CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
October 28, 2024
7:00 PM

Mayor/Alcaldesa

1. Moment of Silence / Momento de Silencio
2. Pledge of Allegiance / Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call / Lista de Asistencia

Communications/Communicaciones

4. Approval of the minutes from the City Council meeting of October 15, 2024 / Aprovacion del Acta de la Reunion General del Consejal del 15 de octubre de 2024
5. City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

Presentations/Presentaciones

6. Public Hearing - Local Law amending City Charter Section C4.00 to increase the annual salary of the Mayor and Council Members

   There will be a public hearing on Monday, October 28, 2024, to receive public comments concerning a Local Law amending Section C4.00 entitled "Legislative Powers fixed in Council" of the City Charter of the City of Newburgh to increase the salaries of the Mayor and Council Members

   Habrá una audiencia pública el lunes 28 de octubre de 2024 para recibir comentarios públicos sobre una ley local que modifica la Sección C4.00 titulada "Poderes legislativos fijados en Consejo" de los Estatutos de la Ciudad de Newburgh para aumentar los salarios del Alcalde y de los Concejales

Comments from the public regarding agenda and general matters of City Business/Comentarios del público con respecto a la agenda y sobre asuntos generales de la Ciudad.

Comments from the Council regarding the agenda and general matters of City Business/Comentarios del Consejo con respecto a la agenda y sobre asuntos generales de la Ciudad

City Manager's Report/ Informe del Gerente de la Ciudad

7. Resolution No. 221 - 2024 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2026

   Resolution requesting an exemption from County taxes for the City's reservoir and filter plant properties for the year 2026

   Resolución que solicita una exención de los impuestos del Condado para las propiedades de deposito y plantas de filtro de la Ciudad para el año 2026

8. Resolution No. 222 - 2024 - Contract with Quest Environmental Services

   Resolution authorizing the City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for pre-renovation environmental testing for the Water Filtration Plant Improvements Project at a cost of $4,510.00

   Resolución que autoriza al Gerente de la Ciudad a aceptar una propuesta y ejecutar un acuerdo con Quality Environmental Solutions & Technologies, Inc. (QUES&T) para realizar pruebas medioambientales antes de la renovación del Proyecto de Mejoras de la Planta de Filtración de Agua por un costo de $4,510.00

9. Resolution No. 223 - 2024 - Purchase of 317 Dupont Avenue

   Resolution to authorize the conveyance of real property known as 317 Dupont Avenue (Section 13, Block 10, Lot 4) at private sale to George Dunlop, Jr. for the amount of $10,000.00

   Resolución que autoriza la transmisión de bienes raíces conocidos como 317 Dupont Avenue (Sección 13, Bloque 10, Lote 4) en venta privada a George Dunlop, Jr. por el monto de $10,000.00

10. Local Law - D - 2024 - Local Law authorizing a Property Tax Levy in Excess of the GML Section 3-c Limit

    Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

    Ley Local autorizando un gravamen del impuesto sobre la propiedad que exceda el límite establecido en la Sección 3-c de la Ley Municipal General

11. Resolution No. 224 - 2024 - Resolution to Approve a Consent Judgement Involving Vails Gate Realty LLC

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index Nos. EF005060-2023 and EF005061-2023 involving Section 1, Block 1, Lots 4.32 and 5 (Vails Gate Realty, LLC)

Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange números EF005060-2023 y EF05061-2023 que involucra la Sección 1, Bloque 1, Lote 4.32 y 5 (Vails Gate Realty, LLC)

12. <u>Resolution No. 225 - 2024 - Resolution to Approve a Consent Judgement Involving 250 Lake Street Properties LLC</u>

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceeding against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF005114-2023 involving Section 3, Block 4, Lot 2.2 (250 Lake Street Properties, LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF005114-2023 que involucra la Sección 3, Bloque 4, Lote 2.2 (250 Lake Street Properties, LLC)

13. <u>Resolution No. 226 - 2024 - Resolution to Approve a Consent Judgement Involving Mid Hudson Film LLC (21 Liberty Street)</u>

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceeding against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF005080-2023 involving Section 45, Block 4, Lot 6 (Mid Hudson Film LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF005080-2023 que involucra la Sección 45, Bloque 4, Lote 6 (Mid Hudson Film LLC)

14. <u>Resolution No. 227 - 2024 - Resolution to Approve a Consent Judgement Involving Mid Hudson Film LLC (106 Pierces Roadd)</u>

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceeding against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF005062-2023 involving Section 5, Block 1, Lot 5 (Mid Hudson Film LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el *procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF005062-2023 que involucra la Sección 5, Bloque 1, Lote 5 (Mid Hudson Film LLC)*

15. Resolution No. 228 - 2024 - Resolution to Approve a Consent Judgement Involving Mid Hudson Film LLC (108 S. Water Street)

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceeding against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF005078-2023 involving Section 40, Block 2, Lot 1.11 (Mid Hudson Film LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF005078-2023 que involucra la Sección 40, Bloque 2, Lote 1.11 (Mid Hudson Film LLC)

16. Resolution No. 229 - 2024 - Resolution to Approve a Consent Judgement Involving 250 Lake Street Properties LLC

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceeding against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF005076-2023 involving Section 34, Block 2, Lot 2.12 (250 Lake Street Properties, LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF005076-2023 que involucra la Sección 34, Bloque 2, Lote 2.12 (250 Lake Street Properties, LLC)

17. Resolution No. 230 - 2024 - Resolution to Approve a Consent Judgement Involving Vails Gate Realty LLC, 250 Lake Street Properties LLC, and Mid Hudson Film LLC

