**AT THE PUBLIC MEETING**

of the Town Board of the Town of Newburgh held

at 1496 Route 300 in said township at 7:00 p.m.

 on Monday the 11th of December, 2023

 **Present** Gilbert J. Piaquadio, Supervisor

 Scott M. Manley, Councilman

 Anthony R. LoBiondo, Councilman

**Also Present** Mark C. Taylor, Attorney for the Town

 Lisa M. Vance Ayers, Town Clerk

 Dawnmarie Busweiler, Deputy Town Clerk

**Absent**  Paul Ruggiero, Councilman

Betty Greene, Councilwoman

 *Meeting called to order at 7:03 p.m.*

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. MOMENT OF SILENCE**

**4. CHANGES TO THE AGENDA – No Changes**

**5. POLICE DEPARTMENT:**

 **A. Achievement Awards for Three Police Officers**

Supervisor Piaquadio presented recognition awards to Sergeants Pete Talarico, Dennis

 Carpenter and Dispatcher Melissa Cross for their 30 years of service.

 **B. Swearing in of Police Officer**

Town Justice Richard Clarino administered the Oath of office to Christian D’Andrea

 **C. Begin Process to Hire Full Time Animal Control Officer**

 Chief of Police, Donald B. Campbell is requesting permission to begin the process of hiring a

 Full-time Animal Control Officer at a starting rate of $39,735 per year. This newly budgeted

 position for the year 2024 and any candidate selected would have a start date after January

 1st, 2024. (Fund Appropriation 3510.5100)

 MOTION made by Councilman LoBiondo to approve to begin the process of hiring a Full-time

 Animal Control Officer. Motion seconded by Councilman Manley. VOTE: Councilwoman

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

**6. PUBLIC HEARINGS:**

 **A. Taxation of Hotel Room Occupancy Local Law**

Town Supervisor Piaquadio asked Town Clerk Lisa Vance Ayers if all of the proper postings

 and publications were completed. Town Clerk Vance Ayers said notice of this meeting had

 been posted on the Town website and in Town Hall since November 17 ,2023 and it was

 advertised in the Mid Hudson Times on November 23, 2023. This complies with all of the

 requirements for a Public Hearing under New York State Law.

 **Open Public Hearing**

Motion made by Councilman Manley to open the public hearing at 7:17

 Motion seconded by Councilman LoBiondo

 VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley –

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 yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

 Mark Taylor Town Attorney presented Introductory Local Law# 7 of 2023. This Local Law

 shall be referred to as "A Local Law Amending Article IX Entitled 'Taxation of Hotel Room

 Occupancy' of Chapter 166 entitled "Taxation' of the Code of the Town of Newburgh:

 Collection and Remittance by Hosting Companies and Room Remarketers".

 The purpose of this Local Law is to amend Article IX entitled "Taxation of Hotel Room

 Occupancy" of Chapter 166 entitled "Taxation " of the Code of the Town of Newburgh to

 add a definition for "Room Remarketers" and to make the collection and remittance of the

 Town of Newburgh hotel room occupancy tax by hosting companies and room remarketers

 mandatory.

 **Public Comments:**

 **Bill Fedder Rockwood Drive –** Does this apply to Hampton Inn?

 **Mark Taylor-** Yes this applies to Hampton Inn

 **Closing Public Hearing**

MOTION made by Councilman LoBiondo to close the public hearing at 7:20 pm.

 Motion seconded by Councilman Manley

 VOTE: Councilwomen Greene – absent; Councilman Ruggiero – absent; Councilman Manley –

 yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

 **i. Resolution of SEQR Determination**

MOTION made by Councilman Manley to approve the Resolution of SEQR Designation and

 Negative declaration Motion seconded by Councilman LoBiondo. VOTE: Councilwoman

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **ii. Resolution of Adoption**

MOTION made by Councilman LoBiondo to approve the Resolution of adoption of Local

 Law No. 8 of 2023 Amending Article IX entitled “Taxation of Hotel Room Occupancy”

 Motion seconded by Councilman Manley. VOTE: Councilwoman Manley

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain;

 2 absent.

