

#5C

Lisa



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Donald B. Campbell
Chief of Police

Phone: (845) 564-1100
Fax: (845) 564-1870

11/30/2023

To: Newburgh Town Board

Cc: Charlene Black

From: Chief Donald B. Campbell

Subject: Full-time Animal Control Officer

I am requesting permission to begin the process of hiring a Full-time Animal Control Officer at a starting rate of \$39,735 per year. This is a newly budgeted position for the year 2024 and any candidate selected would have a start date after January 1st, 2024.
(Fund Appropriation 3510.5100)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Campbell', written over a faint horizontal line.

Donald B. Campbell
Chief of Police

#6A, 14 ii



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: LOCAL LAW AMENDING ARTICLE IX ENTITLED
"TAXATION OF HOTEL ROOM OCCUPANCY"
OF CHAPTER 166 ENTITLED "TAXATION"
OF THE CODE OF THE TOWN OF NEWBURGH:
COLLECTION AND REMITTANCE BY HOSTING
COMPANIES AND ROOM REMARKETERS
OUR FILE NO. 800.1(B)() (2023), 800. _____

DATE: DECEMBER 5, 2023

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

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

Enclosed please find a copy of the above referenced Local Law identical to the introductory and final form of the Local Law previously delivered to the Town Board.

Also enclosed are copies of Part 1 and Part 2 of the Short Form Environmental Assessment Form prepared for the SEQR review of the proposed adoption of the Local Law.

Additionally enclosed for the Town Board's consideration following the close of the public hearing scheduled for December 11, 2023, please the following draft resolutions:

1. RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF PROPOSED LOCAL LAW AMENDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH: : COLLECTION AND REMITTANCE BY HOSTING COMPANIES AND ROOM REMARKETERS, together with the proposed Negative Declaration; and
2. RESOLUTION OF ADOPTION OF LOCAL LAW AMENDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH: : COLLECTION



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AND REMITTANCE BY HOSTING COMPANIES AND ROOM
REMARKETERS

Should you have any questions or concerns, please do not hesitate to
contact me.

MCT/sel

Enc.

cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)
Joseph P. Pedi, Receiver (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Molly Carhart, Assessor (via e-mail)

INTRODUCTORY LOCAL LAW NO. __ OF 2023

**A LOCAL LAW AMENDING
ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY"
OF CHAPTER 166 ENTITLED "TAXATION"
OF THE CODE OF THE TOWN OF NEWBURGH:
COLLECTION AND REMITTANCE BY HOSTING COMPANIES AND
ROOM REMARKETERS**

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 Article IX Entitled 'Taxation of Hotel Room Occupancy' of Chapter 166 entitled 'Taxation' of the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies and Room Remarketers".

SECTION 2 – PURPOSE The purpose of this Local Law is to amend Article IX entitled "Taxation of Hotel Room Occupancy" of Chapter 166 entitled "Taxation" of the Code of the Town of Newburgh to add a definition for "Room Remarketers" and to make the collection and remittance of the Town of Newburgh hotel room occupancy tax by hosting companies and room remarketers mandatory.

SECTION 3 – AMENDMENTS TO ARTICLE IX OF CHAPTER 166

A. Section 166-29 entitled "Definitions of Chapter 166 entitled "Taxation" is hereby amended by the addition of the definition of "Room Remarketer" to read as follows:

"ROOM REMARKETER – A person who reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement. Such person's ability or authority to reserve, arrange for, convey, or furnish occupancy directly or indirectly, and to determine rent therefore, shall be the "rights of a room remarketer." A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer".

B Subsection 166-34C of Section 166-34 entitled "Administration and Collection" of Chapter 166 entitled "Taxation: is hereby amended to read as follows:

"C. Hosting companies and/or room remarketers shall collect and remit the applicable tax to the Town, as the collector, for booking transactions completed through the respective hosting company or room remarketer for hotels and motels located within the Town; and the host or operator of the hotel or motel who is not the collector hosting

company or room remarketer shall not be responsible for collecting and remitting the tax to the Town on any transaction for which it has received confirmation that the hosting company or room remarketer has collected the aforementioned tax and remitted it back to the Town; otherwise, hosts or operators of hotels and motels shall be liable for the collection and remittance of the tax. For the sole purposes of tax registration, collection, and remittance under this article, a hosting company or room remarketer shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through the respective hosting company or room remarketer.

(1) If the hosting company or room remarketer fails to separately state the tax on the rent on a sales slip, invoice, receipt or other statement of the transaction between the hosting company or room remarketer and the occupant or fails to maintain records of all prices of all components of a transaction covered by this article, the entire consideration shall be treated as rent subject to tax under the article. Nothing herein shall be construed to be subject to tax or exempt from tax any service or property or amusement charge or other items otherwise subject to tax or exempt from tax under any other New York State law. A hosting company's or room remarketer's records of the consideration payable for all components of a transaction covered by this article are records required to be maintained for purposes of § 166-35 of this article.

(2) In regard to the collection of tax on occupancies by hosting companies and room remarketers, the requirements of this article shall be deemed satisfied if the hosting company or room remarketer provides the customer and/or occupant a sales slip, invoice, receipt or other statement of the price prior to the customer and/or occupant's completion of occupancy, on which the amount of tax due under this article is stated. The hosting company or room remarketer must keep a copy of the sales, slip, invoice, receipt or statement as required by § 166-35 of this article, or must keep electronic records that accurately reflect the information on the sales slip, invoice, receipt or statement provided to the customer and/or occupant.

~~Notwithstanding anything to contrary, the Town may enter into a voluntary collection agreement with any Hosting Company that provides such agreement, which designates the Hosting Company as solely responsible and liable for collecting and remitting the applicable tax to the Town (the "Collector") for booking transactions completed through the respective Hosting Company for hotels located within the Town; and the host or operator of the hotel who is not the collector Hosting Company shall not be responsible for collecting and remitting the tax to the Town on any transaction for which it has received confirmation that the Hosting Company has collected the aforementioned tax and remitted it back to the Town pursuant to a voluntary collection agreement; otherwise, operators or hosts of hotels and motels shall be liable for the collection and remittance of the tax if no such voluntary collection agreement between a Hosting Company and the Town has been executed. For the sole purposes of tax registration, collection, and remittance under this Article, a Hosting Company that~~

~~enters into a voluntary collections agreement with the Town pursuant to this Section shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through the respective Hosting Company and pursuant to the terms of an executed voluntary collection agreement, through which the Hosting Company shall collect and remit to the Town its respective portion of the tax.~~

SECTION 4 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5 - CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 6 - EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION 7 - AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law and New York State Tax Law 1202-GG(3).

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Newburgh Town Board			
Name of Action or Project:			
Local Law Amending Hotel Room Occupancy Tax Article to the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies			
Project Location (describe, and attach a location map):			
Town of Newburgh (town-wide)			
Brief Description of Proposed Action:			
The adoption by the Town Board of the Town of Newburgh of a local law which will amend Article IX Entitled "Taxation of Hotel Room Occupancy" of Chapter 166 entitled "Taxation" of the Code of the Town of Newburgh which imposes a tax of five percent of the rent on every occupancy of a room in a hotel or motel, including facilities commonly known as "bed and breakfasts" and "tourist facilities," providing overnight lodging in the Town, except for permanent residencies and as otherwise provided in the law, to add a definition for "Room Remarketers" and to make the collection and remittance of the Town of Newburgh hotel room occupancy tax by hosting companies and room remarketers mandatory			
Name of Applicant or Sponsor:		Telephone: 845-564-4554	
Town of Newburgh Town Board		E-Mail: supervisor@townofnewburgh.org	
Address:			
1496 Route 300			
City/PO:		State:	Zip Code:
Newburgh		NY	12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ N/A acres	
b. Total acreage to be physically disturbed?		_____ N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ N/A acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? N/A If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A	NO	YES	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? N/A b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ N/A	NO	YES	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
N/A _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
N/A _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
N/A _____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project: Hotel Occupancy Tax Amd. Local Law

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DRAFT

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 ___th day of December, 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 SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" OF CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH: COLLECTION AND REMITTANCE BY HOSTING COMPANIES AND ROOM REMARKETERS

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

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a local law which will amend Article IX Entitled "Taxation of Hotel Room Occupancy" of Chapter 166 entitled "Taxation" of the Code of the Town of Newburgh which imposes a tax of five percent of the rent on every occupancy of a room in a hotel or motel, including facilities commonly known as "bed and breakfasts" and "tourist facilities," providing overnight lodging in the Town, except for permanent residencies and as otherwise provided in the law to add a definition for "Room Remarketers" and to make the collection and remittance of the Town of Newburgh hotel room occupancy tax by hosting companies and room remarketers mandatory ; and

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of said local law so amending the provisions of the Municipal Code imposing a tax on the occupancy of rooms in hotels and motels (the "Action"); and

WHEREAS, the proposed local law was introduced before the Town Board on the 13th day of November, 2023, and the Town Board conducted a public hearing held on the 11th day of December, 2023 and heard all interested parties on said proposed local law; and

WHEREAS, the Town Board has determined that the Action is an Unlisted Action under

Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act; and

WHEREAS, the Town Board has determined that the Action does not involve a federal agency; and

WHEREAS, the Town Board, using all due diligence, has identified no other involved or interested agencies for the Action; and

WHEREAS, pursuant to Section 617.6(b)(1) of Part 617, "[w]hen a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency"; and

WHEREAS, the Town Board has undertaken further information gathering and these further analyses in recognition that conclusory statements unsupported by empirical or experimental data, scientific authorities or any explanatory information will not suffice as a reasoned elaboration for its determination of environmental significance or non-significance; and

WHEREAS, the Town Board has (i) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

WHEREAS, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the adoption of the proposed local law may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, does further declare itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby further determine that

the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.

3. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.
4. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law .

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

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

Project: Hotel Occupancy Tax Act

Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Newburgh Town Board

Name of Lead Agency

Gilbert J. Piaquadio

Date

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-SignificanceProject Number N/ADate: December 5 , 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Newburgh, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Newburgh Local Law Amending Article IX Entitled 'Taxation of Hotel Room Occupancy' of Chapter 166 entitled 'Taxation' of the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies and Room Remarketers

SEQR Status: Type I ()
Unlisted (X)

Conditioned Negative Declaration: () Yes
(X) No

Description of Action:

The action consists of the adoption by the Town of Newburgh Town Board of a Local Law which will amend the provisions of Article IX of Chapter 166 of the Municipal Code to add a definition for "Room Remarketers" and to make the collection and remittance of the Town of Newburgh hotel room occupancy tax by hosting companies and room remarketers mandatory. Room remarketers are defined as: a person who reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement. Such person's ability or authority to reserve, arrange for, convey, or furnish occupancy directly or indirectly, and to determine rent therefore, shall be the "rights of a room remarketer." A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer. Hosting companies and/or room remarketers are to collect and remit the applicable tax to the Town, as the collector, for booking transactions completed through them for hotels and motels located within the Town; and the host or operator of the hotel or motel who is not the collector hosting company or room remarketer shall not be responsible for collecting and remitting the tax to the Town on any transaction for which it has received confirmation that the hosting company or room remarketer has collected the aforementioned tax and remitted it back to the Town; otherwise, hosts or operators of hotels and motels shall be

liable for the collection and remittance of the tax. For the sole purposes of tax registration, collection, and remittance, a hosting company or room remarketer shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through it. The Local Law also imposes record keeping requirements on host companies and room remarketers with regard to transactions subject to the tax. The amendment replaces previous language regarding voluntary collection agreements between hosting companies and the Town.

. The action does not entail any activities that will directly impact the environment.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town-wide
Town of Newburgh, Orange County, New York

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; See 617.6(h) for Conditioned Negative Declaration)

The Town Board has considered the action and reviewed the environmental assessment form and other supporting information. The proposed action consists of the enactment of a Local Law pursuant to the Municipal Home Rule Law and New York State Tax Law 1202-GG(3) which will amend the Municipal Code provisions imposing a tax of five (5%) of the rent for occupancy of a room or rooms in hotels in the Town.

The action is unlisted.

