

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

WORKSHOP MEETING AGENDA
Monday, November 23, 2020
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. ENGINEERING DEPARTMENT: Budget Transfer for Crossroads Sewer District**
- 7. ANIMAL CONTROL: T-94 Withdrawal**
- 8. HIGHWAY DEPARTMENT: Promotion to MEO Position**
- 9. LABOR ATTORNEY AGREEMENT for 2021: Roemer, Wallens, Gold and Mineaux**
- 10. TAX CERTIORARI SETTLEMENT: AMAR, LLC**
- 11. ACCOUNTING DEPARTMENT: Budget Transfers**
- 12. PROPERTY PURCHASE REQUEST: Anchor Drive**
- 13. PROCLAMATION: Small Business Saturday**
- 14. RECREATION DEPARTMENT: Approval to Hire Part Time Laborer**
- 15. ADJOURNMENT**

GJP; jpp
Second Revision
November 20, 2020 at 11:50 a.m.

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**TOWN OF NEWBURGH
TOWN ENGINEER
Newburgh, NY 12550**

MEMORANDUM

TO: Gil Piaquadio, Supervisor
FROM: James W. Osborne, Town Engineer
DATE: 12 November 2020
RE: **CROSSROADS SEWER DISTRICT – Budget Transfer**

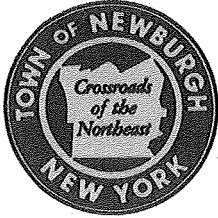
I am requesting Town Board approval of the following budget transfers shown below:

From: Interfund Transfer (G5010.9902.5900)
To: Contracted Treatment Services (G5010.8130.5456)
Amount: \$230,000

The transfers are required to accommodate the increased charges from the City of Newburgh for treatment and disposal of sewage from the Crossroads Consolidated Sewer District.

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

CC: R. Clum, Town Accountant



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TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Cheryl Cunningham, Animal Control

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

Date: November 6, 2020

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

*Totaling: \$287.00

Feline: \$130.00

Canine: \$157.00

TOWN OF NEWBURGH

1496 ROUTE 300
NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Animal Control

CLAIMANT'S
NAME
AND
ADDRESS

The Animal Rights Alliance, Inc. (TARA)
P. O. Box 185
Warwick, NY 10990
(845-343-1000)

TERMS _____

Order No. _____

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.	
						VOUCHER NO.
		TOTAL			VOUCHER NO.	
Abstract No.						VOUCHER NO.

Vendor's
Ref. No. _____

Date	For	Qty	Description	Net Price
10-19-20	Skye	1	FVRCP Distemper Vaccination, Feline If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.	15.00
10-19-20		1	Ovariohysterectomy, Feline	45.00
10-19-20		1	Penicillin (Combi-Pen-48)	0.00
10-19-20		1	Nail Trim	0.00
10-19-20		1	Ear Cleaning	0.00
10-19-20		1	WEIGHT UPDATE	0.00
10-19-20		1	Rabies Vaccination, 1 Year	0.00
In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.				
10-19-20	Sonic	1	Ovariohysterectomy, Feline	45.00
10-19-20		1	Penicillin (Combi-Pen-48)	0.00
10-19-20		1	Nail Trim	0.00
10-19-20		1	Ear Cleaning	0.00
10-19-20		1	WEIGHT UPDATE	0.00
10-19-20		1	Rabies Vaccination, 1 Year	0.00
In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.				
10-19-20		1	FVRCP Distemper Vaccination, Feline If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.	15.00

Unit Price	Amount
TOTAL	\$70.00

Old balance	Charges	Payments	New balance
-50.00	120.00	0.00	70.00

CLAIMANT'S CERTIFICATION

I, Suzanne Krump, certify that the above account in the amount of \$ 70.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

11/4/20
DATE

Suzanne Krump
SIGNATURE

Bookkeeper
TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

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

DATE

AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

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

DATE

AUDITING BOARD

TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Animal Control

CLAIMANT'S
 NAME
 AND
 ADDRESS

The Animal Rights Alliance, Inc. (TARA)
 P. O. Box 185
 Warwick, NY 10990
 (845-343-1000)

TERMS _____

Order No. _____

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.	
						VOUCHER NO.
		TOTAL				
Abstract No.						

