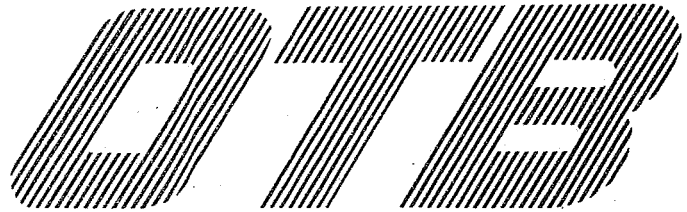


## WORKSHOP MEETING AGENDA

Wednesday, May 13, 2015

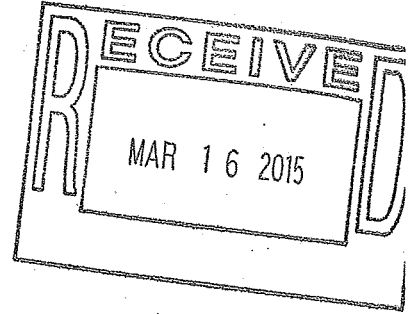
7:00 p.m.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. PRESENTATION TO DRAKE FAMILY
7. OTB PRESENTATION
8. RECREATION:
  - A. Park Guards: Waiver of Duty Free Lunch
  - B. Summer Park Staff: Waiver of Duty Free Lunch
  - C. New Start Date for Seasonal Recreation Aide
  - D. Fireworks Payment
9. ANIMAL CONTROL: T-94 Withdrawal
10. ACCOUNTING:
  - A. Direct Deposit
  - B. One Per Cent Reduction to Tax Cap
11. ASSESSOR (CERTIORARI CASES):
  - A. Zacharia vs. Town of Newburgh
  - B. Chaudry Enterprises vs. Town of Newburgh
  - C. Newburgh Algonquin Lanes vs. Town of Newburgh
12. ALTERNATE SCHOOL TAX FUNDING: Resolution
13. AGRICULTURAL REQUESTS:
  - A. Hudson Valley Ice Cream SBL 14-1-48
  - B. John Hudelson & Carol Pauli SBL 9-3-50.11 & 9-3-50.12
14. STREET LAMPS:
  - A. Dogwood Hills 2 lights
  - B. Susan Drive 1 light
15. ENGINEERING
  - A. Chadwick Lake Dam
  - B. Consolidated Water District: Emergency Response Plan
16. TRAFFIC SAFETY COMMITTEE UPDATE:
  - A. Stop Sign in Colden Park
  - B. Stop Sign on Chestnut Lane
17. DPW:
  - A. Sewer Connections
  - B. Award of Chemical Bid
  - C. Award of Hydrant Painting Bid
18. BUILDINGS AND GROUNDS:
  - A. Award Repaving of Code Compliance
  - B. Award Repaving of Police Department
19. JUSTICE COURT: Hiring of Court Clerk
20. POTENTIAL EXECUTIVE SESSION: Police Investigation
21. ADJOURNMENT



Donald J. Groth  
President & Chief Executive Officer

March 12, 2015



Hon. Gilbert J. Piaquadio, Supervisor  
Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

Dear Supervisor Piaquadio,

As discussed during our visit on February 17, 2015 regarding legalization of VLT lottery (slot machine) devices to be operated by Catskill Off-Track Betting Corporation in appropriate communities, I have enclosed a draft resolution in support of this effort for your consideration.

Please advise if you have further questions or other information that could help accomplish such amendment and legalization to help economic development and tourism hopes for the Hudson Valley community.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Groth', with a long horizontal flourish extending to the right.

TOWN OF NEWBURGH  
RESOLUTION  
IN SUPPORT OF VIDEO LOTTERY MACHINES  
AND SERVICES AT FACILITIES OF THE  
CATSKILL OFF TRACK BETTING CORPORATION

WHEREAS, Chapter 346 of the laws of 1976 created the Catskill Off Track Betting Corporation as a Public Benefit Corporation of the State of New York; and,

WHEREAS, the Catskill Off Track Betting corporation has uniquely and continuously been managed and operated showing annual profits for county governments and the horse racing community of New York State; and,

WHEREAS, a 2014 procurement process for the establishment of casino gaming facilities in accordance with the Upstate New York Gaming Economic Development Act of 2013 (Chapters 174 and 175 of the Laws of 2013) (hereinafter "the Gaming Act") and an amendment by the people of New York of the New York State Constitution for the establishment of up to four casino gambling resort facilities in upstate New York resulted in no casino application approval for a facility in the County of Orange, nor the Town of Newburgh; and,

WHEREAS, the aforementioned Gaming Act included provision for video Lottery Terminals (VLTs) to be installed and operated by off track betting corporations located in the counties of Nassau and Suffolk; and,

WHEREAS, the Catskill Off Track Betting Corporation has expressed interest in having statutory authorization to develop and operate Video Lottery Terminals at facilities of the Catskill Off Track betting Corporation located within the Catskill Region of New York State; and,

WHEREAS, the Town of Newburgh is located within the said Catskill Off Track Betting region and did express support for the casino project in the Town; and,

WHEREAS, it continues to be a good and proper idea for a casino or VLT gaming to be established at or near the intersection of the interstate highways I87 and I84 located in the Town of Newburgh; and

WHEREAS, it is well documented and known that the residents of the Town would welcome the job opportunities, increased local spending, and economic and community benefits that would most assuredly derive from the location of a video lottery gaming facility;

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED, that the Town Board of the Town of Newburgh does hereby express its support for an amendment to Paragraph 4 of subdivision (a) of section 1617-a of the tax law, as amended by chapter 174 of the laws of 2013 which would authorized the Catskill Off Track Betting Corporation to expand its business operation to include the presentation and development of video lottery terminals at facilities of the Corporation located in the Catskill Off Track Betting region of New York ;and

BE IT AND IT IS HEREBY FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Governor of the State of New York, the Majority Leader of the New York State Senate, the Speaker of the New York State Assembly and, to the President of the Catskill Off Track Betting Corporation.

BA



**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

May 7, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Chadwick Lake Park Guard Variance Request

The Town policy requires a duty-free half hour lunch for those working six or more consecutive hours. At this time, I'm asking for a variance to this policy for the Chadwick Lake Park guards.

We have begun the season for peak attendance at the Park as well as extended hours. To ensure the guard house is not unattended or the Park unsupervised we are requesting approval to waive the required duty-free lunch for the guards during the months of June, July and August.

Thank you for your consideration.

Regards,

Robert J. Petrillo  
Commissioner



# TOWN OF NEWBURGH RECREATION DEPARTMENT <sup>JB</sup>

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

May 7, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Camp Variance Request

The Town policy requires a duty-free half hour lunch for those working six or more consecutive hours. At this time, I'm asking for a variance to this policy for our 2015 Camp summer staff.

The time used for lunch for the staff is still required to be used in a supervisory position to monitor the activities and safety of the young campers. This is also the case whenever the camp takes a day trip and camper supervision takes priority to any other activity.

Thank you for your consideration.

Regards,

Robert J. Petrillo  
Commissioner

80



**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

*Brenda*

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

May 7, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Seasonal Recreation Aide

I would like to request your approval to change the start date for Mr. Joseph Taylor to May 21<sup>st</sup>. Mr. Taylor was previously approved at the April 20<sup>th</sup> Board Meeting with a start date of June 4<sup>th</sup>.

The funds for this position are available in appropriation code 7140-0100.

Regards

Robert J. Petrillo  
Commissioner

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

**TO: PERSONNEL DEPARTMENT**

NAME OF CANDIDATE: JOSEPH TAYLOR

DEPARTMENT: RECREATION

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: SEASONAL PART TIME


HOURLY RATE: \$ 8.75

IS POSITION FUNDED IN CURRENT BUDGET:  yes or no

FUND APPROPRIATION NUMBER: 7140-0100

PROPOSED HIRE DATE: 5/21/15

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

  
DEPARTMENT HEAD SIGNATURE

5/2/15  
DATE

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

**COPY TO ACCOUNTING DEPARTMENT  
(02/05)**

8 D



**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

May 7, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Payment Authorization Request

At this time we are requesting payment from the T-38 account in the amount of \$9,500.00 to Fireworks Extravaganza. This payment is to cover the cost of the fireworks display at Community Day on July 2<sup>nd</sup>.

The T-38 account has sufficient funds to cover these costs. Thank you for your consideration.

Regards,

R. J. Petrillo  
Commissioner



# Fireworks Extravaganza

**1-800-765-BANG (2264)**

201-968-5200 • 206-202-1544 FAX

Federal ATF Licensed Fireworks Importer License #8-NJ-00310

174 ROUTE 17 NORTH, ROCHELLE PARK NJ 07662

ACCOUNTING@FWEXTRAVAGANZA.COM • WWW.FWEXTRAVAGANZA.COM

*Worldwide Experience in Pyrotechnics - Since 1995*

## Invoice

Date	Invoice #
04/23/2015	2015-143
Terms	Due Date
See Contract	07/02/2015

Bill To
Robert Petrillo Newburgh, Town of 311 Route 32 Newburgh, NY 12550

Amount Due	Enclosed
\$9,500.00	

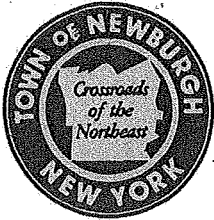
Please detach top portion and return with your payment.

Date	Activity	Quantity	Rate	Amount
07/02/2015	A Fireworks Display in New York	1	9,500.00	9,500.00

Total balance due 7/12/2015

<b>Total</b>	<b>\$9,500.00</b>
--------------	-------------------

9/1



**TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER**

645 Gidney Ave. Newburgh, NY 12550

To: Town Board

From: Chantel Haight, Animal Control Supervisor

Date: May 6, 2015

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

I am requesting authorization to use the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital totaling \$533.83.

Feline \$14.50

Canine \$519.33

Attached please find the bills.

Thank you.

Cc: Ron Clum, accountant

# TOWN OF NEWBURGH

1496 Route 300  
Newburgh, New York 12550  
(845) 564-4552

DEPARTMENT

CLAIMANT'S  
NAME  
AND  
ADDRESS

**NEWBURGH VETERINARY HOSPITAL**  
1716 Route 300  
Newburgh, NY 12550  
Tel: (845) 564-2660  
www.newburghvet.com

TERMS

Net 30 Days

DO NOT WRITE IN THIS BOX

Date Voucher Received	FUND - APPROPRIATION	AMOUNT	VOUCHER NO.
	T-94		
	Total		
Abstract #			

Invoice #

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
		Canine		
3/30/15	596501			253.25
4/2/15	596751			12.50
4/8/15	597211			200.33
4/9/15	597255			47.25
			<b>TOTAL</b>	<b>519.33</b>

## CLAIMANT'S CERTIFICATION

I, Dora M Cast certify that the above account in the amount of \$ 519.33 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.

4/29/15  
DATE

Dora M Cast  
SIGNATURE

Bookkeeper  
TITLE

(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.

Date

Authorized Official

## APPROVAL FOR PAYMENT

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

Date

Auditing Board

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 04-29-15 at 11:59a  
**Date:** 03-30-15  
**Account:** 19984  
**Invoice:** 596501

Date	For	Qty	Description	Price	Discount	Net Price
03-21-15	August	1	4DX Elisa Negative			0.00
03-23-15		1	Weight Monitoring			0.00
03-23-15		0.57	Morphine Inject Control Log / ml			0.00
03-23-15		0.25	Telazol Injectable Control Log / ml			0.00
03-23-15		1	NEUTER/CANINE <1YR	149.50	74.75	74.75 ** ✓
03-23-15		1	-Isoflurane Gas Anesthesia			0.00
03-25-15	Freddy	1.30	Morphine Inject Control Log / ml			0.00
03-25-15		0.50	Telazol Injectable Control Log / ml			0.00
03-25-15		1	NEUTER/CANINE <1YR	149.50	74.75	74.75 ** ✓
03-25-15		1	-Isoflurane Gas Anesthesia			0.00
03-25-15		1	CONSULT / EXAM - Annual Welln	49.50	24.75	24.75 ** ✓
03-25-15		1	Lyme,HW,Ehrlichia Accu Plus4 AC	52.00	23.50	28.50 ** ✓
03-25-15		1	Canine Dist/A2/PI/Parvo/Lepto1YR	26.00	13.00	13.00 ** ✓
Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PP1, the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis						
03-25-15		1	Canine Respiratory Complex- Bord	25.00	12.50	12.50 ** ✓
Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have incresased risk of exposure....please be sure to have your pet boosted every 12 months.						
03-25-15		1	CANINE RABIES / 1YEAR	25.00	12.50	12.50 ** ✓
03-26-15		1	4DX Elisa Negative			0.00 ✓
03-21-15	Strays	1	CANINE RABIES / 1YEAR	25.00	12.50	12.50 ** ✓
Total charges, this invoice...						253.25
**Total discount included: 248.25						

Your invoice total reflects our **13Stray Cat Accounts** discount.

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 04-29-15 at 12:01p  
**Date:** 04-02-15  
**Account:** 19984  
**Invoice:** 596751

Date	For	Qty	Description	Price	Discount	Net Price
04-02-15	9-15 (romeo)	1	CANINE RABIES / 1YEAR	25.00	12.50	12.50 **
Total charges, this invoice...						12.50

\*\*Total discount included: 12.50

Your invoice total reflects our **13Stray Cat Accounts** discount.

---

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GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 04-29-15 at 12:05p  
**Date:** 04-08-15  
**Account:** 19984  
**Invoice:** 597211

Date	For	Qty	Description	Price	Discount	Net Price
04-08-15	Sammie	1	Lyme,Hwt,Ehrlich Anaplasma 4Dx	76.50	38.25	38.25 ** ✓
04-08-15		1	CONSULT / EXAM - Biannual Wel	49.50	24.75	24.75 ** ✓
04-08-15		1	Pet Insurance Review			0.00
Please visit <a href="http://www.petinsurancereview.com">www.petinsurancereview.com</a> and <a href="http://dogtime.com">dogtime.com</a> for an independent review of all national pet health insurance plans						
04-08-15		1	CANINE RABIES / 1YEAR	25.00	12.50	12.50 ** ✓
04-08-15		1	Canine Dist/A2/PI/Parvo/Lepto1YR	26.00	13.00	13.00 ** ✓
Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PP1, the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis						
04-08-15		1	Canine Respiratory Complex- Bord	25.00	12.50	12.50 ** ✓
Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have increased risk of exposure....please be sure to have your pet boosted every 12 months.						
04-08-15		1	-Isoflurane Gas Anesthesia			0.00
04-08-15		1	Neuter/Canine 1-5YR	159.50	79.75	79.75 ** ✓
04-08-15		0.55	Morphine Inject Control Log / ml			0.00
04-08-15		0.32	Telazol Injectable Control Log / ml			0.00
04-08-15		0.50	Vetprofen Tablets 75mg	17.89	17.89	0.00 **
04-08-15		2	Penicillin G Inject / ml Outpatient	18.59	18.59	0.00 **
04-08-15		56	Minocycline 100 mg capsules #19E	51.15	25.57	25.58 ** ✓
Total charges, this invoice...						206.33
**Total discount included: 242.80						

Your invoice total reflects our **13Stray Cat Accounts** discount.

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 04-29-15 at 12:05p  
**Date:** 04-09-15  
**Account:** 19984  
**Invoice:** 597255

Date	For	Qty	Description	Price	Discount	Net Price
04-09-15	Dixie	1	Elizabethan Collar-Large	30.00	15.00	15.00 **
04-09-15		1	Bandage - Medicated Wound Dres	64.50	32.25	32.25 **

After certain surgeries, your pet may need to be bandaged, splinted, or casted. All of these materials need to remain clean and dry. This means staying off dewy ground, and out of the rain, puddles, mud, the water bowl, kiddie pools, and baths. If it's raining or the ground is wet when your pet has to go outside to eliminate, cover the bandage with a plastic bag; check that there aren't any holes in the bag and tape it to keep the bag up. Remove the bag and tape as soon as the pet comes back inside. If bandages get wet, have them checked and replaced as needed as soon as possible.

Problems associated with wet bandages, splints or casts can range from an irritated incision to more serious complications, including in some cases gangrene that results in loss of the limb.

Bandages need to be checked regularly, at least three times a day, preferably more.

Watch for swelling above or below the material and report any swelling immediately to your veterinarian. If the bandage, splint or cast is too tight, the swelling will cut off necessary circulation.

Smell the material every day. A new, bad odor indicates that it should be rechecked by the veterinarian as soon as possible and certainly within a few hours of noticing such a change.

•If the leg is splinted the digits may be left exposed at the bottom, Check the toes each time you check the splint to make sure he can still feel his toes (lightly pinch to see if he pulls the limb away or otherwise reacts), and also check for excessive swelling or coldness of the digits. Any concerns with the appearance of the digits or bandage should prompt an immediate call to your veterinarian or local veterinary emergency clinic.

•You can apply talcum powder or cornstarch to help prevent sores from occurring where the skin is rubbed by the cast or splint. Any sores that don't improve after

being powdered should be seen by your veterinarian.

•Splints and casts should only be adjusted by your veterinarian. Some splints need to be used for many weeks.

•Splints and casts are not always comfortable. Expect a bit of licking or chewing, and possibly mutilation of the cast or splint. If you suspect there is a problem, it's better to prevent additional trouble, so talk to your veterinarian sooner rather than later.

---

Total charges, this invoice...

47.25

\*\*Total discount included: 47.25

Your invoice total reflects our **13Stray Cat Accounts** discount.

---

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.



# TOWN OF NEWBURGH

1496 Route 300  
Newburgh, New York 12550  
(845) 564-4552

DO NOT WRITE IN THIS BOX

DEPARTMENT \_\_\_\_\_

CLAIMANT'S  
NAME  
AND  
ADDRESS

**NEWBURGH VETERINARY HOSPITAL**  
1716 Route 300  
Newburgh, NY 12550  
Tel: (845) 564-2660  
www.newburghvet.com

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
T-97		
Total		
Abstract #		

TERMS

Net 30 Days

Invoice # \_\_\_\_\_

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
4/4/15	596947	Feline		1450
			<b>TOTAL</b>	<b>1450</b>

## CLAIMANT'S CERTIFICATION

I, Dora M Cast certify that the above account in the amount of \$ 1450 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.

4/29/15  
DATE

Dora M Cast  
SIGNATURE

Bookkeeper  
TITLE

(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.

\_\_\_\_\_ Date

\_\_\_\_\_ Authorized Official

## APPROVAL FOR PAYMENT

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

\_\_\_\_\_ Date

\_\_\_\_\_ Auditing Board

# INVOICE

## Newburgh Veterinary Hospital

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 04-29-15 at 12:08p  
**Date:** 04-04-15  
**Account:** 4417  
**Invoice:** 596947

Date	For	Qty	Description	Price	Discount	Net Price
04-04-15	Boots 4/4/14	1	Feline rabies/Purevax 1yr Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.	29.00	14.50	14.50 ** ✓

Total charges, this invoice... 14.50

\*\*Total discount included: 14.50

Your invoice total reflects our **13Stray Cat Accounts** discount.

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

10 A

**To: All Department Heads/Employees**  
**From: Gil Piaquadio, Town Supervisor**  
**Date: April 24, 2015**  
**RE: Optional Direct Deposit**

---

A number of employees have expressed an interest in having direct deposit for their payroll checks. A direct deposit program would deposit your net check into an account of your choosing rather than getting a physical check. You would no longer have to go to the bank to cash your payroll checks. It would also alleviate the problem of receiving your paycheck on a scheduled day off and eliminate the possibility of lost, stolen, or misplaced checks before they are cashed.

Originally we were going to change the work week due to the banks requiring two full work days in order to transmit the funds from our bank accounts to your requested banks to be available on Friday's. This was met with a number of questions and concerns from employees regarding the use of three days of accumulated time. It was further identified that the individuals wanting direct deposit was not as significant as we thought.

Rather than changing the work week and **requiring all** employees to use three days of their accumulated time the board and I came up with an alternative which we believe will be acceptable to those employees who wish to have direct deposit. Employees who opt for direct deposit **will be paid two to three days AFTER the normal payday due to this bank processing time.** Ex: The normal payday is a Friday; therefore the direct deposit will be Tuesday/Wednesday. So rather than requiring all employees to use three days of time the employees who really want the direct deposit will just agree to receiving their pay checks two/three days later.

If this is acceptable to you please find attached a *Direct Deposit Employee Authorization Form* which must be completed in its entirety and signed.

---

**TOWN OF NEWBURGH  
DIRECT DEPOSIT EMPLOYEE AUTHORIZATION FORM**

**EVERY FIELD MUST BE COMPLETED, ANY MISSING INFO WILL DELAY THE PROCESS FOR DIRECT DEPOSIT**

I authorize the Town of Newburgh to direct deposit funds to my account with the financial institution listed below. If funds to which I am **not** entitled are deposited in my account, I authorize the initiation of a correction (debit) entry electronically or by any other commercially accepted method. I understand that the authorization may be rejected or discontinued at any time. If any of the below information changes, I will promptly complete a new authorization agreement. If the direct deposit is not stopped before closing an account, funds payable to you will be returned to you for distribution. **I also understand and agree that my funds will be deposited two/three business days AFTER the pay date of all other employees receiving a physical check, due to processing.**

Check one of the following:  Start  Stop  Changing Account  Adding an Account  
 Effective Date:  As Soon As Possible  Future Pay date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Account #** – (Type of Account: please check one)  Checking (*voided check only, deposits slip are not accepted*)  Savings - call your bank to give you the routing /transit # for your account (we will not accept a *deposit slip*)

Financial Institution Name  
(NAME OF BANK) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

<b>ABA Bank Routing Number (must be 9 numbers)</b>									<b>Account Number (not to exceed 17 numbers)</b>												
■									■												

(Enter the above information from the bottom of your check or info received from bank re savings account)

In order to sign up for Direct Deposit you must attach a copy of a personal check . For security reasons we recommend that the check is Voided.  
 - Staple the Voided check here

**PLEASE STAPLE YOUR VOIDED CHECK IN THIS AREA**

This authorization will be in effect until the Town of Newburgh receives a written termination notice from the employee below:

\_\_\_\_\_  \_\_\_\_\_  
 Employee Signature Date

\_\_\_\_\_   
 Print First, Middle Initial and Last Name Home Phone Number

\_\_\_\_\_   
 Address

I (the "Employee") understand that by submitting this form means my entire payroll check will be deposited into the above institution. The above "Employee" is required to sign this form to active direct deposit of their paychecks. **Direct Deposit will start after two pay periods once received in the office.**  
 The "Company" is to retain this document on file.

Town of Newburgh ■ 1496 Route 300 ■ Newburgh, New York 12550 ■ 845-564-5220



10 B

[skip navigation](#)  
User: Official Website  
[Logout](#)

Changes have been saved

**Lead Municipality**

---

Plan ID:

1291

**\*County:**

Orange County

**\*Lead Local Government:**

Town of Newburgh

**\*Contact Name:**

Ronald E Clum

**\*Contact Organization:**

Town of Newburgh

**\*Title:**

Accountant

**\*Phone:**

845 - 564 - 5220 x

**\*Email:**

rclumaccountant@townofnewburgh.org

**\*Address 1:**

1496 Route 300

**Address 2:**

**\*City:**

Newburgh  \*State: New York  \*Zip: 12550

**Plan Signatories**

---

**Signatory 1**

**\*County:**

Orange County

**\*Local Government:**

Town of Newburgh

OSC Reported 2014 Tax Levy: (all taxes subject to the Tax Cap)

\$17,745,000

**Revised 2014 Tax Levy:**

Annual Savings Target:

\$177,450

**\*Agree to Implement Certification (PDF):**

330356900000 Agree To Implement Certification.pdf

Replace With:

**\*Direct Savings Certification (PDF):**

330356900000 Direct Savings Certficiation.pdf

Replace With:  Browse...

