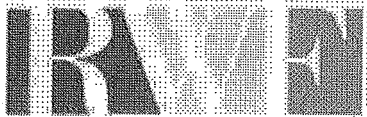


#10B



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

Attorney-Client privileged
MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2020 and 2021);
VEE-JOE OPERATING CO. INC. AND MIDPORT
PROPERTIES INC. (500 STONY BROOK COURT)
OUR FILE NO: 800.24

DATE: FEBRUARY 8, 2022

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

ATTORNEYS

David L. Rider
Charles E. Frankel
Michael J. Mätsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
William E. Podszus

M. J. Rider
(1906-1968)
Elliott W. Weiner
(1915-1990)

COUNSEL

Stephen F. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL

Craig F. Simon
Irene V. Villacci

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy regarding the above referenced proposed settlement, a proposed Stipulation of Settlement, a proposed Order and Judgment Reducing Assessments and a chart showing the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Also enclosed is a map showing the location of the tax parcel which is the subject of the proceedings which contains an office building on Stony Brook Court.

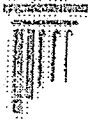
The settlement provides for a reduction in assessed value of \$77,000 from \$212,000 to \$134,800 for 2020 and a reduction of \$84,875 from \$212,000 to \$127,125 for 2021. The Consent Order and Judgment specifies that the provisions of RPTL Section 727 apply, holding the Assessed Value at \$127,125 for the 2022, 2023 and 2024 assessment rolls, subject to the statutory exceptions.

The chart indicates that the refund liability for the Town (including Highway but not including special districts and the Fire District) will be approximately \$2,531.62.

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

MCT/sel
Eric.

cc: Lisa M. Vance Ayers, Town Clerk
Assessor (via e-mail)
Joseph P. Pedi, Receiver of Taxes (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Cathy E. Drobny, Esq. (via e-mail)



E. STEWART
Jones Hacker Murphy LLP
ATTORNEYS & COUNSELORS AT LAW

Please send all mail to:
SCHENECTADY

November 9, 2021

VIA E-MAIL - mtaylor@riderweiner.com

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

RE: Vee-Joe Operating Co. Inc. v. Town of Newburgh
Index Nos. EF003188-2020 & EP005032-2021
Our File No. 5018.157

MAIN OFFICE:
28 SECOND STREET
TROY, NY 12180

200 HARBORSIDE DRIVE, SUITE 300
SCHENECTADY, NY 12305

511 BROADWAY
SARATOGA SPRINGS, NY 12866

41 STATE STREET, SUITE 604-05
ALBANY, NY 12207

PHONE: (518) 274-5820
FAX: (518) 274-5875

www.joneshacker.com

Dear Mark:

Attached please find the proposed Stipulation of Settlement and Order and Judgment Reducing Assessments relative to the above-referenced proceedings. The subject property is a 5,600 sq. ft. office building located at 500 Stony Brook Court. There are currently two (2) years pending. The current assessment is \$212,000 which equates to a FMV of approximately \$708,000 in 2020 and \$750,500 in 2021.

The property sold on January 16, 2019 for a purchase price of \$450,000. After review of the sale documents, rent roll and the petitioner's 2019 and 2020 Form 8825 tax returns, a settlement was negotiated reducing the value to the sale price.¹ The assessed value of \$127,125 will be held for 2022, 2023 and 2024 pursuant to the statute, subject to the usual exceptions.

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 Stipulation of Settlement and forward it to the petitioner's attorney for submission to the Judge.


I have attached for your review a copy of only the refund chart for this settlement. The values requested on the BOARs and Petitions are the values of the proposed settlement.

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

Very truly yours,

E. STEWART JONES HACKER
MURPHY LLP

By:


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

CLD:kah
Attachments

cc: Gilbert Piaquadio, Supervisor
Lori Coady, Assessor

¹ The 2020 FMV is \$450,083 due to the value that was requested in the Petition.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of

VEE-JOE OPERATING CO. INC.,
MIDPORT PROPERTIES INC.

Petitioner,

- against -

TOWN OF NEWBURGH, (Municipal Corporation),
its ASSESSOR AND BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of certain Real Property
in the Town of Newburgh, New York for Assessment Rolls
2020, and 2021.