Vendor's
 Ref. No. _____

Dates	Date	For	Qty	Description	Net Price	Unit Price	Amount	
11/4/20	11-04-20	Jude	1	Castration, Feline	45.00			
	11-04-20		1	WEIGHT UPDATE	0.00			
	11-04-20		1	Penicillin (Combi-Pen-48)	0.00			
	11-04-20		1	Ear Cleaning	0.00			
	11-04-20		1	Nail Trim	0.00			
	11-04-20		1	Rabies Vaccination, 1 Year	0.00			
					In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.			
	11-04-20		1	FVRCP Distemper Vaccination, Feline	15.00			
					If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.			
	11-04-20		1	Free Roaming (Stray or Feral)	0.00			
	11-04-20	Mandy	1	Ovariohysterectomy, Canine	100.00			
	11-04-20		1	WEIGHT UPDATE	0.00			
	11-04-20		1	Penicillin (Combi-Pen-48)	0.00			
	11-04-20		3	Carprofen, 100mg, Tablet	0.00			
					Give 1 tablet(s) once daily by mouth with food. If vomiting or diarrhea occurs, discontinue use. -D23-			
11-04-20		1	Rabies Vaccination, 1 Year	0.00				
				In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.				
11-04-20		1	Over 35 lbs	0.00				
11-04-20		1	Distemper (DA2PP) Vaccination, Canine	15.00				
				If this is your dog's first distemper (DA2PP) vaccine, a booster shot is required in 3-4 weeks. If this is not your dog's first distemper vaccine, it will expire one (1) year from date of vaccination.				
11-04-20		1	Bordetella Vaccination, Canine	17.00				
				If this is your dog's first bordetella ("kennel cough") vaccine, a booster shot is NOT required. This vaccine will expire one (1) year from date of vaccination.				
11-04-20		1	Heartworm/Lyme Test (4Dx SNAP)	25.00				
11-04-20		1	Nail Trim (during surgery)	0.00				
	Old balance	Charges	Payments		New balance			
	70.00	217.00	0.00		287.00			
(See Instructions on Reverse Side)							TOTAL	\$217.00

CLAIMANT'S CERTIFICATION

I, Suzanne Krump, certify that the above account in the amount of \$ \$217.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

11/4/20
 DATE

Suzanne Krump
 SIGNATURE

Bookkeeper
 TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

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

DATE

AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

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

DATE

AUDITING BOARD




HIGHWAY DEPARTMENT

8

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

MARK HALL
HIGHWAY SUPERINTENDENT

TO: Gil Piaquadio, Supervisor & Town Board Members
FROM: Mark Hall, Highway Superintendent 
DATE: November 16, 2020
RE: MEO Position

I am requesting permission to promote the following employee from a MEO 1A to a MEO position as appropriated in the 2020 budget. With a start date of Monday November 30, 2020. The salaries will be increased per the CSEA contract.

Frank Maher

If you have any questions feel free to contact me. Thank you

MH:ch
cc: Charlene Black, Personnel Department
Ron Clum, Accounting Department

Roemer Wallens
Gold & Mineaux_{LLP}
Counsellors at Law

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November 9, 2020

PERSONAL & CONFIDENTIAL

Hon. Gil Piaquadio, Town Supervisor
Town of Newburgh Town Hall
1496 Rt. 300
Newburgh, New York 12550

**RE: Retainer Agreement: Town of Newburgh and Roemer Wallens Gold & Mineaux LLP
January 1, 2021 – December 31, 2021**

Dear Gil:

Enclosed please find three (3) originals of the referenced Retainer Agreement. As we have done in the past few years, this Retainer is for a one-year term commencing January 1, 2021 and ending on December 31, 2021. The Retainer Agreement rate increases slightly from \$3,300 per month to \$3,400 per month; the hourly rates, likewise, increase slightly as noted in the attached. If the renewal Retainer Agreement is agreeable to the Town Board, please, on behalf of the Town Board, sign and date where indicated. Please retain an original for your files and kindly return the remainder to me for our files. We have enclosed a self-addressed stamped envelope for your convenience.

RWGM has enjoyed working with the Town of Newburgh and we look forward to our continued relationship. If you have any questions or concerns, please let me know.

