**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 Tuesday the 27th day of December, 2022

**Present** Elizabeth J. Greene, Councilwoman

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

*Meeting called to order at 7:02 p.m.*

**1. ROLL CALL**

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

**3. MOMENT OF SILENCE**

**4. CHANGES TO THE AGENDA- add on U-Haul Self Storage Landscape Bond**

**5. PUBLIC HEARING: Cannabis Related Uses**

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 December 12, 2022

and it was advertised in the *Mid Hudson Times* on December 15, 2022

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

**Opening Public Hearing**

MOTION made by Councilwoman Greene to open the public hearing at 7:04pm

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

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

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

Town Attorney Mark C. Taylor presented Introductory Local Law No. 8 of 2022 Amending

Chapter 185 Entitled “Zoning” of the Code of the Town of Newburgh. Cannabis Related Uses

The purpose of this local law is to define and permit certain uses when licensed by the State

of New York related to Cannabis products as principal use in the Interchange Business (IB)

District, The Business (B) District and the AR (Agricultural Residential) District subject to site

plan review by the Planning Board. The Town Board declares it’s intent to permit such

licensed uses, as defined herein, as principal uses in the Districts as set forth below subject to

site plan review by the Planning Board. The Town Board finds that the uses are similar to and

consistent with other principal commercial uses already separately permitted in the IB and B

District and agriculture uses in the AR District. The regulations established hereunder,

however, are necessary and desirable to protect the public health, safety, welfare and

environmental resources, provide a regulatory pathway for the cannabis industry consistent

with State regulations, foster a healthy, diverse and economically viable cannabis industry

that contributes to the local economy, and ensure the environmental, public health, safety

and nuisance factors related to the cannabis industry are adequately addressed.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 2**

**Public Comments:**

**John Ewasutyn Orange Lake Resident-** Will there be hours of operation?

**Town Attorney Mark Taylor –** We do not address that in this local law. The State will impose those restrictions.

**Bill Fetter 29 Rockwood Drive –** Will the applicant need a State license to open?

**Mark Taylor-** Yes only State licensed applicants will be permitted.

**Bill Fetter-** Will there be any specialized security requirements?

**Mark Taylor-** We consideredthat initially**,** but the State recently published it’s own regulations of what they consider to be restrictive, they did not include security.

**Alberto Gilman Mid Hudson Times-** In the mixed use district will the applicant need to go in front of the Planning Board?

**Mark Taylor-** Yes they will need to go to in front of the Planning Board

**Alberto Gilman –** Does this local address chains? The town already has a medical dispensary, will they be able to open a second location if they want?

**Mark Taylor-** Typically we are not looking at ownership, we are looking at the use itself.

**Closing Public Hearing**

MOTION made by Councilman Ruggiero to close the public hearing at 7:14pm

Motion seconded by Councilwoman Greene MOTION made by Councilwoman Greene to

approve to close the public hearing. VOTE: Councilwoman Greene yes; Councilman

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

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

No Action Taken, Town Board is waiting for additional comments from the Orange County

Planning Board.

**A. SEQR Resolution- No Vote**

**B. Vote on Local Law- No Vote**

**6. ACCOUNTING:**

**A. Approval of Audit:**

MOTION made by Councilwoman Greene to approve the audit in the amount of

$1,135,267.47 Motion seconded by Councilman Ruggiero VOTE: Councilwoman Greene

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

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

**B. Budget Adjustments**

Ronald E. Clum, town Accountant, requests the following budget transfers be approved at

the next Board meeting

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 3**

|  |  |  |
| --- | --- | --- |
| **FROM ACCOUNT** | **TO ACCOUNT** | **Dollar Amount** |
| **Account Description/ Account Name** | **Account Number/Account Name** |  |
| A.1990.5499 Contingency | A.1420.5403 Legal-Litigation Defense | $20,000.00 |
| A.1990.5499 Contingency | A.1623.5481 B&G- Fleet/Highway-Utilities | $13,000.00 |
| A.1990.5499 Contingency | A.1626.5497 Central B&G-Maint Contracts | $9,000.00 |
| A.1990.5499 Contingency | A.1629.5474 Desmond-Repairs to Non-Vehicles | $20,000.00 |
| A.1990.5499 Contingency | A.3010.5497 Pub safety Admin-Maint Contracts | $8,000.00 |
| A.1990.5499 Contingency | A.3010.5499 Pub Safety Admin- other exp | $14,000.00 |
| A.1990.5499 Contingency | A.3120.5190 Police law enforcement other pers serv | $12,900.00 |
| A.1990.5499 Contingency | A.3620.54970 Safety Inspection-Maint Contracts | $10,000.00 |
| A.1990.5499 Contingency | A.71405100 Summer Program- Payroll | $15,000.00 |
|  | Total | $121,900.00 |

MOTION made by Councilman Manley to approve budget transfer as presented.

