**AT THE WORKSHOP MEETING**

of the Town Board of the Town of Newburgh held

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

on Monday the 26th day of February, 2024

**Present** Paul Ruggiero, Councilman

Scott Manley, Councilman

Anthony LoBiondo, Councilman

Gilbert J. Piaquadio, Supervisor

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

Lisa M. Vance Ayers Town Clerk

**Absent** Elizabeth J. Greene, Councilwoman

*Meeting called to order at 7:00 p.m.*

**1. ROLL CALL**

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

**3. MOMENT OF SILENCE**

**4. CHANGES TO AGENDA**

Remove item 12.

**5. ACCOUNTING: Approval of Audit**

Motion made by Councilman Manley to approve the audit in the amount of $732,329.47. Motion seconded by Councilman Ruggiero. VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**6. RECREATION:**

**A. Start the Process to Solicit Bids for 2024 Community Day Fireworks**

James Presutti, Commissioner of Parks and Recreation has requested to go out to bid for

the Community Day Fireworks Display.

MOTION made by Councilman Ruggiero to start the process to solicit bids for 2024

Community Day Fireworks Display. Motion seconded by Councilman LoBiondo. VOTE:

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**B. Hiring of Part-Time Laborer**

James Presutti, Commissioner of Parks and Recreation has requested approval to hire

Raymond Farouk as a part-time Laborer. The applicant’s hiring is contingent on your

approval and the completion of his fingerprints, paperwork, drug/alcohol screening, and

physical. Start date of on or after March 11, 2024, is anticipated, and a salary of $17.31 per

hour. Mr. Farouk has been pre-approved by Orange County Human Resources.

MOTION made by Councilman LoBiondo to approve the hiring of Raymond Farouk as a

part-time Laborer. Motion seconded by Councilman Manley. VOTE: Councilwoman

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

LoBiondo - yes Supervisor Piaquadio. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

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**7. PERSONNEL: Well Now Medical Facility**

Charlene M. Black from Personnel Department is requesting approval to use the Well Now Medical Facility for our Worker’s Compensation, pre-employment physicals, drug/alcohol testing, CDL physicals, 19-A physicals and post-accident testing. They are open from 8:00 am until 8:00 pm every day of the week. That includes weekends. The rates for their facility compare to what we are paying already for Emergency One.

MOTION made by Councilman Ruggiero to approve using the Well Now Medical Facility for

our Worker’s Compensation, pre-employment physicals, drug/alcohol testing, CDL physicals

and post-accident testing. Motion seconded by Councilman Manley. VOTE: Councilwoman

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes.

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent

**8. INTER-MUNICIPAL AGREEMENT: Valve Exercising / Turning Equipment & Portable**

**Generator**

Town Supervisor, Gil Piaquadio, presented Inter-Municipal Loan of Equipment-Portable

Generators. This will confirm the Town of Newburgh’s Agreement to lend its valve

exercising/turning equipment, portable generator and an operator on a temporary basis at

the Town of New Windsor’s request, on dates and times to be mutually agreed upon by the

heads of our respective Water Departments. The temporary loans will take place without

any payment or other consideration required to be made by New Windsor, during the period

commencing as of the date of your signature and ending December 31, 2024 or such earlier

date as the Town of New Windsor’s liability insurance coverage terminates, and the subject

to the Town of Newburgh being named as an additional insured on the Town of New

Windsor’s liability insurance policies, with respect to the use and operation of said

equipment during said period. Prior to the loan of any portable generator, Town of

Newburgh shall provide the Town of New Windsor with a General Liability Acord naming

Town of New Windsor as an additional insured on its policy, with respect to the use and

operation of said portable generator(s). The coverage period shall commence as of the date

of your signature and end December 31, 2024, or such earlier dater as the Town of

Newburgh’s liability insurance coverage terminates.

MOTION made by Councilman Manley to approve Inter-Municipal Loan of equipment-Valve

exercising/turning equipment and portable generator. Motion seconded by Councilman

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

Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes;

0 no; 0 abstain; 1 absent.

**9. ASSESSOR: Tax Certiorari Banty Realty Newburgh, LLC**

Attorney for the town Mark Taylor presented a letter from Cathy Drobny, Esquire of E.

Stewart Jones.

The subject property contains the Super 8 Motel on Route 300. Also enclosed is a map showing

the location of the tax parcel which is the subject of the proceedings which contains a branch

bank. The settlement provides that the 2021 assessed value remains the same, and for reductions

in assessed valueof $400,000 from $1,650,000 to $1,250,000 for both 2022 and 2023. Attorney

Drobny's letter indicates that the provisions of RPTL Section 727 will apply, holding the Assessed

Value at $1,250,000 for the2024, 2025 and 2026 assessment rolls**,** subject to the statutory

exceptions. The chart indicates that the refund liability for the Town (including Highway but not

including special districts and the Fire District) will be approximately $12,477.41 versus claimed

refund liability of approximately $65,554.93. Orange Lake Fire District, which has a standing

request to be informed of all settlements will have a refund liability of approximately $3,459.68:

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The attorneys for the Newburgh Enlarged City School District have already signed the Consent

Judgment.

