

ANDREW J. ZARUTSKIE
Town Clerk
1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

WORKSHOP MEETING AGENDA
Monday, July 24, 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. ZONING: Solar Farm (Darrigo)
7. SEWER EXTENSION:
 - A. D'Alfonso Road
 - B. Stori Road
8. RECREATION:
 - A. Creation of Recreation Coordinator Position
 - B. Hiring of Reservoir Caretaker
9. CODE COMPLIANCE:
 - A. Unsafe Building: 8 West Stone Street
 - B. Unsafe Building: 77 Meadow Hill Road
10. ENGINEERING:
 - A. Cumberland Farms Storm Water Facility Agreement
 - B. Holiday Park: Water Main Replacement & Installation
11. ASSESSOR:
 - A. Certiorari Case #1—J P. Morgan Chase Bank
 - B. Certiorari Case #2—GE Commercial Finance
 - C. Certiorari Case #3—RBS Citizens N.A
12. ANIMAL CONTROL (T-94 Withdrawal): Newburgh Vet
13. ADJOURNMENT

7A

INFORMAL PETITION
TO THE TOWN BOARD OF THE TOWN OF NEWBURGH TO
COMMENCE PROCEEDINGS FOR EXTENSION
OF THE CROSSROADS SEWER DISTRICT

TO: THE TOWN BOARD OF THE TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK:

WE, the undersigned, being owners of taxable real property situated in the proposed sewer district extension described below, and owning in the aggregate at least one-half (1/2) of the assessed valuation of all of the taxable real property in the proposed district extension as shown upon the latest completed assessment roll of the Town of Newburgh and including the resident owners of the taxable real property aggregating at least one-half (1/2) of all the taxable real property of the proposed district extension owned by resident owners, according to the latest completed assessment roll of the Town, do hereby petition the Town Board of the Town of Newburgh to establish an extension to the Crossroads Sewer District in the Town of Newburgh, County of Orange, State of New York outside of any incorporated village or city and totally within the Town of Newburgh, which proposed extension is bounded and described in the annexed Schedule "A".

The petitioners understand that the extension would include the construction of sewer facilities to transport sewerage to be treated at existing sewage treatment facilities and that in addition to the bonded costs of the extension and existing district and the construction of the sewer improvements and the operation and maintenance thereof, to be assessed, billed and collected from year to year, currently quarterly, on the basis of benefit and metered water usage, they will also be responsible for the costs of the mandatory connection of each of their individual improved properties.

WHEREFORE, petitioners respectfully request that the Town Board of the Town of Newburgh to commence the proceedings required for an extension to the Crossroads Sewer District.

**Names and Addresses
of Resident Petitioners
Owning Property In
Proposed Extension**

Date

Signature

Nicola DeGennaro
88 D'Alfonso Road

6-26-0016

Nicola

DeGennaro

Newburgh - N.Y. 12550

Patrizia Tesmar
85 D'Alfonso Rd.

6-26-0016

Patrizia

Tesmar

Newburgh, Ny 12570

CURT BOURDAGE
92 D'ALFONSO RD

6-26-0016

Curt

Bourdage

Newburgh Ny

Filomena Black
90 D'Alfonso Rd

6-26-0016

Filomena

Black

Newburgh, Ny

Daniel Martini
83 D'Alfonso Rd

6-26-0016

Daniel

Martini

Newburgh N.Y. 12550

Janice Dubose
82 D'Alfonso Rd.

6-26-0016

Janice

Dubose

Newburgh

Helen Osborn
76 D'Alfonso Rd

6-26-0016

Helen

Osborn

Newburgh, N.Y.

N 10

Names and Addresses
of Resident
Petitioners Owning
Property in Proposed
Extension

Date

Signature

Julietta Guerra 6-27-0014 Julietta Guerra

79 D'Alfonso Rd

Newburgh N.Y 12550

Lori Shaffer 6-27-0014 Lori Shaffer

74 D'Alfonso Rd

Newburgh NY 12550

Dorothy Comandi 6-27-0014 Dorothy Comandi

63 D'Alfonso Rd

Newburgh NY 12550

Nicole Murray 6-27-0014 Nicole Murray

61 D'Alfonso Rd

Newburgh NY 12550

Fatma Bayron 6-27-0014 Fatma Bayron

64 D'Alfonso Rd

Newburgh NY

DAN MCKNIGHT 6-27-0016 DANIEL MCKNIGHT

36 D'ALFONSO RD

NEWBURGH, NY

Louis Fratton 6-27-0014 Louis Fratton

87 D'Alfonso Rd

Newburgh, NY

12550

NO

Names and Addresses
of Resident
Petitioners Owning
Property in Proposed
Extension

Date

Signature

Glen BARRY
70 DA

6-27-0014 Glen Barry

70 D'ALFONSO RD
Newburgh NY

RICHARD CARBONE
66 D'ALFONSO RD

6/27/0014 Richard Carbone

NEWBURGH NY 12550

Jaqueline Santacrose
53 D'Alfonso Road

6-27/0014 Jaqueline Santacrose

Newburgh NY

46 D'ALFONSO

6-27-0014 Chk Ann

Newburgh NY

48 D'Alfonso

Newburgh NY

6/27-0014 Chk Ann

A1 Prokosch

40 D'Alfonso Rd

Newburgh NY

6-27/0014 A1 Prokosch

Margherita Prokosch

40 D'Alfonso Rd

Newburgh

6-27/0014 Mary Ann

ND

Names and Addresses
of Resident
Petitioners Owning
Property in Proposed
Extension

Date

Signature

SANDI MASOPUST 6-00-14 Sandi Masopust

38 D'Alfonso Rd

Newburgh, NY 12550

ROGER MARINIS

6-26-0014 Tom Marinis

28 D'Alfonso Rd

NEWBURGH NY 12550

M. Carone

6/26/2014 Mary Carone

32 D'Alfonso Rd

Newburgh, NY

Beth Chuans

6-26/2014 Beth Chuans

39 D'Alfonso Rd.

Newburgh, NY

MIKE VALENTINE
41 D'ALFONSO RD.

6-26/00/14 Mike Valentine

NEWBURGH N.Y.

Debs Lucinda

62 D'Alfonso Rd.
Newburgh, N.Y.

Krusel Tom
57 D'ALFONSO

Newburgh NY 12550

6-26-0014 Lucinda Debs

SABRI TERZAGLI

6-26-0014 TOM Krusel

86 D'ALFONSO RD

Newburgh NY 12550

SABRI Terzaghi

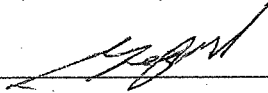
NO

STATE OF NEW YORK:)

) SS.

COUNTY OF ORANGE:)

On the 10th day of August, in the year 2016 before me, the undersigned, personally appeared Nicola DeFenu personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.



Notary Public

GILBERT J. PIAQUADIO
Notary Public, State of New York
Reg. No. 5010110
Residing in Orange County
My Comm. Expires Mar. 29, 2019

STATE OF NEW YORK:)

) SS.

