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TOWN BOARD WORKSHOP

of the Town Board of the Town of Newburgh
held at 1496 Route 300 in said township at
7:03 p.m. on Monday, the 28th of February 2022

TRANSCRIPT OF:

PUBLIC HEARING: AMBULANCE DISTRICT
- SEQRA DETERMINATION
- ESTABLISHMENT SUBJECT OF REFERENDUM

PRESENT Gilbert J. Piaquadio, Supervisor
Scott M. Manley, Deputy Supervisor
Elizabeth J. Greene, Councilwoman
Paul R. Ruggerio, Councilman
Anthony LoBiondo, Councilman

ALSO PRESENT Lisa M. Vance-Ayers, Town Clerk
Tiffany M. Ray, Second
Deputy Town Clerk
Mark C. Taylor, Town Attorney
Patrick Hines, Town Engineer

REPORTED BY: Michelle L. Conero
Court Reporter
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 MS. VANCE-AYERS: Okay. The
3 next item we have is the public
4 hearing for the ambulance district.

5 Is somebody going to open it?

6 SUPERVISOR PIAQUADIO: Yeah.

7 Just hang on a second.

8 Has this public hearing been
9 properly advertised?

10 MS. VANCE-AYERS: This meeting
11 has been posted on the Town website
12 and in Town Hall on February 18,
13 2022, and it was advertised in The
14 Mid-Hudson Times on February 17,
15 2022. This complies with all the
16 requirements of a public hearing
17 under New York State Law.

18 SUPERVISOR PIAQUADIO: All
19 right. Thank you.

20 So that being said, does
21 someone want to make a motion to open
22 this public hearing?

23 MS. GREENE: So moved.

24 MR. MANLEY: I'll second.

25 MS. VANCE-AYERS: We have 7:03.

1 TOWN BOARD WORKSHOP - 2/28/2022

2 SUPERVISOR PIAQUADIO: So I
3 think first I'm going to just read
4 some of the comments here --

5 MR. TAYLOR: Roll call on
6 opening the hearing.

7 MS. VANCE-AYERS: I'm sorry.
8 Mrs. Greene?

9 MS. GREENE: Here -- yes.

10 MS. VANCE-AYERS: Mr. Ruggiero?

11 MR. RUGGIERO: Yes.

12 MS. VANCE-AYERS: Mr. Manley?

13 MR. MANLEY: Yes.

14 MS. VANCE-AYERS: Mr. LoBiondo?

15 MR. LOBIONDO: Yes.

16 MS. VANCE-AYERS: Mr. Piaquadio?

17 SUPERVISOR PIAQUADIO: Yes.

18 Then I'll do my comments first,
19 then I'm going to ask Pat maybe, and
20 Mark will do some.

21 So we have a police department,
22 we have a highway department, we have
23 five fire districts covering the
24 Town. Any competent board would
25 never leave its residents without an

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 essential safety lifesaving service,
3 and that being really an ambulance
4 service, EMT. We're missing an
5 important emergency service. We have
6 no ambulance district. We need a
7 district to improve much needed
8 response service to the Town
9 residents and those passing through
10 the Town that require emergency
11 medical treatment or transport.

12 Why haven't we had a district
13 in the past? In the past the fire
14 department responders performed
15 medical calls. Today only Plattekill
16 Fire District continues to do so in
17 the district of the Town that they
18 cover. At an automobile accident
19 scene the police respond, the fire
20 department responds if necessary.
21 The Town insists that tow trucks are
22 called, and they must respond within
23 20 minutes, but the Town has no
24 contracted medical response service.

25 An ambulance district will

1 TOWN BOARD WORKSHOP - 2/28/2022

2 reduce the response time for an
3 ambulance to get to the emergency
4 scene and will ensure the financial
5 survival of the service.

6 We currently have an
7 outstanding ambulance service in
8 place with dedicated volunteers and
9 employees, the Town of Newburgh EMS,
10 and they worked tirelessly through
11 the pandemic. I want to applaud them
12 for that.

13 (Applause.)

