

TOWN COUNCIL MEETING PUBLIC MEETING AGENDA

Monday, July 10, 2017
(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. DEPUTY SUPERVISOR
7. DEPARTMENT HEAD REPORTS
8. POLICE:
 - A. Swearing In of Officers:
 - i. Sergeant
 - ii. ID Officer
 - iii. Police Officer
 - B. Retirement Incentive
9. RECREATION DEPARTMENT: T-38 Expenditures
10. WATERSHED PROTECTION: Shields Donation
11. ASSESSOR: Certiorari (9 Hudson LLC)
12. CODE COMPLIANCE: Unsafe Building
13. HIGHWAY: Award of Summer Material Bid
14. ENGINEERING:
 - A. Budget Increase -- for Highway Fund
 - B. Resolution Providing Additional Funding for Gardnertown Road Culvert Replacement
15. ANNOUNCEMENTS
16. PUBLIC COMMENTS
17. ADJOURNMENT

8B

July 10th 2017

Looking for a motion to approve:

~~A retirement incentive for police officers in the Police and Fire retirement system:~~

To be eligible for this incentive an officer must be eligible for a Service Retirement with 20 years of credited service.

In exchange for an irrevocable resignation for the purpose of retirement each officer will be given a buyout of \$15,000 to be paid on disconnecting from Town Employment.

This incentive will only offered to members who retire between July 11, 2017 to August 31, 2017.

This buyout agreement is based on the review of our labor attorney.



9
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

June 26, 2017

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 for the following Community Day expenses.

Fireworks Extravaganza	\$10,000.00
DJ Extreeme	\$ 500.00
Scotty's Potty's	\$ 975.00
Vinnie Farina Signs	<u>\$ 200.00</u>
Total	\$11,675.00

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 #
02/02/2017	2017-027
Terms	Due Date
See Contract	06/30/2017

Bill To

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

Amount Due	Enclosed
\$10,000.00	

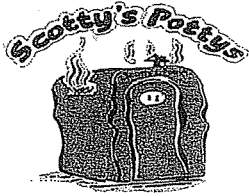
Please detach top portion and return with your payment.

P.O. Number	Sales Rep
1433	Mike Ilissyn

Date	Activity	Quantity	Rate	Amount
06/30/2017	A Fireworks Display in NY	1	10,000.00	10,000.00

A deposit of 50% is to be returned with the contract.
The balance is due by the show date.

Total	\$10,000.00
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Scotty's Potty's, Inc.
 47 South Plank Rd.
 Newburgh, N.Y. 12550

DAILY • WEEKLY • MONTHLY
 • CONSTRUCTION SITES
 • PARTIES • RECEPTIONS

Serving Orange County



Invoice

Bill To
Town of Newburgh Recreation Dept. 311 Rt. 32 Newburgh, NY 12550

Date	Invoice #
6/21/2017	9217

Terms

Quantity	Description	Rate	Amount
1	Community Day- June 30th (evening) Drop off Friday, June 30th- pick up Monday, July 3rd Cronomer Park 12 Regular units 4 Handicap units Flat Quote	975.00	975.00
Payments/Credits			\$0.00
Balance Due			\$975.00

Payment is due in full at time of receipt. Please put your Invoice# in the memo. Thank you!	Total	\$975.00
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Phone #	Fax #	E-mail
845-569-7217	845-562-8910	scottspottys1@gmail.com

Vinnie Farina Signs

630 Little Britain Road
New Windsor, NY 12553
845-567-4222

Invoice

Date	Invoice #
6/23/2017	4621

Bill To
TOWN OF NEWBURGH RECREATION DEPT. 343 RT. 32 NEWBURGH, NY 12550

P.O. No.	Terms	Project
	NET30	

Quantity	Description	Rate	Amount
2	4' X 8' PRINTED BANNERS FOR 4TH SPONSORS	100.00	200.00
		Total	\$200.00

DRAFT

At a regular meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of July, 2017 at 7:00 o'clock a.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ACCEPTANCE OF DONATION OF REAL PROPERTY OFF MOUNTAIN VIEW AVE., NEWBURGH, NEW YORK BY ROGER D. SHIELDS IRREVOCABLE TRUST FOR PROTECTION OF THE WATERSHED OF THE CHADWICK LAKE RESERVOIR OF THE TOWN OF NEWBURGH CONSOLIDATED WATER DISTRICT (A TYPE 1 ACTION)

