



CITY OF NEWBURGH  
COUNCIL MEETING AGENDA

June 17, 2013  
5:45 pm

City Clerk:

1. Roll Call

Executive Session:

2. Matters pertaining to the employment of a particular individual

Mayor:

3. Prayer
4. Pledge of Allegiance

Presentation:

5. Certificate of Recognition presented to Imam Dr. Salahuddin M. Muhammad on the occasion of his retirement to show our appreciation for all of his contributions to the City of Newburgh.

Announcements:

6. Newburgh Illuminated Festival will begin on Friday
7. The City Council will be meeting again on Wednesday, June 19 at 6 p.m.

Communications:

8. Approval of the minutes of the May 23, 2013 work session and the May 28, 2013 City Council meeting
9. City Clerk's report for the month of May
10. Registrar of Vital Statistics report for the month of May

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

11. Resolution No. 115 - 2013  
A resolution amending the City of Newburgh 2013 Personnel Analysis book to provide for a change in title from Code Enforcement Officer to Sanitation Code Enforcement Officer within the Department of Planning and Development for the purposes of executing a temporary enhanced code enforcement effort.
12. Resolution No. 116-2013  
A resolution authorizing the award of a bid and the execution of a contract with Sun-Up Enterprises, Inc. for the Chambers Street Streetscape Improvements Project at a base bid cost of \$202,925.00 plus additional alternate number one in the amount of \$43,680.00 for a total cost of \$246,605.00.
13. Resolution No. 117 - 2013  
A resolution of the City Council of the City of Newburgh assuming lead agency status under the State Environmental Quality Review Act (SEQRA) concerning rescinding Chapter 279, "Trees and Shrubs" and Chapter 296, "Waterfront Consistency Review", the adoption of Chapter 159 creating a Conservation Advisory Council and an amendment of Chapter 300, the Zoning Ordinance of the City of Newburgh, declaring the project to be an unlisted action, considering an Environmental Assessment Form (EAF), referring same to the Orange County Planning Department as required by Section 239 of the General Municipal Laws and scheduling a public hearing.
14. Resolution No. 118 - 2013  
A resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Habitat for Humanity of Greater Newburgh, Inc. to the premises known as 10 Lutheran Street.
15. Resolution No. 119 – 2013  
A resolution authorizing the interim City Manager to execute an amendment to the agreement for the payment in lieu of taxes by and among the City of Newburgh and Varick Homes Housing Development Fund Corp.

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16. Ordinance No. 7 – 2013  
An ordinance rescinding the language contained in Chapter 240, entitled "Rental Properties" of the Code of Ordinances of the City of Newburgh and enacting a new Chapter 240 to require the registration of rental properties in the City of Newburgh, establishing registration requirements, and levying a registration fee on owners of rental properties.
17. Ordinance No. 8 – 2013  
An ordinance amending Chapter 163 entitled "Fees" of the Code of the City of Newburgh.

18. Resolution No. 120 – 2013  
A resolution to authorize the interim City Manger to enter into an agreement with Conklin Services & Construction, Inc. for professional services in connection with Petroleum Bulk Storage Compliance at a cost of \$750.00.
19. Resolution No. 121 – 2013  
A resolution amending Resolution No. 223-2012, the 2013 Budge for the City of Newburgh, New York to transfer \$96,788.94 from Grand Street Courthouse to establish budget lines for the newly created Parking Violations Bureau.
20. Resolution No. 122 – 2013  
A resolution amending Resolution No. 223-2012, the 2013 Budget for the City of Newburgh, New York to transfer \$150,000.00 from self insurance contingency to workers compensation to cover additional expenditure costs.
21. Resolution No. 123 – 2013  
A resolution to authorize a settlement in the matter of Melissa Mucci against the City of Newburgh in the amount of sixty-two thousand five-hundred dollars.
22. Resolution No. 124 – 2013  
A resolution authorizing the settlement of litigation regarding the in rem tax foreclosure of liens for the year 2011 relative to 7 Marne Avenue.
23. Resolution No. 125 - 2013  
A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgments in connection with the tax certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index Nos. 2008-8220, 2009-8383, 2010-8355, 2011-7353 and 2012-6541, involving Section 38, Bock 3, lot 29.1 (Brian Reilly); Orange County Index No. 2008-8228, 2009-8384, 2010-8353, 2011-7355, 2012-6538, involving Section 30, Block 2, Lot 11 (Brian and Barbara Reilly); Orange County Index Nos. 2008-8222 and 2009-8387, involving Section 36, Block 2, Lot 12 (7 South Johnston Street Corp.); Orange County Index Nos. 2008-8226 and 2009-8385, involving Section 29, Block 6, Lots 8 and 9, and Section 29, Block 8, Lot 4 (City Terrace Associates, Ltd.) and Orange County Index Nos. 2009-8389, 2010-8357, 2011-7356 and 2012-6537, involving Section 43, Block 1, Lot 45 (Liberty Street Development Corp.).