Very truly yours,

Roemer Wallens Gold & Mineaux LLP



Elayne G. Gold

EGG:ejb

Encs.

cc w/ enc. Scott Manley, Deputy Supervisor
Betty Greene, Councilwoman
Paul Ruggiero, Councilman
Anthony LoBiondo, Councilman

AGREEMENT

Made and entered into this _____ day of _____, 2020, by and between the **TOWN OF NEWBURGH**, by and through its Town Board, with its offices located at 1496 Rt. 300, Newburgh, New York 12550, hereinafter referred to as the “**TOWN**,” and **ROEMER WALLENS GOLD & MINEAUX LLP**, Labor Relations Attorneys and Consultants, with its principal place of business located at 13 Columbia Circle, Albany, New York 12207, hereinafter referred to as “**ROEMER WALLENS GOLD & MINEAUX**.”

1. The **TOWN** hereby retains and employs **ROEMER WALLENS GOLD & MINEAUX** as its Labor Relations Attorneys and Consultants to provide to the **TOWN** the following professional services for the period of time hereinafter designated.

- (a) Comprehensive negotiating services up to and including impasse resolution proceedings and interest arbitration as exemplified in Exhibit “A” which is attached hereto and made a part hereof for each of the following collective bargaining units in which terms and conditions of employment for the **TOWN** and its employees are negotiated:
 - i) PBA Bargaining Unit
 - ii) CSEA Bargaining Unit

- (b) Consultations and advice regarding the **TOWN’S** rights and liabilities in connection with:
 - i) Civil Service Law
 - ii) Taylor law
 - iii) Fair Labor Standards Act
 - iv) Public Officers Law
 - v) Freedom of Information Law
 - vi) Unemployment Insurance Law
 - vii) Workers’ Compensation Law
 - viii) Human Rights/Discrimination
 - ix) Sexual Harassment Investigations
 - x) Disability Benefits
 - xi) Contract Administration and Enforcement
 - xii) Grievances Filed Against Employer
 - xiii) Employee Discipline Matters (Includes drafting of Notice of Discipline based upon information supplied)
 - xiv) Work Rules
 - xv) Layoff Procedures
 - xvi) General Municipal Law
 - xvii) Americans With Disabilities Act
 - xviii) Family and Medical Leave Act
 - xix) Omnibus Transportation Employee Testing Act of 1991 (CDL Drug Testing)
 - xx) Pregnancy Discrimination Act

- xxi) Appointment of Non-Unionized Employees and related matters
 - xxii) Such other laws, rules and regulations as may apply to the field of labor relations and personnel administration
- (c) Advice and representation in connection with:
- i) Initial steps of contract grievance procedure.
 - ii) Pre-hearing matters before the Public Employment Relations Board (Improper Practice Charges, Managerial/Confidential Petitions, and Union representation challenges), including the preparation of pleadings (other than documents prepared in lieu of a hearing) and attendance at all pre-hearing conferences. Hearing preparation and settlement negotiations which lead to a settlement without a hearing are covered by paragraph 2 below.
 - iii) Attendance at relevant Labor/Management meetings and meetings of the Legislative body and committees thereof.
- (d) Management and Supervisory Training in connection with employee corrective action, contract administration and other topics agreed upon by the parties in an amount not to exceed two (2) days per calendar year.
- (e) Periodic printed reports containing relevant information regarding public sector labor relations as obtained from Public Employment Relations Board decisions, New York State Court decisions, relevant Administrative agency decisions and other similar sources.

2. **ROEMER WALLENS GOLD & MINEAUX** hereby agrees that it will provide the **TOWN**, as requested by the **TOWN**, with those services not specifically covered by this Agreement, such as document preparation, negotiating settlements of disciplinary matters, grievances and other matters upon request, representation at the final step in administrative disciplinary proceedings against employees, representation at the final step in contract grievance proceedings, representation at hearings before the Public Employment Relations Board, including the preparation of documents prepared in lieu of a hearing, hearing preparation and settlement negotiations, as well as representation in labor related litigation in New York and Federal Courts at the following rates:

- Partner and Senior Associate Attorney
In year 2021, the hourly rate will be \$260.00.
- Associate Attorney
In year 2021, the hourly rate will be \$215.00.
- Paralegal
In year 2021, the hourly rate will be \$150.00.

The foregoing includes disbursements such as postage for letters, in-house photocopy costs, local telephone charges and faxes. The foregoing shall be exclusive of normal disbursements paid by the firm on behalf of the **TOWN**, such as court filing fees, computer research, consultants, appraisers, arbitration panel selection fees, out-of-office copy charges, express delivery charges and the like.

