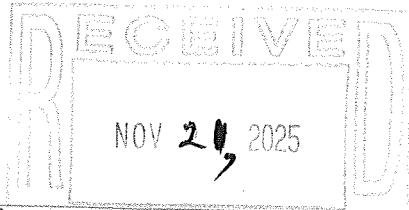


Richie Lay

#5

Gil,



The chartered Town of Newburgh Memorial Post 1161 located at 1171 Union Ave. requests we erect a Memorial Stone to be placed at Town Hall to honor all those who served our country in foreign wars. (See attached photo)

We will purchase the stone at no cost to the Town, but request the Parks Department guidance and expertise in setting it.

We would like the Stone unveiled at the Town's 2026 Memorial Day Remembrance and need your approval as soon as possible, since the construction and delivery will take 5 months.

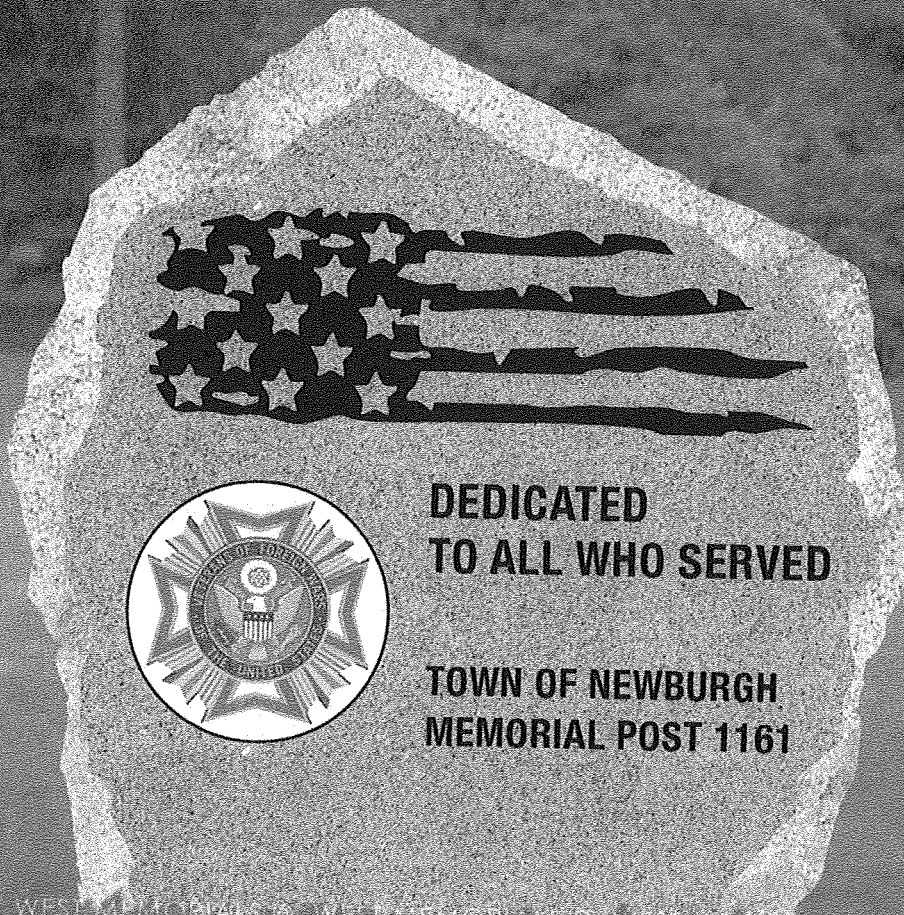
Please note VFW 973 is chartered by the National Veterans of Foreign Wars in the City of Newburgh. We are authorized and recognized as the "Town of Newburgh Memorial Post."

Richie Lay Commander

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1212 UNIVERSITY ST., MEMPHIS, TN 38108



TOLL FREE: 800.508.6022
LOCAL: 901.767.0026 FAX: 901.320.0007



WEST MEMORIALS © WEST MEMORIALS © WEST MEMORIALS © WEST MEMORIALS © WEST MEMORIALS ©

Tablet: 48" x 10" x 48"
Emblem: 12" x 12"

9-9-25 A

#6A

TOWN OF NEWBURGH

AUDIT # 24

DATE: December 22, 2025

TOTAL OF ALL PAYMENTS: \$ 1,471,756.02

To Mr. Gilbert Piaquadio and Town Board:

I certify that the invoices contained within this package of \$ 1,471,756.02 plus the paid prior audit of \$ 0.00 were audited by the Town Board on the above date and allowed in the amount shown above. You are authorized and directed to pay each of the claimants the amounts opposite their names.

Dated : DEC 22 2025

Town Clerk Office

Town Board:



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550


L2B

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor
Cc: Town Board
From: Ronald E Clum CPA, Town Accountant 
Date: December 10, 2025
RE: Recreation Building Cash Transfer

In reviewing the remaining amounts owed to finish the Recreation Building I am estimating a cash need of approximately \$370,000.

I am asking for Board approval to transfer \$370,000 from the Parkland Trust Fund (PT) to the New Recreation Building Capital Fund (H9121)

Once approved I will do an Interfund transfer between the funds.

If you have any questions, please feel free to contact me.

Thank You



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550


L C

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor
Cc: Town Board
From: Ronald E Clum CPA, Town Accountant 
Date: December 10, 2025
RE: Colden Park Capital Fund - Cash Transfer

In reviewing the cash position of Colden Park Improvements Capital Fund I became aware of a cash shortage of \$166,970.96. In fixing this problem an interfund transfer is needed from the Water Fund of \$167,970.96 of which we have \$100,000 remaining in the Interfund Transfer Line (F.9902.5900)

Therefore, I am asking for Board approval for a budget transfer of \$66,970.96 from the following lines (\$64,000 from F.1964.5499 and \$2,970.96 from F1910.5499)

Once this budget adjustment is approved, I will transfer \$166,970.96 from the Water Fund to the Colden Park Improvement Capital Project.

If you have any questions, please feel free to contact me.

Thank You



#61

TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550


RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Town Supervisor and
Members of the Town Board

From: Ronald E. Clum, Town Accountant 

Date: December 10, 2025

Re: Roseton/Roseton Capital Project/ Nob Hill borrowing from Crossroads

Upon going over Roseton Hills Capital Fund for the year-end close out I reviewed the status of the Roseton Hills Sewer Plant Upgrade and the fact that the project cost more than we anticipated and had an overrun of \$10,500.

I also saw that the Nob Hill Waste Water Capital Project had an overrun of \$95,500.

Also projecting Roseton Hills cash I am coming up that there will be a shortage of approximately \$20,000

Due to these cost over-runs, I am asking for an authorization for a transfer of \$126,000 from Crossroads Sewer Fund (G5010) to the following: Roseton Hills Capital (H7088) of \$10,500, Nob Hill Waste Water Capital (H7125) of \$95,500, and Roseton Sewer Fund (G5020) of \$20,000.

As these are inter-fund transfers I will try to re-pay as soon as possible starting in 2026.

If you have any questions or concerns, please feel free to contact me.



7


TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

PH: 845-566-7785
Fax: 845-564-2170

To: Gil Piaquadio, Town Supervisor ✓
Town Board

From: Charlene M Black, Personnel 

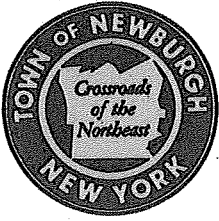
Date: December 17, 2025

Re: Authorization to Hire Full-Time Police Officer

Chief Campbell has requested to hire the following candidate as a Full Time Police Officer. His approval is pending the results of his physical from Orange County Human Resources. He must complete all the necessary full-time paperwork, since he is already a part-time Police Officer with us

Ryan Worden

A start date is anticipated for on or after January 12, 2026 and a starting salary of \$80,577.00 per the PBA contract.



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD B. CAMPBELL
CHIEF OF POLICE

Phone: (845) 564-1100
Fax: (845) 564-1870

December 16, 2025

To: Newburgh Town Board

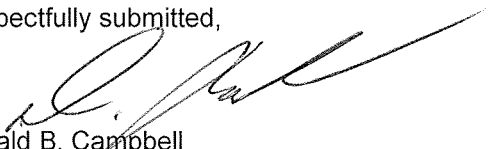
Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Full-Time Police Officer Position

I am requesting authorization to hire Ryan Worden as a full-time police officer at a starting salary of \$80,577 per year. Officer Worden is currently a NYS certified police officer working part time for our police department. I am requesting a start date effective on or after January 12th 2026 pending a physical and documentation required by Orange County Civil Service. (Fund appropriation # 001-3120-0100-000)

Respectfully submitted,


Donald B. Campbell
Chief of Police

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Ryan Warden

DEPARTMENT: Police

TITLE OF POSITION: Police Officer

FULL TIME OR PART TIME: FT


HOURLY RATE: 80,577 per year

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 001-3120-100-000

PROPOSED HIRE DATE: 1/12/26

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.


DEPARTMENT HEAD SIGNATURE

12/16/25
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT

#8

December 4, 2025

Good morning Gil.

Starting in January, I would like to give residents the option of paying tax and municipal water/sewer invoices with a credit card at the window.

Currently, residents can only use credit cards when they pay online. All in person payments have to be made with cash and checks which irritates many residents.

I plan on using the credit card system that has been used in the Town Clerk's Office since 2019. As a result, because the Town of Newburgh is a long standing customer, the credit card company (Forte) has waived all the introduction fees and is waiving the cost of the credit card scanner.

All residents making in person credit card payments will be charged a 2.5% service fee with a minimum fee of \$1.80 per transaction. I do not plan on accepting electronic checks.

I will need your help to configure the wiring for the credit card scanner. It is a Cloud Based/Hybrid with cables. Not sure what all that means.

Enclosed is the Pricing Fee Schedule. Please sign on the bottom and I will proceed from there.

Joe





PRICING FEE SCHEDULE
Town of Newburgh, NY

Forte Payment Systems is proud to provide a robust processing platform and flexible pricing strategies:

- **Service Fee Model** – in a service fee model approach, the citizen pays a service fee for processing their transaction. Your office absorbs no cost.

Service (Convenience) Fee Pricing Option: Resident pays a service fee for processing their transaction.


- MasterCard, Visa, Discover and American Express credit and debit cards
- **2.50%** of the payment amount with a minimum fee of **\$1.80** per transaction

Electronic Check (If elected to offer in the future)

eCheck Transaction Tiers	Fees	Frequency
\$0.00 to \$50,000.00	\$2.00 w/Verification	Per Transaction
\$50,000.01 to \$75,000.00	\$3.00 w/Verification	Per Transaction
\$75,000.01 to \$100,000.00	\$6.00 w/Verification	Per Transaction
\$100,000.01 to \$150,000.00	\$10.00 w/Verification	Per Transaction

Equipment and Service Pricing:

The following table reflects our Equipment and Service Offerings

Standard Product	Description	Fees and Cost of Equipment
VeriFone V400c Terminal (Cloud Based /Hybrid with cables)		NO CHARGE

Select pricing option(s) desired: Service Fee Pricing

***Required Merchant Signature:** _____

Date _____

#9



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS

David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider

M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL

Stewart P. Glenn
Mary Fern Breheney
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL

Craig F. Simon

MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: 2025 EMPLOYEE HANDBOOK REVISIONS
OUR FILE NO. 800.1(B)()(2025)

DATE: DECEMBER 16, 2025

In accordance with Supervisor Piaquadio's request, the previously submitted draft resolution approving revisions to the Town's Employee Handbook has been updated to designate December 22, 2025 as the effective date of the revisions. The revised draft resolution is enclosed.

Should you have any questions or concerns in this regard, please feel free to contact me.

MCT/sel

Enc.

cc: Town Clerk Lisa M. Ayers (via e-mail)
Personnel Director (via e-mail)
Town Accountant Ronald Clum (via e-mail)

At a special 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 22nd day of December, 2025 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION ADOPTING
REVISIONS TO
TOWN OF NEWBURGH
EMPLOYEE HANDBOOK

Councilman _____ presented the following resolution which was seconded by Councilman _____.

WHEREAS, an employee handbook is an effective tool for communicating employment policies and procedures, standards of conduct, pay practices and employee benefits; and

WHEREAS, an employee handbook is essential in demonstrating the Town of Newburgh's compliance with federal and state regulations; and

WHEREAS, it is a well established "best practice" that employees should be provided with the necessary information to fully understand the policies, procedures, rules and regulations pertaining to their employment; and

WHEREAS, a comprehensive Employee Handbook of the Town of Newburgh having been heretofore adopted and revised from time to time; and

WHEREAS, the Employee Handbook being subject to alteration by resolution of the Town Board and the Town Board also having reserved the right to interpret, change, modify or eliminate any provision contained in the Employee Handbook; and

WHEREAS, express and explicit provisions set forth in any covering collective bargaining agreement between the Town of Newburgh and employee organization as defined by the Public Employees' Fair Employment Act control over provisions of the Employee Handbook and its revisions; and

WHEREAS, the Town Board having thoroughly reviewed the current Town of Newburgh Employee Handbook; and

WHEREAS, the matter of updating and amending the Town of Newburgh Employee Handbook having been fully considered; and

WHEREAS, the adoption of amendments to the Town of Newburgh Employee Handbook constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act,

NOW, THEREFORE, it is hereby

RESOLVED, that the revisions to the Town of Newburgh Employee Handbook annexed hereto are hereby adopted effective December 22, 2025, and be it further

RESOLVED, notice/copies of said revisions be given to covered employees of the Town of Newburgh in accordance with adopted policies and procedures

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

<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>James Politi, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

Section 300 Employment Matters

sub section 302 Procedure for Filling Vacancies (Where a Collective Bargaining Agreement is Not Applicable)

Attached is Hiring Procedure

3rd paragraph 13th line to add Personnel Dept

Section 308 (see attached) Separation From Employment

Section 402

Scheduling Meal Periods

Need to specify lunch between 11:00 to 2:00

406 Vehicle Policy

E. Standards

(ii) Town vehicles may be assigned to specific Town officials and employees for specific purposes and tasks. Vehicles may, at the sole discretion of the Town Board, be provided for unrestricted use to the Police Chief, Deputy Town Supervisor, and Town Supervisor.

Section 409 These need to be in bold print Cell Phone policy

B (i)

(ii)

421 Smoking Policy In accordance with Town Code

Section 500

501A Change to finger where it is indicated

Bold type-forgotten punch policy

Section 506 New Cancer Screen policy and form. Take out old Cancer Screening Policy

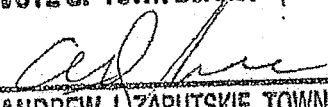
Section 300
Sub section 302

APPROVED

DATE OF TOWN BOARD ACTION: MAR 26 2018

VOTE OF TOWN BOARD: 4-0-0-1

Town of Newburgh
Vacant Position
Employment Hiring Procedures


~~ANDREW J. ZARUTSKIE, TOWN CLERK~~

All original Employment Applications will be retained in the personnel Office.

The hiring process can take up to six (6) weeks (may be longer if canvassing a competitive list). Therefore, planning is essential.

The Department Head will first generate a memo to the Town Supervisor and copy the Town Board and Personnel Department, requesting permission to fill a vacancy whether it be a part-time, full-time, or seasonal position. (It is essential that you copy Personnel Department). Once the board approves the request, the department head will coordinate with the department liaison from the Town Board and the Personnel Department to begin the hiring/interview process. If the vacancy does not require an eligibility certification for a competitive position, then the Personnel Department must advertise the vacancy in house for 7 days. If, after that time, no one has shown interest in the position, the vacancy must be advertised on the Town Website for 7 days. At the Town's discretion, this advertisement could also be advertised in print for up to 7 days, simultaneous with the website advertisement. At the completion of the advertising, the department head will coordinate with department liaison to start the interview process. The department liaison may be accompanied by an additional councilperson designated by the Town Supervisor. Department supervisory personnel may also be in attendance during the interview process at the request of the department head.

Upon completion of the interview process the department head will notify Personnel Department of the candidate(s) considered for an employment offer. **DO NOT OFFER OR PROMISE EMPLOYMENT TO ANYONE.** If you receive inquiry phone calls from the interviewed individuals advise them the position has not been filled and the interview process is continuing.

The Department Head will then memo the Personnel Department with the proposal to hire, along with the required completed Employment Request Form to be approved by Orange County Human Resources Department. Then, once upon approval, Personnel Department will forward the request for hire with the required paperwork to the Town Supervisor and Town Board for action. Upon Town Board approval, the applicant will be contacted by the Department Head and informed of the approved start date. An appointment with the Personnel Department will be scheduled to complete the fingerprint process first, then an appointment will be

made to complete their paperwork, physical, and drug and alcohol testing. Once we receive clearance on these procedures, the Personnel Department will contact the department head and inform them the candidate has been cleared. **(Before we schedule physicals and have the potential employee do his/her paperwork, we need a clean response on the potential employee's fingerprints)**. If the fingerprints come back with a bad background report, the department head will contact the prospective employee to clarify his/her record. ****Where a criminal history check reveals that the prospective employee was convicted of a crime or has a pending criminal charge, the Personnel Administrator will follow Section 10.7, B of the Local Law**. The Town Board reserves the right to delay, or change the position to be considered for hire or promotion. The Town Board also reserves the right to defer the entire process to the Department Head or a designee.**

Please Note: Once an applicant is approved for hire, the start date will be at least one week from the approval date, with the first day of employment coinciding with the first day of a pay period.

9/25/17

JP

Revised 3/19/18, 3/21/18

JP

Change in Status - An employee must immediately notify the Personnel Director of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Employee Access - Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Personnel Officer and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the Personnel Officer. The Town Board reserves the right to impose a fee, in accordance with law, for any requested copies.

308 Separation from Employment

Notice of Resignation (Employees) - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. A copy of the resignation letter must be provided to the Town Supervisor and Personnel Director and then filed with the Town Clerk. In the event the Civil Service Rules of Orange County are in conflict with this provision, the Rules will control.

original
copy + TB + Accounting. Personnel will copy D.C. Civil Service

Notice of Resignation (Town Officers) - A Town Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

Notice of Resignation (Town Clerk) - The Town Clerk who intends to resign must submit a written resignation to the Secretary of State at least thirty calendar days before the date of resignation is to be effective.

Exit Interviews - Exit interviews will be held upon request. Exit interviews are normally conducted by Personnel. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck - Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable. The final paycheck will only be paid after the employee returns all Town equipment and/or Town Property issued to them or in their possession.

Chadwick Lake Park Pass - To be eligible for a free Chadwick Lake Park Pass the retiree must have retired from the Town with at least twenty (20) years of continuous service with the Town and must have applied for and been granted a bona-fide retirement benefit from New York State Employees' Retirement System.

401 Departmental Hours

Normal Hours of Operation - The normal hours of operation are established by the Town Board at the annual organizational meeting. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Town Law. An employee who is covered by a negotiated collective bargaining unit should refer to the collective bargaining agreement on the subject of "work day - work week" or "tour of duty."

Department Head Absences — Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic departmental forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine what services are to be provided and to schedule coverage of these basic services during scheduled business hours. A Department Head must notify and receive prior approval from the Town Supervisor for any absence.

402 Meal Periods

Observance of Meal Periods - In accordance with New York State regulations, an employee who works more than six (6) hours in a given day is required to take the scheduled meal period. An employee is not allowed to work through the meal period to make up lost work time or to leave work early. In addition, the meal period may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Meal Periods - A full-time employee will receive as part of the work day, a duty-free meal break not to exceed sixty (60) minutes. This meal period is unpaid. A part-time, temporary, or seasonal employee who works more than six (6) hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty (30) minutes. An employee who is covered by a collective bargaining unit should refer to the collective bargaining agreement on the subject of meal periods.

Scheduling of Meal Periods - Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department and in accordance with other applicable provisions of this Handbook. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

Summer Camp Counselors - The provisions set forth in Part 402 of the Employee Handbook are not applicable to the summer camp counselors at the Chadwick Lake Facilities. Such employee who works more than six (6) hours in a given day will receive an unpaid, duty-free meal period not to exceed thirty (30) minutes, which will be taken with camp participants in accordance with the needs and requirements of the facility.

405 Expense Reimbursement

Policy Statement - Upon proper and prior authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees.

Reimbursement Procedure - All required documentation and corresponding **original** receipts must be submitted to the Accounting Office with the proper voucher form. The Accounting Office will submit the reimbursement documentation to the Town Board for final approval.

Mileage - An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the then current mileage rate set by the Internal Revenue Service. An employee who is covered by a collective bargaining unit should refer to the collective bargaining agreement on the subject of mileage reimbursement.

Education and Training - Upon proper authorization of the Town Board, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from their Department Head before the request is presented to the Town Board. An employee who is covered by a negotiated collective bargaining unit should refer to the collective bargaining agreement on the terms and procedures for education reimbursement.

Required Membership Fees - Upon proper authorization of the Town Board, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees. An employee who is covered by a negotiated collective bargaining unit is not covered by or eligible for this Membership Fees provision.

Association of Towns Meeting - Upon proper and prior authorization of the Town Board, an employee or Elected Official who attends the annual meeting conducted by the Association of Towns will be reimbursed for all reasonable expenses. Delegates to this meeting will be selected by the Town Board on a yearly basis.

Falsification of Expenses - Falsification of and/or any attempt to falsify business expenses may result in disciplinary action, up to and including termination.

406 Vehicle Policy

A. Policy Statement - All vehicles and related equipment of the Town of Newburgh are owned and maintained for the purpose of conducting official business of the Town. Employees in certain positions may be required to drive Town, leased, rental, or personal vehicles to conduct business on behalf of the Town of Newburgh. Employees who drive on Town business must operate vehicles in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic regulations.

B. Use of Personal Vehicle for Town Business – It is the policy of the Town that employees will use a Town vehicle for all Town business. In the event the Town Board authorizes use by an employee of the employee's personal vehicle, the employee who drives a personal vehicle to conduct Town business must have auto liability insurance (for both bodily injury and property damage) and proof of a minimum policy for liability coverage of \$100,000 per person/\$300,000 per accident. Proof of such insurance is required upon hire and on an annual basis thereafter. If an employee's liability insurance lapses, the employee's supervisor must be notified immediately.

C. Traffic Violation - An employee is responsible for paying the cost of any traffic or parking tickets, moving violations, or fines that result from driving on Town business. In addition, the employee shall bring any such violation(s) to the attention of their Department Head through a written report.

D. Accidents - In the event of an accident, theft, or damage involving a Town, leased, rental, or personal vehicle being used for Town business, regardless of severity, notice must be given to the applicable Department Head or Town Supervisor within twenty-four hours of the accident. The Department Head shall then submit an accident report to the Police Department, Fleet Maintenance, the Town Supervisor's Office, and the Town Clerk's Office. A law enforcement officer should be summoned to the scene of any accident involving a Town employee or vehicle being used for Town business. The employee should cooperate with any law enforcement officer who is investigating the accident but should not make any statements or provide information to anyone else. An Accident Report should be obtained from the police for submittal to the employee's Department Head. All CDL holders shall follow CDL applicable procedure in the event of an accident.

If the accident involves a workers' compensation claim, a copy of the Accident Report must be submitted to the Personnel Department.

E. Standards - For the purpose of compliance with this policy, the following standards must be met at all times:

- (i) Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned;
- (ii) Town vehicles may be assigned to specific Town officials and employees for specific purposes and tasks. Vehicles may, at the sole discretion of the Town Board, be provided for **unrestricted use** to the Police Chief, Town Engineer, and Town Supervisor. The Town Board may, in its sole discretion, resolve to disallow said use. The Highway Superintendent may, at the sole discretion of the Town Board, be permitted unrestricted use of the assigned vehicle within the confines of the Town of Newburgh; usage outside of Town limits is permitted only if work related or with prior approval of the Town Board. A vehicle assigned to any other employee may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business;
- (iii) Town vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable traffic laws in effect;
- (iv) Town vehicles may not be used to transport persons who are not officials or

add new personnel

Delete

408 Supplies, Tools and Equipment, and Fuel Usage

Supplies - All Town owned supplies must be used efficiently and not wasted. An employee may not use any Town supplies including, but not limited to, postage, paper, or office supplies for personal use.

Tools and Equipment - The employee must repair or replace any Town-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town.

Fuel - An employee may not use gasoline, fuel oil, or motor oil purchased by the Town for personal use. [This provision does not apply to unrestricted use vehicles as noted in Section 406(E)(ii)].

409 Town Telephone (Landline and Cellular) Usage

A. Guidelines - It is important to maintain good relations with the residents of the Town. When conducting Town business on the telephone, an employee must abide by the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone;
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party;
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may not make personal calls, except in an emergency or to check briefly on family matters;
- An employee may not make personal long-distance calls, except in an emergency. The employee must either use a personal calling card or reimburse the Town for the cost of the call;

B. Cellular Phone Policy:

The Town recognizes that the use of Town owned cellular phones is sometimes necessary or appropriate to the conduct of Town business and that in the current telecommunications climate, the use of cellular phones by Town employees enhances work productivity, the effectiveness of Town operations and often, safety.

Each cellular telephone account, as it is authorized and opened by rules hereinafter set forth, must be in the name of the Town, and the number issued by the provider registered by number in the Town Supervisor's Office, with all billings sent to the Town Supervisor's Office, to be reviewed by department heads prior to payment.

The issuance of any cellular telephone shall be made after either recommendation of a department head or on the Town Board's own determination.

The only persons eligible for a cellular telephone in the Town shall be the Town Board, department heads, and such other employees, appointees, officers or agents as the Town Board and department heads deem necessary, with Town Board approval before the account is opened.

All bills shall be submitted monthly to the Town Supervisor's Office, showing detail of the calls, and must be, in the case of an employee or appointee working under the auspices of a department head, approved by the department head prior to any payment by the Town.

The assignment of a Town owned cellular phone is made to allow Town employees to conduct Town business. Accordingly, use of cellular phones is restricted and only official business of the Town may be the subject of such telephone calls.

However, it is anticipated that on occasion, a Town owned cellular phone may be used by an employee for personal calls. Employees who use Town issued cellular phones for personal use will be required to reimburse the Town for the cost of all personal calls. Additionally, employees may not use hand held cellular phones while driving Town vehicles in accordance with New York State Law. If an accident results while an employee is violating this policy, disciplinary action may result, including up to termination.

Each employee or Town Board Member who is issued a cellular phone shall be responsible for the security of the phone in his or her possession, and must take whatever steps are necessary to safeguard against loss or unauthorized use.

(i) Cell or Mobile Phone Use While Driving

The New York State law states "*No person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion*". Using a hand held cell phone is defined as "holding a mobile telephone to, or in immediate proximity of, the user's ear".

(ii) Cell or Mobile Phone Use While on Duty

Personnel will not engage in personal cell phone use, including text messaging, while doing their duty or assignment. This means that cell phone use or text messaging in our Town vehicles or using Town equipment will be prohibited. Walkie talkies and radios are available if there is a need.

421 Smoking

Policy Statement - It is the policy of the Town to prohibit smoking in all Town buildings and all Town vehicles in accordance with New York State, federal and/or local law or ordinance.

422 Inventory

Entering Items into Inventory - It is the responsibility of the department head to make sure that all items over \$100.00 in value are entered into inventory.

When a purchase is made by a department or when a piece of equipment or other item comes into the department's possession that exceeds \$100.00, the department head must fill out a request form describing the item and requesting a bar code label from the Accounting Department. When the department receives a bar code label the department head will adhere it to the new item. The Accounting Department personnel will then be responsible for entering this item as part of the department's inventory.

New items under \$100.00 that are Town property and are to remain in a department should be tagged with a label "Property of the Town of Newburgh".

500 ABSENCE POLICIES AND LEAVE RIGHTS

501 Attendance

Tardiness - An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head prior to the employee's scheduled starting time.

Unexcused Absences - Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Notification of Absences - In the event an employee is unable to report to work, the employee must directly notify the employee's Department Head, supervisor, or designee prior to the employee's scheduled reporting time. It is not acceptable to leave a recorded message or to leave a message with a person other than the Department Head, supervisor, or designee. Notification stating the reason for the absence must be given each day of the absence. In the event the absence was pre-authorized, this requirement will be waived.

Notification of Sick Leave - In the event an employee must take sick leave, the employee must notify the appropriate supervisor no less than one (1) hour prior to the employee's scheduled reporting time. The notification must be made personally to the Department Head or designee, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. This procedure must be followed to receive sick leave pay. An employee who is covered by a negotiated collective bargaining unit should refer to the collective bargaining agreement on the subject of notification of sick leave.

Documentation of Absences - An employee who has frequent absences may be required to provide documentation of the reason for any future absences.

Leaving the Premises - An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work related reason.

Early Departure - In the event an employee must leave work during the workday, the employee must notify the employee's Department Head prior to leaving.

501A. Time Clock Procedure/Requirements (Palm Screening)

The Town utilizes a "hand punch" system as the method of timekeeping and payroll for the Town. All employees, except Level 1 employees, should be using this system.

Use of the hand punch is safe. It does not read fingerprints or palms but actually remembers ninety measurements of fingers and part of the hand. The hand reader uses light technology similar to that of a remote control.

To punch in, the employee slides the ^{finger} right hand forward on the surface. ~~until the web of the middle and index finger hits the stops keeping hand flat so that the employee feels the surface on the underside of the fingers.~~ If a ring with a stone is worn, the stone must face up in the normal position.

The technology is based on the ^{finger} hand punch computer recognizing not only the employee's hand but also the employee's scheduled work hours that are programmed into the system. Each employee has a daily time schedule to follow and cannot deviate from the hours programmed without permission from the employee's Department Head **and** notification to the Accounting Department and the Town Supervisor.

Early Arrivals - All employees, except Level 1 employees, are to punch in at the employee's scheduled time. For the employee's own convenience, an employee who is eligible for overtime pay may "punch in" fifteen minutes prior to the scheduled starting time but cannot perform work unless the employee has been assigned by the appropriate supervisor to report to work early.

Late Arrivals - An employee may "punch in" seven minutes after the scheduled starting time and not be considered a late arrival. This grace period is for extenuating circumstances only and corrective action will be taken if the employee repeatedly reports to work after the scheduled starting time.

End of Work Day - All employees, except Level 1 employees, are to punch out at the employee's scheduled time. An employee who is eligible for overtime pay may not "punch out" more than seven minutes after the scheduled stopping time unless the employee has been assigned by the appropriate supervisor to stay.

Exceptions - In extenuating circumstances where an employee is unable to hand punch in or out, the employee must fill out a *Time Worked Exception Form* (001) and obtain signed approval from the appropriate supervisor.

Forgotten Punch - If an employee forgets to punch in, the employee should immediately punch in when the employee realizes it. An employee with a "forgotten punch" will be required to fill out a *Time Worked Exception Form* (001). The employee must swear that they were indeed working at the time of the "forgotten punch" and must also have the form signed and approved by the Department Head. This form will not be processed until the following pay period.

If an employee has more than three "forgotten punches" within thirty calendar days, it will be considered unreasonable. The Department Head must present the reasons to the Town Supervisor and the department liaison at the meeting with the employee present.

Managers must emphasize to each employee the importance of hand punching so as to ensure the employee receives proper pay.

bargaining unit is not eligible for or covered by the Bereavement Leave provisions set forth below and should refer to the collective bargaining agreement on the subject of Bereavement Leave.

In the event of the death of a member of an employee's immediate family, said employee shall be granted up to five (5) days paid leave.

"Immediate family" is defined to mean: husband, wife, son, daughter, brother, sister, father, mother.

Up to three (3) days leave will be granted for grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchildren or a relative of the employee, and/or person with whom the employee has a significant relationship whose legal residence is the same as that of the employee.

Such leave shall not be chargeable to vacation or sick leave credits.

One (1) day paid leave shall be granted in the event of the death of employee's brother-in-law, sister-in-law, grandfather-in-law, grandmother-in-law, aunt, uncle, and cousin.

Part-time, Temporary, or Seasonal Employees - A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the employee's Department Head.

506 Cancer Screening Leave Request

New Policy & Forms

New York State Civil Service Law entitles employees to take up to four (4) hours of paid leave annually, without charge to leave credits, for both breast cancer and prostate cancer screening. Travel time is included in the four-hour cap. Absence beyond the four hours must be charged to leave credits. Employees who undergo screenings outside their regular work schedule do so on their own time.

To properly request this absence, a request must be in writing on a form to be obtained from Personnel. Return the completed form to your Department Head for approval within ten (10) business days before the date on which you expect to be absent from work.