14 SUPERVISOR PIAQUADIO: So Pat,
15 can you tell us briefly like the area
16 it's going to cover?

17 MR. HINES: Sure. My office
18 was tasked with preparation of a map,
19 plan and report which is a required
20 document to establish a district. I
21 provided a copy of the map on the
22 board there. There is an associated
23 description of the area to be served.
24 That map depicts the Town of Newburgh
25 within the ambulance district with

1 TOWN BOARD WORKSHOP - 2/28/2022

2 the exception of that portion of Town
3 of Newburgh served by the Plattekill
4 Fire District which provides EMS
5 service to that portion of the Town.

6 We received copies of the pro
7 forma or the budget for the ambulance
8 district identifying a shortfall of
9 just under \$400,000 in the upcoming
10 years. We rounded that up to
11 \$400,000 in order to take into
12 account some ancillary costs to the
13 Town, such as Work Comp insurance and
14 some other minor costs of the
15 formation of the district.

16 We did an analysis of the
17 assessed values of the parcels within
18 the proposed ambulance district which
19 is with the exception of any wholly
20 tax exempt parcel. The costs --
21 applying the assessed value to the
22 cost identifies a cost to the
23 taxpayer of \$0.41 per assessed value.
24 A typical house in the Town of
25 Newburgh is assessed at \$68,400. So

1 TOWN BOARD WORKSHOP - 2/28/2022

2 the cost to the average home in the
3 Town for the ambulance district
4 annually is \$27.90. We identified
5 the cost to what's called the mode.
6 Because of the number of units
7 assessed in the Parr Valley
8 condominiums, they are the mode that
9 appears numerous times. The cost to
10 one of those units per year is \$8 and
11 change based on the \$0.41 per 1,000.

12 So that was the gist of the
13 analysis, concluding that that cost
14 would be reasonable. It's well under
15 any cost that audit & control would
16 be reviewing for that. They set
17 thresholds, and that \$27.90 per 1,000
18 doesn't come anywhere near any
19 threshold which would require audit &
20 control review.

21 SUPERVISOR PIAQUADIO: Very
22 good, Pat. Thank you.

23 Mark, can you give us a brief
24 description?

25 MR. TAYLOR: So the charges

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 will appear on the annual tax bill to
3 the property owners, assuming the
4 Town Board accepts the district.

5 One critical assumption we
6 should note is that there will be
7 revenue for charges for the service.
8 In the EMS pro forma for 2023, that's
9 assumed to be \$1,212,000 in insurance
10 charges that will continue.

11 Just so you understand how
12 things will realign once the district
13 is established, the Attorney General
14 has opined that there can be charges
15 for services by an ambulance
16 district, but those charges are set
17 by the governing town board. So
18 while as part of our agreement with
19 EMS we can provide that EMS collects
20 the money or contracts to collect the
21 money, ultimately that is a Town
22 charge and there has to be reporting
23 and oversight with respect to those
24 collections. So I just want that
25 part of the arrangement to be clear

1 TOWN BOARD WORKSHOP - 2/28/2022

2 to everyone, in particular the Town
3 Board.

4 Otherwise I think Mr. Hines has
5 adequately summarized what we're
6 looking at doing. I'll turn it back
7 to you, Mr. Supervisor.

8 SUPERVISOR PIAQUADIO: All
9 right. Thank you, Mark.

10 As far as setting the fees, I
11 think ultimately, as the Town Board,
12 we would definitely consult with the
13 powers to be, with the ambulance
14 corp, to see if they're realistic and
15 make sure based on insurance company
16 charges and everything else.

17 All right. So with that, is
18 there anyone in the public that wants
19 to make a comment? If they can, come
20 to the mic, just give their name and
21 address.

22 John, come on up.

23 MR. RAMOS: Good evening.

24 State my name?

25 SUPERVISOR PIAQUADIO: Please.

1 TOWN BOARD WORKSHOP - 2/28/2022

2 MR. RAMOS: John Ramos, Village
3 of Walden, Village Mayor.

4 I had a couple questions. And
5 again, thank you, Deputy Supervisor
6 Manley and yourself, for meeting with
7 us on some very contentious questions
8 that we've had in the Village of
9 Walden.

