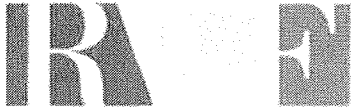


ANDREW J. ZARUTSKIE
Town Clerk
1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

WORKSHOP MEETING AGENDA
Monday, February 26, 2018
7:00 p.m.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **MOMENT OF SILENCE**
4. **CHANGES TO AGENDA**
5. **APPROVAL OF AUDIT**
6. **PUBLIC HEARING (7:00 P.M.): Introductory Local Law #1 of 2018: : Permanent Cold War Veterans Exemption**
7. **RESOLUTION: COMMUNITY DEVELOPMENT**
8. **CODE: Procedure for Peddler's License**
9. **SEWER DISTRICTS: Discussion of Expansion**
 - A. **Orange Lake West**
 - B. **D'Alfonso Road**
10. **ZONING:**
 - A. **Matrix Request for Amendment**
 - B. **Sign Code Amendments**
 - i. **SEQR Resolution**
 - ii. **Schedule Public Hearing**
11. **RECREATION:**
 - A. **Letter to Taconic Regional Office**
 - B. **Duty Free Lunch**
12. **CONSOLIDATED WATER DISTRICT: Water 2 Charges for Cloud Street/Willets Way**
13. **BUILDINGS & GROUNDS: Telephone Systems---Fleet & Highway**
14. **FLEET: Working Leader**
15. **POSSIBLE EXECUTIVE SESSION: CSEA & Justice Court Staff**
16. **ADJOURNMENT**



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
Donna M. Badura
Amber L. Carnio

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

COUNSEL

Stephen P. Duggan, III
John K. McGuirk

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: LOCAL LAW AMENDING ARTICLE VIII OF
CHAPTER 166 ENTITLED "TAXATION" OF THE
CODE OF THE TOWN OF NEWBURGH:
PERMANENT COLD WAR VETERANS
EXEMPTION
OUR FILE NO. 800.1(B)() (2018)

DATE: FEBRUARY 22, 2018

Enclosed for the Town Board's consideration following the close of the public hearing scheduled for February 26, 2018 is a draft Resolution of Adoption for the local law amending the Cold War Veterans Exemption Article of the Town Code's "Taxation" Chapter to provide that the exemption for Cold War Veterans is permanent and not subject to a 10 year time limit.

MCT/sel
Enc.

cc: Andrew J. Zarutskie, Town Clerk (via e-mail)
Lori Coady Assessor (via e-mail)
Deborah Smith, Receiver (via e-mail)

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 February, 2018 at 7:00 o'clock p.m.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- James E. Presutti, Councilman
- Scott M. Manley, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. 2 OF 2018 AMENDING ARTICLE VIII OF CHAPTER 166 ENTITLED "TAXATION" OF THE TOWN OF NEWBURGH MUNICIPAL CODE: PERMANENT COLD WAR VETERANS EXEMPTION

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

BE IT RESOLVED that Introductory Local Law No. 1 of the Year 2018 entitled "A Local Law Amending Article VIII of Chapter 166 entitled 'Taxation' of the Town of Newburgh Municipal Code: Permanent Cold War Veterans Exemption" be and it hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 15th day of February, 2018 ordering a public hearing to be held on the 29th day of February, 2018 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on Introductory Local Law No. 1 of the Year 2018 entitled "A Local Law Amending Article VIII of Chapter 166 entitled 'Taxation' of the Town of Newburgh Municipal Code: Permanent Cold War Veterans Exemption"; and

WHEREAS, a notice of Public Hearing was duly advertised on the ___th day of February, 2018 in The Mid-Hudson Times and on the ___th day of February, 2018 in The Orange County Post and posted on the Town Clerk's sign board together with a copy of the Local Law on the ___th day of February, 2018; and

WHEREAS, the Public Hearing was duly held on the 29th day of February, 2018 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, due to the adoption or filing of intervening local laws or the Town Board's determination not to act upon introductory local laws, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. 2 of 2018; and

WHEREAS, the adoption of said Local Law making permanent the real property tax exemption for qualified Cold War Veterans residing in 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. 2 of 2017 entitled "A Local Law Amending Article VIII of Chapter 166 entitled 'Taxation' of the Town of Newburgh Municipal Code: Permanent Cold War Veterans Exemption".
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>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

**INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2018
AMENDING ARTICLE VIII OF
CHAPTER 166 ENTITLED "TAXATION"
OF THE CODE OF THE TOWN OF NEWBURGH:
PERMANENT COLD WAR VETERANS EXEMPTION**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Article VIII of Chapter 166 entitled 'Taxation' of the Code of the Town of Newburgh: Permanent Cold War Veterans Exemption".

SECTION 2 – AMENDING ARTICLE VIII TO CHAPTER 166.

Article VIII entitled "Cold War Veterans Exemption" of Chapter 166 entitled "Taxation" of the Code of the Town of Newburgh is hereby amended to read as follows:

"ARTICLE VIII Cold War Veterans Exemption

§166-27. Cold War Veterans Exemption

The Town of Newburgh hereby authorizes the exemption for Cold War Veterans to qualified owners of qualified residential properties pursuant to § 458-b of the Real Property Tax Law of the State of New York and such exemption is hereby made permanent so long as the qualified owner remains a qualified owner rather than subject to a 10 year limit. Such exemption shall be the maximum allowed pursuant to § 458-b, to wit: fifteen percent of the assessed value of such qualifying property, not to exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest state equalization rate of the Town, whichever is less, except where the Cold War Veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service connected disability, such property shall be exempt to the extent of the product of its assessed value multiplied by fifty percent of the veteran's disability rating, not to exceed \$40,000.00 or the product of \$40,000.00 multiplied by the latest equalization rate for the Town, whichever is less."

SECTION 3 - NO RETROACTIVE EFFECT

The exemption provided for by this local law shall apply to assessed valuations for the March 1, 2018 taxable status date and thereafter. The local law shall not apply retroactively.

SECTION 4 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when 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.

INSTRUCTIONS

7

FOR AMENDMENT TO 2018–2020 URBAN COUNTY COOPERATION AGREEMENT

AMENDMENT MUST BE RETURNED NO LATER THAN
MARCH 1, 2018

MUNICIPAL RESOLUTION INSTRUCTIONS:

Due to the time restraints HUD has required, it is very important that the attached municipal resolution be addressed and approved at the February Board meeting. Failure to do so, may affect the municipality's status in the Urban County. Contact the Community Development immediately if you are unable to adopt the resolution at your February meeting.

Once the Resolution is adopted, the Supervisor/Mayor signs the Urban County Amendment as follows:

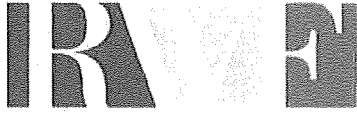
- | | |
|--|---|
| Page 1: Line #4: | Name of Municipality goes here |
| Page 1: Left Side Bottom (1 st line) :
name. | Circle (i.e. Village or Town) and write in Municipality name. |
| Page 1: Left Side Bottom (2 nd line) : | Municipal Official Signs |
| Page 2 (Bottom Notary) | Notary of Municipal Official Signature |

IMPORTANT: THE RESOLUTION CONTAIN THE MUNICIPAL SEAL AND MUST BE DATED ON OR BEFORE THE DATE THE AMENDMENT IS SIGNED.

Submit the original, signed and sealed Municipal Resolution and Urban County Amendment to Office of Community Development, 18 Seward Ave., Middletown, NY 10940 on or before Thursday, March 1, 2018.

Questions? Contact Jackie Satenberg at 845-615-3820 or via email at

7
(additional)



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: RESOLUTION OF TOWN BOARD AUTHORIZING THE
EXECUTION OF THE AMENDMENT TO THE
COOPERATION AGREEMENT WITH ORANGE COUNTY
OUR FILE NO. 800.1(B)(4)(2018)

DATE: FEBRUARY 23, 2018

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
Donna M. Badura
Amber L. Camio

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

COUNSEL

Stephen P. Duggan, III
John K. McGuirk

OF COUNSEL

Craig F. Simon
Irene V. Villacci

In accordance with the Supervisor's request, enclosed please find the following resolution regarding the above referenced agreement with Orange County:

RESOLUTION AUTHORIZING THE TOWN OF NEWBURGH ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2018, 2019 AND 2020 (AND FOR SUCCESSIVE THREE YEAR QUALIFICATION PERIODS AS PROVIDED FOR IN THE AUTOMATIC RENEWAL PROVISION) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1874, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

A copy of the Amendment to the Cooperation Agreement is also enclosed. Please note that the form Resolution provided by the County refers to an automatic renewal provision, but the Amendment itself does not appear to include same.

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

MCT:kac
Enclosures

cc: Andrew J. Zarutskie, Town Clerk (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
James Osborne, Town Engineer (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 ___ day of February, 2018 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman
Scott M. Manley, Councilman

RESOLUTION AUTHORIZING THE TOWN OF NEWBURGH ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2018, 2019 AND 2020 (AND FOR SUCCESSIVE THREE YEAR QUALIFICATION PERIODS AS PROVIDED FOR IN THE AUTOMATIC RENEWAL PROVISION) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1874, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED

Councilman\Councilwoman _____ presented the following resolution which was seconded by Councilman\Councilwoman _____.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development (“HUD”) authorized, under Title I of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the Town of Newburgh participate in aforesaid Community Development and Home Programs for the program year commencing Federal Fiscal Years 2018, 2019 and 2020 (and successive three year qualification period); and

WHEREAS, the Town of Newburgh understands that by executing this Cooperation Agreement it becomes an included unit of general local government in the Urban County CDBG Entitlement Program, Home Program and ESG Program and that it:

1. May not apply for grants under the Small Cities for State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County’s CDBG Program; and

2. May not participate in a Home Program consortium except through the Urban County, regardless of whether the Urban County receives a Home formula allocation; and

3. May not receive a formula allocation under the ESG Program except through the Urban County.

WHEREAS, this Town Board deems it to be in the public interest for the Town of Newburgh to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newburgh hereby authorizes the Supervisor of the Town of Newburgh to execute the Amendment to the Cooperation Agreement between the Town of Newburgh and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal Fiscal Years 2018, 2019 and 2020 (and successive three year qualification periods).

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>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

Gilbert J. Piaquadio, Supervisor

Date

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:
TOWN OF NEWBURGH)

I, Andrew J. Zarutskie, Town Clerk of the Town of Newburgh, DO HEREBY CERTIFY that I have compared the foregoing resolution, duly adopted by the Town Board of the Town of Newburgh on the ___ day of February, 2018, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my name and the seal of said Town on this _____ day of February, 2018.

Andrew J. Zarutskie, Town Clerk

AMENDMENT TO COOPERATION AGREEMENT

It is hereby agreed effective _____, 2018, by and between the County of Orange, a municipal corporation of the State of New York, having its principal offices at 255-275 Main Street, Goshen, New York 10924 ("COUNTY"), and _____, a municipal corporation of the State of New York, having principal offices at _____ ("TOWN"/"VILLAGE"/"CITY") to amend the Cooperation Agreement dated July 8, 1993 ("Cooperation Agreement"), between the parties as follows:

1. Strike and replace Paragraph 13 as follows:

13. The TOWN/VILLAGE/CITY understands that by executing this Cooperation Agreement it becomes an included unit of general local government in the Urban County CDBG Entitlement Program, HOME Program and ESG Program and that it:

- a) May not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County's CDBG Program; and
- b) May not participate in a HOME Program consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation; and
- c) May not receive a formula allocation under the ESG Program except through the Urban County.

2. In all other respects, the provisions of the Cooperation, as previously amended shall remain in full force and effect and be binding upon the parties referred to above.

TOWN/VILLAGE/CITY of _____

COUNTY OF ORANGE

(PLACE SEAL)

(PLACE SEAL)

BY : _____

BY: _____

State of New York)

County of Orange) ss:

On _____, 201_, before me, the undersigned, personally appeared STEFAN ("STEVEN") M. NEUHAUS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

State of New York)

County of Orange) ss:

On _____, 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

7

**MUNICIPAL RESOLUTION - URBAN COUNTY
TOWN OF NEWBURGH**

RESOLUTION AUTHORIZING THE **TOWN OF NEWBURGH** ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL **FISCAL YEARS 2018, 2019, 2020** (AND FOR SUCCESSIVE THREE YEAR QUALIFICATION PERIODS AS PROVIDED FOR IN THE AUTOMATIC RENEWAL PROVISION) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the **Town of Newburgh** participate in aforesaid Community Development and HOME Programs for the program year commencing **Federal Fiscal Years 2018, 2019, 2020**, (and successive three year qualification period); and

WHEREAS, the **Town of Newburgh** understands that by executing this Cooperation Agreement it becomes an included unit of general local government in the Urban County CDBG Entitlement Program, HOME Program and ESG Program and that it:

- a) May not apply for grants under the Small Cities for State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County's CDBG Program; and
- b) May not participate in a HOME Program consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation; and
- c) May not receive a formula allocation under the ESG Program except through the Urban County.

WHEREAS, this **Town Board** deems it to be in the public interest for the **Town of Newburgh** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT

RESOLVED, that the **Supervisor** be and **he** hereby is authorized and directed to execute a Cooperation Agreement Amendment between the **Town of Newburgh** and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing **Federal Fiscal Years 2018, 2019, 2020** (and successive three year qualification periods).

Gilbert J. Piaquadio, Supervisor

Date

STATE OF NEW YORK)
COUNTY OF ORANGE)
OFFICE OF THE CLERK OF THE TOWN OF NEWBURGH)

THIS IS TO CERTIFY THAT I, _____ Clerk of the _____,
(Clerk's Name) (Town)
have compared the foregoing copy of resolution with the original resolution now on file in my office and which was
passed by the **Town Board** of _____ on the _____ day of _____, 20____,
and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said **Town Board** this
_____ day of _____, 20____.

S E A L

Andrew J. Zarutskie
Clerk of the **Town of Newburgh**

jsatenberg@orangecountygov.com

AMENDMENT TO COOPERATION AGREEMENT

It is hereby agreed effective _____, 2018, by and between the County of Orange, a municipal corporation of the State of New York, having its principal offices at 255-275 Main Street, Goshen, New York 10924 ("COUNTY"), and _____, a municipal corporation of the State of New York, having principal offices at _____ ("TOWN"/"VILLAGE"/"CITY") to amend the Cooperation Agreement dated July 8, 1993 ("Cooperation Agreement"), between the parties as follows:

1. Strike and replace Paragraph 13 as follows:

13. The TOWN/VILLAGE/CITY understands that by executing this Cooperation Agreement it becomes an included unit of general local government in the Urban County CDBG Entitlement Program, HOME Program and ESG Program and that it:

- a) May not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County's CDBG Program; and
- b) May not participate in a HOME Program consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation; and
- c) May not receive a formula allocation under the ESG Program except through the Urban County.

2. In all other respects, the provisions of the Cooperation, as previously amended shall remain in full force and effect and be binding upon the parties referred to above.

TOWN/VILLAGE/CITY of _____

COUNTY OF ORANGE

(PLACE SEAL)

(PLACE SEAL)

BY: _____

BY: _____

State of New York)

County of Orange) ss:

On _____, 201_, before me, the undersigned, personally appeared STEFAN (“STEVEN”) M. NEUHAUS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

State of New York)

County of Orange) ss:

On _____, 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Chapter 137
PEDDLING AND SOLICITING

- | | |
|--|--|
| <p>§ 137-1. Title.</p> <p>§ 137-2. Legislative intent.</p> <p>§ 137-3. Definitions.</p> <p>§ 137-4. License required.</p> <p>§ 137-5. Exemptions.</p> <p>§ 137-6. Application for license.</p> <p>§ 137-7. Issuance of licenses;
performance regulations;
display of licenses.</p> | <p>§ 137-8. Record of licenses; expiration.</p> <p>§ 137-9. Fees.</p> <p>§ 137-10. Restrictions.</p> <p>§ 137-11. Revocation of licenses.</p> <p>§ 137-12. Appeals.</p> <p>§ 137-13. Penalties for offenses.</p> |
|--|--|

[HISTORY: Adopted by the Town Board of the Town of Newburgh 9-23-1974 as Ch. 117 of the 1974 Municipal Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fraudulent checks — See Ch. 79.

Fees — See Ch. 104.

§ 137-1. Title.

This chapter shall be known and may be cited as the “Peddling, Hawking and Soliciting Law of the Town of Newburgh.”

§ 137-2. Legislative intent.

This chapter is enacted for the purpose of regulating itinerant merchandising and soliciting in order that the peace, health, safety, welfare and good order of the town and its inhabitants shall not be endangered or unduly disturbed.

§ 137-3. Definitions.

When used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATIONS [Added 12-7-1998 by L.L. No. 12-1998]:

- A. Any benevolent philanthropic, patriotic military veterans, not-for-profit, educational or religious association, society or organization qualified as a tax-exempt organization under Section 501 of the Internal Revenue Code;
- B. Any governmental entity or organization, including, without limitation, a school district, fire district and fire company.

ENFORCEMENT OFFICIAL — The Building Inspector/Code Enforcement Official shall be the enforcement official. Authority to issue violation notices shall also rest with any member of the Town Police Department. **[Added 12-7-1998 by L.L. No. 12-1998]**

ESTABLISHED PLACE OF BUSINESS — A permanent building, store or depository in which or where the person transacts business and deals in the goods, wares or commodities he peddles, vends or solicits in the ordinary and regular course of business.

MERCHANDISING [Amended 12-7-1998 by L.L. No. 12-1998]:

- A. Selling or offering for sale, barter or exchange any property or service either for immediate or future delivery or performance upon any street, road or highway or from house to house in the town.
- B. Seeking, taking or offering contracts or orders for any property for future sale or delivery or performance of any service upon any street, road or highway or from house to house in the town.
- C. Seeking or taking subscriptions or contributions of money or property, upon any street, road or highway or from house to house in the town.
- D. The delivery or distribution of advertising matter, literature, pamphlets, samples or handbills house to house or on any of the streets, roads or highways or by going from place to place in the town, but not including the delivery or distribution of newspapers, political or religious materials.

PEDDLER, HAWKER OR SOLICITOR — Includes any person who engages in merchandising any goods, wares, commodities, books, periodicals or services or solicits contributions of goods or moneys in any public street or highway or public place or by going from house to house or place of business to place of business, on foot or on or from any vehicle standing in a street or highway, or by temporarily occupying a room, building or other premises therefor.

PERSON — A natural person, corporation, partnership, association, joint venture, society or other organization or association of any kind, whether acting as principal, agent, employer or employee. **[Amended 12-7-1998 by L.L. No. 12-1998]**

PROPERTY — Any goods, wares, merchandise or other article of thing of every kind or nature except newspapers. **[Added 12-7-1998 by L.L. No. 12-1998]**

TEMPORARY OCCUPANCY — A store, room, building, tent, enclosure or structure of any kind intended to be occupied for the period of time necessary to peddle, hawk or solicit the merchandise or products therein housed initially without the intent to replenish or restock such goods, wares and merchandise sold therein. In all prosecutions for a violation of this chapter, the intent of the defendant to conduct an established place of business shall be a material fact, and the burden of proving such intent shall be upon the defendant in such prosecution.

TEMPORARY OR TRANSIENT MERCHANT — A merchant or vendor who chooses a specific location within the town upon which to erect or park a cart, tent, wagon, truck or stand from which to engage in merchandising, with the intent to return to the same location each day. This category shall include temporary, off-premises roadside stands established

for the purpose of selling vegetables, fruit or other farm products; food wagons; Christmas trees; and of any nonperishable goods. A temporary merchant must have the written permission from the owners of the location to conduct the sale of the intended products. [Added 12-7-1998 by L.L. No. 12-1998]

TRANSIENT BUSINESS — A retail or wholesale business conducted from a temporary structure or tent, truck, van or trailer, stand, parking lot or vacant parcel of land, in a public right-of-way or in or on any other place in the town, but not the outdoor sales of property or services accessory to a business conducted within a permanent structure on a same premises or the sale of food products raised or produced on the same premises from a temporary or seasonal stand, provided that the principal structure or activities otherwise comply with the zoning and other laws, regulations and ordinances of the town. [Added 12-7-1998 by L.L. No. 12-1998]

§ 137-4. License required. [Amended 12-7-1998 by L.L. No. 12-1998]

It shall be unlawful for any person within the limits of the Town of Newburgh to act as a peddler, hawker or solicitor, to maintain a transient business or act as a temporary or transient merchant or perform merchandising, as herein defined, without first having obtained or paid for and having in force and effect a license therefor.

§ 137-5. Exemptions.

Nothing in this chapter shall be held to apply to:

- A. Any sales conducted pursuant to statute or by order or any court.
- B. Any person selling personal property at wholesale to dealers in such articles.
- C. The peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities.
- D. Dealers in milk, baked goods, heating oil and daily newspapers.
- E. Any licensed real estate brokers or insurance salesmen.
- F. Any honorably discharged member of the Armed Forces of the United States who has procured a license under Article 4 of the General Business Law of the State of New York, but no such person shall engage in any of the occupations specified in this chapter without first having been issued a license by the Town Clerk.
- G. Any charitable organization, as defined herein, or its agents or employees or veterans licensed pursuant to General Business Law § 32 et al. [Amended 12-7-1998 by L.L. No. 12-1998]
- H. Any person soliciting at the express invitation of the person solicited or serving an established customer.
- I. Any person conducting a business or activity performing a service pursuant to a license issued by the United States Government, the State of New York or by any business service

or activity licensed under any other law, regulation or ordinance of the Town of Newburgh. **[Added 12-7-1998 by L.L. No. 12-1998]**

- J. Any political parties and candidates for public office. **[Added 12-7-1998 by L.L. No. 12-1998]**

§ 137-6. Application for license.

- A. Every applicant for a license is required to submit to the Town Clerk a written application supplying, under oath, the following information:
- (1) Name and age of applicant.
 - (2) Permanent home residence.
 - (3) Name and address of firm represented, if any.
 - (4) A statement as to the period of time during which the applicant intends to engage in a business or activity regulated under this chapter. **[Amended 12-7-1998 by L.L. No. 12-1998]**
 - (5) A description of the goods, wares or commodities to be offered for sale, together with a true invoice of their amount, quality and value, and a detailed statement of the particular business, trade or occupation for which the license is requested.
 - (6) All felonies or misdemeanors for which the applicant has been convicted.
 - (7) To the application must be appended a letter of authorization from the firm which the applicant purports to represent.
 - (8) The number and kind of vehicles, if any, to be used by the applicant in carrying on the business for which the license is required.
 - (9) The names and addresses of all partners, if a partnership, and the names and addresses of the principal officers, if a corporation, and the name and address of a person upon whom a legal notice may be served.
 - (10) A copy of all media advertising, including but not limited to handbills, radio and newspaper advertisements and posters. Such advertising must bear an accurate reflection of the inventory actually available for sale and must contain a notice that a copy of the inventory available for sale is on file at the Town Clerk's office. **[Added 10-16-1979 by L.L. No. 2-1979]**
 - (11) A letter from the property owner granting permission to the applicant to peddle, hawk and solicit on the owner's premises. **[Added 10-16-1979 by L.L. No. 2-1979]**
 - (12) Such other information as may be required by the Town Board of the Town of Newburgh.
 - (13) Proof that the applicant or his or her employer or principal is registered for sales tax purposes, if the business or activity to be conducted is subject to sales or use tax. **[Added 12-7-1998 by L.L. No. 12-1998]**

- (14) A description of any motor vehicle that will be used for transient business purposes, or from which a transient business will be conducted, to include the name of the manufacturer, year, type of vehicle, vehicle identification number, registration plate number, title holder and the name of the person other than the title holder to whom the vehicle is registered, if any. **[Added 12-7-1998 by L.L. No. 12-1998]**
 - (15) Further information required by the Town Clerk, including a certificate of insurance with the town named as a co-insured. **[Added 12-7-1998 by L.L. No. 12-1998]**
 - (16) The application shall be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths. **[Added 12-7-1998 by L.L. No. 12-1998]**
- B. If the applicant has one or more employees who will work in the town, the same information must be supplied as to each employee.
 - C. No license shall be issued unless and until the completed application and any required attachments have been filed in the Town Clerk's office for at least seven days. **[Added 10-16-1979 by L.L. No. 2-1979]**

§ 137-7. Issuance of licenses; performance regulations; display of licenses. [Amended 12-7-1998 by L.L. No. 12-1998]

- A. All applicants proposing to sell food items shall be required to obtain a food-handlers license from the Orange County Health Department.
- B. Locations shall be restricted to established off-street parking areas. Said location shall be designed to provide parking spaces for a minimum of five vehicles. Both active and inactive off-street parking areas may be utilized if the above criteria is met. Written permission of residents within 500 feet of the proposed location, in all directions, shall be obtained and must be submitted by applicant.
- C. Not more than one temporary merchant per lot will be permitted. Temporary merchants shall be prohibited within 1,000 feet of an established commercial business engaged in similar activity at the time of the enactment of this section. A minimum distance of 2,000 feet shall be maintained between locations for temporary merchants.
- D. Temporary merchants shall be prohibited from conducting business on municipal property.
- E. The area to be occupied by a single temporary merchant, including stand, tent, wagon, truck, sign and trash receptacle, shall not exceed 300 square feet.
- F. The temporary merchant shall provide for and maintain trash receptacles and be responsible for trash removal at the end of each day.
- G. The temporary merchant shall not sell or transfer the assigned space.
- H. One freestanding sign per temporary merchant may be permitted. Signs must be constructed of a durable material and maintained in a presentable condition. Flashing lights or lighting is prohibited. No sign shall be placed within 15 feet of a property line or within an established sight triangle for interior lanes or access driveways. All freestanding signs must be removed and properly secured during nonoperating hours of the temporary

merchant. Maximum sign face shall not exceed four square feet and shall not exceed four feet in height.

- I. No charitable organization shall engage in soliciting before it files with the Town Clerk a list of names, addresses and dates of birth of persons who will conduct the activity on its behalf and a statement of the time period during which the solicitation shall occur. No person shall engage in soliciting on behalf of a charitable organization until this information has been provided to the Town Clerk.
- J. No peddling or soliciting, whether or not exempt from the permit requirements of this chapter, shall be conducted before 9:00 a.m. or after the earlier of ½ hour after sunset or 8:00 p.m.
- K. A transient business permit, as defined herein, shall be limited to a single location; the location must be approved by the Building Department.
- L. Upon receipt of the application and of the license fee, and if reasonably satisfied with the applicant's qualifications, the Town Clerk shall issue a license to the applicant specifying the particular business authorized as set forth in the definitions herein, and the location wherein it may be conducted, subject to the approval of the Building Department, if the permit is for a temporary business permit. This license shall be nontransferable and shall be in the continuous possession of the licensee while engaged in the business license. The license shall be produced upon the demand of any town official, prospective buyer, police officer or sheriff. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall be guilty of a violation of this chapter.

§ 137-8. Record of licenses; expiration.

- A. The Town Clerk shall keep a record of the applications, the determinations thereon and of all licenses issued in accordance with this chapter. The record shall contain the name and residence of the person licensed, the location of the business, the amount of the license fee paid and the date of revocation of all licenses revoked.
- B. All licenses hereunder shall expire on the first day of January following the date of issuance thereof.

§ 137-9. Fees. [Amended 6-19-1978 by L.L. No. 2-1978]

The fees for all licenses are as prescribed by Chapter 104, Fees.

§ 137-10. Restrictions.

A licensed peddler, hawker or solicitor shall:

- A. Not willfully misstate the quantity or quality of any article offered for sale.
- B. Not willfully offer for sale any article of an unwholesome or defective nature.

- C. Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise.
- D. Not frequent any street in an exclusive nature so as to cause a private or public nuisance.
- E. Keep the vehicle and/or receptacles used by him in the furtherance of his licensed business in a sound, clean and sanitary condition.
- F. Keep his edible articles offered for sale well protected from dirt, dust and insects.
- G. Not stand or permit the vehicle used by him to stand in one place in any public place or street for more than 10 minutes nor in front of any premises for any time if the owner or the lessee of the ground objects.

§ 137-11. Revocation of licenses.

- A. Grounds for revocation. Licenses issued under provisions of this chapter may be revoked by the Town Clerk of the Town of Newburgh after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, hawker or solicitor.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of peddling, hawking or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing; service. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.
- C. Suspension. The Town Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section or has been indicted or charged with or for any crime or offense or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him, as provided herein, and the Town Clerk shall have issued his determination thereon.
- D. Effect on employees. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and all employees if either he or any one or more of his employees are determined to be in violation of this chapter.

§ 137-12. Appeals.

Any person aggrieved by the action of the Town Clerk in the denial of an application for a license, as provided in § 137-7 of this chapter, or in the decision of the Town Clerk with reference to the revocation of a license, as provided in § 137-11 of this chapter, shall have the right to appeal to the Town Board of the Town of Newburgh. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.

§ 137-13. Penalties for offenses. [Amended 11-6-1995 by L.L. No. 7-1995]

Any person who himself or by his clerk, agent, servant or employee shall act as a peddler, hawker or solicitor, as herein defined, without a license or who shall violate any of the provisions of this chapter or who shall continue to act as peddler, hawker or solicitor subsequent to the revocation of his license shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or both, for each violation. Each day on which such violation continues shall constitute a separate offense.

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor & Town Board

FROM: James W. Osborne, Town Engineer *jwo*

DATE: November 7, 2017

RE: **ORANGE LAKE WEST - WATER & SEWER SERVICE**

REVISED

The attached letter report outlines two alternatives to provide water and sewer service: 1.) Extend existing town utilities from the intersection of Route 52 and Lakeside Road to the service area, or 2.) develop new stand-alone water supply \ sewage disposal districts. The key conclusion of the desk-top analysis are itemized below:

Extension of Existing Services

1. The estimated cost to extend water utilities to this service area is \$ 5.8 M.
 - a. The estimated annual principal and interest payment for this (20 years, 5 percent interest rate) is \$ 580,000 per year.
 - b. Utilizing Water 2 Charges for payment of this debt service would increase the Water 2 Charge by \$ 0.825 \ 1000 A.V.
 - c. The annual cost of potable water for an average single family home would be \$ 577.14 (\$ 84.32 for W1, \$ 242.42 for W2 and \$ 250.40 for usage). The additional Water 2 Charge would increase the annual bill for the average existing homeowner (68,000 A.V.) by \$ 54.00.

2. The estimated cost to extend sewer utilities to this service area is \$ 5.8 M.
 - a. The estimated annual principal and interest payment for this (20 years, 5 percent interest) is \$ 580,000 per year.
 - b. Utilizing the Benefit Unit Charges of the Consolidated Crossroads Sewer District, the increase in B.U. charges is \$ 1.29 per B.U.
 - c. The annual cost of sewage disposal for an average single family home would be \$ 513.38 (\$ 114.50 in annual Benefit Unit Charges and \$ 398.88 for usage). The total increase in charges for an existing single family home (50 B.U.) would be \$ 64.50.

TO: Gil Piaquadio, Town Supervisor & Town Board
RE: ORANGE LAKE WEST - WATER & SEWER SERVICE

November 7, 2017
Page 2:

Independent Water & Sewer Districts

1. The estimated cost to develop a stand-alone water service area utilizing two wells is \$ 3.7 M including the necessary water distribution system.
 - a. Assuming a twenty year bond at 5 percent interest, the largest annual principal and interest payment is \$ 370,000.
 - b. The average charge per house (80 houses) is \$ 4,625 \ year plus operating costs.

2. The estimated cost to develop a stand-alone sewer service area including a new Sewage Treatment Plant and sewage collection system is \$ 4.2 M.
 - a. Assuming a twenty year bond at 5 percent interest, the largest annual principal and interest payment is \$ 420,000.
 - b. The average charge per house (80 houses) is \$ 5,250 \ year plus operating costs.

The costs enumerated above should be considered for discussion purposes only. Preliminary engineering design including topographic surveys, water quality chemistry, identification of permit requirements, alternate materials, etc. could have a significant impact on the estimated costs (-25% to +50%).

I trust the above is satisfactory. If you have any questions or comments, I am available to discuss them with you.

JWO/id

Attachment

TO: Gil Piaquadio, Town Supervisor & Town Board
RE: ORANGE LAKE WEST - WATER & SEWER SERVICE

November 2, 2017
Page 2:

Independent Water & Sewer Districts

1. The estimated cost to develop a stand-alone water service area utilizing two wells is \$ 3.7 M including the necessary water distribution system.
 - a. Assuming a twenty year bond at 5 percent interest, the largest annual principal and interest payment is \$ 370,000.
 - b. The average charge per house (80 houses) is \$ 4,625 \ year plus operating costs.

2. The estimated cost to develop a stand-alone sewer service area including a new Sewage Treatment Plant and sewage collection system is \$ 4.2 M.
 - a. Assuming a twenty year bond at 5 percent interest, the largest annual principal and interest payment is \$ 420,000.
 - b. The average charge per house (80 houses) is \$ 5,250 \ year plus operating costs.

The costs enumerated above should be considered for discussion purposes only. Preliminary engineering design including topographic surveys, water quality chemistry, identification of permit requirements, alternate materials, etc. could have a significant impact on the estimated costs (-25% to +50%).

I trust the above is satisfactory. If you have any questions or comments, I am available to discuss them with you.

JWO/id

Attachment

CONCEPTUAL PLANS TO PROVIDE
MUNICIPAL WATER & SEWER SERVICE
TO ORANGE LAKE WEST

Water and sewage disposal service can be provided to the west side of Orange Lake one of two ways.

1. Extend existing Town utilities from the intersection of Lakeside Road and NYS Route 52.

a. Water Service

For the extension of water service, the conceptual plan includes a new 12 inch diameter main connecting to the water system at Route 52 and Lakeside Road, running in Route 52 west to Rock Cut Road and then in Rock Cut Road north to First Street (approx. length = 7,600 linear feet). At the First Street location, new 8 inch diameter water mains would be installed in the subdivision roads of First Street, Summit Avenue, Valley Avenue, Smith Avenue and Snider Avenue with appropriate valving and hydrants (approx. length = 5,835 linear feet). A layout of the proposed distribution system is shown in Figure 1.

The cost estimate for this conceptual plan is \$5.8 M as shown on Table 1 below:

TABLE 1
ESTIMATED COST
WATER SYSTEM CONNECTION
TO EXISTING SYSTEM

Extend Water Main from Rt. 52 \ Lakeside Rd. to Rock Cut Road \ First Street

12" Ø 7,600 L.F. x \$ 300 / L.F. = \$ 2,280,000
8" Ø 5,835 L.F. x \$ 250 / L.F. = \$ 1,458,750

Sub-Total	\$ 3,738,750
Contingency (25%)	<u>934,700</u>

Sub-Total	\$ 4,673,450
Eng., Legal & Admin. (25%)	<u>1,168,400</u>

TOTAL: \$ 5,841,850

USE \$ 5.8 M

CONCEPTUAL PLANS TO PROVIDE
MUNICIPAL WATER & SEWER SERVICE
TO ORANGE LAKE WEST

Page 2:

Besides the high cost relative to the small number of new homes that would be provided service, these are potential water quality issues associated with this plan. Loss of chlorine residual and formation of disinfection by-products are two real problems associated with long dead end systems without adequate demand to reduce the water's age. These problems already exist in the southwest portion of the system which has higher demands than this service area would experience.

b. Sewer Service

For the extension of sewer service, the conceptual plan includes connecting to an existing manhole at the intersection of Route 52 and Lakeside Road with a combination of sewage force main and gravity sewer main to deliver the sewage to the connection point. New 8 inch sewer collection mains would be installed in the subdivision roads previously listed terminating in a new sewage pumping station at the low point of South Street and Snider Avenue. The sewage would then be pumped up South Street to Rock Cut Road, continuing south on Rock Cut Road, east on Route 52 and dropping into a new manhole at Route 52 and Old South Plank Road. New 8 inch gravity sewers would then convey the sewage to the connection point. This conceptual layout is shown on Figure 2.