507 Family and Medical Leave Policy

Purpose - To outline the conditions and procedures under which an employee may be eligible for time off for a limited period, as required by the federally enacted Family and Medical Leave Act ("FMLA").

Definitions -

A. "Family and/or medical leave of absence" shall be defined as an approved absence available to eligible employees for up to twelve (12) weeks* of leave per year under particular circumstances. Leave may be taken:

Section
506

representation, to present witnesses and evidence, as well as the right to cross-examine those witnesses; the employee will be entitled to a copy of the transcript that will be made of the proceeding. The Hearing Officer will provide a Report and make a Recommendation to the appointing authority. (The Hearing Officer cannot be a local municipality employee.)

8. **Determination.** Within ten (10) working days of receipt of the Recommendation of the Hearing Officer, the appointing authority must render a final determination (**Note: no more than seventy-five (75) days may pass from the date of request for a hearing until the date of determination.**)

9. If placed on unpaid leave of absence (following the hearing or waiver of the right to a hearing), the employee is entitled to use all accumulated unused sick, vacation, overtime or other time accrued to his/her credit.

10. **Appeal.** In the Determination the employee must be informed of his/her right to appeal to the local civil service commission. The local civil service commission will establish the time and place for such an appeal.

11. **Application for Reinstatement.** Once on leave of absence pursuant to the process detailed above, an employee may make application to the local civil service commission for a medical examination. If found fit, the employee is to be reinstated.

12. **One Year Passes.** If the employee is not reinstated within one (1) year from date of commencement of the leave of absence, the employee's employment is subject to termination pursuant to NYS Civil Service Law § 73.

13. If the appointing authority determines that there is probable cause to believe that the continued presence of the employee on the job represents a potential danger to persons or property, or would severely interfere with operations, it may place such employee on involuntary leave of absence immediately, provided, however, that the employee shall be entitled to draw all accumulated unused sick leave, vacation, overtime and other time allowances standing to his/her credit. **NOTE: The employee must still be afforded all of the above detailed rights to a Hearing.** If such an employee is finally determined to be physically or mentally fit to perform the duties of his/her position, he/she shall be restored to his/her position and shall have any leave credits or salary that he/she may have lost because of such involuntary leave of absence restored to him/her, less any compensation he/she may have earned in other employment or occupation, and any unemployment benefits he/she may have received during such period.

14. Always recheck with counsel and review CSL § 72 for any statutory modification, and check the Collective Bargaining Agreement for any relevant provision.

The use of CSL § 72 is among the more complicated and detailed of all the Civil Service statutes permitting removal from service. This is an area where it would be imperative to work with counsel.

EXPANDED CANCER SCREENING LEAVE BENEFITS

A new NYS law was passed which grants public employees up to four (4) hours of excused leave per year to undergo screening for *any* type of cancer. Currently, this leave has been available to public employees only for breast or prostate cancer screening. N.Y. Civil Service Law § 159-c (prostate cancer) and § 159-b (breast cancer). This new law becomes effective **March 18, 2018**. The new law repeals § 159-c in its entirety, and makes § 159-b applicable to any cancer, not just breast cancer.

As with the current breast and prostate cancer screening leave, the employee cannot be required to charge other accrued leave (such as sick or personal time) during this period of absence. N.Y. Civil Service Law § 159-b. Although not expressly required by law, employers should adjust any affected policies accordingly, and ensure that employees are aware of this new leave entitlement in whatever manner notice of benefits is generally communicated to employees.

NEW IRS MILEAGE FOR 2018

Effective January 1, 2018, the new Internal Revenue Service mileage reimbursement rate is 54.5¢ per mile. For those municipalities who reimburse employees pursuant to the IRS rate, this increase is retroactive to January 1, 2018.

2018 TRAINING INFORMATION

To all of our Municipal and/or School District clients whose Retainer Agreements with RWGM offer training days, please watch your mail for the 2018 Training letter. Our attorneys are available to assist you in many areas. If you have not taken advantage of this opportunity in the last year or two, it may be time to have your employees and Supervisors/Department Heads refresh their understanding of current labor relations issues of the topics offered. At the same time, we will offer suggestions to update existing policies, if applicable. Please contact Elayne Gold or Karen Pelland with any questions, or to coordinate your training needs.

Cancer Screening Leave Request

New York State Civil Service Law entitles employees to take up to four hours of paid Leave annually, without charge to leave credits, for cancer screening. Travel time is included in the four hour cap. Absence beyond the four hours must be charged to leave credits. Employees who undergo screenings outside their regular work schedule do so on their own time.

To properly request this absence, please complete the information below. Return the completed form to your supervisor or Department Head for approval within ten (10) business days before the date on which you expect to be absent from work. Document the time off on your timesheet as excused absence.

To be completed by employee (please type or print):

Employee Name: _____

Health Care Provider: _____

Date of Service: _____

Time expected to be absent from work (including travel time):

From: _____ am/pm

to: _____ am/pm

I hereby certify that this request for time off from work is for the purpose of obtaining a cancer screening pursuant to Sections 159b and/or 159c of the New York State Civil Service Law.

Signature of Employee _____

Date _____

Approved: _____

Date: _____

Signature of Department Head

If Request for leave is denied, Please set forth the reasons: _____

Please detach and return this certification to the Personnel Office within ten (10) days of your cancer screening in order to receive payment for your screening as an excused absence. If necessary, forms can be faxed to (845) 564-2170. If mailing this certification, please send to:

Town Of Newburgh
Personnel Department
1496 Route 300
Newburgh, NY 12550

Certification of Health Care Provider

Patient Name (please print)

This is to certify that I have provided a cancer screening of the individual listed above on
(date) at _____ (time).

Signature of Health Care Provider

Date

1. Upon the birth of the employee's child;
2. Upon placement of a child with the employee for adoption or foster care;
3. When the employee is needed to care for a child, spouse or parent who has a serious health condition;
4. When the employee is unable to perform the essential functions of his/her position because of a serious health condition.
5. When the employee is needed due to a qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or called to active duty status; or,
6. When the employee is needed to care for a covered servicemember with a serious injury or illness.

NOTE: That an employee's entitlement to leave for the birth, adoption or placement for foster care expires at the end of the twelve (12) month period beginning on the date of birth or placement unless the Employer agrees to permit a longer time.

*NOTE: That an employee is entitled to twenty-six (26) weeks of leave per year to care for a covered servicemember with a serious injury or illness.

B. "A serious health condition" will be defined as any illness, injury, impairment or physical or mental condition that involves (but may not be limited to) the following:

1. Any period of incapacity or treatment in connection with, or following inpatient care in a hospital, hospice or residential medical care facility; or,
2. Any period of incapacity that requires absence from regular daily activities of more than three (3) days and that involves continuing treatment by (or under supervision of) a health care provider.

C. "A covered servicemember" will be defined as the employee's spouse, son, daughter, parent, or next of kin who is either:

- (a) A current member of the armed forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or
- (b) A veteran who was a member of the armed forces (including National Guard or Reserves), was discharged or released under conditions other than dishonorable, and was discharged within 5 years of the date the employee takes FMLA leave to care for him/her, and is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

D. "A qualifying exigency" will be defined as any activities that involve (but may not be limited to) the following:

1. Short-notice deployment;
2. Military events and related activities;
3. Child care and school activities;
4. Certain activities related to the care of the servicemember's parent;
5. Financial and legal arrangement;
6. Counseling;
7. Rest and recuperation;
8. Post-deployment activities; and/or
9. Any additional activities agreed to by the employee and Employer.

E. "Leave" time may be paid or unpaid, see discussion below.

Responsibility - Each Department Head is responsible for ensuring that this policy is communicated to the employees.

Scope - The provisions of this policy shall apply to all covered family and medical leaves of absence for any part of the twelve (12) or twenty-six (26) weeks of leave to which the employee may be entitled.

Eligibility - To be eligible for leave under this policy, an employee must have been employed for at least twelve (12) months and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave.

Leave of Absence - An eligible employee will be required to use paid leave to run concurrently with FMLA leave, unless otherwise detailed in an applicable collective bargaining agreement.

Extension of Leave - In the event an employee requires leave in excess of the twelve (12) or twenty-six (26) week maximum described herein, the Department Head, at the Department Head's discretion, may provide additional leave. The employee will be responsible for their medical coverage during any extended leave.

Permission and Documentation -

A. The Town will require medical certification to support a claim for leave for an employee's own serious health condition, to care for a seriously ill child, spouse or parent, unless otherwise detailed in an applicable CBA. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the essential functions of his/her position. For a leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. The Town may require a second medical opinion and obtain periodic recertification (at its own expense) only when the Town has reason to doubt the initial medical certification. If the first and second opinions differ, the Town, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Town and the employee.

B. The Town will require certification to support a claim for leave due to a qualifying exigency, unless otherwise detailed in an applicable CBA. The certification must include the

frequency or duration of the qualifying exigency, written documentation confirming a covered servicemember's active duty or call to active duty status in support of a contingency operation, and any available written documentation which supports the need for leave.

C. The Town will require certification to support a claim for leave due to a serious injury or illness of a covered servicemember, unless otherwise detailed in an applicable CBA. The certification must include written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty on active duty, that the covered servicemember is undergoing treatment for such injury or illness, the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

D. If necessary for a serious health condition of the employee, of his/her spouse, child or parent, due to a qualifying exigency, or to care for a seriously injured or ill servicemember, leave may be taken on an intermittent basis. Intermittent leaves are not permitted for birth or adoption, unless otherwise agreed upon by the parties.

E. Spouses who are both employed by the Town, are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth or adoption of a child or placement for foster care or for the care of a sick parent.

Notification and Reporting Requirements -

A. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as not to disrupt operations of the Town. In cases of illness, the employee will be required to report periodically on his/her leave status and intention to return to work or as otherwise detailed in an applicable CBA.

B. The term "reasonable prior notice" shall mean "not less than thirty (30) days notice or as soon as practicable."

Coverage -

A. Family leaves may be granted for up to twelve (12) weeks during any twelve (12) month period. However, an employee has a right under the FMLA for up to 26 weeks of leave in a single twelve (12) month period to care for a covered servicemember with a serious injury or illness.

B. The Town may deny reinstatement to an employee who fails to produce a "fitness-for-duty" certification to return to work. This requirement applies only where the reason for the leave of absence was the employee's own serious health condition and as detailed in an applicable CBA.

C. Employees on authorized family leaves will be covered for those medical, dental, and other health insurance benefits (with the exclusion of any employee contributions, which must begin prior to family leave) under which they were covered prior to their leave.

D. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence and the employee so notifies the Town, the Town may recover from the employee the cost of the premium paid to maintain the employee's health insurance coverage, except when the family and medical leave is paid.

Procedures -

A. In the event the employee is requesting a Family and Medical Leave of Absence, a Notice Form must be completed in detail, signed by the employee, submitted to the ~~Department Head~~ ^{Personnel Department} and forwarded to the ~~Bookkeeper~~ for approval. If possible, the notice should be submitted thirty (30) days in advance of the effective date of the leave.

B. All family and medical leaves of absence due to illness will include the following information, unless otherwise detailed in an applicable CBA:

Sufficient medical certification stating:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition; and,
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition.

C. In addition, for purposes of leave to care for a child, spouse, parent, the medical certification should give an estimate of the amount of time that the employee is needed to provide such care, unless otherwise detailed in an applicable CBA.

D. For purpose of leave due to a qualifying exigency, the certification should include the servicemember's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, the dates of the covered servicemember's active duty service, appropriate facts supporting the need for leave, the date on which the qualifying exigency commenced or will commence and the end date, and appropriate contact information if the exigency involves meeting with a third-party, unless otherwise detailed in an applicable CBA.

E. For purpose of leave to care for a seriously injured or ill servicemember, the certification should include written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty on active duty, that the covered servicemember is undergoing treatment for such injury or illness, the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care, unless otherwise detailed in an applicable CBA.

F. For purposes of leave for an employee's own illness, the medical certification must state that the employee is unable to perform the essential functions of his/her position, unless otherwise detailed in an applicable CBA.

G. In the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment

Section 507 FMLA (Policy)

Under procedures A line 2 should say personnel department only not department head and bookkeeper (per HIPPA law)

700 Employee Benefits

701 Holidays

Need to add Juneteenth (Day Observed)

702 Vacation Leave

New

In no event will employee use less than 1 week of vacation per year.

New

Employees can only have 260 hours vacation time on the books as of June 30th and December 31st. In the event an employee is unable to take vacation leave to no vault of their own, the employee may "carry" the excess for 90 calendar days.

New

Employees may use vacation time in 1 hour increments

New

Employees using any part of a sick day before or after a vacation day will not get paid said vacation day, unless employee provides medical certification

Annual Buy-Back – An employee with at least five (5) years of continuous service will be eligible to "Sell back" up to forty hours of accumulated vacation leave each year at the employee's rate of pay for that fiscal year. The employee must make that election between December 1st and December 7th and payment will be made by March 31st of the following year.

Section 703 Sick Time

700 EMPLOYEE BENEFITS

701 Holidays

Represented Employees - An employee who is covered by a negotiated collective bargaining unit is not covered by or eligible for the Holiday provisions set forth below and should refer to the collective bargaining agreement on the subject of holidays.

Designated Holidays - The following holidays will be observed on the day designated by the Town Board at its organizational meeting in January of each year:

New Year's Day	Memorial Day	Thanksgiving Day
Martin Luther King Jr. Day	Independence Day	Day after Thanksgiving
Presidents' Day	Labor Day	Christmas Day
Lincoln's Birthday	Columbus Day	<i>add Janeteenth (Observed)</i>
Good Friday	Veterans' Day	

Holiday Pay Eligibility — A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

Holiday Occurs on Days Off — In the event a designated holiday occurs on a day for which a full-time employee was not scheduled to work, the holiday for such employee will be observed either on the preceding scheduled day of work or on the succeeding scheduled day of work, as determined by the employee's Department Head.

Assigned to Work on a Holiday — A full-time employee who is required to work on a designated holiday will receive an alternate day off with pay.

Holiday Pay During Paid Leaves — In the event a designated holiday occurs on an employee's regularly scheduled workday and the employee is on a paid leave of absence, the employee will receive holiday pay for the day and the employee's leave credits will not be charged for that day.

702 Vacation Leave

Represented Employees — An employee who is covered by a negotiated collective bargaining unit is not covered by or eligible for the Vacation Leave provisions set forth below and should refer to the collective bargaining agreement on the subject of vacation.

Eligibility — A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Allowance (Accrual System) — A regular full-time employee will be credited with paid vacation time on a monthly basis starting from the date of hire in accordance with the

700 EMPLOYEE BENEFITS

701 *Holidays*

Represented Employees - An employee who is covered by a negotiated collective bargaining unit is not covered by or eligible for the Holiday provisions set forth below and should refer to the collective bargaining agreement on the subject of holidays.

Designated Holidays - The following holidays will be observed on the day designated by the Town Board at its organizational meeting in January of each year:

New Year's Day	Memorial Day	Thanksgiving Day
Martin Luther King Jr. Day	Independence Day	Day after Thanksgiving
Presidents' Day	Labor Day	Christmas Day
Lincoln's Birthday	Columbus Day	
Good Friday	Veterans' Day	

Holiday Pay Eligibility — A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

Holiday Occurs on Days Off — In the event a designated holiday occurs on a day for which a full-time employee was not scheduled to work, the holiday for such employee will be observed either on the preceding scheduled day of work or on the succeeding scheduled day of work, as determined by the employee's Department Head.

Assigned to Work on a Holiday — A full-time employee who is required to work on a designated holiday will receive an alternate day off with pay.

Holiday Pay During Paid Leaves — In the event a designated holiday occurs on an employee's regularly scheduled workday and the employee is on a paid leave of absence, the employee will receive holiday pay for the day and the employee's leave credits will not be charged for that day.

702 *Vacation Leave*

Represented Employees — An employee who is covered by a negotiated collective bargaining unit is not covered by or eligible for the Vacation Leave provisions set forth below and should refer to the collective bargaining agreement on the subject of vacation.

Eligibility — A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Allowance (Accrual System) — A regular full-time employee will be credited with paid vacation time on a monthly basis starting from the date of hire in accordance with the

following schedule.

YEARS OF SERVICE	CREDITS PER MONTH
Upon hire thru 2 nd year of service	6.67 hours (equals 80 hours/year)
Upon start of 3 rd year of service	10.00 hours (equals 120 hours/year)
Upon start of 6 th year of service	13.33 hours (equals 160 hours/year)
Upon start of 9 th year of service	16.67 hours (equals 200 hours/year)
Upon start of 15 th year of service	18.67 hours (equals 224 hours/year)
Upon start of 20 th year of service	20.00 hours (equals 240 hours/year)

See attached Appendix for a definition of Level I and Level II employees.

New Employees: A newly hired employee may not use accumulated vacation leave credits until completion of six months of continuous employment.

Accrual During Leaves of Absence: Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

* Accumulation: An employee ^{Change to 240} may accumulate vacation leave credits to a maximum of two-hundred and forty (240) hours. Any vacation credits in excess of two-hundred and forty hours on June 30th and December 31st of each year will be cancelled. However, in the event an employee is unable to take vacation leave due to no fault of the employee, the employee may "carry" the excess for ninety (90) calendar days. (adopted 2/27/08)

* Annual Buy-Back - An employee with at least five (5) years of continuous service will be eligible to "sell back" up to forty hours of accumulated vacation leave each year at the employee's rate of pay for that fiscal year. The employee must make this election between December 1st and December 7th and payment will be made between that December 1st and ^{Change} January 31st of the next year. March 31st

Scheduling - An employee must receive prior approval from the employee's Department Head to take vacation leave. Vacation requests should be submitted no later than May 1 of each year. The Department Head will have total discretion in the approval of vacation leave. In the event more employees request vacation leave than minimum coverage permits, preference in the selection of a vacation period shall be given to the employee with the most service seniority. Vacation requests by a Department Head will be submitted to the Town

Supervisor for approval. Vacation leave credits may not be used in increments of less than four hours. An employee may take vacation leave only after it has been credited.

Holiday During Scheduled Vacation - In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment - An employee who resigns, retires or is laid off will receive payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. In case of the death of the employee, the Town will pay the employee's designated beneficiary for any unused vacation leave. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave.

703 Sick Leave

Represented Employees - An employee who is covered by a negotiated collective bargaining unit is not eligible for or covered by the Sick Leave provisions set forth below and should refer to the collective bargaining agreement on the subject of sick leave.

Allowance - A full-time employee will be credited with eight hours of paid sick leave on the first day of the month after it has been earned. A part-time, temporary, or seasonal employee is not eligible for paid sick leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

New Employee - A newly hired employee will not be credited with sick leave credits prior to completing six months of continuous employment, at which time a full-time employee will be credited with forty-eight hours of paid sick leave.

Accrual During Leaves of Absence - An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Accumulation - There is no cap on the amount of sick leave an employee may accumulate.

Proper Use of Sick Leave - Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work. An employee may use sick leave credits for medical and dental appointments that cannot be scheduled during non-work hours. Sick leave credits may not be used in increments of less than one (1) hour; however, after the first hour, sick leave credits may be used in fifteen (15) minute increments. An employee may take paid sick leave only after it has been credited.

Family Sick Leave - An employee may use up to forty hours of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "Immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child.

Notification of Sick Leave - In the event an employee must take sick leave, the employee must notify the appropriate supervisor no less than one (1) hour prior to the employee's scheduled reporting time. The notification must be made personally to the Department Head or designee, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. This procedure must be followed to receive sick leave pay.

X Medical Verification - The Town may require medical verification of an employee's absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave in any other situation where the Town deems it to be justified. The Town may require medical verification of an employee's absence to verify that the employee is able to return to work with or without restrictions. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

Abuse of Sick Leave - An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

Use of Accumulated Sick Leave Credits — An employee is encouraged to accumulate sick leave credits to maximize the following benefits:

- Full pay during disability leaves due to an on-the-job or off-the-job injury. [See Short-Term Disability Benefits - Use of Sick Leave Credits, Section 705].
- Continuation of medical insurance beyond the twelve weeks provided under the Family and Medical Leave Act. [See Section 506 - Family and Medical Leave Policy]. The Town will continue to contribute toward the monthly premium for as long as the employee is drawing on sick leave credits.
- Increase NYS retirement credit by up to .63 of a year (see Retirement Credit, below).
- Upon retirement, apply up to five hundred hours of accumulated sick leave credits toward the monthly premium of the Dental Optical Plan. The value of the sick leave credits will be set at the employee's rate of pay at the time of retirement. [See Section 708 - Medical Insurance for Retirees].
- Also, apply up to eighteen hundred hours of accumulated sick leave credits toward the monthly premium payments in the event the retiree predeceases the retiree's spouse. The value of the sick leave credits will be set at the employee's rate of pay at the time of retirement. [See Section 708 - Medical Insurance for Retirees].

Annual Buy-Back - An employee with at least ten years of continuous service will be eligible to "sell back" up to forty hours of accumulated sick leave each year at the employee's rate of pay for that fiscal year. The employee must make this election between December 1st and December 7th and payment will be made between that December 1st and ~~January 31st~~ *March 31st* of the next year.

Retirement Credit - The Town Board will provide Section 41 (j) of the Retirement and Social Security Law, which adds service credit for up to one hundred sixty five days of accumulated sick leave at the time of retirement. The additional service credit is determined

Section
703

New

APPENDIX "C"
SICK LEAVE MONITORING PROGRAM

SECTION 1

An employee who uses twenty-eight (28) or thirty-two (32) or more undocumented sick leave hours in a three (3) month period or who uses twenty-one (21) or twenty-four (24) or more undocumented sick leave hours on a Monday, Friday, the day before or the day after a holiday, on the day before or the day after the use of vacation leave, in a three (3) month period may, at the discretion of the Department Head, be placed on the sick leave monitoring program for the next nine (9) months.

For purposes of this Section 1, undocumented sick leave shall mean each hour of sick leave which is not explained by medical certification that the employee was not able to work due to his/her own illness and/or injury. An employee shall be advised, in writing, at least three (3) business days prior to being placed on the sick leave monitoring program.

For purposes of this Program, the reference to "28" or "21" hours applies to those employees working a seven (7) hour day; while the reference to "32" and "24" hours applies to those employees working an eight (8) hour day.

SECTION 2

An employee placed in the sick leave monitoring program shall be subject to the following conditions;

a. When requiring the use of sick leave, the employee shall notify the Department within one hour of his start time. At the same time, the employee shall advise the Department of the address of his residence or of his location. The employee shall remain in his residence of the reported location unless he notifies the Department that he is leaving, where he is going, and the telephone number of that new location.

b. During the use of sick leave, the employee shall be subject to a visit and/or telephone contact by a representative of the Town.

c. During the use of sick leave, the employee shall request and obtain prior written approval of the Department Head before engaging in off-duty employment.

SECTION 3

During the three (3) business day period after notice and prior to commencement of placement on the sick leave monitoring program, the employee may file an administrative appeal in writing with the Town Supervisor, to his/her designee, seeking review of the employee's placement in the program and or of the restrictions placed on the employee. This appeal shall be based on the employee's length of service with the Town, employment history and record, explanation of the circumstances of his absence or hardship. The Town Supervisor,

of his designee, shall render a decision on the employee's appeal within five business days after receipt of the appeal. An appeal under this section shall not delay placement in the sick leave monitoring program. The decision of the Town Supervisor, or his designee, shall be final and not subject to review under any procedure provided in this collection bargaining agreement or to review in a court of law.

SECTION 4

Violation of the conditions provided in this Appendix "C" will subject the employee to disciplinary action.

SECTION 5

After nine (9) months on the sick leave monitoring program, the employee's use of sick leave during the nine (9) month period shall be assessed and the employee may be taken off the program if (i) he has used less than twenty-eight (28) hours or thirty-two (32) hours (as the case may be for 7 hour or 8 hour per day employees) undocumented sick leave days, (ii) he has used less than twenty-one (21) hours or twenty-four (24) hours of undocumented sick leave on Monday, a Friday, on the day before or the day after a holiday, or on the day before or the day after use of vacation leave, and (iii) the employee has not violated any of the conditions of the sick leave monitoring program. The employee shall be advised, in writing, of whether or not he will be taken off the program. An employee who satisfies the criteria stated above and is not taken off the sick leave monitoring program may file an administrative appeal of the decision pursuant to the terms of Section 3 above.

SECTION 6

Subsequent to placement on and removal from the sick leave monitoring program, an employee shall again be placed on the monitoring program if he again utilized twenty-eight (28) hours or thirty-two (32) hours of undocumented sick leave in a three (3) month period or if the employee uses twenty-one (21) or twenty-four (24) hours or more undocumented sick leave days on a Monday, a Friday, on the day before or the day after a holiday, or on the day before or the day after use of vacation leave in a three (3) month period.

SECTION 7

An employee who has been placed on the sick leave monitoring program and whose placement on the program is continued after the initial nine (9) month period or who subsequently is again placed on the program as provided in Section 6, shall be charged two (2) hours leave time for each hour of undocumented sick leave used while on the sick leave monitoring program.

New

TOWN OF NEWBURGH

NOTIFICATION OF PLACEMENT ON SICK LEAVE MONITORING PROGRAM

TO: _____
Name of Employee Employee Title

FROM: _____
Name of Supervisor Supervisor's Title

DEPARTMENT: _____ DATE: _____

You are hereby placed on the Sick Leave Monitoring Program as provided in the Town of Newburgh Handbook. Your placement on this program is based on your use of undocumented sick leave on the following occasions for the indicated three month period:

Dates:

Period Covered:

Your placement in the Sick Leave Monitoring Program shall commence _____

You shall be subject to the following conditions:

- (i) When requiring the use of sick leave, you shall notify the Department within one hour of your start time. At the same time, you shall advise the Department of the address of your residence or of your location. You shall remain in your residence or the reported location unless you notify the Department that you are leaving, where you are going to, and the telephone number of the new location.
- (ii) During the use of sick leave, you shall be subject to a visit and/or telephone contact by a representative of the Town.
- (iii) During the use of sick leave, you shall request or obtain prior written approval of the Department Head before engaging in off-duty employment.

Please note that violation of the conditions stated above may result in disciplinary action.

Supervisor's Signature

by dividing the total unused, unpaid sick leave days (not to exceed 165 days) by 260. For example: 130 unpaid sick leave days ÷ 260 = .50 or 6 months additional service credit. To be eligible, an employee must retire directly from covered employment or within one year of leaving covered employment. If the employee is paid for a portion of the total accumulated sick leave credits or applies credits toward retiree medical and/or dental insurance, only the remaining unpaid portion will be used to increase the employee's service credit at retirement.

Retirement Buy-Back - An employee who retires directly from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) will receive cash payment for twenty five percent (25%) of up to two thousand hours of unused sick leave credits at the employee's then current rate of pay. In case of the death of an employee, the Town will pay the employee's designated beneficiary for twenty five percent (25%) of up to two thousand hours of unused sick leave credits at the employee's then current rate of pay.

Separation of Employment - An employee whose employment with the Town is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave.

704 Personal Leave

CSEA-Represented Employees - An employee who is covered by a negotiated collective bargaining unit is not eligible for or covered by the Personal Leave provisions set forth below and should refer to the collective bargaining agreement and the subject personal leave.

Allowance - A full-time Level I employee will be credited with forty hours of paid personal leave on an annual basis. A full-time Level II employee will be credited with thirty-two hours of paid personal leave on an annual basis. The employee will be credited on January 1 of each year for use during that year. A part-time, temporary, or seasonal employee is not eligible for paid personal leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

New Employee - An employee who is hired after the first day of January in any given year will be credited with paid personal leave prorated by the number of months to be worked in the first calendar year of employment. For example, a full-time Level II employee who is hired on April 1st will be credited with twenty-four hours of paid personal leave; a Level II employee who is hired on October 1st will be credited with eight hours of paid personal leave. Thereafter, the employee will be credited with paid personal leave as specified above on each subsequent January 1.

Accumulation - An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be added to an employee's accumulated sick leave.

Proper Use of Personal Leave - An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-

emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation, in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may ~~not~~ be used in increments of less than one hour. An employee may take personal leave only after it has been credited.

15 mins.
Scheduling - An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

Separation of Employment - An employee whose employment with the Town is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

705 Short-Term Disability Benefits

Summary - The Town offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. Benefits generally start with the eighth day of the disability and may continue up to a maximum of 26 weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of \$170 per week. There is no coverage for medical care. Full details regarding the policy currently in effect are available from the Personnel Director.

Eligibility — Full-time and part-time employees are provided with short-term disability coverage in accordance with this policy. A temporary or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

When Coverage Begins - Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Change in Plan: The Employer may, at its discretion, change carriers and/or offer an alternative short-term disability plan.

Premium Payment - The Town will pay the full premium for disability coverage for each eligible employee.

Reporting of Illness or Injury — An employee must submit a written report of an illness or injury requiring short-term disability benefits to the employee's Department Head within twenty-four hours of the occurrence. An application form for Short-Term Disability is available from the Personnel Department. The employee and health care provider will complete their section of the form. The employee will return the form to the Personnel Department for processing. Claimant must file for benefits within thirty days of the onset of an illness or injury.

Use of Sick Leave Credits - An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay. When the insurance company makes payment, the Town shall be reimbursed for that portion of sick leave covered by insurance. An employee may not use vacation leave or personal leave credits to supplement short-term disability.

Medical Insurance Coverage - The Town will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

706 Workers' Compensation Benefits

The Town will comply with applicable New York State laws.

707 Insurance Benefits

Employees are referred to the Personnel Office for all questions related to health or other insurance.

708 Medical Insurance for Retirees

Coverage - The Town will make available medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. The employee or Elected Official may also participate in the dental and vision plan. Coverage is also available for eligible dependents if they were covered under the Town's medical insurance plan at the employee's date of retirement. Coverage of an eligible spouse at the time of divorce is in accordance with plan documents and COBRA requirements.

In the event the retiree predeceases the spouse or dependents, the spouse or dependents may continue medical insurance coverage provided they pay the full cost of the premium. Note: the premium payment for the surviving spouse may be offset by accumulated sick leave credits; see conversion of sick leave credits, below.

* Eligibility - To be eligible for coverage, the retiree must meet both of these requirements: the retiree must have at least eight (8) years of continuous service with the Town and must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System. Anyone hired on or after December 14, 2011 must have at least twenty (20) years of continuous service with the Town and must have applied for and been granted a bona-fide retirement benefit from New York State Employees' Retirement System.

Notwithstanding the above, an employee who leaves employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage for retirees.

Bridge Provision - An employee with at least eight or twenty years of continuous service (as detailed above) with the Town of Newburgh who separates from employment with the Town prior to being granted a bona-fide retirement benefit from the New York State Employees'

*New
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800 COMPLIANCE POLICIES

801 *The Americans with Disabilities Act*

Policy Statement - It is the policy of the Town of Newburgh to fully comply with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

802 *Equal Employment Opportunity*

Policy Statement - The Town of Newburgh is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of a person's race, religion, color, sex, age, national origin, marital status, pregnancy, veteran status, disability, genetic predisposition or carrier status, sexual orientation, or any other protected class or status. Likewise, the Town prohibits employees, all Town officers and elected officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town of Newburgh employees based on these protected groups. This policy applies to all terms and conditions of employment including, but not limited to, recruiting, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation, benefits, training, and social and recreational programs.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Town immediately.

Application of Policy - This policy is for Town use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

803 *Discriminatory Harassment Policy*

Purpose:

It is the policy of the Town of Newburgh to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct and including gender identity and transgender status), race, creed, color, religion, national origin, age, disability, sexual orientation, military status, marital status, familial status and any other

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class protected by law (collectively referred to as "discriminatory harassment" or "harassment"). Harassment based on these characteristics is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

The Town of Newburgh will take appropriate steps to prevent and correct unlawful harassment and discrimination as defined by both federal and state law. The federal laws include but are not limited to Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. The state law is the New York State Human Rights Law.

Policy:

The Town of Newburgh recognizes the rich diversity of its employees and the varying cultures, backgrounds, and experiences they each bring to the workplace. The Town is committed to maintaining and promoting a work environment where similarities and differences are respected and valued. The Town will not tolerate harassment or discrimination of any kind in the workplace.