10 Just to make the record
11 straight, we are not against an
12 ambulance district in the Village of
13 Walden. It's just that we weren't
14 provided with certain informational
15 areas that we needed questions
16 answered.

17 I had one question. Are the
18 PILOTS -- and this is probably going
19 to go to the attorney. Are the
20 PILOTS being taxed or just the
21 residents?

22 MR. TAYLOR: So you're
23 referring to exempt properties which
24 are otherwise or potentially subject
25 to PILOT. So in the Town of Newburgh

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 we have PILOTs that are established
3 for IDA exempt properties and we have
4 PILOTs that are established for
5 properties in the Stewart Industrial
6 Park which are State property that's
7 leased for private purposes and
8 subject to a separate statutory PILOT
9 requirement.

10 With respect to IDA properties
11 and State properties, I believe --
12 and just rolling through it, we have
13 additional agreements with respect to
14 certain PILOTs where there are
15 setoffs. The industrial or the power
16 plants come to mind where we have a
17 certain agreement and there's a host
18 community benefit agreement that's on
19 top of the PILOT agreement.

20 Typically an exempt property is
21 not subject to -- a not-for-profit is
22 not subject to tax or service. There
23 are certain improvement -- district
24 improvements, such as sewer and water
25 improvements, which provide service

1 TOWN BOARD WORKSHOP - 2/28/2022

2 which aren't subject to special
3 district exemptions.

4 I have not fully looked at the
5 IDA for the -- or the IDA's PILOTs to
6 be able to answer that tonight. I
7 suspect that they would be,
8 unfortunately I don't have an answer
9 tonight. You put me on the spot for
10 that one.

11 MR. RAMOS: My apologies. That
12 was not my intention. This is all
13 just facts that we're getting.

14 MR. TAYLOR: With respect to
15 the Stewart PILOTs, which wouldn't
16 apply in Montgomery, I believe they
17 would be. Again, I don't have a firm
18 answer, so my apologies.

19 MR. RAMOS: Okay. I expect
20 you'd tell the Supervisor and in turn
21 he would be able to tell me. Thank
22 you. Thank you, sir.

23 MR. TAYLOR: Sure.

24 MR. RAMOS: We're under the
25 impression that our current PILOTs in

1 TOWN BOARD WORKSHOP - 2/28/2022

2 the Town of Montgomery are not
3 exempt, that they will be paying into
4 the special tax district. I'm saying
5 your map plan said that this is how
6 much per unit in the Town of Newburgh
7 that the taxpayers are going to be
8 paying for that, and then obviously,
9 you know, there should be some
10 further PILOTs that are going to be
11 paying into this.

12 My second question is what --
13 since the Town of Plattekill covers
14 your northeastern corridor, is there
15 any tax funding for the Town of
16 Plattekill?

17 MR. TAYLOR: With respect to
18 this district, no, because the
19 Plattekill Fire District provides an
20 ambulance service. That's why we
21 have excluded them. As part of the
22 assessments they pay fire district in
23 that area. They are paying for the
24 ambulance service through those fire
25 district assessments.

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 MR. RAMOS: So the additional
3 tax funding that you're going to get
4 with this ambulance tax district --

5 MR. TAYLOR: They'll be
6 excluded for this district.

7 MR. RAMOS: Okay. Who would be
8 responsible for the budget? And I'm
9 not questioning everything. These
10 are questions that we had when we sat
11 down. This is exploratory, so -- you
12 are the first Board to entertain this
13 issue and we just want to see if
14 we're doing the right thing.

15 SUPERVISOR PIAQUADIO: The Town
16 Board is going to review their
17 budget. They're going to make a
18 budget and review it every three
19 months or whatever.