    A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. EF006326-2024 involving Section 1, Block 1, Lots 4.32 and 5 (Vails Gate Realty, LLC); Section 3, Block 4 Lot 2.2 (250 Lake Street Properties LLC); Section 5, Block 1, Lot 5 (Mid Hudson Film LLC); Section 34, Block 2, Lot 2.12 (250 Lake Street Properties LLC); Section 40, Block 2, Lot 1.11 (Mid Hudson Film LLC); and Section 45, Block 4, Lot 6 (Mid Hudson Film LLC)

    Una resolución que aprueba la sentencia consentida y autoriza al Gerente de la

Ciudad a firmar dicha sentencia consentida en relación con el procedimiento de certiorari de impuestos contra la Ciudad de Newburgh en el Tribunal Supremo del Condado de Orange que lleva el índice del Condado de Orange número EF006326-2024 que involucra la Sección 1, Bloque 1, Lote 4.32 y 5 (Vails Gate Realty, LLC); Sección 3, Bloque 4 Lote 2.2 (250 Lake Street Properties LLC); Sección 5, Bloque 1, Lote 5 (Mid Hudson Film LLC); Sección 34, Bloque 2, Lote 2.12 (250 Lake Street Properties LLC); Sección 40, Bloque 2, Lote 1.11 (Mid Hudson Film LLC); y Sección 45, Bloque 4, Lote 6 (Mid Hudson Film LLC)

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 220 - 2024

OF

OCTOBER 15, 2024

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 28, 2024 TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW AMENDING SECTION C4.00 ENTITLED 'LEGISLATIVE POWERS FIXED IN COUNCIL' OF THE CITY CHARTER OF THE CITY OF NEWBURGH" TO INCREASE THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Section C4.00 entitled 'Legislative Powers fixed in Council' of the City Charter of the City of Newburgh to Increase the Annual Salary of the Mayor and Council Members"; 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 28th day of October, 2024 in the Third Floor, Council Chambers, City Hall, 83 Broadway, Newburgh, New York; and

I, Katrina Cotten, City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 10/15/24 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 16th day of Oct. 20 24

Katrina Cotten

City Clerk

LOCAL LAW NO.: ________ - 2024

OF

________________________, 2024

**A LOCAL LAW AMENDING SECTION C4.00
ENTITLED "LEGISLATIVE POWERS FIXED IN COUNCIL"
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO INCREASE THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS**

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Section C4.00 entitled 'Legislative Powers fixed in Council' of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members".

SECTION 2 – AMENDMENT

§ C 4.00 of the City Charter is hereby amended as follows:

All the legislative powers of the City, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the "Council of the City of Newburgh" to be composed of the Mayor and six Council members. It shall be, for all purposes, the Common Council of the City. The Mayor shall receive an annual salary of $25~~15~~,000, the two Council Members elected by the qualified voters of the City shall receive an annual salary of $22,500, and the four Council Members elected by the qualified voters from the wards from which they are elected shall receive an annual salary of $20,000 ~~and the other six members of the Council shall each receive an annual salary of $12,000~~, payable in equal monthly installments.

SECTION 3 – SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included

~~Strikethrough~~ denote deletions
Underlining denotes additions

therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 – CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Charter affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect on January 1, 2025 after being filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and upon expiration of the time period for filing a petition for permissive referendum. In the event that a petition is duly filed and a referendum held, this Local Law shall take effect after said referendum has been duly passed by a majority of voters and has been duly filed in the Office of the New York State Secretary of State.

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~~Strikethrough~~ denote deletions
Underlining denotes additions

RESOLUTION NO.: 221 - 2024

OF

OCTOBER 28, 2024

A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT PROPERTIES FOR THE YEAR 2026

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorum levies and special assessments through December 31, 2026, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

OWNER	MUNICIPALITY	TAX PARCEL NO.
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute an Agreement, a copy of which is annexed hereto, with the County of Orange to effectuate such exemption.

AGREEMENT, made this ____ day of _______________, 20____ by and between

THE CITY OF NEWBURGH, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at City Hall, 83 Broadway, in the City of Newburgh, County of Orange, State of New York; and

THE COUNTY OF ORANGE, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at the Orange County Government Center, Main Street in the Village of Goshen, County of Orange and State of New York,

WHEREAS, the City of Newburgh is the owner of several parcels of real property located in the Towns of Newburgh and New Windsor, Orange County, New York and designated on the official tax map of said towns as set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, The City of Newburgh uses said property for the operation of a water filtration plant and reservoirs exclusively; and

WHEREAS, The County of Orange has in the past, imposed taxes against said parcels of real property; and

WHEREAS, Section 406(3) of the Real Property Tax Law of the State of New York in essence, inter alia, provides that real property owned by a municipality with a population of less than 100,000 people, which property is located without its corporate limits and is used as a reservoir or water filtration plant may be wholly or partially exempt from taxation, special ad valorum levies, and special assessments, provided that the governing board of the taxing authorities so agree in writing; and

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number _____-2024 of October 28, 2024 of The City of Newburgh, New York; and

WHEREAS, the County of Orange was authorized to enter into this agreement by Resolution Number __________ of ______________, dated ______________, 20___, of the Orange County Legislature, it appearing that such agreement would be in the best interests of the citizens of Orange County,

NOW, THEREFORE, in consideration of the premises and pursuant to Real Property Tax Law, Section 406 (3), it is agreed as follows:

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorum levies, and special assessments levied by Orange County for the County tax year, January 1, 2026 to December 31, 2026 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2026, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

3. The County of Orange expressly reserves its right to impose, levy and collect with respect to the subject premises, any financial obligation not specifically excluded by the provisions of Real Property Tax Law, Section 406 (3).