3. The **TOWN** and **ROEMER WALLENS GOLD & MINEAUX** agree that those representatives of **ROEMER WALLENS GOLD & MINEAUX** who perform services pursuant to this Agreement shall be approved in advance by the **TOWN**.

4. That in consideration of the foregoing, the **TOWN** hereby agrees to compensate **ROEMER WALLENS GOLD & MINEAUX** (inclusive of normal disbursements) as follows:

- Three Thousand Four Hundred Dollars (\$3,400.00) per month from January 1, 2021 through December 31, 2021.

The Town may have the right to arbitrate fee disputes under Part 137 of the Rules of the Chief Administrator.

5. In accordance with our records retention policy, we will maintain all documents, papers and other items relating to our representation of you pursuant to this retainer agreement (the "Records") for a period of four (4) years from the date we cease providing you with legal services hereunder. If you desire to maintain the Records beyond that date, you will need to retain your own copies or request the Records in writing before the end of the four (4) year period. After that time, all of the Records will be destroyed.

6. The term of this Agreement shall be from January 1, 2021 through December 31, 2021. The **TOWN** may terminate this Agreement earlier than December 31, 2021, upon thirty (30) days' written notice from the **TOWN** to **ROEMER WALLENS GOLD & MINEAUX**.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

TOWN OF NEWBURGH

By: _____
Gil Piaquadio, Supervisor

ROEMER WALLENS GOLD & MINEAUX LLP

By: Elayne G. Gold 11/9/20
Elayne G. Gold, Partner

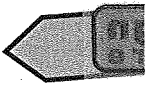


EXHIBIT "A"

NEGOTIATION SERVICES

A. Preparation for Negotiations

The need for thorough preparation prior to the commencement of actual bargaining is often overlooked. We believe that preparation is a key element in assuring a successful outcome to the negotiation process.

Preparation includes:

- Reviewing the existing contract and offering advice regarding suggested modifications
- Reviewing the existing work rules and practices
- Reviewing grievances filed and arbitration decisions
- Reviewing the demands presented by both Union and Management in the last negotiations
- Reviewing the history of other benefit changes over the past six years
- Reviewing the most recent settlements in similarly situated jurisdictions
- Meeting with first line supervisors to ascertain their needs - both changes to the existing contract, as well as the needed additions to the contract
- Meeting with senior officials to determine their needs and review the findings resulting from meetings with line supervisors

B. Preparation of Demands

This phase of the process is flexible and is adapted to the needs of each jurisdiction. Generally, we recommend that Labor Counsel prepare suggested demands and that those demands be reviewed by you and modified to suit your needs.

C. Selection of Negotiating Team

We recommend that a cross-section of management representatives be appointed to the negotiating team so that the entire negotiating process can be "felt" at all levels of management. Managers appreciate the process to a much greater degree if they know and trust those who were directly involved.

D. Participation in Negotiations

The negotiations are made much easier by careful planning and research as typified in "A", "B", and "C" above. We will participate fully in all phases of negotiations including renegotiation preparatory sessions, face-to-face meetings at the bargaining table, management caucuses, and, if necessary, the impasse process. We will maintain a detailed record of the negotiations for use in future proceedings. Our services include representation through the impasse procedure.

E. Communications

Meetings with key management personnel will be scheduled throughout the negotiating process to inform them of progress in the negotiations and to recommend position modifications.

F. Drafting the Contract

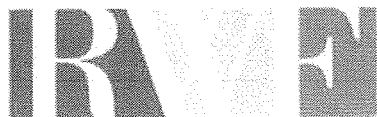
All changes agreed upon in the negotiations process will be reduced to contract language which accurately reflects the agreement and is readily understood by Union and Management representatives, as well as those important persons not present at the bargaining table such as arbitrators.

G. Ratification

After a tentative agreement has been entered into, it must be presented to and approved by the appropriate Legislative body. We will appear before such body and make all necessary presentations to explain the proposed agreement.

H. Conduct Management Information Sessions

At the conclusion of negotiations it is extremely important that all changes be identified and explained to supervisors and managers. General information on reasons for the changes or failure to achieve desired changes must be explained so that managers are fully supportive of the new contract.



