

JOSEPH P. PEDI
Town Clerk, 1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

TOWN BOARD PUBLIC MEETING AGENDA
Monday, May 10, 2021
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. MONTICELLO RACEWAY MANAGEMENT: State Environmental Quality Review (SEQR) Rezoning Petition Lead Agency Declaration
7. HIGHWAY DEPARTMENT:
 - A. Approval to Award Bid for Tree Cutting
 - B. Approval to Award Bid for Heavy Equipment Rentals
8. ASSESSOR: Settlement of Tax Certiorari for CINTAS
9. RESOLUTIONS:
 - A. Approval to Schedule Public Hearing for Hotel Occupancy Tax Local Law
 - B. Approval to Schedule Public Hearing for Introductory Local Law 2 of 2021 – Temporary Outdoor Dining Permits
10. ANIMAL CONTROL: T-94 Withdrawal for Newburgh Veterinary Hospital
11. PLANNING BOARD: Landscape Security for Ready Coffee
12. RECREATION DEPARTMENT:
 - A. Approval to Hire Two Part Time Laborers
 - B. Approval to Hire One Seasonal Worker
 - C. Approval to Modify Salary of Seasonal Worker
 - D. Approval to Solicit Bids to Construct Pickle Ball Courts
 - E. Approval to Allow New Windsor Department of Recreation to use Portable Stage
13. POLICE DEPARTMENT: Approval to Hire One Dispatcher
14. ENGINEERING DEPARTMENT:
 - A. Approval to Solicit Bids for Roseton Headworks Modification
 - B. Public Hearing Order for Chadwick Lake Resiliency Improvements Project Cost Increase
15. CODE COMPLIANCE DEPARTMENT: Carol Temporaries/Permanent Staffing Service
Approval to Install Temporary Trailer
16. ACCOUNTING DEPARTMENT: Budget Transfers
17. ANNOUNCEMENTS
18. PUBLIC COMMENTS
19. ADJOURNMENT

GJP; jpp – Second Revision
May 7, 2020 at 12:45 pm



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: MONTICELLO RACEWAY MANAGEMENT INC.
(RESORTS WORLD HUDSON VALLEY) PETITION FOR
LOCAL LAW AMENDING CHAPTER 185 ENTITLED
"ZONING" OF THE CODE OF THE TOWN OF
NEWBURGH TO INCLUDE THE USE OF "NEW YORK
STATE LICENSED VIDEO LOTTERY GAMING
FACILITY" AS A PERMITTED USE IN SHOPPING
CENTERS HAVING IN EXCESS OF 500 PARKING
SPACES IN THE "IB" ZONING DISTRICT
OUR FILE NO. 800.310; 800.1(B)() (2020)

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

ATTORNEYS

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

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

DATE: MAY 6, 2021

Enclosed for the Town Board's consideration is the following draft resolution:

Resolution of SEQR Designation for the Town Board of the Town of Newburgh to Act as Lead Agency for the Proposed Adoption of a Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having in excess of 500 parking spaces in the "IB" zoning district on Petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley") and approvals relating to a Video Lottery Gaming Facility occupying approximately 90,000 square feet at the Newburgh Mall and an associated Host Community Benefit Agreement: a Type I Action under SEQR

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

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
James Osborne, Town Engineer (via e-mail)
Gerald Canfield, Code Compliance Supervisor (via e-mail)
Patrick Hines, McGoey, Hauser & Edsal (via e-mail)
David B. Smith, Planning and Development Advisors (via e-mail)
Kenneth Wersted, Creighton Manning, LLP (via e-mail)
Kelly Naughton, Esq. (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video/telephone conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the __th day of May, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF SEQR DESIGNATION FOR THE TOWN BOARD OF THE TOWN OF NEWBURGH TO ACT AS LEAD AGENCY FOR THE PROPOSED ADOPTION OF A LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING OF THE CODE OF THE TOWN OF NEWBURGH TO INCLUDE THE USE OF "NEW YORK STATE LICENSED VIDEO LOTTERY GAMING FACILITY" AS A PERMITTED USE IN SHOPPING CENTERS HAVING IN EXCESS OF 500 PARKING SPACES IN THE "IB" ZONING DISTRICT ON PETITION OF MONTICELLO RACEWAY MANAGEMENT INC. ("RESORTS WORLD HUDSON VALLEY") AND APPROVALS RELATING TO A VIDEO LOTTERY GAMING FACILITY OCCUPYING APPROXIMATELY 90,000 SQUARE FEET AT THE NEWBURGH MALL AND AN ASSOCIATED HOST COMMUNITY BENEFIT AGREEMENT : A TYPE I ACTION UNDER SEQR

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

WHEREAS the Town Board of the Town of Newburgh has received the petition of Monticello Raceway Management Inc. ("Resorts World Hudson Valley"), Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC (collectively the "Petitioners"), for an amendment to the Zoning Code to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having more than 500 parking spaces in the "IB" – Interchange Business Zoning District together with a draft Local Law amending the Zoning Code of the Town of Newburgh which will implement the proposed amendment; and

WHEREAS, a Full Environmental Assessment Form Part 1(the "EAF") was submitted with said petition and has been subsequently revised and addresses the proposed adoption of the "Introductory Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to include the use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having in excess of 500 parking spaces in the 'IB' Zoning District" and approvals relating to a Video Lottery Gaming Facility occupying approximately 90,000 square feet of the existing Newburgh Mall Shopping Center and an associated Host

Community Benefit Agreement; and

WHEREAS, a Local Law entitled “A Local Law Amending Chapter 185 Entitled ‘Zoning’ of the Code of the Town of Newburgh to include the use of ‘New York State Licensed Video Lottery Gaming Facility’ as a permitted use in Shopping Centers having in excess of 500 parking spaces in the ‘IB’ Zoning District” has been introduced before the Town Board; and

WHEREAS, the Town Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a; and

WHEREAS, the Town Board has determined that the proposed adoption of the aforesaid local law and the project approvals and host community benefit agreement should be reviewed as a single action (the “Action”) under Part 617 of the General Regulations (“Part 617”) adopted pursuant to Article 8 of the Environmental Conservation Law (“SEQR”) and Chapter 100 entitled “Environmental Quality Review” of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake and consider the approvals of the proposed amendment to the Town’s Zoning Code and the Host Community Benefit Agreement

WHEREAS, the Town Board has determined pursuant to SEQR, Part 617 and Chapter 100 that the Action is a Type I action as it includes “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district”; and

WHEREAS, the Town Board, using all due diligence, has identified the following involved agencies for the Action:

Town of Newburgh Planning Board,
US Army Corps of Engineers,
New York State Department of Environmental Conservation,
New York State Department of Environmental Conservation Region 3 Div. of Environmental Permits,
New York State Office of Parks, Recreation and Historic Preservation, and
U.S. Fish and Wildlife Service
; and

WHEREAS, the Town Board, using all due diligence, has identified the following agencies as potentially interested agencies for the Action:

Orange County Planning Department,
Town of Newburgh Zoning Board of Appeals
New York State Department of Transportation;

City of Newburgh City Engineer; and

WHEREAS, the Action is consistent with the adopted Town of Newburgh Comprehensive Plan Update and is also consistent with the Orange County Comprehensive Plan; and

WHEREAS, the Town Board adopted a resolution on March 22, 2021, directing that a Lead Agency coordination notice be circulated among involved agencies, together with copies of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQR and Part 617, and that copies of the EAF also be forwarded to interested agencies for review and comment; and

WHEREAS, a Lead Agency coordination notice was circulated to the various involved agencies together with copies of the EAF, and such other information as was appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQRA and Part 617; and

WHEREAS, the identified involved agencies have either agreed that the Town Board shall act as the Lead Agency for the Action or not responded within the thirty (30) calendar day time frame established under SEQRA; and

WHEREAS, the EAF and other appropriate information were also forwarded to the County Department of Planning and the Town of Newburgh Planning Board, together with copies of the proposed local law, in accordance with the requirements of the General Municipal Law and the Town of Newburgh Zoning Code and to the Town of Newburgh Zoning Board of Appeals and the Town Board has received and considered reviews from the Orange County Department of Planning and the Town of Newburgh Planning Board;

NOW, THEREFORE, BE IT RESOLVED,

the Town Board of the Town of Newburgh pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, hereby assumes the role of Lead Agency for this Type I Action for the purpose of conducting a coordinated review.

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

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

6

**INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2021
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH TO
INCLUDE THE USE OF "NEW YORK STATE LICENSED VIDEO LOTTERY
GAMING FACILITY" AS A PERMITTED USE IN SHOPPING CENTERS HAVING IN
EXCESS OF 500 PARKING SPACES IN THE "IB" ZONING DISTRICT**

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 amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to include the use of 'New York State Licensed Video Lottery Gaming Facility' as a permitted use in Shopping Centers having in excess of 500 parking spaces in the 'IB' zoning district."

SECTION 2 – INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code by amending Definitions to add the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in the "IB" - Interchange Business Zoning District in Shopping Centers having in excess of 500 parking spaces.

SECTION 3 – AMENDMENT TO CHAPTER 185

Subsection B of Section 185-3 ("Definitions; word usage") is hereby modified to include the following underlined language:

"SHOPPING CENTER

A group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for off-street parking, loading and pedestrian circulation. New York State Gaming Commission and New York State Lottery licensed Video Lottery Gaming Facilities shall be considered a similar commercial establishment in shopping centers having in excess of 500 parking spaces within the IB district. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and/or control, sharing certain facilities in common, such as open space, yards and off-street parking and loading facilities."

“VIDEO LOTTERY GAMING FACILITY

The physical area and amenities where licensed video lottery gaming and related activities are conducted. Related activities shall include drink service for on-premises consumption, food service, wait staff service, live entertainment and similar activities.”

“VIDEO LOTTERY GAMING

Any lottery game played on a video lottery terminal that consists of multiple players competing for a chance to win a randomly drawn prize. A video lottery terminal (may be referred to as VLT) means a video display terminal in which currency or credits are deposited and a selection is made by the player in order to purchase video lottery gaming tickets.”

SECTION 4 – VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by a 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 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.




HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

~~WATERVILLE~~
7A

MARK HALL
HIGHWAY SUPERINTENDENT

TO: Gil Piaquadio, Supervisor, and Town Board Members
FROM: Mark Hall, Highway Superintendent 
DATE: March 31, 2021
RE: Tree Cutting

Please award the bid for the Tree Cutting to the following vendor. Thanking you in advance.

Tree Cutting
Alpine Tree Service
1343 Route 82
Hopewell Junction, NY 12533

\$960.00p/8 hr. day Option A
\$1,760.00p/8 hr. day Option B
\$2,880.00p/8 hr. day Option D

Lewis Tree Service
300 Lucius Gordon Drive
West Henrietta, NY 14586

\$1,970.00p/8 hr. day Option C

MH/ch

March 1, 2021

Tree Cutting Bid 2021
Monday, March 15, 10:30 am

Package #	Company	Address	Comments	Contact	email	Telephone	Bid Received	Option A	Option B	Option C	Option D
1	Eastern Landscape	788 Shrewsbury Ave; Bldg 2; Suite 2226; Tinton Falls, NJ 07712	bid emailed 3/1/2021	Joe Hely	easternlandscape.com	908-502-5858		no bid	no bid	no bid	no bid
2	Lewis Tree Service	300 Lurcus Gordon Drive; West Henrietta, NY 14586	sent by Cathy on 2/26/2021				3/19/2021	\$1,272.00	\$2,279.00	\$1,970.00	\$2,977.00
3	Rockland Tree Expert Co Inc	11 McNamea Road; Spring Valley, NY 10977	sent by Cathy on 2/26/2021	John Wicks				no bid	no bid	no bid	no bid
4	Tremson Corp	21 Brach Road; Brewster, NY 12516	sent by Cathy on 2/26/2021	Jim Trembly				no bid	no bid	no bid	no bid
5	Dom's Tree Service	101 Harbor Road; Port Washington, NY 11050					3/11/2021	\$2,280.00	\$3,440.00	\$3,320.00	\$4,480.00
6	Dragonetti Brothers	129 Louisiana Ave; Brooklyn, NY 11207					3/12/2021	\$3,490.00	\$6,490.00	\$6,990.00	\$8,990.00
7	Alpine Tree Service	1343 Route 82; Hopewell Junction, NY 12533					3/19/2021	\$960.00	\$1,760.00	\$2,080.00	\$2,880.00



HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

Handwritten: 7B

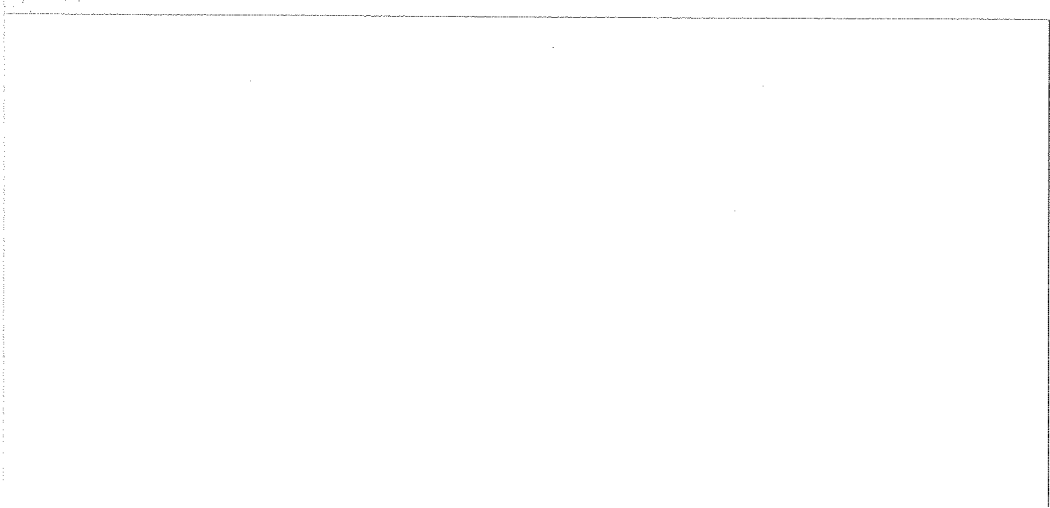
MARK HALL
HIGHWAY SUPERINTENDENT

TO: Gil Piaquadio, Supervisor, and Town Board Members
FROM: Mark Hall, Highway Superintendent *MH*
DATE: March 31, 2021
RE: Heavy Equipment Rentals

Please award the bid for the Heavy Equipment Rentals to all of the vendors. Thanking you in advance.

