**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 May, 2023

**Present** Gilbert J. Piaquadio, Supervisor

Scott M. Manley, Councilman

Paul I. Ruggiero, Councilman

Anthony R. LoBiondo, Councilman

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

Lisa M. Vance Ayers, Town Clerk

Rachel Vazquez, Deputy Town Clerk

**Absent**  Elizabeth J. 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 11F**

**11F****. Report and Determination on Proposed Conversion of Use From Hotel**

**5. POLICE: Swearing in of Police Detective**

Town Justice Richard Clarino administered the Oath of Office to Detective Thomas O’Connell

**6.**  **ACCOUNTING DEPARTMENT:**

**A. Approval of Audit**

MOTION made by Councilman Ruggiero to approve the audit in the amount of

$2,647,086.56. 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.

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

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

Report for April 2023. Motion seconded by Councilwoman 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

**7. DEPARTMENT HEAD REPORTS:**

**A. Parks and Recreation Department**

Parks and Recreation Commissioner, James Presutti, reported

**B. Fleet Department**

Highway Superintendent Mark A. Hall Jr. reported everything is good with preventive

maintenance and inspections.

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**C. Highway Department**

Highway Superintendent Mark A. Hall Jr. reported on road work update: Line striping week

of June 5th and 1st round of chip seal week of May 22. This week started spring leaf & brush

pick up. Mowers are out cutting for first time. Sweeper is out, other to be out later this

week, after service. Highway along with water and sewer are attending safety and training

classes this month, which were set up by councilman Ruggiero. Only 12 tires picked up this

month.

**D. Police Department**

Chief of Police Donald B. Campbell reported the police department conducted its bi-

annual firearms training at the end of last month. We are currently conducting LEOKA

training. It's an acronym for Law Enforcement Officers Killed in Action. It's a form of officer

safety, officer awareness training to help officers identify dangerous situations early in

encounters. The officers are also receiving training from Fearless!, formerly known as Safe

Homes. They are receiving additional training on dealing with victims of domestic violence

and the resources Fearless has to offer. The Police Academy is set to start on July 10th. We

currently have 5 openings with another potentially coming open. We have called for the

Town of Newburgh residence list and we are hoping to get few candidates that are already

Certified.

Chief of Police Donald B. Campbell reported the following:

Year to Date Statistics

* Calls for Service: 8300
* Case Reports: 11250
* Arrests: 350
* Tickets issued: 1100

Accident reports taken: 500

**8. ANIMAL CONTROL: T94 Withdrawal**

**A. Newburgh Veterinary Hospital**

Tracey Carvell of Animal Control requests authorization to use the T-94 account to pay

for veterinarian services from Newburgh Veterinary Hospital for a total of $503.21 of

which $218.23 were for feline services, $284.98 were for canine services.

MOTION made by Councilman Ruggiero to approve T94 withdrawal of $503.21 to pay

for Vet service to NVH. 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; no; 0

abstain; 1 absent.

**B. Flannery Animal Hospital**

Tracey Carvell of Animal Control requests authorization to use the T-94 account to pay

for veterinarian services from Flannery animal Hospital for a total of $89.40 for canine

services.

MOTION made by Councilman LoBiondo to approve T94 withdrawal of $89.40 to pay for

Veterinary service to FAH. 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.

**9. RECREATION DEPARTMENT: Seasonal Employee Salary Correction**

Parks and Recreation Commissioner, James Presutti, reported seasonal employee salary

Correction. Due to a clerical error, your approval is requested to correct the salary for Ms.

Marisa Fagan previously approved at the April 24th Workshop Meeting at a rate of $18.31.

This is Ms. Fagan's third year as a counselor and she is taking on the role of Health Director.

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Name Pos/Duties Pay Budget Season

FAGAN, MARISA REC AIDE $18.66 7140 6/12-9/10

MOTION made by Councilman Ruggiero to approve Seasonal Employee Correction. 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; no; 0 abstain; 1 absent.