An employee is expected to treat coworkers, customers, Department Heads, Town officers and elected officials, vendors, suppliers, and other "non-employees" as this term is defined by law (to include contractors, vendors, consultants or other persons providing service to the Town pursuant to a contract or those who are employees of the contractor, vendor or consultant) that the employee comes in contact with on the job with fairness, dignity, and respect. The Town prohibits any form of discrimination, harassment, or other offensive behavior targeted towards an individual based on race, religion, color, sex (including gender identity and transgender status), age, national origin, marital status, familial status, pregnancy, veteran status, arrest/criminal record, disability, genetic predisposition or carrier status, sexual orientation, or any other classification established and protected by law.

The Town considers discriminatory harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

This policy applies to all Town employees, volunteers, interns, Town officials, applicants and personnel in a contractual relationship with the Town and to non-employees. This policy prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town (e.g., an outside vendor, consultant or citizen).

Elected officials, commissioners, department heads, managerial and supervisory personnel are responsible for enforcing this policy and ensuring a work environment free from discriminatory harassment and its effects. These individuals must take immediate and appropriate corrective action, when instances of harassment come to their attention, to assure compliance with this policy. Failure of a manager or supervisor to comply with this

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responsibility may result in disciplinary action.

Definitions:

A. Sexual harassment is defined as:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. a. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc. . .);
- b. Submission to such conduct is made explicitly or implicitly a term or condition of work for the Town as a consultant, vendor or contractor or an employee of the consultant, vendor or contractor;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions (e.g., hiring, evaluation, promotion) affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an employee's sex
- Any sexual advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities
- Leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender (including gender identity and transgender status individuals).

B. Other unlawful harassment:

Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, prohibited harassment is verbal or physical conduct that is offensive to or

shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, sexual orientation or marital status (and any other class protected by law and detailed above), and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

C. Individuals and conduct covered:

This policy applies to all applicants and employees of the Town (including volunteers, interns, Town officers, elected officials and department heads) and non-employees and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town (e.g., a non-employee, including an outside vendor, consultant or citizen).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

D. Other unacceptable conduct:

This policy also prohibits conduct of one employee toward another that may not rise to the level of discrimination or harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and also unacceptable in the workplace. Therefore, the Town encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. The Town endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

Procedure:

A. Reporting Harassment:

1. If an individual is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the Town recommends that the employee confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated; note that neither this policy nor state/federal law requires that an individual tell an alleged harasser to stop his/her

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actions. Employees should feel free to keep written records of any alleged sexual harassment incidents, including the date, time, location, names of people involved, witnesses (if any), and who said or did what to whom.

TO TOWN: SPEAK WITH ^{Labor Attorney} THAT INVESTIGATIONS SHOULD BE CONDUCTED BY OFFICE OF TOWN SUPERVISOR OR DESIGNEE.

2. If an alleged incident of harassment cannot be resolved directly between the parties involved, a written or verbal complaint should be filed by the affected employee with the employee's immediate supervisor. In the event the employee does not believe it would be appropriate to file the complaint with the immediate supervisor, it may be filed directly to the appropriate Department Head or to the Town Supervisor.
3. All harassment complaints will be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. The Department Head will coordinate an investigation of the complaint. Following the investigation, the Department Head shall issue a written report of findings and conclusions. This report will be submitted to the Town Supervisor.
4. Thereafter, an initial determination on the complaint will be issued from the Department Head and results communicated, in writing, back to the complainant.
5. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is strictly forbidden. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this Policy. Employees who retaliate against other employees who complain about harassment and/or participate in investigation of harassment will be subject to disciplinary action.

B. Appeal Procedure:

1. In the event that the Department Head determines that the incident(s) reported do(es) not constitute unlawful discriminatory harassment as defined in this Policy, the employee who filed the complaint may appeal the initial determination to the Town Supervisor for a final determination.
2. In the event that an appeal is filed with the Town Supervisor, the appeal shall be reviewed by the Town Supervisor or his/her designee. The Town Supervisor may obtain additional information if necessary including meeting with the complainant. Thereafter, the Town Supervisor or his/her designee will issue a decision within twenty (20) working days after receipt of the appeal.
3. If no appeal is taken within thirty (30) calendar days from the date of the Department Head's initial determination, said determination will constitute the final determination in the matter.

a. Miscellaneous

1. In the event a complaint of discriminatory harassment is determined to be founded, the Town will take disciplinary action in accordance with the provisions of the applicable collective bargaining agreement and/or state law, or other remedial action as applicable.
2. If disciplinary charges are filed against an employee on the grounds that the Town has determined the employee is guilty of unlawful harassment, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her labor contract and/or state law, if applicable.
3. Reporting of a **false complaint** is a serious act. In the event it is found that the individual bringing the complaint has made false accusations, the Town will take action in accordance with the provisions of the applicable collective bargaining agreement and/or state law, if applicable.
4. All information gathered during an investigation of a discriminatory harassment complaint will be handled in a confidential manner, to the extent possible.
5. **DISCLOSURE:** The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.
6. Retaliation against any individual making a discriminatory harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.
7. This Policy does not preclude the filing of discriminatory harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.
8. **REIMBURSEMENTS:**

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse the Town for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgement.

These reimbursements must be made within ninety (90) days from payment by the Town to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through

enforcement of a money judgement.

b. Responsibilities of Managers/Supervisors

1. All managerial and supervisory personnel of the Town of Newburgh shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

2. All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for immediately forwarding such complaints to the appropriate Department Head and simultaneously to the Town Supervisor.

c. Training and Policy Dissemination

1. The Town of Newburgh will conduct periodic training for managerial and supervisory personnel in each Department of the Town on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.

2. The Town of Newburgh shall distribute this Policy to all Town employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired.

3. Copies of this Policy will be conspicuously posted.

FORM A

TOWN OF NEWBURGH

DISCRIMINATORY HARASSMENT COMPLAINT FORM:

This form may be used to file a charge of harassment which is a form of discrimination prohibited by federal law and the New York State Human Rights Law.

It in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____ Phone Number _____
Residence _____
Mailing Address (if different from residence) _____
City _____ State _____ Zip Code _____

2. Department that you work in _____

3. (a) Have you filed this charge with a Federal, State or local government agency?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(b) Have you instituted a suit or court action on this charge?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A TOWN REVIEW OF YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:
Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination continuing: YES _____ NO _____

Describe the alleged act of harassment. Use additional sheets if necessary.

5. Indicate the name(s) of the alleged harasser(s):

8/20/18

6. State the name(s) of any potential witness(es):

7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____
(sign your name)

-INFORMATION PROVIDED WILL BE CONFIDENTIALLY MAINTAINED-

8/20/18

FORM B

TOWN OF NEWBURGH

NOTICE OF WITHDRAWAL OF COMPLAINT OF DISCRIMINATORY HARASSMENT

COMPLAINANT'S NAME:

TITLE AND DEPARTMENT:

DATE COMPLAINT FILED:

DEPARTMENT HEAD NOTIFIED:

I hereby withdraw this complaint and agree that no further internal action is required on it.

Complainant's Signature

Date

8/20/18

FORM C

TOWN OF NEWBURGH

NOTICE OF RESOLUTION OF COMPLAINT OF DISCRIMINATORY HARASSMENT

COMPLAINANT'S NAME:

WORK SITE:

DATE COMPLAINT FILED:

PERSON COMPLAINED OF:

TITLE AND DEPARTMENT:

RESOLUTION:

BY SIGNING BELOW, ALL PARTIES SIGNIFY THAT THEY AGREE TO THE TERMS BY WHICH THIS COMPLAINT WAS RESOLVED AND FURTHER AGREE THAT NO FURTHER INTERNAL ACTION IS REQUIRED ON THIS COMPLAINT.

COMPLAINANT

DATE

PERSON COMPLAINED OF

DATE

DEPARTMENT HEAD

DATE

TOWN SUPERVISOR

DATE

8/20/18

FORM D

TOWN OF NEWBURGH

NOTICE OF APPEAL OF DECISION OF THE DEPARTMENT HEAD

COMPLAINANT'S NAME:

TITLE AND DEPARTMENT:

DATE COMPLAINT FILED:

I hereby appeal the determination of the Department Head in this matter to the Town Supervisor and ask that the Town Supervisor render a final determination.

Complainant's Signature

Date

Details of Appeal:

(Submit Appeal Notice to Town Supervisor)

New

Medical certification

The employee will be required to supply a medical certification for sick leave absences of three or more days.

Annual Buy-Back

Annual Buy-Back – An employee with at least 10 (ten) years of continuous service will be eligible to “Sell back” up to forty hours of accumulated sick leave each year at the employee’s rate of pay for that fiscal year. The employee must make that election between December 1st and December 7th and payment will be made by March 31st of the following year.

New

Sick Leave Monitoring

See attached

Section 704 Personal Leave

Employees may use increments of 15 minutes of personal time

Section 708 Medical Insurance for Retirees

Eligibility – To be eligible for coverage, the retiree must meet both of the following requirements: the employee must have at least eight years of continuous service with the Town of Newburgh and must have applied for and been granted a bona-fide retirement benefit from the New York State Retirement System. Anyone hired on or after December 1st, 2017 must have 20 years of continuous service with the Town of Newburgh and have applied for and been granted a bona-fide retirement benefit from New York State Retirement System.

Section 803 Discriminatory Harassment

See redlined policy

Appendix A

LEVEL ONE -- DEPARTMENT HEADS

Accountant

Assessor

Commissioner of Park, Recreation and Conservation

Code Compliance Supervisor

Highway Superintendent

Personnel Director/HR Manager

Police Chief

Police Lieutenants

Level Two -- Exempt Employees

Administrative Assistant for Water/Sewer and Recreation Until they retire. Then these positions will go into the CSEA Union.

Assistant to the Commissioner of Park, Recreation and Conservation

Assistant Recreation Director

Clerk to the Town Justice

Deputy Assessor

Deputy Highway Superintendent

Deputy Receiver of Taxes

Deputy Town Clerk

Recreation Coordinator

Recreation Director

Recreation Leader

Reservoir Caretaker

Secretary to the Police Chief

Secretary to the Town Supervisor

#10A



TOWN OF NEWBURGH
Crossroads of the Northeast

21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

PLANNING BOARD
JOHN P. EWASUTYN, CHAIRMAN
TELEPHONE 845-564-7804
FAX 845-564-7802
E-MAIL: planningboard@townofnewburgh.org

19 November 2025

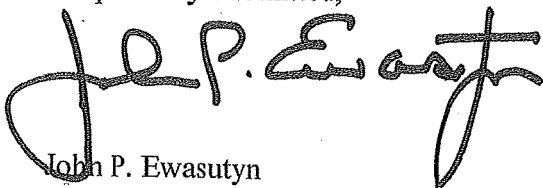
Town of Newburgh
ATTN: Lisa M. Vance-Ayers, Town Clerk
1496 Route 300
Newburgh, NY 12550

Dear Ms. Vance-Ayers & Supervisor Piaquadio,

I respectfully submit my reappointment letter to you for the Town of Newburgh Planning Board Chair position. This position has allowed me to provide a service to and give back to the community in which I live. I have completed 42 hours of continuing education in the last (3) years.

It would be my privilege to continue to serve as the Town's Planning Board Chair for the next three-year term. I look forward to working with you and the Town of Newburgh for the next term.

Respectfully Submitted,



John P. Ewasutyn

#10B

JOHN A. WARD
8 Windwood Drive
Newburgh, NY 12550
914-805-0423
jsward74@msn.com

October 15, 2025

Mr. Gil Piaquadio
Supervisor
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Dear Supervisor Piaquadio,

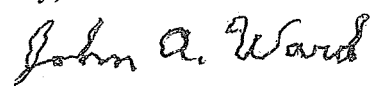
I request consideration for reappointment for a full term to the Town of Newburgh Planning Board. I believe the Planning Board is a solid, well-balanced board that interacts effectively on every project that comes before it and I wish to continue to be part of this ongoing process.

By following appropriate guidelines in a professional and thorough manner, this Board considers the present and future impact that may be created by each project requested, thus providing orderly grown and preserving the quality of life in the Town of Newburgh. Chairman John Ewasutyn and all members of the Planning Board are professional, accommodating, and fair regarding every project.

I am proud to be a member of the Town of Newburgh Planning Board and am confident that this Board will continue to process all projects in a professional manner adhering to proper procedures.

I look forward to continuing to be part of the valuable service provided by the Town of Newburgh Planning Board.

Sincerely,



John A. Ward
Member
Town of Newburgh Planning Board

cc: John P. Ewasutyn
Lisa M. Vance-Ayers

11



Town of Newburgh
1496 Route 300
Newburgh, NY 12550
845-564-4552

Date: 12/16/2025

Is the budget adjustment under \$7,500 ? Yes _____ No X

If yes, please give Gil a copy to sign and deliver to the Accounting Office.

If no, please have the board approve at the next available board meeting.

Reason why the budget transfer is needed To cover end of year expenses

From: Account Number: 8340.5499
Account Description: Other Expenses Amount: \$25,500.00

To: Account Number: 8340.5473
Account Description: Repairs to Treatment Plant Amount: \$25,500.00

Please note: The total of the from and to should equal

Steve Brog
Department Head Signature

Gil Piaquadio, Town Supervisor

#12



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: PROPOSED CHADWICK LAKE WATERSHED PROTECTION-REAL
PROPERTY ACQUISITION IN THE TOWN OF PLATTEKILL, ULSTER
COUNTY, NEW YORK BY ACCEPTANCE OF THE DONATION OF A 70 +/-
ACRE VACANT PARCEL OF REAL PRPERTY ON BOTH SIDES OF CAMP
SUNSET ROAD
OUR FILE NOS. 800.1(B)() (2025)

DATE: DECEMBER 18, 2025

Enclosed please find the following draft resolution for the Town Board's consideration.

Resolution of SEQR Determination: Acquisition Through Acceptance of Donation of Real Property on Both Sides of Camp Sunset Road in the Town of Plattekill, New York for Protection of the Watershed of the Chadwick Lake Reservoir of the Town of Newburgh Consolidated Water District (An Unlisted Action)

Also enclosed is a draft Negative Declaration for the acquisition action.

The Environmental Assessment Form Part 1 prepared by MHE Engineering and Part 2 are additionally enclosed. A Phase 1 Environmental Audit of the property performed by LaBella Associates was previously submitted..

Should you have any questions or concerns, please do not hesitate to contact me.

MCT:kac
Enclosure

- cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)
- Dawnmarie Busweiler, Deputy Clerk (via e-mail)
- Ronald Clum, Town Accountant (via e-mail)
- Patrick Hines, Engineers' Representative (via e-mail)
- James Presutti, Commissioner of Parks, Recreation and Conservation (via e-mail)

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 ___th day of December, 2025 at 7:00 o'clock a.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manely, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION OF SEQR DETERMINATION ACQUISITION THROUGH ACCEPTANCE OF DONATION OF REAL PROPERTY ON BOTH SIDES OF CAMP SUNSET ROAD IN THE TOWN OF PLATTEKILL, NEW YORK FOR PROTECTION OF THE WATERSHED OF THE CHADWICK LAKE RESERVOIR OF THE TOWN OF NEWBURGH CONSOLIDATED WATER DISTRICT (AN UNLISTED ACTION)

Councilman _____ presented the following resolution which was seconded by Councilman _____.

WHEREAS, the owners of an approximately 70 acre parcel of vacant land on both sides of Camp Sunset Road in the Town of Plattekill containing areas that are tributary to the watershed of the Chadwick Lake Reservoir of the Town of Newburgh Consolidated Water District have advised the Town that they wish to donate to the Town said real property for watershed protection purposes (hereinafter the "Premises"); and

WHEREAS, the Town Board of the Town of Newburgh proposes to undertake and approve the acceptance of the donation of the Premises, which will be conditioned on reimbursement of certain expenses incurred by the donor in connection with the creation of the parcel and the transaction and subject to certain conservation restrictions on future use and conveyance of the parcel, in order to protect the watershed of the Chadwick Lake Reservoir of the Town of Newburgh Consolidated Water District and to authorize the execution of the necessary documents in connection with the acceptance of the donation of the Premises (the acceptance of the donation of the Premises is hereinafter referred to as the "Action:"); and

WHEREAS, the Town Board is authorized to undertake such Action; and

WHEREAS, the Town Board has caused an Environmental Assessment Form for the proposed action to be prepared; and

WHEREAS, the Town Board has determined that the Action is subject to SEQR and is an Unlisted Action; and

WHEREAS, the Town Board has determined that the Action does not involve a federal

agency and is not located in an agricultural district; and

WHEREAS, the Town Board has determined to conduct an uncoordinated review of the Action; and

WHEREAS, in performing its review of the Action, the Town Board has (i) considered the Action as an action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617, (ii) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (iii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

WHEREAS, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the Action may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code hereby determines that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
2. The Town Board authorizes the Supervisor to execute and file the Negative Declaration annexed hereto and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law.

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

<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>James Politi, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Newburgh			
Name of Action or Project: Camp sunset rd property acquisition			
Project Location (describe, and attach a location map): intersection of Plattekill Ardonia rd and Camp Sunset Rd			
Brief Description of Proposed Action: Town of Newburgh proposes to acquire fee ownership of a 70+/- acre parcel of property on both sides of Camp Sunset Rd. . Portions of the property are tributary to the Chadwick lake watershed . Chadwick Lake is a reservoir for the Town of Newburgh water system . The property is being acquired for watershed protection .			
Name of Applicant or Sponsor: Town of Newburgh		Telephone: (845)564-4552	
Address: 1496 Rt 300		E-Mail:	
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
		70 acres	
		0 acres	
		70 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): wetland			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ no water supply required	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ no wastewater generated	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes,

a. Will storm water discharges flow to adjacent properties?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

NO	YES
----	-----

If Yes, explain the purpose and size of the impoundment:

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

NO	YES
----	-----

If Yes, describe:

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

NO	YES
----	-----

If Yes, describe:

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

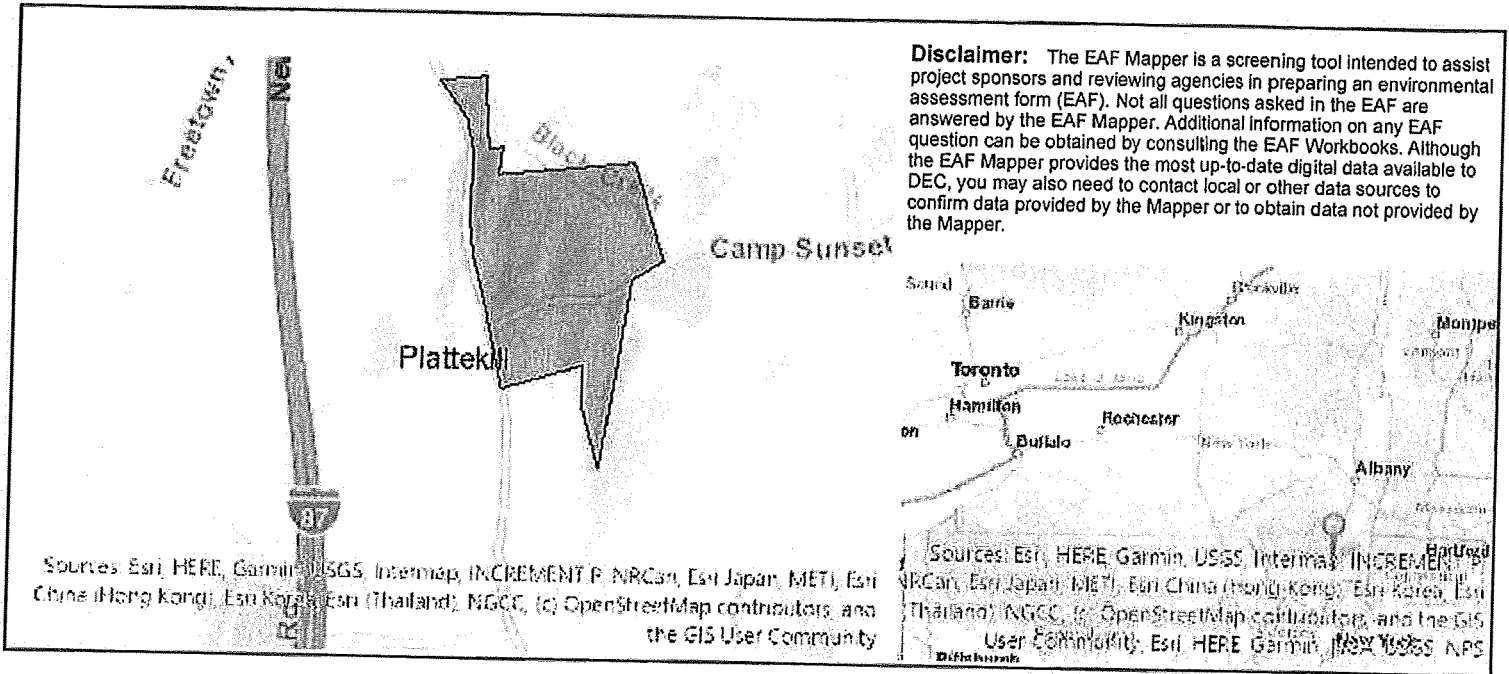
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Town of Newburgh

Date: _____

Signature: _____

Title: Supervisor



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number N/A

Date December 22, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Newburgh, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Newburgh Proposed Chadwick Lake Reservoir Watershed Protection - Real Property Acquisition in the Town of Plattekill, Ulster County, New York by acceptance of the donation of a 70+/- acre vacant parcel of real property on both sides of Camp Sunset Rd.

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Proposed Action involves the acceptance of the donation of an approximately 70 acre parcel of vacant real property for and on behalf of the Consolidated Water District pursuant to Town Law 202-b in the Chadwick Lake Reservoir watershed, said property being located on both sides of Camp Sunset Road in the Town of Plattekill, Ulster County, New York. The property contains areas tributary to the Chadwick Lake Reservoir watershed. The property is presently an open, undeveloped area.

The property is being acquired by the Town for and on behalf of its Consolidated Water District. The property is to the north of Chadwick Lake Reservoir. Drainage from the property flows to tributaries to the District's Chadwick Lake Reservoir. The property will be protected as watershed property as are other properties protecting the Reservoir. The Town will acquire fee title and hold the land, or a significant portion of it, as an undeveloped state to protect the Chadwick Lake Reservoir and the Town's drinking water supply. The donation will be subject to the donors retaining certain restrictive conservation covenants and restrictions on future transfers of the property and the Town will reimburse certain expenses of the donors.

A Phase 1 Environmental Audit of the property has been performed by LaBella Engineering and it concluded that based on the results of the assessment, they did not identify any Recognized Environmental Conditions and were not recommending further investigation.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Camp Sunset Road, Town of Plattekill, New York 12515

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; See 617.6(d) for Conditioned Negative Declaration)

The Town Board has considered the action and reviewed the environmental assessment form and other supporting information. The action is an unlisted action. The watershed of the Chadwick Lake Reservoir has been subject of a previous study identifying critical lands for water supply protection. The Primary Protection Area includes "the surface waters of Chadwick Reservoir and its tributary streams, a 500 foot buffer to Chadwick Reservoir, and environmentally sensitive lands adjacent to the tributary streams including tributaries to Quassaick Creek. The Town Board has considered the potential impacts of the Action on the environmental characteristics of the reservoir.

The Town Board recognizes and acknowledges that a related action under the jurisdiction of the Town of Plattekill Planning Board has recently undergone review and approval, to wit the approval of a residential subdivision of the parent parcel from which the 70 acre donation parcel to the Town of Newburgh was subdivided. The Town Board has determined pursuant to Part 617 that the circumstances warrant a segmented review for the following supporting reasons: the action by the Town Board is the acceptance of a gift of a 70 acre parcel of the property for purposes of reservoir protection with no intention to develop or use the donated property for any purpose other than watershed protection, the property to be maintained in a natural state. The Town had the right to proceed with the donation transaction as the residential subdivision was pursued to completion by the donors. Given that this parcel is being donated and will not be subject to development, a segmented review in which the Town of Plattekill Planning Board considered the environmental effects of the residential subdivision separate and apart from the Town of Newburgh's acceptance of the donation of the 70 acre parcel is clearly no less protective of the environment.

None of the criteria set forth in Section 617.7 of Part 617 and any other supporting information identify relevant areas of environmental concern which would lead to a determination that the action may have a significant effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope or magnitude and the number of people affected. No relevant areas of environmental concern are identified.

With respect to the criteria that are considered indicators of significant effects on the environment, the lead agency has considered the following:

- 1) Existing air quality, surface or groundwater quality or quantity, traffic or noise levels, solid waste production or disposal, potential for erosion, leaching, drainage or flooding problems.

It is not at all likely that the proposed action will have any significant effect in these subject areas, because the action is limited to the acquisition of real property for the purposes of protecting the Chadwick Lake Reservoir. The property will be utilized for the municipal purposes of protecting one of the Town's water supplies and not further developed. Chadwick Lake Reservoir, its watercourse tributaries and watershed are subject to public water supply rules and regulations adopted and codified in accordance with the Public Health Law. Under Department of Health requirements, the Consolidated Water District is required to file an annual report outlining the conditions of the Reservoir's watershed area based on a physical inspection. This property will fall under the same requirements for inspection as the Town's current watershed property and will be inspected on at least an annual basis, in addition to being patrolled on a regular basis.

Pursuant to restrictive covenants, the site may only be used for passive recreational activities. The action is intended to protect the Chadwick Lake Reservoir.

The elimination of the potential residential development of the site is expected to have a positive environmental effect by eliminating risks of contamination.

Accordingly, no impacts are anticipated on air quality, groundwater quality or ground or surface water quantity, traffic levels, solid waste production or disposal or leaching problems.

The Town Board therefore concludes that it is unlikely that the Action will have any adverse effects associated with the above criteria.

- 2) Aesthetic, agricultural, historic, or other natural or cultural resources, or community or neighborhood character.

The impacts in certain of the above-mentioned subject areas will likely be slightly positive. With regard to visual and cultural resources and community character, the Action may be expected to create a slight impact on visual environment and community character by adding open space resources. This is a stated Community Character objective of the Town of Plattekill Comprehensive Plan. Because any impacts in the above-mentioned subject areas associated with the Action are minimal, no mitigation measures are needed. No agricultural or identified historic or archeological assets have been identified as being impacted by the Action.

The Town Board concludes that the action is therefore not likely to impair the character

or quality of any of those factors.

- 3) Vegetation or fauna, resident or migratory fish, shellfish or wildlife species, significant habitats, or threatened or endangered species or habitat; or natural resources.

No disturbance of any of the above is anticipated from the action. The acquisition of the property in order to prevent its future development and for protection of the reservoir is not expected to have any significant impacts, either direct or indirect, on these subject areas, therefore, no mitigation measures are required. Otherwise, no effects in these areas are anticipated from the acquisition of the property in order to protect the reservoir and preserve the property from further development.

No adverse effects have been identified by the Town Board.

- 4) Impairment of the environmental characteristics of a Critical Environmental Area.

The Action is anticipated to have positive or de minimis effects on the environmental characteristics of the Chadwick Lake Reservoir and its tributaries. The permanent protection of the property from further development through its acquisition will fulfill the strategy identifying protection areas for the watershed to protect the Chadwick Lake reservoir.

- 5) Existing community plans or goals, a change in the use or intensity of land including agricultural, open space and recreational resources, or other natural resources or hazard to human health.

The proposed Action will not create any conflict with any existing plans or officially stated land use policies. As stated in the Town of Plattekill Comprehensive Plan: "Vacant parcels make up 33.2% of the Town's physical space. This presents opportunities for both conservation and development, two strategies the Town is prioritizing" Additionally the Plan states: "[e]xpand the protection of natural resources and open spaces" is a Community Character Goal, Objective and Action. With regard to potential changes in use or intensity of use of land or other natural resources, the proposed action is expected to have a positive direct impact, by increasing open space and the potential for passive recreational resources. No hazard to human health is likely to be created.

No significant effects are accordingly anticipated by the Town Board.

- 6) Growth, subsequent development, or other related activities, including the attraction of a large number of people compared to the number who would otherwise come, likely to be induced by the proposed action.

The action is not anticipated to lead to growth or subsequent development. The

proposed Action will prevent further development of the property for currently zoned residential purposes and will accordingly have a positive effect by protecting an important municipal drinking water supply and critical environmental area. The Action is otherwise not considered likely to have any impact whatsoever, whether direct or indirect, neither positive or negative, in these subject areas.

No effects are therefore anticipated by the Town Board.

- 7) Any other long term, short term, cumulative, or other effects not identified above.

No additional long term, short term or cumulative or other effects are anticipated.

- 8) Other impacts (including changes in use of either quantity or type of energy, the creation of a material demand for other actions, changes in two or more elements of the environment together, cumulative effects of two or more related actions)

No other potential impacts have been identified as being likely, including affects on energy consumption. The impacts of the acquisition of the property and its use for watershed protection have been considered cumulatively.

The Town Board has also considered alternatives including the no action alternative and alternative regulations. It has examined whether adverse environmental consequences would result from not acting, and has determined that the proposed action is reasonably expected to provide environmental protection to a critical water resource of the Town and to add to available recreational resources in the Town.

In reliance upon the EAF and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Town Board determines there is no indication that the action may have a significant impact on the environment.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

N/A.

For Further Information:

Contact Person: Gilbert J. Piaquadio, Supervisor

Address: Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Telephone Number: (845) - 564-4552

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Chief Executive Officer: Town of Newburgh

Other involved agencies (if any):

Applicant (if any): None

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, New York 12233-1750 (Type One Actions Only)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Newburgh			
Name of Action or Project: Camp sunset rd property acquisition			
Project Location (describe, and attach a location map): intersection of Plattekill Ardonia rd and Camp Sunset Rd			
Brief Description of Proposed Action: Town of Newburgh proposes to acquire fee ownership of a 70+/- acre parcel of property on both sides of Camp Sunset Rd. . Portions of the property are tributary to the Chadwick lake watershed . Chadwick Lake is a reservoir for the Town of Newburgh water system . The property is being acquired for watershed protection .			
Name of Applicant or Sponsor: Town of Newburgh		Telephone: (845)564-4552	
Address: 1496 Rt 300		E-Mail:	
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 70 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 70 acres			NO <input checked="" type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): wetland <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ no water supply required		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ no wastewater generated		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Town of Newburgh</u> Date: _____		
Signature: _____ Title: <u>Supervisor</u>		

EAF Mapper Summary Report

Wednesday, December 17, 2025 10:09 AM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

#13



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: TOWN OF NEWBURGH DIAL-A-RIDE TITLE VI PLAN
OUR FILE NO. 800.1(B)() (2025)

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

DATE: DECEMBER 15, 2025

Enclosed please a Resolution of Town Board Approving and Ratifying Newburgh Dial-A-Ride Title VI Plan. The Town Board acted by motion at its October 27, 2025 workshop meeting to approve the Title VI Plan, but Orange County has since advised the Town Clerk that a formal resolution is needed.

ATTORNEYS

David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider

M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL

Stewart P. Glenn
Mary Fern Breheney
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL

Craig F. Simon

Should you have any questions in this regard, please feel free to contact me.

MCT:sel
Enclosure

cc: Lisa M. Vance Ayers, Town Clerk *(via e-mail)*
Dawnmarie Busweiler, Deputy Town Clerk *(via e-mail)*
James Presutti, Commissioner of Parks, Recreation and Conservation *via e-mail)*
Hank Chapman, Haylor, Freyer & Coon *(via e-mail)*
Kathy Fraser, Haylor Freyer & Coon *(via e-mail)*

At a 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 22nd day of
April, 2025 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piacquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION OF TOWN BOARD
APPROVING AND RATIFYING
NEWBURGH DIAL-A-RIDE
TITLE VI PLAN

Councilman _____ presented the following resolution which was seconded by
Councilman _____.