None of the criteria set forth in Section 617.11 of Part 617 and any other supporting information identify relevant areas of environmental concern which would lead to a determination that the proposed enactment of the Local Law may have a significant effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope or magnitude and the number of people affected. The EAF does not indicate any adverse environmental affects, nor are any relevant areas of environmental concern identified.

With respect to the criteria that are considered indicators of significant effects on the environment, the lead agency has considered the following:

1) Existing air quality, surface or groundwater quality or quantity, traffic or noise levels, solid waste production or disposal, potential for erosion, leaching, drainage or flooding problems.

It is not at all likely that the proposed action will have any significant effect in these subject areas. The approval of the Local Law amending the Municipal Code Chapter imposing a hotel occupancy tax to require hosting companies and room remarketers are to collect and remit the applicable tax to the Town entails no construction. Accordingly, no impacts are anticipated on air quality, groundwater quality or ground or surface water quantity, traffic levels, solid waste production or disposal or leaching problems from the approval.

The Town Board therefore concludes that it is unlikely that the Action will have any adverse effects associated with the above criteria.

2) Aesthetic, agricultural, historic, or other natural or cultural resources, or community or neighborhood character.

Because the action does not entail additional construction or further improvements to a facility any impacts in the above-mentioned subject areas associated with the Action are minimal, no mitigation measures are needed. No agricultural, or identified historic or archeological assets have been identified as being impacted by the Action.

The Town Board concludes that the action is therefore not likely to impair the character or quality of any of those factors.

3) Vegetation or fauna, resident or migratory fish, shellfish or wildlife species, significant habitats, or threatened or endangered species or habitat; or natural resources.

The approval of the Local Law will not result in the removal or destruction of vegetation or fauna; nor in significant adverse impacts to fish or wildlife species, habitats or other natural resources. As the Local Law is not expected to have any significant impacts, either direct or indirect, on these subject areas, therefore, no mitigation measures are required. Otherwise, no effects in these areas are anticipated.

No adverse effects have been identified by the Town Board.

4) Impairment of the environmental characteristics of a Critical Environmental Area.

The environmental characteristics of a Critical Environmental Area will not be effected by the Action.

5) Existing community plans or goals, a change in the use or intensity of land including agricultural, open space and recreational resources, or other natural resources or hazard to human health.

The proposed Action does not create any conflict with any existing plans or officially stated land use policies within either the Town of Newburgh or Orange County. No hazard to human health is likely to be created.

No significant effects are accordingly anticipated by the Town Board.

6) Growth, subsequent development, or other related activities, including the attraction of a large number of people compared to the number who would otherwise come, likely to be induced by the proposed action.

The Action is not considered likely to have any impact whatsoever, whether direct or indirect, neither positive or negative, in these subject areas.

No effects are therefore anticipated by the Town Board.

7) Any other long term, short term, cumulative, or other effects not identified above.

No additional long term, short term or cumulative or other effects are anticipated.

8) Other impacts (including changes in use of either quantity or type of energy, the creation of a material demand for other actions, changes in two or more elements of the environment together, cumulative effects of two or more related actions)

No other potential impacts have been identified as being likely. The EAF notes that a few potential hotel guests may move further along their travel paths in order to avoid payment of the tax, but this is likely to have a small impact on fuel consumption. Similarly, the use of paper and electricity in the compliance, administration and enforcement of the new tax is likely to have minimal effects. The impacts of the Local Law have been considered cumulatively.

The Town Board has also considered alternatives including the no action alternative. It has examined whether adverse environmental consequences would result from not acting, and has determined that the proposed action is appropriate.

In reliance upon the EAF and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Town Board determines there is no indication that the action may have a significant impact on the environment.

In summary No effects on: (a) protected or nonprotected waterbodies, (b) surface or groundwater quantity or quality, (c) drainage flow, (d) patterns or surface water runoff, (e) existing air quality or resources, (f) vegetation, fauna, threatened or endangered species, nonthreatened or nonendangered species, habitats, or agricultural land resources, (g) aesthetic resources, (h) site or structure of historic, prehistoric or paleontological importance, (i) quality or quantity of existing or future open spaces or recreational opportunities, (j) existing transportation systems or traffic patterns, (k) the communities sources of fuel or energy supply or solid waste production or disposal, (l) objectionable odors, noise or vibration, (m) erosion, drainage or flooding or (n) public health and safety or character of existing community, are indicated.

There appears to be no public controversy related to potential adverse environmental impacts from the extension of the Agreement.

Based upon a careful and thorough review of the EAF and other supporting documents and information and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Town Board of the Town of Newburgh finds and determines that there is no indication that the action will have a significant impact on the environment and the facts and circumstances do not call for the preparation of an environmental impact statement.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information: Town of Newburgh

Contact Person: Gilbert J. Piaquadio, Supervisor,

Address: Town of Newburgh
1496 Route 300, Newburgh,
New York 12550

Telephone Number: (845) 564-4552

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice Must Be Sent to:

Chief Executive Officer, Town of Newburgh
The Lead Agency

Other involved agencies (if any): Orange County Industrial Development Agency

Any person who has requested a copy

Applicant (If any):

A Copy of the Notice Only Must Be Sent to:

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, New York 12233-1750

For Unlisted Actions, a Copy of the Negative Declaration Must Only Be Sent to *The Lead Agency*

DRAFT

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 11th day of December, 2023 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION
OF LOCAL LAW NO. ___ OF 2023 -
AMENDING ARTICLE IX ENTITLED
"TAXATION OF HOTEL ROOM
OCCUPANCY" TO CHAPTER 166
ENTITLED "TAXATION" OF THE
CODE OF THE TOWN OF NEWBURGH:
COLLECTION AND REMITTANCE BY
HOSTING COMPANIES AND ROOM
REMARKETERS

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

WHEREAS, a Local Law Amending Article IX Entitled "Taxation of Hotel Room Occupancy" to Chapter 166 Entitled "Taxation" of the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies and Room Remarketers was heretofore introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York by resolution adopted by the Town Board on November 13, 2023; and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 13th day of November, 2023 ordering a public hearing to be held on the 11th day of December, 2023 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law No. _ of the Year 2023 entitled "A Local Law Amending Article IX Entitled 'Taxation of Hotel Room Occupancy: ' to Chapter 166 Entitled 'Taxation' of the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies and Room Remarketers" ; and

WHEREAS, a notice of said Public Hearing was duly advertised on the ___rd day of _____, 2023 in The Mid-Hudson Times and posted on the Town Clerk's sign board on the ___th day of _____, 2023; and

WHEREAS, the Local Law in final form was placed upon the desks or tables of the members of the Town Board on or before the 1st day of December, 2023; and

WHEREAS, the Public Hearing was duly held on the 11th day of December, 2023 at 7:00 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance

were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof;
and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has considered the adoption of said Local Law amending the taxation provisions of the Town of Newburgh Municipal Code as An Unlisted Action under the State Environmental Quality Review Act and has duly issued a Negative Declaration on December 11, 2023; and

WHEREAS, upon filing with the New York Secretary of State, the Local Law will be designated as Local Law No. ___ of the Year 2023 of the Town of Newburgh; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. ___ of Year 2023 entitled "A Local Law Adding Article IX Entitled 'Taxation of Hotel Room Occupancy' to Chapter 166 Entitled 'Taxation' of the Code of the Town of Newburgh: Collection and Remittance by Hosting Companies and Room Remarketers."
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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.

#6B



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

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

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

MEMORANDUM

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: DECEMBER 7, 2023

Enclosed please find for the Town Board's consideration following the close of the public hearing scheduled for December 11, 2023, a draft resolution of adoption of the above referenced Local Law. While the 2024 water and sewer rates were approved during the budget proceedings, as the rates are codified in the Town's Municipal Code, the Local Law is additionally required.

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:

Usage Per Quarter	Rate
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.

Sewer District	Rate/Fee (per gallons consumed per premises)
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 11th day of December, 2023 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION
OF LOCAL LAW NO. __ OF 2023
AMENDING CHAPTER 104 ENTITLED
'SCHEDULE OF FEES' OF THE
TOWN OF NEWBURGH MUNICIPAL
CODE: WATER AND SEWER RATES
EFFECTIVE JANUARY 1, 2024

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

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 13th day of November, 2023 ordering a public hearing to be held on the 11th day of December, 2023 at 7:15 o'clock p.m., prevailing time, to hear all interested parties on 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"; and

WHEREAS, a notice of Public Hearing was duly advertised on the __th day of _____, 2023 in The Mid-Hudson Times and posted on the Town Clerk's sign board together with a copy of the Local Law on the __th day of _____, 2023; and

WHEREAS, the Public Hearing was duly held on the 11th day of December, 2023 at 7:15 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed local Law or any part thereof; and

WHEREAS, due to the introduction or adoption of intervening local laws or the Town Board's determination not to act upon introductory local laws and/or to act upon local laws introduced in prior years, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. __ of 2023; and

WHEREAS, the adoption of said Local Law revising the Schedule of Fees of the Town of Newburgh constitutes a legislative action pertaining to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the

environment, and accordingly is a Type II Action under the State Environmental Quality Review Act; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. __ of 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".
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

#7A

TOWN OF NEWBURGH

AUDIT # 23

DATE: December 11, 2023

TOTAL OF ALL PAYMENTS: \$ 1,004,038.47

To Mr. Gilbert Piaquadio and Town Board:

I certify that the invoices contained within this package of \$ 1,004,038.47 plus the paid prior audit of \$ 0.00 were audited by the Town Board on the above date and allowed in the amount shown above. You are authorized and directed to pay each of the claimants the amounts opposite their names.

DEC 11 2023

Dated : _____

Town Clerk Office

Town Board:

Town Board Meeting December 11, 2023

#7B

Review Status Report and Budget Status Report for September 2023

#7C



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor
Cc: Town Board
From: Ronald E Clum, Town Accountant
Date: November 28, 2023
RE: Budget Adjustments

In reviewing the year end 2023 Budget Status Report I noticed that the following accounts were over-budget and will need the following Budget Adjustments due to unanticipated expenditures throughout the year.

At your next Board Meeting could you approve, accordingly.

Thank You

<u>INCREASE ACCOUNT</u>	<u>DECREASE ACCOUNT</u>	<u>AMOUNT</u>
A-9010.5800 ERS Expense	A-1964.5499 Refund of Taxes	\$57,406.00
A-9015.5800 PFRS Expense	A-1964.5499 Refund of Taxes	\$63,396.00
G5010.9010.5800 ERS Expense	G5010.9040.5800 Workers Comp Insurance	\$ 7,619.00



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

#9

MEMORANDUM

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

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
NEWBURGH REGARDING NEW YORK STATE SPEED
CAMERAS AND AUTOMATED WORK ZONE SPEED
ENFORCEMENT (AWZSE) FINE REVENUE
OUR FILE NO. 800.1(B)() (2023)

DATE: DECEMBER 1, 2023

In accordance with Supervisor Piaquadio's request, enclosed please find the above referenced draft resolution for the Town Board's consideration.