Add Signatory

**Plan Actions**

Total Annual Savings Target:  
\$177,450

(New Costs associated with actions must be entered as Negatives)

**\*Action Details**

**\*Signatories Involve Action (Check Box)**

**\*Type of Action:** Efficiency

**\*Action Category:** Police and Fire

**\*Implementation Date (Cannot be prior to 01/01/2012) :**  
05/15/2013

**\*Past Efficiencies (Required for Actions prior to 04/01/2014):**  
 Browse...

**\*Does Action involve entities other than Plan Signatories?:**  
No

**\*Description of Action:**  
Use of part time officers saves in the per hour cost as well as the benefits saved by their use

Town of Newburgh

**\*Type of Action:** Cooperation Agreement

**\*Action Category:** Other

**\*Implementation Date (Cannot be prior to 01/01/2012) :**  
03/15/2015

**\*Past Efficiencies (Required for Actions prior to 04/01/2014):**  
 Browse...

**\*Does Action involve entities other than Plan Signatories?:**  
No

Town of Newburgh

Total Sa

**\*Action Details**

**\*Signatories Involved in Action (Check Box)**

**\*Description of Action:**  
 Joining PERMA an inter-municipal cooperative

**\*Type of Action:** Efficiency

**\*Action Category:** Business and Financial Service

**\*Implementation Date (Cannot be prior to 01/01/2012) :**  
 04/09/2014

**\*Past Efficiencies (Required for Actions prior to 04/01/2014):**

**\*Does Action involve entities other than Plan Signatories?:**  
 No

**\*Description of Action:**  
 Advance refunding of debt with future benefits as calculated by municipal advisory firm

**Total Savings Difference From Target**

<  >

\*Indicates required field

Email Help Questions to [TaxFreeze@budget.ny.gov](mailto:TaxFreeze@budget.ny.gov)



11A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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

ZACHARIA, JOHN

Petitioner,

- against -

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

Respondents.

**STIPULATION OF  
SETTLEMENT**

**Index Nos.:**  
**6818/11**  
**5885/12**  
**5600/13**  
**5114/14**

For Review of the Assessment of certain Real Property  
in the Town of Newburgh, New York for Assessment  
Rolls 2011, 2012, 2013 and 2014

-----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 Newburgh for the assessment rolls 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5023 Route 9W, Town of Newburgh, and known as Section/Block/Lot: 80-5-20, 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:

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:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
80-5-20	2011	\$620,800	\$480,600	\$140,200
	2012	\$620,800	\$526,770	\$ 94,030
	2013	\$620,800	\$533,250	\$ 87,550
	2014	\$620,800	\$522,450	\$ 98,350

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 2014 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of State, County, Town and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 respondent Town of Newburgh, and/or Newburgh City 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: \_\_\_\_\_, 2014

\_\_\_\_\_  
Joseph A. Churgin, Esq.  
Savad|Churgin  
Attorneys for Petitioner  
55 Old Turnpike Road, Ste. 209  
Nanuet, NY 10954  
Tel: 845-624-3820

Date: \_\_\_\_\_, 2014

\_\_\_\_\_  
Cathy L. Drobny, Esq.  
Hacker Murphy, LLP  
Attorneys for Respondents  
7 Airport Park Boulevard  
Latham, NY 12110  
Tel: 518-783-3843

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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

ZACHARIA, JOHN

Petitioner,

- against -

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

Respondents.

Assigned to  
HON. CATHERINE M. BARTLETT

ORDER AND JUDGMENT  
REDUCING ASSESSMENTS

Index Nos.:  
6818/11  
5885/12  
5600/13  
5114/14

For Review of the Assessment of certain Real Property  
in the Town of Newburgh, New York for Assessment  
Rolls 2011, 2012, 2013 and 2014

-----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 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5023 Route 9W, Town of Newburgh, and known as Section/Block/Lot: 80-5-20, on the Official Assessment Map of the said Town and due deliberation having been had thereon,

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

ORDERED, ADJUDGED AND DECREED that the assessment of the petitioner's property upon the Assessment Roll of the Town of Newburgh, be and hereby is reduced, corrected and fixed as follows:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
80-5-20	2011	\$620,800	\$480,600	\$140,200
	2012	\$620,800	\$526,770	\$ 94,030
	2013	\$620,800	\$533,250	\$ 87,550
	2014	\$620,800	\$522,450	\$ 98,350

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 2014 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, or Town taxes and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 Newburg City 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.

Goshen, New York

Date: \_\_\_\_\_, 2015

---

HON. CATHERINE M. BARTLETT, A.J.S.C.

## Zacharia v. T/O Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2011	80-5-20	\$ 620,800	\$ 480,600	35.60%	\$ 1,743,820	\$ 1,350,000	\$ 140,200	County 9.3141 \$ 1,305.84 Town 11.4049 \$ 1,598.97	
								Fire-Cron 4.1413 \$ 580.61 Sp.Dist. 3.6782 \$ 515.68	
								Library 2.420263 \$ 339.32 School 61.267602 \$ 8,589.72	
2012	80-5-20	\$ 620,800	\$ 526,770	39.02%	\$ 1,590,979	\$ 1,350,000	\$ 94,030	County 9.1063 \$ 856.27 Town 11.6477 \$ 1,095.23	
								Fire-Cron 4.2156 \$ 396.39 Sp.Dist. 3.8115 \$ 358.40	
								Library 2.446767 \$ 230.07 School 61.754899 \$ 5,806.81	
2013	80-5-20	\$ 620,800	\$ 533,250	39.50%	\$ 1,571,646	\$ 1,350,000	\$ 87,650	County 9.8169 \$ 859.47 Town 12.8018 \$ 1,120.80	
								Fire-Cron 4.2674 \$ 373.58 Sp.Dist. 4.4578 \$ 390.28	
								Library 2.661762 \$ 233.04 School 67.181087 \$ 5,881.70	
2014	80-5-20	\$ 620,800	\$ 522,450	38.70%	\$ 1,604,134	\$ 1,350,000	\$ 98,350	County 10.0772 \$ 991.09 Town 13.0396 \$ 1,282.44	
								Fire-Cron 4.5003 \$ 442.60 Sp.Dist. 4.4026 \$ 433.00	
								Library 2.854649 \$ 280.75 School 70.343901 \$ 6,918.32	
								COUNTY \$ 4,012.66 TOWN \$ 5,097.44	
								FIRE-CRON \$ 1,793.19 SP. DIST. \$ 1,697.36	
								LIBRARY \$ 1,083.18 SCHOOL \$ 27,196.56	

Claimed  
Refund  
Liability

Zacharia v. T/O Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2011	80-5-20	\$ 620,800	\$ 270,000	35.60%	\$ 1,743,820	\$ 758,427	\$ 350,800	County 9.3141 Town 11.4049 Fire-Cron 4.1413 Sp.Dist. 3.6782 Library 2.420263	\$ 3,267.39 \$ 4,000.84 \$ 1,452.77 \$ 1,290.31 \$ 849.03
2012	80-5-20	\$ 620,800	\$ 270,000	39.02%	\$ 1,590,979	\$ 691,953	\$ 350,800	County 9.1063 Town 11.6477 Fire-Cron 4.2156 Sp.Dist. 3.8115 Library 2.446767	\$ 3,194.49 \$ 4,086.01 \$ 1,478.83 \$ 1,337.07 \$ 858.33
2013	80-5-20	\$ 620,800	\$ 270,000	39.50%	\$ 1,571,646	\$ 683,544	\$ 350,800	County 9.8169 Town 12.8018 Fire-Cron 4.2671 Sp.Dist. 4.4578 Library 2.661762	\$ 3,443.77 \$ 4,490.87 \$ 1,496.90 \$ 1,563.80 \$ 933.75
2014	80-5-20	\$ 620,800	\$ 270,000	38.70%	\$ 1,604,134	\$ 697,674	\$ 350,800	County 10.0772 Town 13.0396 Fire-Cron 4.5003 Sp.Dist. 4.4026 Library 2.854649	\$ 23,567.13 \$ 3,535.08 \$ 4,574.29 \$ 1,578.71 \$ 1,544.43
							Newburgh	School 70.343901	\$ 24,676.64
								COUNTY	\$ 13,440.73
								TOWN	\$ 17,152.02
								FIRE-CRON	\$ 6,007.20
								SP. DIST.	\$ 5,735.62
								LIBRARY	\$ 3,642.51
								SCHOOL	\$ 91,400.06







Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

Commercial
<b>Property Info</b>
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	80-5-20
<b>Tax Map ID / Property Data</b>			
Status:	Active	Roll Section:	Taxable
Address:	5023 Route 9W		
Property Class:	421 - Restaurant	Site Property Class:	421 - Restaurant
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	40116 -	School District:	Newburg
Legal Property Description:	Legal description not given for property		
Total Acreage/Size:	1.00	Equalization Rate:	---
Land Assessment:	2014 - \$123,000	Total Assessment:	2014 - \$620,800
Full Market Value:	2014 - \$1,604,100		
Deed Book:	4380	Deed Page:	33
Grid East:	623098	Grid North:	979251
Bank Code:	N/A		

Photographs
No Photo Available

<b>Pictometry LiveLink</b>
View this property's Pictometry imagery in LiveLink.

<b>Documents</b>
No documents found for this parcel

<b>Maps</b>
<a href="#">View Tax Map</a>
<a href="#">View in Google Maps</a>
<a href="#">View in Bing Maps</a>
Map Disclaimer

<b>Special Districts for 2014</b>				
Description	Units	Percent	Type	Value
FD008-Cronomer vly fire	0	0%		0
LT004-Consol It	0	0%		0
WD001-Consol wtr 1	0	0%		0

WD002-Consol wtr 2	0	0%		0
Land Types				
Type			Size	
Primary			49,200 sq ft	



Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

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

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	80-5-20
<b>Ownership Information</b>			
Name		Address	
John Zacharia		5023 Route 9W Newburgh NY 12550	
Yiannakis Zacharia A/k/a		5023 Route 9W Newburgh NY 12550	
<b>Sale Information</b>			
<i>No Sales Information Available</i>			

<b>Photographs</b>
No Photo Available

<b>Pictometry LiveLink</b>
View this property's Pictometry imagery in LiveLink.

<b>Documents</b>
No documents found for this parcel

<b>Maps</b>
<a href="#">View Tax Map</a>
<a href="#">View in Google Maps</a>
<a href="#">View in Bing Maps</a>
<a href="#">Map Disclaimer</a>

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 April, 2015 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

RESOLUTION OF TOWN BOARD  
AUTHORIZING SETTLEMENT OF  
PROCEEDING UNDER ARTICLE  
7 OF THE REAL PROPERTY  
TAX LAW:  
SBL # 80-5- 20,  
JOHN ZACHARIA  
(ROUTE 9W AND ROUTE 32)  
INDEX NUMBERS 2011-6818, 2012-5885,  
2013-5600 AND 2014-5114

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

WHEREAS, John Zacharia ("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 real property in the Town of Newburgh, Orange County, New York, consisting of a parcel located on NYS Route 9W and NYS Route 32 (Section 80 Block 5-Lot 20) on the tax assessment rolls for the tax years 2011, 2012, 2013 and 2014; and

WHEREAS, special counsel to the Town, E. Stewart Jones 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 and Judgment Reducing Assessments annexed hereto and related documents and recommended that the Town Board authorize the settlement; and

WHEREAS, the Town's Sole Assessor has also recommended that the settlement be authorized; 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 Stipulation of Settlement 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, the Receiver 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 \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.



TOWN OF NEWBURGH

VB+C

1496 ROUTE 300, NEWBURGH, NEW YORK 12550

John T. Venezia, IAO  
Sole Assessor

845-564-4550

To: Supervisor Gil Piaquadio & Town Board Members  
From: John T. Venezia, IAO, Sole Assessor  
Sub: Certiorari Cases: Zacharia vs. Town of Newburgh  
80-5-20  
Chaudry Enterprises LLC vs. Town of Newburgh  
43-1-17.1  
Newburgh Algonquin Lanes vs Town of Newburgh  
60-3-16.22

Date: April 6, 2015

This note is to inform you that I am in favor of the attached proposed settlement as submitted by Cathy Drobney. This recommendation comes about after I reviewed and valued each of the above captioned properties and reaching a fair settlement for all parties; with the corroboration of Cathy Drobney.

Respectfully submitted,

John T. Venezia, IAO  
Sole Assessor

CONTACT CATHY DROBNEY OR  
HACKER + MURPHY

1-518-783-3843



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

11C

*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. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2010, 2011, 2012,  
2013 AND 2014); NEWBURGH ALGONQUIN LANES, LLC  
(173 S. PLANK ROAD/ROUTE 52 – BOWLING ALLEY)  
OUR FILE NO. 800.24

DATE: APRIL 1, 2015

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Jeffrey S. Sculley  
Donna M. Badura  
Alyson Pomerantz

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

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk

**OF COUNSEL**

Craig F. Simon

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy, a proposed Stipulation of Settlement, a proposed 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. Also enclosed is a map showing the parcel's location and the Orange County property data.

The settlement provides for a reduction in the assessed value by \$98,368 from \$614,800 to \$516,432, for the 2010, 2011, 2012, 2013 and 2014 assessment rolls. The charts indicate that the refund liability for the Town (not including special districts and the Fire District-Orange Lake) for the reduction provided by the settlement would be approximately \$5,940.99.

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

Should you have any questions, please do not hesitate to contact me.

cc: Hon. Andrew J. Zarutskie, Town Clerk  
John Venezia, Town Sole Assessor (via e-mail)  
Deborah Smith, Receiver of Taxes (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Cathy L. Drobny, Esq. (via e-mail)





28 SECOND STREET  
TROY, NY 12180  
PHONE: (518) 274-5820  
FAX: (518) 274-5875

7 AIRPORT PARK BOULEVARD  
LATHAM, NY 12110  
PHONE: (518) 783-3843  
FAX: (518) 783-8101

511 BROADWAY  
SARATOGA SPRINGS, NY 12866  
PHONE: (518) 584-8886

[www.joneshacker.com](http://www.joneshacker.com)

PLEASE REPLY TO:  
Latham

March 24, 2015

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

RE: Newburgh Algonquin Lanes v. Town of Newburgh  
Index Nos. 7352/10, 6817/11, 5904/12, 6178/13, 5099/14  
Our File No. 4354/5018.059

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 36 lane bowling alley located at 173 S. Plank Road. The current assessment is \$614,800 which equates to a FMV between \$1,874,390 and \$1,322,987. The Court established a scheduling order and appraisals were to be exchanged and a trial date was set. The Town obtained proposals for the appraisal and the lowest fee was \$5,500. After review of the discovery responses received, numerous discussions with the petitioner's attorney and John Venezia, we negotiated a settlement of a 16% reduction in value. Considering the cost of an appraisal and trial, we feel that this is a good settlement for the Town.

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

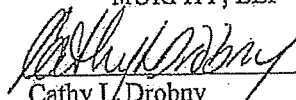
Attached for your review is a copy of the refund liability chart which shows the potential liability and the proposed settlement.

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

Very truly yours,

E. STEWART JONES HACKER  
MURPHY, LLP

By:

  
Cathy I. Drobny  
[cdrobny@joneshacker.com](mailto:cdrobny@joneshacker.com)  
Direct: (518) 213-0116

CLD:kah

Attachments

cc: John Venezia, Assessor  
Gilbert Piaquadio, Supervisor

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X

In the Matter of the Application of

NEWBURGH ALGONQUIN LANES, LLC

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 2010, 2011, 2012, 2013 and 2014

-----X

Assigned to  
HON. CATHERINE M. BARTLETT

ORDER AND JUDGMENT  
REDUCING ASSESSMENTS

Index Nos.:  
7352/10  
6817/11  
5904/12  
6178/13  
5099/14

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 2010, 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 173 Plank Road S., Town of Newburgh, and known as Section/Block/Lot: 60-3-16.22, on the Official Assessment Map of the said Town and due deliberation having been had thereon,

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

ORDERED, ADJUDGED AND DECREED that the assessment of the petitioner's property upon the Assessment Roll of the Town of Newburgh, be and hereby is reduced, corrected and fixed as follows:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
60-3-16.22	2010	\$614,800	\$516,432	\$98,368
	2011	\$614,800	\$516,432	\$98,368
	2012	\$614,800	\$516,432	\$98,368
	2013	\$614,800	\$516,432	\$98,368
	2014	\$614,800	\$516,432	\$98,368

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 2014 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, or Town taxes and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 Newburg City 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.

Goshen, New York

Date: \_\_\_\_\_, 2015

HON. CATHERINE M. BARTLETT, A.J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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

NEWBURGH ALGONQUIN LANES, LLC

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 2010, 2011, 2012, 2013 and 2014  
-----X

**STIPULATION OF  
SETTLEMENT**

Index Nos.:

7352/10

6817/11

5904/12

6178/13

5099/14

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 Newburgh for the assessment rolls 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 173 Plank Road S., Town of Newburgh, and known as Section/Block/Lot: 60-3-16.22, 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:

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:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
60-3-16.22	2010	\$614,800	\$516,432	\$98,368
	2011	\$614,800	\$516,432	\$98,368
	2012	\$614,800	\$516,432	\$98,368
	2013	\$614,800	\$516,432	\$98,368
	2014	\$614,800	\$516,432	\$98,368

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 2014 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of State, County, Town and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 respondent Town of Newburgh, and/or Newburgh City 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: \_\_\_\_\_, 2014

\_\_\_\_\_  
Joseph A. Churgin, Esq.  
Savad|Churgin  
Attorneys for Petitioner  
55 Old Turnpike Road, Ste. 209  
Nanuet, NY 10954  
Tel: 845-624-3820

Date: \_\_\_\_\_, 2014

\_\_\_\_\_  
Cathy L. Drobny, Esq.  
Hacker Murphy, LLP  
Attorneys for Respondents  
7 Airport Park Boulevard  
Latham, NY 12110  
Tel: 518-783-3843

**Newburgh Algonquin Lanes v. T/O Newburgh -  
Settlement**

Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability - 17%
2010	60-3-16-22	\$ 614,800	\$ 516,432	32.80%	\$1,874,390	\$ 1,574,488	\$ 98,368	County 9.456600 Town* 11.5016	\$ 930.23 \$ 1,131.39
								Fire-OL 3.8128 Sp.Dist. 3.5419	\$ 375.06 \$ 348.41
							NECSD	Library 2.381502 School 60.414531	\$ 234.26 \$ 5,942.86
2011	60-3-16-22	\$ 614,800	\$ 516,432	35.60%	\$1,726,966	\$ 1,450,652	\$ 98,368	County 9.3141 Town* 11.4049	\$ 916.21 \$ 1,121.88
								Fire-OL 3.9166 Sp.Dist. 3.6782	\$ 385.27 \$ 361.82
							NECSD	Library 2.420263 School 61.267602	\$ 238.08 \$ 6,026.77
2012	60-3-16-22	\$ 614,800	\$ 516,432	39.02%	\$1,575,602	\$ 1,323,506	\$ 98,368	County 9.1063 Town* 11.6477	\$ 895.77 \$ 1,145.76
								Fire-OL 4.0014 Sp.Dist. 3.8115	\$ 393.61 \$ 374.93
							NECSD	Library 2.446767 School 61.7549	\$ 240.68 \$ 6,074.71
2013	60-3-16-22	\$ 614,800	\$ 516,432	39.50%	\$1,556,456	\$ 1,307,423	\$ 98,368	County 9.8169 Town* 12.8018	\$ 965.67 \$ 1,259.29
								Fire-OL 4.0614 Sp.Dist. 4.4578	\$ 399.51 \$ 438.50
							NECSD	Library 2.661762 School 67.1811	\$ 261.83 \$ 6,608.47
2014	60-3-16-22	\$ 614,800	\$ 516,432	38.70%	\$1,588,630	\$ 1,334,450	\$ 98,368	County 10.0772 Town* 13.0396	\$ 991.27 \$ 1,282.68
								Fire-OL 4.0484 Sp.Dist. 4.4026	\$ 398.23 \$ 433.07
							NECSD	Library 2.854649 School 70.343901	\$ 280.81 \$ 6,919.59
								County 4.69915 Town* 5.94099	\$ 4,699.15 \$ 5,940.99
								Fire-OL 1.95168 Sp. Dist 1.95674	\$ 1,951.68 \$ 1,956.74
								Library 1.25566 School 31.57239	\$ 1,255.66 \$ 31,572.39

\*Town and Highway Tax



Claimed  
Refund  
Liability

Newburgh Algonquin Lanes v T/O Newburgh										
Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability	
2010	60-3-16.22	\$ 614,800	\$ 270,000	32.80%	\$ 1,874,390	\$ 823,171	\$ 344,800	County 9.456600 Town* 11.5016	\$ 3,260.64 \$ 3,965.75	
								Fire-OL 3.8128 Sp. Dist 3.5419 Library 2.381502	\$ 1,314.65 \$ 1,221.25	
							NECS	School 60.414531	\$ -	
2011	60-3-16.22	\$ 614,800	\$ 270,000	35.60%	\$ 1,726,966	\$ 758,427	\$ 344,800	County 9.3141 Town* 11.4049	\$ 3,211.50 \$ 3,932.41	
								Fire-OL 3.9166 Sp. Dist 3.6782	\$ 1,350.44 \$ 1,268.24	
							NECS	Library 2.420263 School 61.267602	\$ - \$ 21,125.07	
2012	60-3-16.22	\$ 614,800	\$ 270,000	39.02%	\$ 1,575,602	\$ 691,953	\$ 344,800	County 9.1063 Town* 11.6477	\$ 3,139.85 \$ 4,016.13	
								Fire-OL 4.0014 Sp. Dist 3.8115	\$ 1,379.68 \$ 1,314.21	
							NECS	Library 2.446767 School 61.7549	\$ - \$ 21,293.09	
2013	60-3-16.22	\$ 614,800	\$ 270,000	39.50%	\$ 1,556,456	\$ 683,544	\$ 344,800	County 9.8169 Town* 12.8018	\$ 3,384.87 \$ 4,414.06	
								Fire-OL 4.0614 Sp. Dist 4.4578	\$ 1,400.37 \$ 1,537.05	
							NECS	Library 2.661762 School 67.1811	\$ - \$ 23,164.04	
2014	60-3-16.22	\$ 614,800	\$ 270,000	38.70%	\$ 1,588,630	\$ 697,674	\$ 344,800	County 10.0772 Town* 13.0396	\$ 3,474.62 \$ 4,496.05	
								Fire-OL 4.0484 Sp. Dist 4.4026	\$ 1,395.89 \$ 1,518.02	
							NECS	Library 2.854649 School 70.343901	\$ - \$ 24,254.56	
								County 16.47148 Town* 20.82440	\$ 16,471.48 \$ 20,824.40	
								Fire-OL 6.84104 Sp. Dist 6.85876	\$ 6,841.04 \$ 6,858.76	
								Library School	\$ - \$ 110,667.70	