Alta Construction Equipment
A. Montano
Fred Cook, Jr
Herc Rentals, Inc.
Hoffman Equipment
H.O. Penn
Jesco Inc.
United Rentals

No bids were awarded to the following Lots:
4.03 & 4.11



BID OPENING March 15, 2021 10:30 AM
 HEAVY EQUIPMENT RENTALS LOT 1.02 BULLDOZER 140 HP

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
A. MONTANO	\$1,200.00	\$2,400.00	\$6,000.00	\$600.00	\$1,800.00	\$5,400.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$710.00	\$2,125.00	\$5,740.00
H. O. PENN	N/B	N/B	N/B	N/B	\$2,590.00	\$6,480.00
JESSCO	\$1,425.00	\$3,300.00	\$8,060.00	\$925.00	\$2,800.00	\$7,560.00

BID OPENING

March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS

LOT 1.03

EXCAVATOR CRAWLER
145 HP

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
ALTA CONSTRUCTION EQUIPMENT	N/B	N/B	\$5,800.00	N/B	\$1,767.00	\$5,300.00
A. MONTANO	\$1,225.00	\$2,615.00	\$6,325.00	\$500.00	\$1,900.00	\$5,600.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$538.00	\$1,615.00	\$6,630.00
H. O. PENN	N/B	N/B	N/B	N/B	\$2,810.00	\$7,020.00
HERC RENTALS INC	\$1,300.00	\$2,510.00	\$5,950.00	\$850.00	\$2,060.00	\$5,500.00
JESCO	\$1,375.00	\$3,100.00	\$8,150.00	\$875.00	\$2,600.00	\$7,650.00
UNITED RENTALS	\$1,166.55	\$2,581.10	\$5,810.10	\$855.00	\$2,270.00	\$5,499.00

BID OPENING March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS LOT 1.04 EXCAVATOR CRAWLER
145 HP

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
ALTA CONSTRUCTION EQUIPMENT	N/B	N/B	\$6,900.00	N/B	\$2,134.00	\$6,400.00
A. MONTANO	\$1,325.00	\$3,025.00	\$7,225.00	\$600.00	\$2,300.00	\$6,500.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$1,048.00	\$3,145.00	\$9,350.00
H. O. PENN	N/B	N/B	N/B	N/B	\$2,990.00	\$7,470.00
HERC RENTALS INC	\$1,790.00	\$3,770.00	\$8,665.00	\$1,340.00	\$3,320.00	\$8,215.00
JESCO	\$1,425.00	\$3,300.00	\$8,150.00	\$925.00	\$2,800.00	\$7,650.00

BID OPENING March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS

LOT 1.05

EXCAVATOR CRAWLER
65 HP W/HAMMER

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
A.MONTANO	\$1,300.00	\$3,400.00	\$9,000.00	\$700.00	\$2,800.00	\$8,400.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$1,048.00	\$3,145.00	\$9,265.00
H. O. PENN	N/B	N/B	N/B	N/B	\$2,915.00	\$7,290.00
HERC RENTALS INC	\$1,300.00	\$2,725.00	\$5,795.00	\$850.00	\$2,275.00	\$5,345.00
JESCO	\$1,350.00	\$3,900.00	\$9,680.00	\$850.00	\$3,400.00	\$9,180.00
UNITED RENTALS	\$1,046.10	\$2,376.10	\$5,285.10	\$735.00	\$2,065.00	\$4,974.00

BID OPENING March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS LOT 1.06

EXCAVATOR CRAWLER
92 HP W/HAMMER

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
ALTA CONSTRUCTION EQUIPMENT	N/B	N/B	\$7,700.00	N/B	\$2,400.00	\$7,200.00
A. MONTANO	\$1,450.00	\$4,000.00	\$10,100.00	\$850.00	\$3,400.00	\$9,500.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$1,048.00	\$3,145.00	\$9,265.00
H. O. PENN	N/B	N/B	N/B	N/B	\$4,305.00	\$10,990.00
HERC RENTALS INC	\$1,760.00	\$3,890.00	\$8,765.00	\$1,310.00	\$3,440.00	\$8,315.00
JESCO	\$1,600.00	\$4,900.00	\$12,380.00	\$1,100.00	\$4,400.00	\$11,880.00
UNITED RENTALS	\$1,492.10	\$3,479.10	\$8,156.10	\$1,181.00	\$3,168.00	\$7,845.00

BID OPENING March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS LOT 1.08

EXCAVATOR CRAWLER
246 HP W/HAMMER

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
A. MONTANO	\$2,650.00	\$8,050.00	\$18,750.00	\$1,800.00	\$7,200.00	\$17,900.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$2,185.00	\$6,545.00	\$19,550.00
H. O. PENN	N/B	N/B	N/B	\$2,810.00	\$7,020.00	\$17,550.00
HERC RENTALS INC	\$2,640.00	\$6,180.00	\$13,840.00	\$2,190.00	\$5,730.00	\$13,390.00
JESCO	\$2,100.00	\$6,900.00	\$17,780.00	\$1,600.00	\$6,400.00	\$17,280.00

BID OPENING March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS

LOT 1.18

MINI EXCAVATOR CRAWLER
9,000 LBS W/BLADE

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
ALTA CONSTRUCTION EQUIPMENT	N/B	N/B	\$2,450.00	N/B	N/B	\$1,950.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$285.00	\$850.00	\$2,465.00
H. O. PENN	N/B	N/B	N/B	N/B	\$1,295.00	\$3,240.00
HERC RENTALS INC	\$805.00	\$1,385.00	\$2,805.00	\$355.00	\$935.00	\$2,355.00
JESCO	\$875.00	\$1,625.00	\$3,500.00	\$375.00	\$1,125.00	\$3,000.00
UNITED RENTALS	\$595.10	\$1,071.10	\$2,078.10	\$284.00	\$760.00	\$1,767.00

BID OPENING March 15, 2021 10:30 AM
 HEAVY EQUIPMENT RENTALS LOT 3.02 ROLLER STATIC 9 TON

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$410.00	\$1,235.00	\$3,615.00
H. O. PENN	N/B	N/B	N/B	N/B	\$1,430.00	\$3,580.00
HERC RENTALS INC	\$1,015.00	\$1,855.00	\$3,535.00	\$565.00	\$1,405.00	\$3,085.00
JESCO	\$1,000.00	\$2,000.00	\$4,500.00	\$500.00	\$1,500.00	\$4,000.00

BID OPENING

March 15, 2021

10:30 AM

HEAVY EQUIPMENT RENTALS

LOT 3.03

ROLLER VIBRATORY
DOUBLE DRUM

BIDDERS	DELIVERED DAILY RATE	DELIVERED WEEKLY RATE	DELIVERED MONTHLY RATE	PICKED UP DAILY RATE	PICKED UP WEEKLY RATE	PICKED UP MONTHLY RATE
ALTA CONSTRUCTION EQUIPMENT	N/B	N/B	\$2,100.00	N/B	N/B	\$1,600.00
A. MONTANO	\$900.00	\$1,700.00	\$3,900.00	\$300.00	\$1,100.00	\$3,300.00
HOFFMAN EQUIPMENT	N/B	N/B	N/B	\$250.00	\$750.00	\$2,250.00
H. O. PENN	N/B	N/B	N/B	N/B	\$1,060.00	\$2,655.00
HERC RENTALS INC	\$715.00	\$1,095.00	\$2,100.00	\$265.00	\$645.00	\$1,650.00
JESCO	\$800.00	\$1,400.00	\$2,900.00	\$300.00	\$900.00	\$2,400.00
UNITED RENTALS	\$616.10	\$1,090.10	\$2,215.10	\$305.00	\$779.00	\$1,904.00



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

Attorney-Client privileged
MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2016, 2017, 2018,
2019 and 2020);
CINTAS (ROUTE 300)
OUR FILE NO. 800.24

DATE: APRIL 9, 2021

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

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy regarding the above referenced proposed settlement, a proposed Order and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Also enclosed is a map showing the location of the tax parcels which are the subject of the proceedings.

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Donna M. Badura

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

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

OF COUNSEL
Craig F. Simon
irene V. Villacci

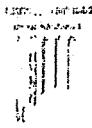
The settlement provides for no reduction for the residential tax parcel (Lot 30.2) and no reduction for 2016, 2017 and 2018 on the commercial parcel (Lot 29.1) For 2019, there will be a reduction in the assessed value on the commercial parcel by \$14,898 from \$462,800 to \$447,902, and for 2020, a reduction in the assessed value of \$46,196 from \$462,800 to \$416,605. The Consent Order and Judgment specifies that the provisions of RPTL Section 727 apply, holding the Assessed Value at \$416,6058,000 for the 2021, 2022 and 2023 assessment rolls, subject to the statutory exceptions.

The charts indicate that the refund liability for the Town (including Highway but not including special districts and the Fire District) will be approximately \$947.28 in total versus claimed liability of approximately \$35,385.27.

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

MCT/sel
Enc.

cc: Joseph P. Pedi, Town Clerk
Lori Coady, Assessor (via e-mail)
Deborah Smith, Receiver of Taxes (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Cathy L. Drobny, Esq. (via e-mail)



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

Please send all mail to:
SCHENECTADY OFFICE

MAIN OFFICE:
28 SECOND STREET
TROY, NY 12180

200 HARBORSIDE DRIVE, SUITE 300
SCHENECTADY, NY 12305

511 BROADWAY
SARATOGA SPRINGS, NY 12866

1659 CENTRAL AVENUE, SUITE 103
ALBANY, NY 12205

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

www.joneshacker.com

March 12, 2021

VIA E-MAIL - mtaylor@riderweiner.com

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

Re: Cintas v. Town of Newburgh
Index Nos. 16-EF004662, 17-EF005472, 18-EF007252,
19-EF005470, 20-EF003386
Our File No. 5018.148

Dear Mr. Taylor:

Attached please find the proposed Consent Order & Judgment relative to the above-referenced proceedings. There are currently five (5) years pending.

There are two (2) parcels that are the subject of these proceedings. One parcel is an owner occupied +/- 12,000 sq. ft warehouse/office building located at 1605 Rt. 300 (Tax Map #34-1-29.1); the FMV ranges from \$1,285,556 to \$1,545,242. The other parcel is one family residence located at 1595 Route 300 (Tax Map #34-1-30.2); the FMV ranges from \$192,800 to \$231,719. The petitioner is discontinuing the residential lot proceedings.

After review of leases and sales of similar properties, a settlement was negotiated. The proposed settlement discontinues the 2016, 2017 and 2018 Petitions and reduces the assessment of the property to an equalized FMV of \$1,391,000 in 2019 and 2020. The 2020 assessed value as reduced will be held for 2021, 2022 and 2023 pursuant to RPTL §727, subject to the usual exceptions. After considering the costs of trial-ready appraisals and litigation, we feel that this is a good settlement.

I have attached for your review a copy of the refund liability charts, which show the potential liability versus the proposed settlement refund liability.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board meeting for approval. Once the Resolution passes, please let me know and I will sign the Order.

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
March 12, 2021
Page 2

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

Very truly yours,

E. STEWART JONES HACKER
MURPHY LLP

By: 

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

CLD:kah
Attachments

cc: Lori Coady, Assessor
Gilbert Piaquadio, Supervisor

File 0008-0113

At a Special Condemnation and Tax Certiorari Term of the Supreme Court of the State of New York, held in and for the County of Orange, Goshen, New York, on the _____ day of _____, 20_____.

PRESENT:

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

Justice.

-----X
In the Matter of

CONSENT ORDER & JUDGMENT

CINTAS,

Petitioner,
-against-

<u>Index No.</u>	<u>Assessment Year</u>
16-EF004662	2016
17-EF005472	2017
18-EF007252	2018
19-EF005470	2019
20-EF003396	2020

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

Tax Map No.: 34-1-29.1 & 34-1-30.2

Respondents.

And

NEWBURGH ENLARGED CITY SCHOOL DISTRICT,

Respondent-Intervenor.
-----X

The above petitioners having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the Town of Newburgh with respect to premises located at 1605 Route 300 & 1595 Route 300, Newburgh, New York, also designated as parcels 34-1-29.1 & 34-1-30.2 on the Official Assessment Map of the Town of Newburgh for the assessment years 2016 through 2020 and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by WARREN M. DUBITSKY, ESQ., of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, the respondents having appeared by CATHY L. DROBNY, ESQ., of E. STEWART JONES HACKER MURPHY, LLP, Attorneys for the Town of

Newburgh, and the respondent-intervenor having appeared by ELIZABETH A. LEDKOVSKY, ESQ. of SHAW PERELSON MAY & LAMBERT, LLP, and the parties having made their settlement, it is

ORDERED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Assessment Year	Tax Map Number	Original Assessed Value	Reduction	Corrected Assessed Value
2016	34-1-29.1	\$462,800	\$0	\$462,800
2017	34-1-29.1	\$462,800	\$0	\$462,800
2018	34-1-29.1	\$462,800	\$0	\$462,800
2019	34-1-29.1	\$462,800	\$14,898	\$447,902
2020	34-1-29.1	\$462,800	\$46,196	\$416,605

Assessment Year	Tax Map Number	Original Assessed Value	Reduction	Corrected Assessed Value
2016	34-1-30.2	\$69,400	\$0	\$69,400
2017	34-1-30.2	\$69,400	\$0	\$69,400
2018	34-1-30.2	\$69,400	\$0	\$69,400
2019	34-1-30.2	\$69,400	\$0	\$69,400
2020	34-1-30.2	\$69,400	\$0	\$69,400

and so reduced and confirmed, it is further

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

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Newburgh Enlarged City School District, the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED that the Commissioner of Finance of the County of Orange, State of New York, be and are hereby directed and authorized to audit, allow and to pay to the petitioner the amount, if any, of State, County, Town, Judiciary, Sewer District and any special taxes paid by the petitioner as taxes against said erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within ninety (90) days from the date of service of a copy of this judgment with Notice of Entry, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the Town of Newburgh, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED, that in the event that the taxes are unpaid and have already been billed for the Town of Newburgh in accordance with the original assessed valuation, the officer

or officers having custody of said assessment rolls are hereby directed to forward to petitioner, care of HERMAN KATZ CANGEMI WILKES & CLYNE, P.C., attorneys for Petitioner, 538 Broadhollow Road, Suite 307, Melville, New York 11747, a new bill or bills, taxing said petitioners on the basis of the final total assessed valuation as herein provided, as well as recalculating any and all interest and penalties that might be due, and it is further

ORDERED AND DIRECTED, that the terms of R.P.T.L. §727 shall apply to this settlement in all respects for the 2021, 2022 and 2023 assessment years; and it is further

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

ENTER,


A.J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

E. STEWART JONES HACKER MURPHY, LLP
Attorneys for Respondents

By: CATHY L. DROBNY, ESQ.
28 2nd Street
Troy, New York 12180
(518) 274-5820

HERMAN KATZ CANGEMI WILKES & CLYNE, LLP
Attorneys for Petitioner



By: WARREN M. DUBITSKY, ESQ.
538 Broadhollow Road, Suite 307
Melville, New York 11747
(631) 501-5011

SHAW PERELSON MAY & LAMBERT, LLP
Attorneys for Respondent-Intervenor

By: ELIZABETH A. LEDKOVSKY, ESQ.
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870