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

MCT:sel
Enclosure

cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)
Doanld Bruce Campbell, Chief of Police (via e-mail)

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 ___th day of December, 2023 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J Green, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWBURGH REGARDING NEW YORK STATE SPEED CAMERAS AND AUTOMATED WORK ZONE SPEED ENFORCEMENT (AWZSE) FINE REVENUE

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

WHEREAS, New York State Vehicle and Traffic Law §1180-E (VTL §1180-E) authorizes the establishment of an automated work zone speed enforcement demonstration program pursuant to which the New York State Department of Transportation (NYSDOT) and the New York State Thruway Authority (NYSTA) may impose a fine on the registered owner of a vehicle speeding in a work zone on a controlled access highway; and

WHEREAS, the goals of the program are to reduce speeds, improve driver behavior, save worker and traveler lives in work zones, complement existing work zone enforcement by the New York State Police, and promote work zone safety; and

WHEREAS, the announced locations where NYSDOT has commenced to deploy the Automated Work Zone Speed Enforcement (AWZSE) monitoring mobile units include westbound Interstate-84 between exits 39 and 32 in the Town of Newburgh, Orange County; and

WHEREAS, whether the imposition of speed camera violation automatic fines on vehicle owners is an effective means to achieving the goals of the AWZSE program is a topic of debate, but it is certain that the program will nonetheless generate fine revenues; and

WHEREAS, assuming, the City of New York, the only municipality in New York State authorized to conduct a speed camera enforcement program, serves as an example, the AWZSE program will likely be extended and expanded over time, the City having been authorized by the State to expand its program from school zones to other locations on City streets and highways and now reportedly collecting over \$200 million in fines from vehicle owners annually; and

WHEREAS, it is the first responders of the local municipalities through which the State's

limited access highways pass who provide essential emergency services and assistance at the scenes of the often tragic work zone intrusions and other incidents cited by New York State in enacting VTL §1180-E and implementing the AWZSE program; and

WHEREAS, the lion's share of the expenses of these essential emergency services are funded by local taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Newburgh hereby calls upon the State of New York, including the Governor, Legislature, NYSDOT and NYSTA to enact, approve, adopt and implement measures which ensure that a fair share of the fine revenue collected from the AWZSE program and any future, permanent iterations or expansions of the program be distributed to the municipalities providing emergency services on the State highways falling within the scope of such program(s); and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Hon. Kathy Hochul, Governor of the State of New York, the Hon. Robert Rolison, State Senator for the 39th District, the Hon. Jonathan G. Jacobson, Assemblyman for the 104th District, the Commissioner of the NYSDOT and the Executive Director of the NYSTA; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

I, Lisa M. Vance Ayers, the duly elected and qualified Town Clerk of the Town of Newburgh, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board duly held on December __, 2023 and is on file and of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

Lisa M. Vance Ayers, Town Clerk
Town of Newburgh

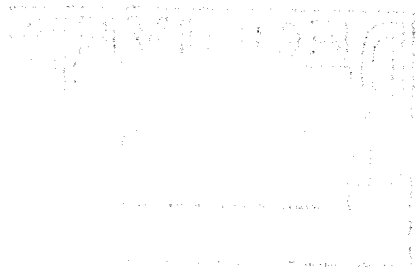
#10

TO: TOWN HALL
FROM: CODE COMPLIANCE

RE: EQUIPMENT FOR DISPOSAL

DISABLED PRINTERS

<u>MANUFACTURER</u>	<u>MODEL</u>	<u>SERIAL NO.</u>	<u>INVENTORY TAG</u>
Brother	HL-L2300D	U63878M5N434568	N/A
Brother	HL-L2340DW	U63879C7N557195	N/A
HP	QZ476A	CNBFC73226	10411



#11A

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board
FROM: J. Osborne, Town Engineer *jos*
DATE: 30 November 2023
RE: **Water Supply Budget Transfer**

Based on the shift of water production from the DATWTP to the CLFP to accommodate the NYCDEP's shutdown of the Delaware Aqueduct Tunnel in October and November of this year, budget transfers are necessary. I am requesting approval of the budget transfers, shown on the attached table, to re-allocate monies for general operations resulting from the schedule change.

As the above requires Town Board action, I am requesting this item be placed on the next available agenda.

If you have any questions or comments I am available to discuss them with you.

Attachment (1)

Cc: R. Clum, Town Accountant
P. Hines, Representative, Town Engineer

DAT/Chadwick Lake Filter Plant Budget Transfers Year-End 2023

From:	To:
F.8330.4002.5457	F.8330.4001.5457
DAT/Sludge Hauling	CL / Sludge Hauling
-\$22,000.00	\$22,000.00
From:	To:
F.8330.4002.5459	F.8330.4001.5459
DAT/Chemicals	CL/Chemicals
-\$25,000.00	\$25,000.00
From:	To:
F.8330.4002.5430	F.8330.4001.5459
DAT/Water Purchase	CL/Chemicals
-\$10,000.00	\$10,000.00
From:	To:
F.8330.4002.5466	F.8330.4001.5466
DAT/Operating Supplies	CL/Operating Supplies
-\$6,000.00	\$6,000.00
From:	to:
F.8330.4002.5461	F.8330.4001.5461
DAT/Office Supplies	CL/Office Supplies
-\$250.00	\$250.00
From:	To:
F.8330.4002.5499	F.8330.4001.5499
DAT/MISC	CL/MISC
-\$4,000.00	\$4,000.00
From:	To:
F.8330.4001.5474	F.8330.4002.5474
CL/Repair to Non Vehicle Equipment	DAT/Repair to Non Vehicle Equipment
-\$14,000.00	\$14,000.00
From:	To:
F.8330.4002.5430	F.8330.4001.5472
DAT/Water Purchase	CL/Consultants
-\$36,000.00	\$36,000.00

#11 B

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board
FROM: J. Osborne, Town Engineer *juo*
DATE: 28 November 2023
RE: **Colden Park W.M. Replacement**

I am requesting Town Board approval of the following budget transfer:

From: F9902 (Interfund Transfer)
To: H6011.5200 (Colden Park W.M. Replacement)
Amount: \$400,000

This transfer will make use of existing budget funds to meet the Town's cost sharing objectives for this project.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda.

If you have any questions or comments, I am available to discuss them with you.

Cc: R. Clum, Town Accountant
P. Hines, MHE

#11C

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board
FROM: J. Osborne, Town Engineer *jwo*
DATE: 5 December 2023
RE: **H/Elmhurst Culvert Replacement**

I am requesting Town Board approval of the following budget transfer:

From: Highway Interfund Transfer (D.9902)
To: Elmhurst Culvert Repair (H.8103)
Amount: \$55,000

These funds will be used to pay for construction engineering and inspection costs that are not covered by the NYS Bridge & Culvert Grant.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda.

If you have any questions or comments, I am available to discuss them with you.

Cc: R. Clum, Town Accountant
P. Hines, MHE

#11D

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board
FROM: J. Osborne, Town Engineer *juo*
DATE: 5 December 2023
RE: **Route 300 Sewer Main Repair**

I am requesting Town Board approval of the following budget transfer for the Route 300 Sewer Main Repair:

From: Sewer Interfund Transfer (G.9902)
To: Rt 300 Sewer Main Repair
Amount: \$40,000

The above money will be used to complete the design engineering including preparation of Contract Drawing and Specifications for the repair to the 10-inch sewer main in Route 300 at Stewart Avenue.

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda.

If you have any questions or comments, I am available to discuss them with you.

Cc: R. Clum, Town Accountant
P. Hines, MHE
M. Taylor, Town Attorney
S. Grogan, CAMO

#11E

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: G. Piaquadio, Supervisor & Town Board
FROM: J. Osborne, Town Engineer *jwo*
DATE: 5 December 2023
RE: **Emergency Trailer Mounted Standby Generator**

I am requesting Town Board approval of the following budget transfer to pay for the new Trailer Mounted Standby Generator for the Water and Sewer Department:

From: Water Interfund Transfer (F.9902)
To: Equipment Purchase
Amount: \$23,500
And
From: Sewer Interfund Transfer (G.9902)
To: Equipment Purchase
Amount: \$62,500

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda.

If you have any questions or comments, I am available to discuss them with you.

Cc: R. Clum, Town Accountant
P. Hines, MHE
S. Grogan, CAMO

#11F



TAM Enterprises, Inc
114 Hartley Road
Goshen NY 10924

Change Order

Order#: 5

Order Date: 11/30/2023

License:

To: Town of Newburgh
308 Gardnertown Road
Newburgh NY 12550

Project: 21012
Chadwick Lake Filter Plant Resiliency Imprv
343 Rt. 32
Newburgh NY 12550

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached

Ordered By: 65 Scott Reid

Customer Order:

Specifications Attached

Description of Work

Amount

Labor Rate Increase	13,550.00
Additional Insurances	12,604.88
Additional Administration	1,800.00
Mobilization	1,500.00

Notes

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

29,454.88

The original Contract Sum was	1,797,000.00
Net change by previous Change Orders	373,825.41
The Contract Sum prior to this Change Order	2,170,825.41
The Contract Sum will be changed by this Change Order	29,454.88
The new Contract Sum including this Change Order will be	2,200,280.29
The Contract Time will be changed by	365 Days

Owner: _____ Date: _____

Contractor: _____ Date: _____

CENTRAL

INSURANCE

11/15/2023

FRANK H REIS INC
PO Box 4465
New Windsor, NY 12553
www.reisinsurance.com



Commercial Insurance Proposal for:

TAM ENTERPRISES INC

Policy Period: 11/24/2023 to 11/24/2024

Proposal Date: 11/15/2023

Prepared by:

SCOTT YERVES

syerves@reisinsurance.com

Phone: (845) 561-2991

Fax: (845) 561-4097

Coverage Summary	Premium
CLP - Inland Marine	\$11,433
Total Coverage Premium	\$11,433

Central Insurance Companies is pleased to provide this proposal for your commercial insurance which is valid for a period of 30 days from 11/15/2023, the date this quote was prepared. This is not a contract of insurance. No coverage is provided by this proposal nor does it represent any provisions of any policy ultimately delivered.

The Central Insurance Companies are comprised of Central Mutual Insurance Company and All America Insurance Company. Central Companies have earned an A (excellent) rating by A.M. Best Company. Please visit Central's web site at www.central-insurance.com.
11/15/2023 2:09 PM

#116

Fanshawe, Inc. d/b/a Rockland Electric
143 Main Street - 1st Floor - Nanuet, NY 10954
845 627-3232 T 845 627-0423 F
RocklandElectric@gmail.com

PROPOSED CHANGE ORDER
No. 10 - R2

Date: December 6, 2023
To: Amir Mashhad
HDR
Amir.Mashhad@hdrinc.com
Project: **Chadwick Lake**
Town of Newburgh

Description: To extend contract final completion by August 31, 2023 and demobilization by December 31, 2024.

	<u>Total</u>
Demobilization & remobilization, equipment and tools	\$ 2,000.00
Builder's Risk Policy Extension	\$ 956.00
Storage Container - 1 year	\$ 2,800.00
Labor Rate Increase	\$ 2,000.00

Subtotal: \$ 7,756.00
Allowance Only: \$ -
Total: \$ 7,756.00



FANSINC-01

MBARON

CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
10/20/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CLG Insurance - Mahwah 1200 MacArthur Blvd. Suite 105 Mahwah, NJ 07430	CONTACT NAME: Joseph Loughlin PHONE (A/C, No, Ext): (845) 623-3434 FAX (A/C, No): E-MAIL ADDRESS: j.loughlin@clginsurance.com														
INSURED Fanshawe Inc dba Rockland Electric 143 Main Street, 1st Floor Nanuet, NY 10954	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A : Selective Insurance Company of America</td> <td style="text-align: center;">12572</td> </tr> <tr> <td>INSURER B : Sirius America Insurance Company</td> <td style="text-align: center;">38776</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Selective Insurance Company of America	12572	INSURER B : Sirius America Insurance Company	38776	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
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INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	X		S 1790395	10/4/2022	10/4/2023	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td style="text-align: right;">\$ 500,000</td></tr> <tr><td>MED EXP (Any one person)</td><td style="text-align: right;">\$ 15,000</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td style="text-align: right;">\$ 3,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td style="text-align: right;">\$ 3,000,000</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000	MED EXP (Any one person)	\$ 15,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 3,000,000	PRODUCTS - COMP/OP AGG	\$ 3,000,000		\$
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	\$																				
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRE AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			S 1790395	10/4/2022	10/4/2023	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>BODILY INJURY (Per person)</td><td style="text-align: right;">\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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BODILY INJURY (Per accident)	\$																				
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	\$																				
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			S 1790395	10/4/2022	10/4/2023	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$ 10,000,000</td></tr> <tr><td>AGGREGATE</td><td style="text-align: right;">\$ 10,000,000</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	EACH OCCURRENCE	\$ 10,000,000	AGGREGATE	\$ 10,000,000		\$								
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	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">PER STATUTE</td> <td style="text-align: center;">OTH-ER</td> <td></td> </tr> <tr><td>E.L. EACH ACCIDENT</td><td></td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td></td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td></td><td style="text-align: right;">\$</td></tr> </table>	PER STATUTE	OTH-ER		E.L. EACH ACCIDENT		\$	E.L. DISEASE - EA EMPLOYEE		\$	E.L. DISEASE - POLICY LIMIT		\$		
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E.L. DISEASE - POLICY LIMIT		\$																			
B	Pollution			CPL-S0001064-2	6/1/2022	6/1/2023	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Per Occurrence</td><td style="text-align: right;">\$ 2,000,000</td></tr> </table>	Per Occurrence	\$ 2,000,000												
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A	Builder's Risk			S 2510358	10/25/2022	10/25/2023	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Limits</td><td style="text-align: right;">\$ 252,000</td></tr> </table>	Limits	\$ 252,000												
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Contract #DEL-418C

