newburgh, New York 12550

Re: Great Palace Realty v. Town of Newburgh
Index No. 2011-006900
Our File No.: 5018.078

Dear Mark:

Attached please find the proposed Consent Order and Judgment in reference to the above-entitled proceeding. This settlement was negotiated after exchange and review of preliminary appraisals as ordered by the Court. Petitioner's appraisal valued the property at \$4,880,000; our appraisal was at \$5,400,000. The reduced full market value is \$5,140,000, which is a value halfway between the two appraised values. As this property was overassessed, we feel that it is a fair settlement.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. Once the Resolution passes, please let me know and I will sign the Consent Order and forward same to the petitioner's attorney for signing and filing.

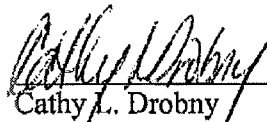
I have enclosed for your review a copy of the refund liability chart which shows the potential liability versus the proposed settlement refund liability.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

HACKER MURPHY, LLP

By:



Cathy A. Drobny

cdrobny@hackermurphy.com

Direct: (518) 213-0116

CLD:scf

Enclosure

cc: John T. Venezia, Assessor

Great Palace v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
2011	86-1-39.21	\$2,550,000	\$ 255,000	35.60%	\$ 7,162,921	\$ 716,292	\$ 2,295,000	9.3141	\$ 21,375.86		\$ 21,375.86
								County	\$ 26,174.25		\$ 26,174.25
								Town	\$ 9,501.30		\$ 9,501.30
								Fire-Cron	\$ -		\$ -
								Sp.Dist.	\$ -		\$ -
								School	\$ 146,163.73		\$ 146,163.73

Great Palace v. Newburgh

Year	Parcel Number	Assessed Value	Petitioner's Appraised AV	Town's Appraised AV	Eq. Rate	FMV	Petitioner's Appraised FMV	Town's Appraised FMV	Difference	Tax Rate	Refund Liability
2011	86-1-39.21	\$2,550,000	\$1,737,280	\$ 1,922,400	35.60%	\$ 7,162,921	\$ 4,880,000	\$ 5,400,000	\$ 812,720	County 9.3141 Town 11.40	\$ 7,569.76 \$ 9,268.99
										Fire-Cron 4.14 Sp. Dist.	\$ 3,364.66 \$ -
										School 63.6879	\$ 51,760.43

Great Palace v. Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2011	86-1-39.21	\$2,550,000	\$1,829,840	35.60%	\$ 7,162,921	\$ 5,140,000	\$ 720,160	County 9.3141 Town 11.40	\$ 6,707.64 \$ 8,213.35
								Fire-Cron 4.14 Sp.Dist. - School 63.6879	\$ 2,981.46 \$ - \$ 45,965.48
2012	86-1-39.21	\$2,550,000	\$1,829,840	39.02%	\$ 6,535,110	\$ 4,800,000	\$ 720,160	County Town	\$ - \$ -
								Fire-Cron Sp.Dist. School 64.2017	\$ - \$ - \$ 46,235.50

File 0008-0024T

At a Special Condemnation and Tax Certiorari Term of the Supreme Court of the State of New York, held in and for the County of Orange, Goshen, New York, on the day of , 20 .

P R E S E N T :

HON. CATHERINE M. BARTLETT,

Justice

-----X
In the Matter of :

CONSENT ORDER & JUDGMENT

GREAT PALACE REALTY,

Petitioner,

Index No.
11-6900

Assessment Year
2011

-against-

THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF NEWBURGH AND THE BOARD OF ASSESSMENT REVIEW,

Tax Map No.: 86/1/39.21

Respondents.
-----X

The above petitioners having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the Town of Walkkill with respect to premises located at 5 Lakeside Road, Newburgh, New York, also designated as Section 86, Block 1, Lot 39.21, on the Official Assessment Map of the Town of Newburgh for the assessment year 2011, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by ELENE MICHAELS, ESQ., of HERMAN KATZ CANGEMI & CLYNE, LLP, and the respondents having appeared by CATHY L. DROBNY, ESQ., of HACKER & MURPHY, LLP, Counsel for the Town of Newburgh, and the parties having made their settlement, it is

ORDERED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Assessment Year	Original Assessed Value	Reduction	Corrected Assessed Value
2011	\$2,550,000	\$720,160	\$1,829,840

and so reduced and confirmed, it is further

ORDERED AND DIRECTED, that the terms of R.P.T.L. §727 shall apply to this settlement in all respects for the 2012, 2013 and 2014 assessment years in the amount of \$1,829,840 and it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Town of Newburgh the amount of Town taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the

Valley Central School District, the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED that the Commissioner of Finance of the County of Orange, State of New York, be and are hereby directed and authorized to audit, allow and to pay to the petitioner the amount, if any, of State, County, Town, Judiciary, Sewer District and any special taxes paid by the petitioner as taxes against said erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within ninety (90) days from the date of service of a copy of this judgment with Notice of Entry, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the Town of Newburgh, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ CANGEMI & CLYNE, LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

ENTER,

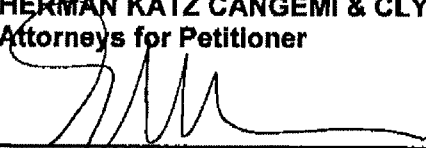
J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

**HACKER & MURPHY, LLP
Attorneys for Respondents**

**By: CATHY L. DROBNY, ESQ.
7 Airport Park Boulevard
Latham, New York 12110
518-783-3843**

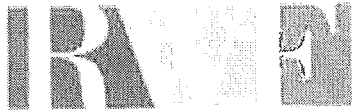
**HERMAN KATZ CANGEMI & CLYNE, LLP
Attorneys for Petitioner**



**By: ELÉNE MICHAELS, ESQ.
538 Broadhollow Road, Suite 307
Melville, New York 11747
631-501-5011**

NOV 28 2012

TB



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

Attorney-Client privileged
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: SETTLEMENT OF TAX CERTIORARI (2009-12)
MARINO, (LAKESIDE ROAD AND SOUTH PLANK
ROAD/NYS ROUTE 52)
OUR FILE NO. 800.24