The cost estimate for this conceptual plan is \$ 5,829,000 as shown on Table 2 below:

TABLE 2
ESTIMATED COST
SEWER SYSTEM CONNECTION
TO EXISTING SYSTEM

Extend Sewer Mains from Rt. 52 \ Lakeside Road to Rock Cut Road \ South Street

8" Ø Gravity Sewers	5,835 L.F. x \$ 300 / L.F. =	\$ 1,750,500
New Sewage P.S.		225,000
6" Ø Force Main	5,500 L.F. x \$ 225 / L.F. =	1,237,500
8" Ø Gravity Main	1,725 L.F. x \$ 300 / L.F. =	<u>517,500</u>
	Sub-Total	\$ 3,730,500
	Contingency (25%)	<u>932,625</u>
	Sub-Total	\$ 4,663,125
	Eng., Legal & Admin. (25%)	<u>1,165,875</u>
	TOTAL:	\$ 5,829,000

USE \$5.8 M

CONCEPTUAL PLANS TO PROVIDE
MUNICIPAL WATER & SEWER SERVICE
TO ORANGE LAKE WEST

Page 3:

c. Financial Impacts

The cost implications to the Newburgh Consolidated Water District is that the Water 2 charge would have to be increased \$ 0.825 per 1000 A.V. The average house would end up paying \$ 53.625 more per year for this improvement.

The cost implication to the Crossroads Consolidated Sewer District is that the Benefit Unit charge would be increased \$ 1.29 per Benefit Unit. The average house would end up paying \$ 64.50 more per year for this improvement.

2. Construct new water supply and sewage treatment facilities in or near the service area appropriately sized to meet the flow requirements.

a. Water Supply & Distribution

It is possible to develop a new community water supply for this area independent of the Newburgh Consolidated Water District. Prior to the 1991 zoning changes, a 300+ unit development was proposed for Rock Cut Road across from Orange Lake West. A water supply for the project utilizing two new wells was proposed. Either these original wells could be located and utilized or new wells developed to supply water to Orange Lake West.

Developing a cost estimate for a desk top analysis is difficult in the absence of any historical cost data and without knowing the chemical characteristics of the raw water. Excessive hardness, iron and/or manganese would require a water treatment facility in addition to the minimum requirement for disinfection.

Conceptually, a new community water supply would require the following elements:

1. Two new wells each with a minimum capacity of between 25 and 30 gpm. Each well would require disinfection equipment and a shared or individual standby power.
2. Any water treatment – softening, iron and manganese removal, GAC or air stripping – would depend on the inherent water quality of the new groundwater supply. Any requirement for this type of treatment would increase costs.
3. For a water system serving less than 150 living units the peak hour demands can be met through the use of a hydropneumatic tank system with booster pumps. Fire protection would not be included with the use of this system.

CONCEPTUAL PLANS TO PROVIDE
MUNICIPAL WATER & SEWER SERVICE
TO ORANGE LAKE WEST

Page 4:

4. Eliminating fire protection would allow the installation of smaller diameter water mains, as small as 3 inch diameter pipe. To preserve the potential for future fire protection, I would recommend the use of 6 inch diameter ductile iron pipe for the distribution mains.

For the purpose of discussion, the estimated cost for these elements of the plan are shown on Table 3 below:

TABLE 3
ESTIMATED COST FOR NEW
PUBLIC WATER SYSTEM

New wells* 2 @ \$ 300,000 ea.	\$ 600,000
Hydropneumatic Tank System	250,000
6 inch water mains – 5,835 L.F. x \$ 225 / ft.	<u>1,312,875</u>
Sub-Total	\$ 2,162,875

- * Does not include land acquisition costs or
Water treatment costs (above disinfection)

<u>Contingency (30%)</u>	648,875
Sub-Total	2,811,750
Eng., Legal & Admin. (30%)	<u>843,550</u>
TOTAL:	\$ 3,655,300

b. Sewage Collection, Treatment & Disposal

It is possible to develop an independent sewer district for this service area. This would require the installation of sewage collection mains in the subdivision roads and the construction of a new sewage treatment plant discharging to Orange Lake. Because Orange Lake is an impaired water body, the treatment requirements would be more stringent (similar to the WWTP's serving the NYS Thruway Service Area).

A more detailed engineering analysis would be required to accurately estimate the cost of the required sewage treatment plant. Given the small size of the required treatment plant, generic unit costs would be high – no economics of scale would be realized.

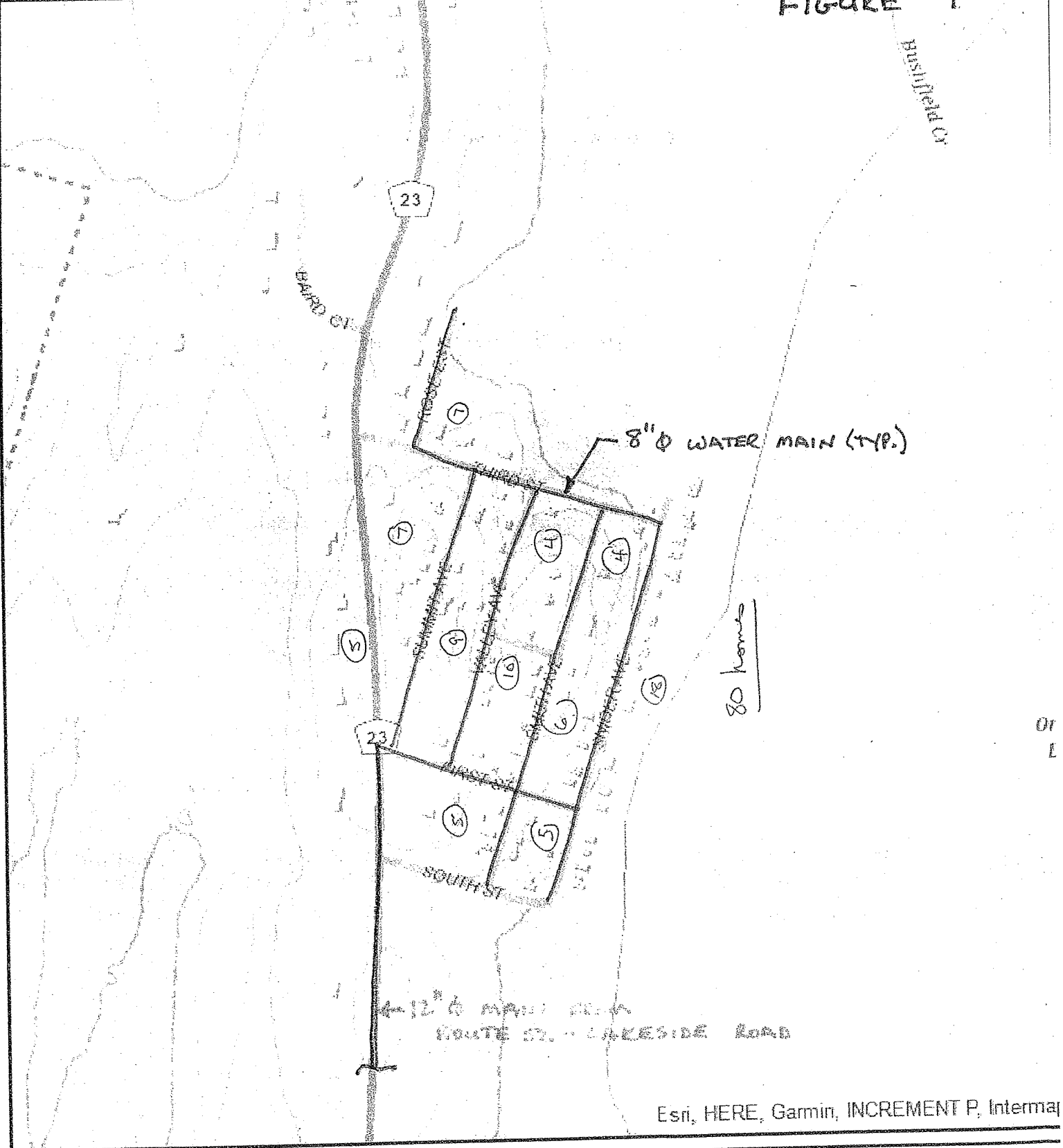
CONCEPTUAL PLANS TO PROVIDE
MUNICIPAL WATER & SEWER SERVICE
TO ORANGE LAKE WEST

Page 5:

For the purpose of discussion, a cost estimate for this option is presented in Table 4 below:

TABLE 4
ESTIMATED COST FOR NEW
SEWAGE COLLECTION, TREATMENT & DISPOSAL

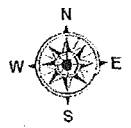
8" Ø Gravity Sewers	5,835 L.F. x \$ 300 / L.F. = \$ 1,750,500	
New Sewage Treatment Plant		<u>750,000</u>
	Sub-Total	\$ 2,500,000
	Contingency (30%)	<u>750,000</u>
	Sub-Total	\$ 3,250,000
Engineering, Legal & Admin. (30%)		<u>975,000</u>
	TOTAL:	\$ 4,225,000



Esri, HERE, Garmin, INCREMENT P, Intermap



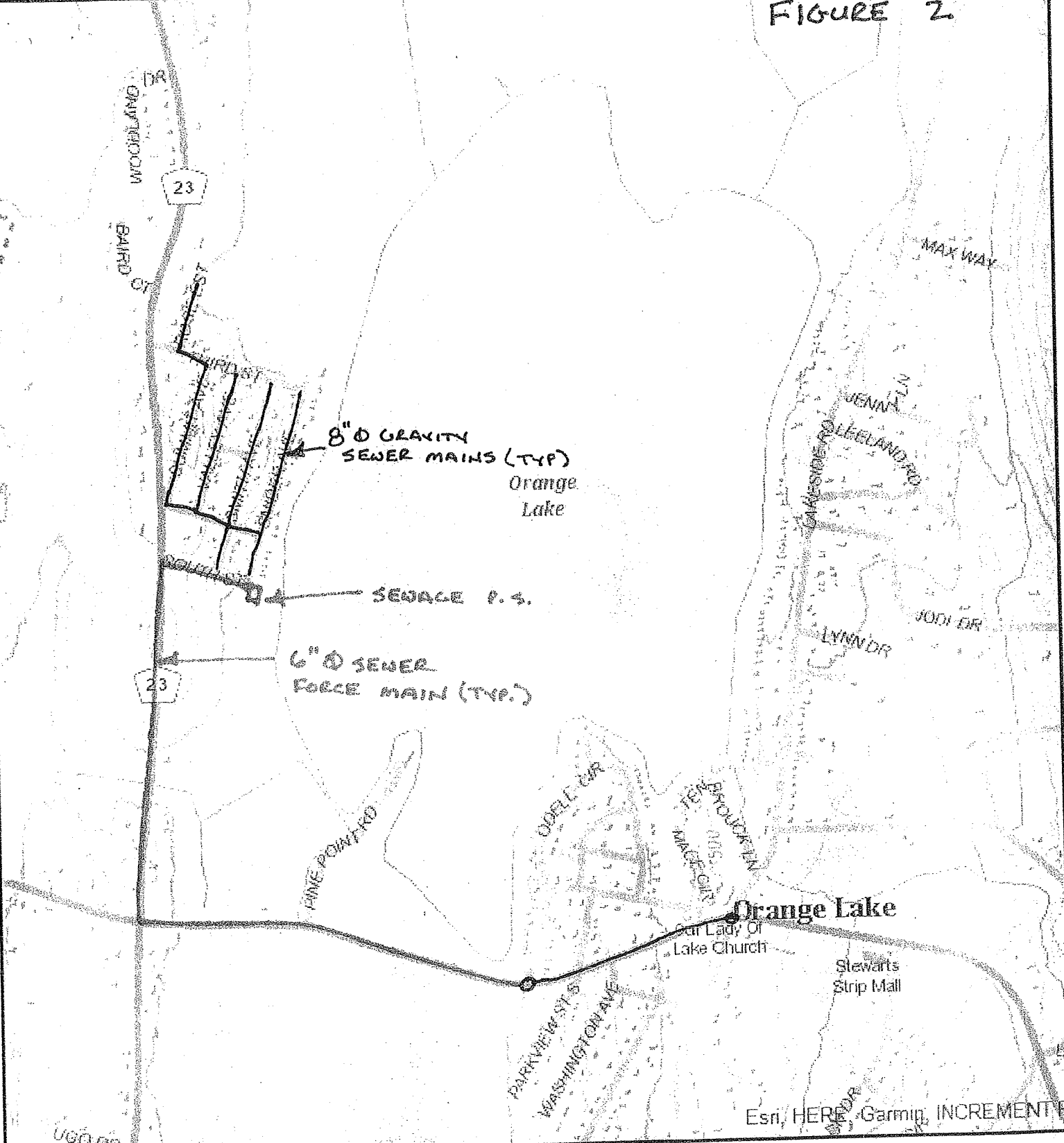
ORANGE LAKE WEST - CONCEPTUAL PLAN
 EXTENSION OF WATER UTILITIES



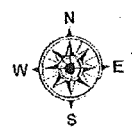
Orange County G.I.S. Division 22 Wells Farm Rd Goshen, New York 10924 Phone: 845.615.3790

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FIGURE 2



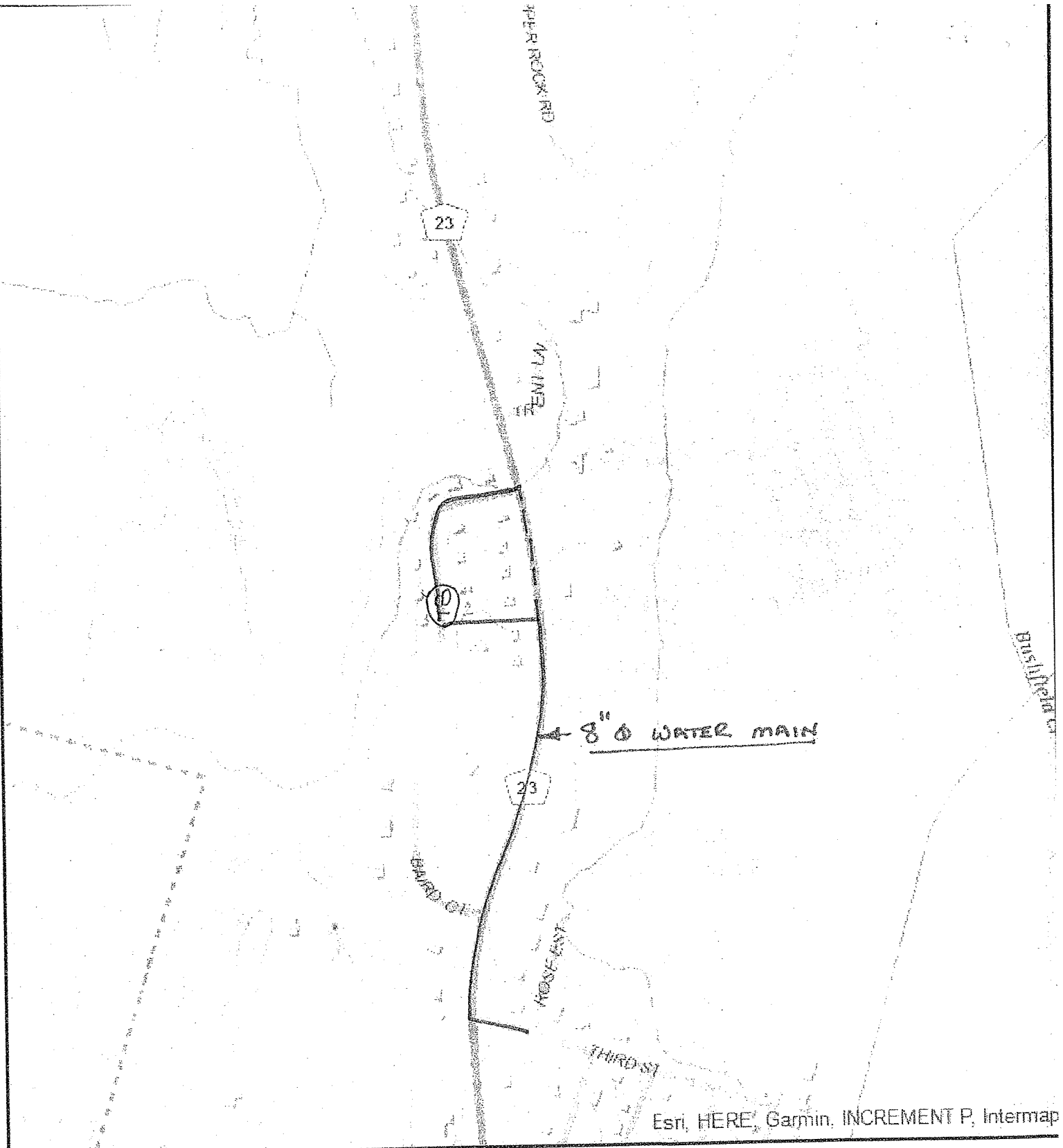
ORANGE LAKE WEST - CONCEPTUAL PLAN
 EXTENSION OF SEWER UTILITIES



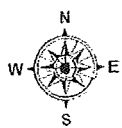
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Printed: Oct 26, 2017

9B

copy

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor & Town Board
FROM: James W. Osborne, Town Engineer *JWO*
DATE: October 26, 2017
RE: SEWER SERVICE EXTENSION – D'ALFONSO ROAD AREA

The following is a summary of the PRELIMINARY Analysis of the costs to extend sewer service to the D'Alfonso Road Area:

1. The total estimated construction cost for this project is \$3,522,000.
2. The estimated highest principal and interest payment is \$ 352,200.
3. For the benefitted area only, the highest annual cost for debt service would be \$ 3,090 per single family home.
4. If consolidated into the Consolidated Crossroads Sewer District, the highest annual cost for debt service would be an additional \$ 42 per average single family home (\$ 0.84 per Benefit Unit).

I trust that the above is sufficient for your review of this potential sewer service extension. If you have any questions or comments, please feel free to contact me.

JWO/id

cc: M. Taylor, Attorney
R. Clum, Accountant
D. Smith, Receiver of Taxes
Molly Carhart, Assessor

CROSSROADS CONSOLIDATED S.D.
EXTENSION OF SERVICE TO
D'ALFONSO ROAD AREA

PRELIMINARY COST ESTIMATE

A. CONSTRUCTION COST

a.	6200 L.F. 8" Diameter Sewer Main 6200 x \$300 per foot	\$ 1,860,000
b.	500 L.F. 2" Diameter Force Main 500 x \$200 per foot	100,000
c.	14 Manholes 14 x \$5,000 each	70,000
d.	12 Individual Sewage P.S. 12 x \$4,500 each	<u>54,000</u>
	SUB-TOTAL:	\$ 2,084,000
	CONTINGENCY (30%)	<u>625,200</u>
	SUB-TOTAL:	\$ 2,709,200
	ENGINEERING, LEGAL & ADMIN.	<u>812,800</u>
	TOTAL:	\$ 3,522,000

B. PRINCIPAL & INTEREST PAYMENT
(USE 20 YEAR BOND @ 5%)

PRINCIPAL	\$ 3,522,000 / 20	=	\$ 176,100
INTEREST	\$ 3,522,000 X 0.05	=	<u>176,100</u>
		TOTAL:	\$ 352,200 / year

C. BENEFIT UNIT CHARGES

1. EXTENSION ONLY

$$\begin{aligned} \$352,200 / 114 \text{ Single Family Homes} &= \$ 3,090 / \text{SFH} \\ \$3,090 / 50 \text{ B.U. per SFH} &= \$ 61.80 / \text{B.U.} \end{aligned}$$

2. CROSSROADS CONSOLIDATED S.D.

$$\begin{aligned} \$352,200 / 420,000 \text{ B.U.} &= \$ 0.84 / \text{B.U.} \\ 50 \times \$ 0.84 / \text{B.U.} &= \$ 42 / \text{SFH} \end{aligned}$$

WHITEMAN
OSTERMAN
& HANNA LLP

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www.woh.com

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One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

February 22, 2018

VIA EMAIL

Supervisor Gilbert J. Piaquadio and Town Board Members
Town Hall
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

Re: **Matrix E-Commerce Center -- Newburgh
Proposed Zoning Text Amendment -- Interchange Business ("IB") Zoning District**

Dear Supervisor Piaquadio and Members of Town Board:

This firm represents Matrix Development Group Associates, LLC as the contract vendee of real property located at the corner of the Route 300/I-84 interchange in the Town of Newburgh comprising property tax parcels 60-3-49.22, 60-3-49.1, 97-1-20.3, 97-1-13.3, 71-4-9, 71-4-10, 71-4-11, 71-4-12, 71-4-13, 71-4-14, 71-5-9, 71-5-15, and 71-5-16 (the "Property"). Matrix is proposing to develop a new warehouse distribution center containing 1,015,740 SF of gross floor area and related site improvements on the Property, which is situated within the Town's IB zoning district (hereinafter referred to as the "E-Commerce Center"). The distribution center would be used by a national e-commerce tenant. A copy of the Town's zoning map is attached hereto as Exhibit A.

The Town of Newburgh had previously approved up to 850,000 SF of retail space on the Property as part of the Marketplace at Newburgh project (aka The Ridge).

To facilitate the E-Commerce Center, Matrix is requesting that the Town Board consider amending the building height requirements from 40 feet to 55 feet for warehouses located on lots greater than 100 acres in the IB zoning district¹. In addition, based on the Town's desire to include some retail and/or commercial uses on the Property, Matrix will consider provisions in a Developers Agreement with the Town that would provide retail, commercial, office, hotel or

¹ The IB Zone presently allows hotels to be 50 feet high. The proposed text amendment would allow certain distribution centers to be slightly higher than that.

similar uses on an outparcel to be located along Route 300 to ensure that the Town's goals are met. The proposed text amendment is described in more detail in Exhibit B.

E-commerce distribution centers are in high demand due to the recent online retail shopping boom. This proposed building height is reflective of the current industry standard for e-commerce distribution centers. Such centers require higher than historical building heights for distribution centers to allow for modern racking and mechanical systems required for efficient storage and conveyance of e-commerce products.

The Proposed Project

The Property is bounded by I-84 to the south, commercial uses and Route 300 to the west, residential uses to the east and Route 52 to the north. The Property contains approximately 118 acres of vacant land. Most of the land has been cleared as authorized by prior approvals for the Marketplace/Ridge project--a large-scale retail development to be located on the Property. For more details on Matrix's proposed E-Commerce Center, please see the Project Narrative attached hereto as Exhibit C. Also attached as Exhibit D is a conceptual site plan for the E-Commerce Center.

Currently, Matrix is preparing an application to the Planning Board for site plan approval. Matrix is also in the process of preparing a number of studies evaluating the potential environmental impacts of the proposed E-Commerce Center under the State Environmental Quality Review Act ("SEQRA"). Matrix is also evaluating the potential impacts of the E-Commerce Center as compared to the impacts approved by the Town for the Marketplace/Ridge retail project). In comparison, it is anticipated that the E-Commerce Center will have fewer potential impacts than these retail developments and, therefore, an Environmental Impact Statement ("EIS") will not be required. These environmental studies and comparison documents will be submitted to the Planning Board as part of the SEQRA process.

The Proposed Text Amendment Will Enhance the IB District and the Town's Tax Base

The IB zoning district is designed to support the industrial and commercial needs of the Town of Newburgh. *See* Zoning Code. Being located nearby I-84, I-87, Route 300, and Stewart International Airport, the Property, and the IB district generally, is prime to support the proposed E-Commerce Center.

The Property is the only vacant parcel within the IB zoning district containing 100 acres of vacant land. A review of all IB zoning district parcels indicates that only one other parcel is in excess of 100 acres, but that property is improved with the Manheim New York automotive dealership (tax parcel 89-1-69.11 lot size 128.8 acres).

At 55 feet in height, the proposed E-Commerce Center will not result in any significant impacts to the adjacent residential properties (east of the Property). The Marketplace/Ridge project permitted large-scale retail structures setback only 159 feet from the nearest residential parcel. By contrast, the proposed Matrix E-Commerce Center building will be pulled back from

the residential properties and be set back approximately 558.7 feet from the nearest residential parcel.

Matrix has purposefully designed the E-Commerce Center to locate all truck-loading bays at the south side of the building, facing I-84 and away from the residential property. See Exhibit D - conceptual site plan. This will significantly decrease the amount of potential visual and noise impacts for the eastern residential properties. The building will act as a complete screen to these properties from truck activities at the E-Commerce Center. Also, the E-Commerce Center will have far less signage than the approved retail development, thereby reducing visual clutter. The well monitoring protocol established for the retail project will also be followed by the E-Commerce Center to ensure that residential wells are protected during construction of the project. Based on the foregoing, the E-Commerce project will more sensitive and less intrusive to the adjacent residential areas than the Marketplace/Ridge project.

The Text Amendment Is Consistent with The Comprehensive Plan and the Height Requirements for Warehouses in Surrounding Municipalities

The Comprehensive Plan in the Town of Newburgh was initially drafted in 1991 and was most recently updated in October 2005 (the "Comprehensive Plan"). We have annexed hereto as Exhibit E a Comprehensive Plan Narrative that demonstrates the proposed text amendment's compliance with the Comprehensive Plan.

In short, the Comprehensive Plan notes that the area and bulk regulations in the IB Zoning District "may not be sufficient for warehouses, storage and transportation facilities, and other permitted uses" and should be reexamined. See Comprehensive Plan III-44-45. With this goal in mind, the Comprehensive Plan's suggested Action Plan is to "[r]eview bulk regulations" in the IB Zoning District. See Comprehensive Plan III-61. The proposed text amendment would constitute a re-examination of the area and bulk regulations to allow IB district parcels to accommodate e-commerce distribution centers.

For reference, we have annexed hereto as Exhibit F a chart of permitted building heights in surrounding municipalities. The chart illustrates that, on average, neighboring Towns allow warehouses approximately 49 feet in height with some municipalities exceeding 55 feet in warehouse height. Thus, the proposed height of 55 feet is consistent with other municipalities and will give the Town of Newburgh a competitive advantage in attracting e-commerce companies.

Conclusion

The adoption of this text amendment will allow the Town of Newburgh to attract national e-commerce companies that will enrich the Town's commercial base and create new jobs for its residents. By enacting the proposed text amendment, the Town will embrace the future of e-commerce and become an e-commerce hub that will increase the Town's tax base.

As part of this letter, the following documents have been attached:

- Exhibit A: Town of Newburgh Zoning Map
- Exhibit B: Proposed Zoning Code Text Amendment
- Exhibit C: Project Narrative
- Exhibit D: Conceptual Site Plan
- Exhibit E: Comprehensive Plan Narrative
- Exhibit F: Warehouse Height Comparison

Also, a check in the amount of \$300 dollars representing the application fee for the text amendment will be provided to the Town. See Town Code § 104-2(F)(1)(b).

Thank you kindly for your attention to our request. If you have any questions on the material provided in this letter, please let me know. We look forward to working with the Town Board on this proposed text amendment and this exciting new project for the Town of Newburgh.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. R. Everett', with a stylized flourish at the end.

David R. Everett

Enclosures

c: Ken Griffin – Matrix
Chuck Utschig, P.E.

EXHIBIT A

Town of Newburgh

Orange County, New York
OFFICIAL ZONING MAP

Date of Last Amendment: LL#3 of 2012, adopted 11 June 2012

This is the Official Zoning Map of the Town of Newburgh, New York, as amended by Local Law 43 of 2012, adopted 11 June 2012, and certified as accurate on 26 September 2012. Signed copies are on file at the Orange County Department of Planning and at the Municipal Clerk's office.

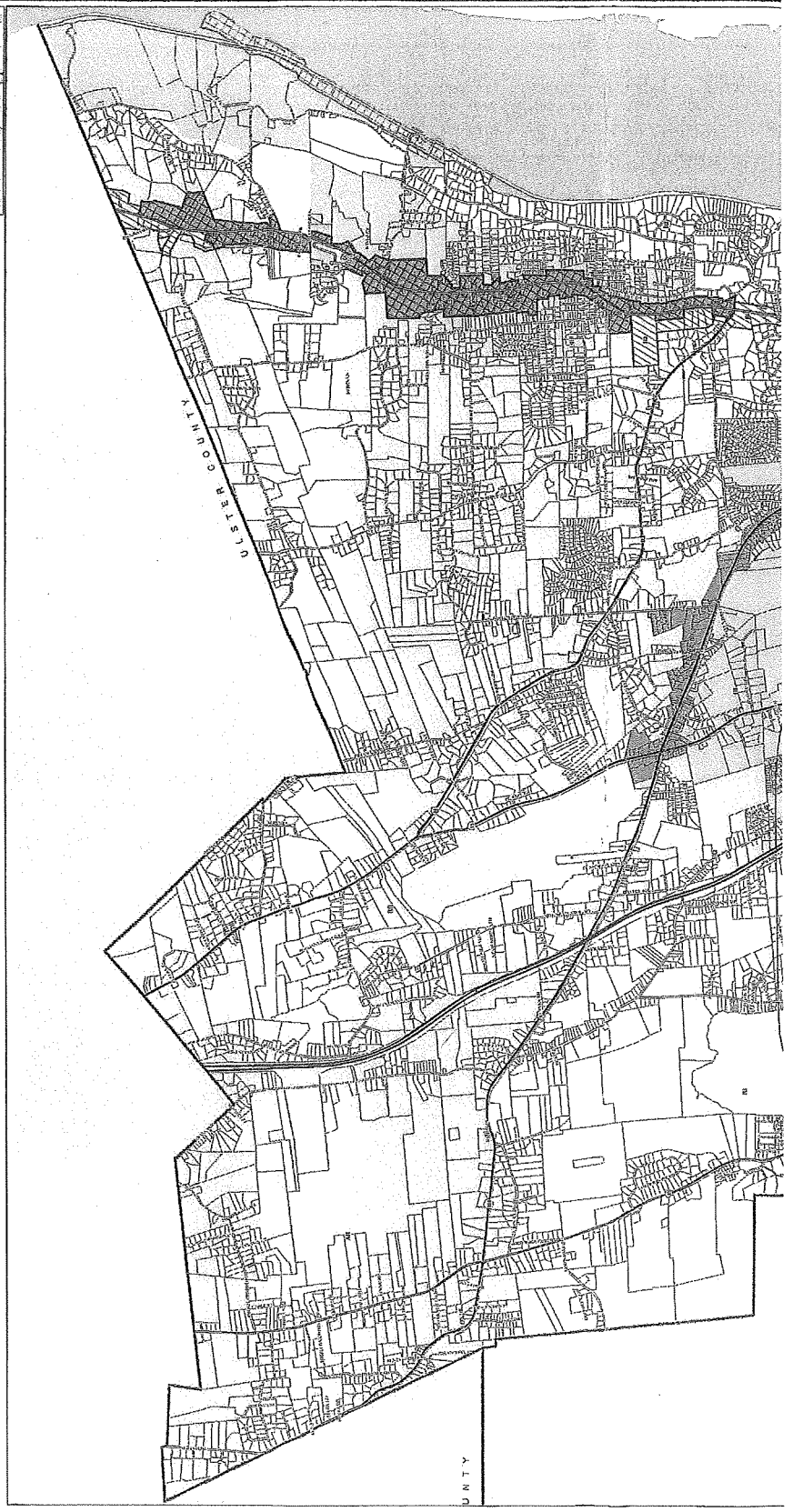
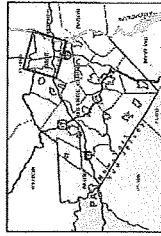


EXHIBIT B

Matrix Ecommerce Center - Newburgh

Proposed Zoning Code Text Amendment

**185 Attachment 13
Table of Use and Bulk Requirements
IB District – Schedule 8**

- Zoning Code 185 Attachment 13 shall be amended as follows:

Building Height (feet) – 40^x

Footnote X: The maximum permitted building height shall be 55 feet for warehouses on property containing more than 100 acres of land.

EXHIBIT C

Matrix E-Commerce Center - Newburgh
Project Narrative
February 21, 2018

Matrix Development Group Associates, LLC ("Matrix") is proposing to develop property located at the corner of the Route 300/I-84 interchange in the Town of Newburgh with a new warehouse distribution center containing 1,015,740 SF of gross floor area and related site improvements (the "Property"). The distribution center would be used by a national e-commerce tenant. The Property is bounded by I-84 to the south, commercial uses and Route 300 to the west, residential uses to the east and Route 52 to the north. The Property contains approximately 118 acres of vacant land. Most of the land has been cleared. The Property is situated within the Interchange Business "IB" zoning district, where distribution centers are a permitted use with a site plan approval and related permits from the Town of Newburgh Planning Board.

The e-commerce industry is growing at a rapid pace due to online shopping and home-delivery options. This requires e-commerce companies to locate large distribution centers near major transportation points to ensure that online orders are filled as quickly and efficiently as possible. The site is an ideal location for a distribution center, being situated within the IB zoning district and located near major transportation points such as Stewart International Airport, I-84, I-87 and Route 17K.

The project will contain a variety of site improvements including, among other things, clearing and grading, primary access from Route 300 and access from Route 52 for emergency vehicles only, parking for employees and trucks, dark-sky friendly lighting, storm water management controls, utilities, paving, signage and landscaping (the "Project"). The building will be one story and fully enclosed.

Based on the Town's desire to include some retail and/or commercial uses on the Property, the Project will seek to reserve approximately 13 acres of land along Route 300 which could be developed for potential future retail, commercial, office, or hotel uses. However, no such development is proposed at this time. Matrix is not a retail/commercial developer but may seek to partner with another company that may be interested in developing such uses on this lot in the future.

The Project will provide numerous benefits to the Town of Newburgh, Orange County and the surrounding region. The Project has been designed to attract a high-quality national e-commerce company to the Town of Newburgh and it is expected to generate significant revenues for the Town, as well as substantial construction jobs and permanent jobs for local residents.

Prior Approvals and Environmental Review

In 2008, the Planning Board issued site plan approval for a large-scale shopping center on the Property known as "The Ridge". The Ridge received its initial site plan approval on June 19, 2008 for 850,000 sf of retail space and other related site improvements on the Property. As recently as June 15, 2017, The Ridge received amended site approval for 700,000 sf of retail space on the Property. The Ridge also prepared

Draft and Final Environmental Impact Statements ("EISs") pursuant to the State Environmental Quality Review Act ("SEQRA"). These EISs fully evaluated the Ridge's potential adverse impacts on the environment. Following the completion of the EISs, the Planning Board issued a SEQRA Findings Statement on May 3, 2007, finding that the Ridge project would minimize or avoid, to the maximum extent practicable, adverse environmental effects by incorporating certain mitigation measures. Based on this prior SEQRA review, the environmental impacts of a large development in the Property have already been evaluated extensively.

