City of Newburgh Council Work Session
Sesion de trabajo del Concejal de la Ciudad de Newburgh
February 4, 2016
6:00 PM

Council Meeting Presentations

1. Certificate of Recognition will be presented to Coach Malcolm Burks (Councilwoman Holmes)

   Un Certificado de Reconocimiento sera presentado al Entrenador Malcolm Burks (Counsilwoman Holmes)

Work Session Presentations

2. In Rem Property Policy, Procedures and Sales (Deirdre Glenn)

   Póliza de retención de derechos hipotecarios, Procedimientos y Ventas (Deirdre Glenn)

   Council Request for Action

3. Presentation by Renewable Highlands

   A Presentation will be given by Renewable Highlands a project formed by a group of volunteers exploring the possibility of creating Local Community Choice Aggregation (CCA) district.

   Se dará una Presentación por "Renewable Highlands" un proyecto formado por un grupo de voluntarios explorando la posibilidad de crear un distrito de Agregación Selecta Local de la Comunidad (CCA).

   Council Request for Action

Engineering/Ingeniería

4. SEQRA Unlisted Action Vacant Historic Demoltion Project

   A resolution of the City Council of the City of Newburgh declaring its intent to be Lead Agency under State Environmental Quality Review Act (SEQRA) for the Vacant Historic District Demolition Project, declaring the project to be a Type I Action, considering an Environmental Assessment Form (EAF) and referring same involved to interested agencies. (Jason Morris & Alexandra Church)

Una resolución del Consejo de la Ciudad de Newburgh asumiendo el estatus de Agencia Principal bajo el Acta Estatal de Revisión de Calidad del Medio Ambiente (SEQRA) para el Proyecto de Demolición de Edificios Vacantes, declarando que el proyecto es una acción Tipo I, considerando un Formulario de Evaluación Ambiental (EAF) y refiriendo las mismas agencias involucrados y interesadas. (Jason Morris y Alexandra Church)

Council Request for Action

5. SEQRA Unlisted Action for Vacant Non-Historic Building Demolition

A resolution of the City Council of the City of Newburgh assuming Lead Agency status under State Environmental Quality Review Act (SEQRA) for the Vacant Non-historic District Building Demolition Project, declaring the project to be an unlisted action, adopting Part I Part II and Part III of the Environmental Assessment Form and issuing a Negative Declaration. (Jason Morris & Alexandra Church)

Una resolución del Consejo de la Ciudad de Newburgh asumiendo el estatus de Agencia Principal bajo el Acta Estatal de Revisión de Calidad del Medio Ambiente (SEQRA) para el Proyecto de Demolición de Edificios Vacantes que no forman parte del Distrito Histórico, declarando que el proyecto es un acto no listado, adoptando Parte I Parte II y Parte III del Formulario de Evaluación Ambiental y emitiendo una Declaración Negativa. (Jason Morris y Alexandra Church)

Council Request for Action

Planning and Economic Development/Planificación y Desarrollo Económico

6. Public Hearing for Presentation of CDBG Budget

Resolution scheduling a Public Hearing for February 22, 2016 to hear public comment regarding the City of Newburgh's Five Year Consolidated Housing and Community Development Strategy and Action Plan for fiscal year 2016. (Deirdre Glenn)

Una resolución programando una audiencia pública el 22 de Febrero del 2016 para oír los comentarios públicos con respecto a la Estrategia y Plan de Acción de Cinco Años de Viviendas Consolidadas y Desarrollo Comunitario de la Ciudad de Newburgh para el año fiscal 2016. (Deirdre Glenn)

Council Request for Action

7. Purchase of 57-58 Williamsburg Drive

   A resolution to authorize the conveyance of real property known as 57-58 Williamsburg Drive (Section 1, block 2, lot 29) at private sale to John Teixeira for the amount of $50,000.00. (Deirdre Glenn)

   Una resolución autorizando el traspaso de bienes raíces conocido como el 57-58 de Williamsburgh Drive (Sección 1, bloque2, lote 29) en una venta privada a John Teixeira por la cantidad de $50,000.00. (Deirdre Glenn)

   Council Request for Action

8. Purchase of 15 1/2 Overlook Place

   A resolution authorizing the transfer of real property known as 15 1/2 Overlook Place (Section 48, Block 3, Lot 9)to the Newburgh Community Landbank at private sale. (Deirdre Glenn)