COUNTY OF ORANGE:)

On the _____ day of _____ in the year 2016 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

Notary Public

7B

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TO THE TOWN BOARD OF THE TOWN OF NEWBURGH TO
COMMENCE PROCEEDINGS FOR EXTENSION
OF THE CROSSROADS SEWER DISTRICT

TO: THE TOWN BOARD OF THE TOWN OF NEWBURGH
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**Names and Addresses
Of Resident Petitioners
Owning Property in
Proposed Sewer Extension**

Date

Signature

Gilberto Torres

4/29/17

A. Torres

19 Storied Rd

Newburgh, NY 12550

Brown, Jonathan
#8

4/29/17

[Signature]

11 STORE ROAD

N

Ruth Ramirez

4/29/17

Ruth Ramirez

5. Store Road Nw NY

AGNES ROTUNDA

3 STORE RD.

4/29/17

Agnes Rotunda

4 Store Rd

4 Store Rd

Stefano Presti

4/29/17

[Signature]

4/29/17

Stefano Presti

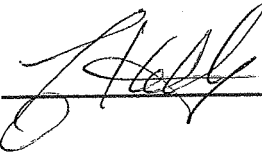
**Names and Addresses
Of Resident Petitioners
Owning Property in
Proposed Sewer Extension**

Date

Signature

Charles Kelley
10 Post Road

4-29-17



Nancy D'Alfonso

12 Pat Rd

4-29-17

Nancy D'Alfonso

Susan Prokosch

12 Pat Rd

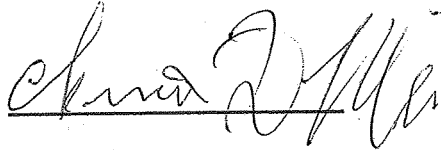
4-29-17

Sue Prokosch

11 PAT RD

ANNA DELFINI

4/29/17



SE-13 Pat Rd.

Susan Conner

4-29-17

Susan Conner

X10 SCENIC

PETER S. GAMMA

4-29-17



**Names and Addresses
Of Resident Petitioners
Owning Property in
Proposed Sewer Extension**

Date

Signature

14 Lewis Love 4/29/17
Joseph Reedman 4/29/17

Louis Love
Joseph Reedman
[Signature]

5 Val: [Signature]
[Signature]
[Signature]
4/29/17
[Signature]
4/29/17

2 PAT x Diane Adkins
DIANE ACKINS 4/29/17
Diane Adkins

x 12 Valentinielli
Torelli 4/29/17
Adriano Torelli

x 5 PAT RO
Salvatore 4/29/17
Guarini

**Names and Addresses
Of Resident Petitioners
Owning Property in
Proposed Sewer Extension**

Date

Signature

Zach D'A Horse

4/29/17

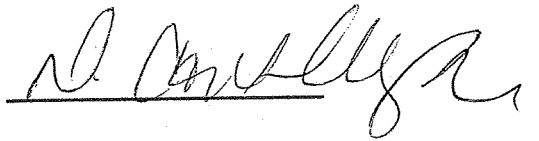


3 Scenic Dr.

Newburgh, NY 12550

Deirdre Cantrell

4/29/17



3 Scenic Dr.

Newburgh, NY 12550



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

8A
Brenda

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

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

June 21, 2017

TO: Gil Piaquadio, Supervisor
Town Board Members

CC: Charlene Black, Personnel

FROM: Robert J. Petrillo, Commissioner

RE: Create Recreation Coordinator Position

At this time, I would like to request approval to create a Recreation Coordinator position in the Recreation Department. This title is a management level tested position.

Thank you for your consideration.

Regards,

Robert J. Petrillo
Commissioner

88



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

July 20, 2017

TO: Gil Piaquadio, Supervisor
Town Board Members

CC: Charlene Black, Personnel

FROM: Robert J. Petrillo, Commissioner

RE: Reservoir Caretaker Hire

At this time, I would like to request approval to hire Robert Piaquadio for the position of Reservoir Caretaker filling the current vacancy. Mr. Piaquadio will be hired at the rate of \$18.75/hour. The salary for this position is in the Filter Department budget.

Start date for this position will be on *July 27th*. Thank you for your consideration.

Regards,

Robert J. Petrillo
Commissioner

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: ROBERT PIQUASIO

DEPARTMENT: _____

TITLE OF POSITION: RESERVOIR CARETAKER

FULL TIME OR PART TIME: FULL TIME

HOURLY RATE: \$18.75

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: _____

PROPOSED HIRE DATE: 7/27/17

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



DEPARTMENT HEAD SIGNATURE

7/20/17

DATE

**ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT**

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

10 A

McCABE & MACK LLP

ATTORNEYS AT LAW

PHILLIP SHATZ
J. JOSEPH MCGOWAN
ALBERT M. ROSENBLATT
RALPH A. BEISNER

DAVID L. POSNER
ELLEN L. BAKER
SCOTT D. BERGIN
RICHARD R. DUVALL
LANCE PORTMAN
RICHARD J. OLSON
MATTHEW V. MIRABILE
KIMBERLY HUNT LEE
REBECCA M. BLAHUT
DANIEL C. STAFFORD
CHRISTINA M. PIRACCI
ANDREA L. GELLEN
CORY A. POOLMAN
SARAH N. WILSON

63 WASHINGTON STREET
POST OFFICE BOX 509
POUGHKEEPSIE, NY 12602-0509
TELEPHONE: (845) 486-6859
FAX: (845) 486-7621

www.mccm.com

JOHN E. MACK (1874-1958)
JOSEPH A. McCABE (1890-1973)
EDWARD J. MACK (1910-1998)
JOSEPH C. McCABE (1925-1981)

Over 120 Years of Service

DIRECT TELEPHONE: (845) 486-6896
E-MAIL: rolson@mccm.com

July 12, 2017

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, PC
PO Box 2280
Newburgh, NY 12550

Re: Cumberland Farms, Inc.
Route 17 K site plan
Our File: 7457-1

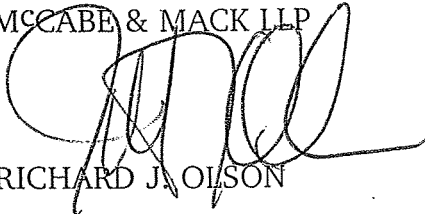
Dear Mr. Taylor:

Enclosed is an executed Stormwater Maintenance Agreement and TP-584 relating to our client's site plan approval for its Route 17K and Rock Cut road project.

If you would have this executed by the Supervisor and advise how you want to handle the recording. We can provide your office with a check for the recording fees if you want to have it recorded directly.

Very truly yours,

MCCABE & MACK LLP



RICHARD J. OLSON

RJO/me

cc: Patrick Hines, PE
James Gillespie, PE

TOWN OF NEWBURGH

Stormwater Control Facility Maintenance Agreement

THIS AGREEMENT is made this day of , 2017 by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 ("Municipality") and Cumberland Farms, Inc. , having an address at 165 Flanders Road, Westborough, MA 01581 (the "Facility Owner").