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 (2019 AND 2020);
AMAR, LLC (5 JEANNE DRIVE)
OUR FILE NO. 800.24

DATE: NOVEMBER 17, 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

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy, the Town's special counsel for tax certiorari matters, regarding the above referenced proposed real property tax appeal settlement, a proposed Stipulation and Settlement Order, and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement. Also enclosed is a map showing the location of the tax parcel on Jeanne Drive, 5 Jeanne Drive (Lot 38.52) containing an office building. which is the subject of the proceedings.

The settlement provides for a reduction in the Assessed Value for 2019 of \$81,800 from \$1,080,000 to \$998,200 and a reduction of \$181,500 in Assessed Value for 2020 from \$1,080,000 to \$898,500. :

The Stipulation and Settlement Order specifies that the provisions of RPTL Section 727 apply, holding the Assessed Values at the 2019 figures 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) for the reductions in Assessed Value in the aggregate will be approximately \$1,239.07 for 2019 and \$2,749.29 for 2020 (if the settlement isn't implemented before the Town/County 2021 tax bills are rendered and paid). under the settlement versus claimed refund liability of approximately \$10,124.66. The attorneys for the Newburgh Enlarged City School District will also be signatories to the Consent Order and Judgment.

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:
TROY OFFICE

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

200 HARBORSIDE DRIVE, SUITE 300
SCHENECTADY, NY 12305
PHONE: (518) 783-3843

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

1659 CENTRAL AVENUE, SUITE 103
ALBANY, NY 12205
PHONE: (518) 486-8800

FAX: (518) 274-5875

www.joneshacker.com

November 4, 2020

VIA E-MAIL - mtaylor@riderweiner.com

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

Re: AMAR, LLC v. Town of Newburgh
Index Nos. EF003803-2020, EF005875-2019
Our File No. 5018.165

Dear Mr. Taylor:

Attached please find the proposed Stipulated Settlement Order relative to the above-referenced proceedings. There are currently two (2) years pending.

The property that is the subject of these proceedings is a 32,500 sq. ft office/retail building located at 5 Jeanne Drive (Tax Map #34-2-30.2). The FMV is \$3,354,037 in 2019 and \$3,606,010 in 2020.

After review of the income and expense statements for 2016, 2017, 2018 and 2019, the 2016-2018 tax Form 8825 and review of the leases that were provided, a settlement was negotiated. The proposed settlement reduces the assessment of the property to an equalized FMV of \$3.1M in 2019 and \$3M in 2020. The 2020 assessed value as reduced will be held for 2021, 2022 and 2023 pursuant to the statute, subject to the usual exceptions. After considering the cost of trial ready appraisals and litigation costs, 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.

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

STATE OF NEW YORK
SUPREME COURT COUNTY OF ORANGE

In the Matter of the Application of

AMAR, LLC,

Petitioner,

vs.

TOWN OF NEWBURGH ASSESSOR, TOWN OF
NEWBURGH BOARD OF ASSESSMENT
REVIEW, and THE TOWN OF NEWBURGH ,

Respondents

For the review of the assessment for the year 2020 of
certain real property in the Town of Newburgh

**STIPULATED SETTLEMENT
ORDER**

Index Nos. EF003803-2020
EF005875-2019

Parcel:
34-2-38.51
5 Jeanne Drive, Town of Newburgh

WHEREAS, petitioner commenced the above-captioned tax certiorari proceedings under New York Real Property Tax Law, Article 7 challenging the assessment of 5 Jeanne Drive, Newburgh, New York, SBL 034-2-38.51 (the "Property");

WHEREAS, having engaged in settlement discussions, the parties agree to fully resolve their differences upon the terms of this Stipulation of Settlement ("Stipulation"); and

NOW, THEREFORE, upon stipulation by the parties' undersigned attorneys, **IT IS HEREBY ORDERED** that:

1. The Property's assessment shall be reduced as follows:

Tax Year	Original, Full Value Assessment	Equalization Rate/ Equalized Taxable Value	Reduced Assessment	Difference
2019	\$3,354,000	32.2% \$1,080,000	\$3,100,000 (\$998,200 Equalized)	\$81,800 Equalized
2020	\$3,606,000	29.95% \$1,079,997	\$3,000,000 (\$898,500 Equalized)	\$181,497 Equalized
			<i>Total Reduction (2019 and 2020):</i>	<i>\$263,297</i>

2. The municipal officials having custody of or levying taxes upon the basis of said assessment rolls are hereby directed and So Ordered to make or cause to be made on the Property's books and records the entries and changes necessary to correct the assessment as directed herein.