The City of New York is included as both an additional insured and loss payee as their interest may appear on the Builder's Risk policy above. The following name of Agreement and the following number assigned to it by the City of New York: Project No. 10142563 - AGREEMENT BETWEEN THE CITY OF NEW YORK AND THE TOWN OF NEWBURGH FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO CHADWICK LAKE RESERVOIR AND WATER TREATMENT FILTRATION PLANT The Town of Newburgh, its officers and employees, and City of New York, together with its officials and employees, are included as additional insured under the General Liability policy as per the written agreement with regard to work performed by the named insured. Umbrella Liability is Follow Form to the schedule of underlying policies.
 SEE ATTACHED ACORD 101

CERTIFICATE HOLDER**CANCELLATION**

Town of Newburgh 1496 Route 300 Newburgh, NY 12550	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

ACORD 25 (2016/03)

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87139

FANSHAW INC.
DBA ROCKLAND ELECTRIC
143 MAIN STREET - 1ST FLOOR
MANUET, NY 10954

WEBSTER BANK
50-7044/2219

11/15/2022

PAY TO THE ORDER OF Selective Insurance Company of America

\$ **478.00

Four Hundred Seventy-Eight and 00/100 ***** DOLLARS

Selective Insurance Company of America
Box 371468
Pittsburgh, PA 15250-7468



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO

122-723-031

⑈087139⑈ ⑆221970443⑆ 6700132360⑈

Security features. Details on back.

EB

4

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY

NAME OF FINANCIAL INSTITUTION _____ DATE _____
NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

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012-0803/371468
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This security feature is listed below, as well as those not listed on this stub.

Security Features:

• Microprint: The words "MICROPRINT" are printed in a repeating pattern on the front and back of the check.

• Security Thread: A continuous thread is woven into the paper of the check.

• Watermark: A watermark of the word "SECURITY" is visible when the check is held up to the light.

• Color Shifting: The numbers on the front of the check change color when viewed from different angles.

• UV Features: The check has features that are only visible under ultraviolet light.

• Hologram: A small, circular hologram is located on the front of the check.

• Ink: The ink used on the check is made of special pigments that are difficult to counterfeit.

• Paper: The paper used for the check is made of a special blend of fibers that is difficult to replicate.

• Voided: The check is voided when it is scanned by a check scanner.

• Security: The check is designed to be difficult to counterfeit.

• Features: The check has several security features.

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• Features: The check has several security features.

• Security: The check is designed to be difficult to counterfeit.

SELECTIVE INSURANCE®





Your Account Bill

as of 11/04/2022

Remaining Account Balance	\$478.00
Minimum Amount Due	\$478.00
Due date	11/25/2022

To avoid late fees, be sure to pay by the due date.

Ways to pay

-  MySelective Mobile App  800-735-3284
-  www.selective.com  mail in check - see reverse for instructions

Your account summary

Prior balance	\$478.00
Payment(s) we received - thank you	-\$478.00
Account activity since your last statement	\$478.00
Current account balance	\$478.00

(Please see reverse for your account details.)

Your account information

Account name: FANSHAWE INC DBA ROCKLAND ELECTRIC & FANSHAWE INC

Account number: 122-723-031

Contact us

SELECTIVE CUSTOMER CARE AT 800-735-3284 OR
CLG INSURANCE AT 845-623-3434

SAY GOODBYE TO
MAIL DELAY WORRIES...

...AND HELLO TO
VIEWING YOUR BILL
ONLINE, ANYTIME.

Activate your MySelective account at Selective.com.

Chadwick Lake



Your account details

Commercial Package Policy S 2510358, Effective 10/25/2022
FANSHAWE INC DBA ROCKLAND ELECTRIC & FANSHAWE INC

TRANSACTION DATE	DESCRIPTION	AMOUNT
11/04/2022	Current policy balance	\$478.00
	Minimum payment	\$478.00

Payment information

- When you provide a check as payment, you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
- If two or more installment payments are late in a policy term, the full outstanding balance may be required for the policy to remain in effect or to reinstate coverage. You can avoid this action by making installment payments by the due date. Any payments that are not received by the due date may be subject to a late fee, which will appear on your next bill.
- In the event a notice of cancellation is issued, it will be sent to you separately. The amount on the cancellation notice must be satisfied by the specified date in order to prevent your policy from being cancelled.
- For policies other than those enrolled in our automatic PaySync® program, and if multiple policies exist under a single account, payment will be applied to the oldest outstanding amount first with the remainder, if any, split among the other policies. Should you wish to have your payment applied in a different manner, please contact us at 800-735-3284.



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Enjoy the convenience of
online payments with
MySelective:

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- View payment activity
- Access important policy info
- And more

Don't hesitate. Activate
your MySelective online
account at Selective.com



88022

FANSHAW INC.
DBA ROCKLAND ELECTRIC
143 MAIN STREET - 1ST FLOOR
NANUET, NY 10954

WEBSTER BANK
50-7044/2219



10/10/2023

Security features. Details on back.



AUTHORIZED SIGNATURE

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DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE RESERVED FOR FINANCIAL INSTITUTION USE *

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NAME OF FINANCIAL INSTITUTION _____ DATE _____

AT _____

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE RESERVED FOR FINANCIAL INSTITUTION USE *

PAY TO THE ORDER OF **Selective Insurance Company of America**

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Selective Insurance Company of America
Box 371468
Pittsburgh, PA 15250-7468



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO 122-723-031

⑈088022⑈ ⑆221970443⑆ 6700132360⑈

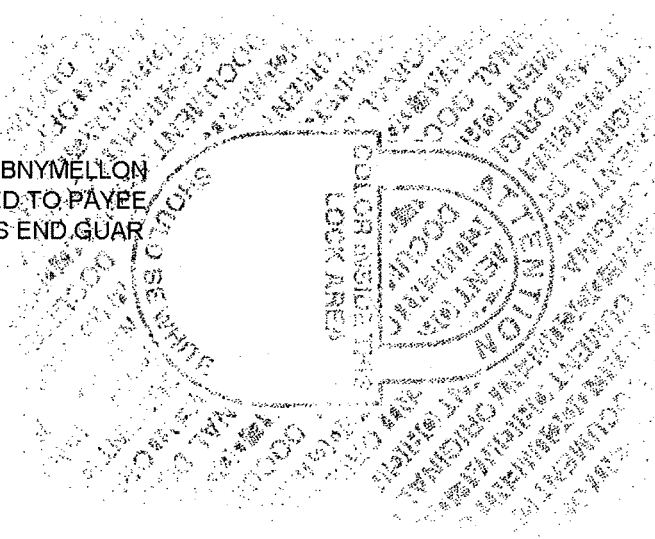
The security features listed below, as well as those not listed, exceed industry guidelines. FS-77

Security Features:

- Hologram** - Multi-dimensional foil seal fused to circuit. Cannot be photocopied.
- Heat Sensitive Ink** - Heat red image with fingers or breath; the image will fade and reappear.
- UV Watermark** - UV check to a light source to view. Cannot be photocopied.
- Turner Adhesion Properties** - Industry in paper bonds; laser toner to paper. Damage is visible with alteration after.
- Chemically Sensitive Paper** - SCMs or roots may appear if chemicals.
- Chemical Wash Detection** - Wash attempts are made.
- UV Marking** - Small type in check border appears as dotted line when couled.
- High Resolution Warning Band** - Text alerts harder to security features.
- Anti Copy Technology** - Document made with technology to prevent most copies from creating a usable copy.
- Original Document Bank Pattern** - Discourages cut-and-paste alterations.

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012-0803/37-1468
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SELECTIVE INSURANCE®

Your Account Bill

as of 10/05/2023

Remaining Account Balance	\$478.00
Minimum Amount Due	\$478.00
Due date	10/26/2023

To avoid late fees, be sure to pay by the due date.

Ways to pay

 MySelective Mobile App  800-735-3284

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Your account summary

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SAY GOODBYE TO
MAIL DELAY WORRIES...

...AND HELLO TO
VIEWING YOUR BILL
ONLINE, ANYTIME.

Activate your MySelective account at Selective.com.

Chadwick -
BR



Your account details

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FANSHAWE INC DBA ROCKLAND ELECTRIC & FANSHAWE INC

TRANSACTION DATE	DESCRIPTION	AMOUNT
10/05/2023	Current policy balance	\$478.00
	Minimum payment	\$478.00

Payment information

- Where permitted by law, beginning on 1/3/2023 payments made by credit card will incur a non-refundable pass through fee of 2.45% from Selective's credit card processor.
- When you provide a check as payment, you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
- If two or more installment payments are late in a policy term, the full outstanding balance may be required for the policy to remain in effect or to reinstate coverage. You can avoid this action by making installment payments by the due date. Any payments that are not received by the due date may be subject to a late fee, which will appear on your next bill.
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Enjoy the convenience of
online payments with
MySelective:

- Sign up for Automatic Payments
- View payment activity
- Access important policy info
- And more

Don't hesitate. Activate
your MySelective online
account at Selective.com

#11 H

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor and Town Board
FROM: Patrick J. Hines, Representative, Engineers for the Town
DATE: 8 December 2023
RE: Drury Heights (AKA The Woodlands) Phase I – Extended Maintenance Security

During the installation of the top coat asphalt in the Phase I section of the project representatives of the Town of Newburgh Highway Department identified an issue with the paving equipment regarding a hydraulic oil leak causing there to be hydraulic fluid between the binder course and the top course asphalt being applied. This issue with the paver was identified as a concern by representatives of the Town Highway Department. Approximately 500 feet of the roadway was identified as potentially being impacted by the hydraulic fluid leak from the paving equipment.

The project sponsor and their engineer have identified that they are willing to provide a three-year maintenance security for the top course asphalt in the Phase I section of the project. The extended maintenance period will allow the Town to evaluate any potential failures in the top course asphalt in this section of the project. I have discussed this with Highway Superintendent, Mark Hall and feel that the extended warranty will provide the Town adequate time to identify and address any potential issues with the top course asphalt should the conditions identified in the field result in degradation of the top course asphalt in the impacted area. I am requesting the Town Board authorize the extended maintenance period in an amount acceptable to the Town Engineer's office and in a form acceptable to the Town Attorney. A copy of the project sponsors letter is attached to this memo.

Cc: Mark Taylor, Town Attorney
Gerald Canfield, Code Compliance Supervisor
Jim Osborne, Town Engineer
Brian Brooker, P.E., Starlight Holdings, LLC
Mike Abuladze, Starlight Holdings, LLC

STARLIGHT HOLDINGS, LLC

December 5, 2023

Town of Newburgh
Attn: Patrick Hines
1496 Route 300
Newburgh, NY 12550

Subject: Warranty Extension for Asphalt Top Course

Dear Mr. Hines,

I am writing on behalf of Starlight Holdings LLC to officially provide an extended warranty for the asphalt top course in the Aerie Preserve Subdivision located in Rock Tavern, NY. We are committed to ensuring the highest standards of quality and durability in all our projects.

Please be advised that we acknowledge the importance of addressing the issue of a potential oil drip that may potentially affect the top asphalt wear course. The specific location is roughly 500 feet of one lane, the lane located closest to the homes, from lots 9 through lot 5. Therefore, in addition to the standard one-year warranty required, Starlight Holdings LLC is pleased to offer an additional two-year warranty, resulting in a total warranty period of three years for the top asphalt wear course of this area.