Matrix's proposed project is considered a Type 1 action under SEQRA and Matrix will submit a Full Environmental Assessment Form ("EAF") as part of any formal site plan application to the Town Planning Board. Matrix is presently conducting a comprehensive review of the Ridge's EISs and SEQRA Findings (and amended findings) and will provide the Planning Board with a comparison of the environmental impacts/mitigation measures identified for The Ridge project as compared to environmental impacts/mitigation measures required for the Matrix distribution center. A preliminary comparison indicates that, for the most part, the distribution center is expected to have fewer environmental impacts and require fewer mitigation measures than The Ridge. Accordingly, Matrix believes that its project will be consistent with all prior SEQRA approvals for The Ridge and a supplemental environmental impact statement will not be needed. The Planning Board is expected to address this issue as the SEQRA lead agency for the project.

We look forward to working with the Town during its review of the Matrix E-Commerce Center at Newburgh, and we anticipate that the Project will benefit both the Town and Matrix for many years to come.

EXHIBIT D

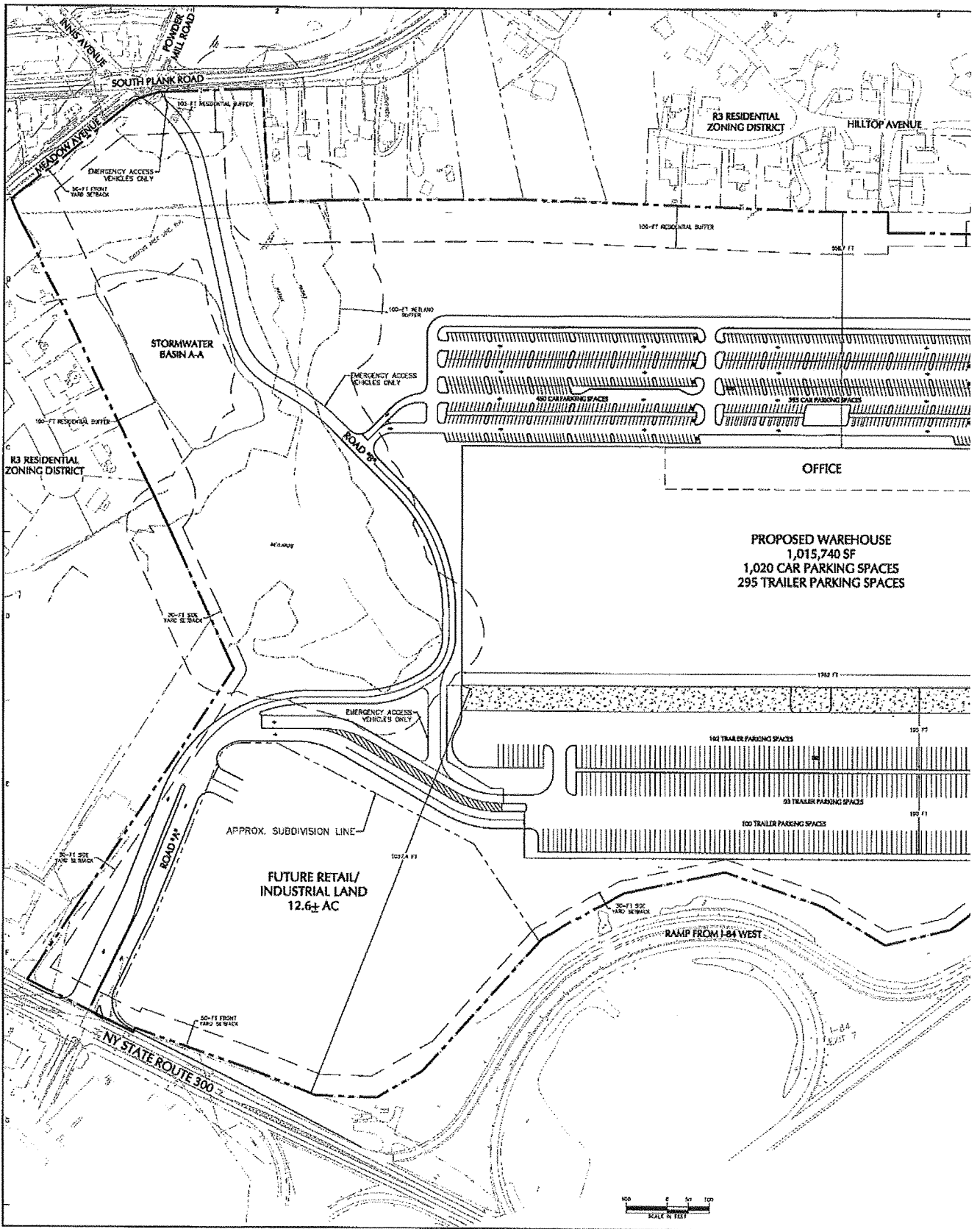


EXHIBIT E

Matrix E-Commerce Center - Newburgh
Comprehensive Plan Narrative

Statement of Need

- Matrix Development Group Associates, LLC ("Matrix") has proposed to develop a 1 million square foot warehouse distribution center on property located along Route 300 (adjacent Interstate I-84) in the Town of Newburgh. The distribution center would serve a national e-commerce tenant.
- The Property is situated within the Interchange Business "IB" Zoning District, which permits "[w]arehouse, storage and transportation facilities, including truck and bus terminals, not within 500 feet of Route 17K."
- The e-commerce industry is growing at a rapid pace due to online shopping and home delivery options. This requires these companies to physically locate large distribution centers nearby major transportation hubs and highways. A number of national e-commerce companies are currently looking for facilities in the Newburgh area.
- The IB Zoning District is perfectly positioned next to interstate highways and transportation hubs like Steward Airport to accommodate these large-scale e-commerce businesses and create new full-time jobs and revenues.
- The Town's present area and bulk regulations within the IB Zoning District do not accommodate the building height requirements that are typical for distribution centers in the growing e-commerce industry.
- New e-commerce distribution facilities require a building height of at least 55 feet to manage the storage and movement of goods within the distribution center.
- There are a limited number of vacant properties in the IB Zoning District where a distribution center could be built (distribution centers are prohibited 500 feet from Rt. 17K).

Comprehensive Plan and Land Use Considerations

- The Town's Comprehensive Plan notes that the area and bulk regulations (citing some examples) in the IB Zoning District "may not be sufficient for warehouses, storage and transportation facilities, and other permitted uses" and should be reexamined. See Comprehensive Plan III-44-45.
- The suggested Action Plan in the Town's Comprehensive Plan is to "[r]eview bulk regulations" in the IB Zoning District. See Comprehensive Plan III-61.
- Accordingly, Matrix would respectfully request that the Town Board review the height requirement in the area and bulk regulations in the IB Zoning District and consider the growing need for e-commerce distribution centers, which require a minimum height of 55 feet.

- The Town's Comprehensive Plan promotes jobs in a "variety of sectors, not just retail." See Comprehensive Plan III-45. Matrix's project would certainly create many new jobs for local residents.

EXHIBIT F

**Matrix Development – Town of Newburgh
Warehouse Height Comparison
February 21, 2018**

The chart below includes a list of Towns surrounding the Town of Newburgh that permit warehouse building height taller than 40 feet in height. The permitted height for warehouses located in the IB zoning district in the Town of Newburgh is currently 40 feet.

A survey was conducted of all the Towns in Orange County and those Towns in Ulster and Dutchess Counties that are close to the Town of Newburgh.¹

As noted below, many of the surrounding Towns allow warehouses taller than 40 feet in height, which reflects the current industry standard of 55 feet heights for warehouse uses especially e-commerce warehouses. In Orange County alone, ten (10) Towns permit warehouses over 40 feet in height. Out of the Towns surveyed, twelve (12) Towns permit warehouses taller than 40 feet in height and ten (10) Towns permit warehouses 40 feet or less in height. On average, neighboring Towns allow warehouses approximately 49 feet in height.

Our survey indicated that many of the more populated/commercial Towns close to major transportation corridors and hubs (e.g. the Stewart International Airport and I-87/I-84), permit warehouses to be above 50 feet in height.

To attract national e-commerce companies to the Town of Newburgh and to become part of the e-commerce industry, the Town may want to consider amending the permitted height for warehouses in the IB zoning district to be consistent with warehouse heights allowed in neighboring towns and to be consistent with the industry standard for e-commerce warehouses (55 feet).

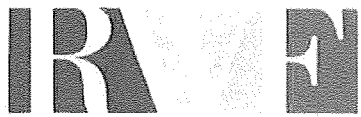
Municipality	Use	Zoning District / Permitted Height	Comments
Town of Chester	"Fully enclosed warehouse distribution center"	<u>Industrial District</u> 45 Feet (Lot area 2+ acres) 65 Feet (Lot area 5+ acres) 65-90 Feet (Lot area 40+ acres with Town Board approval) <u>Agri-Industry District</u> 60 Feet	
Town of Deerpark	"Industrial Park" and "Wholesale"	<u>Industrial "I-1" District</u> 75 Feet*	

¹ In Orange County, the only Town not included in the survey was the Town of Greenville, which does not appear to include references to building height in its Zoning Code.

	"Self Storage" and "Wholesale"	<u>Interchange Business "IB" District</u> 75 Feet* *Subject to Fire Department approval	
Town of Goshen	"Warehouse/self storage" "Warehousing and Warehousing of nonfarm products" and "trucking Terminals"	<u>Industrial District</u> 45 Feet <u>Agricultural Industrial District</u> 45 Feet	
Town of Hamptonburgh	"Warehouse"	<u>Limited Industry Use District</u> 50 Feet	
Town of Monroe	"Warehouse"	<u>Light/Heavy Industrial District</u> 50 Feet	
Town of Montgomery	"Warehouses with three or more truck docks or bays"	<u>All Industrial Districts</u> 55 Feet	
Town of Mount Hope	"Warehouse"	<u>Office, Research, Industrial Park District</u> 60 Feet	
Town of New Windsor	"Bulk storage, including warehouses"	<u>Airport and Planned Industrial District</u> 12" in height per foot distance to nearest lot line	The New Windsor, code requires a 50 foot minimum side yard setback for warehouses, which would allow a warehouse 50 feet in height.

Town of Tuxedo	"Wholesale and Warehousing Establishment"	<u>Research Office/Light Office Ind. District</u> 45 Feet	
Town of Wawayanda	"Warehouse storage and distribution facility"	<u>Mixed Commercial District</u> 65 Feet <u>Town Commercial District</u> 45 Feet	
Town of Fishkill	"Any industrial, warehousing or manufacturing use, including fabrication, converting, processing, altering or other handling of products, provided that all equipment, materials and all activities shall be in fully enclosed buildings"	<u>Planned Shopping Center/Indust. District</u> 45 Feet	
Town of East Fishkill	"Warehousing and distributing"	<u>Industrial 2 District</u> 45 Feet	
Town of Gardiner	"Warehouse/Wholesale Business"	<u>HM District</u> 45 Feet	

10Bi
and
10Bii



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 LAWS AMENDING THE MUNICIPAL CODE'S
SIGN REGULATIONS

OUR FILE NO. 800.1(B)() () (2015, 2017, 2018)

DATE: FEBRUARY 23, 2018

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

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(1915-1990)

COUNSEL
Stephen P. Duggan, III
John K. McGuirk

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Enclosed please find the following draft resolutions for the Town Board's consideration for the Local Laws which were previously introduced and referred.

1. Resolution of Town Board Determining that Proposed Adoptions of Local Laws Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh and Chapter 160 Entitled "Streets and Sidewalks" of the Code of the Town of Newburgh to Better Regulate Signs, Sign Locations and Lighting Constitute a Type I Action and Providing for Coordinated Review

A copy of the Full EAF for the Action prepared by David Smith follows the Resolution.

2. Resolution of Town Board Scheduling Public Hearings on Local Laws Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh and Chapter 160 Entitled "Streets and Sidewalks" of the Code of the Town of Newburgh: Sign Regulations

Please note that given the interconnectivity of the Local Laws, the draft resolution contemplates the 5 public hearings being held concurrently at the same time at the first meeting in April, although certainly if the Board wishes, it can instead schedule them consecutively and hear comments on each Local Law separately. The public hearings will each have a separate Notice in any event.



Also attached are copies of the comments received from the Orange County Planning Department and Town Planning Board. I have not received a copy of any comments from the Zoning Board of Appeals.

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

MCT:kac

Enclosures

cc: Andrew J. Zarutskie, Town Clerk (via e-mail)
James Osborne, Town Engineer (via e-mail)
Gerald Canfield, Code Compliance Supervisor (via e-mail)
David Smith, Planning and Development Advisors (via e-mail)

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 April, 2018 at 7:00 o'clock p.m.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- James E. Presutti, Councilman
- Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD DETERMINING THAT PROPOSED ADOPTIONS OF LOCAL LAWS AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND CHAPTER 160 ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE TOWN OF THE TOWN OF NEWBURGH TO BETTER REGULATE SIGNS, SIGN LOCATIONS AND LIGHTING CONSTITUTE A TYPE I ACTION AND PROVIDING FOR COORDINATED REVIEW

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

WHEREAS, the Town Board of the Town of Newburgh has determined to undertake amendments of the Town's Zoning and related Code provisions pertaining to the regulation of signs in the Town; and

WHEREAS, the following Introductory Local Laws have been introduced before the Town Board:

1. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Sign Regulations;
2. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Electronic and Illuminated Signs;
3. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Sign Regulations for Shopping Centers;
4. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles; and
5. A Local Law Amending Chapter 160 entitled "Streets and Sidewalks" of the Code of the Town of Newburgh: Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles in Public Street Rights of Way (collectively the "Sign Regulation Amendments"); and

; and

WHEREAS, the Town Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the

citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a; and

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoptions of the Sign Regulation Amendments; and

WHEREAS, the Town Board has determined that the proposed adoptions of the aforesaid Sign Regulation Amendments should be reviewed as a single action (the "Action") under Part 617 of the General Regulations ("Part 617") adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQR") 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, using all due diligence, has identified the following involved agency(ies) for the Action:

None; and

WHEREAS, the Town Board, using all due diligence, has identified the following agencies as potentially interested agencies for the Action:

the Orange County Planning Department,

the Town of Newburgh Planning Board, and

the Town of Newburgh Zoning Board of Appeals; 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 SEQR and Part 617.

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, hereby determines that the Action is subject to SEQR and is a Type I action as it includes "the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district"; and

BE IT FURTHER RESOLVED, that no other agency is identified as an involved agency for the Action

; and

BE IT FURTHER RESOLVED, that the following are identified as interested agencies for the Action:

- Orange County Department of Planning
- Town of Newburgh Planning Board
- Town of Newburgh Zoning Board of Appeals

and;

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a Lead Agency coordination letter be circulated among involved agencies, if any, together with copies of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQR and Part 617, and that copies of the EAF also be forwarded to interested agencies for review and comment.

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>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Amendments to the Town Code to better regulate signs, sign locations and lighting		
Project Location (describe, and attach a general location map): Town of Newburgh		
Brief Description of Proposed Action (include purpose or need): Revisions to the Town of Newburgh Zoning Code to regulate signs, their placement and lighting thereof town-wide. See attached ordinances.		
Name of Applicant/Sponsor: Town of Newburgh	Telephone: 845-564-4552	
	E-Mail: supervisor@townofnewburgh.org	
Address: 1496 Route 300		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Gil Plaquadro, Supervisor	Telephone: same as above	
	E-Mail: same as above	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Zoning Code Revisions	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Review and Recommendation	
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning GML Review	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediation Sites:336022 , Remediation Sites:336031 , Remediation Sites:V00312 , Remediation Sites:336002 , Remediation Sites:336057, Remediation Sites:336009 , Remediation Sites:V00118 , Remediation Sites:336059 , Remediation Sites:336086, Remediation Sites:336024, Remediation Sites:546031	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? comprehensive sign regulations _____

C.4. Existing community services.

a. In what school district is the project site located? Marlboro Central, Newburgh Central, Valley Central, Walkkill Central _____

b. What police or other public protection forces serve the project site?
 Town of Newburgh Police Department and volunteer Fire Departments _____

c. Which fire protection and emergency medical services serve the project site?
 Coldenham, Cronomer Valley, Dan Leghorn, Goodwill, Middlehope and Winona Lake; Town of Newburgh Ambulance _____

d. What parks serve the project site?
 Chadwick Lake, Cronomer Hill, Algonquin Park, Monarch Drive Playground _____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Town-wide sign regulations _____

b. a. Total acreage of the site of the proposed action? 1,960,200+/- acres
 b. Total acreage to be physically disturbed? 0 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? NA acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ NA gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday: _____	Consistent with Code	• Monday - Friday: _____	Consistent with Code
• Saturday: _____	Consistent with Code	• Saturday: _____	Consistent with Code
• Sunday: _____	Consistent with Code	• Sunday: _____	Consistent with Code
• Holidays: _____	Consistent with Code	• Holidays: _____	Consistent with Code

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n.. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____	1,960,200	1,960,200	0

Full Environmental Assessment Form Narrative

Town of Newburgh – Amendments to Chapter 185 entitled “Zoning” of the Code of the Town of Newburgh: Sign Regulations, Electronic and Illuminated Signs, Sign Regulations for Shopping Centers; and, To Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles; and, Amendments to Chapter 160 entitled “Streets and Sidewalks” of the Code of the Town of Newburgh: To Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles.

Lead Agency

Town of Newburgh Town Board

Description of the Proposed Action

The Town of Newburgh conducted a public process in the adoption of its Comprehensive Plan which resulted in the identification of a number of recommendations for implementation¹. One of the recommendations included an evaluation of the current sign regulations² affecting all zoning districts in the Town. Subsequently, one of the implementation measures the Town of Newburgh caused to be prepared was a Design Guidelines handbook, which included certain recommendations on signage³.

The Proposed Action includes a comprehensive amendments to Chapter 185-14 Sign Regulations and Chapter 160 Streets and Sidewalks, including the introduction of an intent section which states that these regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community and the need for adequate identification, communication and advertising for all land uses. At no time should these provisions be interpreted to regulate any aspect of the content of any sign.

The regulations for signs have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
- (b) To allow and promote positive conditions for meeting a sign user's needs, while at the same time avoiding nuisances to nearby properties and promoting an attractive environment.
- (c) To reflect and support the desired character and development patterns of the various districts.
- (d) To allow for adequate and effective signs in commercial and industrial districts while preventing signs from dominating the visual appearance of the area.

In addition to the comprehensive amendments to Chapter 185-14, the Town of Newburgh is also considering the addition of two new sections to Chapter 185 entitled Sign Regulations for

¹ Town of Newburgh Comprehensive Plan Update, October 2005

² Ibid., pages III-50 and 51

³ Town of Newburgh Design Guidelines, June 2007, p.33

Shopping Centers and Electronic and Illuminated Signs and Chapter 160 Streets and Sidewalks (taken together these amendments constitute the Proposed Action).

Identification of Potential Environmental Impacts

The Proposed Action will not, per se, have any physical impact to the environment due to the legislative process of adopting amendments to Chapters 185-14 and 160. However, the Town, as part of its deliberations (refer to meeting minutes attached herewith), did consider the potential physical impact of the potential implementation of the amendments particularly as it relates to placement, location and dimensions.

The following is taken from an evaluation of Full Environmental Assessment Form Parts 1 and 2 to evaluate and assess potential impacts to environmental area.

1. Impact on Land

Implementation of the Proposed Action in the form of the installation of new signs would be addressed as part of the site plan review process. No anticipated impacts.

2. Impact on Geologic Features

No anticipated impacts.

3. Impacts on Surface Water.

No anticipated impacts.

4. Impacts on Groundwater

No anticipated impacts.

5. Impacts on Flooding

No anticipated impacts.

6. Impacts on Air

No anticipated impacts.

7. Impacts on Plants and Animals

No anticipated impacts.

8. Impacts on Agricultural Resources

No anticipated impacts.

9. Impact on Aesthetic Resources

The intention of the Proposed Action is to provide well designed and coordinated signage that is compatible with existing land use patterns. Significant portions of the Town of Newburgh are located along major highways and thoroughfares that are zoned for commercial or industrial uses that require signage as part of their interaction with the

general public. Refer also to the specific objectives of the proposed amendments noted above. No anticipated impacts.

10. Impact on Historic and Archeological Resources

No anticipated impacts.

11. Impact on Open Space and Recreation

No anticipated impacts.

12. Impact on Critical Environmental Areas

No anticipated impacts.

13. Impact on Transportation

No anticipated impacts.

14. Impact on Energy

No anticipated impacts.

15. Impact on Noise, Odor, and Light

The Proposed Action specifically regulates signage lighting which is further evaluated as part of the site plan review process to minimize light shining onto adjoining properties and exacerbating sky-glow conditions. No anticipated impacts.

16. Impact on Human Health

No anticipated impacts.

17. Consistency with Community Plans

The Proposed Action implements recommendations included as part of the Town of Newburgh's adopted Comprehensive Plan. No anticipated impacts.

18. Consistency with Community Character

The intent of the Proposed Action, as noted in the specific objectives, see above, is to create well designed and coordinated signage that is compatible with existing land use patterns.

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 February, 2018 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD SCHEDULING PUBLIC HEARINGS ON LOCAL LAWS AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND CHAPTER 160 ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE TOWN OF NEWBURGH: SIGN REGULATIONS

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

WHEREAS, the following Local Laws have been 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:

1. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Sign Regulations;
2. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Electronic and Illuminated Signs;
3. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Sign Regulations for Shopping Centers;
4. A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles; and
5. A Local Law Amending Chapter 160 entitled "Streets and Sidewalks" of the Code of the Town of Newburgh: Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles in Public Street Rights of Way.

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

BE IT FURTHER RESOLVED that the Town Board shall hold concurrent public hearings in the matters of the adoption of the aforesaid local laws to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the ___th day of April, 2018 at 7:00 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearings by the publication of notices in the official newspapers of the Town, specifying the time when and the place where such public hearings will be held at least three (3) days prior to the public hearings in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting copies of the local laws together with the notices of hearing on the signboard of his office not later than the day each such notice is published; and

BE IT FURTHER RESOLVED that copies of the aforesaid local laws and notices of the public hearings be forwarded to all municipalities, agencies and boards required to receive such copies and notices in accordance with the provisions of the New York State General Municipal Law, the New York State Town Law and the Town of Newburgh Zoning Code.

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 _____

James E. Presutti, Councilman voting _____

Scott M. Manley, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

mailed 11/3/18 (AD)



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-8840
Fax: (845) 291-2533

David E. Church, AICP
Commissioner

www.orangecountyny.gov/planning
planning@orangecountyny.gov

**County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n**

Local Referring Board: Town of Newburgh Board

Referral ID #: NBT 31-17M

Applicant: Town of Newburgh

Tax Map #: townwide

Project Name: Town of Newburgh Sign Regulation Requirements **Local File #:** none provided

Proposed Action: Local Law to amend Town of Newburgh codes relating to signs

Reason for County Review: Local law affecting zoning or land use

Date of Full Statement: December 15, 2017

Comments:

The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Coordinated Actions: We commend the Town for taking this action; the most frequent area variance request we receive from the Town of Newburgh is for the maximum sign area for a commercial business, and the proposed amendments to the Zoning and Streets and Sidewalks Codes should eliminate that problem.

Sign Illumination: The proposed hours of illumination are sunset to 11:00 p.m. or the time that the business closes. We advise the Town to consider if this is a reasonable regulation for business that operate around the clock; there may be accommodations that will allow lighting to be reduced in intensity during the hours between 11:00 p.m. and sunrise, for instance.

Sign Placement: Several sections of the new code refer to restricting the placement of signs in the “triangular area” of a corner lot. The Town may wish to consider a diagram showing this area and what is and isn’t permitted there as part of the code document itself, as well as potentially including diagrams of sign types and other things that may be easier to explain visually.

Sign Locations: The proposed local law refers to illuminated signs being permitted in residential zones provided the property is adjacent to a state highway. The Town may wish to consider types and times of illumination for such signs that are more restrictive than those for nonresidential districts.

County Recommendation: Local Determination

Date: December 29, 2017

Prepared by: Megan Tennermann, AICP, Planner

David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountyny.gov/planning.

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January 30, 2018

Town of Newburgh Town Board
1496 Route 300
Newburgh, New York 12550

RE: Local Laws Amending the Municipal Code's Sign Regulations

Members of the Board:

The planning board took up consideration of the five local laws referenced above during its meeting of January 18, 2018. The planning board has authorized me to prepare this letter constituting the planning board's report pursuant to Section 185-60 of the Code of the Town of Newburgh.

Section 185-60(B)(1)(a): Whether such change is consistent with the aims and principles embodied in the Chapter as to the particular districts concerned.

The planning board thanks you for your efforts in revising the sign regulations in the town that have long been out-of-whack with commercial reality. The local law constitutes a total revamping of those sign regulations incorporating a logical approach that reduces the ad hoc implementation of sign approvals by the zoning board of appeals. The overall approach is consistent with the aims and principals embodied in the zoning chapter.

Section 185-60(B)(1)(b): Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected.

The law makes clear how signs will be regulated in each zoning district

within the town.

Section 185-60(B)(1)(c): The indirect implications of such change and its effects on other regulations.

The beneficial indirect implication of the law will be to relieve the zoning board of appeals from reviewing a steady stream of sign applications.

Section 185-60(B)(1)(d): Whether such amendment is consistent with the aims of the Master Plan

The amendment is consistent with the aims of the master plan.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Mark Taylor, Esq.

11/17

**INTRODUCTORY LOCAL LAW # OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
SIGN REGULATIONS**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh: Sign Regulations"

SECTION 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code to better address and regulate signs.

SECTION 3 - AMENDMENT TO CHAPTER 185.

A. Section 185-14 entitled "Sign regulations" is hereby amended to read as follows:

"§185-14 Sign regulations

A. Intent.

- (1) This section regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community and the need for adequate identification, communication and advertising for all land uses. At no time should these provisions be interpreted to regulate any aspect of the content of any sign. The regulations for signs have the following specific objectives:
 - (a) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
 - (b) To allow and promote positive conditions for meeting a sign user's needs, while at the same time avoiding nuisances to nearby properties and promoting an attractive environment.
 - (c) To reflect and support the desired character and development patterns of the various districts.
 - (d) To allow for adequate and effective signs in commercial and industrial districts while preventing signs from dominating the visual appearance of the area.
- (2) These regulations allow for adequate and multiple types of signs for a site. The

provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

B. Applicability and scope. This section regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to and do not restrict, limit or control the content or message of signs. The regulations of this section apply to all districts in the Town. Notwithstanding anything to the contrary herein, "noncommercial" signs, including those expressing some personal, political or religious view, are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Section.

C. Conformance. No sign may be erected unless it conforms to the regulations of this section. Sign permits must be approved prior to erection of the sign.

D.

Exempt signs. The following signs are exempt from the provisions of this section but may be subject to other portions of the Town Code:

- (1) Signs inside a building, not governed by §185-14J(6), pertaining to window signs, except for strobe lights visible from a right-of-way, private or public road or other private property.
- (2) Building numbers.
- (3) Signs carved into or part of materials which are on an integral and permanent part of the building, not to exceed four (4') feet in total area on any one building.
- (4) Painted wall decorations and painted wall highlights that present no message or indication of a use and are meant strictly for artistic, decorative or design use or enhancement, provided such decorations, scenes or highlights have been presented to, reviewed and approved by the ARB .
- (5) Public and/or governmental signs, including traffic or similar regulatory devices and signs required to be posted by governmental regulation.
- (6) Flags and insignia of any government, except when displayed in connection with a commercial promotion.
- (7) Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face.
- (8) Temporary non-illuminated signs on premises being offered "for sale" or "for rent" subject to the following regulations:
 - (a) One attached wall or freestanding sign per street frontage will be permitted.
 - (b) Signs shall be no closer than 10 feet from any property line.
 - (c) Area and height.
 - (1) For improved single and two family residential properties, the maximum area per sign shall be 12 square feet with a maximum height of six feet.
 - (2) For improved multifamily residential properties, the maximum area per sign

shall be 15 square feet with a maximum height of eight feet.

(3) For improved nonresidential properties, the maximum area per sign shall be 24 square feet with a maximum height of eight feet.

(4) For unimproved properties not exceeding two acres in size, the maximum area per sign shall be 32 square feet with a maximum height of 10 feet.

(5) For unimproved properties exceeding two acres in size, the maximum area per sign shall be 60 square feet with a maximum height of 10 feet.

(6) Signs shall not be illuminated.

(f) All such signs shall be removed within three days after the ending of the listing period or the sale, lease or rental of the premises, as the case may be.

- (9) Temporary, nonilluminated window signs and posters not exceeding 10% of the window surface.
- (10) One temporary sign at a seasonal roadside stand selling agricultural produce grown on the premises, provided that such sign shall not exceed six feet and shall be set back a minimum of 10 feet from any property line. Any such sign shall only remain on the site for that portion of the year that the stand is active.
- (11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, nonilluminated, not exceeding four square feet per face and six feet above the ground.
- (12) Temporary, non-illuminated, non-commercial signs with fixed messages displayed for periods not to exceed 120 days in any calendar year, not exceeding 9 square feet in total area and no more than 48 inches above grade. The date the signs are erected shall be legibly labelled on such signs with lettering no less than 2.5 inches in height. A maximum of 4 identical signs shall be placed within 200 feet of each other.

The Building and Code Enforcement Officer shall have the same authority with respect to exempt, temporary signs which do not meet or continue to meet the criteria for exemption as he or she has under Subsection 185-14(11) with respect to signs on lampposts, traffic light poles and utility poles whether or not

E. Prohibited signs. The following signs are prohibited and shall be removed.

- (1) Strobe lights and signs containing strobe lights which are visible from the exterior of the building.
- (2) Signs placed or painted on a vehicle, trailer or truck trailer and parked with the primary purpose of providing a sign for commercial purposes.
- (3) "Animated signs. See Section 185-14P.
- (4) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP," "DANGER," "GO SLOW," "CAUTION," "WARNING," etc.

- (5) Any sign in or projecting into a public right-of-way, except exempt, temporary, non-commercial signs permitted pursuant to Subsection 185-14(D)(10).
- (6) A sign or illumination that causes any direct glare into or upon any building or street, other than the building to which the sign may be accessory.
- (7) "Abandoned signs," defined as those signs which do not pertain to a use for which the premises have been used for at least 360 days or which refer to an off-premises use which has not existed for at least 180 days.
- (8) Any sign which impairs or causes confusion to vehicular or pedestrian traffic in its design, color or placement.
- (9) Any sign mounted or attached to a [tree], lamppost, traffic signal post, utility pole, etc.
- (10) Roof signs.
- (11) Reserved.
- (12) Any sign which is not included under the types of signs permitted in specific district regulations or in this section.

F. Sign measurement.

(1) Sign face area.

- (a) The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations, supports and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double-faced sign is counted.
 - (b) When a sign is on a base material and attached without a frame, such as a wood or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.
 - (c) When signs are constructed of individual pieces or letters attached to a building wall, the sign area is determined by a perimeter drawn around all the pieces or letters.
 - (d) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
 - (e) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
- (2) Height of signs The overall height of a sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure.

G. Nonconforming signs.

- (1) The lawful use of a sign or signs existing at the time of adoption of this chapter may be continued, even though the sign does not conform to the regulations and limitations of this section, until one or more of the following occurs:
 - (a) The structure, size, location or accessories of any or all signs previously granted approval and permits are altered, modified, changed, reconstructed or moved.
 - (b) The structure, size, location, lettering, color scheme or accessories of any or all signs on the property for which approval and/or permits have not been granted are altered, modified, changed, reconstructed or moved.
 - (c) Buildings, structures or site improvements on the property upon which the sign is placed are altered in such a way as to require approval pursuant to Article of this chapter.
 - (d) Any or all signs on the property are damaged or destroyed by fire, explosion or act of God to the extent of more than 60% of the actual value thereof.
 - (e) Any or all signs on the property are abandoned.
 - (f) Any or all signs on the property fall into a state of disrepair or become unsafe.
- (2) Nonconforming signs are not subject to the provisions of Section ___, Nonconforming Buildings, Structures and Uses, of this chapter.
- (3) Ordinary maintenance and repairs may be made to any nonconforming sign, provided that the structure, lettering, color scheme or accessories are not altered, modified, changed, reconstructed or moved, and provided that such ordinary maintenance and repairs do not exceed 20% of the value of the sign in any one-year period.
- (4) Nothing contained in this section shall be deemed to require any change in the plans or construction of any sign upon which actual construction was lawfully initiated prior to the effective date of this section. "Actual construction" is hereby defined as the actual placing of the sign and/or structure materials in their permanent position in compliance with the previously obtained approval and permits.

H. General design criteria.

- (1) Where more than one sign is permitted for the same activity, all signs should be coordinated with respect to color, letter style, illumination and other graphic features.
- (2) In multiple owner/tenant occupancies, the various signs required for identification of different activities should be coordinated with respect to

placement on the building facade, legibility and illumination and should express uniformity of design and create a sense of harmonious appearance.

(3) All signs should be legible and visible for the purpose and circumstances in which they are used.

(4) Sign(s) shall be considered a site plan and architectural feature of the proposed development and, as such, should be coordinated in size, height, color, illumination, location, graphic design and finish detailing with the building(s), landscaping, area lighting and vehicular and pedestrian circulation and shall be shown on and approved with the use where Planning Board or Architectural Review Board approval is required.

(5) Where different uses are permitted side-by-side or on adjoining properties, signs permitted for one property or tenancy should not adversely affect the identification and reasonable use of the neighboring property or tenancy.

(6) In general, changeable copy area of any sign should occupy no more than 1/3 of the area of said sign. See SubSection 185-14P with regard to Electronic Message Displays

(7) All limited access highway-oriented signs and billboards shall not be of changeable copy type and shall conform to applicable NYS Thruway Authority regulations and other State and Federal laws and regulations

(8) Where signs are to be placed near residential uses, sign height, size, location and illumination should be adjusted for minimum impact to the residential uses.

(9) Sign content should be orderly, and graphics should be of simple shapes, such as rectangles, circles or ovals.

(10) No more than two typefaces shall be used on any one sign or group of signs.

(11) The number of colors used should be the minimum consistent with the design.

(12) Illumination. Where illumination of signs is permitted, such illumination may only be between sundown and 11:00 p.m. (or close of business). Illumination shall only be of an even intensity at all times. Illumination may be direct (giving forth light from the interior of the sign through translucent material) or it may be indirect (when the light source is not visible from any adjoining property or street and is directed upon the sign) as specified in § 185-14P.

(a) Illumination should be appropriate to the character of the sign and its surroundings and shall not adversely shine on or impact surrounding properties, uses or streets and roads.

(b) No sign or similar advertisement shall be illuminated in such a manner so as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.

(13) Any tenant or user making an application for a sign permit shall submit with his application evidence that the landlord and owner of the building has approved the particular signage.

I. General construction and placement criteria.

(1) All signs installed after the effective date of this section shall have attached to the sign a nameplate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined herein.

(2) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of the Underwriters' Laboratories Inc., and bear the seal of the Underwriters' Laboratories label. The sign shall be inspected and certified by an electrical inspection agency approved by the Town.

(3) All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

(4) All signs, including attached wall, projecting and suspended wall signs, shall be securely anchored and shall not swing or move in any manner.

(5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

(6) All signs shall be painted and/or fabricated in accordance with generally accepted sign industry standards.

(7) All signs and sign structures shall be erected and attached totally within the site.

(8) Vision clearance area. No sign may be located within the triangular area on corner lots determined in accordance with Section 185-17(B). No support structure(s) for a sign may be located in said area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

(9) Vehicle area clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign shall be at least 14 feet above the grade. Vehicle areas include driveways, alleys, parking lots, loading, maneuvering areas, etc.

