

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, December 26, 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. PUBLIC HEARING ORDER: Caitlyn's Way Drainage District
7. ANIMAL CONTROL:
  - A. T 93 Withdrawal
  - B. T 94 Withdrawal
8. HIGHWAY: Seasonal Employees
9. LEGAL: Retainer Agreement for Elayne Gold
10. PARKS AND RECREATION:
  - A. Seasonal Ground Maintenance at Chadwick Lake
  - B. Seasonal Ground Maintenance at Additional Properties
11. ZONING:
  - A. VBH Professional Services
  - B. Petition for Zoning Change Nella's Nest North
12. ENGINEER: Water Supply Budget Transfer
13. Consideration of Executive Session for PBA Contract Negotiations
14. ADJOURNMENT

## 5. APPROVAL OF AUDIT

**AUDIT # 25**  
**12/26/2012**  
**VOUCHERS: 125034 to 125337**

Audit Date: December 26, 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>
125061	M.C. Electric	245.00
125062	M.C. Electric	350.00
125164	Amthor welding	53.70
125165	Amthor welding	605.22
125182	Electric incorporated	581.71
125236	Newburgh winwater	566.50
125238	NY Communication	9,340.00
125251	Schmidts wholesale	589.00
125256	Spagnoli excavating inc.	560.00
125279	Val u office	1,001.27
125318	NY Communication	734.00

Dated: \_\_\_\_\_

\_\_\_\_\_  
Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

AUDIT # 25

December 26, 2012

VOUCHERS: 125034 to 125337

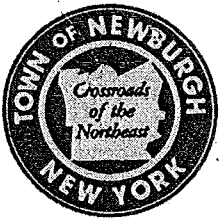
FUND	REGULAR	PREPAID
GENERAL	\$ 141,742.66	\$ -
TRUST & AGENCY	2,181.05	-
STREET LIGHTING	-	-
HIGHWAY	63,390.77	-
WATER	86,720.93	1,000.00
SEWER	6,495.36	-
WATER CAPITAL	844,902.14	-
SEWER CAPITAL	5,500.00	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	-	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 1,150,932.91	\$ 1,000.00
GRAND TOTAL	<u>\$ 1,151,932.91</u>	

**6. PUBLIC HEARING ORDER: Katherine Way Drainage District**

No information available at this time

- 7. ANIMAL CONTROL:**
  - A. T 93 Withdrawal**
  - B. T 94 Withdrawal**

7A



8/17/12

**TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER**

645 Gidney Ave. Newburgh, NY 12550

August 17, 2012

To: Town Board

Subject: Authorization to Pay Veterinarian Services Utilizing T-93 Account

I am requesting authorization to use the T-93 account to pay for veterinarian services from Flannery Animal Hospital for November and for your authorization for payment of this voucher in the total amount of \$111.

Sincerely,

Chantel Haight  
Animal Control Supervisor

Cc: Accounting



7 B



11-9-12

**TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER**  
645 Gidney Ave. Newburgh, NY 12550

November 9, 2012

To: Town Board

Subject: Authorization to Pay Veterinarian Services Utilizing T-94 Account

I am requesting authorization to use the T-94 account to pay for veterinarian services from Flannery Animal Hospital for the month November for your authorization for payment of this voucher in the total amount of \$606.05.

Sincerely,

Chantel Haight  
Animal Control Supervisor

Cc: Accounting

## **8. HIGHWAY: Seasonal Employees**



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

8  
Debbie

### SECOND REQUEST WITH EXPLANATION

PERSONNEL DEPT.

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

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

From: Charlene M Black, Administrative Aide

Date: December 5, 2012

Re: Seasonal Workers

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The following people have been interviewed for Seasonal Full time and Snow call ins:

Raymond Garcia for Full time seasonal.

If approved all need to complete their paperwork, be fingerprinted and Drug and Alcohol tested. Tentative start date is December 20, 2012.