20 MR. RAMOS: Every three months?

21 SUPERVISOR PIAQUADIO: That's
22 what we came up with.

23 MR. TAYLOR: So the district
24 has -- all the Town's districts have
25 a budget through -- which goes

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 through an annual proceeding. The
3 Town Board conducts a hearing with
4 respect to all of its improvement
5 districts and special districts, and
6 this will be part of that. As part
7 of the budget process, the Town
8 anticipates that its contract with
9 the ambulance service will provide
10 for the submission of their budget
11 for the coming year, and then in
12 formulating the district's budget it
13 will be looking at the ambulance's or
14 the EMS's submission in order to
15 arrive at what it anticipates needing
16 to collect and expend.

17 MR. RAMOS: Last, and I'll get
18 off this stage here, is this -- your
19 contract, if you want to call it
20 that, is that going to be open to the
21 public or is that going to be a
22 document that's a contract?

23 MR. TAYLOR: All contracts,
24 once finalized, are certainly open to
25 the public. There's going to be a

1 TOWN BOARD WORKSHOP - 2/28/2022

2 period of negotiation. To the extent
3 that there are drafts going back and
4 forth, obviously certain of those
5 documents may be attorney work
6 product or attorney/client privilege
7 between me and the Board as we
8 negotiate. Likelihood some will be
9 open to the public and some will be
10 privileged until we reach a final
11 product.

12 MR. RAMOS: Again I apologize,
13 and I thank you for all of your
14 input. You're venturing into
15 different waters as we are. I
16 greatly appreciate your time and your
17 information. Hopefully soon we'll be
18 picking your brain yet again. Thank
19 you very much.

20 SUPERVISOR PIAQUADIO: Mayor,
21 thank you.

22 MR. MANLEY: Thank you, John.

23 SUPERVISOR PIAQUADIO: All
24 right. Hopefully we've got someone
25 else that's going to raise their

1 TOWN BOARD WORKSHOP - 2/28/2022

2 hand, come to the mic, tell us good,
3 bad or indifferent. Again on the
4 record, you've got to get up here.

5 I could just assume everyone
6 here tonight is not in favor of it.

7 (Chuckling.)

8 SUPERVISOR PIAQUADIO: All
9 right. Seeing no one else, I'm going
10 to ask the Board Members. Betty, do
11 you have any comments?

12 MS. GREENE: No.

13 MR. RUGGIERO: None.

14 SUPERVISOR PIAQUADIO: Scott?

15 MR. MANLEY: No. I'm good.

16 SUPERVISOR PIAQUADIO: Anthony?

17 MR. LOBIONDO: Nothing for me.

18 SUPERVISOR PIAQUADIO: Does
19 someone want to make a motion to
20 close this public hearing?

21 MS. GREENE: So moved.

22 MR. MANLEY: I'll second that.

23 MS. VANCE-AYERS: Mrs. Greene?

24 MS. GREENE: Yes.

25 MS. VANCE-AYERS: Mr. Ruggiero?

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 MR. RUGGIERO: Yes.

3 MS. VANCE-AYERS: Mr. Manley?

4 MR. MANLEY: Yes.

5 MS. VANCE-AYERS: Mr. LoBiondo?

6 MR. LOBIONDO: Yes.

7 MS. VANCE-AYERS: Mr. Piaquadio?

8 SUPERVISOR PIAQUADIO: Yes.

9 MS. VANCE-AYERS: It's 7:18.

10 SUPERVISOR PIAQUADIO: Now I'm
11 looking for a motion to approve the
12 resolution for the establishment of
13 the Town of Newburgh Ambulance
14 District --

15 MR. TAYLOR: Excuse me. The
16 SEQRA resolution first, Mr. Piaquadio.

17 SUPERVISOR PIAQUADIO: Okay.
18 So this is a SEQRA resolution, a
19 determination of a negative
20 declaration. So it's a neg dec under
21 SEQRA.

22 Does someone want to make that
23 motion?

24 MR. RUGGIERO: I'll make that
25 motion.

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 MS. GREENE: I'll second your
3 motion.