DATE: NOVEMBER 21, 2012

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

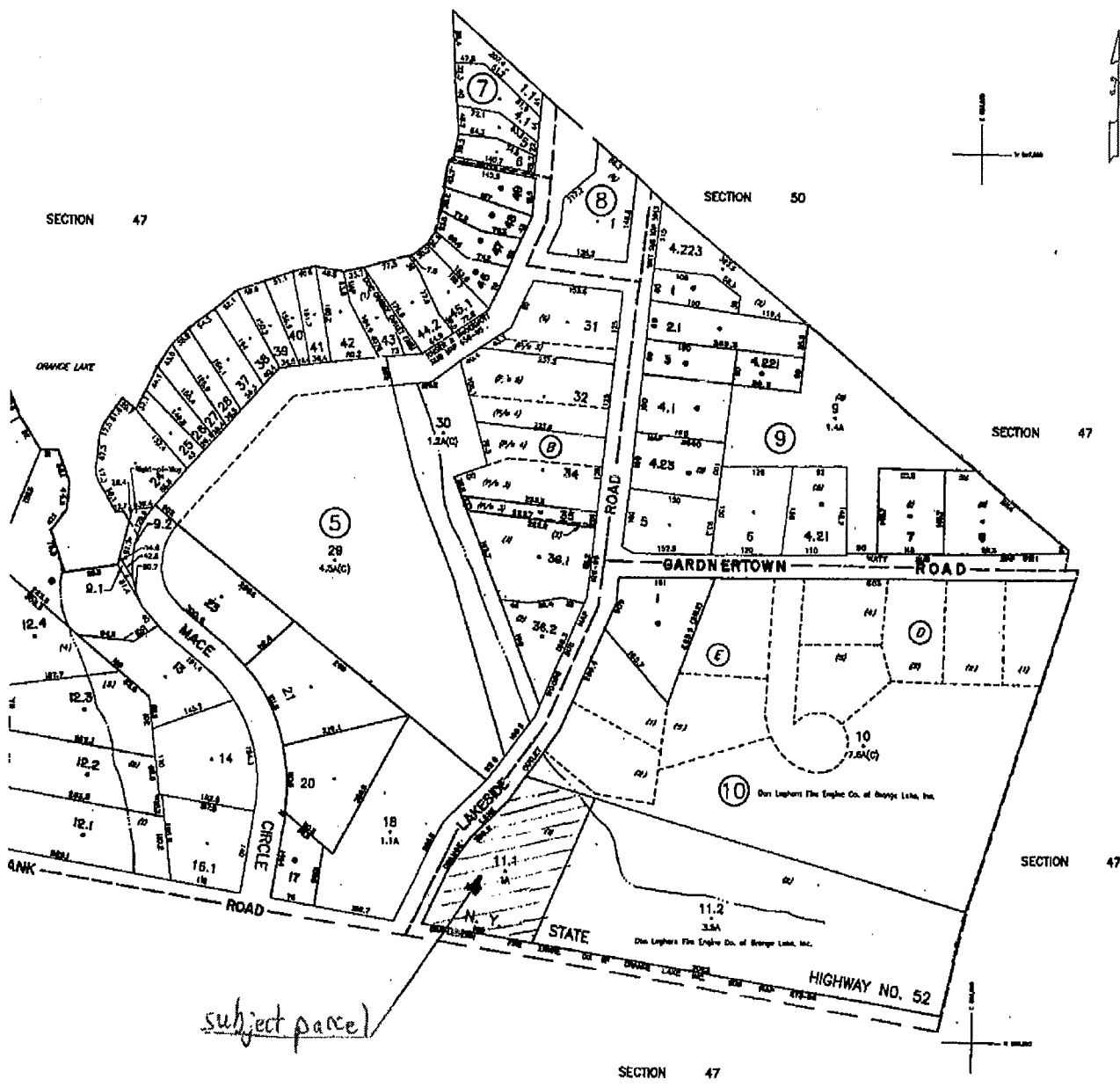
Attached are copies of a letter from Cathy Drobny, Esq. of Hacker & Murphy, a proposed Consent Order and Judgment and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Enclosed is a map showing the parcel's location.

The settlement provides for a reduction in the assessed value for each of 2009, 2010, 2011 and 2012 by \$42,000 from \$257,000 to \$215,000. The refund liability for the Town (not including special districts and the Fire District) for the reductions will be approximately \$1,914.20 (2013 tax rate assumed to be the same as 2012 for purposes of the calculation).

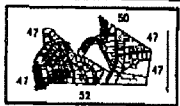
Also attached is a proposed resolution which would authorize the Settlement.

cc: Hon. Andrew J. Zarutskie, Town Clerk
John Venezia, Town Sole Assessor (via e-mail)
Mary Lou Venuto, Receiver of Taxes (via e-mail)
Jacqueline Calarco, Town Accountant (via e-mail)
David Murphy, Esq. and Cathy L. Drobny, Esq. (via e-mail)

REVISION
03/01/03
11/03/03
07/04/04
09/13/05
10/31/05
12/1/05
12/15/06
01/18/08
02/23/08
04/14/07
11/04/07
02/03/08
03/03/10
03/18/10
05/24/10



ORANGE COUNTY—NEW YORK



334600
TOWN OF NEWBURGH

Prepared by
Orange County Map Department
125 Main Street, Oshteta, N.Y. 10924
Phone 845.251.2400 Fax 845.251.2400

NOTICE
MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION
OF ANY PORTION OF THE ORANGE COUNTY TAX
MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION
OF THE O.C. REAL PROPERTY TAX SERVICE AGENCY

NOT TO BE REPRODUCED FOR COMMERCIAL
PURPOSES FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

Scale 1" = 100' Section No. 51

ADJOINING REFERENCE

TAX YEAR 2012

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 November, 2012 at 7:00 o'clock p.m.

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 SETTLEMENT OF
PROCEEDING UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL # 51-10-11.1
VINCENT T. MARINO AND
MARIA MARINO
(Lakeside Road and South Plank Road),
INDEX NUMBERS 2009-7740, 2010-7844,
2011-7135 AND 2012-6283

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

Councilman/woman _____

WHEREAS, Vincent T, Marino and Maria Marino (together "Petitioners") have 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 on South Plank Road (NYS Route 52) and Lakeside Road (Section 51-Block 10-Lot 11.1) on the tax assessment rolls for the tax years 2009, 2010, 2011 and 2012; 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 Consent Order and Judgment 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 Consent Order and Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that Hacker & Murphy, LLP, the Attorney for the Town, the Town's 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. Piacquadio, 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.