(10) Pedestrian area clearances. When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign shall be at least 8 1/2 feet above the grade.

(11) Signs may be erected in required yards and setback areas, but not in buffer areas, unless otherwise specified in this chapter.

J. Specific regulations; sign types.

(1) Attached wall sign: any sign posted, painted or constructed, attached and parallel to the plane of the building wall, facade, marquee or porch of any structure.

(a) An attached wall sign shall be flush and flat throughout its length and height to the face of the wall to which it is mounted.

(b) An attached wall sign shall not extend beyond the ends or over the top of the wall to which it is mounted.

(c) In multistory buildings, it shall be located no higher than the first floor.

(d) Its length shall not exceed 70% of the width of the tenancy or building wall to which it is mounted.

(e) Attached wall signs may only be directly illuminated.

(f) Attached wall signs shall not be located on the rear of a building.

(2) Suspended wall sign: any sign which is suspended from a building wall, facade, marquee or porch by means of brackets, hooks, chains, etc., and whose face is parallel to the plane of said building wall, facade, marquee or porch.

(a) A suspended wall sign shall not project more than 12 inches from the face of the wall to which it is mounted.

(b) A suspended wall sign shall not extend beyond the ends or over the top of the wall to which it is mounted.

(c) In multistory buildings, it shall be located no higher than the first floor.

(d) Its length shall not exceed 70% of the width of the tenancy or building wall to which it is mounted.

(e) Suspended wall signs may only be directly illuminated.

(f) Suspended wall signs shall not be located on the rear of a building.

(3) Projecting sign: a sign which is attached to a building wall, facade, marquee or porch and which extends more than 12 inches from the face of such building wall, facade, marquee or porch.

(a) Projecting signs shall not have more than two faces.

(b) The exterior edge of a projecting sign shall not extend more than five feet from the building wall, facade, marquee or porch to which it is mounted.

(c) No part of a projecting sign shall extend into vehicular traffic areas.

(d) Projecting signs may only be directly illuminated.

(4) Under-canopy sign: a projecting sign placed at a ninety-degree angle to the building facade of a retail establishment and attached to the ceiling of a canopy or covered walkway or attached to the storefront or building facade to facilitate identification of the particular retail store or tenant.

- (a) The location of such sign shall be at least nine feet above the finished floor grade.
- (b) The area of under-canopy signs shall not be counted as part of the total allowable sign area for all permanent signs on the site.

(5) Freestanding sign: a sign standing on the ground and usually, but not necessarily, supported from the ground by one or more poles, posts or similar uprights, with or without braces, and advertising products or uses made, sold, used or served on the premises displaying such sign.

- (a) No freestanding sign shall be located less than 15 feet from any front or side property line, or a distance equal to the height of said sign, whichever is greater.
- (b) A freestanding sign shall be located no less than 10 feet from any building, or equal to the height of the sign, whichever is greater.
- (c) A freestanding sign shall be no more than 35 feet in height above finished grade. Signs which exceed 14 feet in height shall be designed and constructed to withstand winds of 100 miles per hour, and such shall be certified to by a professional engineer or registered architect licensed to practice in the State of New York.
- (d) A freestanding sign shall not overhang any property lines.
- (e) Masonry-wall-type signs shall not exceed four feet in height above finished grade and shall not be placed so as to impair the visibility of motorists.
- (f) All freestanding signs must be protected from vehicular damage by a poured-in-place concrete curb or planter.
- (g) Freestanding signs may either be directly or indirectly illuminated.

(6) Window sign: a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

- (a) The area of a window covered by window signs shall not exceed 25% of the area of said window.
- (b) Window signs may only be directly illuminated.

(7) Awning sign: a sign mounted or painted on or attached to an awning or canopy.

- (a) No sign shall project out from, above, below or beyond the awning or canopy.
- (b) An awning sign shall only indicate the name and/or address of the use or premises.
- (c) Awning signs may not be illuminated.

(8) Fence signs.

(a) No sign or banner shall be placed on any fence which will impede the vision of pedestrians and/or motorists.

(b) All signs or banners placed on fences must be attached securely to prevent them from interfering with pedestrians and/or motorists' safety.

(c) All signs and banners shall be kept and maintained in a clean, legible manner.

K. Signs permitted in all districts. The following signs shall be permitted within any district in the Town:

(1) On lots fronting on roads providing access to an existing residential subdivision. In conjunction with an existing development or neighborhood, signs may be placed, subject to the following conditions:

- (a) A maximum of two single-faced freestanding signs shall be permitted per development or neighborhood.
- (b) The maximum area per sign shall be 16 square feet. Only one sign shall be placed per intersection.
- (c) Such signs shall only be indirectly illuminated.
- (d) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.

(2) On lots containing multiple-family uses. In conjunction with an existing multiple-family development having 20 units or more, on-site signs may be placed subject to the following conditions:

- (a) One freestanding, attached wall or suspended wall sign, single- or double-faced, shall be allowed per street frontage from which vehicles gain access to the development.
- (b) The maximum area per sign shall be 20 square feet.
- (c) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.
- (d) If freestanding, such signs shall only be indirectly illuminated.

(3) Signs and banners generally.

- (a) All signs and banners must be legible, clean, orderly and maintained.
- (b) Banners shall not exceed 70% of the width of the building wall to which it is mounted.
- (c) Banners shall not be illuminated.
- (d) Banners shall not extend beyond the side of the wall to which it is mounted.

(4) Long-term temporary signs.

(a) On-site construction signs. In conjunction with a use that has an approved building permit for a project or a development, construction signs may be placed subject to the following regulations:

- [1] There shall not be more than one such single-faced, freestanding sign for each project or development.
- [3] Such sign shall be no larger than 32 square feet in total area and no more than 10 feet in height.
- [4] Construction signs shall not be illuminated.
- [5] Construction signs may be erected and maintained for a period not to exceed 14 days prior to the commencement of construction and shall be removed within 14 days of the termination of construction of the project or development.

(5) Short-term temporary signs.

(a) Temporary Non-Commercial signs. Signs for noncommercial purposes may be placed subject to the following regulations:

[1] There shall not be more than one such sign for each tax lot. If the sign is not to be placed on property owned by the applicant for the permit, then the permit applicant shall present written consents from all the property owners on whose property the sign is to be located.

[2] Such signs may be freestanding or attached wall signs.

[3] Such signs shall not be illuminated, shall not exceed 32 square feet in total area and, if freestanding, shall be no more than eight feet in height.

[4] Temporary, non-commercial signs may be erected and maintained for a period not to exceed 30 days.

(b) Temporary On-site commercial signs. Signs, banners, posters and other similar devices pertaining to on-premise commercial uses may be placed subject to the following regulations:

[1] No single sign shall exceed 32 square feet in total area nor exceed an aggregate total area of 64 square feet for the parcel.

[2] If freestanding, no sign shall exceed 10 feet in height.

[3] Permits for such temporary commercial signs shall not be issued more than twice for the same parcel within one calendar year.

[4] All such signs shall be erected and maintained for a period not to exceed 30 days.

(6) Off-premises signs at intersections on State highways. Off-premises signs pertaining to uses on intersecting streets within 0.5 miles of the intersection shall be permitted to be placed within 100 feet of the intersection subject to the following regulations:

(a) The lot on which the sign is placed shall be otherwise vacant when the permit for the sign is issued.

(b) One sign per lot shall be permitted.

(c) No sign shall exceed 24 square feet in total area.

(d) No sign shall exceed 10 feet in height.

(e) No sign shall be placed in the triangular area on corner lots determined in accordance with Section 185-17(B).

(f) The square footage of the sign shall count towards the total sign area allowed for the lot in the event the lot is developed in the future and the sign remains in place.

L. Signs permitted in the RR, AR, R-1, R-2 and R-3 districts.

In addition to signs permitted in all districts, the following signs shall be permitted within any residential district in the Town:

(1) On a lot containing an approved home occupation or professional office, one non-illuminated, attached wall, suspended or freestanding sign may be placed on the premises subject to the following conditions:

(a) Such sign shall not exceed four square feet in total area.

(b) If freestanding, such sign shall not exceed six feet in height.

M. Signs permitted in the B District. The following signs shall be permitted within the B District:

(1) Attached wall, suspended wall, projecting window and awning signs may be placed on the premises subject to the following conditions:

(a) The total allowable sign area for all permanent signs on the site, except freestanding signs, shall be as follows:

[1] If there is no freestanding sign on the site, then one square foot of sign area per linear foot of building wall that fronts on a street is allowed.

[2] If there is a freestanding sign on the site, then 3/4 square foot of sign area per linear foot of building wall that fronts on a street is allowed.

(b) There is no limit on the number of such signs on a site so long as their aggregate square footage is within the total allowable area limit.

(2) One freestanding sign may be placed on the premises subject to the following:

(a) Such sign shall only be allowed if the building on the site is set back a minimum of 35 feet from the front property line.

(b) On lots with a lot width of 100 feet or less, the maximum sign area shall be 40 square feet. On lots with a lot width of more than 100 feet, the maximum sign area shall be 60 square feet.

(c) The maximum height shall be 14 feet.

N. Signs permitted in IB and I Districts.

The following signs shall be permitted within the IB and I Districts in the Town:

(1) Attached wall, suspended wall, projecting, window, awning signs and billboards may be placed on the premises, subject to the following conditions:

(a) The total allowable sign area for all permanent signs on the site, except freestanding signs, shall be as follows:

[1] If there is no freestanding sign on the site, then 1 1/4 square feet of sign area per linear foot of building wall that fronts on a street is allowed.

[2] If there is a freestanding sign on the site, then one square foot of sign area per linear foot of building wall that fronts on a street is allowed.

[3] For billboards, if the lot has no buildings located on it, then one square foot of sign area per linear foot of lot frontage is allowed.

(b) There is no limit on the number of such signs on a site so long as their aggregate square footage is within the total allowable area limit.

(2) One freestanding sign may be placed on the premises subject to the following conditions:

(a) The maximum aggregate sign area shall be 250 square feet, with no individual sign face exceeding 150 square feet.

(b) The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

O. Signs permitted for specific uses. Regardless of the district in which it is located, for the uses listed below, the signs permitted on the site shall be governed by the following:

(1) Shopping centers. See Section 185-14A

(2) Mini-malls. Mini-malls shall be subject to the same regulations as shopping centers pursuant to Section 185-14A, except that only one free standing sign shall be permitted.

(3) Convenience stores with gasoline filling stations. Convenience stores with gasoline filling station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on the principal building, except that where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted. The maximum allowable sign area for the sign shall be 1/2 square foot of sign area per linear foot of building wall that fronts on a street.

(b) One freestanding sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 75 square feet.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

(c) Service island identification signs. Service island identification signs indicating the price of gasoline, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed six square feet.

[3] Such signs may only be located attached directly to the service island structure, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

(4) Motor vehicle service stations. Motor vehicle service station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on the principal building, except that where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted. The maximum allowable sign area for the sign shall be 1/2 square foot of sign area per linear foot of building wall that fronts on a street.

(b) One freestanding sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 75 square feet.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located. In the Office and Research District, the maximum height shall not exceed 35 feet.

(c) Service island identification signs. Service island identification signs (for gasoline service stations only) indicating the price of gasoline, type of service offered, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed six square feet.

[3] Such signs may only be located attached directly to the service island, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

(d) Service bay identification signs. Service bay identification signs providing direction or instruction to persons using the facility, but containing no advertising of any kind, shall be subject to the following:

[1] One attached wall or suspended wall sign may be placed on the principal building for each service bay.

[2] The maximum sign area for each such sign shall be 10 square feet.

[3] Such signs shall be located either adjacent to or over a service bay entrance.

P. Electric and Illuminated Signs. Reserved

Q. Permits.

(1) Permit required. Except for the following, no person may erect, alter or relocate within the Town any sign without first obtaining a building permit for the sign:

(a) Exempt signs as specified in Subsection 185-14D.

(b) Routine maintenance or changing of the parts of a sign, provided that the maintenance or change of parts does not alter the surface area, height or otherwise render the sign nonconforming.

1A.

(2) Sign Permit applications. Each sign being applied for shall require the filing of a separate permit application. Applications for sign permits shall be submitted to the Code Compliance Department on forms prescribed and provided by the Town and shall contain or have attached thereto the following information:

- (a) The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed and the person or company to be erecting or affixing the sign.
 - (b) The location of the building, structure or lot on which the sign is to be erected or affixed.
 - (c) A site plan of the parcel involved, showing all structures and the exact location of the proposed sign.
 - (d) Two sets of plans and specifications of the sign to be erected or affixed and its method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color and weight.
 - (e) If necessary, a certification from a professional engineer or registered architect licensed to practice in the State of New York indicating that the sign is designed to withstand winds of at least 100 miles per hour.
 - (f) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
 - (g) The method of illumination, if any, and the position of lighting or other extraneous devices and a copy of the electrical permit related to the electrical connection.
 - (h) Such other information as the Code Compliance Department may require to determine full compliance with this and other applicable ordinances and regulations of the Town.
- (3) Issuance of permits. Upon the filing of an application for a sign permit, the Code Compliance Department shall examine the plans, specifications and other submitted data and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Zoning Law and other applicable ordinances of the Town and if the application is complete and the appropriate permit fee has been paid, the Code Compliance Department shall, within 30 days, issue a permit for the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws, ordinances or regulations of the Town. If the work authorized under a sign permit has not been completed within 90 days after the date of issuance, the permit shall become null and void, but may be renewed within 15 days prior to the expiration, for good cause shown, for an additional 90 days, upon payment of 1/2 of the original permit fee.

(4)

Permit fees. At the time of filing a sign permit application, said application shall be accompanied by an appropriate application fee. Said application fees shall be established by Town Board resolution or in Chapter 104 "Fees."

R. Review of existing signs.

(1) Nonrequested inspections. The Code Compliance Department or his authorized representative shall have the authority, without a formal request, to inspect any sign for

the purpose of identifying those signs which are not in compliance with the provisions of this chapter.

(2)Requests for inspections. Any person may file a written request with the Code Compliance Department requesting an inspection of one or more existing signs as identified in the request and accompanied by a fee which the Town Board may establish by resolution from time to time. In each such instance, the Code Compliance Department shall promptly inspect such sign(s) to determine compliance with the provisions of this chapter. Following the inspection, the Code Compliance Department shall make a written report indicating the findings of the inspections to both the owner of the inspected sign and to the person filing the request for inspection.

(3)Notice of violation. The Code Compliance Department shall notify, in writing, each owner of an existing sign found to be in violation of any provision of this chapter pursuant to inspections made under this Subsection. The notice shall specifically refer to each section of this chapter under which a violation has been found to exist and thereupon describe the features of the inspected sign found to be deficient.

(4)Effect of notice. Upon receipt of a notice of violation for an existing sign, except a legal nonconforming sign as specified in §185-14G above, the owner of said sign shall have 15 days to correct the violation(s). If the violation(s) is not corrected after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed or repaired forthwith at the expense of the owner of the building or premises on which such sign is located.

S. Removal of certain signs.

(1) Nonconforming signs. If the Code Compliance Department shall find that any nonconforming sign, except for those legal nonconforming signs as specified in § 185-14G, is displayed, the Code Compliance Supervisor or his designee shall give written notice to the owner of the premises on which such sign is located. Removal of the sign shall be effected within 15 days after receipt of the notice. If such sign is not removed after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located.

(2) Obsolete signs. Any sign, whether existing on or erected after the effective date of this chapter, which advertises or identifies a commercial use no longer being conducted on the premises on which the sign is located, shall be removed within 30 days upon cessation of such business or sale of such product by the owner of the building or premises on which such sign is located. If the Code Compliance Department shall find that any such obsolete sign has not been removed within 30 days upon the cessation of such business or sale of such product, he shall give written notice to the owner of the building or premises on which such sign is located. Removal of the sign shall be effected within 15 days after receipt of the notice. If such sign is not removed after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to

cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located.

(3)Unsafe signs. If the Code Compliance Department shall find that any sign is unsafe, insecure or is a menace to the public, it shall give written notice to the owner of the building or premises on which such sign is located. Correction of the condition which caused the Code Compliance Department to give such notice shall be effected within 15 days after receipt of the notice. If such condition is not corrected after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Code Compliance Department is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner of the building or premises on which such sign is located, whenever it determines that such sign is an immediate peril to persons or property.”

B. The Tables of Use and Bulk Requirements for the RR District - Schedule 1, the AR District – Schedule 2, the R-1 District – Schedule 3, the R-2 District – Schedule 4 and the R-3 District – Schedule 5, each as referenced by Section 185-10 “Utilization of Use Table” are hereby amended to modify item 4 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“4. Signs in accordance with §185-14:”

C. The Table of Use and Bulk Requirements for the O District-Schedule 6 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to modify item 2 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“2. Signs in accordance with §185.14”

D. The Table of Use and Bulk Requirements for the B District-Schedule 7 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to modify item 6 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“6. Signs in accordance with §185.14:”

E. The Table of Use and Bulk Requirements for the LHI District-Schedule 7A as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the

following to Column A "Accessory Uses" and Column B "Permitted with":

- | | |
|---------------------------------------|--------------------|
| A. Accessory Uses | B. Permitted with: |
| "4. Signs in accordance with §185-14" | "D1" |

F. The Table of Use and Bulk Requirements for the SC District-Schedule 7B as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to add the following to Column A "Accessory Uses" and Column B "Permitted with":

- | | |
|---------------------------------------|--------------------|
| A. Accessory Uses | B. Permitted with: |
| "3. Signs in accordance with §185-14" | "D1" |

G. The Table of Use and Bulk Requirements for the IB District-Schedule 8 as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to modify item 3 in Column A "Accessory Uses" to read as follows:

- | |
|---|
| B. Accessory Uses |
| "3. Signs in accordance with §185-14 ; " |

G. The Table of Use and Bulk Requirements for the I District-Schedule 9 as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to modify item 3 in Column A "Accessory Uses" to read as follows:

- | |
|---|
| C. Accessory Uses |
| "3. Signs in accordance with §185-14 ; " |

SECTION 4 - VALIDITY

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 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when 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.

11/17

**INTRODUCTORY LOCAL LAW #__ OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
ELECTRONIC AND ILLUMINATED SIGNS**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh: Electronic and Illuminated Signs."

SECTION 2 - INTENT

The intent of this local law is to implement a change in the Town of Newburgh Zoning Code to address changes in the technology of sign illumination and certain design guidelines and to fulfill the objectives of Section 185-14 of the Municipal Code.

SECTION 3 - AMENDMENT TO CHAPTER 185.

Subsection 185-14P entitled "Electronic and illuminated signs" is hereby added to Section 185-14 entitled "Sign regulations" to read as follows:

"P. Electronic and illuminated signs

1. Definitions: As used in this Section, the following terms shall have the following meanings:

ANIMATED SIGN — Any sign that uses movement or change of lighting or color to depict action or give the sense of motion, including animated graphics and video. "Electronic Message Displays" and "Time, Temperature or Price signs" are not Animated Signs for purposes of this Chapter. Animated signs are not permitted in any zoning district.

ELECTRONIC MESSAGE DISPLAY – a sign or portion of a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign on which the message changes more than one time per one half hour shall be considered an animated sign and not an Electronic Message Display for purposes of this chapter. A “Time, Temperature or Price Sign” shall not be considered an Electronic Message Display for purposes of this Chapter

ELECTRONIC SIGN - any sign, video display, projected image, or similar device or portions thereof with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), liquid crystal displays (LCD), plasma displays, fiber optics, or other technology that results in bright, high-resolution text, images, and graphics.

DISSOLVE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLASHING - a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.

FRAME – a complete, static display screen on an Electronic Message Display.

FRAME EFFECT – a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

NITS - a unit of measure of brightness or luminance. One nit is equal to one candela per square meter.

SCROLL – a mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

TIME, TEMPERATURE OR PRICE SIGN – A sign on which the only copy that changes is an electronic or mechanical indication of the following functional information: time, temperature and/or price. A "Time, Temperature or Price Sign" shall not be considered as having an Electronic Message Display or as an Animated Sign for purposes of this chapter.

TRANSITION – a visual effect used on an Electronic Message Display to change from one message to another.

TRANSITION DURATION – The time interval it takes the display to change from one complete static message to another complete static message.

TRAVEL – a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

2. Electronic Message Display standards and requirements.

Electronic Message Displays may be permitted with the approval of a special use permit from the Planning Board in the B, IB and I zoning districts and on properties fronting on NYS highways in the RR, AR, R-1, R-2 and R-3 zoning districts, subject to the following standards and requirements:

a. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

b. Minimum Display Time. Each message on the sign must be displayed for a minimum of one half hour.

c. Message Change Sequence. The change of messages transition duration must be accomplished within 4 seconds.

d. Number of Electronic Message Displays per site. Only 1 Electronic Message Display is permitted per site for each street frontage on which the site fronts and the sign is visible from a public right of way.

e. No special effects. No special visual effects of any kind such as moving toward or away from the viewer, expanding or contracting, bouncing,

rotating, spinning, twisting, or otherwise portraying movement or animation as the message is displayed on the screen or to accompany the transition between any successive messages are permitted.

f. Electronic Message Display area. The Electronic Message Display shall not exceed 50% percent of the total sign area permitted on the site.

g. Types of signs on which permitted. An Electronic Message Display may be utilized on any permitted freestanding or monument sign provided that the sign is at least 200 linear feet in any direction from any other sign that uses electronic display in the B, IB and I Zoning Districts and 300 linear feet in the RR, AR, R-1, R-2 and R-3 Zoning Districts, and is 90 degrees perpendicular to the flow of traffic.

h. Manufacturer's manual to be provided. Permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for light levels, scrolling or traveling speed and other display operations.

i. Electronic Message Display required to go dark. Permitted Electronic Message Displays shall be equipped to go dark in the event of a malfunction.

3. Standards applicable to all electronic signs and illuminated signs.

a. Permitted Zoning Districts. Electronic signs are permitted in the B, IB and I Zoning Districts, and in the RR, AR, R-1, R-2 and R-3 Zoning Districts only on properties having frontage on New York State Highways and provided that the sign is oriented towards the fronting State Highway.

b. Electronic Signs which do not have Electronic Message Displays shall utilize lights, including but not limited to LED's and LCD's, which are stationary and constant in intensity and color.

c. Automatic dimming. Electronic signs shall be equipped with an automatic dimming photocell which adjusts the display's brightness based on ambient light conditions.

d. Adjacent and nearby residentially zoned property. Electronic sign faces shall be oriented away from areas zoned for residential use. Electronic signs located on a lot adjacent to any residentially-zoned lot and within 100 linear feet of the lot boundary shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. Electronic signs shall be located at least 200 linear feet from any residence on a residentially zoned lot.

e. Brightness.

Brightness levels of Electronic signs cannot exceed the following foot candles (fc) by zone: measured within 100 feet of the sign.

Zoning district	Foot candles
B, RR, AR, R-2, R-2 and R-3	0.3
IB and I	0.5
	0.8

Source: Illuminating Engineering Society (IES)

No electronic sign shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 300 nits between sunrise and sunset, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive.

Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. In the event of receipt of a complaint, the Code Compliance Department may require re-inspection and recalibration in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

"f. Non-electronic illuminated signs. The illumination provided shall be diffused or indirect and arranged so as not to directly illuminate neighboring properties in residential districts and any public street. Front lighting of carved wood and raised letter signs is permitted so long as the lighting does not illuminate neighboring properties or the public street. See Section 185-14H(12) for design criteria for illumination."

SECTION 4 - VALIDITY

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 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when 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.

11/17

**INTRODCUTORY
TOWN OF NEWBURGH
LOCAL LAW NO. __ OF 2017**

Sign Regulations for Shopping Centers

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange, State of New York, as follows:

SECTION 1. This Local Law shall be referred to as “A Local Law Amending Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh: Sign Regulations for Shopping Centers.”

SECTION 2. Chapter 185 of the Town of Newburgh Code, entitled “Zoning,” is hereby amended by adding the following new section 185-14A entitled “Sign Regulations for Shopping Centers”:

185-14A Sign Regulations for Shopping Centers

A. Intent:

It is the intent of these regulations to address signage in Shopping Centers located in the Town of Newburgh. Because Shopping Centers contain multiple commercial users operating as a unit under single ownership in both individual and adjoining structures and because commercial users of Shopping Centers have varied signage needs and requirements, it is important to establish comprehensive signage regulations to ensure that there is there is a balanced and appropriate quantity and quality of signage and that such signage presents a uniformity of design and pleasant appearance. These regulations are the exclusive regulations governing signage for Shopping Centers in the Town of Newburgh. In the event of a conflict between these regulations and any other regulations governing signage, these regulations shall control.

B. Shopping Center Signage Regulation.

Attached Wall, Suspended Wall, Freestanding Ground, Awning, Under Canopy and Directory Signs may be placed within a Shopping Center subject to the following conditions:

1. Attached Wall or Suspended Wall Signage (Permanent Wall Signage): Attached Wall or Suspended Wall signage are signs attached to or erected on the exterior wall of the building or structure or on a canopy marquee or similar overhang with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall. Wall Signs (attached or suspended).

[a] Sign area for Attached Wall or Suspended Wall signs shall be the area contained within sign panel signboard (the flat surface of material upon which letters or other graphic content of a sign are displayed or, if no signboard or panel is present, the area contained entirely within the smallest rectangle or geometric shape which completely encloses the outer extremities of all graphic material of the sign. Where more than one sign is to be placed on a wall, the total sign area shall be calculated by applying the method outlined in paragraph [d] below, to each sign.

[b] There shall be no limit on the number of the above signs on a site provided that their aggregate square footage is within the total allowable area.

[c] Permanent Wall Signage may be internally or externally illuminated. If externally illuminated, light shall be shielded to prevent direct view of the light source.

[d] The maximum allowable sign area for, permanent Wall signs (Attached or Suspended) within the Shopping Center, site, (which does not include, Freestanding Ground signs, Vehicular and Pedestrian Directory signs, Awning signs and Under-Canopy signs), shall be two (2.0) square feet of sign area per linear foot of building façade or "front" building wall (i.e. wall facing the designated primary access drive or parking area) for each specific business/store except that any business/store over 20,000 SF may exceed this ratio up to an additional 0.5 square feet of signage for each linear foot of building façade or front building wall so long as additional square footage is deducted from the allowable sign area for Wall Signs on sides and rear building walls.

In addition, permanent Wall Signs on sides and rear building walls, shall be allowed up to (one) 1.0 square foot of sign area for each linear foot of building wall width (1:1 ratio) measured along those building walls. See Illustration Figure 1.

The methodology for calculation of total allowable sign areas as follows and illustrated in Figures 1a, 1b, 1c and 1d:

(1) Front Wall/ Facades:

2.0 sq. ft. multiplied by front wall/façade length (lin. ft.) of the business/store = maximum allowable signage area for the front façade of that business/store.

For business/stores 20,000 sf of floor area or greater, additional sign area for the front wall/façade is permitted as follows:

2.5 sq. ft. multiplied by front wall/façade length (lin. ft.) = maximum allowable sign area for the front wall/façade. The additional sign area shall be deducted from the maximum allowable sign area from the side and/or rear walls.

(2) Side and Rear Walls:

1.0 sq. ft. multiplied by side and/or rear wall length (lin. ft.) = maximum allowable sign area for the side and/or rear walls for each business/store.

2. Blade Signs and Under-Canopy Signs: Blade Signs are projecting signs mounted on a building façade/wall or an armature with the surface perpendicular to the normal flow of traffic (pedestrian or vehicular). Under-Canopy Signs are signs attached to building canopy or awning. See Illustration Figures 2 and 3.

[a] The maximum sign area per side of a Blade or Under-Canopy sign shall not exceed four square feet. The overall area of Blade or Under-Canopy signs shall not be included in the maximum allowable sign area for permanent signage as noted in 1[d].

[b] One Blade or Under-Canopy sign shall be allowed for each public entrance into an individual business.

[c] Blade or Under-Canopy signs may identify the business and may include logos.

[d] Blade or Under-Canopy signs shall provide a minimum clearance of 7'-4" between the sidewalk surface and the bottom of the sign.

[e] Blade signs may extend a maximum of 42 inches from the building.

[f] Blade or Under-Canopy signs may be non-illuminated or internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

3. Awning Signs: Awning signs are signs mounted or painted on or attached to an awning or canopy. Awning signage shall not be included in the maximum allowable sign area for permanent wall sign signage as noted in 1[d] above.

[a] Awning signs may be non-illuminated or internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

4. Freestanding Ground Signage: A Freestanding Ground sign is a sign erected on or permanently affixed directly to the land.

[a] Freestanding Ground Signage Area. The area of a Free-Standing Ground sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the

purpose of this law shall not be considered part of the sign area unless used for lettering, wording, or symbols. Only one side of the Freestanding Ground sign is used for the calculation of sign area. The area of Freestanding Ground signage shall not be included in the sign area calculations for any other type of signage.

[b] There are two (2) types of Freestanding Ground Signage:

- (1) Pylon Signs: Pylon Signs are high profile Freestanding Ground Signage. The sign is supported by uprights, columns or braces placed upon or into the ground and detached from any building. Pylon signs shall include identification panels for individual tenants and shall identify the Project as a whole as illustrated on Figure 4a. Pylon signs shall meet the following criteria:
 - (a) The maximum allowable sign area for each Pylon sign shall be 450 square feet per side.
 - (b) The maximum allowable height of a Pylon sign shall not exceed the maximum permitted building height for any building [?] in the district in which the property is located except no sign shall exceed forty (40) feet in height.
 - (c) Up to two Pylon signs may be placed on the property. One Pylon sign shall be located at the main entrance drive for the Shopping Center. If a second Pylon sign is installed, it must be located within the property and shall not be installed at a secondary entrance drive if any. However, the second pylon sign may be visible from surrounding streets or highways. Locations of Pylon signs shall be as shown on the Master Signage Plan.
- (2) Monument Signs: Monument Signs are lower profile Freestanding Ground Signage as compared to Pylon signs and are permanently affixed to the ground at its base and not mounted on a pole or exposed columns. Monument signs may identify the Shopping Center as a whole and/or individual tenants as illustrated on Figure 4b. Monument signs shall meet the following criteria:
 - (a) The maximum allowable sign area for each monument sign shall be 200 square feet (per side).
 - (b) The maximum allowable height for a monument sign shall be 13'
 - (c) Monument signs shall not include exposed columns for the support of the sign face. The base of such sign shall be at least fifty (50) percent of the dimension of the width of the sign face.
 - (d) One Monument Sign per each Shopping Center entrance driveway is permitted except that when there is more than one driveway on the same street, no monument sign shall be permitted on a secondary driveway if located less than 200 feet from the primary driveway on that street unless Planning Board deems a

monument sign is acceptable due to site specific conditions. Additionally, no monument sign shall be located at a main entrance driveway where a Pylon sign is located. Locations shall be as shown on the Master Signage Plan.

5. Vehicular Directory Signage: Vehicular Directory Signage are signs which list the names, use, and/or location of the businesses or activities conducted within the Shopping Center buildings and which are intended to provide directional information for customers in vehicles as Vehicular Directory signage shall not be included in the maximum allowable sign area for permanent wall sign signage as noted in 1[d] above.

[a] Maximum height: 8 feet.

[b] Maximum sign area shall not to exceed 30 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated subject to the illumination standards of this Chapter. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[d] Vehicular Directory Sign locations shall be shown on the Master Signage Plan.

[e] Vehicular Directory Signs shall be located so as not to impede traffic on public rights of way and the driveways and entrances serving the Shopping Center.

6. Pedestrian Directory Signage: Pedestrian Directory Signage are signs which list the names, use and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers on foot. Pedestrian Directory Signage shall not be included in the maximum allowable sign area for permanent wall signage as noted in 1[a] above.

[a] Maximum height: 8 feet

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[d] Pedestrian Directory Sign locations shall be shown on the Master Signage Plan.

7 Motor Vehicle Service Stations Signage within Shopping Centers. Motor Vehicle Service station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on each building wall or canopy wall. The maximum allowable sign area for the sign shall be 1 square foot of sign area per linear foot of building wall or canopy face.

(b) One freestanding ground sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 100 square feet per side.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located but shall not exceed forty (40) feet.

[3] The freestanding sign for the Motor Vehicle Service station shall be in addition to the quantity of freestanding ground signs permitted under these regulations.

(c) Service island identification signs. Service island identification signs indicating the price of gasoline, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed eight (8) square feet.

[3] Such signs may only be located attached directly to the service island structure, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

8. Temporary non-illuminated banners, signs for promotional or special events, temporary decorative signs, and banners and pennant signs which do not include tenant names, products, services or advertisement, subject to the following conditions:

[1] A maximum of one such temporary banner, sign or pennant per customer entrance to the building shall be permitted.

[2] Each such temporary sign shall be erected for a maximum total time period of twenty (20) days [in any one calendar year] and shall thereafter be immediately removed.

[3] Such temporary signs are in addition to the other signs permitted pursuant to these regulations.

[4] Such temporary signs need not be included in the comprehensive sign plan submitted to the Planning Board and will not require Planning Board or Architectural Review Board approval. A building permit is, however, required for such signs.

C. Master Signage Plan.

1. A comprehensive sign plan shall be submitted to the Planning Board as part of its site plan and/or special permit approval process for any Shopping Center and shall be reviewed and conceptually approved in conjunction with the Architectural Review Board process. The comprehensive sign plan shall include sign area boxes representing the wall sign area for each business or tenant, the design and location of freestanding signage and directory signage (except specific copy on panels is not required to be shown). Specific wall sign designs may be included in the comprehensive sign plan but is not required.

2. Any retail store or tenant making an application for a sign permit shall submit with such application evidence that the landlord or owner of the shopping center has approved the particular signage.

D. Exempt Signage:

The following signs are exempt from the provisions of this section:

(1) Signs inside a building, except for strobe lights visible from a right-of-way, private or public road or other private property.

(2) Building numbers.

(3) Signs carved into or part of materials which are on an integral and permanent part of the building, noting the name of the building and its date of erection.

(4) Painted wall decorations, painted scenes and painted wall highlights that present no message or indication of a use and are meant strictly for artistic, decorative or design use or enhancement, provided such decorations, scenes or highlights have been presented to, reviewed and approved by the ARB..

(5) Public and/or governmental signs, including traffic control or similar regulatory devices.

(6) Flags and insignia of any government, except when displayed in connection with a commercial promotion.

(7) Non-illuminated warning signs, not exceeding two square feet per face.

(8) Temporary non-illuminated "for sale" or "for rent" real estate signs concerning the premises upon which the sign is located:

(a) One such sign will be permitted for each street frontage per property, not exceeding six square feet per side; the top of the sign shall be no higher than six feet above the ground, and it shall be no closer than 10 feet to any property line.

(b) All such signs shall be removed within three days after the sale, lease or rental of the premises.

(9) Holiday decorations, displayed for a period of not more than 7 consecutive weeks and not more than 10 weeks in total during any calendar year..

(10) Temporary, non-illuminated window signs and posters not exceeding 30% of the window surface.

(11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, handicap parking, special parking zones, one-way, truck routes, etc., entrances and exits and similar signs, non-illuminated, not exceeding four square feet per face and six feet above the ground except in cases where such sign is regulated by local, county, state or federal regulation such regulation shall govern.