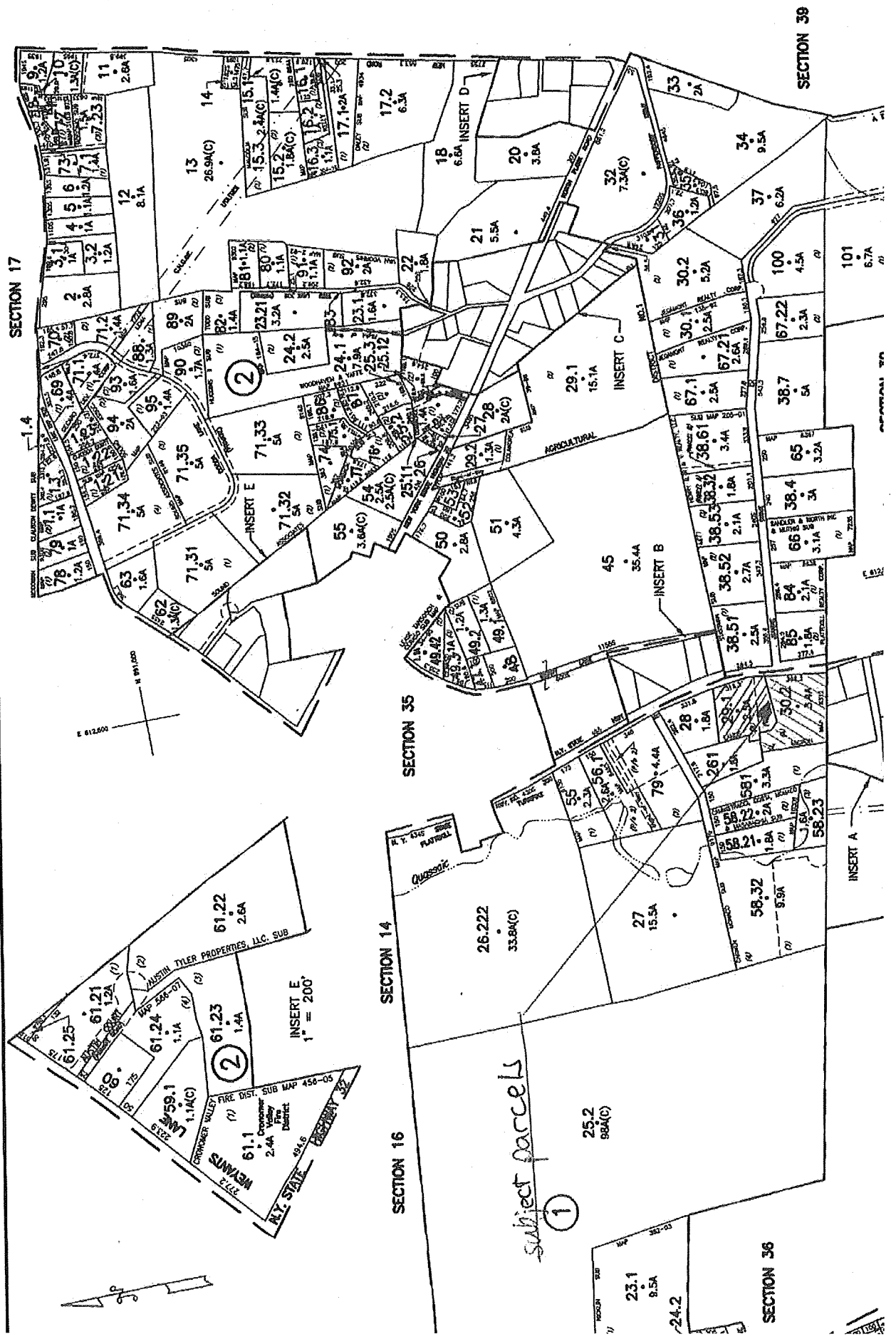
Cintas v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2016	34-1-29.1	\$ 462,800	\$ 46,280	36.00%	\$ 1,285,556	\$ 128,556	\$ 416,520	County	10.7266 \$ 4,467.84
								Town	8.9568 \$ 3,730.69
								Highway	4.7918 \$ 1,995.88
								Fire-CR	5.7711 \$ 2,403.78
								Sp. Dist.	4.2899 \$ 1,786.83
								Library	3.393216 \$ 1,413.34
								School	75.038340 \$ 31,254.97
2016	34-1-30.2	\$ 69,400	\$ 6,940	36.00%	\$ 192,778	\$ 19,278	\$ 62,460	County	10.7266 \$ 669.98
								Town	8.9568 \$ 559.44
								Highway	4.7918 \$ 299.30
								Fire-CR	5.7711 \$ 360.46
								Sp. Dist.	4.6673 \$ 291.52
								Library	3.393216 \$ 211.94
								School	75.038340 \$ 4,686.89
2017	34-1-29.1	\$ 462,800	\$ 46,280	36.00%	\$ 1,285,556	\$ 128,556	\$ 416,520	County	11.1261 \$ 4,634.24
								Town	9.2118 \$ 3,836.90
								Highway	5.2743 \$ 2,196.85
								Fire-CR	4.4900 \$ 1,870.17
								Sp. Dist.	4.2714 \$ 1,779.12
								Library	3.472455 \$ 1,446.35
								School	75.922863 \$ 31,623.39
2017	34-1-30.2	\$ 69,400	\$ 6,940	34.44%	\$ 201,510	\$ 20,151	\$ 62,460	County	11.1261 \$ 694.94
								Town	9.2118 \$ 575.37
								Highway	5.2743 \$ 329.43
								Fire-CR	4.4900 \$ 280.45
								Sp. Dist.	4.2714 \$ 266.79
								Library	3.472455 \$ 216.89
								School	75.922863 \$ 4,742.14
2018	34-1-29.1	\$ 462,800	\$ 46,280	36.00%	\$ 1,285,556	\$ 128,556	\$ 416,520	County	11.0305 \$ 4,594.42
								Town	9.4132 \$ 3,920.79
								Highway	5.4584 \$ 2,273.53
								Fire-CR	4.5661 \$ 1,901.87
								Sp. Dist.	3.9814 \$ 1,658.33
								Library	3.410414 \$ 1,420.51
								School	73.757176 \$ 30,721.34
2018	34-1-30.2	\$ 69,400	\$ 6,940	34.44%	\$ 201,510	\$ 20,151	\$ 62,460	County	11.0305 \$ 688.97
								Town	9.4132 \$ 587.95
								Highway	5.4584 \$ 340.93
								Fire-CR	4.5661 \$ 285.20
								Sp. Dist.	3.9814 \$ 248.68
								Library	3.410414 \$ 213.01
								School	73.757176 \$ 4,606.87

Cintas v. Newburgh - Settlement

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2019	34-1-29.1	\$ 462,800	\$ 447,902	32.20%	\$ 1,437,267	\$ 1,391,000	\$ 46,267	County Town Highway Fire-CR Sp. Dist.	\$ 11,5800 \$ 172.52 \$ 9,6600 \$ 143.91 \$ 5,4900 \$ 81.79 \$ 4,6200 \$ 68.83 \$ 3.98 \$ 59.29
								Library School	\$ 3,438755 \$ 51.23 \$ 72,719540 \$ 1,083.38
2019	34-1-30.2	\$ 69,400	\$ 69,400	32.20%	\$ 215,528	\$ 215,528	\$ -	County Town Highway Fire-CR Sp. Dist. Library School	\$ 11,5800 \$ - \$ 9,6600 \$ - \$ 5,4900 \$ - \$ 4,6200 \$ - \$ 3.98 \$ - \$ 3,438755 \$ - \$ 72,719540 \$ -
2020	34-1-29.1	\$ 462,800	\$ 416,605	29.95%	\$ 1,545,242	\$ 1,381,000	\$ 164,242	County Town Highway Fire-CR Sp. Dist. Library School	\$ 11.87 \$ 548.34 \$ 10.87 \$ 502.15 \$ 4.75 \$ 219.43 \$ 4.66 \$ 216.19 \$ 3.98 \$ 183.86 \$ 3,542079 \$ 163.63 \$ 71,885193 \$ 3,320.77
2020	34-1-30.2	\$ 69,400	\$ 69,400	29.95%	\$ 231,720	\$ 231,720	\$ -	County Town Highway Fire-CR Sp. Dist. Library School	\$ 11.87 \$ - \$ 10.87 \$ - \$ 4.75 \$ - \$ 4.66 \$ - \$ 3.98 \$ - \$ 3,542079 \$ - \$ 71,885193 \$ -
								County	\$ 720.36
								TOWN	\$ 646.06
								HIGHWAY	\$ 301.22
								FIRE-CR	\$ 285.02
								SP. DIST.	\$ 243.15
								LIBRARY	\$ 214.86
								SCHOOL	\$ 4,404.15
								Total	\$ 5,815.32

REVISION	DATE
03/01/03	
10/27/03	
01/05/04	
02/10/04	
03/01/04	
06/01/04	
07/27/04	
09/27/04	
12/16/04	
03/09/05	
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05/24/05	
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08/09/06	
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09/30/15	
01/19/16	
05/25/16	
09/09/16	



subject parcels
 ①



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Municipality of Newburgh				
SWIS:	334600	Tax ID:	34-1-29.1	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	1605 Route 300			
Property Class:	484 - 1 use sm bld	Site Property Class:	484 - 1 use sm bld	
Ownership Code:				
Site:	Com 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	Not Applicable	
Neighborhood:	40816 -	School District:	Newburg	
Property Description:	Lts B C Lands Of Micron Map 6312			
Total Acreage/Size:	2.50	Equalization Rate:	—	
Land Assessment:	2020 - \$46,300	Total Assessment:	2020 - \$462,800	
Full Market Value:	2020 - \$1,545,200			
Deed Book:	1898	Deed Page:	252	
Grid East:	611817	Grid North:	987458	
Bank Code:	N/A			
Special Districts for 2020				
Description	Units	Percent	Type	Value
FD008-Cronomer My fire	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0

Photographs

(Click on photo to enlarge it.)

Photo

Photo 1 of 6

Pictometry Connect

Documents

No documents found for this parcel

Maps

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Map Disclaimer

Land Types	
Type	Size
Primary	2.50 acres



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Municipality of Newburgh

SWIS:	334600	Tax ID:	34-1-29.1
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Ownership Information

Name	Secondary Name	Address
Micron-Clean Uniform	Acctg Asst-90C-NEG	6800 Cintas Blvd Mason OH 45040
Service Inc		1605 Route 300 Newburgh NY 12550

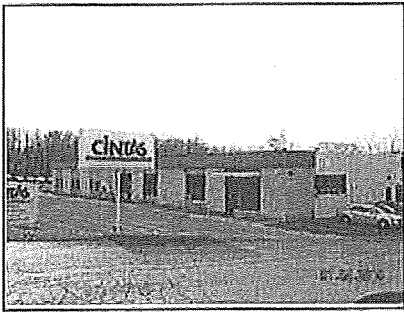
Sale Information

No Sales Information Available

Historic Deed Information

Photographs

(Click on photo to enlarge it.)



Photo

Photo 1 of 6 →

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Documents

No documents found for this parcel

Maps

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Municipality of Newburgh				
SWIS:	334600	Tax ID:	34-1-30.2	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	1595 Route 300			
Property Class:	210 - 1 Family Res	Site Property Class:	210 - 1 Family Res	
Ownership Code:				
Site:	Res 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	Cape Cod	
Neighborhood:	40816 -	School District:	Newburg	
Property Description:	Lt A Lands Of Micron Map 6312			
Total Acreage/Size:	3.40	Equalization Rate:	---	
Land Assessment:	2020 - \$38,000	Total Assessment:	2020 - \$69,400	
Full Market Value:	2020 - \$231,700			
Deed Book:	2134	Deed Page:	595	
Grid East:	611803	Grid North:	987148	
Bank Code:	N/A			
Special Districts for 2020				
Description	Units	Percent	Type	Value
FD008-Cronomer vly fire	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0

Photographs

(Click on photo to enlarge it.)



Photo

Photo 1 of 11 →

Pictometry Connect

Documents

No documents found for this parcel

Maps

View Tax Map

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Map Disclaimer

Land Types

Type	Size
Residual	2.40 acres
Primary	1.00 acres



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- Inventory
- Improvements
- Tax Info
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Municipality of Newburgh

SWIS:	334600	Tax ID:	34-1-30.2
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Ownership Information

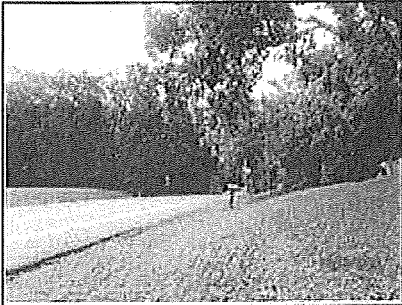
Name	Secondary Name	Address
Micron-Clean Uniform	Acctg Asst 90C-NEG	6800 Cintas Blvd Mason OH 45040
Services Inc		1605 Route 300 Newburgh NY 12550

Sale Information

No Sales Information Available

Photographs

(Click on photo to enlarge it.)



Photo

Photo 1 of 11 →

Pictometry Connect

Documents

No documents found for this parcel

Maps

View Tax Map

Pin Property on GIS Map

View in Google Maps

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Map Disclaimer

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___th day of April, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL #34-1- 29.1 and 34-1-30.2
CINTAS
(1605 AND 1595 ROUTE 300)
INDEX NUMBERS 2016-EF004662 2017-
EF005472; 2018-EF007252; 2019-EF005470
and 2020-EF003396

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

WHEREAS, Cintas (the "Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of a commercial building and related improvements located on a parcel of land on NYS Route 300 (Section 34-Block 1-Lot 29.1) and a single family residential dwelling and related improvements located on a second parcel of land on NYS Route 300 (Section 34-Block 1-Lot30.2) on the tax assessment roll for the tax years 2016, 2017, 2018, 2019 and 2020; and

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

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

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

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

the Attorney for the Town, the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

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

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

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

The resolution was thereupon declared duly adopted.

9A



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: LOCAL LAW IMPLEMENTING THE ACT TO AMEND
THE TAX LAW IN RELATION TO AUTHORIZING THE
TOWN OF NEWBURGH TO IMPOSE A HOTEL AND
MOTEL TAX AND PROVIDING FOR THE REPEAL OF
SUCH PROVISIONS UPON EXPIRATION THEREOF
OUR FILE NO. 800.1(B)() (2021), 800. _____

DATE: MAY 7, 2021

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

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OF COUNSEL

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Enclosed for the Town Board's consideration please the following draft resolution:

Resolution of Town Board Introducing A Local Law Adding Article IX Entitled "Taxation of Hotel Room Occupancy" to Chapter 166 entitled "Taxation" of the Code of the Town of Newburgh and Providing for Public Hearing and Public Notice.

We have previously submitted for your review the Local Law which will implement a five (5%) percent hotel room occupancy tax in the Town as authorized by the State's enactment of Bill No. A.9155 and S.7302, which was signed by the Governor on December 23, 2020 and is codified as Tax Law Section 1202-GG. As previously noted, the State enactment is effective for three years, so passage and signing of a Bill renewing the authorization will be necessary in 2023 for the Town to continue collecting the tax after December 23, 2023.

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

MCT/sel
Enc.

cc: Joseph P. Pedi, Town Clerk
Deborah Smith, Receiver
Lori Coady, Assessor
Ronald Clum, Town Accountant
Gerald Canfield, Code Compliance Supervisor

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference or telephone conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the 10th day of May, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD INTRODUCING A LOCAL LAW ADDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

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

BE IT RESOLVED that Introductory Local Law No. ___ of the Year 2021 entitled " A Local Law Adding Article IX Entitled 'Taxation of Hotel Room Occupancy' to Chapter 166 entitled 'Taxation' of the Code of the Town of Newburgh " 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 ___th day of June, 2021 at 7:___ o'clock, p.m. provided however that if the Governor's Executive Orders 202.1 and 202.15, 202.38, 202.48, 202.55, 202.60, 202.67, 202.79, 202.87, 202.92, 202.94, 202.96 and any subsequent extensions are still in effect, the public hearing may be held via videoconference during which the public will have the opportunity to see and hear the public hearing live and provide comments either during the public hearing or by mail or email up to ten (10) days following the posting of the transcript on the Town's website , 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>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piacquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

INTRODUCTORY LOCAL LAW NO. __ OF 2021

**A LOCAL LAW ADDING ARTICLE IX ENTITLED
"TAXATION OF HOTEL ROOM OCCUPANCY"
TO CHAPTER 166 ENTITLED "TAXATION"
OF THE CODE OF THE TOWN OF NEWBURGH**

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding Article IX Entitled 'Taxation of Hotel Room Occupancy' to Chapter 166 entitled 'Taxation' of the Code of the Town of Newburgh".

SECTION 2 – TAXATION OF HOTEL ROOM OCCUPANCY

A new Article IX entitled "Taxation of Hotel Room Occupancy" is hereby added to the Chapter 166 entitled "Taxation" of Town of Newburgh Municipal Code to read as follows:

“Article IX Taxation of Hotel Room Occupancy

- § 166-29 Definitions.
- § 166-30 Imposition of tax.
- § 166-31 Exempt organizations.
- § 166-32 Territorial limits.
- § 166-33 Registration.
- § 166-34 Administration and collection.
- § 166-35 Records to be kept.
- § 166-36 Returns.
- § 166-37 Payment of tax.
- § 166-38 Determination of tax.
- § 166-39 Disposition of revenues.
- § 166-40 Refunds.
- § 166-41 Reserves.
- § 166-42 Remedies exclusive.
- § 166-43 Penalties and interest.
- § 166-44 Returns to be secret.
- § 166-45 Notices and limitations of time.
- § 166-46 Proceedings to recover tax.
- § 166-47 General powers of Supervisor.
- § 166-48 Administration of oaths; compelling testimony.
- § 166-49 Accounting and reporting of tax.

