

WORKSHOP MEETING AGENDA

Wednesday, December 10, 2014
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. RECOGNITION of N.F.A. Football Team
7. PUBLIC HEARING (7:00 P.M.): Introductory Local Law No. 9 to Provide for Personal Service Stores
8. PUBLIC HEARING (7:15 p.m.): Introductory Local Law No. 10 Providing for Residency and Elector Requirements for Court Officers
9. UNSAFE BUILDING
10. ENGINEERING: Meadow Hill So. – Discussion of Proposed Sanitary Sewer
11. BUILDINGS & GROUNDS: Request to Hire for Position of Custodian
12. RECREATION:
 - A. Authorization to Obtain County List or Post Position in Absence of List for Recreation Specialist
 - B. Appraisal of Baxter Property
13. FLEET MAINTENANCE:
 - A. Start Hiring Process for Part Time Clerk
 - B. Purchase of Video System
14. CODE COMPLIANCE:
 - A. Requesting Resident List for Full Time Typist from Orange County
 - B. Amendment to Resolution (Unsafe Building)
15. HIGHWAY:
 - A. Hiring of Seasonal Employees
 - B. Class 8 Truck
16. TAX CAP
17. SCHEDULE OF FEES: Schedule Public Hearing
18. DATA PROCESSING: Purchase of Computer for New Employee
19. ZONING:
 - A. Solar Law Referral to Appropriate Boards
 - B. Tower Law—Telecommunications
20. BOND RESOLUTION FOR 2014: Water and Capital Improvements
21. ADJOURNMENT

**TOWN OF NEWBURGH
INTRODUCTORY LOCAL LAW NO. __ OF 2014
AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE
CODE OF THE TOWN OF NEWBURGH
TO ADD A DEFINITION OF PERSONAL SERVICE STORE OR USE AND
TO PROVIDE FOR PERSONAL SERVICE STORES AND USES AS A
PERMITTED PRINCIPAL USE SUBJECT TO SITE PLAN REVIEW
IN THE IB ZONING DISTRICT**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange, as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Add a Definition of Personal Service Store or Use and to Provide for Personal Service Stores and Uses as a Permitted Principal Use Subject to Site Plan Review in the IB Zoning District".

SECTION 2 – PURPOSE AND INTENT

The purpose of this local law is to define and permit personal service stores and uses as a principal use in the Interchange Business (IB) District subject to site plan review by the Planning Board. Personal service stores and uses have been permitted in the IB District as part of shopping centers and personal service stores are already permitted in the Business (B) District as a principal use subject to site plan review. The Town Board declares its intent to permit personal service stores and uses, as defined herein, as a principal use subject to site plan review in the IB District without a requirement that the personal service store or use be proposed in conjunction with a shopping center. The Board finds that personal service stores and uses are similar to and consistent with other principal commercial uses already separately permitted in the IB District. The local law also amends to B District Table of Use and Bulk Requirements to match the defined term.

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Section 185-3 entitled "Definitions of Chapter 185, entitled "Zoning" of the Code of the Town of Newburgh is hereby amended by the addition of the definition of "Personal Service Store or Use" to read as follows"

“PERSONAL SERVICE STORE OR USE - An establishment or use that primarily renders services to persons rather than engaging in the sale of products, including but not limited to barber, hairdresser, health spa, beauty, tanning, tattoo and nail salons and parlors, shoe repair, laundry, laundromat, dry cleaner, tailoring, dressmaking, photographic studio, pet grooming, catering with no on-site food service, express mail/courier without warehouse, travel agencies and businesses providing similar services. Personal services may include, as an accessory use only, retail sales of items related to the services being provided. Personal services do not include professional office use or motor vehicle related services.”

2. Chapter 185, “Zoning” of the Code of the Town of Newburgh, Table of Use and Bulk Requirements for the IB Zoning District, Schedule 8 of the Code adopted and incorporated into the Code pursuant to §185-10 entitled “Utilization of Use Table” and §185-11 entitled “Utilization of Bulk Table” shall be amended as follows:

A. Number 2 of Column D entitled “Uses Subject to Site Plan Review by the Planning Board” shall be amended to read as follows:

“5. Individual retail stores, convenience stores with or without gasoline filling stations, personal service stores and uses and health clubs and fitness facilities.”

3. Chapter 185, “Zoning” of the Code of the Town of Newburgh, Table of Use and Bulk Requirements for the B Zoning District, Schedule 7 of the Code adopted and incorporated into the Code pursuant to §185-10 entitled “Utilization of Use Table” and §185-11 entitled “Utilization of Bulk Table” shall be amended as follows:

A. Number 1 of Column D entitled “Uses Subject to Site Plan Review by the Planning Board” shall be amended to read as follows:

“1. Retail stores and personal service stores and uses, health clubs and fitness facilities.”

SECTION 4 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence,

paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

SECTION 5 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

**TOWN OF NEWBURGH
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on November 17, 2014, a Local Law designated as Introductory Local Law No. 9 of the Year 2014 and entitled "A Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to Provide for Personal Service Stores and Uses as a Permitted Principal Use Subject to Site Plan Review in the IB Zoning District."

The purposes and effects of the Local Law are to permit personal service stores and uses as a principal use in the Interchange Business (IB) District subject to site plan review by the Planning Board. A personal service store or use is defined as "an establishment or use that primarily renders services to persons rather than engaging in the sale of products, including but not limited to barber, hairdresser, health spa, beauty, tanning, tattoo and nail salons and parlors, shoe repair, laundry, laundromat, dry cleaner, tailoring, dressmaking, photographic studio, pet grooming, catering with no on-site food service, express mail/courier without warehouse, travel agencies and businesses providing similar services. Personal services may include, as an accessory use only, retail sales of items related to the services being provided. Personal services do not include professional office use or motor vehicle related services." The same bulk requirements, including lot area, width and depth, yards, building height, building and surface coverage, as apply to offices for individual retail stores, convenience stores without gasoline filling stations and health clubs and fitness facilities shall apply to personal service stores and uses. Personal service stores and uses have been permitted in the IB District as part of shopping centers.

PLEASE TAKE FURTHER NOTICE that pursuant to Section Twenty of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Newburgh at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York at 7:00 o'clock p.m. on December 10, 2014 at which time all interested parties will be heard. The Town of Newburgh provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 564-4554. Advance notice is requested

Dated: November 21, 2014

Andrew J. Zarutskie
Town Clerk, Town of Newburgh

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Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

November 7, 2014

Town of Newburgh Town Board
1496 Route 300
Newburgh, NY 12550

RE: Proposed Personal Service Store Local Law

Members of the Board:

The planning board took up consideration of the above referenced proposed local law during its meeting of November 6, 2014. The planning board has authorized me to prepare this letter constituting the planning board's report pursuant to Section 185-60 of the Code of the Town of Newburgh.

Section 185-60(B)(1)(a): Whether such change is consistent with the aims and principles embodied in the Chapter as to the particular districts concerned.

The planning board is not certain of the rationale for the distinction in treatment of personal service stores between the IB and B zoning districts. However, whatever reason there may have been for that distinction, the planning board sees not continuing reason for limiting personal service stores in the IB zoning district only as part of a shopping center.

Section 185-60(B)(1)(b): Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected.

Without spending time surveying each IB zoning district area within the town, it is difficult to specifically identify the areas and establishments in the town that will be directly affected by the proposed change. However, it is the assessment of the planning board that the change will encourage the reuse of smaller buildings, either currently vacant or underproductive in their use, for various personal service store uses; a positive change.

Section 185-60(B)(1)(c): The indirect implications of such change and its effects on other regulations.

The planning board perceives no indirect implications likely to flow from the proposed change.

Section 185-60(B)(1)(d): Whether such amendment is consistent with the aims of the Master Plan

The planning board believes that the proposed change is consistent with the aims of the Master Plan. In particular, since the Master Plan encourages the creation and fostering of hamlet areas, the allowance of personal service stores in more areas of the town will allow more local residential neighborhoods to have such stores nearby; a concept akin to hamlet creation and fostering.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", written in a cursive style.

MICHAEL H. DONNELLY

**TOWN OF NEWBURGH
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on November 17, 2014, Introductory Local Law No. 10 of the Year 2014 entitled "A Local Law Providing for the Residency and Elector Requirements for Court Officers of the Town of Newburgh". The purpose and effect of the local law are to add Court Officers to the list of offices in Chapter 42 entitled "Residency Requirements" of the Municipal Code for which individuals otherwise qualified shall not be required to be a resident or an elector of the Town of Newburgh at the time of appointment and during the term of office. Such individuals must still reside within the County of Orange or an adjoining county within the State of New York, provided the individual's residence in an adjoining county is within thirty (30) linear miles of the nearest boundary of the Town.