3. Refunds of the taxes paid and collected in excess of the assessment as reduced above shall be made by the County of Orange, the Town of Newburgh, the Newburgh Enlarged City School District, all special districts, and any other affected taxing entity. If said refunds are paid within sixty (60) days of receipt of petitioner's Demand for Audit and Refunds, interest on the refunds shall be waived; otherwise, interest shall be paid at the statutory rate on refunds from the date of payment of such tax(es) to the date(s) that refunds are paid.

4. Pursuant to Real Property Tax Law §727, the assessment shall remain at the 2020 value of \$3,000,000 for tax years 2021, 2022 and 2023.

5. The parties acknowledge that: this Stipulation is entered into for good and valuable consideration; it is in their mutual best interests; and no costs or allowances shall be awarded to, by or against any party.

Dated: November ____, 2020

ENTER.

HONORABLE CATHERINE M. BARTLETT, J.S.C.

SO STIPULATED:

John T. Refermat *Date*
REFERMAT HURWITZ & DANIEL PLLC
Attorneys for Petitioner
919 Winton Road South, Suite 314
Rochester, New York 14618
(585) 497-2700

Cathy L. Drobny *Date*
JONES HACKER MURPHY LLC
Attorneys for Respondents
200 Harborside Drive, Suite 200
Schenectady, New York 12305
(518) 274-5820

Marc E. Sharff *Date*
SHAW, PERELSON, MAY & LAMBERT LLP
Attorneys for Intervenor-Respondent Newburgh Enlarged City District
115 Stevens Avenue
Valhalla, New York
(914) 741-9870

AMAR, LLC v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2019	34-2-38.51	\$ 1,080,000	\$ 772,800	32.20%	\$ 3,354,037	\$ 2,400,000	\$ 307,200	County	\$ 3,557.35
								Town	\$ 2,966.32
								Highway	\$ 1,687.02
								Fire-Cr	\$ 1,419.39
								Sp. Dist	\$ 1,223.79
								Library	\$ 1,056.39
								School	\$ 22,339.44
								Newburgh	\$ 22,339.44
2020	34-2-38.51	\$ 1,080,000	\$ 718,800	29.95%	\$ 3,606,010	\$ 2,400,000	\$ 361,200	County	\$ 4,182.66
								Town	\$ 3,487.75
								Highway	\$ 1,983.57
								Fire-Cr	\$ 1,668.89
								Sp. Dist	\$ 1,438.91
								Library	\$ 1,279.40
								School	\$ 25,964.93
								Newburgh	\$ 25,964.93
								COUNTY	\$ 7,740.01
								TOWN	\$ 6,454.07
								HIGHWAY	\$ 3,670.59
								FIRE-OL	\$ 3,088.28
								SP. DIST.	\$ 2,662.71
								LIBRARY	\$ 2,335.78
								SCHOOL	\$ 48,304.37
								Total	\$ 74,255.80

The 2019 Town/County rates are used to calculate the 2020 Town/County refund liability

AMWAR, LLC v. Newburgh Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2019	34-2-38.51	\$ 1,080,000	\$ 998,200	32.20%	\$ 3,354,037	\$ 3,100,000	\$ 81,800	County	\$ 947.24
								Town	\$ 789.86
								Highway	\$ 449.21
								Fire-Cr	\$ 377.95
								Sp. Dist	\$ 325.87
								Library	\$ 281.29
								School	\$ 5,948.46
2020	34-2-38.51	\$ 1,080,000	\$ 898,500	29.95%	\$ 3,606,010	\$ 3,000,000	\$ 181,500	County	\$ 2,101.75
								Town	\$ 1,752.56
								Highway	\$ 996.73
								Fire-Cr	\$ 838.60
								Sp. Dist	\$ 723.04
								Library	\$ 642.89
								School	\$ 13,047.16
								NEWBURGH CSD	\$ 13,047.16
								COUNTY	\$ 3,048.99
								TOWN	\$ 2,542.42
								HIGHWAY	\$ 1,445.94
								FIRE-OL	\$ 1,216.55
								SP. DIST.	\$ 1,048.91
								LIBRARY	\$ 924.18
								SCHOOL	\$ 18,995.62
								Total	\$ 29,222.61