§ 166-29 Definitions.

For purposes of this chapter, the following definitions shall apply:

EFFECTIVE DATE

The date on which the Local Law enacting this Article is filed with the Secretary of State.

HOSTING COMPANY

An internet, application, technology, and/or similarly based service through which a third party desiring to offer lodging (a "host") and a third party desiring to book lodging (a "guest") for one or more nights have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting company is not a party but still facilitates and is entitled to receive payments for rent on behalf of or for the host. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting company.

HOTEL or MOTEL

Any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed-and-breakfast" and "tourist" facilities.

OCCUPANCY

The use or possession, or the right to the use or possession, of any room in a hotel.

OCCUPANT

A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR

Any person operating a hotel or motel in the Town of Newburgh, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel and entitled to be paid the rent.

PERMANENT RESIDENT

Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a "Permanent Resident" with regard to the period of such occupancy.

PERSON

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

RENT

The per diem rental rate or charge received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN

Any return filed or required to be filed as herein provided.

ROOM

Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

SUPERVISOR

The Town Supervisor of the Town of Newburgh.

TOURIST FACILITY

Building, structure or other facility, which may ordinarily or originally be occupied for residential dwelling purposes, that contains or comprises a transient lodging rentable unit, including but not limited to "short term" or "vacation rental," or a location that is otherwise made available for transient lodging accommodation for rent directly by the owner or through an agent, Operator or Hosting Company.

§ 166-30 Imposition of tax.

On and after the effective date of this Article, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this Town, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

§ 166-31 Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this chapter:

- A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, insofar as it is immune from taxation;

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section;

D. A permanent resident of a hotel or motel.

§ 166-32 Territorial limits.

The tax imposed by this chapter shall apply only within the territorial limits of the Town of Newburgh.

§ 166-33 Registration.

A. Within 10 days after the effective date of this chapter or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Supervisor a certificate of registration in a form prescribed by the Town Board. A Hosting Company may file a certificate of registration on behalf of multiple operators.

B. The Supervisor shall, within five days after such registration, issue without charge to each operator of Hosting Company a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Supervisor upon the cessation of business at the hotel named or upon its sale or transfer.

§ 166-34 Administration and collection.

A. The tax imposed by this chapter shall be administered and collected by the Supervisor, or such other Town employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this chapter.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Town, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this chapter, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Supervisor or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

C. Notwithstanding anything to contrary, the Town may enter into a voluntary collection agreement with any Hosting Company that provides such agreement, which designates the Hosting Company as solely responsible and liable for collecting and remitting the applicable tax to the Town (the "Collector") for booking transactions completed through the respective Hosting Company for hotels located within the Town; and the host or operator of the hotel who is not the collector Hosting Company shall not be responsible for collecting and remitting the tax to the Town on any transaction for which it has received confirmation that the Hosting Company has collected the aforementioned tax and remitted it back to the Town pursuant to a voluntary collection agreement; otherwise, operators or hosts of hotels and motels shall be liable for the collection and remittance of the tax if no such voluntary collection agreement between a Hosting Company and the Town has been executed. For the sole purposes of tax registration, collection, and remittance under this Article, a Hosting Company that enters into a voluntary collections agreement with the Town pursuant to this Section shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through the respective Hosting Company and pursuant to the terms of an executed voluntary collection agreement, through which the Hosting Company shall collect and remit to the Town its respective portion of the tax.

D. The Supervisor may, whenever he/she deems it necessary for the proper enforcement of this chapter, provide by regulation that the occupant shall file returns and pay directly to the Supervisor the tax imposed at such times as returns are required to be filed and payment made over by the operator.

E. The tax imposed by this chapter shall be paid upon any occupancy on and after the effective date of this chapter, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after

the effective date of this chapter. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Supervisor may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 166-40 of this chapter. **F.** For the purpose of the proper administration of this chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of § 166-31 of this chapter, the rent shall be deemed taxable hereunder unless:

(1) The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate; or

(2) Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

§ 166-35 Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Supervisor may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Supervisor or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Supervisor may consent to their destruction within that period or may require that they be kept together.

§ 166-36 Returns.

A. Every operator shall file with the Supervisor or his designee a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this chapter. Such returns shall be filed within 20 days from the expiration of the period covered thereby. A Hosting Company may file a return on behalf of multiple participating host operators. The Town Board may permit or require returns to be made for other periods upon such dates as it may specify. If the Town Board deems it necessary in order to ensure the payment of the tax imposed by this chapter, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

B. The forms of return shall be prescribed by the Town Board and shall contain such information as it may deem necessary for the proper administration of this chapter. The Supervisor may require

amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this chapter is not filed, or if a return is incorrectly filed or is insufficient on its face, the Supervisor shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

§ 166-37 Payment of tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Supervisor or his authorized designee the taxes imposed by this chapter upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this chapter; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Supervisor on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. A Host Company may make a voluntary payment on behalf of multiple participating host operators. Where the Supervisor in his/her discretion deems it necessary to protect revenues to be obtained under this chapter, he/she may require any operator required to collect the tax imposed by this chapter to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Supervisor may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Supervisor determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Supervisor at which the necessity, propriety and amount of the bond shall be determined by the Supervisor. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Supervisor or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Supervisor, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

§ 166-38 Determination of tax.

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

§ 166-39 Disposition of revenues.

All revenue resulting from the imposition of the tax under this chapter shall be paid into the treasury of the Town and shall be credited to and deposited in the general fund of the Town. Such revenues may be used for any lawful purpose.

§ 166-40 Refunds.

A. In the manner provided in this section, the Supervisor shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Supervisor for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Supervisor, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator, Host Company or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Supervisor, provided that the application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Supervisor, under such regulations as the Supervisor may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Supervisor may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Supervisor, and such Supervisor shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the Supervisor in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § 166-43 of this chapter where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Supervisor made pursuant to § 166-43 of this chapter unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Supervisor after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§ 166-41 Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Supervisor shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the Town.

§ 166-42 Remedies exclusive.

The remedies provided by § 166-37 and § 166-40 of this chapter shall be the exclusive remedies available to any person for the review of tax liability imposed by this chapter, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Supervisor prior to the institution of such suit and posts a bond for costs as provided in § 166-37 of this chapter.

§ 166-43 Penalties and interest.

A. Any person failing to file a return or to pay or pay over any tax to the Supervisor within the time required by this chapter shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this chapter, or filing or causing to be filed or making or causing to be made or giving

or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this chapter which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 166-37 of this chapter, or failing to file a registration certificate and such data in connection therewith as the Supervisor may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this chapter or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this chapter, and any such person or operator failing to keep records required by this chapter, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this chapter and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

C. The certificate of the Supervisor to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this chapter shall be presumptive evidence thereof.

§ 166-44 Returns to be confidential.

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Supervisor or employee or designee of the Supervisor to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Supervisor in an action or proceeding under the provisions of this chapter or on behalf of any party to any action or proceeding under the provisions of this chapter when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the Town Attorney or other legal representatives of the Town or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or

penalty. Returns shall be preserved for three years and thereafter, until the Supervisor permits them to be destroyed.

§ 166-45 Notices and limitations of time.

A. Any notice authorized or required under the provisions of this chapter may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this chapter or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence five days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Town to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this chapter. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

§ 166-46 Proceedings to recover tax.

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this chapter, the Town Attorney shall, at the request of the Town Board, bring or cause to be brought an action to enforce the payment of the same on behalf of the Town in any court of the State of New York or of any other state or of the United States. If, however, the Supervisor believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Supervisor may issue a warrant immediately.

§ 166-47 General powers of Supervisor.

In addition to the powers granted in this chapter, the Supervisor is hereby authorized and empowered to:

A. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this chapter;

C. Delegate functions hereunder to any employee of the Town;

D. Enter into inter-municipal agreements on behalf of the Town for the performance of functions by another governmental entity;

E. Enter into agreements with Hosting Companies for the reporting, collection and remittance of the tax provided for herein on behalf of participating hosts

E. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;

F. Require any operator within the Town, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this chapter; and to furnish such information at the request of the Supervisor;

G. Impose as a penalty upon any operator within the Town any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and

H. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this chapter and the purposes thereof as may be approved by the Town of Newburgh Town Board.

§ 166-48 Administration of oaths; compelling testimony.

A. The Supervisor or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this chapter. The Supervisor shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this chapter,

and to examine them in relation thereto. The Supervisor shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.

B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Supervisor under this chapter.

C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Supervisor under this chapter shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the Supervisor and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be Town of Newburgh police officers, or any officers or employees of the Town designated by the Supervisor to serve such process.

§ 166-49 Accounting and reporting of tax.

From time to time, but no less than quarterly each year, the Supervisor shall provide a report to the Town Board, for its audit and review, of all actions taken pursuant to this chapter. The Supervisor's report shall contain a list of all certificates of registration filed or issued to any operator in the Town or hosting company, and for each operator shall state the returns filed for all operators and hosting companies; the returns that have not been timely filed by any operator or hosting company; the amount of tax determined to be payable by any operator or hosting company; the tax paid and collected from any operator or hosting company; any tax that may be due and owing or past due from any operator or hosting company, and any enforcement action taken to collect any tax due under this chapter.”

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 and New York State Tax Law 1202-GG(3).



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: LOCAL LAW PROVIDING FOR TEMPORATY OUTDOOR
DINING PERMITS DURING THE YEAR 2021
OUR FILE NO. 800.1(B)()(2021), 800._____

DATE: MAY 7, 2021

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

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Donna M. Badura

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

COUNSEL
Stephen P. Duggan, III
John K. McGuirk
{1942-2018}

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Enclosed for the Town Board's consideration please find the following draft resolution:

Resolution Scheduling Public Hearing on A Local Law Providing for Temporary Outdoor Dining Permits During the Year 2021

We have previously submitted for the Town Board's review the draft Local Law.

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

MCT/sel
Enc.

cc: Joseph P. Pedi, Town Clerk
Lori Coady, Assessor
Gerald Canfield, Code Compliance Supervisor

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the ___nd day of May, 2021 at 7:00 P.M., Prevailing Time

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
SCEHDULING A PUBLIC HEARING ON
A LOCALPROVIDING FOR
TEMPORARY OUTDOOR DINING
PERMITS DURING THE YEAR 2021

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

WHEREAS, an Introductory Local Law, entitled "A Local Law Providing for Temporary Outdoor Dining Permits During the Year 2021" has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York.

NOW, THEREFORE, BE IT 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; 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 the Town of Newburgh, New York on the ___th day of June, 2021 at 7:00 o'clock, p.m., provided however that if the Governor's Executive Orders 202.1 and 202.15, 202.38, 202.48, 202.55, 202.60, 202.67, 202.79, 202.87, 202.92, 202.94, 202.96 and any subsequent extensions are still in effect, the public hearing may be held via videoconference during which the public will have the opportunity to see and hear the public hearing live and provide comments either during the public hearing or by mail or email up to ten (10) days following the posting of the transcript on the Town's website; 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 in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together

with the notice of hearing on the signboard of his office not later than the day such notice is published and on the Town's website; and

BE IT FURTHER RESOLVED that copies of the aforesaid local law and notice of the public hearing be forwarded to all municipalities, agencies and boards required to receive such copies and notices in accordance with the provisions of the New York State General Municipal Law, and the New York State Town Law and the Town of Newburgh Zoning Code.

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

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

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

The resolution was thereupon declared duly adopted.

**TOWN OF NEWBURGH
LOCAL LAW NO. _ of 2021**

**A Local Law Providing for Temporary
Outdoor Dining Permits During the Year 2021**

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

SECTION 1. Purpose and Intent.

It is the purpose and intent of the Town Board in enacting this Local Law to allow for the controlled utilization of certain outdoor spaces for dining activities, for a limited period of time, to assist business establishments in recovery from the effects of the COVID-19 pandemic emergency. In light of the continuing COVID-19 pandemic, and the restrictions related to social distancing and decreasing maximum capacity of indoor spaces in an effort to reduce the risk of spread of the virus, there has been an increased focus on operating outdoors and in the open air to the extent possible. This has come to the Town Board's attention specifically in the context of Restaurants, Eating and Drinking Establishments and other uses involving the service of food and drink in the Zoning Code, where the establishments are required to reduce their maximum indoor occupancy and have sought to create outdoor seating in order to serve their patrons in a safe environment and also generate the level of business necessary to remain viable. The Board finds that it is in the public interest to provide an opportunity for such establishments to provide outdoor dining space, on conditions which balance the public interest in maintaining the quality of life in the community, preserving the public health, safety and welfare of the community, and protecting the users, owners and occupants of surrounding properties. This local law creates a temporary permitting process to allow for such outdoor uses under appropriate circumstances when the establishment can demonstrate that due to a risk to public health, safety and welfare, regardless of whether it is specifically related to the COVID-19 pandemic, the establishment cannot utilize all of its permitted indoor occupancy space to accommodate its designated capacity.

SECTION 2. Temporary Outdoor Dining Permits.

A. Temporary Outdoor Dining Permits Authorized

1. Upon application, the Code Compliance Department is hereby authorized to issue a permit to remain in effect for a period which expires; December 31, 2021 to a legally operating restaurant, eating and drinking place, fast food establishment, delicatessen and similar use with approved indoor seating as set forth in the Town of Newburgh Zoning Code (an "Establishment"), to provide outdoor seating for patrons on or immediately adjacent to the Establishment's private property upon the Establishment complying with all of the requirements and conditions set forth in this Local Law to the reasonable satisfaction of the Code Compliance Supervisor or his designee. The Code Compliance Supervisor or his designee may grant the permit for a period expiring sooner than December 31, 2021 or require a permit's periodic renewal in his reasonable discretion based upon the circumstances warranting the granting of the permit.

2. An application for the Temporary Outdoor Dining Permit must be made at least 10 days in advance of the establishment seeking to utilize outdoor dining. If the Establishment fails to timely apply for a permit, the Establishment must cease any and all operations authorized by the permit if and until a new permit is issued.

3. This permit only authorizes outdoor seating, not congregating or standing outside. An open-air tent may be provided to cover the area of an outdoor seating but the tent shall not have sides or flaps such that the outdoor dining area will be enclosed.

B. Requirements for Temporary Outdoor Dining Permit In its application to the Code Compliance Department for a Temporary Outdoor Dining Permit, the Establishment shall include the following information:

1. Certificate of Occupancy or other documentation demonstrating that the Establishment is legally operating within the Town if not already on file with the Department.

2. A plan showing where the seating will be provided outdoors, which plan must show a potential seating capacity not to exceed the maximum permissible indoor capacity but for the risk to public health, safety and welfare that precludes the Establishment from utilizing any or all of the designated indoor space for the service of patrons.

3. If seating is going to be provided in a designated parking area, a plan showing vehicular and pedestrian access, internal vehicular circulation and the number of parking spaces available for patrons to demonstrate to the reasonable satisfaction of the Building Inspector, sufficient parking on the site. Seating shall not be proposed for fire lanes or other areas where it would significantly impede emergency responses or the flow of traffic in the judgment of the Town's Code Compliance Department. A permit for a temporary outdoor dining area shall only be authorized where it is determined by the Code Compliance Supervisor that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic.

4. A valid certificate of liability insurance.

5.. Any other information the Code Compliance Supervisor determines to be reasonably necessary.

C, Waiver. The Code Compliance Supervisor may waive the permit application requirement if the Establishment has already been permitted to have outdoor seating in 2021 pursuant to previously established protocols under emergency orders.