PLEASE TAKE FURTHER NOTICE that pursuant to Section Twenty of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Newburgh at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York at 7:15 o'clock p.m. on December 10, 2014 at which time all interested parties will be heard.

The Town of Newburgh provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at (845) 564-4554. Advance notice is requested

Dated: November 21, 2014

Andrew J. Zarutskie
Town Clerk, Town of Newburgh

At a meeting of the Town Board
held at 1496 Rte. 300, in the Town of
Newburgh on the 10th day of
December 2014 at 7:00 pm

Present:

Gilbert Piaquadio, Councilman/ Acting Supervisor
Elizabeth Greene, Councilwoman
Paul Ruggerio, Councilman
George Woolsey, Councilman

RESOLUTION DETERMINING
UNSAFE BUILDINGS AND
ORDER TO MAKE SAFE OR
REMOVE

WHERE AS, it was reported to the Town Board that a building addressed as 5341 Rte. 9W in the Town of Newburgh owned by Thomas and Sharon Dixon., said premises designated as Section 10, Block 2, Lot 4 , might be dangerous or unsafe to the public and

WHERE AS, the Town Board ordered the Code Compliance Dept. to make an inspection and report of said site, and

WHERE AS, the Code Compliance Dept. did so inspect and deliver a report on said building to said Town Board on the 10th, day of December 2014 and

WHERE AS, the Town Board has carefully considered said report.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newburgh declares that the garage located on a portion of 5341Rte.9W. premises owned by Thomas and Sharon Dixon. said premises designated as Section 10, Block 2, Lot 4 is unsafe and dangerous and comes within the confines of Chapter 75, Subsection 2, of the Town of Newburgh Municipal Code.

BE IT FURTHER RESOLVED AND ORDERED, that said building shall be made safe or removed and that work shall commence within (20) days of the serving of notice of this Resolution and shall be completed (45) days thereafter.

BE IT FURTHER RESOLVED AND ORDERED THAT a notice containing the information required under Section 75.5A.

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

Gilbert Piaquadio voting
Elizabeth Greene voting
Paul Ruggerio voting
George Woolsey voting

WHERE AS, a Hearing has been scheduled for the of 201 at pm for the hearing of all disputes and challenges to the claiming of Unsafe Building status for the garage listed as 5341 Rte. 9W in the Town of Newburgh.

At a meeting of the Town Board
held at 1496 Rte. 300, in the Town of
Newburgh on the 23rd day of
July 2014 at 7:00 pm

Present:
Elizabeth Greene, Councilwoman
Gilbert Piaquadio, Councilman/Acting Supervisor
Paul Ruggiero, Councilman
George Woolsey, Councilman

**RESOLUTION DETERMINING
UNSAFE BUILDINGS AND
ORDER TO MAKE SAFE OR
REMOVE**

WHERE AS, it was reported to the Town Board that a house addressed as 1816 Rte. 300 .
in the Town of Newburgh owned by Frank and Olive Blaison, said premises designated
as Section 14, Block 1, Lot 19 , might be dangerous or unsafe to the public and

WHERE AS, the Town Board ordered the Code Compliance Dept. to make an inspection
and report of said site, and

WHERE AS, the Code Compliance Dept. did so inspect and deliver a report on said
building to said Town Board on the 23rd , day of July, 2014 and

WHERE AS, the Town Board has carefully considered said report.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of
Newburgh declares that the house located on a portion of 1816 Rte.300 premises owned
by Francis and Olive Blaison.said premises designated as Section 14, Block 1, Lot 19 is
unsafe and dangerous and comes within the confines of Chapter 75, Subsection 2, of the
Town of Newburgh Municipal Code.

BE IT FURTHER RESOLVED AND ORDERED, that said building shall be made safe
or removed and that work shall commence within (20) days of the serving of notice of
this Resolution and shall be completed (45) days thereafter.


BE IT FURTHER RESOLVED AND ORDERED THAT a notice containing the
information required under Section 75.2 C and E.

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

Elizabeth Greene voting	yea
Gil Piaquadio voting	yea
Paul Ruggerio voting	absent
George Woolsey voting	yea

WHERE AS, a Hearing has been scheduled for the 10th of December 2014 at 7:00 pm for the hearing of all disputes and challenges to the claiming of Unsafe Building status for the house listed as 1816 Rte. 300 in the Town of Newburgh.

THIS IS TO CERTIFY THAT THIS IS A
TRUE COPY OF A RECORD ON FILE
IN THE TOWN CLERK'S OFFICE,
TOWN OF NEWBURGH, NEWBURGH, NY.


ANDREW J. ZARUTSKIE, TOWN CLERK

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 December 2014 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Deputy Supervisor and Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. __ OF 2014 PROVIDING FOR THE RESIDENCY AND ELECTOR REQUIREMENTS FOR COURT OFFICERS OF THE TOWN OF NEWBURGH

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

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 17th day of November, 2014 ordering a public hearing to be held on the 10th day of December, 2014 at 7:15 o'clock p.m., prevailing time, to hear all interested parties on Introductory Local Law No. _ of the Year 2014 entitled "A Local Law Providing for the Residency and Elector Requirements for Court Officers of the Town of Newburgh"; and

WHEREAS, said Local Law in final form was laid upon the desk of each member of the Town Board at least seven (7) days prior to the public hearing; and

WHEREAS, a notice of public hearing was duly advertised on the __h day of November, 2014 in The Mid-Hudson Times and on the __th day of November, 2014 in The Sentinel and posted on the Town Clerk's sign board on the __d day of November, 2014; and

WHEREAS, the public hearing was duly held on the 10th day of December, 2014 at 7:15 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

WHEREAS, the adoption of said Local Law constitutes routine and continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act; and

WHEREAS, due to the adoption of intervening introductory local laws and the new calendar

year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. ___ of 2014; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law as Local Law No. ___ of 2014 entitled "A Local Law Providing for the Residency and Elector Requirements of Court Officers of the Town of Newburgh".
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

George Woolsey, Councilman _____ voting _____

Elizabeth J. Greene, Councilwoman _____ voting _____

Paul I. Ruggiero., Councilman _____ voting _____

Gilbert J. Piaquadio, Deputy Supervisor and Councilman _____ voting _____

The resolution was thereupon declared duly adopted.

**INTRODUCTORY LOCAL LAW #__ OF 2014
PROVIDING FOR THE RESIDENCY AND ELECTOR REQUIREMENTS
FOR COURT OFFICERS
OF THE TOWN OF NEWBURGH**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Providing for the Residency and Elector Requirements for Court Officers of the Town of Newburgh”.

SECTION 2 – PURPOSE AND AUTHORITY

The purpose of this Local Law is to add Court Officers to the list of Town officers who are not required to reside in or be electors of the Town of Newburgh provided they reside within the geographical limitations set forth in the Municipal Code. This local law is adopted pursuant to Municipal Home Rule Law, §10(l)(ii)(a)(1) which grants to local governments the authority to enact local laws regarding the qualifications of local officers. This local law recognizes that the State Legislature previously amended Public Officers Law, §3 expanding the residency requirements for any appointed public office, thereby rendering Public Officers Law a special law with respect to any appointed town officer.

SECTION 3 – RESIDENCY REQUIREMENTS AMENDMENT

Section 42-3 entitled “Eligibility for certain Town offices” of Chapter 42 entitled “Residency Requirements of the Town of Newburgh Municipal Code is hereby amended to read as follows:

“§42-3 Eligibility for Certain Town Offices. Notwithstanding any other provision of law to the contrary, individuals otherwise qualified, appointed to hold the following offices, shall not be required to be a resident or an elector of the Town of Newburgh at the time of appointment and during the term of office, but must reside with the County of Orange or an adjoining county within the State of New York, provided the individual’s residence in an adjoining county is within thirty (30) linear miles of the nearest boundary of the Town:

- A. Second (Additional) Deputy Town Clerk ;~~and~~
- B. Second (Additional) Deputy Receiver of Taxes and Assessments and
- C. Court Officers.”

SECTION 4 - SUPERSESSION

This local law shall supersede the requirement of local residency set forth in § 3, Subdivision 1, of the Public Officers Law of the State of New York and shall also supersede the requirement of being a local elector set forth in § 23, Subdivision 1, of the Town Law of the State of New York with respect to the certain Town officers.