WHEREAS, the Town of Newburgh operates a "dial a ride" public transportation service funded in part by the payment of certain transit funding from Orange County for certain reimbursable operating expenses and other pass-through transit funding as may be provided by Federal or State grants or project applications; and

WHEREAS, the Town Board heretofore reviewed and approved at its October 27 work session the proposed Newburgh Dial-A-Ride Title VI Plan detailing how the Newburgh Dial-A-Ride program incorporates nondiscrimination policies and practices in providing services to the ridership the program's serves in compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Town Board desires to formally approve and ratify the Newburgh Dial A Ride Title VI Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Newburgh, Orange County, New York, hereby approves and ratifies the Newburgh Dial-A-Ride Title VI Policy annexed hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Supervisor and other officers and employees of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers and to take such actions as may be necessary to effectuate and carry out the Newburgh Dial A Ride Title VI Policy; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

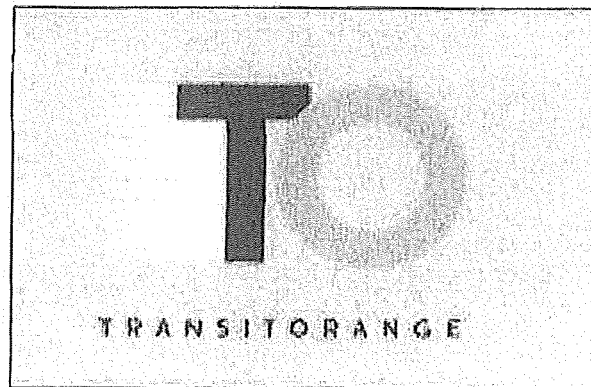
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>James Politi, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

**NEWBURGH DIAL-A-RIDE
TITLE VI
SUBMISSION TO THE FEDERAL
TRANSIT ADMINISTRATION**



October 2025

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Abbreviations

DAR	Dial-A-Ride
FTA	Federal Transit Administration
LEP	Limited English Proficiency
MPO	Metropolitan Planning Organization
OCDP	Orange County Department of Planning
OCTC	Orange County Transportation Council
USDOT	United States Department of Transportation

Newburgh Dial-A-Ride Title VI Submission to the Federal Transit Administration

The following documentation is submitted by Newburgh Dial-A-Ride (herein referred to as Newburgh DAR) to fulfill reporting requirements outlined in 49 C.F.R. Part 21. The information provided follows the requirements and guidelines for reporting as set forth in the program circular. Newburgh DAR will submit its updated Title VI Plan to Orange County every three years for approval.

Program Description and Services

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Subrecipients of public transportation funding from the Federal Transit Administration (FTA), are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory. Newburgh DAR is a subrecipient of FTA financial assistance through a grant from Orange County. This Title VI plan details how Newburgh DAR incorporates nondiscrimination policies and practices in providing transit services to the ridership we serve.

Newburgh DAR is a public transportation service open to all riders within the Town of Newburgh. All service is by reservation only and must be called into our office in advance and is scheduled on a first call first serve basis. The service operates Monday through Friday from 8:30 a.m. to 3:30 p.m. and office hours (for scheduling and trip management purposes) are Monday through Friday from 8 a.m. to 12 p.m. The one-way fare for a ride is \$1.00 for the public with children under 6 riding free. If you are a senior citizen (at least age 60) or persons with disabilities, the fare is \$0.50.

Title VI Plan

As a subrecipient to Orange County receiving FTA Section 5307 funds, Newburgh DAR Title VI plan shall comply with Title VI of the Civil Rights Act of 1964 as presented with the following elements:

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission

Newburgh Dial-A-Ride Title VI Plan

- Language Assistance Plan for providing language assistance to persons with limited English proficiency
- A table depicting the membership of transit related non-elected committees and councils, the membership of which is selected by the subrecipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees (if applicable)
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. The approval must occur prior to submission to Orange County. (Board approval is not required if the subrecipient does not have a Board.)

The Newburgh DAR shall update its Title VI plan every three years and present the updated plan to Orange County for their review and approval.

Title VI Policy

Newburgh DAR assures that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Newburgh DAR further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that Newburgh DAR distributes federal aid funds to another entity, it will include Title VI language in all written agreements and will monitor for compliance.

For more information on Newburgh DAR's Title VI program contact:

Newburgh DAR
Supervisor
1496 Route 300
Newburgh, NY 12550
Phone: (845) 564-6084
Fax: (845) 566-9486
Email address: supervisor@townofnewburgh.org

Title VI Public Notice

Newburgh DAR recognizes the importance of informing the public of its Title VI rights and providing and distributing general information to the public in a manner and language that citizens can understand. Newburgh DAR periodically posts the following statement through various media outlets, including:

- Agency website at www.townofnewburghny.gov/cn/webpage.cfm?TID=40&TPID=4942 (which has the ability to be translated, for example through free online services like Google Translate)
- Public areas of the agency office
- Flyers and postings on buses

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

The figure provided on the following page is the official notification posted to notify individuals of their Title VI rights.

Newburgh DAR provides Title VI notices as per the "Safe Harbor" guidance, which states that language or translation assistance should be provided for each eligible language group that constitutes at least five (5) percent or 1,000 LEP individuals of the population of persons eligible to be served or likely to be affected or encountered, whichever is less. Based on the demographic data analysis, Spanish LEP populations meet this threshold, and notification of Title VI protection is provided in Spanish (where necessary or as requested) in transit administration buildings and on-board transit vehicles. Additionally, if requested, Newburgh DAR will provide language assistance and will inform beneficiaries of their rights upon request.

In addition to notifying citizens of their rights, Newburgh DAR has examined the language needs specific to its ridership within its Language Assistance Plan and produces public materials to meet the identified language needs of its riders. All planning activities and notices which are advertised to the press are also shared with news sources that serve LEP communities.

Newburgh DAR

TITLE VI POLICY STATEMENT

Newburgh DAR assures that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Newburgh DAR further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that Newburgh DAR distributes federal aid funds to another entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning Newburgh DAR's non-discrimination obligations should contact:

Supervisor
1496 Route 300
Newburgh, NY 12550

If information is needed in another language, please contact Newburgh DAR at supervisor@townofnewburgh.org or call (845) 564-6084.

Complaint Procedures:

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with Newburgh DAR under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and organizations may file a complaint by completing the attached Title VI complaint form or a copy of the form is available on-line at <https://www.townofnewburghny.gov/cn/webpage.cfm?TID=40&TPID=4942>. Complaints should be signed and include contact information.

Title VI Complaint Procedures and Complaint Form

49 C.F.R. Part 21.1, provides that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation."

In order to comply with Title VI and all of the regulations of 49 C.F.R. Part 21, Newburgh DAR provides the following complaint procedures for those persons who believe that they have been subjected to discrimination under any program or activity receiving Federal financial assistance from the United States Department of Transportation (USDOT). These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

Who do these Title VI procedures apply to?

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the USDOT. Federal financial assistance includes: grants and Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration, or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient; any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

Who may file a Title VI complaint?

A complaint may be filed by any person who believes himself, herself, or any specific class of persons to be subjected to discrimination.

What is discrimination under Title VI?

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, is an act (action or inaction), whether intentional or unintentional, through which a person, solely because of race, color, national origin, has been otherwise subjected to unequal treatment or impact under any program or activity receiving Federal financial assistance from the USDOT.

How and where is a discrimination complaint filed?

A complaint must be in writing, signed by the person(s) or their representative(s) and must include the complainant(s) name, address and telephone number. Attached is a Discrimination Complaint Form that may be used; however, a complaint may also be filed by sending the complaint via facsimile or electronic mail.

A signed written complaint must be filed within 180 days of the date of the alleged discrimination. The signed complaint must be sent to:

Newburgh DAR
Supervisor

Newburgh Dial-A-Ride Title VI Plan

1496 Route 300
Newburgh, NY 12550
Phone: (845) 564-6084
Fax: (845) 566-9486
Email address: supervisor@townofnewburgh.org

How long will it take for my complaint to be resolved?

The complaint will be reviewed by the Supervisor. When practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

Enclosed are Attachment B – Complaint Form and Attachment D – Flowchart of the Complaint Intake, Monitoring, and Resolution process.

Transit Related Title VI, Complaints, Investigations and Lawsuits

There have been no investigations, complaints, or lawsuits filed with or against Newburgh DAR for Title VI violations during the past three (3) years.

Public Involvement Process

Newburgh DAR recognizes the importance of engaging members of the public, particularly those who depend upon public transit services, in planning activities and marketing efforts that reach and inform all current and/or potential transit customers through various strategies and outlets. Newburgh DAR understands that it is particularly important to make efforts to reach out to and engage members of disadvantaged segments of the community such as lower income, minority, and LEP populations.

Organizational Structure

The structure for engaging with the public is generally two-fold within Orange County: Newburgh DAR directly interact with riders, while the Orange County Department of Planning (OCDP) serves as the designated coordinating agency and is tasked with planning and implementation. Additionally, OCDP works extensively with the Orange County Transportation Council (OCTC), the Metropolitan Planning Organization (MPO) of Orange County, to provide public notice and participation opportunities to all members of the community.

As it relates to public outreach and participation, Newburgh DAR is tasked with day-to-day operations and is typically the first interaction as it relates to Title VI complaints and language assistance needs and are pivotal in tracking such interactions.

OCDP, which performs planning and administrative activities, collaborates with Newburgh DAR via the operator oversight program. This program allows OCDP to coordinate with Newburgh DAR regarding complaints, language assistance, and day-to-day operations.

Public Outreach Activities

In efforts to involve minority and limited English proficient (LEP) populations in the planning process and to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

minority and LEP persons from effectively participating in Newburgh DAR's decision-making process, Newburgh DAR implements early, frequent and continuous engagement for public involvement. The engagement methods include and are not limited to:

1. Post public involvement notifications on transit vehicles, Newburgh DAR building, and on the Newburgh DAR website.
2. Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
3. Meeting materials will be available in a variety of predetermined formats and language(s) to serve diverse audiences.
4. Provide professional interpreters in the language(s) spoken by the targeted LEP population(s).
5. Coordinate with local community organizations, including houses of worship, community groups and publications, and other local partners.

Summary on Public Involvement Activity

Until this point, Newburgh DAR has adopted Orange County's Title VI Plan in lieu of adopting our own Title VI Plan. Since the last Orange County Title VI plan update, Newburgh DAR conducted the following public involvement outreach (emails, website posting, media outlets, in-person, virtual) sessions:

Table 1: Summary on Public Involvement Activity

Event Name	Date (Month, Day, Year)	Brief Description of Event Purpose	Outcome Methods	Summary of Attendance
Memorial Day Parade	Annual - May	Honor & Support Veterans	Analyze data	1000 + community
Senior Wellness Fair	Annual -October	Different organizations that are relevant to our Seniors needs.	Analyze data	Avg: 60
Senior Picnic	Annual - September	Appreciation of our Seniors via the TON	Analyze data	Avg:175
Senior Chats	Annual - Monthly	Various topics – relevant to our seniors need	Analyze data	Avg:60

Language Assistance Plan

Language Assistance Plan Components

Limited English Proficient (LEP) persons are people for whom English is not the primary language and who have a limited ability to read, write, speak, or understand English. To comply with the FTA Title VI requirement on nondiscrimination based on national origin, as it affects limited English proficient persons, Newburgh DAR will take reasonable steps to ensure meaningful access to our programs and activities by LEP persons.

In order to ensure meaningful access to Newburgh DAR programs and activities, we shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide to access the transit services. A careful analysis of the clientele and potential clientele we serve will determine if we communicate effectively with LEP persons and the language spoken other than English. The Four Factor Analysis is an individualized assessment that balances the following four factors.

1. A number or proportion of the LEP population(s), specifically served or could be served by Newburgh DAR transit service.
2. The frequency with which LEP persons come into contact with Newburgh DAR
3. The nature and importance of Newburgh DAR transit services to LEP population(s).
4. The resources available for LEP outreach and how employees are trained to provide language assistance to LEP persons.

LEP Four Factor Analysis

To determine if an LEP population requires language assistance and what specific language services are appropriate, the Newburgh DAR has conducted a Four Factor Analysis of the following areas: (1) Demography, (2) Frequency, (3) Importance, and (4) Resources and costs.

Factor 1 – Demography

According to the 2019-2023 American Community survey, in 2023 the Newburgh DAR service area has a total population of 30,399. Of this population, 77.2% percent speak only English, while the remaining 22.8 percent speak other languages, either in addition to or instead of English. LEP population is characterized as people who speak a language other than English at home and speak English less than “very well”. Approximately 5.5 percent of people within the Newburgh DAR service area speak English less than “very well”, of which the largest share speak Spanish as their primary language. Table 2 depicts the language breakdown of LEP individuals, represented as both the total number of individuals who speak each language and as a proportion of the total service area population.

The “Safe Harbor” guidance states that language or translation assistance should be provided for each eligible language group that constitutes at least five (5) percent or 1,000 LEP individuals of the population of persons eligible to be served or likely to be affected or encountered, whichever is less. Based on the analysis of census data, Spanish LEP populations meet this threshold.

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

Table 2: LEP Populations by Language Group

Language Group	LEP Population	Percent
Spanish	1,213	4.0%
Asian and Pacific Islander	97	0.3%
Other Indo-European	312	1.0%
Other	48	0.2%
Total	1,670	5.5%

The geographic breakdown of LEP individuals within the Newburgh DAR service area is depicted in Figure 1. As shown in the figure below, the LEP populations are more concentrated in the urban areas of Newburgh and along the I-84 corridor.

Newburgh Dial-A-Ride Title VI Plan

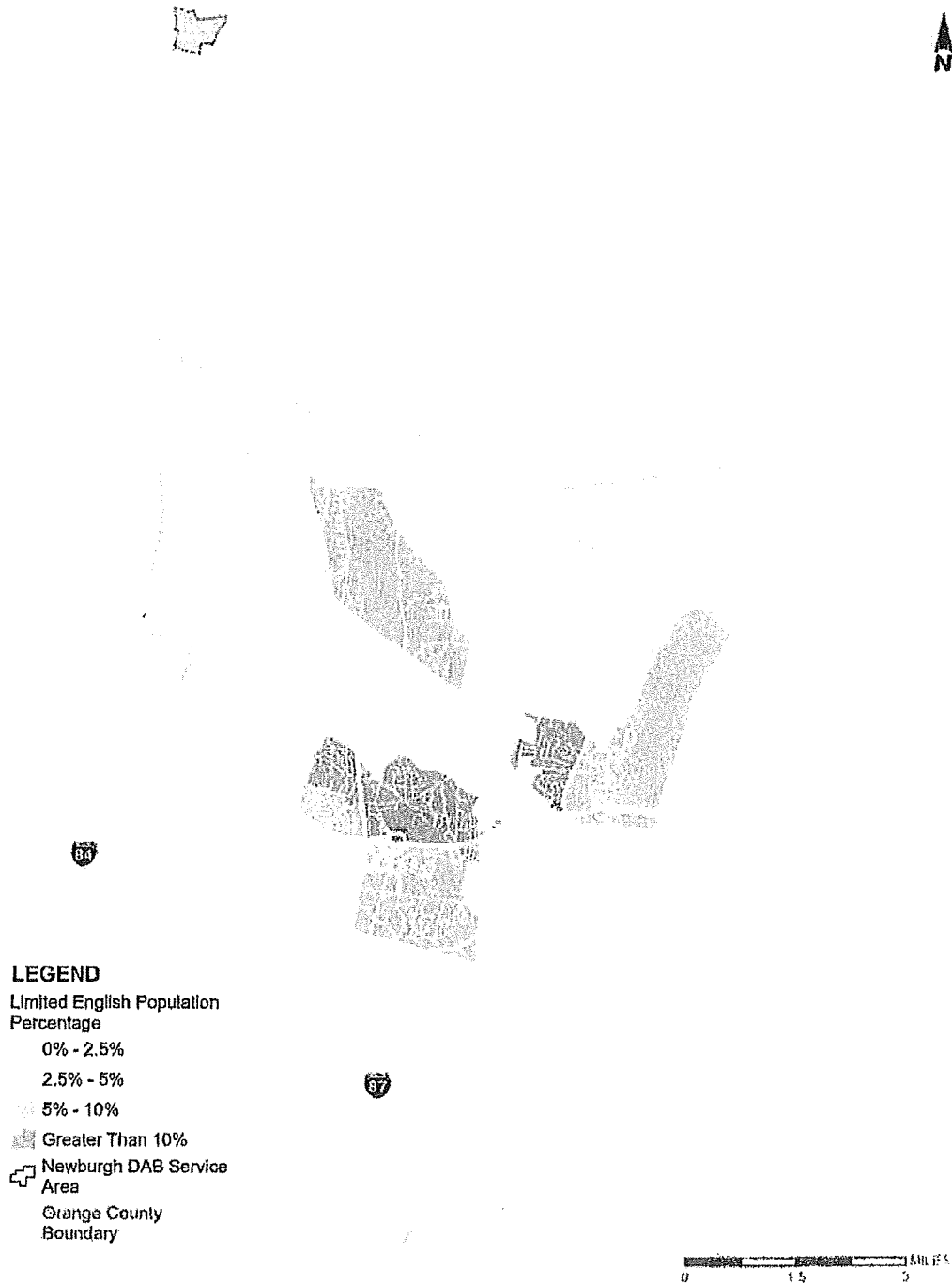


Figure 1: Service Area Distribution of LEP Population

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

Factor 2 – Frequency

Newburgh DAR maintains an LEP Service Log for language assistance. This helps Newburgh DAR keep track of the frequency of questions that the staff receive regarding language services and also the various languages in which the questions are received. This log supplements the Complaint log in enabling Newburgh DAR staff to track the frequency in which LEP individuals interact with programs, activities, and services. The Log keeps track of the following details:

- Date of contact
- Language service requested
- Call taker/Contact staff
- Concerned service/program area
- Service request in detail
- Action taken or manner in which the question was addressed

This log helps track the frequency of LEP service contact by date and breaks it down further by language spoken, and by which service or program requested. This will help streamline resources based on language assistance by languages in which the services are sought frequently and also in identifying the types of service which need LEP language assistance more frequently than others. Operators also keep track of recurring requests for a particular service or category, to be able to identify services that are frequently sought after by customers.

Analysis of frequency monitoring through the above-mentioned outreach and customer contact mechanisms indicates that language assistance is seldom sought for services within the Newburgh DAR service area.

Factor 3 – Importance

Newburgh DAR recognizes that providing public transportation access to LEP persons is critical and that an inability to effectively access and use public transportation may adversely affect the ability to access employment, education, and obtain healthcare.

Newburgh DAR provides a number of services that are important to an LEP person's ability to successfully access information, including language translation, new rider attraction and information distribution, and travel training.

Factor 4 – Resources and Costs

To meet the language assistance needs of the Newburgh DAR LEP population, Newburgh DAR will utilize readily available resources such as Google Translate, in addition to other avenues, to not only minimize costs, but to strengthen our partnership with other organizations our clients/riders engage with. To supplement these resources, Newburgh DAR may also retain the services of an interpreter, translate vital documents, and utilize community volunteers.

Providing Language Assistance Services

Newburgh DAR currently meets the language assistance needs of the Spanish-speaking population through the services of an interpreter, including Google translate on our website, and accessing

Newburgh Dial-A-Ride Title VI Plan

community organizations that meet the needs of Spanish-speaking population. As needed, key documents are translated to Spanish, meeting the threshold for translation of such materials.

Informing LEP Populations of the Availability of Language Assistance

Language assistance is advertised on our website, on the Title VI notice, through posters in our agency, and through program registration materials, as applicable. Newburgh DAR also utilizes community-based organizations to share the availability of these services, public meetings, rider surveys and interviews, outreach documents, and on vehicles.

Newburgh DAR annually identifies the language capabilities and language assistance needs of our ridership. Should Newburgh DAR have more than 5% of persons or 1,000 people in a specific language group that requires language assistance, Newburgh DAR shall comply with the US Department of Justice Safe Harbor Provision and provide written material in the specific language and or oral interpretation of the written material, free of cost.

Updating the Language Assistance Plan

The Newburgh DAR will monitor the effectiveness of the language assistance to determine if enhancements on the methods (translating vital documents, interpretations and website) is required to better communicate with the LEP population(s). As a part of this process, the Newburgh DAR will incorporate components that encourage feedback from customers on their experience with the implementation of the Language Assistance Plan. Based on the input received, Newburgh DAR will make any immediate critical updates that can be feasibly implemented and document others for the triennial update of the Title VI Plan. Consequently, if there are updates to the Language Assistance Plan within Orange County's Human Service – Public Transportation Coordination Plan, Newburgh DAR will review such updates and identify those with impact on components germane to its own Language Assistance Plan. Critical updates that can be feasibly implemented, will be immediately incorporated.

Training Employees to Provide Language Assistance

Newburgh DAR employees are oriented on the principles of Title VI and language assistance. New employees will be provided guidance on the needs of clients served and how best to meet their language needs. Refresher training will be completed with the triennial Title VI Plan update. Reminders on the importance of Title VI and the Language Assistance Plan will be distributed through email. Training will include review of the following Title VI program components:

1. Title VI Notice to the Public
2. Title VI complaint procedures and form
3. Complaint log
4. LEP (Four Factor Analysis and Language Assistance Plan)
5. LEP Service Log

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

If an employee needs further assistance related to LEP individuals, they will work with the Newburgh DAR's Supervisor to identify strategies to meet the language needs of the participants of the program or service.

Minority Representation on Advisory Boards

The only non-elected transit committee or council of Newburgh DAR is the Safety Committee. The representation of membership by racial breakdown is shown in the table below.

Table 3: Racial Composition of Membership of Board, Committees, Councils

Body	Caucasian	Hispanic	African American	Asian American	Native American	Two or More Races
Safety Committee	75%	%	25%	%	%	%

Efforts to Encourage Minority Representation on Boards and Committees

The Newburgh DAR understands diverse representation on committees, councils and boards result in sound policy reflective of its entire service area. As such, the Newburgh DAR encourages participation of all its clientele/patrons and interested parties on boards, committees or councils.

As vacancies on boards, committees, and councils become available, the Newburgh DAR will make efforts to encourage and promote diversity with active participation of clientele/patrons, community organizations and interested parties. Newburgh DAR contacts advocates of the minority community, such as organizations that serve minority communities and leaders to garner interest in participating on boards, committees, or councils.

Recordkeeping and Reporting

Newburgh DAR maintains records related to the agency's implementation of Title VI program, including records of the Title VI Plan Board adoption, records of Title VI staff training, public involvement activities, complaints, investigations, language assistance services and other implementation activities.

Newburgh DAR shall update the Title VI Plan, every three years and submit the plan to the Orange County Department of Planning for approval.

Plan and Policy Review

The Title VI policy will be disseminated to employees through new employee orientation and periodic email messages. The Newburgh DAR will review its Title VI Plan at least once every three years to determine if modifications are necessary. The Newburgh DAR directly operates services (and/or) subcontracts the operation of (some or all) services and will review implementation annually to ensure compliance with Title VI Plan requirements. The agency's review includes verifying that all employees have received ongoing updates, training, and a copy of the Title VI policies and that all postings are in place and in good condition.

Title VI Plan Monitoring – Activity Log

Newburgh Dial-A-Ride Title VI Plan

Date	Activity (Review-Update- Addendum-Adoption- Distribution)	Person Responsible	Remarks
August, 2015	Adopted and distributed	Mr. John Grimm	Verified intake materials, postings. Verified all employees received Title VI training and copies of Title VI policy.
June, 2022	Annual review of implementation	Dawn Thompson	Verified all new employees received training and copies of Title VI policy. Verified intake materials and postings.
September, 2023	Annual review of implementation	Dawn Thompson	Verified all new employees received training and copies of Title VI policy. Verified intake materials and postings.
June, 2024	Updated plan, adopted and distributed	Dawn Thompson	Verified all employees received training and copies of Title VI policy. Verified intake materials, postings
October, 2025	Adopted and distributed	Lisa M. Vance Ayers	Verified intake materials, postings. Verified all employees received Title VI training and copies of Title VI policy.

Program Monitoring

The Newburgh DAR will monitor the effectiveness of the Title VI program through the feedback from clientele, employees, general public and other agencies (Orange County, FTA). Newburgh DAR seeks opportunities to continuously improve its Title VI plan, public participation outreach efforts and providing meaningful access of our services to LEP Individuals.

Facility Location Equity Analysis

As a subrecipient of federal funds, Newburgh DAR understands we are required to conduct a Title VI equity analysis when planning to construct, expand, or purchase a facility. A facility includes storage facilities, maintenance facilities, and operations centers, but it does not include bus shelters, transit stations, or power substations. The equity analysis requirement applies even to facilities that do not receive direct federal funding (as long as Newburgh DAR receives federal financial assistance, Title VI requirements apply to all programs and activities). The equity analysis compares the equity impacts of various siting alternatives and must occur during the planning phase, prior to the selection of the preferred site, and must include the following:

1. A description of the outreach to persons potentially impacted.
2. A comparison of equity impacts of various siting alternatives.
3. An analysis about whether a disparate impact occurs on the basis of race, color or national origin (including potential cumulative adverse impacts from other facilities with similar impacts in the area) because of the location and construction of a facility. (If there is a disparate impact, the construction of the facility may only occur if there is a substantial legitimate justification, there are no alternative locations that would have a less disparate impact, and it is not a pretext for discrimination).

Newburgh Dial-A-Ride Title VI Plan (DRAFT)

For any new facility construction, expansion, or acquisition, Newburgh DAR will work with Orange County to ensure that the equity analysis is completed and submitted to Orange County. The equity analysis will be provided upon request to Orange County, FTA and during the triennial review.

The below is intended to provide direction to the reader as to whether Newburgh DAR was required to, completed, and included a Title VI equity analysis with this Title VI Plan update.

Did Newburgh DAR construct, expand or acquired a facility In the past three years? (check the box next to the appropriate response below)

- No. Newburgh DAR has not constructed, expanded or acquired a facility.
- Yes. Newburgh DAR did (construct, expand, acquire) a facility and completed a Title VI equity analysis to compare the equity impacts of various siting alternatives.

Does Newburgh DAR plan to construct, expand or acquire a facility in the next three years? (check the box next to the appropriate response below)

- No. Newburgh DAR does not plan to construct, expand or acquire a facility.
- Yes. Newburgh DAR plans to (construct, expand or acquire) a facility.

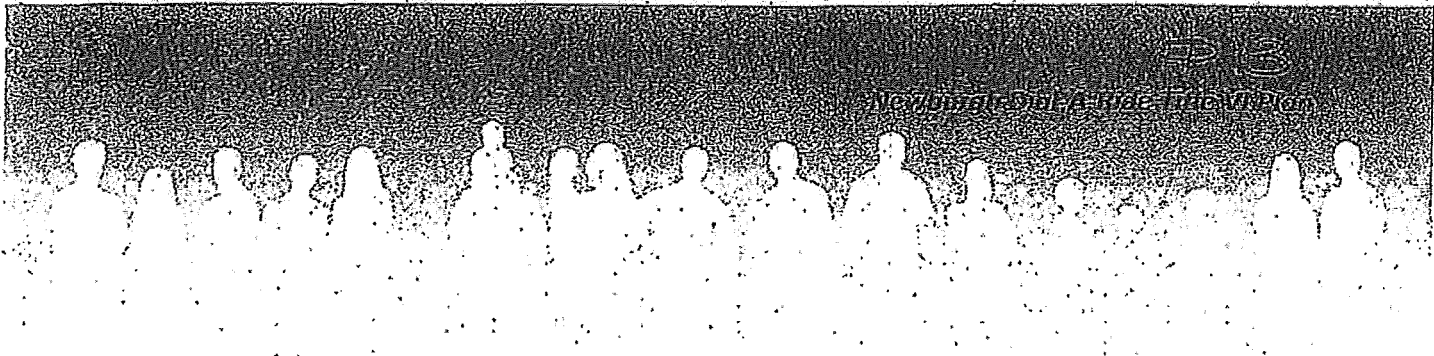
If yes, was a Title VI equity analysis completed? (check the box next to the appropriate response below)

- Yes. A Title VI equity analysis was completed.
- No. A Title VI equity analysis was not completed.

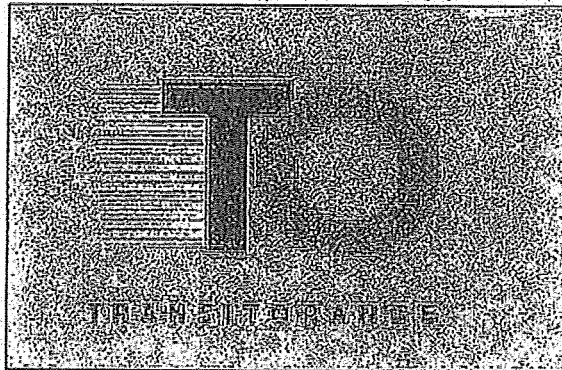
If no, when will the Title VI equity analysis be completed?

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Attachment A:
Documentation of Board Approval



**NEWBURGH DIAL-A-RIDE
TITLE VI
SUBMISSION TO THE FEDERAL
TRANSIT ADMINISTRATION**



October 2025

APPROVED
DATE OF TOWN ACTION: 10/27/2025
VOTE OF TOWN BOARD 5-0-0-0
Lisa M. Vance Ayers
LISA M. VANCE AYERS, TOWN CLERK

*Recreation
Accounting*

Attachment B:
Title VI Complaint Form

Newburgh Dial-A-Ride Title VI Complaint Form

Note: The following information is needed to assist in processing your complaint.

Complainant's Information:

Name: Address:

City/State/Zip Code:

Telephone Number (Home):

Telephone Number (Work):

Person Discriminated Against (if someone other than complainant)

Name: Address:

City/State/Zip Code:

Telephone Number (Home):

Telephone Number (Work):

Which of the following best describes the reason you believe the discrimination took place?

- Disability:
- Race/Color/National Origin
- Other (e.g. religion, sex, age):

I believe that a transit agency has failed to comply with the following program requirements:

- Americans with Disabilities Act (ADA):
- Title VI of the Civil Rights Act of 1964 (Title VI):
- Other (Specify):

If you selected Americans with Disabilities Act (ADA) above, specify the type of complaint you are filing, otherwise please skip to next question.
(Select all that apply)

- Paratransit Eligibility (was denied full paratransit eligibility or recertification of eligibility)
- Paratransit On-Time Performance (experienced untimely pickups, missed trips, trip denials, lengthy trips, etc.)
- Other (Specify):

On what date(s) did the alleged discrimination take place?

Describe the alleged discrimination. Explain what happened and whom you believe was responsible (if additional space is needed, add a sheet of paper).

List names and contact information of persons who may have knowledge of the alleged discrimination.

Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Check all that apply.

Federal Agency

Federal Court

State Agency

State Court

Local Agency

If you have checked above, please provide information about a contact person at the agency/court where the complaint was filed.

Name: Address:

City/State/Zip Code:

Telephone Number (Home):

Telephone Number (Work):

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant Signature: _____

Date: _____

Attachments: Yes No

Submit form and any additional information to:

**Supervisor
Newburgh Dial-A-Ride
1493 Route 300
Newburgh, New York 12550
Fax: (845) 566-9486
supervisor@townofnewburgh.org**

Attachment C: Complaint, Investigation, and Lawsuits Log

**Attachment D:
Flowchart of the Complaint Intake,
Monitoring, and Resolution Process**

Person believes they have been discriminated against

Person or their representative write a formal complaint

What has to be included?

The complaint must contain the complainant's name, address, phone number, and signature. If complainant cannot provide a signature, their representative must sign.

When does the complaint have to be filed?

Complaints must be filed within 180 days of the alleged discrimination.

How can someone send in their complaint?

Complaints can be mailed to:
Attn: Supervisor
Newburgh Dial-A-Ride
1493 Route 300
Newburgh, New York 12550
Faxed to: (845) 566-9486

-or-

Emailed to:
supervisor@townofnewburgh.org

How long does it take for a complaint to be resolved?

Complaints are resolved within 60 days or less.

How is the complaint resolved?

When practicable, notification of findings and actions is sent to the complainant in writing.

I, Dawnmarie Busweiler, the duly appointed and qualified Deputy 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 held on December 22, 2025 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.

Dawnmarie Busweiler, Deputy Town Clerk
Town of Newburgh

#14

**THIRD AMENDMENT TO
CONTRACT FOR AMBULANCE SERVICES**

THIS THIRD AMENDMENT AND EXTENSION AGREEMENT TO CONTRACT FOR AMBULANCE SERVICES (“Amendment No. 3”) is made this ____ day of December, 2025, by and between **TOWN OF NEWBURGH**, a municipal corporation of the State of New York, maintaining its offices at 1496 NYS Route 300, Newburgh, New York 12550, hereinafter referred to as the Town, and **TOWN OF NEWBURGH EMERGENCY MEDICAL SERVICES, INC.**, a not-for-profit corporation, maintaining its office at 97 South Plank Road, Newburgh, New York 12550, hereinafter referred to as TONEMS.