   Una resolución autorizando el traspaso de bienes raíces conocido como el 15 ½ de Overlook Place (Sección 48, Bloque 3, Lote 9) al "Newburgh Community LandBank" en una venta privada. (Deirdre Glenn)

   Council Request for Action

Grants/Contracts/Agreements / Becas /Contratos/Convenios

9. GOVDeals Contract

   A resolution authorizing the City Manager to execute a new agreement with Govdeals.com to provide liquidation services to the City of Newburgh . (John Aber)

   Una resolución autorizando al Gerente de la Ciudad a ejecutar un nuevo acuerdo con "Govdeals.com" para proveer servicios de liquidación a la Ciudad de Newburgh. (John Aber)

   Council Request for Action

Police Department

10. Resolution to accept a donation from the City of Newburgh Police Benevolent Association

    A resolution to accept a donation from the City of Newburgh Police Benevolent Association not to exceed the amount of $8,000 for the purpose of purchasing

a police dog that would replace a retiring police dog. (Chief Daniel Cameron)

Una resolución para aceptar una donación de la Asociación de Policías Benevolentes de la Ciudad de Newburgh que no exceda la cantidad de $8,000.00 con el propósito de comprar un perro policía que reemplace el perro policía que se está retirando. (Jefe de Policía Daniel Cameron)

Council Request for Action

Discussion Items/Temas de Discusión

11. Non Bargaining Unit - Outstanding Issues

    President's Holiday, Step Increase, 2.5% Restoration, Health Insurance Contribution Increase, Holiday Pay/Lump Sum Payment.

    A draft resolution amending Resolution No.: 163-2007 establishing a benefit plan for Non-Bargaining Unit Employees of the City of Newburgh to combine Lincoln's Birthday and Washington 's Birthday to a Presidents Day Holiday. (Michelle Kelson)

    Feriado por el día del Presidente, incremento acelerado, restauración del 2.05%, Aumento de Contribución para el Seguro de Salud, Pago por el Feriado/Pago Único general.

    Una resolución enmendando Resolución número: 163-2007 en el cual se establece un plan para empleados fuera de la unión de la Ciudad de Newburgh que combina el cumpleaños de Lincoln y Washington con el Día fiesta de los Presidentes. (Michelle Kelson)

    Council Request for Action

12. Police Community Relations and Review Board (Michelle Kelson)

    Consejo de Re-examinación y Relaciones de la Policía con la Comunidad

    Council Request for Action

13. Rules and Order of Procedure for City Council for 2016

    A resolution adopting Rules of Order and Procedure for the Council of the City of Newburgh for the year 2016. (Michelle Kelson)

    Una resolución adoptando las Reglas de Orden y Procedimiento para el

Concejal de la Ciudad de Newburgh por el año 2016. (Michelle Kelson)

Council Request for Action

14. Snow Emergency Policy Process (Mayor Kennedy, George Garrison)
Póliza de Proceso de Emergencia de Nieve

Council Request for Action

15. Traffic Control on City Streets (Mayor Kennedy, George Garrison, & Chief Daniel Cameron)
Control del Tránsito de las calles de la Ciudad de Newburgh (Alcaldesa Kennedy, George Garrison, & Chief Daniel Cameron)

Council Request for Action

16. Comprehensive Street Paving Report 2016 Plan
Reporte del Plan del 2016 de gran amplitud de empedramiento de calles

Council Request for Action

17. New Doors at 123 Grand St. (Councilwoman Holmes)
Puertas Nuevas en la 123 de la calle Grand (Councilwoman Holmes)

Council Request for Action

18. Administrative Assistant Vacancy & other City Vacancies (Councilwoman Holmes)
Vacante de Asistente Administrativo y otros puestos vacantes de la Ciudad. (Councilwoman Holmes)

Council Request for Action

19. Park Security (Councilwoman Holmes)

Seguridad para el Parque (Councilwoman Holmes)

Council Request for Action

20. Youth Empowerment Center (Councilwoman Abrams)
Centro de Capacitación Juvenil (Councilwoman Abrams)

Council Request for Action

21. Skartados Funding of $500,000 (Michael Ciaravino & John Aber)
Financiamiento Skartados de $500,000 (Michael Ciaravino y John Aber)