 **B. 2024 Schedule of Fees Local Law**

Town Supervisor Piaquadio asked Town Clerk Lisa Vance Ayers if all of the proper postings

 and publications were completed. Town Clerk Vance Ayers said notice of this meeting had

 been posted on the Town website and in Town Hall since November 17, 2023 and it was

 advertised in the Mid Hudson Times on November 23, 2023. This complies with all of the

 requirements for a Public Hearing under New York State Law.

 **Open Public Hearing**

Motion made by Councilman Manley to open the public hearing at 7:21 pm.

 Motion seconded by Councilman LoBiondo

 VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley –

 yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; o no; 0

 abstain; 2 absent.

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**i. Resolution of Adoption**

Attorney Mark Taylor presented proposed "A Local Law Amending Chapter 104

 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water and Sewer Rates

 Effective January 1, 2024".

 Meter rates for the sale of water to all consumers within the Consolidated Water District and

 Colden Park Water District of the Town of Newburgh and the duly constituted extensions

 thereto, excluding water sold to the Town of New Windsor, the New York State Thruway

 Authority or outside-the- district users, shall be as follows:

**Usage Per Quarter**

**Rate**

First 7,500 gallons $26.00 (minimum charge per quarter)

Next 10,000 gallons $4.96 per 1,000 gallons

Next 82,500 gallons $5.68 per 1,000 gallons

s

1. A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.

(b) The Town of New Windsor, the Town of Marlborough**,** the City of New York and the New York State Thruway Authority and the outside-the- district users will pay rates and charges as per agreements entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge.

(c) The water rates for the Stewart ANG Base Water District consumer(s) will be established by the Town Board from time to time in accordance with New York State Town Law Section 198. Unpaid water charges in arrears for 30 days or longer shall be subject to such penalty as the Town Board may provide for by resolution subject to the limit established by Town Law Section 198."

2. Subsection 104-3(C)(1) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(1) Sewer operation and maintenance charge.

**Sewer District**

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Crossroads Consolidated

Nob Hill

**Rate/Fee (per gallons consumed per premises)**

$6.94 per 1,000 gallons

$.00880/gallon

The following minimum operating and maintenance charge

shall apply to all connected properties, including but not

limited to those without water meters:

$36.00 per quarter”

2.

Subsection 104-3(C)(3) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(3) Combined Operation and Maintenance and Facility Charge Roseton Hills Sewer District

$162.50 per each residential dwelling unit, whether or not an apartment or condominium unit on each parcel as listed on the latest completed Assessment Roll of the Town per quarter”

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

**Public Comments:** - No Comments

 **Closing Public Hearing**

Motion made by Councilman Manley to close the public hearing at 7:25 pm.

 Motion seconded by Councilman LoBiondo

 VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley –

 yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

  **i. Resolution of Adoption**

 MOTION made by Councilman LoBiondo to approve the Resolution of adoption of Local

 Law No. 9 of 2023 "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the

 Code of the Town of Newburgh: Water and Sewer Rates Effective January 1, 2024".

 Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Manley

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain;

 2 absent.

**7. ACCOUNTING:**

 **A. Approval of Audit**

Motion made by Councilman Manley to approve the audit in the amount $1,004,038.47.

 Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent;

 Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes;

 Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

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 **B. Review Status Report and Budget Status Report for November 2023**

MOTION made by Councilman Manley to approve the Status Report and Budget Status

 Report for 2023. Motion seconded by Councilman LoBiondo. VOTE:

 Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes;

 Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

 **C. Budget Adjustments**

Ronald Clum, Town accountant, presents Budget Adjustments. In reviewing the year end

 2023 Budget Status Report I noticed that the following accounts were over-budget and will

 need the following Budget Adjustments due to unanticipated expenditures throughout the

 year.

