**AT THE WORKSHOP MEETING**

of the Town Board of the Town of Newburgh held

at 1496 Route 300 in said township at 7:00 p.m.

on Monday the 24th day of July, 2023

**Present** Paul I Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

Gilbert J. Piaquadio, Supervisor

**Also Present** Mark C. Taylor, Attorney for the Town

Lisa M. Vance Ayers Town Clerk

Rachel Vazquez Deputy Town Clerk

**Absent** Elizabeth J. Greene, Councilwoman

*Meeting called to order at 7:04 p.m.*

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. MOMENT OF SILENCE**

**4. CHANGES TO THE AGENDA- Remove 8A & 11**

**5. PUBLIC HEARING: A Local Law Tree Preservation and Protection Amending Local Law**

**A. SEQR Determination**

Town Supervisor Piaquadio asked Town Clerk Lisa Vance Ayers if all of the proper

postings and publications were completed. Town Clerk Vance Ayers said notice of this

meeting had been posted on the Town website and in Town Hall since July 10, 2023

and it was advertised in the *Mid Hudson Times* on July 13, 2023

This complies with all of the requirements for a Public Hearing under New York State Law.

**Opening Public Hearing**

MOTION made by Councilman Manley to open the public hearing at 7:02pm

Motion seconded by Councilman Ruggiero

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

Attorney Mark Taylor presented a Resolution of adoption of Local Law No. 6 of 2023

amending Chapter 172 Entitled “Tree Preservation and Protection” to the Code of the Town

of Newburgh. The Town Board having recently adopted Chapter 172 in order to provide for

tree preservation and protection in the Town of Newburgh, the purpose of this Local Law is to

provide certain amendments and clarifications as to application submission and restitution

requirements imposed by Chapter 172 in order to assist applicants in preparing their

submissions and to assist in administration of the Chapter.

**Closing Public Hearing**

MOTION made by Councilman LoBiondo to close the public hearing at 7:06pm

Motion seconded by Councilman Manley

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

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Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**B.** **Resolution of SEQR**

MOTION made by Councilman Manley to approve the SEQR Negative Declaration

Motion seconded by Councilman Ruggiero

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**Resolution of Adoption of Local Law 6 of 2023**

MOTION made by Councilman Ruggiero to approve the adoption of Local Law 6 of 2023

Amending chapter 172 Entitled “Tree Preservation and Protection” to the code of the Town

of Newburgh Motion seconded by Councilman LoBiondo

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**6. PUBLIC HEARING: Meadow Hill Sewer Remediation Project**

**A. Public Interest Order**

Town Supervisor Piaquadio asked Town Clerk Lisa Vance Ayers if all of the proper

postings and publications were completed. Town Clerk Vance Ayers said notice of this

meeting had been posted on the Town website and in Town Hall since July 10, 2023

and it was advertised in the *Mid Hudson Times* on July 13, 2023

This complies with all of the requirements for a Public Hearing under New York State Law.

**Opening Public Hearing**

MOTION made by Councilman LoBiondo to open the public hearing at 7:18pm

Motion seconded by Councilman Ruggiero

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

Town Attorney Mark C. Taylor presented RESOLUTION AUTHORIZING THE ISSUANCE OF

$1,591,250 BONDS OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, TO PAY A

PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF

CROSSROADS CONSOLIDATED SEWER DISTRICT (MEADOW HILL SEWER REMEDIATION

PROJECT), IN THE TOWN OF NEWBURGH, ORANGE COUNTY, New York.

**Specific object or purpose:** **Specific object or purpose:** Rehabilitation of existing sewer mains and manholes by trenchless

relining and open cut replacement to mitigate inflow and infiltration from entering the sewer

system and improvements to appurtenant facilities throughout the Meadow Hill area within the

Crossroads Consolidated Sewer District.

