

#61



Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550  
845-564-4552

Date: 11/8/2023

Is the budget adjustment under \$7,500 ?      Yes \_\_\_\_\_      No X

If yes, please give Gil a copy to sign and deliver to the Accounting Office.

If no, please have the board approve at the next available board meeting.

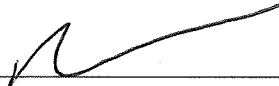
Reason why the budget transfer is needed Connecting Code Compliance Building to Town sewer

From: Account Number: 8130.5466.5010  
Account Description: Operating Supplies      Amount: \$8,000.00

From: Account Number: 8130.5497.5010  
Account Description: Maintenance Contracts  
Leases / Rentals      Amount: \$6,000.00

To: Account Number: 8130.5458.5010  
Account Description: Repairs to Transmission  
Collection System      Amount: \$14,000.00

*Please note: The total of the from and to should equal*

  
\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Gil Piaquadio, Town Supervisor

Valley Contracting Inc.  
 444 S. Plank Rd  
 Newburgh, NY 12550 US  
 valleycontractinginc@msn.com

**Invoice**

*Connecting Sewer  
 - To Code Compliance*



*8130-5458-5010 \$ 9,337.50*

**BILL TO**  
 Town Of Newburgh Sewer Dept.  
 308 Gardnertown Rd.  
 Newburgh, NY 12550

**SHIP TO**  
 Town Of Newburgh Sewer Dept.  
 308 Gardnertown Rd.  
 Newburgh, NY 12550

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
3319	11/06/2023	\$18,675.00	12/06/2023	30 Days	

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	<b>SCOPE OF WORK</b>	Furnish all material and labor install new 4" sewer lateral from existing 4" located at sidewalk of building under blacktop and continue towards road at existing spur. Decommission existing septic tank, collapse and fill with select material. Backfill and cleanup seed and straw. Repair asphalt in-kind.	1	0.00	0.00
	<b>SDR Sewer main</b>	Install new 4" sewer, install 2-clean out assembly	140	110.00	15,400.00
	<b>Septic Tank</b>	Pump existing septic, collapse and fill with select material	1	1,850.00	1,850.00
	<b>26 Landscaping &amp; Paving</b>	Repair asphalt, seed and straw	1	1,425.00	1,425.00

BALANCE DUE

**\$18,675.00**

*SEWER - \$9,337.50*

#12B



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

**MEMORANDUM**

P: 845.562.9100

F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: PROPOSED LOCAL LAW AMENDING CHAPTER 104  
ENTITLED SCHEDULE OF FEES OF THE CODE OF THE  
TOWN OF NEWBURGH: WATER AND SEWER RATES  
EFFECTIVE JANUARY 1, 2024  
OUR FILE NO. 800.1(B)( ) (2023)

DATE: NOVEMBER 10, 2023

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider

*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirok  
(1942-2018)

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

Enclosed please find for the Town Board's consideration the above referenced Local Law. The Local Law provides for the annual update to bring the Code's fee provisions into line with the rates approved during the budget proceedings. As the rates are codified in the Town's Municipal Code, the adoption of an amending Local Law is additionally required.

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

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

MCT/sel

Enc.

cc: Town Clerk Lisa M. Ayers (via e-mail)  
Receiver of Taxes Joseph P. Pedi (via e-mail)  
Town Engineer James Osborne (via e-mail)  
Pat Hines, Principal, McGoey, Hauser & Edsal (via e-mail)  
Town Accountant Ronald Clum (via e-mail)

**TOWN OF NEWBURGH**  
**INTRODUCTORY LOCAL LAW NO. \_\_ OF THE YEAR 2023**  
**AMENDING CHAPTER 104 ENTITLED**  
**"SCHEDULE OF FEES"**  
**OF THE CODE OF THE TOWN OF NEWBURGH:**  
**WATER AND SEWER RATES**  
**EFFECTIVE JANUARY 1, 2024**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water and Sewer Rates Effective January 1, 2024".

SECTION 2 - AMENDMENTS TO CHAPTER 104

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

1. Subsection 104-3(B)(2) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

“(2) Meter rates. Meter rates for the sale of water to all consumers within the Consolidated Water District and Colden Park Water District of the Town of Newburgh and the duly constituted extensions thereto, excluding water sold to the Town of New Windsor, the New York State Thruway Authority or outside-the-district users, shall be as follows:

<b>Usage Per Quarter</b>	<b>Rate</b>
First 7,500 gallons	<u>\$26.00</u> (minimum charge per quarter)
Next 10,000 gallons	<u>\$4.96</u> per 1,000 gallons
Next 82,500 gallons	<u>\$5.68</u> per 1,000 gallons

Over 100,000 gallons

\$6.74 per 1,000 gallons

- (a) A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.
- (b) The Town of New Windsor, the Town of Marlborough, the City of New York and the New York State Thruway Authority and the outside-the-district users will pay rates and charges as per agreements entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge.
- (c) The water rates for the Stewart ANG Base Water District consumer(s) will be established by the Town Board from time to time in accordance with New York State Town Law Section 198. Unpaid water charges in arrears for 30 days or longer shall be subject to such penalty as the Town Board may provide for by resolution subject to the limit established by Town Law Section 198."

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

"(1) Sewer operation and maintenance charge.

<b>Sewer District</b>	<b>Rate/Fee (per gallons consumed per premises)</b>
Crossroads Consolidated	<u>\$6.94</u> per 1,000 gallons
Nob Hill	<u>\$.00880</u> /gallon

The following minimum operating and maintenance charge shall apply to all connected properties, including but not limited to those without water meters:

**\$36.00 per quarter"**

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

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

\$162.50 per each residential dwelling unit, whether or not an apartment or condominium unit on each parcel as listed on the latest completed Assessment Roll of the Town per quarter"

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

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

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2023.

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 13th day of November, 2023 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD  
INTRODUCING LOCAL LAW  
AMENDING CHAPTER 104 ENTITLED  
'SCHEDULE OF FEES' OF THE  
TOWN OF NEWBURGH MUNICIPAL  
CODE: WATER AND SEWER RATES  
EFFECTIVE JANUARY 1, 2024  
AND PROVIDING FOR PUBLIC  
NOTICE AND PUBLIC HEARING

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

**BE IT RESOLVED** that Introductory Local Law No. \_\_ of the Year 2023 entitled "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Town of Newburgh Municipal Code: Water and Sewer Rates Effective January 1, 2024" be and it hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

**BE IT FURTHER RESOLVED** that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

**BE IT FURTHER RESOLVED** that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the \_\_th day of December, 2023 at 7: \_\_ o'clock, p.m., and

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

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

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

Anthony R. LoBiondo, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.