WHEREAS, the Town has lawfully established an ambulance district within the Town of Newburgh; and

WHEREAS, upon the establishment of the District the Town Board is authorized to provide an emergency medical service, a general ambulance service or a combination of such services for the purpose of providing prehospital emergency medical treatment or transporting sick or injured persons found within the boundaries of the district to a hospital, clinic, sanatorium or other place for treatment of such illness or injury; and

WHEREAS, to that end, the Town Board is further authorized pursuant to the provisions of Section 198(10-f) of the Town Law to contract with an organization to supply, staff and equip emergency medical service or ambulance vehicles suitable or a combination thereof for such purposes and operate such vehicles for the furnishing of prehospital emergency services; and

WHEREAS, TONEMS is a not-for-profit corporation organized on a volunteer basis to provide rescue, first aid and ambulance services to sick or injured people in the Town and within the District; and

WHEREAS, TONEMS possesses and is able to supply ambulances, additional emergency medical service vehicles and equipment for the provision of such services to the District; and

WHEREAS, TONEMS is staffed with volunteers and professionals with sufficient training and experience for operation of ambulance vehicles and for the furnishing of pre-hospital emergency treatment services; and

WHEREAS, TONEMS holds all necessary New York State Department of Health operating certificates for Basic Life Support (“BLS”) and Advanced Life Support (“ALS”) services; and

WHEREAS, TONEMS is available to provide proper service to the residents of the Town within the District; and

WHEREAS, the Town and TONEMS entered into that certain Contract for Ambulance Services dated the 17th day of November, 2022, pursuant to which TONEMS agreed to provide

emergency medical services and ambulance services within the District (the "Agreement"), and

WHEREAS, the Town and TONEMS entered into that certain First Amendment and Extension to Contract for Ambulance Services dated the 30th day of October, 2024 ("Amendment No. 1"), amending and extending the Agreement as set forth in Amendment No. 1, and

WHEREAS, the Town and TONEMS entered into that certain Second Amendment and Extension to Contract for Ambulance Services dated the 5th day of December, 2024 ("Amendment No. 2"), amending and extending the Agreement as set forth in Amendment No. 1, and

WHEREAS, the Town and TONEMS now desire to further amend the Agreement, Amendment No. 1 and Amendment No. 2 upon the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is hereby agreed by the Town and TONEMS as follows:

1. In consideration of TONEMS providing ambulance and emergency medical services and ALS services to sick or injured persons found within the boundaries of the District, the Town covenants and agrees to pay TONEMS the following:

A. the sum of ONE MILLION ONE HUNDRED NINE THOUSAND N0/100 DOLLARS (\$1,109,000.00) FOR Renewal Term #3 , thirty percent (30%) of which shall be paid by the Town to TONEMS on February 1, 2026, and seventy percent (70%) of which shall be paid by the Town to TONEMS on March 1, 2026. Exhibit B-1 to Amendment No. 2 is replaced with Exhibit B-I which is annexed to this Amendment No. 3, setting forth the new installment amounts for Renewal Term #3.

2. At the conclusion of Renewal Term #3, unless either party shall have given to the other party at least thirty (30) days advance written notice of its intention not to renew the agreement, this agreement shall automatically be extended on a month to month basis commencing on January 1, 2027 on the same terms and conditions as set forth herein and the Agreement as amended, except the payment shall be increased and prorated to a monthly amount of NINETY TWO THOUSAND FOUR HUNDRED SIXTEEN and 66/100 DOLLARS (\$92,416.66), which amount shall be payable on or before the 15th day of each month of the extended month to month term. During the month to month term extensions, either party may give to the other party written notice of termination at least 30 days in advance of the 1st day of the next succeeding month, in which event the Agreement shall terminate at midnight of the day preceding that 1st day of the month so noticed. At the conclusion of any unrenewed Renewal Term or extended term, as the case may be, unless this Agreement is renewed, neither party shall have any further obligation to the other, but this shall not relieve a party from concluding obligations which were incurred or accrued prior to the end of the term.

4. Pursuant to Town Law Section 198(10-f)(b), the Town Board additionally continues to authorize TONEMS to collect charges for use of ambulance and emergency medical services provided pursuant to the Agreement in accordance with the Schedule of Charges

established by the Town Board annexed to this Amendment No. 3 as Exhibit "C", which may be amended from time to time with approval of the Town Board.

6. This Amendment No.3 amends and supersedes Amendment No. 2, Amendment No. 1 and the Agreement and except as modified by this Amendment No. 3, the Agreement as previously amended by Amendments No. 1 and No. 2 remains unchanged and in full force and effect. The terms used in this Amendment No. 3, unless otherwise defined herein, shall have the meanings as set forth in the Agreement and Amendment Nos. 1 and 2. If there shall be any conflict or inconsistency between the terms and conditions of this Amendment No. 3 and the Agreement, the terms and conditions of this Amendment No. 3 shall control.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 3 to be approved by their respective governing bodies and to be executed by their duly authorized officers as of the date and year first above written.

TOWN OF NEWBURGH

TOWN SUPERVISOR
GILBERT J. PIAQUADIO

TOWN OF NEWBURGH EMERGENCY MEDICAL SERVICES, INC.

EXECUTIVE DIRECTOR
GEORGE C. NAPOLITANO

EXHIBIT "A"

N/A

EXHIBIT "B-1"

SCHEDULE OF INSTALLMENT PAYMENTS TO TONEMS FOR 2026

Payment Dates:	Installment Amounts:
February 1, 2026	\$332,700.00
March 1, 2026	\$776,300.00

EXHIBIT "C"

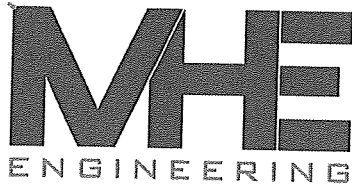
**SCHEDULE OF CHARGES
FOR
AMBULANCE/ EMERGENCY MEDICAL SERVICES
FOR THE TOWN OF NEWBURGH AMBULANCE DISTRICT**

Schedule of Fees Effective January 1, 2026

Effective 1.1.2025	
Basic Life Support Emergency	\$1,725
Basic Life Support Non-Emergency	\$1,725
Advanced Life Support Emergency	\$1,825
Advanced Life Support II Emergency	\$2,250
Mileage	\$27 per mile

RMA **\$600**

ALS Intercept **\$1,850**



#15A

9 December 2025

Town of Newburgh
1496 Route 300
Newburgh, NY 12550

**RE: Newburgh Recreation Center
Change Order 29 – Additional Power Wands for Motorized Backboards**

Summary: Owner's request to furnish (2) additional Power Wand Controllers to operate motorized basketball court backboards.

Change Order Amount: \$856.00

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Michael J. Lamoreaux'.

Michael J. Lamoreaux, P.E.
Principal

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

CHANGE ORDER NO.: 29

Owner:	Town of Newburgh	Owner's Project No.:	
Engineer:	MHE Engineering, D.P.C.	Engineer's Project No.:	21-135
Contractor:	O'Connor Company	Contractor's Project No.:	
Project:	Newburgh Recreation Center Project		
Contract Name:	General Construction		
Date Issued:	10/30/2025	Effective Date of Change Order:	10/30/2025

The Contract is modified as follows upon execution of this Change Order:

Description:

- Furnish and install (2) additional backboard power wands per Owner's request.

Attachments:

- O'Connor PCO-045 dated 10/2/2025

Change in Contract Times
[State Contract Times as either a specific date or a number of days]

Change in Contract Price

Original Contract Price: \$ <u>12,106,100.00</u>	Original Contract Times: Substantial Completion: <u>480 Days</u> Ready for final payment: <u>510 Days</u>
Increase from previously approved Change Orders No. 1 to No.28: \$ <u>307,907.41</u>	[Increase] [Decrease] from previously approved Change Orders No.1 to No.1 [Number of previous Change Order]: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>12,414,007.41</u>	Contract Times prior to this Change Order: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u>
Increase this Change Order: \$ <u>856.00</u>	[Increase] [Decrease] this Change Order: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u>
Contract Price incorporating this Change Order: \$ <u>12,414,863.41</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>480 Days</u> Ready for final payment: <u>510 Days</u>

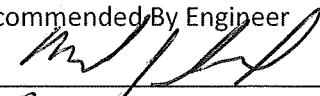
Recommended by Construction Manager

By: Diego Frangiamone

Title: Clerk of the Work

Date: 11/13/25

Recommended By Engineer



Permit 1902

12/15/25

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

Ken Welman

Sr. Project Manager

11/10/25



312 Fields Drive
Aberdeen, NC 28315
Phone 910 944 0600
Fax 910 944 1888

Additional Work/Change Order Request

To: Architect
 Engineer

MHE Engineering

Date:

10/02/25

Owner

Town of Newburgh

Purpose of Request: Required by Code Official
 Requested By Owner
 Requested by Architect
 Other

From:

Ken Welman

Change
Order
Number:

GC PCO 045

Project:

Newburgh Recreation Center at Chadwick Lake Park

Change Order Request

This change order is for (2) additional Power Wand Controllers.

Subcontractor Subtotal: \$791.48
Insurance (1%): \$8.00
Bonding (2%): \$16.00
OH&P (5%): \$41.00
TOTAL CHANGE COST: \$856.00

Approval:

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Request Additional Information
-----------------------------------	---------------------------------	---

Owner Comments:



166 Masons Island Rd PH 860.436-0006
 Mystic, CT 06355 FAX 860.440.0628

CHANGE ORDER

GC:

O'CONNOR COMPANY
 312 FIELDS DRIVE
 ABERDEEN, NC 28315

Project Name:

NEWBURGH REC CENTER
 CHADWICK LAKE PARK
 1702 NY-300
 NEWBURGH, NY 12550

CO #	PO #	Due Date	Ship Via	Processed By	Date
3	N/A	Upon Receipt	N/A	NEFS/DP	10/2/2025

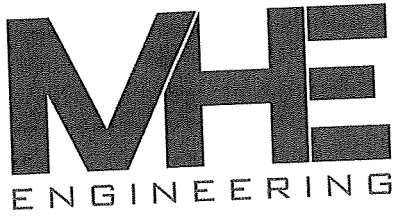
Qty.	Description of Change	Each	Total
2	ADD – Two additional Power Wand Controllers	\$323.40	\$646.80
1	10% OH&P	-	\$64.68
		-	-

Freight	\$80.00
Total Due	\$791.48

 Authorized Signature to Proceed

Notes/Remarks:

Request for two additional power wand controllers for attic stock.



33 Airport Center Dr., Suite 202
New Windsor, NY 12553

TO: Town of Newburgh
1496 Route 300
Newburgh, NY 12550

LETTER OF TRANSMITTAL

DATE: 12/16/2025	JOB NUMBER: 21-135
ATTENTION: Gilbert Piaquadio, Supervisor	
RE: Newburgh Recreation Center	

WE ARE SENDING YOU Attached Via: USPS FEDEX HAND DELIVERY- PJH

COPIES	DATE	NO.	DESCRIPTION
1			O'Connor- Change Order No. 29 with Additional Work/Change Order Request

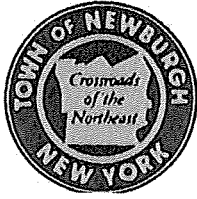
THESE ARE TRANSMITTED as checked below:

- For Approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE _____
- Approved as submitted
- Approval as noted
- Returned for correction
- Resubmit
- Submit
- Return
- _____
- Copies for approval
- Copies for distribution
- Corrected prints
- PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO:

SIGNED: Michael J. Lamoreaux, P.E.



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York
12550

#153

11 December 2025

Town of Newburgh
Town Board
1496 Route 300
Newburgh, NY 12550

ATTENTION: Gilbert Piaquadio, Town Supervisor and Town Board

**SUBJECT: Fuchek Subdivision PB #21-31
Private Road Securities**

Dear Supervisor Piaquadio and Town Board Members,

The applicant's representative have prepared a cost estimate for the private road and drainage improvements for the subject project. The cost estimate was prepared on the template utilized by this office, which includes unit costs for the items. A cost estimate has been prepared in the amount of \$309,931.30. A copy of the cost estimate is attached. Establishment of the private road securities requires Town Board action.

I am available to discuss this matter further should you require.

Very Truly Yours,

Patrick J. Hines, MHE Rep
MHE Engineering, D.P.C.

Cc: Mark Taylor, Town Attorney
Steve Grogan, Water & Sewer Manager
John P. Ewasutyn, Chairman
Mike Weeks, P.E., MHE

Project Name:
 Planning Board No.: 2021-31

Fuchcek Subdivision

Municipality: Town of Newburgh
 Date: 1-Nov-25

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
<u>Roadway and Parking Lot</u>							
Grade Subgrade in ROW	SY	\$ 1.20	560	\$ 672.00			\$ 672.00
Cut and Chip Trees	AC	\$ 8,820.50	0.75	\$ 6,615.38			\$ 6,615.38
Stump removal and disposal	AC	\$ 6,105.50	0.75	\$ 4,579.13			\$ 4,579.13
Erosion Control	AC	\$ 4,340.00	0.75	\$ 3,255.00			\$ 3,255.00
Silt Fence	LF	\$ 6.50	1900	\$ 12,350.00			\$ 12,350.00
<u>Roadway Subbase</u>							
Roadway Subbase (8" Course)	CY	\$ 62.40		\$ -			\$ -
Roadway Subbase (12" Course)	SY	\$ 14.40		\$ -			\$ -
Roadway Subbase (15" Course)	SY	\$ 21.00	2780	\$ 58,380.00			\$ 58,380.00
	SY	\$ 25.90		\$ -			\$ -
<u>Asphalt Pavement</u>							
Asphalt Pavement (1.5" top)	TN	\$ 183.20		\$ -			\$ -
Asphalt Pavement (2" top)	SY	\$ 16.10		\$ -			\$ -
Asphalt Pavement (3" course)	SY	\$ 20.75	2780	\$ 57,685.00			\$ 57,685.00
Asphalt Pavement (3.5" course)	SY	\$ 31.00		\$ -			\$ -
Asphalt Pavement (4" course)	SY	\$ 36.25		\$ -			\$ -
Asphalt Pavement (4" course)	SY	\$ 42.00		\$ -			\$ -
Asphalt Pavement (5" course)	SY	\$ 51.75		\$ -			\$ -
Asphalt Pavement (intensive handwork)	TN	\$ 285.25		\$ -			\$ -
<u>Tack Coat</u>							
Double Surface Treatment	SY	\$ 1.00	2780	\$ 2,780.00			\$ 2,780.00
	SY	\$ 11.00		\$ -			\$ -
<u>Roadway ROW Topsoil (6") & Seeding</u>							
Concrete Monuments	SY	\$ 17.55	560	\$ 9,828.00			\$ 9,828.00
Roadway As-Builts (50' Wide)	EA	\$ 196.75		\$ -			\$ -
Street Signs (Traffic Control)	LF	\$ 1.50		\$ -			\$ -
Street ID	EA	\$ 305.35	3	\$ 916.05			\$ 916.05
	EA	\$ 340.00	1	\$ 340.00			\$ 340.00
<u>Concrete Curbing</u>							
Concrete Curbing	LF	\$ 50.00		\$ -			\$ -

Project Name: Fucheck Subdivision
 Planning Board No.: 2021-31

Municipality: Town of Newburgh
 Date: 1-Nov-25

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Concrete Sidewalk up to 1000 SY	SY	\$ 115.00		-		\$ -	-
Concrete Sidewalk >1000 SY	SY	\$ 80.00		-		\$ -	-
Concrete Sidewalk (4' Wide)	LF	\$ 52.00		-		\$ -	-
Concrete Sidewalk (5' Wide)	LF	\$ 63.85		-		\$ -	-
Street Trees (2.5" Cal; w/ frame and grate)	EA	\$ 1,700.00		-		\$ -	-
Street Trees (2.5" Cal)	EA	\$ 770.00		-		\$ -	-
Street Lights (std. luminaire, u/g feed)	EA	\$ 9,200.00		-		\$ -	-
Guide Rail (W-Beam)	LF	\$ 67.90	210	14,259.00		\$ -	14,259.00
Guide Rail (Box Beam)	LF	\$ 95.00		-		\$ -	-
End Section (W-Beam, Wrap)	EA	\$ 1,208.00		-		\$ -	-
End Section (W-Beam, Concrete Anchor)	EA	\$ 3,000.00		-		\$ -	-
Modular Block Retaining Wall (upto 6' High)	SF	\$ 55.00		-		\$ -	-
Modular Block Retaining Wall (over 6' High)	SF	\$ 65.00		-		\$ -	-
Concrete Retaining Wall (upto 6' High)	CY	\$ 950.00		-		\$ -	-
Concrete Retaining Wall (over 6' High)	CY	\$ 1,155.75		-		\$ -	-
Drainage							
Catch Basin (Standard Depth)	EA	\$ 4,888.00		-		\$ -	-
Stormwater Manhole (Standard Depth)	EA	\$ 5,428.00		-		\$ -	-
Connection to Existing Catch Basin	EA	\$ 1,360.00		-		\$ -	-
Stormwater Pipe (HDPE - 15")	LF	\$ 75.00		-		\$ -	-
Stormwater Pipe (HDPE - 18")	LF	\$ 92.00		-		\$ -	-
Stormwater Pipe (HDPE - 24")	LF	\$ 101.75		-		\$ -	-
Stormwater Pipe (HDPE - 30")	LF	\$ 122.00		-		\$ -	-
Stormwater Pipe (HDPE - 36")	LF	\$ 143.00		-		\$ -	-
Stormwater Pipe (HDPE - 48")	LF	\$ 190.00		-		\$ -	-
End Section (HDPE)	EA	\$ 815.00		-		\$ -	-
Stormwater Pipe (RCP - 15")	LF	\$ 81.75		-		\$ -	-
Stormwater Pipe (RCP - 18")	LF	\$ 92.00		-		\$ -	-
Stormwater Pipe (RCP - 24")	LF	\$ 101.75		-		\$ -	-
Stormwater Pipe (RCP - 30")	LF	\$ 162.75		-		\$ -	-

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Stormwater Pipe (RCP - 36")	LF	\$ 203.50		-		\$ -	\$ -
Stormwater Pipe (RCP - 48")	LF	\$ 291.50		-		\$ -	\$ -
End Section (RCP)	EA	\$ 1,020.00		-		\$ -	\$ -
Concrete Headwall	EA	\$ 8,280.00		-		\$ -	\$ -
Rip Rap Drainage Channel	CY	\$ 120.00	10	1,200.00		\$ -	\$ 1,200.00
Non-lined Drainage Channel	LF	\$ 16.40		-		\$ -	\$ -
Preforated Pipe/Stone Underdrain	LF	\$ 35.40	700	24,780.00		\$ -	\$ 24,780.00
Concrete Box Culvert (6'x4') w/wingwalls	LF	\$ 3,122.00		-		\$ -	\$ -
Concrete Box Culvert (3'x3'), w/wingwalls	LF	\$ 2,445.00		-		\$ -	\$ -
Water							
Watermain (DI - 8")	LF	\$ 110.00	0	\$ -		\$ -	\$ -
Gate Valve (8")	EA	\$ 2,300.00	0	\$ -		\$ -	\$ -
Tapping Sleeve and Valve (8")	EA	\$ 8,165.00	0	\$ -		\$ -	\$ -
Watermain (DI - 12")	LF	\$ 135.00	0	\$ -		\$ -	\$ -
Gate Valve (12")	EA	\$ 6,960.00	0	\$ -		\$ -	\$ -
Tapping Sleeve and Valve (12")	EA	\$ 10,178.00	0	\$ -		\$ -	\$ -
Hydrant Assembly	EA	\$ 7,800.00	0	\$ -		\$ -	\$ -
House service (w/out licensed plumber)	EA	\$ 2,715.00	0	\$ -		\$ -	\$ -
Air relief Valve & Vault	EA	\$ 10,800.00	0	\$ -		\$ -	\$ -
Pressure Reducing Valve & Vault	EA	\$ 14,258.50	0	\$ -		\$ -	\$ -
Watermain Offset (8")	EA	\$ 6,785.00	0	\$ -		\$ -	\$ -
Line Stop and Gate Valve installation (8")	EA	\$ 12,215.00	0	\$ -		\$ -	\$ -
Insertion Valve (8")	EA	\$ 14,950.00	0	\$ -		\$ -	\$ -
6" C900 PVC	LF	\$ 75.00	0	\$ -		\$ -	\$ -
6" Gate Valve	EA	\$ 1,800.00	0	\$ -		\$ -	\$ -
Sewer							
Sewer Main (SIRD Depth, PVC - 8")	LF	\$ 92.00	0	\$ -		\$ -	\$ -
Sewer Main (SIRD Depth, PVC - 12")	LF	\$ 114.00	0	\$ -		\$ -	\$ -
Sewer PVC Force Main	LF	\$ 92.00	0	\$ -		\$ -	\$ -

Fuchek Subdivision

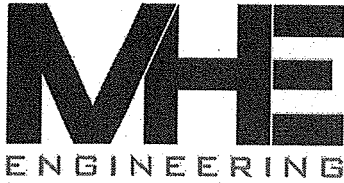
Municipality: Town of Newburgh
Date: 1-Nov-25

Project Name:
Planning Board No.: 2021-31

PUBLIC IMPROVEMENT UNIT PRICES
(Interim Update Dec. 2018)

Description	Unit	Unit Cost	Total Quantity	Total Cost	Completed Quantity	Completed Cost	Remaining Cost
Sewer Manholes (Standard Depth)	EA	\$ 5,430.00	0	\$ -		\$ -	\$ -
Doghhouse sewer manholes	EA	\$ 8,145.00	0	\$ -		\$ -	\$ -
House service (w/out licensed plumber)	EA	\$ 4,500.00	0	\$ -		\$ -	\$ -
Misc.							
Select Backfill Material (in-place)	CY	\$ 71.50	50	\$ 3,575.00		\$ -	\$ 3,575.00
Trench Rock Excavation	CY	\$ 250.00	25	\$ 6,250.00		\$ -	\$ 6,250.00
Bulk Rock Excavation	CY	\$ 400.00	0	\$ -		\$ -	\$ -
Other- Stormwater Management System							
Fence 700ft + Gates	EA	\$ 8,300.00	1	\$ 8,300.00		\$ -	\$ 8,300.00
Tree Clearing	AC	\$ 8,820.00	0.5	\$ 4,410.00		\$ -	\$ 4,410.00
Grub Stumps and Roots	AC	\$ 6,105.50	0.5	\$ 3,052.75		\$ -	\$ 3,052.75
Stormwater Pond Grading (~180 CY)	EA	\$ 15,000.00	1	\$ 15,000.00		\$ -	\$ 15,000.00
End Section	EA	\$ 815.00	10	\$ 8,150.00		\$ -	\$ 8,150.00
15-in HDPE Pipe	LF	\$ 75.00	500	\$ 37,500.00		\$ -	\$ 37,500.00
Catch Basin	EA	\$ 4,888.00	3	\$ 14,664.00		\$ -	\$ 14,664.00
Trench Rock Excavation	CY	\$ 250.00	10	\$ 2,500.00		\$ -	\$ 2,500.00
Silt Fence	LF	\$ 6.50	700	\$ 4,550.00		\$ -	\$ 4,550.00
Erosion Control	AC	\$ 4,340.00	1	\$ 4,340.00		\$ -	\$ 4,340.00

Road Total: \$ 207,464.55 \$ - \$ 309,931.30



21 November 2025

Town of Newburgh
1496 Route 300
Newburgh, NY 12550

ATTENTION: GILBERT PIAQUADIO, TOWN SUPERVISOR

**SUBJECT: RECOMMENDATION FOR REJECTION OF BIDS FOR TOWN OF NEWBURGH
NOB HILL WASTEWATER TREATMENT PLANT DISINFECTION IMPROVEMENTS
GENERAL CONSTRUCTION & ELECTRICAL CONSTRUCTION
MHE JOB NO. 24-104**

Dear Supervisor Piaquadio and Board Members,

The Town of Newburgh received bids for the Nob Hill Wastewater Treatment Plant Disinfection Improvements Project on 16 October 2025. The results are outlined in the tables below.

Company Name	Bid Amount
TAM Enterprises, Inc.	\$1,698,304.00
Coppola Services	\$1,942,000.00

Company Name	Bid Amount
American Electric	\$215,000.00
TAM Enterprises, Inc.	\$249,220.00
E-J Electric	\$348,926.00

Due to the bids being over budget, we recommend that the Town reject the bids at this time and re-evaluate the proposed improvements to make this a financially feasible project for the users in the sewer district.

If you have any questions or if you require additional information, please contact me at your convenience.

Respectfully submitted,

MHE Engineering, D.P.C.

Quinn M. Mullarkey, P.E.
Senior Engineer
QMM/mcl

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mhenv@mheng.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhenv@mheng.com

#15C

#16

At a 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 ___th day of December, 2025 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor -
Paul I. Ruggiero, Councilman
Scott M. Manley, Councilman -
Anthony R. LoBiondo, Councilman
James Politi, Councilman _____

A RESOLUTION OF THE TOWN OF NEWBURGH ADOPTING THE TOWN OF NEWBURGH JURISDICTIONAL ANNEX DATED DECEMBER 9, 2025 OF THE 2025 ORANGE COUNTY NEW YORK MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN

Councilman _____ presented the following resolution which was seconded by Councilman _____.

WHEREAS the Town Board of the Town of Newburgh recognizes the threat that natural hazards pose to people and property within the Town of Newburgh; and

WHEREAS the Town of Newburgh has prepared a multi-hazard mitigation plan, hereby known as the Town of Newburgh Jurisdictional Annex dated December 9, 2025 of the 2025 Orange County New York Multi-Jurisdictional Multi- Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the Town of Newburgh Jurisdictional Annex dated December 9, 2025 of the 2025 Orange County New York Multi-Jurisdictional Multi- Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Newburgh from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town Board of the Town of Newburgh demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Town of Newburgh Jurisdictional Annex dated December 9, 2025 of the 2025 Orange County New York Multi-Jurisdictional Multi-Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF NEWBURGH, NEW YORK, THAT:

Section 1. In accordance with New York State Town Law, the Town of Newburgh Municipal Code and all applicable rules of procedure of the Town Board, the Town Board of the Town of Newburgh adopts the Town of Newburgh Jurisdictional Annex dated December 9, 2025 of the 2025 Orange County New York Multi-Jurisdictional Multi-Hazard Mitigation Plan. This plan, approved by the community, may be

edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

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

<u>Paul I. Ruggiero, Councilman</u>	___	___	___	__voting__	___	___
<u>Scott M. Manley, Councilman</u>	___	___	___	__voting__	___	___
<u>Anthony R. LoBiondo, Councilman</u>	___	___	___	__voting__	___	___
<u>James Politi, Councilman</u>	___	___	___	__voting__	___	___
<u>Gilbert J. Piaquadio, Supervisor</u>	___	___	___	__voting__	___	___

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:
TOWN OF NEWBURGH)

I, Dawnmarie Busweiler, Deputy Town Clerk of the Town of Newburgh, DO HEREBY CERTIFY that I have compared the foregoing resolution, duly adopted by the Town Board of the Town of Newburgh on the ___th day of December, 2025, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my name and the seal of said Town on this _____ day of December, 2025.

Dawnmarie Busweiler, Deputy Town Clerk

Approved as to Form

Mark C. Taylor, Attorney for the Town of Newburgh



MULTI-

JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN

TOWN OF NEWBURGH JURISDICTIONAL ANNEX



ORANGECOUNTY

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TOWN OF NEWBURGH ANNEX

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TOWN OF NEWBURGH ANNEX

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Town of Newburgh Annex

This section presents the jurisdictional annex for the Town of Newburgh. The jurisdiction's governing body passed a formal resolution to participate in this multijurisdictional hazard mitigation plan (MJHMP) update. A copy of their resolution is maintained at the local government offices and at the Orange County Emergency Services Center.

Contact Information

Table 1 provides the contact information for this plan.

Table 1: Town of Newburgh Points of Contact

Gerald Canfield Code Compliance Officer Town of Newburgh

Mark Hall	Highway Superintendent	Town of Newburgh
Patrick Hines	Town Engineer	MHE Engineering
Kelly Morris	Planner	MHE Engineering

Jurisdictional Profile

Population

The 2020 U.S. Census reported a population of 31,985 people. According to the U.S. Census, the 2010 population for the Town of Newburgh was 29,801, with a population density of 698 persons per square mile.¹

Location

The Town of Newburgh is located approximately 60 miles north of New York City. The town is 45 square miles and includes part of Stewart International Airport. The Town of Newburgh is located at the northeastern extremity of Orange County, the fastest growing of New York State's 62 counties, and the only county in New York that borders both the Hudson and Delaware Rivers. The town is bordered on the east by the Hudson River; on the north by the Towns of Marlboro and Plattekill in Ulster County; on the west by the Town of Shawangunk in Ulster County and the Town of Montgomery in Orange County; and on the south by the Town of New Windsor, also in Orange County. In its southeast corner, the Town of

¹ United States Census Bureau, "QuickFacts."

<https://www.census.gov/quickfacts/fact/table/hamptonburghtownorangecountynewyork/PST045223>

Newburgh shares a boundary with the City of Newburgh. The town is strategically located at the junction of Interstate 84 and New York State Thruway (Interstate 87). Other major arteries which cross the Town of Newburgh are New York State Routes 17K, 32, 52, and 300 and US Route 9W. State Route 207 skirts the southeast corner of the town while State Route 747 crosses the southwest edge, making the Town of Newburgh the "Crossroads of the Northeast."

Brief History

The Town of Newburgh is one of the oldest towns in New York State. Before English settlement, the Waoranek tribe had settled the area, part of the Lenape tribe of the Algonquin nation.

By 1750, mills were operating along the creeks feeding the growth of ship, home, and commercial building. Farms were productive, and there were two docks on the Hudson.

The Precinct of Newburgh was established in 1763, by a law passed by the General Assembly of New York State. In March of 1788, the Precinct of Newburgh was organized as the Town of Newburgh. The Village of Newburgh was incorporated out of the town in May of 1800, becoming the City of Newburgh in 1865. The remaining 45 square miles of the precinct comprise the Town of Newburgh of today.

As shown on many old survey maps, the Town of Newburgh was home to many farms. Much of the produce grown on the farms fed the population of the City of Newburgh as well as other nearby commercial and industrial settlements. Farm products that were not consumed locally would be shipped to areas such as New York City, usually by river sloops. Within the last 25 years, the town began a transformation from a sparsely settled farming community into a "bedroom" community for nearby urban areas.

Governing Body

The Town of Newburgh Town Board has a Supervisor and four councilpersons who represent the governing and legislative body of the town. The Town Supervisor is the administrative head of the town government and manages the day-to-day affairs of the town. The titles of Town Clerk and Receiver of Taxes are elected positions.

Growth and Development Trends

In order to accommodate its projected population, growth, the town has several large developments near the Meadow Winds development area. In the central and eastern parts of town, development is beginning to take hold in areas where agricultural land uses have traditionally existed. The economic burden on local farmers has increased, leading to land transitions. As part of the Town of Newburgh's Comprehensive Plan Update process, it is important for the community's plan to acknowledge some of the more relevant

regional planning goals and policies. In 2019, Orange County updated its Comprehensive Plan (the County Plan) and its supplemental chapters. As the town get further along in the process, it may want to

revisit these sections to see how the Town of Newburgh Comprehensive Plan Update is consistent with

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TOWN OF NEWBURGH ANNEX

and aligns with many of the strategies and priority actions identified in the County Plan Update and the supplemental chapters.

Public Involvement

Continued public involvement is essential to the overall success of the plan's implementation. The update process provides an opportunity to solicit participation from new and existing stakeholders, publicize mitigation success stories, and seek additional public comment. The plan maintenance and update process will include continued public and stakeholder involvement and input through attendance at designated committee meetings, web postings, press releases to local media, and public hearings.

Figure 1 shows how the public was encouraged to attend the public meeting at Orange County Emergency Services Center on November 21, 2024, at 4:30 p.m. and the survey used to gather information from community members within the Town of Newburgh. The draft plan was posted on the jurisdiction's website for 30 days, during which time the town could solicit feedback from the public on a user-friendly form or survey.