Section 2. Chapter 185 of the Town of Newburgh Code, entitled “Zoning” is hereby additionally amended as follows:

A. The Table of Use and Bulk Requirements for the B District-Schedule 7 as referenced by Section 185-10 ‘Utilization of Use Table’ is hereby amended to modify item 6 in Column ‘Permitted with’ associated with Item 6 of Column A “Signs in accordance with Section 185-14 for each respective row to read as follows:

B.

Permitted With

- | | | |
|----|----|--------------------|
| 6. | a. | ‘C1 and 2, D2, D17 |
| | b. | C5, D1 -7, D9-12 |
| | c. | C3 and 4, D10 |
| | d. | C3-5, D1-7, D9-12” |

B. A. The table of Use and Bulk Requirements for the B District-Schedule 7 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add a new item 6A to Column A “Accessory Uses” and a new associated use category to Column B “Permitted with” to read as follows:

A.

B.

Accessory Uses

Permitted With

“6A Signs in accordance with Section 185-14A

D8”

C. The Table of Use and Bulk Requirements for the IB District –Schedule 8 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to modify item 3 in Column B ‘Permitted with” associated with Item 3 of Column A “Signs in accordance with Section 185-14” for each respective row to read as follows:

B.

Permitted With

- 3. a.
- b.
- c.

“D5
D1-2, D4-13 and 18
C14, D1-2, D4-18”

D. The Table of Use and Bulk Requirements for IB District-Schedule 8 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add a new item 3A to Column A “Accessory Uses” and a anew associated use category to Column B “Permitted with” to read as follows:

A.

B.

Accessory Uses

Permitted With

“3A Signs in accordance with Section 185-14A

D3”

SECTION 3. 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 of this local law or the application 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. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4. This local law shall take effect immediately.

Signage Illustrations:

Illustrations of each permitted sign type and maximum allowable area and/or height are as follows:

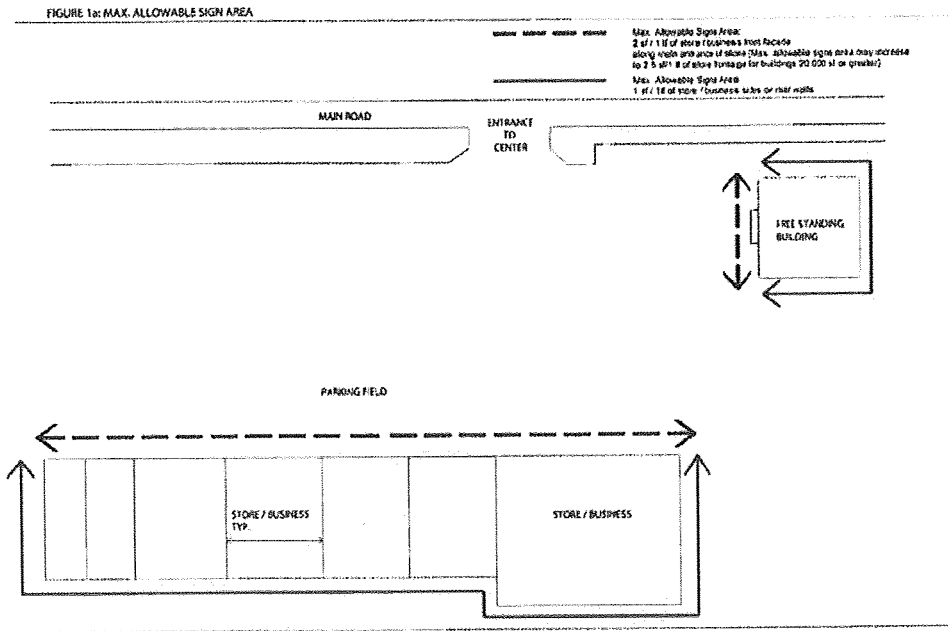


FIGURE 1b: WALL SIGNS MAX. ALLOWABLE SIGNS AREA

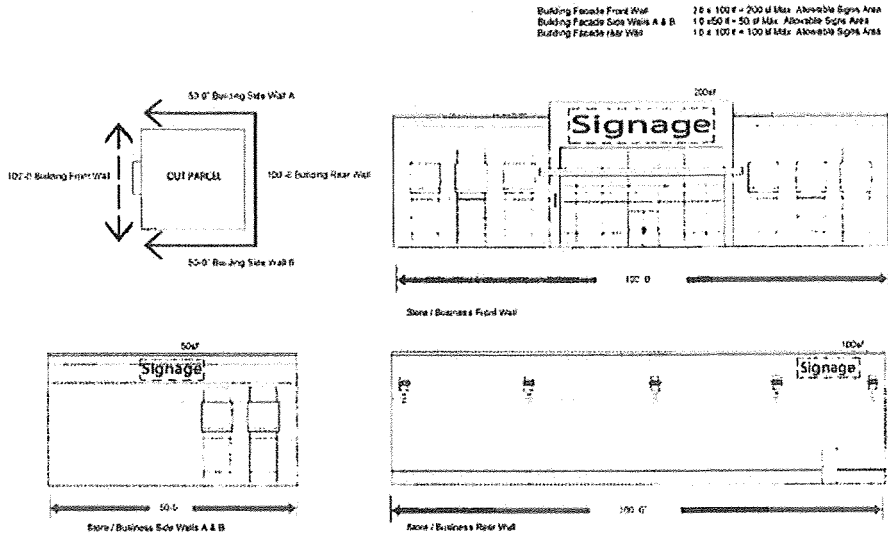


FIGURE 1c: IN-LINE STORE / BUSINESS

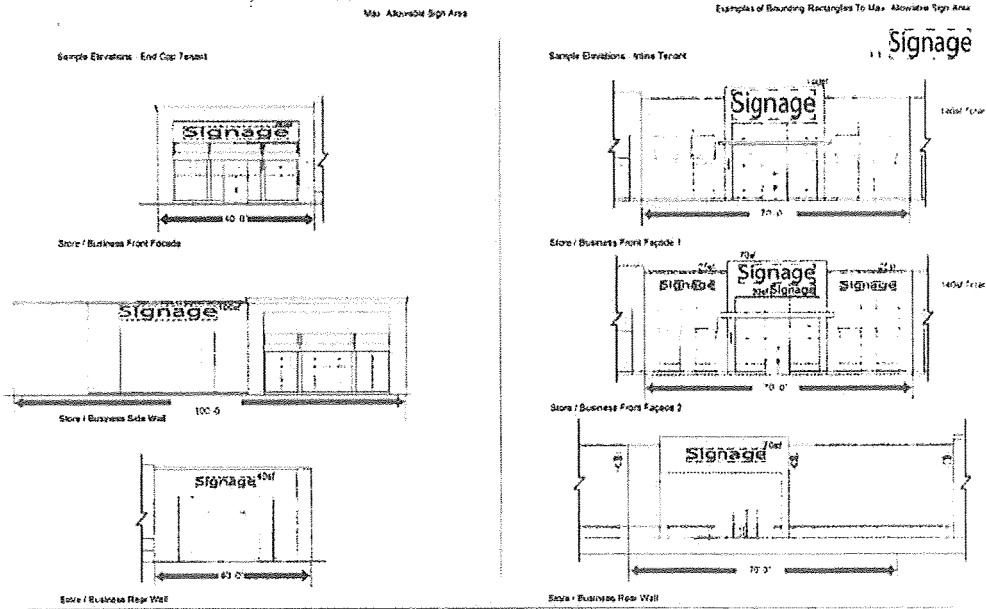


FIGURE 1d: OPTIONAL METHODOLOGY FOR STORES / BUSINESSES GREATER THAN 20,000 SF. OF GLA

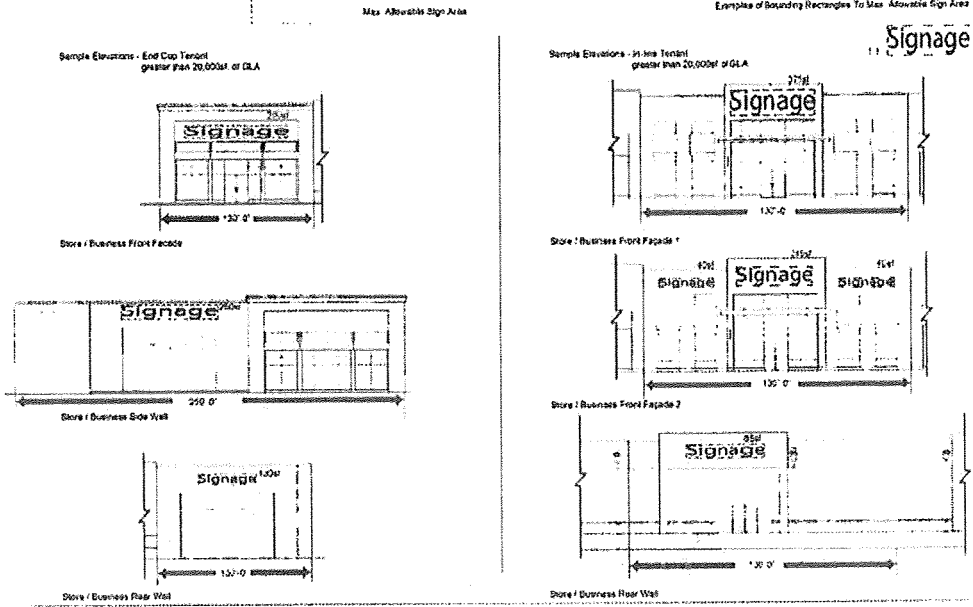


Figure 2: Blade Signs

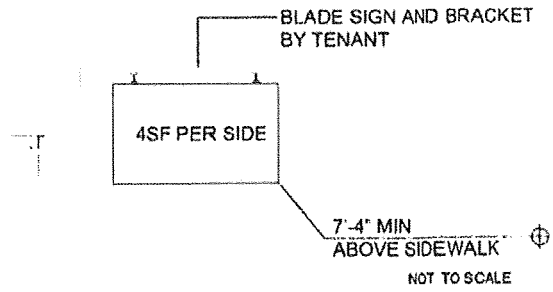


Figure 3: Awnings

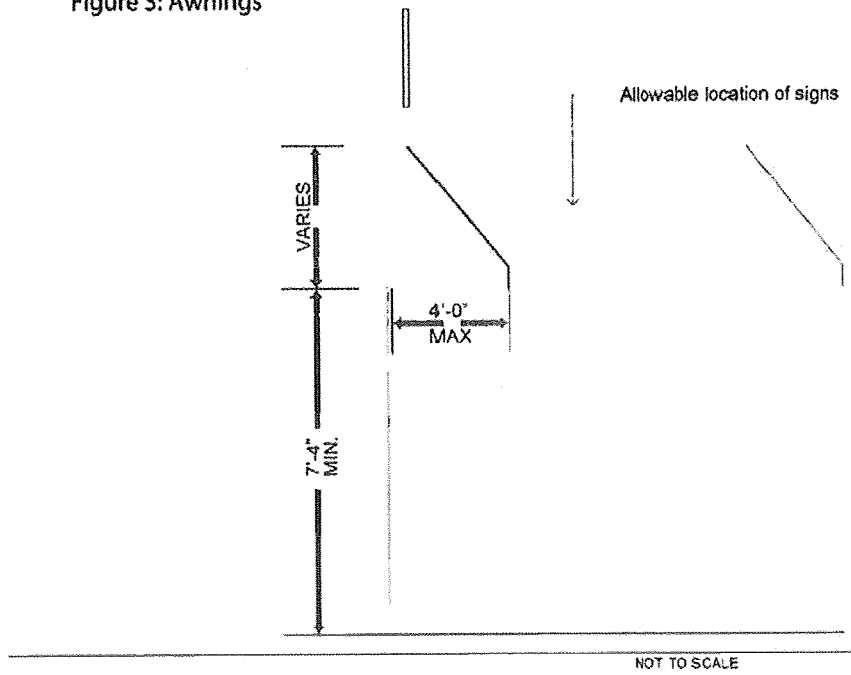
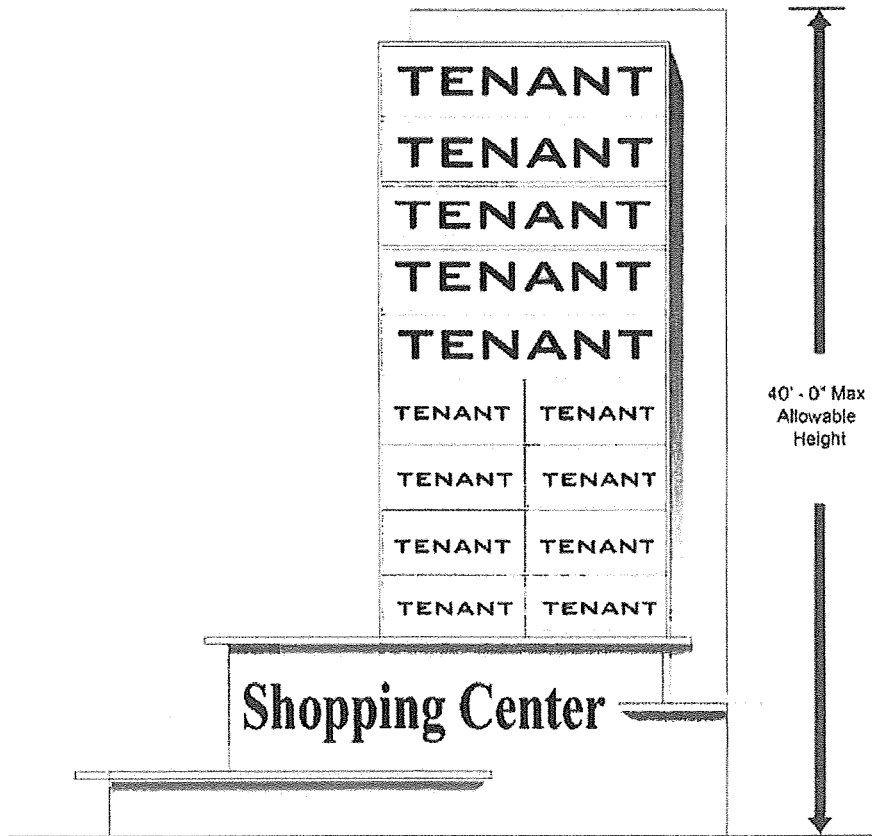


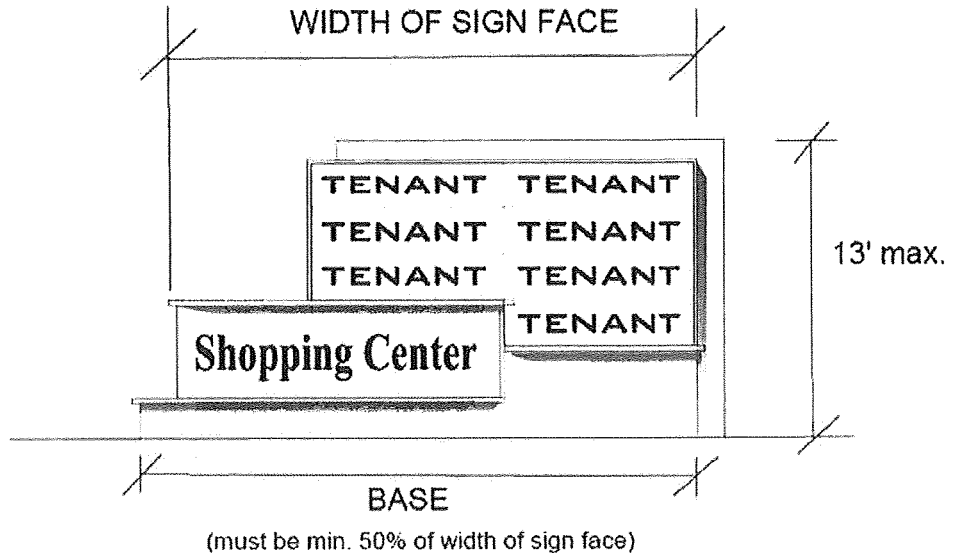
FIGURE 4a: FREESTANDING SIGNS
PYLON SIGNS



450 sf Max. Allowable Signage Area

NOT TO SCALE

FIGURE 4b: FREESTANDING SIGNS
MONUMENT SIGNS



200 sf Max. Allowable Signage Area

NOT TO SCALE

11/2017

**INTRODUCTORY LOCAL LAW # OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH
TO PROHIBIT SIGNS ON LAMPPOSTS,
TRAFFIC SIGNAL POLES AND UTILITY POLES**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles."

SECTION 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code to prohibit signs on trees, lampposts, traffic signal poles and utility poles. The Town Board hereby finds that signs on trees, lampposts, traffic signal poles and utility poles create unreasonable distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians and motor vehicles, create safety hazards to the public and, in particular, pedestrians, distract from identification of surrounding businesses and home-house numbering and detract from the aesthetic character of buildings, sites, districts and the Town as a whole. In addition, the Town Board finds that the undue proliferation of signs on trees, lampposts, traffic signal poles and utility poles detracts from the established character of adjoining properties and of the neighborhood in which they are located and depreciates the values of said properties and neighborhoods. It is hereby found that removal of said signs, posters, stickers or advertising devices will promote the health, safety, morals and general welfare of the community in which they are located.

SECTION 3 - AMENDMENT TO CHAPTER 185.

- A. Subsection 185-14E entitled "Prohibited signs" of Section 185-14 entitled "Sign regulations" is hereby amended to add number 11 to the list of prohibited signs to read as follows:

"(11) With the exception of any sign erected by the Town, county, state or other governmental authority or public utility, all signs pertaining to traffic regulations, parking regulations and fire zones which are subject to the rules and regulations of the New York State Vehicle and Traffic Law and warning, entry prohibition and safety signs, signs located upon lampposts, traffic light poles or upon utility poles without the express

MOTION was made by Councilman Ruggiero to approve the transfer of \$13,000.00 from the Contingency Account to the Unallocated Insurance Account to cover an outstanding insurance bill. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

ii. **DPW \$12,000.00**

Commissioner of Public Works John Platt requests approval for the following budget transfer:

From: Repairs to Non-Vehicle Equipment Account #8330.0474.4001 \$12,000.00
To: Consultant Fees Account #8330.0472.4002

MOTION was made by Councilman Woolsey to approve the transfer of \$12,000.00 from the Repairs to Non-Vehicle Equipment Account to the Consultant Fees Account to cover unforeseen end of year expenditures. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

iii. **DPW \$37,000.00**

Commissioner of Public Works John Platt requests approval for the following budget transfers:

From: Other Expenses Account #8340.0499 \$20,000.00
To: Consultant Fees Account #8330.0472.4002

From: Repairs to Transmission/Treatment Plant Account #8340.0458
To: Consultant Fees Account #8330.0472.4002 \$17,000.00

MOTION was made by Councilwoman Greene to approve the budget transfer of \$20,000.00 from the Other Expenses Account to the Consultant Fees Account to cover unforeseen end of year expenditures. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilwoman Greene to approve the budget transfer of \$17,000.00 from the Repairs to Transmission/Treatment Plant Account to the Consultant Fees Account to cover unforeseen end of year expenditures. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

iv. **DPW \$20,000.00**

Commissioner of Public Works John Platt requests approval for the following budget transfer:

From: Inter-fund Transfer Account in the Water Fund \$20,000.00
To: DATA Filter Plant Account #8330.0430.402

MOTION was made by Councilwoman Greene to approve the transfer of \$20,000.00 from the Inter-fund Transfer Account in the Water Fund to the DATA Filter Plant Account to cover the remaining New York City Water Board cost. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

v. **Highway \$10,000.00 and \$9,809.000**

Highway Superintendent Todd DePew requests approval for the following budget transfers:

From: Permanent Improvements/GIS Account #030.5112.0408 \$10,000.00
To: Machinery/Vehicle Contract Repairs Account #030.5130.0452

From: Snow Removal Account #030.5142.0413 \$9,809.00
 To: Machinery/Vehicle Contract Repairs Account #030.5130.0452

MOTION was made by Councilman Woolsey to approve the budget transfer of \$10,000.00 from the Permanent Improvements/GIS Account to the Machinery/Vehicle Contract Repairs Account. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilwoman Greene to approve the budget transfer of \$9,809.00 from the Snow Removal Account to the Machinery/Vehicle Contract Repairs Account. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

vi. Fleet \$2,709.20 and \$3,200.00 and \$700.00

Head Mechanic-Fleet Maintenance Jim LaColla requests approval for the following budget transfers:

From: Contingency Account #001-1990-0499 \$2,709.20
 To: Oil/Fuel Account #001-1640.0450

From: Tires Account #1640.453 \$3,200.00
 To: Parts Account #1640.451

From: Tires Account #1640.453 \$700.00
 To: Other Expense Account #1640.499

MOTION was made by Councilwoman Greene to approve the budget transfer of \$2,709.20 from the Contingency Account to the Oil/Fuel Account. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilman Woolsey to approve the budget transfer of \$3,200.00 from the Tires Account to the Parts Account. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilwoman Greene to approve the budget transfer of \$700.00 from the Tires Account to the Other Expense Account. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

vii. Recreation \$3,007.00

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval for the following budget transfer:

From: Facility Maint. – Operating Supplies Account #7110-0466 \$3,007.00
 To: Facility Maint. – Equipment Account #7110-0200

MOTION was made by Councilwoman Greene to approve the budget transfer of \$3,007.00 from the Facility Maintenance – Operating Supplies Account to the Facility Maintenance – Equipment Account. This will cover the purchase of a new piece of playground equipment to replace a damaged piece. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
 Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 0 absent

viii. Accountant \$4,176.00 and \$4,586.00

Town Accountant Ron Clum requests approval for the following two budget transfers:

From: Contingency Account #001-1990-0499 **\$4,176.00**
To: Other Exp. – Street Lighting Account #001.5182.0499

From: Other Exp. – Cons Lighting 1 Account #015.1964.0499.1501 **\$4,586.00**
To: Other Exp. – Transportation Account #015.5182.0499.1501

MOTION was made by Councilwoman Greene to approve the budget transfer of \$4,176.00 from the Contingency Account to the Other Expense – Street Lighting Account. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilwoman Greene to approve the budget transfer of \$4,586.00 from the Other Expense – Cons Lighting 1 Account to the Other Expense – Transportation Account. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes;
Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Approval of Auditor

Supervisor Piaquadio request approval of \$29,250.00 for the audit and accounting services provided by Vanacore, DeBenedictus, DiGiovanni and Weddell.

MOTION was made by Councilman Woolsey to approve \$29,250.00 for the audit and accounting services provided by Vanacore, DeBenedictus, DiGiovanni and Weddell. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

8. SEWER DISTRICTS: Discussion on Consolidation

Town Engineer Jim Osborne stated that consolidating the eight sewer districts would simplify the financials and all projects would be shared. Any district that is in the red would need to get in the black. Attorney for the Town Mark Taylor stated that another option would be to pay off every districts debt but this is not a good deal for those districts not owing. Councilman Woolsey would like to see the districts that have debt. Councilwoman Greene has been requesting the sewer districts be consolidated since she was the Receiver of Taxes.

A meeting with Accountant Ron Clum, Town Engineer Jim Osborne, Supervisor Gil Piaquadio, Attorney for the Town Mark Taylor and the members of the Town Board will discuss suggestions with regard to tackling and combining the sewer districts.

9. TRAFFIC SAFETY COMMITTEE: Request for Stop Sign in Colden Park

Colden Park Homeowners request a stop sign at the intersection of Sandalwood and Westwood Drives. Traffic meets at this intersection from three roadways, all of which are two-way streets. The intersection is very busy and unfortunately many drivers do not reduce their speed. This is a popular sport for the children to play as it is in the shape of a large circle where they can ride their bicycles.

A meeting will be scheduled with Police Chief Michael Clancy, Highway Superintendent Todd DePew and Councilman Woolsey to discuss this matter in more detail. A report will be given to the Town Board at a later date.

10. ZONING:

A. LHI Overlay Southwest Extension

i. SEQR Designation and Determination

Attorney for the Town Mark Taylor asked for the Town Board to consider the draft Resolution of SEQR Designation and Determination: Adoption of a Proposed Local Law amending Chapter 185 entitled 'Zoning' of the Code of the Town; Zoning Map of the Town to include an Interchange Business (IB) Zoned area in the southwest section of the Town in the light and heavy industrial equipment and recreational vehicle sales, service and repair (LHI) Overlay District.

The Town Board declared itself as the Lead Agency and determined that the Action will not have an adverse environmental impact and does issue a Negative Declaration. The Town Board also authorizes Supervisor Piaquadio to execute and file the relevant section of the EAF (Environmental Assessment Form) and a Negative Declaration that may be required with the provisions of law and regulations.

MOTION was made by Councilman Woolsey to approve issuing the Negative Declaration. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

ii. **Adoption**

The Town Board, acting as Lead Agency, finds it in the best interest of the Town to adopt the Local Law as a Type I Action under the State Environmental Quality Review Act. They considered the reports and responses from the Orange County Planning Department and the Town Planning Board. After much deliberation, the Town Board finds it in the best interest to adopt this Local Law.

MOTION was made by Councilwoman Greene to approve adopting the Local Law amending the Town Zoning Code as a Type I Action under the State Environmental Quality Review Act and has issued a Negative Declaration. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. **Solar**

i. **SEQR Lead Agency Intent**

Attorney for the Town Mark Taylor referred the Local Law to the Planning Board and the Zoning Board. Mr. Taylor received comments back and incorporated one minor sentence to Subsection 185-82H which deals with safety markings, referring to the State Code following consultation with Code Compliance Supervisor Canfield. The Town Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town and proposes to undertake, fund and/or approve the Action and wishes to assume Lead Agency status.

MOTION was made by Councilman Ruggiero to approve Lead Agency status. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

ii. **Schedule Public Hearing**

Attorney for the Town Mark Taylor asked for the Town Board's consideration for scheduling a Public Hearing on Monday, March 23, 2015 at 7:00 p.m. The proposed Resolution introducing a Local Law adding Article XVII entitled "Solar Siting" entitled "Zoning" of the Code of the Town is a Type I Action and provides for coordinated review under SEQR.

MOTION was made by Councilman Ruggiero to approve the Public Hearing date of Monday, March 23, 2015 at 7:00 p.m. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

C. **Loop Marketplace Zoning Text Amendments Requests**

i. **Signs for Shopping Centers**

Vice President John R. Bainlardi from Wilder Balter Partners, Inc. presented The Loop-Hudson Valley ("Loop") along with several tenant representatives (Thomas Wilder – Principle Joint Partner, Kelli A. Burke – Vice President, Development Services, John C. Cappello – Partner at Jacobowitz & Gubits, LLP, Lou Allevato, AIA – Principal at Allevato Architects Inc., and representatives from Banfield Animal Hospital and Pet Smart.

Mr. Bainlardi stated that the intent of the regulations to address signage in Shopping Centers located in the Town. The Shopping Centers contain multiple commercial users operating as a unit under single ownership in both individual and adjoining structures and have varied signage needs and requirements. It is important to establish signage regulations to ensure that there is a balanced and appropriate quantity of signage and that such signage presents a uniformity of design and pleasant appearance.

Attorney for the Town Mark Taylor stated that there are differences between the signage laws for different areas. The Town Board may want to have a planner (Dave Smith) review and make comments as to what other municipalities have.

Supervisor Piaquadio advised the representatives that the Town Board will need more time to discuss this topic.

ii. **Pet Serving Facilities Accessory to Pet Stores**

A Pet Services Facility is permitted as an accessory use to a shopping center in the IB Zoning District subject to the following conditions:

- The Pet Services Facility is clearly incidental to the retail sale of pet goods and supplies.
- The Pet Services Facility is wholly contained within the retail pet store building.
- Adequate ventilation is in place to prevent pet or pet waste odors from entering the retail sales area or being emitted from the facility in a manner that constitutes a nuisance to neighboring tenants or adjacent property.
- The facility must be sound proofed so as to eliminate animal noise from neighboring tenants or adjacent property.
- The facility must be operated in accordance with all applicable health codes, ordinances, laws and regulations including but not limited to licensing requirements.
- Adequate space and accommodation shall be devoted to the boarding of pets inclusive of space necessary for exercise. No outdoor pet exercising activity shall be allowed. Boarding operations shall be staffed by trained personnel 24 hours per day, every day of the week. There shall be no after hours pickup/delivery of pets for boarding purposes.

A Pet Services Facility shall require a Management Plan to be reviewed and approved by the Planning Board. The Management Plan shall (i) detail the operation and procedures of the Pet Services Facility including the provision of any veterinary service, any boarding service and any grooming service (ii) specify the means to address pet waste disposal (iii) specify the manner and procedures related to odor control (iv) specify the manner and procedures related to noise control and (v) provide a contact person at the managerial level in the event of any operational issue requiring to be addressed.

The Town Board will need more time to discuss this topic and requested hiring an outside consultant to review the documentation provided. Mr. Bainlardi, from Wilder Balter Partners, Inc. agreed to pay for the cost of the outside consultant.

D. **(DELETED ITEM): Drive Thru Establishments in LHI District**

This item was deleted from the meeting.

11. **RECREATION:**

A. **Hiring of Laborer**

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests authorization to hire Alan Moore and John Walsh as part time laborers starting Thursday, February 19, 2015 at a salary rate of \$8.75 per hour. Mr. Moore and Mr. Walsh will fill the vacant spots left by Siobhan Jablesnik and Clif Thayer. The salary for these positions is in the budget under Account #7110-0100. The hiring will be contingent on them completing the proper paperwork, fingerprint process and physical which includes drug/alcohol testing.

MOTION was made by Councilman Ruggiero to approve hiring Alan Moore as a part time laborer at a rate of \$8.75 per hour and a start date of February 19, 2015. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilman Woolsey to approve hiring John Walsh as a part time laborer at a rate of \$8.75 per hour and a start date of February 19, 2015. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Fireworks Quotes

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to accept the fireworks quote from Fireworks Extravaganza from Rochelle Park, N.J. who submitted the lowest bid quote of \$9,500.00. Other bid quotes received were from Legion Fireworks from Wappinger Falls, N.Y. with a price quote of \$11,000.00 and Bay Fireworks from Bethpage, N.Y. with a price quote of \$17,500.00.

MOTION was made by Councilwoman Greene to approve the lowest bid submitted by Fireworks Extravaganza from Rochelle Park, N.J. for \$9,500.00. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

C. Approval of Umpire Agreement

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval for two separate 2015 Service Agreements for the Orange County USSSA Umpires Association. The rate for the slow pitch game with two officials has remained the same at \$56.00 per game and the slow pitch co-ed games with one official is set at \$42.00 per game.

MOTION was made by Councilman Woolsey to approve the rate for the slow pitch game with two officials at \$56.00 per game and the slow pitch co-ed games with one official at \$42.00 per game. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

D. Creating Part Time Aide Position

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to create a new Part Time Recreation Aide position which will involve different duties including working on the fields etc.

MOTION was made by Councilwoman Greene to approve creating a new Part Time Recreation Aide position. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

E. Assistant Recreation Director

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to create the position of Assistant Recreation Director.

MOTION was made by Councilwoman Greene to approve creating the position of Assistant Recreation Director. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

12. ANIMAL CONTROL: T-94 Withdrawal

Animal Control Supervisor Chantel Haight requests authorization to use the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital in the amount of \$947.60. (Feline services - \$668.42 and Canine services - \$279.18)

MOTION was made by Councilman Ruggiero to approve using the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital in the amount of \$947.60. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

13. DATA PROCESSING:**A. Purchase of Maintenance Hours**

Supervisor Piaquadio is requesting the purchase of 37.5 computer maintenance hours from Firthcliffe Technologies of Cornwall at an hourly rate of \$80.00 per hour for a total of \$3,000.00. This purchase will be taken out of the Computer Maintenance Account #001-1680-0497.

MOTION was made by Councilwoman Greene to purchase 37.5 hours of computer maintenance from Firthcliffe Technologies of Cornwall at an hourly rate of \$80.00 per hour for a total of \$3,000.00. The Motion was seconded by Councilman Ruggiero.
VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Purchase of Server

Supervisor Piaquadio is requesting the approval of \$13,327.02 to replace the existing server at Town Hall and Code Compliance. The existing server was installed on February 17, 2010 and is currently not supported by Dell.

Software including 50 Licenses	\$5,072.94
Uninterrupted Power Supply & Hard Disk	\$1,798.74
Server with Hardware	<u>\$6,455.34</u>
	\$13,327.02

MOTION was made by Councilwoman Greene to approve \$13,327.02 to replace the existing server at Town Hall and Code Compliance. The Motion was seconded by Councilman Ruggiero.
VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

C. Expenditure from Computer Reserve Fund

Supervisor Piaquadio is requesting the approval to purchase the above equipment from FLC who is an authorized Dell Dealer. The total purchase will come from the Computer Reserve Account # 001-878.

MOTION was made by Councilman Ruggiero to approve purchasing the above equipment from FLC who is an authorized Dell Dealer. The Motion was seconded by Councilwoman Greene.
VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

14. VEHICLE GPS:**A. Retract Award to a Vendor**

Supervisor Piaquadio is requesting approval to rescind the offer made to Vehicle Tracking Solutions from Commack, New York on January 14, 2015. Their monthly charge was \$29.99 based on 39 units and would have cost \$1,169.61 a month with a one minute tracking.

MOTION was made by Councilman Ruggiero to rescind the offer made to Vehicle Tracking Solutions from Commack, New York. The Motion was seconded by Councilman Woolsey.
VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Award GPS Contract

Supervisor Piaquadio would like approval to recommend the proposal submitted by Synovia Solutions who have a local office in Monroe, New York due to the fact their technology can supply thirty second updates. The lease of the GPS system has a warrantee of sixty months and a monthly charge of \$25.00 based on 39 units will be \$975.00 a month and the lease can be cancelled at any time.

MOTION was made by Councilman Woolsey to approve the proposal submitted by Synovia Solutions who have a local office in Monroe, New York. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

15. **DPW:**

A. Software Agreement with GHD SCADA Systems at Filtration Plant

Commissioner of Public Works John Platt requests approval of \$7,500.00 for the Proposed Scope of Services from GHD Consulting Services to provide support and maintenance service for the SCADA Systems operating at both water filtration plants. These services will provide on-call assistance to the Town and will provide periodic updates, improvements, modifications and troubleshooting of instruments and controls within the SCADA and PLC facilities at Chadwick Lake and Delaware Aqueduct Water Filtration Plants.

MOTION was made by Councilwoman Greene to approve \$7,500.00 for the Proposed Scope of Services from GHD Consulting Services. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Request Bid for Repairs and Painting of Hydrants

Commissioner of Public Works John Platt requests permission to prepare contract documents and advertise for bids for cleaning, preparation and painting of fire hydrants. Funding in the amount of \$32,637.56 is available in the Capital Reserve Account #6044 Hydrant Repairs and Painting.

MOTION was made by Councilwoman Greene to approve going out to bid for the cleaning, preparation and painting of fire hydrants. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

C. Frozen Ridge Water Storage Tank Level Signal Integration

Commissioner of Public Works John Platt requests approval for the lowest quote of \$15,775.00 from Aqualogics Systems Inc.. The proposal includes the changes necessary to obtain the Frozen Ridge tank level signal via a cellular link to enable the Town to discontinue service of the telephone line between the DATA Pump Station and Frozen Ridge Tank. This will include the labor and materials required to do all the work and will connect the existing Tank Level Indicator with Modbus communications to the Owens Road Pump Station. Nothing will need to be done at Owens Road.

