

# **Exhibit Y**



6. One of my responsibilities is also to observe the protection, safety, and well-being of Town residents and citizens.

7. As such, it is imperative that this Court issue a temporary restraining order to ensure compliance with the provisions of the Town Code – in particular, Building Construction Code §71-8 of the Town of Newburgh and Zoning Code §185.50 of the Town Municipal Code.

**FACTUAL BACKGROUND**

8. On Friday, May 5, 2023 at 9:51am, I was contacted by the Mayor of New York City, the Honorable Eric Adams, by text asking me if he could call me. I replied yes.

9. Chris Ellis (“Ellis”) from Mayor Adams office called me and advised me that the City of New York (the “City”) had implemented a “plan” or “program” whereby the City would provide for four (4) months of temporary sheltering to single adult men seeking asylum in the United State.

10. Ellis advised me that the City had made arrangements with the Crossroads Hotel located in the Town of Newburgh to provide the sheltering of approximately sixty (60) single adult males seeking asylum. Mayor Adams’ intention is consistent with the “plan” announced by the City. A copy of the Press Release issued by Mayor Adams’ office is annexed hereto as Exhibit A and recites this intention.

11. At the outset, I advised Ellis that using the Crossroads Hotel as a shelter was not permitted as it would violate the Town of Newburgh’s Town Codes. I also informed Ellis about my concerns regarding the absence of

background checks on these sixty (60) men. I expressed to Ellis that the safety of the Town of Newburgh residents is most important. Further, I inquired of Ellis as to what would happen with the sixty (60) men at the conclusion of the four (4) months. I also advised Ellis that it was my understanding that these individuals would not be eligible to receive social services benefits as they are not United States citizens.

12. Lastly, I advised Ellis that the Crossroads Hotel was located adjacent to a residential zone, which has very few services within walking distance. I submitted that the Crossroads Hotel was an inappropriate location to house the sixty (60) men. Ellis stated to me that Molly was in charge of distribution would answer all of my questions. Molly never contacted me.

13. Also, on May 5<sup>th</sup>, I contacted Mayor Adams explaining the issues I already communicated to Ellis. I asked that he delay the bus until these issues can be addressed and he replied "Ok".

14. On Tuesday, May 9, 2023, Orange County Executive Stephen Neuhaus declared a State of Emergency in response to the City's plan to relocate asylum seekers to Orange County.

15. In light of the foregoing, during a meeting of the Town Board held on May 8, 2023, this matter was added to its agenda as an emergency item.

16. I, along with the Town Board Members, voted and passed a resolution authorizing the Town to appoint special counsel to seek injunctive relief to prevent the violation of the Town's Codes based on using a hotel as a shelter for long term housing accommodations.

17. I also conferred with the Town of Newburgh Code Compliance Supervisor, Gerald Canfield, concerning the Crossroads Hotel in order to fully understand whether or not the use of a hotel to house sixty (60) single men for a period of four (4) months was compatible with its use as permitted in the Certificate of Occupancy. Based upon my conversations with Mr. Canfield, the proposed use of the Crossroads Hotel is not a permitted use under its Certificate of Occupancy and is a violation of the Town Codes. The Hotel is an impermissible location for long-term sheltering.

18. Upon information and belief, I understand that the interior of the Crossroads Hotel is currently being modified to facilitate the installation and housing of an extensive number of men for an indeterminate period of time.

19. Despite our objections to the City of New York and the fact that housing sixty (60) single men at the Crossroads Hotel for four (4) months violates the Town Codes, on May 11, 2023, the City bussed and delivered approximately sixty (60) single men to the Crossroads Hotel.

20. In light of the foregoing, and in order to avoid harm to the residents of the Town of Newburgh and nonresidents alike, I respectfully request that this Court issue an order restraining this conduct and directing that the Defendant cease and desist from accepting occupants from the City of New York and further directing that the Defendant return the approximately sixty (60) men to the care, custody and control of the City of New York.

**WHEREFORE**, I respectfully request that the Court grant the relief set forth in the Town's application, together with such other and further relief as this Court deems just and proper.

  
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**GILBERT J. PIAQUADIO**

Sworn to before me this  
12<sup>th</sup> day of May, 2023

  
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Notary Public

MELISA CLARKE-DAWSON  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CL8207240  
Qualified in Bronx County  
Commission Expires August 17, 2025