Old Business:

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

RESOLUTION NO.: 115 - 2013

OF

JUNE 17, 2013

A RESOLUTION AMENDING THE CITY OF NEWBURGH PERSONNEL ANALYSIS BOOK FOR 2013 TO PROVIDE FOR A CHANGE IN TITLE FROM CODE ENFORCEMENT OFFICER TO SANITATION CODE ENFORCEMENT OFFICER WITHIN THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR THE PURPOSES OF EXECUTING A TEMPORARY ENHANCED CODE ENFORCEMENT EFFORT

WHEREAS, the Department of Planning and Development wishes to fill a vacancy and has requested a change in title from Code Enforcement Officer to Sanitation Code Enforcement Officer; and

WHEREAS, the City Manager has recommended to this Council that the position of Code Enforcement Officer be changed to the title of Sanitation Code Enforcement Officer reporting to the Department of Planning & Development, so as to improve the quality of life in the City of Newburgh; and

WHEREAS, the establishment of Sanitation Code Enforcement Officer shall consist of (1) one temporary part-time position; and

WHEREAS, the position will be funded through the U.S. Department of Housing & Urban Development, Community Development Block Grant Program entitlement program; and

WHEREAS, Strategic Code Enforcement is an approved 2013 Annual Plan Program; and

WHEREAS, no monetary amendment to the 2013 Budget is required as the position will be funded through the existing 2013 Budget Codes as follows:

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8686.0101.8135.2013 - Salary  
8686.0810.8135.2013 - Retirement  
8686.0830.8135.2013 - Social Security

WHEREAS, the creation of such position requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2013,

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Personnel Analysis Book for 2013 be and is hereby amended to provide for a change in title from Code Enforcement Officer to Sanitation Code Enforcement Officer within the Department of Planning and Development for the purposes of executing a temporary enhanced code enforcement effort.

RESOLUTION NO.: 114 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND  
THE EXECUTION OF A CONTRACT WITH SUN-UP ENTERPRISES, INC.  
FOR THE CHAMBERS STREET STREETSCLAPING IMPROVEMENTS PROJECT  
AT A BASE BID COST OF \$202,925.00 PLUS ADDITIONAL ALTERNATE NUMBER  
ONE IN THE AMOUNT OF \$43,680.00 FOR A TOTAL COST OF \$246,605.00

WHEREAS, the City of Newburgh has duly advertised for bids for the Chambers Street Streetscaping Improvements Project; and

WHEREAS, the project involves demolition and removal of sidewalks and curbing; installation of approximately 1,500 LF of new concrete sidewalks, concrete curbing and shrubs, as well as pedestrian curb "bumpouts" and associated storm drainage infrastructure; and

WHEREAS, six (6) bids have been duly received and opened and Sun-up Enterprises is the low bidder; and

WHEREAS, funding for such project shall be derived from the following budget codes

CD1.8686.448.8065.2011 - \$173,655.00

CD1.8686.448.8065.2012 - \$ 72,950.00; and

WHEREAS, this Council has determined that awarding such bid and entering into a contract with Sun-Up Enterprises, Inc. is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the Chambers Street Streetscaping Improvements Project at a base bid cost of \$202,925.00 plus additional alternate number one in the amount of \$43,680.00 for a total cost of \$246,605.00, and that the Interim City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

RESOLUTION NO.: 117 - 2013

OF

JUNE 17, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) CONCERNING RESCINDING CHAPTER 279, "TREES AND SHRUBS" AND CHAPTER 296, "WATERFRONT CONSISTENCY REVIEW", THE ADOPTION OF CHAPTER 159 CREATING A CONSERVATION ADVISORY COUNCIL AND AN AMENDMENT OF CHAPTER 300, THE ZONING ORDINANCE OF THE CITY OF NEWBURGH, DECLARING THE PROJECT TO BE AN UNLISTED ACTION, CONSIDERING AN ENVIRONMENTAL ASSESSMENT FORM(EAF), REFERRING SAME TO THE ORANGE COUNTY PLANNING DEPARTMENT AS REQUIRED BY SECTION 239 OF THE GENERAL MUNICIPAL LAWS AND SCHEDULING A PUBLIC HEARING

WHEREAS, by Resolution No. 87-2012 of June 18, 2012, the City Council of the City of Newburgh accepted and authorized the City Manager to take other steps necessary and appropriate to implement the recommendations in the Streamlining Newburgh's Land Use Process report and recommendations; and

