

JOSEPH P. PEDI
Town Clerk, 1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

TOWN BOARD PUBLIC MEETING AGENDA
Monday, July 12, 2021
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. DEPARTMENT HEAD REPORTS
7. RESOLUTION: Introductory Local Law 3 of 2021 – Hotel Occupancy Tax
 - A. State Environmental Quality Review (SEQR)
 - B. Adoption of Local Law 3 of 2021
8. RESOLUTION: Introductory Local Law 2 of 2021 – Temporary Indoor Dining
 - A. State Environmental Quality Review (SEQR)
 - B. Adoption of Local Law 2 of 2021
9. ANIMAL CONTROL:
 - A. Municipal Shelter Inspection Report
 - B. Dog Control Officer Inspection Report
 - C. Approval to Make Payment to Newburgh Veterinary Hospital from T-94 Account
10. CODE COMPLIANCE DEPARTMENT: Road Name Approval
11. ETHICS BOARD REAPPOINTMENTS (Terms Expire July 31, 2021):
 - A. David A. Violante
 - B. Karl E. Najork
12. LIABILITY INSURANCE: Renewal
13. SEWER DEPARTMENT: Approval to Hire Wastewater Maintenance Worker
14. RECREATION DEPARTMENT: Approval to Accept Fireworks' Bid
15. POLICE DEPARTMENT: Approval to Hire Two Full Time Police Officers
16. ASSESSMENT REVIEW BOARD: Seeking Candidates for Board by August 31, 2021.
17. ENGINEERING DEPARTMENT:
 - A. Colden Park Water Main Replacement - Phase 2
 - B. Approval to Solicit Bids for Hydrant Painting
18. RESOLUTION: Resolution of Support - Veterans Suicide Awareness and Remembrance
19. ANNOUNCEMENTS
20. PUBLIC COMMENTS
21. ADJOURNMENT

WMA am WMB
7A and 7B



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: LOCAL LAW IMPLEMENTING THE ACT TO AMEND
THE TAX LAW IN RELATION TO AUTHORIZING THE
TOWN OF NEWBURGH TO IMPOSE A HOTEL AND
MOTEL TAX AND PROVIDING FOR THE REPEAL OF
SUCH PROVISIONS UPON EXPIRATION THEREOF
OUR FILE NO. 800.1(B)() (2021), 800. _____

DATE: JULY 7, 2021

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

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

COUNSEL

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

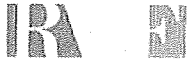
OF COUNSEL

Craig F. Simon
Irene V. Villacci

In accordance with Supervisor Piaquadio's request, enclosed for the Town Board's consideration please find the following draft resolutions in connection with the Local Law which would implement a five (5%) percent hotel room occupancy tax in the Town as authorized by the State's enactment of Bill No. A.9155 and S.7302, which was signed by the Governor on December 23, 2020 and is codified as Tax Law Section 1202-GG.

1. RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF PROPOSED LOCAL LAW ADDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH (A copy of the Environmental Assessment Form is also enclosed. We will forward the proposed Negative Declaration under separate cover.)
2. RESOLUTION OF ADOPTION OF LOCAL LAW ADDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH

The Local Law has not been modified from its introductory form and accordingly the full, maximum 5% tax will be effective on the date of filing of the Local Law with the New York Department of State following adoption.



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

MCT/sel

Enc.

cc: Joseph P. Pedi, Town Clerk
Deborah Smith, Receiver
Lori Coady, Assessor
Ronald Clum, Town Accountant
Gerald Canfield, Code Compliance Supervisor

6A

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 July, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW ADDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH

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

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a local law which will impose a tax of five percent of the rent on every occupancy of a room in a hotel or motel, including facilities commonly known as "bed and breakfasts" and "tourist facilities," providing overnight lodging in the Town, except for permanent residencies and as otherwise provided in the law; and

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

WHEREAS, the proposed local law was introduced before the Town Board on the 10th day of May, 2021, and the Town Board conducted a public hearing held on the 14th day of June, 2021 and heard all interested parties on said proposed local law; and

WHEREAS, the Town Board has determined that the Action is an Unlisted Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake, fund and approve the Action and

wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act; and

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, does further declare itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby further determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.

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

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

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

The resolution was thereupon declared duly adopted.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Town of Newburgh Hotel Room Occupancy Tax Local Law			
Name of Action or Project: Town of Newburgh Local Law Adding Hotel Room Occupancy Tax Article to the Code of the Town of Newburgh			
Project Location (describe, and attach a location map): Town of Newburgh (town-wide)			
Brief Description of Proposed Action: The adoption of a Local Law imposing a tax of 5% upon every occupancy of a room or rooms in a hotel or motel, including facilities commonly designated as "bed and breakfasts" and "tourist facilities" except for occupancies by permanent residents and as otherwise provided in the Local Law			
Name of Applicant or Sponsor: Town of Newburgh Town Board		Telephone: 845-564-4554 E-Mail: supervisor@townofnewburgh.org	
Address: 1496 Route 300			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYS adoption of special legislation (already adopted and signed)			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ N/A acres b. Total acreage to be physically disturbed? _____ N/A acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ N/A acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

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

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

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		

PRINT FORM

Short Environmental Assessment Form

Town of Newburgh Hotel Occupancy Tax Action

Narrative Response to Question 1

The intention of the action is to impose and require payment of a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in the Town of Newburgh, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided in the Local Law with respect to certain exemptions for governments and not-for-profit organizations.

The Town has not identified environmental resources that may be directly affected as the imposition of the tax does not involve physical activity. The record keeping, authorization, filing, processing and administration of the room occupancy tax will entail paper and computer (electricity) usage, but those impacts will be de minimis. The travelling public may seek to avoid the tax by staying in other municipalities, but this is unlikely to result in significant divergence from travel routes or energy (fuel) consumption and impacts will accordingly likely be small.

Agency Use Only [If applicable]

Project:	Hotel Occupancy Tax Local Law
Date:	

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Newburgh Town Board	
_____ Name of Lead Agency	_____ Date
Gilbert J. Piaquadio	Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

6B

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 July, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manlev, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. 3 OF 2021 - ADDING ARTICLE IX ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY" TO CHAPTER 166 ENTITLED "TAXATION" OF THE CODE OF THE TOWN OF NEWBURGH

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

WHEREAS, a Local Law Adding Article IX Entitled "Taxation of Hotel Room Occupancy" to Chapter 166 Entitled "Taxation" of the Code of the Town of Newburgh was heretofore introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York by resolution adopted by the Town Board on May 10, 2021; and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 10th day of May, 2021 ordering a public hearing to be held on the 14th day of June, 2021 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law No. ___ of the Year 2021 entitled "A Local Law Adding Article IX Entitled 'Taxation of Hotel Room Occupancy' to Chapter 166 Entitled 'Taxation' of the Code of the Town of Newburgh" and

WHEREAS, a notice of said Public Hearing was duly advertised on the ___st day of May, 2021 in The Mid-Hudson Times and on the ___nd day of May, 2021 in The Orange County Post and posted on the Town Clerk's sign board on the ___th day of May, 2021; and

WHEREAS, the Notice of Public Hearing recited that the public hearing would be conducted remotely and provided the log on and call in information for members of the public wishing to attend and participate in the public hearing; and

WHEREAS, the public hearing was duly conducted on the 14th day of June, 2021 at 7:00 o'clock p.m., pursuant to Executive Order 202.1 and its subsequent extensions, remotely via Zoom videoconference during which the public had the opportunity to see and hear the public

hearing live and provide comments on behalf or in opposition of the proposed Local Law or any part thereof, and following the posting of a transcript of the public hearing on the Town's website, the public had the additional opportunity to provide written comments by mail or e-mail; and

WHEREAS, a video recording of the public hearing was available on-line for public review; and

WHEREAS, the transcript of the public hearing was posted on the Town of Newburgh website on _____, 2021 and the Town Board has read and considered such additional written comments as were submitted during the ten (10) days following the posting; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has considered the adoption of said Local Law amending the text of the Town of Newburgh Zoning Code as An Unlisted Action under the State Environmental Quality Review Act and has duly issued a Negative Declaration on July 12, 2021; and

WHEREAS, upon filing with the New York Secretary of State, the Local Law will be designated as Local Law No. ___ of the Year 2021 of the Town of Newburgh; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. ___ of Year 2021 entitled "A Local Law Adding Article IX Entitled 'Taxation of Hotel Room Occupancy' to Chapter 166 Entitled 'Taxation' of the Code of the Town of Newburgh."
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

INTRODUCTORY LOCAL LAW NO. __ OF 2021

**A LOCAL LAW ADDING ARTICLE IX ENTITLED
“TAXATION OF HOTEL ROOM OCCUPANCY”
TO CHAPTER 166 ENTITLED “TAXATION”
OF THE CODE OF THE TOWN OF NEWBURGH**

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Adding Article IX Entitled ‘Taxation of Hotel Room Occupancy’ to Chapter 166 entitled ‘Taxation’ of the Code of the Town of Newburgh”.