HACKER MURPHY, LLP
ATTORNEYS AT LAW
7 AIRPORT PARK BOULEVARD
LATHAM, NEW YORK 12110-1429

TELEPHONE (518) 783-3843
FACSIMILE (518) 783-8101
WWW.HACKERMURPHY.COM

November 8, 2012

Mark C. Taylor, Esq.
Rider, Weiner, Frankel & Calhelha, P.C.
P.O. Box 2280
Newburgh, New York 12550

Re: Marino v. Town of Newburgh
Index Nos.: 7740-09; 7844-10; 7135/11; 6283/12
Parcel No.: 51-10-11.1
Our File No.: 4078/5018.050

Dear Mark:

Attached please find the proposed Consent Order and Judgment in reference to the above-entitled proceedings. This settlement was negotiated after receipt and review of the requested documents and information, John Venezia's review of the property and consideration of the cost of a trial ready appraisal and trial. We feel that it is a fair settlement.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. Please advise me once the Resolution passes and I will sign the original Consent Order and Judgment and forward it to the petitioner's attorney for filing.

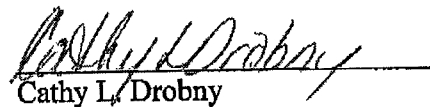
I have enclosed for your review a copy of the refund liability chart which shows the potential liability versus the proposed settlement refund liability.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

HACKER MURPHY, LLP

By:



Cathy L. Drobny

cdrobny@hackermurphy.com

Direct: (518) 213-0116

CLD:scf

Enclosure

cc: John T. Venezia, Assessor
ESAC (w/o enclosure)

At an IAS Part of the Supreme Court of the State of New York, held for the County of Orange, at Goshen, New York.

PRESENT :

Justice.

-----X
In the Matter of the Application of
VINCENT T. MARINO AND MARIA MARINO,

Petitioners,

-against-

THE TOWN OF NEWBURGH A Municipal Corporation,
Its Assessor and Board of Review,

Respondents.

For a Review under article 7 of the Real Property
Tax Law of the State of New York.
-----X

**CONSENT
ORDER and JUDGMENT**

Index No. 7740/09
7844/10
7135/11
6283/12

Petitioners having heretofore served and filed Notices of Petition and Petitions to review the assessments made by the Town of Newburgh for the assessment years 2009 through and including 2012 upon certain property located in the Town of Newburgh and designated upon the tax maps and assessment rolls of the Town of Newburgh as Section 51, Block 10, Lot 11.1; and

The issues of these proceedings having duly come before an IAS part of this Court, and Petitioners having appeared by Bleakley Platt & Schmidt, LLP, Hugh D. Fyfe, Of Counsel, and Respondents having appeared by Hacker Murphy, LLP, Cathy L. Drobny, Esq., Of Counsel, and the parties having agreed to a settlement of these proceedings;

Now, upon the consent of the parties as indicated by the signatures of the attorneys for each of the respective parties indicated hereon, and due deliberation having been had thereon, it is hereby:

ORDERED, ADJUDGED and DETERMINED that the assessments on the property designated upon the tax maps and assessment rolls of the Town of Newburgh as Section 51, Block 10, Lot 11.1 for assessment years 2009 through 2012; which assessments were:

<u>Assessment Year</u>	<u>Land</u>	<u>Improvement</u>	<u>Total</u>
2009	\$ 65,000	\$ 192,000	\$ 257,000
2010	\$ 65,000	\$ 192,000	\$ 257,000
2011	\$ 65,000	\$ 192,000	\$ 257,000
2012	\$ 65,000	\$ 192,000	\$ 257,000

shall be, and hereby are, amended and reduced so that the final assessed value of said property on said assessment rolls shall be as follows:

<u>Assessment Year</u>	<u>Total</u>	<u>Reduction</u>
2009	\$ 215,000	\$ 42,000
2010	\$ 215,000	\$ 42,000
2011	\$ 215,000	\$ 42,000
2012	\$ 215,000	\$ 42,000

and it is further

ORDERED, ADJUDGED and DETERMINED that the officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Newburgh shall make or cause to be made upon the proper books and records of said Town, the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations; and it is further

ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the County of Orange the amounts, if any, paid as Town, County and Town and County Special District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York provided, however, if said refund is paid by the County of Orange within sixty (60) days of service upon the Commissioner of Finance of the County of Orange of a copy of this Order, together with a Demand for Payment, said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the Newburgh School District the amounts if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York provided, however, if said refund is paid by the Newburgh School District within sixty (60) days of service upon the School District of a copy of this Order, together with a Demand for Payment, said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED that the refunds herein above directed to be paid shall be paid by check or draft payable to the order of BLEAKLEY PLATT & SCHMIDT, LLP, as attorneys for Petitioner, who are to hold the proceeds as trust funds for appropriate distribution and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law Section 475; and it is further

ORDERED, ADJUDGED and DETERMINED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or disbursements awarded to, by or against any party and that upon compliance with the terms of this Order and Judgment, the above proceedings shall be, and the same hereby are, settled and discontinued with prejudice.

Dated:

ENTER

Justice, Supreme Court

**SIGNING AND ENTRY OF THE WITHIN ORDER AND JUDGEMENT IS HEREBY
CONSENTED TO:**

Bleakley Platt & Schmidt, LLP

Theresa D. Lyle

Bleakley Platt & Schmidt, LLP
Attorneys for Petitioner
One North Lexington Avenue
PO Box 5056
White Plains, NY 10602-5056
(914) 949-2700

Town Attorney, Town of Newburgh
Attorney for Respondent
By: Hacker Murphy, LLP
7 Airport Road
Latham, NY 12110
(518) 783-3843

