**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 8th of April, 2024

**Present** Gilbert J. Piaquadio, Supervisor

Scott M. Manley, Councilman

Paul Ruggiero, 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**  Elizabeth Greene, Councilwoman

*Meeting called to order at 7:02 p.m.*

**1. ROLL CALL**

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

**3. MOMENT OF SILENCE**

**4. CHANGES TO AGENDA-Add on 13B**

**13B. Resolution Pertaining to New York State Election Law**

**6A. Swearing in Police Officer then 5.**

**5. PRESENTATION BY VFW**

The VFW awarded the Town of Newburgh EMS, Lt. Zeilberger, Police Chief, Donald B.

Campbell for the Town of Newburgh Police Department, James Presutti, Commission of

Parks and Recreation for the Recreation Department and Supervisor Gil Piaquadio for the

Town of Newburgh with an award for support for the K5 run from last November which

supported Veterans.

**6.** **POLICE DEPARTMENT:**

**A. Swearing in of Police Officer**

Judge Martini administered the Oath of Office to Officer Joel Pichardo.

**B. Purchase Crime Scene Scanner**

Chief, Donald B. Campbell, is requesting approval to purchase a 3D Crime Scene Scanner

and the necessary software and accessories from Keystone Precision Solutions in the

amount of $59,054.10. The purchase of this equipment will be refunded by a grant we have

already been approved for by the Department of Criminal Justice Services. Keystone

Precision Services also provided a sole source letter that was also approved by the granting

agency. (Budget Line 3120.5200).

MOTION made by Councilman Manley to approve the purchase of a 3D Crime Scene

Scanner and the necessary software and accessories from Keystone Precision Solutions in

the amount of $59,054.10. 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.

**7.** **ACCOUNTING DEPARTMENT:**

**A. Approval of Audit**

MOTION made by Councilman Ruggiero to approve the audit in the amount $340,936.42.

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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. Review Status Report and Budget Status Report for March 2024**

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

Report for March 2024. Motion seconded by Councilman Ruggiero. VOTE: Councilwoman –

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

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

**8. DEPARTMENT HEAD REPORTS:**

**A. Parks and Recreation Department**

Parks and Recreation Commissioner, James Presutti, reported the Easter Egg Hunt went

well, there were 290 children and each of the kids received a stuffed egg. Soccer started on

Saturday and Baseball starts tomorrow night. Fishing has also begun.

**B. Police Department**

Chief of Police, Donald B. Campbell reported at the end of last month we finished up

departmental training on the ALERT system. This is our active shooting training on

responding to active shooter scenarios. Also, each officer received training on writing

criminal complaints from the Orange County District Attorney’s Office. At the end of this

month we will l be conducting firearms training and qualifications. If any member of the

council would like to come out to the range we can arrange that.

You may have seen that we had a police vehicle involved in a rollover accident.

Preliminary investigation reveals the officer was cut off and in an effort to avoid a

collision, struck a curb causing the vehicle to roll over. Very minor injuries to the officer,

but the vehicle is totaled. Fortunately, the vehicle was slated to come out of service

any way as it had over 100,000 miles. You may have also heard there was a vehicle that

went into a building on Woodlawn over the weekend. The vehicle was attempting to

evade the State Police at the time. We were not involved in the incident other than to

secure the scene and contact the Building Inspector.

On April 24th we will be hosting Northeast Medical Diagnostics. They will be here offering

cardiovascular examinations to all Town employees and their families. Flyer are being

distributed to Department Heads with instructions on how to reserve appointment times.

There is a $25 co-pay associated with the exam.

Chief of Police Donald B. Campbell reported the following:

Year to Date Statistics

* Calls for Services: 6900
* Case Reports: 1100
* Arrests: 400
* Traffic Tickets Issued: 800
* Parking Tickets: 270
* Accident Reports Taken: 400

**9. RECREATION:**

**A. Chadwick Lake Park Guard Variance Request**

James Presutti, Commissioner of Parks and Recreation, is requesting approval for a

variance to waive the required duty-free lunch for the Chadwick Lake Park Guards. April

begins the season for peak attendance at the Park as well as extended hours. To ensure the

guard house is not unattended or the Park unsupervised we are requesting approval to

waive the required duty-free lunch for the guards during the months of April, May, June

July, August and September.

