



City of Newburgh Council Work Session  
6:00 pm  
November 19, 2012

AGENDA

1. Procedural Items Related to the City Council Meeting of November 26, 2012
  - a. Approval of meeting minutes
  - b. Notices of Claim
  - c. Public hearings regarding the Parking Violations Bureau and Consolidated Plan
    - (Local Law 6) Local Law adding Chapter 70 entitled "Parking Violations Bureau to the Code of the City of Newburgh
    - (Ord. 8) Amending Chapter 288 "Vehicles and Traffic"
    - (Ord. 9) Amending Chapter 297-22 "Towing of Vehicles by City"
2. Community & Economic Development and Real Estate:
  - a. Request to repurchase:
    - 268 Grand Street
    - 47 Lander Street
    - 72 Hasbrouck Street
  - b. (Res. \_\_\_) Resolution to amend the grantee on the deed to 13 Locust Street, sold at the auction of October 3, 2012.
  - c. (Res. \_\_\_) Resolution to amend the grantee on the deed to 304 First Street, sold at the auction of October 3, 2012.
  - d. Mid-Broadway site zoning change – proposal by BFJ
3. Finance Department:
  - a. Comptroller's monthly report for October
  - b. (Res. \_\_\_) Budget Transfer from Contingency to fund tax bill payments to the school district
  - c. (Ord. 7) Ordinance to amend Chapter 163 Fees as it relates to sanitation, water and sewer fees.
  - d. 2013 Budget Discussion
4. Discussion:
  - a. Gun Buy Back update – Councilman Dillard
  - b. Police Department Consultant for Review of Procedures

c. Board Openings:

- Community Development Block Grant Advisory Board
- Board of Ethics
- (Res. \_\_\_\_ ) Appointing Elder Dextro Tiller to the Human Rights Commission



# CITY OF NEWBURGH

CITY CLERK'S OFFICE  
83 BROADWAY  
NEWBURGH, NEW YORK 12550  
PHONE (845)569-7311  
FAX (845)569-7314

LORENE VITEK  
CITY CLERK

KATRINA COTTEN  
LISETTE ACOSTA-RAMIREZ  
DEPUTY CLERKS

## MEMORANDUM

TO: Michelle Kelson, Corporation Counsel

FROM: Katrina Cotten, Deputy City Clerk

RE: Purchased Summons and Verified Complaint:  
A. Iemma, Jr. et al vs. City of Newburgh

DATE: October 23, 2012

Please find attached *Purchased Summons and Verified Complaint* regarding the above, which was personally served on our office on this date.

Attachment

Cc City Manager  
Mayor & Council

2012 008993

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

ANTHONY IEMMA JR., ANTHONY IEMMA SR. AND  
MARIA E. IEMMA

INDEX NUMBER

Plaintiff's

PURCHASED  
SUMMONS

against

RECEIVED  
OCT 23 2012  
CITY CLERK

THE PLAINTIFF  
DESIGNATES ORANGE  
COUNTY AS THE PLACE  
OF TRIAL  
DEFENDANT'S RESIDE IN  
ORANGE COUNTY

ORIGINAL FILED

THE CITY OF NEWBURGH

DEFENDANT

FILED  
ORANGE COUNTY CLERK  
2012 OCT 23 10:59 AM

To the above named Defendant:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state or with 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Suffern, New York



Barry Traub Esq. 3 Wesley Chapel Rd.

Suffern, New York 10901 (845) 893-9039

To: The City of Newburgh

83 Broadway Newburgh, N.Y. 12550

ANTHONY IEMMA JR., ANTHONY IEMMA SR. AND  
MARIA E. IEMMA

INDEX NUMBER

PLAINTIFF'S

VERIFIED COMPLAINT

against

THE CITY OF NEWBURGH

DEFENDANT

FILED  
ORANGE COUNTY CLERK  
2012 OCT 23 P 1:35

FILED

PLAINTIFF'S, by their attorney, Barry Traub, Esq. complaining of the Defendant, respectfully allege, upon information and belief as follows:

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF ANTHONY IEMMA JR**

1. At all times hereinafter mentioned, Plaintiffs were and still are residents of the County of Rockland, State of New York.
2. At all times hereinafter mentioned the Defendant is a Municipality duly formed and existing under and by virtue of the laws of the State of New York.
3. That on June 11<sup>th</sup>, 2011 and within 90 days after the claim herein sued upon arose, plaintiff's caused a Notice of Claim, in writing, sworn to by and on behalf of the claimants to be served upon the Defendant by delivering a copy thereof in duplicate to the office of the Defendant personally which said Notice of Claim set forth the names and post office addresses of each claimant and of their attorney, the nature of the claim, the time when and the place where and the manner in which the claim arose and the items of damage or injuries to have been sustained so far as then practicable.
4. At least 30 days have elapsed prior to the commencement of this action since the service of such Notice of Claim as aforesaid and adjustment or payment thereof has been neglected or refused by the defendant and this action was commenced within the statutory time limits as the plaintiff was not yet 18 years of age at the time of the incident and his 19th birthday. As such the suit is being commenced within one year and ninety days after the happening of the event complained of.

5. That the Defendant conducted a hearing of the plaintiff's on November 9, 2011 and the plaintiff held himself available for a physical examination pursuant to the General Municipal Law.
6. The Plaintiffs have fully complied with the requirements of General Municipal Law 50(h).
7. At all times hereinafter mentioned, defendant was and still is the owner of record of the premises known as Delano Hitch Stadium located in the City of Newburgh.
8. At all times hereinafter mentioned defendant was and still is a lessor of the premises known as Delano Hitch Stadium located in the city of Newburgh.
9. At all times hereinafter mentioned the defendant was and still is a lessee of the premises known as Delano Hitch Stadium.
10. That at all times hereinafter mentioned, defendant, its agents servants and or employees maintained, managed, controlled, repaired, and supervised the use of the Delano Hitch Stadium.
11. That on June 11<sup>th</sup>, 2011 the plaintiff Anthony lemma Jr. was lawfully at the aforesaid premises.
12. That on June 11, 2011 the plaintiff through no fault of his own was caused to fall on the field of play at Delano Hitch Stadium thus causing severe and permanent injuries to his body.
13. That at all times hereinafter mentioned, Defendant City of Newburgh was and is still the owner of the Delano Hitch Stadium baseball field.
14. That at all times hereinafter mentioned, Defendant City of Newburgh was and is still a lessor, and lessee of the Delano Hitch Stadium baseball field.
15. That at all times hereinafter mentioned, defendant, its agents servants and or employees operated, maintained, managed, controlled, repaired and supervised the use of the baseball field located at the Delano Hitch Stadium.
16. The plaintiff was injured as a result of the negligence of the Defendant.
17. The Defendant the City of Newburgh, its agents, servants, contractors and or employees were negligent in the ownership, maintenance, operation, repair, supervision, and control of the aforesaid stadium premises and baseball field.
18. That this action falls within one or more of the exceptions as set forth in CPLR 1602.

19. That by reason of the Defendant's negligence and as a direct and proximate result thereof, the plaintiff was injured internally, externally and permanently in and about the body and limbs and the plaintiff suffered and will continue to suffer pain and anguish by reason of said injuries and will incur and has incurred expenses for services of physicians, medical care, surgeons and nurses and has lost opportunities for scholarships and other college related costs.

20. That by reason of the foregoing, the Plaintiff Anthony Iemma Jr. has been damaged in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF ANTHONY IEMMA SR. AND MARIA E. IEMMA.**

21. PLAINTIFF repeats, reiterates and realleges each and every allegation set forth above as though the same were more fully set forth at length herein.

22. At all times hereinafter mentioned, the Plaintiff's Anthony Iemma Sr. and Maria E. Iemma were and are the parents of the plaintiff Anthony Iemma Jr. and have incurred expenses on behalf of their son's injuries caused by the Defendant, City of Newburgh.

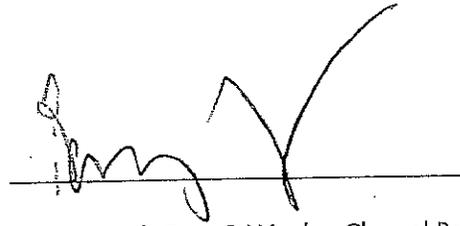
23. That in consequence of said defendants' negligence, plaintiff child was severely and permanently injured and was treated by doctors, surgeons, nurses and various medical personnel and that the said plaintiffs were obliged to and did employ medical aid and attendance for their child and did pay and become liable for expenses related to their child's injuries caused by the City of Newburgh. The result of the child's injuries will deprive the parents in the future of the child's services to the parents and the parents were forced to observe the suffering of their child and the emotional consequences of his injuries.