\*Town and Highway Tax

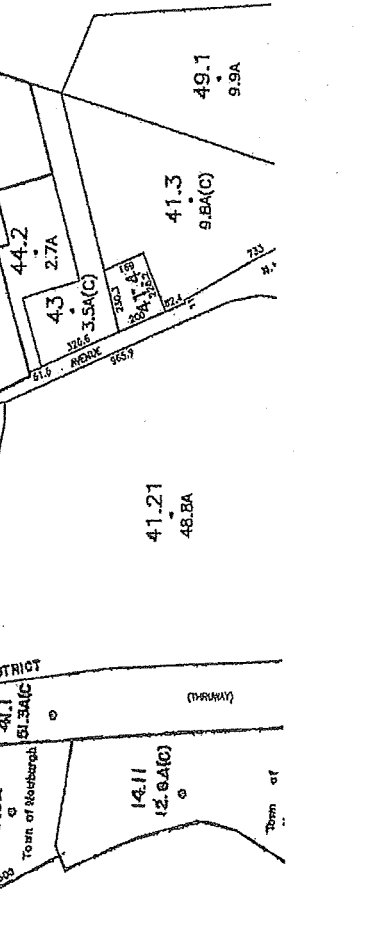
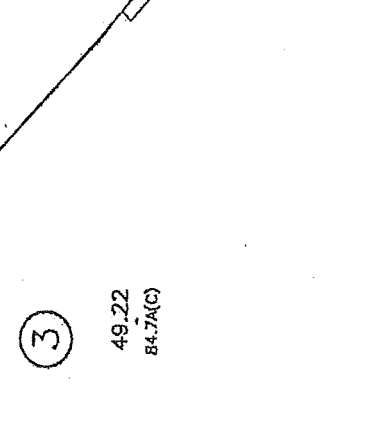
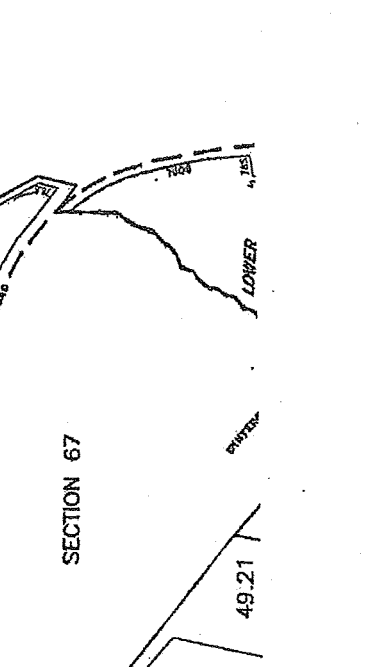
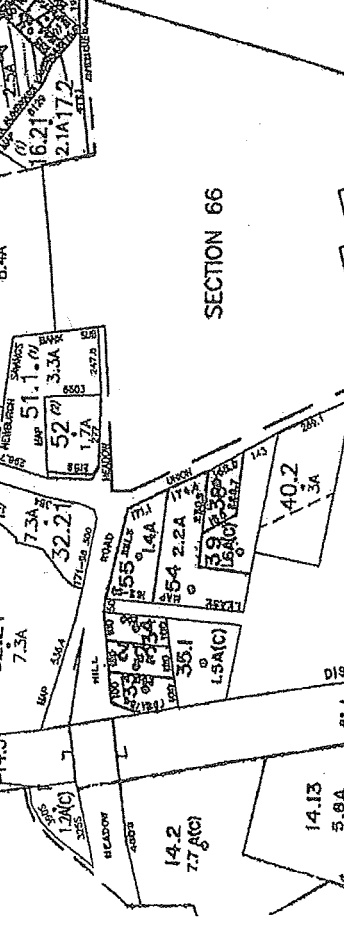
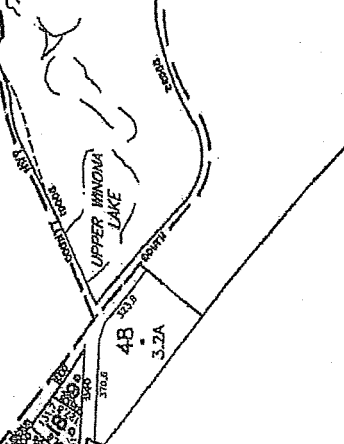
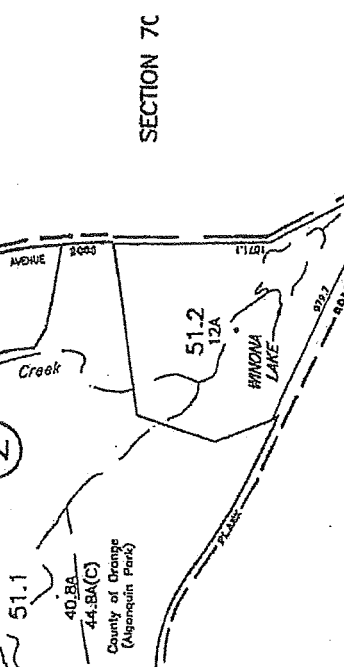
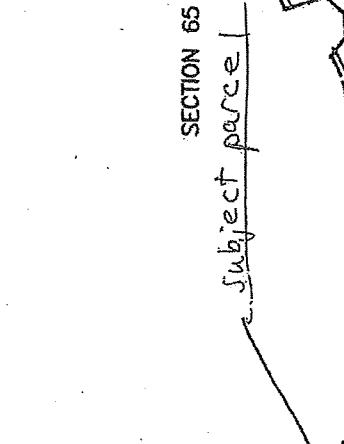
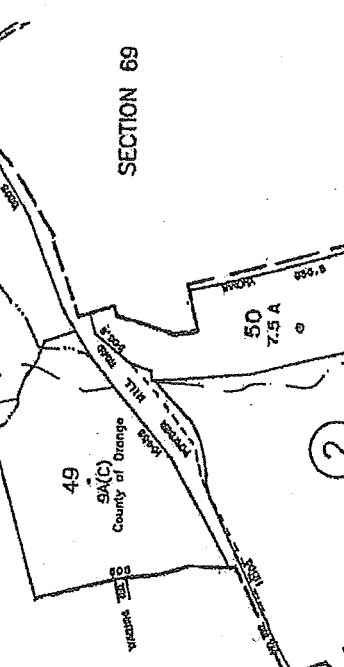
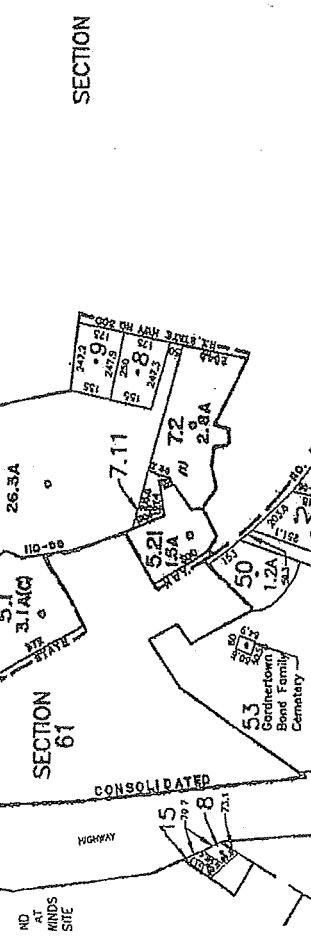
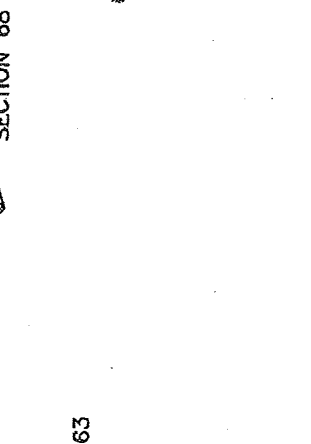
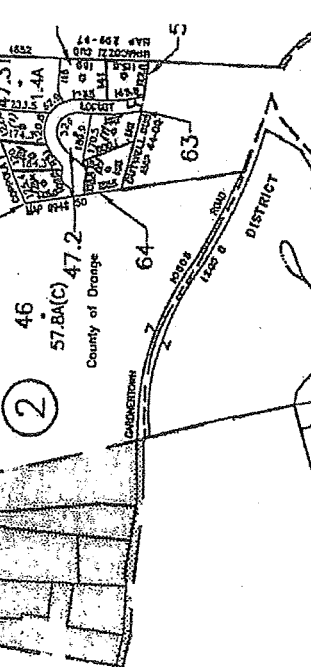
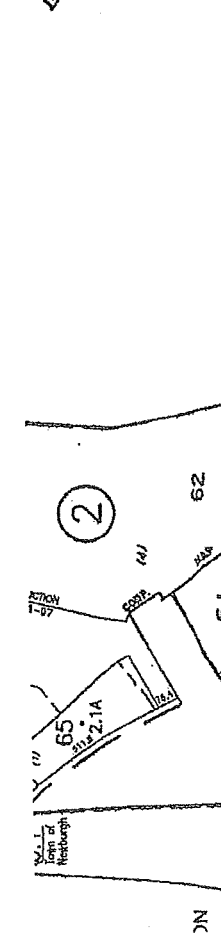
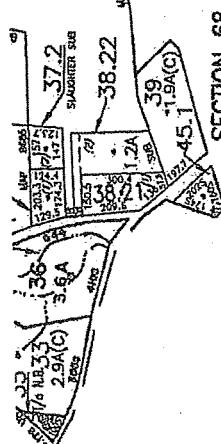
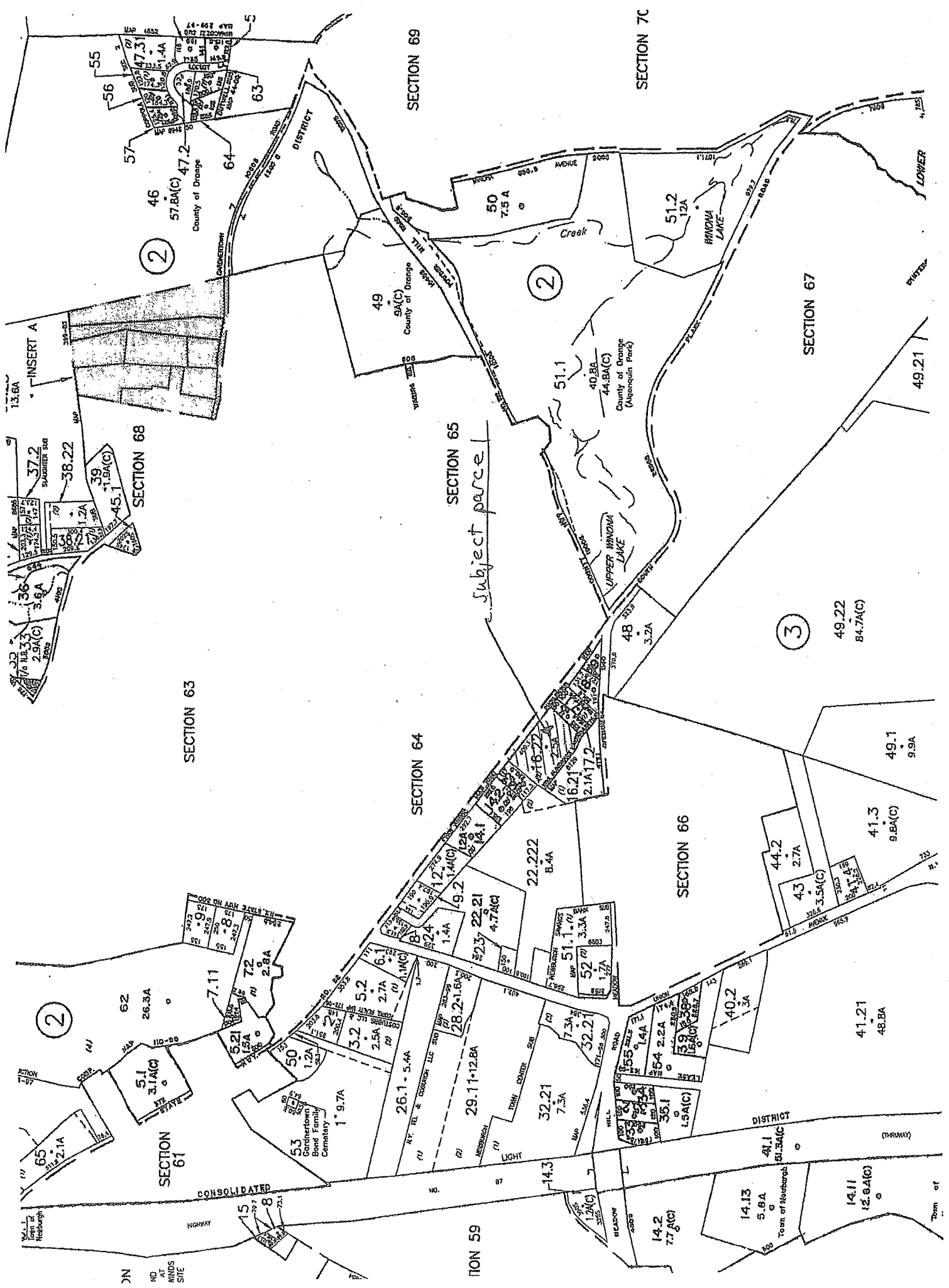




Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

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

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	60-3-16.22
<b>Tax Map ID / Property Data</b>			
Status:	Active	Roll Section:	Taxable
Address:	173 Plank Rd S		
Property Class:	541 - Bowling alley	Site Property Class:	541 - Bowling alley
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	40826 -	School District:	Newburg
Legal Property Description:	Lt 2 Nbg Algonquin Lanes Sub Map 8120		
Total Acreage/Size:	2.50	Equalization Rate:	---
Land Assessment:	2014 - \$75,000	Total Assessment:	2014 - \$614,800
Full Market Value:	2014 - \$1,588,600		
Deed Book:	1694	Deed Page:	290
Grid East:	610937	Grid North:	980102
Bank Code:	N/A		

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 Bing Maps

Map Disclaimer

**Special Districts for 2014**

Description	Units	Percent	Type	Value
FD030-Orange lk fire	0	0%		0
LT004-Consol lt	0	0%		0
WD001-Consol wtr 1	0	0%		0

WD002-Consol wtr 2	0	0%		0
<b>Land Types</b>				
Type			Size	
Primary			2.00 acres	
Residual			2.80 acres	



Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

<b>Commercial</b>
<a href="#">Property Info</a>
<a href="#">Owner/Sales</a>
<a href="#">Inventory</a>
<a href="#">Improvements</a>
<a href="#">Tax Info</a>
<a href="#">Report</a>
<a href="#">Comparables</a>

<b>Municipality of Newburgh</b>			
<hr/>			
SWIS:	334600	Tax ID:	60-3-16.22
<hr/>			
<b>Ownership Information</b>			
Name		Address	
Newburgh Algonquin		173 S Plank Rd Newburgh NY 12550	
Lanes Incorporated		173 South Plank Rd Newburgh NY 12550	
<hr/>			
<b>Sale Information</b>			
<i>No Sales Information Available</i>			

<b>Photographs</b>
No Photo Available

<b>Pictometry LiveLink</b>
View this property's Pictometry imagery in LiveLink.

<b>Documents</b>
No documents found for this parcel

<b>Maps</b>
<a href="#">View Tax Map</a>
<a href="#">View in Google Maps</a>
<a href="#">View in Bing Maps</a>
Map Disclaimer

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 April, 2015 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

RESOLUTION OF TOWN BOARD AUTHORIZING SETTLEMENT OF PROCEEDING UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW: SBL # 60-3- 16.22, NEWBURGH ALGONQUIN LANES, LLC (ROUTE 52/SOUTH PLANK ROAD) INDEX NUMBERS 2010-7352, 2011-6817, 2012-5904, 2013-6178 AND 2014-5099

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

WHEREAS, Newburgh Algonquin Lanes, LLC ("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 real property in the Town of Newburgh, Orange County, New York, consisting of a parcel located on NYS Route 52/South Plank Road (Section 60 Block 3-Lot 16.22) on the tax assessment rolls for the tax years 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, special counsel to the Town, E. Stewart Jones 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 and Judgment Reducing Assessments annexed hereto and related documents and recommended that the Town Board authorize the settlement; and

WHEREAS, the Town's Sole Assessor has also recommended that the settlement be authorized; 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 Stipulation of Settlement 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, the Receiver 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 \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

11B



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 (2009, 2010, 2011,  
2012, 2013 AND 2014); CHAUDHRY ENTERPRISES, LLC  
(5159 NYS ROUTE 9W - MEDICAL OFFICE BUILDING)  
OUR FILE NO. 800.24

DATE: APRIL 1, 2015

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. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Jeffrey S. Sculley  
Donna M. Badura  
Alyson Pomerantz

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

COUNSEL

Stephen P. Duggan, III  
John K. McGuirk

OF COUNSEL

Craig F. Simon

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy, a proposed Stipulation of Settlement, a proposed 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. Also enclosed is a map showing the parcel's location and the Orange County property data.

The settlement provides for a reduction in the assessed value for 2010 by \$232,000 from \$560,000 to \$328,000, for 2011 by \$230,000 from \$560,000 to \$230,000, for 2012 by \$195,000 from \$560,000 to \$365,000, for 2013 by \$180,000 from \$560,000 to \$380,000 and for 2014 by \$174,000 from \$560,000 to \$386,000. Attorney Drobny also indicates in her letter that the settlement includes a discontinuance of the 2009 proceedings brought by the petitioner (Index No 2009-7114). The charts indicate that the refund liability for the Town (not including special districts and the Fire District) for the reduction provided by the settlement would be approximately \$12,136.01.

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

Should you have any questions, please do not hesitate to contact me.

cc: Hon. Andrew J. Zarutskie, Town Clerk  
John Venezia, Town Sole Assessor (via e-mail)  
Deborah Smith, Receiver of Taxes (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Cathy L. Drobny, Esq. (via e-mail)



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

March 24, 2015

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

RE: Chaudhry Enterprises LLC v. Town of Newburgh  
Index Nos. 7114/09, 7370/10, 6813/11, 5807/12, 5612/13, 5082/14  
Our File No. 4354/5018.059

28 SECOND STREET  
TROY, NY 12180  
PHONE: (518) 274-5820  
FAX: (518) 274-5875

7 AIRPORT PARK BOULEVARD  
LATHAM, NY 12110  
PHONE: (518) 783-3843  
FAX: (518) 783-8101

511 BROADWAY  
SARATOGA SPRINGS, NY 12866  
PHONE: (518) 584-8886

[www.joneshacker.com](http://www.joneshacker.com)

PLEASE REPLY TO:

Latham

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 an 8,350 sq. foot medical office building located at 5159 Route 9W. The assessment is \$560,000 which equates to a FMV between \$1,952,580 and \$1,351,899. The Court established a scheduling order and appraisals were to be exchanged and a trial date was set. The Town obtained proposals for the appraisal and the lowest fee was \$5,500. There are currently six years pending. After review of the discovery responses received, numerous discussions with the petitioner's attorney and John Venezia, we negotiated a settlement which included a discontinuance of the 2009 proceeding. Considering the cost of an appraisal and trial, we feel that this is a good settlement for the Town.

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

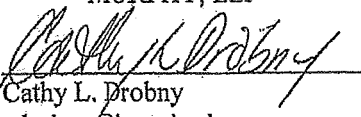
Attached for your review is a copy of the refund liability chart which shows the potential liability and the proposed settlement.

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](mailto:cdrobny@joneshacker.com)  
Direct Dial: (518) 213-0116

CLD:kah

Attachments

cc: John Venezia, Assessor  
Gilbert Piaquadio, Supervisor

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----x  
In the Matter of the Application of

CHAUDHRY ENTERPRISES LLC

- against -

Petitioner,

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 2010, 2011, 2012, 2013 and 2014  
-----x

**STIPULATION OF  
SETTLEMENT**

Index Nos.:  
7370/10  
6813/11  
5807/12  
5612/13  
5082/14

**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 Newburgh for the assessment rolls 2010, 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5159 Rt. 9W, Town of Newburgh, and known as Section/Block/Lot: 43-1-7.1, 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:

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:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
43-1-7.1	2010	\$560,000	\$328,000	\$232,000
	2011	\$560,000	\$330,000	\$230,000
	2012	\$560,000	\$365,000	\$195,000
	2013	\$560,000	\$380,000	\$180,000
	2014	\$560,000	\$386,000	\$174,000

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 2014 year above; and it is further

STIPULATED AND AGREED that Petitioner agrees not to challenge the 2015, 2016 and 2017 assessment provided that it does not exceed \$386,000 subject to the exceptions as set forth in §727; 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of State, County, Town and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 respondent Town of Newburgh, and/or Newburgh City 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: \_\_\_\_\_, 2015

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

Date: \_\_\_\_\_, 2015

\_\_\_\_\_  
Cathy L. Drobny, Esq.  
E. Stewart Jones Hacker Murphy, LLP  
Attorneys for Respondents  
7 Airport Park Boulevard  
Latham, NY 12110

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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

CHAUDHRY ENTERPRISES LLC

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 2010, 2011, 2012, 2013 and 2014  
-----X

Assigned to  
HON. CATHERINE M. BARTLETT

ORDER AND JUDGMENT  
REDUCING ASSESSMENTS

Index Nos.:  
7370/10  
6813/11  
5807/12  
5612/13  
5082/14

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 2010, 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5159 Rt. 9W, Town of Newburgh, and known as Section/Block/Lot: 43-1-7.1, on the Official Assessment Map of the said Town and due deliberation having been had thereon,

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

ORDERED, ADJUDGED AND DECREED that the assessment of the petitioner's property upon the Assessment Roll of the Town of Newburgh, be and hereby is reduced, corrected and fixed as follows:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
43-1-7.1	2010	\$560,000	\$328,000	\$232,000
	2011	\$560,000	\$330,000	\$230,000
	2012	\$560,000	\$365,000	\$195,000
	2013	\$560,000	\$380,000	\$180,000
	2014	\$560,000	\$386,000	\$174,000

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 2014 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, or Town taxes and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 Newburg City 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.

Goshen, New York

Date: \_\_\_\_\_, 2015

HON. CATHERINE M. BARTLETT, A.J.S.C.