Whereas, the Municipality and the Facility Owner want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately +/- 1.19 acres more particularly described in Schedule "A" annexed hereto and made a part hereof (the "Property"); and

Whereas, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now, therefore, the Municipality and the Facility Owner agree as follows:

1. This agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Municipality's Stormwater Management Officer.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as Site Development Plans for Cumberland Farms on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.
3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures.

Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.

6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The Facility Owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).

8. This agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys' fees, incurred in enforcing this Agreement and curing a violation.

10. This agreement is effective _____, 2017.

THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the day and year first above written.

TOWN OF NEWBURGH

CUMBERLAND FARMS, INC.

By: _____
Gilbert J. Piaquadio, Supervisor

BY: Kathleen A. Sousa
Printed Name: Kathleen A. Sousa
Title: Senior Pipeline Manager

STATE OF NEW YORK:)
) SS.
COUNTY OF ORANGE:)

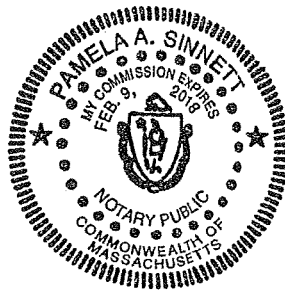
On the _____ day of _____, in the year 2017 before me, the undersigned, personally appeared **GIL PIAQUADIO** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Commonwealth
STATE OF MASSACHUSETTS)
) SS.
COUNTY OF WORCHESTER)

On the 7th day of July, in the year 2017 before me, the undersigned, personally appeared **KATHLEEN A. SOUSA** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in ~~his/her/their~~ capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Pamela A. Sinnett
Notary Public





Ausfeld & Waldruff Land Surveyors LLP

514 State Street, Schenectady, New York 12305
Phone: (518) 346-1595 Fax: (518) 770-1655
www.awlslp.com

LEGAL DESCRIPTION

*Combined Parcel
Containing 1.19 Acres*

All that piece or parcel of land situate in the Town of Newburgh, County of Orange and the State of New York, bounded and described as follows:

Beginning at a point located at the intersection formed by the northerly line of the Cohecton Turnpike, S.H. 43 also known as N.Y.S. Route 17k and the westerly line of Rock Cut Road; thence in a westerly direction and along said northerly line of N.Y.S. Route 17K, North $61^{\circ}38'10''$ West, 173.51 feet to a point; thence in a northerly direction and along the lands now or formerly of Ace Rustproofing, Inc. (Book 2131, Page 845), North $27^{\circ}18'30''$ East, 284.52 feet to an iron rod found; thence in an easterly direction and along the southerly line of the lands now or formerly of Nine Rock Cut Road, LLC (Book 11473, Page 661), South $60^{\circ}45'00''$ East, 182.60 feet to a point; thence in a southerly direction and along the aforesaid westerly line of Rock Cut Road, the following four courses: 1) South $27^{\circ}53'24''$ West 170.85 feet to a point; 2) South $61^{\circ}47'32''$ East, 9.22 feet to a point; 3) South $27^{\circ}53'24''$ West, 65.83 feet to a point and 4) South $46^{\circ}47'56''$ West, 47.43 feet to the point or place of beginning.

Containing in all 1.19 acres of land being more or less

October 30, 2015

Rev. 1-17-17

Z:\PROJECTS\2015\15-1563\1.19 acre LD.doc

Vincent P. Ausfeld P.L.S.

10B

NANNINI & CALLAHAN EXCAVATING, INC.

P.O. BOX 163
CORNWALL, NY 12518

(845) 534-9674 FAX (845) 534-5517
Website: www.nannini-callahan.com

July 14, 2017

Town of Newburgh
Att: Jim Osborne
1496 Route 300
Newburgh, NY 12550

RE: Holiday Park - Water Main Replacement and Installation

Dear Jim:

The following is our proposal for the above referenced project:

SCOPE OF WORK:

- Cut in a 6"x4" tee on existing 6" main
- Install two (2) 6" valves and one (1) 4" valve
- Install 160' of 4" ductile iron pipe
- Install three (3) 3/4" water services to existing house curb stops
- Install blow off at end of new 4" water main
- Backfill and compact trenches
- Pressure and bacteria test new 4" main
- Restore grass areas

TOTAL	\$ 27,500.00
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Exclusions: Rock, unsuitable soil, compaction testing, blacktop restoration, hydrant removals, permits

If you have any questions or need additional information, please feel free to give me a call.

Very truly yours,



Patrick M. Callahan
Vice President
Nannini & Callahan Excavating, Inc.

PMC/hg

11A



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 27, 2017

VIA E-MAIL - mtaylor@riderweiner.com

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

Re: JP Morgan Chase Bank v. Town of Newburgh
Index No. 2016-EF005076; 2017-EF-
Our File No. 5018.143

Dear Mr. Taylor:

Attached please find the proposed Consent Order and Judgment relative to the above-referenced proceedings. There are currently two (2) years pending on this property which is a free-standing branch bank approximately 3,665 sq. feet located at 201 Auto Park Place. The FMV of the property is \$955,800 in 2016. After review of the income and expense statement, lease and amendment, comparison to similar bank properties and consideration of the cost of a trial and a trial-ready appraisal, we negotiated this settlement. The proposed settlement reduces the 2016 FMV of the property to \$890,000. Molly Carhart and I feel that this is a fair settlement.

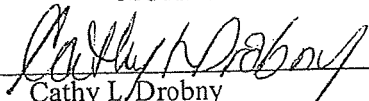
We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. Please advise me once the Resolution passes and I will sign the original Consent Order and Judgment.

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

STATE OF NEW YORK
SUPREME COURT COUNTY OF ORANGE

In the Matter of

JP MORGAN CHASE BANK,

Petitioner,

-against-

**CONSENT ORDER
AND JUDGMENT**

Index Nos. 2016-EF005076
2017-_____

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

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, who are the attorneys of record for the above parties with full, direct and actual authority of their respective clients to do the same, that said proceedings shall be settled and compromised in the following manner:

1. These special proceedings shall be joined for a single disposition pursuant to §710 of the Real Property Tax Law on consent of counsel.
2. The years 2016 and 2017 final assessment on the petitioner's subject property tax parcel 97-2-48.2 (201 Auto Park Place) were fixed by the Assessor of the Town of Newburgh as follows:

Assessment Year	Tax Map No.	Property Location	Property Assessed Value
2016	97-2-48.2	201 Auto Park Place	\$344,100
2017	97-2-48.2	201 Auto Park Place	\$344,100

3. The years 2016 and 2017 final assessments on the petitioner's real property shall be corrected, reduced and revised in the following manner:

Assessment Year	Tax Map No.	Original Assessment	Revised Assessment	Reduction
2016	97-2-48.2	\$344,100	\$320,400	\$23,700
2017	97-2-48.2	\$344,100	\$320,400	\$23,700

4. The Assessor of the Town of Newburgh shall forthwith correct and revise the entry with respect to the final assessment rolls of the Town in a manner consistent with the provisions of the preceding paragraphs.
5. All provisions of Section 727 of the Real Property Tax Law shall specifically apply to the assessment of the property that is the subject of these proceedings.
6. These revised and corrected assessments shall be administered in accordance with the provisions of Section 726 of the Real Property Tax Law and the Town of Newburgh, the Newburgh City School District, the County of Orange and any special district for which taxes are levied based on the assessment made subject to this agreement, shall forthwith audit, pay and refund to petitioner principal amounts of excess taxes paid by petitioner, all refund drafts being payable to "JANATA, LACAP & HAZEN, LLP, as attorneys for Petitioner"; and said refunds should be tendered to Janata, LaCap & Hazen, LLP, 155 North Main Street, New City, New York 10956. Said refunds shall be for repayment of excess principal taxes paid and shall be made in accordance with local refunding procedures established and provided for such cases. Petitioner waives statutory interest from all refunds paid by the Town, County and School District if paid within 60 days of service of this Consent Order and Judgment with notice of entry thereon.

7. If applicable, corrected or amended property tax bills shall be furnished to petitioner by the Town of Newburgh, the Newburgh City School District, the County of Orange, for any subsequent tax billing date for which amended tax bills are in order consistent with the terms and conditions of this agreement.
8. The judicial proceeding as to the assessed value of the subject property in dispute for 2016 and 2017 are being simultaneously compromised, settled and discontinued in accordance with the terms of this agreement without costs or disbursements and the parties are signifying, by their subscribing to the terms and conditions hereof, a full final and binding settlement of the special proceedings entitled above.
9. This Consent Order will be submitted to the New York State Supreme Court for signature and entry, and this proceeding shall thereupon be discontinued on the merits, without costs in favor of any party against another, subject to compliance with the refund provisions made part hereof. Any party may move this Court on notice to the other for any relief it shall deem appropriate for the construction or enforcement of this agreement.

DATED: _____, 2017

Steven E. Nagengast, Esq.
Janata, LaCap & Hazen, LLP
Attorney for Petitioner
155 North Main Street
New City, New York 10956

DATED: _____, 2017

Cathy L. Drobny, Esq.
E. Stewart Jones Hacker Murphy, LLP
Attorney for Respondent, Town of Newburgh
28 Second Street
Troy, New York 12180

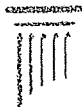
PRESENT: HON. CATHERINE M. BARTLETT, JSC
BE IT SO ORDERED AND ADJUDGED.

DATED: _____, 2017
AT: Goshen, New York

HON. CATHERINE M. BARTLETT, JSC

JP Morgan v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2016	97-2-48.2	\$ 344,100	\$ 100,000	36.00%	\$ 955,833	\$ 277,778	\$ 244,100	County 10.7266	\$ 2,618.36
								Town 8.9568	\$ 2,186.35
								Highway 4.7918	\$ 1,169.68
								Fire-GW 5.7711	\$ 1,408.73
								Sp. Dist. 4.6673	\$ 1,139.29
								Library 3.9992	\$ 828.28
								School 75.0383	\$ 18,316.86
								Newburgh County	\$ -
2017	97-2-48.2	\$ 344,100	\$ 100,000	34.44%	\$ 999,129	\$ 290,360	\$ 244,100	County	\$ -
								Town	\$ -
								Highway	\$ -
								Fire-GW	\$ -
								Sp. Dist.	\$ -
								Library	\$ -
								School	\$ -
								Newburgh County	\$ 2,618.36
								Town	\$ 2,186.35
								Fire-GW	\$ 1,169.68
								SP. DIST.	\$ 1,139.29
								LIBRARY	\$ 828.28
								SCHOOL	\$ 18,316.86



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

June 23, 2017

118
 28 SECOND STREET
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 PHONE: (518) 274-5820
 FAX: (518) 274-5875

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

511 BROADWAY
 SARATOGA SPRINGS, NY 12866
 PHONE: (518) 584-8866

www.joneshacker.com

PLEASE REPLY TO:

Troy

VIA E-MAIL - mtaylor@riderweiner.com

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

RE: GE Commercial Finance n/k/a DP66, LLC v. Town of Newburgh
 Index Nos. 2014-005400; 2015-005449; EF004603-2016
 Our File No. 5018.115

Dear Mark:

Attached please find the proposed Consent Order and Judgment relative to the above-referenced proceedings. There are currently three (3) years pending on the subject property located at 14 Crossroads Court (site of the Orange County Choppers). The assessment of the subject property is \$4,004,500. This assessed value equates to a FMV of \$10,347,545 in 2014, \$10,538,158 in 2015 and \$11,123,611 in 2016. After multiple Court conferences, the Court set a date for exchange of trial-ready appraisals and a trial.

Appraisals were exchanged and reviewed. Our appraisal was below the assessed value and the petitioner's was at an even lower value. In December 2011, the property was transferred to GE Commercial Finance Business Property Corp. for \$17,160,191, reflective of a sale in lieu of foreclosure. Orange County Choppers leased back the property and continued their business operations. In July 2015, the property, subject to the lease with Orange County Choppers, sold for \$4,706,019. In March 2016, the property was sold at an auction, subject to an amended lease, for \$2,388,750. We started our trial preparation but were still engaged in settlement discussions. After several discussions with Molly Carhart, we negotiated the settlement taking into account the petitioner's appraised value, our appraised value, the potential direction that the Court could take, the cost of the trial and, depending on the outcome of the trial, possibility of costs of an appeal. We believe this is a fair 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. If the Resolution passes, please let me know and I will sign and forward the Consent Order and Judgment to the petitioner's attorney for signing and filing.

I have also attached for your review a copy of the refund liability charts that shows the potential liability versus the proposed settlement refund liability. The subject property is under a PILOT agreement; therefore, the refund charts may not be exact. The actual amount of the refunds will be calculated by the taxing authorities.

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: (518) 213-0116

CLD:kah

Attachments

cc: Gilbert Piaquadio, Supervisor
 Molly Carhart, Assessor

In the Matter of the Application of

GE COMMERCIAL FINANCE, n/k/a DP666,

Petitioner,

-against-

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

Respondents.