WHEREAS, in furtherance of the City's goal to streamline its land use process, the City is proposing to rescind Chapter 279, "Trees and Shrubs" and Chapter 296, "Waterfront Consistency Review" and consolidate the regulatory schemes contained therein into a Conservation Advisory Council created in a new Chapter 159 and adopt conforming amendments to Chapter 300, "Zoning" of the Code of Ordinances; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh wishes to assume Lead Agency status, declare the action to be an Unlisted action, proposes to accept as complete an Environmental Assessment Form ("EAF"), refer the proposed ordinance to the Orange County Planning Department pursuant to General Municipal Law Section 239, and schedule a public hearing in connection with the proposed legislation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. Classifies the action as an Unlisted Action; and
3. Proposes to accept as complete the Environmental Assessment Form ("EAF") attached hereto;
4. Refers the proposed Local Law and Ordinance to the Orange County Planning Department as required by General Municipal Law Section 239; and
1. Schedules a public hearing to receive comments concerning "A Local Law Rescinding Chapter 270 Entitled 'Trees and Shrubs' and Rescinding Chapter 296 Entitled 'Waterfront Consistency Review' and Adding Chapter 159 Entitled 'Conservation Advisory Council' to the Code of Ordinances of the City of Newburgh" and "An Ordinance to Amend Chapter 300 entitled "Zoning" and Chapter 248, entitled 'Property Damage' of the Code of Ordinances of the City of Newburgh to Conform to the Creation of a Conservation Advisory Council in the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 15th day of July, 2013, in the Third Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

RESOLUTION NO.: 118-2013

OF

JUNE 17, 2013

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO  
HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC.  
TO THE PREMISES KNOWN AS 10 LUTHERAN STREET  
(SECTION 29, BLOCK 8, LOT 9)**

**WHEREAS**, on May 19, 2011, the City of Newburgh conveyed property located at 10 Lutheran Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 8, Lot 9, to Habitat for Humanity of Greater Newburgh, Inc.; and

**WHEREAS**, in preparation for the sale of 10 Lutheran Street to the homeowner Habitat for Humanity of Greater Newburgh Inc. has requested a release of the restrictive covenants contained in said deed; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

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**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 10 Lutheran Street, Section 29, Block 8, Lot 9 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated May 19, 2011, from THE CITY OF NEWBURGH to HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., recorded in the Orange County Clerk's Office on June 14, 2011 in Liber 13187 of Deeds at Page 1101 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed

Dated: \_\_\_\_\_, 2013

THE CITY OF NEWBURGH

By:

\_\_\_\_\_  
JAMES SLAUGHTER  
Acting City Manager

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

On the \_\_\_\_ day of June in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES SLAUGHTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

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RESOLUTION NO.: 119 - 2013

OF

JUNE 17, 2013

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE AN AMENDMENT TO THE AGREEMENT  
FOR THE PAYMENT IN LIEU OF TAXES BY AND AMONG  
THE CITY OF NEWBURGH AND VARICK HOMES  
HOUSING DEVELOPMENT FUND CORP.**

**WHEREAS**, by Resolution No. 85-2012 of May 29, 2012, the City Council of the City of Newburgh granted to Varick Homes Housing Development Fund Corp. (the "HDFC"), a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law ("PHFL") and Section 402 of the NYS Not-for-Profit Corporation Law, a real property tax exemption to the extent authorized by Section 577 of the Private Housing Finance Law for Varick Homes Apartments, certain improved real property located at 69 South Street, City of Newburgh, Orange County, New York, Tax Map No. Section 19, Block 2, Lot 1 (the "Land"), consisting of approximately one hundred twenty-two (122) residential units for families and senior citizens of low income (the "Project") and approved an Agreement for the Payment in Lieu of Taxes ("PILOT Agreement"), providing for annual payments as set forth in such Agreement; and

**WHEREAS**, the HDFC's fiscal year does not end until February 28<sup>th</sup> and does not provide sufficient time for the parties to calculate, invoice and make the annual payment by the due date of June 30<sup>th</sup> as set forth in the PILOT Agreement; and

**WHEREAS**, the parties agree that amending the PILOT Agreement to change the payment due date to July 31<sup>st</sup> be sufficient to allow the parties to complete the tasks necessary to calculate, invoice and make the annual payment;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newburgh that Interim City Manager be and he hereby is authorized to execute and deliver the foregoing Amendment to the PILOT Agreement, in substantially the same form with other documents as Corporation Counsel may require, on behalf of the City.

ORDINANCE NO.: 7 - 2013

OF

JUNE 17, 2013

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND AMENDING CHAPTER 240 ENTITLED "RENTAL PROPERTIES" TO REQUIRE THE REGISTRATION OF RENTAL PROPERTIES IN THE CITY OF NEWBURGH, ESTABLISHING REGISTRATION REQUIREMENTS, AND LEVYING A REGISTRATION FEE ON OWNERS OF RENTAL PROPERTIES

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Section 240, Rental Properties be and is hereby repealed in its entirety and that the same is hereby amended to read as follows:

§ 240-1. Findings and purpose. The City Council has determined that there exists in the City of Newburgh a significant number of non-owner-occupied rental units. Non-owner occupants are less able to maintain daily oversight of their properties to ensure compliance with applicable laws, rules, and regulations. The City Council finds that the registration of rental properties is intended to and will ensure the protection of persons and property in all existing rental structures and on all premises required to be registered under this chapter. Further, the registration of rental properties will ensure that rental property owners adhere to applicable code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental property can be certified. It is the purpose of this chapter to protect the health, safety, and welfare of the residents of the City of Newburgh, as well as to protect the City's housing stock from deterioration by establishing a program for registering and identifying residential rental properties and for determining the responsibilities of owners of residential rental properties.

