



**MEMORANDUM**

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

**FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE:** LEVINSON HIEGHTS WATER MAIN EXTENSION  
PROJECT;  
ESTABLISHMENT OF PROPOSED EXTENSION OF THE  
CONSOLIDATED WATER DISTRICT  
OUR FILE NO. 801.\_\_\_\_; 800.1(B)( ) (2024)

**DATE:** September 27, 2024

**P: 845.562.9100**  
**F: 845.562.9126**

655 Little Britain Road  
New Windsor, NY 12553  
P.O. Box 2280  
Newburgh, NY 12550

**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**

Stewart P. Glenn  
Mary Fern Breheney  
Stephen P. Duggan, III  
John K. McGuirk  
(1942-2018)

**OF COUNSEL**

Craig F. Simon

Enclosed for the Town Board's reconsideration at its special meeting scheduled for September 30, 2024, s are the following:

1. FINAL ORDER IN THE MATTER OF THE ESTABLISHMENT OF AN IMPROVMENT DISTRICT EXTENSION IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO BE KNOWN AS LEVINSON/OLD POST ROAD AREA EXTENSION TO THE CONSOLIDATED WATER DISTRICT.
2. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,546,100 SERIAL BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF THE LEVINSON/OLD POST ROAD AREA EXTENSION TO THE CONSOLIDATED WATER DISTRICT IN SAID TOWN
3. Should you have any questions or concerns please contact me.

MCT:sel

Enc.

cc: Hon. Lisa M. Vance Ayers, Town Clerk  
James Osborne, Town Engineer  
Patrick Hines, Engineers Representative, McGoey, Hauser & Edsall  
Ronald Clum, Town Accountant  
Steve Grogan, Water and Sewer Manager

At a special meeting of the Town Board of the Town of Newburgh, Orange County, New York, held at the Town Hall, in Newburgh, New York, in said Town, on the 30th day of September, 2024, at \_\_\_\_ o'clock \_\_.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio  
Supervisor

Paul I. Ruggiero  
Councilman

Scott M. Manley  
Councilman

Anthony R. Lobiondo  
Councilman

In the Matter  
of  
The establishment of an improvement district extension in the Town of Newburgh, Orange County, New York, to be known as Levinson/Old Post Road Area Extension to the Consolidated Water District

FINAL ORDER

WHEREAS, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of Newburgh, Orange County, New York, in relation to the establishment of Levinson/Old Post Road Area Extension to the Consolidated Water District in said Town (the "Extension" and the "District"); and

WHEREAS, the improvements proposed for said Extension consist of the purchase and installation of new eight-inch water mains, including original furnishings, equipment, machinery,

apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully set forth in the map, plan and report; and

WHEREAS, the maximum estimated cost of said improvements is \$4,546,100; and

WHEREAS, of said maximum estimated cost, \$4,546,100 of bonds and/or notes of said Town are expected to be issued to pay for the maximum estimated cost of the improvements in connection with the establishment of said Extension, to be reduced by any grants-in-aid received therefor; and

WHEREAS, the estimated cost of said Extension to the typical property therein, being a typical one- or two-family home, is \$472.68 in the first year in which operation, maintenance, and other charges and expenses are to be paid by said properties as set forth in the map, plan and report; and

WHEREAS, the costs of the provision of services in said Extension shall be through the imposition of a schedule of water rents to the extent that such water rents provide a source of revenue for such expenditures and shall otherwise be payable as provided in Article 12-A of the Town Law by the annual apportionment and assessment upon the several lots and parcels of land within said District as so extended on a benefit basis as provided by Chapter 531 of the Laws of 1970; and

WHEREAS, an Order was duly adopted by said Town Board on May 29, 2024, reciting a description of the boundaries of said proposed Levinson/Old Post Road Area Extension to the Consolidated Water District, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection and specifying June 24, 2024, at 7:15 o'clock P.M., local time, at the Town Hall, in Newburgh,

New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Levinson/Old Post Road Area Extension to the Consolidated Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Levinson/Old Post Road Area Extension to the Consolidated Water District; and

WHEREAS, such resolution establishing the Extension was adopted subject to permissive referendum as to which no petition was filed; and

WHEREAS, an application to the Office of the State Comptroller for approval to establish Levinson/Old Post Road Area Extension to the Consolidated Water District in the Town of Newburgh is not required based on the proposed \$472.68 first year annual cost to the typical property in said District; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. The Levinson/Old Post Road Area Extension to the Consolidated Water District, is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. The establishment of the Levinson/Old Post Road Area Extension to the Consolidated Water District to be bounded and described as hereafter set forth, and the improvements proposed for said Extension consisting of the purchase and installation of new eight-inch water mains, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully set forth in the map, plan and report are hereby authorized and approved. The maximum estimated cost to said Levinson/Old Post Road Area Extension to the Consolidated Water District pursuant to these proceedings for said improvements shall not exceed \$4,546,100. To the extent not paid with grants-in-aid, said cost of said improvements for said Extension shall be financed by the issuance of not exceeding \$4,546,100 serial bonds of said Town, said serial bonds maturing in annual installments over a period not exceeding forty years, payable in the first instance from water rents but otherwise payable from assessments upon the several lots and parcels of land within said District as so extended on a benefit basis as provided in Chapter 531 of the Laws of 1970, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. This Order shall take effect immediately, and upon adoption, a copy hereof shall be recorded in the office of the County Clerk and filed in duplicate with the State Comptroller in Albany, New York within ten days pursuant to Section 209(g) of the Town Law.