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

WHEREAS, the Roger D. Shields Irrevocable Trust has advised the Town that it wishes to donate to the Town the real property which it owns located at 70 Mountain View Avenue in the Town of Newburgh, identified on the tax map for the Town of Newburgh as a portion of Section 14 Block 1 Lot 24.1, consisting of approximately 2.287 acres of vacant land (hereinafter the "Premises"); and

WHEREAS, the Town Board of the Town of Newburgh proposes to undertake and approve the acceptance of the donation of real property in order to further protect the watershed of the Chadwick Lake Reservoir of the Town of Newburgh Consolidated Water District and to authorize the execution of the necessary documents in connection with the acceptance of the donation of the Premises (the acceptance of the donation of the Premises is hereinafter referred to as the "Action:"); and

WHEREAS, the Town Board is authorized to undertake such Action; and

WHEREAS, the Town Board has caused a full Environmental Assessment Form for the proposed action to be prepared: and

WHEREAS, the Town Board has determined that the Action is subject to SEQR and is a Type 1 Action due to the location of the Premises in the Chadwick Lake Reservoir Critical Environmental Area; and

WHEREAS, the Town Board has determined that the Action does not involve a federal agency and is not located in an agricultural district; and

WHEREAS, the Town Board using all due diligence, has identified no other involved agencies for the Action:

WHEREAS, pursuant to Section 617.6(b)(1) of Part 617, “[w]hen a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency”; and

WHEREAS, in performing its review of the Action, the Town Board has (i) considered the Action as an action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617, (ii) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (iii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

WHEREAS, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the Action may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board pursuant to Article 8 of the Environmental Conservation Law (“SEQR”), Part 617 of the General Regulations adopted pursuant thereto (“Part 617”) and Chapter 100 entitled “Environmental Quality Review” of the Town of Newburgh Municipal Code, hereby declares itself Lead Agency for this Type I Action for the purpose of conducting a coordinated review.
2. The Town Board, acting in its capacity as Lead Agency, does hereby determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
3. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.

4. The Town Board hereby authorizes the Supervisor to execute, file and cause to be published the Environmental Assessment Form Determination of Significance and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law, and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

DRAFT

At a regular meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of July, 2017 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING ACCEPTANCE OF
DONATION OF REAL PROPERTY:
OFF MOUNTAIN VIEW AVENUE,
NEWBURGH, NEW YORK
FROM THE ROGER D. SHIELDS
IRREVOCABLE TRUST
FOR TOWN OF NEWBURGH
CONSOLIDATED WATER DISTRICT
CHADWICK LAKE RESERVOIR
WATERSHED PROTECTION AND
EXECUTION OF DOCUMENTS AND
EXPENDITURES IN CONNECTION
WITH THE ACCEPTANCE OF THE
REAL PROPERTY DONATION

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

WHEREAS, the Roger D. Shields Irrevocable Trust (the "Trust") has offered to donate to the Town of Newburgh an approximately 2.287 acre section of real property which the Trust owns located at 72 Mountain Avenue in the Town of Newburgh, identified on the tax map for the Town of Newburgh as a portion of Section 14 Block 1 Lot 24.1 (hereinafter the "Premises"); and

WHEREAS, Roger D. Shields has additionally agreed to convey any and all interest he may have in the Premises and to extinguish and release his Life Estate in the Premises; and

WHEREAS, the Town Board has caused an Environmental Assessment Form ("EAF") to be prepared for the proposed acceptance of the donation of the Premises in accordance with the requirements of the regulations promulgated by the New York State Department of Environmental Conservation under the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Town Board has determined that said action will not have an adverse effect on the environment and accordingly issued a negative declaration in compliance with SEQR; and

WHEREAS, the acceptance of said donation will serve to protect the Chadwick Lake Reservoir of the Town of Newburgh Consolidated Water District.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York that applying the balancing of interests test set forth in *Matter of County of Monroe*, 72 N.Y.2d 338 (1988), the Town Board determines the donation/transfer of the Premises to the Town on behalf of its Consolidated Water District to be exempt from the Town's Zoning Code and other land use regulations, including the requirements

for subdivision approval by the Town of Newburgh Planning Board based upon the following the analysis:

1. the nature and scope of the instrumentality seeking immunity: the Town of Newburgh for and on behalf of the Town of Newburgh Consolidated Water District seeks immunity from its own land use regulations and subdivision approval requirements;
2. the government's legislative grant of authority: the Town Board of the Town of Newburgh has the authority to enact zoning and subdivision regulations within its jurisdiction, and to accept donations, including donations of property pursuant to New York State Town Law;
3. the kind of function or land use involved: the acceptance of the donation is for municipal purposes for reservoir protection purposes for the Chadwick Lake Reservoir of the Consolidated Water District;
4. the effect local land use regulation would have upon the enterprise concerned: as the lot being created by the donation/transfer would meet the bulk requirements for a municipal lot, the local land use regulations would have minimal effects and as the donated property will be used for reservoir protection, it is not anticipated that a building permit the issuance of which would require frontage or the declaration of an open development area will be needed for the contemplated municipal use;
5. alternative locations for the facility in less restrictive zoning areas: this factor is not applicable to the subject proposed activity involving the protection of the Chadwick Lake Reservoir;
6. the impact upon legitimate local interests: the Town of Newburgh Consolidated Water District depends on surface water resources, including Quassaick Creek and Chadwick Lake Reservoir for its potable water supplies; and the Town of Newburgh has worked diligently to protect these surface water resources through designation of the reservoir watershed area as a Critical Environmental Area, protective zoning, land acquisitions, stormwater management, clearing and grading, and reservoir regulations and other protective measures; the protection of the watershed of the Chadwick Lake Reservoir of the Consolidated Water District accordingly being of high local interest;
7. alternative methods of providing the proposed improvement: this factor is not applicable to the subject activity; the acceptance of the donation of a section of the donor's property, the activity only is possible for this property;
8. the extent of the public interest to be served by the improvements: no improvements are proposed in this instance, the part of the property being donated being accepted for reservoir protection; and
9. intergovernmental participation in the project development process and an opportunity to be heard: the action is occurring within the Town of Newburgh and entails the acceptance of a donation of property for purposes of watershed protection. This is not an instance in which another unit of government is proposing an activity within the Town.
; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, that the proposed acceptance by the Town of Newburgh, Orange County, New York, for and on behalf of the Town of Newburgh Consolidated Water District of the offered donation of the Premises by the Trust is in the public interest and the Town Board hereby authorizes the acceptance of said donation; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, that the Town Board hereby authorizes and empowers the Supervisor and other officers of the Town to make, execute and deliver, or cause to be made, executed and

delivered, in the name of and on behalf of the Town and the Town's Consolidated Water District, all such recording instruments, certificates, agreements, documents and papers as may be necessary to effectuate and carry out the aforesaid acceptance of the donation of the Premises, subject to such revisions and amendments as the Attorney for the Town determines appropriate and further authorizes the Attorney for the Town to cause deeds to be recorded in order that the Premises may be separated from the balance of the Trust's property and conveyed to the Town; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the expenditure of a sum not to exceed \$1,250 in connection with the transaction, including but not limited to title search fees and title insurance premiums, recording fees and sales tax for title services; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

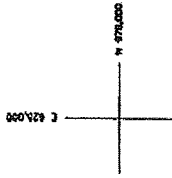
The resolution was thereupon declared duly adopted.

SECTION 80

SECTION 82

SECTION 81

NEWBURGH



Subject Property

CODE	SPECIAL DISTRICT
F0008	GRONINGER VALLEY FIRE DISTRICT
F0029	GOODWILL FIRE DISTRICT
L1018	CONSOLIDATED LIGHT DISTRICT 1
D0062	WOODLAWN HEIGHTS SUBDIVISION DRAINAGE DISTRICT



ORANGE COUNTY--NEW YORK

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

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

Prepared by Department
 of Assessment
 110 West Broadway
 Newburgh, N.Y. 10994
 Tel: 845.251.2499
 Fax: 845.251.2499