**Chaudhy Enterprises v. T/O Newburgh - Settlement**

Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2009	43-1-7.1	\$ 560,000	\$ 560,000	28.68%	\$ 1,952,580	\$ 1,952,580	\$ -	County 10.3371 Town* 11.2852	\$ -
								Fire-Mi 2.4383 Sp.Dist. 1.4402 Library 2.335068	\$ -
								School 60.582665	\$ -
2010	43-1-7.1	\$ 560,000	\$ 328,000	32.80%	\$ 1,707,317	\$ 1,000,000	\$ 232,000	County 9.456600 Town* 11.5016	\$ 2,193.93
								Fire-Mi 2.3209 Sp.Dist. 3.5419	\$ 2,668.37
								Library 2.381502 School 60.414531	\$ 538.45
								County 9.3141 Town* 11.4049	\$ 821.72
2011	43-1-7.1	\$ 560,000	\$ 330,000	35.60%	\$ 1,573,034	\$ 927,500	\$ 230,000	County 9.3141 Town* 11.4049	\$ 2,142.24
								Fire-Mi 2.381 Sp.Dist. 3.6782	\$ 2,623.13
								Library 2.420263 School 61.267602	\$ 514.76
								County 9.1063 Town* 11.6477	\$ 845.99
2012	43-1-7.1	\$ 560,000	\$ 365,000	39.02%	\$ 1,435,161	\$ 935,000	\$ 195,000	County 9.1063 Town* 11.6477	\$ 556.66
								Fire-Mi 2.1324 Sp.Dist. 3.8115	\$ 14,091.55
								Library 2.446767 School 61.7549	\$ 1,775.73
								County 9.8169 Town* 12.8018	\$ 2,271.30
2013	43-1-7.1	\$ 560,000	\$ 380,000	39.50%	\$ 1,417,722	\$ 950,000	\$ 180,000	County 9.8169 Town* 12.8018	\$ 415.82
								Fire-Mi 3.6871 Sp.Dist. 4.4578	\$ 743.24
								Library 2.661762 School 67.1811	\$ 479.12
								County 10.0772 Town* 13.0396	\$ 477.12
2014	43-1-7.1	\$ 560,000	\$ 386,000	38.70%	\$ 1,447,028	\$ 975,000	\$ 174,000	County 10.0772 Town* 13.0396	\$ 1,753.43
								Fire-Mi 3.6764 Sp.Dist. 4.4026	\$ 639.69
								Library 2.854649 School 70.343901	\$ 766.05
								County 9.63238 Town 12.136.01	\$ 12,239.84
								Fire-Mi 2.77240 Spec. Dist 3.97941	\$ 12,136.01
								Library 2.56211 School 64.482.36	\$ 3,979.41
									\$ 2,562.11
									\$ 64,482.36

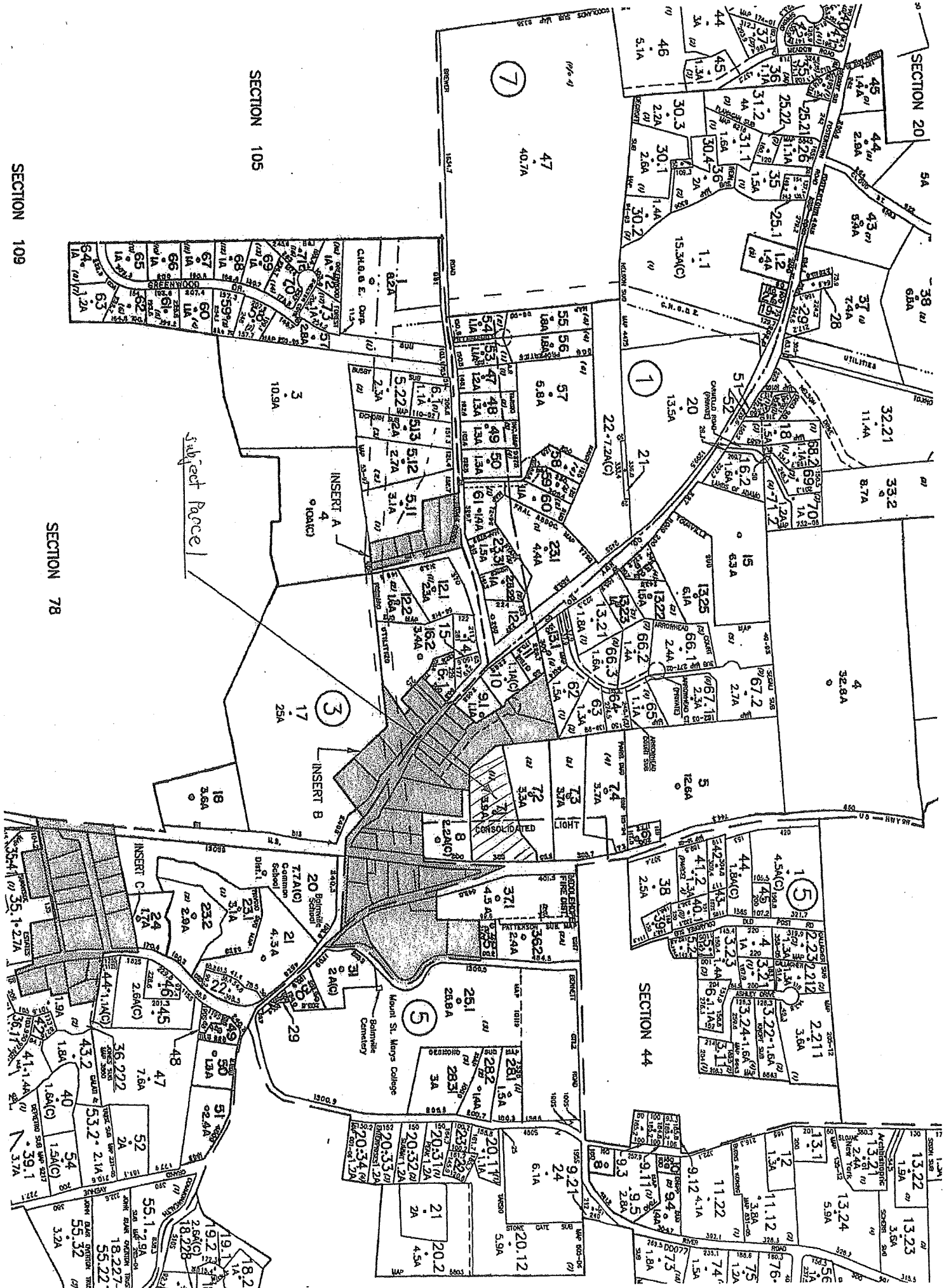
\*Town and Highway Tax



Claimed  
Refund  
Liability

Chaudhry Enterprises v. T10 Newburgh									
Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2009	43-1-7.1	\$ 560,000	\$ 200,000	28.68%	\$ 1,962,580	\$ 697,350	\$ 360,000	County Town*	10.3371 \$ 3,721.36 11.2852 \$ 4,062.67 2.4393 \$ 878.15 1.4402 \$ 518.47 2.335068 \$ 840.62 Library Sp.Dist. School
2010	43-1-7.1	\$ 560,000	\$ 200,000	32.80%	\$ 1,707,317	\$ 609,756	\$ 360,000	County Town*	9.456600 \$ 3,404.38 11.5016 \$ 4,140.58 Fire-Mi Sp.Dist. Library School
2011	43-1-7.1	\$ 560,000	\$ 200,000	35.60%	\$ 1,573,034	\$ 561,798	\$ 360,000	County Town*	9.3141 \$ 3,353.08 11.4049 \$ 4,105.76 Fire-Mi Sp.Dist. Library School
2012	43-1-7.1	\$ 560,000	\$ 200,000	39.02%	\$ 1,435,161	\$ 512,558	\$ 360,000	County Town*	9.1053 \$ 3,278.27 11.6477 \$ 4,193.17 Fire-Mi Sp.Dist. Library School
2013	43-1-7.1	\$ 560,000	\$ 200,000	39.50%	\$ 1,417,722	\$ 506,329	\$ 360,000	County Town*	9.8169 \$ 3,534.08 12.8018 \$ 4,608.65 Fire-Mi Sp.Dist. Library School
2014	43-1-7.1	\$ 560,000	\$ 200,000	38.70%	\$ 1,447,028	\$ 516,796	\$ 360,000	County Town*	10.9722 \$ 3,627.79 13.0396 \$ 4,694.26 Fire-Mi Sp.Dist. Library School
								County Town Fire-Mi Spec. Dist. Library School	\$ 20,918.95 \$ 25,805.09 \$ 5,937.91 \$ 7,679.59 \$ 5,436.00 \$ 137,356.09

\*Town and Highway Tax



SECTION 109

SECTION 105

SECTION 78

SECTION 20

SECTION 44

Subject Parcel

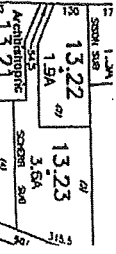
INSERT A

INSERT B

INSERT C

Hunt St. Kings College

Baltimore Cemetery





# Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

Residential
<b>Property Info</b>
Owner/Sales
Inventory
Improvements
<b>Tax Info</b>
Report
Comparables

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	43-1-7.1
<b>Tax Map ID / Property Data</b>			
Status:	Active	Roll Section:	Taxable
Address:	5159 Route 9W		
Property Class:	465 - Prof. bldg.	Site Property Class:	330 - Vacant comm
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	0
Neighborhood:	40114 -	School District:	Newburg
Legal Property Description:	Lt 1 Parr Submap 115-94		
Total Acreage/Size:	3.90	Equalization Rate:	---
Land Assessment:	2014 - \$156,000	Total Assessment:	2014 - \$560,000
Full Market Value:	2014 - \$1,447,000		
Deed Book:	5116	Deed Page:	297
Grid East:	624956	Grid North:	985274
Bank Code:	N/A		

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 Bing Maps

Map Disclaimer

<b>Special Districts for 2014</b>				
Description	Units	Percent	Type	Value
FD025-Middlehope fire	0	0%		0
LT004-Consol It	0	50%		0
WD001-Consol wtr 1	0	88%		0

Land Types	
Type	Size
Primary	14.70 acres



Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

Residential

- [Property Info](#)
- [Owner/Sales](#)
- [Inventory](#)
- [Improvements](#)
- [Tax Info](#)
- [Report](#)
- [Comparables](#)

**Municipality of Newburgh**

SWIS:	334600	Tax ID:	43-1-7.1
-------	--------	---------	----------

**Ownership Information**

Name	Address
Chaudhry Enterprises Llc	5159 Rte 9W Newburgh NY 12550

**Sale Information**

Sale Date	Price	Property Class	Sale Type	Prior Owner
8/3/1999	\$10	330 - Vacant comm	Land Only	Chaudhry Shahida R &
	Value Usable	Arms Length	Deed Book	Deed Page
	No	No	5116	297

**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 Bing Maps](#)

Map Disclaimer

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 April, 2015 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

RESOLUTION OF TOWN BOARD  
AUTHORIZING SETTLEMENT OF  
PROCEEDING UNDER ARTICLE  
7 OF THE REAL PROPERTY  
TAX LAW:  
SBL # 43-1-7.1,  
CHAUDHRY ENTERPRISES LLC  
(5159 ROUTE 9W – MEDICAL OFFICE  
BUILDING)  
INDEX NUMBERS 2010-7370, 2011-6813,  
2012-5807, 2013-5612 AND 2014-5082

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

WHEREAS, Chaudhry Enterprises, LLC (“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 real property in the Town of Newburgh, Orange County, New York, consisting of a parcel located at 5159 NYS Route 9W (Section 43 Block 1-Lot 7.1) on the tax assessment rolls for the tax years 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, special counsel to the Town, E. Stewart Jones 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 and Judgment Reducing Assessments annexed hereto and related documents and recommended that the Town Board authorize the settlement; and

WHEREAS, the Town’s Sole Assessor has also recommended that the settlement be authorized; 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 Stipulation of Settlement 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, the Receiver 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 \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.



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

11A

*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. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2011, 2012, 2013  
AND 2014); JOHN ZACHARIA (ALEXIS DINER)  
OUR FILE NO. 800.24

DATE: APRIL 1, 2015

**ATTORNEYS**  
David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Jeffrey S. Sculley  
Donna M. Badura  
Alyson Pomerantz

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

**COUNSEL**  
Stephen P. Duggan, III  
John K. McGuirk

**OF COUNSEL**  
Craig F. Simon

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy, a proposed Stipulation of Settlement, a proposed 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. Also enclosed is a map showing the parcel's location and the Orange County property data.

The settlement provides for a reduction in the assessed value for 2011 by \$140,200 from \$628,800 to \$480,600, for 2012 by \$94,030 from \$628,800 to \$526,770, for 2013 by \$87,550 from \$628,800 to \$533,250 and for 2014 by \$98,350 from \$628,800 to \$522,450. The charts indicate that the refund liability for the Town (not including special districts and the Fire District) for the reduction would be approximately \$5,097.44.

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

Should you have any questions, please do not hesitate to contact me.

cc: Hon. Andrew J. Zarutskie, Town Clerk  
John Venezia, Town Sole Assessor (via e-mail)  
Deborah Smith, Receiver of Taxes (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Cathy L. Drobny, Esq. (via e-mail)



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

28 SECOND STREET  
TROY, NY 12180  
PHONE: (518) 274-5820  
FAX: (518) 274-5875

7 AIRPORT PARK BOULEVARD  
LATHAM, NY 12110  
PHONE: (518) 783-3843  
FAX: (518) 783-8101

511 BROADWAY  
SARATOGA SPRINGS, NY 12866  
PHONE: (518) 584-8886

[www.joneshacker.com](http://www.joneshacker.com)

PLEASE REPLY TO:

Latham \_\_\_\_\_

March 5, 2015

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

RE: Zacharia v. Town of Newburgh  
Index Nos. 6818/11, 5885/12, 5600/13, 5114/14  
Our File No. 5018.086

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 the diner located at 5023 Route 9W. The current assessment is \$620,800 which equates to a FMV between \$1,743,820 and \$1,571,646. The Court established a scheduling order for exchange of trial ready appraisals and a trial date. The Town obtained proposals for the appraisals and the lowest fee was \$8,500.

After review of the discovery responses received, numerous discussions with the petitioner's attorney and John Venezia, we negotiated a settlement which reduced the FMV to \$1,350,000. The Town refund equates to \$5,097.44 and Special District refund is \$1,697.36. After consideration of the cost of an appraisal and further litigation, we feel that this is a good settlement for the Town.

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

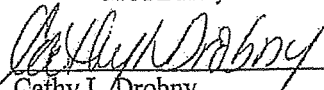
I have attached for your review a copy of the refund liability chart which shows the potential liability and the proposed settlement.

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](mailto:cdrobny@joneshacker.com)  
Direct: (518) 213-0116

CLD:kah

Attachments

cc: Gilbert Piaquadio, Deputy Supervisor Acting as Supervisor  
John Venezia, Assessor

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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

ZACHARIA, JOHN

FIRST

Petitioner,

- against -

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

Respondents.

Assigned to  
HON. CATHERINE M. BARTLETT

**ORDER AND JUDGMENT  
REDUCING ASSESSMENTS**

Index Nos.:  
6818/11  
5885/12  
5600/13  
5114/14

For Review of the Assessment of certain Real Property  
in the Town of Newburgh, New York for Assessment  
Rolls 2011, 2012, 2013 and 2014  
-----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 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5023 Route 9W, Town of Newburgh, and known as Section/Block/Lot: 80-5-20, on the Official Assessment Map of the said Town and due deliberation having been had thereon,

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

ORDERED, ADJUDGED AND DECREED that the assessment of the petitioner's property upon the Assessment Roll of the Town of Newburgh, be and hereby is reduced, corrected and fixed as follows:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
80-5-20	2011	\$628,800	\$480,600	\$140,200
	2012	\$628,800	\$526,770	\$ 94,030
	2013	\$628,800	\$533,250	\$ 87,550
	2014	\$628,800	\$522,450	\$ 98,350

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 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of the State, County, or Town taxes and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 Newburg City 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.

Goshen, New York

Date: \_\_\_\_\_, 2014

HON. CATHERINE M. BARTLETT, A.J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----x

In the Matter of the Application of

ZACHARIA, JOHN

Petitioner,

- against -

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

Respondents.

**STIPULATION OF  
SETTLEMENT**

Index Nos.:  
6818/11  
5885/12  
5600/13  
5114/14

For Review of the Assessment of certain Real Property  
in the Town of Newburgh, New York for Assessment  
Rolls 2011, 2012, 2013 and 2014

-----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 Newburgh for the assessment rolls 2011, 2012, 2013 and 2014 for purposes of taxation upon certain real property located at 5023 Route 9W, Town of Newburgh, and known as Section/Block/Lot: 80-5-20, 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:

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:

TAX LOT	YEAR	ORIGINAL ASSESSMENT	CORRECTED ASSESSMENT	ASSESSMENT REDUCTION
80-5-20	2011	\$628,800	\$480,600	\$140,200
	2012	\$628,800	\$526,770	\$ 94,030
	2013	\$628,800	\$533,250	\$ 87,550
	2014	\$628,800	\$522,450	\$ 98,350

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 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 Newburgh City School District, as appropriate, shall audit and allow the claim of petitioner for the overpayment of State, County, Town and School taxes (including Library) and taxes relating to any special taxing district for which the Town and/or County and/or Newburgh City 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 respondent Town of Newburgh, and/or Newburgh City 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: \_\_\_\_\_, 2014

\_\_\_\_\_  
Joseph A. Churgin, Esq.  
Savad|Churgin  
Attorneys for Petitioner  
55 Old Turnpike Road, Ste. 209  
Nanuet, NY 10954  
Tel: 845-624-3820

Date: \_\_\_\_\_, 2014

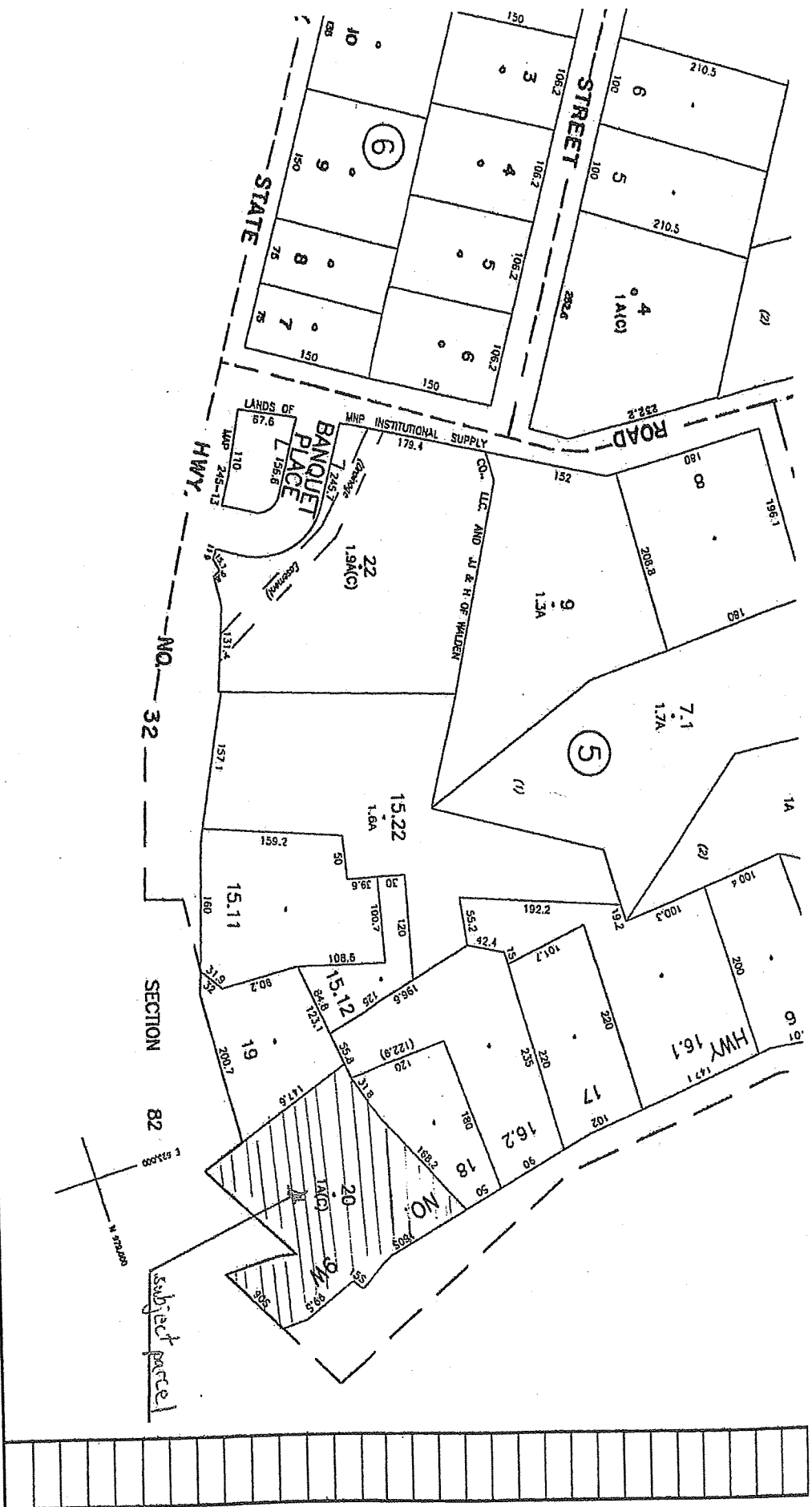
\_\_\_\_\_  
Cathy L. Drobny, Esq.  
Hacker Murphy, LLP  
Attorneys for Respondents  
7 Airport Park Boulevard  
Latham, NY 12110  
Tel: 518-783-3843

Zacharia v. T/O Newburgh - Settlement									
Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2011	80-5-20	\$ 620,800	\$ 480,600	35.60%	\$ 1,743,820	\$ 1,350,000	\$ 140,200	County 9.3141 Town 11.4049	\$ 1,305.84 \$ 1,598.97
								Fire-Cron 4.1413 Sp. Dist. 3.6782	\$ 580.61 \$ 515.68
								Library 2.420263 School 61.267602	\$ 339.32 \$ 8,589.72
2012	80-5-20	\$ 620,800	\$ 526,770	39.02%	\$ 1,590,979	\$ 1,350,000	\$ 94,030	County 9.1063 Town 11.6477	\$ 866.27 \$ 1,095.23
								Fire-Cron 4.2156 Sp. Dist. 3.8115	\$ 396.39 \$ 358.40
								Library 2.446767 School 61.754899	\$ 230.07 \$ 5,806.81
2013	80-5-20	\$ 620,800	\$ 533,250	39.50%	\$ 1,571,646	\$ 1,350,000	\$ 87,550	County 9.8169 Town 12.8018	\$ 859.47 \$ 1,120.80
								Fire-Cron 4.2671 Sp. Dist. 4.4578	\$ 373.58 \$ 390.28
								Library 2.661762 School 67.181087	\$ 233.04 \$ 5,881.70
2014	80-5-20	\$ 620,800	\$ 522,450	38.70%	\$ 1,604,134	\$ 1,350,000	\$ 98,350	County 10.0722 Town 13.0396	\$ 991.09 \$ 1,282.44
								Fire-Cron 4.5003 Sp. Dist. 4.4026	\$ 442.60 \$ 433.00
								Library 2.854649 School 70.343901	\$ 280.75 \$ 6,918.32
								COUNTY	\$ 4,012.66
								TOWN	\$ 5,097.44
								FIRE-CRON	\$ 1,793.19
								SP. DIST.	\$ 1,697.36
								LIBRARY	\$ 1,083.18
								SCHOOL	\$ 27,196.56