MOTIONmade by Councilman LoBiondo to approve Settlement of Tax Certiorari for Banty Realty

Newburgh, LLC (Super 8 Motel on Route 300) for years (2022 & 2023). Motion seconded by

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

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

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**10. ENGINEERING:**

**A. Unity Place Warehouse Outside User Agreement**

Mark Taylor the Town Attorney presented the Unity Place Warehouse Outside User

Agreement. Unity Place Newburgh LLC., a New York limited liability company having an

address at 95 Chestnut Ridge Road, Montvale, New Jersey 07645. The Outside User is the

owner of real property located on Unity Place and Old Little Britain Road in the Town of

Newburgh, County of Orange, State of New York, consisting of approximately 14.9 acres

and shown on the Tax Maps as Section 97, Block 2, lots 14.1, 19.12 and 37.2 (hereinafter

the “PREMISES”), and Whereas, the Premises have received final conditional approval

from the TOWN’s PLANNING BOARD (the “PLANNING BOARD”) for a site plan containing

a single building to be used as a warehouse/distribution facility containing approximately

154,700 square feet of floor area, (the “PROSPOSED BUILDING”) described in greater

detail on a site plan dated May 27, 2023 last revised June 16, 2023 and entitled “Unity

Place Warehouse” (the “SITE PLAN”).

MOTION made by Councilman Ruggiero to approve the Unity Place Warehouse Outside

User Agreement. Motion seconded by Councilman Manley. VOTE: Councilwoman Greene -

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

yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 absent; 1 absent.

**B. Unity Place Warehouse Stormwater Agreement**

Patrick Hines Rep Engineer for the Town is requesting approval for the Unity Place

Warehouse Stormwater Agreement. All that certain plot, piece or parcel of land, situate,

lying and being in the City of Newburgh, County of Orange, and the State of New York,

bounded and described as follow: Beginning at a point on the northerly right of way of Old

Little Britain Road, said point being the southwesterly corner of Lot #7 as shown on a

subdivision plat entitled “Subdivision and Lot Line Change-Proposed Lots for Webb, Yu,

Tighe” filed in the Orange County Clerk’s Office as Map 236-01, and running thence.

MOTION made by Councilman LoBiondo to approve the Unity Place Warehouse

Stormwater Agreement. Motion seconded by Councilman Manley. VOTE: Councilwoman

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

LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1

absent.

**C. Matrix Stormwater Agreement**

Patrick Hines Rep Engineer for the Town is requesting approval for the Matrix Stormwater

Management Facility Easement and Maintenance Agreement. Matrix Newburgh Route 17K

Development, LLC, New York limited liability company having an address at c/o Matrix

Development Group, Forsgate Drive, CN4000, Cranbury, New Jersey 08512 (hereinafter

the “Developer”) and the Town of Newburgh, a municipal corporation of the State of New

York, with principal offices located at 1496 Route 300, Newburgh, New York 12550

MOTION made by Councilman Manley to approve the Matrix Stormwater Management

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Facility Easement and Maintenance Agreement. Motion seconded by Councilman

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

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

Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**D. Matrix I-84 Stormwater Security Inspection Fees**

Patrick Hines Rep Engineer for the Town is requesting approval for Matrix I 84

Distribution Center Stormwater Management Facilities Security Inspections Fees. The

project has conditional approval for the construction of a 595,900 square foot warehouse

facility with access off of NYS Route 17K. The applicant’s representative Langan Engineers

has provided a cost estimate for stormwater management facilities proposed to serve the

project. The cost estimate was based on a template provided by MHE Engineering for our

standard unit cost utilized in the Town of Newburgh. A cost estimate of $2,778,772.50

has been provided. Security in that amount must be established prior to the project being

provided. Security in that amount must be established prior to the project being stamped

final by the Planning Board.

An inspection fee in accordance with the Town of Newburgh’s prevailing fee schedule is

required. A 4% inspection fee is requires based on the Town Code. This equates to an

inspection escrow deposit required in the amount of $111,150.90. We request the Town

Board establish the stormwater security and inspection escrow based on the above

referenced amounts. The establishment of stormwater security requires Town Board

action.

MOTION made by Councilman Manley to approve the Matrix I-84 Stormwater Security

Inspection Fees. Motion seconded by Councilman Ruggiero, VOTE: Councilwoman Greene

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

yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

**E. Matrix I-84 Erosion/Sediment Inspection Fees**

Patrick Hines Rep Engineer for the Town is requesting approval for Matrix I-84

Erosion/Sediment Inspection Fees. The subject project has conditional approval for the

construction of a 595,900 square foot warehouse facility located off of NYS Route 17K. Th

applicant’s representative Langan Engineers has provided a cost estimate for soil erosion &

sediment control activities required on the project site. The cost estimate is based on a

template provided by MHE Engineering for standard unit cost in the Town of Newburgh. A

cost estimate of $246,119.00 has been provided. Security in that amount must be

established prior to the project being stamped final by the Planning Board.