TOWN OF NEWBURGH

334600

Scale 1" = 400'
 Section No. 75
 TAXY

ADJOINING REFERENCE

11



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:	75-1-19.12
Tax Map ID / Property Data			
Status:	Active	Roll Section:	Taxable
Address:	9 Hudson Valley Prof Plz		
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:	40416 -	School District:	Newburg
Legal Property Description:	Lot 2 Coplan Lascher Mazzola Sub Map 6398		
Total Acreage/Size:	1.00	Equalization Rate:	----
Land Assessment:		Total Assessment:	
Full Market Value:			
Deed Book:	14041	Deed Page:	532
Grid East:	620148	Grid North:	978925
Bank Code:	N/A		
Land Types			
Type		Size	
Primary		1.00 acres	

Photographs
No Photo Available

Pictometry Connect

Documents
No documents found for this parcel

Maps
View Tax Map
View in Google Maps
View in Bing Maps
Map Disclaimer



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:	75-1-19.12
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Ownership Information

Name	Address
9 Hudson LLC	29 West 30th St New York NY 10001

Sale Information

Sale Date	Price	Property Class	Sale Type	Prior Owner
3/29/2016	\$689,900	465 - Prof. bldg.	Land & Building	WMB, Gidney Ave
	Value Usable	Arms Length	Deed Book	Deed Page
	Yes	Yes	14041	532

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

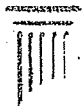
Maps

View Tax Map

View in Google Maps

View in Bing Maps

Map Disclaimer



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

PLEASE REPLY TO:
Troy

June 22, 2017

VIA E-MAIL - mtaylor@riderweiner.com
AND FIRST CLASS MAIL

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

Re: 9 Hudson LLC v. Town of Newburgh
Index No. 5144/16
Our File No. 5018.135

Dear Mr. Taylor:

Attached please find the proposed Consent Judgment in reference to the above-entitled proceeding. There is currently one (1) year pending on this property. The property is located at 9 Hudson Valley Professional Plaza. The property is a 10,121 sq. ft. former medical professional building. It was listed for sale on November 11, 2014, with an asking price of \$1,299,000 and after several reductions, sold on March 29, 2016 for \$689,900. There is currently one tenant occupying 1,680 sq. feet. After review of the sale listing, the sale documents, the current lease and consideration of the actual sale price, we negotiated this settlement. The FMV of the property is \$1,611,100. The proposed settlement reduces the FMV of the property in 2016 to \$800,000. Molly Carhart and I feel that this is a fair settlement.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. If the Resolution passes, please have either Gilbert Piaquadio or Molly Carhart sign all three (3) original Consent Judgments (which I am sending via first class mail to you) on behalf of the Town and then return them to me for signing. I will then sign and forward them to the petitioner's attorney for signing and submission to the Judge.

I have attached for your review a copy of the refund liability chart that 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

Direct Dial: (518) 213-0116

CLD:kah

Attachments

cc: Gilbert Piaquadio, Supervisor
Molly Carhart, Assessor

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
9 HUDSON LLC,

Petitioner,

CONSENT JUDGMENT

-against-

Index Nos.: 5144/16

BOARD OF ASSESSORS FOR THE TOWN OF
NEWBURGH and TOWN OF NEWBURGH,

Respondents.

-----X
PRESENT: HON. ACTING JUSTICE, SUPREME COURT

UPON THE CONSENT attached hereto duly executed by the attorneys for all parties and by all the parties, it is

ORDERED, that the real property of Petitioner described on the Town of Newburgh tax rolls for the tax year 2016-17 as follows:

Tax Map No. 75-1-19.12

be reduced in assessment from \$580,000 to a total assessment of \$288,000 for a total reduction in assessment of \$292,000, prior to the application of any real property tax exemptions, if any, and it is further;

ORDERED, that the Petitioner's real property taxes on said parcels above described for the 2016-17 School and Library taxes and for the 2017 County and Town taxes be adjusted accordingly and that Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be, and it is further;

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

ORDERED, that there shall be audited, allowed and paid to the Petitioner by the Town of Newburgh, or the County of Orange, as the case may be, if any, paid as Town taxes and Town Special District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein, and it is further;

ORDERED, that there shall be audited, allowed and paid to the Petitioner by the County of Orange and/or the County Commissioner of Finance the amounts, if any, paid as County taxes and County Special District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein, and it is further;

ORDERED, that there shall be audited, allowed and paid to the Petitioner by the Newburgh Central School District the amounts, if any, paid as School District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein, and it is further;

ORDERED, that the provisions of RPTL §727 shall apply herein, and it is further;

ORDERED, that all tax refunds hereinabove directed be made payable to the order of Jacobowitz and Gubits, LLP, as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to §475 of the Judiciary Law, and it is further;

ORDERED, that in the event that the refunds are made within sixty (60) days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further;

ORDERED, that the parties and attorneys signing this Consent Judgment, by doing so, represent that they have the necessary authority to do so, that said party has duly agreed to this settlement, taken the necessary action to do so and are the duly authorized and empowered persons to do so, and it is further;

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed this _____ day of _____, 2017 at Goshen, New York.