SECTION 5 - INCONSISTENCY

Any other Local Laws and ordinances of the Town of Newburgh that are inconsistent with the provisions of this Local Law are hereby repealed; provide however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other Local Laws or ordinances regulating and governing the subject matter covered by the Local Law.

SECTION 6 - UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



December 5, 2014

Mr. James Osborne, P.E.
Town Engineer
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Re: Request for Professional Services for Sewer System Evaluation Survey (SSES)
Meadow Hill South Sewer District

Dear Jim,

We are pleased to offer our proposal for Engineering Services to complete a Sewer System Evaluation Survey (SSES) for the Meadow Hill South (MHS) sewer district. We are proposing an SSES that will include the following components:

- Sewer Flow and Environmental Conditions Monitoring
- Closed Circuit Television (CCTV) Inspection of Mainline Sewers and Service Laterals
- Manhole Inspections
- Engineering Evaluation and Report

We are familiar with the issues the Town and MHS district are facing and the purpose of this project, as we assisted in the Town in completing the MHS Corrective Action Plan. This original plan was approved by NYSDEC to ultimately abate the sanitary sewer overflow (SSO) at the Comminutor Building.

We are proposing an SSES that takes into account the efforts that the Town has already completed through their original Corrective Action Plan. We have proposed a logical phased approach and program to take the necessary steps to ultimately abate the overflow violation. This phased approach will also extend the program over a period of time that is still responsible and responsive. We believe that the phased approach we are recommending will cost effectively produce the desired reductions in Infiltration and Inflow (I/I) and will be acceptable to NYSDEC.

Project Background and Understanding

The MHS sewer district is served by a sanitary sewer system that is susceptible to I/I during extended periods of rainfall, snowmelt, and high groundwater. Occasionally, during significant events, SSOs occur at the Comminutor Building at a designed and controlled overflow, when the capacity of the downstream sewer system is exceeded.

Late summer of 2013, NYSDEC requested a Corrective Action Plan from the Town with a primary focus of abating the SSO with pressure to do so as soon as possible. Accordingly, the Town developed the "Meadow Hill South Sewer District, Corrective Action Plan for Sanitary Sewers," which was accepted by



Owner Responsibilities

1. The Town will assist in locating and making accessible all manholes within MHS, including uncovering paved over manholes, and/or clearing and grubbing for manholes in off road areas.
2. The Town will provide a sewer system map, and other available records, which will provide the basis for completing the inspections, and identifying sewer infrastructure assets (i.e. manhole IDs).
3. The Town will provide, at no charge, water from hydrants for the CCTV subconsultant's use in sewer cleaning operations. CCTV subconsultant will provide a certified backflow preventer, subject to the Town's approval.

Professional Services Fees

The above scope of services will be completed according to the schedule and fee structure presented below.

Project Component	Schedule	Fee	Fee Type
SSES Plan and Revised MHS SSO Abatement Program	30 days after signed agreement	\$5,400	Lump Sum
Sewer Flow and Environmental Conditions Monitoring and Evaluation	March-May 2015	\$8,200	Lump Sum
Sewer Flow Metering ⁽¹⁾	March-May 2015 ⁽¹⁾	\$7,800 ⁽¹⁾ (\$2,600 per month)	Estimated Monthly ⁽¹⁾
CCTV Inspections – Mainline Sewers and Laterals	March-May 2015	\$15,800	Lump Sum
Manhole Inspections ⁽²⁾	March-May 2015	\$12,000 ⁽²⁾	Lump Sum
Engineering Evaluation and Report	June-August 2015	\$14,500	Lump Sum
Meetings and Coordination with NYSDEC ⁽³⁾	As Required	\$6,100 ⁽³⁾	Estimated Hourly
Total Estimated Fee		\$69,800	

1 – Estimated quantity based on an initial three month monitoring period. Depending on weather and environmental conditions experienced, monitoring period may be recommended to be extended for up to an additional three months. The unit prices presented would apply.

2 – Based on estimated quantity of no more than 85 manholes. Manholes can be reasonably located and are accessible, and a reasonably accurate sewer system map is provided.

3 – Will be billed at salary times a factor of 3.25, plus reimbursable expenses. Fee shown is an estimate reflective of 2 meetings in the downstate area, with a project principal and engineer.



Mr. James Osborne, P.E.
December 9, 2014

Subcontracted Professional Services Fees

Will be performed and billed on a unit price basis according to the estimated quantities, as presented below.

Project Component	Estimated Quantity	Unit Price ⁽²⁾	Estimated Extended Total
Groundwater Gauges	4 installations	\$1,260 per installation	\$5,040
CCTV Inspections – Mainline Sewers (includes cleaning)	25,500 lf	\$1.32 to \$3.15 per lf ⁽³⁾	\$33,660 to \$80,325 ⁽³⁾
CCTV Inspections – Laterals	100 laterals ⁽¹⁾	\$263 to \$378 each ^(1,3)	\$26,300 to \$37,800 ^(1,3)
<i>Estimated Subcontracted Fee</i>			\$65,000 to \$123,165 ⁽³⁾
<i>Contingency for Unforeseen conditions (locating and uncovering manholes, clearing blockages, intruding laterals, etc.)</i>			\$10,000
Total Project Subcontracted Fee			\$75,000 to \$133,165⁽³⁾

- 1 – Estimated quantity, based on about one-third of the total laterals (approximately 320 homes) within MHS, will be observed to be leaking or to be active and therefore inspected. Should additional laterals be recommended to be inspected for various reasons, the presented unit price would apply. Coordinate with the Town and subconsultant before exceeding the presented estimated quantity.
- 2 – Subcontracted fees are billed at cost plus 5 percent for use of outside technical services. Unit prices shown include additional 5 percent.
- 3 – Final unit price for CCTV inspections (mainlines and laterals) will be determined at the time the work is to be completed, depending on subcontractor availability. Final unit price is expected to be within range shown.

An amendment to the Meadow Hill South Parallel Relief Sewer agreement or a new agreement will be required for these additional Engineering Services. We appreciate the opportunity to submit this proposal and look forward to continued assistance to the Town.

Sincerely,

GHD CONSULTING SERVICES INC.

Kevin Castro, P.E.
Principal

KC/mrv

cc: Joe Dodd, P.E., GHD Consulting Services Inc.



TOWN OF NEWBURGH

1496 ROUTE 300, NEWBURGH, NEW YORK 12550

Les Cornell
Director of Buildings & Grounds

Ph: 845-564-4556
Fax: 845-566-1432

To: Deputy Supervisor Piaquadio
Town Board ✓
Ron Clum, Accountant
Charlene M Black, Personnel

From: Les Cornell, Building & Grounds Supervisor *Yes*

Date: December 4, 2014

Re: Vacancy

This is a request to hire a full time custodian to replace Richard Horaz, who will be retiring effective December 31, 2014.

At this time I do have a candidate that I would like to hire. He was a seasonal for Recreation this past spring / summer. His name is Michael Bogdon. Attached is his application and employee request form. His employment will be pending your approval and Mr. Bogdon completing all the necessary requirements. His start date would not be until January 8, 2015, which will give the Personnel department enough time to have Mr. Bogdon complete his physical, drug/alcohol test, fingerprints and paperwork. Thank you in advance.

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Michael Bogdon

DEPARTMENT: Buildings + Grounds

TITLE OF POSITION: Custodial Worker

FULL TIME OR PART TIME: Full time

HOURLY RATE: \$ 15.6622

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 1626.001

PROPOSED HIRE DATE: 1/8/15

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

Les Cornell
DEPARTMENT HEAD SIGNATURE

12-8-14
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

12a



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

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

December 1, 2014

TO: Gil Piaquadio, Acting Supervisor
Town Board Members ✓

CC: Charlene Black, Personnel

FROM: Robert J. Petrillo, Commissioner

RE: Recreation Specialist Position - Recreation Department

At this time we are seeking your approval to request the current list from the County for the Recreation Specialist position.

If no list is available, we request your approval to post the position as required and hire for this position on a provisional basis.

Thank you for your consideration.