Claimed  
Refund  
Liability

Zacharia v. T/O Newburgh										
Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate		Refund Liability
2011	80-5-20	\$ 620,800	\$ 270,000	35.60%	\$ 1,743,820	\$ 758,427	\$ 350,800	County	9.3141	\$ 3,267.39
								Town	11.4049	\$ 4,000.84
								Fire-Cron	4.1413	\$ 1,452.77
								Sp.Dist.	3.6782	\$ 1,290.31
								Library	2.420263	\$ 849.03
								School	61.267602	\$ 21,492.67
2012	80-5-20	\$ 620,800	\$ 270,000	39.02%	\$ 1,590,979	\$ 691,953	\$ 350,800	County	9.1053	\$ 3,194.49
								Town	11.6477	\$ 4,086.01
								Fire-Cron	4.2156	\$ 1,478.83
								Sp.Dist.	3.8115	\$ 1,337.07
								Library	2.446767	\$ 858.33
								School	61.754899	\$ 21,663.62
2013	80-5-20	\$ 620,800	\$ 270,000	39.50%	\$ 1,571,646	\$ 683,544	\$ 350,800	County	9.8169	\$ 3,443.77
								Town	12.8018	\$ 4,490.87
								Fire-Cron	4.2671	\$ 1,496.90
								Sp.Dist.	4.4578	\$ 1,563.80
								Library	2.661762	\$ 933.75
								School	67.181087	\$ 23,567.13
2014	80-5-20	\$ 620,800	\$ 270,000	38.70%	\$ 1,604,134	\$ 697,674	\$ 350,800	County	10.0772	\$ 3,535.08
								Town	13.0396	\$ 4,574.29
								Fire-Cron	4.5003	\$ 1,578.71
								Sp.Dist.	4.4026	\$ 1,544.43
								Library	2.854649	\$ 1,001.41
								School	70.343901	\$ 24,676.64
								COUNTY		\$ 13,440.73
								TOWN		\$ 17,152.02
								FIRE-CRON		\$ 6,007.20
								SP. DIST.		\$ 5,735.62
								LIBRARY		\$ 3,642.51
								SCHOOL		\$ 91,400.06



# COUNTY--NEW YORK

NOTICE  
 TENANCE, ALTERATION, SALE OR DISTRIBUTION  
 ANY PORTION OF THE ORANGE COUNTY TAX  
 IS PROHIBITED WITHOUT WRITTEN PERMISSION  
 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



334600  
 TOWN OF NEWBURGH

Scale 1" = 100'

Section No. 80



# Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

<b>Commercial</b>
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	80-5-20
<b>Tax Map ID / Property Data</b>			
Status:	Active	Roll Section:	Taxable
Address:	5023 Route 9W		
Property Class:	421 - Restaurant	Site Property Class:	421 - Restaurant
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	40116 -	School District:	Newburg
Legal Property Description:	Legal description not given for property		
Total Acreage/Size:	1.00	Equalization Rate:	---
Land Assessment:	2014 - \$123,000	Total Assessment:	2014 - \$620,800
Full Market Value:	2014 - \$1,804,100		
Deed Book:	4380	Deed Page:	33
Grid East:	623098	Grid North:	979251
Bank Code:	N/A		

Photographs
No Photo Available

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

Documents
No documents found for this parcel

Maps
<a href="#">View Tax Map</a>
<a href="#">View in Google Maps</a>
<a href="#">View in Bing Maps</a>
Map Disclaimer

### Special Districts for 2014

Description	Units	Percent	Type	Value
FD008-Cronomer vly fire	0	0%		0
LT004-Consol It	0	0%		0
WD001-Consol wtr 1	0	0%		0

WD002-Consol wtr 2	0	0%		0
Land Types				
Type			Size	
Primary			49,200 sq ft	



# Image Mate Online

Navigation Tax Maps | DTF Links Help Log In

<b>Commercial</b>
<b>Property Info</b>
<b>Owner/Sales</b>
<b>Inventory</b>
<b>Improvements</b>
<b>Tax Info</b>
<b>Report</b>
<b>Comparables</b>

**Municipality of Newburgh**

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SWIS:	334600	Tax ID:	80-5-20
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**Ownership Information**

Name	Address
John Zacharia	5023 Route 9W Newburgh NY 12550
Yiannakis Zacharia A/k/a	5023 Route 9W Newburgh NY 12550

---

**Sale Information**

*No Sales Information Available*

**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 Bing Maps](#)

[Map Disclaimer](#)

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker & Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor, the Receiver 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 \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

A letter to Governor Cuomo

Dear Governor Cuomo:

The Town of Newburgh, located on the Hudson River 60 miles north of the George Washington Bridge, and at the intersection of Interstates 84 and 87, is a superb and scenic place to live and raise a family.

As is true in much of New York State, the greatest hurdle faced by our homeowners is the onerous burden of school taxes.

The fact that New York State has imposed a 2% cap on all property taxes is proof positive that the Governor, the State Senate and the State Assembly are all well aware of this crisis. While this tax cap is greatly appreciated, we must face the fact that it is a band aid approach to a problem which is only worsening. A more permanent solution has to be found.

New York is one of only twelve states that continues to fund public education through property taxes. In fact, even New York City no longer funds its schools through property taxes.

Thirty eight states in the United States fund education through sales taxes and state income taxes. Other possible avenues to pay for education might include corporate taxes, mortgage taxes, and excess profits taxes. Any and all of these alternatives should be considered as more equitable and less burdensome than the property tax method.

I appeal to our Governor and our State Legislature to explore the possibility of funding or at least supplementing school districts through income tax and sales tax. Responsibility for the education of our youth should be more evenly and fairly distributed, and not placed solely on the backs of our property owners who in many cases do not have and never had children to enjoy the fruits of a public education.

Please also take into consideration utilizing corporate income taxes for educational purposes. There is no one in our society more dependent upon a well- educated work force than our corporations.

While these alternatives may seem to be radical at first to New Yorkers, please bear in mind that a majority of other states have already implemented these alternative funding systems.

The formula New York State uses to subsidize school districts should be based upon the number of teachers per student, the cost per student, and most importantly the percentage of graduates. This system of funding has been considered by the State Assembly on two prior occasions, and perhaps the time is ripe to consider it again.

All of us have heard of, and have met, persons who retire from New York State and move south. No one seems ever to have met someone who retired down south and moved to New York. It is well past time to reverse this trend. For the sake of the survival of the State of New York, it is imperative that we take steps to reverse this trend. We must make New York habitable for those on a fixed income.

*Gil Piaquadio*

Gil Piaquadio

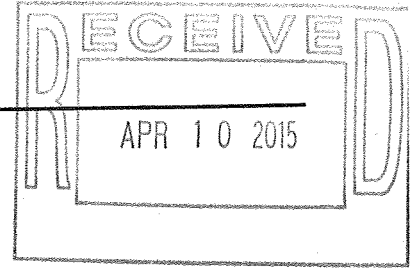
Supervisor

Town of Newburgh



13 AB #7

# County Legislature



L. Stephen Brescia, Chairman  
Jean M. Ramppen, Clerk

15 Matthews Street  
Suite 203  
Goshen, NY 10924 - 1627

Tel: (845) 291-4800 ☎ Fax: (845) 291-4809

April 6, 2015

Honorable Gilbert J. Piaquadio  
Supervisor for the Town of Newburgh  
1496 Route 300  
Newburgh, New York 12550

Re: Agricultural District Request  
Landowner: Hudson Valley Ice Cream Products Distributors, LLL/ Harry Serviss  
SBL 14-1-48  
John Hudelson & Carol Pauli, Hudelson & Carol Pauli  
SBLs 9-3-50.11; 9-3-50-12

Dear Supervisor Piaquadio:

The above landowners submitted an application to the Orange County Legislature for inclusion of the above lands in the County's Agricultural District.

We invite any comments the Town may have concerning this request. The applications will be considered by the Orange County Agricultural & Farmland Protection Board at its May 20th, 2015 meeting. We would appreciate hearing from you prior to that time.

All applications will be submitted to the Legislative oversight committees in May, a public hearing in June, with the expectation of a vote by the full Legislature at the July 1st, 2015 session. We look forward to hearing from you.

Sincerely,

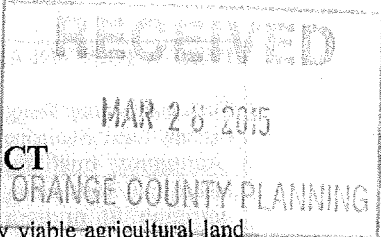
*L. Stephen Brescia*

L. STEPHEN BRESCIA  
CHAIRMAN

Enclosures  
Legislators Leigh Benton & Mike Anagnostakis







# ORANGE COUNTY AGRICULTURAL DISTRICT ANNUAL ENROLLMENT FORM

Application to be completed by landowners who wish to include parcel(s) of predominantly viable agricultural land within a certified New York State Agricultural District. Annual period for such requests is March 1 through March 31.

### INSTRUCTIONS (TO BE COMPLETED BY LANDOWNER)

1. Complete and sign application.
2. Return to Orange County Department of Planning (address below) between March 1 through March 31 5:00 PM.

### PART I LANDOWNER DESCRIPTION

Name John Hudelson and Carol Pauli Hudelson  
 Daytime Telephone (504) 250 7588 Fax (817) 212 3965  
 Mailing Address 200 Oak St. City/Town/Village Newburgh  
 State NY Zip 12550 Email Address carol.pauli@gmail.com

### PRIMARY CONTACT

Name Carol Pauli  
 Daytime Telephone (504) 250 7588 Fax (817) 212 3965  
 Mailing Address 200 Oak St. City/Town/Village Newburgh  
 State NY Zip 12550 Email Address carol.pauli@gmail.com  
 Best Contact Time Weekdays after 3 p.m. Weekends are also fine.

### PART II PROPERTY DESCRIPTION

Please describe the property proposed to be added to the Agricultural District and list the tax map parcel numbers for all parcels that you wish to be included in the Agricultural District Program. Also indicate the town in which they are located. If you are unsure of your tax map parcel numbers please check with your local assessor. Please note that there may be a site inspection of the parcel. The owner is required to be available to meet with a representative of the County during the inspection. (Attach extra sheets if necessary):

Tax Map Parcel #	Town	Tax Map Parcel #	Town	Tax Map Parcel #	Town
<i>(Example: 1-1-21 Monroe)</i>					
9-3-50.11	Town of Newburgh				
<sup>3</sup> 9- <del>3</del> -50.12	Town of Newburgh				

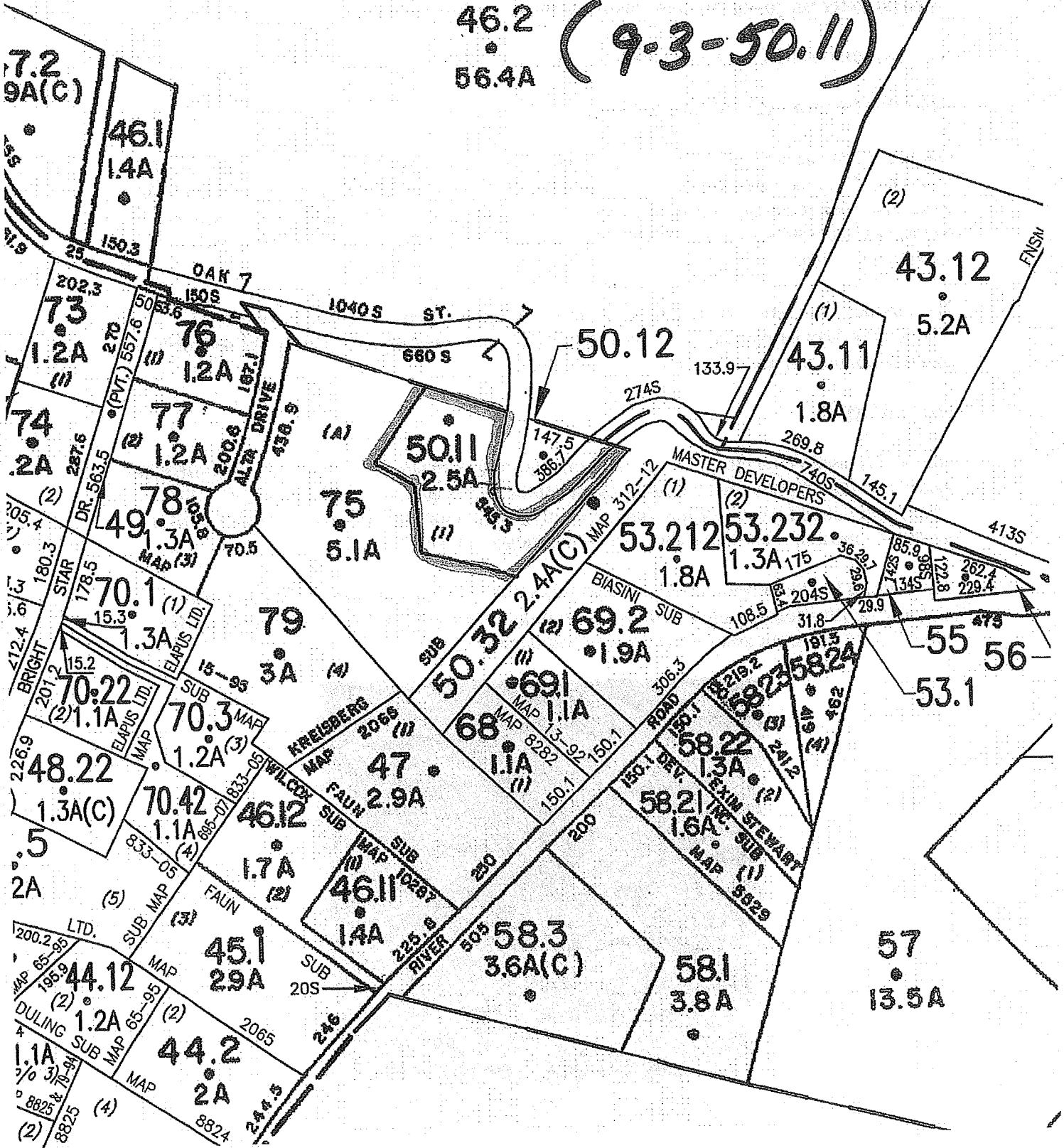
I would prefer my property to be included in Agricultural District No. 1  
 Total Number of Acres to be Included 3  
 Total Acreage Used for Agricultural Purposes 1  
 Describe Current Land Use and/or Agricultural Activity/Crop Vineyard. Please see attachment.

List Soil Types Farmington silt loam with (we believe) Pittsfield gravelly loam 3-8% slope.  
 Are Any Soils Listed as Prime or Important by the New York State Department of Agriculture and Markets?  
 Please see attachment. If so, How Many Acres are Prime? 2   How many acres are important? 2.1 ac.

Has this Property been Subdivided? No If Yes, Date of Subdivision \_\_\_\_\_  
 Is this Property Proposed for Subdivision? No If Yes, Current Stage of Development \_\_\_\_\_  
 Provide a Copy of the Subdivision Map

(FAC, RMD)  
Yes

# Hudelson 200 OAK Street 46.2 56.4A (9-3-50.11)

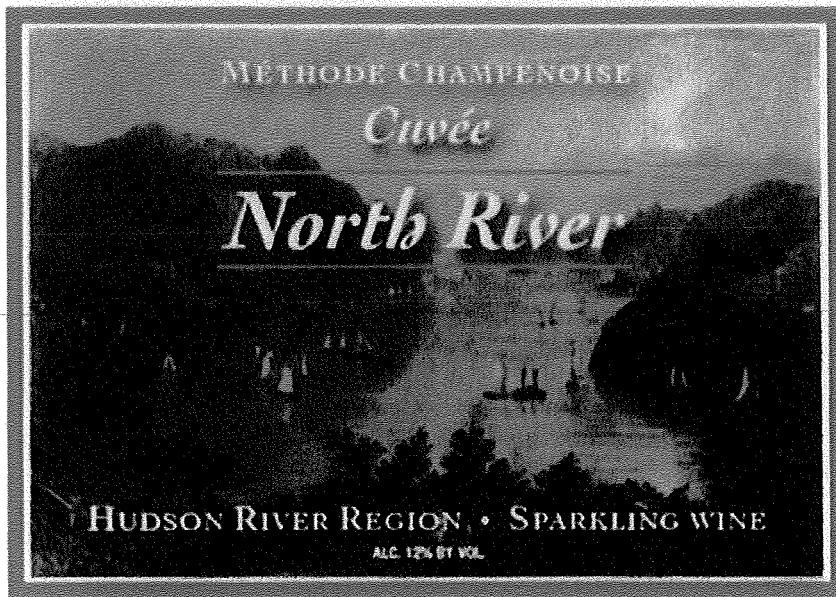


### III. BUSINESS DESCRIPTION

**Briefly describe the business that is operated or will be operated on the property:**

Over the past eight years, I have been contributing grapes to Michael Migliore of Whitecliff Vineyard & Winery and consulting with him to develop a Hudson Valley sparkling wine. We have produced and bottled it together, working at his winery, where he sells it under the label "North River." We produced 40 to 50 cases in 2006, our first year. This past year, by adding locally purchased grapes to our own, we produced 200-300 cases. We are discussing details of a partnership as North River, LLC.

I plan to expand the vineyard this year to something more than an acre, which will have the potential to produce two to three tons of grapes in a year. I continue to work on marketing and refining North River sparkling wine. Our quality has improved each year, and we are especially optimistic about the 2014 harvest, which will be ready to bottle in three years as a Hudson Valley sparkling wine.



## ORANGE COUNTY AGRICULTURAL DISTRICT ANNUAL ENROLLMENT FORM

Application to be completed by landowners who wish to include parcel(s) of predominantly viable agricultural land within a certified New York State Agricultural District. Annual period for such requests is March 1 through March 31.

### INSTRUCTIONS (TO BE COMPLETED BY LANDOWNER)

1. Complete and sign application.
2. Return to Orange County Department of Planning (address below) between March 1 through March 31 5:00 PM.

### PART I LANDOWNER DESCRIPTION

Name Hudson Valley Ice Cream LLC Harry Seiviss  
 Daytime Telephone (845) 570-8110 Fax ( )  
 Mailing Address 26 Edge Hill Rd City/Town/Village Wallkill  
 State N.Y. Zip 12589 Email Address hccs1011@gmail.com

### PRIMARY CONTACT

Name Same  
 Daytime Telephone ( ) Fax ( )  
 Mailing Address \_\_\_\_\_ City/Town/Village \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_ Email Address \_\_\_\_\_  
 Best Contact Time \_\_\_\_\_

### PART II PROPERTY DESCRIPTION

Please describe the property proposed to be added to the Agricultural District and list the tax map parcel numbers for all parcels that you wish to be included in the Agricultural District Program. Also indicate the town in which they are located. If you are unsure of your tax map parcel numbers please check with your local assessor. Please note that there may be a site inspection of the parcel. The owner is required to be available to meet with a representative of the County during the inspection. (Attach extra sheets if necessary):

Tax Map Parcel #	Town	Tax Map Parcel #	Town	Tax Map Parcel #	Town
<i>(Example: 1-1-21 Monroe)</i>					
<u>14-1-49</u>	<u>Town of Newburgh</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

I would prefer my property to be included in Agricultural District No. 1  
 Total Number of Acres to be Included 40.4  
 Total Acreage Used for Agricultural Purposes 60%  
 Describe Current Land Use and/or Agricultural Activity/Crop HOPE preparing to plant  
 List Soil Types INDC, ERA, MdB, SXC, ESTB  
 Are Any Soils Listed as Prime or Important by the New York State Department of Agriculture and Markets?  
Yes If so, How Many Acres are Prime? 6.0 ac. How many acres are important? 12.3 ac.  
 Has this Property been Subdivided? no If Yes, Date of Subdivision \_\_\_\_\_  
 Is this Property Proposed for Subdivision? no If Yes, Current Stage of Development \_\_\_\_\_  
 Provide a Copy of the Subdivision Map \_\_\_\_\_

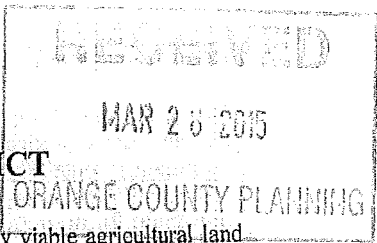
RECEIVED

MAR 27 2015

ORANGE COUNTY PLANNING







# ORANGE COUNTY AGRICULTURAL DISTRICT ANNUAL ENROLLMENT FORM

Application to be completed by landowners who wish to include parcel(s) of predominantly viable agricultural land within a certified New York State Agricultural District. Annual period for such requests is March 1 through March 31.

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 Best Contact Time Weekdays after 3 p.m. Weekends are also fine.

### PART II PROPERTY DESCRIPTION

Please describe the property proposed to be added to the Agricultural District and list the tax map parcel numbers for all parcels that you wish to be included in the Agricultural District Program. Also indicate the town in which they are located. If you are unsure of your tax map parcel numbers please check with your local assessor. Please note that there may be a site inspection of the parcel. The owner is required to be available to meet with a representative of the County during the inspection. (Attach extra sheets if necessary):

Tax Map Parcel #	Town	Tax Map Parcel #	Town	Tax Map Parcel #	Town
<i>(Example: 1-1-21 Monroe)</i>					
9-3-50.11	Town of Newburgh				
<sup>3</sup> <del>9-3</del> -50.12	Town of Newburgh				

I would prefer my property to be included in Agricultural District No. 1  
 Total Number of Acres to be Included 3  
 Total Acreage Used for Agricultural Purposes 1  
 Describe Current Land Use and/or Agricultural Activity/Crop Vineyard. Please see attachment.

List Soil Types Farmington silt loam with (we believe) Pittsfield gravelly loam 3-8% slope.  
 Are Any Soils Listed as Prime or Important by the New York State Department of Agriculture and Markets? Yes  
 Please see attachment. If so, How Many Acres are Prime? 2   How many acres are important? 2.1 ac.  
 Has this Property been Subdivided? No If Yes, Date of Subdivision \_\_\_\_\_  
 Is this Property Proposed for Subdivision? No If Yes, Current Stage of Development \_\_\_\_\_  
 Provide a Copy of the Subdivision Map

(FAC, RMD)  
Yes



**PART II (CONTINUED)**

The Local Zoning Designation for the Property is R3  
List any Local Municipal Restrictions on the Use of the Property R3 does not list farming as a use.  
Accessory buildings are limited in number and size.  
Identify any Outstanding Local Building or Zoning Code Violations None. Our appeal for a height  
variance for an accessory building is before the Zoning Board.  
List any Deed Restrictions or Easements on the Property \_\_\_\_\_

**PART III BUSINESS DESCRIPTION**

Please briefly describe the business that is operated or will be operated on the property that is proposed to be added to the Agricultural District. (Attach extra sheets if necessary.)  
Please see the information attached.

Is this Property Currently Receiving Agricultural (Ag) Assessment? No  
Attach Agricultural Business Plan (Optional)

**PART IV SIGNATURE**

I attest that the above information is correct to the best of my knowledge and hereby officially request that my property, which includes viable agricultural land, be included in the Agricultural District Program. I recognize that such land, once officially included in the Agricultural District Program, may not be removed from this program until the eight-year review period for the Agricultural District into which my land is placed. I understand that this is not an application for an agricultural value assessment. I further understand that all applications will be forwarded to the local municipality for comments. I also acknowledge that this request is subject to a public hearing, action by the Orange County Legislature and certification by the NYS Department of Agriculture and Markets.