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

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

The Order was thereupon declared duly adopted.

\* \* \* \* \*

APPENDIX A

Boundaries of Levinson/Old Post Road Area Extension to the Consolidated Water District in the  
Town of Newburgh

Exhibit A

Boundaries of Proposed  
Levinson/Old Post Road Area Extension to the Consolidated Water District of the  
Town of Newburgh, Orange County, New York

Description of Proposed District Beginning at the southern corner of parcel 8-1-39.21 on Old Post Road, the Proposed District Boundary follows said parcel to its western corner. The Boundary then extends to the northern corner of adjacent parcel 8-1-39.22, then southeast to its eastern corner on Old Post Road before connecting back to the southern corner of parcel 8-1-39.21. The District then skips over parcel 8-1-31.12 (a Central Hudson utility ROW) and begins again at the southern corner of parcel 8-1-40.1, on Old Post Road. The Boundary extends NW along the parcel line, then proceeds in a NNE direction until turning west along the southern boundary of parcel 8-1-101. The Boundary follows this parcel to its western boundary then turns NNE until the NW corner of parcel 8-1-42.33, where the Boundary follows parcels lines of parcel 8-1-43.452 west, then NE to the northern corner of parcel 8-1-43.451. From this corner, the Boundary follows the northern parcels lines of four parcels until meeting Old Post Road at the eastern corner of lot 8-1-43.2. The Boundary then crosses Old Post Road to the northern corner of parcel 8-1-61.1 and follows that parcel's property line SE then SW to its southern corner. From here, the Boundary follows the parcel line of parcel 8-1-60.1 SE to its eastern corner, then turns SW at the parcel's southern corner, then NW back to Old Post Road. The Boundary then skips over parcel 8-1-66.1 and resumes at the northern corner of parcel 8-1-66.22. The Boundary follows the parcel line to its eastern corner then proceeds to follow the eastern property lines of the four (4) parcels to its SW, making a turn to the west along parcel 8-1-65's southwestern boundary that ends at Old Post Rd. From this corner, the Boundary skips over Old Post Road in a SW direction until it meets with the southern corner of parcel 8-1-89. The Boundary then aligns with Old Post Rd until the southern corner of parcel 8-1-40.1, where this segment of the Boundary began.



**CERTIFICATION FORM**

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

I, the undersigned Clerk of the Town of Newburgh, Orange County, New York (the "Issuer"), DO HEREBY CERTIFY:

That a meeting of the Issuer was duly called, held and conducted on the 30<sup>th</sup> day of September, 2024.

1. That such meeting was a **special regular** (circle one) meeting.
2. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
3. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
4. That all members of the Board of the Issuer had due notice of said meeting.
5. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
6. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of September, 2024.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)



**BOND RESOLUTION**

At a special meeting of the Town Board of the Town of Newburgh, Orange County, New York, held at the Town Hall, in Newburgh, New York, in said Town, on 30<sup>th</sup> day of September, 2024, at 11:00 o'clock A.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by \_\_\_\_\_ who moved its adoption, seconded by \_\_\_\_\_ to-wit:

BOND RESOLUTION DATED SEPTEMBER 30, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,546,100 SERIAL BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF LEVINSON/OLD POST ROAD AREA EXTENSION TO THE CONSOLIDATED WATER DISTRICT IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Newburgh, Orange County, New York (the "Town"), has established the Levinson/Old Post Road Area Extension to the Consolidated Water District (the "Extension" and the "District"); and

WHEREAS, the capital project therefor as hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such Extension; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. Improvements in connection with the establishment of Levinson/Old Post Road Area Extension to the Consolidated Water District in the Town of Newburgh, consisting of the purchase and installation of new eight-inch water mains, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as further described in the map, plan and report, prepared in connection

with the establishment of such Extension, at a maximum estimated cost of \$4,546,100 are hereby approved.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of not to exceed \$4,546,100 serial bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and provided, however, the amount of such bonds ultimately to be issued shall be reduced by any grants-in-aid received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligation issued therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Newburgh, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Consolidated Water District as extended on a benefit basis as provided by Chapter 531 of the Laws of 1970, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.



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

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*