**TOWN OF NEWBURGH**  
**EMPLOYMENT REQUEST FORM**

**TO: PERSONNEL DEPARTMENT**

NAME OF CANDIDATE: Raymond Garcia

DEPARTMENT: HIGHWAY

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: FULL TIME SEASONAL

HOURLY RATE: \$12.00

IS POSITION FUNDED IN CURRENT BUDGET:  yes or no

FUND APPROPRIATION NUMBER: 5110.100

PROPOSED HIRE DATE: 12/20/12

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

  
DEPARTMENT HEAD SIGNATURE

12/4/12  
DATE

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

## **9. LEGAL: Retainer Agreement for Elayne Gold**

Roemer Wallens  
Gold & Mineaux<sub>LLP</sub>  
Counsellors at Law

9

December 17, 2012

Hon. Wayne Booth, Supervisor  
Town of Newburgh  
Town Hall - 1496 Route 300  
Newburgh, New York 12550

**Re: Retainer Agreement between the Town of Newburgh and  
Roemer Wallens Gold & Mineaux LLP  
Term: 2013 through 2015**

Dear Wayne:

Enclosed please find the renewal Retainer Agreement between the Town of Newburgh and Roemer Wallens Gold & Mineaux LLP; the current Retainer expires at close of business on December 31, 2012.

As you will note, there is a slight increase in the hourly retainer rates, as well as in the monthly retainer fees.

If the revisions meet with the approval of the Newburgh Town Board, please execute all 3 originals (and date it as well). Please retain a copy for your files and return the other originals to my office in the enclosed self-addressed and stamped envelope.

I have very much enjoyed working with you and the members of the Town Board, as well as your Department Heads over these years. I hope that our firm gets to continue the relationship in the years going forward.

Thank you for your consideration.

Very truly yours,

Roemer Wallens Gold & Mineaux LLP

  
Elayne G. Gold

EKG:rls  
Encs./sase

## AGREEMENT

Made and entered into this     day of \_\_\_\_\_, 2012, by and between the **TOWN OF NEWBURGH**, by and through its Town Board, with its offices located at 1496 Rt. 300, Newburgh, New York 12550, hereinafter referred to as the “**TOWN**,” and **ROEMER WALLENS GOLD & MINEAUX LLP**, Labor Relations Attorneys and Consultants, with its principal place of business located at 13 Columbia Circle, Albany, New York 12203, hereinafter referred to as “**ROEMER WALLENS GOLD & MINEAUX**.”

1.     The **TOWN** hereby retains and employs **ROEMER WALLENS GOLD & MINEAUX** as its Labor Relations Attorneys and Consultants to provide to the **TOWN** the following professional services for the period of time hereinafter designated.

- (a)     Comprehensive negotiating services up to and including impasse resolution proceedings and interest arbitration as exemplified in Exhibit “A” which is attached hereto and made a part hereof for each of the following collective bargaining units in which terms and conditions of employment for the **TOWN** and its employees are negotiated:
  - i)       PBA Bargaining Unit
  - ii)      CSEA Bargaining Unit
  
- (b)     Consultations and advice regarding the **TOWN'S** rights and liabilities in connection with:
  - i)       Civil Service Law
  - ii)      Taylor law
  - iii)     Fair Labor Standards Act
  - iv)     Unemployment Insurance Law
  - v)      Workers’ Compensation Law
  - vi)     Human Rights/Discrimination
  - vii)    Disability Benefits
  - viii)   Contract Administration and Enforcement
  - ix)     Grievances Filed Against Employer
  - x)      Employee Discipline Matters
  - xi)     Work Rules
  - xii)    Layoff Procedures
  - xiii)   General Municipal Law
  - xiv)    Americans With Disabilities Act
  - xv)     Family and Medical Leave Act
  - xvi)    Omnibus Transportation Employee Testing Act of 1991 (CDL Drug Testing)
  
- (c)     Advice and representation in connection with:
  - i)       Initial steps of contract grievance procedure

- ii) Matters before the Public Employment Relations Board (Improper Practice Charges, Managerial/Confidential Petitions, and Union representation challenges), including the preparation of pleadings and attendance at all pre-hearing conferences
  - iii) Attendance at relevant Labor/Management meetings and meetings of the Legislative body and committees thereof
- (d) Management and supervisory training in connection with employee corrective action, contract administration and other topics agreed upon by the parties in an amount not to exceed two (2) days per calendar year.
- (e) Periodic printed reports containing relevant information regarding public sector labor relations as obtained from Public Employment Relations Board decisions, New York State Court decisions, relevant Administrative agency decisions and other similar sources.