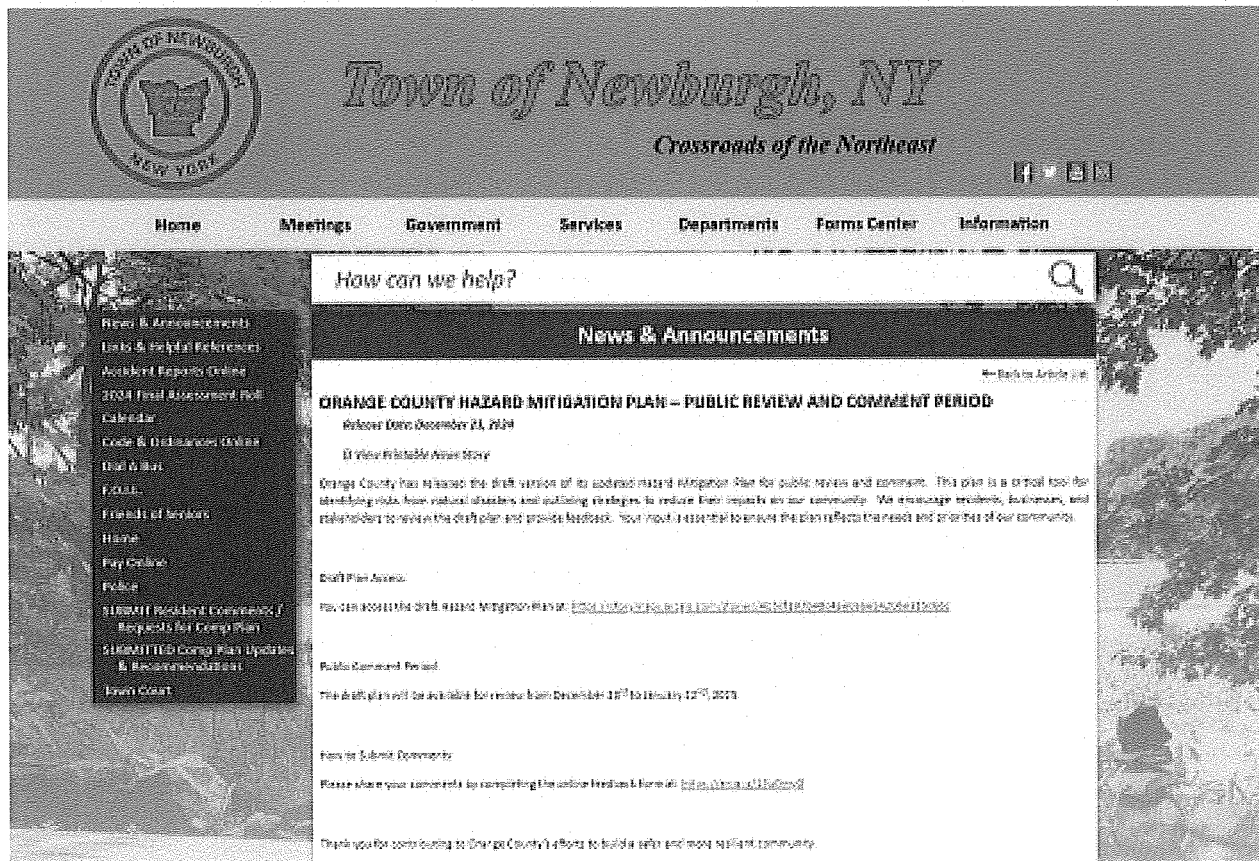


Figure 1: Town of Newburgh Public Invitation Outreach

Public Involvement Process for Annual Reviews

The public will be notified using the city's website or any other publicly accessible social platform (e.g., local newspaper, Facebook, X) well in advance of any public meetings or comment periods.

Public Involvement in Five-Year Updates

When the plan is ready for its five-year update, the jurisdictions will coordinate with all stakeholders participating in the planning process. The jurisdiction will develop a plan for public involvement and will be responsible for disseminating information through various media channels detailing the plan update process. As part of this effort, public meetings will be held, and public comments will be solicited on the plan update draft.

Previous Plan Integration

Integration into Local Planning Mechanisms

Incorporating the underlying principles of the MJHMP and its recommendations into other plans is a highly effective and low-cost way to expand their influence. All plan participants will use existing methods and programs to implement hazard mitigation actions where possible. As previously stated, mitigation is most successful when it is incorporated into the day-to-day functions and priorities of government and public service. This plan builds on the momentum developed through previous and related planning efforts and mitigation programs, and it recommends implementing actions, where possible, through the following other program mechanisms:

- Regulatory capabilities
- Administrative capabilities
- Fiscal capabilities

Implementation and incorporation into existing planning mechanisms will be conducted by respective planning stakeholders and will be done through these routine actions:

- Monitoring other planning/program agendas
- Attending other planning/program meetings
- Participating in other planning processes
- Monitoring community budget meetings for other community program opportunities

The successful implementation of this plan will require constant and vigilant review of existing plans and programs for coordination and multi-objective opportunities that promote a safe, sustainable community.

Regular efforts should be made to monitor the progress of mitigation actions implemented through other planning mechanisms. Where appropriate, priority actions should be incorporated into planning updates. Existing planning mechanisms in which the MJHMP has been integrated are listed in Table 2.

Table 2: Previous Plan Integration for the Town of Newburgh

Capital Improvement Budget	Hazard mitigation actions will be considered while developing annual capital improvement plans. Compliance with mitigation goals and objectives and the site's hazard vulnerability will also be considered during the evaluation of infrastructure and facilities projects.
Operating Budget	Hazard mitigation actions will be considered within day-to-day operating budgets as funding permits.
Building & Zoning Ordinances	Reviews of the hazard mitigation plan and hazard analyses are part of the evaluation of land use, zoning, and development review ordinances and permitted processes.

The plan must also identify the local planning mechanisms where the updated hazard mitigation information/actions may be integrated. The plan must describe each participant's individual process for integrating information from the mitigation strategy into their identified planning mechanisms.

Table 3: Future Types of Plans That the Town of Newburgh Can Use for Mitigation Actions

Capital Improvement Budget Hazard mitigation actions will be considered while developing annual capital improvement plans. Compliance with Mitigation goals and objectives and the site's hazard vulnerability will also be considered during the evaluation of infrastructure and facilities projects.

Operating Budget	Hazard mitigation actions are to be considered within day-to-day operating budgets as funding permits.
Building & Zoning Ordinances	Review of the hazard mitigation plan and hazard analyses are part of the evaluation of land use, zoning, and development review ordinances and permitted processes.
Comprehensive Land Use Plan	Elements such as hazard vulnerability and hazard area extents will be considered during the development of future land use maps and other elements of comprehensive planning.
Human Resource Manual	Employee job descriptions may contain elements related to hazard mitigation planning and associated recommendations.

Grant Applications	Support for funding requests in the form of data, maps, and priority recommendations will be drawn from the hazard mitigation plan.
Fire Plan	Fire plans for the municipality and local fire departments can utilize data and mapping in the hazard mitigation plan.

Local School Service Projects	Municipal officials and staff can explore the possibility of collaboration with local school districts to provide avenues for student community service projects and educational opportunities.
Economic Development	Local chambers of commerce and other economic development agencies can utilize the hazard mitigation plan to better inform new/expanding businesses in finding a location.

Critical Facilities Information

Table 4 provides information on critical facilities within the floodplain for the Town of Newburgh. Identifying critical facilities in flood-prone areas is crucial for effective emergency planning and risk management. By understanding the potential impact of flooding on these facilities, local authorities can develop proactive strategies to mitigate risks and ensure the safety and functionality of these important assets during flood events. This information is valuable for decision-making and prioritizing resources for emergency response and preparedness efforts.

Table 4: Critical and Essential Facilities Located in the Town of Newburgh's Floodplain

Type	Flood Event Area?	1% or 0.2% Chance	0.2% chance flood event?	Action	Mitigation
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(194-0554) Dam N/A Dam Y N TN-6

Algonquin Park Pond #1 Dam/Newburgh #1 Dam	N/A	Dam	Y	N	TN-6
Algonquin Park Pond #3 Dam/Newburgh	N/A	Dam	Y	N	TN-6

gh Pond #3 Dam					
Chadwick Lake Dam	N/A	Dam	Y	N	TN-6
Mill House Dam	N/A	Dam	N	N/A	N/A
Mill Street Dam	N/A	Dam	Y	N	TN-6
Town Hall Park Dam	N/A	Dam	Y	N	TN-6

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Type **Area?** **Mitigation**
1% or 0.2% **0.2%** **Action**
Flood Event Chance **chance flood event?**

N/A Dam Y N TN-6

Winona Lake Dam

Chadwick Lake Park	1702 NY-300, Newburgh, NY 12550	Park	Y	N	No Action
Cronomer Hill Park	Gardnertown Rd &, Powder Mill Rd, Newburgh, NY 12550	Park	Y	N	N/ATN-5
Algonquin Park	54 Powder Mill Rd, Newburgh, NY 12550	Park	Y	N	No Action
Hess Oil Terminal	924 River Rd, Newburgh, NY 12550	Industrial	Y	N	No Action
Town of Newburgh Police Department	300 Gardnertown Rd, Newburgh, NY 12550	Police Station	Y	N	TN-4
Water Treatment Plant	343 NY-32, Newburgh, NY 12550	Water	N	N/A	TN-3

Winona Lake Firehouse	160 S Plank Rd, Newburgh, NY 12550	Fire Station	Y	N	No Action
Danskammer Power Plant	994 River Rd, Newburgh, NY 12550	Utility	Y	N	No Action

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7

Jurisdiction/Public Identified

Vulnerabilities Table 5: Town of

Newburgh Identified Vulnerabilities

been issues with recovery after an event?

People

Low-Income Families	• Economic instability can make it difficult for these families to access resources or recover from disasters.
Elderly Residents	• Seniors may face mobility challenges and health issues, hindering evacuation during emergencies.
Individuals with Disabilities	• People with disabilities may require specific support services and can face barriers to transportation and assistance during crises.
Structures	
Older Housing Stock	• Older homes that may not be built to current flood or hurricane resistant codes are at greater risk for damage.
Commercial Buildings	• Properties that house local businesses, especially those near water bodies, may face flooding or wind damage, affecting local economies.
Historical Buildings	• Structures with cultural and historical significance may not have the robust infrastructure to withstand natural disasters, risking their preservation.
Economic Assets	
Local Businesses	• Small businesses can be particularly vulnerable to economic downturns, natural disasters, and changes in consumer behavior.
Agricultural Land	• Agricultural resources can be affected by climate change, pests, and extreme weather, threatening local food supplies and livelihoods.

Tourism-Dependent Resources	• Areas that attract tourists, such as parks and historical sites, can suffer both physically and economically from natural disasters.
Natural, Historic, and Cultural Resources	
Parks and Natural Reserves	• These areas may face ecological damage during floods or storms, impacting wildlife and local biodiversity.
Cultural Heritage Sites	• Museums, landmarks, and historical sites are often vulnerable to physical damage from natural hazards, which can erase aspects of community identity and heritage.
Rivers	• Upstream tributaries such as the Quassaick, Bushfield, Gidneytown, and the South Branch of the Lattintown Creeks will also experience increased flooding occurrences.
Floodplain	• 16% of the land in the town is within high flood risk areas (Zones A, AE, AH, AO).

been issues with recovery after an event?

Critical Facilities and Infrastructure

Emergency Services	• Fire stations, police departments, and hospitals need to be resilient to disasters so they can respond effectively during crises.
Transportation Systems	• Roads, bridges, and public transport can be blocked or damaged, hindering evacuation and emergency response efforts.
Utilities	• Water, electricity, and gas facilities can be disrupted by severe weather, affecting the community's basic needs.
Community Activities	
Events and Gatherings	• Outdoor events may be canceled or disrupted due to weather threats, leading to economic loss and diminished community interaction
Recreation and Sports	• Facilities for sports and community gatherings are vulnerable to damage and flooding, impacting health and wellness activities.
Are there any other assets that you can think to include? None	

Hazard Identification Specific to Jurisdiction

Orange County has a history of natural hazard events. During the 2025 HMP planning process, Orange County selected natural hazards that have impacted the county or could potentially impact the county.

The Town of Newburgh did not identify any technological hazards during this planning process, but it did identify 10 natural hazards that impact the municipality, listed in Table 6.

Table 6: Town of Newburgh Natural Hazards

Flood
Severe Storm/ Severe Thunderstorm
Extreme Temperatures
Hurricane
Earthquake
Tornado
Winter Storm
Drought
Wildfire
Landslide
Ice Jam

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• Technological hazards will not be profiled in the MJHMP for the Town of Newburgh.

Hazard Risk Assessment

After the hazards of concern were identified for the Town of Newburgh, these hazards were reviewed to analyze the probability of future events, consequence, and maximum probable extent. This risk assessment helps to systematically identify which hazards are of the most concern for each jurisdiction. For further information about these hazards, as well as other identified hazards, please refer back to the hazard profiles. All categories were pulled from the 2022 County Emergency Preparedness Assessment (CEPA). All jurisdictions reviewed Orange County’s results. If they disagreed with the likelihood of future events, they reflected those results in Table 7.

Table 7: Hazard Ranking for the Town of Newburgh

	Events		Extent
Flood	High	High	Major
Severe Storm/ Severe Thunderstorm	Medium	Medium	Medium

Extreme Temperatures	High	Low	Medium
Hurricane	Medium	High	Medium
Earthquake	Very Low	Medium	Minor
Tornado	Medium	Medium	Medium
Winter Storm	High	Medium	Medium
Drought	Medium	Medium	Minor
Wildfire	High	Medium	Medium
Ice Jam	Medium	Medium	Medium
Landslide	Low	Low	Minor

The following terms are used to describe the hazard consequence, the probability of future occurrence, and the maximum probable extent.

Probability of Future Events

The probability of future events is pulled from the likelihood categories of the 2022 County Emergency Preparedness Assessment (CEPA). All jurisdictions reviewed Orange County's results. If they disagreed with the likelihood of future events, they reflected those results in 7.

- **Very Low:** This event is not expected to occur within this county.

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- **Low:** There is the potential for this event to occur, but it is very unlikely within 50 years.
- **Medium:** This event could occur within the next 20 years, but it generally does not happen with any regular frequency in this county (natural/accidental hazards), and current intelligence does not indicate that it is an imminent threat (for terrorism).
- **High:** It is likely that this event will occur in this county within the next 5 years, based on historical precedence (natural/accidental hazards) or current intelligence reporting (terrorism threats).
- **Very High:** This event is expected to occur within the next year, without question, based on historical precedence in this county (natural/accidental hazards) or current intelligence reporting (terrorism threats).

Consequence

The hazard consequence is pulled from the 2022 County Emergency Preparedness Assessment (CEPA). All jurisdictions reviewed Orange County's results, and if they disagreed with the category, they reflected those results in Table 7.

- **Very Low:** This event would have virtually no impact on the people, responders, property, or economy of this county.
- **Low:** This event's impact on the people, responders, property, and economy in this county would be minimal; response could generally be done without mutual aid.
- **Medium:** The impact of this event would be noticeable on the people, responders, property and economy in this county; mutual aid would likely be needed from other counties and/or thestate.
- **High:** The impact of this event would be very significant on the people, responders, property and economy in this county; significant mutual aid resources would be called in from surrounding counties, the state, and the federal government.
- **Very High:** This event would have a devastating (or potentially catastrophic) impact on the people, responders, property, and economy in this county; all mutual aid networks (local, state, and federal) would be immediately utilized, and government functions would be severely or whollycompromised.

Maximum Probable Extent

Magnitude/Strength of hazard using the extent scale in Table 8:

- **Minor:** Limited classification on the scientific scale, slow speed of onset, or short duration of the event.
- **Medium:** Moderate classification on the scientific scale, moderate speed of onset, or moderate duration of the event.
- **Major:** Severe classification on the scientific scale, fast speed of/immediate onset, or long duration of the event.

Table 8: Hazard Extent for the Town of

Drought	Presence-Sensing Device Initiation (PSDI) - 1.99 to 1.99+	PSDI -2.00 to -2.99	PSDI -3.00 to -5.00
Earthquakes	Mercalli Scale: I-V; Richter Scale: 0-4.8	Mercalli Scale: VI-VII; Richter Scale: 4.9-6.1	Mercalli Scale: VIII-XII; Richter Scale: 6.2-8.1+
Extreme Temperatures	Heat Index: 80°F-105°F Cold Temperature: 40°F to 35°F Wind chill 36°F to 17°F	Heat Index: 105°F-129°F Cold Temperature: 30°F to 15°F Wind chill 25°F to -4°F	Heat Index: >130°F Cold Temperature: 15°F to -20°F Wind chill -7°F to -98°F

Floods	Outside of 100-yr and 500-yr flood zones, Zones A, AE, X	500-yr flood zone, Zone X	100-yr flood zone, Zone AE
Hurricanes/Tropical Storms	Saffir-Simpson Hurricane Wind Scale, Category 1-2	Saffir-Simpson Hurricane Wind Scale, Category 3	Saffir-Simpson Hurricane Wind Scale, Category 4-5
Ice Jams	Small localized buildup, short in durations	Moderate ice accumulation, covering more extensive section of the river	Extensive ice buildup, often involving a large section of the river
Landslides	Small, localized movement of soil, rock, or debris	Moderate volumes of material moving downhill, potentially involving deeper soil layers and more significant sections of slope	Large-scale movement involving substantial volumes of rock, soil, and debris
Severe Thunderstorms	Hail: H0-H4, 5-40mm; Wind Force: 0-3; Knots: <1-10; Lightning Activity Levels (LAL): 1-2	Hail: H5-H6, 30-60mm; Wind Force: 4-6; Knots: 11-27; LAL: 3-4	Hail: H7-H10, 50->100mm; Wind Force: 7-12; Knots: 28-64+; LAL: 5-6
Severe Winter Storms	Temperature: 40°F to 35°F Wind chill: 36°F to 17°F	Temperature: 34°F to 15°F; Wind chill: 25°F to -4°F	Temperature: 15°F to -20°F; Wind chill: 7°F to -98°F
Tornadoes	EF0	EF1-EF2	EF3-EF5
Wildfires	Keetch-Byram Drought Index (KBDI): 0-200	KBDI: 200-500	KBDI: 500-800

Hazard Impact

Table 9 lists possible impacts for the Town of Newburgh; however, given the magnitude, intensity, and land use trends, it is difficult to predict a hazard's impact on a community.

Table 9: Hazard Impacts on the Town of Newburgh

<p>Cybersecurity Incident</p>	<ul style="list-style-type: none"> • Data breaches • Identity theft • Financial fraud • Service disruptions • Network outages • Ransomware attacks • Intellectual property theft • Critical infrastructure hacking • Phishing schemes • Privacy violations • Election system compromise • Loss of public trust
<p>Drought</p>	<ul style="list-style-type: none"> • Property damage • Loss of water supply • Increase in grassfire potential and intensity • Negative impact on citizens, including water restrictions and lack of drinkable water supply • Impact on car washes, parks, and pools
<p>Earthquakes</p>	<ul style="list-style-type: none"> • Injury or death • Property and infrastructure damage • Water contamination or loss from broken pipes • Transportation and communication disruption or damage • Increase in traffic accidents • Building collapse • Natural gas leak • Displaced residents • Power outages • Damage to the natural environment, including protected species and critical habitats
<p>Extreme Temperatures</p>	<ul style="list-style-type: none"> • Heatstroke/hypothermia or death • Property damage • Loss of water supply • Increased grassfire potential and intensity • Impact on logistics

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	<ul style="list-style-type: none"> • Power outages • Road buckling • Disruption in critical infrastructure operations • Vehicle engine failure
Floods	<ul style="list-style-type: none"> • Loss of electricity • Loss of, or contamination of, water supply • Loss of property • Structure and infrastructure damage – flooded structures and eroded roads • Displaced residents • Snake migration and increase of mosquitoes • Fire – as a result of loss of water supply • Debris in transportation paths • Emergency response delays • Disruption of traffic that can lead to impacts on the economy • Damage to the natural environment, including protected species and critical habitats
Hurricanes/Tropical Storms	<ul style="list-style-type: none"> • Coastal flooding • Wind damage • Inland flooding • Power outages • Transportation disruptions • Economic losses • Resident displacement • Water contamination • Erosion • Strained emergency response
Ice Jams	<ul style="list-style-type: none"> • River flooding • Infrastructure damage • Road closures • Power outages • Transportation delays • Erosion • Water contamination • Emergency response strain • Property damage • Economic losses

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<p>Infrastructure and Utility Failures</p>	<ul style="list-style-type: none"> • Power outages • Water supply disruption • Communication failure • Transportation shutdown • Heating/cooling loss • Healthcare interruption • Fire risk • Economic losses • Supply chain disruption • Increased crime • Environmental damage
<p>Landslides</p>	<ul style="list-style-type: none"> • Property damage • Road closures • Infrastructure damage • Utility disruptions • Transportation delays • Economic losses • Soil erosion • Water contamination • Resident displacement • Emergency response strain
<p>Severe Thunderstorms</p>	<ul style="list-style-type: none"> • Property damage to fences, vehicles, equipment, and roofs • Transportation delays • Injuries and deaths • Debris from trees and damaged property • Electrical grid problems • Communication problems – phone and internet lines down • Damage to the natural environment, including protected species and critical habitats
<p>Severe Winter Storms</p>	<ul style="list-style-type: none"> • Structural damage • Injuries or death • Power outages • Inability to use roads for driving • Increased traffic accidents • Loss of heat • Stranded travelers, motels at full capacity • Tree debris creates fuel load for fire hazard • Delayed emergency response time • Frozen/burst pipes, leading to loss of water • Disruption of traffic

	<ul style="list-style-type: none"> • Impacts on the economy • Reduced communications capabilities
Tornadoes	<ul style="list-style-type: none"> • Injury or death • Power outages • Blocked roadways from trees • Rerouting traffic • Damaged or destroyed property and infrastructure • Natural gas pipeline breaks – fire injuries, possible deaths • Transportation disruption • Displaced residents • Damage to the natural environment, including protected species and critical habitats
Wildfires	<ul style="list-style-type: none"> • Injury or death • Property and fence damage • Road closure • Traffic accidents • Loss of power – burning utility poles • Loss of property • Structure and infrastructure damage • Displaced residents • Loss of resources • Damage to the natural environment, including protected species and critical habitats

Hazard Event History

The following data, taken from the National Centers for Environmental Information, are natural hazard events that occurred in the Town of Newburgh between 2019 and 2024. The material is organized by location and date. No natural hazard events have been reported specifically for the Town of Newburgh; however, several for all of Orange County are listed in Table 10.

Damage

Table 10: Historical Events in the Town of Newburgh Since 2019²

Damage

Newburgh 7/8/2020 Flash Flood 0 0 \$0 \$0

Newburgh	7/8/2020	Flash Flood	0	0	\$0	\$0
Newburgh	7/8/2020	Thunderstorm Wind	0	0	\$2,000	\$0
Newburgh	7/8/2020	Flash Flood	0	0	\$0	\$0
Newburgh	6/26/2024	Thunderstorm Wind	0	0	\$1,000	\$0

Drought

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of drought that has explicitly impacted the Town of Newburgh; however, there have been a few recorded occurrences within Orange County. This information can be found in the main body of the document.

IMPACT OF CLIMATE CHANGE

Climate change is anticipated to increase the frequency and intensity of droughts in New York State. Warmer temperatures will increase evaporation and reduce surface water levels, leading to drier soil. Additionally, the precipitation variability may increase, meaning there will be more periods of extreme precipitation and more periods of little-to-no precipitation, potentially spurring a drought. Some studies project that climate change will make late-summer short-duration droughts more common. Climate change has yet to affect drought occurrence in New York meaningfully; drought frequency in the Northeast has stayed relatively constant, decreasing only slightly. Models have shown that temperature

increases have been counteracted by increases in humidity, resulting in negligible impacts on drought trends in the Northeast between 1980 and 2020. It is unclear to what extent increases in humidity are caused by global climate change versus more localized environmental effects.³

² National Centers for Environmental Information. "Storm Events Database."
https://www.ncdc.noaa.gov/stormevents/listevents.jsp?eventType=ALL&beginDate_mm=01&beginDate_dd=01&beginDate_yyyy=2019&endDate_mm=08&endDate_dd=31&endDate_yyyy=2024&county=ORANGE%3A71&hailfilter=0,0,0&tornfilter=0&windfilter=000&sort=DT&submitbutton=Search&statefips=36%2CNEW+YORK ³ "New York State Hazard Mitigation Plan." 2023. <https://mitigateny.org/>

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Earthquakes

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of earthquakes that have explicitly impacted the Town of Newburgh.

IMPACT OF CLIMATE CHANGE

Earthquakes are unlikely to be affected by climate change. The causes of earthquakes are largely unaffected by atmospheric changes brought on by climate change. There are some indications that earthquakes became more frequent as glaciers melted thousands of years ago, and more common earthquakes in Greenland may be tied to warming temperatures. Still, the links between these phenomena and anthropogenic climate change are uncertain at best and have not affected New York. Earthquakes are not discussed in local, regional, or national climate impact assessments, highlighting that climate change is not expected to impact their frequency or intensity in the United States.

Extreme Temperatures

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of extreme temperatures that have explicitly impacted the Town of Newburgh; however, there have been a few recorded occurrences within Orange County. This information can be found in the main body of the document.

IMPACT OF CLIMATE CHANGE

The Northeast is warming faster than many other U.S. regions. Extreme cold events will likely become less frequent because of this and have already become milder. For much of North America, including the Northeast, extreme cold events have become less severe due to warming temperatures. High-profile

severe cold events have still occurred in recent years, but this is likely due to natural variability. Between 1900 and 2017, New York City saw an evident decline in cold days, when the minimum temperature was equal to or less than the 10th percentile of the daily minimum temperature of a given year. The impacts of climate change on the duration of individual cold waves are currently uncertain.

Climate change will significantly increase extreme heat events' frequency, severity, and duration, including multi-day events, in every state region, with an expected corresponding increase in impacts without adequate adaptation. Statewide, New York is expected to see a five-fold increase in heat wave days by 2050. By that same year, different regions of New York State are projected to experience between 11 and 30 additional days above 90°F per year, above the 1981–2010 baseline. The number of extreme heat events (periods of three or more days above 90°F) per year in different regions is expected to rise from a baseline of zero to two per year (1981–2010) by an additional one to four extreme heat events per year by the 2050s.

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In areas where heat events occur less frequently, extreme heat impacts will occur more frequently and become more widespread by mid-century. For example, the Saint Lawrence Valley historically experiences one to two extreme heat events per decade but is expected to observe two to three events annually by 2050. Due to the relatively rapid change in frequency, severity, and duration of extreme heat events, New York State will experience new impacts. In contrast, existing impacts may be significantly exacerbated if no adaptive measures are taken. The New York State Energy Research and Development Authority's (NYSERDA) Climate Impacts Assessment (CIA) projects changes in heat-related extremes across 12 regions, each described in Figure 2. The CIA provides projections for the following heat-related extremes: days over 90°F, days over 95°F, number of heat waves, average length of heat waves, maximum heat index, days heat index is over 85°F, and days heat index is over 95°F. For the purposes of this hazard profile, days over 95°F, number of heat waves, and average length of heat waves are included as they align closest with State Hazard Mitigation Plan (SHMP) data and definitions. For more information on the CIA's projections, including projections for every decade through the 2080s, see [NYS Climate Impacts Assessment](#). By the 2050s, different regions of New York State are projected to experience an additional five to 46 days above 90°F per year above their 1981–2010 baselines.

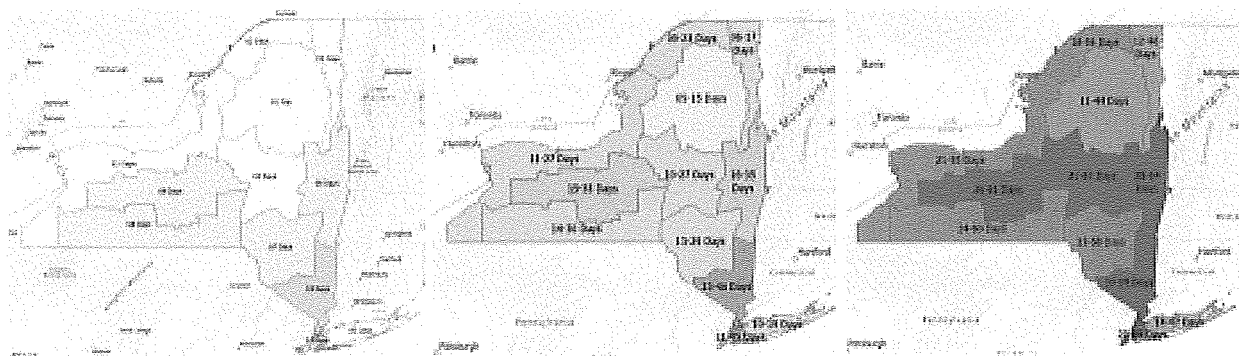


Figure 2: New York State Heat Projections by CIA Region

Left: Number of days above 90°F during the base period (1981–2010)

Middle: Additional days above 90°F by the 2050s, showing middle range (25th–75th percentile) 30-year mean values from model-based outcomes

Right: Additional days above 90°F by the 2080s, showing the middle range of

values.⁴ **Floods**

PREVIOUS HISTORICAL OCCURRENCES

- **July 8, 2020:** A basement of a house flooded on Wilkin Street between Dupont Avenue and Larter Avenue. There was four feet of water reported in the basement of a home on Fullerton Avenue between First street and Galloway Avenue. Additionally, a vehicle was stranded in floodwaters on Broadway in Newburgh with the fire department responding.

⁴ New York State Energy Research and Development Authority. "New York State Climate Impacts Assessment: Understanding and Preparing for Our Changing Climate." Climate Impacts Assessment. <https://nysclimateimpacts.org/>

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- **Hurricane Irene, August 2011:** While the hurricane made landfall primarily in other areas, its remnants brought torrential rainfall to the Hudson Valley, leading to localized flooding in Newburgh. Streams and creeks overflowed, causing damage to roads, homes, and infrastructure.

IMPACT OF CLIMATE CHANGE ⁵

Climate change will increase the probability of extreme flood events. Given that projected climate change will affect the frequency and intensity of flood events, its impacts will likely change recurrence intervals. In one study focused on New York City, modeling showed that a 0.2-percent annual chance flood in preindustrial times would shorten its return period to roughly five years by 2045 due to climate change. The size of these events is projected to change as well; for example, the study projected that a 0.2-percent annual chance flood, which resulted in 11 feet of flooding above mean tide level in 1970–2005, would cause 13–16.7 feet of flooding above mean tide level by 2080–2100. Climate change will not only cause extreme flooding events to become more common but also make them more severe.

Climate change will primarily affect flooding in New York through changing precipitation patterns and sea-level rise. Climate change directly affects precipitation and, with it, flooding. Extreme precipitation events have become more common as temperatures have warmed due to the increased capacity of warm air to hold water. Precipitation has increased across the Northeast in all seasons, while the heaviest precipitation events have increased 60 percent since 1958, leading to more frequent flood events. As we advance, precipitation is generally expected to become more frequent, intense, and prolonged, while extreme precipitation events will also become more common. This will lead to more flooding across the state. Meanwhile, sea levels are rising faster along New York's coast than the global mean, a phenomenon linked directly to climate change. Sea-level rise has significant implications for storm surge, high-tide flooding, and other coastal flood-related hazards.

The Intergovernmental Panel on Climate Change (IPCC) projects that short-duration, high-intensity rainfall, which causes flash flooding, is likely to increase in the northeastern United States due to climate change. However, localized increases in short-duration extreme rainfall may be heightened beyond the expected temperature increase alone, possibly due to convective cloud feedback with uncertain links to

climate change. The “flashiness” of flash floods, a metric for the speed and volume of flood events, may also increase due to climate change. In the Northeast, it is unclear whether there will be significant changes in the duration of flash flood events, but there are likely to be increases in both the volume and peak rainfall rates. This means that flash flood events could dump more water in a shorter or unchanged amount of time—something that has potentially grave impacts on affected communities. The extreme rainfall events made more frequent and intense by climate change will make urban flooding more likely, as already overburdened, or insufficient drainage and infiltration systems are overwhelmed.

NYSERDA’s CIA projects change in extreme precipitation events across 12 regions. The CIA provides projections for the following precipitation-related extremes: days with over 1, 2, or 4 inches of precipitation. The CIA also reports data on changes in annual precipitation that are not included in this

⁵ “New York State Hazard Mitigation Plan.” 2023. <https://mitigateny.org/>

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profile. See the NYS Climate Impacts Assessment for more information on the CIA’s projections, including projections for every decade through the 2080s.⁶

Hurricanes/Tropical Storms

PREVIOUS HISTORICAL OCCURRENCES

- **Hurricane Sandy, 2012:** Much of the worst impacts during this storm were felt along the eastern portion of the county and downstate. In the Town of Newburgh and the City of Newburgh, there were widespread power outages and downed trees. The water and wastewater plants were inaccessible due to road closures.