D. Compliance with All Other Laws Except to the extent stated herein, the Establishment shall be required to comply with all other applicable Federal, State and Local laws, rules, regulations and executive orders, including but not limited to, the Uniform Fire Prevention and Building Code, New York State Department of Health Regulations, New York State Liquor Authority Regulations and the Town Code.

E. Code Compliance Supervisor Authority

1. The Code Compliance Supervisor is authorized to review applications and issue permits only when in his reasonable opinion all applicable conditions and requirements of this Local Law have been satisfied.

2. Upon the Code Compliance Supervisor's determination that all applicable conditions and requirements of this Local Law have been satisfied, the Code Compliance Supervisor may issue the Temporary Outdoor Dining Permit without any further review or approval required by any Town official, department and/or board.

3. In the event the Code Compliance Supervisor determines that after a permit is issued the Establishment is not complying with the conditions and requirements of this Local Law or any other applicable rule, regulation, ordinance, local law or statute, the Code Compliance Supervisor may immediately revoke or suspend the Temporary Outdoor Dining Permit and the Establishment shall cease all activity authorized by the Temporary Outdoor Permit immediately.

4. In receiving the Temporary Outdoor Dining Permit, the Establishment authorizes Code Compliance Supervisor, inspectors and enforcement officers, and any other designated Town official or employee, to enter the property and the interior of the premises in order to ensure compliance with this Article.

5. If periodic renewals are required, issuance of one Temporary Outdoor Dining Permit does not require the Code Compliance Department to issue subsequent permits. With each Temporary Outdoor Dining Permit application or renewal application, the Establishment is required to demonstrate compliance with all conditions and requirements of this Article.

E. Liability of permit holder.

The person or persons to whom a Temporary Outdoor Dining Permit has been issued shall be liable and shall indemnify the Town for any loss, damage, or injury or expense sustained by the Town arising out of any claim or cause of action instituted or commenced by any person or persons arising out of the issuance of such permit or as a direct or indirect result of the operation of such outdoor dining area.

F. Appeal from denial, revocation, suspension or issuance of permit.

Appeals from the issuance, denial, suspension, revocation or other condition of a permit may be taken to the Zoning Board of Appeals by any aggrieved person within 30 days from the date of the issuance, denial, suspension or revocation, by filing an application to the Zoning Board of Appeals.

F. Maintenance of the premises.

The outdoor dining area and adjacent areas shall be periodically cleaned and kept refuse free, as needed. Sufficient containers for trash shall be placed in the outdoor dining area.

G. Furniture, Fixtures, Signage.

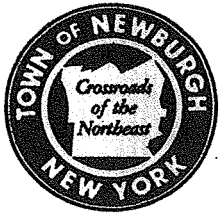
All furniture and fixtures used in conjunction with outdoor dining must be of a temporary nature. No signage shall be permitted to be affixed to any temporary structures. No permanent improvements shall be made without appropriate approvals.

H. Penalties for Offenses. A violation of any provision or requirement of this Chapter or a violation of any statement, plan, application, permit or certificate required, issued and/or approved under the provisions of this Chapter, or of the terms or conditions contained therein, shall be considered an offense punishable by a fine of not less than \$350 nor more than \$5,000 or imprisonment for a period not to exceed 15 days, for both such fine and imprisonment. Each and every day that any such violation continues after the specified time to abate shall constitute a separate offense. Additionally, a person who commits, takes part or assists in violation of any provision of this chapter or who maintains a premises on which any such violation shall exist shall be subject to monetary civil penalties not exceeding \$350 for the first violation; not less than \$350 nor more than \$700 for the second violation; and not less than \$700 nor more than \$1,000 for a third or subsequent violation. Each day's continued violation shall constitute a separate additional violation.

SECTION 4. Superseding Effect. This Local Law temporarily supersedes and amends provisions of the Town's Zoning Code which would otherwise apply, including but not limited to Sections 185-10, 185-11, Article IX and those other provisions which impose site plan approval or bulk requirements for outdoor seating.

SECTION 5. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 6. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

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

Date: 4/29/21

I am requesting authorization to use the T-94 account to pay for Vet service: *NVH*

*Totaling: \$ *424.47*

Feline: *68.50*

Canine: \$ *355.97*

TOWN OF NEWBURGH

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

DO NOT WRITE IN THIS BOX

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

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2880
www.newburghvet.com

TERMS Net 30 Days

Invoice # _____

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
3/29/21	767059			99.50 ✓
4/13/21	768614			38.75 ✓
7/20/21	769376			217.72 ✓
COPY				
			TOTAL	355.97

CLAIMANT'S CERTIFICATION

I, Dora M Cast certify that the above account in the amount of \$ 355.97 is true and correct, that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

4/28/21
DATE

Dora M Cast
SIGNATURE

Office Manager
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

Date

Authorized Official

APPROVAL FOR PAYMENT

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

Date

Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 03-29-21 at 1:16p
Date: 03-29-21
Account: 19984
Invoice: 767059

Date	For	Qty	Description	Price	Discount	Net Price
03-29-21	#6-21 Macchiato	1	Sedation	199.00	99.50	99.50 **
03-29-21		0.80	-HydromorphoneInject 2mg/ml Cont			0.00
03-29-21		1	Staple removal			0.00
Total charges, this invoice...						99.50
**Total discount included: 99.50						

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

Reminders for: **#6-21 Macchiato** (Weight: 50.0 lbs - 13m) Last done

02/25	Consultation/Exam- Bi-annual	
02/22	lyme,HW,Ehrlichia Accu Plus4(A)	02-16-21
08/21	Spay your pet at 5-6 months	
08/21	Canine Kennel Cough Vacc -1 ye	
08/21	FECAL EXAM	
02/21	Pro-Heart 12 (26-50lbs)	
02/21	Pro-Heart 12 (1-25lb)	
02/21	Pro-Heart 12 (51-100lbs)	
06/20	CANINE RABIES / 1YEAR	
05/20	CANINE DIST/A2/PI/PARVOLEPTO1Y	

CONF

Doctor's Instructions

Sedation

FOOD & WATER- With the excitement of returning home after surgery, your pet may be inclined to drink and eat excessively, which may result in vomiting. To avoid this we recommend restricting access to water for an hour or so until your pet has quieted down. Then allow only small amounts of food and water for the first eight hours. Normal feeding may resume the next day.

ELIMINATION- Many patients may not have a bowel movement for 24-36 hrs. after surgery. This is normal.

EXERCISE & ACTIVITY- Patient recovering from surgery should have limited exercise. Avoid giving your pet access to stairs or other situations that may lead to injury.

MEDICATIONS- Please follow directions on any medications carefully.

SUTURES- Discourage your pet from licking or chewing at sutures. Please check the

incision daily for swelling, redness, or discharge. If sutures appear irritated or infected, notify us. Any external sutures should be removed by us in 10-14 days.

MONITORING- A decrease in activity or appetite may be observed. However, if your pet exhibits any of the following symptoms, please notify the hospital. 1) Loss of appetite for more than 1 day; 2) Refusal to drink water for more than 1 day; 3) Weakness; 4) Depression 5) Vomiting and/ or diarrhea.

#6-21 Macchiato's weight history (in lbs)

02-16-21	50.00
----------	-------

LIKE US ON FACEBOOK.COM!

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

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

COPY

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 04-13-21 at 12:10p
Date: 04-13-21
Account: 19984
Invoice: 768614

Date	For	Qty	Description	Price	Discount	Net Price
04-13-21	#6-21 Macchiato	1	Fecal Analysis w/ Pathology review	77.50	38.75	38.75 **

Total charges, this invoice... 38.75

**Total discount included: 38.75

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

Reminders for: **#6-21 Macchiato** (Weight: 50.0 lbs - 14m) Last done

02/25	Consultation/Exam- Bi-annual	
02/22	lyme,HW,Ehrlichia Accu Plus4(A)	02-16-21
10/21	FECAL EXAM	04-13-21
08/21	Canine Kennel Cough Vacc -1 ye	
08/21	Spay your pet at 5-6 months	
02/21	Pro-Heart 12 (26-50lbs)	
02/21	Pro-Heart 12 (1-25lb)	
02/21	Pro-Heart 12 (51-100lbs)	
06/20	CANINE RABIES / 1YEAR	
05/20	CANINE DIST/A2/PI/PARVOLEPTO1Y	

Next appointment for **#6-21 Macchiato** Qty

04-19-21	At: 10:00a	With: Surgery-Dental	
	Treatments: OHE Canine > 4 YRS.		1

#6-21 Macchiato's weight history (in lbs)

02-16-21	50.00
----------	-------

LIKE US ON FACEBOOK.COM!

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

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

COPI

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 04-20-21 at 9:42a
Date: 04-20-21
Account: 19984
Invoice: 769376

Date	For	Qty	Description	Price	Discount	Net Price
04-19-21	#6-21 Macchiato	1	Weight Monitoring			0.00
04-19-21		63	Pro Pectalin Tabs #292597	47.79	35.69	12.10 **
04-19-21		10	Metronidazole 500mg #292598	26.45	23.09	3.36 **
04-19-21		0.90	-HydromorphoneInject 2mg/ml Cont			0.00
04-19-21		2.50	Penicillin G Inject / ml (in hosp)	31.80	31.80	0.00 **
04-19-21		2	Rimadyl Inject / ml (in hosp)	61.80	30.90	30.90 **
04-19-21		0.60	-TorbugesicInject 10mg/ml (butorph	17.55	17.55	0.00 **
04-19-21		1	OHE Canine 13 MOS.- 4Yrs	388.00	288.25	99.75 **
	Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a few days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.					
04-19-21		1	-Isoflurane Gas Anesthesia			0.00
04-19-21		1	CANINE RABIES / 1YEAR	39.00	22.50	16.50 **
04-19-21		1	Canine Dist/A2/PI/Parvo/Lepto1YR	39.00	24.50	14.50 **
	Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PP1, the best available protection against Distemper, Adenovirus, Parvovirus, Parainfluenza, and Leptosiprosis					
04-19-21		1	Canine Respiratory Complex- Bord	39.00	25.25	13.75 **
	Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have increased risk of exposure....please be sure to have your pet boosted every 12 months.					
04-19-21		40	Trazodone 100mg tablets #292601	27.55	23.85	3.70 **
04-19-21		5	Vetprofen Tablets 100mg Individual	21.80	19.04	2.76 **
04-19-21		20	Amoxicillin 250mg capsule #29260	21.15	0.75	20.40 **

Total charges, this invoice... 217.72

**Total discount included: 543.17

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

COPY

Reminders for: **#6-21 Macchiato** (Weight: 56.7 lbs - 14m) Last done

02/25	Consultation/Exam- Bi-annual	
04/22	CANINE RABIES / 3 YEAR	
04/22	CanineDist/Aden/Para/Parvo/Lep	
04/22	Canine Kennel Cough Vacc -1 ye	04-19-21
02/22	lyme,HW,Ehrlichia Accu Plus4(A	02-16-21
10/21	FECAL EXAM	04-13-21
02/21	Pro-Heart 12 (1-25lb)	
02/21	Pro-Heart 12 (51-100lbs)	
02/21	Pro-Heart 12 (26-50lbs)	

Doctor's Instructions

OHE Canine 13 MOS.- 4Yrs

Your dog has been surgically spayed. Please watch the surgical site for swelling or redness, and give antibiotics as directed. If there are skin sutures, please make an appointment to have them removed in 10 days.

#6-21 Macchiato's weight history (in lbs)

04-19-21	56.70
02-16-21	50.00

LIKE US ON FACEBOOK.COM!

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

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

COPY

TOWN OF NEWBURGH

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

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

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

DO NOT WRITE IN THIS BOX

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

TERMS Net 30 Days

Invoice # _____

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
12/25/21	7	Tele 2643		68.50
COPY				
TOTAL				68.50

CLAIMANT'S CERTIFICATION

Doram Cost certify that the above account in the amount of \$ 68.50 is true and correct, that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

4/28/21
DATE

Doram Cost
SIGNATURE

Office Mgr
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

Date Authorized Official

APPROVAL FOR PAYMENT

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

Date Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 05-03-21 at 8:52a
Date: 03-25-21
Account: 4417
Invoice: 766643

Date	For	Qty	Description	Price	Discount	Net Price
03-25-21	Squish 5C-21	1	Shelter body care feline #290894	80.00	11.50	68.50 **
03-25-21		0.10	TelazolInject Control Log / ml			0.00
03-25-21		2	Euthanasia - Somlethol Pent Contr			0.00
Total charges, this invoice...						68.50
**Total discount included: 11.50						

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

LIKE US ON FACEBOOK.COM!

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

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

COPY

KALA

Karen Arent Landscape Architect

To: Supervisor Gil Piaquadio and the Town of Newburgh Board

From: Karen Arent, Landscape Architect

Date: April 23, 2021

Subject: Ready Coffee Landscape Inspection, Security Release

Town Project Number: 2019-26

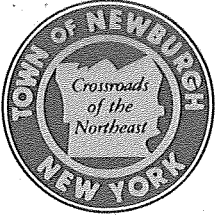
Consultant: McGoey, Hauser, & Edsall

Cc: Chairman John Ewasutyn and the Town of Newburgh Planning Board, Dominick Cordisco, Pat Hines, Gerald Canfield, Mark Taylor

COMMENTS:

The landscape was inspected Wednesday April 21. It appears plants were installed fall of 2020. The plants all seem in good, living condition and are mostly planted at the size specified. The Abelia was specified at 3'-4' height but the ones we inspected were no more than 2' in height. We understand that plant materials were difficult to obtain in 2020 so we will accept the undersized Abelia.

We recommend half of the bond be released now, to the order of \$10,000 and the rest eligible for release in one year after another landscape inspection, should all plants be alive and healthy.



12A and 12B

TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Gilbert Piaquadio, Supervisor ✓
Town Board Members

From: Charlene M. Black, Personnel Director

Date: May 5, 2021,

Re: Two (2) Part Time Laborers & One (1) Seasonal Laborer

Mr. Presutti has requested approval to hire Norman Coard and Michael Paccione as a Part Time laborers.

Mr. Presutti is also requesting your approval to hire Anthony Zambrotta as a SEASONAL laborer.

All applicants hiring is contingent on your approval and the completion of their fingerprints, paperwork, drug/alcohol screening and physical.

A start date of on or after May 24th, 2021 is anticipated. Thank you in advance.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

12A and 12B

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

CC: Charlene Black, Personnel

FROM: Jim Presutti, Commissioner

DATE: May 5, 2021

RE: Request to Hire Two P/T Laborers and One Seasonal Laborer

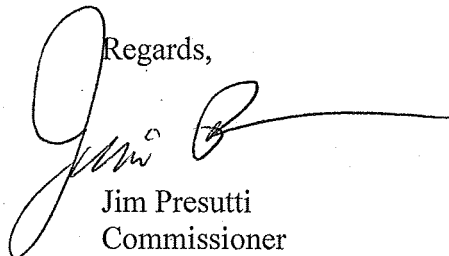
At this time we are requesting your approval to hire Norman Coard and Michael Paccione as Part Time Laborers to fill the two openings in the Recreation Department. Messrs. Coard and Paccione will be hired at the rate of \$15.31/hour.

We are also requesting your approval to hire Anthony Zambrotta as a Seasonal Laborer to fill the remaining opening. Mr. Zambrotta will be hired at the rate of \$15.31/hour.

All of these positions are currently funded in the 2021 Recreation Department Budget. The start date for these positions will be on or after May 24th.

Thank you for your consideration.