 **INCREASE ACCOUNT DECREASE ACCOUNT AMOUNT**

A-9010.5800 A-1964.5499 $57,406.00

 ERS Expense Refund of Taxes

 A-9015.5800 A-1964.5499 $63,396.00

 PFRS Expense Refund of Taxes

 G5010.9010.5800 G5010.9040.5800 $7,619.00

 ERS Expense Workers Comp Insurance

 MOTION made by Councilman LoBiondo to approve Budget Adjustments. Motion seconded

 by Councilman Manley. VOTE: Councilwoman Greene – absent; Councilman Ruggiero –

 absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

 Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

**8. DEPARTMENT HEAD REPORTS:**

 **A. Highway Department**

 Highway Superintendent Mark A. Hall Jr. reported that ¾ miles of ditches were cleaned,

 Roads mowed 3 rounds. Cleaned 267 catch basins. 640 hydrants painted. Replaced over 100

 new hydrant flags. Updated and replaced 217 traffic signs. 2944 ft. of drainage pipe installed,

 180 ft. of it was 60 inches in 11 different locations. Installed 20 new catch basins. Micro sealed

 1.6 miles of road. Paved 2 miles of road. Chip sealed 13 miles of road. Paved 2 miles of road.

 Swapped over 4 single axle truck bodies.

 **B. Parks and Recreation Department**

Parks and Recreation Commissioner, James Presutti, reported that the Tree Lighting was very

 good despite the rain. The Menorah Lighting is Tuesday at 6pm. The Week of the 19th we will

 be closed for programs. Indoor programs are soccer and basketball which are full with waiting

 lists. The trip to the Metropolitan Museum of Art was full and everyone had a great time. The

 new catalog for Desmond will be out soon.

 **C. Police Department** Chief of Police Donald B. Campbell reported that they have two police

 academy graduations next week. The Ulster County Police Academy Graduation is next

 Wednesday at 11am. That is for the Part time Officer that put himself through Phase I and we

 sponsored him for Phase II. The Orange County Police Academy Graduation is Friday

 December 22nd at 10am in Middletown. We have three full time officers graduating in that

 academy. We are looking at several different vendors to update our Phone and Radio

 recording system. Our current system is 10 years old and is no longer supported by the

 manufacturer. We have some demos scheduled and scheduled and should have one

 narrowed down by next week.

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 Chief of Police Donald B. Campbell reported the following:

 Year to Date Statistics

* Calls for Service: 23,800
* Case Reports: 3600
* Arrests: 1100
* Traffic Tickets issued: 3100
* Parking tickets: 900
* Accident Reports taken: 1400

**9. RESOLUTION: NYS Speed Cameras and Automated Work Zone Speed Enforcement (AWZSE)**

 **Fine Revenue**

 Attorney Mark Taylor presented a Resolution to the Town Board regarding New York State

 speed cameras and automated work zone speed enforcement (AWZSE) fine revenue.

 MOTION made by Councilman Manley to approve New York State speed cameras and

 automated work zone speed enforcement (AWZSE) fine revenue. Motion seconded by

 Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman Ruggiero –

 absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

 Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

**10. SURPLUS EQUIPMENT:**

Code Compliance Supervisor, Gerald Canfield, is requesting approval for equipment for

 disposal of disabled printers.

 MOTION made by Councilman LoBiondo to approve for equipment disposal. Motion

 seconded by Councilman Manley. VOTE: Councilwoman Greene – absent; Councilman

 Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

 Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

**11. ENGINEERING:**

 **A. Water Supply Budget Transfer**

Town Engineer James Osborne is requesting Water Supply Budget Transfer. Based on the

 shift of water production from the DATWTP to the CLFP to accommodate the NYCDEP’s

 shutdown of the Delaware Aqueduct Tunnel in October and November of this year, budget

 transfers are necessary to re-allocate monies for general operations resulting from the

 schedule change.

 MOTION made by Councilman Manley to approve the Water Supply Budget Transfer.

 Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent;

 Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes;

 Supervisor Piuaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **B. Colden Park W.M. Replacement**

Town Engineer James Osborne is requesting approval of a budget transfer from F9902

 (Interfund Transfer) to H6011.5200 (Colden Park W.M. Replacement in the amount of

 $400,000. This transfer will make use of existing budget funds to meet the Town’s cost

 sharing objectives for this project.

 MOTION made by Councilman LoBiondo to approve a budget transfer of $400,000.

 Motion seconded by Councilman Manley. VOTE: Councilwoman Greene – absent;

 Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes;

 Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; o abstain; 2 absent.