V & M Marino v. T/O Newburgh - Settlement

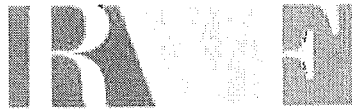
Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability	
2009	51-10-11.1	\$ 257,000	\$ 215,000	28.68%	\$ 896,095	\$ 749,651	\$ 42,000	County	10.34 \$	434.28
								Town	11.29 \$	474.18
								Fire-Or	3.77 \$	158.34
								Sp.Dist.		
								School	62.9177 \$	2,642.54
2010	51-10-11.1	\$ 257,000	\$ 215,000	32.80%	\$ 783,537	\$ 655,488	\$ 42,000	County	9.46 \$	397.32
								Town	11.50 \$	483.00
								Fire-Or	3.81 \$	160.02
								Sp.Dist.		
								School	62.7960 \$	2,637.43
2011	51-10-11.1	\$ 257,000	\$ 215,000	35.60%	\$ 721,910	\$ 603,933	\$ 42,000	County	9.3141 \$	391.19
								Town	11.40 \$	479.01
								Fire-Or	3.92 \$	164.64
								Sp.Dist.		
								School	63.6879 \$	2,674.89
2012	51-10-11.1	\$ 257,000	\$ 215,000	39.02%	\$ 658,637	\$ 550,999	\$ 42,000	County	9.3141 \$	391.19
								Town	11.40 \$	479.01
								Fire-Or	3.92 \$	164.64
								Sp.Dist.		
								School	64.2017 \$	2,696.47

Vincent T & Maria Marino v. T/O Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
2009	51-10-11.1	\$ 257,000	\$ 191,450	28.68%	\$ 896,095	\$ 667,538	\$ 65,550	County	10.34	\$ 677.79	\$ 677.79
								Town	11.29	\$ 740.06	\$ 740.06
								Fire-Or	3.77	\$ 247.12	\$ 247.12
								Sp.Dist.		\$ -	\$ -
2010	51-10-11.1	\$ 257,000	\$ 179,250	32.80%	\$ 783,537	\$ 546,494	\$ 77,750	School	62.9177	\$ 4,124.26	\$ 4,124.26
								County	9.46	\$ 735.52	\$ 735.52
								Town	11.50	\$ 894.13	\$ 894.13
								Fire-Or	3.81	\$ 296.23	\$ 296.23
2011	51-10-11.1	\$ 257,000	\$ 195,800	35.60%	\$ 721,910	\$ 550,000	\$ 61,200	Sp.Dist.		\$ -	\$ -
								School	62.7960	\$ 4,882.39	\$ 4,882.39
								County	9.3141	\$ 570.02	\$ 570.02
								Town	11.40	\$ 697.98	\$ 697.98
2012	51-10-11.1	\$ 257,000	\$ 175,500	39.02%	\$ 658,637	\$ 449,769	\$ 81,500	Fire-Or	3.92	\$ 239.90	\$ 239.90
								Sp.Dist.		\$ -	\$ -
								School	63.6879	\$ 3,897.70	\$ 3,897.70
								County	9.3141	\$ 759.10	\$ 759.10
								Town	11.40	\$ 929.50	\$ 929.50
								Fire-Or	3.82	\$ 319.48	\$ 319.48
								Sp.Dist.		\$ -	\$ -
								School	64.2017	\$ 5,232.44	\$ 5,232.44

NOV 28 2012

7c



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

Attorney-Client privileged
MEMORANDUM

T: 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: SETTLEMENT OF TAX CERTIORARI (2011)
WPA ACQUISITION CORP. (TWO PARCELS ON JEANNE
DRIVE AND ON PARCEL ON NYS ROUTE 32)
OUR FILE NO. 800.24

DATE: NOVEMBER 21, 2012

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Shay A. Humphrey
Jeffrey S. Scully
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

Attached are copies of a letter from Cathy Drobny, Esq. of Hacker & Murphy, a proposed Stipulation of Settlement and Order and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Enclosed is a map showing the locations of the three parcels.

The settlement provides for a reduction in the assessed value for 2011 for Parcel 34-2-102 by \$66,840 from \$195,000 to \$128,160 for Parcel 34-2-101 by \$26,560 from \$76,400 to \$49,840 and for Parcel 75-1-29.1 from \$192,000 to \$161,500. The aggregate refund liability for the Town (not including special districts and the Fire District) for the reductions for 2011 will be approximately \$1,413.06.

Also attached is a proposed resolution which would authorize the Settlement.

cc: Hon. Andrew J. Zarutskie, Town Clerk
John Venezia, Town Sole Assessor (via e-mail)
Mary Lou Venuto, Receiver of Taxes (via e-mail)
Jacqueline Calarco, Town Accountant (via e-mail)
David Murphy, Esq. and Cathy L. Drobny, Esq. (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 ___th day of November, 2012 at 7:00 o'clock p.m.

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 SETTLEMENT OF
PROCEEDING UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL # 34-2-101, 102 AND 75-1-29.1
WPA ACQUISITION CORP.
(JEANNE DRIVE) (NYS ROUTE 32
INDEX NUMBER 2011-7628

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

WHEREAS, WPA Acquisition Corp. ("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, consisting of two parcels located on Jeanne Drive (Section 34-Block 3-Lots 101 and 102) and one parcel located on NYS Route 32 (Section 75-Block 1 Lot 29.1) on the tax assessment roll for the tax year 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 Hacker & Murphy, LLP, the Attorney for the Town, the Town's 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 _____