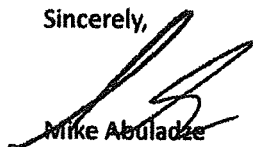
Details of the extended warranty are as follows:

- ****Type of Warranty:**** Extended Warranty
- ****Coverage Period:**** 3 years from the completion date: October 2, 2023
- ****Covered Area:**** 500 feet of one lane in Phase 1 as outlined above
- ****Specific Issue:**** Dripping oil potentially affecting the asphalt top course

This extended warranty is a testament to our confidence in the quality of our work and our commitment to addressing any concerns related to the top asphalt wear course. Our team will continue to monitor and respond promptly to any issues that may arise during the extended warranty period.

Thank you for entrusting Starlight Holdings LLC with this project. We look forward to maintaining a strong and collaborative relationship with the Town of Newburgh

Sincerely,



Mike Abuladze

Starlight Holdings LLC

74 Lafayette Avenue, Suite 501 Suffern, NY 10901

#11I

**TOWN OF NEWBURGH
TOWN ENGINEER**

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor and Town Board
FROM: Patrick J. Hines, Representative, Engineers for the Town
DATE: 8 December 2023
RE: Drury Heights (AKA The Woodlands) Phase II - Public Improvement Security Reduction

At the 25 April 2002 Town Board meeting the Town of Newburgh Town Board approved security for the public improvements in Phase II of the subject project in the amount of \$1,525,976.00. This original amount established the securities for public improvements. At the same meeting the amounts were reduced for work completed to date to \$741,336.00. the applicant's engineers have provided updated cost estimates identifying the remaining work within the Phase II portion of the project.

Representatives of the Town of Newburgh have been on-site during the installation of the water, sewer, roadway and stormwater collection system. Based on work completed to date the applicants are requesting that the improvement securities be reduced from \$741,336.00 to \$184,427.75. No further reduction in the Phase II securities should be approved until such time as the roadway is accepted and a maintenance security is established.

Reduction in the security requires Town Board approval.

Cc: Mark Taylor, Town Attorney
Gerald Canfield, Code Compliance Supervisor
Jim Osborne, Town Engineer
Brian Brooker, P.E., Starlight Holdings, LLC
Mike Abuladze, Starlight Holdings, LLC

Project Name:
Planning Board No.:

Drury Heights - Section 2

Municipality: Newburgh
Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
<u>Roadway and Parking Lot</u>							
Grade Subgrade in ROW	SY	\$ 1.20	8035	\$ 9,642.00	8035	\$ 9,642.00	\$ -
Cut and Chip Trees	AC	\$ 8,820.50	1.68	\$ 14,818.44	1.68	\$ 14,818.44	\$ -
Stump removal and disposal	AC	\$ 6,105.50	1.68	\$ 10,257.24	1.68	\$ 10,257.24	\$ -
Erosion Control	AC	\$ 4,340.00	1.68	\$ 7,291.20	1.68	\$ 7,291.20	\$ -
Silt Fence	LF	\$ 6.50	3000	\$ 19,500.00			\$ 19,500.00
<u>Roadway Subbase</u>							
Roadway Subbase (8" Course)	CY	\$ 62.40		\$ -			\$ -
Roadway Subbase (12" Course)	SY	\$ 14.40	0	\$ -			\$ -
Roadway Subbase (15" Course)	SY	\$ 21.00	1628	\$ 34,188.00	1460	\$ 30,660.00	\$ 3,528.00
<u>Asphalt Pavement</u>							
Asphalt Pavement (1.5" top)	TN	\$ 183.20	0	\$ -			\$ -
Asphalt Pavement (2" top)	SY	\$ 16.10	4886	\$ 78,664.60			\$ 78,664.60
Asphalt Pavement (3" course)	SY	\$ 20.75		\$ -			\$ -
Asphalt Pavement (3.5" course)	SY	\$ 31.00	4886	\$ 151,466.00	4386	\$ 135,966.00	\$ 15,500.00
Asphalt Pavement (4" course)	SY	\$ 36.25		\$ -			\$ -
Asphalt Pavement (5" course)	SY	\$ 42.00		\$ -			\$ -
Asphalt Pavement (intensive handwork)	SY	\$ 51.75		\$ -			\$ -
Tack Coat	TN	\$ 285.25		\$ -			\$ -
<u>Double Surface Treatment</u>							
Double Surface Treatment	SY	\$ 1.00	4886	\$ 4,886.00			\$ 4,886.00
<u>Roadway ROW Topsoil (6") & Seeding</u>							
Concrete Monuments	EA	\$ 17.55	3146	\$ 55,212.30	2500	\$ 43,875.00	\$ 11,337.30
Roadway As-Builts (50' Wide)	LF	\$ 196.75		\$ -			\$ -
	LF	\$ 1.50	1465	\$ 2,197.50			\$ 2,197.50

Project Name: Drury Heights - Section 2
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Street Signs (Traffic Control)	EA	\$ 305.35	1	\$ 305.35		\$ -	\$ 305.35
Street ID	EA	\$ 340.00	2	\$ 680.00		\$ -	\$ 680.00
Concrete Curbing	LF	\$ 50.00	2847	\$ 142,350.00	\$2,550.00	\$ 127,500.00	\$ 14,850.00
Concrete Sidewalk up to 1000 SY	SY	\$ 115.00		-			-
Concrete Sidewalk >1000 SY	SY	\$ 80.00		-			-
Concrete Sidewalk (4' Wide)	LF	\$ 52.00		-			-
Concrete Sidewalk (5' Wide)	LF	\$ 63.85		-			-
Street Trees (2.5" Cal; w/ frame and grate)	EA	\$ 1,700.00		-			-
Street Trees (2.5" Cal)	EA	\$ 770.00		-			-
Street Lights (std. luminair, u/g feed)	EA	\$ 9,200.00		-			-
Guide Rail (W-Beam)	LF	\$ 67.90		-			-
Guide Rail (Box Beam)	LF	\$ 95.00		-			-
End Section (W-Beam, Wrap)	EA	\$ 1,208.00		-			-
End Section (W-Beam, Concrete Anchor)	EA	\$ 3,000.00		-			-
Modular Block Retaining Wall (upto 6' High)	SF	\$ 55.00	750	\$ 41,250.00	\$750.00	\$ 41,250.00	-
Modular Block Retaining Wall (over 6' High)	SF	\$ 65.00		-			-
Concrete Retaining Wall (upto 6' High)	CY	\$ 950.00		-			-
Concrete Retaining Wall (over 6' High)	CY	\$ 1,155.75		-			-
Drainage							
Catch Basin (Standard Depth)	EA	\$ 4,888.00	14	\$ 68,432.00	14	\$ 68,432.00	-
Stormwater Manhole (Standard Depth)	EA	\$ 5,428.00		-			-
Connection to Existing Catch Basin	EA	\$ 1,360.00		-			-
Stormwater Pipe (HDPE - 15")	LF	\$ 75.00	815	\$ 61,125.00	815	\$ 61,125.00	-
Stormwater Pipe (HDPE - 18")	LF	\$ 92.00	265	\$ 24,380.00	265	\$ 24,380.00	-
Stormwater Pipe (HDPE - 24")	LF	\$ 101.75	130	\$ 13,227.50	130	\$ 13,227.50	-
Stormwater Pipe (HDPE - 30")	LF	\$ 122.00		-			-

Project Name:
Planning Board No.:

Drury Heights - Section 2

Municipality: Newburgh
Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Total Cost			
Stormwater Pipe (HDPE - 36")	LF	\$ 143.00		-		\$ -	\$ -
Stormwater Pipe (HDPE - 48")	LF	\$ 190.00		-		\$ -	\$ -
End Section (HDPE)	EA	\$ 815.00	2	1,630.00	2	1,630.00	-
Stormwater Pipe (RCP - 15")	LF	\$ 81.75		-		\$ -	\$ -
Stormwater Pipe (RCP - 18")	LF	\$ 92.00		-		\$ -	\$ -
Stormwater Pipe (RCP - 24")	LF	\$ 101.75		-		\$ -	\$ -
Stormwater Pipe (RCP - 30")	LF	\$ 162.75		-		\$ -	\$ -
Stormwater Pipe (RCP - 36")	LF	\$ 203.50		-		\$ -	\$ -
Stormwater Pipe (RCP - 48")	LF	\$ 291.50		-		\$ -	\$ -
End Section (RCP)	EA	\$ 1,020.00		-		\$ -	\$ -
Concrete Headwall	EA	\$ 8,280.00		-		\$ -	\$ -
Rip Rap Drainage Channel	CY	\$ 120.00		-		\$ -	\$ -
Non-lined Drainage Channel	LF	\$ 16.40		-		\$ -	\$ -
Preforated Pipe/Stone Underdrain	LF	\$ 35.40		-		\$ -	\$ -
Concrete Box Culvert (6'x4') w/wingwalls	LF	\$ 3,122.00		-		\$ -	\$ -
Concrete Box Culvert (3'x3'), w/wingwalls	LF	\$ 2,445.00	70	171,150.00	70	171,150.00	-
<u>Water</u>							
Watermain (DI - 8")	LF	\$ 110.00	1417	155,870.00	1417	155,870.00	-
Gate Valve (8")	EA	\$ 2,300.00	2	4,600.00	2	4,600.00	-
Tapping Sleeve and Valve (8")	EA	\$ 8,165.00		-		\$ -	\$ -
Watermain (DI - 12")	LF	\$ 135.00		-		\$ -	\$ -
Gate Valve (12")	EA	\$ 6,960.00		-		\$ -	\$ -
Tapping Sleeve and Valve (12")	EA	\$ 10,178.00		-		\$ -	\$ -
Hydrant Assembly	EA	\$ 7,800.00	3	23,400.00	3	23,400.00	-
House service (w/out licensed plumber)	EA	\$ 2,715.00	26	70,590.00	23	62,445.00	8,145.00

Project Name: Drury Heights - Section 2
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Air relief Valve & Vault	EA	\$ 10,800.00					
Pressure Reducing Valve & Vault	EA	\$ 14,258.50					
Watermain Offset (8")	EA	\$ 6,785.00					
Line Stop and Gate Valve installation (8")	EA	\$ 12,215.00					
Insertion Valve (8")	EA	\$ 14,950.00					
6" C900 PVC	LF	\$ 75.00					
6" Gate Valve	EA	\$ 1,800.00					
Sewer							
Sewer Main (Strd Depth, PVC - 8")	LF	\$ 92.00	1470	\$ 135,240.00	1470	\$ 135,240.00	
Sewer Main (Strd Depth, PVC - 12")	LF	\$ 114.00					
Sewer PVC Force Main	LF	\$ 92.00					
Sewer Manholes (Standard Depth)	EA	\$ 5,430.00	13	\$ 70,590.00	13	\$ 70,590.00	
Doghhouse sewer manholes	EA	\$ 8,145.00					
House service (w/out licensed plumber)	EA	\$ 4,500.00	26	\$ 117,000.00	26	\$ 117,000.00	
Misc.							
Select Backfill Material (in-place)	CY	\$ 71.50					
Trench Rock Excavation	CY	\$ 250.00					
Bulk Rock Excavation	CY	\$ 400.00					
Other							
Detention Basin	LS	\$ 16,000.00	1	\$ 16,000.00	0.7	\$ 11,200.00	\$ 4,800.00
Rustic Fence	LF	\$ 18.00	1113	\$ 20,034.00			\$ 20,034.00

Project Name:
Planning Board No.:

Drury Heights - Section 2

Municipality: Newburgh
Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Total Cost			
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -

Total: \$ 1,525,977.13 \$ 1,341,549.38 \$ 184,427.75

TOWN OF NEWBURGH
TOWN ENGINEER

1st Motion Cost Estimate

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor and Town Board
FROM: Patrick J. Hines, Representative, Engineers for the Town
DATE: 20 April 2022
RE: Drury Heights (aka The Woodlands Phase II)

APPROVED
DATE OF TOWN ACTION: *4/25/2022*
VOTE OF TOWN BOARD *4-0-0-1*

[Signature]
~~_____~~ TOWN CLERK
Lisa M. Vance Ayers

Based on cost data submitted by the developer, I am recommending that the Town board approve the following cost estimates for the proposed public improvements for Phase II of the above project.