§ 240-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AGENT** - Any person who has charge, care, or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

**BUILDING** - A combination of materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.

**DWELLING** - A building used in whole or part for residential uses.

**DWELLING UNIT** - Any room or contiguous group of rooms within a building and forming a single, habitable living space for one family.

**MUNICIPAL OFFICER** - The Fire Chief, Director of the Code Compliance Bureau, and the Building Inspector or such official within that department as may be designated by the Director in writing.

**OWNER** - Any individual or individuals, partnership, or corporation or any similar type of business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of the property. Each, any, and all such persons shall have a joint and severable obligation for compliance with the provisions of this chapter.

**OWNER-OCCUPIED DWELLING** - A dwelling occupied by an individual owner or by members of his or her family on a nonrental basis. For the purposes of this chapter, "owner-occupied" shall not include any building owned by a partnership, corporation, or any similar type of business organization, including but not limited to a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or agent.

**RENTAL PROPERTY** - All buildings that contain a dwelling unit or a rooming unit that is rented, leased, let, or hired out to be occupied for residential or mixed use (commercial-residential) and are not owner-occupied.

**ROOMING UNIT** - Any furnished room for rent within a building and forming a single sleeping space.

§ 240-3. Rental License Process.

- A. Effective June 1, 2013, the owner of any rental property as defined herein shall, within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later; or within 10 days of receipt of notice by the municipality, submit a rental license application for such rental property with the municipal officer on forms provided for that purpose by the municipal officer along with any fees required by Chapter 163. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.
- B. Each rental property having a separate section block and lot number shall be registered separately.
- C. The license rental application shall include the information required under § 240-4, as well as any additional information that the municipal officer may reasonably require.
- D. It shall be unlawful for any owner to offer any unit for rent or to rent any dwelling unit or to allow any dwelling unit to be occupied without having first received a rental license pursuant to this chapter as required herein within the time prescribed for such registration. Failure to

receive notice of the rental license deadline will not excuse failure to receive a rental license for a rental property. It is the responsibility of the owner to fulfill the requirements of this chapter.

- E. No application for an initial rental license or a rental license renewal shall be issued until the municipal officer has conducted an inspection as described in § 240-6 and determined that all life, health, and safety violations or discrepancies have been corrected.
- F. If the rental license application is incomplete or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.
- G. The rental license shall remain valid for one year from the date of issue. The owner shall be required to renew the rental license annually and shall pay a fee in the amount prescribed in Chapter 163.
- H. The municipal officer may establish for purposes of efficient administration that all rental licenses shall be renewed by a single date in each year. The municipal officer shall establish this date in which case the initial rental license fee shall be pro-rated for applications received less than 10 months prior to that date.
- I. The completed rental license application shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

#### § 240-4. Rental License Application.

- A. A rental license application shall be made by the owner of rental units or the owner's legally constituted agent on a form approved and supplied by the City of Newburgh Office of Code Compliance. This form shall be known as a "rental property statement" and shall be signed by the owner under oath. The statement shall include:
  - 1. The name(s), residence and business addresses, e-mail addresses, telephone numbers, and birth date(s) of the principal officers if the applicant is an individual, partnership, or firm, or the names, residence and business addresses, e-mail addresses, telephone numbers, and birth dates of the principal officers if the applicant is an association or corporation. Where more than one natural person has an ownership interest, the required information shall be included for each owner.
  - 2. If the owner is not a natural person, the employer identification number of the owner.
  - 3. The name, street address, e-mail address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code. The agent for service of process must maintain offices or reside in the State of New York.
  - 4. The name, street address, e-mail address, and telephone numbers of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property must maintain offices within 45 miles of the City and shall be available by telephone or in person on a 24-hour-per-day, seven-day-per-week basis.
  - 5. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.

6. A description of the premises, including street address, section block and lot, and type of building;
  7. Number of dwelling units within the dwelling
  8. Description of procedure through which tenant inquiries and complaints are to be processed
  9. Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
  10. The number of tenants.
  11. Any other information as requested by the City.
- B. The owner shall notify the municipal officer within 10 days of any change in the rental license information by filing an amended rental property statement on a form provided by the municipal officer for such purpose. Depending on the nature of changes, the City may require consent to a new property inspection. Notice of transfer of ownership shall be as described in § 240-8.

§ 240-5. License Fees; exemptions.