**10. ENGINEERING:**

**A. GHD SCADA Integration Proposal**

Patrick Hines, Rep Engineer for Town of Newburgh presented proposal from GHD

Engineers is for the integration and controls at the Chadwick Lake Filter Plant regarding

the connection of the trailer mounted filter and PAC feed system. GHD is the Town's

SCADA contractor. They are the programmers for the system and are most familiar with

the SCADA system. GHD will work with the contactor, TAM and design engineers, HDR to

integrate the data and control systems. A detailed breakdown of the scope of work is

included in the proposal. GHD proposes to perform the SCADA integration and other

services for a lump sum cost of $19,500.

MOTION made by Councilman Manley to approve GHD SCADA Integration Proposal.

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.** **Moffat Properties Stormwater Security**

Patrick Hines, Rep Engineer for Town of Newburgh presented Moffat Properties

Stormwater Security. The applicants Engineer has identified components of the Stormwater

Management System and put the unit costs into the Excel spreadsheet provided by this office.

This office would recommend an additional $25,000.00 be included in the estimate for the

proposed Stormwater Management Facility located along the site frontage. Based on a

review of the Cost Estimate provided which totals $241,285.90 plus the additional

$25,000.00, this office would recommend security in the amount of $265,300.00. Based

on the above we would recommend the Town Board set the security in the amount

identified above with a condition that the form of security be acceptable to the Town

Attorney. A copy of the Engineers Cost Estimate is attached.  An initial inspection deposit

of 4% of the security should be provided prior to signing the plans. This 4% equates to

$10,600.00. Town Board action is required to establish the security and inspection fee

initial deposit. Based on the above, this office takes no exception to the Town Board

requiring securities in the amount of $265,300.00 and an initial escrow deposit of

$10,600.00.

MOTION made by Councilman Ruggiero to approve Moffat Properties Stormwater

Security. 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. Moffat Properties Landscape Security**

Patrick Hines, Rep Engineer for Town of Newburgh presented Moffat Properties

Landscape Security. The landscape cost estimate for Moffat Enterprises Sunbelt Rentals

was reviewed. Unit costs are reasonable and the landscape bond is recommended for

approval. We recommend that the board approve a landscape security in the amount of

$234,470. The landscape inspection escrow amount for this project is $4,000.

MOTION made by Councilman Ruggiero to approve Moffat Properties Landscape

Security. Motion seconded by Councilman Manley. VOTE: Councilwoman Greene –

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

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

**D. Moffat Properties Stormwater Maintenance Agreement**

Patrick Hines, Rep Engineer for Town of Newburgh presents Moffat Properties

Stormwater Maintenance Agreement. THIS AGREEMENT is made this 3rd day of May,

2023 by and between the Town of Newburgh, having an address at 1496 Route 300,

Newburgh, New York 12550 (“Municipality”) and 226 NY-17K LLC, a North Carolina

limited liability company, having an address at 701 Finger Lakes Drive, Wake Forest, NC

27587 (the "Facility Owner").  The Municipality and the Facility Owner want to enter into

an agreement to provide for the long term maintenance and continuation of stormwater

control measures approved by the Municipality for Sunbelt Rentals on and about the

Property, as necessary to ensure optimum performance of the measures to design

specifications. The stormwater control measures shall include, but shall not be limited to,

the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts,

soil absorption devices and retention ponds and other stormwater practices identified in

the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality. 

MOTION made by Councilman Manley to approve Stormwater Maintenance Agreement.

Motion seconded by Councilwoman 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.

**11. CODE COMPLIANCE**

**A. ROW-Common Drive - Rivera Drive**

MOTION made by Councilman Manley to approve Road Name Request, Rivera Drive.

Motion seconded by Councilwoman 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. Patton Ridge Subdivision Road A. - Bernie Court**

MOTION made by Councilman Manley to approve Road Name Request, Bernie Court.