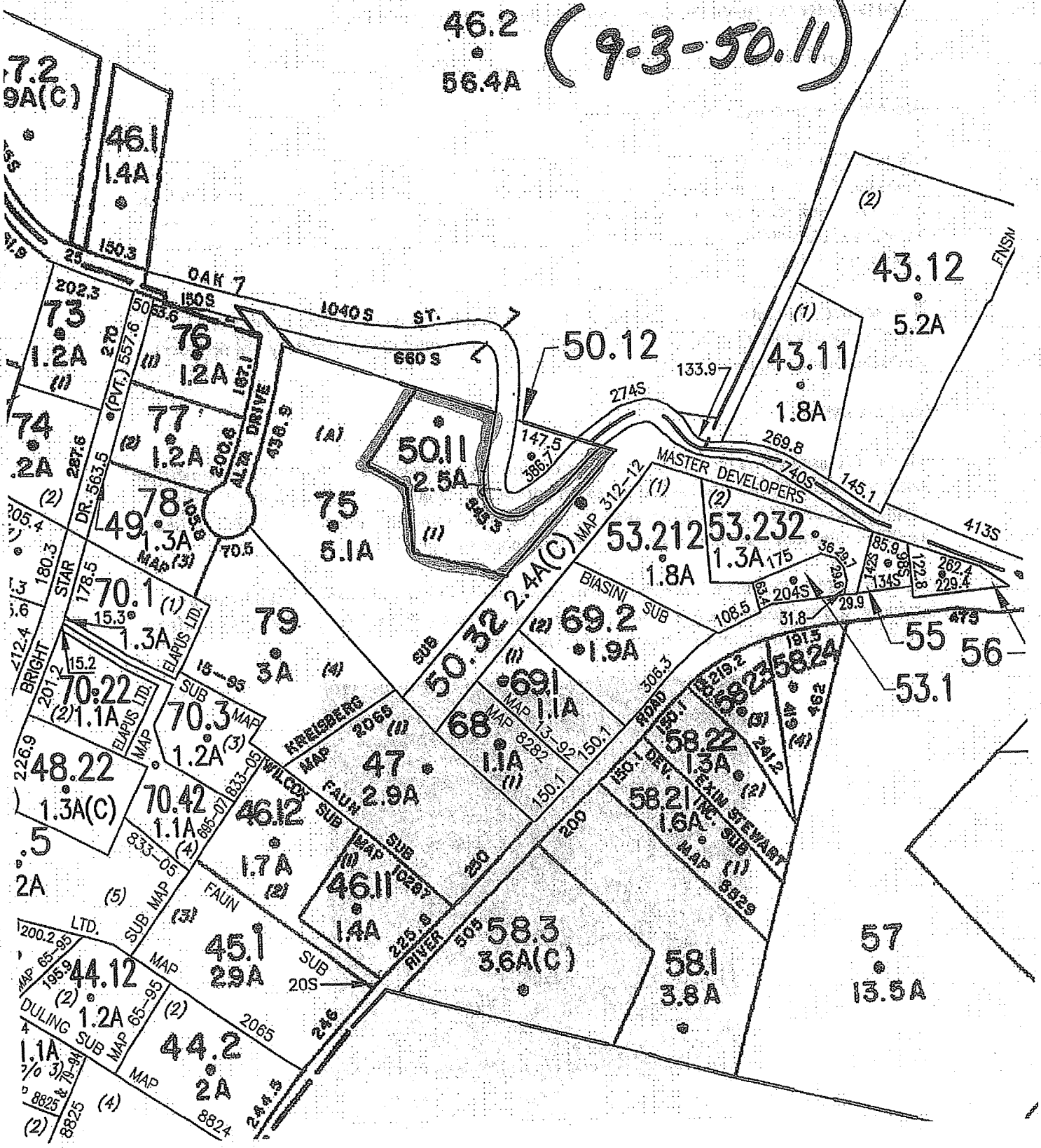
Signature [Handwritten Signature] Date 3/17/2015

If you have any questions regarding this form please call or email the Orange County Department of Planning at Planning@co.orange.ny.us (845) 615-3840, Monday through Friday 9:00 A.M. to 5:00 P.M. **PLEASE RETURN THIS APPLICATION TO:** Orange County Dept of Planning  
124 Main Street Goshen, N.Y. 10924

Carol Paul (Hudson) 3/24/15

# Hudelson 200 Oak Street

46.2  
56.4A  
(9-3-50.11)



## II Property Description

I would prefer my property to be included in Agricultural District 1:

Our vineyard is on the southern border of Agricultural District Number 1 land.

### Describe Current Agricultural Activity:

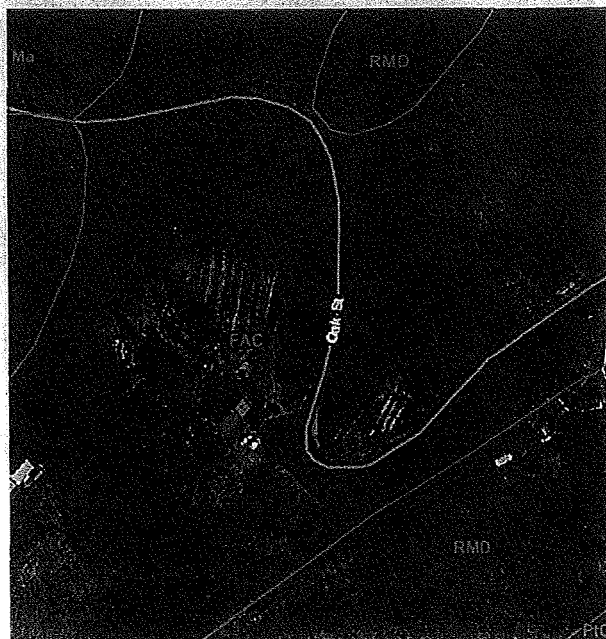
Our vineyard began in 1987 with 30 vines. Now it has approximately 570 vines, covering most of an acre. Over the years, I have experimented with about 30 different grape varieties. Among these have been Riesling; Rhone varieties including Viognier and Syrah; Bordeaux varieties including Cabernet Sauvignon, Merlot, and Cabernet Franc, and also a number of French-American hybrids.

The varieties that seem best for growing and marketing on this land are Pinot Noir and Chardonnay. By interplanting and replacing vines lost in winter (approximately 5% per year), I am transitioning to these varieties.

### List Soil Types

Our soil is classified by the U.S.D.A. as Farmington silt loam sloping. We know it as limestone-based, well-drained soil that has proven excellent for *Vitis vinifera* grape production. Soil samples submitted to the Hudson Valley Lab in Highland indicated no need for lime, fertilizer, or other correction. The slope allows cold air drainage in winter.

Our vineyard has also been identified as part of a three-by-eight-mile sliver of land with a limestone substructure, giving it a high pH, unusual in the southern New York counties. Also, carbon tests found our vineyard site to be exceptionally rich.

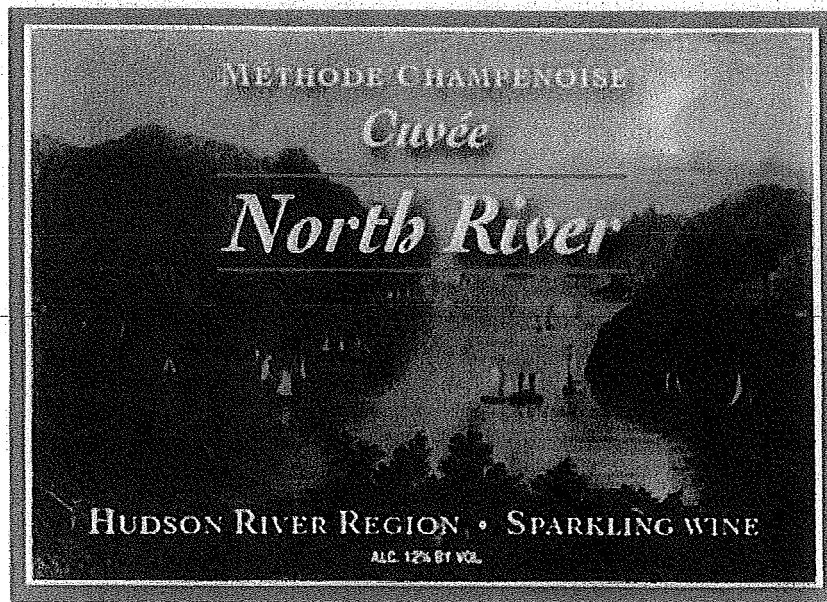


### III. BUSINESS DESCRIPTION

Briefly describe the business that is operated or will be operated on the property:

Over the past eight years, I have been contributing grapes to Michael Migliore of Whitecliff Vineyard & Winery and consulting with him to develop a Hudson Valley sparkling wine. We have produced and bottled it together, working at his winery, where he sells it under the label "North River." We produced 40 to 50 cases in 2006, our first year. This past year, by adding locally purchased grapes to our own, we produced 200-300 cases. We are discussing details of a partnership as North River, LLC.

I plan to expand the vineyard this year to something more than an acre, which will have the potential to produce two to three tons of grapes in a year. I continue to work on marketing and refining North River sparkling wine. Our quality has improved each year, and we are especially optimistic about the 2014 harvest, which will be ready to bottle in three years as a Hudson Valley sparkling wine.



## Vineyardist's Background

My experience in grape growing and winemaking has developed over the years. I spent four years as a wine chemist for Royal Kedem Winery in Milton. I also worked for two years as a researcher at the Hudson Valley Research Laboratory in Highland, where I conducted a study of temperature variation in the region and identified and evaluated sites for future vineyards.

I was one of three founding directors of the Hudson Valley Wine and Grape Association, Inc., a 501(c)(3) organization promoting education to increase the quality and quantity of grape production in the Hudson River Region AVA.

I currently work as a tenured associate professor in the Global Wine Studies program of Central Washington University. Teaching students and working with grape growers in Washington State during the school year has broadened my knowledge of the field. Long academic summers allow me to be back on my own land during the growing season. Before long, I expect to retire and return to the vineyard, where I can focus my energy year-round on increasing grape production capacity and marketing in the Hudson Valley.



## ORANGE COUNTY AGRICULTURAL DISTRICT ANNUAL ENROLLMENT FORM

Application to be completed by landowners who wish to include parcel(s) of predominantly viable agricultural land within a certified New York State Agricultural District. Annual period for such requests is March 1 through March 31.

### INSTRUCTIONS (TO BE COMPLETED BY LANDOWNER)

1. Complete and sign application.
2. Return to Orange County Department of Planning (address below) between March 1 through March 31 5:00 PM.

### PART I LANDOWNER DESCRIPTION

Name Hudson Valley Ice Cream LLC Harry Serviss  
 Daytime Telephone (845) 590-8110 Fax ( )  
 Mailing Address 26 Fox Hill Rd City/Town/Village Walkill  
 State N.Y. Zip 12569 Email Address OCDS 1011@Gmail.com

### PRIMARY CONTACT

Name Same  
 Daytime Telephone ( ) Fax ( )  
 Mailing Address \_\_\_\_\_ City/Town/Village \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_ Email Address \_\_\_\_\_  
 Best Contact Time \_\_\_\_\_

### PART II PROPERTY DESCRIPTION

Please describe the property proposed to be added to the Agricultural District and list the tax map parcel numbers for all parcels that you wish to be included in the Agricultural District Program. Also indicate the town in which they are located. If you are unsure of your tax map parcel numbers please check with your local assessor. Please note that there may be a site inspection of the parcel. The owner is required to be available to meet with a representative of the County during the inspection. (Attach extra sheets if necessary):

<u>Tax Map Parcel #</u> <u>Town</u>	<u>Tax Map Parcel #</u> <u>Town</u>	<u>Tax Map Parcel #</u> <u>Town</u>
-------------------------------------	-------------------------------------	-------------------------------------

(Example: 1-1-21 Monroe)

14-1-47 Town of Newburgh

I would prefer my property to be included in Agricultural District No. 1

Total Number of Acres to be Included 40.4

Total Acreage Used for Agricultural Purposes 60%

Describe Current Land Use and/or Agricultural Activity/Crop HOPE    preparing to plant

List Soil Types MDC, ERA, MDB, SXC, EST

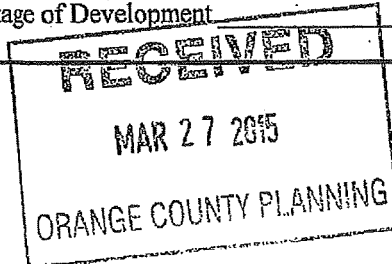
Are Any Soils Listed as Prime or Important by the New York State Department of Agriculture and Markets?

Yes    If so, How Many Acres are Prime? 6.0 ac.    How many acres are important? 12.3 ac.

Has this Property been Subdivided? NO    If Yes, Date of Subdivision \_\_\_\_\_

Is this Property Proposed for Subdivision? NO    If Yes, Current Stage of Development \_\_\_\_\_

Provide a Copy of the Subdivision Map \_\_\_\_\_



**PART II (CONTINUED)**

The Local Zoning Designation for the Property is RR / R2

List any Local Municipal Restrictions on the Use of the Property NONE

Identify any Outstanding Local Building or Zoning Code Violations NONE

List any Deed Restrictions or Easements on the Property NONE

**PART III**

**BUSINESS DESCRIPTION**

Please briefly describe the business that is operated or will be operated on the property that is proposed to be added to the Agricultural District. (Attach extra sheets if necessary.)

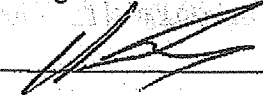
SOLE OF CROPS.

Is this Property Currently Receiving Agricultural (Ag) Assessment? NO  
Attach Agricultural Business Plan (Optional)

**PART IV**

**SIGNATURE**

I attest that the above information is correct to the best of my knowledge and hereby officially request that my property, which includes **viable agricultural land**, be included in the Agricultural District Program. I recognize that such land, once officially included in the Agricultural District Program, may not be removed from this program until the eight-year review period for the Agricultural District into which my land is placed. I understand that this is not an application for an agricultural value assessment. I further understand that all applications will be forwarded to the local municipality for comments. I also acknowledge that this request is subject to a public hearing, action by the Orange County Legislature and certification by the NYS Department of Agriculture and Markets.

Signature 

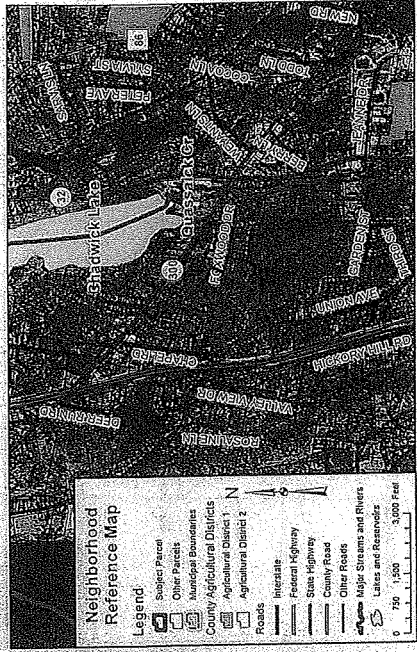
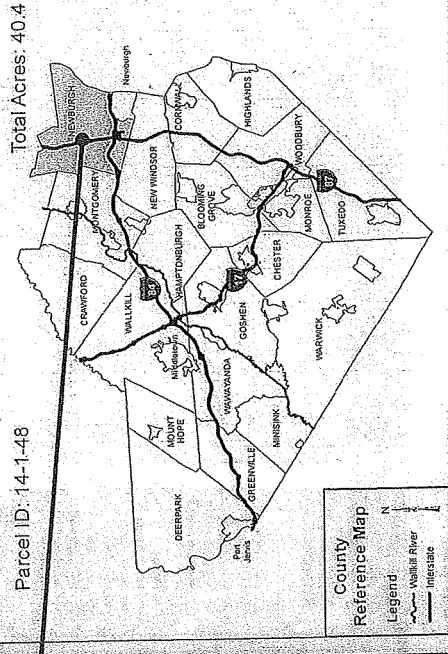
Date 3-24-15

If you have any questions regarding this form please call or email the Orange County Department of Planning at [Planning@co.orange.ny.us](mailto:Planning@co.orange.ny.us) (845) 615-3840, Monday through Friday 9:00 A.M. to 5:00 P.M. **PLEASE RETURN**

**THIS APPLICATION TO:**

Orange County Dept of Planning  
124 Main Street Goshen, N.Y. 10924

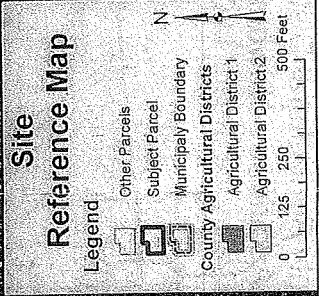
# Orange County Agricultural Districts 2015 Requested Additions - Newburgh Town (Hudson Valley Ice Cream, LLC Parcel)



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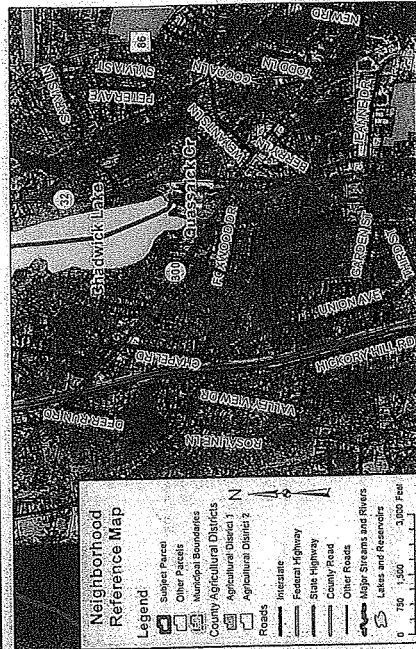
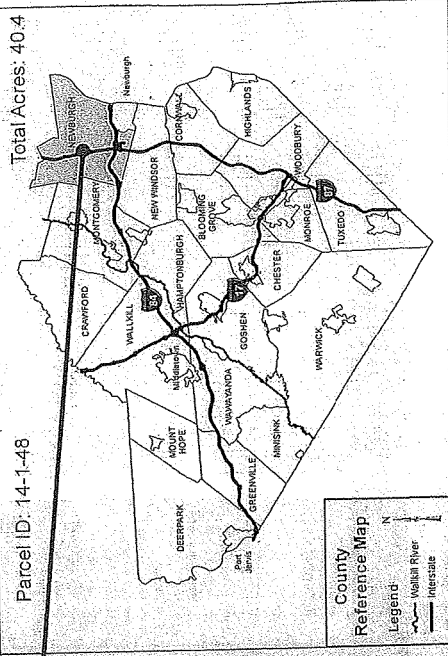


Map Prepared By:  
Orange County Department of Planning  
April 2, 2015





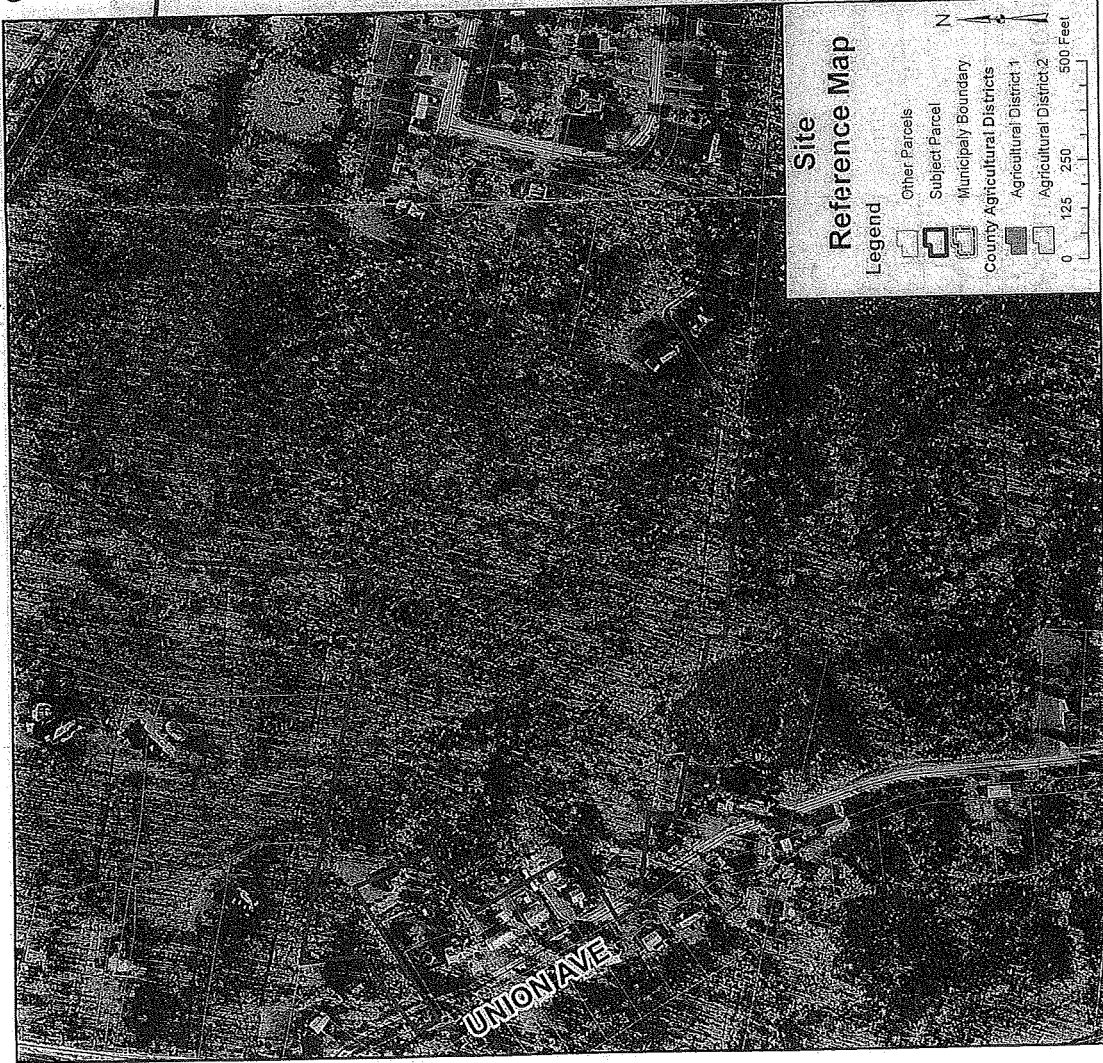
# Orange County Agricultural Districts 2015 Requested Additions - Newburgh Town (Hudson Valley Ice Cream, LLC Parcel)