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

[SEAL] THE CITY OF NEWBURGH

By:______________________________
Todd Venning, City Manager
Pursuant to Res. No.: _____-2024

[SEAL] THE COUNTY OF ORANGE

By:______________________________
Stefan ("Steven") M. Neuhaus,
County Executive

APPROVED AS TO FORM:

____
MICHELLE KELSON
Corporation Counsel

____
JANICE GASTON
City Comptroller

SCHEDULE "A"

OWNER	MUNICIPALITY	TAX PARCEL NO.
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44

County Legislature

Katherine E. Bonelli, Chairwoman
Jean M. Ramppen, Clerk
255 Main Street – 2nd Fl
Goshen, NY 10924
Tel: (845) 291-4800 ☎ Fax: (845) 378-2375

October 1, 2024

Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2025.

If you wish the County Legislature to exempt these properties for the year 2026, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 16, 2024.

A schedule of the properties that were exempt for 2025 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,

Jean M. Ramppen

Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

SCHEDULE A

MUNICIPALITY	LOCATION	TAX PARCEL NO.
City of Middletown	Town of Wallkill	999-1-21
		999-1-22
		999-1-23
		999-1-24
		999-1-25
		999-1-26
		999-1-27
		999-1-28
		999-1-29
		999-1-19
		999-1-20
		48-1-5.12
		48-1-5.112
		48-1-5.2
		48-1-6.1
		64-1-2
		69-1-15
		999 -1-20.1
		49-1-32
		49-1-62.2
		64 -1-4.1
		69-1-1.2
		64-1-47.322
		49-1-85.41
City of Middletown	Town of Mount Hope	12-1-23
		14-1-44.1
		14-1-76
		14-1-5
		14-1-127
		17-1-19
		16-1-32.22
		16-1-74
		16-1-35
		16-1-37.2
		16-1-36.211
		16-1-71.1
City of Newburgh	Town of New Windsor	4-1-38
		4-1-35
		4-3-1.1
		4-1-12.2
		4-1-9.21
		4-1-10
		32-2-53
City of Newburgh	Town of Newburgh	75-1-17
		97-3-17
		97-2-22.1
		97-3-10
		97-1-44

City of Port Jervis	Town of Deerpark	54-1-35.1 52-1-2 52-1-54.1 35-1-8.2 57-1-40
Village of Chester	Town of Monroe	18-5-11 18-5-4 19-1-3.2 10-3-9 13-1-28 8-1-78 8-1-35 8-1-77 8-1-24 8-1-23 8-1-22 8-1-21 8-1-16 8-1-14 8-1-13 8-1-12 8-1-11 8-1-10 8-1-9 8-1-8 8-1-39 8-1-40 8-1-54 8-1-53 8-1-42 8-1-44 8-1-45 8-1-46
Village of Cornwall-on-Hudson	Town of Cornwall	31-1-15 29-1-54 29-1-50 4-2-56 32-1-17
Village of Cornwall-on-Hudson	Town of New Windsor	65-1-20
Village of Goshen	Town of Goshen	13-1-32.61 15-1-8 15-1-48 15-1-50
	Town of Wallkill	61-1-43
Village of Highland Falls	Town of Highlands	1-1-2

Village of Kiryas Joel	Town & Village of Woodbury	213-1-64.1
	Town & Village of Woodbury	213-1-49
	Town & Village of Woodbury	202-1-19
	Town & Village of Woodbury	205-4-8
	Town & Village of Woodbury	999-7-2
	Town & Village of Woodbury	999-7-1
	Town & Village of Woodbury	247-4-16
	Town & Village of Woodbury	207-1-10.2
	Town of Monroe	2-1-20
	Town of Monroe	2-1-22
	Town of Monroe	2-1-23
	Village of Monroe	216-1-46.21
	Town of Cornwall	36-1-56
	Town of Cornwall	34-1-83
	Town of Cornwall	5-3-4.2
	Town of Cornwall	4-2-55
	Town of Cornwall	4-2-54
	Town of Cornwall	7-5-1
	Town of Cornwall	12-1-1.22
	Town of Cornwall	12-1-1.32
	Town of Cornwall	9-1-1.1
	Town of Cornwall	10-1-3
	Town of Cornwall	10-1-4
	Town of Cornwall	10-1-5
	Town of New Windsor	35-1-79.22
	Town of New Windsor	35-1-86.1
	Town of New Windsor	36-1-30
	Town of New Windsor	36-1-14
	Town of New Windsor	65-1-22.2
	Town of New Windsor	36-1-11
	Town of New Windsor	67-5-15
	Town of New Windsor	67-5-16
	Town of New Windsor	67-4-10
	Town of New Windsor	67-4-13.1
	Town of New Windsor	999-1-186
	Town of New Windsor	999-1-187
Village of Maybrook	Town of Hamptonburgh	3-1-6
Village of Montgomery	Town of Montgomery	28-1-63
Village of Tuxedo Park	Town of Tuxedo	213-3-12
Village of Walden	Town of Montgomery	10-1-4.21
		2-1-24.1
		2-1-24.21
		2-1-25.11

RESOLUTION NO.: 222 - 2024

OF

OCTOBER 28, 2024

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T) FOR PRE-RENOVATION ENVIRONMENTAL TESTING FOR THE WATER FILTRATION PLANT IMPROVEMENTS PROJECT AT A COST OF $4,510.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for pre-renovation environmental testing in connection with renovations at the Water Filtration Plant; and

WHEREAS, the proposal includes evaluation and sampling for lead, asbestos and PCBs; and

WHEREAS, the cost for these services will be $4,510.00 and funding shall be derived from F.8310.0448; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work 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 City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for pre-renovation environmental testing for the Water Filtration Plant Improvements Project at 493 Little Britain Road at a cost of $4,510.00.

