

At a regular 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 8th day of April, 2024 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWBURGH PERTAINING TO NEW YORK STATE ELECTION LAW 17-206 AND COMMENCEMENT OF LITIGATION

Councilman LoBiondo presented the following resolution which was seconded by Councilman Ruggiero.

WHEREAS, on January 30, 2024, the Town Clerk of the Town of Newburgh received a letter dated and postmarked January 26, 2024 from the law firm Abrams Fensterman LLP on behalf of certain voters in the Town, alleging a violation of the recently enacted John R. Lewis Voting Rights Act of New York, Chapter 226 of the Laws of 2022 of the State of New York (hereinafter referred to as the "NYVRA") and of their intent to commence an action if the Town does not cure the alleged violation; and

WHEREAS, the NYVRA Notification Letter broadly alleges that the voting patterns of members of protected classes within the Town are racially polarized and that under the totality of the circumstances, the ability of members of protected classes to elect candidates of their choice or influence the outcome of Town elections is impaired; and

WHEREAS, while the NYVRA Notification Letter claims a statistical analysis has been performed of election data and demographic patterns in the Town of Newburgh, Abrams Fensterman LLP failed and refused to provide the Town with any data or information tending to support the broad allegations made in the NYVRA Notification Letter; and

WHEREAS, the Town Board, acting in good faith, sought to comply with the NYVRA and adopted a resolution at a special meeting duly held on March 15, 2024 (the "March 15, 2024 NYVRA Resolution") which affirmed the Town of Newburgh's intention to enact and implement a remedy or remedies for a potential violation of the NYVRA, set forth steps the Town of Newburgh would undertake to facilitate approval and implementation of such remedies

and established a schedule for enacting and implementing such remedies; and

WHEREAS, the March 15, 2024 NYVRA Resolution provided, among other things: that an evaluation and findings regarding the current at-large election system employed by the Town for members of the Town Board, with regard to any potential violation of the NYVRA and an evaluation of the potential alternatives to bring the election system into compliance with the NYVRA should a potential violation be determined to exist be reported to the Town Board within thirty (30) days of the date of the March 15, 2024 NYVRA Resolution; and

WHEREAS, the March 15, 2024 NYVRA Resolution also provided, among other things, that a written proposal of remed(ies) that comply with the NYVRA (“NYVRA Proposal”) be prepared and presented to the Town Board within ten (10 days) of the Town Board’s finding of a potential violation, should a potential violation be determined to exist; and

WHEREAS, the March 15, 2024 NYVRA Resolution also provided, among other things, that the Town Board shall hold at least two (2) public hearing concerning the NYVRA Proposal within thirty (30) days of the presentation of the NYVRA Proposal, should a potential violation be determined to exist; and

WHEREAS, the March 15, 2024 NYVRA Resolution also provided, among other things, that the Town Board shall submit the NYVRA Proposal to the Civil Rights Bureau of the Office of the New York State Attorney General within ninety (90) days of the adoption of the March 15, 2024 Resolution on March 15, 2024, should a potential violation be determined to exist; and

WHEREAS, because the Town Board’s adoption of the March 15, 2024 NYVRA Resolution on March 15, 2024 triggered a 90-day waiting period before any litigation related to the violations alleged in the January 26, 2024 letter could commence;

WHEREAS, on March 27, 2024 the Town of Newburgh was Served with a Summons and Complaint in the case commenced in the Supreme Court of the State of New York, Orange County, of Oral Clark et al versus the Town of Newburgh and the Town Board of the Town of Newburgh, Index No. 00240-2024 to enforce the requirements of the NYVRA in the Town of Newburgh (the “NYVRA Litigation”); and

WHEREAS, the commencement of the NYVRA Litigation against the Town notwithstanding the Town Board's good faith adoption of the March 15, 2024 NYVRA Resolution gives rise to issues as to whether the Town should proceed with the schedule set forth in such Resolution for implementing remedies for any potential violation.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Newburgh as follows:

Section 1: That the schedule set forth in the March 15, 2024 NYVRA Resolution, including the submission of evaluation and findings regarding the current at-large election system employed by the Town for members of the Town Board, is hereby suspended pending a determination of the Court with regard to the validity of such Resolution.

Section 2: If the Court dismisses the NYVRA litigation due to the adoption of the March 15, 2024 NYVRA Resolution, then the Town will recommence the evaluation of the current at large election system employed by the Town for the election of members of the Town Board.

Section 3. This Resolution shall take effect immediately.

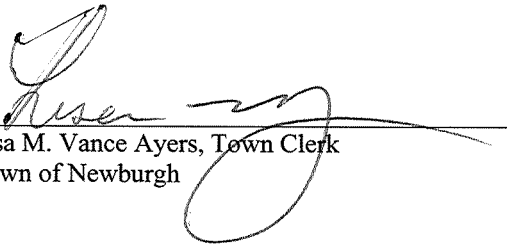
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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

The resolution was thereupon declared duly adopted.

I, Lisa M. Vance Ayers, 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 duly held April 8, 2024 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.





Lisa M. Vance Ayers, Town Clerk
Town of Newburgh