Regards,

Robert J. Petrillo
Commissioner

12B



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

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

December 2, 2014

TO: Gil Piaquadio, Acting Supervisor
Town Board Members

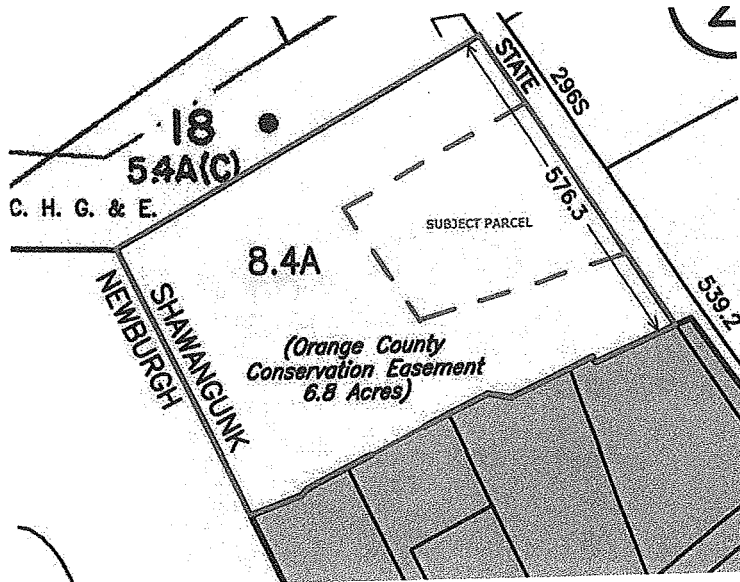
FROM: Robert J. Petrillo, Commissioner

RE: December 10th Work Session – Agenda Items

I would like to include the subject of the Baxter Property Appraisal as an agenda item for the December 10th Work Session.

Regards,

Robert J. Petrillo
Commissioner



Robert Petrillo
November 20, 2014

Page 2

The 1,876 SF residence has been vacant for a number of years, during which time it has been vandalized by the removal of all of the copper plumbing; the roof has leaked in the frame addition causing the carpeting to get wet and rot the basement beams so badly that the structure above it has become unsafe; and, a severe mold problem has developed. The stone section of the dwelling has only two rooms – a living room and above it a bedroom. While this building has also suffered from the cold and lack of ventilation, it is not as severe as the frame addition. However, without the frame addition, it lacks functionality. It is therefore my recommendation that the entire residence – stone and frame be razed; the cost of which must be deducted from the overall value of the land.

Using comparable sales in the Town of Newburgh, I was able to estimate that the value of the 1.6 acres of land – without any buildings on it, was \$64,500.

Demolition and removal costs were calculated by use of the Marshall and Swift Appraisal Manual (excluding the barn and outbuilding). The cost of demolition and removal were determined to be \$7,850 (\$4.18/SF). Dumping fees were estimated to cost \$5,000.

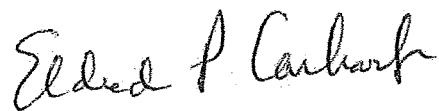
The total cost of demolition, removal and dumping fees is thus \$12,850.

The remaining value of the land equates to \$51,650.

As previously mentioned, my full appraisal report has been forwarded to you and this report contains all of the data that I have relied upon to formulate the value conclusions summarized above.

If I can be of any further service to you in this regard, or other appraisal matters, please don't hesitate to call on me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Eldred P. Carhart". The signature is written in dark ink and is positioned above the typed name.

ELDRED P. CARHART
NY State Certified General Appraiser
No. 46-000009964

TOWN OF NEWBURGH

Recreation Department

311 Route 32

Newburgh, New York 12550

(845)564-7815

Recreation Department

DEPARTMENT

DO NOT WRITE IN THIS BOX

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

CLAIMANT'S
NAME
AND
ADDRESS

ELDRED P. CARHART APPRAISER
66 BALMVILLE RD
NEWBURGH N.Y 12550

TERMS

Invoice #

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
<i>11/10/14</i>		<i>APPRAISAL REPORT FOR 617 RTE 32 (BAXTER PROP.) NEWBURGH N.Y 12550</i>		<i>400.00/</i>
TOTAL				<i>400.00/</i>

Due

CLAIMANT'S CERTIFICATION

I, *ELDRED P. CARHART* certify that the above account in the amount of \$ *400.00/* is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

12/1/14
DATE

Eldred P. Carhart
SIGNATURE

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 *****

File Number: 14028A2.EPC, 617 RT 32

Eldred P. Carhart, Appraiser
Eldred P. Carhart, Appraisals
66 Balmville Road
Newburgh, NY 12550

Borrower : None

Invoice # :
Order Date :
Reference/Case # : TOWN OF NEWBURGH
PO Number :

617 NY Route 32*
Town of Newburgh, New York, 12550

Appraisal Report	\$	400.00
	\$	-----
Invoice Total	\$	400.00
State Sales Tax @	\$	0.00
Deposit	(\$)
Deposit	(\$)

Amount Due	\$	400.00

Terms:

Please Make Check Payable To:

Eldred P. Carhart, Appraiser

Fed. I.D. #: 131302299

13 a

**TOWN OF NEWBURGH
FLEET MAINTENANCE
88 GARDNERTOWN ROAD
NEWBURGH, NY 12550
(845) 561-2288 Fax# (845) 561-3975**

TO: Gil Piaquadio, Deputy Supervisor Acting as Supervisor and Town Board Members

FROM: James LaColla, Head Mechanic-Fleet Maintenance

DATE: November 24, 2014

RE: Clerk vacancy

CC: Charlene Black, Personnel



A position of part time clerk was provided for in the 2015 budget. At this time I would like your permission to start the hiring process so that we won't have to wait very long into 2015 to have someone in this position. If there are any questions or concerns regarding this matter please contact me and I will be happy to discuss them with you.



Security Systems, Inc.

132

Honeywell
Security and Comfort Solutions

sales@d-ben.com
www.d-ben.com

Lic. 12000080435

P.O. Box 10664 * Newburgh, NY 12552 * (845) 565-4024 * (845) 565-1967 Fax

Proposal

Proposal Submitted To: **Town of Newburgh** Phone: _____ Date: **12/3/2014**

Street/Job Name: _____ **Fleet Maintenance**

City, State and Zip Code: _____ Job Location: _____

Camera System

1 - Openeye Eslim4-1t 4 Ch embedded Dvr 1tb Hard Drive		\$	530.00
1 - 12vdc 4 channel 1.6 amp power supply		\$	48.00
1 - 17" vga monitor	\$ 145.00	1 - Apc300va Ups	\$ 65.00
1 - 21x21"x8" Dvr Steel lock box	\$ 175.00	1 - Horizontal lock box wall mount	\$ 85.00
1 - KT&c Vne101nuv18 750 Lines of Res. 80' Ir Varivocal (pole)		\$	495.00
1 - KT&c Vne101nuv18 750 Lines of Res. 80' Ir Varivocal (front)		\$	395.00
1 - KT&c Vne101nuv18 750 Lines of Res. 80' Ir Varivocal (rear)		\$	395.00
1 - KT&c Vne101nuv18 750 Lines of Res. 80' Ir Varivocal (side)		\$	395.00
Total		\$	2,728.00

ABOVE CAMERA'S ARE SURFACED MOUNT WIRED CAMERA'S
ABOVE PRICES INCLUDE INSTALLATION AND PROGRAMMING

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK IS TO BE COMPLETE IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATIONS FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS, OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, WIND DAMAGE AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMAN'S COMPENSATION INSURANCE

AUTHORIZED SIGNATURE

PAYMENT TO BE MADE AS FOLLOWS : progressive payments

12-3-2014

SIGNATURE

ACCEPTANCE OF PROPOSAL - THE ABOVE PRICES, SPECIFICATIONS AND

14a

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

To: Gilbert Piaquadio, Deputy Supervisor
Town Board Members
Cc: Ronald Clum, Town Accountant
From: Gerald Canfield, Code Compliance Supervisor *G/C*
Date: December 2, 2014
Re: Typist

I am asking for approval to get the resident Typist list from Orange County Human Resource.

I am in need of a replacement with the retirement of Fran Bakker. Thank you in advance.

14 B

At a meeting of the Town Board
held at Town Hall, 1496 Route
300 in the Town of Newburgh,
on the 20th day of October,
2014 at 7:00pm

PRESENT:

Councilman/Acting Supervisor: Gil Piaquadio
Councilwoman: Elizabeth Greene
Councilman: Paul Ruggerio
Councilman: George Woolsey

RESOLUTION LEVYING
UNPAID COST AND
EXPENSES FOR UNSAFE
BUILDING

RESOLUTION LEVYING THE COST AND EXPENSES OF UNSAFE
BUILDING IN THE TOWN OF NEWBURGH, PURSUANT TO CHAPTER 75 OF
THE TOWN LAW FOR SECTION 39, BLOCK 1, LOT 43

WHEREAS, pursuant to Chapter 75 of the Town law of the TOWN OF
NEWBURGH Code, the Town of Newburgh adopted a certain ordinance providing for
the assessment of all cost and expenses incurred by the Town of Newburgh in connection
with proceedings to secure unsafe building or structure, against the land on which said
building or structure is located, and.