**Period of probable usefulness: 40 Years**

**Revised maximum estimated cost: $4,100,000**

**Previously authorized obligations: $2,508,750 (August 22, 2022)**

**Additional Amount of obligations to be issued: $1,591,250 bonds**

**Closing Public Hearing**

MOTION made by Councilman Ruggiero to close the public hearing at 7:20pm

Motion seconded by Councilman Manley

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

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**Resolution of Public Interest**

MOTION made by Councilman LoBiondo to approve the public interest order in the matter

of the increase and improvements of the facilities of the Crossroads Consolidated Sewer

District (Meadow Hill Sewer Remediation Project) on the Town Motion seconded by

Councilman Manley VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**B. Bond Resolution**

MOTION made by Councilman Ruggiero to approve the Bond Resolution authorizing the

issuance of $1,591,250 Bonds of The Town of Newburgh to pay the cost of the Crossroads

Consolidated Sewer District (Meadow Hill Sewer Remediation Project)

Motion seconded by Councilman LoBiondo

VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**7.** **ACCOUNTING DEPARTMENT: Approval of Audit**

MOTION made by Councilman Manley to approve the audit in the amount of

$1,186,757.64 Motion seconded by Councilman LoBiondo VOTE: Councilwoman Greene

absent; Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes;

Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**8. POLICE DEPARTMENT:**

**~~A. Hiring Full Time Dispatcher~~**

**B. Start Process to Hire Part Time Animal Control Officer**

Chief of Police, Bruce Campbell, is requesting permission to begin the process of searching

for a Part-time Animal control Officer. This is a budgeted position that has recently become

vacant.

MOTION made by Councilman LoBiondo to approve starting process to hire Part Time Animal

Control Officer. Motion seconded by Councilman Manley VOTE: Councilwoman Greene –

absent; Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes;

Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**9. ANIMAL CONTROL: T-94 Withdrawal**

**A. Flannery Animal Hospital Invoice#1**

Tracey Carvell of Animal Control requests authorization to use the T-94 account to pay for

veterinarian services from Flannery Animal Hospital for a total of $491.70 for canine

services.

MOTION made by Councilman LoBiondo to approve T-94 withdrawal of $491.70 for

Canine Services to Flannery Animal Hospital. Motion seconded by Councilman Ruggiero

VOTE: Councilwoman Greene - absent; Councilman Ruggiero – yes; Councilman Manley –

yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**B. Flannery Animal Hospital Invoice#2**

Tracey Carvell of Animal Control requests authorization to use the T-94 account to pay for

veterinarian services from Flannery Animal Hospital for a total of $1597.45 for canine

services.

MOTION made by Councilman Manley to approve T-94 withdrawal of $1597.45 for

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Canine Services to Flannery Animal Hospital. Motion seconded by Councilman LoBiondo

VOTE: Councilwoman Greene - absent; Councilman Ruggiero – yes; Councilman Manley –

yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**C. Newburgh Veterinary Hospital**

Tracey Carvell of Animal Control requests authorization to use the T-94 account to pay for

veterinarian services from Newburgh Veterinary Services in the amount of $328.37.

$190.36 for canine services and $138.01 for Feline services.

MOTION made by Councilman Ruggiero to approve T-94 withdrawal of $328.37 for

Canine Services to Newburgh Veterinary Hospital. Motion seconded by Councilman Manley

VOTE: Councilwoman Greene - absent; Councilman Ruggiero – yes; Councilman Manley –

yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**10. BUILDINGS AND GROUNDS: Desmond Estate Replacement of Air Conditioner**

Gil Piaquadio, Town Supervisor, is requesting to replace the air conditioning units at the

Police Department. These units were installed in 1989 are leaking in the Gym Locker Room

Area, Booking Department, and Dispatch. This condition is creating leaks throughout the

building as the piping to these units also need to be replaced. Custodial staff are emptying 5

Gallon buckets on regular basis. Town Supervisor is looking for a motion to award this

contract on an emergency basis after receiving three quotes not to exceed $80,000.