MOTION was made by Councilman Ruggiero to approve the lowest quote of \$15,775.00 from Aqualogics Systems Inc. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

16. **BUILDINGS & GROUNDS: Renewal of Contract with TJE Cleaning Service**

Building & Grounds Supervisor Les Cornell requests approval to continue using the services of TJE Cleaning Services for the weekly cleaning of Town Hall, Code Compliance and the Police Department for 2015. The monthly fee of \$1,580.00 is the same fee that it has been for the past three years.

MOTION was made by Councilman Woolsey to approve continuing using TJE Cleaning Services for the weekly cleaning of Town Hall, Code Compliance and the Police Department for 2015. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

17. POLICE: Start Process to Hire 2 Part Time Police Officers

Police Chief Michael Clancy requests authorization to fill the two Part Time Police Officer vacancies as soon as the open positions are verified by our Personnel Department and the County Personnel Department.

MOTION was made by Councilwoman Greene to authorize filling the two Part Time Police Officer vacancies. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilman Woolsey to approve looking at the list for Full Time Police Officers. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

18. LABOR ATTORNEY: Approval of Agreement

Elayne G. Gold from Roemer Wallens Gold & Mineaux LLP requests approval to renew the Retainer Agreement with the Town. The term of this Agreement will be from February 1, 2015 through and including December 31, 2017. Ms. Gold proposes a slight increase of 3% which, for the three year term of this contract, amounts to \$250.00 more each month.

More discussion is needed on this topic.

19. HIGHWAY DEPARTMENT:**A. Accept Bid for Truck Body and Plow**

Highway Superintendent Todd DePew requests approval to accept the bid for the Truck Body & Plow from Amthor Welding for \$85,731.00 and the purchase of two Truck Body & Plows for a total of \$171,462.00. The funds are available and will be taken from the Machinery Equipment/Other Capital Account #5130.200.

MOTION was made by Councilman Woolsey to approve accepting the bid for the Truck Body & Plow from Amthor Welding for \$85,731.00 and the purchase of two Truck Body & Plows for a total of \$171,462.00. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

B. Purchase of Single Axle Plow Truck

Highway Superintendent Todd DePew requests approval to purchase a Single Axle Plow Truck from Beam Mack Sales Service, Inc. for the cost of \$103,400.93. The funds are available and will be taken from the Machinery Equipment/Other Capital Account #5130.200.

MOTION was made by Councilman Woolsey to approve the purchase of a Single Axle Plow Truck from Beam Mack Sales Service, Inc. for the cost of \$103,400.93. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

C. Purchase of Generator Trailer

Highway Superintendent Todd DePew requests approval to purchase a Light/Generator with Trailer from Pine Bush Equipment for the cost of \$8,650.00. The funds are available and will be taken from the Machinery Equipment/Other Capital Account #5130.200.

MOTION was made by Councilman Ruggiero to approve the purchase a Light/Generator with Trailer from Pine Bush Equipment for the cost of \$8,650.00. The Motion was seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

20. (ADD ON): Roseton Hills Sewage Works – Payment for Installation of New Motor and Repairs to Blower @ Roseton Hills STP

Supervisor Piaquadio is requesting approval of \$6,000.94 to pay Roseton Hills Sewage Works Corporation for the installation of the new motor and rebuilt blower at Roseton Hills STP. The allocations will come from two accounts:

Parr Valley Condo	\$2,340.37
Orchard Hills	<u>\$3,660.57</u>
	\$6,000.94

MOTION was made by Councilman Woolsey to approve \$6,000.94 to pay Roseton Hills Sewage Works Corporation for the installation of the new motor and rebuilt blower at Roseton Hills STP. The Motion was seconded by Councilwoman Greene. VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

21. POSSIBILITY OF EXECUTIVE SESSION: Litigation with New York City

MOTION to go into executive session made by Councilwoman Greene at 9:03 p.m., seconded by Councilman Woolsey to discuss litigation with New York City and also a notice of claim involving a Police Officer.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION to come out of executive session made by Councilwoman Greene at 9:10 p.m., seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION to approve the Settlement Agreement of \$28,750.00 to New York City (the "Payment") was made by Councilman Ruggiero and seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION to approve the Resolution determining default of Worth Construction Company, Inc. under Contract No. 2 – General for the Delaware Aqueduct Tap WTP Project and authorizing the engagement of completion contractors was made by Councilwoman Greene and seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

MOTION to adjourn made at 9:24 p.m. by Councilman Ruggiero, seconded by Councilwoman Greene.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – yes; Councilman Ruggiero – yes, Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 0 absent.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Andrew J. Zarutskie, Town Clerk

by

Brenda J. Milkovich, Deputy Town Clerk

AT THE WORKSHOP MEETING

of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Wednesday, the 18th day of March, 2015

Present Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
James E. Presutti, Councilman

Also Present Mark C. Taylor, Attorney for the Town
James Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Brenda Milkovich, Deputy Town Clerk

Absent George A. Woolsey, Sr., Councilman
Paul I. Ruggiero, Councilman

Meeting called to order at 7:09 p.m.

1. **ROLL CALL**

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

Allan Gaul, Reporter for the *Mid Hudson Times* Newspaper, led the pledge.

3. **MOMENT OF SILENCE**

4. **CHANGES TO AGENDA**

*Added Item 18: Distribution of Draft Sign Law
Deleted Item 7A: Discussion of Spay/Neuter Clinic
Deleted Item 9: Approval of Labor Attorney Contract
Deleted Item 10: Town Handbook: Approval of 3 Modifications
Deleted Item 11: Discussion on Combining Water Dist. & Filter Plant
Deleted Item 12A: Town Clerk: Approval of Street Name (Percy Path)
Deleted Item 12B: Town Clerk: Approval of Street Name (Strider Road)
Deleted Item 13A: Engineering: Thruway Authority
Deleted Item 13B: Engineering: Selection of Attorney for Rockwood Drive Subdivision
Deleted Item 14A: Accounting: Two Week Payroll
Deleted Item 14B: Accounting: Optional Direct Deposit
Deleted Item 16: Data Processing
Deleted Item 17: Resolution: Newburgh Plaza LLC*

5. **APPROVAL OF AUDIT**

MOTION was made by Councilwoman Greene to approve the audit in the amount of \$656,101.19 for vouchers 151073 to 151348. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – absent; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 3 yes; 0 no; 0 abstain; 2 absent.

Councilman Ruggiero arrived at the meeting at 7:12 p.m.

6. **PRESENTATIONS:**

A. **Workman Compensation Insurance**

Hank Chapman, Risk Management Advisor from Haylor, Freyer & Coon, presented two proposals from two different Municipal Workers' Compensation carriers – PERMA and the New York State Municipal Workers Compensation Alliance. These two carriers approach to audits is much friendlier and both work closely for the claims management and for loss control. Haylor, Freyer & Coon's mission is to deliver quality insurance protection with distinctive and exceptional service and can go out to bid for the Town any year that is needed and can access markets. The three step approach is below and should bring substantial cost savings now and into the future.

Immediate Savings

Mr. Chapman stated that there is immediate savings to the Town in the premiums that Haylor, Freyer & Coon proposed.

Short Term

Claims' Advocate Meghan Curry will conduct quarterly reviews of the Town's claims with the insurance carrier to see if there are any open reserves that can be closed or reduced. This is very important because the Workers Compensation insurance companies determine the premiums based on the Town's loss history six months before renewal.

Long Term

Director of Risk Management Pat Salvador is a licensed engineer who would assist the Town in training employees to improve safety at the workplace. The most important and effective way to save money on the Town's Workers' Compensation premiums is by helping to manage and control safety, reducing future losses.

Mr. Chapman will send documents/contracts out in the mail tomorrow to Supervisor Piaquadio as the documentation will need to be signed six days before Wednesday, April 1, 2015 to receive a 2% discount.

B. Pilgrim Pipeline

Pilgrim Transportation Vice President Legal Affairs George Bochis and Ways & Means NY President John Casellini presented the Northeast Regional Pipeline Project Overview to the Town Board.

- **Why are you building this pipeline?** The Pilgrim Pipeline provides a safer and more environmentally sound alternative to the region's current reliance on river barges for the delivery of oil and refined products.
- **What is the pipeline route?** The 178 mile parallel underground pipelines will run between Albany and Linden, New Jersey. They will utilize the right of way along the New York Thruway.
- **Is the pipeline buried or above ground and how big is the pipeline diameter?** The pipelines would be buried and preliminary plans call for the pipelines to have a diameter of no more than 24 inches. There are several configurations of the system being analyzed and the actual sizing has not been finalized.
- **What will the pipeline carry and what is the estimated cost of the project?** The pipeline will carry 200,000 barrels of refined petroleum products like gasoline, diesel, home heating oil and jet fuel per day from NY Harbor to points north; and 200,000 barrels of crude oil per day southbound from Albany to delivery points in New Jersey. The estimated cost is to be \$900 million to \$1 billion.
- **Will taxpayers be funding this project and when will construction begin?** No. The taxpayers will not be funding this project. There is no timeframe as this depends on finalizing the route and the permitting and construction process.
- **How many jobs will be created?** There will be 2,400 construction jobs created and 55 full time jobs once the pipeline is in service.
- **Will there be training for our local responders and if so, where will it be?** Pilgrim Transportation will come to the Town and have training sessions.
- **Are the local residents required to let Pilgrim employees survey their property?** Residents may refuse to allow Pilgrim employees onto their property

Mr. Bochis and Mr. Casellini will address the allegations of Pilgrim employees entering properties on Quaker and Mill Streets, impacts on the Town's drinking source (Chadwick Lake) and details regarding training for local responders.

7. ANIMAL CONTROL:**A. (DELETED ITEM): Discussion of Spay/Neuter Clinic**

This item was deleted from the meeting.

B. T-94 Withdrawal (Camera System)

Animal Control Supervisor Chantel Haight requests authorization to use the T-94 account to pay for KT&C Interior and Exterior Cameras from D-Ben Security Systems, Inc. in the amount of \$630.00.

(1) KT & C Interior Camera	-	\$135.00
(1) KT& C Exterior Camera	-	\$235.00
Service Call	-	\$70.00
Labor (\$95.00 per Hour x 2)	-	<u>\$190.00</u>
		<u>\$630.00</u>

MOTION was made by Councilwoman Greene to approve using the T-94 account to pay for KT&C Interior and Exterior Cameras from D-Ben Security Systems, Inc. in the amount of \$630.00. The Motion was seconded by Councilman Ruggiero. VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

C. Hiring of Shelter Helper

Animal Control Supervisor Chantel Haight requests permission to fill the Animal Shelter Helper position being vacated by Lauren Larocca on April 1, 2015.

MOTION was made by Councilman Ruggiero to approve filling the Animal Shelter Helper position. The Motion was seconded by Councilman Presutti. VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

D. Replacement of a Second Shelter Helper

Animal Control Supervisor Chantel Haight requests permission to hire Sara Birdsall as a part time Animal Shelter Helper position being vacated by Angelia Meehan at an hourly rate of \$10.00.

MOTION was made by Councilman Ruggiero to approve hiring Sara Birdsall as a part time Animal Shelter Helper pending her completed psychological, background, physical, drug/alcohol testing, fingerprints and all her paperwork. The Motion was seconded by Councilwoman Greene. VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

8. RECREATION:**A. Request for Use of Trolley**

Commissioner of Parks, Recreation & Conservation Robert Petrillo stated that the Town of New Windsor has again requested the use of a trolley and one truck with driver (who will have to be a Town employee) for the Memorial Day Parade on Sunday, May 17th in New Windsor. Line-up will begin at 1:00 p.m. at the New Windsor Shopping Ctr. (New Windsor Post Office), Route 94 with step off at 2:00 p.m.

MOTION was made by Councilman Ruggiero to approve the trolley and one truck with driver request and the Motion was seconded by Councilwoman Greene. VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. Award of T-Shirt Bid

Commissioner of Parks, Recreation & Conservation Robert Petrillo received five t-shirt quotes and is requesting approval to accept the quote from Wildheart Apparel from Fayetteville, AR at the price of \$2.59 (majority). Recreation has worked with Wildheart Apparel in the past and have been satisfied with the quality of their work. The other quotes were received from: Color Cube Inc. from New Windsor, N.Y.; Fusion Graphix from Montgomery, N.Y.; Mixture Inc. from Newburgh, N.Y. and Personalize It from Newburgh, N.Y.

MOTION was made by Councilwoman Greene to approve the quote from Wildheart Apparel at the price of \$2.59 (majority). The Motion was seconded by Councilman Presutti. VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

C. Posting for Assistant Recreation Director Position

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to advertise for an Assistant Recreation Director position. This is a competitive position with a salary of \$40,000.00. Minimum qualifications are either:

- A) Graduated from a regionally accredited college or university or one accredited by the N.Y. State Board of Regents to grant degrees with an Associate's degree in education, recreation, leisure studies, physical education or related field and one season paid for volunteer experience in planning or conducting recreational activities or one semester of experience as a teaching assistant, teacher aide, coach or volunteer working in a classroom or gymnasium setting.
- B) Graduated from High School or possession of a high school equivalency diploma and three seasons* of paid or volunteer experience conducting recreational activities or three semesters* of experience as a Teaching Assistant, Teacher Aide, Coach or Volunteer working in a classroom or gymnasium setting.

* A season is defined as the duration of a recreation program. A semester is defined as 15-18 weeks of an academic year.

MOTION was made by Councilwoman Greene to approve the advertising for an Assistant Recreation Director position. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

9. (DELETED ITEM): APPROVAL of Labor Attorney Contract

This item was deleted from the meeting.

10. (DELETED ITEM): TOWN HANDBOOK: Approval of Three (3) Modifications

This item was deleted from the meeting.

11. (DELETED ITEM): DISCUSSION ON Combining Water Distribution & Filter Plant

This item was deleted from the meeting.

12. (DELETED ITEMS): TOWN CLERK:**A. Approval of Street Name (Percy Path)**

This item was deleted from the meeting.

B. Approval of Street Name (Strider Road)

This item was deleted from the meeting.

13. (DELETED ITEMS): ENGINEERING:**A. Thruway Authority**

This item was deleted from the meeting.

B. Selection of Attorney for Rockwood Drive Subdivision

This item was deleted from the meeting.

14. (DELETED ITEMS): ACCOUNTING:**A. Two Week Payroll**

This item was deleted from the meeting.

B. Optional Direct Deposit

This item was deleted from the meeting.

15. POLICE:**A. Permission to Begin Hiring Process to Fill Part Time Police Officer Position**

The Board recently approved the filling of two vacant police officer positions but one candidate changed his mind the next day and declined the position. Police Chief Michael Clancy requests permission to fill the Part Time Police Officer vacancy.

MOTION was made by Councilwoman Greene to approve filling the Part Time Police Officer vacancy. The Motion was seconded by Councilman Presutti.
 VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. Permission to Fill Part Time Dispatcher Positions

Police Chief Michael Clancy requests permission to start the process of filling vacant part time Dispatcher positions before the summer when the full time Dispatchers take most of their vacation time.

MOTION was made by Councilwoman Greene to authorize filling the Part Time Dispatcher positions before the summer. The Motion was seconded by Councilman Ruggiero.
 VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

16. (DELETED ITEM): DATA PROCESSING
This item was deleted from the meeting.

17. (DELETED ITEM): RESOLUTION: Newburgh Plaza LLC
This item was deleted from the meeting

18. (ADDED ITEM): Distribution of Draft Sign Law
 Attorney for the Town Mark Taylor handed the Board three packages for discussion. They are as follows:

- 1) This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Sign Regulations. The intent of this Local Law is to implement changes in the Town Zoning Code to better address and regulate signs. The cross-outs are current and the underline markings are new provisions to be included in the Local Law.
- 2) This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh: Electronic and Illuminated Signs." The intent of this Local Law is to implement a change in the Town Zoning Code to address changes in the technology of sign illumination and certain design guidelines.
- 3) Principal David Smith's proposal to assist the Town Board in an initial review of Town Code with respect to the size of commercial signs and a comparison to how other communities have addressed this issue (Shopping Center Proposal – by Marketplace).

More discussions will be needed on these topics.

19. ADJOURNMENT

MOTION was made by Councilwoman Greene to adjourn the regular Town Board meeting at 8:36 pm. The Motion was seconded by Councilman Presutti.
 VOTE: Councilman Woolsey – absent; Councilwoman Greene – yes; Councilman Ruggiero – yes, Councilman Presutti – yes; Supervisor Piaquadio – yes.
 Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

Meeting adjourned at 8:36 pm.

Respectfully submitted,

 Andrew J. Zarutskie, Town Clerk

by

 Brenda J. Milkovich, Deputy Town Clerk

AT THE WORKSHOP MEETING

of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Wednesday, the 15th day of April, 2015

Present Gilbert J. Piaquadio, Supervisor
George A. Woolsey, Sr., Councilman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman

Also Present Mark C. Taylor, Attorney for the Town
James Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Brenda Milkovich, Deputy Town Clerk

Absent Elizabeth J. Greene, Councilwoman

Meeting called to order at 7:10 p.m.

1. **ROLL CALL**

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

DPW Commissioner John Platt led the pledge.

3. **MOMENT OF SILENCE**

4. **CHANGES TO AGENDA**

*Added Item 16: Purchasing of Additional GPS Systems
Deleted Item 15B: ACCOUNTING: Change of Pay Week
Deleted Item 15C: ACCOUNTING: Direct Deposit*

5. **APPROVAL OF AUDIT**

MOTION was made by Councilman Woolsey to approve the audit in the amount of \$2,675,214.13 for vouchers 151677 to 151771. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

6. **DPW:**

A. **Hydrant Flushing**

Commissioner of Public Works John Platt will be conducting the Spring Fire Hydrant Flushing Program starting on Monday, May 4, 2015 and continuing for two weeks until completion on or before Friday, May 15, 2015. The newspaper ad will appear one time the last week of April in the *Mid Hudson Times* and the *Sentinel*. It was decided that the article will not be posted in the *Times Herald Record*.

MOTION was made by Councilman Woolsey to approve the Spring Fire Hydrant Flushing Program starting on Monday, May 4, 2015. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. **Water Distribution Materials Bid**

Commissioner of Public Works John Platt requests permission to prepare contract documents and advertise for bids for Water Distribution Materials and Supplies Bids.

MOTION was made by Councilman Ruggiero to approve the contract documents and advertise for bids for Water Distribution Materials and Supplies Bids. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

7. ENGINEERING:**A. Rockwood Drainage: Selection of Attorney**

Town Engineer Jim Osborne forwarded a copy of the *Petition to the Town of Newburgh Town Board for the Establishment of a Drainage District* and the Map Plan and Report. The Town Board would like to select Stephen Gaba as the alternate Attorney per the Zoning Map change for this project.

MOTION was made by Supervisor Piaquadio to approve Steve Gaba as the alternate Attorney. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. Thruway Drainage

Town Engineer Jim Osborne had a meeting on February 25th with the Thruway Authority and the tone of the meeting was that the Thruway Authority contends it was the Town's fault with regard to the flooding. The second discussion held on March 11th with the Thruway Authority was more cooperative. Once the work begins, the Town will be using our own work forces. Mr. Osborne requested payment to McGoey, Hauser and Edsall Consulting Engineers, P.C. be paid for their professional services (#13-157 - Meadow Hill Drainage w/Thruway and #13-157.10 - Meadow Hill Drainage with Thruway-Meetings) in the amount of \$1,309.00. Future discussion on additional measures will be necessary.

MOTION was made by Councilman Woolsey to approve payment of \$1,309.00 for the professional services provided by McGoey, Hauser and Edsall Consulting Engineers, P.C. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

C. Golden Vista Outside User Agreement

Attorney for the Town Mark Taylor asked for the Town Board's consideration for approving the proposed amendment to the signed Outside User Agreement for the Golden Vista project. The amendment addresses the reduction in units from 188 to 161 and the related unit based fee reduction, the elimination of the original phasing plan and the fact that the Town and City of Newburgh entered into a new inter-municipal sewer agreement.

MOTION was made by Councilman Woolsey to approve the proposed amendment to the signed Outside User Agreement for the Golden Vista project. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

D. Release of Securities: Brighton Green**i. Storm Water**

Based on the submittal of the required certifications and As-Built Drawings as well as inspections conducted by the Town Highway Department and the Engineering office, Town Engineer Jim Osborne recommends releasing the performance security (Bond No. 504673 dated October 1, 2009) for the Stormwater Management/Erosion & Sediment Control in the amount of \$125,325.00 for the Brighton Greene (Pulte Homes) project.

MOTION was made by Councilman Ruggiero to approve releasing the performance security bond in the amount of \$125,325.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

ii. Landscaping

The Town Board acted on January 14, 2015, to authorize the releasing of the rest of the landscaping bond per the recommendation from Karen Arent. The performance bond on file (Continental Insurance Company Bond No. 929400582 dated June 28, 2007) is in the amount of \$300,000.00 for the Brighton Greene (Pulte Homes) Landscaping Security project.

MOTION was made by Councilman Ruggiero to approve releasing the performance security bond in the amount of \$300,000.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

8. ANIMAL CONTROL:

A. Spay/Neuter Clinic

Animal Control Supervisor Chantel Haight would like to conduct a spay/neuter clinic day for cats with The Animals Rights Alliance (TARA) van which is a non-profit organization and is tentatively scheduled for Thursday, May 7, 2015. Folks can drop off their cats at about 7:30 a.m. and can pick them up later that day. The appointments should be booked prior to the event and prepayment will be accepted. The fee will be \$70.00 per cat, with \$50.00 going to TARA and \$20.00 to Animal Control. Councilman Woolsey said that Town residents should pay less and suggested the \$20.00 should be waived for Town residents. The fee will include a rabies shot, nail clip, and penicillin with a guarantee of forty cats. The Town Board will follow up with our insurance rep for review.

MOTION was made by Councilman Ruggiero to approve the spay/neuter clinic day scheduled for May 7, 2015 with a fee of \$50.00 for residents and \$70.00 for non-residents. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. T-94 Withdrawal

Animal Control Supervisor Chantel Haight requests authorization to use the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital in the amount of \$775.87.

Feline	-	\$168.37
Canine	-	<u>\$607.50</u>
		\$775.87

MOTION was made by Councilman Ruggiero to approve using the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital in the amount of \$775.87. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

9. ZONING:

A. Signs

Attorney for the Town Mark Taylor distributed documentation to the Town Board which will serve as a basis for going forward. Mr. Taylor is waiting on input from Code Compliance which is very important. Another meeting for signs will be scheduled per Supervisor Piaquadio's request. More discussion is needed on this topic.

B. Hiring of a Sign Consultant for Shopping Centers

Attorney for the Town Mark Taylor asked for the Town Board's consideration to hire David B. Smith (Planning & Development Advisors) to assist in an initial review of Town Code with respect to the size of commercial signs and a comparison to how other communities have addressed this issue. If the Town Board decides to hire David B. Smith, the Loop will pay his fee with regard to that shopping center.

MOTION was made by Councilman Woolsey to approve hiring David B. Smith to assist in an initial review of Town Code in regard to signs for shopping centers. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes. Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

10. POLICE: Budget Transfer

Supervisor Piaquadio requests approval to transfer \$28,750.00 from the Personal Service Law Enforcement Account #001-3120-0499 to the Police Training Other Account #001-3030-0499. This transfer is being made to compensate New York City for the training of Officer Jason Monte.

MOTION was made by Councilman Woolsey to approve the transfer of \$28,750.00 for the training of Officer Jason Monte. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

11. RESOLUTIONS:**A. OTB**

President & Chief Executive Officer Donald J. Groth submitted a draft Resolution in support of the legalization of VLT lottery (slot machine) devices to be operated by Catskill Off-Track Betting Corporation. This would help the economic development and tourism hopes for the Hudson Valley.

MOTION was made by Councilman Ruggiero to approve the draft Resolution in support of the legalization of VLT lottery (slot machine) devices. The Motion was seconded by Councilman Presutti.

MOTION was made by Councilman Woolsey to table the Resolution in support of the legalization of VLT lottery (slot machine) devices. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion to table approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. 2% Tax Cap

Attorney for the Town Mark Taylor asked for the Town Board's consideration for approving the draft Resolution requesting for New York State Tax Cap Law reform. The present tax cap law severely restricts elected Officials in the Towns, Villages and Cities of Orange County from performing their fiduciary duties.

MOTION was made by Councilman Woolsey to not support the draft Resolution requesting for a New York State Tax Cap Law reform. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

12. TRAFFIC SAFETY COMMITTEE: Stop Sign on Chestnut Lane

Supervisor Piaquadio will request accident reports from our Chief of Police Michael Clancy with regard to Chestnut Lane. More discussion is needed on this topic.

13. HIGHWAY DEPARTMENT: Approval of Leaf and Brush Pick Up

Highway Superintendent Todd DePew requests approval to have the Spring Leaf and Brush Pick-up schedule published in the local newspapers. It was decided that the article will not be posted in the Times Herald Record. Town trucks will pick up bagged leaves and brush tied in bundles no larger than four feet. Leaves will be in CLEAR BAGS ONLY by order of the Town Board. Leaves bagged with DIRT AND STONE mixed in will not be picked up.

Bagged leaves and bundled brush must be placed at the curb no later than 7:00 a.m. on the day of pickup in your area and Town trucks will not return to any area following the designated pickup date.

Schedule below:

- Mon. – 5/4/15 North Side of Rte 52, East Side of Plattekill Turnpike/NYS Rte 32
- Tues. – 5/5/15 South Side of Rte 52, East Side of Union Ave./NYS Rte 300
- Wed. – 5/6/15 South Side of Rte 52, West Side of Union Ave./NYS Rte 300
- Thur. – 5/7/15 North Side of Rte 52, West Side of Plattekill Turnpike/NYS Rte 32

A leaf and brush recycling bin is available to the public at the Town Highway Department located at 90 Gardnertown Road. Hours are Monday thru Friday 7:00 am to 3:00 pm

MOTION was made by Councilman Woolsey to approve the above Spring Leaf and Brush Pick-up schedule. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti - yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

14. PERSONNEL: Handbook Changes

The following three handbook revisions are being requested:

Section 702 – Vacation Annual Buy-Back (at p.45): An employee with at least five years of continuous service will be eligible to "sell back" up to forty hours of accumulated vacation leave each year at the employee's rate of pay. The employee must make the election between December 1st and December 7th and payment will be made between December 1st and January 31st of the next year.

Section 703 – Proper Use of Sick Leave (p. 46): Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work. An employee may use sick leave credits for medical or dental appointment that cannot be scheduled during non-work hours. "Sick leave credits may not be used in increments less than one hour; however, after the first hour, sick leave credits may be used in fifteen minute increments." An employee may take paid sick leave only after it has been credited.

Section 308 – Chadwick Lake Park Pass (p. 10): To be eligible for a free Chadwick Park pass, the retiree must have retired from the Town service with at least twenty years of continuous service with the Town and must have applied for and been granted a bona-fide retirement benefit from New York State Employees' Retirement system.

MOTION was made by Councilman Ruggiero to approve the three handbook revisions. The Motion was seconded by Councilman Woolsey.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – abstain; Supervisor Piaquadio – yes.

Motion approved, 3 yes; 0 no; 1 abstain; 1 absent.

15. ACCOUNTING:

A. Budget Transfer

Code Compliance Supervisor Gerald Canfield requests approval to transfer \$20,000.00 deposit plus interest accrued from the original February 12, 2009, check from WB Interchange Associates, LLC from the T-32 Account to the T-88 Account.

MOTION was made by Councilman Woolsey to approve the transfer of \$20,000.00 The Motion was seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti – yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

B. (DELETED ITEM): Change of Pay Week

This item was deleted from the agenda

C. (DELETED ITEM): Direct Deposit

This item was deleted from the agenda.

16. (ADDED ITEM): Purchasing of Additional GPS Systems

Supervisor Piaquadio requests approval for an additional twelve GPS systems to be installed. The base payment of \$17.75 for 12 vehicles equates to \$213.00 per month.

MOTION was made by Councilman Woolsey to approve an additional twelve GPS systems to be installed with a base payment of \$17.75 for 12 vehicles which totals \$213.00 per month. The Motion was seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Presutti - yes; Supervisor Piaquadio – yes.

Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

17. **POTENTIAL EXECUTIVE SESSION: Possible Litigation in regard to Delaware Water Tap and Roseton Hills**

MOTION to go into executive session made by Councilman Ruggiero at 8:04 p.m., seconded by Councilman Presutti to discuss the Delaware Water Tap and Roseton Hills.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes, Councilman Presutti – yes, Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

MOTION to come out of executive session made by Councilman Presutti at 8:55 p.m., seconded by Councilman Ruggiero.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes, Councilman Presutti – yes, Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

Supervisor Piaquadio stated that no action was taken during the executive session and no action is anticipated now.

MOTION to adjourn made at 8:55 p.m. by Councilman Ruggiero, seconded by Councilman Presutti.

VOTE: Councilman Woolsey – yes; Councilwoman Greene – absent; Councilman Ruggiero – yes, Councilman Presutti – yes, Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 0 abstain; 1 absent.

Meeting adjourned at 8:55 pm.

Respectfully submitted,

Andrew J. Zarutskie, Town Clerk by _____
Brenda J. Milkovich, Deputy Town Clerk

BJM – 4/17/15

AT THE WORKSHOP MEETING
of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Wednesday, the 19th day of August, 2015

Present Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman
Scott M. Manley, Councilman

Also Present Mark C. Taylor, Attorney for the Town
James Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Brenda Milkovich, Deputy Town Clerk

Meeting called to order at 7:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
Councilwoman Greene led the pledge.

3. **MOMENT OF SILENCE**

4. **CHANGES TO AGENDA**
Added on Item 13C: School Crossing Guard.

5. **APPROVAL OF AUDIT**
MOTION was made by Councilman Ruggiero to approve the audit in the amount of \$972,885.09 for vouchers 153497 to 153721. The Motion was seconded by Councilman Presutti.
VOTE: Councilwoman Greene – abstain; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 1 abstain; 0 absent.

6. **ZONING:**

A. **Shopping Centers Sign Agreement**

Attorney for the Town Mark Taylor asked for the Town Board's consideration to approve the revised Local Law draft amending the Town's Zoning Code provisions with regard to Sign Regulations for Shopping Centers submitted by counsel to the Loop/Marketplace.

Attorney for the Town Mark Taylor and Planning & Development Advisor David Smith suggested to wait until the next meeting scheduled for September to review the revised draft. Supervisor Piaquadio agreed that the Town Board would wait for comments to come back and then a Public Hearing could be scheduled.

B. **General Sign Amendment**

Attorney for the Town Mark Taylor asked for the Town Board's consideration to approve the Local Law draft amending the Town's Zoning Code's General Sign Regulations.

Planning & Development Advisor David Smith had a discussion with Councilman Woolsey back in March and remembered his no flashing lights viewpoint. Mr. Woolsey didn't want the Town to look like a carnival. Mr. Smith stated that there have been many very comprehensive revisions made and a lot of work has gone into this draft but another revised draft will need to be created. Supervisor Piaquadio stated that there should also be a ban on rooftop signs.

C. **Electric Sign Amendment**

Attorney for the Town Mark Taylor asked for the Town Board's consideration to approve the Local Law draft amending the Town's Zoning Code provisions with regard to Electronic and Illuminated Signs.

Attorney for the Town Mark Taylor and Planning & Development Advisor David Smith will work with Code Compliance Supervisor Gerald Canfield on the following provisions: Electronic and illuminated sign definitions to include animated sign; electronic message display; electric sign; dissolve; fade, flashing, frame, illuminated sign, nits – a unit of measure of brightness or luminance; scroll; time and temperature; transition; transition duration and travel. Electronic message display standards and requirements to include operational limitations; minimum display time; message change sequence; number of electronic message displays per site (only one is permitted); no special effects; electronic message display area and types of signs on which permitted (freestanding).

7. COURT:

A. Resolution to Apply to JCAP Grant

Town Justice Richard Clarino requests permission to apply for the JCAP (Justice Court Assistance Program) grant. This Resolution is required to accompany the grant application which must be submitted by Friday, October 16, 2015.

MOTION was made by Councilman Ruggiero to approve permission to apply for the JCAP grant which must be submitted by October 16, 2015. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes, Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes. Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Budget Transfer

Town Justice Richard Clarino and Town Justice Jude Martini request approval to transfer \$5,164.00 from the Equipment/Other Capital Account #1110-200 to the Office Supplies Account #1110-461.

MOTION was made by Councilman Ruggiero to approve the transfer of \$5,164.00 from the Equipment/Other Capital Account to the Office Supplies Account. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes. Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. Approval of Two Court Clerks to Attend Training

Town Justice Richard Clarino requests approval to send two Court Clerks (Nicole Black and Sayzie Mustafa) to the 2015 Annual NYS Magistrate Court Clerk Conference to be held in Niagra Falls from Sunday, September 27, 2015 through Wednesday, September 30, 2015.

MOTION was made by Councilwoman Greene to approve sending Nicole Black and Sayzie Mustafa to the 2015 Annual NYS Magistrate Court Clerk Conference to be held in Niagra Falls. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes, Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes. Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

8. ACCOUNTING: Consulting Agreement for Affordable Care Act

Vice Presidents Michael Grinnell and Kirsten Tudman, who specialize in Affordable Care Act (ACA) consulting made a presentation to the Town Board on July 6, 2015 regarding their service organization offerings of Benefits Consulting and Brokerage Services (CPI-HR). The Board asked Town Accountant Ronald Clum to research other firms that provide the same type of service. The other firm contacted was Haylor, Freyer, & Coon, Inc. based out of Syracuse, New York. The following are the price quotes received:

CPI-HR	\$9,000.00
Haylor, Freyer, & Coon, Inc.	\$9,500.00

MOTION was made by Councilman Ruggiero to approve the contract for ACA reporting and tracking to CPI-HR in the amount of \$9,000.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes. Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

9. TRAFFIC ADVISORY BOARD:**A. Gardnertown Road & Union Avenue**

Town Resident Thomas J. Fitzgerald requests making the stop sign on Gardnertown Road and Union Avenue a yield sign as it used to be since no one is supposed to make a left hand turn off of Route 300 onto Union Avenue. Move the stop sign and add another to the intersection of Second Street and Union Avenue to make that intersection a three-way stop as this would slow the traffic some on Union Avenue.

No decision has been made yet as more discussions are needed. Councilman Ruggiero will check out the request.

B. Washington Avenue

Elizabeth Mosher and nine other Town residents submitted a petition requesting keeping Roosevelt Avenue open and unobstructed.

More discussions are needed on this topic and the Town Board will check with the Town Police as to the number of accidents involved on Washington Avenue.

10. RECREATION:**A. Budget Transfer**

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to transfer \$16,000.00 from the Facility – Personal Services Account #7110-0100 to the Summer Program – Maintenance Contracts/Leases/Rentals Account #7140-0497. This transfer is required to cover the cost of the camp trips and buses.

MOTION was made by Councilwoman Greene to approve the transfer of \$16,000.00 from the Facility – Personal Services Account to the Summer Program – Maintenance Contracts/Leases/Rentals Account. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Unity Center

Supervisor Piaquadio and Commissioner of Parks, Recreation & Conservation Robert Petrillo went to the Unity Center this past Saturday and observed the children attending the Saturday enrichment classes (17% of the children were from Newburgh and 20% were from New Windsor). Mr. Kaplan requested adding four classes beginning March, 2016 and ending December, 2016 to the Town of Newburgh's Recreation Booklet. These classes will be held at the Newburgh Armory Unity Center located at 321 S. William Street. More information can be obtained by calling (845) 245-4035 or e-mail address: info@newburgharmory.org.