WHEREAS, Chapter 75 of the Town Law provides that the cost of procedure may
be assessed against the premises hereinafter described, and

WHEREAS, the Town Board of the Town of Newburgh has requested the County
Legislature to levy upon the 2015 tax roll of the Town of Newburgh representing the
expenses incurred by said Town to secure an unsafe property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that there be levied on the
2015 tax roll of the Town of Newburgh, against the property described in accordance
with the provisions of Chapter 75 of the Town Law in the amount of \$8,600.00 will be
set forth in the tax roll of the Town of Newburgh, under Secure Unsafe Property, and it is
hereby

FURTHER RESOLVED, that the amount so levied, in the sum of \$8,600.00 be placed in the warrant of the Orange County Legislature, to be issued to the Tax Receiver of said Town of Newburgh and that the amounts so levied be collected and paid to the Supervisor of said town, in the same manner as general taxes, until the amount thereof is paid; and it is hereby

FURTHER RESOLVED, that the property against which said sum is to be levied is described upon the tax roll of the Town of Newburgh as follows:

HOKANSON LUCY ANN
HOKANSON MORIELLO
317 DUPONT AVENUE
NEWBURGH NY 12550
Re: Section 39, Block 1, Lot 43- 156 Brewer Road

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

Mr. Piaquadio	Voting	YES
Mrs. Greene	Voting	YES
Mr. Ruggiero	Voting	YES
Mr. Woolsey	Voting	YES



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

ANDREW J. ZARUTSKIE

Town Clerk

845-564-4554

Fax: 845-564-8589

e-mail: town-clerk@townofnewburgh.org

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

I, the undersigned Clerk of the Town of Newburgh, Orange County, New York DO HEREBY CERTIFY:

That I have compared the foregoing resolution of the Town Board of the Town Newburgh entitled "RESOLUTION LEVYING UNPAID COST AND EXPENSES FOR UNSAFE BUILDING" with the original thereof on file in my office, said resolution having been adopted by vote of the Town Board on Monday, October 20, 2014. The same is a true and correct copy of said original and of the whole or said original so far as the same relates to the subject matters therein referred to.

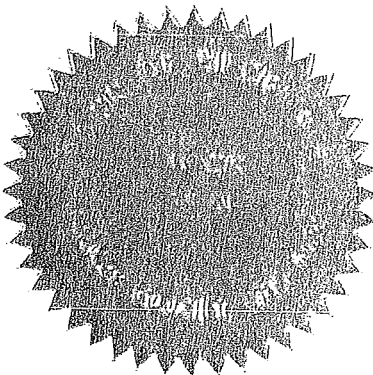
I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to the Public Officers Law (Open Meetings Law), said meeting was a regularly scheduled one, open to the general public, and that I duly caused public notice of the time and place of all such regularly scheduled meetings to be given to the newspapers and other news media by mailing all local media said notice shortly after the beginning of the calendar year and posting said notice on the Town Clerk's bulletin board throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town today, this twenty-second day of October in the year two thousand and fourteen.

ANDREW J. ZARUTSKIE

Town Clerk

Town of Newburgh



ORANGE COUNTY - TOWN OF NEWBURGH
 2014 COUNTY AND TOWN REAL PROPERTY TAX BILL
 For Fiscal Year 01/01/2014-12/31/2014 - Warrant Date 12/30/2013

BILL No: 005189

MAKE CHECKS PAYABLE TO:
 RECEIVER OF TAXES
 1496 ROUTE 300
 NEWBURGH, NY 12550

TO PAY IN PERSON
 MON-FRI 8:30AM-4:30 PM
 SAT JAN 25, 9AM - 1 PM
 PHONE 845-564-4553
 Deborah A. Smith-Rec of Taxes

PROPERTY ADDRESS & LEGAL DESCRIPTION
 Address: 156 BREWER RD
 Town of: NEWBURGH Roll Sect. 1
 Bank Code:
 Property Class Name: 210 - 1 Family Res
 Parcel Dimensions: Frontage = 150 Depth = 119
 School: 331100 - NEWBURGH CSD
 Est State Aid: COUNTY: 91,515,915
 TOWN: 375,000

334600 / 39--1-43

HOKANSON LUCY ANN
 HOKANSON MORIELLO
 317 DUPONT AVE
 NEWBURGH NY 12550

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 7/1/2012: \$59,500
 The ASSESSED VALUE of this property as of 7/1/2013 was: \$23,500

The UNIFORM PERCENT OF VALUE used to establish assessment was: 39.50%

If you feel your assessment is too high, you have the right to seek a reduction in the future.

A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>
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IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK

PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change From Prior Year</u>	<u>Taxable Value</u>	<u>Tax Rate Per \$1000</u>	<u>Tax Amount</u>
COUNTY	\$114,227,825	1.60	\$23,500	9.816900	\$230.70
TOWN	\$9,652,512	4.00	\$23,500	8.681400	\$204.01
HIGHWAY	\$4,581,607	13.00	\$23,500	4.120400	\$96.83
Cronomer vly fire	\$1,065,988	0.00	23,500	4.267100	\$100.28
Consol It	\$179,614	4.30	23,500	0.351000	\$8.25
Unpaid utilities	\$0	0.00	101	1.000000	\$100.80
Consol wtr 1	\$1,391,326	-7.30	23,500	1.502200	\$35.30
Consol wtr 2	\$1,839,844	-11.80	23,500	2.604600	\$61.21

TOTAL TAXES DUE \$837.38

<u>IF PAID BY</u>	<u>Penalty %</u>	<u>Amount</u>	<u>Penalty Amt</u>	<u>Amount Due</u>	<u>>>>PAID DATE<<<</u>
1/31/2014	0.00	\$837.38	0.00	\$837.38	2/28/2014
2/28/2014	1.00	\$837.38	\$8.37	\$845.75	
3/31/2014	2.00	\$837.38	\$17.75*	\$855.13	

78% OF YOUR COUNTY PROPERTY TAXES ARE FOR STATE MANDATED MEDICAID AND SOCIAL SERVICE PROGRAMS

TAXES PAID BY _____ CA CH

2014 TOWN REAL PROPERTY TAX
 RECEIVER'S STUB

Bank Code:
 334600 39--1-43

Bill No. 005189

HOKANSON LUCY ANN
 HOKANSON MORIELLO
 317 DUPONT AVE
 NEWBURGH NY 12550

Town of: NEWBURGH
 Property Address: 156 BREWER RD

<u>IF PAID BY</u>	<u>Penalty %</u>	<u>Amount</u>	<u>Penalty Amt</u>	<u>Amount Due</u>
1/31/2014	0.00	\$837.38	0.00	\$837.38
2/28/2014	1.00	\$837.38	\$8.37	\$845.75
3/31/2014	2.00	\$837.38	\$17.75*	\$855.13

TOTAL TAXES DUE \$837.38

>>>> PAID DATE: 2/28/2014 <<<<

TAXES PAID BY _____ CA C

RECEIVER'S STUB MUST BE RETURNED WITH PAYMENT. FOR A RECEIPT OF PAYMENT, PLACE A CHECK MARK IN THIS BOX [] AND RETURN THE ENTIRE BILL WITH PAYMENT.



HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

16
15a

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

TODD DEPEW
HIGHWAY SUPERINTENDENT

TO: Gil Piaquadio, Supervisor & Town Board Members
FROM: Todd DePew, Highway Superintendent
DATE: December 3, 2014
RE: Seasonal Employees

I am requesting permission to be able to interview for 10 seasonal employees who will be able to work from January 1 to March 31, 2015. If you have any questions feel free to contact me. Thank you

TD:ch
cc: Charlene Black, Personnel Department

INTRODUCTORY LOCAL LAW NO. __ OF 2014

A LOCAL LAW TO REPEAL LOCAL LAW NO. 8 OF THE YEAR 2014

**WHICH OVERRODE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW 3-C**

BE IT ENACTED by the Town Board of the Town of Newburgh, as follows:

Section 1. Purpose.

The purpose of this local law is to repeal Local Law No. 8 of 2014 which overrode the limit on the amount of real property taxes that may be levied by the Town of Newburgh, County of Orange pursuant to General Municipal Law § 3-c, and allowed the Town of Newburgh, County of Orange to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the town board for the fiscal year 2015 that required a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Repeal of Local Law No. 8 of the Year 2014.