QuES&T

Quality Environmental Solutions & Technologies, Inc.

October 10, 2024

City of Newburgh
83 Broadway
Newburgh, NY 12550

ATTN: Jason C. Morris

Via E-mail: JMorris@cityofnewburgh-ny.gov

Re: City of Newburgh Water Treatment Plant
Request for Proposal – Pre-Renovation Environmental Testing Services

Dear Mr. Morris,

Thank you for the opportunity to discuss the needs of the City of Newburgh in the environmental consulting and remediation services area. **Qu**ality **E**nvironmental **S**olutions **&** **T**echnologies, Inc. **(QuES&T)** is pleased to submit the attached proposal to provide Pre-Renovation Environmental Testing Services in support of future renovations to the City of Newburgh Water Treatment Plant, located at 493 Little Britain Road, Newburgh, NY 12550.

QuES&T is a NYS Certified Minority Business Enterprise committed to remaining a leader in the environmental training and technical consulting industry. **QuES&T**'s extensive Nuclear Power Industry experience makes us uniquely qualified to provide technical support in state-of-the-art techniques for engineering and contamination control. Additionally, this experience enables us to integrate the essential concepts of "critical path" schedules and minimizing personnel exposures while maintaining a high level of attention to the specific details of each project. **QuES&T** personnel satisfy numerous ANSI and NUREG experience requirements of the Nuclear Regulatory Commission. Our staff has served in various capacities in the Health Physics and Nuclear Engineering disciplines in operational power reactors, nuclear powered vessels, radio-pharmaceuticals and government prototypes.

We are confident you recognize that selection of a qualified technical consultant for professional services, such as pre-construction inspection, project design, project management and air monitoring, represents a step as critical as selecting a reputable environmental remediation contractor. **QuES&T** feels strongly that the success of any remediation project is defined primarily in the planning and design phase. A technically sound project design combined with proper oversight provides the most cost-effective solution and ensures the gains recognized are not at the expense of future liability to the City of Newburgh.

In this regard, **QuES&T** has successfully completed remediation projects, for our client companies, in support of Nuclear and Fossil commercial power plant maintenance outages, facility renovation and demolition, cGMP facility upgrades, recovery from contamination following catastrophic events (e.g. steam line explosions, fires), school building renovations, Corporate asbestos management programs, facility Operations & Maintenance (O&M) programs, UST removals, sub-surface investigations, contaminated soil remediation, LBP stabilization and commercial/residential asbestos & lead abatements.

Technical consulting services are available in the area of regulatory compliance audits, OSHA safety, air monitoring, respiratory protection, laboratory services, building hazard assessments (EPA, HUD, commercial), LBP Risk Assessments, management plans, NYS/NESHAP pre-demolition inspections and full scope project management; including development of remediation response actions and management of all required project and personnel records. Our staff of experienced environmental professionals can prepare all required specifications and procedures to ensure your programs comply with federal, state and municipal regulatory requirements.

QuES&T offers a wide range of OSHA and environmental safety training. Our full range of asbestos safety certification training ensures that our client's employees receive the appropriate training to maximize their safety and minimize your liability. **QuES&T** offers accredited initial and refresher training programs for Operations & Maintenance (O&M), Asbestos Abatement Workers and Supervisors, Project Monitors, Asbestos Project Sampling Technicians (RH-II), Asbestos Project Designers, Asbestos Inspectors (RH-III) and Management Planners. Our accredited training facility (EPA, NYS) contains the most modern equipment to support the hands-on portion of each training program. On-site training services are available for groups of at least twenty-five students and can be tailored to meet the specific needs of the City of Newburgh.

QuES&T provides a full range of services in the area of Respiratory Protection. Our technical staff has extensive experience in the development of regulatory compliance programs for NUREG 0041 and OSHA 1910.134 Respiratory Protection Programs. Quantitative or qualitative respirator fit services can be provided at **QuES&T**'s facility or yours.

For additional information concerning this submittal, please contact us at (845) 298-6031. We look forward to working with the City of Newburgh in the environmental consulting and remediation services area.

Sincerely,

Rudy Lipinski - LEED®AP
Director of Field Operations
NYS/AHERA Inspector/Project Designer
Cert. #AH 05-09049

PRE-RENOVATION ENVIRONMENTAL TESTING SERVICES
for
CITY OF NEWBURGH
83 Broadway
Newburgh, NY 12550
at
CITY OF NEWBURGH WATER TREATMENT PLANT
493 Little Britain Road
Newburgh, NY 12550

QuES&T agrees to provide the following services:

- ***Pre-Renovation Asbestos Survey***
  - Provide licensed NYS/AHERA Asbestos Inspector(s) to perform a Pre-Renovation Asbestos Survey throughout accessible interiors and/or exteriors of the above-referenced location.
  - Perform collection and analysis of suspect friable Asbestos-containing Materials (ACM) using Polarized Light Microscopy (PLM) 198.1 analytical protocol and as required, approved method 198.8 for Vermiculite.
  - Perform collection and analysis of suspect non-friable organically bound Asbestos-containing Materials (ACM) using both Polarized Light Microscopy-NOB (PLM-NOB) and Quantitative Transmission Electron Microscopy (QTEM) analytical protocols.
  - Discussion of laboratory results for all bulk samples (PLM 198.1, 198.8 & QTEM/PLM).
  - Documentation of all analytical laboratory certifications.
  - Identify estimated quantities, locations, types and conditions of Asbestos-containing Materials (ACM) for inclusion in the pre-construction environmental survey report.

