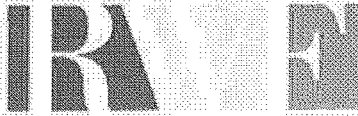


JOSEPH P. PEDI
Town Clerk, 1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554

TOWN BOARD PUBLIC MEETING AGENDA
Tuesday, October 12, 2021
7:00 p.m.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. PUBLIC HEARING (7:00 pm): Central Hudson Easement Over Nob Hill Sewer District Property
 - A. Resolution of Uncoordinated SEQR Determination
 - B. Resolution Authorizing Grant of Easement
7. DEPARTMENT HEAD REPORTS
8. TOWN SUPERVISOR:
 - A. Contract with Police Benevolent Association (PBA)
 - B. Support of Neighborhood Homes Investment Act
9. HIGHWAY DEPARTMENT: Promotions
10. RECREATION DEPARTMENT:
 - A. Presentation on New Recreation Center
 - B. Resolution for Dial-A-Bus Drug and Alcohol Testing Policy
11. SCHEDULING OF PUBLIC HEARINGS:
 - A. Preliminary Town Budget for 2022
 - B. Special District Assessment, Rolls, Benefits Formulas and Budgets for 2022
12. JUSTICE COURT: Approval to Submit Revised Application for the 2021 Justice Court Assistance Program (JCAP)
13. ANIMAL CONTROL: T-94 Withdrawals
 - A. Approval for Payment to Newburgh Veterinary Hospital
 - B. Approval for Payment to Flannery Animal Hospital
14. BOARD OF ASSESSMENT REVIEW: Appointment of New Board Member
15. ACCOUNTING DEPARTMENT: Review Status Report and Budget Status Report for September 2021.
16. ENGINEERING DEPARTMENT: Stormwater Agreement for RAM Hotels
17. RECEIVER OF TAXES: Approval to Hire Administrative Assistant
18. POLICE DEPARTMENT: Approval to Hire Part Time Court Attendant
19. ANNOUNCEMENTS
20. PUBLIC COMMENTS
21. ADJOURNMENT

GJP; jpp October 8, 2021 at 3:35 pm Third Revision



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: GRANT OF EASEMENT OVER NOB HILL SEWER
DISTRICT PROPERTY ON NOB CIRCLE TO CENTRAL
HUDSON
OUR FILE NO. 800.1(B)() (2021), 800. _____

DATE: OCTOBER 8, 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

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

Enclosed please find the following draft resolutions for the Town Board's consideration following the close of the public hearing on the above referenced matter:

1. Resolution of Uncoordinated SEQR Determination Regarding Proposed Grant of Easement to Central Hudson Gas & Electric Corp. Over Sewer District Property at Nob Circle, Newburgh, New York (Parcel No. 22-2-33.1) (The Environmental Assessment Form and Proposed Negative Declaration will be forwarded separately.)
2. Resolution of Town Board Authorizing and Approving Proposed Grant of Easement to Central Hudson Gas & Electric Corp. Over Sewer District Property at Nob Circle, Newburgh, New York (Parcel No. 22-2-33.1)

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

I
MCT/sel
Enc.

cc: Joseph P. Pedi, Town Clerk
Lori Coady, Assessor
Ronald Clum, Town Accountant
James Osborne, Town Engineer
Mark Hall, Highway Superintendent
Jeff Guido, Water and Sewer Department
Patrick Hines, Principal, McGoey, Hauser & Edsal

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the __th day of August, 2021 at 7:00 P.M., Prevailing Time

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF UNCOORDINATED
SEQR DETERMINATION
REGARDING
PROPOSED GRANT OF EASEMENT TO
CENTRAL HUDSON GAS & ELECTRIC
CORP. OVER SEWER DISTRICT
PROPERTY AT NOB CIRCLE,
NEWBURGH, NEW YORK (PARCEL NO.
22-2-33.1

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

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on September __, 2021 ordering a public hearing in the matter of the proposed grant of easement and right of way over property of the Town of Newburgh Nob Hill Sewer District, not needed for District purposes, at Nob Circle (Tax Map Parcel No. 22-2-33.1) to Central Hudson Gas & Electric Corp for poles, towers, lines, supporting structures, cables, cross arms, wires, guys, braces, underground conduits, pipes, mains, ducts and other appurtenances and fixtures for any public utility uses, at Town Hall, 1496 Route 300 in the Town of Newburgh, New York on the 12th day of October, 2021 at 7:00 o'clock, p.m., the proposed easement area consisting of approximately 622 square feet (0.01 acres) of land ("the Action"); and

WHEREAS, the Town Board conducted said public hearing and heard and considered the comments of all interested parties, including comments pertaining to environmental concerns; and

WHEREAS, the Town Board has determined that the approval of said Sale is an unlisted action under Part 617 of Article 8 of the Environmental Quality Review Act, and does not require a coordinated review; and

WHEREAS, the Town Board has determined that the Action is not located in an agricultural district; and

WHEREAS, the Town Board has determined to conduct an uncoordinated review of the Action; and

WHEREAS, the Town Board, having reviewed and the considered any relevant areas of environmental concern and the probable environmental impacts of the approval of the Lease has determined the such adoption will not result in any adverse environmental effects

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code hereby determines that said Action will not have a significant effect on the environment and, accordingly, does issue a Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to execute and file the Negative Declaration annexed hereto and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law.

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

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

The resolution was thereupon declared duly adopted.

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the __th day of August, 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 and

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
APPROVING AND
AUTHORIZING
PROPOSED GRANT OF EASEMENT TO
CENTRAL HUDSON GAS & ELECTRIC
CORP. OVER SEWER DISTRICT
PROPERTY AT NOB CIRCLE,
NEWBURGH, NEW YORK (PARCEL NO.
22-2-33.1

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

WHEREAS, the Town Board has conducted a public hearing in the matter of the proposed grant of an easement and right of way over property of the Town of Newburgh Nob Hill Sewer District, not needed for District purposes, at Nob Circle (Tax Map Parcel No. 22-2-33.1) to Central Hudson Gas & Electric Corp ("Central Hudson") for poles, towers, lines, supporting structures, cables, cross arms, wires, guys, braces, underground conduits, pipes, mains, ducts and other appurtenances and fixtures for any public utility uses, at Town Hall, 1496 Route 300 in the Town of Newburgh, New York on the 12th day of October, 2021 at 7:00 o'clock, p.m.; and

WHEREAS, the Town Board caused an Environmental Assessment Form ("EAF") to be prepared for the proposed sale of the surplus land in accordance with the requirements of the regulations promulgated by the New York State Department of Environmental Conservation under the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Town Board determined that said action will not have an adverse effect on the environment and accordingly issued a negative declaration in compliance with SEQR; and

WHEREAS, The proposed terms of conveyance of the easement include a purchase price of \$3,000.00 to be paid by Central Hudson.

NOW, THEREFORE, BE IT RESOLVED and DETERMINED that:

1. The easement rights in the property proposed to be conveyed are not required for any use or

purpose of the Nob Hill Sewer District or any other improvement district of the Town and the grant of the easement will provide revenue to the Nob Hill Sewer District; and

2. The grant of the easement to Central Hudson on the terms and conditions set forth above is approved and the Supervisor is authorized and directed to execute and deliver an easement from the Town of Newburgh for and on behalf of its Nob Hill Sewer District, in such form and content as is satisfactory to the Attorney for the Town, deeds or other instruments of conveyance, recording documents and such other documents and papers as are necessary to give effect to the foregoing resolutions; and

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

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

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

The resolution was thereupon declared duly adopted.

8A

8A

~~11/11~~. Contract with Police Benevolent Association (PBA)

The Town Supervisor will provide an update on the contract with the PBA

~~HHMB~~ SB

Support the Neighborhood Homes Investment Act

Please join other state and local organizations in New York to urge Congress to include the Neighborhood Homes Investment Act (NHIA) in the final version of the Build Back Better Act.

As the social spending package is being considered through budget reconciliation, it is vital for Congress to pass the innovative and bipartisan NHIA. This carefully crafted and targeted incentive can revitalize neighborhoods across the country by developing and rehabilitating homes in under resourced urban, suburban, and rural communities. The NHIA provision as currently included in the House Build Back Better Act would result in approximately 500,000 homes built or rehabilitated, creating a pathway for more families to buy a home and start building wealth.

Voice your support for NHIA by filling out the form below by October 5th to join [this letter](#) to Senator Schumer, which thanks him for his support of NHIA and asks him to prioritize it as the Senate considers the Build Back Better Act.

We also encourage you to share this sign on opportunity with other New York-based groups. Note that only your organization's name and location will appear on the final letter. We will only contact you via email should you choose to opt in for advocacy updates or any questions arise about the form submitted.

For more information on NHIA, please visit: neighborhoodhomesinvestmentact.org.

Organization Name *

Town of Newburgh

Name *

Gilbert

Piaquadio

First

Last

City *

Newburgh

Email *

supervisor@townofnewburgh.org

Are you authorized to add the organization's name to this letter? *

Yes

No

Would you like to receive future electronic updates on the NHIA advocacy effort?* *

Yes

No



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 ADOPTION OF AMENDED TOWN OF
NEWBURGH DIAL-A-BUS DRUG AND ALCOHOL
POLICY
OUR FILE NO. 800.1(B)()(2021)

DATE: OCTOBER 1, 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

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(1915-1990)

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

Enclosed please find the above referenced draft resolution which our office has prepared in accordance with Commissioner Presutti's request of September 23, 2021 for the Board's consideration. The Commissioner advises the County has informed him that the modifications are federally mandated in order for the Town to continue to receive federal grant funds through the County for the dial-a-bus program. I am copying Personnel Director Charlene Black and Elayne Gold, Esq., on this memorandum as the policy by its terms in both its amended and previously adopted forms is applicable to all Town of Newburgh employees. Accordingly there may be additional considerations to be weighed prior to the Board's action on the resolution given that the scope of the policy is stated to be beyond the Town's dial-a-bus drivers.

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
James Presutti, Parks, Recreation and Conservation Commissioner
Charlene Black, Personnel Director (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Elayne Gold, Esq. (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300 in the Town of Newburgh, Orange County, New York on the ___th day of October, 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 ADOPTION
OF AMENDED TOWN OF NEWBURGH
DIAL-A-BUS DRUG AND ALCOHOL
TESTING POLICY

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

WHEREAS, in accordance with the Federal Drug-Free Workplace Act of 1988, in order tot of Federal grant receive Federal Funds through the County of Orange for the dial-a bus program, the Town of Newburgh must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the Act; and

WHEREAS, the Town of Newburgh, as a recipient grant funds heretofore complied with the requirements of the Drug-Free Workplace Act by adoption a conforming policy and drug-free awareness program; and

WHEREAS the Federal Transit Authority has informed the County of Orange that certain updates and modifications are required to be made to the Drug and Alcohol Testing policies of all government entities operating dial-a-bus programs; and

WHEREAS, the upon due review and consideration, Town Board has determined that the amendments to the Town of Newburgh Dial-a-Bus Drug and Alcohol Testing policy are acceptable to the Town

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts the amended "Town of Newburgh Dial-A-Bus Drug and Alcohol Testing Policy" annexed hereto.
2. The amended policy shall be distributed to Town employees.
3. The foregoing resolutions shall take effect immediately.

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

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.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Jim Presutti

Commissioner of Parks, Recreation & Conservation

845-564-7815

FAX: 845-564-7827

9/23/21

To: Mark Taylor and the Town Board

From: Jim Presutti, Commissioner

Re: Resolution accepting Dial-a-Bus Drug and Alcohol Policy changes as per FTA and Orange County.

Good Afternoon,

Enclosed is a copy of the updated Drug and Alcohol Testing policy for our Dial-a-bus program. Rob Parrington from Orange County has requested that we have a resolution showing that the Town Board accepts the changes made to our policy. These changes were sent down from the FTA(Federal Transit Authority) to all government entities operating a dial-a-bus program.

If you have any questions, please feel free to contact me. I have also included a copy of the old program with the changes in red so you can see where they were made.

Respectfully,

Jim Presutti, CA,CNLP,CCPA

Commissioner

TOWN OF NEWBURGH
DIAL-A-BUS DRUG AND ALCOHOL
TESTING POLICY

Reviewed and Updated May 2021

804 Drug-Free Workplace

Statement of Compliance - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

Policy Statement - It is the policy of the Town of Newburgh that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Act, is prohibited on the job or at the workplace. This policy applies to all employees and applicants for employment, and applies to all Town property.

Implementation of Policy - This policy will be distributed to all employees and officials of the Town.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including dismissal from employment.

Employee Responsibilities - As a condition of the Town receiving Federal grant moneys, each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

Town Responsibilities - The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Contact Information – Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s)

Operator's Drug and Alcohol Manager

Name: Charlene M Black, Personnel
Address: 1496 Rt 300, Newburgh, NY 12550
Telephone: 845-566-7785

Medical Review Officer

Name: Ferdinand Anderson, Jr. MD Emergency One
Address: 40 Hurley Ave, Kingston, NY 12401
Telephone: 845-338-5600

Substance Abuse Professional

Name: Catholic Charities
Telephone: 845-344-5565

DOT SAP: Samantha Ryes (DOT Services / Substance Abuse)

Address: PO Box 793, Pine Bush, NY 12566
Office: 62 Prospect St, Pine Bush, NY 12566
Telephone: 845-258-9483

HHS Certified Laboratory Primary Specimen
E-Screen/Alere Laboratory

All information received by the Town through this policy is confidential. Access will be limited to those who have a legitimate right to know in order to comply with applicable law and Town policies.

Drug-Free Awareness Program - It is the policy of the Town of Newburgh to maintain a drug-free workplace. In accordance with that policy, the Town is providing the following drug-free awareness information to raise employee awareness of the dangers associated with the drug abuse in the workplace. **The Town encourages employees to seek help if they are concerned about drug abuse problems.**

Dangers of Drug Abuse in the Workplace - Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

A. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

B. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

C. Absenteeism and Tardiness

double the normal rate
repeatedly being late for work and often leaving early
extended lunch hours
frequent illness and accidents both on and off the job

D. Damaged Relationships

emotional outbursts, over-reaction to criticism, mood swings,
complaints from co workers, associates and the public often leading to damaged
relations.

805 Alcohol and Substance Abuse Policy and Testing Procedure

Section I. PURPOSE

The purpose of the Alcohol and Substance Abuse Policy and Testing Procedure is to ensure:

- (A) A work environment where not only the citizens of the Town of Newburgh, but the Town of Newburgh personnel, are free from the risk of personnel who may be under the influence of alcohol while on duty or under the influence of or using illegal substances whether on or off duty;
- (B) The capability of all Town of Newburgh personnel to perform their assigned duties at all times without being under the influence of drugs, alcohol or illegal substances;
- (C) The understanding of the Town personnel of the availability of the Employee Assistance Program in which, under confidentiality, they may request assistance and/or rehabilitation for alcohol or drug use;
- (A) That Town personnel are cognizant of the ramifications of the use of alcohol while on duty or illegal drugs at any time.

Section II. PROHIBITED SUBSTANCES AND CONDUCT

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs Under the Drug-Free Workplace Act of 1988 any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical use by the U.S Drug Enforcement Administration or the U.S Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result or a refusal to submit to a test for drugs or alcohol and also requires that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime they are on duty. The U.S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of the Town of Newburgh and are not provided under the above-named Federal regulations are underlined.

Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random, reasonable suspicion, or follow up alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during or just after the performance of safety-sensitive job functions. A non-DOT alcohol test can be performed any time a covered employee is on duty.

Prohibited conducted includes the following:

All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed. Section 655.31 states "Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function."

An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee has not consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:

The employee's alcohol concentration measures less than 0.02; or

The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

- No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions. The FTA Rule, Section 655.33 (a) states; Each employer shall prohibit a covered employee from using alcohol within four (4) hours to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four (4) hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

Town of Newburgh prohibits the consumption of alcohol at all times the employee is on duty or anytime the employee is in uniform.

Consistent with the Drug-free Workplace Act of 1988, all Town of Newburgh employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply shall result in

disciplinary action.

Section III. DEFINITIONS

COVERED EMPLOYEES: All employees of the Town of Newburgh.

MEDICAL REVIEW OFFICER (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug, alcohol and substance abuse testing program who has knowledge of the alcohol and/or substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other biomedical information.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, state licensed or certified marriage/family therapist, employee assistance professional, or drug and alcohol counselor (certified by an organization listed at www.transportation.gov/odapc/sap with knowledge of and clinical experience in the diagnosis and treatment of alcohol and/or controlled substances-related disorders.

DESIGNATED EMPLOYER REPRESENTATIVE (DER): The DER for the Town of Newburgh shall be the Personnel Officer. The DER shall be the only representative who is able to receive communications and test results directly from medical review officers, screening test technicians, collectors, and substance abuse professionals, and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. Upon administering this policy, the DER may consult with the Town Supervisor.

ADULTERATED SPECIMEN: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

DILUTE SPECIMEN: A urine specimen whose creatinine and specific gravity values that are lower than expected for human urine.

SUBSTITUTED SPECIMEN: A urine specimen with creatinine and specific gravity values that are diminished or so divergent that they are not consistent with normal human urine. A specimen that has been submitted by the employee in place of his/her own urine.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES (SAMHS):

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS):

Section IV. REQUIRED TESTING

A. Pre-Employment

Conducted before applicants are hired. All pre-employment testing shall be performed at the Town's expense.

A. Random

Conducted on a random unannounced basis. Tests must be unannounced and spread throughout the calendar year and throughout all times of the day when safety-sensitive functions are performed. Random selection could result in an employee being selected for testing more than once in a calendar year. All random testing shall be performed at the Town's expense.

B. Reasonable Suspicion

Conducted when an employee's behavior or appearance is directly observed and that behavior is characteristic of the influence of alcohol and/or controlled substances. The Town will require that a trained supervisor verify and document the behavior before it is brought before the DER. Determination for a suspected employees test based upon direct observations and reasonable suspicion shall rest with the DER. All reasonable suspicion testing shall be performed at the Town's expense.

C. Post Accident

Conducted following every motor vehicle accident, which results in a fatality, disabling damage to any vehicle involved, or personal injury requiring immediate transportation away from the scene to a medical treatment facility. Should an employee require medical attention then that shall take precedence over the testing. Alcohol and/or drug testing must occur within thirty-two (32) hours after the accident. If unable to test as required above, documentation as to why testing wasn't done may be required. All post-accident testing shall be performed at the Town's expense.

D. Return to Duty

Conducted prior to a return to duty after an individual who has violated controlled substances prohibitions and engaged in prohibited alcohol and/or drug use; the employee shall undergo a "Return to Duty" drug/alcohol test with a verified negative result, after completion of any recommended treatment program or action. All return to duty tests shall be performed at the Town's expense.

E. Follow-Up

Following a positive test and subsequent return to work, unannounced follow-up drug testing will be required. A minimum of six (6) follow-up drug tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up tests shall be performed at the Town's expense with the exception that, if a test results as positive that the employee had again violated the alcohol and substance abuse policy, the cost of that test shall be the responsibility of the tested employee.

Section V. TESTING PROCEDURES

1. Pre-employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of successfully completing a referral, evaluation, and treatment plan meeting DOT requirements.

2. Random Drug Testing:

- A. All Town of Newburgh employees shall be entered into a database managed by the independent agency administering the testing. The entire list of employees shall be updated and confirmed by the DER prior to each selection. Random selections will be made by a scientifically valid method of randomly generating an employee identified from the appropriate pool of safety-sensitive employees.
- B. Testing shall be conducted on a random unannounced basis. Tests must be

unannounced and spread throughout the calendar year, throughout all days of the week of safety-sensitive operation, and throughout all hours of the day that safety-sensitive functions are performed. Random selection could result in an employee being selected for testing more than once in a calendar year however an employee shall not be subject to more than two random tests in the same calendar year.

- C. Employees, upon notification that they are being scheduled for random drug testing, will without delay, appear as required at the location specified for testing. Random drug tests shall only be given during an employee's work hours.

Employees who are off duty on previously scheduled approved vacation, other accrued leave or a day off and are not scheduled for duty within 72 hours shall temporarily be excluded from their selection. Under these circumstances, the employee shall be tested upon his or her return to work. An employee who uses his or her accrued leave at the time of their notification may still be required to attend the random testing.

- D. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>

E. The randomly selected list of employees shall be forwarded to the DER. Upon receipt, the DER shall seal the secret list of those employees selected for unannounced random testing in an envelope. The envelope shall be initialed by the DER and then secured in the DER office. The DER shall notify the selected employees of the random selection and the testing shall proceed without delay.

F. Pending the results of a random test, the employee shall be allowed to perform their duties and will not suffer any loss of wages or accrued leave. All random drug testing will be performed at the Town's expense and only during work hours. On the occasion that the random testing is performed during hours that extend beyond the employee's work day, the employee shall be compensated at an overtime rate, if applicable. Selected employees will be tested at a designated testing facility.

Upon receipt of a positive test result from the Medical Review Officer (MRO), the employee will be transported home. Before returning to work the employee must successfully complete the recommended course of treatment. Upon successful completion of this treatment the employee must submit to a "Return to Duty" test with a verified negative result.

The FTA Rule, section 655.45 (i) states: a covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety sensitive functions: just before the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

3. Reasonable Suspicion Testing:

Covered employees will be subject to reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse.

Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under the Town of Newburgh authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

A. The DER shall decide whether there is reason to investigate for purposes of ascertaining if available facts objectively indicate reasonable suspicion exists to pursue the inquiry, which may include meeting with the employee for purposes of providing the employee an opportunity to explain the conduct, performance or behavior. The investigation of the employee's behavior shall be confidential with due consideration for the dignity and privacy of the employee.

B If the DER determines that there is reasonable suspicion and the employee is referred for reasonable suspicion testing, the following procedure shall be followed. The "reasonable suspicion form" shall be completed and signed by the initial reporting supervisor and the DER of which their signatures shall attest to the bases to support the reasonable suspicion that the employee is under the influence of alcohol or prohibited controlled substances. There must be good cause for the suspicion with the reasons set forth in writing on the "reasonable suspicion form" and provided to the employee, at the time such testing is directed, including the factual basis for the directive. Such factual basis of specific and direct observations and good cause shall be reduced to writing by the DER and initial reporting trained supervisor on the "Reasonable Suspicion Form". The "reasonable suspicion form" to be used is attached hereto as Part A and made a part hereof.

C The following are considered a refusal to test if the employee:

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company.
- Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused a test.
- Fail to attempt to provide a breath or urine specimen. An employee who

does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.

- In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- Fail or decline to take a second test as directed by the collector or the Company for drug testing.
- Fail to undergo a medical evaluation as required by the MRO or the Company's Designated Employer Representative (DER).
- Fail to cooperate with any part of the testing process.
- Fail to follow an observer's instructions to raise and lower clothing and turn around during directly observed test.
- Possess or wear a prosthetic or other device used to tamper with the collection process.
- Admit to the adulteration or substitution of a specimen to their collector or MRO.
- Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF)
- Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions and referred to a SAP.

A. Once the DER has determined that a test is required, it shall be the responsibility of the supervisor to provide the employee transportation to and from the testing facility. The supervisor shall remain with the employee until the testing is concluded and upon completion of the testing, shall transport the employee home until the results are received by the (DER).

B. Pending the Town receipt of the test results, the employee may at the discretion of the DER and Department Head, be assigned to modified duty or not be allowed to perform his or her job duties but will not suffer any loss of wages or accrued leave. Upon receipt of a negative reasonable suspicion drug test result from the Medical Review Officer (MRO), the employee will return to work without suffering any loss of wages or benefits and will be granted no less than two (2) additional vacation days to be used at the employee's discretion with no restrictions.

C. Upon the receipt of a positive test result from the Medical Review Officer (MRO), the employee will be evaluated by the Substance Abuse Professional (SAP). The SAP shall provide a recommended course of treatment. Before returning to work, the employee must successfully complete the recommended course of treatment. Upon

successful completion of this treatment, the employee must submit to a "Return to Duty" test with a verified negative result. The "Reasonable Suspicion Form," if the test result is positive, will be included in the employee's personnel file. If the test result is negative the form will be discarded. Upon written request, a covered employee may obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances, including any records pertaining to his/her alcohol/controlled substance tests.

D. Upon the receipt of a positive test result from the Medical Review Officer (MRO), the employee will be evaluated by the Substance Abuse Professional (SAP). The SAP shall provide a recommended course of treatment.

3. Post Accident Drug Testing:

FATAL ACCIDENTS-A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

NON-FATAL ACCIDENTS- A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor at the accident
- One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the accident, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the accident.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not

performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing,

Nothing in this section shall be construed to require delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that the Town of Newburgh is unable to perform an FTA drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement agency), the Town of Newburgh may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

4. Return To Duty Testing:

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return to duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return to duty drug test, alcohol test or both.

5. Follow Up Testing:

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return to duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow up tests (beyond the minimums) will be determined by the SAP

reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

6. Test Results:

All records considered confidential and will not be shared with other employees. Test results and other confidential information will only be released to the Designated Employer Representative (DER) Medical Review Officer (MRO) and the Substance Abuse Professional (SAP) who evaluates the extent of the problem. However, the employee is entitled, upon written request, to obtain copies of any records concerning his/her use of alcohol or drugs, including any test records. If an employee initiates a grievance, hearing, lawsuit, or other action, the Town may release this information to the relevant parties.

Section VI. VOLUNTARY TREATMENT:

When an employee voluntarily informs the DER that he/she is experiencing problems with alcohol or drug use, who has not previously been the subject of a disciplinary penalty for drug or alcohol use and has not been involved in any conduct which would require the employee to face reasonable suspicion testing pursuant to this policy, that employee will be afforded the opportunity to participate in a rehabilitation program, rather than being subjected to disciplinary action. Enrollment in a program through the EAP in lieu of disciplinary action may only be available where the employee has never previously tested positive for alcohol and/or drug use while employed by the Town.

Section VII. EMPLOYEE ASSISTANCE PROGRAM (EAP):

- A. Personnel of the Town of Newburgh have the availability of the Employee Assistance Program (EAP) to seek assistance and/or rehabilitation in coping with problems of alcohol and/or drug dependency and/or abuse.
- B. Personnel seeking assistance shall notify either the coordinator of the Employee Assistance Program or contact the designated EAP agency. Contacts to these programs are under strict confidentiality.
- C. Personnel may also be referred by the Town Supervisor of Personnel Office. Any such referral shall maintain confidentiality for the affected member.
- D. The Town of Newburgh will grant a maximum total of two (2) sick leave periods during the employee's career, as prescribed by the EAP Coordinator, a licensed counselor, and/or SAP for an employee to receive treatment for drug or alcohol dependency. A sick leave period will not be granted within twelve (12) months of a previous leave period.

- E. Entry and participation in such treatment and rehabilitation may occur prior to the employee selection for random drug testing or selection for reasonable suspicion or post-incident testing.

Section VIII. CONSEQUENCES FOR REFUSAL OR A POSITIVE TEST RESULT

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655

1. Refusal To Test:

Refusal to submit to testing is prohibited. The consequences for a refusal are therefore the same as if the person had submitted to testing and had a positive test result.

The following actions shall constitute a refusal:

Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company.

Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.

In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.

Fail to provide a sufficient quantity of urine or breath without a valid medical explanation

Fail or decline to take a second test as directed by the collector or the Company for drug testing.

Fail to undergo a medical evaluation as required by the MRO or the Company's DER

Fail to cooperate with any part of the testing process

Fail to follow an observers instructions to raise and lower clothing and turn around during a directly-observed test.

Possess or wear a prosthetic or other device used to tamper with the collection process.

Admit to the adulteration or substitution of a specimen to the collector or MRO

Refuse to sign the certification at Step 2 of the Alcohol Testing form (ATF)

Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted result, you have refused to take a drug test.

2. Positive Test Consequences:

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in this policy. Even though an employee who has a

confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

A. Upon the results of a positive drug test, an alcohol test of 0.04 or above, or a refusal to test, the employee shall be immediately removed from all duties, referred to a USDOT qualified SAP, and, at the Town's discretion, he or she may face suspension without pay for up to thirty (30) calendar days. Depending on the circumstances the employee may still face additional disciplinary action up to and including termination. The Town may reserve the right to suspend any disciplinary action while the employee is undergoing the recommended course of treatment. The suspended disciplinary action will remain pending during the employee's treatment. Upon the employee's successful completion of his or her treatment, accompanied by a "Return to Duty" test with a verified negative result, the suspended disciplinary action shall be withdrawn. At such time the employee may return to full duty. Employees who test positive will be allowed one opportunity for treatment and counseling. At any time during an employee's tenure with the Town of Newburgh a second positive drug test for alcohol use while on duty or a prohibited controlled substance whether on or off duty, which is not subject to a medical exception, may result in immediate and automatic suspension without pay and disciplinary action for termination. "Exempt" employees will be automatically terminated.

B. No return to duty will be permitted until a substance abuse professional "SAP" has evaluated the employee and determined that the employee has complied with treatment recommendations and has been cleared for return to duty. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test or both.

C. An employee who is referred by the SAP for treatment will be required to sign a Rehabilitation Agreement, and a release permitting the Town to obtain the employee's treatment records. The employee will be expected to comply with all treatment recommendations set forth in the Rehabilitation Agreement as a condition of further employment. Failure to follow treatment recommendations may result in the employee's termination.

D. During the period of treatment, the employee will be eligible to utilize their accrued sick leave. After utilizing their sick leave, the employee may utilize his or her, other accrued leave including personal, and vacation leave. Thereafter, the member shall not otherwise be compensated during the period of said employee's absence. Employees who test positive will be allowed one opportunity for treatment and counseling.

E. Once the employee returns to duty, unannounced follow-up tests shall be conducted. A minimum of six (6) follow-up drug tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up drug tests shall be given at any time during an employee's work day. Follow-up alcohol tests will only be conducted just before, during or just after the performance of safety sensitive functions. A positive test following the employee's return to work will result in the employee's termination.

Section IX. PENALTY REVIEW

Imposition of discipline for competitive and noncompetitive managers/supervisors shall be in accordance with State Civil Service law.

DRUG AND ALCOHOL POLICY ADDENDUM EFFECTIVE JANUARY 1, 2018

The United States Department of Transportation (USDOT) – Office of Drug and Alcohol Policy and Compliance (ODAPC) has issued an update to the USDOT's drug and alcohol testing regulations (49 CFR Part 40). The new regulation has been revised and the changes (summarized below) will become effective January 1, 2018. Therefore, the Town of Newburgh Dial-A-Bus drug and alcohol testing policy is amended as follows:

1. CHANGES TO THE DRUG TESTING PANEL

- a. Four new opioids added to the drug testing panel-
 - i. The USDOT drug test remains a "5 panel" drug test; however, the list of opioids for which are tested will expand from three to seven opioids.
 - ii. The "opioid" category will continue to test for codeine, morphine, and heroine; however, the "opioid" testing panel will now be expanded to include four new semi-synthetic opioids:
 1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone and (4) Oxymorphone
 2. Common brand names for these semi-synthetic opioids include but may not be limit to: OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid, Exalgo
- b. 'MDA' will be tested as an initial test analyte
- c. 'MDEA' will no longer be tested for under the "amphetamines" category

2. BLIND SPECIMENT TESTING

- a. The USDOT no longer requires blind specimens to be submitted to laboratories

3. ADDITIONS TO THE LIST OF "FATAL FLAWS"

- a. the following three circumstances have been added to the list of "fatal flaws";
 - i. No CCF received by the laboratory with the urine specimen
 - ii. In cases where a specimen has been collected, there was no specimen submitted with the CCF to the laboratory
 - iii. Two separate collections are performed using one CCF

4. MRO VERIFICATION OF PRESCRIPTIONS

- a. When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk
 - i. Specifically, in cases where a MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five(5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable judgement, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.

5. DEFINITIONS

- a. The term "DOT, the Department, DOT Agency"
 - i. Modified to encompass all DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary, (OST), and any designee of a DOT agency
 - ii. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes
- b. The term "Opiate" is replaced with the term "Opioid" in all points of reference.
- c. The definition of "Alcohol Screening Device (ASD) is modified to include reference to the list of approved devices as listed on ODAPC's website.
- d. The definition of "Evidential Breath Testing Device (EBT)" is modified to

include reference to the list of approved devices as listed on ODAPC's website.

- e. The definition of "Substance Abuse Professional (SAP) will be modified to include reference to ODAPC's website. The fully revised definition includes:
 - i. A licensed physician (medical doctor or doctor of osteopathy) or licensed certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

NOTE: The revisions listed in this addendum include only those revisions to 49 CFR Part 40 which may be referenced in our drug & alcohol testing policy. A list of all the revisions made to 49 CFR Part 40 can be found at <https://www.transportation.gov/odapc>.

Addendum Authorization date: _____

Authorized Official (Printed Name): _____

Signature: _____

*off showing
where changes
need to be made*

TOWN OF NEWBURGH DIAL-A-BUS DRUG AND ALCOHOL TESTING POLICY

Reviewed and Updated May 2021

804 Drug-Free Workplace

Statement of Compliance - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

Policy Statement - It is the policy of the Town of Newburgh that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Act, is prohibited on the job or at the workplace. This policy applies to all employees and applicants for employment, and applies to all Town property.

Implementation of Policy - This policy will be distributed to all employees and officials of the Town.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including dismissal from employment.

Employee Responsibilities - As a condition of the Town receiving Federal grant moneys, each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

Town Responsibilities - The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Contact Information – Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s)

Operator's Drug and Alcohol Manager

Name: Charlene M Black, Personnel
Address: 1496 Rt 300, Newburgh, NY 12550
Telephone: 845-566-7785

Medical Review Officer

Name: Ferdinand Anderson, Jr. MD Emergency One
Address: 40 Hurley Ave, Kingston, NY 12401
Telephone: 845-338-5600

Substance Abuse Professional

Name: Catholic Charities
Telephone: 845-344-5565

DOT SAP: Samantha Ryes (DOT Services / Substance Abuse)

Address: PO Box 793, Pine Bush, NY 12566
Office: 62 Prospect St, Pine Bush, NY 12566
Telephone: 845-258-9483

HHS Certified Laboratory Primary Specimen
E-Screen/Alere Laboratory

All information received by the Town through this policy is confidential. Access will be limited to those who have a legitimate right to know in order to comply with applicable law and Town policies.

Drug-Free Awareness Program - It is the policy of the Town of Newburgh to maintain a drug-free workplace. In accordance with that policy, the Town is providing the following drug-free awareness information to raise employee awareness of the dangers associated with the drug abuse in the workplace. **The Town encourages employees to seek help if they are concerned about drug abuse problems.**

Dangers of Drug Abuse in the Workplace - Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

A. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

B. Increased Costs

five times the average sick and accident benefits
higher job turnover, replacement and training costs
greater workers' compensation and health insurance payments
3 to 5 times more on-the-job accidents
unemployment claims

C. Absenteeism and Tardiness

double the normal rate
repeatedly being late for work and often leaving early
extended lunch hours
frequent illness and accidents both on and off the job

D. Damaged Relationships

emotional outbursts, over-reaction to criticism, mood swings,
complaints from co workers, associates and the public often leading to damaged
relations.

805 Alcohol and Substance Abuse Policy and Testing Procedure

Section I. PURPOSE

The purpose of the Alcohol and Substance Abuse Policy and Testing Procedure is to ensure:

- (A) A work environment where not only the citizens of the Town of Newburgh, but the Town of Newburgh personnel, are free from the risk of personnel who may be under the influence of alcohol while on duty or under the influence of or using illegal substances whether on or off duty;
- (B) The capability of all Town of Newburgh personnel to perform their assigned duties at all times without being under the influence of drugs, alcohol or illegal substances;
- (C) The understanding of the Town personnel of the availability of the Employee Assistance Program in which, under confidentiality, they may request assistance and/or rehabilitation for alcohol or drug use;
- (A) That Town personnel are cognizant of the ramifications of the use of alcohol while on duty or illegal drugs at any time.

Section II. PROHIBITED/ONS SUBSTANCES AND CONDUCT

Prohibited substances addressed by this policy include the following:

~~Illegally~~ Illegally Used Controlled Substances or Drugs Under the Drug-Free Workplace Act of 1988 any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical use by the U.S Drug Enforcement Administration or the U.S Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also the medical use of marijuana,

or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result or a refusal to submit to a test for drugs or alcohol and also requires that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime they are on duty. The U.S. Department of Transportation (USDOT) has also published 49 CFR Part 40-, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of the Town of Newburgh and are not provided under the above-named Federal regulations are underlined.

Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random, reasonable suspicion, or follow up alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during or just after the performance of a safety-sensitive job functions. A non-DOT alcohol test can be performed any time a covered employee is on duty.

Prohibited conducted includes the following:

All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Each covered employee is prohibited from reporting to work or remaining on

duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed. Section 655.31 states "Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function."

An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee has not consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:

The employee's alcohol concentration measures less than 0.02; or

The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

- No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions. The FTA Rule, Section 655.33 (a) states; Each employer shall prohibit a covered employee from using alcohol within four (4) hours to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four (4) hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

Town of Newburgh prohibits the consumption of alcohol at all times the employee is on duty or anytime the employee is in uniform. Consistent with the Drug-free Workplace Act of 1988, all Town of Newburgh employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply shall result in disciplinary action.

Section III. DEFINITIONS

COVERED EMPLOYEES: All employees of the Town of Newburgh.

MEDICAL REVIEW OFFICER (MRO): A licensed physician (medical doctor or doctor of

osteopathy) responsible for receiving laboratory results generated by an employer's drug, alcohol and substance abuse testing program who has knowledge of the alcohol and/or substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other biomedical information.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, state licensed or certified marriage/family therapist, employee assistance professional, or drug and alcohol counselor (certified by an organization listed at www.transportation.gov/odapc/sap with knowledge of and clinical experience in the diagnosis and treatment of alcohol and/or controlled substances-related disorders.

DESIGNATED EMPLOYER REPRESENTATIVE (DER): The DER for the Town of Newburgh shall be the Personnel Officer. The DER shall be the only representative who is able to receive communications and test results directly from medical review officers, screening test technicians, collectors, and substance abuse professionals, and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. Upon administering this policy, the DER may consult with the Town Supervisor.

ADULTERATED SPECIMEN: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

DILUTE SPECIMEN: A urine specimen whose creatinine and specific gravity values that are lower than expected for human urine.

SUBSTITUTED SPECIMEN: A urine specimen with creatinine and specific gravity values that are diminished or so divergent that they are not consistent with normal human urine. A specimen that has been submitted by the employee in place of his/her own urine.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES (SAMHS):

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS):

Section IV. REQUIRED TESTING

A. Pre-Employment

Conducted before applicants are hired. All pre-employment testing shall be performed at the Town's expense.

A. Random

Conducted on a random unannounced basis. Tests must be unannounced and spread throughout the calendar year and throughout all times of the day when safety-sensitive functions are performed. Random selection could result in an employee being selected for

testing more than once in a calendar year. All random testing shall be performed at the Town's expense.

B. Reasonable Suspicion

Conducted when an employee's behavior or appearance is directly observed and that behavior is characteristic of the influence of alcohol and/or controlled substances. The Town will require that a trained supervisor verify and document the behavior before it is brought before the DER. Determination for a suspected employees test based upon direct observations and reasonable suspicion shall rest with the DER. All Reasonable suspicion testing shall be performed at the Town's expense.

C. Post-Accident

Conducted following every motor vehicle accident, which results in a fatality, disabling damage to any vehicle involved, or personal injury requiring immediate transportation away from the scene to a medical treatment facility. Should an employee require medical attention then that shall take precedence over the testing. Alcohol and/or drug testing must occur within thirty-two (32) hours after the accident. If unable to test as required above, documentation as to why testing wasn't done may be required. All post-accident testing shall be performed at the Town's expense.

D. Return to Duty

Conducted prior to a return to duty after an individual who has violated controlled substances prohibitions and engaged in prohibited alcohol and/or drug use; the employee shall undergo a "Return to Duty" drug/alcohol test with a verified negative result, after completion of any recommended treatment program or action. All return to duty tests shall be performed at the Town's expense.

E. Follow-Up

Following a positive test and subsequent return to work, unannounced follow-up drug testing will be required. A minimum of six (6) follow-up drug tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up tests shall be performed at the Town's expense with the exception that, if a test results as positive that the employee had again violated the alcohol and substance abuse policy, the cost of that test shall be the responsibility of the tested employee.

Section V. TESTING PROTOCOL

~~Testing for all alcohol and drugs will be conducted only by urinalysis.~~

~~1. Drug Testing~~

~~Drug testing will be conducted by analyzing an employee's urine specimen. The analysis will be performed at laboratories certified and monitored by SAMHSA and DHHS. The employee will provide a urine specimen in a location that affords privacy; and the "collector" seals and labels the specimen, complete a custody and control form (CCF) and prepare the specimen and accompanying paperwork for shipment to a drug testing laboratory in the presence of the employee. The specimen collection procedures and chain of or controlled substances, the employee has 72 hours to request the split specimen be sent to another SAMESA/DHHS certified laboratory for analysis at the employee's expense. If the split specimen proves to be negative, the Town will pay the expense."~~

The Medical Review Officer (MRO) is responsible for:

A. ~~The Notification Procedure.~~

~~Upon a positive test result for alcohol or prohibited substances, the MRO must first contact the employee directly on a confidential basis and determine whether the employee wants to discuss the test result. In making the contact the MRO must explain to the employee that if he/she declines to discuss the test result the MRO will verify a positive result.~~

B. ~~The MRO must attempt to reach the employee using the day and/or evening phone numbers provided on the custody and control form (CCF), over a period of at least 24 hours using reasonable efforts. The MRO shall:~~

~~Document the attempts to contact the employee with dates and times.~~

~~Following contacting and advising the employee or efforts to do so as described in section B above, the MRO shall next contact and advise the Designated Employer Representative (DER).~~

Section VI. TESTING PROCEDURES

1. Pre-employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can

return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of successfully completing a referral, evaluation, and treatment plan meeting DOT requirements.

2. Random Drug Testing:

- A. All Town of Newburgh employees shall be entered into a database managed by the independent agency administering the testing. The entire list of employees shall be updated and confirmed by the DER prior to each selection. Random selections will be made by a scientifically valid method of randomly generating an employee identified from the appropriate pool of safety-sensitive employees.
- B. Testing shall be conducted on a random unannounced basis. Tests must be unannounced and spread throughout the calendar year, throughout all days of the week of safety-sensitive operation, and throughout all hours of the day that safety-sensitive functions are performed. Random selection could result in an employee being selected for testing more than once in a calendar year however an employee shall not be subject to more than two random tests in the same calendar year.
- C. Employees, upon notification that they are being scheduled for random drug testing, will without delay, appear as required at the location specified for testing. Random drug tests shall only be given during an employee's work hours.

Employees who are off duty on previously scheduled approved vacation, other accrued leave or a day off and are not scheduled for duty within 72 hours shall temporarily be excluded from their selection. Under these circumstances, the employee shall be tested upon his or her return to work. An employee who uses his or her accrued leave at the time of their notification may still be required to attend the random testing.

- D. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at ~~[https://www-transportation.gov/odapc/random-testing-rates](https://www.transportation.gov/odapc/random-testing-rates)~~
<https://www.transportation.gov/odapc/random-testing-rates>
- E. The randomly selected list of employees shall be forwarded to the DER. Upon receipt, the DER shall seal the secret list of those employees selected for unannounced random testing in an envelope. The envelope shall be initialed by the DER and then secured in the DER office. The DER shall notify the selected employees of the random selection and the testing shall proceed without delay.
- F. Pending the results of a random test, the employee shall be allowed to perform their duties and will not suffer any loss of wages or accrued leave. All random drug testing will be performed at the Town's expense and only during work hours. On the occasion that the

random testing is performed during hours that extend beyond the employee's work day, the employee shall be compensated at an overtime rate, if applicable. Selected employees will be tested at a designated testing facility.

Upon receipt of a positive test result from the Medical Review Officer (MRO), the employee will be transported home. Before returning to work the employee must successfully complete the recommended course of treatment. Upon successful completion of this treatment the employee must submit to a "Return to Duty" test with a verified negative result.

The FTA Rule, section 655.45 (i) states: a covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety sensitive functions: just before because the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

3. Reasonable Suspicion Testing:

Covered employees will be subject to reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse.

Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under the Town of Newburgh authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

A. The DER shall decide whether there is reason to investigate for purposes of ascertaining if available facts objectively indicate reasonable suspicion exists to pursue the inquiry, which may include meeting with the employee for purposes of providing the employee an opportunity to explain the conduct, performance or behavior. The investigation of the employee's behavior shall be confidential with due consideration for the dignity and privacy of the employee.

B If the DER determines that there is reasonable suspicion and the employee is referred for reasonable suspicion testing, the following procedure shall be followed. The "reasonable suspicion form" shall be completed and signed by the initial reporting supervisor and the DER of which their signatures shall attest to the bases to support the reasonable suspicion that the employee is under the influence of alcohol or prohibited controlled substances. There must be good cause for the suspicion with the reasons set forth in writing on the "reasonable suspicion form" and provided to the employee, at the time such testing is directed, including the factual basis for the directive. Such factual basis of specific and direct observations and good cause shall be reduced to writing by the DER and initial reporting

trained supervisor on the "Reasonable Suspicion Form". The "reasonable suspicion form" to be used is attached hereto as Part A and made a part hereof.

C The following are considered a refusal to test if the employee:

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company.
- Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused a test.
- Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- Fail or decline to take a second test as directed by the collector or the Company for drug testing.
- Fail to undergo a medical evaluation as required by the MRO or the Company's Designated Employer Representative (DER).
- Fail to cooperate with any part of the testing process.
- Fail to follow an observer's instructions to raise and lower clothing and turn around during directly-observed test.
- Possess or wear a prosthetic or other device used to tamper with the collection process.
- Admit to the adulteration or substitution of a specimen to their collector or MRO.
- Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF)
- Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions and referred to a SAP.

A. Once the DER has determined that a test is required, it shall be the responsibility of the supervisor to provide the employee transportation to and from the testing facility. The supervisor shall remain with the employee until the testing is concluded and upon completion of the testing, shall transport the employee home until the results are received by the (DER).

B. Pending the Town receipt of the test results, the employee may at the discretion of the DER and Department Head, be assigned to modified duty or not be allowed to perform his or her job duties but will not suffer any loss of wages or accrued leave. Upon receipt of a

negative reasonable suspicion drug test result from the Medical Review Officer (MRO), the employee will return to work without suffering any loss of wages or benefits and will be granted no less than two (2) additional vacation days to be used at the employee's discretion with no restrictions.

C. Upon the receipt of a positive test result from the Medical Review Officer (MRO), the employee will be evaluated by the Substance Abuse Professional (SAP). The SAP shall provide a recommended course of treatment. Before returning to work, the employee must successfully complete the recommended course of treatment. Upon successful completion of this treatment, the employee must submit to a "Return to Duty" test with a verified negative result. The "Reasonable Suspicion Form," if the test result is positive, will be included in the employee's personnel file. If the test result is negative the form will be discarded. Upon written request, a covered employee may obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances, including any records pertaining to his/her alcohol/controlled substance tests.

D. Upon the receipt of a positive test result from the Medical Review Officer (MRO), the employee will be evaluated by the Substance Abuse Professional (SAP). The SAP shall provide a recommended course of treatment.

3. Post Accident Drug Testing:

FATAL ACCIDENTS-A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

NON-FATAL ACCIDENTS- A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor at the accident
- One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the accident, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information

available at the time of the accident.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing,

Nothing in this section shall be construed to require delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that the Town of Newburgh is unable to perform an FTA drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement agency), the Town of Newburgh may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

4. ~~RETURN TO DUTY TESTING~~Return To Duty Testing:

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return to duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return to duty drug test, alcohol test or both.

5. ~~FOLLOW UP TESTING~~Follow Up Testing:

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return to duty test. The follow-up testing will be performed for a period of one to five years with a

minimum of six tests to be performed the first year. The frequency and duration of the follow up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progressess. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

6. TEST RESULTS Test Results:

All records considered confidential and will not be shared with other employees. Test results and other confidential information will only be released to the Designated Employer Representative (DER) Medical Review Officer (MRO) and the Substance Abuse Professional (SAP) who evaluates the extent of the problem. However, the employee is entitled, upon written request, to obtain copies of any records concerning his/her use of alcohol or drugs, including any test records. If an employee initiates a grievance, hearing, lawsuit, or other action, the Town may release this information to the relevant parties.

Section VII. VOLUNTARY TREATMENT:

When an employee voluntarily informs the DER that he/she is experiencing problems with alcohol or drug use, who has not previously been the subject of a disciplinary penalty for drug or alcohol use and has not been involved in any conduct which would require the employee to face reasonable suspicion testing pursuant to this policy, that employee will be afforded the opportunity to participate in a rehabilitation program, rather than being subjected to disciplinary action. Enrollment in a program through the EAP in lieu of disciplinary action may only be available where the employee has never previously tested positive for alcohol and/or drug use while employed by the Town.

Section VIII. EMPLOYEE ASSISTANCE PROGRAM (EAP):

- A. Personnel of the Town of Newburgh have the availability of the Employee Assistance Program (EAP) to seek assistance and/or rehabilitation in coping with problems of alcohol and/or drug dependency and/or abuse.
- B. Personnel seeking assistance shall notify either the coordinator of the Employee Assistance Program or contact the designated EAP agency. Contacts to these programs are under strict confidentiality.
- C. Personnel may also be referred by the Town Supervisor of Personnel Office. Any such referral shall maintain confidentiality for the affected member.
- D. The Town of Newburgh will grant a maximum total of two (2) sick leave periods during the employee's career, as prescribed by the EAP Coordinator, a licensed counselor, and/or SAP for an employee to receive treatment for drug or alcohol dependency. A sick leave period will not be granted within twelve (12) months of a previous leave period.

- E. Entry and participation in such treatment and rehabilitation may occur prior to the employee selection for random drug testing or selection for reasonable suspicion or post-incident testing.

Section IX. ILLEGAL SUBSTANCE TESTING STANDARDS

Section VIII.X. CONSEQUENCES FOR REFUSAL OR A POSITIVE TEST RESULT

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655

1. ~~REFUSAL TO TEST~~ Refusal To Test:

Refusal to submit to testing is prohibited. The consequences for a refusal are therefore the same as if the person had submitted to testing and had a positive test result.

The following actions shall constitute a refusal:

Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company.

Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.

In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.

Fail to provide a sufficient quantity of urine or breath without a valid medical explanation

Fail or decline to take a second test as directed by the collector or the Company for drug testing.

Fail to undergo a medical evaluation as required by the MRO or the Company's DER

Fail to cooperate with any part of the testing process

Fail to follow an observers instructions to raise and lower clothing and turn around during a directly-observed test.

Possess or wear a prosthetic or other device used to tamper with the collection process.

Admit to the adulteration or substitution of a specimen to the collector or MRO

Refuse to sign the certification at Step 2 of the Alcohol Testing form (ATF)

Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or

substituted result, you have refused to take a drug test.

2. ~~POSITIVE TEST CONSEQUENCES~~ Positive Test Consequences:

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

A. Upon the results of a positive drug test, an alcohol test of 0.04 or above, or a refusal to test, the employee shall be immediately removed from all duties, referred to a USDOT qualified SAP, and, at the Town's discretion, he or she may face suspension without pay for up to thirty (30) calendar days. Depending on the circumstances the employee may still face additional disciplinary action up to and including termination. The Town may reserve the right to suspend any disciplinary action while the employee is undergoing the recommended course of treatment. The suspended disciplinary action will remain pending during the employee's treatment. Upon the employee's successful completion of his or her treatment, accompanied by a "Return to Duty" test with a verified negative result, the suspended disciplinary action shall be withdrawn. At such time the employee may return to full duty. Employees who test positive will be allowed one opportunity for treatment and counseling. At any time during an employee's tenure with the Town of Newburgh a second positive drug test for alcohol use while on duty or a prohibited controlled substance whether on or off duty, which is not subject to a medical exception, may result in immediate and automatic suspension without pay and disciplinary action for termination. "Exempt" employees will be automatically terminated.

B. No return to duty will be permitted until a substance abuse professional "SAP" has evaluated the employee and determined that the employee has complied with treatment recommendations and has been cleared for return to duty. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test or both.

C. An employee who is referred by the SAP for treatment will be required to sign a Rehabilitation Agreement, and a release permitting the Town to obtain the employee's treatment records. The employee will be expected to comply with all treatment recommendations set forth in the Rehabilitation Agreement as a condition of further employment. Failure to follow treatment recommendations may result in the employee's termination.

D. During the period of treatment, the employee will be eligible to utilize their accrued sick leave. After utilizing their sick leave, the employee may utilize his or her, other accrued leave including personal, and vacation leave. Thereafter, the member shall not otherwise

be compensated during the period of said employee's absence. Employees who test positive will be allowed one opportunity for treatment and counseling.

E. Once the employee returns to duty, unannounced follow-up tests shall be conducted. A minimum of six (6) follow-up drug tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up drug tests shall be given at any time during an employee's work day. Follow-up alcohol tests will only be conducted just before, during or just after the performance of safety sensitive functions. A positive test following the employee's return to work will result in the employee's termination.

Section IX. ~~Penalty Review~~ PENALTY REVIEW

Imposition of discipline for competitive and noncompetitive managers/supervisors shall be in accordance with State Civil Service law.

DRUG AND ALCOHOL POLICY ADDENDUM EFFECTIVE JANUARY 1, 2018

The United States Department of Transportation (USDOT) – Office of Drug and Alcohol Policy and Compliance (ODAPC) has issued an update to the USDOT's drug and alcohol testing regulations (49 CFR Part 40). The new regulation has been revised and the changes (summarized below) will become effective January 1, 2018. Therefore, the Town of Newburgh Dial-A-Bus drug and alcohol testing policy is amended as follows:

1. CHANGES TO THE DRUG TESTING PANEL
 - a. Four new opioids added to the drug testing panel-
 - i. The USDOT drug test remains a "5 panel" drug test; however, the list of opioids for which are tested will expand from three to seven opioids.
 - ii. The "opioid" category will continue to test for codeine, morphine, and heroine; however, the "opioid" testing panel will now be expanded to include four new semi-synthetic opioids:
 1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone and (4) Oxymorphone
 2. Common brand names for these semi-synthetic opioids include but may not be limit to: OxyContin, Percodan, Percocet, Vicodin. Lortab, Norco, Dilaudid, Exalgo
 - b. 'MDA' will be tested as an initial test analyte
 - c. 'MDEA' will no longer be tested for under the "amphetamines" category
2. BLIND SPECIMENT TESTING
 - a. The USDOT no longer requires blind specimens to be submitted to laboratories
3. ADDITIONS TO THE LIST OF "FATAL FLAWS"
 - a. the following three circumstances have been added to the list of "fatal flaws";

- i. No CCF received by the laboratory with the urine specimen
- ii. In cases where a specimen has been collected, there was no specimen submitted with the CCF to the laboratory
- iii. Two separate collections are performed using one CCF

4. MRO VERIFICATION OF PRESCRIPTIONS

- a. When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk
 - i. Specifically, in cases where a MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five(5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable judgement, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.

5. DEFINITIONS

- a. The term "DOT, the Department, DOT Agency"
 - i. Modified to encompass all DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary, (OST), and any designee of a DOT agency
 - ii. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes
- b. The term "Opiate" is replaced with the term "Opioid" in all points of reference.
- c. The definition of "Alcohol Screening Device (ASD)" is modified to include reference to the list of approved devices as listed on ODAPC's website.
- d. The definition of "Evidential Breath Testing Device (EBT)" is modified to include reference to the list of approved devices as listed on ODAPC's website.
- e. The definition of "Substance Abuse Professional (SAP)" will be modified to include reference to ODAPC's website. The fully revised definition includes:
 - i. A licensed physician (medical doctor or doctor of osteopathy) or licensed certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol

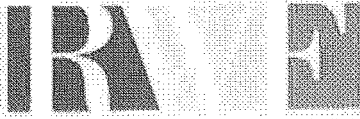
counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

NOTE: The revisions listed in this addendum include only those revisions to 49 CFR Part 40 which may be referenced in our drug & alcohol testing policy. A list of all the revisions made to 49 CFR Part 40 can be found at <https://www.transportation.gov/odapc>.

Addendum Authorization date: _____

Authorized Official (Printed Name): _____

Signature: _____



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

MMA
11A

MEMORANDUM

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS

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

M. J. Rider
(1906-1968)

Elliott M. Weiner
(1915-1990)

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: 2022 TOWN BUDGET PUBLIC HEARING
OUR FILE NO. 800.1(B)()(2021)

DATE: OCTOBER 5, 2021

In accordance with Supervisor Piaquadio's request, enclosed please find the following draft resolution for the Town Board's consideration:

Resolution Calling Public Hearing on Preliminary 2022 Town of Newburgh Budget

The date of the public hearing is yet to be filled in on the draft resolution and the Board will need to select it prior to adoption

MCT:kac

Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
Deborah Smith, Receiver of Taxes (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Bruce Campbell, Chief of Police (via e-mail)
Mark Hall, Highway Superintendent (via e-mail)
James Osborne, P.E. (via e-mail)
Patrick Hines, Principal, McGoey, Hauser & Edsall (via e-mail)

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of October, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION CALLING PUBLIC HEARING ON PRELIMINARY 2022 TOWN OF NEWBURGH BUDGET

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

WHEREAS, the Town Board of the Town of Newburgh has met and considered the tentative and preliminary budget for the fiscal year beginning January 1, 2022; and

WHEREAS, the Town Board of the Town of Newburgh desires to schedule a date and time for the Public Hearing to be held on _____, 2021 at 7:00 p.m.; and

WHEREAS, the preliminary budget must be filed in the Office of the Town Clerk of the Town of Newburgh at the time of publication of the Notice of Public Hearing;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That in accordance with the provisions of §106 of the Town Law and other applicable provisions of Law, the preliminary budget for the fiscal year beginning January 1, 2022 shall be filed in the office of the Clerk of the Town of Newburgh where it shall be available for public inspection at or before the time of publication of the Notice of Public Hearing.
2. The Town Clerk of the Town of Newburgh shall give Notice of such Public Hearing to be held on _____, 2021 at 7:00 p.m. by publishing notice thereof in the official newspapers of the Town of Newburgh not less than five (5) days prior to October 26, 2020, and cause a copy of such notice to be posted on the sign board of the Town of Newburgh not later than five (5) days before _____, 2021.
3. This resolution shall take effect immediately.

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

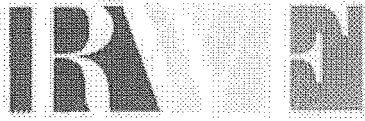
<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

I, Joseph P. Pedi, the duly elected and qualified Town Clerk of the Town of Newburgh, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board held on October ____, 2021 and is on file and of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

Joseph P. Pedi, Town Clerk
Town of Newburgh

811B
11B



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: 2022 SPECIAL DISTRICT ASSESSMENTS, ROLLS,
BENEFIT FORMULAS AND BUDGETS PUBLIC HEARING
OUR FILE NO. 800.1(B)() (2021)

DATE: OCTOBER 5, 2021

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

In accordance with Supervisor Piaquadio's request, enclosed please find the following draft resolution for the Town Board's consideration:

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

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

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

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Resolution Calling Public Hearings; RE: Special District Budgets Assessments, Rolls and Benefit Formulas for the Year 2022

MCT:kac
Enc.

cc: Joseph P. Pedi, Town Clerk (via e-mail)
Deborah Smith, Receiver of Taxes (via e-mail)
Lori Coady, Assessor (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
James Osborne, P.E. (via e-mail)
Patrick Hines, Principal, McGoey, Hauser & Edsall (via e-mail)

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 12th day of October, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION CALLING PUBLIC HEARINGS; RE: SPECIAL DISTRICT BUDGETS ASSESSMENTS, ROLLS AND BENEFIT FORMULAS FOR THE YEAR 2022

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

WHEREAS, the Town Board of the Town of Newburgh has met and considered the establishment of rates and benefit units for each of the Town's special districts and special improvement areas; and

WHEREAS, the Town Board of the Town of Newburgh desires to set a date for the Public Hearing on the Budgets, Assessments and Benefit Formulas for all special districts and special improvement areas of the Town of Newburgh for the fiscal year beginning January 1, 2022 to be held on _____, 2021 at 7:15 p.m.

WHEREAS, the Assessment Rolls have been filed in the Office of the Town Clerk of the Town of Newburgh.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That in accordance with the Sections 202-a and 239 of the Town Law, the Town Board of the Town of Newburgh shall meet on _____, 2021 at 7:15 p.m. at the Town Hall, 1496 Route 300, Newburgh, New York and then and there hold a Public Hearing on the following special districts and special improvement area Budgets, Assessment Rolls and Benefit Formulas, each to be heard separately in the order as listed:

Colden Park Lighting District, Consolidated Lighting District, Fleetwood Lighting District, Lakeside Road Lighting District, Orange Lake Lighting District, Consolidated Water #1, Consolidated Water #2, (inclusive of Consolidated, Colden Park and Fleetwood-Holiday Park Water Districts as applicable), Lateral N Water (Thornwood), Stewart ANG Base Water, Crossroads Consolidated Sewer District

(inclusive of the prior Gidney, Meadow Hill North, Meadow Hill South, Algonquin, Crossroads, Fleetwood-Holiday Park, 17K-UA and Wintergreen Sewer District areas within the Crossroads Consolidated District), Nob Hill Sewer District, Roseton Hills Sewer District, Amber Fields Drainage District, Blue Sky Drainage District, Cox Drainage District, Stonewall Estates Drainage District, Fini Subdivision Drainage District, Candlestick Hill Drainage District, Woodlawn Heights Drainage District, Orchard Ridge Drainage District, Margate Meadows Drainage District, Autumn Ridge Drainage District, Mountain Lake Drainage District, Pinnacle Subdivision Drainage District, Chesterfield Court Drainage District, Tarben Drainage District, Tarsio Drainage District, Greenshire Way Highway Improvement Area and Laurie Lane Highway Improvement Area.

2. The Town Clerk of the Town of Newburgh shall give Notice of such Public Hearing by Publishing Notice thereof in a newspaper published within the Town of Newburgh not less than ten (10) days nor more than twenty (20) days prior to _____, 2021, and cause a copy of such notice to be posted on the sign board of the Town of Newburgh not later than ten (10) days before _____, 2021, and notices shall be mailed as required.
3. This resolution shall take effect immediately.

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

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

The resolution was thereupon declared duly adopted.

I, Joseph P. Pedi, the duly elected and qualified Town Clerk of the Town of Newburgh, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board held on the 12th day of October, 2021 and is on file and of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

Joseph P. Pedi, Town Clerk
Town of Newburgh

WLD
12



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

ATTORNEYS

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

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

COUNSEL

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

OF COUNSEL

Craig F. Simon
Irene V. Villacci

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: JCAP GRANT RESOLUTION;
OUR FILE NO. 800.1(B)()(2021)

DATE: October 4, 2021

The Justice Court has advised that the Office of Court Administration is now requiring specific language in Board resolutions submitted with JCAP grant applications. Accordingly, enclosed please find the following revised draft resolution for the Town Board's consideration at its October 12 meeting:

RESOLUTION OF SUPPORT TO CERTAIN INITIATIVES OF THE JUSTICE COURT OF THE TOWN OF NEWBURGH IN SUBMITTING AN APPLICATION FOR THE 2021-22 JUSTICE COURT ASSISTANCE PROGRAM (JCAP)

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

MCT:kac
Enclosure

cc: Joseph P Pedi, Town Clerk (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Abigail Puntar, Chief Clerk to Justice Clarino (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of October, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- Scott Manley, Councilman
- Anthony R. LoBiondo, Councilman

RESOLUTION OF SUPPORT
TO CERTAIN INITIATIVES OF THE
JUSTICE COURT OF THE TOWN OF
NEWBURGH IN SUBMITTING AN
APPLICATION FOR THE 2021-22 JUSTICE
COURT ASSISTANCE PROGRAM (JCAP)

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

WHEREAS, the Town of Newburgh Justice Court has taken the initiative of seeking authorization to apply for a grant under the 2021-22 Justice Court Assistance Program (JCAP); and

WHEREAS, the Town of Newburgh Justice Court has provided each member of the Town Council with all of the details regarding this grant application, including the proposed use of any monies granted as a result of this application.

NOW, THEREFORE, BE IT RESOLVED that:

The Board of the Town of Newburgh authorizes the Newburgh Town Court to apply for a JCAP grant in the 2021-22 grant cycle up to \$30,000.00.”

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 Manley, Councilman voting _____
- Anthony R. LoBiondo, Councilman voting _____
- Gilbert J. Piaquadio, Supervisor voting _____

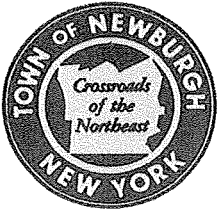
The resolution was thereupon declared duly adopted.

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

I, Joseph P. Pedi, Town Clerk of the Town of Newburgh, DO HEREBY CERTIFY that I have compared the foregoing resolution, duly adopted by the Town Board of the Town of Newburgh on the ___th day of October, 2021, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my name and the seal of said Town on this _____ day of October, 2021.

Joseph P. Pedi, Town Clerk



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

~~13A~~
13A

To: Town Board

From: Tracey Carvell, Animal Control

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

Date: 9/28/21

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

*Totaling: \$ 893.32

Feline: \$ 599.92

Canine: \$ 293.40

TOWN OF NEWBURGH

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

DO NOT WRITE IN THIS BOX

DEPARTMENT _____

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

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2860
www.newburghvet.com

TERMS Net 30 Days

Invoice # _____

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
11/7/21	784569			447.87
11/9/21	784788			83.55
11/13/21	785195			68.50
			TOTAL	599.92

CLAIMANT'S CERTIFICATION

Dora M Cast certify that the above account in the amount of \$ 599.92 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or assumed; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

9/28/21
DATE

Dora M Cast
SIGNATURE

Office Manager
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

9/28/21
Date

[Signature]
Authorized Official

APPROVAL FOR PAYMENT

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

Date

Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-07-21 at 4:07p
Date: 09-07-21
Account: 4417
Invoice: 784569

Date	For	Qty	Description	Price	Discount	Net Price
09-07-21	Charlie 30C-21	1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 **
09-07-21		1	FelV/FIV ELISA in hosp	147.00	98.50	48.50 **
09-07-21		1	Feline Rabies/ Purevax 1yr	45.00	25.75	19.25 **
<p>Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.</p>						
09-07-21		1	FELINE RHINO/PANLEUK/CALICI	34.50	20.75	13.75 **
<p>Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.</p>						
09-07-21		1	Frontline Gold Feline Single	20.00	6.21	13.79 **
09-07-21		1	Feline Leukemia Elisa Negative			0.00
09-07-21		1	FIV Elisa Negative			0.00
09-07-21		1	NEUTER FELINE	111.00	69.00	42.00 **
09-07-21		1	Sedation	209.00	209.00	0.00 **
09-07-21		0.15	BuprenorphineSR Inject/ml outpati	42.37	42.37	0.00 **
09-07-21		0.50	Penicillin G Inject / ml Outpatient	30.33	30.33	0.00 **
09-07-21		0.08	TelazolInject Control Log / ml			0.00
09-07-21	Noah 29C-21	1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 **
09-07-21		1	FelV/FIV ELISA in hosp	147.00	98.50	48.50 **
09-07-21		1	Feline Rabies/ Purevax 1yr	45.00	25.75	19.25 **
<p>Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.</p>						
09-07-21		1	FELINE RHINO/PANLEUK/CALICI	34.50	20.75	13.75 **
<p>Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.</p>						
09-07-21		1	Frontline Gold Feline Single	20.00	6.21	13.79 **
09-07-21		1	Feline Leukemia Elisa Negative			0.00
09-07-21		1	FIV Elisa Negative			0.00
09-07-21		1	NEUTER FELINE	111.00	69.00	42.00 **

09-07-21		1 Sedation	209.00	209.00	0.00 **
09-07-21		0.15 BuprenorphineSR Inject/ml outpati	42.37	42.37	0.00 **
09-07-21		0.50 Penicillin G Inject / ml Outpatient	30.33	30.33	0.00 **
09-07-21		0.08 TelazolInject Control Log / ml			0.00
09-07-21	Oliver 28C-21	1 Weight Monitoring			0.00
09-07-21		1 CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 **
09-07-21		1 FeLV/FIV ELISA in hosp	147.00	98.50	48.50 **
09-07-21		1 Feline Rabies/ Purevax 1yr	45.00	25.75	19.25 **
Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.					
09-07-21		1 FELINE RHINO/PANLEUK/CALICI	34.50	20.75	13.75 **
Your pet has been immunized against feline distemper, rhinotracheitis, and calicivirus. Occasionally listlessness, lethargy, or lack of appetite may occur. If severe listlessness or facial swelling occurs, please call us for advice.					
09-07-21		1 Frontline Gold Feline Single	20.00	6.21	13.79 **
09-07-21		1 Feline Leukemia Elisa Negative			0.00
09-07-21		1 FIV Elisa Negative			0.00

Total charges, this invoice... 447.87

**Total discount included: 1273.53

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

Reminders for: Charlie 30C-21 (Weight: 9.9 lbs -)		Last done
09/22	Rabies/Purevax Feline 1yr	09-07-21
09/22	Feline Rhino/Panleuk/Calici I/	
03/22	Consultation/Exam- Bi-annual	09-07-21
03/22	FECAL EXAM	

Reminders for: Noah 29C-21 (Weight: 9.7 lbs -)		Last done
09/22	Rabies/Purevax Feline 1yr	09-07-21
09/22	Feline Rhino/Panleuk/Calici I/	
03/22	Consultation/Exam- Bi-annual	09-07-21
03/22	FECAL EXAM	

Reminders for: Oliver 28C-21 (Weight: 12.1 lbs - 3y)		Last done
09/22	Rabies/Purevax Feline 1yr	09-07-21
09/22	Feline Rhino/Panleuk/Calici I/	
03/22	Consultation/Exam- Bi-annual	09-07-21
03/22	FECAL EXAM	

Doctor's Instructions

Sedation

FOOD & WATER- With the excitement of returning home after surgery, your pet may be inclined to drink and eat excessively, which may result in vomiting. To avoid this we

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-09-21 at 3:24p
Date: 09-09-21
Account: 4417
Invoice: 784788

Date	For	Qty	Description	Price	Discount	Net Price	
09-09-21	Oliver 28C-21	1	CONSULT / EXAM - Sick	83.50	52.25	31.25	**
09-09-21		0.36	Dexamethasone Inject / ml Outpati	40.04	20.02	20.02	**
09-09-21		0.54	Convenia(Cefovecin) Inject/ml Outp	64.56	32.28	32.28	**

Total charges, this invoice... 83.55

**Total discount included: 104.55

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

Reminders for: Oliver 28C-21 (Weight: 12.1 lbs - 3y)	Last done
09/22 Rabies/Purevax Feline 1yr	09-07-21
09/22 Feline Rhino/Panleuk/Calici I/	
03/22 Consultation/Exam- Bi-annual	09-07-21
03/22 FECAL EXAM	

Oliver 28C-21's weight history (in lbs)

09-07-21 12.10

LIKE US ON FACEBOOK.COM!

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

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-13-21 at 3:32p
Date: 09-13-21
Account: 4417
Invoice: 785195

Date	For	Qty	Description	Price	Discount	Net Price
09-13-21	32-C-21	1	Shelter body care feline			68.50
Total charges, this invoice...						68.50

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

TOWN OF NEWBURGH

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

DEPARTMENT Animal Control

CLAIMANT'S
NAME AND
ADDRESS

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

DO NOT WRITE IN THIS BOX

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

TERMS Net 30 Days

Invoice # _____

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
9/17/21	784532			16.50
9/19/21	784787			260.40
9/20/21	785952			16.50
			TOTAL	293.40

CLAIMANT'S CERTIFICATION

Dora M Cast certify that the above account in the amount of \$ 293.40 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.

9/28/21 DATE Dora M Cast SIGNATURE Office Mgr TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

9/28/21 Date [Signature] Authorized Official

APPROVAL FOR PAYMENT

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

Date Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-07-21 at 12:23p
Date: 09-07-21
Account: 19984
Invoice: 784532

Date	For	Qty	Description	Price	Discount	Net Price
09-07-21	Ace 48-21	1	CANINE RABIES / 1YEAR	43.00	26.50	16.50 **

Total charges, this invoice... 16.50

**Total discount included: 26.50

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

Reminders for: **Ace 48-21**

Last done

09/23	Consultation/Exam- Bi-annual
09/22	CANINE RABIES / 3 YEAR
03/22	Neuter your pet at 5-6 months
03/22	Canine Kennel Cough Vacc -1 ye
03/22	FECAL EXAM
09/19	Pro-Heart 12 (26-50lbs)
09/19	Pro-Heart 12 (1-25lb)
09/19	Pro-Heart 12 (51-100lbs)
03/19	HEARTWORM TEST
12/18	CANINE DIST/A2/PI/PARVOLEPTO1Y

LIKE US ON FACEBOOK.COM!

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

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-09-21 at 3:23p
Date: 09-09-21
Account: 19984
Invoice: 784787

Date	For	Qty	Description	Price	Discount	Net Price
09-09-21	44-21 Bella	1	OHE Canine 13 MOS.- 4Yrs Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a few days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.	408.00	308.25	99.75 **
09-09-21		1	Anesthesia- Isoflurane	338.00	338.00	0.00 **
09-09-21		1	---BloodPressureMonitoring w/anes			0.00
09-09-21		1	---PulseOximeterMonitoring w/Anes			0.00
09-09-21		1	-CapnographMonitoring w/Anesthe			0.00
09-09-21		1	-----Recovery in Heated Cage			0.00
09-09-21		1	----Warm Water Blanket in Surgery			0.00
09-09-21		0.60	Hydromorphone 2mg/ml Inject/ml	37.80	37.80	0.00 **
09-09-21		2.20	Penicillin G Inject / ml Outpatient	31.47	31.47	0.00 **
09-09-21		2.20	Rimadyl Inject / ml Outpatient	50.55	50.55	0.00 **
09-09-21		0.50	TelazolInject Control Log / ml			0.00
09-09-21		1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 **
09-09-21		1	CANINE RABIES / 1YEAR	43.00	26.50	16.50 **
09-09-21		1	Canine Respiratory Complex- Bord	43.00	29.25	13.75 **
Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have incresased risk of exposure....please be sure to have your pet boosted every 12 months.						
09-09-21		1	Canine Dist/A2/PI/Parvo/Lepto1YR	43.00	28.50	14.50 **
Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PPI , the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis						
09-09-21		1	Lyme,Hwt,Ehrlich Anaplasma 4Dx i	135.00	94.75	40.25 **
09-09-21		1	Elizabethan Collar	20.00	2.00	18.00 **
09-09-21		15	Trazodone 100mg tablets #302516	21.30	19.80	1.50 **
09-09-21		10	Amoxicillin 250mg capsule #30251	19.35	8.30	11.05 **
09-09-21		5	Vetprofen Tablets 75mg Individual	21.50	18.90	2.60 **
09-09-21	51-21 Dior	1	CANINE RABIES / 1YEAR	43.00	26.50	16.50 **

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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

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

Printed: 09-20-21 at 3:16p
Date: 09-20-21
Account: 19984
Invoice: 785952

Date	For	Qty	Description	Price	Discount	Net Price
09-20-21	Jafe Punter 55-	1	CANINE RABIES / 1YEAR	43.00	26.50	16.50 **

Total charges, this invoice...

16.50

**Total discount included: 26.50

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

Reminders for: **Jafe Punter 55-21**

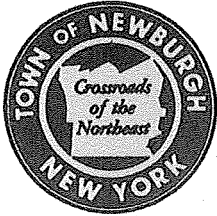
Last done

09/24	Consultation/Exam- Bi-annual
09/22	CANINE RABIES / 3 YEAR
03/22	Neuter your pet at 5-6 months
03/22	Canine Kennel Cough Vacc -1 ye
03/22	FECAL EXAM
09/20	Pro-Heart 12 (26-50lbs)
09/20	Pro-Heart 12 (1-25lb)
09/20	Pro-Heart 12 (51-100lbs)
03/20	HEARTWORM TEST
12/19	CANINE DIST/A2/PI/PARVOLEPTO1Y

LIKE US ON FACEBOOK.COM!

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

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



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

NAMB
13B

To: Town Board

From: Tracey Carvell, Animal Control

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

Date: *9/22/21*

I am requesting authorization to use the T-94 account to pay for Vet service: *F.A.H.*

*Totaling: \$ *155.90*

Feline: \$

Canine: \$ *155.90*

TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT TONA

ID# 58907

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

TERMS Sept. 2012 vouchers

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.
Abstract No.		TOTAL			

Vendor's Ref. No.

Date	Quantity	Description of Materials or Services	Unit Price	Amount
9-5-21	Inv# 946902087	2021-9-5 Husky white (F)	\$	100.80
9-15-21	Inv# 946903881	2021-9-15 Bulldog (F) Brindle	\$	55.10
COPY				
(See Instructions on Reverse Side)				
TOTAL				155.90

CLAIMANT'S CERTIFICATION

I, Jean Tobin, certify that the above account in the amount of \$ 155.90 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.

9-17-21
DATE

Jean Tobin
SIGNATURE

Access 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.



Flannery Animal Hospital | Date: 9/8/2021 at 10:51 | Invoice: 946902087 | Cashier: Jean T

Client
Town Of Newburgh 2021 Animal Control (#58907)

645 Gidney Ave
Newburgh, NY 12550

Patient
2021-9-5 Husky White (#139178)
Species: Canine (Siberian Husky)
Sex: Female | Color: White
Birth: | Age: | Weight:

Detailed Visit Information

Date	Description	Qty	Price	Tax	Total Price
9/5/2021	Boarding Animal Control	1.00	\$33.60	\$0.00	\$33.60
9/6/2021	Boarding Animal Control	1.00	\$33.60	\$0.00	\$33.60
9/7/2021	Boarding Animal Control	1.00	\$33.60	\$0.00	\$33.60
9/8/2021	Boarding Go Home Day	1.00	\$0.00	\$0.00	\$0.00

Subtotal: \$100.80

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 Tax	Total Due
2021-9-5 Husky White	\$100.80	\$0.00	\$100.80

Prev Balance:	\$0.00
Total Due:	\$100.80
Amount Paid:	\$0.00
Amount Due:	\$100.80

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.

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. Winter | Date: 9/16/2021 at 11:51 | Invoice: 946903881 | Cashier: Jean T

Client

Town Of Newburgh 2021 Animal Control (#58907)

645 Gidney Ave
Newburgh, NY 12550

Patient

2021-9-15 Bulldog (#139449)

Species: Canine (Bulldog, English)

Sex: Female Unknown | Color: Brindle And White

Birth: | Age: | Weight:

Detailed Visit Information

Date	Description	Qty	Price	Discount	Tax	Total Price
9/15/2021	Boarding Animal Control	1.00	\$33.60		\$0.00	\$33.60
9/16/2021	Boarding Go Home Day	1.00	\$0.00		\$0.00	\$0.00
	Rabies Vaccine 1yr Canine	1.00	\$43.00	-\$21.50	\$0.00	\$21.50

Subtotal: \$55.10

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

myVCA app is your tailor-made guide to raising a healthy and happy pet.

Invoice Summary

Patient Name	Total Price	Total Discount	Total Tax	Total Due
2021-9-15 Bulldog	\$76.60	-\$21.50	\$0.00	\$55.10

Prev Balance:	\$100.80
Total Due:	\$55.10
Amount Paid:	\$0.00
Amount Due:	\$155.90

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.

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

118

14

13. BOARD OF ASSESSMENT REVIEW: Appointment of New Board Member

MOTION made to approve the appointment of a new member of the Board of Assessment Review.

~~14~~ **ACCOUNTING DEPARTMENT: Review Status Report and Budget Status Report for September 2021.**

~~14~~
15

MOTION needed acknowledging that the Town Accountant provided the Revenue Status and Budget Status reports for the period Ending September 30, 2021 to the Town Board

Town of Newburgh

Section 97, Block 2, Lot 37

TOWN OF NEWBURGH

Stormwater Control Facility Maintenance Agreement

THIS AGREEMENT is made this 1st day of October, 2021 by and between the **TOWN OF NEWBURGH**, having an address at 1496 Route 300, Newburgh, New York 12550 (“Municipality”) and **RAM HOTELS, INC.**, having an address at 1600 Central Avenue, Albany, New York 12205 (the “Facility Owner”).

WHEREAS the Municipality and the Facility Owner want to enter into an Agreement to provide for the long-term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

WHEREAS the Facility Owner is the owner or the person in general charge of the operation and control of such area of certain real property in the Town of Newburgh consisting of approximately +/- 6.4 acres more particularly described in **Schedule “A”** annexed hereto and made a part hereof (the “Property”); and

WHEREAS, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

NOW, THEREFORE, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Municipality’s Stormwater Management Officer.

2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as the Hilton Garden Inn hotel on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality and currently on file in the office of the Town of Newburgh Town Clerk.

3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.

6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The Facility Owner shall provide to the Municipality within thirty (30) days of the date of this Agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).

8. This Agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys' fees, incurred in enforcing this Agreement and curing a violation.

SCHEDULE "A"

September 29, 2021

SCHEDULE A
Lot 1
Lands intended for RAM Hotels, Inc.

ALL THAT LAND, situate in the Town of Newburgh, County of Orange, State of New York, and shown as "Lot 1" on a map entitled "Newburgh Auto Park, LLC", dated May 3, 2017 and last revised on July 6, 2017, as prepared by Mercurio-Norton-Tarolli-Marshall, Engineering- Land Surveying, P.C., described as follows:

BEGINNING at a set 5/8" iron rod with a plastic i.d. cap flush with the ground on the southwesterly side of Unity Place.

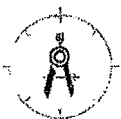
THENCE along Lot 2 of the aforementioned map, South Forty-Nine Degrees, Three Minutes, Fifty Seconds West, Three Hundred Fifty-Nine and Four Hundredths Feet (S 49°03'50" W, 359.04') to a set 5/8" iron rod with a plastic i.d. cap in a pile of stones.

THENCE along the lands of Newburgh Plaza, LLC, deed reference, Liber 5993, Page 41, North Sixty-Eight Degrees, Forty-Four Minutes, Eighteen Seconds West, Two Hundred Five and Fifty-Four Hundredths Feet (N 68°44'18" W, 205.54') to a set 5/8" iron rod 3" above grade.

THENCE along the lands of Adams-Newburgh, LLC, deed reference, Liber 14029, Page 863 the following three (3) courses and distances:

- North Zero Degrees, Fifty Minutes, Fourteen Seconds East, Four Hundred Eighty-Eight and Twenty-Seven Hundredths Feet (N 00°50'14" E, 488.27') to a set 5/8" iron rod with a plastic i.d. cap;
- North Eighty-Seven Degrees, Twenty-Three Minutes, Thirty-Three Seconds West, Two Hundred Thirteen and Eighty-Four Hundredths Feet (N 87°23'33" W, 213.84') to a point in a stream, and;
- North One Degree, Twenty-Nine Minutes, Fifty-Seven Seconds East (N 01°29'57" E) passing through a set 5/8" iron rod 2" above grade at Fifty and Zero Hundredths Feet (50.00') along the way and continuing for a total distance of Two Hundred Forty and Twenty-Eight Hundredths Feet (240.28') to a found 3/4" iron rod in standing water;

THENCE along the lands of Morehead Properties, INC, deed reference, Liber 11221, Page 1461, South Eighty-Three Degrees, Forty-Five Minutes, Fifty-Six Seconds East, Four Hundred



Seventy and Fifty-Two Hundredths Feet (S 83°45'56"E, 470.52') to a set 5/8" iron rod with a plastic i.d. cap 2" above grade on the westerly side of Auto Park Place;

THENCE along the westerly side of Unity Place the following three (3) courses and distances:

- South Six Degrees, Fourteen Minutes, Four Seconds West, One Hundred Forty-Nine and Six Hundredths Feet (S 06°14'04" W, 149.06') to a curve to the left having a radius of Two Hundred Seventy-Five and Zero Hundredths Feet (275.00') and an arc length of Two Hundred Twenty-Six and Forty Hundredths Feet (226.40') and;
- South Forty Degrees, Fifty-Six Minutes, Ten Seconds East, Two Hundred Twenty-Two and Fifty-Two Hundredths Feet (S 40°56'10" E, 222.52') back to the place of beginning.

CONTAINING 6.42 acres of land (279,891 sq.ft.) as surveyed on December 29, 2016 by Mercurio-Norton-Tarolli-Marshall, Engineering- Land Surveying, P.C., 45 Main Street, Pine Bush, NY 12566. Bearings with reference to magnetic north of December, 2016.

SUBJECT to that portion of the above described premises within the bounds of Unity Place for use as a public highway.

SUBJECT to utility grants of record.

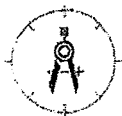
INTENDED to be a portion of the same premises described in a deed to Newburgh Auto Park, LLC recorded in the Orange County Clerk's Office in Liber 11724 of Deeds, Page 1610.

SUBJECT to Utility & Drainage Easement "A" in favor of Lot 2

SUBJECT to Utility & Drainage Easement "B" in favor of Lot 2

TOGETHER with Access & Utility Easement "C" in favor of Lot 1

TOGETHER with Temporary Grading Easement "D" in favor of Lot 1



September 29, 2021

Lot 2
Lands of Newburgh Auto Park, LLC

ALL THAT LAND, situate in the Town of Newburgh, County of Orange, State of New York, and known as "Lot 2" on a map entitled "Newburgh Auto Park, LLC", dated May 3, 2017 and last revised July 6, 2017, prepared by Mercurio-Norton-Tarolli-Marshall, Engineering- Land Surveying, P.C., described as follows:

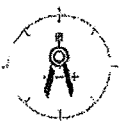
BEGINNING at a set 5/8" iron rod with a plastic i.d. cap flush with the ground on the southwesterly side of Unity Place and at the most southeasterly corner of Lot 1 of the aforementioned map

THENCE along the southwesterly side of Unity Place, South Forty Degrees, Fifty-Six Minutes, Ten Seconds East, Three Hundred Seventy-Seven and Twenty-Four Hundredths Feet (S 40°56'10" E, 377.24') to a curve to the right having a radius of Two Hundred Twenty-Five and Zero Hundredths Feet (225.00') and an arc length of Twenty-Six and Forty-Three Hundredths Feet (26.43') to a set 5/8" iron rod flush with the ground. Said curve having a chord of South Thirty-Seven Degrees, Thirty-Four Minutes, Eleven Seconds East, Twenty-Six and Forty-Two Hundredths Feet (S 37°34'11" E, 26.42');

THENCE leaving the southwesterly side of Unity Place and along the lands of Unity Place Properties, LLC, deed reference, liber 11246 page 720, South Eighty-Eight Degrees, Twenty-One Minutes, Fifty-Two Seconds West, Four Hundred Thirty-Nine and Fifty-One Hundredths Feet (S 88°21'52" W, 439.51) to a set 5/8" iron rod 3" above grade;

THENCE along the lands of Newburgh Plaza, LLC, deed reference, liber 5993 page 41, North Sixteen Degrees, Twenty-Four Minutes, Four Seconds East, Forty-Three and Nineteen Hundredths Feet (N 16°24'04" E, 43.19') to a set 5/8" iron rod with a plastic i.d. cap 4 " above grade and North Sixty-Eight Degrees, Forty-Four Minutes, Eighteen Seconds West, One Hundred Fifteen and Twenty-Two Hundredths Feet (N 68°44'18" W, 115.22') to a set 5/8" iron rod with a plastic i.d. cap in stones;

THENCE along the common division line of Lots 1 & 2, North Forty-Nine Degrees, Three Minutes, Fifty Seconds East, Three Hundred Fifty-Nine and Four Hundredths Feet



(N 49°03'50" E, 359.04') back to the place of beginning.

CONTAINING 2.05 acres of land (89,155 sq.ft.) as surveyed on December 29, 2016 by Mercurio-Norton-Tarolli-Marshall, Engineering- Land Surveying, P.C., 45 Main Street, Pine Bush, NY 12566. Bearings with reference to magnetic north of December 2016.

SUBJECT to that portion of the above described premises within the bounds of Unity Place for use as a public highway.

SUBJECT to utility grants of record.

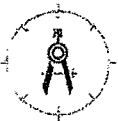
INTENDED to be a portion of the same premises described in a deed to Newburgh Auto Park, LLC recorded in the Orange County Clerk's Office in Liber 11724 of Deeds, Page 1610.

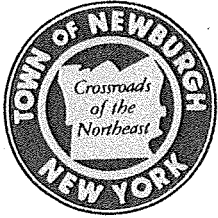
TOGETHER with Utility & Drainage Easement "A" in favor of Lot 2

TOGETHER with Utility & Drainage Easement "B" in favor of Lot 2

SUBJECT to Access & Utility Easement "C" in favor of Lot 1

SUBJECT to Temporary Grading Easement "D" in favor of Lot 1





TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

11/16

17

PERSONNEL DEPT.

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

To: Supervisor Piaquadio
Town Board
Cc: Deborah Smith Receiver of Taxes
Joseph Pedi, Town Clerk ✓

From: Charlene M. Black, Personnel

Re: Administrative Assistant

Date: October 6, 2021

We sent out a canvas for Administrative Assistant on August 26, 2021. Out of the eighteen (18) letters sent out only three responses came in interested in the position. We interviewed all three candidates and we feel the best candidate for the position is Kathleen Papa. Orange County Human Resources approved our decision. We would like her hire date to be October 18, 2021. Her salary will be \$18.00 an hour and she will be in second level management. Since Ms. Papa is already an employee it will be a smooth transition from the Assessor's office to the Receiver of Taxes office. If you have any questions please do not hesitate to contact my office.

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Kathleen Papa

DEPARTMENT: Receiver of Taxes

TITLE OF POSITION: Administrative Assistant

FULL TIME OR PART TIME: F/T

HOURLY RATE: \$ 18.00

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 1330.5100

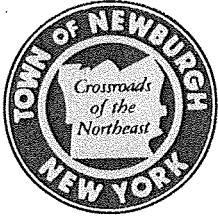
PROPOSED HIRE DATE: 10/18/2021

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

[Signature]
DEPARTMENT HEAD SIGNATURE

10/6/2021
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

~~18~~
18

PERSONNEL DEPT.

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

To: Supervisor Piaquadio
Town Board

From: Charlene M Black, Personnel

Date: October 7, 2021

Re: Part Time Court Attendant

Please see attached the employee request form and letter from Chief Bruce

Campbell to hire Jorge Santana , as a part time Court Attendant. If approved Mr. Santana will need to complete all necessary paperwork, physical and fingerprint process. A hire date of on or after November 1, 2021 and the salary is \$18.00 per hour. Thank you in advance.



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Donald B. Campbell
Chief of Police

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

October 7, 2021

To: Newburgh Town Board

CC: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Part-Time Court Officer Position

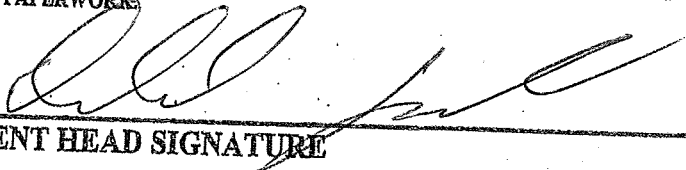
I am requesting the Newburgh Town Board appoint Jorge Santana to the position of Part-Time Court Officer with a starting date on or after November 1, 2021 pending physical and fingerprinting. The position has a starting salary of \$18.00 per hour and is not to exceed an average of 20 hours per week or 1040 hours in one calendar year (Fund appropriation 001-3120-0100-0000-0000).

Respectfully submitted,

Donald B. Campbell
Chief of Police

TOWN OF NEWBURGH EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Jorge Santana
DEPARTMENT: Police Department
TITLE OF POSITION: Court Officer
FULL TIME OR PART TIME: Part time
HOURLY RATE: 18.00 per hour
IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO
FUND APPROPRIATION NUMBER: 001-3120-0100-0000
PROPOSED HIRE DATE: November 1, 2021
NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

DEPARTMENT HEAD SIGNATURE
10/7/2021
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

Advanced Copy of Public Comment

Daniel Kelly will be
discussing this topic with
the Town Board

October 7, 2021

Town of Newburgh
Honorable Gil Piaquadio
Town Council Members
1496 Route 300, Newburgh, NY 12550

Dear Supervisor Piaquadio and Council Members;

In an effort to protect the existing residential areas and the quality of life thereof, and to avoid further traffic saturation along the Route 17k corridor west of Route 300 to Montgomery Town Line, I respectfully request the Town of Newburgh Town Board consider the following amendment to the Town of Newburgh Zoning Map:

Amend Local Law 185 titled "Zoning", Subsection 185-5 titled "Zoning Map", Zoning Districts on the aforementioned map south of "South Plank Road" and west of "Route 300", depicted/colored as "Interchange Business" to "Business District" and to remove the two "Adult Use" Public Assembly Uses.

All proposed uses, that is a use in this amended zone with an active Building Permit, or with an approved application to the Zoning or Planning Board, or existing occupancies/uses, that may not comply with the new Zoning District change, would become preexisting, nonconforming permitted uses, however, after one year of cessation of a non conforming use, such preexisting use(s) would become a non permitted use.

This amendment is requested to mitigate the following issues:

- There has been a substantial increase in traffic on the two laned Route 17K between Montgomery and Route 300.
- The previous "Adult Occupancy" in the neighborhood was an eyesore and a critical factor in our property values. This occupancy should not be this close to a grade school.
- The erratic and congested traffic by the Pilot Truck Stop.
- The anticipated heavier than normal traffic when the immense Amazon warehouse on Route 747 is operating at capacity.

Your consideration in this matter is greatly appreciated.

Sincerely;

Colden Park Homeowners Association

Contact Information

Daniel Kelly
4 Sandalwood Drive
Newburgh, NY 12550
handimanz@yahoo.com
(845) 420-8555