Town of Newburgh Local Law No. 8 of the Year 2014 is hereby repealed.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date.

This local law shall take effect immediately.

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 ___rd day of December, 2014 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Deputy Supervisor
and Councilman

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF TOWN BOARD
INTRODUCING LOCAL LAW
TO REPEAL LOCAL LAW NO. 8 OF THE
YEAR 2014 WHICH OVERRODE THE
TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW
ARTICLE 3-C AND PROVIDING
FOR PUBLIC NOTICE AND
PUBLIC HEARING

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

BE IT RESOLVED that a Local Law to Repeal Local Law No. 8 of the Year 2014 Which Overrode the Tax Levy Limit Established in General Municipal Law Article 3-C be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the 29th day of December, 2014 at 7:30 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing, and posting of such notice together with a copy of such local law in accordance with the requirements of the Municipal Home Rule Law and Chapter 25 of the Code of the Town of Newburgh.

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

<u>George Woolsey, Councilman</u>	<u>voting</u>
<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Deputy Supervisor and Councilman</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

**LOCAL LAW NO. __ OF THE YEAR 2014
AMENDING CHAPTER 104 ENTITLED
"SCHEDULE OF FEES"
OF THE CODE OF THE TOWN OF NEWBURGH:
WATER METER RATES AND
SEWER OPERATION AND MAINTENANCE CHARGES
EFFECTIVE JANUARY 1, 2015**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange as

follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water Meter Rates and Sewer Operation and Maintenance Charges Effective January 1, 2015".

SECTION 2 - AMENDMENTS TO CHAPTER 104

That Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code is amended as follows:

1. Subsection 104-3(B)(2) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

“(2) Meter rates. Meter rates for the sale of water to all consumers within the Consolidated Water District and Colden Park Water District of the Town of Newburgh and the duly constituted extensions thereto, excluding water sold to the Town of New Windsor, the New York State Thruway Authority or outside-the-district users, shall be as follows:

Usage Per Quarter	Rate
First 7,500 gallons	<u>\$15.00</u> (minimum charge per quarter)
Next 10,000 gallons	<u>\$4.00</u> per 1,000 gallons

Next 82,500 gallons	\$5.00 per 1,000 gallons
Over 100,000 gallons	\$5.80 per 1,000 gallons

- (a) A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.
- (b) The Town of New Windsor, the New York State Thruway Authority and the outside-the-district users will pay rates and charges as per agreements entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge.
- (c) The water rates for the Stewart ANG Base Water District consumer(s) will be established by the Town Board from time to time in accordance with New York State Town Law Section 198. Unpaid water charges in arrears for 30 days or longer shall be subject to such penalty as the Town Board may provide for by resolution subject to the limit established by Town Law Section 198.”

2. Subsection 104-3(C)(1) of Section 104-3 entitled “Sanitation and water fees” of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

“(1) Sewer operation and maintenance charge.

Sewer District	Rate/Fee (per gallons consumed per premises)
Algonquin	\$ <u>3.80</u> /1,000
Crossroads	\$ <u>4.20</u> /1,000
Gidney	\$ <u>4.54</u> /1,000
Meadow Hill South	\$ <u>4.12</u> /1,000
Meadow Hill North	\$ <u>3.75</u> /1,000
17K/UA	\$ <u>3.64</u> /1,000
Nob Hill	\$0.00325/gallon

Fleetwood \$6.90/1,000

Wintergreen \$5.50/1,000

The following minimum operating and maintenance charge

shall apply to all connected properties, including but not

limited to those without water meters: \$30.00 per quarter”

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2015.

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 ___rd day of December, 2014 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Deputy Supervisor
and Councilman

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF TOWN BOARD
INTRODUCING LOCAL LAW
AMENDING CHAPTER 104 ENTITLED
'SCHEDULE OF FEES' OF THE
TOWN OF NEWBURGH MUNICIPAL
CODE: WATER METER
RATES AND SEWER OPERATION
AND MAINTENANCE CHARGES
EFFECTIVE JANUARY 1, 2014
AND PROVIDING FOR
PUBLIC NOTICE AND HEARING

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

BE IT RESOLVED that Introductory Local Law No. ___ of the Year 2014 entitled "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Town of Newburgh Municipal Code: Water Meter Rates and Sewer Operation and Maintenance Charges Effective January 1, 2015" be and it hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the 29th day of December, 2014 at 7:40 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing, and

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

George Woolsey, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Gilbert J. Piaquadio, Deputy Supervisor and Councilman voting _____

The resolution was thereupon declared duly adopted.

Data Processing

Purchase of Dell Optiplex Computer from Dell to be used for new part time employee in personnel
In the amount of \$ 900.00

From the Computer reserve account # 001.1680.0497

A handwritten signature in black ink, enclosed within a circular scribble. The signature appears to be "J. L." or similar initials.



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

18A

PERSONNEL DEPT.

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

To: Gilbert Piaquadio, Deputy Supervisor

From: Charlene M Black, Personnel

Date: December 4, 2014

Re: Computer

At your meeting of December 1, 2014, the Town Board approved my hiring of a part time clerk. At this time I am requesting a computer to be bought for my new employee. The computer I had in my office is being used by Marsha who does the Prosecutor job. There will no need for a printer we can share the one I have in the office or the main copier in the mail room. Thank you in advance.

This is your INVOICE



FID Number: 74-2616805
 Sales Rep: RACHEL CHRISTMAN
 For Sales: (800)981-3355
 Sales Fax: (800)433-9527
 For Customer Service: (800)981-3355
 For Technical Support: (800)822-8965
 Dell Online: <http://www.dell.com>

Customer Number: 000459815
 Purchase Order: G20140328
 Order Number: 590906612
 Order Date: 03/28/14

Invoice Number: XJD1TCKK3

Invoice Date: 04/01/14
 Payment Terms: NET DUE 30 DAYS
 Due Date: 05/01/14
 Shipped Via: FEDEX GROUND
 Waybill Number: 918193487130763

83 01 0 01 01 N

SHIP TO:
 GIL PIAQUADIO
 TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, NY 12550-2677



SOLD TO:
 #BWNHQP
 #0004 5981 57#

GIL PIAQUADIO
 TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, NY 12550-2677

PLEASE REVIEW IMPORTANT TERMS & CONDITIONS ON THE REVERSE SIDE OF THIS INVOICE

Order	Shipped	Item Number	Description	Unit	Unit Price	Amount
1	1	210-AATM	OptiPlex 9020 Mini Tower	EA	642.31	642.31
1	1	370-AAME	4GB (1x4GB) 1600MHz DDR3 Non-E CC	EA	-	-
1	1	580-AAQX	US English (QWERTY) Dell KB212 -B QuietKey USB Keyboard Black	EA	-	-
1	1	480-ABHJ	No Monitor	EA	-	-
1	1	490-BBIK	AMD RadeonHD 8490, 1GB DDR3, F H, 1 DP 1 DVI, Dell OptiPlex	EA	-	-
1	1	555-BBFO	No Wireless	EA	-	-
1	1	400-AANQ	320GB 2.5inch Serial ATA (7.20 0 Rpm) Hard Drive	EA	-	-
1	1	470-AAED	Cable, SATA, 280MM, Black	EA	-	-
1	1	575-BBBR	Bracket for 2.5inch HDD, OptiPlex	EA	-	-
1	1	470-AAEF	Cable for SATA HDD, OptiPlex	EA	-	-
1	1	340-ADBJ	Thank You for Choosing Dell	EA	-	-
1	1	421-5606	Windows 7 Professional, No Media, 64-bit, OptiPlex, English	EA	-	-
1	1	570-AACR	Dell USB Optical Mouse MS111	EA	-	-
1	1	555-BBKH	No Bcom required	EA	-	-
1	1	429-AAED	16X Half Height DVD+-RW Drive	EA	-	-
1	1	520-AABP	Internal Dell Business Audio S peaker	EA	-	-
1	1	555-BBFO	No Wireless	EA	-	-
1	1	450-AAOJ	System Power Cord (Philippine/T H/US)	EA	-	-
1	1	340-ABSZ	Safety/Environment and Regulatory Guide (English)	EA	-	-
1	1	696-BBBC	No Bios Required	EA	-	-
1	1	630-AABE	Microsoft Office Home and Business 2013, OptiPlex, Precision Latitude	EA	-	-
1	1	933-8134	*Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis 4 Year Extended	EA	-	-
1	1	939-2491	*Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis Initial Year	EA	-	-
1	1	939-1018	*Dell Limited Hardware Warranty Plus Service Extended Year(s)	EA	-	-
1	1	935-6167	*Dell Limited Hardware Warranty Plus Service Initial Year	EA	-	-

Ship. &/or Handling	\$	0.00
Subtotal	\$	860.31
Taxable:	\$	0.00
Tax:	\$	0.00
ENVIRO FEE	\$	0.00
Invoice Total	\$	860.31

FOR SHIPMENTS TO CALIFORNIA, A STATE ENVIRONMENTAL FEE OF UP TO \$5 PER ITEM WILL BE ADDED TO INVOICES FOR ALL ORDERS CONTAINING A DISPLAY GREATER THAN 4 INCHES. PLEASE KEEP ORIGINAL BOX FOR ALL RETURNS. COMPREHENSIVE, ONLINE CUSTOMER CARE INFORMATION AND ASSISTANCE IS A CLICK AWAY AT WWW.DELL.COM/PUBLIC-ECARE TO ANSWER A VARIETY OF QUESTIONS REGARDING YOUR DELL ORDER.