Pre-Renovation XRF Lead-Based Paint Survey

- Provide Niton-certified IH Technician(s) to perform representative In-Situ measurements using a Niton XLp Model 300A XRF Meter on accessible, representative painted surfaces & immovable objects throughout accessible interiors and/or exteriors of the above-referenced locations.
- Locations and quantity of representative In-situ measurements will be based on the observed homogeneity of painted surfaces.
- Sequential and summary reports will be provided of all surfaces tested.
- Summarize lead-based paint identified for inclusion in the environmental survey report.

Pre-Renovation PCB Caulk Survey

- Provide IH Technician(s) to identify the presence of PCB's.
- Perform collection and analysis of suspect PCB-containing caulks throughout accessible interiors and/or exteriors of the above-referenced locations.
- Stored chemicals, solvents, concealed tanks, and historical chemical spills are not included.
- Identify estimated quantities and locations of identified PCB-containing caulks for inclusion in the environmental survey report.

QuES&T Services Cont'd…

Pre-Renovation Universal/Hazardous Waste Inventory

- The intent of this survey is limited to visual identification and limited visual inspection to identify the potential presence of Universal/Hazardous Wastes.
- Concealed tanks and historical chemical spills are not included.
- No sampling or laboratory analysis will be included as part of this limited visual inspection and survey.
- Identify estimated quantities, locations and types universal/hazardous wastes for inclusion in the environmental survey report.

PRE-RENOVATION ENVIRONMENTAL TESTING SERVICES
for
CITY OF NEWBURGH
83 Broadway
Newburgh, NY 12550
at
CITY OF NEWBURGH WATER TREATMENT PLANT
493 Little Britain Road
Newburgh, NY 12550

COST ESTIMATE

- ***PRE-CONSTRUCTION ENVIRONMENTAL TESTING SERVICES***

Inspection Labor/Travel	$ 1,220.00
PLM Bulk Sample Analysis (40 samples @ $19/layer)	$ 760.00[A]
PLM-NOB/QTEM Bulk Sample Analysis (30 @ $49/layer)	$ 1,470.00
PCM Bulk Sample Analysis (3 samples @ $100/sample)	$ 300.00[A]
XRF Equipment Rental (1 day @ $175/day)	$ 175.00
Pre-Renovation Environmental Testing Report	$ 585.00
Estimated Inspection Total	**$4,510.00**

A. *As per the testing requirements, for surfacing materials, set forth in the NYSDOH communication, dated May 6, 2016, if vermiculite is present (regardless of the amount), one of the two approved methods must be used for the detection and quantitation of asbestos content.*

If Vermiculite is detected, within surfacing materials sampled (NYS ELAP 198.1), as per the NYSDOH guidelines, samples will be analyzed in conformance with NYS ELAP 198.8. Sample analysis is $300/sample analyzed on a two-week turnaround time.
Prior to sample analysis, the lab will notify **QuES&T** the number of samples containing vermiculite, who in turn will review associated costs with ***City of Newburgh*** for approval to move forward with analysis.

***NOTES:**
1. Estimated number of samples to be collected/analyzed. Client shall be charged for actual services rendered and samples analyzed.
2. Sample analysis turnaround (TAT) commences upon laboratory receipt of samples and excludes Weekends & Holidays.

This proposal is based on the following assumptions:

- **QuES&T** shall perform all inspections visually; using reasonable care and judgment. Localized demolition will be performed to access representative concealed surfaces, as practicable. ***Client/ Representatives*** recognize & agree that ACM/LBP/PCB/Universal/Hazardous Wastes concealed within structural components & accessible only through extensive mechanical or structural demolition may not be identified as part of this survey.

- **QuES&T** shall not be responsible for damage caused to building finishes, surfaces or equipment by sampling. Responsibility and cost for repair of damaged building finishes, surfaces and equipment shall be by ***Client / Representatives.***

- **QuES&T** will exercise reasonable caution to minimize disturbance of ACM/LBP/PCB/Universal/Hazardous Wastes during the inspection process. However, clean-up of ACM/LBP/PCB/Universal/Hazardous Wastes disturbed or dislodged during the inspection process shall be the responsibility of ***Client / Representatives***.

- ***Client / Representatives*** shall be responsible for providing immediate access into all inspection areas and securing same upon completion of inspection activities.

- Inspection work to be conducted upon receipt of written Notice to Proceed and/or associated Purchase Order Number.

- Inspection work to be conducted during normal weekday business hours (Mon–Fri, 8am–5pm). ***Client / Representatives*** will provide access to all respective buildings concurrently.

ACCEPTANCE OF PROPOSAL #P24-9146

To Execute This Agreement, Please Review, Sign, Date & Return to QuES&T.
Payment Terms: Payment Shall Be Net 30 Days; Following Delivery Of Final Report; Late Payments Shall Be Assessed a Penalty of 1.5% per Month.