Motion seconded by Councilwoman 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. Patten Ridge Subdivision Road B. - Raizy Court**

MOTION made by Councilman LoBiondo to approve Road Name Request, Raizy Court.

Motion seconded by Councilwoman 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.

**D. Hudson Asset Homes, LLC - Thayer Lane**

MOTION made by Councilman Ruggiero to approve Road Name Request, Thayer Lane.

Motion seconded by Councilwoman 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. Crossroads Construction & Management, LLC – Magrit Way**

MOTION made by Councilman LoBiondo to approve Road Name Request, Thayer Lane.

Motion seconded by Councilwoman 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.

**F. Report and Determination on Proposed Conversion of Use from Hotel**

Town Supervisor, Gil Piaquadio, presented Report and Decision from Code Compliance

Department on the Crossroads Hotel at 5 Lakeside Road, Newburgh, NY where 60 rooms

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have been rented for use for temporary housing and support services for asylum seekers

by the City of New York.The code Compliance Department determines that the

proposed use of Crossroads Hotel for four months temporary housing and support

services are not hotel use and is not an approved use of the parcel. The partial change of

use of the property has not received site plan approval and violates Town’s Zoning Code.

In light of the circumstances, the Department recommends that the Town Board

authorize appropriate civil proceedings to prevent the described violation of the Town’s

Zoning Code.

MOTION made by Councilman Manley to approve civil proceedings to prevent violation of

the Town’s Zoning code. 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.

**1****2. ANNOUCEMENTS: None**

**13. PUBLIC COMMENTS:**

Resolution for an Audit of the New York State 2022 General Election

Whereas It is a recognized civil right in the United States for every citizen to have free and

fair elections. “And the right of suffrage can be denied by a debasement or dilution of the

weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the

franchise." (Reynolds v. Sims, 377 U.S. 533 (1964))

Whereas It is the affirmative duty of our election officials to comply with all Federal and

State laws governing administration and procedure of our elections, thereby guaranteeing

our elections are accurate and free of distortion or manipulation.

Whereas Our constitutional system of representative government only works when the

worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring

accuracy can only be achieved through the operational integrity of our elections, as defined

by those laws governing the following five processes:

1. Rigorous Verification of Voter Identity.

2. Proven Ballot Security and Intact Chain of Custody.

3. Voting Systems Certified to be Secure from Operational, Physical and Cyber Threats.

4. Meets All FISMA and State Operational and Risk Assessment Requirements.

5. Meets Auditability and Traceability Requirements and Operational Policy.

Whereas An open-source audit of the New York State 2020 General Election conducted by

New York Citizens Audit has uncovered evidence of massive inaccuracies that violate both

Federal and State laws, including:

2,427,827 NYSVoter ID numbers attached to 1,170,790 registrants.

• 740,396 ineligible votes cast Statewide.

* 338,356 more votes cast than voters who voted.

• 987,490 voters who registered on January 1st from 1900 to 2021.

* 1.9MM registrations in the state voter rolls missing from the county rolls.
* 625,359 more registrations than voting-age citizens in six counties alone.

• 195,271 votes cast in New York City that went missing in the NYSVoter database.

• 1,000,000+ felony violations of New York State Election Law.

* 95 State and Federal legislative races impacted by 740,396 ineligible votes.

• Abandoned ballots and ballot payment schemes.

• Certification as defined by law was provably fraudulent and illegal.

Whereas These findings trample accuracy requirements of voting systems for a Federal

Election, wherein the system shall achieve a target error rate of no more than one in

10,000,000 ballot positions. For a voting system, accuracy is defined as the ability of the

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system to capture, record, store, consolidate and report the specific selections and absence of

selections, made by the voter for each ballot position without error.

Whereas It must be known factually, and provably, that the intent of the voters is accurately

represented by election results before certification can be lawfully conducted. Certification

of an election that varies from the law is an abridgement of the civil rights of the citizens, a

Fraud ab Initio (United States v. Throckmorton, 98 U.S. 61 (1878)).