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 **C. H/Elmhurst Culvert Replacement**

Town Engineer James Osborne is requesting approval of a budget transfer from Highway

 Interfund Transfer (D.9902) to Elmhurst Culvert Repair (H.8103) in the amount of $55,000.

 These funds will be used to pay for Construction engineering and inspection costs that are

 not covered by the NYS Bridge & Culvert Grant.

 MOTION made by Councilman LoBiondo to approve the budget transfer in the amount of

 $55,000. Motion seconded by Councilman Manley. VOTE: Councilwoman Greene – absent;

 Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes;

 Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **D. Route 300 Sewer Main Repair**

Town Engineer James Osborne is requesting a budget transfer for the Route 300 Sewer

 Main Repair from Sewer Interfund Transfer (G.9902) to Rt. 300 Sewer Main Repair in the

 amount of $40,000.

MOTION made by Councilman Manley to approve the budget of $40,000.00. Motion

 seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman

 Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor

 Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **E. Emergency Trailer Mounted Standby Generator**

Town Engineer James Osborne is requesting a budget transfer to pay for the new Trailer

 Mounted Standby Generator for the Water and Sewer Department from the Water

 Interfund Transfer (F.9902) to Equipment Purchase in the amount of $23,500 and from

 Sewer Interfund Transfer (G.9902) to Equipment Purchase in the amount of $62,500.

 MOTION made by Councilman Manley to approve two budget transfers in the amount of

 $23,500 and $62,500. Motion seconded by Councilman LoBiondo. VOTE: Councilwoman

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **F. TAM Enterprises, Inc. Change Order**

Patrick Hines Engineering Representative presented TAMS Enterprises for a Change order

 for the original Contract Sum. Change Order for Contract- Town of Newburgh’s Chadwick

 Lake Filter Plant Resiliency Improvements Project. The contractor agrees to perform and the

 owner agrees to pay for the following changes to this contract ordered by 65 Scott Reid. The

 negative changes will lower the overall contract price requiring no additional payments by

 owner in the amount of $29,454.88. The original Contract Sum was $1,797,000.00. The Net

 change by previous Change Orders was $373,825.41. The Contract Sum prior to this Change

 Order was $2,170,825.41. The Contract Sum will be change by this Change Order is

 $29,454.88. The new Contract Sum including this Change Order will be $2,200,280.29. The

 Contract Time will be changed by 365 Days.

 MOTION made by Councilman Manley to approve the Change Order in the amount of

 $29,454.88. Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Greene –

 absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo –

 yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **G. Rockland Electric Change Order**

Patrick Hines Engineering Representative presented a Proposed Change Order from

 Fanshawe, Inc. d/b/a Rockland Electric for the project of Town of Newburgh Chadwick Lake

 to extend contract final completion by August 31, 2023 and demobilization by December 31,

 2024.

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 Total

 Demobilization & remobilization, equipment and tools $2,000.00

 Builder’s Risk Policy Extension $956.00

 Storage Container – 1 year $2,800.00

 Labor Rate Increase $2,000.00

 Subtotal: $7,756.00

 Allowance Only: -

 Total: $7,756.00

 MOTION made by Councilman LoBiondo to approve the Proposed Order from Fanshawe, Inc.

 d/b/a Rockland Electric for the project of the Town of Newburgh Chadwick Lake to extend

 contract final completion. Motion seconded by Councilman Manley. VOTE: Councilwoman

 Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman

 LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **H. Drury Heights (AKA The Woodlands) Phase I – Extended Maintenance Security**

Town Engineer Patrick Hines is requesting approval of the Drury Heights (AKA The

 Woodlands) Phase I – Extended Maintenance Security. During the installation of the top

 coat asphalt in the Phase I section of the project representatives of the Town of Newburgh

 Highway Department identified an issue with the paving equipment regarding a hydraulic oil

 leak causing there to be hydraulic fluid between the binder course and the top course

 asphalt being applied. This issues with the paver was identified as a concern by

 representatives of the Town Highway Department. Approximately 500 feet of the roadway

 was identified as potentially being impacted by the hydraulic fluid leak from the paving

 equipment.

 The project sponsor and their engineer have identified that they are willing to provide three-

 year maintenance security for the top course asphalt in the Phase I section of the project.