MOTION was made by Councilwoman Greene to approve adding the classes to the Town's Recreation Booklet with a disclaimer stating that the programs are not sponsored by the Town. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

11. ENGINEERING:**A. Hampton Inn Stormwater & Landscaping Cost Estimate**

Town Engineer Jim Osborne requests approval for the cost estimate of \$368,422.00 which includes materials, excavation, installation and backfilling for the Stormwater Pollution Prevention/Soil & Erosion Control Plan (SWPPP) and \$71,337.00 for the landscaping for the Hampton Inn & Suites (Route 17K & Crossroads Court).

MOTION was made by Councilman Manley to approve \$368,422.00 for the cost estimate for the Stormwater Pollution Prevention/Soil & Erosion Control Plan (SWPPP). The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

MOTION was made by Councilman Presutti to approve \$71,337.00 for the landscaping for the Hampton Inn & Suites. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Phase I Hydrological Study

Town Engineer Jim Osborne requests approval for hiring Leggette, Brashears & Graham, Inc. at the lump sum of \$6,600.00 which includes consulting services in connection with the proposed scope of work. The hydrogeologic and environmental consulting firm will assess the potential for development of a groundwater supply and identify locations for one or more possible future supply wells. The following are the proposed tasks:

Task I (Hydrogeological Data Review); Task II (Selection of Potential Sites) and Task III (Summary Report and Recommendations)

MOTION was made by Councilman Ruggiero to approve hiring Leggette, Brashears & Graham, Inc. at the lump sum of \$6,600.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. NYC Funding Agreement for Design of City of Newburgh Water Interconnection

Attorney for the Town Mark Taylor asked for the Town Board's consideration to approve the Agreement between the City of New York and the Town for the Design of Portions of the Tri-Muni Connections. New York City will fund the interconnection between the Town's water system and the City of Newburgh's water filtration plant on Route 207 to ensure there will be a back-up water supply to the Town and the City's By-Pass Tunnel project site when the Delaware Aqueduct is shut down for the tunnel project. The Agreement will provide \$600,000.00 in NYC funding and \$50,000.00 is to be paid in advance to the Town with further releases of funds as reimbursements once vouchers from the Town's consultants are submitted. If the Town defaults, NYC may withhold future payments and demand the return of advanced funds that are not yet spent. The NYC Department of Environmental Protection (DEP's) counsel has signed off on this Agreement, but has not been approved by NYC's Department of Law.

Town Engineer Jim Osborne stated that New York City has had several meetings with regard to the City of Newburgh's issues and more discussions are needed on this topic.

12. BALMVILLE TREE

The State Department of Environmental Conservation removed the Balmville Tree on Wednesday, August 5, 2015 due to its deteriorating condition. The area will be preserved as a public park with materials to commemorate the tree. Below are some of the requests made by the Town's residents:

- Distribution of small remains of the tree (approximately 2") were given out to approximately twenty people.
- Mr. Richard Severo would like to make a bench to be placed within the park.
- Preserve a piece of the wood and place on display inside or outside of Town Hall.

Supervisor Piaquadio suggested that from this date forward, Councilman Presutti (who is an Arborist) examine future requests and be granted the power to grant or deny.

MOTION was made by Councilman Manley to declare the wood from the Balmville Tree surplus, and to approve Councilman Presutti as being authorized to grant or deny any request pertaining to the Balmville Tree. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

13. POLICE:**A. Purchase of Computer Equipment**

Police Chief Michael Clancy requests approval to purchase computer docking, mounting and other related equipment necessary to install laptops in four marked patrol units. All items are on the New York State Bid Contract # PT65143 and will cost \$9,775.40 which has been allocated in Account #3120.20.

MOTION was made by Councilman Ruggiero to approve \$9,775.40 for the purchase of computer docking, mounting and other related equipment necessary to install laptops in four marked patrol units. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

B. Hiring of Police Officers

Police Chief Michael Clancy requests approval to appoint Michael Henderson as a Full Time Police Officer from the competitive Orange County Police Officer's List. Approval can be granted to Mr. Henderson contingent upon his passing the required physical and related tests. The proposed hire date is as soon as possible.

MOTION was made by Councilman Ruggiero to approve appointing Michael Henderson as a Full Time Police Officer contingent upon his passing the required physical and related test. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes. Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. (ADD ON): School Crossing Guard

Police Chief Michael Clancy requests permission to place an ad in both *The Sentinel* and the *Mid Hudson Times* for the School Crossing Guard position for the 2015-2016 school year. The school crossing guard will be assigned to the Meadow Hill School.

MOTION was made by Councilwoman Greene to approve placing an ad in both *The Sentinel* and the *Mid Hudson Times* for the School Crossing Guard position for the 2015-2016 school year. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes, Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

14. ANIMAL CONTROL:**A. T-94 Withdrawal: Stone Cottage Veterinary Hospital****B. T-94 Withdrawal: Flannery Animal Hospital**

Animal Control Supervisor Chantel Haight requests authorization to use the T-94 account to pay for the veterinary services from both Stone Cottage Veterinary Hospital in July totaling \$359.00 and for the veterinary services from Flannery Animal Hospital totaling \$41.00 (Total cost: \$400.00).

MOTION was made by Councilman Ruggiero to approve using the T-94 account to pay for the veterinary services from Stone Cottage Veterinary Hospital and Flannery Animal Hospital totaling \$400.00. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

15. REQUEST TO PURCHASE TOWN PROPERTY: Small Portion of Well Site Property Off of Wood Street

Michael Hall of 105 Wood Street has requested to purchase a parcel of Town property approximately 35 deep and 100 feet wide to build a garage across from his home. This property is an old well site which is 4.5 acres.

More discussions are needed on this topic and the Town Board will follow-up with Code Compliance Supervisor Gerald Canfield.

16. PLANNING BOARD:**A. Quick Chek Release of Landscaping Maintenance Security**

Town Engineer Jim Osborne requests the release of the remainder of the bond. The Quick Chek property was inspected on Friday, August 7, 2015 and the site and most of the plants look good. (Town Project Number: 2010-04).

MOTION was made by Councilwoman Greene to approve releasing the remainder of the bond. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Newburgh Chrysler Landscaping Cost Estimate

Town Engineer Jim Osborne requests approval for the performance security fee for the Hudson Valley Chrysler Dodge Jeep RAM project. These plans were prepared by John Meyer Consulting and the landscape cost estimate fee of \$16,208.00 is based on the scope of work identified on the site (S-B-L: 97-2-11.2).

MOTION was made by Councilman Ruggiero to approve the performance security fee of \$16,208.00. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. U-Haul Landscape Inspection

Town Engineer Jim Osborne requests the release of the remainder of the security deposit in the amount of \$13,239.00. The U-Haul, Route 9W Landscape site was inspected on Friday, August 7, 2015 and the site looks good and most of the plants are in good condition. (Town Project Number: 2000-59).

MOTION was made by Councilwoman Greene to approve releasing the remainder of the security deposit in the amount of \$13,239.00. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

17. POTENTIAL EXECUTIVE SESSION:**A. Animal Control: Employment History of Particular Persons****B. Highway Department: Employment History of Particular Persons**

MOTION made at 9:07 p.m. to go into executive session. Motion made by Councilwoman Greene and seconded by Councilman Presutti. Supervisor Piaquadio stated that the sole purposes of the executive session were to discuss the employment history of particular persons employed in the Animal Control Department, and the Highway Department.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

MOTION to come out of executive session made at 10:15 p.m.. Motion made by Councilwoman Greene and seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

Supervisor Piaquadio stated that no action was taken during the executive session and no action is anticipated now.

MOTION to adjourn made by Councilwoman Greene at 10:16 p.m. and seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

Meeting adjourned at 10:16 p.m.

Respectfully submitted,

Andrew J. Zarutskie, Town Clerk
BJM – 8/24/15

by

Brenda J. Milkovich, Deputy Town Clerk

AT THE WORKSHOP MEETING

of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Wednesday, the 16th day of December, 2015

Present Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman
Scott M. Manley, Councilman

Also Present Mark C. Taylor, Attorney for the Town
James Osborne, Deputy Supervisor and Town Engineer
Andrew J. Zarutskie, Town Clerk
Brenda J. Milkovich, Deputy Town Clerk

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

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
Attorney for the Town Mark Taylor led the pledge.

3. **MOMENT OF SILENCE**

4. **CHANGES TO AGENDA**
There were no changes made to the agenda.

5. **APPROVAL OF AUDIT**
MOTION was made by Councilwoman Greene to approve the audit in the amount of \$733,887.77 for vouchers 155266 to 155395. The Motion was seconded by Councilman Manley.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

6. **HIGHWAY: Time Extension for Road Dedication**
Attorney of the Town Mark Taylor was contacted by an Attorney representing Local 17 with regard to considering a waiver of policy with the development off of Old Little Britain Road. The developers ran into difficulties and asked if the Town Board would be willing to give an extension of time.

MOTION was made by Councilwoman Greene to approve a waiver of policy for a 90 days extension of time request made by Local 17. The Motion was seconded by Councilman Ruggiero.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

7. **DPW: Purchase of TV Inspection System**
Commissioner of Public Works John Platt requests permission to purchase a new TV Inspection System from Pow-r-Mole from Lancaster, New York who had the lowest quoted price of \$10,231.20. Funding is provided in the 2015 Sewer District budget for this purchase.

MOTION was made by Councilman Presutti to approve the purchase of a new TV Inspection System from Pow-r-Mole for \$10,231.20. The Motion was seconded by Councilman Presutti.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

8. TRAFFIC ADVISORY BOARD:**A. Fostertown Crossing**

Rebekah Placide of Ramblewood Drive is requesting speed bumps and/or speed limit signs be installed in the Fostertown Crossing area. This area is in a school zone (Fostertown Elementary) and stated that the cars speed and rev their engines as they go around the corner to go faster.

This request will need to go before the Traffic Advisory Board.

B. Old Little Britain Road

Daniel M. Ricci of Williams Avenue is requesting we create a left turn lane and a right turn lane at the intersection of Little Britain Road and Old Little Britain Road. This intersection has become a very busy intersection and can cause a quick backup when one vehicle is trying to turn left. Mr. Ricci agrees that the best solution would be a traffic light, but he recognizes that is a complicated process.

More discussions will be needed on this topic with some recommendations to be given at future Board meetings. The matter will be considered by the Traffic Advisory Board.

9. ACCOUNTING:**A. Budget Transfer #1 (Accounting Department)**

Town Accountant Ron Clum requests a budget transfer from the Unallocated Insurance Account #001-1910-0499 to the Consultants Account #001-1430-0499 in the amount of \$32,000.00. Mr. Clum is in receipt of Husion Consulting Services' invoice for their share of the savings found during a Workers Compensation audit. Their audit produced a refund in the Town's favor of \$136,398.51 of which 33% (or \$45,011.51) is their share. The Consulting Account has available \$13,451.10 or roughly \$32,000.00 short.

MOTION was made by Councilman Ruggiero to approve to the budget transfer from the Unallocated Insurance Account to the Consultants Account in the amount of \$32,000.00. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Budget Transfer #2 (Accounting Department)

Town Accountant Ron Clum requests a budget transfer from the Contingency Account #001-1990-0499 to the Litigation Defense Account #001-1420-0403 in the amount of \$9,000.00. Upon reviewing the General Fund's Litigation Defense budget, Mr. Clum noticed that it was under budget by \$1,982.68. This transfer will correct the shortfall and as needed for the remainder of 2015.

MOTION was made by Councilwoman Greene to approve to the budget transfer from the Contingency Account to the Litigation Defense Account in the amount of \$9,000.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. Budget Transfer #3 (Fleet Maintenance)

Head Mechanic-Fleet Maintenance Jim LaColla requests a budget transfer from the Parts Account #1640.451 to the Contract Repairs Account #1640.452 in the amount of \$12,000.00.

MOTION was made by Councilman Manley to approve the budget transfer of \$12,000.00 from the Parts Account to the Contract Repairs Account. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

D. Budget Transfer #4 (Fleet Maintenance)

Head Mechanic-Fleet Maintenance Jim LaColla requests a budget transfer from the Tires Account #1640.453 to the Equipment Account #1640.200 in the amount of \$500.00.

MOTION was made by Councilman Presutti to approve the budget transfer of \$500.00 from the Tires Account to the Equipment Account. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

10. ZONING: Signs

Attorney for the Town Mark Taylor asked for the Town Board's consideration to approve the revised draft Local Law amending the Town's Zoning Code provisions with regard to Sign Regulations for Shopping Centers. Supervisor Piaquadio will be scheduling a Special Meeting at which time Planning & Development Advisor David Smith will discuss both the revisions and reviews of the draft general sign law revision and electronic and illuminated sign law amendment.

Mr. Smith addressed the Town Board on several issues:

- 1) Painted wall decoration, painted scenes and painted wall highlights that present no message or indication of a use and are meant strictly for artistic, decorative or design use or enhancement.

Any elements should be directed to the Architectural Review Board (per Code Compliance Supervisor Gerald Canfield) as there are very specific tenant requirements with regard to facades.

- 2) Temporary non-illuminated banners or signs for promotional or special events so long as such signs are removed thirty days after the final day of such event.

It was agreed that there will be a maximum of twenty days total for signs to be used for promotional or special events and would be up to the discretion of the tenant as to the start and end dates. A permit will be required with a small fee.

- 3) Decorative signs, banners, pennant signs which do not include tenant names, products, services or advertisements.

It was agreed that there would be one sign per entrance with no time constraints. Attorney of the Town Mark Taylor will prepare an environmental assessment form and stated that the Town is getting close.

Mr. Smith will follow-up on the short-term temporary sign item as it wasn't apparent if there is any provision for sign requirements for noticing public meetings such as those for Zoning Board of Appeals.

11. MUNICIPAL CODE: Peddlers

There was no discussion needed at this time.

12. ADJOURNMENT

MOTION was made by Councilman Presutti to adjourn the regular Town Board meeting at 8:21 pm. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

Meeting adjourned at 8:21 pm.

Respectfully submitted,

Andrew J. Zarutskie, Town Clerk

by

Brenda J. Milkovich, Deputy Town Clerk

AT THE WORKSHOP MEETING
of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Monday, the 22nd day of February, 2016

Present Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman
Scott M. Manley, Councilman

Also Present Mark C. Taylor, Attorney for the Town
James Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Brenda J. Milkovich, Deputy Town Clerk

Meeting called to order at 7:05 p.m.

1. **ROLL CALL**

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

Charles Brown from Talcott Engineering Design led the pledge.

3. **MOMENT OF SILENCE**

4. **CHANGES TO AGENDA**

*Changed Item 16: Zoning: Orange Lake Construction Application to Rezone
moved to after Item 5*

Added Item 17: Pilgrim Pipeline – Authorize Letter to DEC

5. **APPROVAL OF AUDIT**

MOTION was made by Councilman Manley to approve the audit in the amount of \$4,194,494.69 for vouchers 160487 to 160788. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

16. **(CHANGED ITEM) ZONING: Orange Lake Construction Application to Rezone**

Councilman Ruggiero recused himself at 7:08 p.m. from this portion of the meeting.

Consultant, Charles T. Brown, PE, of Talcott Engineering Design presented to the Town Board a request from Mr. Joseph Ruggiero regarding the rezoning from R-3 to the adjacent B Zoning District which includes a portion of its parcel on Gardnertown Road which does not front on any street but is within the area bounded by Gardnertown Road, Route 300/Union Avenue, Route 52 and the New York State Thruway.

Attorney for the Town Mark Taylor asked for the Town Board's approval for the following draft resolutions commencing of the rezoning process.

1. Resolution determining that Proposed Amendment to Comprehensive Plan Update and Adoption of Local Law amending Zoning of the Code of the Town and the Zoning Map of the Town to Rezone an Area of Land in the vicinity of Gardnertown Road, Route 300, Route 52 and the New York State Thruway from R-3 to the Adjacent B Zoning District Constitute a Type I Action and providing for coordinated review: Application of Orange Lake Construction.

MOTION was made by Councilman Manley to approve the Resolution. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – abstain; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 1 abstain; 0 absent.

2. Resolution providing for Referral of Comprehensive Plan Update Amendment and Local Law amending Zoning of the Code of the Town and the Zoning Map of the Town to Rezone an Area of Land in the vicinity of Gardnertown Road, Route 300, Route 52 and the New York State Thruway to the Orange County Department of Planning, the Town Planning and Zoning Board of Appeals: Application of Orange Lake Construction.

MOTION was made by Councilman Presutti to approve the Resolution. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – abstain; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 1 abstain; 0 absent.

3. Resolution scheduling a Public Hearing on Monday, April 4, 2016 at 7:00 p.m. in the matter of the Amendment of the Comprehensive Plan Update of the Town for the Rezoning of an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the New York State Thruway from R-3 to the Adjacent B Zoning District: Application of Orange Lake Construction.

MOTION was made by Councilwoman Greene to approve the Resolution. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – abstain; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 1 abstain; 0 absent.

4. Resolution introducing Local Law amending Zoning of the Code of the Town and the Zoning Map of the Town to Rezone an Area of Land in the vicinity of Gardnertown Road, Route 300, Route 52 and the New York State Thruway and calling Public Hearing: Application of Orange Lake Construction.

MOTION was made by Councilman Presutti to approve the Resolution. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – abstain; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 4 yes; 0 no; 1 abstain; 0 absent.

Councilman Ruggiero rejoined the meeting at 7:16 p.m.

6. **PLANNING BOARD: Bonus Density – Gardner Ridge**

Michael H. Donnelly, from Dickover, Donnelly & Donovan, LLP Attorneys and Counselors at Law, sent a letter to Supervisor Piaquadio on February 5, 2016 requesting the intent to revise the referral letter of January 17, 2014 to reflect the current proposal seeking approval for 144 units, including 36 senior dwelling units and 108 non-senior apartments, for the Gardner Ridge Project (Planning Board Project Number 2002-29; Section 75, Block 1, Lot 4.12). The Town Board will send a letter to the Planning Board asking them to do an impact study on the Gardner Ridge Project before a vote can be done.

MOTION was made by Councilman Manley to approve sending a letter to the Planning Board asking them to do an impact study. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

7. **SIGN ORDINANCE:**

A. **Approval of Consulting Services**

David B. Smith (Planning & Development Advisors) will assist in reviewing the existing scope of services between the Town and PDA related to the Town's on-going review and proposed revisions to its sign ordinance. The fee for the above Scope of Work is \$1,600.00.

Given that the proposed amendments affect multiple properties in several different zoning districts, it is suggested that the full EAF (Environmental Assessment Form) be used. The EAF is used to assist the Lead Agency in making a determination as to whether the adoption of the proposed Local Laws will have an adverse environmental impact. The above Scope of Work does not include: Attendance at meetings and/or Public Hearings; Survey and photo documents of sign conditions; Preparation of EIS documents; Review of pending applications and Preparation of resolutions.

MOTION was made by Councilman Ruggiero to approve the fee of \$1,600.00 for the Scope of Work. The Motion was seconded by Councilman Presutti.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Signs on Utility Poles

Attorney for the Town Mark Taylor discussed two different draft Introductory Local Laws for the Town Board's review:

1. Local Law entitled 'Zoning' of the Code of the Town to Prohibit Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles. The Town Board finds that signs on trees, lampposts, traffic signal poles and utility poles create distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians/motor vehicles and detracts from the beauty of buildings and sites. Removal of signs, posters, stickers or advertising devices will promote the health, safety and general welfare of the Town.

More discussions are needed on this topic. Highway Superintendent Todd DePew may be given the responsibility.

2. Local Law entitled "Parking Lots" of the Code of the Town: Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles in Public Street Rights of Way. The Town Board finds that signs on trees, lampposts, traffic signal poles and utility poles on or near street rights of way create distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians/motor vehicles and detracts from the beauty of surrounding buildings and sites. Removal of signs, posters, stickers will promote the health, safety and general welfare of the Town.

More discussions are needed on this topic. Building & Grounds Superintendent Les Cornell may be given the responsibility.

8. ANIMAL CONTROL:

A. T-94 Withdrawal: Purchase of Washing Machine

Cheryl Cunningham requests authorization to use the T-94 account to pay for the purchase of a Maytag 5.3 cu ft. high efficiency top-load washer (\$645.05) with a five year extended warrantee (\$109.97) for a total cost of \$755.02.

MOTION was made by Councilman Ruggiero to approve using the T-94 account to pay for the purchase of a Maytag washer with a five year extended warrantee for a total cost of \$755.02. The Motion was seconded by Councilman Presutti.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

B. T-94 Withdrawal: Veterinary Bills

Cheryl Cunningham requests authorization to use the T-94 account to pay for the veterinary services from Flannery Animal Hospital in the amount of \$106.00.

MOTION was made by Councilman Presutti to approve using the T-94 account to pay for the veterinary services from Flannery Animal Hospital in the amount of \$106.00. The Motion was seconded by Councilman Manley.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

C. Start Process for Hiring of Full Time Animal Control Officer

Acting Chief of Police Donald Campbell requests authorization to post for the position of full time Animal Control Officer. The starting salary will be \$16.45 per hour and the work week will be from Sunday to Thursday.

MOTION was made by Councilman Ruggiero to approve posting for the position of full time Animal Control Officer with a starting salary of \$16.45 per hour. The Motion was seconded by Councilwoman Greene.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

D. Start Process to Hire Part Time Animal Control Officer

Acting Chief of Police Donald Campbell requests authorization to begin accepting applications to fill the vacant part time Animal Control Officer position with a starting salary of \$10.40 per hour. Hours are not to exceed an average of twenty hours per week or 1040 hours in one calendar year.

MOTION was made by Councilman Presutti to approve authorization to begin accepting applications to fill the vacant part time Animal Control Officer position with a starting salary of \$10.40 per hour and hours not to exceed an average of twenty hours per week or 1040 hours in one calendar year. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

E. T-92 Withdrawal

Cheryl Cunningham requests authorization to use the T-92 account to pay for the veterinary services from MDW Feline Rescue in the amount of \$660.00.

MOTION was made by Councilman Ruggiero to approve using the T-92 account to pay for the veterinary services from MDW Feline Rescue in the amount of \$660.00. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

9. BUILDING & GROUNDS:**A. Mold Removal**

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to accept the lowest quote received from Expediant Environmental Solutions, LLC at a cost of \$4,980.00 which includes post air testing. The following are the four quotes received:

<u>Blo-One Inc.</u> Shokan, NY 12481 \$7,950.00	<u>Clean Air Care</u> New Windsor, NY 12553 \$5,765.00
<u>Expediant Environmental Solutions, LLC</u> Poughkeepsie, NY 12601 \$4,980.00	<u>Tri State Mold Solutions</u> Fishkill, NY 12524 \$7,500.00

MOTION was made by Councilwoman Greene to approve accepting the lowest quote received from Expediant Environmental Solutions, LLC at a cost of \$4,980.00 which includes post air testing. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Hiring of Custodial Worker

Building & Grounds Supervisor Les Cornell and Councilman Jim Presutti conducted five interviews on Tuesday, February 2, 2016 and feel that Sal Marcantonio is the best candidate for the vacant Custodial position. The starting salary will be \$15.66 per hour with a start date of Thursday, February 25, 2016. Mr. Marcantonio will need to have a physical, drug/alcohol testing and paperwork completed.

MOTION was made by Councilman Presutti to approve hiring Sal Marcantonio for the vacant Custodial position with a starting salary of \$15.66 per hour and a start date of February 25, 2016 contingent on Mr. Marcantonio having his physical, drug/alcohol testing and paperwork completed. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

10. REPLACEMENT OF STREET LAMP: Wedgewood

Supervisor Piaquadio requests approval to pay M.C. Electrical Systems from Walden \$805.00 to replace the existing 70 watt high pressure sodium pole light heads with a new 100 watt metal halide pole light head with built in photo cell.

MOTION was made by Councilwoman Greene to approve paying M.C. Electrical Systems \$805.00. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

11. RECREATION DEPARTMENT:

A. Program Brochure

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval to accept the lowest quote received from Proforma K Print Solutions at a cost of \$5,713.00 for the printing of the 2016 annual program brochure. The following are the two quotes received:

<u>Maar Printing Svc.</u>	<u>Proforma K Print Solutions</u>
49 Oakley St.	15 Goshen Ave.
Poughkeepsie, NY 12601	Washingtonville, NY 10992
\$7,787.00	\$5,713.00

MOTION was made by Councilwoman Greene to approve accepting the lowest quote received from Proforma K Print Solutions at a cost of \$5,713.00. The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Umpires Service Agreement

Commissioner of Parks, Recreation & Conservation Robert Petrillo requests approval for two separate 2016 Service Agreements for the Orange County USSSA Umpires Association. The rate for the slow pitch game with two officials has increased to \$60.00 per game (\$4.00 increase from last year) and the slow pitch co-ed games with one official has increased to \$44.00 per game (\$2.00 increase from last year).

MOTION was made by Councilman Manley to approve the rate for the slow pitch game with two officials at \$60.00 per game and the slow pitch co-ed games with one official at \$44.00 per game. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

C. Awarding of T-Shirt Quotes

Commissioner of Parks, Recreation & Conservation Robert Petrillo received three t-shirt quotes and is requesting approval to accept the quote from Wildheart Apparel from Fayetteville, AR at the price of \$2.59 (majority). Wildheart Apparel also had the lowest bid in 2015. The following three quotes were received:

<u>Fusion Graphix</u>	<u>Mixture Inc.</u>	<u>Wildheart Apparel</u>
2116 St. Route 208	1607 Route 300	2016 N. Shiloh Dr.
Montgomery, NY 12549	Newburgh, NY 12550	Fayetteville, AR 72704
\$2.94	\$4.00	\$2.59

MOTION was made by Councilwoman Greene to approve accepting the quote from Wildheart Apparel from Fayetteville, AR at the price of \$2.59 (majority). The Motion was seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

12. ENGINEERING:

A. Performance Security: Tarben Subdivision

Town Engineer Jim Osborne requests approval for the cost estimate reflecting deductions for work completed. The original cost estimate for the public improvements for the Tarben Subdivision is \$790,532.00. Mr. Osborne is requesting a reduction to \$640,064.00 leaving a required performance security of \$150,468.00. Both Jim Osborne and Highway Superintendent Todd DePew conducted the inspections and approve this request.

MOTION was made by Councilman Presutti to approve the required performance security in the amount of \$150,468.00. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

B. Proposal for Map Plan & Report for Roseton Hills Sewer District

Patrick Hines from McGoey, Hauser and Edsall Consulting Engineers D.P. C. sent a letter to Supervisor Piaquadio addressing their proposal for professional services to assist the Town in evaluating the potential consolidation of the two sewage treatment facilities serving Parr West and Parr East/Orchard Hills. The following is a summary of the basic services to be provided by MH&E.

Task 1 - Existing Conditions Evaluation	- \$6,500.00
Task 2 - Engineering Evaluation	- \$8,800.00
Task 3 - Recommendation Report	- \$3,500.00
Task 4 - Map, Plan and Report	- \$5,750.00
Task 5 - Meetings (Hourly – per attached sheet)	- -----
	\$24,550.00

MOTION was made by Councilwoman Greene to approve to the above basic services provided by MH&E not to exceed \$25,000.00. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

13. CODE COMPLIANCE: Hiring of Building Inspector III

Code Compliance Supervisor Gerald Canfield requests approval to hire Barry LaPierre as full time Building Inspector III, who will need to complete all paperwork and necessary requirements. Mr. LaPierre's start date will be Thursday, March 17, 2016 with a salary of \$19.00 per hour.

MOTION was made by Councilman Ruggiero to approve hiring Barry LaPierre as the full time Building Inspector III at \$19.00 per hour and a start date of March 17, 2016. The Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

14. POLICE: Stop DWI Inter-Municipal Agreement

Attorney for the Town Mark Taylor presented for the Town Board's consideration a Resolution authorizing execution and delivery of inter-municipal agreement between the Town and Orange County for Stop DWI Program Services beginning Monday, March 14, 2016 and ending on Sunday, January 1, 2017.

First Enforcement Period: March 14, 2016 through May 31, 2016, which includes St. Patrick's Day and the Memorial Day holiday weekend.

Second Enforcement Period: July 1, 2016 through September 6, 2016, which includes the Independence Day and Labor Day holiday weekend enforcement campaigns.

Third Enforcement Period: October 14, 2016 through January 1, 2017, which includes Thanksgiving, Christmas, and the New Year's holidays enforcement campaigns.

Each of the three enforcement campaigns coincides with State/National enforcement campaign efforts.

MOTION was made by Councilman Manley to approve the Resolution authorizing execution and delivery of inter-municipal agreement between the Town and Orange County for Stop DWI Program Services beginning March 14, 2016 and ending on January 1, 2017. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

15. ASSESSORS OFFICE: Certiorari Suits (Robon Realty Inc.)

The proposed Consent Order and Judgment relative to the subject property which is located at 341 Lakeside Road (Robon Realty, LLC). The settlement provides for a reduction in the assessed value for 2015 by \$43,820.00 from \$133,500.00 to \$89,680.00. The refund liability for the Town (not including special districts and the Fire District) for the reduction would be approximately \$591.52

MOTION was made by Councilwoman Greene to approve the refund liability for the Town (not including special districts and the Fire District) for the reduction to be approximately \$591.52. The Motion was seconded by Councilman Ruggiero.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

17. (ADDED ITEM) Pilgrim Pipeline Letter

Supervisor Piaquadio and the Town Board agreed that the Town would like to write a letter to the DEC asking for authorization to be designated as Lead Agency with regard to the Pilgrim Pipeline spur within the Town.

MOTION was made by Councilwoman Greene approving authorizing the drafting of a letter designating the Town as Lead Agency for the proposed Pilgrim Pipeline spur in the Town. The Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

18. ADJOURNMENT

MOTION was made by Councilman Presutti to adjourn the regular Town Board meeting at 7:53 p.m. The Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent.

Meeting adjourned at 7:53 pm.

Respectfully submitted,

Andrew J. Zarutskie, Town Clerk

Brenda J. Milkovich, Deputy Town Clerk

AT THE PUBLIC MEETING
of the Town Board of the Town of Newburgh held
at 1496 Route 300 in said township at 7:00 p.m.
on Monday the 13th day of November, 2017

Present Gilbert J. Piaquadio, Supervisor
Elizabeth J. Greene, Councilwoman
Paul I. Ruggiero, Councilman
James E. Presutti, Councilman
Scott M. Manley, Councilman

Also Present James Osborne, Town Engineer
Mark C. Taylor, Attorney for the Town
Andrew J. Zarutskie, Town Clerk
Joseph P. Pedi, Deputy Town Clerk

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

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
Gary Gaydos of Old South Plank Road led the pledge
3. **MOMENT OF SILENCE**
4. **CHANGES TO AGENDA**
Add item 7B: Retirement of Canine
Add item to Executive Session: Discussion of Gunsch Property
5. **APPROVAL OF AUDIT**
MOTION was made by Councilwoman Greene to approve the audit
in the amount of \$1,094,166.66 for vouchers 174755 to 174996.
The motion was seconded by Councilman Manley.
VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes;
Councilman Presutti – yes; Councilman Manley – yes; Supervisor
Piaquadio – yes.
Motion approved, 5 yes; 0 no; 0 abstain; 0 absent
6. **RECOGNITION OF FORMER PLANNING BOARD MEMBER: Joseph Profaci Sr.**
Supervisor Piaquadio presented a Recognition Award to former
Planning Board member Joseph Profaci Sr. for Mr. Profaci's twenty
years of service to the Town of Newburgh.
7. **a. POLICE: Swearing In of New Police Officers**
Town Supervisor Gil Piaquadio called upon Town Justice Richard Clarino
to swear in the following Police Officers for the Town of Newburgh
Police Department:
 - a. Thomas C. O'Connell Jr.
 - b. Lawrence A. Coe
 - c. Todd Ragni
- b. Retirement of Canine (added item)**
Supervisor Gil Piaquadio recommended the retirement of Police Canine
Jezevec. Jezevec's handler, Police Officer Nicholas Krizek, was injured
in the line of duty and the injury has prevented Officer Krizek from returning
to duty on a full time basis. As such, during this past year, Jezevec has
not been able to receive the monthly 16 hours of training mandated
by the Department of Criminal Justice Services. In addition, the age of
this canine makes it impractical to recertify the canine with another

handler. Supervisor Gil Piaquadio asked for a motion to retire the canine and transfer ownership of the canine to Officer Krizek for the sum of \$1.00, effective November 30, 2017, subject to signoff by Officer Krizek.

MOTION was made by Councilwoman Greene to approve the retirement of Police Canine Jezevec and the transfer of ownership for the sum of \$1.00 to the canine's handler Nicholas Krizek, pending sign off by Officer Krizek. The motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

8. UNSAFE BUILDING: 10 West Stone Street

This is a continuation from a previous hearing. Supervisor Gil Piaquadio met with Code Compliance Supervisor Gerald Canfield and reviewed the Engineering report submitted from McGoey, Hauser, and Edsall (MHE). MHE inspected the building structure with the building owner and MHE recommended that the building be demolished. Supervisor Gil Piaquadio was informed that the owner hired a demolition contractor to demolish the building in the near future

9. RECEIVER OF TAXES:

A. Water & Sewer Relevy

Supervisor Gil Piaquadio presented to the Town Board a statement of the unpaid water and sewer charges as provided by the Receiver of Taxes Deborah Smith. Unpaid utilities in the Town of Newburgh is \$500,653.42. Unpaid utilities in the Town of Montgomery is \$233.52.

MOTION was made by Councilwoman Greene to adopt the resolution of the Water and Sewer Relevy. Motion seconded by Councilman Ruggiero.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

B. Start Process to Hire Administrative Assistant

Deborah Smith, Receiver of Taxes, requests approval to start the process of hiring a full time Administration Assistant. The position will be shared by the Receiver's Office and the Water Department and is included in the 2018 budget.

MOTION was made by Councilwoman Greene to proceed with the hiring of an Administrative Assistant to be shared by the Receiver's Office and the Water Department. Motion seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

10. TOWN CLERK: Appointment of Second Deputy

Town Clerk Andrew Zarutskie requests approval to hire Lisa M. Ayers to the position of Second Deputy Town Clerk which was previously held

by Jeanne Patterson, who has retired. Pending all the necessary paperwork, fingerprints, and physical and drug/alcohol testing, Lisa's start date was November 6, 2017 at an hourly rate of \$16.11.

MOTION was made by Councilman Ruggiero to approve the hiring of Lisa M. Ayers as Second Deputy Town Clerk. Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

11. SUPERVISOR: Appointment of Clerk to Supervisor

Town Supervisor Gil Piaquadio requests approval to hire Melisa Clark Dawson to the position of Clerk to the Town Supervisor, which was previously held by Cindy Martinez, who has retired. Pending all the necessary paperwork, fingerprints, and physical and drug/alcohol testing, Melisa's start date was November 2, 2017 at an hourly rate of \$23.00.

MOTION was made by Councilman Manley to approve the hiring of Melisa Clark Dawson to the position of Clerk to the Supervisor. Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

12. DEPARTMENT HEAD REPORTS

a. Donald Campbell, Police Chief, reported the following:

Current Activity: Calls for Service Taken: 23,419

Cases Investigated: 3,496

Arrests: 910

Accidents Investigated: 1,450

Traffic Violations Issued: 2,900

- Police Department is currently renovating their Communications Division.
- Increased activity being reported on phone scams pretending to represent the Internal Revenue Service seeking delinquent funds. Residents are advised to hang up whenever they receive such calls and not to send money.
- Police are reporting pockets of break ins of cars parked in residences. Police are advising residents to lock their car doors and not leave any valuables in their cars.

b. Deborah Smith, Receiver of Taxes, reported the school tax balances for 2017/2018 have been paid to the Town of Newburgh, Valley Central, and Marlborough School Districts respectively.