DETACH AT PERFORATION AND RETURN WITH PAYMENT

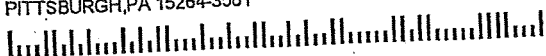


MAKE CHECK PAYABLE/REMIT TO:

DELL MARKETING L.P.
 C/O DELL USA L.P.
 PO BOX 643561
 PITTSBURGH, PA 15264-3561

Invoice Number: XJD1TCKK3
 Customer Name: TOWN OF NEWBURGH
 Customer Number: 000459815
 Purchase Order: G20140328
 Order Number: 590906612

Ship. &/or Handling	\$	0.00
Subtotal	\$	860.31
Taxable:	\$	0.00
Tax:	\$	0.00
ENVIRO FEE	\$	0.00
Invoice Total	\$	860.31
Balance Due	\$	860.31
Am't. Enclosed	\$	



This is your INVOICE



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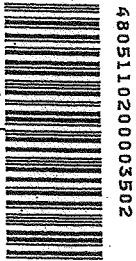
83 01 0 01 01 N

SOLD TO:

GIL PIAQUADIO
 TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, NY 12550-2677

SHIP TO:

GIL PIAQUADIO
 TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, NY 12550-2677



PLEASE REVIEW IMPORTANT TERMS & CONDITIONS ON THE REVERSE SIDE OF THIS INVOICE

Order	Shipped	Item Number	Description	Unit	Unit Price	Amount
1	1	631-AA BI	Intel vPro Technology Enabled	EA	12.00	12.00
1	1	340-ABJK	Resource DVD contains Diagnost ics and Drivers, 9020	EA	3.00	3.00
1	1	340-ACJI	Englis Setup and Features Guid e	EA	-	-
1	1	429-AAHB	No Internal Optical Drive	EA	15.00	15.00
1	1	470-AAIO	DisplayPort-DVI Adapter	EA	-	-
1	1	332-1286	Non-Canada Orders only	EA	-	-
1	1	329-BBIE	OptiPlex 9020 MT up to 90% eff icient PSU Base Mini Tower Cha ssis	EA	-	-
1	1	387-BBDC	Dell Energy Star 5.2 - D	EA	182.00	182.00
1	1	338-BCCE	Intel Core i5-4570 Processor (Quad Core, 6MB Cache, 3.2GHz, w/HD Graphics 4600)	EA	-	-
1	1	954-3465	*No DDPE Encryption Software	EA	3.00	3.00
1	1	461-AAAZ	Chassis Intrusion Switch	EA	-	-
1	1	551-BBBJ	NO INTEL RESPONSIVE	EA	-	-
1	1	412-AAAV	Minitower Chassis Mainstream H eatsink (95watts)	EA	-	-
1	1	340-ABVE	Shipping Material for System,M initower,Dell OptiPlex	EA	-	-
1	1	429-AAGQ	PowerDVD Software not included	EA	-	-
1	1	340-ADBJ	Thank You for Choosing Dell	EA	-	-
1	1	340-ADBJ	Thank You for Choosing Dell	EA	-	-
1	1	389-BCCV	Regulatory Label	EA	-	-
1	1	382-BBBZ	No Add On Card	EA	-	-
1	1	389-BBWQ	Intel Core i5 vPro Label	EA	-	-
1	1	389-BCCZ	Windows 7 Label, OptiPlex, Fix ed Precision, Vostro Desktop	EA	-	-
1	1	421-9982	Thank you for buying Dell	EA	-	-
1	1	422-0008	Dell Data Protection System To ols Digital Delivery/DT	EA	-	-
1	1	421-4047	Dell Digital Delivery Client	EA	-	-
1	1	632-BBBZ	Visit www.dell.com/encryption	EA	-	-
1	1	632-BBCB	Thank you for buying Dell	EA	-	-
1	1	658-BBNH	Waves Maxx Audio	EA	-	-
1	1	658-BBMQ	Enable Low Power Mode	EA	-	-
1	1	658-BBMT	Dell Client System	EA	-	-
1	1	640-BBDF	Adobe Reader 11	EA	-	-
1	1	640-BBEV	Dell Data Protection Protect ed Workspace	EA	-	-
1	1	817-BBBN	NO RAID	EA	-	-
1	1	650-AAHJ	No Anti-Virus software	EA	3.00	3.00
1	1	620-AALT	Windows 7 Professional 64bit M edia Kit (Multiple Language)	EA	-	-
1	1	637-AAAK	Dell Back-up and Recovery Mana ger for Windows 7, Multiple La nguage POET #P566020186NO STIMULUS FUNDING83AEA PT65340	EA	-	-

System Service Tags 4C19K02

DRAFT: 7/18/2014 rev. 11/4/2014

INTRODUCTORY LOCAL LAW NO. __ OF 2014

**A LOCAL LAW ADDING ARTICLE XVII
ENTITLED
“SOLAR SITING”
TO CHAPTER 185 ENTITLED “ZONING” OF
THE CODE OF THE TOWN OF NEWBURGH**

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Adding Article XVII Entitled ‘Solar Siting’ to Chapter 185 Entitled ‘Zoning’ of the Code of the Town of Newburgh”.

SECTION 2 – SOLAR SITING

A new Article XVII entitled “Solar Siting” is hereby added to Chapter 185 entitled “Zoning” of the Town of Newburgh Municipal Code to read as follows:

“Article XVII: Solar Siting

§185-78 Purpose and Intent.

- A.** Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality’s energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
- B.** The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town of Newburgh’s current and long-term sustainability agenda.
- C.** This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing, ground mounted or pole mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

§185-79 Definitions.

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise. The definitions contained in Section 185-3 shall also apply.

ALTERNATIVE ENERGY SYSTEMS - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS - A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR - Solar installations owned collectively through subdivision homeowner associations, college student groups, “adopt-a-solar-panel” programs, or other similar arrangements.

FLUSH MOUNTED SOLAR PANEL – A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered Freestanding or Ground-Mounted Solar Energy Systems for purposes of this Local Law.

NET-METERING - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PERMIT GRANTING AUTHORITY - The Town Code Compliance Department, which is charged with granting permits for the operation of solar energy systems.

PHOTOVOLTAIC (PV) SYSTEMS - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who

are not on NYSEERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Compliance Supervisor or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM - A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

SETBACK – The distance from a front lot line, side lot line or rear lot line of a parcel within which a free standing or ground mounted solar energy system is installed.

SMALL-SCALE SOLAR - For purposes of this Chapter, the term “small-scale solar” refers to solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - An easement recorded pursuant to NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT/SYSTEM - Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. For the purposes of this law, a solar energy system does not include any solar energy system of four square feet in size or less.

SOLAR FARM OR SOLAR POWER PLANT – Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics,

concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

SOLAR PANEL - A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS - Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

§185-80 Applicability.

- A. The requirements of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law.
- B. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the State Building Code and the Town Code.
- D. Solar collectors, unless part of a Solar Farm or Solar Power Plant, shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit "collective solar" installations or the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

§185-81 Permit required.