Public Improvements:	
Road	\$572,708
Water Main Extension	\$254,460
Sewer Main Extension	\$322,830
Stormwater Collection	\$375,978

TOTAL: \$1,525,976

Upon approval of the above, I am also requesting that the above amounts be reduced to reflect work completed to date as follows:

<u>Item</u>	<u>Work Completed</u>	<u>Work Remaining</u>
Road	\$184,359	\$388,350
Water	\$183,870	\$70,590
Sewer	\$322,830	\$0.0
Drainage	\$355,130	\$20,849
Total Complete:	\$1,046,189	Total Remaining: \$479,789.00
25% for work completed but not accepted:		\$261,547.00

Based on the above reduction and the 25% held for, the developer is required to submit a performance security of \$741,336 in a form acceptable to the Town. No Landscaping Cost Estimate has been submitted at this time.

If you have any questions, I am available to discuss them with you.

Cc: Mark Taylor, Attorney
G. Canfield, Code Compliance Officer
Brian Brooker, Brooker Engineering

2nd Motion - Landscape Estimate

APPROVED
DATE OF TOWN ACTION: *4/25/2022*
VOTE OF TOWN BOARD *4-0-0-1*

[Signature]
~~_____~~ TOWN CLERK
Lisa M. Vance Ayers

Code Compliance
Engineering
Accounting

#11J

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Mark Taylor, Town Attorney
FROM: Patrick J. Hines, Representative, Engineers for the Town
DATE: 8 December 2023
RE: Drury Heights (AKA The Woodlands) Phase III

At the 12 June 2023 Town Board meeting this office issued a memo regarding the public improvement security required for Drury Heights Phase III. The cost estimate identified public improvements in the amount of \$2,465,495.00. The applicants chose to construct some of the improvements prior to requesting Building Permits in the Phase III project. Project is subject to a stipulation between the Project Sponsors and the Town of Newburgh which identifies, "project security securing the installation of roads, utilities, stormwater management facilities and landscaping including but not limited to bonds and letters of credit, in approved amounts and in forms acceptable to the Town Attorney shall be delivered to the Town by the petitioner/applicants, and their successors or assigns no later than when the first Building Permit is issued for the first dwelling in each Phase".

Applicants are going to request Building Permits in Phase III in the near future. The applicant's engineer has provided revised cost estimates based on work completed to date. The original bond amount of \$2,465,495.00 can be reduced at this time to \$1,589,743.00. Copies of the cost estimate submitted by the applicants engineer on forms prepared by this office are attached.

The stipulation identified above requires payment of all other fees upon issuance of a Certificate of Occupancy (CO) for the first residential structure in each Phase. The fees, which will be due and payable upon the first CO will be based on a percentage of the original 8 June 2023 security memo.

Based on the above the developer is required to submit Performance Security in the amount of \$1,589,743.00 in a form acceptable to the Town Attorney prior to issuance of the first Building Permit in Phase III. This memo supersedes my 8 June 2023 memo and the Board's approval of the original security at the 12 June 2023 meeting.

If you have any questions I am available to discuss them with you.

Cc: Mark Taylor, Town Attorney
Gerald Canfield, Code Compliance Supervisor
Jim Osborne, Town Engineer
Brian Brooker, P.E., Starlight Holdings, LLC
Mike Abuladze, Starlight Holdings, LLC

Project Name: Drury Heights - Section 3 Wildwood Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total		Total Cost	Completed Quantity	Completed Cost	Remaining Cost
			Quantity	Quantity				
<u>Roadway and Parking Lot</u>								
Grade Subgrade in ROW	SY	\$ 1.20	7846		\$ 9,415.20	0	\$ -	\$ 9,415.20
Cut and Chip Trees	AC	\$ 8,820.50	1.92		\$ 16,935.36	1.92	\$ 16,935.36	\$ -
Stump removal and disposal	AC	\$ 6,105.50	1.92		\$ 11,722.56	-	\$ -	\$ 11,722.56
Erosion Control	AC	\$ 4,340.00	1.92		\$ 8,332.80	-	\$ -	\$ 8,332.80
Silt Fence	LF	\$ 6.50	2800		\$ 18,200.00	-	\$ -	\$ 18,200.00
Roadway Subbase	CY	\$ 62.40			\$ -			\$ -
Roadway Subbase (8" Course)	SY	\$ 14.40			\$ -			\$ -
Roadway Subbase (12" Course)	SY	\$ 21.00	4865		\$ 102,165.00			\$ 102,165.00
Roadway Subbase (15" Course)	SY	\$ 25.90			\$ -			\$ -
Asphalt Pavement	TN	\$ 183.20	0		\$ -			\$ -
Asphalt Pavement (1.5" top)	SY	\$ 16.10	4865		\$ 78,326.50			\$ 78,326.50
Asphalt Pavement (2" top)	SY	\$ 20.75			\$ -			\$ -
Asphalt Pavement (3" course)	SY	\$ 31.00	4865		\$ 150,815.00			\$ 150,815.00
Asphalt Pavement (3.5" course)	SY	\$ 36.25			\$ -			\$ -
Asphalt Pavement (4" course)	SY	\$ 42.00			\$ -			\$ -
Asphalt Pavement (5" course)	SY	\$ 51.75			\$ -			\$ -
Asphalt Pavement (intensive handwork)	TN	\$ 285.25			\$ -			\$ -
Tack Coat	SY	\$ 1.00	4865		\$ 4,865.00			\$ 4,865.00
Double Surface Treatment	SY	\$ 11.00			\$ -			\$ -
Roadway ROW Topsoil (6") & Seeding	SY	\$ 17.55	2980		\$ 52,299.00			\$ 52,299.00
Concrete Monuments	EA	\$ 196.75			\$ -			\$ -
Roadway As-Builts (50' Wide)	LF	\$ 1.50	1410		\$ 2,115.00			\$ 2,115.00

Project Name: Drury Heights - Section 3 Wildwood Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Street Signs (Traffic Control)	EA	\$ 305.35	-	\$ -		\$ -	\$ -
Street ID	EA	\$ 340.00	-	\$ -		\$ -	\$ -
Concrete Curbing	LF	\$ 50.00	2825	\$ 141,250.00		\$ -	\$ 141,250.00
Concrete Sidewalk up to 1000 SY	SY	\$ 115.00	-	\$ -		\$ -	\$ -
Concrete Sidewalk >1000 SY	SY	\$ 80.00	-	\$ -		\$ -	\$ -
Concrete Sidewalk (4' Wide)	LF	\$ 52.00	-	\$ -		\$ -	\$ -
Concrete Sidewalk (5' Wide)	LF	\$ 63.85	-	\$ -		\$ -	\$ -
Street Trees (2.5" Cal; w/ frame and grate)	EA	\$ 1,700.00	-	\$ -		\$ -	\$ -
Street Trees (2.5" Cal)	EA	\$ 770.00	53	\$ 40,810.00		\$ -	\$ 40,810.00
Street Lights (std. luminaire, w/g feed)	EA	\$ 9,200.00	2	\$ 18,400.00		\$ -	\$ 18,400.00
Guide Rail (W-Beam)	LF	\$ 67.90	-	\$ -		\$ -	\$ -
Guide Rail (Box Beam)	LF	\$ 95.00	-	\$ -		\$ -	\$ -
End Section (W-Beam, Wrap)	EA	\$ 1,208.00	-	\$ -		\$ -	\$ -
End Section (W-Beam, Concrete Anchor)	EA	\$ 3,000.00	-	\$ -		\$ -	\$ -
Modular Block Retaining Wall (upto 6' High)	SF	\$ 55.00	-	\$ -		\$ -	\$ -
Modular Block Retaining Wall (over 6' High)	SF	\$ 65.00	-	\$ -		\$ -	\$ -
Concrete Retaining Wall (upto 6' High)	CY	\$ 950.00	-	\$ -		\$ -	\$ -
Concrete Retaining Wall (over 6' High)	CY	\$ 1,155.75	-	\$ -		\$ -	\$ -
Drainage							
Catch Basin (Standard Depth)	EA	\$ 4,888.00	8	\$ 39,104.00		\$ -	\$ 39,104.00
Stormwater Manhole (Standard Depth)	EA	\$ 5,428.00	-	\$ -		\$ -	\$ -
Connection to Existing Catch Basin	EA	\$ 1,360.00	-	\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 15")	LF	\$ 75.00	634	\$ 47,550.00		\$ -	\$ 47,550.00
Stormwater Pipe (HDPE - 18")	LF	\$ 92.00	32	\$ 2,944.00		\$ -	\$ 2,944.00
Stormwater Pipe (HDPE - 24")	LF	\$ 101.75	42	\$ 4,273.50		\$ -	\$ 4,273.50
Stormwater Pipe (HDPE - 30")	LF	\$ 122.00	-	\$ -		\$ -	\$ -

Project Name: Drury Heights - Section 3 Wildwood Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Stormwater Pipe (HDPE - 36")	LF	\$ 143.00	-	-			\$ -
Stormwater Pipe (HDPE - 48")	LF	\$ 190.00	-	-			\$ -
End Section (HDPE)	EA	\$ 815.00	3	2,445.00	1	815.00	\$ 1,630.00
Stormwater Pipe (RCP - 15")	LF	\$ 81.75					\$ -
Stormwater Pipe (RCP - 18")	LF	\$ 92.00					\$ -
Stormwater Pipe (RCP - 24")	LF	\$ 101.75					\$ -
Stormwater Pipe (RCP - 30")	LF	\$ 162.75					\$ -
Stormwater Pipe (RCP - 36")	LF	\$ 203.50					\$ -
Stormwater Pipe (RCP - 48")	LF	\$ 291.50					\$ -
End Section (RCP)	EA	\$ 1,020.00					\$ -
Concrete Headwall	EA	\$ 8,280.00					\$ -
Rip Rap Drainage Channel	CY	\$ 120.00					\$ -
Non-lined Drainage Channel	LF	\$ 16.40					\$ -
Preformed Pipe/Stone Underdrain	LF	\$ 35.40					\$ -
Concrete Box Culvert (6'x4') w/wingwalls	LF	\$ 3,122.00					\$ -
Concrete Box Culvert (3'x3'), w/wingwalls	LF	\$ 2,445.00					\$ -
Water							
Watermain (DI - 8")	LF	\$ 110.00	1440	158,400.00			\$ 158,400.00
Gate Valve (8")	EA	\$ 2,300.00	2	4,600.00			\$ 4,600.00
Tapping Sleeve and Valve (8")	EA	\$ 8,165.00					\$ -
Watermain (DI - 12")	LF	\$ 135.00					\$ -
Gate Valve (12")	EA	\$ 6,960.00					\$ -
Tapping Sleeve and Valve (12")	EA	\$ 10,178.00					\$ -
Hydrant Assembly	EA	\$ 7,800.00	3	23,400.00			\$ 23,400.00
House service (w/out licensed plumber)	EA	\$ 2,715.00	25	67,875.00			\$ 67,875.00

Project Name: Drury Heights - Section 3 Wildwood Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Air relief Valve & Vault	EA	\$ 10,800.00	-	-	\$	-	\$
Pressure Reducing Valve & Vault	EA	\$ 14,258.50	-	-	\$	-	\$
Watermain Offset (8")	EA	\$ 6,785.00	-	-	\$	-	\$
Line Stop and Gate Valve installation (8")	EA	\$ 12,215.00	-	-	\$	-	\$
Insertion Valve (8")	EA	\$ 14,950.00	-	-	\$	-	\$
6" C900 PVC	LF	\$ 75.00	-	-	\$	-	\$
6" Gate Valve	EA	\$ 1,800.00	-	-	\$	-	\$
<u>Sewer</u>							
Sewer Main (Strd Depth, PVC - 8")	LF	\$ 92.00	1200	110,400.00	\$	-	\$ 110,400.00
Sewer Main (Strd Depth, PVC - 12")	LF	\$ 114.00	-	-	\$	-	\$
Sewer PVC Force Main	LF	\$ 92.00	-	-	\$	-	\$
Sewer Manholes (Standard Depth)	EA	\$ 5,430.00	8	43,440.00	\$	-	\$ 43,440.00
Doghhouse sewer manholes	EA	\$ 8,145.00	-	-	\$	-	\$
House service (w/out licensed plumber)	EA	\$ 4,500.00	25	112,500.00	\$	-	\$ 112,500.00
<u>Misc.</u>							
Select Backfill Material (in-place)	CY	\$ 71.50	-	-	\$	-	\$
Trench Rock Excavation	CY	\$ 250.00	-	-	\$	-	\$
Bulk Rock Excavation	CY	\$ 400.00	-	-	\$	-	\$
<u>Other</u>							
Detention Basin	LS	\$ 16,000.00	2	32,000.00	\$	-	\$ 32,000.00
Rustic Fence	LF	\$ 18.00	948	17,064.00	\$	-	\$ 17,064.00
					\$	-	\$
					\$	-	\$
					\$	-	\$
					\$	-	\$
					\$	-	\$