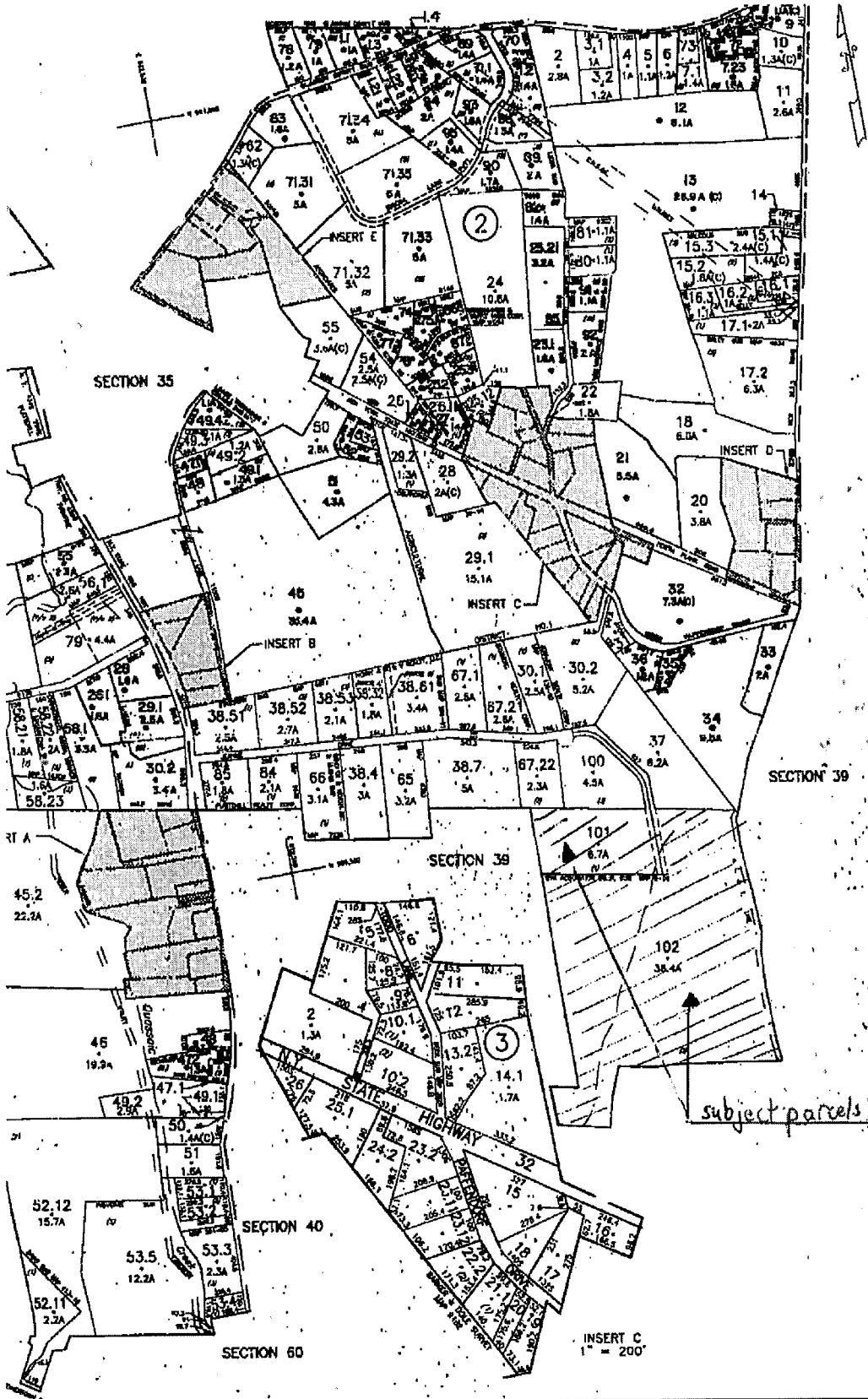
Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Ernest C. Bello, Jr., Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.

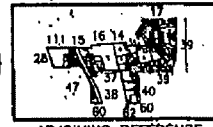


10/27/03
01/05/04
02/10/04
03/01/04
06/01/04
07/27/04
09/27/04
12/16/04
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05/02/05
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08/01/06
11/27/08
01/28/07
06/23/07
07/19/07
08/03/07
03/17/08
07/17/08
08/08/10
12/07/10
04/13/11
02/16/12

NEW YORK



NOT TO BE REPRODUCED FOR COMMERCIAL PURPOSES FOR TAX PURPOSES ONLY NOT TO BE USED FOR CONVEYANCE



ADJOINING REFERENCE

334600
TOWN OF NEWBURGH

Scale 1" = 400' Section No. 34

TAX YEAR 2012



Image Mate Online

Navigation Tax Maps | ORPS Links Help Log In

Residential
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

Municipality of Newburgh				
SWIS:	334600	Tax ID:	34-2-102	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 32			
Property Class:	340 - Vacant indus	Site Property Class:	340 - Vacant indus	
Site:	Res 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	0	
Neighborhood:	40803 -	School District:	Newburg	
Legal Property Description:	Legal description not given for property			
Total Acreage/Size:	38.40	Equalization Rate:	----	
Land Assessment:	2012 - \$195,000	Total Assessment:	2012 - \$195,000	
Full Market Value:	2012 - \$499,700			
Deed Book:		Deed Page:		
Grid East:	614570	Grid North:	985597	
Bank Code:	N/A			
Special Districts for 2012				
Description	Units	Percent	Type	Value
Cronomer vly fire	0	0%		0

Photographs

No Photo Available

Pictometry LiveLink

View this property's Pictometry Imagery In LiveLink.

Documents

No documents found for this parcel

- Maps**
- [View Tax Map](#)
 - [View in Google Maps](#)
 - [View in Yahoo! Maps](#)
 - [View in Bing Maps](#)

Consol wtr 1	0	0%	0
Land Types			
Type		Size	
Primary		8.00 acres	
Residual		10.00 acres	
Wasteland		20.40 acres	

Map Disclaimer



Image Mate Online

Navigation Tax Maps | ORPS Links

Help Log In

Residential
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

Municipality of Newburgh				
SWIS:	334600	Tax ID:	34-2-101	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 32			
Property Class:	340 - Vacant Indus	Site Property Class:	340 - Vacant Indus	
Site:	Res 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	0	
Neighborhood:	40803 -	School District:	Newburg	
Legal Property Description:	Lt 1 WPA Acquisition Corp Submap 8-08			
Total Acreage/Size:	6.70	Equalization Rate:	-----	
Land Assessment:	2012 - \$76,400	Total Assessment:	2012 - \$76,400	
Full Market Value:	2012 - \$195,800			
Deed Book:		Deed Page:		
Grid East:	614293	Grid North:	986326	
Bank Code:	N/A			
Special Districts for 2012				
Description	Units	Percent	Type	Value
Cronomer vly fire	0	0%		0

Photographs
No Photo Available

Pictometry LiveLink
View this property's Pictometry imagery in LiveLink.

Documents
No documents found for this parcel

Maps
View Tax Map
View in Google Maps
View in Yahoo! Maps
View In Bing Maps

Consol wtr 1	0	0%	0
Land Types			
Type		Size	
Primary		4.00 acres	
Residual		2.70 acres	

Map Disclaimer



Image Mate Online

Navigation Tax Maps | ORPS Links Help Log In

Residential
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

Municipality of Newburgh				
SWIS:	334600	Tax ID:	75-1-29.1	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 32			
Property Class:	330 - Vacant comm	Site Property Class:	311 - Res vac land	
Site:	Res 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	0	
Neighborhood:	40414 -	School District:	Newburg	
Legal Property Description:	Parcel A Gardnertown Assoc&wpa Acq Map 142-96			
Total Acreage/Size:	10.40	Equalization Rate:	----	
Land Assessment:	2012 - \$161,500	Total Assessment:	2012 - \$161,500	
Full Market Value:	2012 - \$413,890			
Deed Book:	4527	Deed Page:	345	
Grid East:	619283	Grid North:	981853	
Bank Code:	N/A			
Special Districts for 2012				
Description	Units	Percent	Type	Value
Cronomer vly fire	0	0%		0

Photographs

No Photo Available

Pictometry LiveLink

View this property's Pictometry imagery in LiveLink.