City of Newburgh – Authorized Representative:

By ______________________ ______________________ ____________
Signature *Print Name & Title* *Date*

RESOLUTION NO.: ____223____ - 2024

OF

OCTOBER 28, 2024

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 317 DUPONT AVENUE (SECTION 13, BLOCK 10, LOT 4) AT PRIVATE SALE TO GEORGE DUNLOP, JR. FOR THE AMOUNT OF $10,000.00

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell a parcel of real property identified as 317 Dupont Avenue, being more accurately described as Section 13, Block 10, Lot 4 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH,** such sums are to be paid on or before Friday, January 31, 2025, being approximately ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
317 Dupont Avenue	13 – 10 – 4	George Dunlop, Jr.	$10,000.00

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

Terms and Conditions of Sale
317 Dupont Avenue, City of Newburgh (SBL: 13-10-4)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number on the City of Newburgh Tax Map.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid City/County taxes for the year 2024, school taxes for the tax year **2024-2025**, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any City/County taxes for the year 2024, school taxes paid by the City for the tax year **2024-2025**, and subsequent levies up to the date of the closing. Upon closing of title, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE. The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: (i) obtain a Certificate of Occupancy for all buildings on the property; (ii) make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or (iii) demolish any buildings deemed structurally unsound by a New York State-licensed engineer and by the Building Inspector. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of $250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for its consideration.**

6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. The property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept cash or credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.**
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of $250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that they shall not be entitled to special or consequential damages, attorneys fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City

Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City Engineer.

17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts. This provision shall survive closing.
18. The property is sold subject to an owner-occupancy restriction. Purchaser has agreed to purchase the property subject to a ten (10) year owner occupancy restriction. Purchaser shall, within 18 months of the delivery of the deed, establish domicile and principal residence at said premises and maintain domicile and principal residence at said premises for a period of at least ten (10) years thereafter, provided that within said ten (10) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms and Conditions of Sale.
19. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.

ACKNOWLEDGED AND AGREED

Date: ______________________________

____

George Dunlop, Jr.

LOCAL LAW NO.: ___D___ - 2024

OF

OCTOBER 28, 2024

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO.: ___224___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. EF005060-2023 AND EF005061-2023 INVOLVING SECTION 1, BLOCK 1, LOTS 4.32 AND 5 (VAILS GATE REALTY, LLC)

WHEREAS, Vails Gate Realty LLC 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 2023 tax year bearing Orange County Index Nos. EF005060-2023 and EF005061-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, 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, Vails Gate Realty LLC 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 2023 tax year as tax map number 1-1-4.32 be reduced to a market value of $1,500,000.00.
2. That the proceeding brought in connection with the property described on the City of Newburgh tax roll for the 2023 tax year as tax map number 1-1-5 be discontinued with prejudice.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of

VAILS GATE REALTY LLC

Petitioner,

-against-

THE CITY OF NEWBURGH ASSESSOR'S OFFICE,

Respondent.

STIPULATION & ORDER OF SETTLEMENT

Assigned Judge:
Hon., E. Loren Williams

Tax Year	Index No.
2023/24	EF005060-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, VAILS GATE REALTY LLC, located at 9 Scobie Drive, Newburgh, NY 12550 (SBL No.: 1-1-4.32) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
1-1-4.32 (SBL No.:)	$1,540,000	$1,500,000	$40,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ___________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

____

Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ___________________, 2024

NAUGHTON & TORRE LLP,

____

Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ___________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____

Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___225___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF005114-2023 INVOLVING SECTION 3, BLOCK 4, LOT 2.2 (250 LAKE STREET PROPERTIES, LLC)

WHEREAS, 250 Lake Street Properties LLC has commenced a tax certiorari proceeding against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2023 tax year bearing Orange County Index No. EF005114-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, 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 matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, 250 Lake Street Properties LLC is willing to settle this proceeding 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 2023 tax year as tax map number 3-4-2.2 be reduced to a market value of $1,500,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of 250 LAKE STREET PROPERTIES LLC Petitioner, -against- THE CITY OF NEWBURGH ASSESSOR'S OFFICE, Respondent.	**STIPULATION & ORDER OF SETTLEMENT** Assigned Judge: Hon., E. Loren Williams Tax Year: 2023/24 Index No.: EF005114-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, 250 LAKE STREET PROPERTIES LLC, located at 17 North Plank Rd, Newburgh, NY 12550 (SBL No.: 3-4-2.2) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
3-4-2.2 (SBL No.:)	$1,605,000	$1,500,000	$105,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ___________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

____

Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ___________________, 2024

NAUGHTON & TORRE LLP,

____

Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ___________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____

Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___226___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF005080-2023 INVOLVING SECTION 45, BLOCK 4, LOT 6 (MID HUDSON FILM LLC)

WHEREAS, Mid Hudson Film LLC has commenced a tax certiorari proceeding against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2023 tax year bearing Orange County Index No. EF005080-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, 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 matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Mid Hudson Film LLC is willing to settle this proceeding 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 2023 tax year as tax map number 45-4-6 be reduced to a market value of $1,425,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of MID HUDSON FILM LLC Petitioner, -against- THE CITY OF NEWBURGH ASSESSOR'S OFFICE, Respondent.	**STIPULATION & ORDER OF SETTLEMENT** Assigned Judge: Hon., E. Loren Williams Tax Year: 2023/24 Index No.: EF005080-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, MID HUDSON FILM LLC, located at 21 Liberty Street, Newburgh, NY 12550 (SBL No.: 45-4-6) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
45-4-6 (SBL No.:)	$1,877,000	$1,425,000	$452,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ____________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

____

Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ____________________, 2024

NAUGHTON & TORRE LLP,

____

Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ____________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____

Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___227___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF005062-2023 INVOLVING SECTION 5, BLOCK 1, LOT 5 (MID HUDSON FILM LLC)

WHEREAS, Mid Hudson Film LLC has commenced a tax certiorari proceeding against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2023 tax year bearing Orange County Index No. EF005062-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, 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 matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Mid Hudson Film LLC is willing to settle this proceeding 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 2023 tax year as tax map number 5-1-5 be reduced to a market value of $1,850,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of MID HUDSON FILM LLC Petitioner, -against- THE CITY OF NEWBURGH ASSESSOR'S OFFICE, Respondent.	**STIPULATION & ORDER OF SETTLEMENT** Assigned Judge: Hon., E. Loren Williams Tax Year 2023/24 Index No. EF005062-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, MID HUDSON FILM LLC, located at 106 Pierces Rd, Newburgh, NY 12550 (SBL No.: 5-1-5) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
5-1-5 (SBL No.:)	$2,193,000	$1,850,000	$343,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City")

and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ____________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

____

Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ____________________, 2024

NAUGHTON & TORRE LLP,

____

Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ____________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____

Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___228___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF005078-2023 INVOLVING SECTION 40, BLOCK 2, LOT 1.11 (MID HUDSON FILM LLC)

WHEREAS, Mid Hudson Film LLC has commenced a tax certiorari proceeding against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2023 tax year bearing Orange County Index No. EF005078-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, 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 matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Mid Hudson Film LLC is willing to settle this proceeding 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 2023 tax year as tax map number 40-2-1.11 be reduced to a market value of $1,400,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of

MID HUDSON FILM LLC

Petitioner,

-against-

THE CITY OF NEWBURGH ASSESSOR'S OFFICE,

Respondent.

STIPULATION & ORDER OF SETTLEMENT

Assigned Judge:
Hon., E. Loren Williams

Tax Year	Index No.
2023/24	EF005078-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, MID HUDSON FILM LLC, located at 108 S Water Street, Newburgh, NY 12550 (SBL No.: 40-2-1.11) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
40-2-1.11 (SBL No.:)	$1,910,000	$1,400,000	$510,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ___________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

____
Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ___________________, 2024

NAUGHTON & TORRE LLP,

____
Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ___________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____
Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___229___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF005076-2023 INVOLVING SECTION 34, BLOCK 2, LOT 2.12 (250 LAKE STREET PROPERTIES, LLC)

WHEREAS, 250 Lake Street Properties LLC has commenced a tax certiorari proceeding against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2023 tax year bearing Orange County Index No. EF005076-2023; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, 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 matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, 250 Lake Street Properties LLC is willing to settle this proceeding 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 2023 tax year as tax map number 34-2-2.12 be reduced to a market value of $1,140,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of 250 LAKE STREET PROPERTIES LLC Petitioner, -against- THE CITY OF NEWBURGH ASSESSOR'S OFFICE, Respondent.	**STIPULATION & ORDER OF SETTLEMENT** Assigned Judge: Hon., E. Loren Williams Tax Year: 2023/24 Index No.: EF005076-2023

The above named Petitioner having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the tax assessment made against premises owned by the Petitioner, 250 LAKE STREET PROPERTIES LLC, located at 385 Broadway, Newburgh, NY 12550 (SBL No.: 34-2-2.12) in the City of Newburgh, County of Orange, State of New York (the "Settled Parcel") for 2023, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioner having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and Respondent, the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioner, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2023 assessment of the Settled Parcel at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll of the City of Newburgh for the year 2023, be reduced and corrected as follows:

Property	Original Assessed Value	Corrected Assessed Value	Reduction in Assessed Value
34-2-2.12 (SBL No.:)	$1,203,000	$1,140,000	$63,000

; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel for the 2023 assessment roll used to generate the 2023/24 City, City Highway, water, sewer and all special district taxes on the Settled Parcel; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, and all special district taxes paid on account of the reduction set forth to the 2023 assessment of the Settled Parcel on account of the 2023 assessment roll used to generate the 2024 County, County Highway, and all special district taxes on the Settled Parcel herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, that the Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2023 of the Settled Parcel herein on account of the 2023 assessment roll used to generate the 2023/2024 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2023 assessment for the 2024, 2025, and 2026 assessment rolls for the settled parcel; and it is further,

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioner, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof; and it is further,

Dated: ________________________, 2024
Goshen, New York

____
Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ____________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

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Rogendy Toussaint, Esq.
Attorney for Petitioner
33 Walt Whitman Road, Suite 200B
Huntington Station, New York 11746
(631) 673-6738
rtoussaint@aventineproperties.com

Dated: ____________________, 2024

NAUGHTON & TORRE LLP,

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Kelly M. Naughton, Esq.
Attorney for Respondent
City of Newburgh Assessor's Office
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924
(845) 294-4080
knaughton@naughtontorrelaw.com

Dated: ____________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

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Ira S. Levy, Esq.
Attorney for Intervenor-Respondent School District
Newburgh Enlarged City School District
115 Stevens Avenue
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(914) 741-9870
ilevy@shawperelson.com

RESOLUTION NO.: ___230___-2024

OF

OCTOBER 28, 2024

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. EF006326-2024 INVOLVING SECTION 1, BLOCK 1, LOTS 4.32 AND 5 (VAILS GATE REALTY, LLC); SECTION 3, BLOCK 4 LOT 2.2 (250 LAKE STREET PROPERTIES LLC); SECTION 5, BLOCK 1, LOT 5 (MID HUDSON FILM LLC); SECTION 34, BLOCK 2, LOT 2.12 (250 LAKE STREET PROPERTIES LLC); SECTION 40, BLOCK 2, LOT 1.11 (MID HUDSON FILM LLC); AND SECTION 45, BLOCK 4, LOT 6 (MID HUDSON FILM LLC)