Project Name: Drury Heights - Section 3 Wildwood Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
 (Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -

Total: \$ 1,321,646.92 \$ 17,750.36 \$ 1,303,896.56

Project Name: Drury Heights - Section 3 Rustic Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
<u>Roadway and Parking Lot</u>							
Grade Subgrade in ROW	SY	\$ 1.20	5547	\$ 6,656.40	5547	\$ 6,656.40	\$ -
Cut and Chip Trees	AC	\$ 8,820.50	1.38	\$ 12,172.29	1.38	\$ 12,172.29	\$ -
Stump removal and disposal	AC	\$ 6,105.50	1.38	\$ 8,425.59	1.38	\$ 8,425.59	\$ -
Erosion Control	AC	\$ 4,340.00	1.38	\$ 5,989.20	0.98	\$ 4,253.20	\$ 1,736.00
Silt Fence	LF	\$ 6.50	2400	\$ 15,600.00			\$ 15,600.00
Roadway Subbase	CY	\$ 62.40		\$ -			\$ -
Roadway Subbase (8" Course)	SY	\$ 14.40	0	\$ -			\$ -
Roadway Subbase (12" Course)	SY	\$ 21.00	3508	\$ 73,668.00	3508	\$ 73,668.00	\$ -
Roadway Subbase (15" Course)	SY	\$ 25.90		\$ -			\$ -
Asphalt Pavement	TN	\$ 183.20	0	\$ -			\$ -
Asphalt Pavement (1.5" top)	SY	\$ 16.10	3508	\$ 56,478.80			\$ 56,478.80
Asphalt Pavement (2" top)	SY	\$ 20.75		\$ -			\$ -
Asphalt Pavement (3" course)	SY	\$ 31.00	3508	\$ 108,748.00			\$ 108,748.00
Asphalt Pavement (3.5" course)	SY	\$ 36.25		\$ -			\$ -
Asphalt Pavement (4" course)	SY	\$ 42.00		\$ -			\$ -
Asphalt Pavement (5" course)	SY	\$ 51.75		\$ -			\$ -
Asphalt Pavement (intensive handwork)	TN	\$ 285.25		\$ -			\$ -
Tack Coat	SY	\$ 1.00	3508	\$ 3,508.00			\$ 3,508.00
Double Surface Treatment	SY	\$ 11.00		\$ -			\$ -
Roadway ROW Topsoil (6") & Seeding	SY	\$ 17.55	1910	\$ 33,520.50			\$ 33,520.50
Concrete Monuments	EA	\$ 196.75		\$ -			\$ -
Roadway As-Builts (50' Wide)	LF	\$ 1.50	916	\$ 1,374.00			\$ 1,374.00

Project Name: Drury Heights - Section 3 Rustic Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Street Signs (Traffic Control)	EA	\$ 305.35	2	\$ 610.70		\$ -	\$ 610.70
Street ID	EA	\$ 340.00	2	\$ 680.00		\$ -	\$ 680.00
Concrete Curbing	LF	\$ 50.00	1843	\$ 92,150.00	\$1,843.00	\$ 92,150.00	\$ -
Concrete Sidewalk up to 1000 SY	SY	\$ 115.00		\$ -		\$ -	\$ -
Concrete Sidewalk >1000 SY	SY	\$ 80.00		\$ -		\$ -	\$ -
Concrete Sidewalk (4' Wide)	LF	\$ 52.00		\$ -		\$ -	\$ -
Concrete Sidewalk (5' Wide)	LF	\$ 63.85		\$ -		\$ -	\$ -
Street Trees (2.5" Cal; w/ frame and grate)	EA	\$ 1,700.00		\$ -		\$ -	\$ -
Street Trees (2.5" Cal)	EA	\$ 770.00	47	\$ 36,190.00		\$ -	\$ 36,190.00
Street Lights (std. luminaire, v/g feed)	EA	\$ 9,200.00	2	\$ 18,400.00		\$ -	\$ 18,400.00
Guide Rail (W-Beam)	LF	\$ 67.90		\$ -		\$ -	\$ -
Guide Rail (Box Beam)	LF	\$ 95.00		\$ -		\$ -	\$ -
End Section (W-Beam, Wrap)	EA	\$ 1,208.00		\$ -		\$ -	\$ -
End Section (W-Beam, Concrete Anchor)	EA	\$ 3,000.00		\$ -		\$ -	\$ -
Modular Block Retaining Wall (upto 6' High)	SF	\$ 55.00		\$ -		\$ -	\$ -
Modular Block Retaining Wall (over 6' High)	SF	\$ 65.00		\$ -		\$ -	\$ -
Concrete Retaining Wall (upto 6' High)	CY	\$ 950.00		\$ -		\$ -	\$ -
Concrete Retaining Wall (over 6' High)	CY	\$ 1,155.75		\$ -		\$ -	\$ -
Drainage							
Catch Basin (Standard Depth)	EA	\$ 4,888.00	17	\$ 83,096.00	17	\$ 83,096.00	\$ -
Stormwater Manhole (Standard Depth)	EA	\$ 5,428.00		\$ -		\$ -	\$ -
Connection to Existing Catch Basin	EA	\$ 1,360.00		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 15")	LF	\$ 75.00	1073	\$ 80,475.00	1073	\$ 80,475.00	\$ -
Stormwater Pipe (HDPE - 18")	LF	\$ 92.00	405	\$ 37,260.00	405	\$ 37,260.00	\$ -
Stormwater Pipe (HDPE - 24")	LF	\$ 101.75		\$ -		\$ -	\$ -
Stormwater Pipe (HDPE - 30")	LF	\$ 122.00		\$ -		\$ -	\$ -

Project Name: Drury Heights - Section 3 Rustic Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Stormwater Pipe (HDPE - 36")	LF	\$ 143.00	-	-	\$	-	\$
Stormwater Pipe (HDPE - 48")	LF	\$ 190.00	-	-	\$	-	\$
End Section (HDPE)	EA	\$ 815.00	1	815.00	1	815.00	\$
Stormwater Pipe (RCP - 15")	LF	\$ 81.75	-	-	\$	-	\$
Stormwater Pipe (RCP - 18")	LF	\$ 92.00	-	-	\$	-	\$
Stormwater Pipe (RCP - 24")	LF	\$ 101.75	-	-	\$	-	\$
Stormwater Pipe (RCP - 30")	LF	\$ 162.75	-	-	\$	-	\$
Stormwater Pipe (RCP - 36")	LF	\$ 203.50	-	-	\$	-	\$
Stormwater Pipe (RCP - 48")	LF	\$ 291.50	-	-	\$	-	\$
End Section (RCP)	EA	\$ 1,020.00	-	-	\$	-	\$
Concrete Headwall	EA	\$ 8,280.00	-	-	\$	-	\$
Rip Rap Drainage Channel	CY	\$ 120.00	-	-	\$	-	\$
Non-lined Drainage Channel	LF	\$ 16.40	-	-	\$	-	\$
Preforated Pipe/Stone Underdrain	LF	\$ 35.40	-	-	\$	-	\$
Concrete Box Culvert (6'x4') w/wingwalls	LF	\$ 3,122.00	-	-	\$	-	\$
Concrete Box Culvert (3'x3'), w/wingwalls	LF	\$ 2,445.00	-	-	\$	-	\$
Water							
Watermain (DI - 8")	LF	\$ 110.00	890	97,900.00	890	97,900.00	\$
Gate Valve (8")	EA	\$ 2,300.00	3	6,900.00	3	6,900.00	\$
Tapping Sleeve and Valve (8")	EA	\$ 8,165.00	-	-	\$	-	\$
Watermain (DI - 12")	LF	\$ 135.00	-	-	\$	-	\$
Gate Valve (12")	EA	\$ 6,960.00	-	-	\$	-	\$
Tapping Sleeve and Valve (12")	EA	\$ 10,178.00	-	-	\$	-	\$
Hydrant Assembly	EA	\$ 7,800.00	3	23,400.00	3	23,400.00	\$
House service (w/out licensed plumber)	EA	\$ 2,715.00	21	57,015.00	21	57,015.00	\$

Project Name: Drury Heights - Section 3 Rustic Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Air relief Valve & Vault	EA	\$ 10,800.00	-	-	\$	-	-
Pressure Reducing Valve & Vault	EA	\$ 14,258.50	-	-	\$	-	-
Watermain Offset (8")	EA	\$ 6,785.00	-	-	\$	-	-
Line Stop and Gate Valve installation (8")	EA	\$ 12,215.00	-	-	\$	-	-
Insertion Valve (8")	EA	\$ 14,950.00	-	-	\$	-	-
6" C900 PVC	LF	\$ 75.00	-	-	\$	-	-
6" Gate Valve	EA	\$ 1,800.00	-	-	\$	-	-
<u>Sewer</u>							
Sewer Main (Strd Depth, PVC - 8")	LF	\$ 92.00	1303	\$ 119,876.00	1303	\$ 119,876.00	-
Sewer Main (Strd Depth, PVC - 12")	LF	\$ 114.00	-	-	\$	-	-
Sewer PVC Force Main	LF	\$ 92.00	-	-	\$	-	-
Sewer Manholes (Standard Depth)	EA	\$ 5,430.00	8	\$ 43,440.00	8	\$ 43,440.00	-
Doghouse sewer manholes	EA	\$ 8,145.00	-	-	\$	-	-
House service (w/out licensed plumber)	EA	\$ 4,500.00	21	\$ 94,500.00	21	\$ 94,500.00	-
<u>Misc.</u>							
Select Backfill Material (in-place)	CY	\$ 71.50	-	-	\$	-	-
Trench Rock Excavation	CY	\$ 250.00	-	-	\$	-	-
Bulk Rock Excavation	CY	\$ 400.00	-	-	\$	-	-
<u>Other</u>							
Detention Basin	LS	\$ 16,000.00	1	\$ 16,000.00	1	\$ 16,000.00	-
Rustic Fence	LF	\$ 18.00	500	\$ 9,000.00	-	-	\$ 9,000.00

Project Name: Drury Heights - Section 3 Rustic Drive Portion
 Planning Board No.:

Municipality: Newburgh
 Date: 10-Nov-23

PUBLIC IMPROVEMENT UNIT PRICES
 (Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -

Total: \$ 1,143,848.48 \$ 858,002.48 \$ 285,846.00

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor and Town Board
FROM: Patrick J. Hines, Representative, Engineers for the Town
DATE: 8 June 2023
RE: Drury Heights (aka The Woodlands Phase III)

Based on the cost estimate submitted by the Project Engineer, I am recommending that the Town Board approve the following security amount for the proposed public improvements for Phase III of the above referenced project.

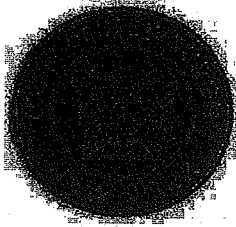
<i>Public Improvements</i>	<i>Cost Estimate</i>
Roadway	\$1,004,700.00
Water Main Extension	\$ 439,490.00
Sewer Main Extension	\$ 524,156.00
Stormwater Collection	\$ 420,149.00
Landscaping (Street Trees)	<u>\$ 77,000.00</u>
	\$2,465,495.00

Based on the above, the developer is required to submit performance security of \$2,465,495.00 in a form acceptable to the Town prior to the issuance of the first building permit in Phase III.

If you have any questions, I am available to discuss them with you.