24. That this action falls within one or more of the exceptions as set forth in CPLR 1602.

25. That by reason of the foregoing, the Plaintiffs have been damaged in a sum which exceeds the jurisdictional limit of the lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, Plaintiff's demand judgment against the Defendant herein on the First cause of action in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter and Plaintiff's demand judgment against the Defendant on the Second Cause of Action in a sum exceeding the jurisdictional limits of all the lower courts which would otherwise have jurisdiction together with costs and disbursements of this action.

Dated: Suffern, N.Y.

A handwritten signature in black ink, appearing to read 'Barry Traub', is written over a horizontal line. The signature is stylized with a large, sweeping flourish on the right side.

Barry Traub Esq. 3 Wesley Chapel Rd

Suffern, N.Y. 10901 845 893 9039

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PLAINTIFF'S VERIFICATION

STATE OF NEW YORK

SS:

COUNTY OF ORANGE

Anthony Lemma Jr, Anthony Lemma Sr. & Maria Lemma  
, being duly sworn, says:

I am a Plaintiff in the action herein: I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

DATED: SUFFERN New York  
\_\_\_\_\_, 2011

*Anthony Lemma Jr*  
*Anthony Lemma Sr*

Sworn to before me this 17 day of October, 2012 *Maria Lemma*

*Barry Traub*  
\_\_\_\_\_  
Notary Public

*NY Notary  
4840 NJ  
4/6/15  
Barry Traub*



# CITY OF NEWBURGH

CITY CLERK'S OFFICE  
83 BROADWAY  
NEWBURGH, NEW YORK 12550  
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LORENE VITEK  
CITY CLERK

KATRINA COTTEN  
LISETTE ACOSTA-RAMIREZ  
DEPUTY CLERKS

## MEMORANDUM

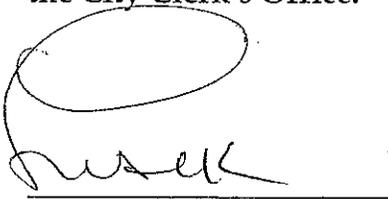
TO: Michelle Kelson, Corporation Counsel

FROM: Lorene Vitek, City Clerk

RE: Notice of Intention to File Claim:  
Victor Koltun vs. City of Newburgh

DATE: November 15 2012

Please find attached Notice of Intention to File Claim which was received via Certified Mail in the Police Department and then forwarded to the City Clerk's Office.



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Attachment

Cc City Manager  
Mayor & Council

RECEIVED  
NOV 13 2012  
CITY CLERK

VICTOR KOLTUN,  
PLAINTIFF

NOTICE OF INTENTION TO FILE CLAIM

Against

THE STATE OF NEW YORK,  
DEFENDANT

TO: THE NEW YORK STATE ATTORNEY GENERAL'S OFFICE

PLEASE TAKE NOTICE THE UNDERSIGNED, VICTOR KOLTON INTENDS TO FILE A CLAIM AGAINST THE STATE OF NEW YORK PURSTANT TO 10 & 11 OF THE NY COURTS OF CLAIMS ACT.

THE POST OFFICE ADDRESS OF THE CLAIMANT IS, 110 WELLS FARM ROAD GOSHEN NEW YORK 10924 AND FOR THE TIME BEING I AM REPRESENTING MYSELF AND THE REASON AND NATURE OF MY CLAIM IS AS FOLLOWS.

IN PERFORMANCE OF THE DUTIES AS: CITY OF NEWBURGH POLICE DECTIVES AA RON WEAVER, THOMAS NAFFY, JOSEPH CORTES,, JOHN DOE AND JANE DOE DECTIVIES, NEW YORK STATE POLICE OFFICERS RUDY SIMMONS, JOHN DOE AND JANE DOE ORANGE COUNTY DISTRICT AND ATTORNEYS OFFICE INVESTIGATORS. GARY COOPER, JOHN DOE AND JANE DOE INVESTIGATORS IN THE OFFICAL AND INDIVIDUAL CAPACITY JOINTLY AND SEVERALLY UNDER COLOR OF THE STATE LAW. IN THERE OFFICAL AND INDIVIDUAL CAPACITY JOINTLY AND SEVERALLY UNDER COLOR OF THE STATE LAW