----- X

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that a proposed Order and Judgment, a copy of which is annexed hereto, shall be made and entered settling certain proceedings brought by the Petitioner to review the tax assessments fixed and imposed by the Town of Town of Newburgh for the assessment rolls 2020, and 2021 for purposes of taxation upon certain real property 500 Stony Brook Court, in the Town of Newburgh, and known as Section/Block/Lot: 97-1-54 on the official assessment map of said municipality, and providing that the assessed valuations of petitioner's property upon the assessment rolls of the Town of Goshen be settled as follows:

STIPULATED AND AGREED, that the assessed valuations of Petitioner's property upon the assessment rolls of the Town of Newburgh be reduced, corrected and fixed as follows:

**STIPULATION OF
SETTLEMENT**

Index Nos.:

EF003188/2020
EF005032/2021

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
97-1-54	2020	\$ 212,000	\$ 134,800	\$ 77,200
	2021	\$ 212,000	\$ 127,125	\$ 84,875

and it is further

STIPULATED AND AGREED that the allocations between land and improvements, as reduced, shall be left to the sole discretion of the Assessor of the said municipality; and it is further

STIPULATED AND AGREED that all parties shall abide by section 727 of Real Property Tax Law of the State of New York applicable to 2021 year above; and it is further

STIPULATED AND AGREED that the Order and Judgment provide, pursuant to the Real Property Law of the State of New York, 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 said entries in conformity with this Order and Judgment and shall note upon the margin of said entered roll, opposite said entries, that the same have been corrected by the authorization of the Order and Judgment; and it is further

STIPULATED AND AGREED that the Order and Judgment further provide that the County of Orange, and/or the Town of Newburgh, and/or the Newburgh Central School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, and Town, and School taxes (including Library), and taxes relating to any special taxing district for which the Town, and/or County, and/or School District, collects such taxes, as appropriate, against the original assessments in

excess of what the taxes would have been if said assessments made in the aforesaid years had been made upon the reduced valuations, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes,; and it is further

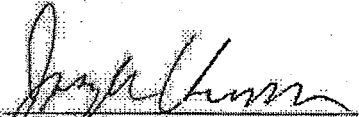
STIPULATED AND AGREED that the Order and Judgment provide that all said refunds to be made by respondents Town of Newburgh, and/or Newburgh School District, and/or County of Orange, or any of the various tax authorities, be made by check or draft, payable to the order of "Savad Churgin", as attorneys for the petitioner; and it is further

STIPULATED AND AGREED that the Order and Judgment further provide that the refunds shall include interest thereon at the statutory rate in accordance with Real Property Tax Law, Section 726(2), however, interest is waived if refunds are paid within sixty (60) days after a copy of the Order with Notice of Entry is served; and it is further

STIPULATED that an Order shall be submitted to the Court in the form annexed.

Date: 11-1-21

Date:


Joseph A. Churgin, Esq.
Savad Churgin
Attorneys for Petitioner
55 Old Turnpike Road, Ste. 209
Nanuet, NY 10954

Cathy L. Drobny, Esq.
E. Stewart Jones Hacker Murphy LLP
Attorneys for Respondents
200 Harborside Drive Suite 300
Schenectady, NY 12305

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

Assigned to
Hon. Catherine M. Bartlett.

----- X
In the Matter of the Application of

VEE-JOE OPERATING CO. INC.,
MIDPORT PROPERTIES INC.

**ORDER AND JUDGMENT
REDUCING ASSESSMENTS**

Index Nos.:

EF003188/2020
EF005032/2021

Petitioner,

- against -

TOWN OF NEWBURGH, (Municipal Corporation),
its ASSESSOR AND BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of certain Real Property
in the Town of Newburgh New York for Assessment Rolls
2020 and 2021.