2. **ROEMER WALLENS GOLD & MINEAUX** hereby agrees that it will provide the **TOWN**, as requested by the **TOWN**, with those services not specifically covered by this Agreement, such as representation at the final step in administrative disciplinary proceedings against employees, representation at the final step in contract grievance proceedings, representation at formal hearings before the Public Employment Relations Board, and representation in labor related litigation in New York and Federal Courts and/or administrative agencies, at the following rates:

- Partner and Senior Associate Attorney  
In years 2013 and 2014, the hourly rate will be \$215.00.  
In year 2015, the hourly rate will be \$225.00.
- Associate Attorney  
In years 2013 and 2014, the hourly rate will be \$175.00.  
In year 2015, the hourly rate will be \$180.00.
- Paralegal  
In years 2013 and 2014, the hourly rate will be \$115.00.  
In year 2015, the hourly rate will be \$120.00.

3. The **TOWN** and **ROEMER WALLENS GOLD & MINEAUX** agree that those representatives of **ROEMER WALLENS GOLD & MINEAUX** who perform services pursuant to this Agreement shall be approved in advance by the **TOWN**.

4. That in consideration of the foregoing, the **TOWN** hereby agrees to compensate **ROEMER WALLENS GOLD & MINEAUX** (inclusive of normal disbursements) as follows:

- a) Three Thousand Dollars (\$3,000.00) per month from January 1, 2013 through December 31, 2013.
- b) Three Thousand Fifty Dollars (\$3,050.00) per month from January 1, 2014 through December 31, 2014.



- c) Three Thousand One Hundred Dollars (\$3,100.00) per month from January 1, 2015 through December 31, 2015.

The Town may have the right to arbitrate fee disputes under Part 137 of the Rules of the Chief Administrator.

5. In accordance with our records retention policy, we will maintain all documents, papers and other items relating to our representation of you pursuant to this retainer agreement (the "Records") for a period of four (4) years from the date we cease providing you with legal services hereunder. If you desire to maintain the Records beyond that date, you will need to retain your own copies or request the Records in writing before the end of the four (4) year period. After that time, all of the Records will be destroyed.

6. The term of this Agreement shall be from January 1, 2013 through December 31, 2015. The TOWN may terminate this Agreement earlier than December 31, 2015, upon thirty (30) days' written notice from the TOWN to ROEMER WALLENS GOLD & MINEAUX.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

**TOWN OF NEWBURGH**

By: \_\_\_\_\_  
Wayne Booth, Supervisor

**ROEMER WALLENS GOLD & MINEAUX LLP**

By:  \_\_\_\_\_  
Elayne G. Gold, Partner

# NEGOTIATION SERVICES

## **A. Preparation for Negotiations**

The need for thorough preparation prior to the commencement of actual bargaining is often overlooked. We believe that preparation is a key element in assuring a successful outcome to the negotiation process.

Preparation includes:

- Reviewing the existing contract and offering advice regarding suggested modifications
- Reviewing the existing work rules and practices
- Reviewing grievances filed and arbitration decisions
- Reviewing the demands presented by both Union and Management in the last negotiations
- Reviewing the history of other benefit changes over the past six years
- Reviewing the most recent settlements in similarly situated jurisdictions
- Meeting with first line supervisors to ascertain their needs - both changes to the existing contract, as well as the needed additions to the contract
- Meeting with senior officials to determine their needs and review the findings resulting from meetings with line supervisors

## **B. Preparation of Demands**

This phase of the process is flexible and is adapted to the needs of each jurisdiction. Generally, we recommend that Labor Counsel prepare suggested demands and that those demands be reviewed by you and modified to suit your needs.

## **C. Selection of Negotiating Team**

We recommend that a cross-section of management representatives be appointed to the negotiating team so that the entire negotiating process can be "felt" at all levels of management. Managers appreciate the process to a much greater degree if they know and trust those who were directly involved.

#### **D. Participation in Negotiations**

The negotiations are made much easier by careful planning and research. We will participate fully in all phases of negotiations including renegotiation preparatory sessions, face-to-face meetings at the bargaining table, management caucuses, and, if necessary, the impasse process. We will maintain a detailed record of the negotiations for use in future proceedings.

#### **E. Communications**

Meetings with key management personnel will be scheduled throughout the negotiating process to inform them of progress in the negotiations and to recommend position modifications.