SECTION 2 – TAXATION OF HOTEL ROOM OCCUPANCY

A new Article IX entitled “Taxation of Hotel Room Occupancy” is hereby added to the Chapter 166 entitled “Taxation” of Town of Newburgh Municipal Code to read as follows:

“ Article IX Taxation of Hotel Room Occupancy

- § 166-29 Definitions.
- § 166-30 Imposition of tax.
- § 166-31 Exempt organizations.
- § 166-32 Territorial limits.
- § 166-33 Registration.
- § 166-34 Administration and collection.
- § 166-35 Records to be kept.
- § 166-36 Returns.
- § 166-37 Payment of tax.
- § 166-38 Determination of tax.
- § 166-39 Disposition of revenues.
- § 166-40 Refunds.
- § 166-41 Reserves.
- § 166-42 Remedies exclusive.
- § 166-43 Penalties and interest.
- § 166-44 Returns to be secret.
- § 166-45 Notices and limitations of time.
- § 166-46 Proceedings to recover tax.
- § 166-47 General powers of Supervisor.
- § 166-48 Administration of oaths; compelling testimony.
- § 166-49 Accounting and reporting of tax.

§ 166-29 Definitions.

For purposes of this chapter, the following definitions shall apply:

EFFECTIVE DATE

The date on which the Local Law enacting this Article is filed with the Secretary of State.

HOSTING COMPANY

An internet, application, technology, and/or similarly based service through which a third party desiring to offer lodging (a "host") and a third party desiring to book lodging (a "guest") for one or more nights have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting company is not a party but still facilitates and is entitled to receive payments for rent on behalf of or for the host. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting company.

HOTEL or MOTEL

Any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed-and-breakfast" and "tourist" facilities.

OCCUPANCY

The use or possession, or the right to the use or possession, of any room in a hotel.

OCCUPANT

A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR

Any person operating a hotel or motel in the Town of Newburgh, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel and entitled to be paid the rent.

PERMANENT RESIDENT

Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a "Permanent Resident" with regard to the period of such occupancy.

PERSON

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

RENT

The per diem rental rate or charge received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN

Any return filed or required to be filed as herein provided.

ROOM

Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

SUPERVISOR

The Town Supervisor of the Town of Newburgh.

TOURIST FACILITY

Building, structure or other facility, which may ordinarily or originally be occupied for residential dwelling purposes, that contains or comprises a transient lodging rentable unit, including but not limited to "short term" or "vacation rental," or a location that is otherwise made available for transient lodging accommodation for rent directly by the owner or through an agent, Operator or Hosting Company.

§ 166-30 Imposition of tax.

On and after the effective date of this Article, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this Town, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

§ 166-31 Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this chapter:

- A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, insofar as it is immune from taxation;

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section;

D. A permanent resident of a hotel or motel.

§ 166-32 Territorial limits.

The tax imposed by this chapter shall apply only within the territorial limits of the Town of Newburgh.

§ 166-33 Registration.

A. Within 10 days after the effective date of this chapter or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Supervisor a certificate of registration in a form prescribed by the Town Board. A Hosting Company may file a certificate of registration on behalf of multiple operators.

B. The Supervisor shall, within five days after such registration, issue without charge to each operator of Hosting Company a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Supervisor upon the cessation of business at the hotel named or upon its sale or transfer.

§ 166-34 Administration and collection.

A. The tax imposed by this chapter shall be administered and collected by the Supervisor, or such other Town employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this chapter.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Town, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this chapter, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Supervisor or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

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

D. The Supervisor may, whenever he/she deems it necessary for the proper enforcement of this chapter, provide by regulation that the occupant shall file returns and pay directly to the Supervisor the tax imposed at such times as returns are required to be filed and payment made over by the operator.

E. The tax imposed by this chapter shall be paid upon any occupancy on and after the effective date of this chapter, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after

the effective date of this chapter. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Supervisor may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 166-40 of this chapter.

F. For the purpose of the proper administration of this chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of § 166-31 of this chapter, the rent shall be deemed taxable hereunder unless:

(1) The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate; or

(2) Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

§ 166-35 Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Supervisor may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Supervisor or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Supervisor may consent to their destruction within that period or may require that they be kept together.

§ 166-36 Returns.

A. Every operator shall file with the Supervisor or his designee a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this chapter. Such returns shall be filed within 20 days from the expiration of the period covered thereby. A Hosting Company may file a return on behalf of multiple participating host operators. The Town Board may permit or require returns to be made for other periods upon such dates as it may specify. If the Town Board deems it necessary in order to ensure the payment of the tax imposed by this chapter, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

B. The forms of return shall be prescribed by the Town Board and shall contain such information as it may deem necessary for the proper administration of this chapter. The Supervisor may require

amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this chapter is not filed, or if a return is incorrectly filed or is insufficient on its face, the Supervisor shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

§ 166-37 Payment of tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Supervisor or his authorized designee the taxes imposed by this chapter upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this chapter; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Supervisor on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. A Host Company may make a voluntary payment on behalf of multiple participating host operators. Where the Supervisor in his/her discretion deems it necessary to protect revenues to be obtained under this chapter, he/she may require any operator required to collect the tax imposed by this chapter to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Supervisor may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Supervisor determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Supervisor at which the necessity, propriety and amount of the bond shall be determined by the Supervisor. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Supervisor or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Supervisor, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

§ 166-38 Determination of tax.

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

§ 166-39 Disposition of revenues.

All revenue resulting from the imposition of the tax under this chapter shall be paid into the treasury of the Town and shall be credited to and deposited in the general fund of the Town. Such revenues may be used for any lawful purpose.

§ 166-40 Refunds.

A. In the manner provided in this section, the Supervisor shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Supervisor for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Supervisor, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator, Host Company or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Supervisor, provided that the application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Supervisor, under such regulations as the Supervisor may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Supervisor may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Supervisor, and such Supervisor shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the Supervisor in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § 166-43 of this chapter where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Supervisor made pursuant to § 166-43 of this chapter unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Supervisor after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§ 166-41 Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Supervisor shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the Town.

§ 166-42 Remedies exclusive.

The remedies provided by § 166-38 and § 166-40 of this chapter shall be the exclusive remedies available to any person for the review of tax liability imposed by this chapter, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Supervisor prior to the institution of such suit and posts a bond for costs as provided in § 166-37 of this chapter.

§ 166-43 Penalties and interest.

A. Any person failing to file a return or to pay or pay over any tax to the Supervisor within the time required by this chapter shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this chapter, or filing or causing to be filed or making or causing to be made or giving

or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this chapter which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 166-37 of this chapter, or failing to file a registration certificate and such data in connection therewith as the Supervisor may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this chapter or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this chapter, and any such person or operator failing to keep records required by this chapter, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this chapter and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

C. The certificate of the Supervisor to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this chapter shall be presumptive evidence thereof.

§ 166-44 Returns to be confidential.

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Supervisor or employee or designee of the Supervisor to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Supervisor in an action or proceeding under the provisions of this chapter or on behalf of any party to any action or proceeding under the provisions of this chapter when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the Town Attorney or other legal representatives of the Town or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or

penalty. Returns shall be preserved for three years and thereafter, until the Supervisor permits them to be destroyed.

§ 166-45 Notices and limitations of time.

A. Any notice authorized or required under the provisions of this chapter may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this chapter or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence five days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Town to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this chapter. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

§ 166-46 Proceedings to recover tax.

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this chapter, the Town Attorney shall, at the request of the Town Board, bring or cause to be brought an action to enforce the payment of the same on behalf of the Town in any court of the State of New York or of any other state or of the United States. If, however, the Supervisor believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Supervisor may issue a warrant immediately.

§ 166-47 General powers of Supervisor.

In addition to the powers granted in this chapter, the Supervisor is hereby authorized and empowered to:

- A. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this chapter;
- C. Delegate functions hereunder to any employee of the Town;
- D. Enter into inter-municipal agreements on behalf of the Town for the performance of functions by another governmental entity;
- E. Enter into agreements with Hosting Companies for the reporting, collection and remittance of the tax provided for herein on behalf of participating hosts
- E. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;
- F. Require any operator within the Town, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this chapter; and to furnish such information at the request of the Supervisor;
- G. Impose as a penalty upon any operator within the Town any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and
- H. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this chapter and the purposes thereof as may be approved by the Town of Newburgh Town Board.

§ 166-48 Administration of oaths; compelling testimony.

- A. The Supervisor or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this chapter. The Supervisor shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this chapter,

and to examine them in relation thereto. The Supervisor shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.

B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Supervisor under this chapter.

C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Supervisor under this chapter shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the Supervisor and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be Town of Newburgh police officers, or any officers or employees of the Town designated by the Supervisor to serve such process.

§ 166-49 Accounting and reporting of tax.

From time to time, but no less than quarterly each year, the Supervisor shall provide a report to the Town Board, for its audit and review, of all actions taken pursuant to this chapter. The Supervisor's report shall contain a list of all certificates of registration filed or issued to any operator in the Town or hosting company, and for each operator shall state the returns filed for all operators and hosting companies; the returns that have not been timely filed by any operator or hosting company; the amount of tax determined to be payable by any operator or hosting company; the tax paid and collected from any operator or hosting company; any tax that may be due and owing or past due from any operator or hosting company, and any enforcement action taken to collect any tax due under this chapter."

SECTION 3 - SEVERABILITY

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

SECTION 4 - CONFLICT WITH OTHER LAWS

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

SECTION 5 - EFFECTIVE DATE.

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

SECTION 6 - AUTHORITY.

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



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: LOCAL LAW PROVIDING FOR TEMPORARY OUTDOOR
DINING PERMITS DURING THE YEAR 2021
OUR FILE NO. 800.1(B)()(2021),

DATE: JULY 6, 2021

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

Enclosed for the Town Board's consideration please find the following draft resolutions regarding the proposed Local Law which establishes a temporary permit system for outdoor dining during 2021 in order to assist local businesses in recovery from the effects of the pandemic emergency.

ATTORNEYS

David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Donna M. Badura

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

1. RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF PROPOSED LOCAL LAW PROVIDING FOR TEMPORARY OUTDOOR DINING PERMITS DURING THE YEAR 2021 (We will forward the proposed Negative Declaration under separate cover.); and
2. RESOLUTION OF ADOPTION OF LOCAL LAW PROVIDING FOR TEMPORARY OUTDOOR DINING PERMITS DURING THE YEAR 2021.

As previously noted, the Local Law allows only temporary seating and fixtures and provides: "[n]o permanent improvements shall be made without appropriate approvals." Improvements of a permanent nature would generally require an amended site plan approval.

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

MCT/sel
Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
Gerald Canfield, Code Compliance Supervisor (via e-mail)
Lori Coady, Assessor (via e-mail)
James Osborne, Town Engineer (via e-mail)
Patrick Hines, Principal, McGoey, Hauser & Edsall (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 July, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, SupervisorElizabeth J. Greene, CouncilwomanPaul I. Ruggiero, CouncilmanScott M. Manley, CouncilmanAnthony R. LoBiondo, Councilman

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW PROVIDING FOR TEMPORARY OUTDOOR DINING PERMITS DURING THE YEAR 2021

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

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a local law which will authorize the Town of Newburgh Code Compliance Department to issue temporary outdoor dining permits during the year 2021 to establishments with approved indoor seating for eating and drinking patrons; and

WHEREAS, the Town Board of the Town of Newburgh 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 has determined that that the proposed Local Law temporarily superseding Town Code requirements and restrictions does not require an amendment to the Town's Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of said local law allowing temporary outdoor dining in the Town of Newburgh during 2021 without permanent improvements (the "Action"); and

WHEREAS, the proposed local law was introduced before the Town Board on the 26th day of April, 2021, and the Town Board conducted a public hearing held on the 14th day of June, 2021

and heard all interested parties on said proposed local law; and

WHEREAS, the Town Board has determined that the Action is an Unlisted Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

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

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

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

WHEREAS, the full Environmental Assessment Form for the Action and other appropriate information were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board, together with copies of the proposed local law, in accordance with the requirements of the General Municipal Law and the Town of Newburgh Zoning Code and to the Town of Newburgh Zoning Board of Appeals; and

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

WHEREAS, the Action is consistent with the adopted Town of Newburgh Comprehensive Plan Update and is also consistent with the Orange County Comprehensive Plan; and

WHEREAS, the Town Board has also considered the consistency of the amendment with the needs and goals identified by the April, 2009 *Tri-County Affordable Housing Study*, conducted jointly by Orange, Dutchess, and Ulster Counties, and the potential affects of the Action on the Town's ability to meet goals for providing rental and owner occupied affordable housing; and

WHEREAS, recognizing that the impact that an action may have on population patterns or existing community character, with or without a separate impact on the physical environment is a relevant concern in an environmental analysis since the statute includes these concerns as elements of the environment, the Town Board has considered and analyzed information pertaining to those impacts; and

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

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

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

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, does further declare itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby further determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
3. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.
4. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law .

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

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

The resolution was thereupon declared duly adopted.

7B

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 July, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. 2 OF 2021 - PROVIDING FOR TEMPORARY OUTDOOR DINING PERMITS DURING THE YEAR 2021

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

WHEREAS, a Local Law Providing for Temporary Outdoor Dining Permits during the Year 2021 was heretofore introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York by resolution adopted by the Town Board on April 26, 2021; and

WHEREAS, pursuant to resolution of the Town Board, copies of the aforesaid local law were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code respectively, and to the Town of Newburgh Zoning Board of Appeals; and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 10th day of May, 2021 ordering a public hearing to be held on the 14th day of June, 2021 at 7:10 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law No. ___ of the Year 2021 entitled "A Local Law Providing for Temporary Outdoor Dining Permits During the Year 2021" and

WHEREAS, a notice of said Public Hearing was duly advertised on the ___st day of May, 2021 in The Mid-Hudson Times and on the ___nd day of May, 2021 in The Orange County Post and posted on the Town Clerk's sign board on the ___th day of May, 2021; and

WHEREAS, the Notice of Public Hearing recited that the public hearing would be conducted remotely and provided the log on and call in information for members of the public wishing to attend and participate in the public hearing; and

WHEREAS, the public hearing was duly conducted on the 14th day of June, 2021 at 7:10 o'clock p.m., pursuant to Executive Order 202.1 and its subsequent extensions, remotely via Zoom videoconference during which the public had the opportunity to see and hear the public hearing live and provide comments on behalf or in opposition of the proposed Local Law or any part thereof, and following the posting of a transcript of the public hearing on the Town's website, the public had the additional opportunity to provide written comments by mail or e-mail; and

WHEREAS, a video recording of the public hearing was available on-line for public review; and

WHEREAS, the transcript of the public hearing was posted on the Town of Newburgh website on _____, 2021 and the Town Board has read and considered such additional written comments as were submitted during the ten (10) days following the posting; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has considered the adoption of said Local Law amending the text of the Town of Newburgh Zoning Code as An Unlisted Action under the State Environmental Quality Review Act and has duly issued a Negative Declaration on July 12, 2021; and

WHEREAS, the Town Board of the Town of Newburgh has duly considered the reports and responses it has received from the Orange County Planning Department and the Town of Newburgh Planning Board; and

WHEREAS, upon filing with the New York Secretary of State, the Local Law will be designated as Local Law No. ___ of the Year 2021 of the Town of Newburgh; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. ___ of Year 2021 entitled "A Local Law Providing for Temporary Outdoor Dining Permits During the Year 2021."
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.
3. A report of final action in the matter of the adoption of said Local Law of the Town of Newburgh shall be delivered to the Orange County Planning Department in accordance with the requirements of the General Municipal Law.

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

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

9A



**Agriculture
and Markets**

June 14, 2021

Gilbert Piaquadio
Town Supervisor - Town of Newburgh
1496 Rte 300
Newburgh, NY 12550

Enclosed is the **Municipal Shelter Inspection Report** completed on **06/08/2021**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

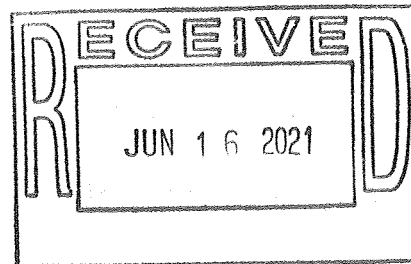
As the report indicates, dog shelter services were rated "Satisfactory". Please make note of any comments listed on the report.

Municipal dog shelters are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in municipal shelter services.

If you have any questions regarding this inspection, please call me.

Joyce Amels
Animal Health Inspector
(845) 500-1498



MUNICIPAL SHELTER INSPECTION REPORT - DL-90

Rating: **Satisfactory365**

Purpose: **Inspection**

DATE/TOA: **6/8/21 12:30 pm**

**NEWBURGH TOWN DOG SHELTER
645 GIDNEY AVE
NEWBURGH NY 12550**

Inspector: **Joyce Amels**

Inspector #: **67**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|--|----------------|
| 1. Shelter is structurally sound | Yes |
| 2. Housing area and equipment is sanitized regularly | Yes |
| 3. Repairs are done when necessary | Yes |
| 4. Dogs are handled safely | Yes |
| 5. Adequate space is available for all dogs | Yes |
| 6. Light is sufficient for observation | Yes |
| 7. Ventilation is adequate | Yes |
| 8. Drainage is adequate | Yes |
| 9. Temperature extremes are avoided | Yes |
| 10. Clean food and water is available and in ample amount | Yes |
| 11. Veterinary care is provided when necessary | Yes |
| 12. Dogs are euthanized humanely, by authorized personnel | Yes |
| 13. Complete intake and disposition records are maintained for all seized dogs | Yes |
| 14. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 15. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 16. Owners of identified dogs are properly notified | Yes |
| 17. Redeemed dogs are licensed before release | Yes |
| 18. Proper impoundment fees paid before dogs are released | Yes |
| 19. Written contract or lease with municipality | Not Applicable |

Town - City - Village Information for Inspection:

<u>TCV CODE</u>	<u>TCV NAME</u>
3314	Town of Newburgh

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **Tracy Carvell**
TITLE: **shelter manager**

REVIEWED BY: **Eloise Herrman**
REVIEWED DATE: **06/08/2021**



**Agriculture
and Markets**

BIB
9B

June 14, 2021

Gilbert Piaquadio
Town Supervisor - Town of Newburgh
1496 Rte 300
Newburgh, NY 12550

Enclosed is the **Dog Control Officer Inspection Report** completed on **06/08/2021**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

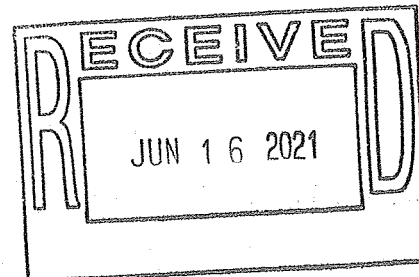
As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed on the report.

Dog control officer services are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in DCO services.

If you have any questions regarding this inspection, please call me.

Joyce Amels
Animal Health Inspector
(845) 500-1498



DOG CONTROL OFFICER INSPECTION REPORT - DL-89Rating: **Satisfactory365**Purpose: **Inspection**DATE/TOA: **6/8/21 12:30 pm****Tracy Carvell
C/o Town of Newburgh Shelter
645 Gidney Avenue
Newburgh NY 12550**Inspector: **Joyce Amels**Inspector #: **67**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|---|-----|
| 1. Equipment is available for proper capture and holding | Yes |
| 2. Dogs are held and transported safely | Yes |
| 3. Equipment maintained in clean and sanitary condition | Yes |
| 4. Veterinary care is provided when necessary | Yes |
| 5. Dogs are euthanized humanely | Yes |
| 6. Complete seizure and disposition records are maintained for all seized dogs | Yes |
| 7. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 8. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 9. Owners of identified dogs are properly notified | Yes |
| 10. Redeemed dogs are licensed before release | Yes |
| 11. Proper impoundment fees paid before dogs are released | Yes |

Town - City - Village Information for Inspection:

TCV CODE **TCV NAME**

3314 Town of Newburgh

Additional Information for Inspection:

Number of Dogs Seized:

Number of dogs seized since previous inspection: 73 in 2020

Associated Municipal Shelter(s):

Name of Shelter(s): Town of Newburgh shelter

Holding Facility:

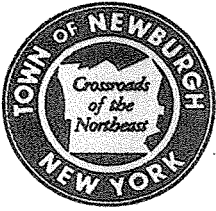
Dogs held before transport to shelter? (Yes/No): no

Location(s): N/A

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **Tracy Carvell**
TITLE: **ACO**

REVIEWED BY: **Eloise Herrman**
REVIEWED DATE: **06/11/2021**



9C

TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

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

Date: 7/6/21

I am requesting authorization to use the T-94 account to pay for Vet service: NVH

*Totaling: \$ 1,172.16

Feline: \$1139.16

Canine: \$ 33.00 .

TOWN OF NEWBURGH

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

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2660
www.newburghvet.com

TERMS Net 30 Days

DO NOT WRITE IN THIS BOX

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
<u>7-94</u>		
Total		
Abstract #		

Invoice # _____

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
<u>5/25/21</u>	<u>773194</u>			<u>68.50</u>
<u>5/25/21</u>	<u>77319 773215</u>			<u>164.86</u>
<u>5/29/21</u>	<u>773684</u>			<u>534.25</u>
<u>6/21/21</u>	<u>775965</u>			<u>371.55</u>
COPY				
			TOTAL	<u>1139.16</u>

CLAIMANT'S CERTIFICATION

DoramCast certify that the above account in the amount of \$ 1139.16 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or assumed; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/2/21
DATE

DoramCast
SIGNATURE

Office Manager
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

Date

Authorized Official

APPROVAL FOR PAYMENT

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

Date

Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 05-27-21 at 4:43p
Date: 05-25-21
Account: 4417
Invoice: 773194

Date	For	Qty	Description	Price	Discount	Net Price
05-25-21	Twig 17C-21	1	Shelter euthanasia and body care f	80.00	11.50	68.50 **
05-25-21		3	Euthanasia - Somlethol Pent Contr			0.00
Total charges, this invoice...						68.50
**Total discount included: 11.50						

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

LIKE US ON FACEBOOK.COM!

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

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

COPY

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 07-06-21 at 2:29p
Date: 05-25-21
Account: 4417
Invoice: 773215

Date	For	Qty	Description	Price	Discount	Net Price
05-25-21	Megaboss	1	CONSULT / EXAM - Sick	79.50	48.25	31.25 **
05-25-21		1	FelV/FIV ELISA in hosp #295015	133.00	84.50	48.50 **
05-25-21		1	Feline Leukemia Elisa Negative			0.00
05-25-21		1	FIV Elisa Negative			0.00
05-25-21		1	SUBCUTANEOUS FLUIDS INJEC	60.50	30.25	30.25 **
05-25-21		0.01	Unasyn Inject / ml (outpatient)	30.04	15.02	15.02 **
05-25-21		1	Azithromycin 100mg/5ml suspensio	32.55	8.91	23.64 **
05-25-21		1	Ophth- Terramycin Ointment #2950	39.00	22.80	16.20 **

Total charges, this invoice... 164.86

**Total discount included: 209.73

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

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

COFY

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 05-29-21 at 5:10p
Date: 05-29-21
Account: 4417
Invoice: 773684

Date	For	Qty	Description	Price	Discount	Net Price	
05-27-21	Megaboss 16k-21	1	Nursing/ General/day	29.50	14.75	14.75	**
05-27-21		1	Daily Feeding	6.00	3.00	3.00	**
05-27-21		1	I.V. FLUIDS 1st day	122.00	61.00	61.00	**
05-27-21		1	I.V. CATHETER 1 + placement	133.00	66.50	66.50	**
	Sterile prep, I.V.Placement, Heparinized Flush, Maintenance						
05-27-21		1	OSHA Compliance Biohazards Fee	7.80	3.90	3.90	**
05-27-21		1	I.V. INFUSION PUMP	46.00	23.00	23.00	**
05-27-21		50	Dextrose 50% Inject / ml	32.50	16.25	16.25	**
05-27-21		0.04	Unasyn Inject / ml (in hosp)	30.18	15.09	15.09	**
05-27-21		0.04	Unasyn Inject / ml (in hosp)	7.68	3.84	3.84	**
05-27-21		1	Nebulize while in hospital	31.80	15.90	15.90	**
05-27-21		1	Nebulize while in hospital	6.80	3.40	3.40	**
05-27-21		1	Oral, Topical medication administr	7.60	3.80	3.80	**
05-27-21		1	X-RAY SURVEY RADS	310.00	155.00	155.00	**
05-28-21		1	Hospitalization+Dr.Care Cat/Day	83.50	41.75	41.75	**
05-28-21		1	OSHA Compliance Biohazards Fee	7.80	3.90	3.90	**
05-28-21		1	Nursing/ General/day	29.50	14.75	14.75	**
05-28-21		1	Daily Feeding	6.00	3.00	3.00	**
05-28-21		1	I.V. Fluids 2nd day	97.00	48.50	48.50	**
05-28-21		0.04	Unasyn Inject / ml (in hosp)	7.68	3.84	3.84	**
05-28-21		0.04	Unasyn Inject / ml (in hosp)	7.68	3.84	3.84	**
05-28-21		0.04	Unasyn Inject / ml (in hosp)	7.68	3.84	3.84	**
05-28-21		4	Oral, Topical medication administr	30.40	15.20	15.20	**
05-28-21		1	Nebulize while in hospital	6.80	3.40	3.40	**
05-28-21		1	Nebulize while in hospital	6.80	3.40	3.40	**
05-28-21		1	Nebulize while in hospital	6.80	3.40	3.40	**
05-29-21		1	Hospitalization+Dr.Care Cat/Day	83.50	83.50	0.00	**
05-29-21		1	OSHA Compliance Biohazards Fee	7.80	7.80	0.00	**
05-29-21		1	Nursing/ General/day	29.50	29.50	0.00	**
05-29-21		1	Daily Feeding	6.00	6.00	0.00	**
05-29-21		1	I.V. Fluids 3rd+ days x ____ days	27.00	27.00	0.00	**
05-29-21		1	Weight Monitoring			0.00	**
05-29-21		0.04	Unasyn Inject / ml (in hosp)	7.68	7.68	0.00	**
05-29-21		0.04	Unasyn Inject / ml (in hosp)	7.68	7.68	0.00	**
05-29-21		0.04	Unasyn Inject / ml (in hosp)	7.68	7.68	0.00	**
05-29-21		1	Nebulize while in hospital	6.80	6.80	0.00	**

COPY

05-29-21	1 Nebulize while in hospital	6.80	6.80	0.00 **
05-29-21	1 Nebulize while in hospital	6.80	6.80	0.00 **
05-29-21	2 Oral, Topical medication administr	15.20	15.20	0.00 **

Total charges, this invoice... 534.25

**Total discount included: 746.69

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

Reminders for: **Megaboss 16k-21** (Weight: 0.9 lbs - 6w) Last done

04/26	Consultation/Exam- Bi-annual
10/21	FECAL EXAM
08/21	Rabies/Purevax Feline 1yr
08/21	Neuter your pet at 5-6 months
05/21	Feline Rhino/Panleuk/Calici #

Megaboss 16k-21's weight history (in lbs)

05-29-21	0.90
05-27-21	0.70
05-25-21	0.80

LIKE US ON FACEBOOK.COM!

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

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

COPY

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 07-06-21 at 2:34p
Date: 06-21-21
Account: 4417
Invoice: 775965

Date	For	Qty	Description	Price	Discount	Net Price
06-21-21	Bud 8k-21	1	Feline Rhino/Panleuk/Calici #1	34.50	20.75	13.75 **
	Your cat has received the first in a series of immunizations to protect him/her against feline distemper, rhinotracheitis, and calicivirus. It is important to return for a followup booster in 3-4 weeks. Occasionally listlessness, lethargy, or localized discomfort may occur. If there is severe listlessness or facial swelling, please call us for advice.					
06-21-21		1	Ear Mite Screen-Microscopic	47.50	23.75	23.75 **
06-21-21		1	CONSULT / EXAM - first pup/kitten	65.50	39.50	26.00 **
06-21-21		1	Pet Insurance Review			0.00
	Please visit www.petinsurancereview.com and dogtime.com for an independent review of all national pet health insurance plans					
06-21-21		1	FeLV/FIV ELISA in hosp #296809	147.00	98.50	48.50 **
06-21-21		1	EAR CLEANING (Basic)	33.50	16.75	16.75 **
06-21-21		1	FIV Elisa Negative			0.00
06-21-21		1	Feline Leukemia Elisa Negative			0.00
06-21-21	Fern 9k-21	1	CONSULT / EXAM - first pup/kitten	65.50	39.50	26.00 **
06-21-21		1	Pet Insurance Review			0.00
	Please visit www.petinsurancereview.com and dogtime.com for an independent review of all national pet health insurance plans					
06-21-21		1	EAR CLEANING (Basic)	33.50	16.75	16.75 **
06-21-21		1	Feline Rhino/Panleuk/Calici #1	34.50	20.75	13.75 **
	Your cat has received the first in a series of immunizations to protect him/her against feline distemper, rhinotracheitis, and calicivirus. It is important to return for a followup booster in 3-4 weeks. Occasionally listlessness, lethargy, or localized discomfort may occur. If there is severe listlessness or facial swelling, please call us for advice.					
06-21-21		1	Recommend-Fecal (please dropoff			0.00
	Annual fecal microscopic exams are very important for the health of your pet and, since some worms are transmissible to humans, for the health of your family. Please bring us your pet's fecal sample at your earliest convenience					
06-21-21		1	Zoonoses			0.00

COPEX

Discussed Zoonotic potential of intestinal parasites- in particular roundworms.

06-21-21		1 Feline Leukemia Elisa Negative			0.00
06-21-21		1 FIV Elisa Negative			0.00
06-21-21	Magnolia 11k-21	1 CONSULT / EXAM - first pup/kitten	65.50	39.50	26.00 **
06-21-21		1 Pet Insurance Review			0.00
Please visit www.petinsurancereview.com and dogtime.com for an independent review of all national pet health insurance plans					
06-21-21		1 EAR CLEANING (Basic)	33.50	16.75	16.75 **
06-21-21		1 Feline Rhino/Panleuk/Calici #1	34.50	20.75	13.75 **
Your cat has received the first in a series of immunizations to protect him/her against feline distemper, rhinotracheitis, and calicivirus. It is important to return for a followup booster in 3-4 weeks. Occasionally listlessness, lethargy, or localized discomfort may occur. If there is severe listlessness or facial swelling, please call us for advice.					
06-21-21		1 Recommend-Fecal (please dropoff			0.00
Annual fecal microscopic exams are very important for the health of your pet and, since some worms are transmissible to humans, for the health of your family. Please bring us your pet's fecal sample at your earliest convenience					
06-21-21		1 Zoonoses			0.00
Discussed Zoonotic potential of intestinal parasites- in particular roundworms.					
06-21-21		1 FIV Elisa Negative			0.00
06-21-21		1 Feline Leukemia Elisa Negative			0.00
06-21-21	Maple 10k-21	1 CONSULT / EXAM - first pup/kitten	65.50	39.50	26.00 **
06-21-21		1 Pet Insurance Review			0.00
Please visit www.petinsurancereview.com and dogtime.com for an independent review of all national pet health insurance plans					
06-21-21		1 Feline Rhino/Panleuk/Calici #1	34.50	20.75	13.75 **
Your cat has received the first in a series of immunizations to protect him/her against feline distemper, rhinotracheitis, and calicivirus. It is important to return for a followup booster in 3-4 weeks. Occasionally listlessness, lethargy, or localized discomfort may occur. If there is severe listlessness or facial swelling, please call us for advice.					
06-21-21		1 Recommend-Fecal (please dropoff			0.00
Annual fecal microscopic exams are very important for the health of your pet and, since some worms are transmissible to humans, for the health of your family. Please bring us your pet's fecal sample at your earliest convenience					
06-21-21		1 Zoonoses			0.00
Discussed Zoonotic potential of intestinal parasites- in particular roundworms.					
06-21-21		1 EAR CLEANING (Basic)	33.50	16.75	16.75 **
06-21-21		1 Otic- Tresaderm 15ml #296808	42.50	22.40	20.10 **
06-21-21		1 Revolution 0-5lb Mauve Pup/Kit(3 p	58.41	15.93	42.48 **
06-21-21		1 Revolution 0-5lb Mauve Pup/Kit sin	17.50	6.78	10.72 **
06-21-21		1 Feline Leukemia Elisa Negative			0.00

COEY

06-21-21

1 FIV Elisa Negative

0.00

Total charges, this invoice...

371.55

**Total discount included: 475.36

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

LIKE US ON FACEBOOK.COM!

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

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

COPY

TOWN OF NEWBURGH

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

DO NOT WRITE IN THIS BOX

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2660
www.newburghvet.com

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

TERMS Net 30 Days

Invoice # _____

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
6/23/21	776177	COPY		16.50
6/24/21	776317			16.50
TOTAL				33.00

CLAIMANT'S CERTIFICATION

I, Dora M Cast certify that the above account in the amount of \$ 33.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/2/21 DATE Dora M Cast SIGNATURE Office mgr TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

Date Authorized Official

APPROVAL FOR PAYMENT

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

Date Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 06-23-21 at 1:46p
Date: 06-23-21
Account: 19984
Invoice: 776177

Date	For	Qty	Description	Price	Discount	Net Price
06-23-21	Bella 34-21	1	CANINE RABIES / 1YEAR	43.00	26.50	16.50 **

Total charges, this invoice... 16.50

**Total discount included: 26.50

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

Reminders for: **Bella 34-21**

Last done

06/22 CANINE RABIES / 3 YEAR
12/21 FECAL EXAM
12/21 Canine Kennel Cough Vacc -1 ye
06/16 Consultation/Exam- Bi-annual

LIKE US ON FACEBOOK.COM!

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

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

COPIY

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 07-06-21 at 1:44p
Date: 06-24-21
Account: 19984
Invoice: 776317

Date	For	Qty	Description	Price	Discount	Net Price
06-24-21	#36-21 Ruger	1	CANINE RABIES / 3YEAR	43.00	26.50	16.50 **

Total charges, this invoice... 16.50

**Total discount included: 26.50

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

Reminders for: **#36-21 Ruger**

Last done

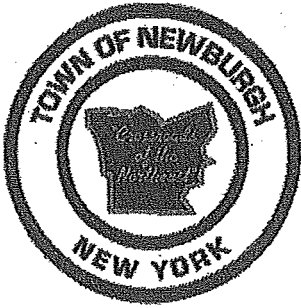
06/22	CANINE RABIES / 3 YEAR
12/21	Neuter your pet at 5-6 months
12/21	Canine Kennel Cough Vacc -1 ye
12/21	FECAL EXAM

LIKE US ON FACEBOOK.COM!

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

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

COPIY



TOWN OF NEWBURGH

1496 Route 300
Newburgh, New York 12550-2677

10

Joseph P. Pedi
Town Clerk

P: 845-564-4554
F: 845-564-8589

DATE: July 1, 2021

TO: Gerald Canfield

FROM: Joseph P. Pedi, Town Clerk

RE: PROPOSED ROAD NAME

ATTACHED IS A REQUEST FOR APPROVAL OF A ROAD NAME.

PLEASE REVIEW AND MAKE THE NECESSARY EVALUATIONS. WE WILL NOT RECOMMEND SUBMISSION FOR TOWN BOARD ACTION UNTIL WE RECEIVE YOUR DECISION. OUR OFFICE WILL NOTIFY THE APPLICANT AND ALL INTERESTED DEPARTMENTS OF THE BOARD'S ACTION.

IN ADDITION, PLEASE COMPLETE THE BOTTOM OF THIS FORM AND THEN RETURN TO THIS OFFICE.

DECISION: _____ DATE: _____

ACCEPTABLE ROAD NAME: Alexandra Matthew Road. (Alexandra Matthew Road)

SECTION 1 BLOCK 1 LOT 63.23

PARCEL NUMBERS: _____ TO _____

FIRE DISTRICT: Plattekill

Location of Road: Between 57 and 65 Cronk Road

Sub-Division Name: Hammond Sub Division

CODE COMPLIANCE SUPERVISOR

Tel# 845-564-4554

email: town-clerk@townofnewburgh.org

Patrick Hines

Thu, Jul 1,
11:03 AM (5
days ago)

to carham511@gmail.com, me, Jonathan

Mrs. Hammond stopped in Thursday to advise that she would like the preferred name to be Alexandra Matthew Road. This changes the list from Alex Matthew identified below .

33 Airport Center Drive, Suite 202
New Windsor, NY 12553

Patrick J. Hines

Principal

Office: (845) 567-3100

Fax: (845) 567-3232

phines@mhepc.com | www.mhepc.com

Jonathan Cella <jonathancella@hotmail.com>

Tue, Jun 29,
10:17 PM (2
days ago)

to me, Alexandra

Mr. Pedi

Good morning We have recently received a conditional approval from the Planning Board for a residential subdivision in the Town of Newburgh that involves the construction of a private road. The below is a list of names which the owner is requesting (in the order of preference).

Alexandra

1. Alex Matthew Road
2. Alexandra Road
3. John Alex Road

For clarity current plans are attached to this email. The subdivision is located on Cronk Road, the parcel is currently vacant, and the frontage of the property where the proposed road will be is between 57 and 65 Cronk Road.

At this time we respectfully request that we be given the proper direction in presenting this information to the Town Board for approval. Please do not hesitate to contact me with any questions and or concerns related to this matter.

Thank you.

Jonathan Cella
845-741-0363

Fw: Hammond Subdivision Road Name

External
Inbox

Jonathan Cella <jonathancella@hotmail.com>

Wed, Jun 30,
11:10 PM (11
hours ago)

to Pat, Alexandra, John, me

Pat:

The below email was sent to Mr. Peditown Clerk on June 29, 2021. The road names proposed for the private road are below in order of preference. Your assistance in properly channeling this request would be greatly appreciated. Current subdivision plans are attached for all to see. Getting this to the most upcoming Town Board meeting would be greatly appreciated.

Any required assistance from me and/or owner can be provided. Thanks.

Jonathan Cella, P.E.
845-741-0363

11A

David A. Violante
53 East Road
Walkill, NY 12589
(845) 542-3949

Joseph Pedi
Town Clerk, Town of Newburgh
1496 Route 300
Newburgh, NY 12550

June 14, 2021

RE: Ethics Committee Term

Joseph,

Thank you for reaching out to me about my Ethics Committee Term ending on July 31, 2021. I am interested in being reappointed if that pleases the Town. Please feel free to reach out if you need anything else from me.

Thank you in advance,

A handwritten signature in black ink, consisting of a stylized, overlapping loop followed by a long horizontal line extending to the right.

David A. Violante

11B

Karl E Najork
587 Grand Avenue
Newburgh NY 12550

July 1, 2021

Town on Newburgh
Supervisor Gil Piaquadio,
Members of the Town Board

Dear Gil,

I would be honored to be considered to continue serving on the town ethics board.

Sincerely,

A handwritten signature in cursive script that reads "Karl Najork".

Karl Najork

PREMIUM SUMMARY

Coverage	Travelers/ Allianz Expiring 2020	Travelers/Allianz 2021 Renewal
Property	\$32,883	\$36,791
Inland Marine	\$24,545	\$25,429
General Liability	\$53,001	\$59,065
Auto Liability & Physical Damage	\$105,231	\$116,445
Law Enforcement Liability	\$44,090	\$47,602
Public Officials Liability	\$26,573	\$29,521
OCP	\$750	\$750
Umbrella	\$54,611	\$58,617
NYS DMV & Fire Fees	Included	\$1,052
Total	\$341,684	\$375,272

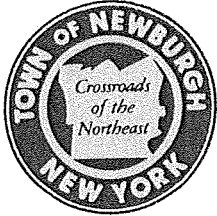
Please Note:

As your insurance representative and at your direction, it is our role to procure insurance proposals on your behalf, to place coverage per your instructions and provide policy service during the policy term.

Insurance companies pay us a sales commission on policies we place with them. The amount we are paid may vary among the insurers we represent. We may receive additional compensation through a contract provision with an insurance company that is contingent on our overall profitability and/or premium volume with the carrier.

At your request, we will provide information on the actual compensation we expect to receive from the sale of insurance policy(s) to you, or what we would have expected to be paid had you selected any alternate quotations that we might have presented to you.

13



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Supervisor Piaquadio
Town Board ✓

From: Charlene M Black, Personnel

Date: July 1, 2021

Re: Wastewater Maintenance Worker

On Thursday July 1, 2021, Jeff Guido, Paul Ruggiero, Liaison and myself interviewed three candidates for the position of Wastewater Maintenance Worker. At this time Mr. Guido would like to offer the position to Daniel Stemmler effective on or after July 19, 2021. The salary is per the CSEA contract, which is a Grade 15, \$23.0447 per hour. All paperwork, physical, drug/alcohol screening and fingerprints need to be done upon your approval. Thank you.

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Daniel Stemmler

DEPARTMENT: Sewer

TITLE OF POSITION: Wastewater Maintenance Worker

FULL TIME OR PART TIME: Full time


HOURLY RATE: \$ 23.0447

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: G5010.8130.5100

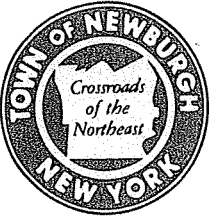
PROPOSED HIRE DATE: on or after 7/19/2021

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT FINGERPRINTS, PRE-EMPLOYMENT PHYSICAL, DRUG/ALCOHOL TESTING AND COMPLETION OF ALL REQUIRED PAPERWORK.


DEPARTMENT HEAD SIGNATURE

7-1-21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL DEPARTMENT



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

14

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Jim Presutti, Commissioner

DATE: March 12, 2021

RE: Community Day Fireworks

The Recreation Department has received one competitive quote for the Community Day Fireworks display for 2021 as well as quotes at the Town's option for 2022 and 2023. Please find attached the quote sheet for your review.

At this time, I am recommending to accept the quote from Fireworks Extravaganza at the price quoted of \$11,999.

Thank you for your consideration.

Regards,

Jim Presutti
Commissioner

FORM A
BID FOR TOWN OF NEWBURGH, NY COMMUNITY DAY
FIREWORKS DISPLAY
JULY 2, 2021
(with Town options for 2022 and 2023)

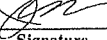
Please quote a price for services as specified herein for each of the three years as follows:

2021 Price: 11,999
2022 Price: 12,499 (at the option of the Town)
2023 Price: 12,999 (at the option of the Town)

As an authorized representative of the identified company, I accept all the terms and conditions identified in Bid Specifications for Town of Newburgh Community Day Fireworks Display and certify that the Bidder will furnish, at the price herein quoted, the materials, equipment and/or services as proposed on this bid.

Company Name and Address:

Fireworks Extravaganza
121 Garruda Ave - Paramus, N.J. 07652
382 Rock Cut Road, Walden NY 12586

By: , an authorized representative
Signature

Dated: 3.11.2021, 2021

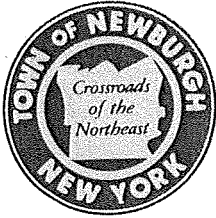
Print Name & Title

John Sagaria, President

Email Address: jsagaria@fwextravaganza.com

Phone Number: 201-968-5200 X713

Fax Number: 206-202-1544



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

15

Jan

PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Supervisor Piaquadio
Town Board Members

From: Charlene M Black, Personnel Director

Date: July 6, 2021

Re: Full Time Police Officers (2)

Please find attached the two candidates: Dillon Benedict and Matthew Winkler that Police Chief Campbell has recommended. They have had their backgrounds and psychological testing done, which came back favorably. Both candidates need to go to the Police Academy. Their start date can be on or after July 26, 2021, pending their physical which Orange County Human Resources sends them for. Thank you in advance for your approval on these three gentlemen.



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD B. CAMPBELL
CHIEF OF POLICE

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

July 6, 2021

To: Newburgh Town Board

Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Full-Time Police Officer Position

I am requesting authorization to hire Dillon Benedict as a full-time police officer at a starting salary of \$58,769 per year. Mr. Benedict is currently reachable on the Orange County Civil Service Police Eligibility list as a resident of the Town of Newburgh. I am requesting Mr. Benedict receive a start date effective July 26, 2021 pending the completion of a thorough background investigation, physical and registration into the Orange County Police Academy. (Fund appropriation # 001-3120-0100-000)

Respectfully submitted,

Donald B. Campbell
Chief of Police

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Dillon Benedict

DEPARTMENT: Police

TITLE OF POSITION: Police Officer

FULL TIME OR PART TIME: Full Time

HOURLY RATE: \$58,769 per year

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 001-3120-0100-000

PROPOSED HIRE DATE: 7/26/21

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.


DEPARTMENT HEAD SIGNATURE

7/6/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD B. CAMPBELL
CHIEF OF POLICE

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

July 6, 2021

To: Newburgh Town Board

Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Full-Time Police Officer Position

I am requesting authorization to hire Matthew Winkler as a full-time police officer at a starting salary of \$58,769 per year. Mr. Winkler is currently reachable on the Orange County Civil Service Police Eligibility list as a resident of the Town of Newburgh. I am requesting Mr. Winkler receive a start date effective July 26, 2021 pending the completion of a thorough background investigation, physical and registration into the Orange County Police Academy. (Fund appropriation # 001-3120-0100-000)

Respectfully submitted,

Donald B. Campbell
Chief of Police

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Matthew Winkler

DEPARTMENT: Police

TITLE OF POSITION: Police Officer

FULL TIME OR PART TIME: Full time

HOURLY RATE: \$58,769 per year

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO NO

FUND APPROPRIATION NUMBER: 001-3120-0100-000

PROPOSED HIRE DATE: 7/26/21

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

[Signature]
DEPARTMENT HEAD SIGNATURE

7/6/21
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

15
16

15. ASSESSMENT REVIEW BOARD:

Seeking candidates for positions on the Assessment Board of Review. Interested candidates should forward a letter of interest and resume to the Town Clerk at town-clerk@townofnewburgh.org or mail to Town Clerk at 1496 Route 300, Newburgh. New York 12550.

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor & Town Board

FROM: Patrick J. Hines, Rep Town Engineer *PJH*

DATE: 7 July 2021

RE: **C** Golden Park Water Main Replacement
Phase 2 – Bid Phase

Attached is a proposal from Colliers Engineering & Design (Formerly Maser Consulting) for the bid phase of the Colden Park water main replacement phase two.

The project has Health Department approval in place.

This project includes replacement of approximately 1500 feet of water main within Mimosa Drive, Linden Drive, Flamingo Drive and Sandalwood Drive.

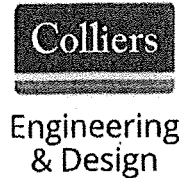
Town Board action is required to authorize Colliers to prepare the bid phase documents. Colliers' fee is \$8,750.00 for this bidding phase.

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

Cc: Mark Taylor, Town Attorney
James Osborne, Town Engineer
Joseph Pedi, Town Clerk

PJH/dd

555 Hudson Valley Avenue
Suite 101
New Windsor New York 12553
Main: 845 564 4495



VIA Email
July 6, 2021

James Osborne
Patrick Hines
Town Engineer
Town of Newburgh Town Hall
1496 Route 300
Newburgh, NY 12550

Proposal for Professional Services
Watermain Improvements at Colden Park - Phase 2
Town of Newburgh, Orange County, New York
Colliers Engineering & Design Proposal No.: 15000434P

Dear Mr. Osborne & Mr. Hines,

Colliers Engineering & Design CT, PC (**CED**) (DBA Maser Consulting Engineering & Land Surveying) is pleased to submit this proposal to provide professional services for Phase 2 of the water main improvement project at the Colden Park residential development. This task proposes to install new 8" DIP water main in Mimosa Drive (± 260 LF), Linden Drive (± 745 LF), Flamingo Drive (± 225 LF) and Sandalwood Drive (± 260 LF) to replace portions of the existing 6" main. These water improvements were previously approved by the OCDOH in August 2016 and will be the basis of developing the proposed Bid Documents for the Town of Newburgh.

This proposal is divided into two sections as follows:

- Section I – Scope of Services**
- Section II – Client Contract Authorization**

The order in which the following scope of services are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Colliers Engineering & Design to meet project schedules.

Section I – Scope of Services

Based on our conversations and information noted above, we propose to complete the following:

Task 1.0 BID DOCUMENTS

CED will prepare specifications, plans, and bid manual suitable for public bidding in accordance with New York State General Municipal Law. These plans will be generated in coordination with the previous OCDOH approval.

Preparation of an Engineer's Estimate

Maser Consulting is now Colliers Engineering & Design



Providing addenda to the Bid Documents shall be included.

CED shall prepare and supply 10 sets of the Bid Document package for bidding by the Town and eventual award of contract between the Town and the contractors for the proposed project.

CED shall respond to questions (RFI's) posed by bidders relative to the bid documents.

Task 1.0 Lump Sum Fee \$ 8,750.00

Task 2.0 PLAN REVISIONS AND ADDITIONAL SERVICES

Services accomplished under this task will be billed hourly in accordance with a separate proposal and will include revisions or extra services requested by the various review agencies and/or the client that differ from the original scope of service, or revisions required as conditions of approval that are not an error or omission on the part of Colliers Engineering & Design. Additional services will not be advanced without providing notice to you of the need for additional services and obtaining your approval of the additional scope of services and fees.

Task 2.0 Fee Separate Contract/Hourly

Schedule of Fees

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Task Name	Fee
Task 1.0 Bid Documents	\$8,750.00
Task 2.0 Plan Revisions and Additional Services	Separate Contract/Hourly

Exclusions and Understandings

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Boundary and/or topographic survey;
- The preparation of easements or written descriptions;
- Construction administration and inspection services;
- Exploratory or testing work, interpretations or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on the site;
- Application or review fees to any regulatory review agency;
- Changes or revisions beyond our control or changes in basic concept after design service has been accomplished;
- Substantial plan revisions, changes, or preparation of additional design support requested by regulatory agencies during the course of project review.



Engineering
& Design

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Colliers Engineering & Design may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services.



Engineering
& Design

Section II – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

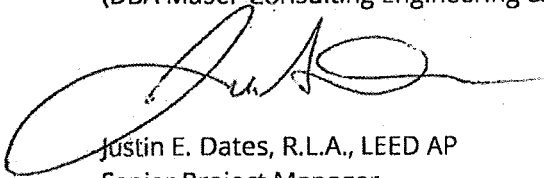
Title

If you find this proposal acceptable, please sign where indicated above and return one signed copy to this office. Invoices are due within 30 days. This proposal is valid for 60 days from the date of this document.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Sincerely,

Colliers Engineering & Design CT, PC
(DBA Maser Consulting Engineering & Land Surveying)



Justin E. Dates, R.L.A., LEED AP
Senior Project Manager

JED/paw

cc: Ronald Lezott, Colliers Engineering & Design (via email)

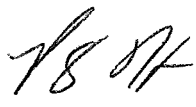
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17B

TOWN OF NEWBURGH
TOWN ENGINEER

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor & Town Board
FROM: Patrick J. Hines, Rep Town Engineer
DATE: 7 July 2021
RE: Hydrant Painting Bid Authorization



This department has prepared bid documents to solicit bids from qualified contractors for painting 300 hydrants within the Town of Newburgh. The bid allows for the Town to add up to 200 additional hydrants at the discretion of the Town.

Hydrant locations are as directed by the Water Department.

Town Board action is required to authorize the advertisement for bids. Bids will be received 3 Aug 2021.

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

Cc: Mark Taylor, Town Attorney
James Osborne, Town Engineer
Joseph Pedi, Town Clerk

PJH/dd

**TOWN OF NEWBURGH
CONSOLIDATED WATER DISTRICT
ORANGE COUNTY, NEW YORK**

**NOTICE TO BIDDERS
CLEANING, PREPARATION AND PAINTING OF FIRE HYDRANTS**

The Town Board of the Town of Newburgh, County of Orange, New York, hereby invites the submission of sealed bids for the cleaning, preparation and painting of fire hydrants (all equipment, materials, supplies and labor). The fire hydrants are located along various Town, County and State Highways in the Town of Newburgh, New York.

Bids must be in writing on the forms furnished and shall be subject to the conditions contained in the Instruction to Bidders and Specifications as well as the following: (1) the Town Board reserves the right to reject all bids and re-advertise for new bids; (2) all bidders shall be prepared to submit proof of responsibility as required by the Town Board; (3) each bid must contain the certificates set forth and required by Sections 103-a, 103-b and 103d of the General Municipal Law relating to non-collusion and grounds for cancellation; and (4) no bidder may withdraw its bid within 45 days after the actual date of the opening of the same.

Detailed specifications for the above item(s) may be secured at the Town Clerk's Office, 1496 Route 300, Newburgh, New York 12550.

All bids are to be submitted on bid forms obtainable at the Town Clerk's Office, 1496 Route 300, Newburgh, New York 12550 and shall be contained in sealed envelopes marked "CLEANING, PREPARATION AND PAINTING OF FIRE HYDRANTS".

Sealed bids will be received by the undersigned on behalf of the Town Board up until 2:00 p.m., 3 August 2021 at the Town Clerk's Office, 1496 Route 300, Newburgh, New York 12550 when the same will be publicly opened and read aloud. The Town Board reserves the right to reject any or all bids and to waive any irregularity in a bid as the interests of the Town may require.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF NEWBURGH

JOSEPH PEDI, TOWN CLERK

8 July 2021



MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
NEWBURGH IN SUPPORT OF AN ACT TO AMEND THE
EXECUTIVE LAW, IN RELATION TO ESTABLISHING
SEPTEMBER TWENTY-SECOND OF EACH YEAR AS A
DAY OF COMMEMORATION KNOWN AS "VETERAN
SUICIDE AWARENESS AND REMEMBRANCE DAY", BILL
NO. A.6975 AND S.4093 AND AN ACT TO AMEND THE
STATE LAW, IN RELATION TO A STATE FLAG FOR
RAISING AWARENESS OF VETERAN SUICIDE, BILL NO.
A.6200 AND S.5148
OUR FILE NO. 800.1(B)()(2021)

DATE: JULY 8, 2021

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

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ATTORNEYS

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

In accordance with Supervisor Piaquadio's request of this morning,
enclosed please find the above referenced draft resolution for the Board's
consideration which is based upon the materials forwarded by Councilman
LoBiondo.

MCT:kac
Enc.
cc: Joseph P. Pedi, Town Clerk

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 July, 2021 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWBURGH IN SUPPORT OF AN ACT TO AMEND THE EXECUTIVE LAW, IN RELATION TO ESTABLISHING SEPTEMBER TWENTY-SECOND OF EACH YEAR AS A DAY OF COMMEMORATION KNOWN AS "VETERAN SUICIDE AWARENESS AND REMEMBRANCE DAY", BILL NO. A.6975 AND S.4093 AND AN ACT TO AMEND THE STATE LAW, IN RELATION TO A STATE FLAG FOR RAISING AWARENESS OF VETERAN SUICIDE, BILL NO. A.6200 AND S.5148

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

WHEREAS, the United States Department of Veterans Affairs has reported that on average 22 veterans a day die by suicide, with the rate of suicide among veterans 1.4 times higher among male veterans and 1.8 times higher among female veterans when compared to the general adult population; and

WHEREAS, veterans continue to be at the greatest risk of committing suicide among the U.S. population and within the veteran population, younger veterans are taking their lives at a higher rate than older veterans; and

WHEREAS, in 2016, 153 veterans in New York died by suicide and in 2017, 136 died, one nearly every other day; and

WHEREAS, New York's veteran suicide rate of 19.0 is significantly higher than the rate of suicide for New York's general population which is 10.4, and

WHEREAS, under the existing law there are a number of days designated to commemorate historical events, people, cultural or religious celebrations, and patriotic causes, and recognizing this epidemic by creating this day is imperative to awareness and prevention to help those who dedicate their lives to protect and serve our country, and their fellow Americans; and

WHEREAS, the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help; and

WHEREAS, the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives; and

WHEREAS, suicide is a complex, multifaceted biological, sociological, psychological, and societal problem; and

WHEREAS, there is a great need for the development of more effective suicide prevention programs for our veterans; and

WHEREAS, Governor Andrew M. Cuomo initiated The New York State Suicide Prevention Task Force which issued a report in April 2019. The report recommended that the State and Localities should engage Veterans, families, and the wider community in conversations about the

development of strategies to both improve the dissemination of information and resources designed to decrease isolation and better support veterans and their families; and

WHEREAS, raising a continued awareness and breaking the stigma of suicide and mental health are key steps to preventing this unnecessary loss of life.

NOW, THEREFORE, BE IT RESOLVED, that, we, the Town Board of the Town of Newburgh support the enactment of Bill S-4093/A.6975, which designates September 22nd as "Veteran Suicide Awareness and Remembrance Day", a day New Yorkers, and the citizens of the Town of Newburgh will be called upon to remember that many of the wounds of war are unseen and persist long after the end of a veteran's military service; and

BE IT FURTHER RESOLVED, that, we, the Town Board of the Town of Newburgh also support the enactment of Bill S-5148/A.6200, which would establish the Suicide Awareness and Remembrance Flag as the official state flag to raise awareness of veteran suicide, and remember and honor those who have served this country and have fallen victim to this epidemic; and

BE IT FURTHER RESOLVED, that each September 22nd in the Town of Newburgh will mark Veteran Suicide Awareness and Remembrance Day to honor the fallen and their families, and provide hope to living Veterans by showing that we, as a community, care and that efforts to help are available; and

BE IT FURTHER RESOLVED, if you are a veteran or know a veteran in need of help you may contact the Veteran Crisis line 24 hours a day, 7 days a week, 365 days at 1-800-273-8255 and press 1 to talk to someone or send a text message to 838255 to connect with a Veterans Affairs responder; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Congressman Andrew Maloney, the Hon. Andrew Cuomo, Governor, State Senate Majority Leader Andrea Stewart-Cousins and State Senate Minority Leader Robert G. Ort, State Assembly Majority Leader Crystal Peoples-Stokes and State Assembly Minority Leader William Barclay, the Hon. James Skouffis, State Senator for the 39th Senate District and the Hon. Jonathan G. Jacobson, Assemblyman for the 104th Assembly District and the Hon. Stephen M. Neuhaus, Orange County Executive

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

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

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

The resolution was thereupon declared duly adopted.