Deborah Smith also reported that the water and sewer bills are going out November 21, 2017.

c. Robert Petrillo, Commissioner of Parks, Recreation, and Conservation, reported the following:

- Chadwick Lake boats have been put away for the winter.
- Winter maintenance on fields have been completed.
- Christmas Tree Lighting Ceremony scheduled for Friday, December 1, 2017 at Chadwick Lake.

- Chadwick Lake Pavilion in process of being decorated for Christmas.
- Waiting for cold weather to freeze Chadwick Lake for ice skating.

13. ACCOUNTING:**A. Reimbursing Orange County**

Town of Newburgh owes Orange County a refund of property taxes paid on the Dynergy property due to Dynergy's bankruptcy proceeding. Town of Newburgh currently owes Orange County \$700,000 after the town's last payment on September 26, 2017. Town Supervisor Gil Piaquadio, at the recommendation of Town Accountant Ronald Clum, requests approval to pay an additional \$150,000 to Orange County; \$100,000 from the General Fund and \$50,000 from the Highway Fund. This will leave a balance of \$550,000 owed to Orange County for the Dynergy property.

MOTION was made by Councilwoman Greene to approve the additional payment of \$150,000 to Orange County for the refund of property taxes paid on the Dynergy property. Motion was seconded by Councilman Ruggiero

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

B. Budget Transfer (Water Transfer)

Town Supervisor Gil Piaquadio, at the recommendation of Town Accountant Ronald Clum, requests approval to make the following fund transfer in order to pay \$50,000 for the purchase of 28.9 acres obtained through a Bargain Sale and Donation Agreement:

- Transfer \$53,100 from the Water Fund Transfers Account to the Water Fund Equipment Purchases Account.

MOTION was made by Councilman Manley to approve the account transfer \$53,100 from the Water Fund Transfers Account to Water Fund Equipment Purchases Account.

Motion was seconded by Councilman Presutti.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

C. Budget Transfer (Other)

Town Supervisor Gil Piaquadio, at the recommendation of Town Accountant Ronald Clum, requests approval to make the following fund transfers in order to offset a few appropriation lines that are over budget at this time. The budget transfers are as follows:

- Transfer \$120 from Police Salaries Account to Education Account
- Transfer \$95,000 from Contingency Account to Public Safety Payroll Account
- Transfer \$24,265 from Contingency Account to Superintendent of Highways Payroll Account

- Transfer \$4,000 from Contingency Account to Transportation for Aging Maintenance and Lease Account
- Transfer \$1,600 from Highway Payroll Account to Highway Telephone Account
- Transfer \$6,159 from Highway Inter Government General Services Account to Highway ERS Retirement Expense Account

MOTION was made by Councilman Presutti to approve the six account transfers noted above. Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

D. Increase of Insurance

Town Supervisor Gil Piaquadio seeks board approval to increase the insurance for General Liability Insurance to Travelers Insurance by \$2,226. The Board originally approved \$289,705 but the vehicle list at the time of the award did not include nine additional vehicles.

MOTION was made by Councilman Ruggiero to approve the increase to the insurance line of \$2,226. Motion was seconded by Councilman Manley.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

14. DATA PROCESSING:

A. Upgrade to Server

Town Supervisor Gil Piaquadio seeks board approval to purchase hardware to upgrade the existing server at the Town of Newburgh Town Hall. The new server will better accommodate the new software being implemented for the Accounting Department. The purchase will be \$4,034.63 from Firthcliff Equipment and Supplies of Cornwall, New York.

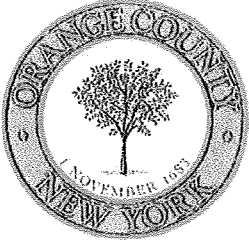
MOTION was made by Councilman Manley to approve the purchase of hardware to upgrade the existing server at the Town of Newburgh Town Hall. Motion was seconded by Councilwoman Greene.

VOTE: Councilwoman Greene – yes; Councilman Ruggiero – yes; Councilman Presutti – yes; Councilman Manley – yes; Supervisor Piaquadio – yes.

Motion approved, 5 yes; 0 no; 0 abstain; 0 absent

B. Purchase of Untangle Hardware

Town Supervisor Gil Piaquadio seeks board approval to purchase two untangled appliances that will service The Town of Newburgh Town Hall, Code Compliance, Justice Court, Recreation, and Water and Sewer Departments. The cost of the untangled appliances is \$2,810.26 and the appliances will be purchased from Firthcliff Equipment and Supplies of Cornwall, New York.



STEVEN M. NEUHAUS

COUNTY EXECUTIVE

February 9, 2018

Ms. Erin Drost
NYS OPRHP
Taconic Regional Office
9 Old Post Road
Staatsburg, NY 12580

Dear Ms. Drost:

The County of Orange, New York currently owns and maintains Cronomer Hill Park located in the Town of Newburgh. Of Cronomer Hill Park's 251.1 current acreage, 70 acres were purchased in 1971 with \$76,250 of Land and Water Conservation Funds (Project 36-00116) and 23.79 acres were developed into sports and playing fields in 1983 with \$65,000 of Land and Water Conservation Funds (Project 36-00741). While retaining ownership of Cronomer Hill Park, the County of Orange is proposing to lease for a period of 30 years, 4.9 acres of the park to the Town of Newburgh for the Town to construct, operate, and maintain a public recreation facility and adjacent parking lot for Town and County resident use. The County of Orange and the Town of Newburgh already have an agreement in place through which the Town of Newburgh uses Cronomer Hill Park's baseball, softball, and soccer fields which are contiguous to the proposed Recreation Center site. Town of Newburgh Staff headquartered out of the Recreation Center, will facilitate the safe public use of the Park's existing playground, outdoor pavilion, and scenic fire tower. Town of Newburgh staff will also upgrade and maintain the existing trail system of Cronomer Hill Park which will provide for better security.

The County of Orange and the Town of Newburgh are aware of the Land and Water Conservation Fund (LWCF) provisions and the attached use agreement abides by the associated compliance responsibilities for the site as described in the Land and Water Conservation Fund Manual. At the same time, the public outdoor recreation use of Cronomer Hill Park will be enhanced and will not be restricted or compromised through the construction of this public facility.

The new public Recreation Center will augment the programming, accessibility, and safety of Cronomer Hill Park while also improving and increasing the Park's outdoor recreation. The Recreation Center will be located on 4.9 acres in the northeastern section of Cronomer Hill Park, bordered by NY State Route 32/North Plank Road and Paffendorf Drive in the Town of Newburgh. The two-story Recreation Center will be approximately 70,000 square feet (200 feet x 175 feet) and include a gymnasium, year-round outdoor education classrooms, bathrooms, office space, a trail map kiosk, and a kitchen, which will connect to an outdoor concession area. Uses of the facility will be

compatible with and significantly supportive of outdoor recreation resources and uses at the site. The park's outdoor recreation use will continue to be greater than indoor use.

Outside, there will be a picnic area and a parking lot with adequate lighting for evening events. A septic system will also be installed and the building will connect to the Town of Newburgh public water system. Programming will include outdoor education, youth sports, senior citizen workshops, nature hikes, fitness classes, including outdoor yoga and tai chi, and arts and crafts classes.

The Recreation center is anticipated to be open seven days a week from 8:30a.m. until 10:00p.m. depending on the season. Residents of the County of Orange and the Town of Newburgh will have access to the park through the purchase of an annual pass. The fee for the pass will be the same for any resident of any municipality within Orange County. Non-residents of the County of Orange will also be able to purchase a pass for an additional fee, not to exceed more than double the cost for a resident. The facility will be available for rent for public events and meetings, (i.e.: organizations such as the Boy Scouts or Girl Scouts), outdoor education events and workshops, and nature-focused classes.

Would you please advise regarding the State's position with respect to the LWCF grant requirements and whether such arrangement between the County and Town would be acceptable to the State? Would you further please advise whether, in the opinion of OPRHP, alienation legislation would be necessary?

Thank you for your consideration of this request and for your anticipated response to our questions. Please do not hesitate to reach out to either of us should you need more information.

Sincerely,



Steven M. Neuhaus
Orange County Executive

Gil Piaquadio
Town of Newburgh Supervisor



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

845-564-7815
FAX: 845-564-7827

February 13, 2018

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Chadwick Lake Park Guard Variance Request

The Town policy requires a duty-free half hour lunch for those working six or more consecutive hours. At this time, I'm asking for a variance to this policy for the Chadwick Lake Park guards.

We will shortly begin the season for peak attendance at the Park as well as extended hours. To ensure the guard house is not unattended or the Park unsupervised we are requesting approval to waive the required duty-free lunch for the guards during the months of April, May, June, July and August.

Thank you for your consideration.

Regards,

Robert J. Petrillo
Commissioner

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor & Town Board

FROM: James W. Osborne, Town Engineer *JWO*

DATE: February 20, 2018

RE: CONSOLIDATED WATER DISTRICT
(WATER 2 CHARGES FOR CLOUD STREET & WILLETS WAY)

I received a phone inquiry from a homeowner on Cloud Street asking why there were Water 1 and Water 2 charges on their tax bill. I explained that Water 1 charges were assessed for every property within the boundaries of the water district – they had nothing to do with whether you used CWD water or even had access to Town water.

With respect to Water 2 charges, it appears that the parent parcel of the subdivision touched Frozen Ridge Road where there is a water main and therefore the underlying parent parcel had Water 1 and Water 2 charges. For some reason, no water main extension was required for this subdivision and even if one was built by the developer, Water 2 charges would not be appropriate because the water main would not have been constructed by the Town.

Based on this research, I also looked at Willets Way which has a similar background. For Willets Way, no water main extension was required of the developer because the Town's system could not supply adequate pressure to over half of the subdivision. But lots on Willets Way have Water 2 charges assessed against them presumably because the parent parcel did.

I am referring this to the Town Board for their review and decision as to whether Water 2 charges are appropriate on these parcels. Maps of the pertinent areas are attached.

JWO/id

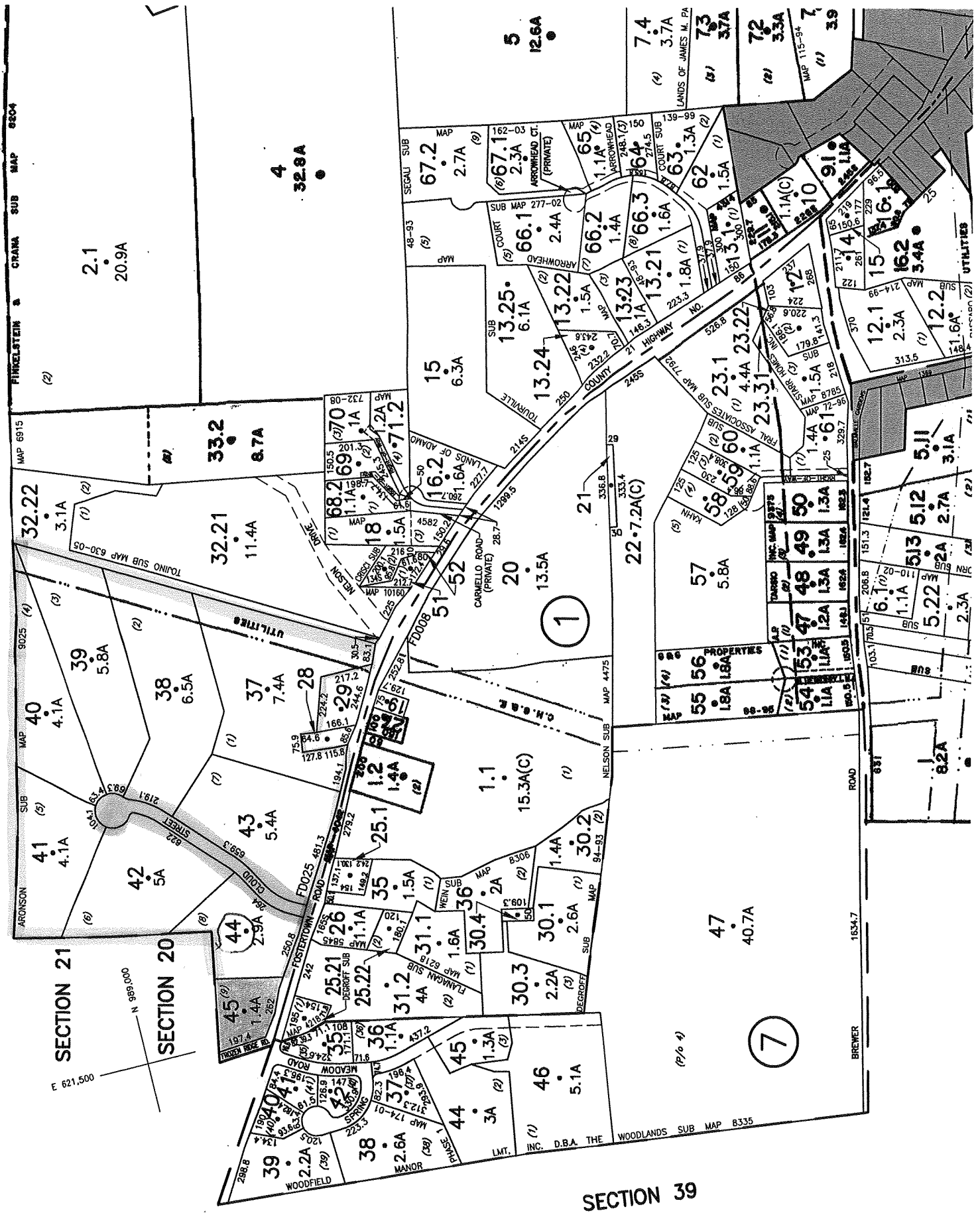
Attachment

cc: M. Taylor, Attorney
L. Codi, Assessor

SECTION 20

SECTION 21

SECTION 22



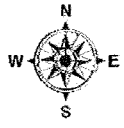
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Orange County, NY Esri HERE Ga



Cloud Street Topo

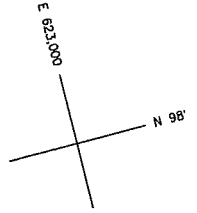
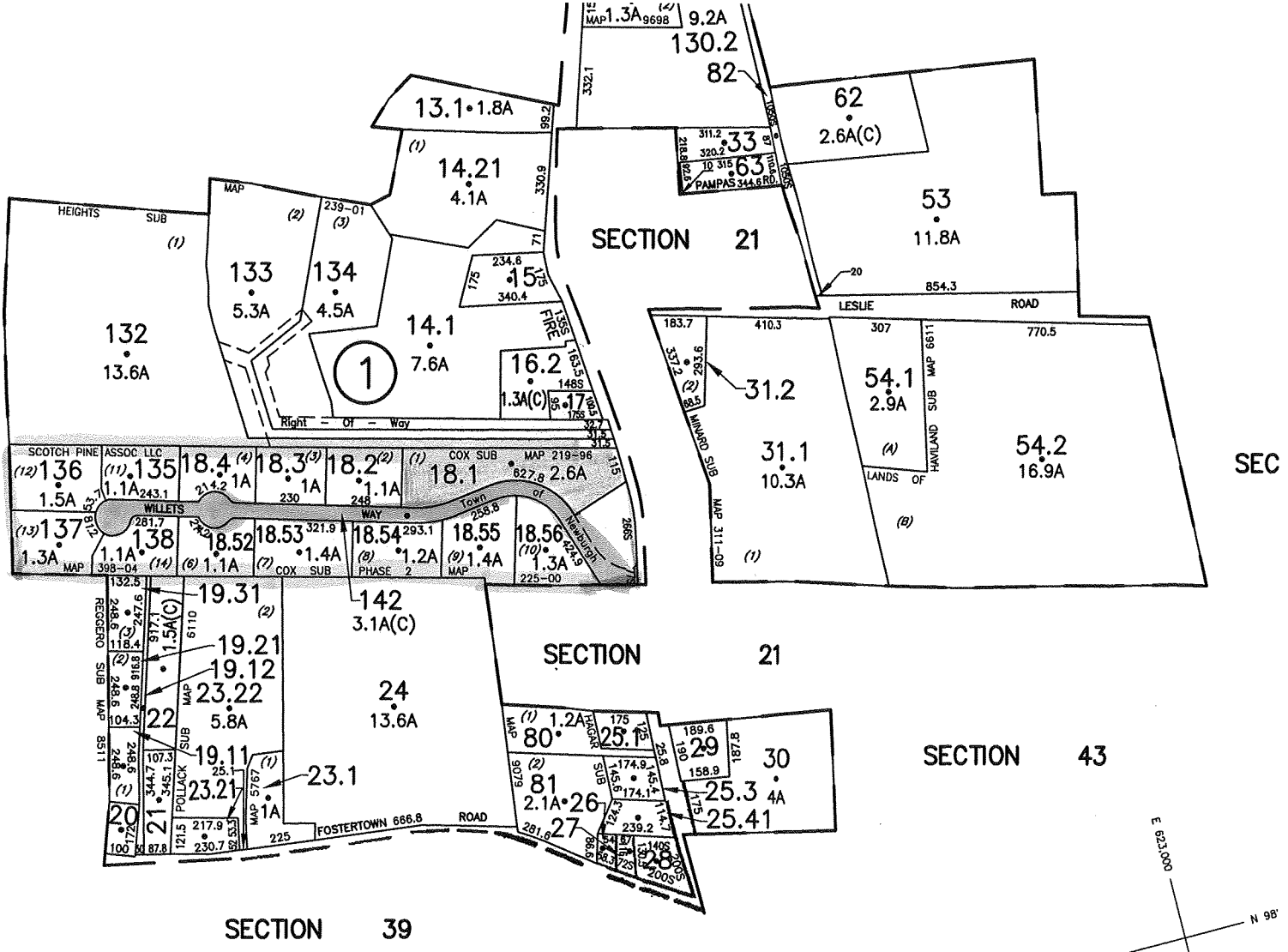


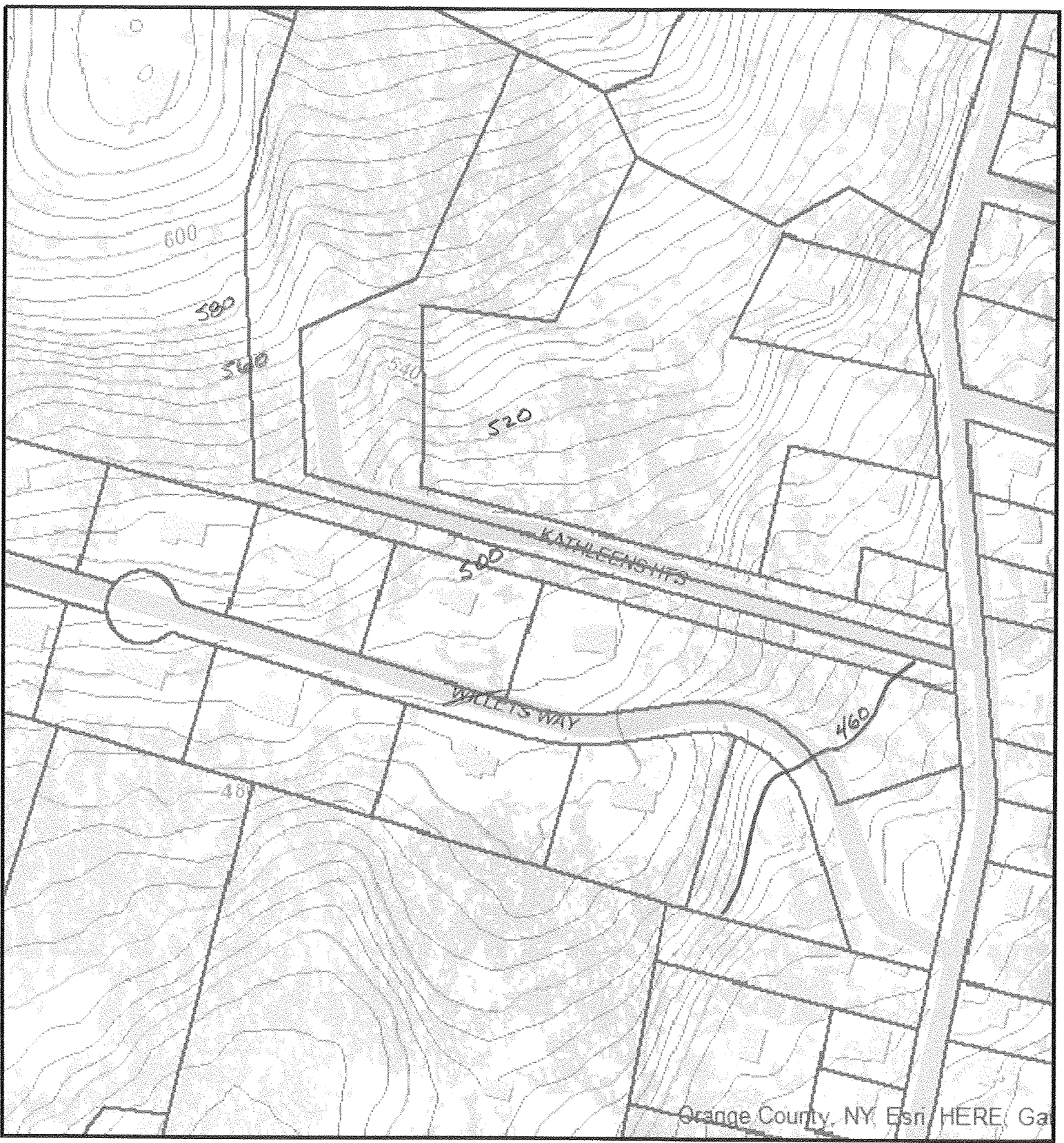
Orange County G.I.S. Division 22 Wells Farm Rd Goshen, New York 10924 Phone: 845.615.3790

DISCLAIMER: This map is a product of Orange County Information Technology GIS Division. The data depicted here have been developed with extensive cooperation from other County departments, as well as other Federal, State and Local government agencies. Orange County make no representations as to the accuracy of the information in the mapping data, but rather, provide said information as is. Orange County expressly disclaim responsibility for damages or liability that may arise from the use of this map.

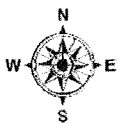
Printed: Feb 14, 2018

17





Willets Way Topo

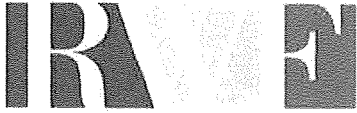


Orange County G.I.S. Division 22 Wells Farm Rd Goshen, New York 10924 Phone: 845.615.3790

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Printed: Feb 14, 2018

12
(addition)



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

MEMORANDUM

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

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M. Justin Rider
Donna M. Badura
Amber L. Camio

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

COUNSEL

Stephen P. Duggan, III
John K. McGuirk

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: MOTION REGARDING WATER DISTRICT #2
CHARGES FOR PARCELS ON CLOUD STREET
AND WILLETS WAY
OUR FILE NO. 800.1(B)() (2018)

DATE: FEBRUARY 23, 2018

In accordance with Supervisor Piaquadio's request of yesterday, enclosed for the Town Board's consideration is a motion with respect to not charging certain residential parcels on Cloud Street and Willets Way for Water District #2 charges for 2019 and future years. The parcels were subdivided out of a parent parcel which did meet the frontage criteria for Water District #2 charges, but do not themselves meet that criteria. Jim Osborne is preparing the schedule of parcels to attach to the motion.

MCT/sel
Enc.

cc: Andrew J. Zarutskie, Town Clerk (via e-mail)
Lori Coady Assessor (via e-mail)
Deborah Smith, Receiver (via e-mail)

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 23rd day of October, 2017 at 7:30 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

MOTION ON
ASSESSMENT
ROLL OF CONSOLIDATED
WATER DISTRICT FOR
ACCESS UNIT WATER
DISTRICT #2 CHARGES
FOR CERTAIN SUBDIVIDED
PARCELS FOR 2019 AND
FUTURE YEARS

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

BE IT MOVED:

The Benefit Formula of the Consolidated Water District providing in pertinent part that each parcel within the District and its duly constituted extensions and on the Assessment Roll of the Town fronting on a water main or lateral installed as part of and in connection with the Chadwick Lake Water System, the installation of which caused the said System to incur debt service shall be charged ACCESS UNITS WATER DISTRICT #2; and

the parcels listed on the annexed Schedule "A" having been subdivided from a parent parcel which had such frontage on such a water main or lateral, but which, as a result of the subdivision, do not themselves have such frontage and would have to obtain rights to cross other parcels in private ownership to connect an individual property service line or else install a new water main in order to connect to such a main or lateral; but

having continued to be listed on the roll and charged the ACCESS UNITS WATER DISTRICT #2 charges,

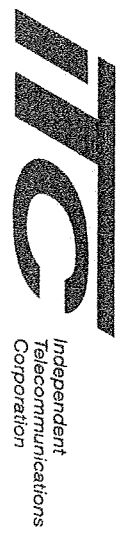
the parcels listed on Schedule "A" shall not be placed on that portion of the roll for the Consolidated Water District pertaining to the fiscal year 2019 and thereafter when prepared and shall accordingly not be charged ACCESS UNITS WATER DISTRICT #2 charges until such time as a water main or lateral having frontage on the listed parcels which causes debt service to

be charged is installed, if ever, but shall continue to be charged USER UNITS WATER DISTRICT #1 charges as parcels within the Consolidated Water District of the Town of Newburgh or its duly constituted extensions.

The question of the adoption of the foregoing motion 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>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The motion was thereupon declared duly adopted.



Voice Delivery Comparison
for

Town of Newburgh - Fleet Maintenance & Highway

07/24/17

Current Monthly Services

Vendor	Quantity	Service	Description	Cost
Verizon	4	Voice	Fleet Maintenance POTS & Usage	\$172.23
Spectrum	4	Voice	Highway POTS & Usage	\$267.80
Monthly Total:				\$440.03

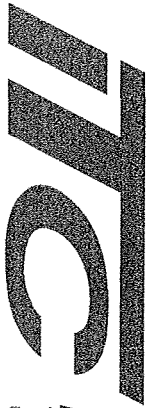
Proposed Monthly Services

Vendor	Quantity	Service	Description	Cost
Verizon	1	Voice	Fleet Maintenance POTS & Usage	\$43.06
Zutlys	1	ZCS	Fleet Maintenance - Cloud System and Usage	\$17.99
Clearly	1	FAX	Fleet Maintenance Next Gen Fax	\$25.00
Spectrum	1	Voice	Highway POTS & Usage	\$66.95
Zutlys	6	ZCS	Highway - Cloud System and Usage	\$107.94
Clearly	1	FAX	Highway Next Gen Fax	\$25.00
Monthly Total:				\$285.94

Projected Monthly Investment: **(\$154.09)**

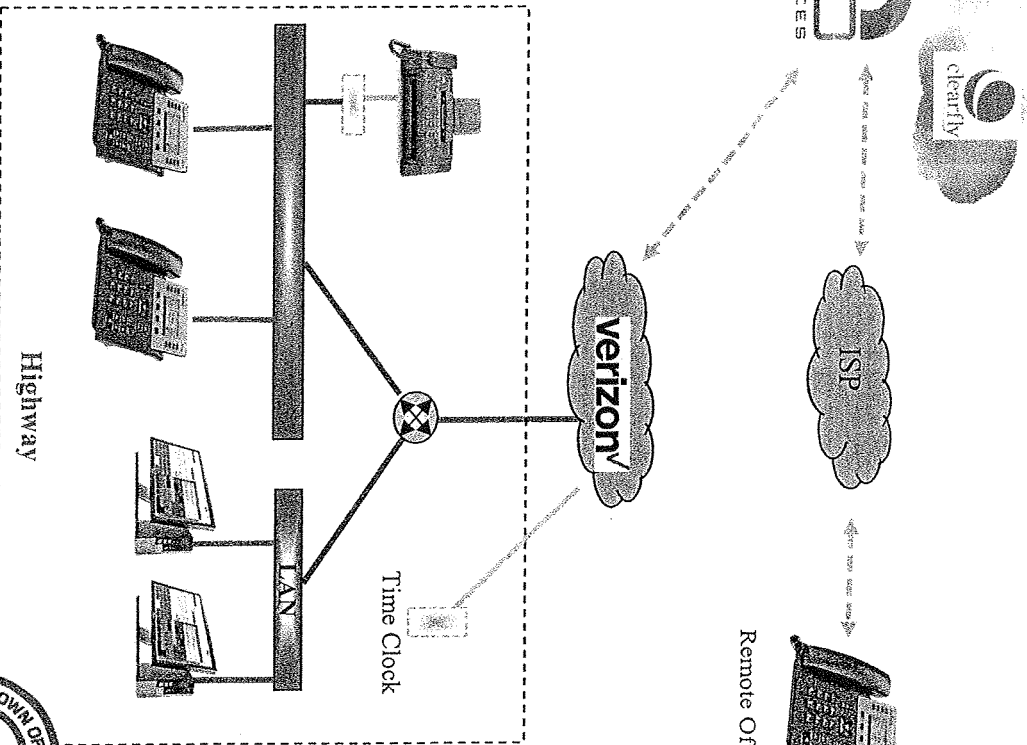
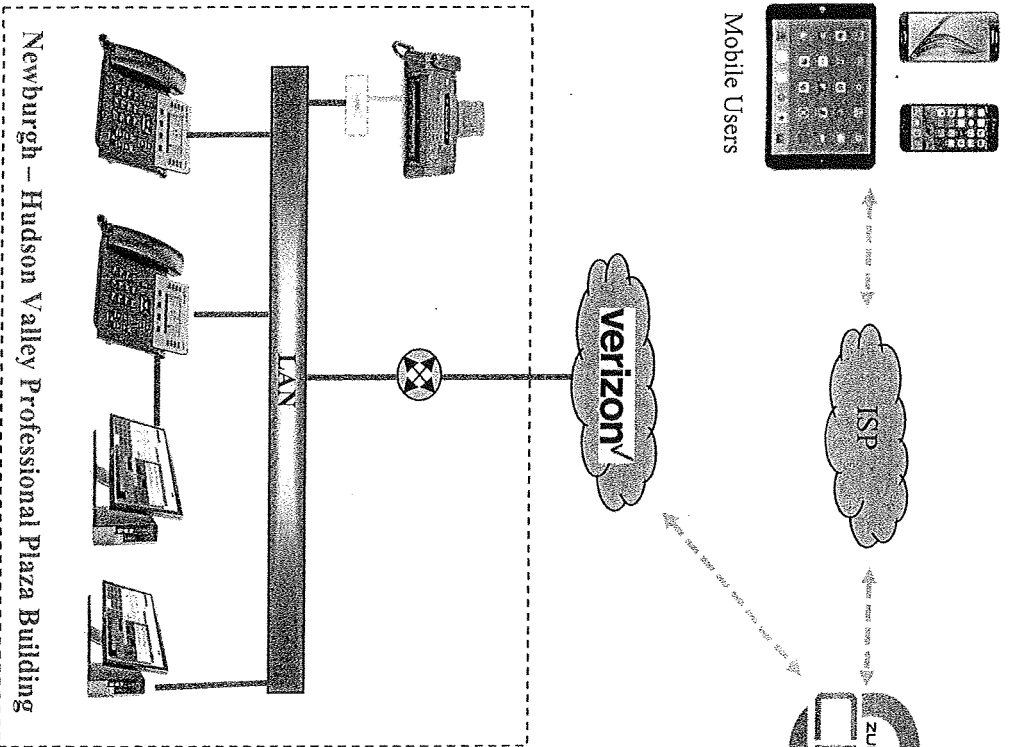
COMMENTS:

Taxes, surcharges, etc are NOT included in this comparison. Information is based upon invoices provided for the month of May 2017.



Independent
Telecommunications
Corporation

Next Generation Voice Network Deployment



EQUIPMENT & SERVICE ITEMIZATION

INFRASTRUCTURE

Fleet Maintenance

- (1) Communication Cabinet
- (1) 4 Port 10/100 Ethernet Switch
- (1) 2-Port Analog Terminal Adapter
- (1) Re-Used Existing Customer Analog Phone
- (1) Power Protection Unit

Highway

- (1) Communication Cabinet
- (7) Category 5e Cable Runs
- (1) 16 Port 10/100 Ethernet Switch w/Power
- (1) Power Protection Unit

INSTRUMENTS

(6) 36G IP Telephones - Highway

- Softkeys Deployment
 - Programmable up to 20 functions
- Graphical LCD screen
- Full-duplex speakerphone
- Layer II Ethernet Switch 10/100/1000
- Integrated Headset support (Wireless and Wired)



LABOR

ITC will provide turnkey installation, programming and end-user training for your solution.

Computer Telephony Integration including:

- SMTP Forwarding for VM to E-mail

Fleet Maintenance:	\$1,045.00
Highway Department:	<u>\$3,954.00</u>
	\$4,999.00

EQUIPMENT & SERVICE ITEMIZATION

MONTHLY SERVICES



Zultys Cloud Services

- (7) ZCS Standard User {(1) for Fleet, (6) for Highway}
MX User, MX Mobile

ZCS Services Include:

- (7) Channels of inbound / outbound connectivity {one channel per user}
1000 minutes usage per channel or 17,000 total minutes per month
Inbound Caller-ID
Outbound Caller-ID Push
New DID's

- (1) Operator Group Licenses
(1) Hunt Group Licenses
(0) Call Record Licenses
(1) Automated Attendant Licenses

25% Municipal Discount Applied \$167.93 \$(42.00) \$125.93

Fax Services

- (2) C250 Fax {(1) for each department} \$50.00
Inbound / Outbound delivery to / from traditional fax machine
Inbound delivery to e-mail
Outbound faxing from e-mail {up to (5) Accounts}
Multiple simultaneous transmissions
250 pages included per month. \$0.069 per page overage.

Financial Investment

Table with 2 columns: Service Name and Amount. Rows include System Hardware, Infrastructure, Installation (\$4,999.00), Zultys Cloud Services (\$125.93), and P360 Fax Services (\$50.00).

Tax not included. This quotation is valid for 25 days.

ZCS requires one-time activation < \$250. Verizon Fios required.

ITC recommends dedicated Internet. In this deployment ITC will share the Fios with the data network. Should quality be an issue a second connection would be required.

Additional Hunt Group and Auto Attendant Licenses may be required depending upon configuration.



Use or disclosure of data contained on this sheet is subject to the restriction on page 2 of this proposal.



HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177
FAX 845-561-8987

MARK HALL
HIGHWAY SUPERINTENDENT

TO: Charlene Black, Personnel Department

FROM: Mark Hall, Highway Superintendent *MH*

DATE: February 5, 2018

RE: Working Leader Interview

On February 5, 2018, Jim Presutti and I interviewed George Woolsey, Jr. for the Working Leader position. Jim & I are in agreement that George meets the requirements. We approve of his promotion to Working Leader. Thank you.

MH:ch

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: George Woolsey

DEPARTMENT: FLEET

TITLE OF POSITION: WORK LEADER

FULL TIME OR PART TIME: FULL TIME

HOURLY RATE: 33.2818

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 1640.100

PROPOSED HIRE DATE: MARCH 1, 2018

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

Mark Hall (cl)
DEPARTMENT HEAD SIGNATURE

2-23-18
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT
5-22-2017