#### **F. Drafting the Contract**

All changes agreed upon in the negotiations process will be reduced to contract language which accurately reflects the agreement and is readily understood by Union and Management representatives, as well as those important persons not present at the bargaining table such as arbitrators.

#### **G. Ratification**

After a tentative agreement has been entered into, it must be presented to and approved by the appropriate Legislative body. We will appear before such body and make all necessary presentations to explain the proposed agreement.

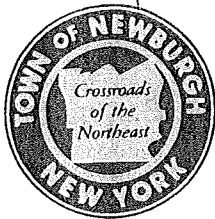
#### **H. Conduct Management Information Sessions**

At the conclusion of negotiations it is extremely important that all changes be identified and explained to supervisors and managers. General information on reasons for the changes or failure to achieve desired changes must be explained so that managers are fully supportive of the new contract.

**10. PARKS AND RECREATION:**

- A. Seasonal Ground Maintenance at Chadwick Lake**
- B. Seasonal Ground Maintenance at Additional Properties**

10a



## TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

845-564-7815  
FAX: 845-564-7827

December 12, 2012

TO: Wayne Booth, Supervisor  
Town Board Members

CC: Andrew Zarutskie, Town Clerk

FROM: Robert J. Petrillo, Commissioner

RE: 2013 Seasonal Ground Maintenance at Chadwick Lake Park

The Recreation Department is requesting the Board's approval to exercise their option to select R. Brewer Landscaping to continue the grounds maintenance at Chadwick Lake Park for 2013. Brewer Landscaping has been contacted by the Recreation Department and has agreed to honor their 2013 quote of \$260 per week.

Attached for your review are the 2011 bid details.

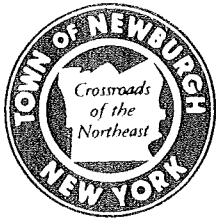
Thank you,

Robert J. Petrillo  
Commissioner

TOWN OF NEWBURGH  
 SEASONAL GROUNDS MAINTENANCE FOR CHADWICK LAKE PARK BID FOR 2011  
 with options for 2012 2013  
 Bid opening 9-1-10 @10:15 am

BIDDER	A. Chadwick Lake	2011 weekly price	2012 weekly price	2013 weekly price	
Ascape Landscaper 634 Route 303 Blauvelt, NY 10913		425.00	435.00	445.00	took tour
	B. Delaware Aqueduct, Monarch Dr. Gunsch & Baxter Properties	2011 Weekly price	2012 weekly price	2013 weekly price	
		375.00	380.00	390.00	took tour
R. Brewer Landscape, LLC 1789 Rt. 300 Newburgh, NY 12550	Option A.	260.00	260.00	260.00	took tour
	Option B.	320.00	320.00	320.00	took tour
LCS Facility Group 36 Cottage Street Poughkeepsie, NY	Option A.	275.00	283.00	295.00	took tour
	Option B.	700.00	725.00	725.00	took tour
Pat Scanlaw 14 Plains Dr. New City, NY 10956	Option A.	1,275.00	1,275.00	1,275.00	took tour
	Option B.	1,070.00	1,070.00	1,070.00	took tour
Placid Property Maintenance Corp. PO Box 246 Circleville, NY 10919	Option A.	300.00	330.00	370.00	took tour
	Option B.	540.00	635.00	745.00	took tour
Suburban Landscaping, Inc. 17 Saw Mill River Rd. Suite 56 Hawthorne, NY 10532	Option A.	500.00	500.00	550.00	took tour
	Option B.	410.00	410.00	460.00	took tour
TKC Landscaping	Option A.	300.00	300.00	310.00	took tour
	Option B.	525.00	525.00	540.00	took tour
Lynn Warren Landscaping	Option A.	275.00	275.00	275.00	took tour
	Option B.	275.00	275.00	275.00	took tour

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**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

845-564-7815  
FAX: 845-564-7827

December 12, 2012

TO: Wayne Booth, Supervisor  
Town Board Members

CC: Andrew Zarutskie, Town Clerk

FROM: Robert J. Petrillo, Commissioner

RE: 2013 Seasonal Ground Maintenance for Additional Properties

The Recreation Department is requesting the Board's approval to exercise their option to select Lynn Warren Landscaping to continue the grounds maintenance at the Filter Plant, Delaware Aqueduct, Monarch Drive, Gunsch and Baxter properties for 2013. Lynn Warren Landscaping has been contacted by the Recreation Department and has agreed to honor their 2013 quote of \$275 per week.