Documents

No documents found for this parcel

Maps

[View Tax Map](#)

[View in Google Maps](#)

[View in Yahoo! Maps](#)

[View in Bing Maps](#)

Consol lt	0	0%		0
Consol wtr 1	0	0%		0
Unpaid swr	0	0%	T	0
Land Types				
Type		Size		
Primary		4.90 acres		

Map Disclaimer

HACKER MURPHY, LLP
ATTORNEYS AT LAW
7 AIRPORT PARK BOULEVARD
LATHAM, NEW YORK 12110-1429

TELEPHONE (518) 783-3843
FACSIMILE (518) 783-8101
WWW.HACKERMURPHY.COM

October 23, 2012

Mark C. Taylor, Esq.
Rider, Weiner, Frankel & Calhelha, P.C.
P.O. Box 2280
Newburgh, New York 12550

WPA Acquisition Corp. v. Town of Newburgh
Index No. 7628-2011
Our File No.: 4047/5018.037

Dear Mark:

Attached please find the proposed Stipulation of Settlement and Order in reference to the above-entitled proceedings. The subject parcels consist of 2 vacant commercial parcels – one on Jeanne Drive (6.7 acres) and one on Rt. 32 (10.5 acres) and the third parcel is raw land located on Jeanne Drive. John Venezia inspected the parcels and reviewed the discovery documents provided by the petitioner. After consideration of the expense of obtaining trial ready appraisals and the cost of litigation, this settlement was negotiated with the petitioner's attorney. We feel that it is a fair settlement.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. Please advise me once the Resolution passes and I will sign the original Consent Judgment and forward it to the petitioner's attorney for filing.


I have enclosed for your review a copy of the refund liability chart which shows the potential liability versus the proposed settlement refund liability.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

HACKER MURPHY, LLP

By:


Cathy L. Drobny
cdrobny@hackermurphy.com
Direct: (518) 213-0116

CLD:scf
Enclosure
cc: John Venezia, Assessor

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ORANGE

In the Matter of the Application
WPA ACQUISITION CORP.,

Petitioner,

-against-

**STIPULATION OF
SETTLEMENT AND
ORDER**

TOWN OF NEWBURGH ASSESSOR, and THE TOWN
OF NEWBURGH BOARD OF ASSESSMENT REVIEW,
THE TOWN OF NEWBURGH, ORANGE COUNTY,
NEW YORK,

Index No.: 7628-2011

Respondents.

To Review Real Property Tax Assessment
Pursuant to Article 7 of the Real Property
Tax Law (2011 Assessment)

WHEREAS, the Petitioner, WPA Acquisition Corp., commenced the above-captioned action to challenge the assessment on the final 2011 assessment roll of the Town of Newburgh of certain property described as:

Tax Map Parcel I.D. Nos.: 34-2-101, 34-2-102 and 75-1-29.1

in the Town of Newburgh, County of Orange, State of New York, with said property hereinafter referred to as the "Subject Property" and

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the proceedings and

WHEREAS, the parties, by their respective attorneys, have agreed to settle the above action upon the following terms, it is

HEREBY STIPULATED AND AGREED, by and between the undersigned, being the attorneys of record for all the parties to the above entitled action, that:

1. The assessed value of tax map parcel 34-2-101 shall be \$49,840.

2. The assessed value of tax map parcel 34-2-102 shall be \$1728,160.
3. The assessed value of tax map parcel 75-1-29.1 shall be \$161,500.
4. The final assessment rolls for the Town of Newburgh for 2011 shall be amended and reduced to the Revised Assessed Values as identified in paragraphs 1 and 2, above.
5. The Assessor of the Town of Newburgh and the Treasurer for the County of Orange and/or any other officials having charge of the assessment rolls of the Town of Newburgh shall make or cause to be made upon the proper books and records and upon the assessment rolls of said Town and County, respectively, the entries, changes and corrections necessary to conform the final 2011 assessment on the Property to such corrected and reduced amount as set forth in Paragraphs 1, 2 and 3 above.
6. Upon service of a copy of this Stipulation of Settlement and Order by regular mail upon the Newburgh Central School District, the said School District shall make or cause to be made the modifications necessary to issue a revised school tax bill for the Property for the 2011-12 school year based upon the said revised assessed value as specified in Paragraphs 1, 2 and 3 herein.
7. All refund payments shall be without interest, so long as payment is received by Petitioner's attorney within forty-five (45) days from service upon the Town Clerk of the Town of Newburgh, the Orange County Treasurer, and the Superintendent of the Newburgh Central School District, of a specific demand for refund, together with a copy of the filed Stipulation of Settlement and Order. If payment of a refund from any particular taxing entity is not received within the said forty-five (45) day period, statutory interest shall be calculated and paid from the respective date of payment of the taxes. All refunds shall be directed and made payable to Bartlett, Pontiff, Stewart & Rhodes, P.C., as attorneys for Petitioner, WPA Acquisition Corp..
8. The parties hereto agree that the provisions of RPTL §727 shall apply to this Stipulation of Settlement and Order and to the said revised assessed value for the next three (3) successive assessment years meaning 2012, 2013, and 2014.
9. Upon filing of this signed and filed Stipulation, Petitioner hereby agrees to withdraw its petition for 2012, filed under Index Number 2012-006312
10. It is specifically agreed between the parties that this Stipulation of Settlement and Order, and any part or portion hereof, as well as all facts pertaining to the negotiation and execution of this Stipulation of Settlement and Order shall be inadmissible in any subsequent action or proceeding before any court of law or administrative body for any purpose, except that this Stipulation of Settlement and Order and its provisions shall be admissible in any action or proceeding for enforcement of its provisions.

11. This Stipulation of Settlement and Order may be so ordered by the Court without further notice to the parties or their attorneys. Upon the Court's signature below, the above-captioned action is discontinued, with prejudice, without costs or disbursements against any party.