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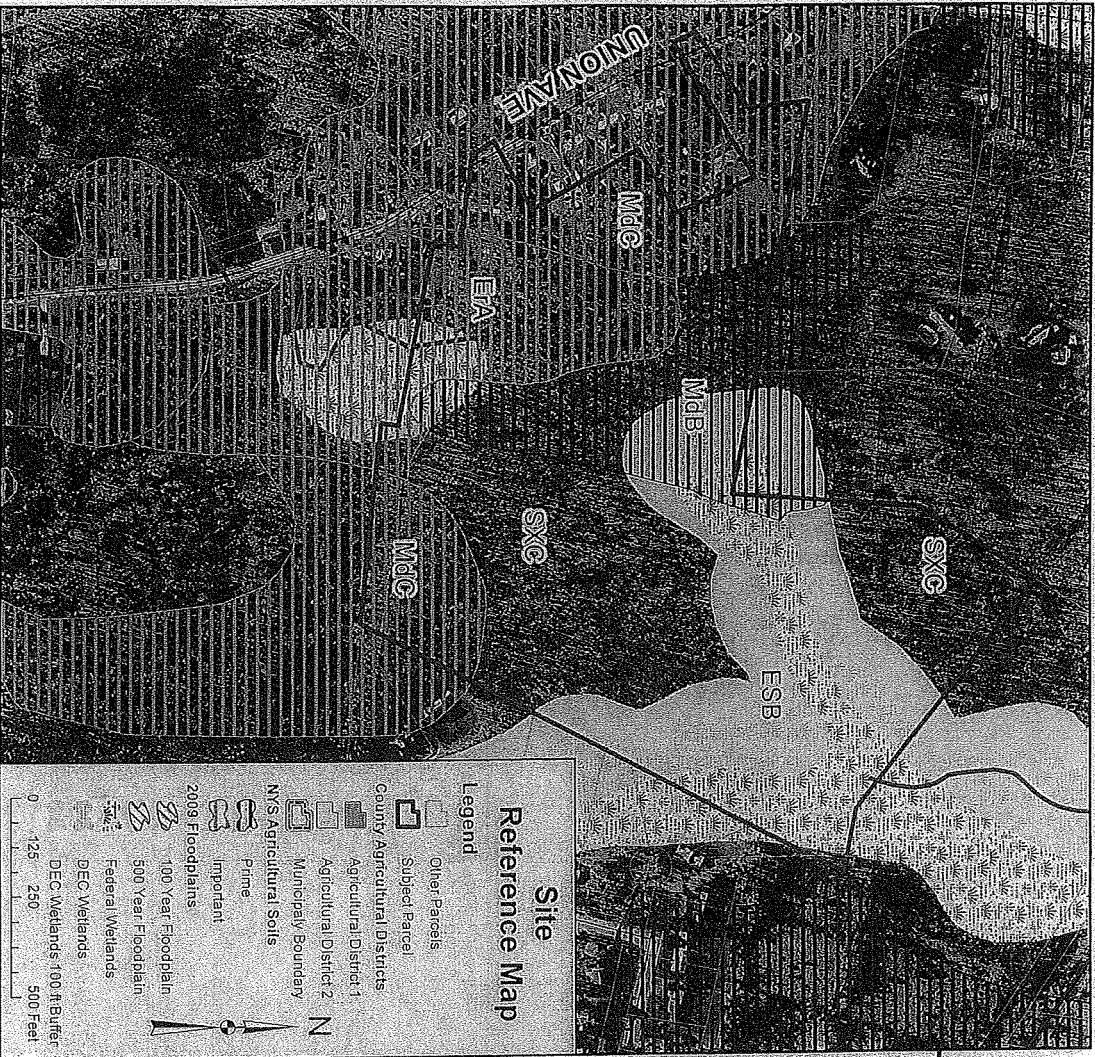
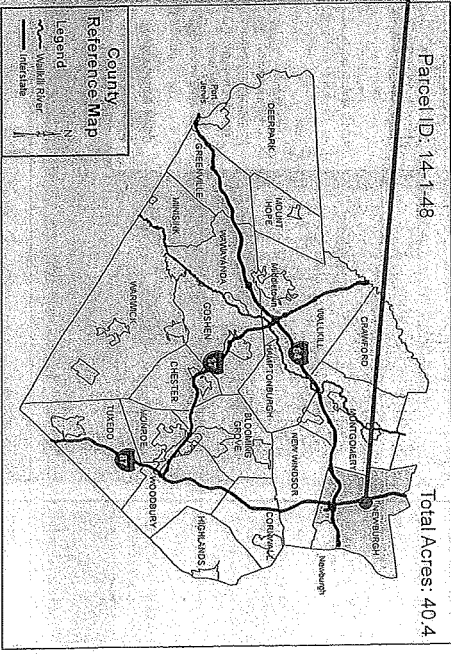
Map Prepared By:  
Orange County Department of Planning  
April 2, 2015



# Orange County Agricultural Districts 2015 Requested Additions - Newburgh Town (Hudson Valley Ice Cream, LLC Parcel)

Parcel ID: 14-1-48

Total Acres: 40.4

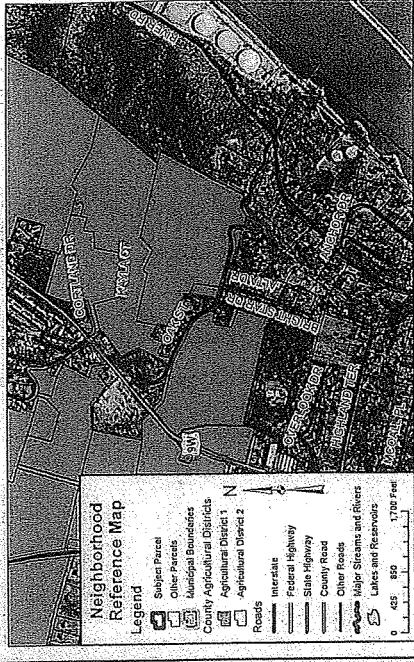
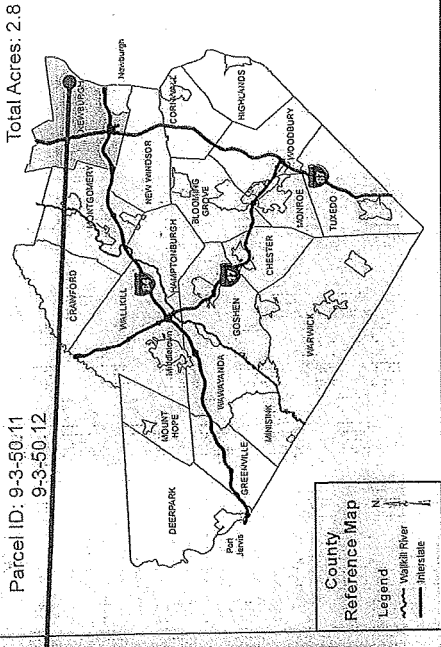


Map Prepared By:  
Orange County Department of Planning  
April 2, 2015



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# Orange County Agricultural Districts 2015 Requested Additions - Newburgh Town (Pauli / Hudelson Parcel)



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April 2, 2015

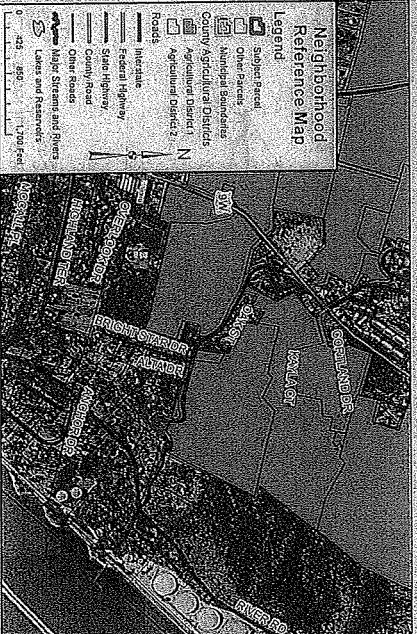
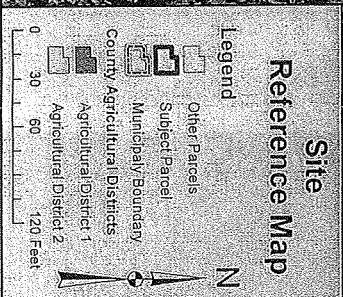
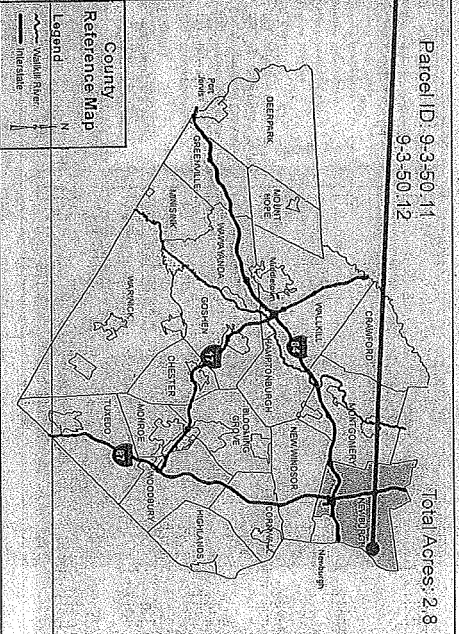


Map Prepared By:  
Orange County Department of Planning  
April 2, 2015

# Orange County Agricultural Districts 2015 Requested Additions - Newburgh Town (Pauli / Hudelson Parcel)

Parcel ID: 9-3-50.11  
9-3-50.12

Total Acres: 2.8



Map Prepared By:  
Orange County Department of Planning  
April 2, 2015

Orange County, New York

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14A  
~~137~~

Cindy Martinez

---

**From:** Anita Carfora <ACarfora@cenhud.com>  
**Sent:** Wednesday, October 15, 2014 2:47 PM  
**To:** cmmartinez@townofnewburgh.org  
**Subject:** Street Light Request - Dogwood Hill Road  
**Attachments:** CS-10152014144147.pdf

**Importance:** High

Hi there...

As per our conversation, please see attached the "Street Light Authority Order" to add 2 lights on Dogwood Hill Road. As discussed, Town Resident Joan Kaplan is requesting them stating that it is very dark and unsafe on her road.

If Central Hudson is authorized by the Town to install these lights, please have this document signed and email back to me so I may process the order...

Thank you...

Anita Carfora  
Business Development Associate  
610 Little Britain Road  
New Windsor NY 12553  
Phone (845) 563-4585  
Fax (845) 563-4503  
[acarfora@cenhud.com](mailto:acarfora@cenhud.com)

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CENTRAL HUDSON GAS & ELECTRIC CORPORATION  
610 LITTLE BRITAIN ROAD  
NEW WINDSOR, NY 12553-6114  
(845) 452-2700

STREET LIGHTING AUTHORITY ORDER

PAGE 1

TOWN OF NEWBURGH  
ATTN ACCOUNTS PAYABLE  
1496 ROUTE 300  
NEWBURGH NY 12550-2677

ORDER NO.: H8-03309  
ACCOUNT NO.: 8411-1980-00  
DATE: 10/15/14

TO CENTRAL HUDSON GAS & ELECTRIC CORPORATION:

YOU ARE HEREBY AUTHORIZED TO MAKE CHANGES SPECIFIED BELOW TO THE STREET LIGHTING SERVICE FOR THE CONSOLIDATED LGTG DISTRICT #1, IN ACCORDANCE WITH A RESOLUTION DULY ADOPTED AS PROVIDED BY LAW BY THE \_\_\_\_\_ (COUNCIL/BOARD OF THE \_\_\_\_\_ OF \_\_\_\_\_ AT A MEETING HELD ON \_\_\_\_\_, 20\_\_\_\_ AS FOLLOW

ACTION:

INSTALL OR REMOVE	TYP & SIZE OF LAMP	POLE NO	RATE **	MAP & GRID	LOCATION	DATE COMPLETE	ADJ AMT
INSTALL	HPS 16000	41287	A		DOGWOOD HILLS RD		13.82
INSTALL	HPS 5800	40030	A		DOGWOOD HILLS RD		12.43

INSTALL STREET LIGHTS

- \*\* A. COMPANY OWNED AND MAINTAINED; ANNUAL OR SEASONAL SERVICE
- \*\* B. CUSTOMER OWNED/COMPANY MAINTAINED
- \*\* C. CUSTOMER OWNED/CUSTOMER MAINTAINED

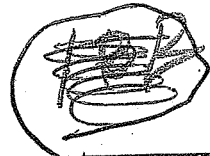
THESE CHANGES ARE SUBJECT TO THE TERMS OF THE EXISTING STREET LIGHTING SERVICE CLASSIFICATIONS. DOES NOT INCLUDE THE COST OF ELECTRICITY.

MUNICIPALITY \_\_\_\_\_ BY \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_ TITLE \_\_\_\_\_

W.O.NO. 6686A DATE WORK COMPLETED \_\_\_\_\_ BY \_\_\_\_\_

142



**Cindy Martinez**

---

**From:** Anita Carfora <ACarfora@cenhud.com>  
**Sent:** Friday, October 31, 2014 8:43 AM  
**To:** cmmartinez@townofnewburgh.org  
**Subject:** Street Light - Susan Drive  
**Attachments:** CS-10312014083515.pdf

Good Morning..

As per our discussion, attached is the street light authority order for Susan Drive....

Thanks..and have a great weekend!!!

Anita Carfora  
Business Development Associate  
610 Little Britain Road  
New Windsor NY 12553  
Phone (845) 563-4585  
Fax (845) 563-4503  
[acarfora@cenhud.com](mailto:acarfora@cenhud.com)

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Anthony Talarica  
39 Susan Dr.  
(845) 401-3086

File# 42156

CENTRAL HUDSON GAS & ELECTRIC CORPORATION  
610 LITTLE BRITAIN ROAD  
NEW WINDSOR, NY 12553-6114  
(845) 452-2700

STREET LIGHTING AUTHORITY ORDER

PAGE 1

TOWN OF NEWBURGH  
ATTN ACCOUNTS PAYABLE  
1496 ROUTE 300  
NEWBURGH NY 12550-2677

ORDER NO.: H8-03311  
ACCOUNT NO.: 8411-1980-00  
DATE: 10/30/14

TO CENTRAL HUDSON GAS & ELECTRIC CORPORATION:

YOU ARE HEREBY AUTHORIZED TO MAKE CHANGES SPECIFIED BELOW TO THE STREET LIGHTING SERVICE FOR THE CONSOLIDATED LGTG DISTRICT #1, IN ACCORDANCE WITH A RESOLUTION DULY ADOPTED AS PROVIDED BY LAW BY THE \_\_\_\_\_ (COUNCIL/BOARD OF THE \_\_\_\_\_ OF \_\_\_\_\_ AT A MEETING HELD ON \_\_\_\_\_, 20\_\_\_\_ AS FOLLO

ACTION:

INSTALL OR REMOVE	TYP & SIZE OF LAMP	POLE NO	RATE **	MAP & GRID	LOCATION	DATE COMPLETE	ADJ AMT
INSTALL	HPS	5800	42156	A	SUSAN DRIVE		12.43

ADD STREET LIGHT TO POLE #N42156

- \*\* A. COMPANY OWNED AND MAINTAINED; ANNUAL OR SEASONAL SERVICE
- \*\* B. CUSTOMER OWNED/COMPANY MAINTAINED
- \*\* C. CUSTOMER OWNED/CUSTOMER MAINTAINED

THESE CHANGES ARE SUBJECT TO THE TERMS OF THE EXISTING STREET LIGHTING SERVICE CLASSIFICATIONS. DOES NOT INCLUDE THE COST OF ELECTRICITY.

MUNICIPALITY \_\_\_\_\_ BY \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_ TITLE \_\_\_\_\_

W.O.NO. 6686A DATE WORK COMPLETED \_\_\_\_\_ BY \_\_\_\_\_






15A

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

**MEMORANDUM**

**TO:** Gil Piaquadio, Town Supervisor & Town Board  
**FROM:** James W. Osborne, Town Engineer   
**DATE:** May 11, 2015  
**RE:** W \ CHADWICK LAKE DAM

---

Attached for your review and approval is a proposal for engineering services associated with NYSDEC regulations concerning the Chadwick Lake Dam. The first task is to address comments on the original Engineering Assessment submitted to the NYSDEC in 2010. Because of the deluge of submittals, a response was not received from NYSDEC until late in 2013. The second task is to conduct a Dam Safety Inspection as required by NYSDEC. This inspection is required by August 2015 in compliance with the schedule specified by the regulations.

A proposal from O'Brien & Gere in the amount of \$9,500 lump sum fee is attached.

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

JWO/id  
Attachment  
cc: J. Platt, DPW Comm.



March 3, 2015

**Mr. James W. Osborne, Town Engineer**  
Town of Newburgh  
1496 Rte. 300  
Newburgh, NY 12550

**RE: Chadwick Lake Dam Proposal for  
Engineering Assessment Revisions & Dam Safety Inspection**

Dear Mr. Osborne:

O'Brien & Gere has reviewed the comments from Mr. Braymer of DEC Dam Safety dated 9/10/13 regarding our Engineering Assessment (EA) for Chadwick Lake Dam. Based upon a conversation with Mr. Braymer, we were able to reduce the scope of effort necessary to revise the EA below that which we verbally estimated to you. This proposal reflects that reduction.

According to the inspection schedule contained within the Inspection and Maintenance Plan, Chadwick Lake Dam is due for a Dam Safety Inspection to be completed by August 19, 2015. Therefore, this proposal includes a task for completing the inspection.

Following is our proposed scope of services for this project.

**Scope of Services**

Task 1 - O'Brien & Gere will revise and re-issue the Engineering Assessment (EA) for Chadwick Lake Dam to address the comments issued in DEC's letter of 9/10/13. Please note that DEC's comments 7-10 refer to actions that must be undertaken by the Town of Newburgh.

Task 2 - O'Brien & Gere will conduct an inspection of the dam according to 6 NYCRR 613.13. The visual inspection will seek to identify conditions which might suggest distress of the dam or its inability to perform safely during regulated stress events such as floods and earthquakes. Accordingly, the inspection will consider specific deficiencies such as cracks, erosion, seepage, spalling, and unusual deformations or misalignments. Conditions observed during previous inspections including those by DEC will be re-visited to detect any changes therein. The observations made during the inspection will be photographed and recorded on a DEC-approved inspection checklist. A detailed description of the inspection findings will be presented in a letter report with the inspection checklist and a photographic log attached.

Both PDF and hard copies of the revised EA and Inspection Report will be provided to the Town.

**Price Proposal**

O'Brien & Gere proposes to perform the services described above for a lump sum fee of \$9,500.

Task 1 – EA Revisions	\$ 5,000.00
Task 2 – Inspection	<u>\$ 4,500.00</u>
<b>TOTAL FEE:</b>	<b>\$ 9,500.00</b>

Mr. James W. Osborne, Town Engineer  
March 3, 2015  
Page 2

© 2010 O'Brien & Gere. All Rights Reserved.

If you have any questions regarding this proposal or would like to discuss it in more detail, please do not hesitate to contact Steve Snider or me at 215-628-9100.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

A handwritten signature in black ink that reads "Robert R. Bowers". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert R. Bowers, P.E.

Vice President

cc: Steve Snider, O'Brien & Gere

15B

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

**MEMORANDUM**

**TO:** Gil Piaquadio, Town Supervisor & Town Board  
**FROM:** James W. Osborne, Town Engineer *JWO*  
**DATE:** May 11, 2015  
**RE:** W \ **CONSOLIDATED WATER DISTRICT – EMERGENCY RESPONSE PLAN**

---

Attached for your review is a proposal for engineering services for a comprehensive update of the C.W.D.'s Emergency Response Plan (ERP). The current ERP was prepared in 2004 by Stearns & Wheler \ GHD. The ERP is required to be updated every five years. Because there were only minor changes required, the Town completed the previously required update of the ERP. However, with the addition of major new facilities – the Manganese Treatment Plant at the Chadwick Lake Filter Plant and the Delaware Aqueduct Tap Water Treatment Plant, the update of the ERP requires a major comprehensive update.

Given S & W \ GHD's previous involvement in the preparation of the 2004 ERP and their intimate knowledge of the DAT WTP, a proposal was solicited from them. The Scope of Services consists of conducting a Vulnerability Assessment of the new facilities and preparing new sections for the CLFP – MTP and the DAT-WTP for inclusion in the updated ERP. They will also work with Town personnel to insure that the existing sections are updated to reflect current personnel and emergency contacts. The proposed cost for this work is a not-to-exceed cost of \$25,900.

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

JWO/id  
Attachment

cc: J. Platt, DPW Comm.  
J. Egitto & J. Guido - CAMO



**AGREEMENT**  
**BETWEEN**  
**TOWN OF NEWBURGH, NEW YORK**  
**(OWNER)**  
**AND**  
**GHD CONSULTING SERVICES INC.**

**FOR**  
**SERVICES**  
**FOR**  
**WATER SYSTEM EMERGENCY RESPONSE PLAN UPDATE**  
**(PROJECT)**

**April 27, 2015**



**GHD – USA**  
**Services Agreement**

**General Details:**

Project Name	Water System Emergency Response Plan Update
The Project is	Update the water system vulnerability assessment and emergency response plan.
"OWNER" and the "Client" means	Town of Newburgh 1496 Route 300 Newburgh, NY 12550
OWNER's Designated Representative(s) is	James Osborne, P.E. Town Engineer 854.564.7814 engineering@hvc.rr.com
OWNER's Authorized Signer is	Gil Piaquadio Supervisor 845.564.4552 supervisor@townofnewburgh.org
"GHD" means	GHD Consulting Services Inc. One Remington Park Drive Cazenovia, NY 13035
GHD's Designated Representative is	Kevin Castro, P.E., BCEE Principal 315.679.5785 kevin.castro@ghd.com
GHD's Authorized Signer is	Kevin Castro, P.E., BCEE Principal 315.679.5785 kevin.castro@ghd.com

**Services:**

Prepare a Water System Emergency Response Plan update, as further defined in Exhibit A.

**Fees: (by phase)**

\$25,900, as further defined in Exhibit A.

**Period of Service:**

Effective Date of this Agreement: date of last authorization, which represents notice to proceed.  
 Will be completed within 90 calendar days of authorization by OWNER, as further defined in Exhibit A.

**Additional Exhibits:**



**GHD – USA**  
**Services Agreement**

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Duly authorized representatives to execute this Agreement:

**On Behalf of GHD:**

<i>Kevin Castro</i>	Kevin Castro, P.E.	Principal	4/27/15
(Signature)	(Print name)	(Title)	(Date)

**On Behalf of OWNER:**

	Gil Piaquadio	Supervisor	
(Signature)	(Print name)	(Title)	(Date)

**Additional Signatures, if required:**

(Signature)	(Print name)	(Title)	(Date)

(Signature)	(Print name)	(Title)	(Date)





#### Services

1. The standard of care for any professional services performed or furnished by GHD under this Agreement will be the care and skill ordinarily used by members of the profession practicing under similar circumstances at the same time and in the same locality. GHD makes no warranties, express or implied, under this Agreement or otherwise, in connection with GHD's services.
2. Any questions in relation to the services being provided by GHD can be directed to the Job Manager.
3. **Change of Scope.** The scope of Services set forth in this Agreement is based on facts known at the time of execution of this Agreement. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the Project progresses, facts discovered may indicate that scope should be changed. GHD will promptly inform OWNER in writing of such situations, and if the facts discovered constitute a material change in project assumptions, the parties shall renegotiate the amended scope of this Agreement as necessary.

#### Information and Documents

4. OWNER shall designate and advise GHD of a person to act as OWNER's Representative who has complete authority with respect to the services. OWNER shall do the following in a timely manner:
  - (a) Provide all criteria and full Information as to OWNER's requirements for the Project;
  - (b) Assist GHD by providing all available Information pertinent to the Project (e.g. previous reports), all of which GHD may use and rely upon in performing the services; GHD will not be obligated to verify the accuracy of OWNER provided Information unless verification is included in GHD's scope of work;
  - (c) Arrange for site and property access as required for GHD to perform the services;
  - (d) Give prompt written notice to GHD of any event that affects the scope or timing of GHD's services.

#### Payment

5. **Method of Payment.** OWNER shall pay GHD the Fees as defined under the Exhibits.