Regards,



Jim Presutti
Commissioner

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: NORMAN COARD

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: PART TIME

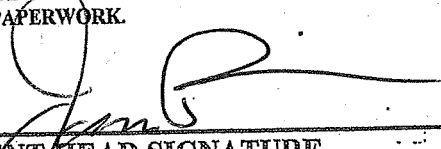
HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7110.5100

PROPOSED HIRE DATE: 5/24/21

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


DEPARTMENT HEAD SIGNATURE

5/5/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: MICHAEL PACCIONE

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: PART TIME

HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7110.5100

PROPOSED HIRE DATE: 5/24/21

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


DEPARTMENT HEAD SIGNATURE

5/5/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: ANTHONY ZAMBROTTA

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: SEASONAL

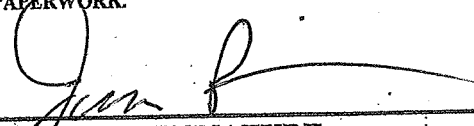
HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7110.5100

PROPOSED HIRE DATE: 5/24/21

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


DEPARTMENT HEAD SIGNATURE

5/5/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010

12C



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members ✓

FROM: Jim Presutti, Commissioner

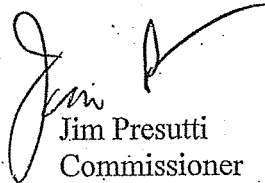
DATE: April 13, 2021

RE: Recreation Seasonal Employee – Rate of Pay Change

Ms. Shannon Mozingo was recently approved by the Town Board for hire as a Seasonal Recreation Aide at the March 22nd meeting. At that time, Ms. Mozingo was hired at a rate of \$15.50/hour. Given the responsibilities she will be given in this position we are requesting Ms. Mozingo's pay rate be increased to \$18.51.

Thank you for your consideration.

Regards,


Jim Presutti
Commissioner



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

12D

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Jim Presutti, Commissioner

DATE: May 5, 2021

RE: Request to Solicit Bids for Pickleball Court

We would like to request the Board's approval to begin the process to solicit bids for pickleball courts at Monarch Drive.

Thank you for your consideration.

Regards,

Jim Presutti
Commissioner



12E

GEORGE J. MEYERS
TOWN SUPERVISOR

ANDREW REGENBAUM
STEVE MOREAU
STEPHEN BEDETTI
SYLVIA SANTIAGO
TOWN BOARD

Matt Veronesi
Director of Parks and Recreation

244 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
845-565-7750

May 6, 2021

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

Dear Supervisor Piaquadio:

I am writing to you on behalf of our Police Department who is having their awards ceremony on Wednesday May 12th at Kristi Babcock Memorial Park where they will be honoring their officers and civilians who assisted their officers during the years 2019 and 2020. They would like to borrow your portable stage where the MC and award winners will be situated during the ceremony.

You have lent us this stage many times and we are very thankful for the good relationship we have with the Town and are so appreciative of your generosity. If we are able to use the stage once again we can pick it up and return it at your convenience. Please let us know if you need more information. I can be reached at 845-629-1260 or at mveronesi@newwindsor-ny.gov.

Thank you so much for your consideration.

Sincerely,

Matt Veronesi
Director of Parks and Recreation



TOWN OF NEWBURGH

13

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Supervisor Piaquadio ✓
Town Council

From: Charlene M Black, Personnel

Date: May 4, 2021

Re: Dispatcher

We sent out two canvas letters for Full Time Dispatcher, will only one response. Lt. DeSaye, Deputy Supervisor Manley and myself were in the interview for Alison Corkery. It was unanimous that we hire Alison Corkery, pending fingerprints, physical and paperwork to be done. An effective date of on or after May 24th, 2021 was determined. Thank you in advance for your approval.

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Alison Corkery

DEPARTMENT: Police

TITLE OF POSITION: Dispatcher

FULL TIME OR PART TIME: Full Time


HOURLY RATE: \$21.71 per hour

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO NO

FUND APPROPRIATION NUMBER: 001-3120-0100-000

PROPOSED HIRE DATE: On or After 5/24/21

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


DEPARTMENT HEAD SIGNATURE

5/4/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL DEPARTMENT



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD B. CAMPBELL
CHIEF OF POLICE

Phone: (845) 564-1100
Fax: (845) 564-1870

May 4, 2021

To: Newburgh Town Board

Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Full-Time Dispatcher Position

I am requesting authorization to hire Alison Corkery as a Full-time dispatcher at a rate of \$21.71. Ms. Corkery is currently immediately reachable on the Orange County Dispatcher Exam List. I am requesting she receive a start date effective on or after May 24, 2021 pending a physical exam and fingerprinting. This is a budgeted position that is currently vacant (Fund appropriation # 001-3120-0100-000).

Respectfully submitted,


Donald B. Campbell
Chief of Police

14A

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor
FROM: Patrick J. Hines, Rep Town Engineer
DATE: May 4, 2021
RE: Roseton Headworks Modification
Advertisement for Bids



The NYS DEC has approved the Town's Roseton Hills Sewer Plant Headworks project as an in-kind substitute to the previously approved project.

We would like to propose the following schedule for bidding the project:

Advertise for Bids	14 May 2021
Receive Bids	8 June 2021

This project has a Community Development Block Grant for funding and the entire project must be completed within this calendar year.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda for approval to advertise for bids.

If you have any questions or comments, I am available to discuss them with you.

Cc: Jim Osborne, Town Engineer
Joseph Pedi, Town Clerk
Mark Taylor, Town Attorney

PJH/dd



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

MEMORANDUM

P: 845.562.9100 **TO:** HON. GILBERT J. PIAQUADIO, SUPERVISOR
F: 845.562.9126 TOWN BOARD MEMBERS

655 Little Britain Road **FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN
New Windsor, NY 12553

P.O. Box 2280 **RE:** CHADWICK LAKE RESERVOIR AND WATER
Newburgh, NY 12550 FILTRATION PLANT IMPROVEMENTS PROJECT;
OUR FILE NO. 800.1(B)(3)(2019), 801.152, 800.1(B)
() (2021)

DATE: May 7, 2021

ATTORNEYS

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

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

The Town Engineer and Engineer's Representative have advised that the bids on the construction of the permanent improvements to Chadwick Lake Reservoir and Water Filtration Plant to help ensure the ability of the facilities to deliver 2.0 mpg per day of filtered water to the Consolidated Water District system during the period the Delaware Aqueduct is shut down by the City for its bypass tunnel project have come in higher than the original cost estimate prepared in 2019. The Project Engineers, GHD, have accordingly prepared a revised Report, a copy of which is enclosed, which shows a new total estimated project cost of \$2,209,229, an increase of \$385,329 over the 2019 estimate of \$1,823,900. A second public hearing on the project under Town Law Section 202-b is required in order for the Board to adopt a public interest order for the project based upon the higher cost estimate.

In order to secure the agreement of sole bidder on the primary construction contract to perform the contract past the bid expiration date, the Town Engineer and Engineer's Representative advise that the Board needs to undertake the proceedings as soon as feasible. Given the required public hearing notice publication and posting requirements we have accordingly prepared the following Order Calling Public Hearing for the Board to consider at its May 10 meeting, in anticipation that the Board will set the public hearing for the June 14 meeting:



CHADWICK LAKE RESERVOIR AND WATER TREATMENT
PLANT IMPROVEMENT PROJECT
PAGE 2

ORDER CALLING PUBLIC HEARING IN THE MATTER OF THE
INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE
CONSOLIDATED WATER DISTRICT IN THE TOWN OF NEWBURGH,
ORANGE COUNTY, NEW YORK

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

cc: Town Clerk Joseph P. Pedi (via e-mail)
James Osborne, Town Engineer (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Jeff Guido, Water Department Head (via e-mail)
Patrick Hines, McGoey, Hauser & Edsall (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference or telephone conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the 26th day of April, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piquadio
Supervisor

Elizabeth J. Greene
Councilwoman

Paul I. Ruggiero
Councilman

Scott M. Manley
Councilman

Anthony R. LoBiondo
Councilman

In the Matter of The Increase and Improvement of the Facilities of the Consolidated Water District: in the Town of Newburgh, Orange County, New York	ORDER CALLING PUBLIC HEARING
---	---------------------------------------

WHEREAS, upon the evidence given at a public hearing held at 1496 Route 300 in the Town of Newburgh, New York, on the 15th day of October, 2019 at 7:30 o'clock, p.m., Prevailing Time; the Town Board of the Town of Newburgh, Orange County, New York found and determined that it is in the public interest to make the increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York, consisting of the planning, design, engineering, reconstruction and construction of improvements to the Chadwick Lake Reservoir and Water Treatment Plant consisting of installing a water quality monitor in Chadwick Lake, installing a powder activated carbon (PAC) feed system, installing the necessary piping, mechanical equipment, tankage and electrical/process control modifications to connect to a trailer-mounted membrane filtration unit, adding a third solids handling tank and installing floating decanters in the solids handling tanks to ensure a minimum supply of

2.0 million gallons per day of water during the planned shutdown of the New York City Delaware Aqueduct in 2022 in and for said Town, including the original furnishings, equipment, machinery and apparatus, appurtenances, as well as incidental costs and expenses in connection therewith, at a maximum estimated cost of \$1,823,900; and

WHEREAS, it has now been determined that the maximum estimated cost of such increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York is \$2,209,229, constituting an increase of \$385,329 over the previously estimated cost of \$1,823,900 as set forth in an updated map, plan and report, including the increased estimate of cost, which the Town Board has caused to be prepared pursuant to Section 202-b of the Town Law; and

WHEREAS, said capital project has been determined to be a 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 ("SEQRA"), the implementation of which as proposed, will not result in any significant environmental effects and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Consolidated Water District, in the matter described above at the increased estimated cost, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

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

Section 1. A public hearing will be held in the Town Hall, in Newburgh, New York, in said Town, on June 14, 2021, at 7: __ o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official

newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

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

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

The order was thereupon declared duly adopted.

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of in the Town of Newburgh, Orange County, New York, will meet in the Town Hall, in Newburgh, New York, in said Town, on June 14, 2021 at 7: __ o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of the Newburgh Consolidated Water District, in said Town, being the planning, design, engineering reconstruction and construction of improvements to the Chadwick Lake Reservoir and Water Treatment Plant and in and for said District relating to installing a water quality monitor in Chadwick Lake, installing a powder activated carbon (PAC) feed system, installing the necessary piping, mechanical equipment, tankage and electrical/process control modifications to connect to a trailer-mounted membrane filtration unit, adding a third solids handling tank and installing floating decanters in the solids handling tanks to ensure a minimum supply of 2.0 million gallons per day of water during the planned shutdown of the New York City Delaware Aqueduct in 2022 and original furnishings, equipment, machinery, apparatus and appurtenances, as well as incidental costs and expenses in connection therewith, at an increased maximum estimated cost of \$2,209,229, constituting an increase of an increase of \$385,329 over the previously estimated cost.

The aforesaid project has been determined to be a 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 ("SEQRA"), the implementation of which as proposed, will not result in any significant environmental effects and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Newburgh, New York,
May __, 2021

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
NEWBURGH, ORANGE COUNTY, NEW YORK

CERTIFICATION FORM

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

I, the undersigned Clerk of in the Town of Newburgh, Orange County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the ___ th day of May, 2021.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

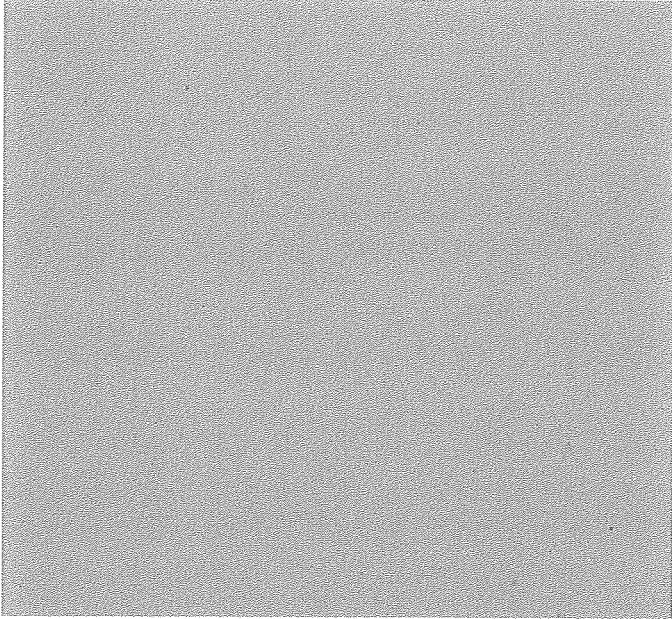
PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this ___ day of _____, 2021

Town Clerk

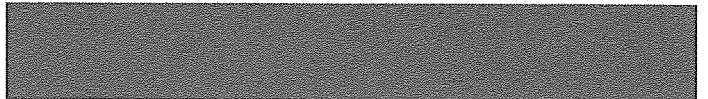
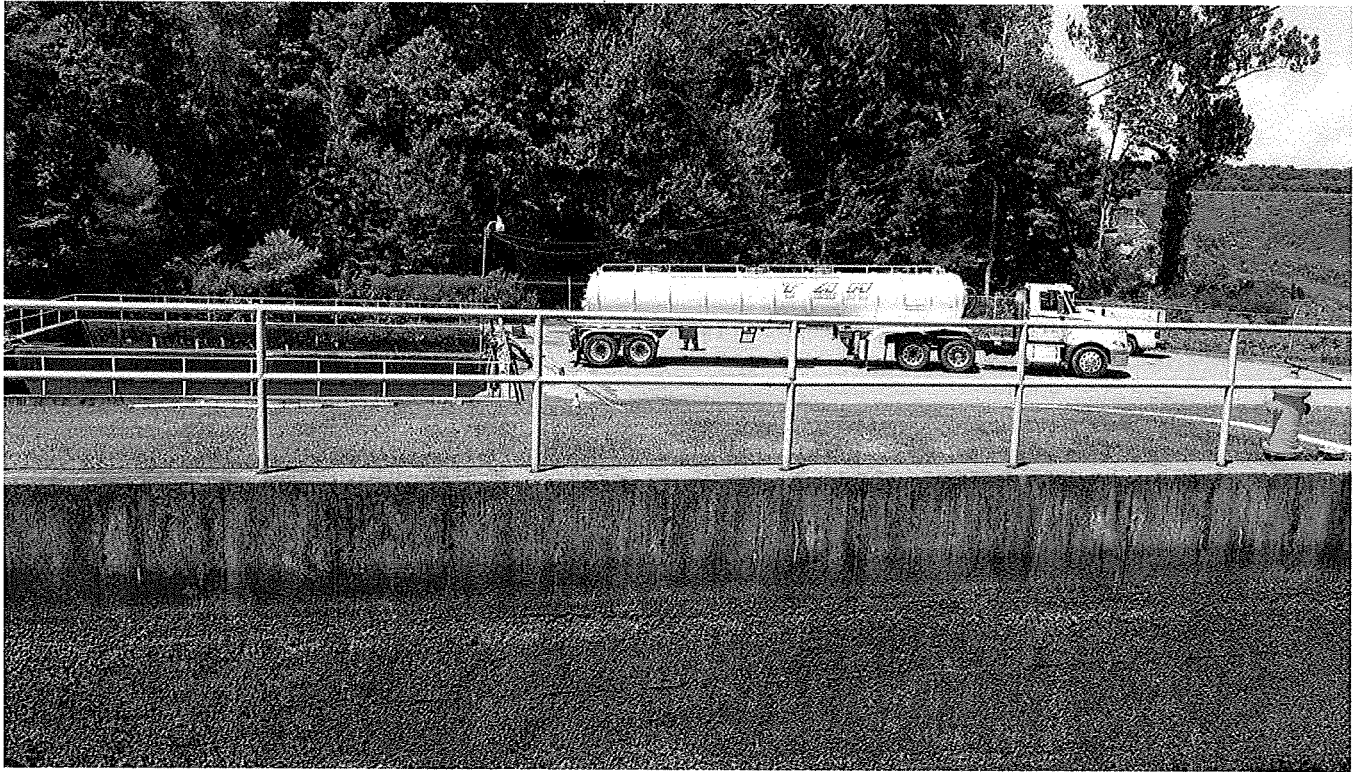
(CORPORATE SEAL)



Basis of Design Report

Chadwick Lake Filter Plant Resiliency Improvements

Updated April 2021



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1 Introduction

1.1 Project Background

The Town of Newburgh receives water from two sources: Chadwick Lake and the New York City Department of Environmental Protection (NYCDEP) Delaware Aqueduct. NYCDEP is planning a shutdown in 2022 of the Delaware Aqueduct for maintenance and repair. During the Aqueduct shutdown, the Town will need to increase their production of potable water from their Chadwick Lake Water Treatment Plant (WTP). Without improvements to the WTP, the WTP cannot reliably meet the Town demand during the NYCDEP Delaware Aqueduct shutdown.