Motion seconded by Councilman Ruggiero VOTE: Councilwoman Greene yes;

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

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

**C. Capital Project Close Outs**

Jim Osborne, Town Engineer & Pat Hines have reviewed open capital projects and are

requesting to close out the following projects:

H.6004 Hydrant Repairs & Paining

H.6100 NYS DEC Water Main Extension

H.7096 MHN West Sanitary Sewer Rehabilitation

H.7106 Sewer System Evaluation

All remaining cash in those account will be transferred back to the water and sewer fund

Where the original funding came from.

MOTION made by Councilman Manley to approve the Capital Project Close outs. Motion

seconded by Councilwoman Greene VOTE: Councilwoman Greene yes; Councilman

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

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

**7. Police Department: Hiring Part Time Police officer**

Police Chief, Bruce Campbell, is requesting the approval to hire Alexandra Marten as a

Part time Police Officer. Chief Campbell would like to hire Ms. Martens on or after January 2,

2023 with a salary of $26.78 per hour. Approval will be pending the outcome of her physical,

Drug, and alcohol testing, fingerprints and completion of all paperwork.

MOTION made by Councilman Manley to approve hiring part time police officer pending

outcome of her physical, drug, and alcohol testing, fingerprints, and completion of all

paperwork. Motion seconded by Councilwoman Greene VOTE: Councilwoman Greene –

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

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

**8.** **HIGHWAY DEPT:** **Hiring Two Full time MEO 1A Positions**

Mark Hall, Highway Superintendent, is recommending the hiring of two full time MEO 1As.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 4**

Two candidates, Luis Cabrera & Justin Smith, were interviewed and Mark Hall feels these two

gentlemen are the right candidates to fill these positions, which have been vacant for some

time. They will need to complete their paperwork, fingerprinting and CDL physical, with

Drug/Alcohol testing. The intended start date will be on or after Wednesday, December 28,

2022. The Salary will be per the CSEA contract, $24.8728 per hour.

MOTION made by Councilman Ruggiero to hire Luis Cabrera as a full time MEO 1A pending

test results and paperwork. Motion seconded by Councilman Manley VOTE: Councilwoman

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

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

MOTION made by Councilwoman Greene to hire Justin Smith as a full time MEO 1A pending

test results and paperwork. Motion seconded by Councilman Ruggiero VOTE: Councilwoman

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

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

**9. WATER & SEWER DEPARTMENT:**

**A. Budget Transfers for Equipment Purchases**

Jim Osborne, Town Engineer, presents Budget Transfer for Equipment Purchases. Mark

Hall, Highway Superintendent, obtained updated costs associated with purchase of a new

vehicle and standby generator for the sewer dept. Costs are higher than 2022 budget, an

additional $28,000 will be required to move forward with purchases. Additionally, the

Town has sufficient funds available to purchase a second standby generator. This unit can

be used by both the water and sewer dept. In the event of a power outage, use at the

Owens Road Water Booster Pumping Station is critical to supplying the Deer creek and

Fostertown Crossing subdivisions and the Town of Marlborough during the Delaware

Aqueduct Tunnel shut-down planned for 2023-2024. The Estimated cost of a 100 kVa

standby generator is $80,000.

Based on the above, Jim Osborne, is requesting approval of the following budget transfers:

From: G.5010.9902.5900 (Sewer Interfund Transfer)

To H.8702.500 (Equipment Purchases)

Amt: $68,000

From: F.9902.5900 (Water Interfund Transfer)

To: H.8702.5200 (Equipment Purchases)

Amt: $40,000

MOTION made by Councilman Ruggiero to approve Budget transfer as presented. Motion

seconded by Councilwoman Green VOTE: Councilwoman Greene – yes; Councilman

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

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

**B. Purchase of Tow Behind Generators**

Mark Hall, Highway Superintendent, is requesting approval to purchase two tow behind

Generators for the Sewer Department from Generac at $54,849.00 each, total of

$109,698.00**.** Funds are available and will be taken from G.5010.99025900 Sewer

Interfund transfer.