PLAINTIFF SEEKING DECLARATORY RELIFE PURSANT TO 28 U.S.C. SECTION 2201 AND 2202 AND PLANTIFF INCLUDES STATE LAW CLAIMS UNDER 28 U.S.C. SECTION 1367. PLAINTIFF SEEKING COMPENSATORY DAMAGES IN THE AMOUNT OF \$18,000,000.00 AGAINT EACH DEFENDANT, JOINTLY AND SEVERALLY, AND PUNITIVE DAMAGES IN THE AMOUNT OF \$7,500,000.00 AFAINT EACH DEFENDANT JOINTLY AND SEVERALLY, FOR VIOLATIONS OF PLAINTIFFS CONSTITUTIONALLY PROTECTED RIGHTS AS PER 1<sup>ST</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS OF U.S. CONSTITUTION AND 42 U.S. C. 1983, 42 U.S.C. 2000-e, AND MIRANDA RULE - MIRANDA WARNING UNDER *Miranda v. Arizona*.

AS ON OR ABOUT 11/6/2010 IN LIBERTY, NU AND ON 12/1/2010 IN BROOKLYN, NY AND PERPETUALLY IN CONCERT WITH OTHERS CONDUCT DEFENTENTS IRREPERABLE INJURED PLAINTIFF BY INFINGING ON CIVIL RIGHTS OF PLAINTIFF.

AS PER THIS NOTICE OF INTENTION TO FILE CLAIM AS ACTS AND OMMISIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS PROCLAIMED BY THE GENERAL ASSEMBLY OF UNITED NATIONS AND LAWS OF THE STATE OF NEW YORK.

VICTOR KOLTUN- PLAINTIFF PRO SE.

State of New York  
County of Orange

Sworn before me on this 9 day of November, 2012

NOTARY PUBLIC  
VINCENT J. CZUBAK  
Notary Public, State of New York  
No. 01CZ6102072  
Qualified in Sullivan County  
Commission Expires November 24, 2015

Received  
11/14/12

VICTOR KOLTUN,  
PLAINTIFF

Against

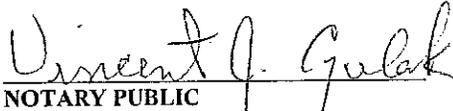
THE STATE OF NEW YORK,  
DEFENDANT

I VICTOR KOLTON BEING DULY SWORN DEPOSES AND SAYS THAT: I AM THE ABOVE NAMED PLAINTIFF I HAVE READ THE FOREGOING CLAIM AGAINST THE STATE OF NEW YORK AND KNOW ITS CONTENT. THE STATEMENTS CLAIMED HERIN ARE TRUE TO THE BEST OF MY KNOWLEDGE. THE MATTER ALLGED IS UPON INFORMATION AND BELIFE TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



State of New York  
County of Orange

Sworn before me on this 9 day of November, 2012



NOTARY PUBLIC

VINCENT J. CZUBAK  
Notary Public, State of New York  
No. 01CZ6102072  
Qualified in Sullivan County  
Commission Expires November 24, 2015



# CITY OF NEWBURGH

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LORENE VITEK  
CITY CLERK

KATRINA COTTEN  
LISETTE ACOSTA-RAMIREZ  
DEPUTY CLERKS

## MEMORANDUM

TO: Michelle Kelson, Corporation Counsel

FROM: Lorene Vitek, City Clerk

RE: Notice of Summons & Verified Complaint:  
Angelina Bloomer a/k/a Angie Bloomer  
and Bragg LLC vs. City of Newburgh

DATE: November 16, 2012

Please find attached Summons & Verified Complaint regarding above which was personally served on our office this date.

Attachment

Cc City Manager  
Mayor & Council

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

ANGELINA BLOOMER a/k/a ANGIE BLOOMER  
and BRAGG LLC,

Plaintiffs,

-against-

CITY OF NEWBURGH and NEWBURGH  
COMMERCIAL DEVELOPMENT CORP.,

Defendants.