MOTION made by Councilman Ruggiero to approve the variance to waive the required

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duty-free lunch for Chadwick Lake Park Guides for April, May, June, July, August and

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

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

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

**B. Summer Intern Request**

James Presutti, Commissioner of Parks**,** is requesting approval to hire a summer intern for

placement at the Desmond. We look forward to interviewing any applicants that would be

interested in this opportunity.

MOTION made by Councilman Ruggiero to approve to hire a summer intern for placement

at Desmond. 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.

**C. Begin the Process to Hire Part Time Chauffeur**

James Presutti, Commissioner of Parks, is requesting approval to begin the process to hire

a Part Time Chauffeur to replace Mr. Darrayle Williams who recently resigned. The funds

for this position are in the current 2024 budget.

MOTION made by Councilman Manley to approve the process to hire a Part Time Chauffer

for the Recreation Department. 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. Begin the Process to Hire Part Time Laborer**

James Presutti, Commissioner of Parks, is requesting approval to begin the process to hire

a Part Time Laborer to replace Mr. Mike Paccione. The funds for this position are available

in the 2024 budget.

MOTION made by Councilman LoBiondo to approve to begin the process to hire a Part

Time Laborer. 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.

**E. T-Shirt Bid**

James Presutti, Commissioner of Parks, is requesting approval, after discussing the bids

with Jason and Donna in my office, we recommend we go with the low bidder of

“Personalize It” for our tee shirts this year.

MOTION made by Councilman LoBiondo to approve “Personalize It” for the tee shirts this

year. 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.

**10. ANIMAL CONTROL: T94 Withdrawal Newburgh Veterinary Hospital**

Tracey Carvell of Animal Control requests authorizations to use T-94 account to pay for

veterinarian services from Newburgh Veterinary Hospital for a total of $ 602.07 for which

$585.07 was for canine services and $17.00 was for feline services.

MOTION made by Councilman Manley to approve authorizations to use T-94 account to pay

for veterinarian service in the amount of $602.07 to NVH. 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.

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**11. HIGHWAY: Spring Leaf and Brush Pick-up**

Mark Hall, Highway Superintendent is requesting approval to have the attached letter

published in the local newspaper to inform Town Residents of the Spring Brush and Leaf

pick-up schedule. Pick-up will be for the week of May 6, 2024 and May 12, 2024 for calls.

MOTION made by Councilman Ruggiero to approve the publication for the local newspaper

for the Spring Brush and Leaf Pick-up Schedule. 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. WATER DEPARTMENT: 2024 Chemical Bids Award**

Daniel Bertola, Supervising Operator, presents Award Recommendation for the 2024 Water

Filtration Chemical Bids. On February 26th, 2024 sealed bids for water treatment chemicals

to be utilized at the Town’s Water Treatment Plants were opened by the Town of Newburgh

Town Clerk, based on those bids, these are my recommendations:

**Water Treatment Chemicals:**

Item 1: Sodium Fluoride (CLFP): ESC Environmental ($1.6800 per

pound)

Item 2: Sodium Hypochlorite (CLFP & DAT): Surpass Chemical

($2.2752 per gallon)

Item 3: Blended PolyOrthophosphat (CLFP): Shannon Chemical

($2.5300 per pound)

Item: 4 Hydrofluosilicic Acid (DAT) Slack Chemical ($5.2730 per

gallon)

Item: 5 Sodium Hydroxide (DAT): Surpass ($2.3830 per gallon)

Item: 6 Phosphoric Acid (DAT): Coyne Chemical ($7.6712 per

gallon)

Item: 7 Soda Ash (DAT): Brenntag Northeast ($0.3700 per pound)

Item: 8 Sodium Bisulfite (DAT): Surpass Chemical ($2.7540 per

gallon)

Item: 9 Sulfuric Acid (DAT) Coyne Chemical ($7.6158 per gallon)

Item: 10 Citric Acid (DAT): Coyne Chemical ($7.9900 per gallon)

Item: 11 Potassium Permanganate (CLFP) Chemrite Inc. ($2.3300 per

pound)

**Item: 12 Polyaluminum Chloride (CLFP & DAT): Holland**

**Company ($3.7100 per gallon)\*\***

Item: 13 Liquid Sodium Permanganate (CLFP): Chemrite Inc.

