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**MEMORANDUM**

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: PROPOSED LOCAL LAW AMENDING CHAPTER 104  
ENTITLED SCHEDULE OF FEES OF THE CODE OF THE  
TOWN OF NEWBURGH: SEWER RATES EFFECTIVE  
JANUARY 1, 2021  
OUR FILE NO. 800.1(B)( ) (2020)

DATE: OCTOBER 9, 2020

Enclosed please find for the Town Board's consideration the above referenced Local Law. The only rate proposed to be changed for 2021 is for the Roseton Hills Sewer District. The Sewer District has a combined Operation and Maintenance and Facility Charge which is at a flat rate per residential unit. As the rate is codified in the Town's Municipal Code, an amendatory Local Law is required. The new rate will be included in the final version of the Local Law when provided. I understand Mr. Osborne has not yet concluded his cost analysis.

Also enclosed is a draft resolution introducing and scheduling a public hearing on the Local Law.

Should you have any questions or concerns in this regard, please feel free to contact me.

MCT/sel

Enc.

cc: Town Clerk Joseph P. Pedi (via e-mail)  
Receiver of Taxes Deborah Smith (via e-mail)  
James Osborne, P.E. (via e-mail)  
Town Accountant Ronald Clum (via e-mail)  
Patrick Hines, Principal, McGoey, Hauser & Edsall (via e-mail)

DRAFT

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 October, 2020 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD  
INTRODUCING LOCAL LAW  
AMENDING CHAPTER 104 ENTITLED  
'SCHEDULE OF FEES' OF THE  
TOWN OF NEWBURGH MUNICIPAL  
CODE: SEWER RATES  
EFFECTIVE JANUARY 1, 2021  
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 2020 entitled "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Town of Newburgh Municipal Code; Sewer Rates Effective January 1, 2021" 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 \_\_\_ day of October, 2020 at 7:\_\_\_ o'clock, p.m., and

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

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

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.

**TOWN OF NEWBURGH**  
**INTRODUCTORY LOCAL LAW NO. \_\_ OF THE YEAR 2020**  
**AMENDING CHAPTER 104 ENTITLED**  
**"SCHEDULE OF FEES"**  
**OF THE CODE OF THE TOWN OF NEWBURGH:**  
**SEWER RATES**  
**EFFECTIVE JANUARY 1, 2021**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh Sewer Rates Effective January 1, 2021".

**SECTION 2 - AMENDMENTS TO CHAPTER 104**

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

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

"(3) Combined Operation and Maintenance and Facility Charge  
Roseton Hills Sewer District

\$\_\_\_\_\_ per each residential dwelling unit, whether or not an apartment or condominium unit on each parcel as listed on the latest completed Assessment Roll of the Town per quarter"

**SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY**

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

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2021.