No vote- These purchases will have to go to bid.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 5**

**C. Budget Transfer Water Department**

Mark A. Hall Jr., Highway Superintendent, is requesting Budget transfer for Water

Department.

FROM: TO: AMOUNT:

8340.5200 (Equipment) 83450.5452 (Vehicle Contract Repairs) $8,700.00

MOTION made by Councilman Manley to approve transfer as presented. Motion seconded

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

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

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

**D. Budget Transfer Sewer Department**

Mark A. Hall Jr., Highway Superintendent, is requesting Budget transfer for Sewer

Department.

FROM: TO: AMOUNT:

8130.5473 (Repairs to treatment) 8130.5100 (Personal Services) $15,500.00

MOTION made by Councilman Ruggiero to approve Budget transfer as presented. Motion

seconded by Councilwoman Green VOTE: Councilwoman Greene – yes; Councilman

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

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

**10. PLANNING BOARD**

**A. Three Lots on A Common Drive- 38 Rosaline Lane**

Darren C. Doce is requesting approval for 3 lots on a common driveway. The application

consists of two tax parcels owned by the applicant- The town of Newburgh Tax Parcel

Section 111 Block 2 Lot 20 and Tax Parcel Section 111 Block 2 Lot 21. Lot 20 is a 2.5 -acre

Parcel that contains an existing single- family home, occupied by the applicant, located at

38 Rosaline Lane. Lot 20 has frontage on Rosaline Lane. Lot 21 is a 2.5-acre vacant,

wooded parcel adjoining Lot 20 on the west. A lot line revision is proposed between the

two tax parcels, and the revised Lot 21 will be subdivided into two lots for Mr. Rivera’s

son and daughter. The existing driveway will be extended to provide the lots access to

Rosaline Lane.

MOTION made by Councilman Ruggiero to approve Two Lot Subdivision and Lot Line

Revision with provision. Motion seconded by Councilwoman Green VOTE: Councilwoman

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

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

absent.

**B. Chadwick Woods Subdivision Common Driveway & Private Well Request**

Michael Maher, with Hudson Asset Homes, LLC, is requesting approval for a five-lot

Subdivision on NYS Route 300 Tax Lot 14-1-51. In efforts to reduce the number of new

driveway entrances off NYS Rt 300 and improve safety for vehicles traveling along NYS

Rt 300, it is proposed that 3 lots share a common access driveway. The applicant has

reached out to the Cronomer Valley Fire Department for any comments they may have.

In addition to the driveway request, the lots require very long water service connections

to the rear three lots. Due to significant distance to the nearest water main the

applicant requests the use of private wells on these lots.

No vote- needs to come back with letter from Cronomer Valley Fire Department.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 6**

**11. Set Public Hearing for Railroad Crossing at Anchorage Park**

Mark C. Taylor Town Attorney presented a letter to the Town Board for consideration to

call a hearing for CSX railroad for the proposed pedestrian way at-grade railroad crossing

for the park for the portion of the Anchorage property acquired using Parkland Trust funds

in accordance with New York State Railroad Law. The Railroad Law requires the railroad

corporation be afforded the opportunity to appear before Town officials with regard to

necessity and location of a crossing prior to the Town’s submitting a petition to the New

York State Department of Transportation for approval of a public crossing.

MOTION made by Councilman Manley to schedule a hearing on February 27, 2023 with CSX

to discuss the proposed pedestrian way at-grade railroad crossing for the park for the

portion of the Anchorage property. Motion seconded by Councilwoman Green VOTE:

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

Councilman LoBiondo – absent; Supervisor Piaquadio – yes

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

**12. Engineering**

**A. Pall Membrane Lease Agreement**

Patrick Hines, Representative, Engineers for the Town, presented Pall Contract

Amendment. The shutdown for the Delaware Aqueduct has been postponed by

New York City, now scheduled for Oct 2023. The town entered into a lease agreement

With Pall to provide a one million gallon per day membrane filter trailer to be placed at

Chadwick Lake plane during the shutdown.

Pall has issued a cost increase change order due to delay. The increase in cost is $75,780

Which includes reservation fee for the time period of Feb 2023- Aug 2023. The town is

subject to a $55,656.00 lease cancellation fee on June 1, 2023 if the project is cancelled.