($2.2900 per pound)

\*\*Slack Chemical was the lowest bidder for Item 12: Polyaluminum Chloride

at $3.590/gal. However, the required testing and trail period was not

preformed to guarantee the viability of this product. Given the chemical’s

importance to the treatment process, I recommend we maintain use of

Holland Company’s PCH-182

MOTION made by Councilman LoBiondo as presented to approve the 2024 Water Filtration

Chemical Bids. 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.

**13. HIRING ATTORNEY**

Gil Piaquadio, Supervisor of the Town of Newburgh, is asking for a motion to retain the Law

Firm of Troutman Pepper Hamilton Sanders LLP.

MOTION made by Councilman LoBiondo to retain the Law Firm of Troutman Pepper

Hamilton Sanders LLP. 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.

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**B. RESOLUTION ON NYSVRE COMPLIANCE- COMMENCMENT OF LITIGATION**

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 RESOLUTION OF THE TOWN BOARD OF THE

Scott M. Manley, Councilman TOWN OF NEWBURGH PERTAINING TO NEW YORK

Paul I. Ruggiero, Councilman           Anthony R. LoBiondo, Councilman STATE ELECTION LAW 17-206 AND COMMENCEMENT

NEW YORK STATE ELE OF LITIGATION

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

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

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**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 a submit the NYVRA Proposal to the Civil Rights Bureua 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

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**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.

MOTION made by Councilman LoBiondo to approve the Resolution Pertaining to New York

State Election Law Section 17-206 and Commencement of Ligation. Motion seconded by

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

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

abstain; 1 absent.

**14. ENGINEERING: ADS Sheely Car Wash Stormwater Security and Inspection Fees**

Rep Engineer for the Town, Patrick Hines, is requesting approval for the ADS Sheely Car

Wash Stormwater Security and Inspection Fees. The project proposes to construct a new

car wash facility off Rt. 300 at the former Meineke site. The applicant’s engineer Pietrzak &

Pfau has prepared a cost estimate for the project utilizing MHE standard unit costs. The cost

estimate for stormwater improvements is $84,576.00. A 4% inspection escrow is required to

be established. The inspection escrow is $3,383.00

MOTION made by Councilman Ruggiero to approve the ADS Sheely Car Wash Stormwater

Security in the amount of $84,576.00 and the Inspection Escrow in the amount of $3,383.00.

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.

**15. ANNOUNCEMENTS:**

**Supervisor Piaquadio-** Thank you again to the VFW.

**Councilman Ruggiero-** Go Perdue

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**16. PUBLIC COMMENTS:**

**Andrew Brew 5 Westwood Drive –** The water quality in Colden Park is not good. I brought the

water filters I use and a sample of my water to show you. Can you look into grants to increase the

water quality?

**Patrick Hines Engineering Representative –** The Colden Park Phase III project is starting soon, this

should clear up some of this. Notification to residents will go out before we start.

**Andrew Brew-** Are you going to repave the park? Are we going to get curbs?

**Patrick Hines –** No we will repave but curbs are not in the plan, they would be very expensive to

replace.

**Supervisor Piaquadio-** We received 3 million in a grant through Congressman Ryans Office, the

project costs 3.2 million, curbs are not going to happen.

**Andre Brew-** Does the town have operational sweepers?

**Councilman Ruggiero –** We have two, they will be out soon.

**Supervisor Piaquadio-** We will get a sweeper out there for you.

**Andrew Brew-** Have you ever thought about doing a Town Newsletter? Many towns do this to keep

the residents informed of what is going on.

**Supervisor Piaquadio-** We have an email notification system that if you go onto the website and

signup you will get notifications about what is going on in town. We put everything up on the

website. If you need help signing up we can help with that.

**17. EXECUTIVE SESSION: Discuss the Qualifications of an Employee**

MOTION made by Councilman Ruggiero to go into Executive Session at 7:40 pm. 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.

MOTION made Councilman Manley to leave Executive Session at 8:50 pm. Motion

seconded by Councilman Ruggiero. Vote: Councilwoman – absent; Councilman Ruggiero –

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

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

**Supervisor Piaquadio stated that No Action was taken during Executive session**

**18. ADJOURNMENT**

MOTION made by Councilman Ruggiero to adjourn the meeting at 8:51 pm. 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.

*Meeting adjourned at 8:52 p.m.*

*Respectfully submitted,*

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Lisa M. Vance Ayers Dawnmarie Busweiler

Town Clerk Deputy Town Clerk