The 2019 Town/County rates are used to calculate the 2020 Town/County refund liability



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- Improvements
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- Comparables

Municipality of Newburgh

SWIS:	334600	Tax ID:	34-2-38.51
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	5 Jeanne Dr		
Property Class:	464 - Office bldg.	Site Property Class:	464 - Office bldg.
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	40416 -	School District:	Newburg
Property Description:	Lt1 Strassman Submap 4677		
Total Acreage/Size:	2.50	Equalization Rate:	---
Land Assessment:	2020 - \$53,200	Total Assessment:	2020 - \$1,080,000
Full Market Value:	2020 - \$3,606,000		
Deed Book:	12046	Deed Page:	231
Grid East:	612257	Grid North:	987377
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 14 →

Pictometry Connect

Documents

No documents found for this parcel

Maps

View Tax Map

Pin Property on GIS Map

View in Google Maps

View in Bing Maps

Map Disclaimer

Land Types

Type	Size
Undeveloped	2.50 acres



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Municipality of Newburgh

SWIS:	334600	Tax ID:	34-2-38.51	
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Ownership Information

Name	Secondary Name	Address
Amar LLC		5 Jeanne Dr Ste 7 Newburgh NY 12550

Sale Information

Sale Date	Price	Property Class	Sale Type	Prior Owner
6/17/2005	\$2,415,000	464 - Office bldg.	Land & Building	Beesmer Realty Co Inc
	Value Usable	Arms Length	Deed Book	Deed Page
	Yes	Yes	12046	231

Historic Deed Information

Photographs

(Click on photo to enlarge it.)

Photo

Photo 1 of 14 →

Pictometry Connect

Documents

No documents found for this parcel

Maps

- View Tax Map
- Pin Property on GIS Map
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- View in Bing Maps

Map Disclaimer

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of November, 2020 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL #34-2- 38.51
AMAR, LLC
(5 JEANNE DRIVE)
INDEX NUMBERS EF005875-2019 and
EF003803-2020

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

WHEREAS, Amar, LLC (the "Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of an office building and related improvements located on a parcel of land at 5 Jeanne Drive (Section 34-Block 2-Lot 38.51 on the tax assessment rolls for the tax years 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 Stipulation and Settlement Order annexed hereto and recommended that the Town Board authorize the settlement; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Stipulation and Settlement Order 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, papers and payments as may be necessary to effectuate and carry out the settlement; and

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

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

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piacquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.



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: November 17, 2020
RE: Budget Increase

At the next Board meeting can you please approve the following budget transfers for me.

FROM ACCOUNT	TO ACCOUNT	Dollar Amount
Account Description/ Account Name	Account Number/ Account Name	
A.1990.5499 Contingency Account	A.1420.5403 Litigation/Defense	\$ 20,000.00
A.1990.5499 Contingency Account	A.1440.5100 Engineer-Personal Services	\$ 8,900.00
A.1990.5499 Contingency Account	A.1675.5499 Central Mailing	\$ 25,000.00

I will also need the following budget transfer in order to correct Sewer Fund – Inter-Government General Services (Account #G5010.8110.5490)

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>	<u>AMOUNT</u>
G5010.8130.5401	G5010.8110.5490	\$10,000.00
G5010.8130.5457	G5010.8110.5490	\$25,000.00
G5010.8130.5458	G5010.8110.5490	\$37,000.00
G5010.1964.5499	G5010.8110.5490	\$ 5,000.00



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Gil Piaquadio <supervisor@townofnewburgh.org>

Property Purchase Request

2 messages

Thu, Oct 22, 2020 at 8:26 PM

Nicolas DiBrizzi <ND@cosimos.com>

To: "supervisor@townofnewburgh.org" <supervisor@townofnewburgh.org>

Cc: john deMarco <johndemarco920@gmail.com>

Mr. Piaquadio,

My name is Nicolas DiBrizzi, I reside currently with my wife and two young daughters at 13 Anchor Dr. in Town of Newburgh. On the south and east ends of the 2 lots I currently own (lots 14 and 15), there is a strip of property owned by the Town that I am interested in purchasing. This parcel is illustrated by the Red outlined area on the attached map.