To the above named Defendants:

SUMMONS

Index No:

Date Purchased:

2012 009361

FILED  
ORANGE COUNTY CLERK  
2012 NOV - 8 A 10: 25

ORIGINAL FILED

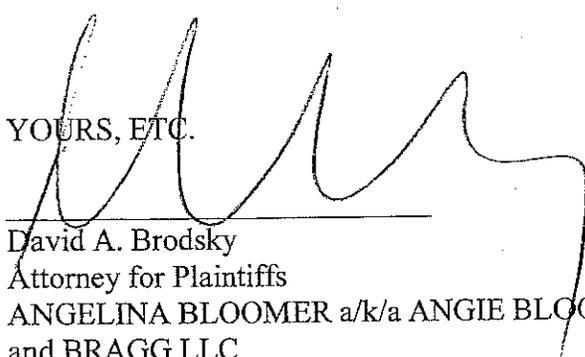
RECEIVED  
NOV 16 2012  
CITY CLERK

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiffs designate Orange County as the place of Trial.  
The basis of the venue is Plaintiffs' Place of Business and situs of the tortious conduct.  
Plaintiffs' place of business is located at 605 Broadway, Newburgh, New York.

Dated: Central Valley, New York  
November 5, 2012

YOURS, ETC.

  
\_\_\_\_\_  
David A. Brodsky  
Attorney for Plaintiffs  
ANGELINA BLOOMER a/k/a ANGIE BLOOMER  
and BRAGG LLC  
45 Florance Drive  
Central Valley, New York 10917  
(845) 928-2190

To the above named Defendants .

The nature of the action is set forth in the annexed complaint.

The relief sought is money damages and injunctive relief.

Address of Defendants' current/last known place of business/residence:

City of Newburgh, 123 Grand Street, Newburgh, New York 12550

Newburgh Commercial Development Corp., c/o Secretary of State and 239 Agor Lane, Mahopac,  
New York 10541

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This is an attempt to collect a debt and any information obtained will be used for that purpose.

You are entitled to dispute the debt, or any portion thereof, within thirty (30) days of your receipt of this letter. If you do not dispute the debt within that period, it will be assumed to be valid. If you choose to dispute the debt, or any portion thereof, you must notify us within thirty days of the date you receive this letter. If you submit a dispute of the debt, or any portion thereof, in writing, within thirty days of the date you receive this letter, we will obtain and mail verification of the debt to you.

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

2012 009361

ANGELINA BLOOMER A/K/A ANGIE BLOOMER  
and BRAG LLC,

Plaintiffs,

VERIFIED COMPLAINT

-against-

INDEX NO.:

CITY OF NEWBURGH and  
NEWBURGH COMMERCIAL  
DEVELOPMENT CORP.,

Defendants.

RECEIVED  
NOV 16 2012  
CITY CLERK

ORIGINAL FILED  
FILED  
ORANGE COUNTY CLERK  
2012 NOV - 8 A 10:25

Plaintiffs, ANGELINA BLOOMER A/K/A ANGIE BLOOMER and BRAG LLC, by their attorney, David A. Brodsky, complaining of the Defendants, City of Newburgh and Newburgh Commercial Development Corp., allege as and for their VERIFIED COMPLAINT and say:

1. Plaintiff, Brag LLC (hereinafter "Plaintiff Brag"), is a domestic New York corporation with offices located in the County of Orange, State of New York at 8 Boulder Road, Newburgh, New York.

2. At all times relevant hereto, Plaintiff, Angelina Bloomer a/k/a Angie Bloomer (hereinafter "Plaintiff Bloomer") is and has been a resident of the County of Orange, State of New York.

3. At all times relevant hereto, Plaintiff Brag is and has been owner in fee simple absolute of improved real property located in the City of Newburgh, County of Orange, State of New York known and designated as 605 Broadway, Newburgh, New York and as tax



# CITY OF NEWBURGH

CITY CLERK'S OFFICE  
83 BROADWAY  
NEWBURGH, NEW YORK 12550  
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FAX (845)569-7314

LORENE VITEK  
CITY CLERK

KATRINA COTTEN  
LISETTE ACOSTA-RAMIREZ  
DEPUTY CLERKS

## MEMORANDUM

TO: Michelle Kelson, Corporation Counsel

FROM: Lorene Vitek, City Clerk

RE: Complaint & Order of Service:  
James Earl Evans vs City of Newburgh

DATE: November 16, 2012

Please find attached Complaint & Order of Service regarding above which was received via regular mail by Corporation Counsel and then forwarded to the City Clerk's office on this date.

Attachment

Cc City Manager  
Mayor & Council

12 CV 7470

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

James Earl Evans

~~A 1~~

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

Christopher Flaherty shield #  
AND for others at the  
City of Newburgh Police  
Department Information  
N/A at the moment.