**CONSENT ORDER
AND JUDGMENT**

Index Nos. 2014-005400;
2015-005449 & EF004603-2016

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, who are the attorneys of record for the above parties with full, direct and actual authority of their respective clients to do the same, that said proceedings shall be settled and compromised in the following manner:

1. These special proceedings shall be joined for a single disposition pursuant to §710 of the Real Property Tax Law on consent of counsel.
2. The 2014, 2015 and 2016 final assessments on the petitioner's subject property were fixed by the Assessor of the Town of Newburgh as follows:

Year	Tax Map No.	Property Location	Property Assessed Value
2014	95-1-74	14 Crossroads Court	\$4,004,500
2015	95-1-74	14 Crossroads Court	\$4,004,500
2016	95-1-74	14 Crossroads Court	\$4,004,500

3. The 2014, 2015 and 2016 final assessments on the petitioner's real property shall be corrected, reduced and revised in the following manner:

Year	Tax Map No.	Original Assessment	Revised Assessment	Reduction
2014	95-1-74	\$4,004,500	\$2,128,500	(\$1,876,000)
2015	95-1-74	\$4,004,500	\$2,090,000	(\$1,914,500)

2016	95-1-74	\$4,004,500	\$1,980,000	(\$2,024,500)
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5. The Assessor of the Town of Newburgh shall forthwith correct and revise the entries with respect to the final assessment rolls of the Town in a manner consistent with the provisions of the preceding paragraphs.

6. The Town of Newburgh, the Newburgh Enlarged City School District, the County of Orange, and any special district for which taxes are levied based on the assessments made subject to this agreement, shall forthwith audit, pay and refund to petitioner principal amounts of excess taxes paid by petitioner, all refund drafts being payable to "HERMAN KATZ CANGEMI & CLYNE LLP, AS ATTORNEYS FOR PETITIONER," and said refunds should be tendered to Herman Katz Cangemi & Clyne LLP, 538 Broadhollow Road, Suite 307, Melville, New York 11747. Said refunds shall be for repayment of excess principal taxes paid and shall be made in accordance with local refunding procedures established and provided for such cases. Petitioner waives statutory interest from all refunds paid by the Town, County and School District if paid within sixty (60) days of service of this Consent Order and Judgment with Notice of Entry thereon.

7. If applicable, corrected or amended property tax bills shall be furnished to petitioner by the Town of Newburgh, the County of Orange, and the Newburgh Enlarged City School District, for any subsequent tax billing date for which amended tax bills are in order consistent with the terms and conditions of this agreement.

8. The judicial proceedings as to the assessed values of the subject property in dispute for 2014, 2015 and 2016 are being simultaneously compromised, settled and discontinued in accordance with the terms of this agreement without costs or disbursements and the parties are signifying, by their subscribing to the terms and conditions hereof, a full final and binding settlement of the special proceedings entitled above.

9. Real Property Tax Law §727 shall apply. Acknowledging the applicability of RPTL §727, the petitioner agrees not to file judicial Petitions challenging the assessments of the subject property in 2017, 2018 and 2019 and also not to file any administrative grievances with the Board of Assessment Review as long as the assessed valuations of the subject property as agreed to for 2014, 2015 and 2016 are not changed for 2017, 2018 and 2019, subject to the exceptions as set forth in Real Property Tax Law §727.

10. This Consent Order will be submitted to the New York State Supreme Court for signature and entry and these proceedings shall thereupon be discontinued on the merits, without costs in favor of any party against another, subject to compliance with the refund provisions made part hereof. Any party may move this Court on notice to the other for any relief it shall deem appropriate for the construction or enforcement of this agreement.

DATED: _____, 2017

Cathy L. Drobny, Esq.
E. Stewart Jones Hacker Murphy LLP
Attorneys for Respondents
28 Second Street
Troy, New York 12180
Tel: (518) 274-5820

DATED: MAY 4, 2017

Kevin M. Clyne, Esq.
Herman Katz Cangemi & Clyne LLP
Attorneys for Petitioner
538 Broadhollow Road, Suite 307
Melville, New York 11747
Tel: (631) 501-5011

PRESENT: HON. _____
BE IT SO ORDERED AND ADJUDGED.

DATED: _____, 2017
AT: _____, New York

Hon. Catherine M. Bartlett

GE Commercial v. T/O Newburgh - Potential Liability

Year	Parcel Number	Assessed Value	Assessed Value	Claimed Value	Taxable AV	Taxable Percent	Claimed Taxable AV	Eq. Rate	FMV	Claimed FMV	AV & Claimed Taxable AV	Difference Taxable AV & Claimed Taxable AV	Tax Rate	Refund Liability
2014	95-1-74	\$ 4,004,500	\$ 400,450	\$ 400,450	\$ 2,488,500	62.14259%	\$ 248,650	38.70%	\$ 10,347,545	\$ 1,034,755	\$ 3,604,050	\$ 2,239,650	County	10.0772 \$ 22,569.40
													Town	8.8549 \$ 19,831.88
													Highway	4.1847 \$ 9,372.26
													Fire-OL	4.0484 \$ 9,067.00
													Sp. Dist	4.0407 \$ 9,049.75
													Library	2.854649 \$ 6,393.41
													School	70.343901 \$ 157,545.72
2015	95-1-74	\$ 4,004,500	\$ 400,450	\$ 2,867,500	\$ 2,867,500	71.60694%	\$ 286,750	38.00%	\$ 10,538,158	\$ 1,053,816	\$ 3,604,050	\$ 2,580,750	County	10.3172 \$ 26,626.11
													Town	9.3402 \$ 24,104.72
													Highway	4.1586 \$ 10,732.31
													Fire-OL	4.1357 \$ 14,905.27
													Sp. Dist	4.3015 \$ 15,502.82
													Library	3.181501 \$ 8,210.66
													School	73.273521 \$ 189,100.64
2016	95-1-74	\$ 4,004,500	\$ 400,450	\$ 3,246,500	\$ 3,246,500	81.07129%	\$ 324,650	36.00%	\$ 11,123,611	\$ 1,112,361	\$ 3,604,050	\$ 2,921,850	County	10.7266 \$ 31,341.52
													Town	8.95668 \$ 26,170.43
													Highway	4.7918 \$ 14,000.92
													Fire-OL	4.0292 \$ 14,521.44
													Sp. Dist	4.2899 \$ 15,461.01
													Library	3.393216 \$ 12,229.32
													School	75.038340 \$ 219,250.77
2017	95-1-74	\$ 4,004,500	\$ 400,450	\$ 3,625,500	\$ 3,625,500	90.53565%	\$ 362,550	34.44%	\$ 11,627,468	\$ 1,162,747	\$ 3,604,050	\$ 3,262,950	County	\$ -
													Town	\$ -
													Highway	\$ -
													Fire-OL	\$ -
													Sp. Dist	\$ -
													Library	\$ -
													School	\$ -
													COUNTY	\$ 80,537.03
													TOWN	\$ 70,107.02
													HIGHWAY	\$ 34,105.49
													FIRE-OL	\$ 38,493.71
													SP. DIST.	\$ 40,013.59
													LIBRARY	\$ 26,833.39
													SCHOOL	\$ 565,897.13
													Newb CSD	\$ -
Fire District and Special District taxed at the assessed value and not subject to an exemption in 2015 & 2016 proceeding (2016 & 2017 Town/County Tax bill)														
This refund chart is an estimate and the actual amount of the refunds will be confirmed and calculated by the taxing authority														