Whereas State and Federal Officials have met the efforts of New York Citizens Audit to seek

redress for these egregious violations with indifference and inaction, including the Attorney

General, Secretary of State, State Board of Elections, Inspector General, Federal Bureau of

Investigations, State Leadership of Democrat and Republican parties, County Election

Officials, Sheriffs, District Attorneys, and others.

Whereas None of these violations were addressed prior to the administration and

certification of the 2022 General Election, and there prevails a spirit of extreme contention

and zero trust between people of differing political ideologies across New York, which is

destructive to our families, our way of life, and the fabric of these United States.

Resolution for an Audit of the New York State 2022 General Election

Therefore We call upon our Representatives including Town Board Members, County

Legislators, State Legislators, Federal Legislators, Law Enforcement, Federal and State

Prosecutors, and Judges to provide relief to the people, and the assurance of domestic

tranquility, through the fulfillment of each of the following firm requests:

1. A complete end-to-end audit of the New York State 2022 General Election, for both

paper and electronic records, including ballots, by a mutually agreed upon external, third-

party bonded auditing firm, possessed of adequate insurance and indemnifi- cation for the

handling and protection of the personal identifying information of millions of New York

citizens, in order to determine the true error rate. This audit will provide a comprehensive

report and analysis of all lapses and errors with explanation of cause where it can be

determined.

2. The enactment of legislation defining a mutually agreed upon process by which an

end-to-end audit would be triggered in any future elections.

3. The enactment of legislation defining a mutually agreed upon accuracy rate for the

NYS Voter and County voter roll databases.

4. The enactment of legislation allowing for anonymous vote verification and tracking

by the voter (open-source, royalty-free patent pending), including automatic mechanisms to

report and remedy errors during the canvass period following an election, regardless of

ballot entry source.

5. Criminalize election misconduct explicitly with regard to State election law, and

increase penalties to reflect the societal and generational harms inflicted by these crimes.

Resolution for an Audit of the New York State 2022 General Election Be if Resolved

That the Town Board of Newburgh, NY stands in support with the concerns and remedies

presented here. We implore the Orange County Legislature, NYS Legislature, Federal

Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and

County Boards of Elections to cooperate and fulfill these firm requests of the people.

Mrs. Ambrosetti is asking that the Town Board consider signing this resolution.

**Michelle Fayo-** Gil did you ever get a response from Target about the street sweeper?

**Supervisor Piaquadio-** We did have a police officer go out there and they didn’t find it to be

over the noise level.

**Michelle Fayo-** Someone should get a ticket, I keep calling the police and by the time they get

there they are gone. Who is responsible for metal poles? I called Central Hudson and they said

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they don’t handle the metal poles.

**Supervisor Piaquadio-** Depends, where is the pole?

**Michelle Fayo**- Unity Place

**Supervisor Piaquadio-** MCI is putting electric to that pole with the help of our highway

department.

**Michelle Fayo-** What is taking so long?

**Councilman Ruggiero-** Pole take a long time to come in.

Several neighbors from Hinesman Lane came to complain about the new restaurant Chick-Fil-A at the Modena NYS Thurway rest stop. They are saying that people are lining up and parking all over the road, hanging out waiting and even eating and leaving garbage all over, and speeding has become an issue. The neighborhood is very quiet. They are cutting through the back entrance. by doing this they are avoiding getting on the NYS Thurway to patronize the new location. The residents are asking that a police presence be there over the next several weeks while the rush settles down. Supervisor Piaquadio is going to look into it.

**14. ADJOURNMENT**

MOTION made by Councilman Manley to adjourn the meeting at 7:49 p.m. Motion

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

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

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

*Meeting adjourned at 7:49 p.m.*

*Respectfully submitted,*

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Lisa M. Vance Ayers Rachel Vazquez

Town Clerk Deputy Town Clerk