RECEIVED

NOV 16 2012

CITY CLERK

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

RECEIVED  
OCT - 4 2012  
PRO SE OFFICE

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name James Earl Evans  
ID # 2012 04178  
Current Institution Orange County Jail  
Address 110 Wells Farm Road  
Goshen, N.Y. 10924

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Christopher Flaherty Shield # \_\_\_\_\_  
Where Currently Employed City of Newburgh, Police Dept.  
Address # 55 Broadway Newburgh, NY 12550

Defendant No. 2 Name N/A at the moment Shield # \_\_\_\_\_  
Where Currently Employed ↓ ↓  
Address \_\_\_\_\_

Defendant No. 3 Name N/A at The moment Shield # \_\_\_\_\_  
~~Where Currently Employed~~ ↓ ↓  
Address \_\_\_\_\_

Defendant No. 4 Name N/A at The moment Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address ↓ ↓

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?  
NONE of the events took PLACE in a institution It  
took PLACE one door way from my home which is  
221 3rd st Newburgh, NY 12550

B. Where in the institution did the events giving rise to your claim(s) occur?  
did not ACCure in a institution ACCured in  
Society.

C. What date and approximate time did the events giving rise to your claim(s) occur?  
about 9:30 AM in the morning

D. Facts: On the day of 8-24-12 my Friend Lent me a vehicle which was a 2000 Acura 4 Door Color Blue which He claimed was his yes I did operate the vehicle with a suspended license in the process of me operating the vehicle the newburgh police Department tried to

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Put me over so I did not take them on a high speed chase I did jump out the car & tried to run to my door in the process I was told to stop which I did after I stopped the released the K-9 dog repeatedly mauled & chewed at my leg I was then TAZED 4 different times in the process of the dog chewing on my leg while being TAZED I was also pepper sprayed in the same event while on the ground I was picked up and slammed on my right wrist which might be fractured or broken. I do not know which officer did what cause I did not see plus I was trying to ball up. no else was involved.

my girl friend Ida Moore saw everything from the window

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Right leg, Right hand

TAZER Burns & Leg, Pepper Sprayed a few times also stitches in my legs, to four parts of my back

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes \_\_\_ No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes \_\_\_ No  Do Not Know \_\_\_

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes \_\_\_ No  Do Not Know \_\_\_

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes \_\_\_ No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_ No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? N/A

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Yes  
my case did not occur in a correctional facility it occurred in The City of Newburgh

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any:

This Happened at 223 3rd St  
Newburgh New York, 12550  
NO Corr facility

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I am asking that the City police stop using so much force & to Record when Arresting Any Body & to Control the Dogs. The Amount I am seeking is 15 million Dollars

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  No

On these claims

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff James Earl Evans

Defendants City of Newburgh Police Department

2. Court (if federal court, name the district; if state court, name the county) Southern District

3. Docket or Index number DONT Remember

4. Name of Judge assigned to your case DONT Remember

5. Approximate date of filing lawsuit 2006

6. Is the case still pending? Yes \_\_\_ No

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) The Judgment

WGS in MY FAVOR I took The Settlement Offer

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_ No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff James Earl Evans

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes \_\_\_ No

If NO, give the approximate date of disposition N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14 day of September, 2012.

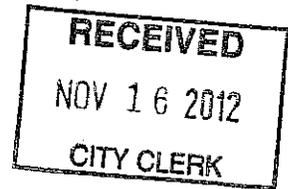
Signature of Plaintiff James E Evans  
Inmate Number 2612-04178  
Institution Address Orange County Jail  
110 Wells Farm Road  
Goshen, N.Y. 10924  
Housing unit - med-1 #10 cell

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 14 day of September, 2012 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: James Earl Evans

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JAMES EARL EVANS,

Plaintiff,

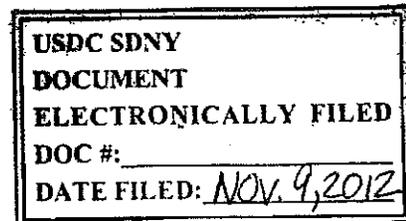
ORDER OF SERVICE

-against-

12 Civ. 7470 (PAE)

CHRISTOPHER FLAHERTY;  
OTHERS AT THE CITY OF NEWBURGH  
POLICE DEPARTMENT,

Defendants.  
-----X



PAUL A. ENGELMAYER, United States District Judge:

Plaintiff alleges that a New York City police officer falsely arrested him on November 11, 2008, in violation of his constitutional rights. Plaintiff sues the Police Officer Christopher Flaherty and "Others at the City of Newburgh Police Department."