IMPACT OF CLIMATE CHANGE

Climate change will cause hurricanes to intensify more rapidly, lead to heavier rainfall, and result in more severe storm surges. Hurricane intensity decay is also anticipated to continue slowing. Models suggest that hurricane frequency will decrease, but the proportion of Category 4 and 5 hurricanes will increase. However, this finding has mixed to low certainty. Some studies have suggested that, as the world warms, a greater percentage of tropical storms in the Atlantic will form closer to the coast than is historically the case, and, as a result, more will make landfall, particularly along the East Coast. A more granular study reported similar findings and asserted that tropical cyclones may travel closer to Boston and Norfolk than to New York City. However, scientific consensus on this finding has yet to be reached, and most papers on the potential climate-induced geographic shifts in tropical cyclones include significant caveats and low confidence findings.

A hurricane’s intensity typically lessens or decays as it moves inland. This is because hurricanes gain intensity from ocean moisture. However, studies have shown that the decay in intensity has lessened

proportionally with increased sea surface temperatures, meaning that, compared to historical levels, hurricanes are maintaining more of their destructiveness as they move further inland. Hurricanes have also slowed, causing more rainfall, wind damage, and other impacts, while trends since 1979 suggest that hurricane season in the North Atlantic is starting increasingly earlier in the year.⁷

Ice Jams

PREVIOUS HISTORICAL OCCURRENCES

- There is potential for an ice jam; however, no historical occurrences are noted within the town.

⁶ MitigateNY. "New York State Climate Impacts Assessment: Understanding and Preparing for Our Changing Climate." <https://nysclimateimpacts.org/>

⁷ "New York State Hazard Mitigation Plan." 2023. <https://mitigateny.org/>

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IMPACT OF CLIMATE CHANGE

Ice jam impacts are less common in the vicinity of Newburgh than in other portions of the county. Climate change may affect ice jam flooding in a way that differs from other flood types. Research on the impacts of climate change on ice jams is minimal and primarily based outside of the United States. Findings from these studies may be used to make broad inferences about climate effects on ice jams in New York. Studies have shown that ice cover season is decreasing in the Northern Hemisphere, including New York, in response to increasing temperatures. Rising temperatures are expected to continue, causing later freeze-ups and earlier breakups, reducing ice cover season duration. In snowy regions, ice jam flooding is often closely preceded by snowmelt. With warmer temperatures likely to cause earlier snowmelt, it is plausible that the timing of ice jam flooding may shift as well. Southeastern Canada, part of which borders New York, has already experienced ice jam flooding earlier in the year than is typical. Despite this, anecdotal evidence from the northeastern United States indicates that ice jam flood frequency is declining as temperatures rise, cold snaps become less severe, and more frequent precipitation prevents ice formation. However, how the severity of ice jam flooding will be affected is unclear. One study of Canadian ice jams hypothesized that, as winter snowmelt increases and ice thickness decreases due to warmer temperatures, mid-winter ice breakups could become more common and, with them, ice jam flooding. Mid-winter breakups often lead to more damaging ice jam floods because they occur with little warning. A few other complex processes affecting ice jams, both direct and indirect, may be influenced by climate change.⁸

Landslides

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, no record of landslides has explicitly impacted the Town of Newburgh.

IMPACT OF CLIMATE CHANGE

As of spring 2023, there has been no research showing a direct link between climate change and current or historic landslide events in New York State. However, landslides may be impacted by climate change in the future. The underlying conditions and causes of landslides, such as bedrock stability and heavy rain events, are influenced by climate-related trends like temperature increases, sea level rise, and extreme precipitation events. Unseasonably warm days leading to rapid snowmelt or extreme precipitation events can make the ground overly saturated. This, in turn, creates an unstable environment on steep slopes, which can cause landslides. Warming trends and increasingly frequent and intense extreme precipitation events will only continue to become more common due to climate change. As climate change continues, the existing equilibrium between landscape development and climate that New York has experienced since the end of the last Ice Age will change. Increased precipitation amounts and more frequent extreme precipitation events will lead to the development of a new equilibrium. This adjustment in equilibrium will likely increase the incidence of landslide events. The location of climate-influenced landslide events remains challenging to model. However, modern, detailed geological mapping at the quadrangle or

⁵"New York State Hazard Mitigation Plan." 2023. <https://mitigateny.org/>

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county scales over a LiDAR terrain base map may provide the best predictive tool to identify areas susceptible to future landslide hazards.⁹

Severe Thunderstorms

PREVIOUS HISTORICAL OCCURRENCES

- **July 8, 2020:** Tree down on wires at City Terrace.
- **June 26, 2024:** A tree was downed on NY 32 northbound at Ruscitti Road in New Windsor. Alternate route of two lanes was blocked.

IMPACT OF CLIMATE CHANGE

Climate change will potentially make hailstones bigger and hailstorms more intense but less frequent in North America. This holds true in the Northeast, where the number of hail days and small- and medium sized hail events are projected to drop. Nonetheless, in the Northeast, models show that very large hailstones will become more common. Ultimately, these models remain uncertain, while hail is projected to become less frequent but more severe. The effects of climate change on the duration of hail events, if any, are currently uncertain.

Research on how climate change may affect lightning is limited. One model projected that the number of lightning strikes in the United States would increase by 12 percent for every degree of increase in global average air temperatures. A more recent study in Europe projected that the impacts of climate change on

lightning would be location-specific, with some areas experiencing more lightning strikes and some experiencing fewer, largely based on latitude. While projections of changes to intensity and duration remain limited, one study suggested that long-continuing-current lightning flashes—intense lightning flashes that are longer and more likely to spark fires than other types of lightning—may become more common, though not significantly so in the Northeast. Ultimately, while specific lightning impacts remain uncertain, lightning occurs more frequently in warmer temperatures, so it may be reasonable to see some level of increased lightning occurrence with projected climate change. As of early 2023, there was no clear change in lightning frequency or intensity in the United States. While there have been an increasing number of lightning-caused fires in the West, this is largely due to dry conditions rather than a change in the frequency or intensity of the lightning itself.¹⁰

⁹ Ibid.

¹⁰ “New York State Hazard Mitigation Plan.” 2023. <https://mitigateny.org/>

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Severe Winter Storms

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of severe winter storms that have explicitly impacted the Town of Newburgh; however, there have been a few recorded occurrences within Orange County. This information can be found in the main body of the document.

IMPACT OF CLIMATE CHANGE

In the Northeast, while snow events may become less common and snow seasons may be shorter due to higher average temperatures, extreme snowstorms (including lake-effect snowstorms) may increase in frequency relative to historical levels. However, this trend may not hold toward the end of the century as warming increases. One study suggested that, while snowstorms will likely become less common due to atmospheric warming when temperatures are cold enough, they will produce more snow than has historically been the case. Climate-linked changes to snowstorm duration are unclear at this time. Many areas in the Northeast have seen record snowstorm events in recent years. The relative increase in extreme snowstorm events over the past decades has been linked to climate change.¹¹

Tornadoes

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of tornadoes that have explicitly impacted the Town of Newburgh.

IMPACT OF CLIMATE CHANGE

The connection between climate change and tornadoes is unclear. Because tornadoes are short-term events, lack reliable historical data, and have a localized nature that is difficult to integrate into climate models, it is difficult to project the effects of climate change on them. However, a recent study used models to project that supercells—the thunderstorms from which most tornadoes are produced—will become more frequent and intense, more common in the late winter and early spring, and may be somewhat more common in New York.¹² The researchers hypothesized that, because of this, tornadoes would become increasingly frequent and intense. Changes in tornado duration due to climate change, if any, remain uncertain.¹³

¹¹ Ibid.

¹² NOAA National Severe Storms Laboratory. "NSSL Research: Tornadoes."
<https://www.nssl.noaa.gov/research/tornadoes>

¹³ "New York State Hazard Mitigation Plan." 2023. <https://mitigateny.org/>

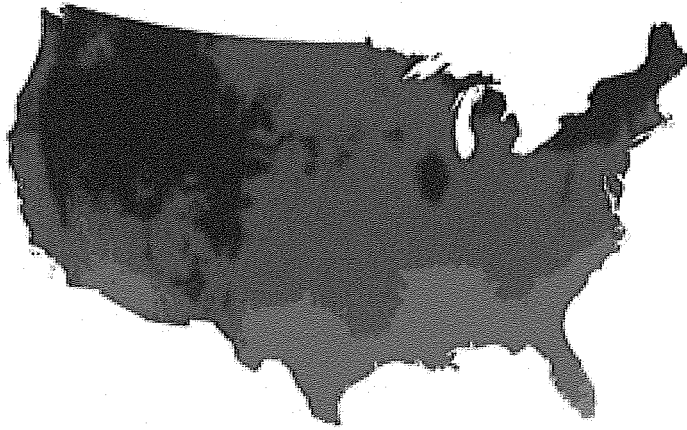
Wildfires

PREVIOUS HISTORICAL OCCURRENCES

- Since the last plan update, there is no record of wildfires that have explicitly impacted the Town of Newburgh; however, there have been a few recorded occurrences within Orange County. This information can be found in the main body of the document.

IMPACT OF CLIMATE CHANGE

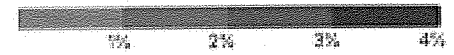
Wildfires are directly impacted by climate change. Climate change will lead to warmer temperatures and drought conditions, which create an environment ripe for fires, particularly in the western United States.¹⁴



Rising Temperatures

Rising average temperatures increase the rate of evaporation in dense wilderness areas, causing soil and vegetation to dry more quickly and become flammable.

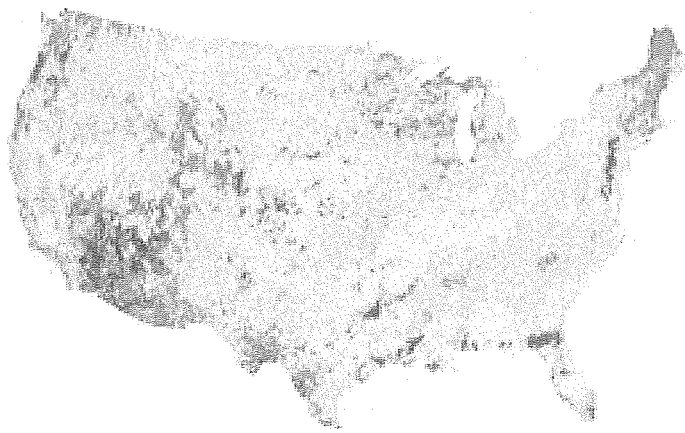
Change in temperature (°F) in 30 years



Source: Eagle Rock Analytics, based on the NOAA Real-Time Mesoscale Analysis (RTMA) 2011-2020 hourly time series and adjusted to future conditions using the RCP 4.5 emissions scenario

Figure 3: Rising Temperatures in the United States

¹⁴ Center for Climate and Energy Solutions. <https://www.c2es.org/content/wildfires-and-climate-change/>



Changing Precipitation

Changing precipitation patterns are exacerbating dry seasons in areas prone to wildfires, causing burns to become more frequent and severe.

Precipitation change in 30 years



Source: Eagle Rock Analytics, based on the NOAA Real-Time Mesoscale Analysis (RTMA) 2011-2020 hourly time series and adjusted to future conditions using the RCP 4.5 emissions scenario.

Figure 4: Changing Precipitation in the United States Due to Climate Change

Information on the impacts of climate change on wildfire frequency, intensity, duration, and location in New York State is currently limited. Generally, climate change is not expected to make wildfires a significant hazard of concern in New York. Wildfire occurrence is projected to increase in New York, but baseline occurrence levels are so low that this increase is not expected to have a meaningful effect. Impacts on the duration and intensity of wildfires in New York are currently unclear, though the start and peak of wildfire season may occur earlier in the year.¹⁵

National Flood Insurance Program (NFIP) Summary

The Town of Newburgh has been a participant in the NFIP since 1974. Details of NFIP policies within the Town of Newburgh are provided in Table 11. Continued compliance with NFIP requirements is expected for the Town of Newburgh. Mapped flood zones are illustrated in Figure 5.

¹⁵ "New York State Hazard Mitigation Plan." 2023. <https://mitigateny.org/>

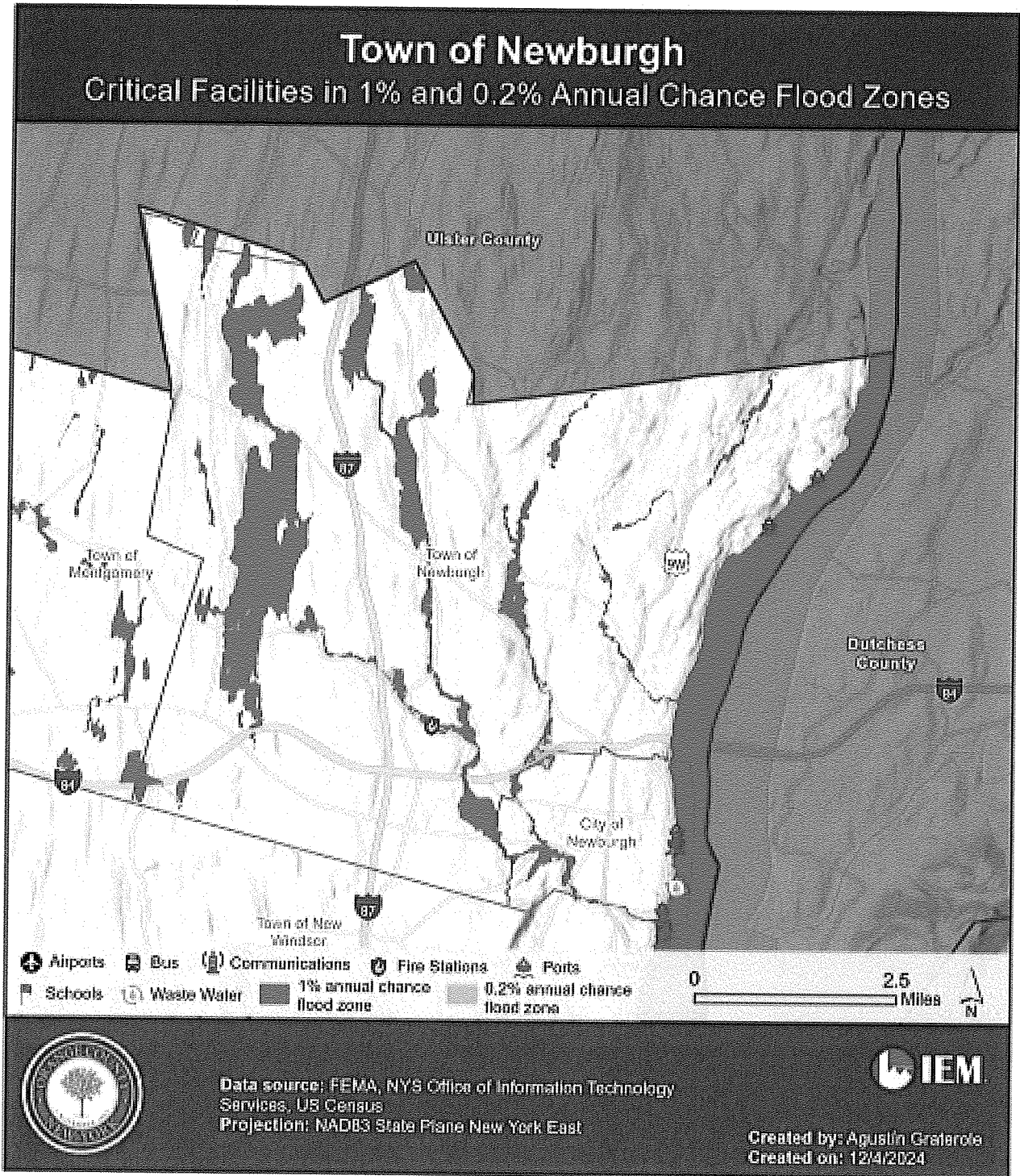


Figure 5: Mapped Flood Zones for the Town of Newburgh

The NFIP questions in Table 11 were answered to the best of the Town of Newburgh's

ability. **Table 11: NFIP Floodplain Management Capabilities and Compliance**

Code Compliance Supervisor, secondary

Who is the floodplain manager? Is this their primary or secondary role?

Does the floodplain manager have adequate training and capacity for their role? If not, what else is needed?	Yes
How does the community enforce its floodplain rules? Does enforcement include monitoring compliance and acting to correct violations?	Notice of violations and tickets Yes, enforcement includes monitoring compliance and acting to correct violations
When was the community's most recent Community Assistance Visit (CAV)?	2021
Were any violations noted on the community's most recent CAV?	Yes, the need to computerize inspection records
Is there an upcoming CAV? If no, is one needed?	No, No
When was the most recent floodplain management ordinance adopted?	2009
Does your community participate in the Community Rating System (CRS)? If so, describe the steps the community has taken to achieve the CRS goals.	No
Does the community's floodplain management ordinance include any higher standards? If so, please list.	No
Who is responsible for permitting?	Code Compliance Supervisor
How does the community issue development permits in the special flood hazard area?	Submit application to Building Department, who then consults with the Town Engineer; permit is granted by Building Dept.
Does the community maintain elevation certificates?	No, but the Department keeps LOMRs
Does the community track the number of buildings in the special flood hazard area? If yes, are there any trends?	Yes. Very few structures in floodplain, and most were built before flood maps were available. Very few applications have been made to build in floodplain.

How many repetitive loss (RL) structures does the community have? (List number and type of structure.)	4 residential
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How many severe repetitive loss (SRL) structures does the community have? (List number and type of structure.)	0
Have any RL/SRL properties been mitigated since the last plan update?	No
Who is responsible for making substantial damage/substantial improvement determinations?	Code Compliance Supervisor
How does the substantial damage/substantial improvement process work in your community?	The town has not had to address this matter in recent years, but process would involve resident approaching the Building Department.
Is there sufficient staff and training to make substantial damage/substantial improvement determinations?	Yes
How are substantial damage/substantial improvement requirements messaged to the public before and after an event?	They are not messaged to the public
Have any substantially damaged/substantially improved structures been mitigated since the last plan update?	No
How will the community remain in compliance with the NFIP moving forward? (Simply stating "the community will continue to comply with the NFIP" will not meet FEMA's planning requirements.)	Ongoing training and working towards computerized record-keeping.

How does the community support map change requests? This could be requests during the Risk MAP process or through Letters of Map Amendment or Revision.	Town receives LOMRs from FEMA and files them in the Building Department
When did the latest Flood Insurance Rate Map (FIRM) become effective?	2009 (same for all communities)
When was the latest FIRM adopted?	2009 (same for all communities)
Is the FIRM and Flood Insurance Study (FIS) report in an accessible location? How would the public get access to their flood map information?	Paper maps are in the Building Department

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Does the community use any Risk MAP products? If so, describe.	No
Does the community collect updated floodplain data or modeling? Is this shared with partners and with FEMA?	No
Other comments?	None

How does the community educate the public on floodplain management and the availability of flood insurance, in and out of the floodplain?	Town does not do outreach about floodplain mgmt. and insurance, but works with individuals during the permit application process
How does the community engage with insurance agents on flood insurance?	Town does not get involved with insurance agents; individuals do this independently.
Does the community (or state) have flood hazard disclosure laws?	State
How familiar is the public with their flood insurance options?	Unknown
How many properties have flood insurance in the community?	167 policies
Are there any areas where flood insurance is lacking?	Unknown

Other comments?	None
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Capability Assessment

Local mitigation capabilities are essential for reducing the impact of hazards on communities. Local authorities can effectively mitigate hazards by leveraging existing policies, programs, and resources. These capabilities encompass a range of strategies, such as land-use planning, building codes and enforcement, public education and outreach, infrastructure protection, and natural resource protection. Through collaboration with various stakeholders, including emergency management agencies, public works departments, and environmental organizations, local communities can implement comprehensive mitigation efforts to minimize the impact of disasters. The following tables provide the Town of Newburgh's capabilities.

Planning and Regulatory Capability

A series of jurisdiction capability assessment forms were provided to the community to identify local mitigation capabilities already in place within the Town of Newburgh. These policies, programs, and resources can reduce hazard impacts and implement hazard mitigation activities. Table 12 and Table 13 present the Town of Newburgh's planning and regulatory capabilities, such as the plans, policies, codes, and ordinances that prevent and reduce the impacts of hazards.

Table 12: Assessment of the Planning Capabilities of the Town of Newburgh

	hazards? (Y/N)	used to implement mitigation actions?	updated? When will it next be updated?
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General Plan N/A N/A N/A

Capital Improvement Plan	N/A	N/A	N/A
Climate Change Adaptation Plan	N/A	N/A	N/A
Community Wildfire Protection Plan	N/A	N/A	N/A
Economic Development Plan	N/A	N/A	N/A

Ordinance			
Subdivision Ordinance	Yes	Yes	Ongoing
Zoning Ordinance	Yes	Yes	Ongoing
Natural Hazard Specific Ordinance (Stormwater, Steep Slope, Wildfire)	Yes	Yes	Ongoing
Acquisition of Land for Open Space and Public Recreation Use	No – policy is for water quality protection in Town’s reservoir, not for hazard mitigation	N/A	N/A
Prohibition of Building in At-Risk Areas	Yes	Yes	Ongoing
Other? (Describe)	None		

Administrative and Technical

Administrative and technical capabilities include staff and their skills, as well as tools that can aid in carrying out mitigation actions.

Table 14: Assessment of the Administrative Capabilities of the Town of Newburgh

adequate? **hazards and mitigation?** **between agencies and staff effective?**

Capability

Yes Yes Yes Yes

Chief Building Official

Civil Engineer	Yes – Contract	Yes	Yes	Yes
Community Planner	Yes – Contract	Yes	Yes	Yes
Emergency Manager	Yes (secondary role for supervisor & other staff)	Yes	Yes	Yes

Floodplain Administrator	Yes	Yes	Yes	Yes
Geographic Information System (GIS) Coordinator	No			
Planning Commission	Yes – Planning Board	Yes	Yes	Yes
Fire Safe Council	Yes, Fire Bureau	Yes	Yes	Yes
Community Emergency Response Team (CERT)	No			
Active Voluntary Agencies Active in Disasters (VOADs)	No			

Table 15: Assessment of the Technical Capabilities of the Town of Newburgh

(Answer or N/A)

capability been used to assess/mitigate risk in the past?	used to assess/mitigate risk in the future?
--	--

Mitigation Grant Writing	Yes	The town has applied for and received grants for mitigation activities	Continue to apply for grants and implement mitigation strategies
Hazard Data and Information	Not at town level		

GIS	Yes	N/A – program is in its infancy	Future GIS-based assessments can lead to additional mitigation projects by analyzing fire district boundaries, water & sewer district boundaries, floodplains, stormwater infrastructure, etc.
Mutual Aid Agreements	Yes	Equipment and water are shared with adjacent municipalities Emergency districts have mutual aid agreements also.	Continuation of shared services.
Other? (Please describe)	N/A	N/A	N/A

Financial

Financial capabilities are the resources to fund mitigation actions. Talking about funding and financial capabilities is important to determine what kinds of projects are feasible given their cost. Mitigation actions such as outreach programs have lower costs and often use staff time and existing budgets. Other actions, such as earthquake retrofits, could require substantial funding from local, state, and federal partners. Partnerships can be included, including those willing to donate land, supplies, cash, or in-kind matches.

Table 16: Assessment of the Financial Capabilities of the Town of Newburgh

resource been used in the past, and for what types of activities?	resource be used to fund future mitigation actions?	used as the local cost match for a federal grant?	Capital Improvement Project Funding
			Yes Yes, for culvert replacements & Chadwick Lake dam Y Y

General Funds	Yes	Yes, for culvert replacements & Chadwick Lake dam	Yes	Yes
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Hazard Mitigation Grant Program (HMGP/404)	Yes	N/A	N/A	No
Building Resilient Infrastructure & Communities (BRIC)	Yes	N/A	N/A	No
Flood Mitigation Assistance (FMA)	Yes	N/A	N/A	No
Public Assistance Mitigation (PA Mitigation/406)	Yes	N/A	N/A	No
Community Development Block Grant (CDBG)	Yes	Yes, for sewage treatment plant improvements	No – grant funds have been spent and Town may not be eligible for CDBG in the future due to changing demographics	Yes

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in the past, and for what types of activities?

resource be used to fund future mitigation actions?

used as the local cost match for a federal grant?

resource been used

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Natural Resources Conservation Service (NRCS) Programs	Yes	N/A	N/A	No
U.S. Army Corps of Engineers (USACE) Programs	Yes	N/A	N/A	No

Property, Sales, Income, or Special Purpose Taxes	Yes Property tax Sales tax Drainage district tax Fire district tax Ambulance district tax	Yes, for drainage improvements and maintenance, roadway repairs General emergency response	Yes	Yes
Stormwater Utility Fee	No	N/A	N/A	N/A
Fees for Water, Sewer, Gas, or Electric Services	Yes	Operation and maintenance of water & sewer infrastructure	Yes	Yes
Impact Fees from New Development and Redevelopment	Not legal in NYS	N/A	N/A	N/A
General Obligation or Special Purpose Bonds	Yes	Various culvert replacements	Yes	Yes
Federal-funded Programs (Please Describe)	Yes	FEMA/Grants	Yes	Yes
State-funded Programs (Please Describe)	Yes	Grants	Yes	Yes
Private Sector or Nonprofit Programs	N/A	N/A	N/A	N/A
Other?	N/A			

Education and Outreach

encourage risk reduction. A participant or a community-based partner may run these programs. Partners, especially those who work with underserved communities, can help identify additional education and outreach capabilities.

Table 17: Assessment of the Education and Outreach Capabilities of the Town of Newburgh

Capability **incorporate**
currently **hazard mitigation?**

Community Newsletter(s) Yes Yes Annual flyer from Supervisor, email

system and website for time-sensitive notifications

Hazard Awareness Campaigns (such as Firewise, Storm Ready, Severe Weather Awareness Week, and School Programs)	No	N/A	N/A
Public Meetings/Events (Please describe)	Yes	No	Public meetings are held by the Town for a variety of reasons but none have focused on hazard mitigation
Emergency Management Listserv	Yes	Yes	Town uses Nixel for public notices Town website also sends out notices
Local News	N	N/A	N/A
Distributing Hard Copies of Notices (e.g., public libraries, door-to-door outreach)	Yes	No	Boil water notices are hard copies, in addition to being disseminated digitally
Insurance Disclosures/Outreach	N	N/A	N/A
Organizations that Represent, Advocate for, or Interact with Underserved and	N	N/A	N/A

**incorporate
hazard mitigation?**

Capability

currently

Vulnerable Communities (Please Describe)			
Social media (Please Describe)	Yes	Yes	Town and a Councilman have Facebook pages focused on town activities and notifications town website also is kept current with notifications and other information
Other? (Please Describe)	N/A	N/A	N/A

Opportunities to Expand and/or Improve Capabilities

Actions that can expand and improve existing authorities, plans, policies, and resources for mitigation include budgeting for mitigation actions, passing policies and procedures for mitigation actions, adopting and implementing stricter mitigation regulations, approving mitigation updates, and adding to existing plans as new needs are recognized.

Table 18: Capabilities to Expand or Improve in the Town of Newburgh

Planning and Regulatory • Town is currently in a comprehensive planning process and will incorporate elements of this hazard mitigation plan into the revised comprehensive plan.

Administrative and Technical	• The Building Department will develop procedures to computerize all inspection records.
Financial	• The town has dedicated funds from the general fund for a multi-year GIS contract that will digitize much of the town's infrastructure, making hazard mitigation and emergency preparedness more efficient and well-informed.
Education and Outreach	• The town will enhance website to include more information on emergency preparedness in attempt to have residents be more proactive.

Mitigation Strategy

Mitigation Goals

All jurisdictions in Orange County have elected to adopt the same goals.

- Promote disaster-resistant development.
- Build and support local capacity to enable the public to prepare for, respond to, and recover from disasters.
- Reduce the possibility of damages and losses to government-owned assets, including buildings, infrastructure, and protected land.
- Reduce the possibility of damage and losses from all hazards of concern.
- Enhance public safety and reduce flood risks by addressing vulnerabilities associated with high hazard potential dams.
- Prioritize reaching vulnerable populations by targeting outreach strategies and inclusive communication methods.

Prioritization of Mitigation Activities

The STAPLEE method is vital for hazard mitigation planning because it provides a structured, comprehensive approach to prioritizing actions based on their feasibility, impact, and alignment with community goals. By examining social, technical, administrative, political, legal, economic, and environmental criteria, STAPLEE ensures that chosen actions are not only effective at reducing hazard risks but are also practical to implement and sustain. This method emphasizes balancing costs with benefits, ensuring resources are allocated to the most impactful actions. Furthermore, STAPLEE promotes community support and stakeholder buy-in, as it prioritizes actions that reflect local values and gain political backing. This holistic approach fosters more resilient communities, as mitigation actions chosen through STAPLEE are better integrated into local frameworks and supported over the long term. The STAPLEE method is a tool for prioritizing hazard mitigation actions based on seven key criteria, ensuring that selected actions maximize benefits relative to their costs and align with community goals. Here's a breakdown of the STAPLEE criteria:

1. **Social:** Assesses public support and potential impacts on the community. It considers if an action aligns with community values and avoids disproportionately affecting any group.
2. **Technical:** Evaluates whether the action is technically feasible and effective in reducing future losses without creating new issues. This ensures that solutions address root causes rather than symptoms.
3. **Administrative:** Reviews available resources, staffing, and maintenance needs to determine whether the jurisdiction has the capability to implement and sustain the action.

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4. **Political:** Considers political and stakeholder support, including the commitment from local leaders and champions, to ensure the action has a stable foundation for success.
5. **Legal:** Confirms the legal authority to carry out the action, checking whether current laws and regulations support it or if changes are necessary.
6. **Economic:** Weighs the action's costs against its financial benefits and impact on the local economy, favoring cost-effective solutions that fit within budget constraints.
7. **Environmental:** Considers the environmental impact, ensuring the action aligns with sustainability goals and complies with federal laws, like the National Environmental Policy Act (NEPA), especially when federal funding is involved.