- A. License fees as set forth in Chapter 163 of this Code shall be due 90 days prior to the license expiration date; in the cases of a new unlicensed dwelling, a change in a previously filed rental license application, or a new license that is required due to a change in ownership as set forth in § 240-8 below, rental license fees shall be due at the time of application.
- B. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth in Chapter 163 of this Code but still must submit a rental license application as described in § 240-3 and § 240-4 above.
- C. A delinquency penalty of 5% of the rental license fee for each day of operation without a valid rental license shall be charged operators of rental properties. Once issued, a rental license is nontransferable, and the rental licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension, application withdrawal, an incomplete application or process, or application cancellation, the fee is nonrefundable.
- D. All inspection fees are set in Chapter 163. If the inspection is being performed as part of the rental licensing process, fees must be paid prior to the time of rental license issuance or renewal for the property.
- E. If any fee or any portion is not paid within 60 days after billing, the Comptroller may certify the unpaid cost against the property, and the unpaid cost shall be added to and collected with the subsequent City tax levy and shall bear interest and be enforced as provided by law for City taxes.
- F. All funds collected from rental license fees under this section shall be deposited in a dedicated trust fund to be used exclusively for municipal activities with respect to vacant and problem properties in the municipality, including but not limited to inspection, nuisance abatement, securing and boarding, maintaining property information systems, general code enforcement activities, and reasonable administrative and legal costs associated with any of the foregoing.

§ 240-6. Inspection.

- A. During regular business hours or in an emergency, the municipal officer or his representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his duties, may enter any building or rental unit within a building.
- B. At the request of the municipal officer, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The municipal officer may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.

§ 240-7. Conformance to Laws.

No rental license shall be issued or renewed unless the rental property and its premises conform to the Code of Ordinances of Newburgh and the laws of the State of New York.

§ 240-8. License not Transferable.

No rental license shall be transferable to another person or to another rental property. Every person holding a rental license shall give notice in writing to the municipal officer within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental property. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental property.

§ 240-9. Required Postings.

- A. Every licensee of a rental property with more than four units shall conspicuously post the current rental license certificate in the main entryway or other conspicuous location. For rental properties of four or fewer units, the licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
- B. The City's trash and refuse policies and procedures and alternate-side street parking regulations shall be conspicuously posted in the main entryway or other conspicuous location. For rental properties with only one dwelling unit or with no common entryway, the owner must provide a copy of these policies, procedures, and regulations with the tenant's copy of the executed lease agreement.

§ 240-10. Occupancy Register Required.

- A. Every owner of a licensed rental property shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:

1. Dwelling unit address.
  2. Number of bedrooms in dwelling unit and the maximum number of occupants.
  3. Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
  4. Dates renters occupied and vacated dwelling units.
  5. A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
  6. A similar chronological list of all corrections made in response to such requests and complaints.
- B. Such register shall be made available for viewing or copying by the municipal officer at all reasonable times.
- C. The property owner may request a pre-rental inspection of a unit prior to placing tenants and obtain a certificate of compliance stating that the apartment is compliance with applicable city and state property maintenance codes. The cost of this inspection shall be included with license fee.

#### § 240-11. Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this ordinance.

#### § 240-12. Enforcement.

- A. The City of Newburgh shall have a choice of enforcing this chapter as provided in § 1-12 of the Code of Ordinances of the City of Newburgh by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.
- B. A designated managing agent of an owner may be served with a notice of violation, order to remedy, an appearance ticket, or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.
- C. No owner who designates a managing agent pursuant to the provisions of this chapter may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process on his designated agent.
- D. Any owner who fails to register a rental property under the provisions of this ordinance shall be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

#### § 240-13. Penalties for offenses.

- A. If the City of Newburgh chooses to enforce this chapter through a criminal proceeding, any person who violates or fails to comply with any provisions of this ordinance or of the rules and regulations issued hereunder or who violates or fails to comply with any order made thereunder shall be fined up to \$500 and/or 30 days in jail.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects.

Each day that prohibited conditions exist shall constitute a separate offense and so subject the owner to an additional fine of up to \$500 and/or additional jail sentences of up to 30 days in jail.

- E. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- F. For purposes of this section, failure to file a rental property statement within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later, or within 10 days of receipt of notice by the municipality; failure to provide correct information on the rental property statement; and failure to comply with the provisions of §240-3, 4, 5, 9, and 10 of this Chapter or such matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this ordinance.

§ 240-14 Effective Date.

This ordinance shall become effective upon publication as provided by law.

§ 240-15 Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

ORDINANCE NO.: 8 - 2013

OF

JUNE 17, 2013

AN ORDINANCE AMENDING CHAPTER 163  
ENTITLED "FEES" OF THE CODE  
OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

Code Section	Type of Fee	Amount
Chapter 240, Rental Properties		
<del>§ 240-9</del>	<del>Change in rental property registration</del>	<del>\$25</del>
<u>§ 240-3</u>	<u>Rental License Application and Renewal</u>	

A non-refundable annual permit application fee shall be paid, upon filing an application for a rental license or for a renewal rental license in accordance with the following schedule of rental dwelling units per structure:

<u>Type of Dwelling</u>	<u>Fee</u>
<u>One dwelling unit</u>	<u>\$150.00</u>
<u>Two dwelling units</u>	<u>\$250.00</u>
<u>Three dwelling units</u>	<u>\$350.00</u>
<u>Four dwelling units</u>	<u>\$450.00</u>
<u>Five to ten dwelling units</u>	<u>\$750.00</u>
<u>11 to 50 dwelling units</u>	<u>\$1,500.00</u>
<u>51 to 100 dwelling units</u>	<u>\$2,000.00</u>
<u>101 to 200 dwelling units</u>	<u>\$2,500.00</u>
<u>Over 200 dwelling units</u>	<u>\$5,000.00</u>

Section 2. This ordinance shall take effect on September 1, 2013.