Attached for your review are the 2011 bid details.

Thank you,

Robert J. Petrillo  
Commissioner

TOWN OF NEWBURGH  
 SEASONAL GROUNDS MAINTENANCE FOR CHADWICK LAKE PARK BID FOR 2011  
 with options for 2012 2013  
 Bid opening 9-1-10 @10:15 am

BIDDER Ascape Landscaper 634 Route 303 Blauvelt, NY 10913	A. Chadwick Lake 2011 weekly price 2012 weekly price 2013 weekly price	425.00	435.00	445.00	took tour
	B. Delaware Aqueduct, Monarch Dr. Gunsch & Baxter Properties 2011 Weekly price 2012 weekly price 2013 weekly price	375.00	380.00	390.00	took tour
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Lynn Warren Landscaping	Option A.	275.00	275.00	275.00	took tour
	Option B.	275.00	275.00	275.00	took tour



**11.ZONING:**

- A. VBH Professional Services**
- B. Petition for Zoning Change Nella's Nest North**

**TOWN OF NEWBURGH**

1496 ROUTE 300  
NEWBURGH, N.Y. 12550

Order No. **V00175 1A**

DO NOT WRITE IN THIS BOX

**VOUCHER**

DEPARTMENT \_\_\_\_\_

CLAIMANT'S  
NAME  
AND  
ADDRESS

VHB Engineering, Surveying and  
Landscape Architecture, P.C.  
101 Walnut Street, P.O. Box 9151  
Watertown, MA 02471

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
1430 499	\$2,494.00	
TOTAL	\$2,494.00	
Abstract No.		

Vendor's Ref. No. **12925 mapping**

TERMS \_\_\_\_\_

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
11/30/12		Invoice #0012925 VHB Project #28693.00  Professional Services From 10/28/12 to 11/24/12 Adult Oriented Use Mapping		
(See Instructions on Reverse Side)			TOTAL	\$2,494.00

**CLAIMANT'S CERTIFICATION**

I, David Smith, certify that the above account in the amount of \$ 2,494.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

11/30/12  
DATE

*Shanemarie Vaughn*  
SIGNATURE

Project Manager  
TITLE

*for David Smith*  
(Space Below for Municipal Use)

**DEPARTMENT APPROVAL**

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

12-11-12  
DATE

*[Signature]*  
AUTHORIZED OFFICIAL

**APPROVAL FOR PAYMENT**

This claim is approved and ordered paid from the appropriations indicated above.

*[Signature]*



VHB Engineering, Surveying and Landscape Architecture, P.C. | Affiliated with Vanasse Hangen Brustlin, Inc.

Planning  
Transportation  
Land Development  
Environmental

November 30, 2012

Ref: 28693.00

Honorable Wayne Booth, Supervisor  
Town of Newburgh  
1406 Route 300  
Newburgh, NY 12550

Re: Town of Newburgh Adult Use Mapping  
28693.00 – Task 00003

Dear Mr. Booth:

Attached please find an invoice for services performed from October 28, 2012 to November 24, 2012 on the subject project.

Work performed this reporting period included:

- Review of materials for Santa Monica holdings
- Research on density issue and reports from other comparable community
- Draft letter to Town Board re: report analysis for amendments
- Coordination with Town Attorney re: adult use ordinances, mapping and EAF

Thank you for giving VHB the opportunity to work on this project. If you have any questions regarding these matters, please do not hesitate to call.

Very truly yours,

VHB Engineering, Surveying and Landscape Architecture, P.C.