 The extended maintenance period will allow the Town to evaluate any potential failures in

 the top course asphalt of the project. I have discussed this with Highway Superintendent,

 Mark Hall and feel that the extended warranty will provide the Town adequate time to

 identify and address any potential issues with the top course asphalt should the conditions

 identified in the field result in degradation of the top course asphalt in the impacted area. I

 am requesting The Town Board authorize the extended maintenance period in an amount

 acceptable to the Town Engineer’s office and in the form acceptable to the Town Attorney.

 Details of the extended warranty are as follows:

 \*\*Type of Warranty:\*\* Extended Warranty

 \*\*Coverage Period:\*\*3 years from the completion date: October 2, 2023

 \*\*Covered Area:\*\*500 feet of one lane in Phase I as outlined

 \*\*Specific Issue:\*\*Dripping oil potentially affecting the asphalt top course

 MOTION made by Councilman Manley to approval of the Drury Heights (AKA The

 Woodlands) Phase I – Extended Maintenance Security. Motion seconded by Councilman

 LoBiondo. VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent;

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 Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion

 passed: 3 yes; 0 no; 0 abstain; 2 absent.

 **I. Drury Heights (AKA The Woodlands) Phase II – Public Improvement Security Reduction**

Town Engineer Patrick Hines is requesting approval of the Drury Heights (AKA The

 Woodlands) Phase II – Public Improvement Security Reduction. At the 25 April 2002 Town

 Board meeting the Town of Newburgh Town Board approved security for the public

 improvements in Phase II of the subject project in the amount of $1,525,976.00. This

 original amount established the securities for public improvements. At the same meeting

 the amounts were reduced for work completed to date to $741,336.00. The applicant’s

 engineers have provided updated cost estimates identifying the remaining work within the

 Phase II portion of the project.

 Representatives of the Town of Newburgh have been on-site during the installation of the

 water, sewer, roadway and stormwater Collection system. Based on work completed to date

 the applicants are requesting that the improvement securities be reduced from $741,336.00

 to $184,427.75. No further reduction in the Phase II securities should be approved until such

 time as the roadway is accepted and a maintenance security is established.

 MOTION made by Councilman LoBiondo to approve the Drury Heights (AKA The Woodlands)

 Phase II – Public Improvement Security Reduction. Motion seconded by Councilman Manley.

 VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley –

 yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

 **J. Drury Heights (AKA The Woodlands) Phase III – Performance Security**

Town Engineer Patrick Hines is requesting for The Drury Height (AKA The Woodlands) Phase

 III – Performance Security. At the 12 June 2023 Town Board meeting this office a memo

 regarding the public improvements in the amount of $2,465,495.00 The Applicants chose to

 construct some of the improvements prior to requesting Building Permits in the Phase III

 project. Project is subject to a stipulation between the Project Sponsors and the Town of

 Newburgh which identifies, “project security securing the installation of roads, utilities,

 stormwater management facilities and landscaping including but not limited to bonds and

 letters of credit, in approved amounts and in forms acceptable to the Town attorney shall be

 delivered to the Town by the petitioner/applicants, and their successors or assigns no later

 than when the first Building Permit is issued for the first dwelling in each Phase”.

 Applicants are going to request Building Permits in Phase III in the near future. The

 applicant’s engineer has provided revised cost estimates based on work completed to date.

 The original bond amount of $2,465,495.00 can be reduced at this time to $1,589,743.00.

 The stipulation identified above requires payment of all other fees upon issuance of a

 Certificate of Occupancy (CO) for the first residential structure in each Phase. The fees, which

 will be due and payable upon the first CO will be based on a percentage of the original 8 June

 2023 security memo.

 Based on the above the developer is required to submit Performance Security in the amount

 of $1,589,743.00 in a form acceptable to the Town Attorney prior to issuance of the first

 Building Permit in Phase III. This memo supersedes my 8 June 2023 memo and the Board’s

 approval of the original security at the 12 June 2023 meeting.

 MOTION made by Councilman Manley to approve the Drury Heights (AKA The Woodlands)

 Phase III – Performance Security. Motion seconded by Councilman LoBiondo. VOTE:

 Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes;

 Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0

 abstain; 2 absent.