Motion made by Councilman Manley to approve replacement of air conditioning units not

to exceed $80,000.00. Motion seconded by Councilman Ruggiero VOTE: Councilwoman

Greene – absent; Councilman Ruggiero – yes; Councilman Manley – yes; Councilman

LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**~~11. CODE COMPLIANCE~~**

**12. ENGINEERING:**

**A. Matrix Stormwater Bond Release**

Patrick Hines, Engineering Representative, presented Matrix Stormwater Bond Release

Site Improvement Bond covering stormwater drainage improvements at the Matrix

Distribution Park off of NYS Route 17K. The project has been completed for some time,

however disagreements between the contractor and the project sponsor have delayed

the production of the project sponsors of the Matrix Route 17K project have requested

the release of the he As-Built drawings for the stormwater management facilities. The

Town of Newburgh has received copies of the As-Built drawings stamped by the

surveyor. Stormwater management facilities have been functioning for several years.

Following the completion of the project and the receipt of the As-Built drawings this

office takes no exception to the Town Board releasing the Stormwater Security in the

amount of $1,241,000.00 for the subject project. It is noted that the security was taken

out by the project sponsors contractor, Dobrinski Brothers Inc.

Motion made by Councilman LoBiondo to approve Matrix Stormwater Bond Release.

Motion seconded by Councilman Manley

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Manley –

yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no;

0 abstain; 1 absent

**B**. **Newburgh South Congregational of Jehovah’s Witnesses Stormwater Agreement**

Patrick Hines, Engineering Representative, Newburgh South congregational of Jehovah’s

Witnesses Stormwater Agreement. This agreement binds the Municipality and Facility

owners, its successors and assigns to the maintenance provisions depicted in the

approved project plans ad Stormwater Pollution Prevention Plan which are on file with

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the Municipality’s Stormwater Maintenance Management Officer.

Motion made by Councilman Manley to approve Stormwater Agreement. Motion

seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**C. Newburgh South Congregation of Jehovah’s Witnesses Stormwater Erosion control**

**Security.**

Patrick Hines, Engineering Representative, presents Stormwater Erosion Control Security.

The project proposes a new religious facility to be located at 33 Old Little Britain Road.

Applicant's representative GPI Engineering have submitted a cost estimate for the soil

erosion and sediment control and stormwater improvements for the site. A cost

estimate of $106,556 for the stormwater improvements is identified. Approval of

stormwater security requires Town Board action.  In accordance with Section 104-2G(3)

a 4% escrow deposit is required for review and inspection of the stormwater facilities.

An initial escrow deposit of $4,262.24, say $4,250 should be deposited with the Code

Enforcement Department.

Motion made by Councilman Ruggiero to approve Stormwater Erosion control Security.

Motion seconded by Councilman Manley VOTE: Councilwoman Greene – absent;

Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes;

Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**D.** **Newburgh South Congregation of Jehovah’s Witnesses Landscape Security**

Patrick Hines, Engineering Representative, presented Landscape Security.

The landscape cost estimate and performance bond estimate for Kingdom Hall were

reviewed. The board should be aware that the cost estimate submitted by the applicant

does not include any labor or warranty costs, as is standard for the Town of Newburgh.

The applicant plans to use volunteer labor for landscape installation on site. We concur

that the prices for the plants themselves are accurate.  With the landscape cost estimate

as submitted, the landscape bond will be $30,143, and the landscape inspection escrow

$2,000.  If the landscape cost estimate needs to include labor and warranty costs, the

landscape bond would be $44,541 and the landscape inspection escrow would be $2,000.

We recommend approval of Performance Bond for monitoring trees to remain and be

protected that are located within 15 feet of the limit of disturbance. The bond would be

$16,875. A landscape monitoring escrow should be considered as the code requires at

least five visits to the site to inspect the trees to be protected, and the inspections would

be completed at a different time than the landscape planting inspection.

Motion made by Councilman Ruggiero to approve Landscape Security. Motion seconded

by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman Ruggiero –

yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**E. HCS Balmville Dollar General Landscape Security Release**

Patrick Hines, Engineering Representative, presented Dollar General Landscape Security

Release. HCS Balmville, LLC has requested release of the Landscape Security for the Dollar

General facility located at NYS Route 9W and North Hill Road. Planning Board previously

required security in the amount of $39,381.00. Landscaping has been constructed in

substantial compliance with the approved plans. The Planning Board did not refer this

project for review during the planning process to the Town's Landscape Architect

consultant.  Based on a review of the site, MHE Engineers recommends a reduction of the

Landscape Security. The security can be reduced to 10% of the original amount. The 10%

security is required for a period of two years. The Maintenance Security will be $3,938.00.