An inspection fee in accordance with the Town of Newburgh’s prevailing fee schedule is

required. A 4% inspection fee is required based on the Town Code. This equates to an

inspection escrow deposit required in the amount of $9,845.00 We request the Town Board

establish the erosion and sediment control security and inspection escrow based on the

above referenced amounts.

MOTION made by Councilman Manley to approve the Matrix I-84 Soil Erosion & Sediment

Control Securities. Motion seconded by Councilman LoBiondo. VOTE: Councilwoman

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

LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1

absent.

**F. Matrix I-84 Clearing and Grading Security and Inspection Fees**

Patrick Hines Rep Engineer for the Town is requesting approval for Matrix I-84 Clearing &

Grading Reclamation Security. The subject project has received a clearing and grading

permit from the Town of Newburgh Building Department. As part of the Planning Board

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approval, clearing and grading security in the amount of $3,500.00 per acre is required.

Total acres to be disturbed on the 60+/- acre parcel of property is 44.5 acres. Based on the

above, this office would recommend clearing and grading security in the amount of

$155,750.00. The Planning Board resolution requires an escrow deposit of $3,500.00 be

provided to the Building Department for review of the project during the clearing and

grading operation.

The above referenced fees have been received by the Building Department in the form of

cash security and inspection fees. We would recommend the Town Board establish the

clearing and grading security in the amount of $155,750.00 with an inspection fee of

$3,500.00. The establishment of the clearing and grading security requires Town Board

action. MOTION by made Councilman Manley to approve the Matrix I-84 Clearing &

Grading Reclamation Security. Motion seconded by Councilman LoBiondo. VOTE:

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**G. Meadow Hill Inflow & Infiltration Mitigation**

Town Engineer James Osborne is requesting approval for a budget transfer for the

surveying services for Meadow Hill Inflow & Infiltration Mitigation project in the amount

of $20,000

From: Crossroads S.D. Interfund Transfer

(G5010.8130.9902.5900)

To: Meadow Hill Sewer Repairs

(H7124.5200)

Amount: $20,000.00

MOTION made by Councilman Ruggiero to approve the budget transfer for surveying

service or Meadow Hill Inflow & Infiltration Mitigation. Motion seconded by Councilman

Manley. VOTE: Councilwoman Greene - absent; Councilman Ruggiero – yes; Councilman

Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4

yes; 0 no; 0 abstain; 1 absent.

**H. Levingston Heights (and Old Marlborough Turnpike) Water Main Extension**

Town Engineer James Osborne is requesting approval for a budget transfer for the

authorization and engineering services for the Levingston Height (and Old Marlborough

Turnpike) Water Main Extension in the amount of $85,000.

From: C.W.D. Interfund Transfer

(F9902.5900)

To: Livingston Heights W.M. Extension

(TBD)

Amount: $85,000.00

MOTION made by Councilman Manley to approve the budget transfer of $ 85,000 for seconded by Councilman LoBiondo. VOTE: Councilwoman Greene – absent; Councilman Ruggiero – yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

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**I. Colden Park Water Main Replacement – Phase 3 Budget Transfer**

Town Accountant Ronald Clum, in response to a 20 February 2024 memo from James

Osborne, Town Engineer is requesting the Town Board authorization to use $2,650,000 of

unallocated funds of the Consolidated Water District (CWD) to fund the above referenced

project. Repayment to the CWD will be made upon receipt of grant monies for the

project.

MOTION made by Councilman Ruggiero to approve the authorization of unallocated funds

of the Consolidated Water District. Motion seconded by Councilman LoBiondo. VOTE:

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**11. HIGHWAY:**

**A. Fill Time HEO Employee**

Mark A. Hall Jr., Highway Superintendent is requesting permission to be able to post the

position of a Full Time HEO for the Highway Department, as appropriated in the 2024

budget.

MOTION made by Councilman Manley to approve the posting position of a Full Time HEO

for the Highway Department. Motion seconded by Councilman Ruggiero. VOTE:

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**B. Summer Materials and Other Bids**

Mark Hall Jr., Highway Superintendent is requesting approve to go out to bid for Summer

Materials including Guide Rails, Chip Spreader, Wheel Rubber Tire Roller, and Aluminum Box

Culverts. Also, the individual bids for the Cold Milling Machine & Brush Griding. The dates

will be worked out with the Town Clerk’s Office.

MOTION made by Councilman LoBiondo to approve going out to bid for Summer Materials

for the Highway Department. Motion seconded by Councilman Manley. VOTE:

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

Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0

abstain; 1 absent.

**12. ~~HIRING OF CENSUS AND REDISTRICTING EXPERT~~**

**13. ADJOURNMENT**

MOTION made by Councilman LoBiondo to adjourn the meeting at 7:18 pm. Motion seconded by Councilman Manley. VOTE: Councilwoman Greene – absent; Councilman Ruggiero yes; Councilman Manley – yes; Councilman LoBiondo – yes; Supervisor Piaquadio – yes. Motion passed: 4 yes; 0 no; 0 abstain; 1 absent.

*Meeting adjourned at 7:18 p.m.*

*Respectfully submitted,*

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Lisa M. Vance Ayers Dawnmarie Busweiler

Town Clerk Deputy Town Clerk