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**12. WATER DEPARTMENT:**

 **A. Budget Transfer #1**

Water Department Supervisor Steve Grogan is requesting a budget transfer to cover over

 expenditures from account number 8340.5499, Other Expenses in the amount of $5,000.00

 to account number 8340.5466to account Operating Supplies in the amount of $5,000.00.

 **B. Budget Transfer #2**

Water Department Supervisor Steve Grogan is requesting a budget transfer to cover over

 expenditures from account 8130.5200.5010, Equipment in the amount of $30,000.00 to

 account 8130.5200.5010, Repairs to Treatment Plant in the amount of $30,000.00.

 **C. Budget Transfer #3**

Water Department Supervisor Steve Grogan is requesting a budget transfer to cover end of

 year expenses form account 8130.5473.5009, Repairs to Treatment Plant in the amount of

 $500.00 to account 8130.5472.5009, Consultant Fees in the amount of $500.00.

 **D. Budget Transfer #4**

Water Department Supervisor Steve Grogan is requesting a budget transfer to cover over

 expenditures from account 8130.5452.5010, Vehicle Contract Repairs in the amount of

 $12,000.00 to account 8130.5472.5010, Consultant Fees in the amount of $12,000.00.

 **E. Budget Transfer #5**

Water Department Supervisor Steve Grogan is requesting a budget transfer to cover end of

 year expenses from account 8130.5497.5009, Maintenance Contracts Leases / Rentals in

 the amount of $25.00 to account 8130.5480.500009, Telephone in the amount of $25.00.

 Motion made by Councilman LoBiondo to approve the budget transfers as presented.

 Motion seconded by Councilman Manley. VOTE: Councilwoman Greene – absent;

 Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes;

 Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 3 yes.

**13. ANIMAL CONTROL: T-94 Withdrawal**

Tracy Carvell of Animal Control requests authorization to use the T-94 withdrawal of to pay for veterinarian services from Newburgh Veterinary Services in the amount of $814.30 for Feline services.

MOTION made by Councilman LoBiondo to approve T-94 withdrawal of $814.30 for Feline Services to Newburgh Veterinary Hospital. Motion seconded by Councilman Manley. VOTE:

Councilwomen Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

**14. RECREATION: Start the Process to Hire Full Time Recreation Leader**

Parks and Recreation Commissioner, James Presutti, is requesting approval tobegin the process to hire a Full Time Recreation Leader to replace Ms. Shannon Mozingo who has recently resigned. The funds for this position are available in the 2024 Budget.

MOTION made by Councilman Manley to approve to begin the process to hire a Full Time Recreation Leader. Motion seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

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**15. ANNOUNCEMENTS:**

 **Supervisor Piaquadio** wished everyone a Happy Holidays

 **Councilman LoBiondo** wished everyone Happy Holidays

 **Councilman Manley –** The tree lighting at Chadwick Lake last week was a huge success

 despite the rain. Tomorrow night is the Menorah lighting at Chadwick Lake. I wish everyone

 a Happy Holidays no matter what you celebrate.

 **Town Clerk Vance Ayers –** Wishing everyone Happy Holidays

**16. PUBLIC COMMENTS:**

 **Bill Fedder Rockwood Dr. –** Will the speeding tickets on 84 be handled by the

 Town of Newburgh Court?

 **Town Attorney Mark Taylor –** No it will be an administrative appeal process.

 **The members of the NY Audit** group came before the board asking for the support of the

 Town of Newburgh and sign the resolution they presented at the November 2023 town

 board meeting. Supervisor Piaquadio advised that there were board members not in

 attendance and that the town would not be voting on signing the resolution presented. Mr.

 Piaquadio welcomed them to return at a later date if they wished.

**17. ADJOURNMENT**

MOTION made by Councilman LoBiondo to adjourn the meeting at 8:05 p.m. Motion seconded by Councilman Manley. VOTE: Councilwoman Greene – absent; Councilman Ruggiero – absent; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 3 yes; 0 no; 0 abstain; 2 absent.

*Meeting adjourned at 8:05 p.m.*

*Respectfully submitted,*

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 Lisa M. Vance Ayers Dawnmarie Busweiler

 Town Clerk Deputy Town Clerk