HDR performed an evaluation of the WTP and provided recommendations for short-term improvements to meet demand during the Aqueduct shutdown. The following short term upgrades were recommended:

- Water quality in Chadwick Lake limits the capacity of the WTP. Use of powdered activated carbon at the head of the WTP was recommended for total organic carbon (TOC) and odor and taste control. This will improve water quality to ensure the plant can meet demand during the Aqueduct shutdown and will provide long term performance improvements after the shutdown.
- Install a temporary trailer-mounted membrane filtration unit to provide redundancy to the filtration process. Chemical feed system and pumping equipment will be provided as part of the membrane filtration system.
- Expand the solids holding capacity. With the additional filtration capacity, there will be an increase in residuals. The existing two solids holding tanks are undersized for the additional loads and are undersized for current loading when the Manganese filters are online. A third solids holding tank will be added to accommodate the additional load.

Refer to Figure 1 for Aerial View of the existing site.

This basis of design report is updated to reflect final permitted design details and construction cost based on bid results.

1.2 Project Goals and Objectives

The selected improvements are listed below.

1. For total organic carbon (TOC) removal and taste and odor (T&O) control, install a powdered activated carbon (PAC) storage, handling and feed system. The PAC equipment will be installed in the existing Polyaluminum Chloride feed room. Replacement of the electrical, HVAC and fire protection systems in the room will be provided to accommodate the room's change of use. The existing Polyaluminum Chloride feed equipment will be relocated to an adjacent room.
2. Prepare site for the lease of a mobile membrane filtration (MF) system which will provide additional water filtration capacity during the Aqueduct shutdown. Site work will include

installation of new process piping, a chemical storage shed, neutralization tanks, and electrical service associated with the MF system.

3. Install a 1-MGD packaged pump station for pumping water from the settling basins to the mobile membrane filtration trailer.
4. Provide additional solids storage by constructing a third solid handling tank, associated piping, manholes, and valve.

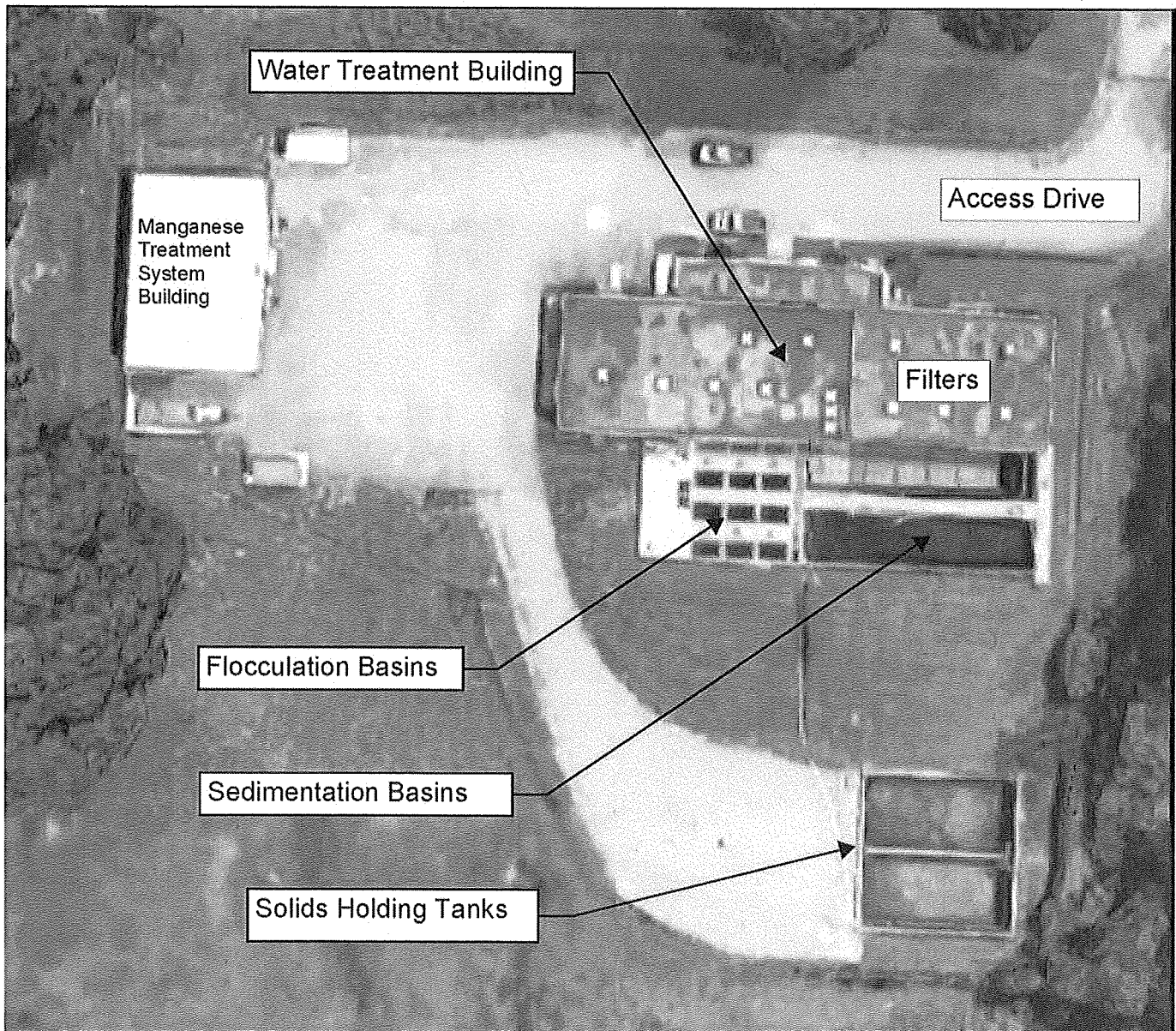


Figure 1. Aerial View

2 Design Basis

2.1 Design Flow

The goal of the design improvements are to provide the minimum flow during the planned Delaware Aqueduct shutdown in 2022. To reliably provide a minimum of 2.0 MGD, and up to 2.7 MGD which is the plant estimated filtering capacity (with both filters in operation), several improvements were identified. The upgrades will allow the plant to achieve it's estimated of 2.7 MGD filtration capacity with improvements to address system redundancy requirements and improve effluent quality.

Refer to Figure 2 for the Process Flow Diagram.

2.2 Site Considerations

2.2.1 Membrane Filtration System

The MF system will be contained in a trailer. Level ground is required for the placement of the trailer and a storage shed for housing the chemical drums and pumps. The trailer will be located west side of the plant access drive adjacent to the Water Treatment Building. This location is selected based on review with plant operations, less site disturbance, and access to chemical delivery. Refer to Figure 3 for location.

2.2.2 Solids Holding Tank

A new solids holding tank will be constructed east of the existing two solids holding tanks as an independent structure. Refer to Figure 4 for location.

2.3 Site Grading

Site grading will be required for the solids holding tank. No change of slope in paved areas are planned. Maximum permissible slope in lawn areas will be 3H:1V.

2.4 Site Stormwater Drainage

The improvements will not increase stormwater runoff quantities. The new solids holding tank addition will reduce runoff area by the tanks.

A new stormwater inlet and piping is added by the temporary MF system location by the Water Treatment Building.

2.5 Site Utilities

Outdoor temporary piping will be heat traced and insulated unless gravity. All buried piping will be provided with minimum cover depth for freezing protection.