**JOHN DOE DEFENDANTS**

Under *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), a *pro se* litigant is entitled to assistance from the district court in identifying a John Doe or unnamed defendant. *Id.* at 76. The Complaint supplies sufficient information to permit identification of the unnamed Defendants who were involved in Plaintiff's arrest on August 24, 2012. It is therefore ordered that the Corporation Counsel for the City of Newburgh, who is the attorney for and agent of the City of Newburgh Police Department, shall ascertain the identity of these unnamed Defendants whom Plaintiff seeks to sue here and the address where these Defendants may be served. The Corporation Counsel shall provide this information to Plaintiff and the Court within sixty days of the date of this Order.

Within thirty days of receiving this information, Plaintiff must thereafter file an Amended Complaint naming the unnamed Defendants. The Amended Complaint shall replace, not supplement, the original Complaint. An "Amended Civil Rights Complaint" form, which Plaintiff should complete, is attached to this Order. Once Plaintiff has filed an Amended Complaint, if necessary, the Clerk of Court shall issue an Amended Summons and the *Pro Se* Office shall send to Plaintiff an amended Rule 4 service package. Plaintiff shall then have one hundred and twenty days from the date the Amended Summons is issued to serve the unnamed Defendants.

#### CONCLUSION

The Clerk of Court is directed to issue a Summons as to the Defendant Christopher Flaherty, and Plaintiff is directed to serve the Summons and Complaint upon this Defendant within 120 days of the issuance of the Summons. If service has not been made within the 120 days, and Plaintiff has not requested an extension of time to serve within that 120 days, the Complaint may be dismissed for failure to prosecute, pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

The Clerk of Court shall serve a copy of this Order and the Complaint on the Office of the Corporation Counsel for the City of Newburgh, City Hall, 83 Broadway, Newburgh, NY 12550. An "Amended Civil Rights Complaint" form is attached to this Order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED:

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PAUL A. ENGELMAYER  
United States District Judge

Dated: November 8, 2012  
New York, New York



ORANGE COUNTY JAIL  
110 WELLS FARM ROAD  
GOSHEN, NEW YORK 10829

Thomas Earl E. Weiss  
Med - 1 # 10 cell  
I.D. # 001-0198

United States District Court  
Southern District of New York  
U.S. Court House Jon Quonfos  
Street Culture Pictures, N.Y. 10601

RECEIVED

RECEIVED  
SEP 10 2012  
U.S.D.C.  
W.D.

USMS  
SDNY

RECEIVED  
OCT - 4 2012  
PROSECUTOR OFFICE

LEGAL MAIL

RESOLUTION NO: \_\_\_\_\_ - 2012

OF

NOVEMBER 26, 2012

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A RESOLUTION AUTHORIZING AN AMENDMENT  
TO THE GRANTEE ON THE PROPERTY LOCATED AT  
13 LOCUST STREET (SECTION 25, BLOCK 5, LOT 21)  
SOLD AT THE OCTOBER 3, 2012 PROPERTY AUCTION

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WHEREAS, this Council, by Resolution No.: 182-2012 of October 22, 2012, confirmed the sale of 13 Locust Street (Section 25, Block 5, Lot 21) to Richard Massimi; and

WHEREAS, the purchaser, by his attorney, has submitted a request to amend the grantee to his company entitled Wisner Newburgh Realty, LLC; and

WHEREAS, this Council has determined that authorizing the amendment to the grantee would be 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 grantee for the property located at 13 Locust Street (Section 25, Block 5, Lot 21) is hereby amended from Richard Massimi to Wisner Newburgh Realty, LLC.

RESOLUTION NO: \_\_\_\_\_ - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION AUTHORIZING AN AMENDMENT  
TO THE GRANTEE ON THE PROPERTY LOCATED AT  
304 FIRST STREET (SECTION 22, BLOCK 6, LOT 34)  
SOLD AT THE OCTOBER 3, 2012 PROPERTY AUCTION**

WHEREAS, this Council, by Resolution No.: 182-2012 of October 22, 2012, confirmed the sale of 304 First Street (Section 22, Block 6, Lot 34) to Ivan Miller; and

WHEREAS, the purchaser, by his attorney, has submitted a request to amend the grantee to his company entitled Jordan NY, LLC; and

WHEREAS, this Council has determined that authorizing the amendment to the grantee would be 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 grantee for the property located at 304 First Street (Section 22, Block 6, Lot 34) is hereby amended from Ivan Miller to Jordan NY, LLC.