Underlining denotes additions  
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: 120 - 2013

OF

JUNE 17, 2013

A RESOLUTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO  
AN AGREEMENT WITH CONKLIN SERVICES & CONSTRUCTION INC.  
FOR PROFESSIONAL SERVICES IN CONNECTION WITH  
PETROLEUM BULK STORAGE COMPLIANCE AT A COST OF \$750.00

WHEREAS, by Resolution No. 195-2009 of December 14, 2009, the City Council of the City of Newburgh authorized the City Manager to enter into a Consent Order with the NYS Department of Environmental Conservation to resolve violations of the Petroleum Bulk Storage regulations issued under Article 17 of the NYS Environmental Conservation Law; and

WHEREAS, to resolve the violations, the City must produce as-built drawings for the underground diesel (2,500 gallon) and underground gasoline (6,000 gallon) storage tanks located at the City of Newburgh's public works garage; and

WHEREAS, Conklin Services & Construction Inc. installed the tanks around the year 1999, and therefore, is the best qualified to produce the required drawings; and

WHEREAS, this Council has determined that entering into the proposed agreement to complete the City's compliance with the Order on Consent is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be, and he hereby is authorized to enter into an agreement with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh with Conklin Services & Construction Inc. to prepare as-built drawings to the underground petroleum storage tanks located at the public works garage at a cost of Seven Hundred Fifty (\$750.00) Dollars.



# CONKLIN SERVICES & CONSTRUCTION INC.

94 Stewart Avenue · PO Box 7418 · Newburgh, NY 12550  
(845) 561-1512 · Fax (845) 561-1204  
[www.pumpandtank.com](http://www.pumpandtank.com)

May 30, 2013

City of Newburgh  
Jason Morris P.E.  
83 Broadway, Newburgh NY

**SUBJECT: DPW Tank Compliance**

Dear. Mr. Morris:

We are pleased to offer the estimate outlined below.

Site Visit and generate as-built for 2 USTs As-built plans will be prepared in accordance with Section-D of NYSDEC publication DER-25 (Petroleum Bulk Storage Inspection Handbook)".

\$750.00

The price assumes that a survey of the facility in electronic form will be supplied to CSC at no cost.

Thank you for the opportunity to offer this quote. To confirm this work please sign and date the acceptance line below, return original proposal along with your deposit to our office and retain one copy for your records. Should you need any additional information or assistance, please feel free to contact our office.

Sincerely,

\_\_\_\_\_  
Acceptance Signature

**CONKLIN SERVICES & CONSTRUCTION INC.**

Sean Morgan P.E.  
Environmental Department Director

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

RESOLUTION NO.: 121 - 2013

OF

JUNE 17, 2013

RESOLUTION AMENDING RESOLUTION NO: 223 - 2012,  
 THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
 TO TRANSFER \$96,788.94 FROM GRAND STREET COURTHOUSE  
 TO ESTABLISH BUDGET LINES FOR THE NEWLY CREATED  
 PARKING VIOLATIONS BUREAU

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1120 Grand Street Courthouse		
.0101 Salary	\$ 52,522.06	
A.1130 Parking Violations Bureau		
.0101 Salary		\$31,324.86
.0448 Hearing Officers		\$ 3,300.00
.0448.0001 Appeals Officers		\$ 2,040.00
.0201.0000 Equipment (Computer, Printer & Supplies)		\$ 6,000.00
.0448.0004 Software		<u>\$ 9,857.20</u>
		\$52,522.06
A.1120 Grand Street Courthouse		
.0102 Part Time	\$ 2,400.00	
A.1130 Parking Violations Bureau		
.0448.0004 Software		\$ 1,300.00
.0102 Part Time		<u>\$ 1,100.00</u>
		\$ 2,400.00

		<u>Decrease</u>	<u>Increase</u>
A.1120	Grand Street Courthouse		
.0413	Supplies	\$ 1,400.00	
A.1130	Parking Violations Bureau		
.0413	Supplies		\$ 1,400.00
A.1120	Grand Street Courthouse		
.0810	Retirement	\$13,349.00	
.0830	Social Security	\$ 4,201.32	
.0835	MTA Tax	\$ 186.56	
.0860	Health Insurance	\$21,320.00	
.0870	Disability Life Insurance	\$ 235.00	
.0880	Employee Benefit	<u>\$ 1,175.00</u>	
		\$40,466.88	
A.1130	Parking Violations Bureau		
.0810	Retirement		\$13,349.00
.0830	Social Security		\$ 4,201.32
.0835	MTA Tax		\$ 186.56
.0860	Health Insurance		\$21,320.00
.0870	Disability Life Insurance		\$ 235.00
.0880	Employee Benefit		<u>\$ 1,175.00</u>
			\$40,466.88
<b>TOTAL:</b>		<u>Decrease</u>	<u>Increase</u>
		<b>\$96,788.94</b>	<b>\$96,788.94</b>