ENTER:

HON.
ACTING SUPREME COURT JUSTICE

ON CONSENT:
Dated: April 24, 2017

9 HUDSON LLC
Petitioner

TOWN OF NEWBURGH
Respondents

By: _____

By: _____

JACOBOWITZ AND GUBITS, LLP
Attorneys for Petitioner

**E STEWART JONES HACKER
& MURPHY, LLP**
Attorneys for Town

By: ALLISON G. CAPPELLA, ESQ.

By: CATHY L. DROBNY, ESQ.

9 Hudson LLC v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2016	75-1-19.12	\$ 580,000	\$ 248,364	36.00%	\$ 1,611,111	\$ 689,900	\$ 331,636	County 10.7266 TOWN 8.9566 Highway 4.7918 Fire-GW 5.7711 Sp. Dist. 4.6673 Library 3.393216 School 75.038340	\$ 3,557.33 \$ 2,970.40 \$ 1,589.13 \$ 1,913.90 \$ 1,547.04 \$ 1,125.31 \$ 24,885.41
<p style="text-align: center;">Newburgh</p> <p style="text-align: center;">COUNTY \$ 3,557.33 TOWN \$ 2,970.40 HIGHWAY \$ 1,589.13 FIRE-GW \$ 1,589.13 SP. DIST. \$ 1,547.04 LIBRARY \$ 1,125.31 SCHOOL \$ 24,885.41</p>									

9 Hudson LLC v Newburgh Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2016	75-1-19-12	\$ 580,000	\$ 288,000	36.00%	\$ 1,611,111	\$ 800,000	\$ 292,000		
								County	10.7286 \$ 3,132.17
								Town	8.9568 \$ 2,615.39
								Highway	4.7918 \$ 1,399.21
								Fire-GW	5.7711 \$ 1,685.16
								Sp. Dist	4.6673 \$ 1,362.85
								Library	3.393216 \$ 990.82
								School	75.038340 \$ 21,911.20
								Newburgh	
								COUNTY	\$ 3,132.17
								TOWN	\$ 2,615.39
								HIGHWAY	\$ 1,399.21
								FIRE-GW	\$ 1,685.16
								SP. DIST.	\$ 1,362.85
								LIBRARY	\$ 990.82
								SCHOOL	\$ 21,911.20

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of July, 2017 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY

TAX LAW:
SBL #75-1- 19.12
9 HUDSON, LLC
(9 HUDSON VALLEY PROFESSIONAL
PLAZA)
INDEX NUMBER 2016-5144

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

WHEREAS, 9 Hudson, LLC. (the "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 professional office building and related improvements located on a parcel of land at 9 Hudson Valley Professional Plaza (Section 75-Block 1-Lot 19.12) on the tax assessment roll for the tax year 2016 ; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioner, the terms of which are embodied in a proposed Consent Judgment annexed hereto and recommended that the Town Board authorize the settlement; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Stipulation and Consent Order Reducing Assessment on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker & Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents

and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Elizabeth J. Greene, Councilwoman voting _____

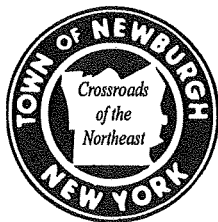
Paul I. Ruggiero, Councilman voting _____

James E. Presutti, Councilman voting _____

Scott M. Manley, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.




HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177
FAX 845-561-8987

TODD DEPEW
HIGHWAY SUPERINTENDENT

TO: Gil Piaquadio, Supervisor, and Town Board Members

FROM: Todd DePew, Highway Superintendent 

DATE: June 29, 2017

RE: Bids Summer Material

Please award the bids for summer materials to the following vendors, also indicated on the bid sheets that are attached. Thanking you in advance.