WHEREAS, Vails Gate Realty LLC, 250 Lake Street Properties LLC and Mid Hudson Film LLC 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 2024-2025 tax year bearing Orange County Index No. EF006326-2024; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Naughton & Torre, 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, Vails Gate Realty LLC, 250 Lake Street Properties LLC and Mid Hudson Film LLC are willing to settle this proceeding 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 2024 tax year as tax map number 1-1-4.32 be reduced to a market value of $1,500,000.00.
2. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 1-1-5 remain at a market value of $2,205,000.00.
3. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 3-4-2.2 be reduced to a market value of $1,500,000.00.
4. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 5-1-5 be reduced to a market value of $1,850,000.00.
5. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 45-4-6 be reduced to a market value of $1,425,000.00.

6. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 40-2-1.11 be reduced to a market value of $1,400,000.00.
7. That the real property of Petitioner described on the City of Newburgh tax roll for the 2024 tax year as tax map number 34-2-2.12 be reduced to a market value of $1,140,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Stipulation & Order of Settlement is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Naughton & Torre, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT STATE OF NEW YORK
COUNTY OF GREENE

In the Matter of VAILS GATE REALTY LLC and ALL OF THE PETITIONERS ON THE ATTACHED SCHEDULE Petitioner, -against- THE ASSESSOR OF CITY OF NEWBURGH, Respondent.	**STIPULATION & ORDER OF SETTLEMENT** Assigned Judge: Hon., E. Loren Williams Tax Year: 2024/25 Index No.: EF006326-2024

The above named Petitioners having duly brought this Real Property Tax Law ("RPTL") Article 7 proceeding to review the 2024 tax assessments made against their respective premises located in the City of Newburgh, County of Orange, State of New York, as more fully described in the petition made and filed herein, and issue having been duly joined herein, and Petitioners having appeared by the Law Office of Rogendy Toussaint, Esq., PLLC, Rogendy Toussaint, Esq., and the City of Newburgh Assessor's Office, having appeared by Naughton & Torre LLP., Kelly M. Naughton, Esq., and the parties having entered into and consented to this Stipulation & Order of Settlement;

NOW, on motion of Rogendy Toussaint, Esq., attorney for Petitioners, it is hereby,

1. **ORDERED**, **ADJUDGED** and **DECREED**, that the 2024 assessments of the subject parcels at issue herein, in the City of Newburgh, County of Orange, State of New York, on the assessment roll for the City of Newburgh for the year 2024, be reduced and corrected as detailed on the enclosed Settlement Schedule; and it is further,

2. **ORDERED**, **ADJUDGED** and **DECREED**, that the City of Newburgh (the "City") and/or the County of Orange (the "County") shall refund any excess City, City Highway, other City taxes and special district charges paid on account of the reductions set forth in the enclosed Settlement Schedule to the 2024 assessment of the Settled Parcel for the 2024 assessment roll used to generate the

2024/2025 City, City Highway, water, sewer and all special district taxes on the settled parcels herein; and it is further

3. **ORDERED**, **ADJUDGED** and **DECREED**, that the County and/or City shall refund any excess County, County Highway, water, sewer and all special district taxes paid on account of the reductions set forth in the enclosed Settlement Schedule to the 2024 assessment of the settled parcels on account of the 2024 assessment roll used to generate the 2024/2025 County, County Highway, water, sewer and all special district taxes on the settled parcels herein; and it is further

4. **ORDERED**, **ADJUDGED** and **DECREED**, Newburgh Enlarged City School District (the "School District") shall refund any excess school district taxes (including library taxes) paid on account of the reduction set forth for 2024 of the Settled Parcel herein on account of the 2024 assessment roll used to generate the 2024/2025 school district taxes (including library taxes) on the Settled Parcel; and it is further,

5. **ORDERED**, **ADJUDGED** and **DECREED**, subject to the terms, covenants and conditions set forth herein, the provisions of RPTL §727 shall be applicable to the corrected 2024 assessment for the 2025, 2026, and 2027 assessment rolls for each of the settled parcels.

6. **ORDERED**, **ADJUDGED** and **DECREED**, that the refunds, set forth above, shall be paid to the Law Office of Rogendy Toussaint, Esq., PLLC, attorney for the aforementioned Petitioners, without interest or costs, provided any such refunds are made within ninety (90) days of the service of this Stipulation & Order of Settlement with notice of entry thereof.

7. **ORDERED**, **ADJUDGED**, and **DECREED**, that the contents of the enclosed Settlement Schedule referred to are made a part of this Stipulation & Order of Settlement as though fully set forth herein.

Dated: ________________________, 2024
Catskill, New York

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Hon. E. Loren Williams
Justice, Supreme Court

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Stipulation & Order of Settlement.

Dated: ___________________, 2024

LAW OFFICE OF ROGENDY TOUSSAINT, ESQ., PLLC

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Rogendy Toussaint, Esq.
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rtoussaint@aventineproperties.com

Dated: ___________________, 2024

NAUGHTON & TORRE LLP,

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Attorney for Respondent
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(845) 294-4080
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Dated: ___________________, 2024

SHAW, PERELSON, MAY & LAMBERT, LLP,

____

Ira S. Levy, Esq.
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