Release of the Landscape Security requires Town Board action.

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Motion made by Councilman Manley to approve Landscape Security Release. Motion

seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**F. Chadwick Lake Dam Improvements Design and Permitting Services- Ramboll Americas**

**Engineering Solutions**

Patrick Hines, Engineering Representative, presented Chadwick Lake Dam Improvements

Design and Permitting Services. Ramboll proposes to complete the Chadwick Lake Dam

Improvements for a lump sum fee of $206,300, as presented in breakdown below.

**Task Ramboll Fee Subcontractor cost**

**1 – Investigation and Basis of Design**

1A - Subsurface Investigation $14,300 $40,000

1B - Diving Inspection 6,000 15,000

1C - ROV Pipe Inspection 5,000

1D - Bathymetric Survey 2,200 8,000

**2 – Basis of Design**

2A - H&H Analysis and Design 35,100

2B - Geotechnical Analysis and Design 8,000

2C - Structural Analysis and Design 18,800

2D - Site Civil Design 4,200

2E - CAD Drafting 10,500

2F - OOM Cost Estimate 6,200

2G – Basis of Design Report 30,000

**Direct Expenses**  3,000\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Subtotal**  138,300\_\_\_\_\_\_\_\_\_\_\_\_ $68,000\_\_\_\_\_\_\_\_

**Total Proposed Fee $206,300**\_\_\_\_\_\_\_\_

Motion made by Councilman Manley to approve Chadwick Lake Dam Improvements.

Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent;

Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes;

Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**G. Water Supply Budget Transfer**

Patrick Hines, Engineering Representative, presented Water Supply Budget Transfer to

fund the purchase of a 12 inch diameter pressure reducing valve and strainer for

installation at the Delaware Aqueduct Tap Water Treatment Plant

From: F8330.4001.5497 (Rentals\Lease\Maint.)

To: F8330.4002.5200 (Capital Equipment)

Amount: $100,00

Motion made by Councilman Manley to approve Water Supply Budget Transfer. Motion

seconded by Councilman Ruggiero. VOTE: Councilwoman Greene – absent;

Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo– yes;

Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**13. EXECUTIVE SESSION:**

**A. Employee Performance**

**B. Employee Medical Condition**

Motion made by Councilman Manley to go into Executive Session at 7:20pm. Motion

seconded by Councilman Ruggiero VOTE: Councilwoman Greene – Absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

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Motion made by Councilman Manley to leave Executive Session at 7:30 pm. Motion

seconded by Councilman LoBiondo VOTE: Councilwoman Greene – Absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**Supervisor Piaquadio said no action was taken in Executive Session**

**A. Employee Performance**

Section 708 of the Town of Newburgh Employee Handbook covers Medical Insurance

Benefits for Retirees

Supervisor Piaquadio asked for a motion for employee James Presutti to receive retirement

medical insurance benefits after ten years of service with the Town of Newburgh

This is an exception to the 20-year requirement for those hired after December 14, 2011

MOTION made by Councilwoman Ruggiero. Motion for employee James Presutti to receive

retirement medical insurance benefits after ten years of service with the Town of Newburgh

seconded by Councilman Manley. VOTE: Councilwoman Greene – absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**B. Employee Medical Condition**

**Supervisor Piaquadio said no action was taken during Executive Session**

MOTION made by Councilman LoBiondo to approve the creation of a sick bank for

Employee #20018. Motion seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes;

Councilman Manley – yes; Councilman LoBiondo – yes;

Supervisor Piaquadio – yes. Motion passed: 5 yes; 0 no; 0 abstain; 0 absent.

**14. ADJOURNMENT**

MOTION made by Councilman Manley to adjourn the meeting at 7:33p.m. Motion

seconded by Councilman Ruggiero. VOTE: Councilwoman Greene – absent; Councilman

Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

*Meeting adjourned at 7:33 p.m.*

*Respectfully submitted,*

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Lisa M. Vance Ayers Rachel Vazquez

Town Clerk Deputy Town Clerk