Additionally, OWNER will pay for any additional approved services GHD undertakes, and any Liability, cost or expense GHD incurs, if:

- (a) The general approved scope, schedule, extent or character of Services is changed materially. In this event, the amount of compensation provided for herein shall be subject to equitable adjustment in accordance with paragraph 3, Change of Scope;
- (b) Any Information OWNER (or OWNER's employees, agents or contractors) provides to GHD is not complete and accurate;

- (c) Part or all of the Services are delayed or suspended (other than as a result of GHD's breach of the Agreement);
- (d) OWNER fails to pay an amount due under the Agreement; or
- (e) OWNER ends the Agreement before GHD has completed the services.

6. GHD will submit monthly invoices for services rendered and payment will be made within 30 days of OWNER's receipt of such invoices. Interest at 1% per month will be charged on all past due amounts. When the Fees are on the basis of a lump sum, fixed fee, or a percentage of construction cost for the Project, GHD's invoices will be based upon GHD's estimate of the proportion of the services actually completed at the date of the Invoice. If OWNER objects to any invoice submitted by GHD, OWNER shall so advise GHD in writing giving reasons therefore within fourteen (14) days of receipt of such Invoice. If no such objection is made, the invoice will be considered acceptable by OWNER.

#### Insurance

7. GHD shall maintain continuously during the life of this Agreement the following minimum insurance requirements:
  - (a) Workers' Compensation Insurance with statutory limits and Employer's Liability of at least \$1,000,000 per occurrence;
  - (b) Comprehensive General Liability Insurance with combined single limits of not less than \$1,000,000 in any one occurrence or in the aggregate, applicable to bodily injury, sickness, or death and for loss of or damage to property;
  - (c) Automobile Liability Insurance covering all owned, non-owned, or hired vehicles used by GHD with limits of not less than \$1,000,000 combined single limits applicable to bodily injury, sickness, or death of any one person per occurrence and for loss of or damage to property;
  - (d) Professional Liability Insurance in the amount of \$1,000,000 covering claims, damages and Liability arising out of, or resulting from, GHD's professional negligence in performance of the services.
8. The policies under 7(b) and 7(c) above shall: (1) name OWNER as an Additional Insured; (2) be endorsed to be primary and non-contributory to any other insurance maintained by OWNER.
9. GHD will provide OWNER with satisfactory evidence of the above insurances upon request.



**Total Liability for Damages**

10. (a) Notwithstanding any other provisions of this Agreement, but subject to clause 10(b) below, to the maximum extent permitted by law, the total aggregate Liability of GHD to OWNER and/or anyone claiming by, through, or under OWNER shall be limited to the amounts set out in clause 7 for the relevant insurance policy or, if no insurance is applicable, to \$1,000,000.
- (b) With respect to professional errors or omissions only, notwithstanding any other provision of this Agreement, to the maximum extent permitted by law, the total aggregate Liability of GHD to OWNER and/or anyone claiming by, through, or under OWNER, for all Liabilities arising out of, or resulting from the professional errors or omissions of GHD in the performance or non-performance of the services shall be limited to \$1,000,000, or the total Fees actually paid to GHD under this Agreement, whichever is less.
- (c) Neither party to this Agreement shall be liable to the other for any indirect, special, incidental, punitive or consequential damages, including but not limited to loss of profits, arising in connection with the performance or non-performance of this Agreement.

**Intellectual Property**

11. All Documents prepared or furnished by GHD are instruments of service in respect of the Project and GHD shall retain an ownership and property interest therein whether or not the Project is completed. Any reuse without written verification or adaptation by GHD for the specific purpose intended will be at OWNER's sole risk and without Liability or legal exposure to GHD, and OWNER shall indemnify and hold harmless GHD from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

**Confidentiality, documents and information**

12. GHD agrees to keep confidential and not disclose to any person or entity, other than GHD's employees and subcontractors, without the prior written consent of OWNER (which consent shall not be unreasonably withheld, delayed, or conditioned), all data and information not previously known to GHD and marked "CONFIDENTIAL" by OWNER and provided in the course of GHD's performance of the services. This provision shall not apply to data or information which is in the public domain or which was acquired by GHD independently from third parties not under any obligation to OWNER to keep such data and information confidential or which GHD is required to disclose under any law, rule, regulation, ordinance, code, standard, or court order.

**Termination**

13. (a) The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. Upon such termination, OWNER shall pay to GHD all amounts owing to GHD under the Agreement, for all work performed up to the effective date of termination, plus reasonable termination costs.
- (b) This Agreement may be terminated for convenience by OWNER upon thirty days prior written notice to GHD. In the event of termination for convenience by OWNER, GHD shall be entitled to receive all amounts owing to GHD under the Agreement, for all work performed up to the effective date of termination, plus reasonable termination costs.

**Indemnification**

14. To the maximum extent permitted by law, each party shall indemnify and hold harmless the other party, its appointed and elected officials, partners, officers, directors, employees, and agents; from and against any and all Liabilities arising from the negligent or wrongful acts, errors, or omissions, or breach of contract, by a party; but only to the extent of that party's relative degree of fault.
15. In furtherance of these obligations, and *only* with respect to OWNER, GHD waives any immunity it may have or limitation on the amount or type of damages imposed under any Industrial Insurance, worker's compensation, disability, employee benefit, or similar laws. GHD ACKNOWLEDGES THAT THIS WAIVER OF IMMUNITY WAS MUTUALLY NEGOTIATED.

**Dispute Resolution**

16. Both parties agree in good faith to attempt to resolve amicably, without litigation, any dispute arising out of or relating to this Agreement or the work to be performed hereunder. In the event that any dispute cannot be resolved through direct discussions, the parties agree to endeavor to settle the dispute by mediation. Either party may make a written demand for mediation, which demand shall specify the facts of the dispute. The matter shall be submitted to a mediator mutually selected by the parties. The mediator shall hear the matter and provide an informal nonbinding opinion and advice in order to help resolve the dispute. The mediator's fee shall be shared equally by the parties. If the dispute is not resolved through mediation, the matter may be submitted to the judicial system, in the courts of general jurisdiction where the Project is located, in which event all litigation and collection expenses, witness fees, court costs and attorneys' fees shall be paid to the prevailing party.



# GHD – USA Services Agreement

## Independent Contractor

17. GHD shall act as an independent consultant and not as an agent or employee of OWNER, and will be solely responsible for the control and direct performance of the services provided by its employees and agents.

## Assignment

18. This Agreement may be assigned by either party with the prior written consent of the other party.

## Health and Safety

19. GHD shall only be responsible for the activities of its own employees and agents on the Project site with respect to safety.

## Compliance with Laws, Permits and Licenses

20. This Agreement shall be governed by the law of the state where the Project is located. GHD shall perform its Services in accordance with applicable laws, regulations, ordinances, permits, licenses, and other rules.

## Severability

21. The parties agree that, in the event one or more of the provisions of this Agreement should be declared void or illegal, the remaining provisions shall not be affected and shall continue in full force and effect.

## No Third-Party Beneficiaries

22. Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by OWNER or GHD to any third party. All duties and responsibilities undertaken under this Agreement shall be for the sole and exclusive benefit of OWNER and GHD. There are no intended third-party beneficiaries. Notwithstanding the foregoing, should a court find a third party to be a beneficiary of this Agreement, it is the intent of the parties that the judicially created third-party beneficiary be bound by and subject to all of the terms and conditions of this Agreement.

## Notification Period

23. Any applicable Statute of Limitation shall be deemed to commence running on the date which the claimant knew, or should have known, of the facts giving rise to their claims, but in no event later than the date of the final invoice for GHD's services under this Agreement. To the maximum extent permitted by law, as a condition precedent to commencing a judicial proceeding, a party shall give written notice of their claims, including all amounts claimed, and the factual basis for their claims, to the other party within two (2) years of when the claimant knew, or should have known, of the facts giving rise to their claims, but in no event later than two (2) years from the date of GHD's final invoice for Services under this Agreement.

## Complete Agreement

24. This Agreement represents the entire understanding between the OWNER and GHD, and supersedes all prior negotiations, representations, understandings or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the parties hereto.

25. All notices or other written communications required under this Agreement shall be given personally upon delivery or by certified mail, return receipt requested, upon deposit in a U.S. Mail receptacle to the appropriate parties at the addresses shown on the signature page.

26. This Agreement applies to all services undertaken by GHD for OWNER relative to this Project, including any services undertaken prior to the Effective Date hereof.

## Definitions

27. Unless the context otherwise requires, in the Agreement:

**"Additional Insured"** means that the interests of the client will be noted on the relevant policy, but does not mean that the client is an "Insured" under that policy.

**"Agreement"** means the agreement executed by the parties in connection with the services, including these terms and exhibits.

**"Designated Representative"** means specific individuals who act as Engineer's and OWNER's representatives with respect to the services to be performed or furnished by Engineer and responsibilities of OWNER under this Agreement. Such an individual shall have authority to transmit instructions, receive information, and render decisions relative to the Project on behalf of the respective party whom the individual represents.

**"Document"** or **"Documents"** includes a written or electronic document.

**"Fees"** means the amount set out in the agreement details including disbursements.

**"Information"** includes documents and information provided pertinent to the project.

**"Liability"** or **"Liabilities"** means any and all liabilities for actions (whether sounding in tort, contract (express or implied), warranty (express or implied), statutory liability, strict liability, or otherwise); claims (including, but not limited to, claims for bodily injury, death, property damage, (including bodily injury, death, or property damage to employees) or arising under environmental laws); and costs or damages of every nature without limitation (including, but not limited to, reasonable attorneys' fees and costs of defense).

**"Project"** means the project(s) that the services relate to.

**"Services"** means the services set out in the agreement details (or otherwise the services GHD undertakes).

**"OWNER"** means the person(s) set out in the agreement details (and if more than one person, "OWNER" means each of those persons severally and all of them jointly).



## **EXHIBIT A**

### **Water System Emergency Response Plan Update**

#### **Scope of Services**

1. Review the Town's existing emergency response plan (ERP) dated February 2004 entitled "Water System Emergency Response Plan, Town of Newburgh, NY" to identify items in the existing plan that are no longer valid. Also review the January 2011 Chadwick Lake Dam Emergency Action Plan.
2. Meet with the Town to review the existing plan, and updates to the system since 2004.
3. Prepare a Vulnerability Assessment (VA) of the Delaware Aqueduct Tap (DAT) Water treatment plant (WTP) and the Manganese Greensand WTP using the VA template provided by the New York State Department of Health. The terrorism threat assessment will not be updated.
4. Provide updates to the existing ERP to reflect changed facility conditions and personnel since 2004 and vulnerabilities identified in the Town's 2013 Water System VA, the VA of the DAT WTP and the Manganese Greensand WTP. The update will follow the format of the 2004 plan, with revisions as appropriate to changed conditions and new facilities. Response procedures for severe weather will also be included.
5. Update facility-specific and generic response procedures for emergencies related to vulnerabilities identified in the Vulnerability Assessment. A separate chapter to the emergency plan is proposed for this purpose.
6. Prepare the plan update and the response procedures into a single ERP. The VA will be an appendix to the ERP. Five (5) copies will be provided. The ERP update will be developed in accordance with New York State Department of Health requirements.

#### **Fees**

The above Scope of Services will be performed for a lump sum fee of **\$25,900**.

#### **Period of Service**

The above Scope of Services will be completed within 90 days of Notice to Proceed.

# Orange Lake Sewer Hook Up

1/21/2015

SBL	Address	Owner	Reply	Notes
52-2-9	14 Parkview Street	Saxon Mortgage	No Reply	Letter sent to Code Compliance 9/30/14
50-1-51.3	10 Penny Lane	Pellegrino, Joseph & Judith	No Reply	Certified mail was unclaimed-Letter to Code Compliance 9/30/14
51-5-10	16 Old South Plank Road	Mitchetti, Franklin	No Reply	Letter sent to Code Compliance 9/30/14
50-1-51.11	288-292 Lakeside Road	Prada Properties	Letter 5/19/14	Requesting exemption or connecting to Penny Lane
51-2-8	23 O'Dell Circle	Elliot, Wade & Marie	Letter 5/19/14	Requesting exemption for 5 years - Approved-letter sent 9/29/14
51-1-1	6 North End	Schlegel, Susan		Requested exemption or connection in spring-Letter sent 10/24/14 must connect in spring
52-3-10.1	11 Parkview Street North	Espinoza, Laura Elisa		Requesting Exemption letter received 1/8/15
51-5-36.1	261 Lakeside Road	Wood, Kathleen		Will be requesting an exemption - no written response
51-5-45.1	206 Sunset Cove Road	McDermott, David & Carole	Letter 5/29/14	They will be connecting in the spring 2015
51-3-21.1	7 O'Dell Circle	Pingotti, Denise	Letter 5/21/14	Connected 6/4/14 Permit # S14-09
51-3-6.1	104 Cross Street	Brogan, John	Letter 5/19/14	Connected 6/4/14 Permit # S14-07
52-1-4	34 Old South Plank Road	Moore, Barson & Irene	Have sewer	Connected - Permit #S14-10
51-2-27	22 Old South Plank Road	Zambito, Jeffrey	Have sewer	Connected - Permit #S98-152
33-1-12.1	387 Lakeside Road	Resslhuber, Barbara	Have sewer	Connected - Permit # S96-237
33-1-3	405 Lakeside Road	Pace-Drosin, Barbara	Have sewer	Connected - Permit # S12-008
50-1-45	304 Lakeside Road	Roessel, Peter	Have sewer	Connected - Permit # S09-009
52-52-17	33 Old South Plank Road	Bockemuhl, Alfred	Vacant land	Building demolished Permit 0-24202
51-2-22	Spencer Avenue	Zambito, Jeffrey	Vacant land	Vacant land
51-2-23	Spencer Avenue	Zambito, Jeffrey	Vacant land	Vacant land
47-1-59.1	341 Lakeside Road	Devito, Patrick	No notice sent	No sewer
52-3-12	7 Parkview Street North	Lyons, Stella	No notice sent	No sewer
52-6-1.22	446 South Plank Road	Janke, William	No notice sent	No sewer
52-6-2	444 South Plank Road	Valley Contracting	No notice sent	No sewer

17A  
~~17A~~



JOHN PLATT  
COMMISSIONER

# TOWN OF NEWBURGH

DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER AND SEWER  
311 ROUTE 32  
NEWBURGH, NY 12550

PHONE: 845-564-7813  
FAX: 845-566-8903

17B

## MEMORANDUM

**TO:** Gil Piaquadio, Supervisor and Town Board Members

**From:** John Platt, Commissioner of Public Works

**Date:** May 8, 2015

**Re:** Award Recommendation for Aluminum Sludge Removal & Chemicals

Please note below my recommendations for the award of Water Treatment Chemicals and Aluminum Sludge Removal Services to the Town of Newburgh Water Supply Department:

**Alum Sludge Removal and Disposal Services:**

TAM Enterprises: \$0.108 per gallon

**Water Treatment Chemicals:**

- Item 1: Sodium Fluoride (CLFP): Slack Chemical Company: \$0.794 per pound
- Item 2: Sodium Hypochlorite (DAT) & (CLFP): JCI Chemicals: \$0.89 per gallon
- Item 3: Blended PolyOrthophosphate (CLFP): Shannon Chemical: \$1.17 per pound
- Item 4: Hydrofluosilicic Acid (DAT): Univar, USA \$3.2250 per gallon
- Item 5: Sodium Hydroxide (DAT): Slack Chemical Company: \$2.195 per gallon
- Item 6: Phosphoric Acid (DAT): Surpass Chemical: \$2.87 per gallon
- Item 7: Soda Ash (DAT) & (CLFP): Thatcher Chemical: \$0.1862 per pound
- Item 8: Sodium Bisulfite (DAT) & (CLFP): Univar, USA: \$0.5766 per gallon
- Item 9: Sulfuric Acid (DAT): Coyne Chemical: \$8.661 per gallon

Item 10: Citric Acid (DAT): Coyne Chemical: \$5.269 per gallon

Item 11: Potassium Permanganate (CLFP): Thatcher Chemical: \$1.8297 per pound

Item 12: Polyaluminum Chloride (DAT) & (CLFP): Holland Company: \$0.173 per pound

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

Thank you.

JP/mb

cc: James W. Osborne, Town Engineer

## Aluminum Sludge Removal Result 2015

Company Name Address	Contact / E-Mail	Title	Bid
EarthCare (Wind River) 99 Maple Grange Road Vernon, NJ 07462 P: 973-764-6100 F: 973-764-9148	Lisa Suarez Lsuarez@wrenviroental.com	Administrative Assistant	0.1089
Fred A. Cook Jr., Inc. 109 Albany Post Rd Montrose, NY 10548 P: 914-739-3300 F: 914-739-8525	Chris Cook Ccook@fredcook.com		0.13 per gallon
Russell Reid 200 Smith Street PO Box 130 Kearsbey, NJ 08832 Pl: 732-673-1641 F: 732-417-0367	David J. Dam Ddam@russellreid.com	Executive VP	0.1797
Spectraserv, Inc. 75 Jacobus Ave. Kearny, NJ 07032 P: 973-589-0277 F: 973-589-0415	John Wegryn Jwegryn@spectraserv.com	Sr. VP	0.124
TAM 114 Hartley Road Goshen, NY 10924 845-294-8882 F: 845-294-8883	Ann gerald@tamentinc.com	Office Manager	0.1080





**Chemical Bid Result 2015**

Company Name Address	Item # 1	Item # 2	Item # 3	Item # 4	Item # 5	Item # 6	Item # 7	Item # 8	Item # 9	Item # 10	Item # 11	Item # 12
American International Chemical 135 Newbury St. Frammingham, MA 01701 P: 1-820-238-0001- F: 508-872-1566	Sodium Fluoride (CLFP) .92 per pound	Sodium Hypochlorite (DAT) & (CLFP) No Bid	Blended Polyorthophosphate (CLFP) No Bid	Hydrofluosilicic Acid (DAT) No Bid	Sodium Hydroxide (DAT) No Bid	Phosphoric Ash (DAT) No Bid	Soda Ash (DAT) & (CLFP) No Bid	Sodium Bisulfite (DAT) & (CLFP) No Bid	Sulfuric Acid (DAT) No Bid	Citric Acid (DAT) No Bid	Potassium Permanganate (CLFP) 2.06 per pound	Polyaluminum Chloride (DAT) & (CLFP) No Bid
Coyne Chemical 3015 State Rd. Croydon, PA 19021 215-785-3000	0.8345	1.531	1.3105	3.505	3.692	4.808	0.2105	4.788	8.661	5.269	1.87	No Bid
F2 Industries 423 Smyrna Square Drive, Suite C Smyrna, TN 37167 P: 877-828-1652 F: 615-459-4836	No Bid	No Bid	1.209	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
GEO Specialty Chemicals 9213 Arch St. Little Rock, AR 72206 501-888-1211	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Holland Company 133 Howland Ave. Adams, MA 01220 413-743-7075	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	0.173 per pound
JCI Chemicals (Jones Chemicals) 103 River St. Warwick, NY 10990 845-986-1715	No Bid	0.89	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Shannon Chemical Corp. 602 Jeffers Cir # 116 Exton, PA 19341 610-363-9090	No bid	No Bid	1.17	3.47	No Bid	4.24	No Bid	No Bid	No Bid	5.42	1.85	No Bid



JOHN PLATT  
COMMISSIONER

# TOWN OF NEWBURGH

DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER AND SEWER  
311 ROUTE 32  
NEWBURGH, NY 12550

PHONE: 845-564-7813  
FAX: 845-566-8903

17c

## MEMORANDUM

**TO:** Gil Piaquadio, Supervisor and Town Board Members

**From:** John Platt, Commissioner of Public Works

A handwritten signature in black ink, appearing to read "John Platt", written over the printed name.

**Date:** May 8, 2015

**Re:** Award Recommendation for Hydrant Painting

---

Please note below my recommendations for the award of painting the Town of Newburgh water hydrants.

### Highland Home & Lawn:

**Total: \$24,300.00 Per Unit: \$81.00**

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

Thank you.

JP/mb

cc: James W. Osborne, Town Engineer

## Hydrant Painting Result 2015

Company Name Address	Contact / E-Mail	Title	Bid (Total)	Bid (Unit)
CPE (Corrosion Products & Equipment) 51 Maplewood Avenue Albany, NY 518-441-3142	Jude Tortorella jtortorella@corrosion-products.com	Manager	106,750.00	355.83
Highlands Home & Lawn 212 Hadden Street Peekskill, NY 10566 914-788-0350 F: 914-402-4200	Sandra Highlandsonline@gmail.com	VP	24,300.00	81.00
Long Island Enterprise, Inc. 207 Mineola Ave., Suite 512 Rosyln Heights, NY 1577 516-315-8917	Joanne Psareas Longislandentic@gmail.com	President	56,100.00	187.00



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

19  
Brenda

PERSONNEL DEPT.

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

To: Gilbert Piaquadio, Deputy Supervisor  
Town Board

From: Charlene M Black, Personnel

Date: May 8, 2015

Re: Justice Court: Court Clerk Position

---

As you know, Town Justice Jude Martini has a vacant position with the resignation of Sarah Krizek. There has been an intern, Saziye Mustafa, in his court for some now. She took the Court Clerk test on May 2, 2015. The County has pre-approved her application. Pending the Court Clerk test results, she can work provisionally. Attached is an employment request form and letter from Mr. Martini. Ms Mustafa's employment is pending the Town Board's approval, paperwork to be completed, physical, Drug/alcohol testing and finger printing. The rate of pay is \$12.00 per hour and with favorable results, start date can be may 28, 2015. Thank you in advance.



NEWBURGH TOWN COURT  
311 ROUTE 32  
NEWBURGH, NEW YORK 12550

TELEPHONE (845) 564-7165  
FACSIMILE (845) 564-7171

*Bresda*

HON. JUDE T. MARTINI  
TOWN JUSTICE

HON. RICHARD CLARINO  
TOWN JUSTICE

May 7, 2015

Gil Piaquadio  
Town Supervisor  
Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

SUBJECT: Full-Time Clerk  
Justice Court

Dear Supervisor Piaquadio:

On April 2, 2015 a full-time Court Clerk position became vacant in my part of the Court. Being that there isn't an existing Court Clerk list, I would like to fill the vacant provisional position with:

Saziye Mustafa  
583 Lakeside Road  
Newburgh, NY 12550

Ms. Mustafa has been an intern in my part of the Court for almost a year and would like a full-time position. Ms. Mustafa has just taken the Court Clerk Civil Service Exam and is awaiting her score. She is aware that she would be provisional pending the exam results.

I am requesting this matter be placed on the next agenda for approval by the Town Board.

Thank you.

Very truly yours,

*Jude T. Martini*  
JUDE T. MARTINI  
Town Justice

JTM/da  
Attachment

cc: Members of the Town Board  
Andrew Zarutskie, Town Clerk  
Charlene Black, Personnel

# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Saziye Mustafa

DEPARTMENT: Justice Court

TITLE OF POSITION: Court Clerk

FULL TIME OR PART TIME: Full Time

HOURLY RATE: \$12.00

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 110,000

PROPOSED HIRE DATE: 5/28/15

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

Jude J. Martini / da  
DEPARTMENT HEAD SIGNATURE

5/8/15  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT  
11/15/2010