David B. Smith  
Enclosure



*Engineering, Surveying and Landscape Architecture, P.C.*

remit to: 101 Walnut Street ■ PO Box 9151 ■ Watertown, Massachusetts 02471  
617.924.1770 ■ FAX 617.924.2286

# Invoice

Invoice No: 0012925  
November 30, 2012

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

VHB Project # 28693.00

Adult Oriented Use Mapping  
**Professional Services from October 28, 2012 to November 24, 2012**

**Fee**

Total Fee	4,000.00			
Percent Complete	94.87	Total Earned	3,794.80	
		Previous Fee Billing	3,794.80	
		Current Fee Billing	0.00	
		<b>Total Fee</b>		<b>0.00</b>
		<b>Total this Task</b>		<b>0.00</b>

Task	00003	Supplemental Analysis		
<b>Fee</b>				
Total Fee	7,400.00			
Percent Complete	86.00	Total Earned	6,364.00	
		Previous Fee Billing	3,870.00	
		Current Fee Billing	2,494.00	
		<b>Total Fee</b>		<b>2,494.00</b>
		<b>Total this Task</b>		<b>\$2,494.00</b>
		<b>Total this Invoice</b>		<b>\$2,494.00</b>

**Outstanding Invoices**

Number	Date	Balance
0012565	11/2/2012	1,454.80
<b>Total</b>		<b>1,454.80</b>

remit to: 101 Walnut Street ■ PO Box 9151 ■ Watertown, Massachusetts 02471

Payment Due Upon Receipt.

Remittance copy



*Engineering, Surveying and Landscape Architecture, P.C.*

remit to: 101 Walnut Street ■ PO Box 9151 ■ Watertown, Massachusetts 02471  
617.924.1770 ■ FAX 617.924.2286

# Invoice

Invoice No: 0012925  
November 30, 2012

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

VHB Project # 28693.00

Adult Oriented Use Mapping  
**Professional Services from October 28, 2012 to November 24, 2012**

**Fee**

Total Fee	4,000.00			
Percent Complete	94.87	Total Earned	3,794.80	
		Previous Fee Billing	3,794.80	
		Current Fee Billing	0.00	
		<b>Total Fee</b>		<b>0.00</b>
		<b>Total this Task</b>		<b>0.00</b>

Task 00003 Supplemental Analysis

**Fee**

Total Fee	7,400.00			
Percent Complete	86.00	Total Earned	6,364.00	
		Previous Fee Billing	3,870.00	
		Current Fee Billing	2,494.00	
		<b>Total Fee</b>		<b>2,494.00</b>
		<b>Total this Task</b>		<b>\$2,494.00</b>
		<b>Total this Invoice</b>		<b>\$2,494.00</b>

**Outstanding Invoices**

Number	Date	Balance
0012565	11/2/2012	1,454.80
<b>Total</b>		<b>1,454.80</b>

remit to: 101 Walnut Street • PO Box 9151 • Watertown, Massachusetts 02471

**Payment Due Upon Receipt.**

*Original copy*

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
HOWARD PROTTER  
DONALD G. NICHOL  
LARRY WOLINSKY  
ROBERT E. DINARDO  
J. BENJAMIN GAILEY  
MARK A. KROHN\*  
JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHELE L. BABCOCK  
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December 13, 2012

### VIA HAND DELIVERY

Hon. Wayne Booth, Supervisor and Town Council Members  
Town of Newburgh Town Board  
1496 Route 300  
Newburgh, New York 12550

Re: Nella's Nest North Corporation  
Rezoning Petition  
Our File No. 11051-001

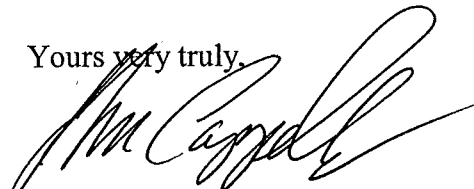
Dear Supervisor Booth and Town Council Members:

Enclosed please find one (1) original and eleven copies of the Petition of Nella's Nest North Corporation requesting an amendment of your zoning code to permit storage buildings of up to 50% the size of the principal building as accessory uses to professional offices in the IB zoning district. Your zoning code currently permits such storage building as accessory facilities to professional offices in the B zoning district. Nest North Corporation is requesting the same treatment for the such buildings in the IB zoning district.

I respectfully request that the Board place this matter on its next meeting agenda to discuss this Petition. We understand that once you have determined to move forward with the Petition the Petitioner may be required to post an escrow fee to cover publication expenses as well as professional fees incurred by the Town Board in review of this Petition. Please note we have copied this letter with a copy of the application to the Town Attorney.

Thank you in advance, I look forward to presenting this Petition to your Board. Happy Holidays.