- A. No Small Scale solar energy system or device shall be installed or operated in the Town except in compliance with this article.
- B. Rooftop and Building-Mounted Solar Collectors: Rooftop and building mounted solar collectors are permitted in all zoning districts in the Town subject to the following conditions:

- 1 Building permits shall be required for installation of all rooftop and building-mounted solar collectors, except a building permit shall not be required for Flush-Mounted Photovoltaic Panels.
- 2 Rooftop and Building-Mounted Solar Collectors Building shall not exceed the maximum allowed height of the principal use in any zoning district.
- 3 In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop and Building-Mounted Solar Collectors. Additionally, installations shall provide for adequate access and spacing in order to:
 - i. Ensure access to the roof
 - ii. Provide pathways to specific areas of the roof
 - iii. provide for smoke ventilation opportunity areas
 - iv. provide emergency egress from the roof.

Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

- i. Unique site specific limitations;
- ii. alternative access opportunities (as from adjoining roofs)
- iii. ground level access to the roof area in question;
- iii. other adequate ventilation opportunities when approved by the Code Compliance Department;
- iv. adequate ventilation opportunities afforded by panel set back from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment.);
- v. automatic ventilation device; or
- vi. New technology, methods, or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

In the event any of the standards in this subsection B(3) are more stringent than the New York State Uniform Fire Prevention and Building Code (the "State Code"), they shall be deemed to be installation guidelines only and the standards of the State Code shall apply.

- C. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.

D. Free Standing and ground mounted solar collectors: Free standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts of the Town except the R-3 District subject to the following conditions:

1. Building permits are required for the installation of all ground-mounted and free standing solar collectors.

2. In the R-2 District, a lot must have a minimum size of 40,000 square feet in order for a ground-mounted or free standing solar collector to be permitted.

3. The location of the ground mounted or free standing solar collector shall meet the greater of the setback requirements for Accessory Buildings set forth in Section 185-15 or the following setback requirements and limitations set forth in this provision:

i. RR District

- minimum required side yard setback- 50 feet
- minimum required rear yard setback- 100 feet
- minimum required front yard setback- 250 feet

ii. AR District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 50 feet
- minimum required front yard setback- 250 feet

iii. R-1 District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- no ground mounted or free standing solar collectors allowed in front yard

iv. R-2 District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- no ground mounted or free standing solar collectors allowed in front yard

v. R-3 District

Ground-mounted and free standing solar collectors are not permitted in the R-3 District in connection with any use

vi. B District

- minimum required side yard setback- 30 feet

- minimum required rear yard setback- 50 feet
- no ground mounted or free standing solar collectors allowed in front yard

vii. IB District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

viii. I District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

Yards having a line bounding on the right of way of Interstate 87 or Interstate Route 84 shall not be considered front yards for purposes of this Section.

4. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
5. Ground mounted and freestanding solar collectors shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area.
6. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
7. Solar energy equipment shall not be sited within any required buffer area.
8. The total surface area of all ground-mounted and freestanding solar collectors on a lot shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls,, excluding patios, decks, balconies, screened and open porches and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article IX of the this Chapter.
9. The area beneath ground mounted and freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted Lot Building Coverage and Lot Surface Coverage requirements for the applicable District, notwithstanding that the collectors are not “buildings.”.

10. The installation of ground mounted and freestanding solar collectors shall be considered a Development or Development Activity for purposes of Chapter 157, Stormwater Management, of the Code of the Town of Newburgh.

E. Solar-Thermal Systems: Solar-thermal systems are permitted in all zoning districts subject to the following condition:

1. Building permits are required for the installation of all solar-thermal systems.
2. Ground mounted and free standing solar-thermal systems shall be subject to the same requirements set forth in Subsection D above as for Ground Mounted and Free Standing Solar Collectors.

F. Solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to, the following:

1. Weight load
2. Wind resistance
3. Ingress or egress in the event of fire or other emergency.

G. Solar collectors and related equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

§185-82. Safety.

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order.
- E. Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code standards.

- F. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- G. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.
- H. Solar Energy Systems and Equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

§185-83 Solar Farms and Solar Power Plants.

Solar Farms and Solar Power Plants shall be permitted in the I District as an "Electric Generating" use subject to site plan review by the Planning Board, subject to the following supplementary regulations:

- A. Solar farms and solar power plants shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 ½ feet.
- B. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.
- C. Solar farm and solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- D. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.
- E. The average height of the solar panel arrays shall not exceed twelve (12) feet.

- F. Solar farm and Solar Power Plan panels and equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.
- G. On-site power lines shall, to the maximum extent practicable, be placed underground.
- H. The following requirements shall be met for decommissioning:
 - 1. Solar farms and solar power plants which have not been in active and continuous service for a period of 1 year shall be removed at the owners or operators expense.
 - 2. The site shall be restored to as natural a condition as possible within 6 months of the removal.

§185-84 Appeals.

- A. If a person is found to be in violation of the provisions of this Local Law, appeals should be made in accordance with the established procedures and time limits of the Zoning Code and New York State Town Law.
- B. If a building permit for a solar energy device is denied based upon a failure to meet the requirements of this Local Law, the applicant may seek relief from the Zoning Board of Appeals in accordance with the established procedures and time limits of the Zoning Code and New York State Town Law.

§185-85 Building Permit Fees for Solar Panels.

The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted in such reasonable amount as the Town Board may by resolution establish and amend from time to time.

[Code Compliance Department to recommend initial fees .]

Optional add-on: Guidelines for Future Solar Access

- I. *New structures will be sited to take advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.¹*
-

- J. *To permit maximum solar access to proposed lots and future buildings, wherever reasonably feasible, consistent with other appropriate design considerations and to the extent practicable, new streets shall be located on an east-west axis to encourage building siting with the maximum exposure of roof and wall area to the sun. The Planning Board shall also consider the slope of the property and the nature and location of existing vegetation as they affect solar access.²*
- K. *The impact of street trees on the solar access of the surrounding property shall be minimized to the greatest possible extent in selecting and locating shade trees. Every effort shall be made to avoid shading possible locations of solar collectors.*
- L. *When the Planning Board reviews and acts upon applications for subdivision approval or site plan approval, it shall take into consideration whether the proposed construction would block access to sunlight between the hours of [9:00 a.m. and 3:00 p.m.] Eastern Standard Time for existing approved solar energy collectors or for solar energy collectors for which a permit has been issued.*
- M. *The Planning Board may require subdivisions to be platted so as to preserve or enhance solar access for either passive or active systems, consistent with the other requirements of the Town Code.*
- N. *The plan for development of any site within cluster subdivisions shall be designed and arranged in such a way as to promote solar access for all dwelling units. Considerations may include the following:*
1. *In order to maximize solar access, the higher-density dwelling units should be placed on a south-facing slope and lower-density dwelling units sited on a north-facing slope.*
 2. *Subject to the Town's] setback requirements, structures should be sited as close to the north lot line as possible to increase yard space to the south for reduced shading of the south face of a structure.*
 3. *A tall structure should be sited to the north of a short structure.]*

§185-86 Penalties for offenses.

Section 185-52 of the Zoning Code applies to violations of this Article.”

SECTION 3 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4 - CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 5 - EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION 6 - AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Newburgh, Orange County, New York, held at the Town Hall, in Newburgh, New York, in said Town, on the 10th day of December, 2014, at 7:00 o'clock P.M., Prevailing Time. The meeting was called to order by Deputy Supervisor and Councilman Piaquadio, and upon roll being called, the following were

PRESENT:

- Gilbert J. Piaquadio, Deputy Supervisor and Councilman
- George Woolsey, Councilman
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman

ABSENT:

The following resolution was offered by Councilman/woman _____ who moved its adoption, seconded by Councilman/woman _____ to-wit:

BOND RESOLUTION DATED DECEMBER 10, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,980,300 BONDS AND THE EXPENDITURE OF \$1,250,000 AVAILABLE FUND MONIES OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE CONSOLIDATED WATER DISTRICT IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.

WHEREAS, the capital project hereinafter described has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental effect; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated December 10, 2014, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Consolidated Water District in the Town of Newburgh, Orange County, New York (the "Water District"), being the improvements to the water storage, distribution and filtration system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$4,230,300; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. The increase and improvement of the facilities of the Consolidated Water District in the Town of Newburgh, Orange County, New York, being the improvements to the water storage, distribution and filtration system, including original furnishings, equipment,

machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$4,230,300 is hereby authorized.

Section 2. The plan for the financing of the aforesaid maximum estimated cost shall consist of:

- a) the issuance of \$2,980,300 bonds of said Town hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law; and
- b) the expenditure of \$1,250,000 available fund monies, hereby authorized to be expended therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Newburgh, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 1 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the

Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the

New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

George Woolsey, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Gilbert J. Piaquadio, Deputy Supervisor and Councilman voting _____

The resolution was thereupon declared duly adopted.

* * * * *