At this point I just wanted to formally make the request, to see if this is something the Town would consider and then, if the answer is yes, we can discuss price and any other key terms. Recognizing that this outlined area is part of a larger parcel, I'd be happy to handle any lot line modification or re-survey costs.

I thank you in advance for your serious consideration of this request. Adding this parcel is important to us in order maintain our privacy in this beautiful section of our Town. Currently, there are a lot of vehicles that drive along the train tracks late at night through this piece of property and it is a safety concern not only for my family but there have been multiple close calls with the CSX train. Being at the restaurant late at night, my wife is often home alone with our 2 children and she has been alarmed by the vehicles that drive through, stop near our house and then park for long periods of time. For me, it would be a sense of security if I could secure this property and the perimeter of my residence.

I look forward to your reply.

Thank You & Best Regards,

Nicolas DiBrizzi
Cosimo's Management
Call: 201-388-6700
Office: 845-564-5571
1089 Little Britain Road
New Windsor, NY 12553

ND@COSIMOS.COM
www.cosimos.com

13 Anchor Dr. Town Sale Request.pptx
862K

Fri, Oct 23, 2020 at 11:59 AM

Gil Piaquadio <supervisor@townofnewburgh.org>
To: Mark Taylor <MTaylor@riderweiner.com>, Scott Manley <councilmanmanley@townofnewburgh.org>, Paul Ruggiero <councilmanruggiero@townofnewburgh.org>, Betty Greene <councilwomangreene@townofnewburgh.org>, Anthony Lobiondo <councilmanlobiondo@townofnewburgh.org>

[Quoted text hidden]

**Gil Piaquadio,
Town Supervisor**

1496 Route 300
Newburgh, NY 12550
Phone (845) 564-4552
Fax (845) 566-9486



13 Anchor Dr. Town Sale Request.pptx
862K

SMALL BUSINESS SATURDAY PROCLAMATION

From the Town of Newburgh Town Board

WHEREAS, The Town of Newburgh, New York celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represents 99.9% of all firms with paid employees in the United States, are responsible for 65.1% of net new jobs created from 2000 to 2019; and

WHEREAS, small businesses employ 47.1% of the employees in the private sector in the United States, 62% of United States small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, 65% of United States small business owners said it would be most helpful to their business to have their "regulars" return and start making purchases again, and three-quarters of consumers are currently looking for ways to Shop Small and support their community; and

WHEREAS, 96% of consumers who shopped on Small Business Saturday agree that shopping at small, independently-owned businesses support their commitment to making purchases that have a positive social, economic and environmental impact and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

WHEREAS, 95% of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season; and

WHEREAS, The Town of Newburgh, New York supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

BE IT RESOLVED, the Town Board of the Town of Newburgh do hereby proclaim November 28, 2020 as:

SMALL BUSINESS SATURDAY

Gilbert J. Piaquadio, Town Supervisor

Elizabeth J. Greene, Councilwoman



Paul I. Ruggiero, Councilman

Scott M. Manley, Deputy Supervisor/Councilman

Joseph P. Pedi

Joseph P. Pedi, Town Clerk

Anthony R. LoBiondo, Councilman



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

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PERSONNEL DEPT.

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

To: Supervisor Piaquadio
Town Board Members ✓

From: Charlene M. Black, Personnel

Date: November 20, 2020

Re: Part time Laborer

Mr. Presutti would like to hire Gilbert Piaquadio, Jr., as a part time laborer starting on or after December 7, 2020, to replace Mr. Zuniga, who resigned earlier this year. The applicants' hiring is contingent on your approval and the completion of her fingerprint, paperwork, drug/alcohol test and physical.

Thank you in advance.



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: November 19, 2020

RE: Request to Hire Laborer

At this time we are requesting your approval to hire Gilbert Piaquadio Jr. as a Part Time Laborer to fill the opening in the Recreation Department. Mr. Piaquadio will be hired at the rate of 12.50/hour. The salary for this position is in the 2020 budget.

Start date for this position will be on or after December 7th. Thank you for your consideration.

Regards,

Jim Presutti
Commissioner

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: GILBERT PIQUADIO JR.

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: PART TIME


HOURLY RATE: \$ 12.50

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 7110.5100

PROPOSED HIRE DATE: 12/07/20

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


DEPARTMENT HEAD SIGNATURE

11/19/2020
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
11/15/2010