GE Commercial v. T/O Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced AV	Taxable AV	Taxable Percent	Reduced Taxable AV	Eq. Rate	FIMV	Reduced FIMV	Difference AV & Reduced AV	Difference Taxable AV & Reduced Taxable AV		Tax Rate	Refund Liability
2014	95-1-74	\$ 4,004,500	\$ 2,128,500	\$ 2,488,500	62.14259%	\$ 1,322,705	38.70%	\$ 10,347,545	\$ 5,500,000	\$ 1,876,000	\$ 1,165,795	County	10.0772	\$ 11,747.95
												Town	8.8549	\$ 10,323.00
												Highway	4.1847	\$ 4,878.50
												Fire-OL	4.0484	\$ 4,719.60
												Sp. Dist	4.0407	\$ 4,710.63
												Library	2.854649	\$ 3,327.94
												School	70.343901	\$ 82,006.57
2015	95-1-74	\$ 4,004,500	\$ 2,090,000	\$ 2,867,500	71.60694%	\$ 1,496,585	38.00%	\$ 10,538,158	\$ 5,500,000	\$ 1,914,500	\$ 1,370,915	County	10.3172	\$ 14,144.00
												Town	9.3402	\$ 12,804.62
												Highway	4.1586	\$ 5,701.09
												Fire-OL	4.1357	\$ 7,917.80
												Sp. Dist	4.3015	\$ 8,235.22
												Library	3.181501	\$ 4,361.57
												School	73.273521	\$ 100,451.76
2016	95-1-74	\$ 4,004,500	\$ 1,980,000	\$ 3,246,500	81.07129%	\$ 1,605,212	36.00%	\$ 11,123,611	\$ 5,500,000	\$ 2,024,500	\$ 1,641,288	County	10.7266	\$ 17,605.44
												Town	8.9568	\$ 14,700.69
												Highway	4.7918	\$ 7,864.73
												Fire-OL	4.0292	\$ 8,157.12
												Sp. Dist	4.2899	\$ 8,684.90
												Library	3.393216	\$ 6,869.57
												School	75.0388340	\$ 123,159.55
2017	95-1-74	\$ 4,004,500	\$ 1,980,000	\$ 3,625,500	90.53565%	\$ 1,792,606	34.44%	\$ 11,627,468	\$ 5,749,129	\$ 2,024,500	\$ 1,832,894	County		\$ -
												Town		\$ -
												Highway		\$ -
												Fire-OL		\$ -
												Sp. Dist		\$ -
												Library		\$ -
												School		\$ -
												COUNTY		\$ 43,497.40
												TOWN		\$ 37,828.31
												HIGHWAY		\$ 18,444.31
												FIRE-OL		\$ 20,794.52
												SP. DIST.		\$ 21,630.75
												LIBRARY		\$ 14,559.07
												SCHOOL		\$ 305,617.88
												Newb CSD		\$ -
														\$ -

This refund chart is an estimate and the actual amount of the refunds will be confirmed and calculated by the taxing authority

11 B



TOWN OF NEWBURGH

1496 ROUTE 300, NEWBURGH, NEW YORK 12550

Molly A. Carhart
Sole Assessor

845-564-4550
Assessor@TownOfNewburgh.org

July 20, 2017

To: Supervisor Gil Piaquado
Newburgh Town Board

Re: Orange County Choppers Settlement

The Orange County Choppers settlement (GE Commercial Finance/DP66) is on the agenda for Monday's workshop meeting.

The refund tables prepared by Cathy Drobney's office do not take into account the PILOT exemption for this property. PILOTS work both ways, and Debbie Smith has estimated the actual refunds based on the assessment information for each roll year:

Roll Year	Requested Refund	Refund on Chart	Refund with PILOT
2014	\$48,434.67	\$25,732.01	\$11,234.11
2015	\$67,392.05	\$35,799.20	\$34,669.93
2016	\$110,096.25	\$61,844.26	\$47,839.83
Totals:	\$225,922.97	\$123,375.47	\$93,743.87

There will be a refund due for Roll Year 2017 as well. Debbie is unable to calculate the refund because we don't have next year's rates yet.

The 2016 assessment will be held for 2017, 2018 and 2019. However, any improvements they make to the building can and will be assessed.

If you have any questions, please just let me know. I will be at the meeting July 24th as well.

Thank you very much,

Molly A. Carhart
Assessor

11 C

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

28 SECOND STREET
TROY, NY 12180
PHONE: (518) 274-5820
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LATHAM, NY 12110
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FAX: (518) 783-8101

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

www.joneshacker.com

PLEASE REPLY TO:
Troy _____

June 19, 2017.

VIA E-MAIL - mtaylor@riderweiner.com

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

Re: RBS Citizens, N.A. v. Town of Newburgh
Index No. 2012-5678; 2013-6420; 2014-5291; 2015-5356 & 2016- EF004556
Our File No. 5018.1000

Dear Mr. Taylor:

Attached please find the proposed Consent Order and Judgment in reference to the above-entitled proceedings. There are currently five (5) years pending on this property which is the Citizens Bank located on Route 300. The FMV of the property ranges from \$1,793,952 in 2012 to \$1,944,444 in 2016. After review of the discovery documents provided, recent sale of the subject property, comparison to similar bank properties and consideration of the cost of a trial and a trial-ready appraisal, we negotiated this settlement. The proposed settlement discontinues the 2012 proceeding and reduces the FMV of the property in 2013, 2014, 2015 and 2016 to a value ranging from \$1,511,342 in 2013 to \$1,525,000 in 2016. Molly Carhart and I feel that this is a fair settlement.

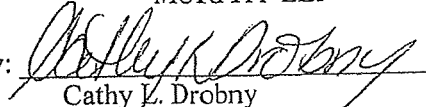
We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board Meeting for approval. Please advise me once the Resolution passes and I will sign the original Consent Judgment and Judgment.

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

Our File #100-877

At a Special Term of the Supreme Court, State of New York, County of Orange, held at New York on the _____ day of 2017.

P R E S E N T

Hon. Catherine M. Bartlett
Justice

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

CONSENT JUDGMENT

RBS CITIZENS, N.A.

Petitioner,

Index #

Tax Year

-against-

2013-6420

2013/14

2014-5291

2014/15

2015-5356

2015/16

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

Respondents,
-----X
-----X

In the Matter of the Application of:

CITIZENS BANK, N.A.