RESOLUTION NO.: 122 - 2013

OF

JUNE 17, 2013

RESOLUTION AMENDING RESOLUTION NO: 223-2012,  
THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO TRANSFER \$150,000.00 FROM SELF INSURANCE CONTINGENCY  
TO WORKERS COMPENSATION TO COVER ADDITIONAL EXPENDITURE COSTS

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
M.1990	Contingency		
.0400		\$ 150,000.00	
M.9040	Worker's Compensation		
.0408			\$ 150,000.00

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RESOLUTION NO. 123 - 2013

OF

JUNE 17, 2013

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
MELISSA MUCCI AGAINST THE CITY OF NEWBURGH  
IN THE AMOUNT OF SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS

WHEREAS, Melissa Mucci brought an action against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the settlement in the amount of Sixty-two Thousand Five Hundred (\$62,500.00) Dollars in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Melissa Mucci against the City of Newburgh in the total amount of Sixty-two Thousand Five Hundred (\$62,500.00) Dollars and that the Interim City Manager be and he hereby is authorized to execute documents as the City's attorney may require, to effectuate the settlement as herein described.

RESOLUTION NO.: 124 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE SETTLEMENT OF  
LITIGATION REGARDING THE IN REM TAX FORECLOSURE  
OF LIENS FOR THE YEAR 2011 RELATIVE TO  
7 MARNE AVENUE (SECTION 7, BLOCK 7, LOT 4)

WHEREAS, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-001071; and

WHEREAS, the owner of the property, Effiong Eyo, served an Answer to such action in regard to the foreclosure of 7 Marne Avenue (Section 7, Block 7, Lot 4); and

WHEREAS, HSBC/Corelogic has advised the City that they are prepared to settle such action on behalf of Effiong Eyo; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be and he is hereby authorized to withdraw the liens on the property located at 7 Marne Avenue (Section 7, Block 7, Lot 4), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty Eight Thousand One Hundred Ninety Nine And 18/100 (\$28,199.18) Dollars representing substantially all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2012-2013 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before June 21, 2013.

RESOLUTION NO.: 125 -2013

OF

JUNE 17, 2013

A RESOLUTION APPROVING THE CONSENT JUDGMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENTS IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 2008-8220, 2009-8383, 2010-8355, 2011-7353 AND 2012-6541, INVOLVING SECTION 38, BLOCK 3, LOT 29.1 (BRIAN REILLY); ORANGE COUNTY INDEX NOS. 2008-8228, 2009-8384, 2010-8353, 2011-7355, 2012-6538, INVOLVING SECTION 30, BLOCK 2, LOT 11 (BRIAN AND BARBARA REILLY); ORANGE COUNTY INDEX NOS. 2008-8222 AND 2009-8387, INVOLVING SECTION 36, BLOCK 2, LOT 12 (7 SOUTH JOHNSTON STREET CORP.); ORANGE COUNTY INDEX NOS. 2008-8226 AND 2009-8385, INVOLVING SECTION 29, BLOCK 6, LOTS 8 AND 9 AND SECTION 29, BLOCK 8, LOT 4 (CITY TERRACE ASSOCIATES, LTD.) AND ORANGE COUNTY INDEX NOS. 2009-8389, 2010-8357, 2011-7356 AND 2012-6537, INVOLVING SECTION 43, BLOCK 1, LOT 45 (LIBERTY STREET DEVELOPMENT CORP.)

WHEREAS, Brian Reilly, Brian and Barbara Reilly, 7 South Johnston Street Corp., City Terrace Associates, Ltd., and Liberty Street Development Corp., all involving Barbara Reilly as an owner and/or managing member of the corporation, have commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange; and

WHEREAS, Brian Reilly has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2008-8220, 2009-8383, 2010-8355, 2011-7353 and 2012-6541; and

WHEREAS, Brian and Barbara Reilly have commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2008-8228, 2009-8384, 2010-8353, 2011-7355 and 2012-6538; and

WHEREAS, 7 South Johnston Street Corp. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009 and 2009-2010 tax assessment years bearing Orange County Index Nos. 2008-8222 and 2009-8387; and

**WHEREAS**, City Terrace Associates, Ltd. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009 and 2009-2010 tax assessment years bearing Orange County Index Nos. 2008-8226 and 2009-8385; and

**WHEREAS**, Liberty Street Development Corp. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2009-8389, 2010-8357, 2011-7356 and 2012-6537; and

**WHEREAS**, it appears from the recommendation of the City Assessor, Joanne Majewski, and Richard B. Golden, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

**WHEREAS**, Brian Reilly is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 38-3-29.1 be reduced to a market value of \$ 275,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 38-3-29.1 be reduced to a market value of \$ 240,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 38-3-29.1 be reduced to a market value of \$ 200,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 38-3-29.1 be reduced to a market value of \$ 170,000.
- 5- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 38-3-29.1 be reduced to a market value of \$ 155,000.