4 MS. VANCE-AYERS: Any discussion?
5 (No response.)

6 MS. VANCE-AYERS: Mrs. Greene?

7 MS. GREENE: Yes.

8 MS. VANCE-AYERS: Mr. Ruggiero?

9 MR. RUGGIERO: Yes.

10 MS. VANCE-AYERS: Mr. Manley?

11 MR. MANLEY: Yes.

12 MS. VANCE-AYERS: Mr. LoBiondo?

13 MR. LOBIONDO: Yes.

14 MS. VANCE-AYERS: Mr. Piaquadio?

15 SUPERVISOR PIAQUADIO: Yes.

16 Now I'm looking for a motion to
17 approve the ambulance district
18 subject to a permissive referendum.

19 Before we make a motion, I want
20 to ask Mark just to go into a little
21 more detail on that, the referendum.

22 MR. TAYLOR: So before the motion?

23 SUPERVISOR PIAQUADIO: Before
24 the motion, yes.

25 MR. TAYLOR: So an action

1 TOWN BOARD WORKSHOP - 2/28/2022

2 subject to permissive referendum is
3 one which does not take effect for a
4 period of 30 days. Within that
5 period -- within 10 days the notice
6 of adoption has to be posted and
7 published, and that notice
8 essentially provides that if a
9 petition meeting the statutory
10 requirements is submitted to the Town
11 Board, then a referendum on the
12 Board's action must be conducted
13 within a period of 60 to 75 days from
14 the date that petition is received by
15 the Town Board. The petition must be
16 signed by a minimum of 5 percent in
17 number of qualified voters. 5
18 percent of the number of votes that
19 were cast in the last gubernatorial
20 election. So in this case it would
21 be 5 percent of the number of votes
22 cast in the last election for
23 governor, signed by qualified
24 electors within the boundaries of the
25 districts of Plattekill. Property

1 TOWN BOARD WORKSHOP - 2 / 2 8 / 2 0 2 2

2 owners or owners of property in the
3 Plattekill Fire District could not be
4 valid signers on the petition.

5 SUPERVISOR PIAQUADIO: Thank
6 you, Mark.

7 And barring no petition coming
8 in, if no petition comes in before
9 our first meeting in April, we can
10 fully approve this?

11 MR. TAYLOR: Yes. Then your
12 action in approving the establishment
13 of a district is automatically
14 effective, and the Board would then
15 be able to act on a final order of
16 establishment of the district which
17 gets filed with the State Comptroller
18 and with Orange County. The final
19 roll of properties that are subject
20 to assessment could then be prepared
21 by the assessor and filed with Orange
22 County Real Property.

23 SUPERVISOR PIAQUADIO: Okay.
24 So now if someone wants to make this
25 motion. I'm looking for a motion to

1 TOWN BOARD WORKSHOP - 2/28/2022

2 approve this ambulance district
3 subject to a permissive referendum.

4 MS. GREENE: Since I'm the
5 liaison to the ambulance corp and do
6 have contact with them, it would be
7 my pleasure to make that motion.

8 SUPERVISOR PIAQUADIO: We need
9 a second.

10 MR. MANLEY: I'll second the
11 motion.

12 MS. VANCE-AYERS: Any discussion?

13 (No response.)

14 MS. VANCE-AYERS: Mrs. Greene?

15 MS. GREENE: Yes.

16 MS. VANCE-AYERS: Mr. Ruggiero?

17 MR. RUGGIERO: Yes.

18 MS. VANCE-AYERS: Mr. Manley?

19 MR. MANLEY: Yes.

20 MS. VANCE-AYERS: Mr. LoBiondo?

21 MR. LOBIONDO: Yes.

22 MS. VANCE-AYERS: Mr. Piaquadio?

23 SUPERVISOR PIAQUADIO: Yes.

24 Thank you all for coming out
25 tonight.

1 TOWN BOARD WORKSHOP - 2/28/2022

2 (Time noted: 7:22 p.m.)

3

4 C E R T I F I C A T I O N

5

6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

9 That hereinbefore set forth is a true
10 record of the proceedings.

11 I further certify that I am not
12 related to any of the parties to this
13 proceeding by blood or by marriage and that
14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 2nd day of March 2022.

18

19

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Michelle Conero

MICHELLE CONERO