Previous Mitigation Activities

Table 19: Previous Mitigation Activities for the Town of Newburgh

TN-1	Installation of a permanent Emergency Generator at the Route 52 Water Booster Pumping Station/Project #1	Route 52 Pumping Station Emergency Generator	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG HMGP, State Legislators Members' Initiative
TN-2	Emergency Generator/Project #2	Meadow Hill Road Pumping Station Emergency Generator	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG HMGP, State Legislators Members Initiative
TN-3	Trailer Mounted Emergency Generator with installation of transfer switches and Emergency Generator electrical connectors at Sewage Pumping Stations throughout the Sewer District Emergency Generator/Project #3	Trailer Mounted Emergency Generator	Town Board and the Crossroads Sewer District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG HMGP, State, Legislators Members Initiative:

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TN-4	Town of Newburgh Public Service Building / Courthouse / Recreation Center Emergency Power Project	Provide backup emergency power to all essential systems and Emergency Shelter for evacuation of vulnerable populations and/or as a Red Cross Emergency Shelter and, FEMA Disaster Recovery Center.	Supervisor's Office, Engineer, Public Works, Recreation, Buildings & Grounds, Highway Department, Police, Fire Departments, American Red Cross	FEMA, HMGP, PDM, CDBG, State Senator Member Initiative, State, Assemblyman Member Initiative Town of Newburgh Tax Base, Donations and Governor's Office for Storm Recovery
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TN-5	New Emergency Shelter to be built off North Plank Road at entrance to Cronomer Hill Park	New Recreation Center to serve as shelter to be built outside the floodway of the Quassaick Creek/Chadwick Lake Dam. (Est. \$7 million)	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG HMGP, State Legislators Members Initiative:
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TOWN OF NEWBURGH ANNEX

2025 Proposed Mitigation Activities

Table 20: 2025 Proposed Mitigation Activities for the Town of Newburgh

	Funding Source	Agency	Estimate		
TN-1	Installation of a permanent Emergency Generator at the Route 52 Water Booster Pumping Station/Project #1	All hazards: drought, extreme temperatures, earthquake, flooding, ice jams, landslide, severe storms, winter storms, wildfires	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG, HMGP, State Legislators Members' Initiative	\$80,000
TN-2	Emergency Generator/Project #2	All hazards: drought, extreme temperatures, earthquake, flooding, ice jams, landslide, severe storms, winter storms, wildfires	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG, HMGP, State Legislators Members Initiative	\$80,000

TN-3	Trailer Mounted Emergency Generator with installation of transfer switches and Emergency Generator electrical connectors at Sewage Pumping Stations throughout the Sewer	All hazards: drought, extreme temperatures, earthquake, flooding, ice jams, landslide, severe	Town Board and the Crossroads Sewer District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG, HMGP, State Legislators	\$80,000
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TOWN OF NEWBURGH ANNEX

Agency

Funding Source

Estimate

	District Emergency Generator/Project #3	storms, winter storms, wildfires		Members Initiatives	
TN-4	Town of Newburgh Public Service Building / Courthouse / Recreation Center Emergency Power Project	All hazards: drought, extreme temperatures, earthquake, flooding, ice jams, landslide, severe storms, winter storms, wildfires	Supervisor's Office, Engineer, Public Works, Recreation, Buildings & Grounds, Highway Department, Police, Fire Departments, American Red Cross	FEMA, HMGP, PDM, CDBG, State Senator Member Initiative, State Assemblyman Member Initiative, Town of Newburgh Tax Base, Donations and Governor's Office for Storm Recovery	\$80,000

TN-5	New Emergency Shelter to be built off North Plank Road at entrance to Cronomer Hill Park	All hazards: drought, extreme temperatures, earthquake, flooding, ice jams, landslide, severe storms, winter storms, wildfires	Town Board and the Consolidated Water District	Capital Funds, Bonds, Operations Budget, Grants: NYSDEC, CDBG, HMGP, State Legislators Members Initiatives	\$80,000
TN-6	Dam Safety, Address burrows	Dam Failure	Town Board	General Fund	\$1,500

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TOWN OF NEWBURGH ANNEX

Agency
Funding Source
Estimate

Ordinance Drought Town Board HMGP, General
 TN-7 Water Conservation

Funds \$1,500.00 5-7 years Medium

TN-8	Adopt new building codes to meet seismic standard	Earthquake	Town Board	HMGP, General Funds	\$1,500.00
TN-9	Building Codes for Hurricane Standards	Hurricanes/Tropical Storms	Town Board	HMGP, General Funds	\$1,500.00
TN-10	Identify cooling and warming centers to have backup generation redundancy	Extreme Temperatures	Town Board	HMGP, General Funds	\$40,000.00
TN-11	Ice Jams Public Awareness Campaign	Ice Jams	Town Board	HMGP, General Funds	\$500.00

TN-12	Tornadoes Public Awareness Campaign	Tornadoes	Town Board	HMGP, General Funds	\$500.00
TN-13	Adopt new building codes for soil stability	Landslides	Town Board	HMGP, General Funds	\$500.00
TN-14	Wildfire Public Awareness Campaign	Wildfire	Town Board	HMGP, General Funds	\$500.00
TN-15	Severe Thunderstorms Public Awareness Campaign	Severe Thunderstorms	Town Board	HMGP, General Funds	\$500.00
TN-16	Severe Winter Storms Public Awareness Campaign	Winter Weather	Town Board	HMGP, General Funds	\$500.00
TN-17	Flooding Public Awareness Campaign	Flooding	Town Board	HMGP, General Funds	\$500.00
TN-18	Assess potential flood impacts to Town-owned critical facilities within floodplains	Flooding	Town Board	HMGP, General Funds	\$75,000

#17



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS
FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN
RE: DANSKAMMER ENERGY LLC COMMUNITY BENEFIT
AGREEMENT
OUR FILE NO. 800.1 (B)(____)(2025)
DATE: DECEMBER 16, 2025

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider

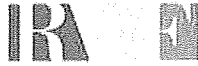
M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL
Stewart P. Glenn
Mary Fern Breheny
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL
Craig F. Simon

Enclosed please find the following for the Town Board's consideration:

1. Proposed new HOST COMMUNITY BENEFIT AGREEMENT between the Town and Danskammer Energy, LLC, dated as of November 25, 2025 providing for payment to the Town of \$200,000 in community benefits annually for an additional five years for the existing project forwarded by Attorney Patrick Seely of Hacker & Murphy;
2. ENVIRONMENTAL ASSESSMENT FORM for the approval of the New Host Community Benefit Agreement;
3. Draft RESOLUTION OF SEQR DETERMINATION: APPROVAL OF NEW HOST COMMUNITY BENEFIT AGREEMENT WITH DANSKAMMER ENERGY LLC (AN UNLISTED ACTION);
4. Draft NEGATIVE DECLARATION for the approval of the New Host Community Benefit Agreement; and
5. Draft RESOLUTION OF TOWN BOARD AUTHORIZING AND APPROVING NEW HOST COMMUNITY BENEFIT AGREEMENT WITH DANSKAMMER ENERGY, LLC.



Should you have any questions or concerns in this regard, please feel free to contact me.

cc: Town Clerk Lisa M. Vance Ayers
Town Assessor Molly Carhart (via e-mail)
Town Accountant Ronald Clum (via e-mail)
Receiver of Taxes Joseph Pedi (via e-mail)
Engineer's Representative Pat Hines (via e-mail)
Patrick L. Seely, Jr., Esq, (via e-mail)

At a 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 ___th day of December, 2025 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION OF SEQR
DETERMINATION: APPROVAL
OF NEW HOST COMMUNITY
BENEFIT AGREEMENT WITH
DANSKAMMER ENERGY LLC
(AN UNLISTED ACTION)

Councilman _____ presented the following resolution which was seconded by Councilman _____.

WHEREAS, the Town Board of the Town of Newburgh proposes to approve a proposed new Host Community Benefit Agreement with Danskammer Energy LLC (the "New Agreement"); and

WHEREAS, the Town of Newburgh previously approved in 2014 a Host Community Agreement with Danskammer Energy LLC in connection with a certain project (the "Project") consisting of the following: (1) the acquisition of an interest in parcels of real estate located in the Town Newburgh, Orange County, New York identified as tax parcels 8.1-78.2-1 and 8.1-80 (the "Land"), together with an approximately 524 Megawatt electric power generating plant, and the existing improvements located thereon (collectively, the "Existing Facility"), (2) the reconstruction of the Existing Facility, and (3) the acquisition and installation therein and thereon of certain machinery and equipment, including substantial pollution control equipment required to meet U.S. EPA and New York DEC regulations and to convert the Existing Facility from coal to gas (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), owned and operated by Danskammer Energy LLC as an electric power generating plant and other directly and indirectly related activities; and

WHEREAS, the Town Board adopted the findings pertaining to the environmental effects of the Project contained in the State of New York Public Service Commission decision with regard to the Project in the Order Approving Transfer and Making Other Findings for Case 14-E-0117; and

WHEREAS, that the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code determined that the approval of the previous host community benefit agreement would not have a significant effect on the environment and, accordingly, issued a Negative Declaration; and

WHEREAS, the original host community benefit agreement expired; and

WHEREAS, the Town of Newburgh then in 2020 approved a new Host Community Agreement with Danskammer Energy LLC in connection with the Project providing for substantially the same terms and conditions as the original host community agreement for four additional years (the "First Renewal Agreement"); and

WHEREAS, the First Renewal Agreement expired; and

WHEREAS, the New Agreement provides for substantially the same terms and conditions as the original host community benefit agreement and the First Renewal Agreement for five additional years; and

WHEREAS, the Town Board is authorized to undertake such action approving the New Agreement (the "Action"); and

WHEREAS, a short Environmental Assessment Form for the proposed action has been prepared/submitted; and

WHEREAS, the Town Board has determined that the Action is subject to SEQR and is an Unlisted Action; and

WHEREAS, the Town Board has determined that the Action is not located in an agricultural district; and

WHEREAS, the Town Board has determined to conduct an uncoordinated review of the Action.

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code hereby determines that said Action will not have a significant effect on the environment and, accordingly, does issue a Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to execute and file the Negative Declaration annexed hereto and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law.

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

<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>James Politi, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number N/A

Date: December, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Newburgh, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Host Community Benefit Agreement with Danskammer Energy LLC

SEQR Status: Type I ()
Unlisted ()

Conditioned Negative Declaration: () Yes
() No

Description of Action:

The action consists of the municipal approval by the Town of Newburgh Town Board of a new community benefit agreement between the Town and Danskammer LLC (the "Agreement" or "Host Community Benefit Agreement"). An original host community benefit agreement was entered into in or about 2014 in connection with a project consisting of the following: (1) the acquisition of an interest in parcels of real estate located in the Town Newburgh, Orange County, New York identified as tax parcels 8.1-78.2-1 and 8.1-80 (the "Land"), together with an approximately 524 Megawatt electric power generating plant, and the existing improvements located thereon (collectively, the "Existing Facility"), (2) the reconstruction of the Existing Facility, and (3) the acquisition and installation therein and thereon of certain machinery and equipment, including substantial pollution control equipment required to meet U.S. EPA and New York DEC regulations and to convert the Existing Facility from coal to gas (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing owned and operated by Danskammer Energy LLC as an electric power generating plant and other directly and indirectly related activities. The Town and Danskammer Energy LLC subsequently entered into a new host community benefit agreement on substantially the same terms in 2020 which is expiring.

The Agreement provides for an annual payment to the Town over a period of five years which is in reimbursement for Town expenses incurred in connection with its "police powers" for the

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

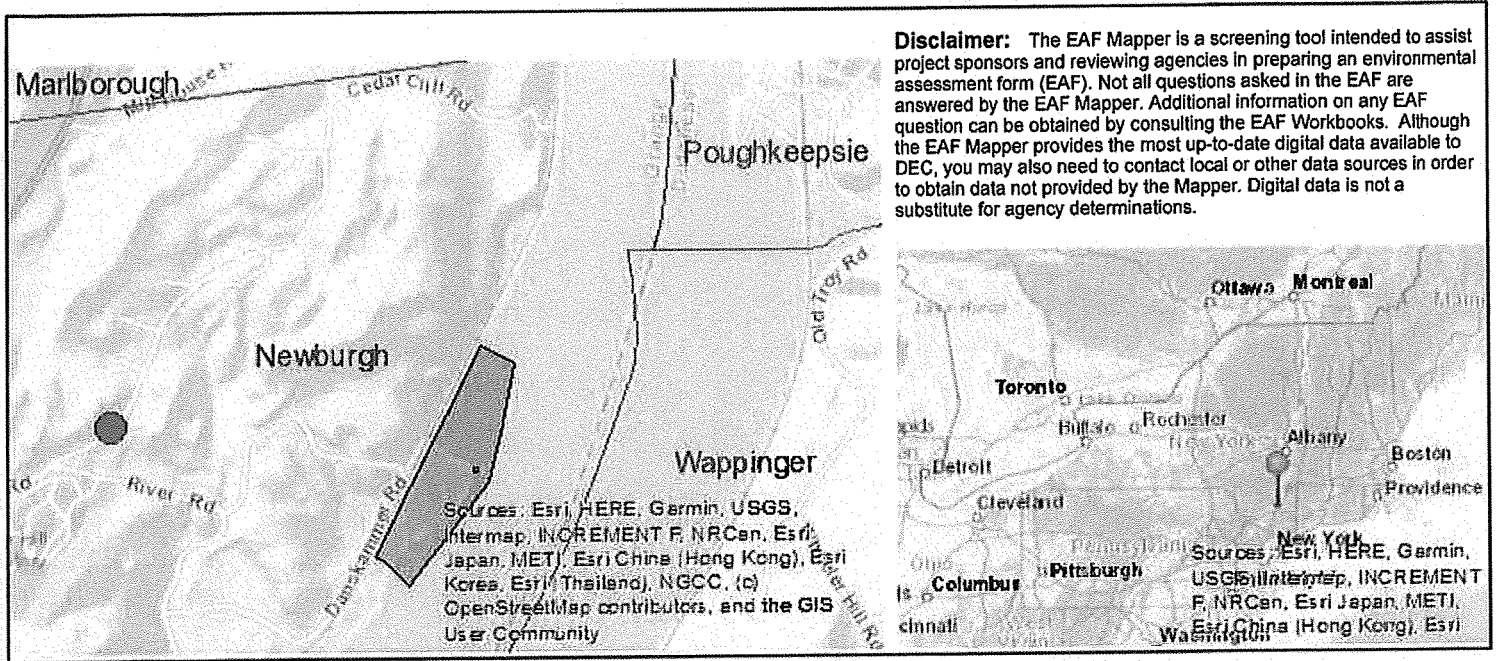
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Danskammer Energy LLC - Host Community Benefit Agreement			
Name of Action or Project: Host Community Benefit Agreement with Danskammer Energy, LLC (the "Project")			
Project Location (describe, and attach a location map): 99 Old Post Rd., SBL: 8-1-78.2-1 and SBL: 8-1-80			
Brief Description of Proposed Action: Danskammer Energy, LLC currently operates its existing electrical power generating plant located in the Town of Newburgh, identified further on SBL: 8-1-78.2-1 & 8-1-80). The Town of Newburgh and Danskammer Energy, LLC previously entered into two prior Host Community Benefit Agreements providing for the payment of Community Benefits to the Town in recognition of the impacts of the plant on the surrounding community including the significant expenses incurred in connection with the Town's police powers. The most recent prior Community Benefit Agreement's term has expired. The Town Board of the Town of Newburgh proposes to enter into a new Community Benefit Agreement (CBA) with Danskammer Energy, LLC on substantially the same terms. The new CBA will not result in any physical activities or disturbances at the site. There will be no change with the site.			
Name of Applicant or Sponsor: Town of Newburgh Town Board		Telephone: 845-564-4552 E-Mail: supervisor@townofnewburgh.org	
Address: 1496 Route 300			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Orange County Industrial Development Agency ("OCIDA") to approve a separate PILOT extension		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		Approx. 53 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A - no change at site		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A - no change at site		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A - no change at site		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? N/A - no change at site b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban Site already disturbed and proposed agreement will not result in a change</p>		
<p>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</p> <p>Atlantic Sturgeon, Bald Eag... No change at site</p>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p> <p>No change at site</p>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources?</p> <p>If Yes, No change at site</p> <p> a. Will storm water discharges flow to adjacent properties?</p> <p> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</p> <p>If Yes, explain the purpose and size of the impoundment:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>Proposed extension will not result in any change at site.</p>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Town of Newburgh Town Board</u> Date: _____</p> <p>Signature: _____ Title: <u>Supervisor</u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

There are no moderate to large impacts expected as a result of the action. The action constitutes only an extension of existing Agreements and will not result in any physical change or disturbance.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Newburgh	
_____ Name of Lead Agency	_____ Date
Gil Piaquadio	_____ Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

public health, safety and welfare during the long term operation of the Project Facility, following its development and construction, including but not limited to its security and protection, and highway usage, Code regulation and inspections, provision of utilities and other governmental, police power expenses. The proposed agreement is for five years and will extend annual payments over a total period of fifteen years when the payments under the original agreement are included.

The Town Board has conducted an uncoordinated review of this Unlisted Action.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Danskammer Road
Town of Newburgh, Orange County, New York

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; See 617.6(h) for Conditioned Negative Declaration)

The Town Board has considered the action and reviewed the environmental assessment form and other supporting information. The proposed action consists of the approval of of the Community Benefit Agreement between the Town of Newburgh, Orange County, New York, the host community, and Danskammer Energy LLC providing for an additional five years of community benefit fees to the Town in connection with the approximately 524 Megawatt electric power generating plant on real estate located in the Town Newburgh identified as tax parcels 8.1-78.2-1 and 8.1-80 owned and operated by Danskammer Energy LLC.

The action is unlisted.

None of the criteria set forth in Section 617.11 of Part 617 and any other supporting information identify relevant areas of environmental concern which would lead to a determination that the proposed Host Community Benefit Agreement may have a significant effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope or magnitude and the number of people affected. The EAF does not indicate any adverse environmental affects, nor are any relevant areas of environmental concern are identified.

With respect to the criteria that are considered indicators of significant effects on the environment, the lead agency has considered the following:

1) Existing air quality, surface or groundwater quality or quantity, traffic or noise levels, solid waste production or disposal, potential for erosion, leaching, drainage or flooding problems.

It is not at all likely that the proposed action will have any significant effect in these subject areas. The approval of the Host Community Benefit Agreement entails no construction. Accordingly, no impacts are anticipated on air quality, groundwater quality or ground or surface water quantity, traffic levels, solid waste production or disposal or leaching problems from the approval.

The Town Board therefore concludes that it is unlikely that the Action will have any adverse effects associated with the above criteria.

2) Aesthetic, agricultural, historic, or other natural or cultural resources, or community or neighborhood character.

The site is at an existing, improved facility used as a power plant which was reactivated after being damaged by Super Storm Sandy. Because the action does not entail additional construction or further improvements to the facility any impacts in the above-mentioned subject areas associated with the Action are minimal, no mitigation measures are needed. No agricultural, or identified historic or archeological assets have been identified as being impacted by the Action.

The Town Board concludes that the action is therefore not likely to impair the character or quality of any of those factors.

3) Vegetation or fauna, resident or migratory fish, shellfish or wildlife species, significant habitats, or threatened or endangered species or habitat; or natural resources.

The approval of the extension of the Host Community Benefit Agreement will not result in the removal or destruction of vegetation or fauna; nor in significant adverse impacts to fish or wildlife species, habitats or other natural resources. As the extension is not expected to have any significant impacts, either direct or indirect, on these subject areas, therefore, no mitigation measures are required. Otherwise, no effects in these areas are anticipated.

No adverse effects have been identified by the Town Board.

4) Impairment of the environmental characteristics of a Critical Environmental Area.

The environmental characteristics of a Critical Environmental Area will not be effected by the Action.

5) Existing community plans or goals, a change in the use or intensity of land including agricultural, open space and recreational resources, or other natural resources or hazard to human health.

The proposed Action does not create any conflict with any existing plans or officially stated land use policies within either the Town of Newburgh or Orange County. No hazard to human health is likely to be created.

No significant effects are accordingly anticipated by the Town Board.

6) Growth, subsequent development, or other related activities, including the attraction of a large number of people compared to the number who would otherwise come, likely to be induced by the proposed action.

The Action is not considered likely to have any impact whatsoever, whether direct or indirect, neither positive or negative, in these subject areas.

No effects are therefore anticipated by the Town Board.

7) Any other long term, short term, cumulative, or other effects not identified above.

No additional long term, short term or cumulative or other effects are anticipated.

8) Other impacts (including changes in use of either quantity or type of energy, the creation of a material demand for other actions, changes in two or more elements of the environment together, cumulative effects of two or more related actions)

No other potential impacts have been identified as being likely. The impacts of the host community benefit have been considered cumulatively.

The Town Board has also considered alternatives including the no action alternative. It has examined whether adverse environmental consequences would result from not acting, and has determined that the proposed action is appropriate.

In reliance upon the EAF and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Town Board determines there is no indication that the action may have a significant impact on the environment.

In summary No effects on: (a) protected or nonprotected waterbodies, (b) surface or groundwater quantity or quality, (c) drainage flow, (d) patterns or surface water runoff, (e) existing air quality or resources, (f) vegetation, fauna, threatened or endangered species, nonthreatened or nonendangered species, habitats, or agricultural land resources, (g) aesthetic resources, (h) site or structure of historic, prehistoric or paleontological importance, (i) quality or quantity of existing or future open spaces or recreational opportunities, (j) existing transportation systems or traffic patterns, (k) the communities sources of fuel or energy supply or solid waste production or disposal, (l) objectionable odors, noise or vibration, (m) erosion, drainage or flooding or (n) public health and safety or character of existing community, are indicated.

There appears to be no public controversy related to potential adverse environmental impacts from the extension of the Agreement.

Based upon a careful and thorough review of the EAF and other supporting documents and information and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Town Board of the Town of Newburgh finds and determines that there is no indication that the action will have a significant impact on the environment and the facts and circumstances do not call for the preparation of an environmental impact statement.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information: Town of Newburgh

Contact Person: Gilbert J. Piaquadio, Supervisor,
Town of Newburgh
Address: 1496 Route 300, Newburgh,
New York 12550

Telephone Number: (845) 564-4552

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice Must Be Sent to:

Chief Executive Officer, Town of Newburgh
The Lead Agency

Other involved agencies (if any): Orange County Industrial Development Agency

Any person who has requested a copy

Applicant (If any):

A Copy of the Notice Only Must Be Sent to:

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, New York 12233-1750

For Unlisted Actions, a Copy of the Negative Declaration Must Only Be Sent to *The Lead Agency*

At a 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 ___th day of December, 2025 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manely, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING AND APPROVING
NEW HOST COMMUNITY BENEFIT
AGREEMENT WITH
DANSKAMMER ENERGY LLC

Councilman _____ presented the following resolution which was seconded by Councilman _____.

WHEREAS, Danskammer Energy, LLC and the Town of Newburgh have previously entered into Host Community Benefit Agreements in 2014 and 2020 at the same time as Danskammer Energy, LLC applied to the Orange County Industrial Development Agency's (the "OCIDA") for a deviation payment in lieu of tax ("PILOT") agreement and its extension and amendment ("Extended PILOT") in connection with improvement and repair of the Danskammer Power Generating Station (the "Project"); and

WHEREAS, the Extended PILOT agreement will expire on January 31, 2025 without renewal and the last Community Benefit payment made to the Town under the 2020 Host Community Benefit Agreement was paid on or before January 31, 2024; and

WHEREAS, Danskammer Energy, LLC continues to recognize that the development, construction and long term operation of the Project impacts the surrounding community, particularly the Town, in that the Town incurs significant expenses in connection with its "police powers"; and

WHEREAS, in consideration of the impacts on the community and the support and participation of the Town with respect to the Project, Danskammer Energy, LLC agreed to provide annual payments to the Town, as set forth in the prior 2014 and 2020 Community Benefit Agreements which memorialized the terms and conditions associated with the payment of the Community Benefits (the "Prior Agreements"); and

WHEREAS, Danskammer Energy, LLC, in recognition of the continuing impacts of the long term operation of the Project has agreed to provide additional annual payments of Community Benefits to the Town, as set forth in a new Host Community Benefit Agreement which memorializes the terms and conditions associated with the payment of the Community Benefits (the "New Agreement"); and

WHEREAS, the Town Board has reviewed the terms and conditions of the aforesaid New Agreement and finds the New Agreement acceptable; and

WHEREAS, the Town Board desires to authorize the execution of the New Agreement.

NOW, THEREFORE BE IT RESOLVED, that we the Town Board of the Town of Newburgh hereby approve and authorize the Supervisor to execute and deliver the new Host Community Benefit Agreement between the Town and Danskammer Energy LLC; and

BE IT FURTHER RESOLVED, that the Supervisor and other officers and employees of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers and to take such actions as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Agreement(s); and

BE IT FURTHER RESOLVED that the aforesaid 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>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>James Politi, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

NEW HOST COMMUNITY BENEFIT AGREEMENT

This New Host Community Benefit Agreement (the "New CBA" or "Agreement"), dated as of the 25th day of November, 2025, by and between the Town of Newburgh, a municipal corporation duly organized and validly existing under the laws of the State of New York, with offices at 1496 Route 300, Newburgh, New York 12550 (the "Town") and Danskammer Energy LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware, with an office at 590 Madison Avenue, 41st Floor, New York, NY 10022 and its facility located at 994 River Road, Newburgh, New York 12550 (the "Company")(the "Town" and "Company" are collectively referred herein as the "Parties").

WITNESSETH:

WHEREAS, the Company is currently operating its existing electrical power generating plant known as the Danskammer Generating Station located in the Town currently located on parcels identified as SBL's 8.1-78.2-1 and 8-1-80; and

WHEREAS, the Company was operating under a Host Community Benefit Agreement with the Town (the "Existing CBA"); and

WHEREAS, the last payment under the Existing CBA was made by January 31, 2024 and therefore the Existing CBA has expired, but both the Company and Town would like to enter into a New Community Benefit Agreement (the "New CBA"); and

WHEREAS, the Town contains census tracts which have been identified as "Disadvantaged Communities" pursuant to the New York Climate Act; and

WHEREAS, in consideration for the impacts on the community and municipal services, the Company desires to assist the Town in its efforts to offset a portion of the Town's costs and other expenses by entering into a New CBA; and

WHEREAS, the Town and the Company wish to memorialize the terms and conditions associated with the payment of the new community benefits in this New CBA; and

NOW, THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Article 1 - Representations and Covenants

Section 1.1 Representations and Covenants of the Town.

The Town makes the following representations and covenants as the basis for the undertakings on its part herein contained:

- (a) The Town is a political subdivision of the State and has the power and authority to enter into the transaction contemplated by this New CBA and to carry out its

obligations hereunder.

- (b) The Town has been duly authorized to execute and deliver this New CBA.
- (c) Neither the execution and delivery of this New CBA, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this New CBA will conflict with or result in a breach of any of the terms, conditions or provisions of any agreement or instrument to which the Town is a party or by which it is bound, or will constitute default under any of the foregoing.

Section 1.2 Representations and Covenants of the Company.

The Company makes the following representations and covenants as the basis for the undertakings on its part herein contained:

The Company is a limited liability company duly organized and validly existing under the laws of the State of Delaware, is authorized to do business in the State of New York, has the authority to enter into this New CBA and has duly authorized the execution and delivery of this New CBA.

- (a) Neither the execution and delivery of this New CBA, the consummation of the transactions contemplated hereby nor the fulfillment of or compliance with the provisions of this New CBA will conflict with or result in a breach of any of the terms, conditions or provisions of any restriction or any agreement or instrument to which the Company is a party or by which it is bound, or will constitute a default under any of the foregoing, or result in the creation or imposition of any lien of any nature upon any of the property of the Company under the terms of any such instrument or agreement.
- (b) As of the date hereof, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body pending or, to the knowledge of the Company, threatened against or affecting the Company, to which the Company is a party, and in which an adverse result would materially diminish or adversely impact the Company's ability to fulfill its payment obligations under this New CBA.

Article II - Payment of Community Benefit Fee

Section 2.1

- (a) Community Benefit Fee. The Company agrees to pay the Town an annual fee (the "Community Benefit Fee") as set forth below:

Payment Due Date	Payment
January 31, 2026	\$200,000
January 31, 2027	\$200,000
January 31, 2028	\$200,000
January 31, 2029	\$200,000
January 31, 2030	\$200,000
TOTAL	\$1,000,000

- (b) The Community Benefit Fee shall be due and payable to the Town on or before January 31st, each year of the New CBA, starting in 2026 (the "Payment Date"). The Company's last payment under this New CBA would be January 31, 2030.
- (c) Interest. The Company's failure to remit any Community Benefit Fee due pursuant to this New CBA within ten (10) days of the corresponding Payment Date (the "Payment Period") shall require an additional payment by the Company of interest calculated at a rate of Five Percent (5.00%) per annum, using an Actual/365 day count convention, for each day past the last date of the Payment Period until such Community Benefit Fee is paid.
- (d) Invoicing. The Town will invoice the Company pursuant to this Agreement by January 1 of each calendar year, with such invoice being sent to the Company contact person listed in Section 5.2 via mail and e-mail.
- (e) Use of Funds. Public Purposes. The Parties agree and acknowledge that payments made hereunder are to provide revenues to the Town to be used for public purposes to be undertaken by the Town and/or any duly appointed agent or assignee thereof. The revenues paid by the Company to the Town shall be utilized at the sole and absolute discretion of the Town, including, but not limited to, as a source of funding for respective costs and expenses associated with and related to anticipated municipal services. The Company shall not have responsibility or liability for the use of the payments made by the Town.

Article III - Termination; Default.

Section 3.1

This New CBA requires the payment of Community Benefit Fees beginning on January 31, 2026 and ending on January 31, 2030, which last payment date is the termination date. Notwithstanding the above, this New CBA is subject to the earlier termination of this Agreement by the written agreement of the Parties hereto. In the event of a termination hereunder, any monies previously paid by the Company shall be retained by the Town without adjustment, but no further payments shall be due. Failure by the Company to make any payment due and owing to the Town hereunder prior to the end of the applicable Payment Period shall be deemed an Event of Default hereunder. For greater certainty, the Town or School may take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of the Company under this New CBA.

Article IV - Assignment of Project Facility by Company

Section 4.1

In the event that the Company shall give notice to any such successor prior to the conclusion of such transfer by assignment regarding the continuing obligations of the Company pursuant to this New CBA. The Parties agree that any successor of the Company shall likewise succeed to the Company's rights and obligations hereto by assignment of this New CBA from the Company. Such successor shall not be required to be approved by the Town and as a condition of such assignment shall directly assume any and all remaining obligations of the Company hereunder. Upon any such assignment and assumption, the then predecessor to the successor shall be released of any further continuing liability under this New CBA. In the event that the Company has not assigned this New CBA to such successor in interest of the Company, then the Company shall continue to remain fully liable for the continuing payments due hereunder.

Article V - Miscellaneous.

Section 5.1

This New CBA may be executed in any number of counterparts each of which shall be deemed an original, but which together shall constitute a single instrument.

Section 5.2

All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, as follows:

To the Town:
Town of Newburgh
1496 Route 300
Newburgh, New York 12550
Attention: Town Supervisor

To the Company:
Danskammer Energy, LLC 717
Fifth Avenue, Floor 12A New
York, NY 10022
Attention: Thomas M. Gray - Chief Financial Officer Phone:
+1 646-665-1067
E-Mail: tgray@danskammerholdco.com

AND

Danskammer Energy, LLC
994 River Road
Newburgh, New York 12550
Attention: John McGahan - Plant Supervisor
Phone: +1 (845) 563-9117
E-Mail: jmcgahan@danskammerenergy.com

With Copy To:

Danskammer Energy, LLC
c/o Cullen and Dykman LLP
One Battery Park Plaza, 34th Floor
New York, New York 10004
Attn: David C. Wilkes, Esq.

Section 5.3

This New CBA shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the Parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Orange County, New York.

Section 5.4

The Town, in its exclusive discretion, may assign this New CBA to a third-party for purposes of administering the undertakings outlined herein; provided, however, no such assignment shall modify, amend or in any manner change the obligations of the Company hereunder. In the event of such assignment, the Town shall notify the Company in writing at least thirty (30) days in advance of the effective date of any such assignment and shall provide notice to the Company of any change to the payment instructions set forth herein for the payment of any Community Benefit Fee.

Section 5.5

- (a) The obligations and agreements of the Town contained herein shall be deemed the obligations and agreements of the Town, and not of any trustee, officer, agent or employee of the Town in his or her individual capacity, and the trustees, officers, agents and employees of the Town shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in respect hereof or thereof or of any transaction contemplated hereby or thereby.
- (b) The obligations and agreements of the Company contained herein shall be deemed the obligations and agreements of the Company, and not of any member, officer, agent or employee of the Company in his individual capacity, and the members, officers, agents and employees of the Company shall not be liable personally hereon or thereon or be subject to any personal liability or accountability based upon or in

respect hereof or thereof or of any transaction contemplated hereby or thereby.

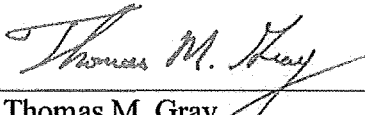
- (c) Construction. This New CBA has been negotiated by the Parties hereto, including the exhibits attached hereto, shall not be deemed to have been negotiated and prepared by any Party solely, but by each of them.
- (d) Entire Agreement. This New CBA and all the documents and agreements described or referred to herein, including any exhibits attached hereto, constitute the full and complete agreement between the Parties with respect to the subject matter hereof, and supersedes and controls in its entirety any and all prior agreements, understandings, representations and statements whether written or oral by each of the Parties.
- (e) Severability. The invalidity or enforceability of any provisions of this New CBA shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full and force and effect.
- (f) Captions. The captions of this New CBA are for convenience or reference only and in no way define, limit or describe the scope or intent of this Agreement or in any way affect this Agreement.
- (g) Amendments. This New CBA may not be modified or amended except by a written instrument signed by all Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this New CBA as of the day and year first above written.

TOWN OF NEWBURGH

By: _____
Name: Gilbert J. Piaquadio
Title: Supervisor

DANSKAMMER ENERGY LLC

By:  _____
Name: Thomas M. Gray
Title: President and Chief Financial Officer