Cc: Mark Taylor, Attorney
G. Canfield, Code Compliance Officer
J. Osborne, Town Engineer
Brian Brooker, Brooker Engineering

#12A



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

Date: 12/4/2023

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 To cover over expenditures

From: Account Number: 8340.5499
Account Description: Other Expenses Amount: \$5,000.00

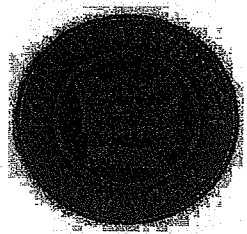
To: Account Number: 8340.5466
Account Description: Operating Supplies Amount: \$5,000.00

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

Department Head Signature

Gil Piaquadio, Town Supervisor

#12B



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

Date: 12/1/2023

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 To cover over expenditures – Per Ron Clum

From: Account Number: 8130.5200.5010
Account Description: Equipment Amount: \$30,000.00

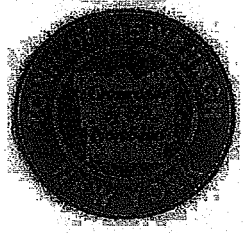
To: Account Number: 8130.5473.5010
Account Description: Repairs to Treatment Plant Amount: \$30,000.00

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

Department Head Signature

Gil Piaquadio, Town Supervisor

#12C



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

Date: 12/1/2023

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

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 To cover end of year expenses

From: Account Number: 8130.5473.5009
Account Description: Repairs to Treatment Plant Amount: \$500.00

From: Account Number: _____
Account Description: _____ Amount: _____

To: Account Number: 8130.5472.5009
Account Description: Consultant Fees Amount: \$500.00

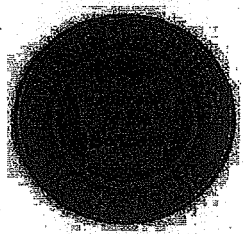
Please note: The total of the from and to should equal



Department Head Signature

Gil Piaquadio, Town Supervisor

#12D



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

Date: 12/1/2023

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.

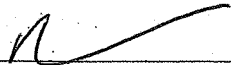
If no, please have the board approve at the next available board meeting.

Reason why the budget transfer is needed To cover over expenditures – Per Ron Clum

From: Account Number: 8130.5452.5010
Account Description: Vehicle Contract Repairs Amount: \$12,000.00

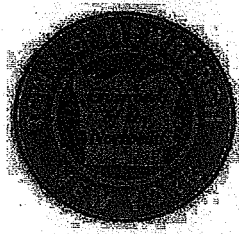
To: Account Number: 8130.5472.5010
Account Description: Consultant Fees Amount: \$12,000.00

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


Department Head Signature

Gil Piaquadio, Town Supervisor

#12E



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

Date: 12/1/2023

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

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.

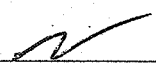
Reason why the budget transfer is needed To cover end of year expenses

From: Account Number: 8130.5497.5009
Account Description: Maintenance Contracts Amount: \$25.00
Leases / Rentals

From: Account Number: _____
Account Description: _____ Amount: _____

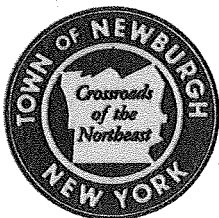
To: Account Number: 8130.5480.50009
Account Description: Telephone Amount: \$25.00

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


Department Head Signature

Gil Piaquadio, Town Supervisor

#13



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

TEL: (845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

Subject: Authorization to pay Vet Services Utilizing T-94 Account

Date: 12/4/23

I am requesting authorization to use the T-94 account to pay for Vet service: N.V.H.

*Totaling: \$ 814.30

Canine: \$

Feline: \$ 814.30

Other: \$

TOWN OF NEWBURGH

1496 Route 300
Newburgh, New York 12550
(845) 564-4552

DO NOT WRITE IN THIS BOX

DEPARTMENT Animal Control

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
Total		
Abstract #		

CLAIMANT'S NAME AND ADDRESS
Newburgh Veterinary Hospital
1716 Route 300
Newburgh, NY 12550
(845)564-2660

TERMS Net 30 Days

Invoice # _____

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
11/3/23	869904			45.60 ✓
11/6/23	870209			141.41 ✓
11/6/23	870214			141.41 ✓
11/6/23	870216			141.41 ✓
11/6/23	870217			182.91 ✓
11/7/23	870222			1161.66 ✓
11/10/23	870587			343.52 TC
TOTAL				1157.82

814.30 TC

CLAIMANT'S CERTIFICATION

I, Dora M Cast

certify that the above account in the amount of \$ 814.30 TC 1157.82 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

11/30/
DATE

Dora M Cast
SIGNATURE

Practise Mgr
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

12/4/23
Date

[Signature]
Authorized Official

APPROVAL FOR PAYMENT

This claim is approved and ordered for paid from the appropriations indicated above

Date

Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 3:01p
Date: 11-03-23
Account: 4417
Invoice: 869904

Date	For	Qty	Description	Price	Discount	Net Price
11-03-23	48k-23 Rustle	1	FeLV/FIV ELISA in hosp	181.00	181.00	0.00 **
11-03-23		1	Feline Rhino/Panleuk/Calici #2	46.50	31.25	15.25 **
Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.						
11-03-23		1	Fluorescein Corneal Stain-Followup	30.00	15.00	15.00 **
11-03-23	Flannel 50k23	1	Feline Rhino/Panleuk/Calici #2	46.50	31.25	15.25 **
Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.						
11-03-23		1	FeLV/FIV ELISA in hosp	181.00	181.00	0.00 **
Total charges, this invoice...						45.50
**Total discount included: 439.50						

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **48k-23 Rustle** (Weight: 1.0 lbs - 15w) Last done

02/24	FECAL EXAM
12/23	Rabies/Purevax Feline 1yr
12/23	Neuter your pet at 5-6 months
12/23	Rhinotracheitis/Pan/leuk/Calic

48k-23 Rustle's weight history (in lbs)

09-28-23	1.03
----------	------



INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 3:01p
Date: 11-06-23
Account: 4417
Invoice: 870209

Date	For	Qty	Description	Price	Discount	Net Price
11-06-23	57c23 Cedar	1	NEUTER FELINE	144.00	97.50	46.50 **
11-06-23		0.40	Penicillin G Inject / ml (in hosp)	30.37	30.37	0.00 **
11-06-23		1	FELINE RHINO/PANLEUK/CALICI	46.50	31.25	15.25 **
	Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.					
11-06-23		1	Feline Rabies/ Purevax 1yr	60.00	38.75	21.25 **
	Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.					
11-06-23		1	Revolution Plus Cat 5.5-11lb Singl	23.70	10.79	12.91 **
11-06-23		1	FeLV/ FIV Elisa SA260	143.00	97.50	45.50 **

Total charges, this invoice...

141.41

**Total discount included: 306.16

Your invoice total reflects our **13Stray Cat Accounts** discount.

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 3:00p
Date: 11-06-23
Account: 4417
Invoice: 870214

Date	For	Qty	Description	Price	Discount	Net Price
11-06-23	58c23 Cinder	1	NEUTER FELINE	144.00	97.50	46.50 **
11-06-23		0.09	-TelazolInject Control Log / ml			0.00
11-06-23		1	FELINE RHINO/PANLEUK/CALICI	46.50	31.25	15.25 **
	Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.					
11-06-23		0.50	Penicillin G Inject / ml (in hosp)	30.47	30.47	0.00 **
11-06-23		1	Feline Rabies/ Purevax 1yr	60.00	38.75	21.25 **
	Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.					
11-06-23		1	FeLV/ FIV Elisa SA260	143.00	97.50	45.50 **
11-06-23		1	Revolution Plus Cat 5.5-11lb Singl	23.70	10.79	12.91 **
Total charges, this invoice...						141.41
**Total discount included: 306.26						

Your invoice total reflects our **13Stray Cat Accounts** discount.

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GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.



INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 3:00p
Date: 11-06-23
Account: 4417
Invoice: 870216

Date	For	Qty	Description	Price	Discount	Net Price
11-06-23	55c23 Archer	1	NEUTER FELINE	144.00	97.50	46.50 **
11-06-23		0.08	-TelazolInject Control Log / ml			0.00
11-06-23		0.45	Penicillin G Inject / ml (in hosp)	30.42	30.42	0.00 **
11-06-23		1	FELINE RHINO/PANLEUK/CALICI	46.50	31.25	15.25 **
Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.						
11-06-23		1	Feline Rabies/ Purevax 1yr	60.00	38.75	21.25 **
Today, your cat received the most advanced rabies protection available.PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.						
11-06-23		1	Revolution Plus Cat 5.5-11lb Singl	23.70	10.79	12.91 **
11-06-23		1	FeLV/ FIV Elisa SA260	143.00	97.50	45.50 **
Total charges, this invoice...						141.41
**Total discount included: 306.21						

Your invoice total reflects our **13Stray Cat Accounts** discount.

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INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 2:59p
Date: 11-06-23
Account: 4417
Invoice: 870217

Date	For	Qty	Description	Price	Discount	Net Price
11-06-23	56k23 Amber	1	OHE FELINE Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a couple of days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.	377.00	289.00	88.00 **
11-06-23		1	-Isoflurane Gas Anesthesia			0.00
11-06-23		1	---PulseOximeterMonitoring w/Anes			0.00
11-06-23		1	-CapnographMonitoring w/Anesthe			0.00
11-06-23		1	-----Recovery in Heated Cage			0.00
11-06-23		1	Feline Rabies/ Purevax 1yr Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.	60.00	38.75	21.25 **
11-06-23		1	FELINE RHINO/PANLEUK/CALICI Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.	46.50	31.25	15.25 **
11-06-23		1	PEDICURE	19.30	19.30	0.00 **
11-06-23		0.08	-TelazolInject Control Log / ml			0.00
11-06-23		1	Revolution Plus Cat 5.5-11lb Singl	23.70	10.79	12.91 **
11-06-23		1	FeLV/ FIV Elisa SA260	143.00	97.50	45.50 **
Total charges, this invoice...						182.91
**Total discount included: 486.59						

Your invoice total reflects our **13Stray Cat Accounts** discount.

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INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

"Your pet is part of our family too." Visit us at www.newburghvet.com

FOR: Town of Newburgh - Feline
645 Gidney Ave.
Newburgh, NY 12550
(845) 561-3344

Printed: 11-30-23 at 2:59p
Date: 11-07-23
Account: 4417
Invoice: 870272

Date	For	Qty	Description	Price	Discount	Net Price
11-06-23	54k-23 Tawny	1	OHE FELINE	377.00	289.00	88.00 **
	Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a couple of days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.					
11-06-23		1	-Isoflurane Gas Anesthesia			0.00
11-06-23		1	---PulseOximeterMonitoring w/Anes			0.00
11-06-23		1	-CapnographMonitoring w/Anesthe			0.00
11-06-23		1	-----Recovery in Heated Cage			0.00
11-06-23		0.05	-TelazolInject Control Log / ml			0.00
11-06-23		1	FeLV/ FIV Elisa SA260	143.00	97.50	45.50 **
11-06-23		1	Revolution Plus Cat 5.5-11lb Singl	23.70	10.79	12.91 **
11-06-23		1	FELINE RHINO/PANLEUK/CALICI	46.50	31.25	15.25 **
	Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.					
11-06-23		1	PEDICURE	19.30	19.30	0.00 **
Total charges, this invoice...						161.66
**Total discount included: 447.84						

Your invoice total reflects our **13Stray Cat Accounts** discount.

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#14
TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

CC: Charlene Black, Personnel

FROM: Jim Presutti, Commissioner

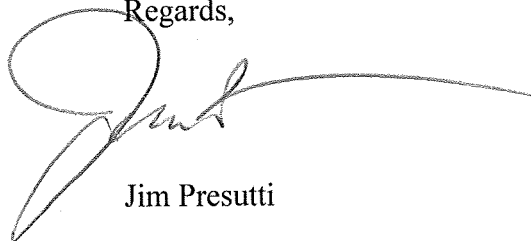
DATE: December 5, 2023

RE: Full Time Recreation Leader Position

We are requesting your approval to begin the process to hire a Full Time Recreation Leader to replace Ms. Shannon Mozingo who has recently resigned. The funds for this position are available in the 2024 Budget.

Thank you for your consideration.

Regards,



Jim Presutti