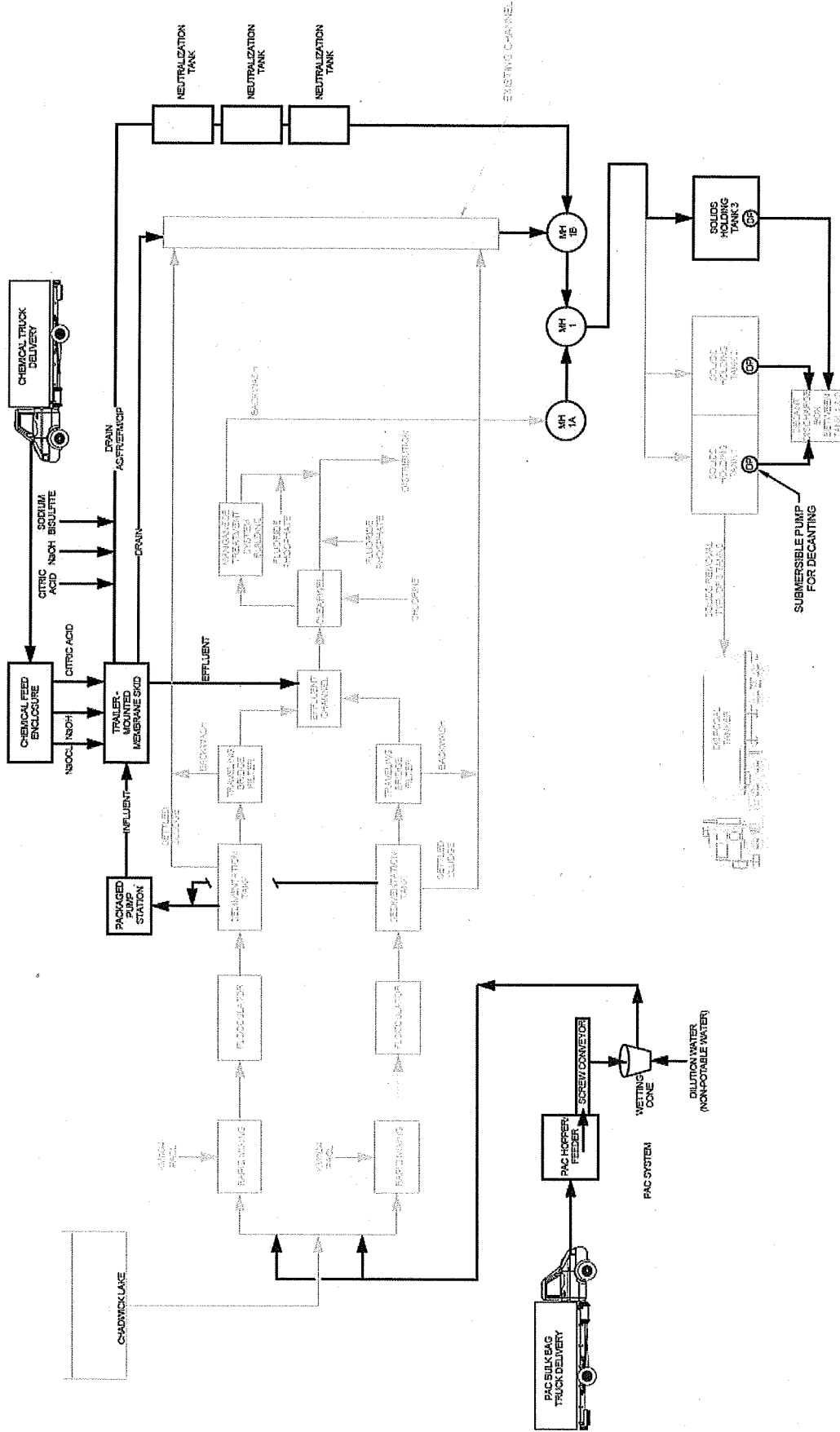


Figure 2. Short Term Flow Schematic, 2.7 MGD

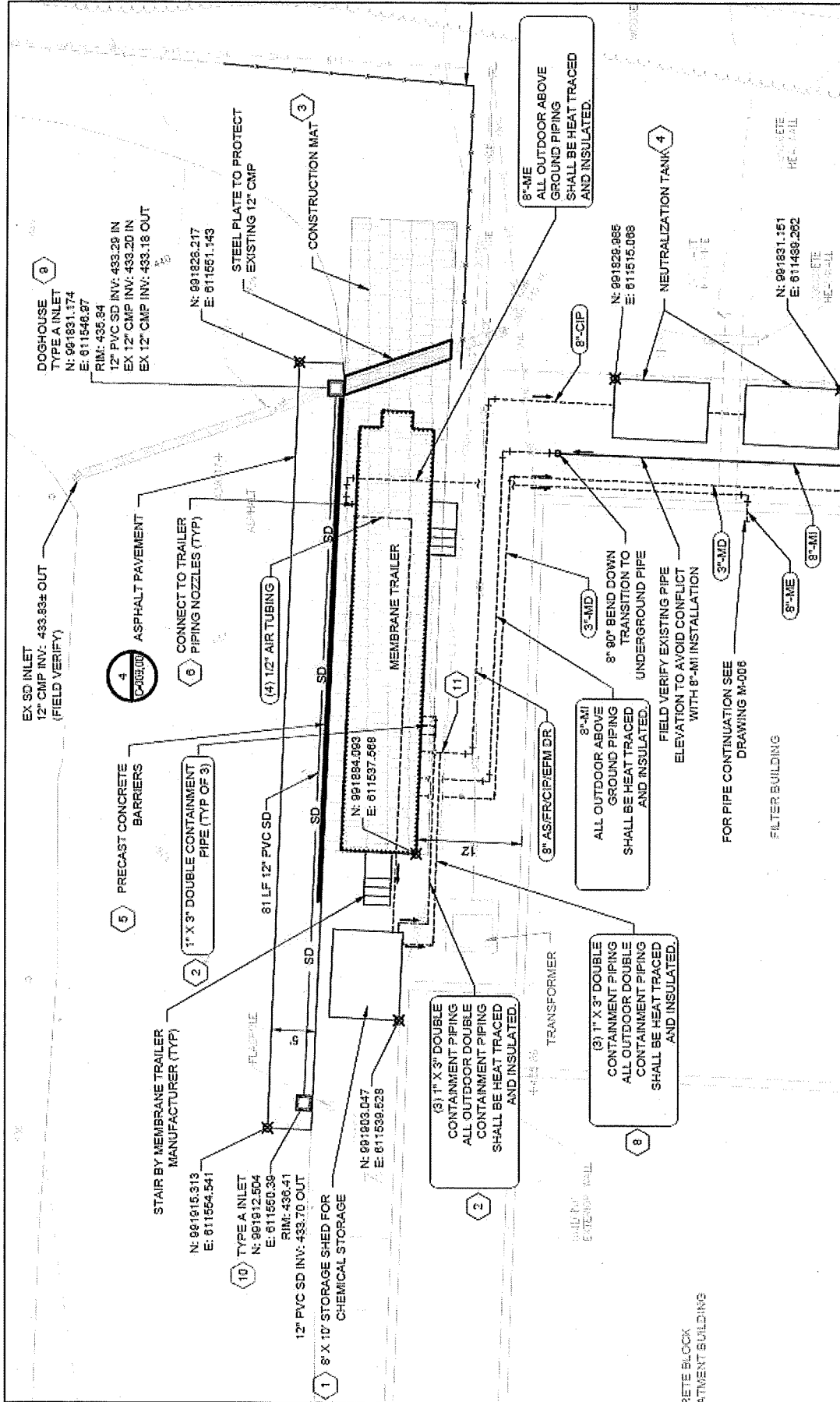


Figure 3. Membrane Trailer Location

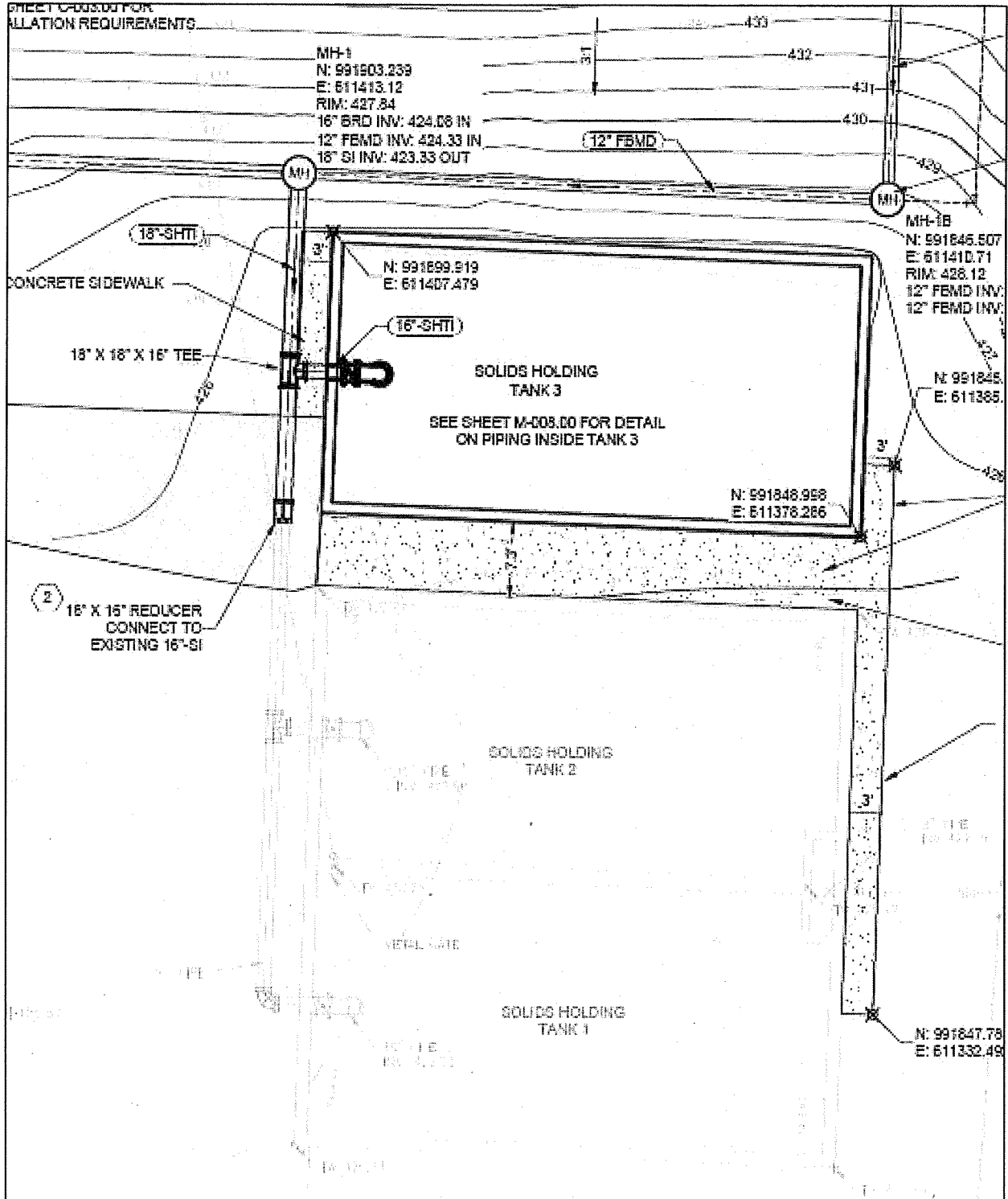


Figure 4. Solids Holding Tank Location



3 Mechanical Process Design Basis

3.1 PAC System

Powered Activated Carbon (PAC) will be used by water treatment plants on either a full-time basis or as needed for taste and odor control or removal of naturally occurring and synthetic organic chemicals. PAC will be fed as a dry powder material using dry feed storage and educator. The dry PAC system will consist of three major components; dry handling unit, screw conveyor, and wetting unit.

PAC is added early in the treatment process and is subsequently removed from the water by the sedimentation process. Residual PAC passing the sedimentation tanks will be removed in the filters.

Table 1 summarizes the PAC process equipment based on pilot study conducted at a nearby facility of similar TOC concentration. Figure 5 shows the layout of PAC equipment.

Table 1. Powered Activated Carbon Process Equipment

Parameter	Quantity	Units
Average PAC Dose	7	mg/L
Max PAC Dose	10	mg/L
Ten State Standard	Up to 40	mg/L
Average bulk density	25	lb/ft ³
Average Day PAC Demand (7 mg/L at 2.7 MGD)	158	lbs
	6.4	ft ³
Maximum Day PAC Demand (10 mg/L at 2.7 MGD)	225	lbs
	9	ft ³
7-Day Storage Volume, average	44	ft ³
PAC bulk bag (30 ft ³ , 700 to 1000 lbs each)	2	each, (one in service, one in storage)
PAC bulk bag deliveries	1	Bag per week

3.2 Membrane System

To allow for immediate expansion of the flow capacity and provide redundancy to the existing traveling bridge filters, a temporary trailer-mounted membrane filtration (MF) system will be provided. The MF System is a self-contained, automated and packaged mobile filtration plant with hollow fiber membrane modules that utilize “outside in” microfiltration.

3.2.1 MF Operating Strategy

A packaged pump station will pump water from the existing sedimentation basins to the MF system and evenly distributed to the MF modules. The MF system will have a net filtrate capacity of 1 MGD. The filtrate water from the MF system will run via gravity to the existing traveling bridge filters common effluent trough and combine with the traveling bridge filtrate water prior to disinfection.

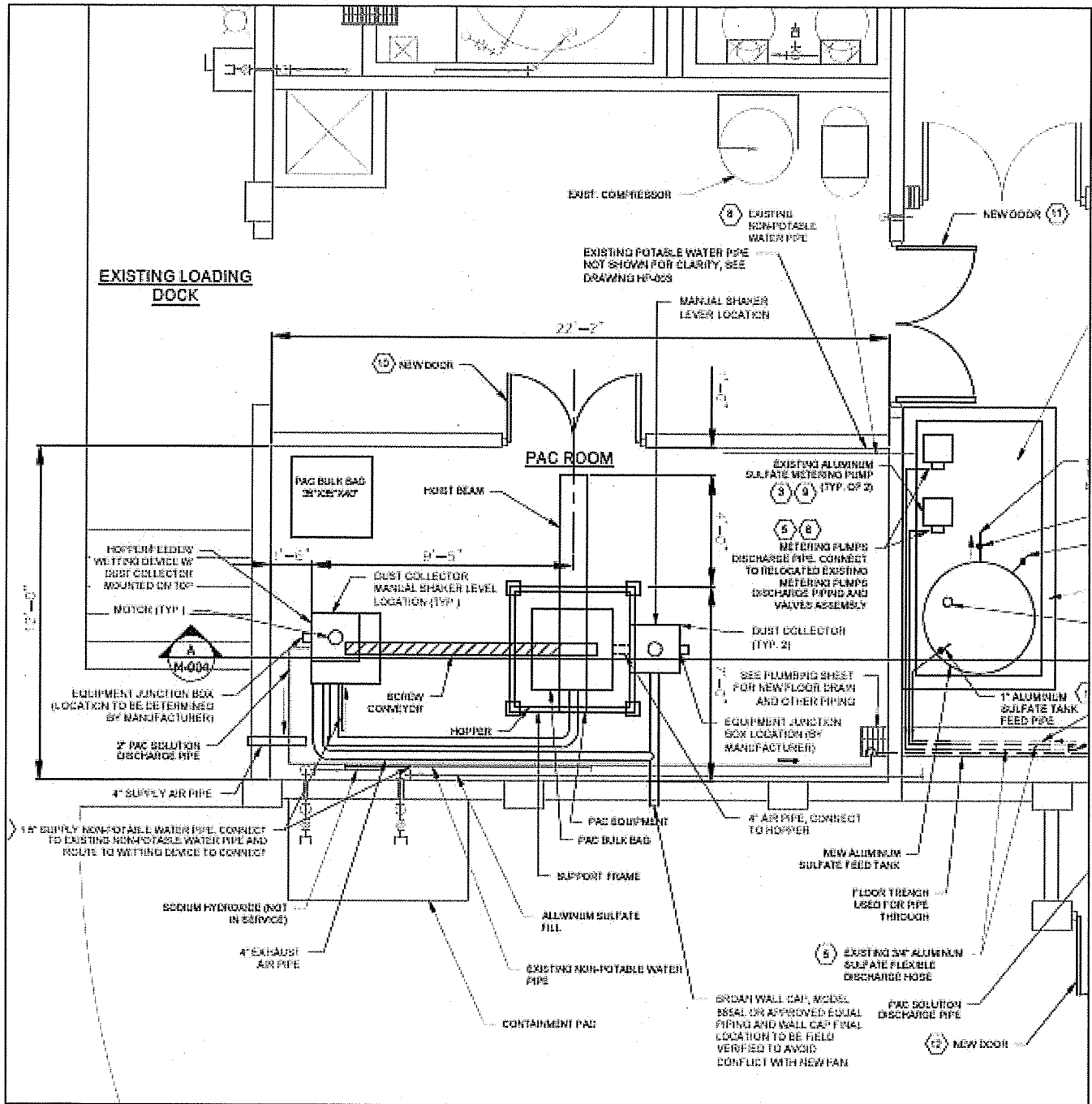


Figure 5. PAC Room

3.2.2 Feed Water Characteristics

Quality of the water pumped to the MF System provided in Table 2 and is based on historical plant data and estimated removals through sedimentation process. Additional removal of manganese and iron may be required.

Table 2. Feed Water Characteristics

Parameter	95th Percentile	Max
Temp (oC)	22	27
pH	7.4	7.6
Turbidity (NTU)	0.71	3.7
Color (PCU)	25	35
Total Mn (mg/L)*		<0.1
Iron (mg/L)*		<0.1
TOC (mg/L)	3.99	11.83
TSS	5	20
Total Hardness (mg/L as CaCO3)	150	350
Calcium (mg/L)	100	150

* MF System Manufacturer Requirements

3.2.3 Treated Water Objectives

The MF System shall provide filtrate with the following:

- Turbidity of less than 0.10 NTU
- SDI less than 3
- 99.999% removal of bacteria and particles > 1 um

3.2.4 Design Criteria

MF System design criteria is provided in Table 3.

Table 3. MF System Design Criteria

Design Parameter	
Number of MF Trains (1 trailer)	2
Net filtrate capacity, MGD	1.0
Flow per MF Train, MGD	0.5
Design feed pressure, psig	15
Membrane Type	PVDF hollow fiber
Membrane Size, micron	0.1
Filter area per module, m2	50
Instantaneous Flux, gfd	26
Backwash flowrate, gpd	110,000

3.2.5 MF Residuals Handling

The MF system generates approximately 110,000 gpd of backwash that will flow by gravity to the solids holding tanks. CIP cleaning frequency is estimate once every 30 days at approximately 3000 gallons.

3.2.6 MF Trailer System

The MF trailer has container dimensions of approximately 53'x13.5'x8.5'. The Trailer MF System has a shipping weight of approximately 30,700 lbs and operating weight of 59,000 lbs.

The system will be provided with the following:

- Process control system for standalone system control (Industrial PC, PLC and Instrumentation including influent/effluent turbidimeter);
- Air compressor for valve actuation and process air; Plant will provide a backup air compressor.
- Feed pump with VFD (one per train);
- Automated self-backwashing strainer;
- Reverse filtration pump with VFD;
- Filtrate transfer pump with VFD;
- Integral CIP tank and cleaning system;
- Filtrate Holding Tank;
- Operator work station; and
- HVAC.

3.2.7 Chemical Storage and Containment System

The MF system will require storage of the following chemicals. A prefabricated storage shed will be provided to house a 55 gallons drum with containment for each chemical and associated feed pump and valves. The shed will be provided with a heater for winter operation.

- NaOCl – 170 gal/month usage;
- NaOH – 100 gal/month usage;
- Citric acid – 100 gal/month usage; and
- Sodium bisulfite – 25 gal/month usage.

3.2.8 Other Design Considerations

The MF System will require the following:

- 480 VAC, 3 phase, 60 Hz electrical service with 250 Amp (trailer draws 172 FLA);
- Back-up power will be supplied by Plant generator

3.3 Solids Holding Tank

A new concrete solid holding tank will be provided. The new tank will be designed to handle the existing process solids waste (sedimentation basin settled solids, travelling bridge backwash waste, and Mn filters backwash waste) and the additional solids generated by the MF trailer. New tank size is 25 ft wide X 50 ft long (same as existing tanks dimension).

The new tank will be constructed as an independent structure from the existing tank. The existing influent manhole will be relocated to allow for new piping connection from the new tank. A flow isolation valve will be provided for the new tank similar to existing tanks set up.

3.4 Process Control System (PCS) Overview

New equipment and instrumentation will be integrated into the plant's existing Supervisory Control and Data Acquisition (SCADA) system. Existing Human Machine Interface (HMI) screens will be reconfigured to include new equipment and instrumentation as depicted on the Process & Instrumentation Diagrams (P&IDs).

3.5 Controls Description

Controls associated with new equipment will be coordinated with packaged equipment vendors as applicable and will be in line with the existing controls philosophy in regards to Local Manual, Local Automatic, SCADA Manual and SCADA Automatic control modes.

4 Schedule

Construction schedule based on March 2021 bid results as follows:

1. Contractors award: April/May 2021.
2. Substantial completion: February/March 2022.
3. Final Completion: March/April 2022

5 Construction Cost

Based on the bid results received and recommendations for award, the cost of Chadwick Lake Filter Plant Resiliency Improvements work is \$2,209,229. This represents the total construction cost associated with the construction, testing, and start-up of the improvements described in this design report.

This project will be funded by NYCDEP, surplus in consolidated water district, and operation cost in the water billing structure. This project will not increase the tax rates paid by parcels in the water district.

Mr. Gil Piaquadio and Board of Members:

We had a devastating fire in our building housing Carol Temporaries/Permanent Staffing Service. It was an ongoing business.

Our current working employees need their paychecks and our clients are calling for staff.

We desperately need a trailer in our parking lot. We are requesting your permission to place a temporary trailer there.

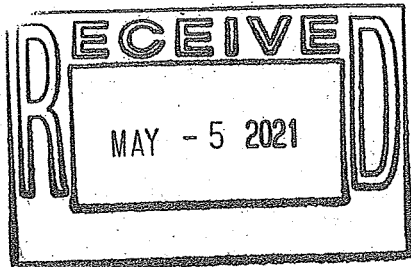
If you have any questions please contact my husband, Richard Fracasse at 914-456-0848.

Thank you

Carol Fracasse, Owner and President

Carol Fracasse

Thank you so much.





TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor
Cc: Town Board
From: Ronald E. Clum, Town Accountant
Date: May 7, 2021
RE: Budget Transfers

At the next board meeting of May 10, 2021 can you put on the agenda the following budget adjustments in regards to the Engineers secretary.

ACCT #	DESCRIPTION	INCREASE	DECREASE
A1400.5100		17,790.00	
A.1400.5472			34,824.00
A.1400.5499		17,034.00	
F.8340.5100		2,475.00	
F.9060.5800			2,475.00
G5009.8130.5100		27.00	
G.5009.5800			27.00
G5010.8130.5100		2,448.00	
G5010.9060.5800			2,448.00

Sincerely,

Ronald Clum

Approved