12. The attorneys for the Petitioner shall be responsible for filing and service of this Stipulation of Settlement and Order.

October __, 2012

BARTLETT, PONTIFF, STEWART
& RHODES, P.C.

By: _____
Karla Williams Buettner, Esq. Of counsel
Attorneys for Petitioner
One Washington Street, PO Box 2168
Glens Falls, New York 12801
518-792-2117

October __, 2012

HACKER MURPHY, LLP

By: _____
Cathy L. Drobny, Esq.
Attorney for Town of Newburgh
7 Airport Park Boulevard
Latham, New York 12110
518-783-3843

SO ORDERED:
this ____ day of _____, 2012 at
Newburgh, New York

Hon. Catherine M. Bartlett, A.J.S.C.

ENTER:
321249

WPA Acquisition Corp. v. T/O Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
2011	34-2-102	\$ 195,000	\$ 98,402	35.60%	\$ 547,753	\$ 275,410	\$ 96,598	County 9.3141 Town 11.4049	\$ 899.72		\$ 899.72
								Fire-Cross 4.14 Sp.Dist. -	\$ 1,101.69		\$ 1,101.69
								School 63.6879	\$ 399.92		\$ 399.92
								County 9.3141	\$ -		\$ -
2011	34-2-101	\$ 76,400	\$ 29,523	35.60%	\$ 214,607	\$ 82,930	\$ 46,877	Town 11.4049 Fire-Cross 4.14 Sp.Dist. -	\$ 6,152.12		\$ 6,152.12
								School 63.6879	\$ 436.62		\$ 436.62
								County 9.3141	\$ 534.63		\$ 534.63
								Town 11.4049	\$ 194.07		\$ 194.07
								Sp.Dist. -	\$ -		\$ -
								School 63.6879	\$ 2,985.50		\$ 2,985.50
2011	75-1-29.1	\$ 192,000	\$ 65,600	35.60%	\$ 539,326	\$ 184,270	\$ 126,400	County 9.3141 Town 11.4049	\$ 1,177.30		\$ 1,177.30
								Fire-Cross 4.14 Sp.Dist. -	\$ 1,441.58		\$ 1,441.58
								School 63.6879	\$ 523.30		\$ 523.30
								County 9.3141	\$ -		\$ -
								Town 11.4049	\$ 8,050.15		\$ 8,050.15

WPA Acquisition Corp. v. T/O Newburgh - Settlement											
Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
2011	34-2-102	\$ 195,000	\$ 128,160	35.60%	\$ 547,753	\$ 360,000	\$ 56,840	County 9.3141 Town 11.4049	\$ 622.55 \$ 762.30		\$ 622.55 \$ 762.30
								Fire-Cron 4.14 Sp.Dist. -	\$ 276.72		\$ 276.72
								School 63.6879	\$ 4,256.90		\$ 4,256.90
2011	34-2-101	\$ 76,400	\$ 49,840	35.60%	\$ 214,607	\$ 140,000	\$ 26,560	County 9.3141 Town 11.4049	\$ 247.38 \$ 302.91		\$ 247.38 \$ 302.91
								Fire-Cron 4.14 Sp.Dist. -	\$ 109.96		\$ 109.96
								School 63.6879	\$ 1,691.55		\$ 1,691.55
2011	75-1-29.1	\$ 192,000	\$ 161,500	35.60%	\$ 539,325	\$ 453,652	\$ 30,500	County 9.3141 Town 11.4049	\$ 284.08 \$ 347.85		\$ 284.08 \$ 347.85
								Fire-Cron 4.14 Sp.Dist. -	\$ 126.27		\$ 126.27
								School 63.6879	\$ 1,942.48		\$ 1,942.48

WPA Acquisition Corp. v. T/O Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
2011	34-2-102	\$ 195,000	\$ 98,402	35.60%	\$ 547,753	\$ 276,410	\$ 96,598	County 9.3141 Town 11.4049 Fire-Cron 4.14 Sp.Dist. -	\$ 899.72 \$ 1,101.69 \$ 399.92		\$ 899.72 \$ 1,101.69 \$ 399.92
2011	34-2-101	\$ 76,400	\$ 29,523	35.60%	\$ 214,607	\$ 82,930	\$ 46,877	County 9.3141 Town 11.4049 Fire-Cron 4.14 Sp.Dist. -	\$ 436.62 \$ 534.63 \$ 194.07		\$ 436.62 \$ 534.63 \$ 194.07
2011	75-1-29.1	\$ 192,000	\$ 65,600	35.60%	\$ 539,325	\$ 184,270	\$ 126,400	County 9.3141 Town 11.4049 Fire-Cron 4.14 Sp.Dist. -	\$ 2,985.50 \$ 1,177.30 \$ 1,441.58 \$ 523.30		\$ 2,985.50 \$ 1,177.30 \$ 1,441.58 \$ 523.30
								School 63.6879	\$ 8,050.15		\$ 8,050.15

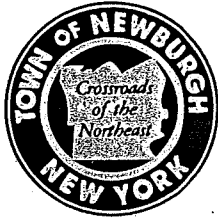
WPA Acquisition Corp. v. T/O Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability	Interest	Total Refund Liability
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								Fire-Cron 4.14 Sp.Dist.	\$ 276.72	\$ 276.72	\$ 276.72
								School 63.6879	\$ 4,256.90		\$ 4,256.90
2011	34-2-101	\$ 76,400	\$ 49,840	35.60%	\$ 214,607	\$ 140,000	\$ 26,560	County 9.3141 Town 11.4049	\$ 247.38	\$ 302.91	\$ 247.38
								Fire-Cron 4.14 Sp.Dist.	\$ 109.96	\$ 109.96	\$ 302.91
								School 63.6879	\$ 1,691.55		\$ 1,691.55
2011	75-1-29.1	\$ 192,000	\$ 161,500	35.60%	\$ 539,928	\$ 453,652	\$ 30,500	County 9.3141 Town 11.4049	\$ 284.08	\$ 347.85	\$ 284.08
								Fire-Cron 4.14 Sp.Dist.	\$ 126.27	\$ 126.27	\$ 347.85
								School 63.6879	\$ 1,942.48		\$ 1,942.48

8. ANIMAL CONTROL: Part Time Animal Control Officer

NOV 28 2012

8



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Supervisor Booth,
Town Board

From: Charlene M Black, Administrative Aide 

Date: November 27, 2012

Re: Part Time Animal Control Officer

Attached is Lt. Clancy's recommendation, Employment request form and a copy of Angelia Meehan's application for the position of Part time Animal Control Officer.