**WHEREAS**, Brian and Barbara Reilly are willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 6- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 30-2-11 be reduced to a market value of \$ 300,000.
- 7- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 30-2-11 be reduced to a market value of \$ 275,000.
- 8- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 30-2-11 be reduced to a market value of \$ 230,000.
- 9- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 30-2-11 be reduced to a market value of \$ 200,000.

- 10- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 30-2-11 be reduced to a market value of \$ 175,000.

**WHEREAS**, 7 South Johnston Street Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 36-2-12 be reduced to a market value of \$ 225,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 36-2-12 be reduced to a market value of \$ 163,000.

**WHEREAS**, City Terrace Associates Ltd. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-6-9 be reduced to a market value of \$ 140,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-6-9 be reduced to a market value of \$ 113,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-6-8 be reduced to a market value of \$ 138,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-6-8 be reduced to a market value of \$ 113,000.
- 5- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-8-4 be reduced to a market value of \$ 345,000.
- 6- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-8-4 be reduced to a market value of \$ 313,000.

**WHEREAS**, Liberty Street Development Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 43-1-45 be reduced to a market value of \$ 90,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 43-1-45 be reduced to a market value of \$ 80,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 43-1-45 be reduced to a market value of \$ 75,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 43-1-45 be reduced to a market value of \$ 70,000.

**NOW, THEREFORE BE IT RESOLVED**, that the proposed settlements as set forth and described above and the attached Consent Judgments are hereby accepted pursuant to the provisions of the General City Law and other related laws.

**BE IT FURTHER RESOLVED**, that James A. Slaughter, Interim City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall execute the attached Consent Judgments on behalf of the City of Newburgh, and Richard B. Golden, Esq., as Special Counsel, and counsel for the Petitioners shall present such Consent Judgments to the Orange County Supreme Court for approval pursuant to the aforesaid laws.

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
BRIAN REILLY,

Petitioner,  
- against -

**CONSENT JUDGMENT**

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

**Index Nos. 2008-8220**  
**2009-8383**  
**2010-8355**  
**2011-7353**  
**2012-6541**

Respondents.

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

**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, as follows:

Tax Map No. 38-3-29.1

be reduced in market value from \$349,700.00, \$300,300.00, \$276,000.00, \$232,100.00, and \$218,400.00, respectively to market values of \$275,000.00, \$240,000.00, \$200,000.00, \$170,000.00, and \$155,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,



**ON CONSENT:**

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
BRIAN REILLY and BARBARA REILLY,

Petitioners,  
- against -

**CONSENT JUDGMENT**

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

**Index No.     2008-8228**  
**2009-8384**  
**2010-8353**  
**2011-7355**  
**2012-6538**

Respondents.

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

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 as follows:

Tax Map No. 30-2-11

be reduced in market value from \$474,600.00, \$399,900.00, \$345,800.00, \$290,800.00 and \$273,700.00, respectively to market values of \$300,000.00, \$275,000.00, \$230,000.00, \$200,000.00 and \$175,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:            June \_\_\_\_, 2013  
                          Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

**ON CONSENT:**

---

HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of  
7 SOUTH JOHNSTON STREET CORP.,

-against-

Petitioner,

**CONSENT JUDGMENT**

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

**Index Nos. 2008-8222  
2009-8387**

Respondents.

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

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 36-2-12

be reduced in market value from \$309,300.00 and \$289,000.00, respectively to a market value of \$225,000.00 and \$163,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009 and 2009-2010 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:            June \_\_\_\_, 2013  
                          Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

**ON CONSENT:**

---

HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

---

RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
CITY TERRACE ASSOC. LTD.,

Petitioner,  
-against-

**CONSENT JUDGMENT**

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

**Index Nos. 8226-2008  
8385-2009**

Respondents.

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

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-6-9

be reduced in market value from \$222,500.00 and \$192,500.00, respectively to a market value of \$140,000.00 and \$113,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-6-8

be reduced in market value from \$225,100.00 and \$210,800.00, respectively to a market value of \$138,000.00 and \$113,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-8-4

be reduced in market value from \$719,100.00 and \$680,400.00, respectively to a market value of \$345,000.00 and \$313,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcels above described for the 2008-2009 and 2009-2010 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: June \_\_, 2013  
Goshen, New York

**ENTER:**

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HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

**ON CONSENT:**

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
LIBERTY STREET DEVELOPMENT CORP.,

Petitioner,

**CONSENT JUDGMENT**

- against -

**Index Nos. 2009-8389  
2010-8357  
2011-7356  
2012-6537**

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

Respondents.

For review of a Tax Assessment under Article 7  
Of the Real Property Tax Law

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**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2009-2010, 2010-2011, 2011-2012 and 2012-2013 as follows:

Tax Map No. 43-1-45

be reduced in market value from \$122,600.00, \$103,500.00, \$103,500.00 and \$88,400.00, respectively to market values of \$90,000.00, \$80,000.00, \$75,000.00 and \$70,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner’s real property taxes on said parcel above described for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk’s Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:            June \_\_\_\_, 2013  
                          Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

**ON CONSENT:**

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated: