

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

**TOWN BOARD PUBLIC MEETING AGENDA**  
**Monday, June 14, 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. PUBLIC HEARING (7:00 p.m.): Introductory Local Law 3 of 2021 – Hotel Occupancy Tax
7. PUBLIC HEARING (7:10 p.m.): Introductory Local Law 2 of 2021 – Temporary Outdoor Dining Permits
8. PUBLIC HEARING (7:20 p.m.): Chadwick Lake Resiliency Improvements Project Cost Increase
9. FLEET DEPARTMENT: Approval to Create and Post Position for Automotive Mechanic
10. CODE COMPLIANCE DEPARTMENT:
  - A. Approval to Conduct Carnival at Newburgh Mall
  - B. Approval for Electrical Inspector “Inspections on Time”
  - C. Approval for Road Name – “Matt’s Lane”
11. ACCOUNTING DEPARTMENT: Approval to Hire Principal Payroll Clerk
12. RECREATION DEPARTMENT:
  - A. Approval to Hire Two Replacement Seasonal Camp Counselors
  - B. Approval to Modify Salary of One Camp Counselor
  - C. Approval to Hire Seasonal Recreation Aide
  - D. Approval to Begin Process to Hire Full Time Recreation Leader
13. ANIMAL CONTROL:
  - A. T-94 Withdrawal for Flannery Animal Hospital
  - B. Approval to Hire Two Part Time Shelter Helpers
  - C. Approval to Hire Part Time Animal Control Officer
14. HIGHWAY DEPARTMENT: Resolution Requesting New York State Department of Transportation Traffic Study for Intersection of State Route 32 and Chestnut Lane
15. RESOLUTION: Approval of Revised Public Employer Health Emergency Plan
16. TOWN SUPERVISOR: Purchase of HVAC for Town Hall Meeting Room
17. ENGINEERING DEPARTMENT:
  - A. Gardnertown Road/ Gidney Avenue Culvert Replacement – Change Order 1
  - B. North Fletcher Drive Watermain Extension – Change Order 1
18. ANNOUNCEMENTS
19. PUBLIC COMMENTS
20. ADJOURNMENT

GJP; jpp  
June 11, 2021 at 9:05 am

**NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on May 10, 2021, Introductory Local Law No. 3 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", the purpose and effect of which is to impose 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 for occupancies by certain governments, public corporations, not-for-profit entities when required documentation of exemption is presented or permanent residents. The Local Law adds definitions for the term "Effective Date," "Hosting Company," "Hotel or Motel," "Occupancy," "Occupant," "Operator," "Permanent Resident," "Person," "Rent," "Return," "Room," "Supervisor" and "Tourist Facility." Operators and Hosting Companies will be required to register with the Town Supervisor and will be issued certificates of authority to collect the tax from occupants at the time when the occupancy is arranged or contracted for and charged for. The tax will be administered by the Town's Supervisor or his designee and the Supervisor shall have the authority to issue certain regulations and is granted certain specified powers in that regard. The Local Law authorizes voluntary collection agreements between the Town and Hosting Companies for booking transactions completed through the Hosting Company and hosts and operators shall not be liable for the tax for such transactions, the Hosting Company being solely liable. The Local Law imposes record keeping requirements and requires the filing of quarterly returns for specified three month periods to be accompanied by the tax payment. Determinations of the amount of tax owed shall be reviewable in proceedings instituted under Article 78 of the Civil Practice Laws and Rules subject to certain specified deposit requirements. The Local Law establishes refund procedures. It provides that the tax revenues are to be deposited in the Town's general fund to be used for any lawful purpose. The Local Law additionally provides for penalties and interest for failure to file or pay or filing of false returns, and for the confidentiality of returns and for enforcement proceedings. The Supervisor will be required to file quarterly reports on tax registrations, filings and payments with the Town Board.

PLEASE TAKE FURTHER NOTICE that pursuant to Section Twenty of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Newburgh on June 14, 2021 at 7:00 p.m. at which time all interested parties will be heard. The public hearing will be conducted at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York, **provided however**, that if the Governor's Executive Orders 202.1 and 202.15, 202.38, 202.48, 202.55, 202.60, 202.67, 202.79, 202.87, 202.92, 202.94, 202.96, 202.107 and any subsequent extensions suspending and modifying applicable law are still in effect on June 14, 2021, the Town Board will **not** be conducting the public hearing in person and it will instead be conducted **by videoconference**. A transcript will be posted on the Town's website at a later date. The public will have the opportunity to see and hear the public hearing live and provide comments either during the public hearing verbally or in writing by mail or email up to ten (10) days following the posting of the transcript on the Town's website. Information with regard to whether the June 14, 2021 Town Board meetings and public hearings will be conducted in person or by videoconference will be available as soon as the Governor's determination on issuing an additional Executive Order is known on the Town's

website, townofnewburgh.org, as well as by contacting the Town Clerk's office by telephone at (845) 564-4554.

**In the event the public hearing is conducted by videoconference, the public can watch the public hearing and provide verbal comments via Zoom. The Zoom app must first be downloaded and installed on smartphones, tablets or computers from [www.zoom.us](http://www.zoom.us).**

Topic: TON Board Meeting

Time: Jun 14, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87532340543?pwd=ekxyNDdTN0VJK3lVbWR5Q1I1RkVPZz09>

Meeting ID: 875 3234 0543

Passcode: 850745

One tap mobile

+16468769923,,87532340543#,,,,\*850745# US (New York)

+13126266799,,87532340543#,,,,\*850745# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 875 3234 0543

Passcode: 850745

Find your local number: <https://us02web.zoom.us/u/kB50SAf5S>

**Comments may be sent by mail to the following address: Town of Newburgh Town Clerk, 1496 Route 300, Newburgh, NY 12550, or preferably by email to [townclerk@townofnewburgh.org](mailto:townclerk@townofnewburgh.org). Comments must be received no later than ten (10) days following the posting of the transcript on the Town's website.**

The Town of Newburgh provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 564-4554. Advance notice is requested. Facemasks and temperature checks are required for entry into the Town Hall. The Town Board has determined the adoption of the Local Law to be an Unlisted Action under the State Environmental Quality Review Act.

Dated: May 26, 2021

Joseph P. Pedi  
Town Clerk, Town of Newburgh

**INTRODUCTORY LOCAL LAW NO. 3 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).

## NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on April 26, 2021, Introductory Local Law No. 2 of the Year 2021 entitled "A Local Law Providing for Temporary Outdoor Dining Permits During the Year 2021", the purpose and effect of which is to allow for the controlled utilization of certain outdoor spaces for dining activities, for a limited period of time, to assist business establishments in recovery from the effects of the COVID-19 pandemic emergency and the restrictions related to social distancing and decreasing maximum capacity of indoor spaces and the increased focus on operating outdoors and in the open air to the extent possible. The Local Law authorizes the Code Compliance Department to issue a permit to remain in effect for a period which expires; December 31, 2021 or such earlier date as the Code Compliance Supervisor determines warranted by the circumstances to a legally operating restaurant, eating and drinking place, fast food establishment, delicatessen and similar use with approved indoor seating as set forth in the Town of Newburgh Zoning Code, to provide outdoor seating for patrons upon complying with all of the requirements and conditions set forth in the Local Law. Application requirements will include a valid liability insurance certificate and a plan showing where the seating will be provided outdoors and potential seating capacity, not to exceed the maximum permissible indoor capacity. If seating is going to be provided in a designated parking area, the plan must also show vehicular and pedestrian access, internal vehicular circulation and the number of parking spaces available for patrons to demonstrate to the reasonable satisfaction of the Building Inspector, sufficient parking on the site. Seating shall not be proposed for fire lanes or other areas where it would significantly impede emergency responses or the flow of traffic in the judgment of the Town's Code Compliance Department. The Code Compliance Supervisor may waive the permit application requirement if the establishment has already been permitted to have outdoor seating in 2021 pursuant to previously established protocols under emergency orders.

PLEASE TAKE FURTHER NOTICE that pursuant to Section Twenty of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Newburgh on June 14, 2021 at 7:10 p.m. at which time all interested parties will be heard. The public hearing will be conducted at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York, **provided however**, that if the Governor's Executive Orders 202.1 and 202.15, 202.38, 202.48, 202.55, 202.60, 202.67, 202.79, 202.87, 202.92, 202.94, 202.96, 202.107 and any subsequent extensions suspending and modifying applicable law are still in effect on June 14, 2021, the Town Board will **not** be conducting the public hearing in person and it will instead be conducted **by videoconference**. A transcript will be posted on the Town's website at a later date. The public will have the opportunity to see and hear the public hearing live and provide comments either during the public hearing verbally or in writing by mail or email up to ten (10) days following the posting of the transcript on the Town's website. Information with regard to whether the June 14, 2021 Town Board meetings and public hearings will be conducted in person or by videoconference will be available as soon as the Governor's determination on issuing an additional Executive Order is known on the Town's website, townofnewburgh.org, as well as by contacting the Town Clerk's office by telephone at (845) 564-4554.

**In the event the public hearing is conducted by videoconference, the public can watch the public hearing and provide verbal comments via Zoom. The Zoom app must first be downloaded and installed on smartphones, tablets or computers from [www.zoom.us](http://www.zoom.us).**

Topic: TON Board Meeting

Time: Jun 14, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87532340543?pwd=ekxyNDdTN0VJK3lVbWR5Q1I1RkVPZz09>

Meeting ID: 875 3234 0543

Passcode: 850745

One tap mobile

+16468769923,,87532340543#,,,,\*850745# US (New York)

+13126266799,,87532340543#,,,,\*850745# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 875 3234 0543

Passcode: 850745

Find your local number: <https://us02web.zoom.us/u/kB50SAf5S>

**Online meeting/public hearing materials:** <http://www.townofnewburgh.org/cn/meetings/>

**Comments may be sent by mail to the following address: Town of Newburgh Town Clerk, 1496 Route 300, Newburgh, NY 12550, or preferably by email to [townclerk@townofnewburgh.org](mailto:townclerk@townofnewburgh.org). Comments must be received no later than ten (10) days following the posting of the transcript on the Town's website.**

The Town of Newburgh provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 564-4554. Advance notice is requested. Facemasks and temperature checks are required for entry into the Town Hall. The Town Board has determined the adoption of the Local Law to be an Unlisted Action under the State Environmental Quality Review Act.

Dated: May 25, 2021

Joseph P. Pedi  
Town Clerk, Town of Newburgh

**TOWN OF NEWBURGH  
LOCAL LAW NO. 2 of 2021**

**A Local Law Providing for Temporary  
Outdoor Dining Permits During the Year 2021**

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

**SECTION 1. Purpose and Intent.**

It is the purpose and intent of the Town Board in enacting this Local Law to allow for the controlled utilization of certain outdoor spaces for dining activities, for a limited period of time, to assist business establishments in recovery from the effects of the COVID-19 pandemic emergency. In light of the continuing COVID-19 pandemic, and the restrictions related to social distancing and decreasing maximum capacity of indoor spaces in an effort to reduce the risk of spread of the virus, there has been an increased focus on operating outdoors and in the open air to the extent possible. This has come to the Town Board's attention specifically in the context of Restaurants, Eating and Drinking Establishments and other uses involving the service of food and drink in the Zoning Code, where the establishments are required to reduce their maximum indoor occupancy and have sought to create outdoor seating in order to serve their patrons in a safe environment and also generate the level of business necessary to remain viable. The Board finds that it is in the public interest to provide an opportunity for such establishments to provide outdoor dining space, on conditions which balance the public interest in maintaining the quality of life in the community, preserving the public health, safety and welfare of the community, and protecting the users, owners and occupants of surrounding properties. This local law creates a temporary permitting process to allow for such outdoor uses under appropriate circumstances when the establishment can demonstrate that due to a risk to public health, safety and welfare, regardless of whether it is specifically related to the COVID-19 pandemic, the establishment cannot utilize all of its permitted indoor occupancy space to accommodate its designated capacity.

**SECTION 2. Temporary Outdoor Dining Permits.**

**A. Temporary Outdoor Dining Permits Authorized**

1. Upon application, the Code Compliance Department is hereby authorized to issue a permit to remain in effect for a period which expires; December 31, 2021 to a legally operating restaurant, eating and drinking place, fast food establishment, delicatessen and similar use with approved indoor seating as set forth in the Town of Newburgh Zoning Code (an "Establishment"), to provide outdoor seating for patrons on or immediately adjacent to the Establishment's private property upon the Establishment complying with all of the requirements and conditions set forth in this Local Law to the reasonable satisfaction of the Code Compliance Supervisor or his designee. The Code Compliance Supervisor or his designee may grant the permit for a period expiring sooner than December 31, 2021 or require a permit's periodic renewal in his reasonable discretion based upon the circumstances warranting the granting of the permit.

2. An application for the Temporary Outdoor Dining Permit must be made at least 10 days in advance of the establishment seeking to utilize outdoor dining. If the Establishment fails to timely apply for a permit, the Establishment must cease any and all operations authorized by the permit if and until a new permit is issued.

3. This permit only authorizes outdoor seating, not congregating or standing outside. An open-air tent may be provided to cover the area of an outdoor seating but the tent shall not have sides or flaps such that the outdoor dining area will be enclosed.

B. Requirements for Temporary Outdoor Dining Permit In its application to the Code Compliance Department for a Temporary Outdoor Dining Permit, the Establishment shall include the following information:

1. Certificate of Occupancy or other documentation demonstrating that the Establishment is legally operating within the Town if not already on file with the Department.

2. A plan showing where the seating will be provided outdoors, which plan must show a potential seating capacity not to exceed the maximum permissible indoor capacity but for the risk to public health, safety and welfare that precludes the Establishment from utilizing any or all of the designated indoor space for the service of patrons.

3. If seating is going to be provided in a designated parking area, a plan showing vehicular and pedestrian access, internal vehicular circulation and the number of parking spaces available for patrons to demonstrate to the reasonable satisfaction of the Building Inspector, sufficient parking on the site. Seating shall not be proposed for fire lanes or other areas where it would significantly impede emergency responses or the flow of traffic in the judgment of the Town's Code Compliance Department. A permit for a temporary outdoor dining area shall only be authorized where it is determined by the Code Compliance Supervisor that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic.

4. A valid certificate of liability insurance.

5.. Any other information the Code Compliance Supervisor determines to be reasonably necessary.

C, Waiver. The Code Compliance Supervisor may waive the permit application requirement if the Establishment has already been permitted to have outdoor seating in 2021 pursuant to previously established protocols under emergency orders.

D. Compliance with All Other Laws Except to the extent stated herein, the Establishment shall be required to comply with all other applicable Federal, State and Local laws, rules, regulations and executive orders, including but not limited to, the Uniform Fire Prevention and Building Code, New York State Department of Health Regulations, New York State Liquor Authority Regulations and the Town Code.

E. Code Compliance Supervisor Authority

1. The Code Compliance Supervisor is authorized to review applications and issue permits only when in his reasonable opinion all applicable conditions and requirements of this Local Law have been satisfied.

2. Upon the Code Compliance Supervisor's determination that all applicable conditions and requirements of this Local Law have been satisfied, the Code Compliance Supervisor may issue the Temporary Outdoor Dining Permit without any further review or approval required by any Town official, department and/or board.

3. In the event the Code Compliance Supervisor determines that after a permit is issued the Establishment is not complying with the conditions and requirements of this Local Law or any other applicable rule, regulation, ordinance, local law or statute, the Code Compliance Supervisor may immediately revoke or suspend the Temporary Outdoor Dining Permit and the Establishment shall cease all activity authorized by the Temporary Outdoor Permit immediately.

4. In receiving the Temporary Outdoor Dining Permit, the Establishment authorizes Code Compliance Supervisor, inspectors and enforcement officers, and any other designated Town official or employee, to enter the property and the interior of the premises in order to ensure compliance with this Article.

5. If periodic renewals are required, issuance of one Temporary Outdoor Dining Permit does not require the Code Compliance Department to issue subsequent permits. With each Temporary Outdoor Dining Permit application or renewal application, the Establishment is required to demonstrate compliance with all conditions and requirements of this Article.

E. Liability of permit holder.

The person or persons to whom a Temporary Outdoor Dining Permit has been issued shall be liable and shall indemnify the Town for any loss, damage, or injury or expense sustained by the Town arising out of any claim or cause of action instituted or commenced by any person or persons arising out of the issuance of such permit or as a direct or indirect result of the operation of such outdoor dining area.

F. Appeal from denial, revocation, suspension or issuance of permit.

Appeals from the issuance, denial, suspension, revocation or other condition of a permit may be taken to the Zoning Board of Appeals by any aggrieved person within 30 days from the date of the issuance, denial, suspension or revocation, by filing an application to the Zoning Board of Appeals.

F. Maintenance of the premises.

The outdoor dining area and adjacent areas shall be periodically cleaned and kept refuse free, as needed. Sufficient containers for trash shall be placed in the outdoor dining area.

G. Furniture, Fixtures, Signage.

All furniture and fixtures used in conjunction with outdoor dining must be of a temporary nature. No signage shall be permitted to be affixed to any temporary structures. No permanent improvements shall be made without appropriate approvals.

H. Penalties for Offenses. A violation of any provision or requirement of this Chapter or a violation of any statement, plan, application, permit or certificate required, issued and/or approved under the provisions of this Chapter, or of the terms or conditions contained therein, shall be considered an offense punishable by a fine of not less than \$350 nor more than \$5,000 or imprisonment for a period not to exceed 15 days, for both such fine and imprisonment. Each and every day that any such violation continues after the specified time to abate shall constitute a separate offense. Additionally, a person who commits, takes part or assists in violation of any provision of this chapter or who maintains a premises on which any such violation shall exist shall be subject to monetary civil penalties not exceeding \$350 for the first violation; not less than \$350 nor more than \$700 for the second violation; and not less than \$700 nor more than \$1,000 for a third or subsequent violation. Each day's continued violation shall constitute a separate additional violation.

**SECTION 4. Superseding Effect.** This Local Law temporarily supersedes and amends provisions of the Town's Zoning Code which would otherwise apply, including but not limited to Sections 185-10, 185-11, Article IX and those other provisions which impose site plan approval or bulk requirements for outdoor seating.

**SECTION 5. Validity.** The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

**SECTION 6. Effective Date.** This Local Law shall take effect immediately upon filing in the office of the Secretary of State.



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

**MEMORANDUM**

P: 845.562.9100  
F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

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

**FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE:** CHADWICK LAKE RESERVOIR AND WATER  
FILTRATION PLANT IMPROVEMENTS PROJECT;  
OUR FILE NO. 800.1(B)(3)(2019), 801.152, 800.1(B)  
( ) (2021)

**DATE:** June 10, 2021

**ATTORNEYS**

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

Enclosed for the Town Board's consideration following the close of the public hearing scheduled for June 14, 2021 with regard to the increased estimated project cost is the following draft Order:

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

PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK; AND

**COUNSEL**

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

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

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

**cc:** Town Clerk Joseph P. Pedi (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Jeff Guido, Water Department Head (via e-mail)  
Patrick Hines, McGoey, Hauser & Edsall (via e-mail)  
Douglas Goodfriend, Esq., Bond Counsel (via e-mail)



At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the 14th day of June, 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

Councilman/woman \_\_\_\_\_ presented the following order which was seconded by Councilman/woman \_\_\_\_\_.

In the Matter of The Increase and Improvement of the Facilities of the Consolidated Water District: in the Town of Newburgh, Orange County, New York	PUBLIC INTEREST ORDER
---	-----------------------------

WHEREAS, the Town Board of the Town of Newburgh, Orange County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York (the "Consolidated Water District:"), being the planning, design, engineering, reconstruction and construction of improvements to the Chadwick Lake Reservoir and Water Treatment Plant consisting of installing a water quality monitor in Chadwick Lake, installing a powder activated carbon (PAC) feed system, installing the necessary piping, mechanical equipment, tankage and electrical\process control modifications to connect to a trailer-mounted membrane filtration unit, adding a third

solids handling tank and installing floating decanters in the solids handling tanks to ensure a minimum supply of 2.0 million gallons per day of water during the planned shutdown of the New York City Delaware Aqueduct in 2022 in and for said Town, including the original furnishings, equipment, machinery and apparatus, appurtenances, as well as incidental costs and expenses in connection therewith, at a maximum estimated cost of \$1,823,900; and

WHEREAS, it has now been determined that the maximum estimated cost of such increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York is \$2,209,229, constituting an increase of \$385,329 over the previously estimated cost of \$1,823,900 as set forth in an updated map, plan and report, including the increased estimate of cost, which the Town Board has caused to be prepared pursuant to Section 202-b of the Town Law,; and

WHEREAS, said capital project has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA") and Chapter 100 of the Town of Newburgh Municipal Code, the implementation of which as proposed, will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board duly called and held on the 10<sup>th</sup> day of May, 2021, an order was duly adopted by it and entered in the minutes reciting the filing of such map, plan and report including an estimated of cost, the improvement proposed and the increased maximum aggregate amount proposed to be expended for the improvement, to-wit: the sum of \$2,209,299.00 for the Consolidated Water District, and specifying that said Board would meet to consider the map, plan and report, including an estimate of cost and the increase and improvement of the facilities of the Consolidated Water District and to hear all persons interested in the subject thereof concerning the same at 1496 Route 300 in Newburgh, New York, in said Town on the 14th day of June, 2021 at 7:20 o'clock, p.m., Prevailing Time; and

WHEREAS, the Notice of Public Hearing duly authorized by said order and duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in The Mid-Hudson Times, which is hereby

designated as an official newspaper of this Town for such purpose on \_\_\_\_\_, 2021 and in Orange County Post, which is also hereby designated as an official newspaper of this Town for such purpose on \_\_\_\_\_, 2021, and a copy of such Notice of Public Hearing was posted on \_\_\_\_\_, 2021, on the signboard maintained by the Town Clerk of the Town of Newburgh pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board in the Town of Newburgh, Orange County, New York, as follows:

Section 1. A copy of the Notice of Public Hearing set forth in the Order calling a public hearing as recited in the preambles hereof duly certified by the Town Clerk was duly published and posted as required by law.

Section 2. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Consolidated Water District, in the Town of Newburgh, Orange County, New York, consisting of the planning, design, engineering, reconstruction and construction of improvements to the Chadwick Lake Reservoir and Water Treatment Plant consisting of installing a water quality monitor in Chadwick Lake, installing a powder activated carbon (PAC) feed system, installing the necessary piping, mechanical equipment, tankage and electrical process control modifications to connect to a trailer-mounted membrane filtration unit, adding a third solids handling tank and installing floating decanters in the solids handling tanks to ensure a minimum supply of 2.0 million gallons per day of water during the planned shutdown of the New York City Delaware Aqueduct in 2022 in and for said Town, including the original furnishings, equipment, machinery and apparatus, appurtenances, as well as incidental costs and expenses in connection therewith, at a maximum estimated cost of \$2,209,299.

Section 3. The Town Engineer is hereby directed to prepare or to cause a licensed professional engineer retained for said purposes to prepare definite plans and

specifications and to make a careful estimate of the expense of the aforesaid improvements, and to prepare a proposed contract for the execution of the work.

Section 4. The Town Clerk shall cause a copy of this Order to be filed with the County Clerk of the County of Orange.

Section 5. This Order shall take effect immediately.

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

<u>Elizabeth 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 order was thereupon declared duly adopted.

**CERTIFICATION FORM**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ORANGE         )

I, the undersigned Clerk of in the Town of Newburgh, Orange County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 8th day of March, 2021.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

**Mic-Hudson Times** on \_\_\_\_\_ and the

**Orange County Post** on \_\_\_\_\_

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

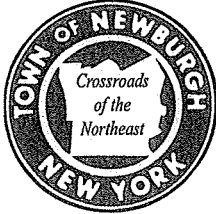
**Town Hall Lobby Posting** on \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_ day of March, 2021.

---

Joseph P. Pedi, Town Clerk

(CORPORATE SEAL)



# HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177  
FAX 845-561-8987

MARK HALL  
HIGHWAY SUPERINTENDENT

**TO:** Gil Piaquadio, Supervisor & Town Board Members

**FROM:** Mark Hall, Highway Superintendent *MH*

**DATE:** June 7, 2021

**RE:** Post for Fleet Mechanic Position *MH*

I am requesting permission to post for the Fleet Mechanic position. If you have any questions feel free to contact me. Thank you

**MH:ch**

**cc: Charlene Black, Personnel Department**

**10. CODE COMPLIANCE DEPARTMENT:****A. Approval to Conduct Carnival at Newburgh Mall**

**Dreamland Amusements requests approval to conduct a carnival on the grounds of the Newburgh Mall from Friday, June 17, 2021 to Sunday, June 27, 2021. Police Department and Code Compliance have approved Dreamland's Carnival application and Dreamland will contact the Orange County Department of Health so as to adhere to all current pandemic protocol for outside gatherings.**



10B

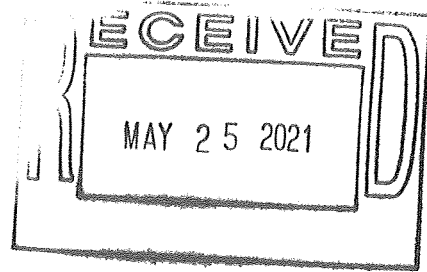
# INSPECTIONS ON TIME

New York Electrical Inspectors, Inc

New York Electrical Inspectors, Inc  
dba Inspections on Time  
809 Highland Laker Rd.  
Middletown NY 10940

May 20th, 2021

Gil Piaquadio  
Town Supervisor  
Town of Newburgh  
1496 Route 300  
Newburgh, New York 12550



Greetings,

I am the chief electrical inspector for Inspections on Time. I am writing to express my willingness to apply for your approval as a third party electrical inspector in your town. We offer a variety of inspections for service, rough and final for any electrical repairs or improvements. We do thorough inspections to ensure the safety of the community.

We have sent our application in the building department multiple times since August of 2019. And we still didn't get approval. On March 31, 2021, Melissa (Secretary of the Supervisor) called us and advised that there is still no determination in regards to the application. She told us that the supervisor and town board already have our information, but since it is not the priority as of date, no decisions have been made yet. We would like to bring this to your attention and hope that you will consider us. I want to share my knowledge and expertise as a reputable electrical inspector within your municipality.

Please do not hesitate to call me regarding this opportunity. You may reach me at 845-649-1330 or via email [manny@inspectionsontime.com](mailto:manny@inspectionsontime.com). Thank you for your time and consideration, we hope to hear from you soon !

Regards,

*Emmanouil Zervakis*

Emmanouil Zervakis  
Inspector

# INSPECTIONS ON TIME

**New York Electrical Inspectors, Inc**

**List of Approved Municipalities and Utility Companies**

Rockland	Orange		Sullivan	Dutchess	Utility Companies
Village of Piermont	City of Middletown	Village of Chester	Town of Neversink	Town of Rhinebeck	Orange & Rockland
Village of Airmont	City of Newburgh	Village of Cornwall on Hudson	Town of Cohecton		Central Hudson
Village of Wesley Hills	City of Port Jervis	Village of Florida	Town of Tusten		NYSEG
Village of South Nyack	Town of Blooming Grove	Village of Greenwood Lake	Town of Liberty		
Village of West Haverstraw	Town of Chester	Village of Kiryas Joel	Town of Calicoon		
Town of Haverstraw	Town of Crawford	Village of Maybrook	Town of Thompson		
Village of Montebello	Town Of Deerpark	Village of Monroe	Village of Liberty		
Town of Stony Point	Town of Goshen	Village of Montgomery	Village of Monticello		
Village of Chestnut Ridge	Town of Greenville	Village of Tuxedo Park			
Village of Pomona	Town of Highlands	Village of Highland Falls			
Village of Spring Valley	Town of Minisink	Village of South Blooming Grove			
Village of Grandview	Town of Monroe	Village of Walden			
Village of Haverstraw	Town of Montgomery	Village of Warwick			
Village of New Square	Town of New Windsor	Village of Woodbury			
Town of Ramapo	Town of Walkkill				
Village of Kaser	Town of Warwick				
Village of Suffern	Town of Wawayanda				
Village of Sloatsburg					
Village of New Hempstead					
Town of Clarkstown					
Town of Orangetown					
Village of Upper Nyack					
Village of Nyack					

# INSPECTIONS ON TIME

New York Electrical Inspectors, Inc

Inspections on Time Price List	
Type of Inspection	Price
Rough Inspection	\$80.00
Final for Rough (Rviously inspected by Inspections On Time)	\$80.00
Failed Inspection plus Re-Inspection Fee	\$80.00
Per hour consultation	\$80.00
Service Inspection	\$160.00
Survey Inspection	\$160.00
Generator Inspection	\$160.00

# Certificate of Compliance

Issued By

**Inspections on Time**

**809 Highland Lakes Road**

**Middletown, New York 10940**

**845-649-1330**

**Certificate No.**

Upon the application of:

Upon the premises owned by:

Job Location:

County:

Section,Block,Lot Nos.:

Building Department:

Building Permit No.:

Electrical Permit No.:

Type of Occupancy:

The above was examined on / and was found to be in compliance with NEC Standards.

A visual inspection of the electrical system at the premise described above, wherein the premises electrical system consisting of electrical devices and wiring, described herein. All inspections are in accordance with the NYS and NFPA 7008 and the details of the installation, as set forth below, were found to be in compliance therewith on the date of the inspection.

Description of Work/Counts:

Inspector's Signature: *Emmanuel Zervakis*

This certificate may not be altered in any way and is valid for work performed before date of inspection only.

# CUT-IN CARD

## Inspections on Time

809 Highlands Lake Road, Middletown, NY 10940

Office: 845.233-6711 Fax: 845.262.0732

Date Submitted

Cut-in Card No.

Job Number


### Property Owner & Service Address Information

Owner Name

--

Phone  
Number

--

Service Address

--

Municipality

--

City, State, Zip

--

### Service Information

Service Size		Service Type		Inspection Type	
No. of Meters		Phase		Voltage	
Svce Wire Size		Point of Attach			
Meter Set Only		Storm Cut			
Approved Meter Pan Catalog No. & Manufacturer					
Cntr of Meter Pan Hgt 4.5'-5.5' from Final Grade?					

### Electrician Information

Name

\_\_\_\_\_

Phone Number

\_\_\_\_\_

### Comments/Details/Instructions

--

Inspector: *Emmanuel Zervakis*

CUT-IN CARD

## Inspections on Time

### FAIL

Electrical wiring in the building has been inspected and found to comply with electrical code.

- Generators     Survey     Final  
 Air Codition     Rough     Service

\_\_\_\_\_  
Location \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_ Inspector \_\_\_\_\_

## Inspections on Time

### PASS

Electrical wiring in the building has been inspected and found to comply with electrical code.

- Generators     Survey     Final  
 Air Codition     Rough     Service

\_\_\_\_\_  
Location \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_ Inspector \_\_\_\_\_

---

# Emmanouil Zervakis

## Professional Electrical Inspector

809 Highland Lake Rd  
Middletown, NY 10940  
845-649-1330  
manny@inspectionsonline.com

### PROFESSIONAL SUMMARY

Highly skilled career professional with more than 20 years practical experience in the electrical field. Computer skilled, experienced in managing employees, appointment scheduling, punctual and courteous. Proficient in all documentation, records management.

### CREDENTIALS

Master Electrical Inspector - CEI-M-274  
Electrical Inspector, One and Two Family Dwelling Certificate#7066332  
Electrical Inspector, Plan Review  
Electrical Inspector, General  
Rockland County Electrical Inspector License# I-0009  
Electrical Contractor 23 plus years  
Journey IBEW

### EXPERIENCE

#### **Journeyman License and Apprentice Program June 2002-**

I am skilled working with contractors and homeowners with the ability and knowledge to explain the inspection process and the importance of the code compliance and safety concerns.

### AFFILIATIONS

Independent Electrical Contractor of Rockland Blauvelt NY  
Member of International Association of Electrical Inspector  
Member of International Code Council

### REFERENCES

Vincenzo Ambrosio of **Rockland County Licensing Board** - 845-544-4481  
Paul Valentine of **Valentine Electric Inc** - 914-261-9469  
Mayer Grossman of **Mayer Electric** - 845-641-2441

**International Association of Electrical Inspectors**

This is to certify that

**Emmanouil I. Zervakis**

Has met the certification requirements as established by IAEI for

**Electrical Inspector; One- and Two-Family Dwelling**

Certification #: 7066332

Expires: 3/31/2023



CEO/Executive Director

**International Association of Electrical Inspectors**

This is to certify that


**Emmanouil I. Zervakis**

Has met the certification requirements as established by IAEI for

**Electrical Inspector; General**

Certification #: 7066332

Expires: 3/31/2023



CEO/Executive Director

**International Association of Electrical Inspectors**

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CEO/Executive Director



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CEO/Executive Director

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CEO/Executive Director

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Has met the certification requirements as established by IAEI for

**Electrical Inspector; Plan Review**

Certification #: 7066332

Expires: 3/31/2023



CEO/Executive Director

THE LEGISLATURE OF  
ROCKLAND COUNTY

This is to certify  
**EMMANOUIL ZERVAKIS**  
is licensed as a  
ELECTRICAL INSPECTOR

**License # I-0009**

State of New York

Year 2014-2018

Examiner



*[Handwritten signature]*



# Rockland County

Ed Day, Rockland County Executive

## CONSUMER PROTECTION / WEIGHTS & MEASURES

50 Sanatorium Road, Building A, 8th Floor

Pomona, NY 10970

(845) 364-3901 Fax: (845) 364-3902

CPLCAL@co.rockland.ny.us

The issuance and retention of this license is contingent upon the licensee's compliance with the laws of the State of New York and the County of Rockland, the rules and regulations of the Office of Consumer Protection, and the rules and regulations of all other New York State and Rockland County agencies, now in effect or which may hereafter be enacted.

LICENSED

# ELECTRICAL INSPECTION COMPANY

LICENSE NUMBER: **1-00009**

ISSUED TO: **Inspections On Time**

New York Electrical Inspectors, Inc.

809 Highland Lake Road

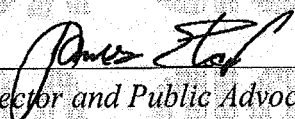
Middletown, NY 10940

CHIEF ELEC. INSPECTOR: **Emmanouil Zervakis**

INITIAL APPLICATION DATE: **3/5/2014**

EFFECTIVE DATE: **7/1/2020**

EXPIRATION DATE: **6/30/2021**

  
Director and Public Advocate

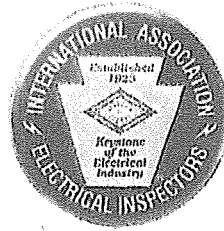
7/1/2020

PLEASE NOTE:

**THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED**

**This Does Not Constitute A Home Improvement, Mechanical Or Electrical License**

# International Association of Electrical Inspectors



Hereby Certifies

**Emmanouil I. Zervakis**

To have been duly registered, having demonstrated professional qualifications by passing a written examination established by the Board of Governors of the National Certification Program for Construction Code Inspectors in the module of

Electrical Inspector, One- and Two- Family Dwelling  
at the examination held on

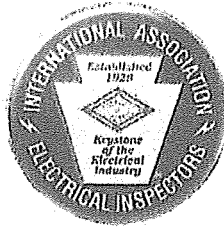
**December 18, 2013**

In witness thereof this certificate has been issued this

Second day of May 2014

CEO/Executive Director

# International Association of Electrical Inspectors



Hereby Certifies

**Emmanouil I. Zervakis**

To have been duly registered, having demonstrated professional qualifications by passing a written examination established by the Board of Governors of the National Certification Program for Construction Code Inspectors in the module of

**Electrical Inspector; Plan Review**

at the examination held on

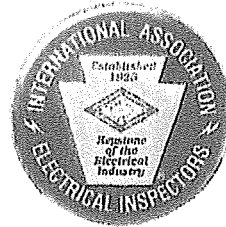
**February 2, 2014**

In witness thereof this certificate has been issued this

**Second day of May 2014**

CEO/Executive Director

# International Association of Electrical Inspectors



Hereby Certifies

**Emmanouil I. Zervakis**

To have been duly registered, having demonstrated professional qualifications by passing a written examination established by the Board of Governors of the National Certification Program for Construction Code Inspectors in the module of

**Electrical Inspector; General**

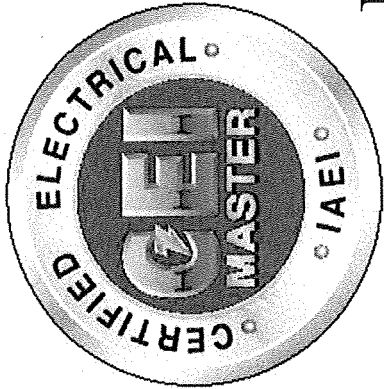
at the examination held on

**December 21, 2013**

In witness thereof this certificate has been issued this

Second day of May 2014

CEO/Executive Director



Hereby Certifies that

**Emmanouil Zervakis**



has demonstrated professional qualifications through a written examination based on the National Electrical Code® along with successful completion of field practice and documented expertise in required categories and has hereby achieved certification as

**Master Electrical Inspector**

Effective through:  
May 31, 2024

Certification Identification No.  
CEI-M-274



CEO/President  
International Association of Electrical Inspectors



Hereby Certifies that  
**Emmanouil Zervakis**



has demonstrated professional qualifications through a written examination based on the National Electrical Code® along with successful completion of field practice and documented expertise in required categories and has hereby achieved certification as

**Master Electrical Inspector**

# INTERNATIONAL CODE COUNCIL

This is to certify that  
**EMMANOUIL ZERVAKIS**




*is a member of the International Code Council;  
a professional association dedicated to protecting the health, safety and  
welfare of the public by making buildings safer:*

8340718  
Membership No.

Building Safety Professional Member Dues  
Membership Category

March 13, 2015  
Date of Membership



Greg Wheeler  
President, Board of Directors



Dominic Sims  
Chief Executive Officer



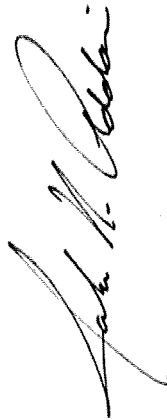
# STATE OF NEW YORK

Be it known that

**Emmanouil Zervakis**

has successfully completed the requirements of a Basic Code Enforcement Training Program established by the Minimum Standards for Code Enforcement Personnel (19 NYCRR Part 1208) in the State of New York as a:

**CODE ENFORCEMENT OFFICIAL**



John R. Addario, P.E., Director  
Division of Building Standards and Codes



**Building Standards  
and Codes**

**Certification No0819-0262**

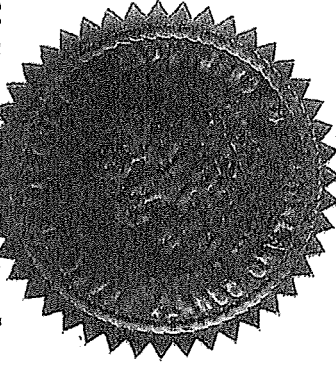
To maintain this certification, such person must satisfy annual in-service training requirements and advanced in-service training.

#1-0009

# The County of Rockland

## Certificate of Electrical Inspector

This is to certify that **NEW YORK ELECTRICAL INSPECTOR, INC.** has met the necessary requirements and paid the fee as required by law and has been registered as an Electrical Inspection Company at the office of Consumer Protection is hereby permitted to carry on business as an Electrical Inspection Company in the County of Rockland.



Until revoked as provided by law

*Emmanuel Zervakis*  
Director of Consumer Protection

Date: June 10, 2014

**EMMANOUIL ZERVAKIS**  
Chief Inspector

POST IN A CONSPICUOUS PLACE Under Penalty of License No. 1-1 as Amended



The Trustees  
of



**The National Joint Apprenticeship and Training Committee**

for the  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,  
and the  
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

upon the Recommendation of the

**JOINT APPRENTICESHIP AND TRAINING COMMITTEE**

do hereby present this diploma to

**Emmanuel Zerupakis**

In recognition of satisfactory completion of their indenture, as indicated by acquiring the minimum number of on-the-job hours, related studies and for classroom training; thereby accomplishing a degree of knowledge and skill level which is mastered only by those who attain the goals and standards set forth by this Industry. The above named graduate is therefore worthy and deserving of the Internationally Recognized classification of

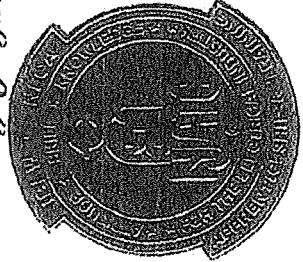
**Journeyman Wireman**

which is herewith conferred as acknowledged by the signatures of the Trustees  
on this twenty-seventh day of June in the year 2002.

*Emmanuel Zerupakis*

President, IBEW

*John M. Ryan*  
Executive Vice-President & CEO, NECA



*Joseph Morina*  
J.A.T.C. Chairman  
*Craig Jacobs*  
J.A.T.C. Secretary

On Behalf of the State of New York

And

Governor George E. Pataki  
The Department of Labor

Issues This:

# Certificate of Completion of Apprentice Training

TO CERTIFY THAT:

**Emmanovil Zervakis**

HAS SERVED AN APPRENTICESHIP OF: 5 YEAR(S)

IN THE OCCUPATION OF : Electrician

IN THE EMPLOY OF : Electricians JAC LU #363 IBEW

UNDER STANDARDS APPROVED BY THE COMMISSIONER OF LABOR

AND IS A QUALIFIED: Electrician

GIVEN AT ALBANY, NEW YORK, ON: Sunday, June 30, 2002



A handwritten signature in cursive script, reading "Linda Angello".

Linda Angello, Commissioner of Labor



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/22/2020

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

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


<b>PRODUCER</b> Westrock Insurance Agency 151 North Main Street Suite 204 New City NY 10956	<b>CONTACT NAME:</b> Jo Chrisolouris <b>PHONE (A/C, No, Ext):</b> (845) 638-2300 <b>E-MAIL ADDRESS:</b> jo@westrockinsurance.com <b>FAX (A/C, No):</b> (845) 638-6222																				
	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>ACE Property and Casualty Insurance Company</td> <td>20699C</td> </tr> <tr> <td>INSURER B:</td> <td>Underwriters at Lloyd's London (LL)</td> <td>15792</td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	ACE Property and Casualty Insurance Company	20699C	INSURER B:	Underwriters at Lloyd's London (LL)	15792	INSURER C:			INSURER D:			INSURER E:			INSURER F:	
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INSURER D:																					
INSURER E:																					
INSURER F:																					
<b>INSURED</b> New York Electrical Inspectors, Inc. DBA: Inspections on Time 809 Highland Lake Rd Middletown NY 10940																					

**COVERAGES**      **CERTIFICATE NUMBER:** 2020-2021-Chubb      **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			SERNYD956949503N	12/01/2020	12/01/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Non-owned \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			SERNYD956949503N	12/01/2020	12/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			UMBNYD956949623N	12/01/2020	12/01/2021	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability/Errors And Omissions/Breach Of Contract			PSJ0323288879	12/01/2020	12/01/2021	Aggregate limit: \$1,000,000 Deductible: \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Additional Insured: Town of Newburgh

<b>CERTIFICATE HOLDER</b> Town of Newburgh 1496 Rt 300 Newburgh NY 12550	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



**CERTIFICATE OF INSURANCE COVERAGE  
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW**

**PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier**

<p>1a. Legal Name &amp; Address of Insured (use street address only) NEW YORK ELECTRICAL INSPECTORS INC. DBA: INSPECTIONS ON TIME 809 HIGHLAND LAKE RD. MIDDLETOWN, NY 10940</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured <b>8456491330</b></p> <p>1c. Federal Employer Identification Number of Insured or Social Security Number <b>46-5681105</b></p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) <b>Town of Newburgh 1496 Rt 300 Newburgh, NY 12550</b></p>	<p>3a. Name of Insurance Carrier <b>Standard Security Life Insurance Company of New York</b></p> <p>3b. Policy Number of Entity Listed in Box "1a" <b>R64951-000</b></p> <p>3c. Policy effective period <b>5/24/2018</b> to <b>12/21/2021</b></p>

4. Policy provides the following benefits:

- A. Both disability and paid family leave benefits.
- B. Disability benefits only.
- C. Paid family leave benefits only.


5. Policy covers:

- A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- B. Only the following class or classes of employer's employees:

\_\_\_\_\_

\_\_\_\_\_

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 12/22/2020 By   
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (212) 355-4141 Name and Title SUPERVISOR-DBL/POLICY SERVICES

**IMPORTANT:** If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

**PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)**

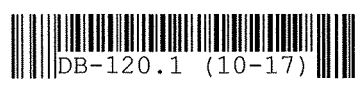
**State of New York  
Workers' Compensation Board**

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed \_\_\_\_\_ By \_\_\_\_\_  
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number \_\_\_\_\_ Name and Title \_\_\_\_\_

**Please Note:** Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



## Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in box "1a" for disability and/or paid family leave benefits under the New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Disability and/or Paid Family Leave Benefits contract of insurance only while the underlying policy is in effect.

**Please Note: Upon the cancellation of the disability and/or paid family leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.**

### DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

#### §220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.



**CERTIFICATE OF  
NYS WORKERS' COMPENSATION INSURANCE COVERAGE**

<p>1a. Legal Name &amp; Address of Insured (use street address only) New York Electrical Inspectors, Inc. 809 Highland Lake Rd Middletown NY 10940</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured (845)233-6711</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number 465681105</p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Newburgh 1496 Rt 300, Newburgh, NY 12550</p>	<p>3a. Name of Insurance Carrier Chubb Indemnity Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a" 71792808</p> <p>3c. Policy effective period <u>12/01/2020</u> to <u>12/01/2021</u></p> <p>3d. The Proprietor, Partners or Executive Officers are  <input type="checkbox"/> included. (Only check box if all partners/officers included)  <input checked="" type="checkbox"/> all excluded or certain partners/officers excluded.</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**


This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

**Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.**

**Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.**

Approved by: Avi Epstein  
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  12/22/2020  
(Signature) (Date)

Title: Principal

Telephone Number of authorized representative or licensed agent of insurance carrier: 845-638-2300

**Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.**



## **Workers' Compensation Law**

### **Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.**

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

100

**ZEN Consultants, Inc.**

1662 ROUTE 300, SUITE 138

NEWBURGH, NY 12550

(845) 629-1567

21-0335-WEB

June 4, 2021

Town Clerk

Town of Newburgh

308 Gardnertown Road

Newburgh, NY 12550

Attn: Joe Pedi

Re: Weber (2) Lot Subdivision, subdivision road name

Dear Joe,

I am writing this letter for the approval of a private road name for an existing subdivision approved and filed in July, 2008 located off of Mill Street. The SBL for the lot needing the road name is SBL: 4-1-27.72. There is an existing home located at 30 Mill Street which is part of this subdivision. Now that the owners are ready to build on the remaining lot there is a need for a private road name to be created for emergency service street address info.

My choices are as follows:

1. Maggie's Way
2. Maggie Lane
3. Matt's Lane

If you have any questions or concerns, please feel free to contact me at (845-629-1567.

Very truly yours,

Ken Lytle  
ZEN Consultants, Inc.

10C



TOWN OF NEWBURGH  
1496 Route 300  
Newburgh, New York 12550-2677

Joseph P. Pedi  
Town Clerk

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

DATE: June 7, 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: Matt's Lane

SECTION 4 BLOCK 1 LOT 27.72

PARCEL NUMBERS: \_\_\_\_\_ TO \_\_\_\_\_

FIRE DISTRICT: Cronomer Valley

Location of Road: 30 Mill Street

Sub-Division Name: 544-08

CODE COMPLIANCE SUPERVISOR

**klytle zendci.com**

Fri, Jun 4,  
4:58 PM (3  
days ago)

to me, Siobhan, Ed

Joe,

Please let me know if you need any additional information. As per our conversation earlier I have attached the email from Joe Mattina explaining the need for the road name.

Ken:

The house on Mill St can't have a Mill St address. There is no room.  
You will have to get with the town clerk and name the driveway.

*Joseph Mattina  
Town of Newburgh  
Fire Investigator  
Code Compliance  
Building Inspector*



# TOWN OF NEWBURGH

1496 Route 300  
Newburgh, New York 12550-2677

Joseph P. Pedi  
Town Clerk

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

DATE: 6/4/21

TO: ( ) BOARD OF ELECTIONS DISTRICT # TOWN CLERK - JOE PEDI  
( ) CODE COMPLIANCE  
( ) PLANNING DEPT. ( ) HIGHWAY DEPT  
( ) TOWN ENGINEER ( ) AMBULANCE CORPS.  
( ) TOWN ASSESSOR ( ) FIRE DEPT.  
( ) WATER DEPT. ( ) POLICE DEPT.  
( ) SEWER DEPT. ( ) U.S. POST OFFICE

APPLICANT: ED + MARGARET WEBER  
APPLICANT'S ADDRESS: 1323 UNION AVENUE, NEWBURGH  
SUBDIVISION NAME: Em # 544-08 EDATE: 07-30-08  
SECTION 4 BLOCK 1 LOT 27.72  
PRIVATE ROAD NAME: SEE ATTACHED  
LOCATION OF ROAD: OFF MILL STREET  
NEWLY CONSTRUCTED ROAD: (YES) \_\_\_\_\_ (NO) X  
DATE OF APPROVAL: \_\_\_\_\_

**Special note to applicant:**

*This approval was issued with the understanding that your road will display proper signage for purposes of identification.*

Joseph P. Pedi  
Town Clerk



# TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

11

PERSONNEL DEPT.

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

To: Supervisor Piaquadio  
Town Board Members ✓

From: Charlene M Black, Personnel

Date: June 3, 2021

Re: Principal Payroll Clerk

---

We did an in-house posting with no results. We then placed the ad on the Town's website and Ms. Furey was the only response we received. Ron Clum, Town Accountant, Scott Manley, Liaison to the Accounting and myself conducted the interview with Christine Furey. Ron Clum, Head of Accounting Department and Scott Manley Manley unanimously agreed to hire Christine Furey as a full time Provisional Principal Payroll Clerk. Her salary will be \$19.9795 per hour. Ms. Furey will need to complete her paperwork, physical, drug/alcohol testing and fingerprints. The hire date will be contingent on her completing all the above and your approval. The earliest date of hire would be on or after June 21, 2021.

Thank you for your time in this matter.

Cc: Ronald Clum, Town Accountant

# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

**To: Personnel Department**

NAME OF CANDIDATE: Christine Furey

DEPARTMENT: Accounting

TITLE OF POSITION: Principal Payroll Clerk

FULL TIME OR PART TIME: FT


HOURLY RATE: \$ 19.9795

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: A 1010.5100

PROPOSED HIRE DATE: 6/21 or 6/28 (depending on applicant)

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

  
DEPARTMENT HEAD SIGNATURE

6/3/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT



# TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

12A, 12B, 12C

**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: June 7, 2021

RE: Camp Counselor Update Approval

---

12A We are requesting your approval to hire Marisa Fagan and Allen Mirabal to the position of seasonal Recreation Aides at the rate of \$15.31/hour. Ms. Fagan and Mr. Mirabal will be replacing Terrance Brathwaite and Mackenzie Kirby who were previously approved and have since declined their respective positions. I am proposing a hire date of June 21<sup>st</sup>. The funds for this position are available in appropriation code 7140-5100.

12B We are also requesting a \$1.00 salary increase for Kerry O'Connell. Upon your agreement her salary will increase from the previously approved rate of \$15.31/hour to \$16.31/hour. Ms. O'Connell will be acting as the COVID compliance coordinator for camp.

12C Your approval is also requested to hire Bridget DeSantis to the position of seasonal Recreation Aide at the rate of \$15.31/hour. The proposed hire date is June 21<sup>st</sup> and the funds for this position are available in appropriation code 7140-5100.

Thank you for your consideration.

Regards,

Jim Presutti  
Commissioner



# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: MARISA FAGAN

DEPARTMENT: RECREATION

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: SEASONAL

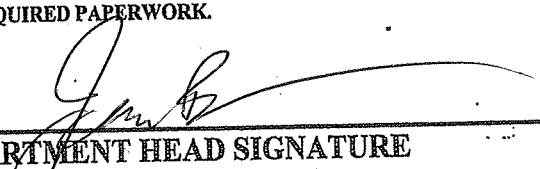
HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 7140.5100

PROPOSED HIRE DATE: \_\_\_\_\_

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

  
DEPARTMENT HEAD SIGNATURE

6/7/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT  
11/15/2010

# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: ALLEN MIRABAL

DEPARTMENT: RECREATION

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: SEASONAL


HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: A7140.5100

PROPOSED HIRE DATE: 6/21/21

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

  
DEPARTMENT HEAD SIGNATURE

6/7/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT  
11/15/2010

# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: BRIDGET DESANTIS

DEPARTMENT: RECREATION

TITLE OF POSITION: RECREATION AIDE

FULL TIME OR PART TIME: SEASONAL


HOURLY RATE: \$15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 7140-5100

PROPOSED HIRE DATE: 6/21/21

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

  
DEPARTMENT HEAD SIGNATURE

6/21/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

COPY TO ACCOUNTING DEPARTMENT  
11/15/2010



## TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

12D

**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: June 7, 2021

RE: Request to Hire Recreation Leader

---

At this time we are requesting the Board's approval to begin the process to hire for the position of a full time Recreation Leader. This position became vacant upon the resignation of Lisa Marcantonio on April 13<sup>th</sup>.

Thank you for your consideration.

Regards,

Jim Presutti  
Commissioner

13A



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: 6/2/21

---

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

\*Totaling: \$ 358.96

Feline: \$ 181.56

Canine: \$ 177.40

**TOWN OF NEWBURGH**

1496 ROUTE 300  
NEWBURGH, N.Y. 12550

VOUCHER ID# 58904

TOWAC

DEPARTMENT \_\_\_\_\_

CLAIMANT'S NAME AND ADDRESS  
VCA Flannery Animal Hospital  
789 Little Britain Road  
New Windsor, NY 12553

TERMS MAY 2012 vouchers

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.
		T-94			
		TOTAL	358	96	
Abstract No.					

Vendor's Ref. No.

Date	Quantity	Description of Materials or Services	Unit Price	Amount
5/16/21	1	INVT# 834 977 591 2021-16-5 BIK 169		88.70
5-16-21	1	INVT# 834 977 592 2021-6-5 TAN 169		88.70
5/16/21	1	Invt# 834 977.596 2021-16-5 Brown Feline (F)		181.56
<p><b>COPI</b></p> <p>(See Instructions on Reverse Side)</p>			TOTAL	358 96

**CLAIMANT'S CERTIFICATION**

I, LEAN TOBIN, certify that the above account in the amount of \$ 358.96 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.

5-20-21

DATE

*Lean Tobin*

SIGNATURE

*Acct 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 paid from the appropriations indicated above.

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



VCA Flannery Animal Hospital PC  
789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Dr. Osepa | Date: 5/19/2021 at 14:24 | Invoice: 834977591 | Cashier: Jean T

Client	Patient
Town Of Newburgh 2021 Animal Control (#58907)	2021-16-5 Black K9 (#136107)
645 Gidney Ave Newburgh, NY 12550	Species: Canine ( ) Sex: Male   Color: Black Birth:   Age:   Weight:

**Detailed Visit Information**

Date	Description	Qty	Price	Discount	Tax	Total Price
5/16/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
5/17/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
	Rabies Vaccine 1yr Canine	1.00	\$43.00	-\$21.50	\$0.00	\$21.50

**Subtotal:** \$88.70

Discounts	Shelters/PetStore	-\$21.50
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**A Message from VCA**

VCA Flannery Animal Hospital is proud to announce we are reopening 24/7/365 Emergency Services beginning April 2, 2021!

**Invoice Summary**

Patient Name	Total Price	Total Discount	Total Tax	Total Due
2021-16-5 Black K9	\$110.20	-\$21.50	\$0.00	\$88.70

	<b>Total Due:</b>	<b>\$88.70</b>
--	-------------------	----------------

COPY

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.



VCA Flannery Animal Hospital PC  
789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Dr. Osepa | Date: 5/19/2021 at 14:25 | Invoice: 834977592 | Cashier: Jean T

Client  
Town Of Newburgh 2021 Animal Control (#58907)

645 Gidney Ave  
Newburgh, NY 12550

Patient  
2021-16-5 Tan K9 (#136106)  
Species: Canine ( )  
Sex: Male | Color: Tan  
Birth: | Age: | Weight:

Detailed Visit Information

Date	Description	Qty	Price	Discount	Tax	Total Price
5/16/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
5/17/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
5/17/2021	Rabies Vaccine 1yr Canine	1.00	\$43.00	-\$21.50	\$0.00	\$21.50

Subtotal: **\$88.70**

Discounts	Shelters/PetStore	-\$21.50
-----------	-------------------	----------

A Message from VCA

VCA Flannery Animal Hospital is proud to announce we are reopening 24/7/365 Emergency Services beginning April 2, 2021!

Invoice Summary

Patient Name	Total Price	Total Discount	Total Tax	Total Due
2021-16-5 Tan K9	\$110.20	-\$21.50	\$0.00	\$88.70

Total Due:	\$88.70
Amount Paid:	\$0.00

**COPY**

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.





VCA Flannery Animal Hospital PC  
789 Little Britain Rd. | New Windsor, NY 12553 | (845) 565 - 7387

Dr. Stillman | Date: 5/19/2021 at 14:28 | Invoice: 834977596 | Cashier: Jean T

Client:  
Town Of Newburgh 2021 Animal Control (#58907)

645 Gidney Ave  
Newburgh, NY 12550

Patient:  
2021-16-5 Brown Feline (#136104)  
Species: Feline ( )  
Sex: Female | Color: Brown  
Birth: 05/17/2011 | Age: 10y | Weight: 4.75 lb

Detailed Visit Information

Date	Description	Qty	Price	Discount	Tax	Total Price
5/16/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
	Cefovecin (Convenia) 80mg/mL/mL Your pet may be eligible for a reward. Go to zoetispetcarerewards.com for details.	0.22	\$68.27	-\$6.83	\$0.00	\$61.44
	Fluids Subcutaneous	1.00	\$58.80	-\$5.88	\$0.00	\$52.92
5/17/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60

Subtotal: **\$181.56**

Discounts	Shelters/PetStore	-\$12.71
-----------	-------------------	----------

A Message from VCA

VCA Flannery Animal Hospital is proud to announce we are reopening 24/7/365 Emergency Services beginning April 2, 2021!

Invoice Summary

Patient Name	Total Price	Total Discount	Total Tax	Total Due
2021-16-5 Brown Feline	\$194.27	-\$12.71	\$0.00	\$181.56

Total Due:	\$181.56
Amount Paid:	\$0.00
Amount Due:	\$181.56



For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at [vcahospitals.com/privacy-policy](http://vcahospitals.com/privacy-policy).

Thank you for trusting us with your pet's care. Your friends at VCA Flannery Animal Hospital PC.



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550


13B and 13C

PERSONNEL DEPT.

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

June 10, 2021

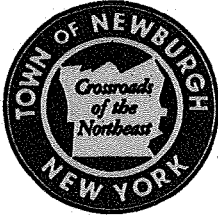
To: Gilbert Piaquadio, Supervisor ✓  
Town Board members

From: Charlene M Black, Personnel 

Re: Part Time Shelter Helpers and Part time ACO

13B → Chief Donald Campbell, is presenting for approval, Rayna Pierce and Linda Kane, as part time Shelter Helpers, effective on or after June 28, 2021, at a rate of \$15.31 per hour. He is also presenting Lisa Rodriguez as a part time Animal Control Officer, effective on or after June 28, 2021, at a rate of \$15.31 per hour. ← 13C

As always approval will be pending the outcome of their pre-employment physical, Paperwork and fingerprints. Please find attached the Chief's letter and employee request forms. If you have any questions please feel free to call our office.



## **TOWN OF NEWBURGH POLICE DEPARTMENT**

300 Gardnertown Road, Newburgh, New York 12550

**Donald B. Campbell**  
Chief of Police

**(845) 564-1100**

June 9, 2021

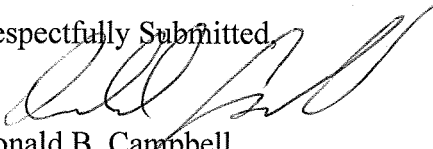
To: Town Board

From: Chief Donald B. Campbell

Subject: Authorization to Fill Three Vacant Part-Time Animal Control Positions

Based on the interviews I am requesting that the board appoint Rayna Pierce and Linda Kane to the positions of part time Shelter Helper at the current starting hourly pay rate of \$15.31. I am also requesting that the board appoint Lisa Rodriguez to the position of part time Animal Control Officer at the current starting hourly pay rate of \$15.31. All with hire dates of on or after June 28, 2021.

Respectfully Submitted,



Donald B. Campbell  
Chief of Police

TOWN OF NEWBURGH  
EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Linda Kane

DEPARTMENT: Animal Control

TITLE OF POSITION: Shelter Helper

FULL TIME OR PART TIME: P/T


HOURLY RATE: 15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 001-3510-0100

PROPOSED HIRE DATE: 6/28/21

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

  
DEPARTMENT HEAD SIGNATURE

6/9/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

TOWN OF NEWBURGH  
EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Lisa Rodriguez

DEPARTMENT: Animal Control

TITLE OF POSITION: Animal Control Officer

FULL TIME OR PART TIME: P/T


HOURLY RATE: 15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 001-3510-0100

PROPOSED HIRE DATE: 6/28/21

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

  
DEPARTMENT HEAD SIGNATURE

6/9/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT

# TOWN OF NEWBURGH

## EMPLOYMENT REQUEST FORM

**To: Personnel Department**

NAME OF CANDIDATE: Rayna Pierce

DEPARTMENT: Animal Control

TITLE OF POSITION: Shelter Helper

FULL TIME OR PART TIME: P/T

HOURLY RATE: 15.31

IS POSITION FUNDED IN CURRENT BUDGET:  YES OR NO

FUND APPROPRIATION NUMBER: 001-3510-0100

PROPOSED HIRE DATE: 6/28/21

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

  
DEPARTMENT HEAD SIGNATURE

6/9/21  
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL  
DEPARTMENT



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

**MEMORANDUM**

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

**FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE:** RESOLUTION OF TOWN BOARD; REQUEST FOR NEW  
YORK STATE DEPARTMENT OF TRANSPORTATION  
TRAFFIC STUDY OF NYS ROUTE 32 AND CHESTNUT  
LANE INTERSECTION  
OUR FILE NO. 800.1(B)( ) (2021)

**DATE:** JUNE 9, 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 please find for the Town Board's consideration the above referenced draft Resolution requesting the NYSDOT to perform a traffic study of the NYS Route 32 intersection with Chestnut Lane

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)  
Donald Bruce Campbell, Chief of Police (via e-mail)  
Mark Hall, Highway Superintendent (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Patrick Hines, McGoey, Hauser & Edsall (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 or by videoconference pursuant to the Governor's Executive Orders, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of June, 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 TOWN BOARD  
REQUESTING TRAFFIC STUDY  
OF NYS ROUTE 32 AND  
CHESTNUT LANE INTERSECTION

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

WHEREAS, vehicle turning movements at the intersection of NYS Route 32 and Chestnut Lane in the Town of Newburgh are causing significant delays and backups on NYS Route 32 at peak hours, causing a public safety concern; and

WHEREAS, the Town Board has reviewed and examined the issues and concerns associated with the conditions at this intersection on NYS Route 32; and

WHEREAS, the New York State Department of Transportation has previously advised that it is necessary for the Town Board to adopt resolutions requesting the performance of studies in order to investigate traffic conditions at locations in the Town and that the Department will advise the Town of the findings and conclusions of the Department's studies.

NOW, THEREFORE, BE IT RESOLVED, that by this Resolution, the Town Board of the Town of Newburgh hereby requests that the New York State Department of Transportation perform a study of the intersection of NYS Route 32 and Chestnut Lane; and

BE IT FURTHER RESOLVED, that the Supervisor, Town Engineer and Town Clerk are hereby authorized to prepare, execute and submit, and deliver, in the name and on behalf of the Town Board and the Town of Newburgh all such forms, certificates, documents and papers as may be necessary to effectuate and carry out the content of the foregoing resolutions; and

BE IT FURTHER RESOLVED, that this Resolution 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:

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.

# Public Employer Health Emergency Plan for Town of Newburgh

Date of approved plan: March 22, 2021

4/28/2021 revised

This plan has been developed in accordance with NYS legislation S8617B/A10832.

## Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed with the review of P.B.A., C.S.E.A., as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of The Town of Newburgh, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: March 22, 2021

By: Gilbert Piaquadio

Signature: \_\_\_\_\_

Title: Town Supervisor

# Record of Changes

Date of Change	Description of Change	Implemented by

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# Purpose, Scope, Situation Overview, and Assumptions

## Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

## Scope

This plan was developed exclusively for and is applicable to The Town of Newburgh. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

## Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus, which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases, which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
  - After using the restroom
  - After returning from a public outing
  - After touching/disposing of garbage
  - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect workstations at the beginning, middle, and end of each shift
- Other guidance, which may be published by the CDC, the State Department of Health, or County health officials.

## Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance
- The circumstances of a public health emergency may directly impact our own operations.
- Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety
- The public and our constituency expects us to maintain a level of mission essential operations
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the governor
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a work site to perform their job
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job

## Concept of Operations

The Town Supervisor of The Town of Newburgh, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Town Supervisor.

Upon the determination of implementing this plan, all employees and contractors of Town of Newburgh shall be notified by in person, with details provided as possible and necessary, with additional information and updates provided on a regular basis. The Work Force will be notified of pertinent operational changes by way of Policy change publication. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Town Supervisor or their designee of the Town of Newburgh will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Town Supervisor of The Town of Newburgh, their designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Town Supervisor of The Town of Newburgh, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

## Mission Essential Functions

When confronting events that disrupt normal operations, The Town of Newburgh is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency
2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of the Town of Newburgh

The Town of Newburgh has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for The Town of Newburgh have been identified as:

Essential Function	Description	Priority
Accountant		1
Audit & Data Entry Clerk		2
Principal Payroll Clerk		1
Animal/ Dog Control officer	Depends if there are animals in shelter	4
Animal Shelter Helper		4
Assessor Clerk		4
Real Property Data Collector		4
Custodial Worker		1
Skilled Laborer		1
Administrative Asst. Bldg Dept.		2



Assistant Building Inspector III/Fire Investigator	2
Building Inspector III	2
Clerk	2
Asst. Fire Inspector/Fire investigator	2
Code Compliance Supervisor/fire Investigation	1
Engineer	3
Engineer Consultant	3
Principal Clerk	3
Water/Sewer/Filter Superintendent (Contractor)	2
Administrative Asst.	2
Clerk	2
Reservoir Caretaker	2
Senior Worker Maintenance Worker	2
Wastewater Maint. Worker	2
Working Leader	1
Automotive Mechanic	1
Senior Automotive mechanic	1
Working Leader	1
Fleet Clerk	4
Highway Superintendent	1
Account Clerk	4
Laborer	1
Heavy Equipment Operator	1
Motor Equipment Operator	1
Working Leader	1

Town Justices	4
Court Clerk	4
Clerk	4
Personnel Director	1
Clerk	2
Police Chief	1
Court Attendant	1
Dispatcher	1
Municipal Bingo Inspector	4
Parking Enforcement Officer	1
Police Lt.	1
Police Officer	1
Records Clerk	1
Police Sergeant	1
Secretary to Police Chief	4
Street Crossing Guard	4
Receiver of Taxes	4
Deputy Receiver of Taxes	4
Administrative Asst.	4
Commissioner of Parks & Recreation and Conservation	1
Assistant Recreation Director	1
Administrative Asst.	4
Chauffeur	4
Clerk	4
Laborer (Guard Shack & Reg laborer)	1
Recreation Aides	4
Recreation Coordinator	4
Recreation Leader	4

Town Supervisor	1
Deputy Supervisor	1
Town Board	2
Clerk to Supervisor	4
Clerk	4
Town Clerk	1
Deputy Town Clerk	4
Clerk	4

**Essential Positions**

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

The Town of Newburgh Supervisor and Town Board maintains the authority to designate during any given pandemic or crisis which departments or employees will be deemed essential.

**Reducing Risk Through Remote Work and Staggered Shifts**

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation.

**Remote Work Protocols**

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely.
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
  - a. Internet capable laptop
  - b. Necessary peripherals
  - c. Access to VPN and/or secure network drives
  - d. Access to software and databases necessary to perform their duties
  - e. A solution for telephone communications
  - f. Phone lines may be need to be forwarded to off-site staff

Note that phone lines may need to be forwarded to off-site staff

At the discretion of the Town Supervisor or their designee, secured line access to Town of Newburgh data may be provided by use of computers, iPads or other remote access devices. The Town of Newburgh Supervisor or their designee maintains sole authority to determine which Town departments and or Contractors and Consultants will serve as Essential during times of a Pandemic or Crisis.

### **Staggered Shifts**

Implementing staggered shifts may be possible for personnel performing duties that are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, The Town of Newburgh will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
2. Approval and assignment of changed work hours

Each Department Head shall create and implement a staggered or alternate shift plan to be submitted to the Town Supervisor or their designee)

### **Personal Protective Equipment**

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Face shields
- Gloves
- Disposable gowns and aprons

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location
2. Procurement of PPE
  - a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months
  - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
3. Storage of, access to, and monitoring of PPE stock
  - a. PPE must be stored in a manner which will prevent degradation
  - b. Employees and contractors must have immediate access to PPE in the event of an emergency

- c. The supply of PPE must be monitored to ensure integrity and to track usage rates

The Town of Newburgh Deputy Supervisor and Safety Officer will monitor weekly all quantities of required P.P.E., sanitizer, thermometers and any other required protective gear. All stock piled supplies will be maintained in the Town Hall vault. All requests for equipment must go through the Deputy Supervisor or Safety officer. It shall be the responsibility of each Department Head to assure all employees within their department is provided with equipment. All needed supplies will be purchased in compliance with the Town of Newburgh procurement guidelines.

## Staff Exposures, Cleaning, and Disinfection

### Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person):

Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question. (This may change or need to be updated as CDC/NYS or Local Health Department requirements change.)

- A. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
  - B. The Personnel Department must be notified and is responsible for insuring these protocols are followed.
  - C. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing
2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
    - A. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
    - B. In-person interactions with the subject employee or contractor will be limited as much as possible.
    - C. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the section on Cleaning and Disinfection for additional information on that subject.
    - D. If at any time they exhibit symptoms, refer to item B below.

- E. The Town of Newburgh Supervisor or their designee shall be informed in these circumstances and who is responsible for ensuring these protocols are followed.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
    1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
    2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
    3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
    4. Town of Newburgh will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
    5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
    6. The Town Supervisor or their designee must be informed in these circumstances and who is responsible for ensuring these protocols are followed.
  - C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
    1. Apply the steps identified in item B, above, as applicable.
    2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
      - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
      - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
      - c. See the section on Cleaning and Disinfection for additional information on that subject.
    3. Identification of potential employee and contractor exposures will be conducted
      - a. If an employee or contractor is confirmed to have the disease in question, The Town of Newburgh Supervisor or their designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
      - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.
    4. The Town of Newburgh Supervisor or their designee must be notified in these circumstances and who is responsible for ensuring these protocols are followed

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and

requirements and coordinate with our local public health office for additional guidance and support as needed.

### **Cleaning and Disinfecting**

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
  - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least hourly.
  - b. The Town Supervisor or their designee are responsible for cleaning common areas, and the frequency of such
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
5. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.

### **Employee and Contractor Leave**

Public health emergencies are extenuating and unanticipated circumstances in which The Town of Newburgh is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

Under legislation signed by Governor Cuomo, New York workers are guaranteed job protection and financial compensation while they are on a **mandatory or precautionary order** due to COVID-19.

#### **YOU ARE ENTITLED TO THE FOLLOWING PROTECTIONS AND BENEFITS IF YOU ARE SUBJECT TO A MANDATORY OR PRECAUTIONARY QUARANTINE ORDER.**

If you work for a business with 100 or more employees you are entitled to:

Guaranteed job protection for the duration of the quarantine order. **At least 10 - 14 days of paid sick leave.**

If you work for a public employer (no matter the number of employees) you are entitled to:

**At least 10 -14 days of paid sick leave.**

#### **IMPORTANT NOTES:**

- If you are quarantined but are able to work from home you do not qualify for these benefits.
- If your business is closed due to COVID-19, your employees may immediately apply for Unemployment Insurance.
- You may be eligible for additional leave under PFL and DB. Please call the Hotline for more information.

#### **QUESTIONS:**

For more information go to [ny.gov/COVIDpaysickleave](https://ny.gov/COVIDpaysickleave)

Novel Coronavirus (COVID-19) Paid Sick leave Hotline: 844-337-6303

It is our policy that employees of The Town of Newburgh will not be charged with leave time for testing. Employees will be provided with up to two weeks (80 hours) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

**\*THE ABOVE INFORMATION IS SUBJECT TO CHANGE\***

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of The Town of Newburgh and as such are not provided with paid leave time by The Town of Newburgh, unless required by law.

## Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits, etc. This information may be used by The Town of Newburgh to support contact tracing within the organization and may be shared with local public health officials.

The Town of Newburgh Supervisor or their designee shall designate the department to detail the means and methods of tracking hours and locations, which may be paper based or electronic logging, tracking via a smartphone app or other.

## Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of The Town of Newburgh's essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, The Town of Newburgh will coordinate with the Town of Newburgh Emergency Management Committee or The Orange County Department of Emergency Management to help identify and arrange for these housing needs. The Town of Newburgh Safety Officer is responsible for coordinating this.



**16. TOWN SUPERVISOR: Purchase of HVAC for Town Hall Meeting Room**

Emergency purchase of HVAC for Town Hall Meeting Hall

TOWN OF NEWBURGH  
TOWN ENGINEER

17A

MEMORANDUM

TO: Supervisor Gilbert Piaquadio and Town Board Members  
FROM: Patrick J. Hines, Representative Engineer for the Town  
DATE: 8 June 2021  
RE: Gardnertown Road Culvert over Gidneytown Creek  
Change Order No.1

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During the initial start up on the project it was noted by this office and the Water Department that the water line crossing the culvert was labeled as 8 inch on the Design Plans. The actual water line is 12 inch diameter.

The project design engineer requested that the contractor, Riffenburg Contracting Corp. provide a change order for the upgrade in pipes, valves and fittings.

During the review this office noted that compliance with certain requirements of "Ten States Standards" for below grade stream crossing would be required as well.

Riffenburg Contracting has requested a Change Order for the pipe upgrades and stream crossing requirements. Change Order No.1 is attached in the amount off \$55,045.13. This has been reviewed by the Town's Design Consultant CHA.

Town Board action to authorized Change Order No. 1 in the amount of \$55,045.13 is required.

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

Cc: Jim Osborne, Town Engineer  
Jan Peterson, CHA  
Ron Clum, Town Accountant  
David Rakvica, CHA

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
AUTHORIZATION OF EXTRA WORK**

Region #: 08	DLD034705	PIN:	8702.03	AEW #:	1
County/Countries: Orange County		Date:		05/14/2021	
Contract Description: <i>Gardnertown Road Over Gidneytown Creek Culvert Replacement</i>					
Engineer-in-Charge: Michael Hogan			Field Office Fax:		
Contractor: Rifenburg Contracting Corp.					
Is Contract FHWA RFA or NCA?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		FHWA Concurrence Obtained?	
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	
Municipal/Local Share Involvement?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sufficient Funding in Place?	
				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Proposed Work within the Contract Limits?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Proposed work within the Contract Scope?	
				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Significant Change?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Has Project Manager been Notified?	
				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Contract Bid Amount: \$1,224,551.75			Contract Current Amount: \$1,224,551.75		
Estimated Increase Due to this Change: \$55,045.13					
Description of Proposed Extra Work: Due to the addition of Revision Sheets 13R1, 15R1, & 16R1, the following existing items has been deleted: Item 660.2120008 - 20" Casing Item 663.0108 - 8" Water Pipe Item 663.1808 - 8" Coupling Item 663.2001 - 8" Water Main Fittings  And replaced with the following items: Item 604.4048 - 48" Manhole Item 655.1202 - Manhole Frame and Cover Item 660.21240008 - 24" Casing Item 663.0112 - 12" Water Pipe Item 663.1812 - 12" Coupling Item 663.2002 - 12" Fittings Item 663.1012 - 12" Valve Item 663.2504 - Water Service Connection					

**Items Included in Description of Proposed Extra Work**

Item No.	Description	Unit of Measure	Original Bid Quantity	Authorized To Date Quantity	Added Quantity	Price Type	Unit Price
604.4048	Round Precast Manhole Type 48	LF			8.75	Agreed Price	\$687.44
655.1202	Manhole Frame and Cover	EA			1.00	Agreed Price	\$1,675.11
660.21240008	Furnish and Install Steel Casing 24 NPS (OD)	LF			45.00	Agreed Price	\$704.01

AEW has a value less than \$20,000     AEW has a value between \$20,000 and \$50,000     AEW has a value greater than \$50,000

Send a copy back to the EIC and the CO Specialist

Estimated AEW Total :	\$109,235.13
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**RECOMMENDED:**

Area Construction Supervisor



Date: 5/14/21

**APPROVED:**

Regional Construction Engineer

Date: \_\_\_\_\_



17B

**TOWN OF NEWBURGH  
TOWN ENGINEER**

**MEMORANDUM**

TO: Supervisor Gilbert Piaquadio and Town Board Members

FROM: Patrick J. Hines, Representative Engineer for the Town

DATE: 11 June 2021

RE: North Fletcher Drive Watermain Extension  
Change Order No.1

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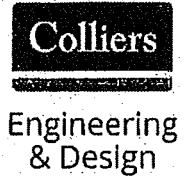
Attached under cover of this memo please find correspondence from Justin Dates of Collier Engineer and Design regarding a required Change Order for the North Fletcher Drive Watermain Project. The Change Order is a result of a design change during the initial project construction to remove all existing service laterals from the 16 inch main rather than leave them buried in place creating potential future conflicts during excavation within the roadway. The Change Order is for the removal of 18 laterals and termination of the laterals at the corporation fitting of the existing 16 inch main.

Town Board action to authorize Change Order No.1 in the amount of \$29,700.00 is required.

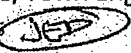
If you have any questions or comments I am available to discuss this further with you.

Cc: Jim Osborne, Town Engineer  
Jeff Guido, Water Superintendent  
Ron Clum, Town Accountant

555 Hudson Valley Avenue  
Suite 101  
New Windsor New York 12553  
Main: 877 627 3772



## Memorandum

To: James W. Osborne, Town Engineer  
Patrick J. Hines, Town Engineer  
From: Justin E. Dates   
Date: June 7, 2021  
Subject: North Fletcher Drive Water Main Extension  
Change Order Request #01  
Project No.: 16000130B

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Attached please find Change Order Request (COR) #01 from Regal Utility Services. This COR is required for the project based on a modification to the bid documents after finalizing the contract with Regal Utility Services. The Bid Documents called for the existing water services from the 16" water main to be plugged adjacent to the new curb stop. Upon further review and discussion with the Town, the desired method to address this is to remove the existing copper water service from the curb stop back to the 16" water main and shut-off the corporation valve. The additional cost for this item is \$1,650 per service.

As discussed with your office, this additional fee is required for a total of eighteen (18) existing services instead of the twenty-six (26) mentioned in the COR. Total additional cost for the shut-off of the existing water services is \$29,700.00.

If additional pavement restoration is necessary for this trenching, Regal Utility Services will maintain the original bid unit cost for those items.

R:\Projects\2016\16000130B\Correspondence\OUT\210607\_JED-Memo.docx

**Regal Utility Services**

**731 Warwick Turnpike**

**Hewitt, NJ 07421**

**North Fletcher Drive Watermain Replacement**

**Change Order #1**

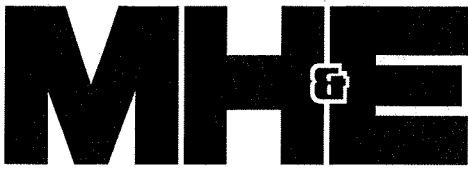
**Disconnect Copper & Corporation Shutoff**

Item #1: Regal Utilities will provide all labor and equipment necessary for the copper disconnection and shutoff of the corporations. Material supplied will be I-4 Backfill, as well as saw cutting, and dewatering, as necessary for <sup>18</sup>26 service disconnections. The price for the above work is \$1650.00 per service disconnection, for a total price of ~~\$42,900.~~

\$29,700.00 JEP

Item #2: All Paving / asphalt for the above services will be done at the equivalent unit price as set forth in our original bid for the contract. Approximate Square Yards is unknown until the work is complete. Measurements will be supplied upon completion and priced according to our original bid pricing.

5/15/2021



**CONSULTING ENGINEERS, D.P.C.**

MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
LYLE R. SHUTE, P.E., LEED-AP (NY, NJ, PA)  
PATRICK J. HINES

17C  
Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: [mheny@mhepc.com](mailto:mheny@mhepc.com)

Principal Emeritus:  
RICHARD D. MCGOEY, P.E. (NY & PA)

11 June 2021

Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

**ATTENTION: GILBERT PIAQUADIO, SUPERVISOR**  
**SUBJECT: READY COFFEE- AMENDED SITE PLAN (2019-26)**  
**STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**  
**CONTROL SECURITY RELEASE**

Dear Supervisor Piaquadio:

This office has field reviewed the conditions at the subject property. We have found that the stormwater improvements have been installed consistent with the approved plans.

The Planning Board has received a letter from Hudson Land Design dated 4 June 2021 certifying that the stormwater components have been installed in compliance with the approved drawings. Copy of this letter is attached.

Based on the above this office takes no exception to the Town Board releasing the stormwater security posted for the project in the amount of \$34,500.00

The release of the security requires Town Board action.

Please feel free to contact the undersigned should you have any questions or comments regarding this matter.

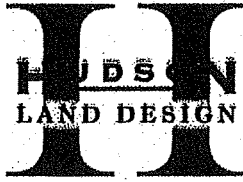
Very Truly Yours,

**McGoey, Hauser & Edsall**  
**Consulting Engineers, D.P.C**

Patrick J. Hines  
Principal

PJH/kbw





*Civil & Environmental Engineering Consultants  
174 Main Street, Beacon, New York 12508 (Main Office and Mailing Address)  
13 Chambers Street, Newburgh, New York 12550 (Satellite Office)  
Phone: 845-440-6926 Fax: 845-440-6637  
www.HudsonLandDesign.com*

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June 4, 2021

John P. Ewasutyn, Chairman  
Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Ready Coffee Site Plan  
59 N. Plank Road  
Tax ID: 76-4-3  
Town of Newburgh, New York

Dear Chairman Ewasutyn and Members of the Board:

Hudson Land Design (HLD) has reviewed the as-built conditions for the Ready Coffee site and have determined that the stormwater components have been installed in substantial compliance with the approved site plan drawings.

Should you have any questions, please feel free to call my direct line at 845-765-8955.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel G. Koehler".

Daniel G. Koehler, P.E.  
Principal

cc: Stephens W. Dunne, Applicant (via email)  
Lothrop Associates LLP Architects, Applicant's Architect (via email)  
Michael A. Bodendorf, P.E. (HLD file)