Petitioner,

Index #

Tax Year

-against-

2016-EF004556 2016/17

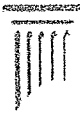
THE ASSESSOR, THE BOARD OF ASSESSORS AND
THE BOARD OF ASSESSMENT REVIEW OF THE
TOWN OF NEWBURGH AND THE TOWN OF
NEWBURGH

Respondents,
-----X

Proceedings having been brought by RBS CITIZENS, N.A./CITIZENS BANK, N.A., the Petitioner herein, to review the assessments by the Respondents located in the Town of Newburgh, designated as Section 60, Block 3, Lot(s) 52 on the tax maps and assessment rolls of the Town of Newburgh and owned by the Petitioner herein for the taxable status dates of March 1, 2013 (Tax Year: 2013/14), March 1, 2014

RBS Citizens, NA v. Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2012	60-3-52	\$ 700,000	\$ 700,000	39.02%	\$ 1,793,952	\$ 1,793,952	\$ -	County 9.1063 Town 7.6485	\$ -
								Highway 3.9992 Fire-OL 4.0014 Sp. Dist. 3.8115 Library 2.446767	\$ -
								School 61.754899	\$ -
2013	60-3-52	\$ 700,000	\$ 597,000	39.50%	\$ 1,772,152	\$ 1,511,392	\$ 103,000	County 9.8169 Town 8.6814	\$ 1,011.14
								Highway 4.1204 Fire-OL 4.0614 Sp. Dist. 4.4578 Library 2.661762	\$ 894.18
								School 67.18109	\$ 424.40
								County 10.0772 Town 8.8549	\$ 418.32
2014	60-3-52	\$ 700,000	\$ 581,000	38.70%	\$ 1,808,786	\$ 1,501,292	\$ 119,000	County 10.0772 Town 8.8549	\$ 1,199.19
								Highway 4.1847 Fire-OL 4.0494 Sp. Dist. 4.4026 Library 2.854649	\$ 1,053.73
								School 70.343901	\$ 497.98
								County 10.3172 Town 9.3402	\$ 481.76
2015	60-3-52	\$ 700,000	\$ 570,000	38.00%	\$ 1,842,105	\$ 1,500,000	\$ 130,000	County 10.3172 Town 9.3402	\$ 1,341.24
								Highway 4.1586 Fire-OL 4.1357 Sp. Dist. 4.6810 Library 3.181501	\$ 540.62
								School 73.273621	\$ 537.64
								County 10.7266 Town 8.9568	\$ 608.53
2016	60-3-52	\$ 700,000	\$ 549,000	36.00%	\$ 1,944,444	\$ 1,525,000	\$ 151,000	County 10.7266 Town 8.9568	\$ 1,619.72
								Highway 4.7918 Fire-OL 4.0292 Sp. Dist. 4.6673 Library 3.393216	\$ 1,352.48
								School 75.038340	\$ 704.76
								County 10.7266 Town 8.9568	\$ 512.38
								Highway 4.7918 Fire-OL 4.0292 Sp. Dist. 4.6673 Library 3.393216	\$ 11,330.79
								School 75.038340	\$ 5,171.28
								County 10.7266 Town 8.9568	\$ 4,514.62
								Highway 4.7918 Fire-OL 4.0292 Sp. Dist. 4.6673 Library 3.393216	\$ 2,186.56
								School 75.038340	\$ 2,046.13
								County 10.7266 Town 8.9568	\$ 2,296.36
								Highway 4.7918 Fire-OL 4.0292 Sp. Dist. 4.6673 Library 3.393216	\$ 1,539.84
								School 75.038340	\$ 36,146.92



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

110?

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 21, 2017

VIA E-MAIL - mtaylor@riderweiner.com

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

Re: Nicolas DiBrizzi v. Town of Newburgh
Index No. 004984/2016
Our File No. 5018.095

Dear Mr. Taylor:

Attached please find the proposed Consent Judgment relative to the above-referenced proceeding. There is currently only one year pending on this residential property that is located at 13 Anchor Drive. The 2016 FMV of the property is \$1,294,444. After a review of the property records, the comparable properties in the subject neighborhood and consideration of the cost of a trial and a trial-ready appraisal, we negotiated this settlement. The proposed settlement reduces the FMV of the property to \$1,037,500. 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. Please advise me once the Resolution passes and I will sign the original Consent Judgment and Judgment.

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 Piquadio, Supervisor
Molly Carhart, Assessor

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Orange, at 285 Main Street, Goshen, New York on the ____ day of _____, 2017.

PRESENT: Hon.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of
NICOLAS DiBRIZZI,

Petitioner,

- against -

CONSENT JUDGMENT

Index No.: 004984/2016

TOWN OF NEWBURGH, a Municipal Corporation, its ASSESSOR and its BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real Property under Article 7 of the Real Property Tax Law.

-----X

The above petitioner having heretofore served and filed a Petition and Notice to review the tax assessment fixed by the Town of Newburgh for the assessment roll of 2016, upon certain real property located in the Town of Newburgh, Orange County, New York, and designated as: 13 Anchor Drive (Tax Map No.: 121-1-15) on the Official Assessment Map of the Town of Newburgh, and

The petitioner having appeared by Corbally, Gartland and Rappleyea, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by E Stewart Jones Hacker Murphy, LLP, Cathy L. Drobny, Esq., Attorneys for the Town of Newburgh, and the parties

having made their settlement, it is hereby

ORDERED, that the assessment of the property referred to herein, be and the same is hereby reduced, corrected and fixed for the 2016 assessment roll as follows:

DESCRIPTION (Tax Map No.: 121-1-15) - 13 Anchor Drive

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2016	466,000	373,500	92,500

, and it is further

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

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Orange County Commissioner of Finance or the Town of Newburgh for 13 Anchor Drive (Tax Map No.: 121-1-15), the amount of Town, Special District and any other ad valorem taxes paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the

contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that the Commissioner of Finance of the County of Orange, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioner the amount of County taxes paid by the petitioner as taxes against the erroneous assessment in excess of what the taxes would have been had the assessment been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute; provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order upon the Commissioner of Finance with notice of entry; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Marlboro Central School District for 13 Anchor Drive (Tax Map No.: 121-1-15), the amount of School taxes, and Library taxes if applicable, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that the Fire District or the Orange County Commissioner of Finance,

County of Orange, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioner where applicable, the amounts, if any, of County taxes and ad valorem Special District Taxes, if any, paid by the petitioner as taxes against the erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid tax year had been as determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED AND DIRECTED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Orange County Commissioner of Finance, Town of Newburgh, Marlboro Central School District and/or any of the various taxing authorities, be made by check or draft payable to the order of Corbally, Gartland and Rappleyea, LLP, as attorneys for the petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that the assessed valuation determined herein shall not be changed for the subject property for the next three (3) succeeding assessment rolls prepared on the basis of the three (3) taxable status dates next occurring on or after the taxable status date of the most recent assessment under review, for the 2017, 2018 and 2019 tax rolls, pursuant to § 727(1) of the Real Property Tax Law of the State of New York; and it is further

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

Dated: Goshen, New York
_____, 2017

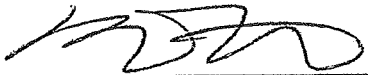
ENTER,

Signing and entry of the within
Order is hereby Consented to:

E STEWART JONES HACKER MURPHY LLP

BY: _____
CATHY L. DROBNY, ESQ.
Attorneys for Respondents
28 Second Street
Troy, NY 12180
Telephone: (518) 213-0116

CORBALLY, GARTLAND and RAPPLEYEA, LLP

BY:  _____

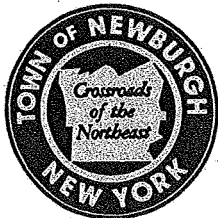
KAREN E. HAGSTROM, ESQ.
Attorneys for Petitioner
35 Market Street
Poughkeepsie, NY 12601
(845) 454-1110

DiBrizzi v. T/O Newburgh Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2016	121-1-15	\$ 466,000	\$ 373,500	36.00%	\$ 1,294,444	\$ 1,037,500	\$ 92,500	County	10.7266 \$ 992.21
							Town	8.9568 \$ 828.50	
							Highway	4.7918 \$ 443.24	
							Fire-Mi	3.722 \$ 344.29	
							Sp. Dist.	1.557 \$ 144.02	
							Library	1.93145 \$ 178.66	
							School	77.4293 \$ 7,162.21	
							County		\$ 992.21
							Town		\$ 828.50
							Highway		\$ 443.24
							Fire-Mi		\$ 344.29
							Sp. Dist		\$ 144.02
							Library		\$ 178.66
							School		\$ 7,162.21

DiBrizzi v. T/O Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2016	121-1-15	\$ 466,000	\$ 180,000	36.00%	\$ 1,294,444	\$ 500,000	\$ 286,000	County 10.7266 Town 8.9568 Highway 4.7918 Fire-Mi 3.722 Sp. Dist. 1.557	\$ 3,067.81 \$ 2,561.64 \$ 1,370.45 \$ 1,064.49 \$ 445.30
							Marlboro	Library 1.93145 School 77.4293	\$ 552.39 \$ 22,144.77
								County	\$ 3,067.81
								Town	\$ 2,561.64
								Highway	\$ 1,370.45
								Fire-Mi	\$ 1,064.49
								Sp. Dist	\$ 445.30
								Library	\$ 552.39
								School	\$ 22,144.77



TOWN OF NEWBURGH ANIMAL CONTROL &
SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344
FAX: (845) 561-2220

To: Town Board

From: Cheryl Cunningham, Animal Control

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

Date: July 11, 2017

I am requesting authorization to use the T-94 account to pay for veterinary services from:
Newburgh Vet

Totaling: \$104.40

Feline:

Canine: \$104.40

Thank you,
Cheryl Cunningham

ORIGINAL

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

DO NOT WRITE IN THIS BOX

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

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

Invoice # _____

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
2/11/17	653770			33.00
2/14/17	654040			16.50
2/15/17	654089			16.50
2/17/17	654280			5.40
2/21/17	654551			33.00
			TOTAL	104.40

CLAIMANT'S CERTIFICATION

I, Dora mCast certify that the above account in the amount of \$ 104.40 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.

6/27/17
DATE

Dora mCast
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

(1)

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 07-06-17 at 9:50a
Date: 06-11-17
Account: 19984
Invoice: 653770

Date	For	Qty	Description	Price	Discount	Net Price
06-11-17	34-17 Buddy	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50 ✓
06-06-17	Jay Jay	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50 ** ✓
Total charges, this invoice...						33.00
**Total discount included: 33.00						

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

Reminders for: 34-17 Buddy	Last done
06/18	CANINE RABIES / 3 YEAR
12/17	Neuter your pet at 5-6 months
12/17	Canine Kennel Cough Vacc -1 ye
12/17	FECAL EXAM
06/13	CONSULT/EXAM - Annual Wellness
12/12	HEARTWORM TEST

Reminders for: Jay Jay	Last done
06/18	CANINE RABIES / 3 YEAR
12/17	Spay your pet at 5-6 months
12/17	Canine Kennel Cough Vacc -1 ye
12/17	FECAL EXAM
06/14	CONSULT/EXAM - Annual Wellness
12/13	HEARTWORM TEST

ORIGINAL

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660



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

Printed: 07-06-17 at 9:50a
Date: 06-14-17
Account: 19984
Invoice: 654040

Date	For	Qty	Description	Price	Discount	Net Price
06-14-17	37-17 Donna Agu	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50 ✓

Total charges, this invoice...

16.50

**Total discount included: 16.50

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

Reminders for: **37-17 Donna Aguilar**

Last done

06/18 CANINE RABIES / 3 YEAR
01/18 CONSULT/EXAM - Annual Wellness
12/17 Canine Kennel Cough Vacc -1 ye
12/17 Spay your pet at 5-6 months
07/17 HEARTWORM TEST
07/17 FECAL EXAM

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Newburgh, NY 12550
845 564-2660

③

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

Printed: 07-06-17 at 9:49a
Date: 06-15-17
Account: 19984
Invoice: 654089

Date	For	Qty	Description	Price	Discount	Net Price
06-15-17	#38-17 Baby	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50 *✓

Total charges, this invoice... 16.50
**Total discount included: 16.50

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

Reminders for: **#38-17 Baby**

Last done

06/18	CONSULT/EXAM - Annual Wellness
06/18	CANINE RABIES / 3 YEAR
12/17	HEARTWORM TEST
12/17	FECAL EXAM
08/17	Canine Kennel Cough Vacc -1 ye
07/17	VANGUARD PUPPY 5 #1

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1716 Route 300
Newburgh, NY 12550
845 564-2660

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

Printed: 07-06-17 at 9:49a
Date: 06-17-17
Account: 19984
Invoice: 654280

Date	For	Qty	Description	Price	Discount	Net Price
06-17-17	Spot 4/3/17	1	Panolog / Quadritop Ointment 15ml	24.29	18.89	5.40

Total charges, this invoice... 5.40

**Total discount included: 18.89

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

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INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

5

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 07-06-17 at 9:48a
Date: 06-21-17
Account: 19984
Invoice: 654551

Date	For	Qty	Description	Price	Discount	Net Price
06-21-17	#40-17 Jade	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50
06-20-17	39-17 Pepper	1	CANINE RABIES / 1YEAR	33.00	16.50	16.50
Total charges, this invoice...						33.00
**Total discount included: 33.00						

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

Reminders for: **#40-17 Jade**

Last done

06/18 CONSULT/EXAM - Annual Wellness
 06/18 CANINE RABIES / 3 YEAR
 12/17 HEARTWORM TEST
 12/17 FECAL EXAM
 10/17 Spay your pet at 5-6 months
 08/17 Canine Kennel Cough Vacc -1 ye
 08/17 VANGUARD PUPPY 5 #1

Reminders for: **39-17 Pepper**

Last done

06/18 CANINE RABIES / 3 YEAR
 12/17 FECAL EXAM
 12/17 Canine Kennel Cough Vacc -1 ye
 06/14 CONSULT/EXAM - Annual Wellness
 12/13 HEARTWORM TEST

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