Upon your approval I will schedule all the necessary appointments for physical, fingerprinting and paperwork to be done. Thank you in advance.



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

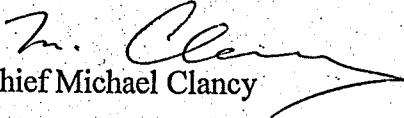
Subject: Authorization to Hire P/T Animal Control Officer

Date: November 27, 2012

I am requesting authorization to hire a part-time Animal Control Officer. One of our part-time ACO's is budgeted for 20hrs/week but, due to changes at her full-time job, has only been working 8hrs/week for several months. She has indicated that she will be limited to the 8hrs/week in the future. If allowed to hire a new part-time ACO, it would be for 12hrs/week in order to stay within the budget.

Charlene Black, Chantel Haight and I interviewed conducted interviews on November 2, 2012. Based on the interviews, I am requesting that the Board appoint Ms. Angelia Meehan to fill the part-time position at the starting hourly pay rate of \$10.40 per hour.

Respectfully submitted,


Chief Michael Clancy

Cc: Personnel

TOWN OF NEWBURGH
EMPLOYMENT REQUEST FORM

TO: PERSONNEL DEPARTMENT

NAME OF CANDIDATE: Angelina Meehan

DEPARTMENT: Animal Control

TITLE OF POSITION: Animal Control Officer

FULL TIME OR PART TIME: P/T

HOURLY RATE: \$ 10.40

IS POSITION FUNDED IN CURRENT BUDGET: yes or no

FUND APPROPRIATION NUMBER: 3510.0100

PROPOSED HIRE DATE: early December

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

Michael P. Clancy
DEPARTMENT HEAD SIGNATURE

11/27/12
DATE

**ORIGINAL APPLICATION SHOULD BE ON FILE IN THE
PERSONNEL OFFICE.**

9. DPW: Working Leader Positions for Water Distribution and Sewer

Board Discussion

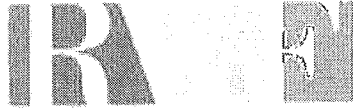
No information available

10. SCHEDULE OF FEES

NOV 19 2012
NOV 28 2012

Nov 28 Work session
Dec 17 P.H.

10



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

P: 845.552.9100
F: 845.552.0126

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

MEMORANDUM

TO: HON. WAYNE C. BOOTH, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: PROPOSED LOCAL LAW AMENDING CHAPTER 104
ENTITLED SCHEDULE OF FEES OF THE CODE OF THE
TOWN OF NEWBURGH: WATER METER RATES AND
SEWER OPERATION AND MAINTENANCE CHARGES
EFFECTIVE JANUARY 1, 2013
OUR FILE NO. 800.1(B)() (2012)

DATE: NOVEMBER 12, 2012

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Daborah Weisman-Estis
M. Justin Rider
Shey 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

Enclosed please find for the Town Board's consideration the above referenced Local Law and a draft resolution introducing the Local Law and scheduling a public hearing.

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

cc: Town Clerk Andrew J. Zarutskie
Receiver of Taxes Mary Lou Venuto
Town Engineer James Osborne
Town Accountant Jacqueline Calarco
Commissioner of Public Works John Platt

check

**INTRODUCTORY LOCAL LAW NO. OF THE YEAR 2012
AMENDING CHAPTER 104 ENTITLED
"SCHEDULE OF FEES"
OF THE CODE OF THE TOWN OF NEWBURGH:
WATER METER RATES AND
SEWER OPERATION AND MAINTENANCE CHARGES
EFFECTIVE JANUARY 1, 2013**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water Meter Rates and Sewer Operation and Maintenance Charges Effective January 1, 2013".

SECTION 2 - AMENDMENTS TO CHAPTER 104

That Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code is amended as follows:

1. Subsection 104-3(B)(2) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

- "(2) Meter rates. Meter rates for the sale of water to all consumers within the Consolidated Water District and Colden Park Water District of the Town of Newburgh and the duly constituted extensions thereto, excluding water sold to the Town of New Windsor, the New York State Thruway Authority or outside-the-district users, shall be as follows:

Usage Per Quarter	Rate
First 7,500 gallons	\$11.00 (minimum charge per quarter)
Next 10,000 gallons	\$2.48 per 1,000 gallons

Next 82,500 gallons	\$4.20 per 1,000 gallons
Over 100,000 gallons	\$4.85 per 1,000 gallons

- (a) A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.
- (b) The Town of New Windsor, the New York State Thruway Authority and the outside-the-district users will pay rates and charges as per agreements entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge."

2. Subsection 104-3(C)(1) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(1) Sewer operation and maintenance charge.

Sewer District	Rate/Fee (per gallons consumed per premises)
Algonquin	\$3.00/1,000
Crossroads	\$3.20/1,000
Gidney	\$3.25/1,000
Meadow Hill South	\$3.28/1,000
Meadow Hill North	\$3.00/1,000
17K/UA	\$3.28/1,000
Nob Hill	\$0.00315/gallon
Fleetwood	\$6.50/1,000
Wintergreen	\$4.25/1,000"

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2013.

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 November, 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
INTRODUCING LOCAL LAW
AMENDING CHAPTER 104 ENTITLED
'SCHEDULE OF FEES' OF THE
TOWN OF NEWBURGH MUNICIPAL
CODE: WATER METER RATES AND
SEWER OPERATION AND
MAINTENANCE CHARGES
EFFECTIVE JANUARY 1, 2013
AND PROVIDING FOR
PUBLIC NOTICE AND HEARING

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

BE IT RESOLVED that Introductory Local Law No. ___ of the Year 2011 entitled "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Town of Newburgh Municipal Code: Water Meter Rates and Sewer Operation and Maintenance Charges Effective January 1, 2013" be and it hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed local law at the Town Hall, 1496 Route 300

in the Town of Newburgh, New York, on the __th day of December,
2012 at 7:00 o'clock p.m., and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to
be published a public notice in the official newspaper of the Town,
of said public hearing at least three (3) days prior to the public
hearing.

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 duly declared adopted.

**11. CONSIDERATION OF EXECUTIVE SESSION: Certiorari for
New England Lamination (Governor Drive)**

No information available at this time