Item 6 – Rubber Tire Roller with operator	Peckham	\$180.00 per hour
Item 6A –Rubber Tire Roller Without operator	Hoffman	\$367 per day

TD/ch

BID OPENING

29-Jun-17

10:00 AM

ITEM # 6
ITEM # 6 A

RUBBER TIRE ROLLER

RE-BID

BIDDERS	WITH OPERATOR	WITHOUT OPERATOR				
HOEFMAN		\$367.00 PER DAY				
PECKHAM	\$180.00 PER HR					



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

14A

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor and Town Board
From: Ronald E. Clum, Town Accountant
Jim Osborne, Town Engineer
Date: June 26, 2017
RE: NYSDOT – Gardnertown Culvert

The NYSDOT has submitted a contract revision to the Town for execution. The contract revision addresses two items as follows:

- Revised construction cost estimates based on the final design of the new structure
- Right of way acquisition costs associated with a permanent easement for the construction of the west side

The impact on the project cost is an estimated increase of \$306,929. The Town will ultimately be responsible for \$61,400 of this cost.

However, NYSDOT requires that the Town have the ability to be able to pay 100% of the federal and non-federal project subject to reimbursement. To this end, the Town must commit the required \$306,929 to the capital fund.

At this time I am asking to increase the Highway Fund budget for \$306,929 from appropriated fund balance and to increase the associated transfer line in order to show NYSDOT we are able to fund this project.

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 ____ day of July, 2017 at 7:00 o'clock p.m.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- James E. Presutti, Councilman
- Scott M. Manley, Councilman

**RESOLUTION OF TOWN BOARD
 AUTHORIZING THE IMPLEMENTATION,
 AND FUNDING IN THE FIRST INSTANCE
 100% OF THE FEDERAL-AID AND STATE
 "MARCHISELLI" PROGAM-AID
 ELIGIBLE COSTS, OF A
 TRANSPORTATION FEDERAL-AID
 PROJECT, AND APPROPRIATING FUNDS
 GARDNERTOWN ROAD OVER GIDNEY
 CREEK**

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

WHEREAS, a Project for the Emergency & Pemanent Restoration Work to Gardnertown Road over Gidney Creek caused by Hurricane Irene August 26, 2011 in the Town of Newburgh identified as PIN 8702.03 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the Town Board of the Town of Newburgh adopted a Resolution on April 2, 2014 captioned as "RESOLUTION OF TOWN BOARD AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS GARDNERTOWN ROAD OVER GIDNEY CREEK" pursuant to which the Town of Newburgh approved and agreed to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of right-of-way incidental and acquisition work; and

WHEREAS, it was subsequently found necessary to undertake right-of-way incidental and acquisition work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the Federal and Non-Federal share of costs for the right-of-way incidental and acquisition work for the project; and

WHEREAS, the Town of Newburgh desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of right-of-way incidental and acquisition work for the Project or portions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Newburgh, Orange County, New York, that:

1. that the Town Board of the Town of Newburgh hereby approves the above subject project; and

2. that the Town Board of the Town of Newburgh hereby authorizes to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the additional right-of-way incidental work and the right-of-way acquisition work for the Project or portions thereof; and

3. that the sum of \$306,929 (\$1,240,179 minus previous \$933,250) is hereby appropriated from the Highway Fund – Inter-fund Transfer (030-9902-0900-0000) and made available to cover the cost of participation in the above phases of the Project; and

4. that in the event the full Federal and Non-Federal share costs of the project exceeds the amount appropriated above, the Newburgh Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and

5. that the Supervisor of the Town of Newburgh be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Newburgh with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

6. that in addition to the Town Supervisor, the following municipal titles: Deputy Supervisor, Town Clerk, Town Engineer and Town Accountant are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and

7. that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

BE IT FURTHER RESOLVED, that the Supervisor, Deputy Supervisor, Town Clerk, Town Engineer, Town Accountant and other officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers and to take such actions as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Agreement(s); 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:

Elizabeth J. Greene, Councilman voting _____

Paul I. Ruggiero, Councilman voting _____

James E. Presutti, Councilman voting _____

Scott M. Manley, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

I, Andrew J. Zarutskie, the duly elected and qualified Town Clerk of the Town of Newburgh, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board held on _____, 2017 and is on file and of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

Andrew J. Zarutskie, Town Clerk
Town of Newburgh