MOTION made by Councilman Ruggiero to approve Lease agreement. Motion seconded

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

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

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

**B. Roseton Hills Operation and Maintenance Agreement**

Patrick Hines, Representative, Engineers for the Town request approval of the Operation

and Maintenance Agreement for the Town of Newburgh Roseton Hills Sewage Treatment

Plant. The Contract Operators H2O (formerly JCO) have been operating the treatment

plant for several years without benefit of a contract. The operators have identified a five

year schedule starting 12-1-2022 and ending 11-30-2027. A monthly fee of $4,000.00 for

the first year is proposed, $5,000.00 per month in year two, escalating to $6,000.00 per

month in year three through five. Town is required to maintain a licensed contract

operator for the sewage treatment plant. JCO has previously maintained the facility for

numerous years. Agreement subject to Mark Taylor and my final review of the

document.

MOTION made by Councilman Ruggiero to approve Roseton Hills Operation and

Maintenance Agreement subject to Mark Taylor final review of the document. Motion

seconded by Councilwoman Green VOTE: Councilwoman Greene – yes; Councilman

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

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

**C. Giordano Private Road Security**

Patrick Hines, Representative, Engineers for the Town presents Giordano Private Road

SecurityPlanning Board has been approached by the owner of aparcel of realproperty.

subdivisionin 1990. The projectname is identified asSubdivision mapMichael V.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 7**

Giordanoand Coney E. Walker. The map wasfiled in the County Clerk's office without

benefit of aprivate road security. Recently the Building Department received a request for

buildingpermits on the parcel which does not haveaccess to the private roadshown on

the plans. We recommend thatsecurity in the amount of$62,601.00 be provided

to assurethe constructionof theprivate roadway per the PrivateRoad

Specifications on the approved plan. TownBoard actionis required to set the

security in the amount of$62,601.00.

MOTION made by Councilwoman Greene to approve Giordano Private Road Security.

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

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

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

**D. Colden Park Phase II Watermain Replacement Change order 1,2 & 3**

Patrick Hines, Representative, Town Engineers, presents Change Orders for work

associated with the watermain replacement and improvements within Colden Park Phase

II. In the course of construction, the contractor encountered several utility conflicts and

design changes required to complete the project. The Project Engineers, Colliers

Engineering & Design, Inc. have reviewed the Change Orders and found them to be in-line

with additional work required within the contract. Authorization for the Change Orders

requires Town Board approval. The following identifies the Change Orders:

Change Order #1: $36,076.25

Change order #2: $12,200.00

Change order #3: $4,696.63

Total of all 3 Change orders: $52,079.88

Supplemental support information regarding the Change Orders received for

the Board's use. Based on the above authorization for the Change Orders by

the Town Board is required in the amount of $52,079.88.

MOTION made by Councilman Ruggiero to approve Watermain Change order 1,2 & 3.

Motion seconded by Councilwoman Green VOTE: Councilwoman Greene – yes; Councilman

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

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

**E. Uhaul Landscape Bond**

Karen Arent, Landscape Architect, is requesting approval for a landscape security in the

Amount of $64,685. The landscape inspection escrow amount for the project is $3,000.

The landscape cost estimate for U-haul Self Storage Facility Middle Hope was reviewed

and Unit costs are reasonable.

MOTION made by Councilwoman Greene to approve U-haul Self Storage Facility Middle

Hope Landscape Bond. Motion seconded by Councilman Manley VOTE: Councilwoman

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

LoBiondo – absent; Supervisor Piaquadio – yes

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

**13. BUILDINGS AND GROUNDS: Installation of Gutters at 21 Hudson Plaza**

Jerry Canfield, code compliance supervisor, obtained three estimates to replace the rain

Gutters at 21 Hudson Valley Professional Plaza.

Raindrop Enterprises Inc. $ 8,125.00

Commercial Industrial Construction Corp. $ 9,800.00

Lakeside Construction & Renovation Inc. $ 8,875.00

Based on the proposals, I am looking for a motion to award Raindrop Enterprises Inc.

**WORKSHOP MEETING DECEMBER 27, 2022 PAGE 8**

**14. ADJOURNMENT:**

MOTION made by Councilman Manley to adjourn the meeting at 7:52 p.m.

Motion seconded by Councilwoman Greene VOTE: Councilwoman Greene – yes;

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

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

*Meeting adjourned at 7:52 p.m.*

*Respectfully submitted,*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lisa M. Vance Ayers Rachel Vazquez

Town Clerk Deputy Town Clerk