RESOLUTION NO.: \_\_\_\_\_ - 2012

OF

NOVEMBER 26, 2012

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RESOLUTION AMENDING RESOLUTION NO: 238-2011,  
THE 2012 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO TRANSFER FUNDS FROM CONTINGENCY TO PROVIDE  
FOR TAX BILL PAYMENTS TO THE SCHOOL DISTRICT

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 238-2011, the 2012 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990 Contingency	\$35,000.00	
A.1365.0490 Property Acq/Taxes & Search		\$35,000.00
F.1900.1990 Contingency	\$13,000.00	
F.1900.1950 Taxes on City Property		\$13,000.00

ORDINANCE NO.: 7 - 2012

OF

NOVEMBER 26, 2012

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:

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following schedule of fees is hereby established with respect to licenses, permits, registrations, applications, subscriptions and activities required or regulated under the provisions of the Code of the City of Newburgh. Specific requirements and regulations shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall remain in effect until rescinded or amended.

Code Section	Type of Fee	Amount
	<b>Charter</b>	
§ C9.33	Sanitation stop fee	<u>\$2.75</u> per stop <del>20</del> per month per tax lot, whether or not a building is erected thereon
	Dwelling unit fee	<del>\$15</del> <u>16.50</u> per month per dwelling unit

Underlining denotes additions

~~Strikethrough~~ denotes deletions

§ 293-38

Quarterly metered water rates

Quarterly metered rates per 1,000 gallons

First 1,000 gallons

Inside City: ~~\$5.570~~ 6.127

Outside City: ~~\$8.360~~ 9.196

Additional usage will be charged at a flat rate of ~~\$5.570~~ 6.127 (~~\$8.360~~ 9.196 outside City) per 1,000 gallons.

Minimum quarterly charge.

Meter Size (inches)	Gallons Allowed	Inside City	Outside City
+5/8	6,000	<del>\$33.42</del> <u>36.76</u>	
+5/8	9,000		<del>\$75.24</del> <u>82.76</u>
3/4	4,000	<del>\$77.98</del> <u>85.78</u>	<del>\$117.04</del> <u>128.74</u>
1	24,000	<del>\$133.68</del> <u>147.05</u>	<del>\$200.64</del> <u>220.70</u>
1 1/2	42,000	<del>\$233.94</del> <u>257.33</u>	<del>\$351.12</del> <u>386.23</u>
2	83,000	<del>\$462.31</del> <u>508.54</u>	<del>\$693.88</del> <u>763.27</u>
3	120,000	<del>\$668.40</del> <u>735.24</u>	<del>\$1,003.20</del> <u>1,103.52</u>
4	180,000	<del>\$1,002.60</del> <u>1,102.86</u>	<del>\$1,504.80</del> <u>1,665.28</u>
6	315,000	<del>\$1,754.55</del> <u>1,930.01</u>	<del>\$2,633.40</del> <u>2,896.74</u>
8	675,000	<del>\$3,759.75</del> <u>4,135.73</u>	<del>\$5,643.00</del> <u>6,207.30</u>

Underlining denotes additions

~~Strikethrough~~ denotes deletions

RESOLUTION NO.: \_\_\_\_\_ - 2012

OF

NOVEMBER 26, 2012

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A RESOLUTION APPOINTING ELDER DEXTRO TILLER  
TO THE CITY OF NEWBURGH HUMAN RIGHTS COMMISSION

WHEREAS, the City of Newburgh has created the City Human Rights Commission pursuant to Section 239-q of the General Municipal Law; and

WHEREAS, this City Council deems it to be in the best interests of the City of Newburgh to appoint members to serve as Commissioners to fill vacancies and to carry on the important work of such Commission;

NOW, THEREFORE, BE IT RESOLVED, that the following person be and is hereby appointed to serve as a Commissioner of the City of Newburgh Human Rights Commission:

Elder Dextro Tiller, to complete the term of former member who resigned, which term shall expire on April 27, 2013; and

BE IT FURTHER RESOLVED, that said appointment shall take effect as of the date of this Resolution and be for the term stated hereinabove.