----- X
Upon the Stipulation by the attorneys for the respective parties hereto, which provides for the settlement of certain proceedings brought by the petitioner to review the tax assessments fixed and imposed by the Town of Newburgh for the assessment rolls 2020, and 2021 for purposes of taxation upon certain real property 500 Stony Brook Court, in the Town of Newburgh, and known as Section/Block/Lot: 97-1-54 on the official assessment map of said municipality, and providing that the assessed valuations of petitioner's property upon the assessment rolls of the Town of Newburgh be settled as follows:

NOW, on motion of SAVAD CHURGIN, attorneys for the petitioner, it is

ORDERED, ADJUDGED AND DECREED that the assessed valuations of Petitioner's property upon the assessment rolls of the Town of Newburgh be reduced, corrected and fixed as follows:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
97-1-54	2020	\$ 212,000	\$ 134,800	\$ 77,200
	2021	\$ 212,000	\$ 127,125	\$ 84,875

and it is further

ORDERED, ADJUDGED AND DECREED that the allocations between land and improvements of said assessment, as reduced, shall be left to the sole discretion of the Assessor of the said municipality, and it is further

ORDERED, ADJUDGED AND DECREED that all parties shall abide by section 727 of Real Property Tax Law of the State of New York applicable to 2021 year above, 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 said entries in conformity with this Order and Judgment and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authorization of this Order and Judgment, and it is further

ORDERED, ADJUDGED and DECREED that the County of Orange, and/or the Town of Newburgh, and/or the Newburgh Central School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, and Town, and School taxes (including Library), and taxes relating to any special taxing district for which the Town, and/or County, and/or School District, collects such taxes, as appropriate, against the original assessments in excess of what the taxes would have been if said assessments made in the aforesaid years had been made upon the reduced

valuations, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, and it is further

ORDERED, ADJUDGED and DECREED that all tax refunds to be made by respondents Town of Newburgh, and/or Newburgh School District, and/or County of Orange, or any of the various taxing authorities, be made by check or draft, payable to the order of "Savad Churgin", as attorneys for the petitioner, and it is further

ORDERED, ADJUDGED and DECREED that the refunds shall include interest thereon at the statutory rate in accordance with Real Property Tax Law, Section 726(2); however interest is waived if refunds are paid within sixty (60) days, after a copy of the Order with Notice of Entry is served; and it is further

ORDERED, ADJUDGED and DECREED that the said tax review proceedings shall be settled without the allowance or payment of costs and disbursements to, by or against any party.

Newburgh, New York

Date: _____, 2021

HON. CATHERINE M. BARTLETT, AJSC

Vee-Joe Operating Co., Inc. v. Newburgh Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2020	97-1-54	\$ 212,000	\$ 134,800	29.95%	\$ 707,846	\$ 450,083	\$ 77,200	County	11.8700 \$ 916.36
								Town	10.8700 \$ 839.16
								Highway	4.7500 \$ 366.70
								Fire-GW	5.9959 \$ 462.88
								Sp. Dist.	4.3467 \$ 335.57
								Library	3.542079 \$ 273.45
							Newburgh	School	71.885193 \$ 5,549.54
2021	97-1-54	\$ 212,000	\$ 127,125	28.25%	\$ 750,442	\$ 450,000	\$ 84,875	County	11.8700 \$ 1,007.47
								Town	10.8700 \$ 922.59
								Highway	4.7500 \$ 403.16
								Fire-GW	5.9959 \$ 508.90
								Sp. Dist.	4.3467 \$ 368.93
								Library	3.521783 \$ 298.91
							Newburgh	School	71.473310 \$ 6,066.30
								COUNTY	\$ 1,923.83
								TOWN	\$ 1,761.76
								HIGHWAY	\$ 769.86
								FIRE-GW	\$ 971.79
								SP. DIST.	\$ 704.49
								LIBRARY	\$ 572.36
								SCHOOL	\$ 11,615.83
								Total	\$ 18,319.91

2021 Town/County tax rates were used to calculate refunds for the 2021 proceeding

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 February, 2022 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
Scott M. Manley, Councilman
Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW;
SBL #97-1- 54
VEE-JOE OPERATING CO. INC and
MIDPORT PROPERTIES INC.
(500 STONY BROOK COURT)
INDEX NUMBERS 2020-EF003188, and
2021-EF005032

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

WHEREAS, Vee-Joe Operating Co. Inc. and Midport Properties Inc. (together the "Petitioner") 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 real property in the Town of Newburgh, Orange County, New York, consisting of an office building and related improvements located on a parcel of land at 500 Stony Brook Court (Section 97-Block 1-Lot 54) on the tax assessment roll for the tax years 2020 and 2021; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioner, the terms of which are embodied in a proposed Stipulation of Settlement and Order and Judgment Reducing Assessments 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 E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Consent Order and Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker Murphy, LLP, the Supervisor, 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:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.