Yours very truly,



John C. Cappello

JCC/elr

Enclosures

cc: Mark Taylor, Esq. (via e-mail)  
Mr. Kevin Roberts

-----X  
**In The Matter of**

In the Petition of **Nella's Nest North Corp.** for an amendment of the Table of Use and Bulk Requirements for the Interchanged Business (IB) District to include storage buildings up to 50% of the floor area of the principal permitted building as an accessory use permitted with "offices for business, research and professional use"

-----X

**REZONING PETITION**

**TO: The Honorable Supervisor and  
Town Council Members of the  
Town of Newburgh, Orange County, New York:**

The undersigned Petitioner respectfully petitions the Supervisor and Town Council Members to amend the Table of Use and Bulk Requirements for the Interchange Business (IB) District to include storage buildings up to 50% of the floor area of the principal permitted building as an accessory use permitted with "offices for business, research and professional use" for the following reasons:

1. Petitioner is the owner of certain property located at 1430 Route 300, which property is designated on the Town of Newburgh Tax Map as Section 60 Block 3 Lot 24. A location map depicting Petitioner's property is attached hereto as Exhibit "A."
2. Petitioner's property consists of approximately 1.4 acres.
3. Petitioner's property is located in the Interchanged Business (IB) zoning district.
4. Petitioner's property currently contains a professional office building of approximately 1,620 square feet in size with an accessory storage structure totaling 810 square feet in size.

5. Storage buildings of up to 50% of the floor areas of the principal building are an accessory use permitted with “business professional and research offices and banks.” These storage facilities can be located on lots with a minimum lot area of 15,000 square feet.

6. In the Interchange Business (IB) zoning district, storage buildings of up to 50% of floor area of the principal buildings are permitted with several uses within the zoning district but not with “office for business, research and professional use.” In the IB zoning district, such uses have a minimum lot area of 40,000 square feet.

### **REASONS SUPPORTING THIS REQUEST**

7. There does not appear to be any logic permitting accessory storage units with professional offices in the B zoning district with smaller lots where such accessory uses would be more visible while prohibiting such accessory uses in an IB zoning district with larger minimum lot sizes where any accessory storage building can be more adequately placed on the lot and screened to ensure minimum visibility from any neighboring property or roads.

8. Petitioner’s property containing the accessory building contains significant screening to make it virtually invisible from any roads. The surrounding uses surrounding the Petitioner’s property are similar to uses permitted in the IB zone and include a Verizon facility in which a large number of Verizon work trucks are stored and visible from the road, along with large strip malls and other large commercial uses.

9. Allowing accessory storage buildings to allow property owners in the IB zoning district to store materials away from weather without necessitating expansions to the building is a benefit to all property owners.

10. The detriment to any potential adjoining property owning or people traveling on the



roads in the Town of Newburgh can be appropriately mitigated through proper screening and location of said buildings on the lot

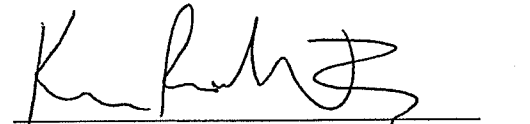
**SUMMARY**

11. There appears to be no reason for differentiating and permitting accessory storage buildings in the Business (B) zoning district and not in the Interchanged Business (IB) zoning district.

Dated: Walden, New York  
December 14<sup>th</sup>, 2012

***RESPECTFULLY SUBMITTED:***

Nellas Nest North Corp.

  
By: Kevin Roberts, President

**EXHIBIT "A"**




**12.ENGINEER: Water Supply Budget Transfer**

DEC 20 2012

12

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

**MEMORANDUM**

**TO:** Wayne Booth, Town Supervisor & Town Board  
**FROM:** James W. Osborne, Town Engineer   
**DATE:** December 20, 2012  
**RE:** **W\ WATER SUPPLY BUDGET TRANSFER - STEWART AIRPORT  
WATER STORAGE TANK - CAPITAL PROJECT**

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I am requesting Town Board approval for the following budget transfer:

From: Interfund  
To: Stewart Airport Water Storage Tank  
Amount: \$373,300.00

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

JWO/id

cc: J. Platt, DPW Comm.  
J. Calarco, Accountant

### **13. Consideration of Executive Session for PBA Contract Negotiations**

No information available at this time

## 14. ADJOURNMENT