22. Video Surveillance/City Wide Electronic Network

CITY OF BEACON
CITY COUNCIL

RESOLUITON NO. 124 OF 2015

A RESOLUTION TO SUPPORT THE CREATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE HUDSON VALLEY

WHEREAS, The New York State Public Service Commission issued a Policy Statement on August 25, 2004 that outlined the Commission's vision of the electric and gas retail markets; and

WHEREAS, in that statement the Commission stated "the provision of safe, adequate, and reliable gas and electric service at just and reasonable prices is the primary goal. Competitive markets, where feasible, are the preferred means of promoting efficient services, and are well suited to deliver just and reasonable prices, while also providing customers with the benefit of greater choice, value, and innovation."; and

WHEREAS, Only 22.7% of New York State residents have taken advantage of the opportunity to choose electricity or gas suppliers, other than franchised utilities; and

WHEREAS, Community Choice Aggregation (CCA), also known as Municipal Electric Aggregation, in other states, such as Illinois, Ohio and Massachusetts, allow municipalities to aggregate the energy purchases of residents and small businesses and are currently serving more than ten million people and have saved these consumers more than $500 million to date; and

WHEREAS, In CCA municipalities, as many as 77% of residential consumers are now being served competitively, as of 2011; and

WHEREAS, A modest savings on electricity supply costs could save businesses and residents millions per year; and

WHEREAS, A CCA can facilitate price stability, renewable energy development, community input on energy infrastructure, and grow local economies; and

WHEREAS, The City of Beacon wants its residents and businesses to have the opportunity to save on energy purchases and increase the use of renewable energy, as have residents and businesses in CCA states; and

WHEREAS, A CCA program in New York will still compensate franchised utilities for their provision of supply and for their maintenance of reliability, allowing utilities to concentrate on a resilient infrastructure; and

WHEREAS, Any individual consumer is free to choose to "opt-out" of CCA offerings and purchase through the franchised utility; and

WHEREAS, In order to create a Community Choice Aggregation program for New York State's municipalities, the New York State Public Service Commission has to approve the creation of any new CCA district; and

WHEREAS, The franchise utility retains its obligation to provide Service of Last Resort offerings, in the event a CCA supplier does not perform; and

WHEREAS, No customer who is currently purchasing energy from a free market supplier will be switched in the absence of that customer's active request to switch; now therefore

BE IT RESOLVED THAT: The City of Beacon supports the further exploration to create a new CCA district being undertaken by the Renewable Highlands project.

Resolution No. 124 of 2015 **Date: November 16, 2015**

☐ **Amendments** ☐ **2/3 Required**

☐ **Not on roll call.** ☐ **On roll call** ☐ **3/4 Required**

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
	x	**Muhammad, Ali**	x				
		Kelly, Charles P.	x				
		Kyriacou, Lee					x
		Mansfield, George	x				
		Wetherbee, Pam	x				
x		**Ross, Peggy**	x				
		Mayor Randy J. Casale	x				
		Motion Carried	x				

RENEWABLE HIGHLANDS
Community Choice Aggregation

Overview

Renewable Highlands is a project formed by a group of volunteers exploring the possibility of creating a local Community Choice Aggregation (CCA) district. This group is asking for non-binding resolutions of support from local municipalities before submitting a CCA proposal to the New York Public Service Commission.

What is a CCA?

CCAs pool electric utility accounts within a designated area to gain bargaining power in negotiating energy supply agreements. All accounts are automatically enrolled in the program, but account holders can elect to opt-out. ***Local utilities continue to provide delivery and billing services–CCAs only negotiate rates and sourcing for electricity supply.***

Why do CCAs matter?

CCAs can facilitate cost savings, price stability, renewable energy development, implementation of community-wide energy initiatives, and local economic growth. Broadly speaking, CCAs empower communities to take greater control of their energy future.

Are CCAs new?

CCAs are currently active in six states–CA, IL, OH, NJ, MA and RI. The NY Public Service Commission is examining the potential of authorizing CCAs in the state. Other volunteer-led CCA projects similar to Renewable Highlands are being formed in Westchester and Ulster counties.

How do CCAs work?

The CCA administrator issues a request for proposals from qualified energy supply companies or other energy generators. Bidders are selected based on price, duration, sourcing, and other criteria determined by the CCA and its participants. There is no requirement to select any bid–if bids do not meet the criteria, default supply from the local utility remains an available option. A small portion of the savings generated by the CCA is used to support ongoing CCA administration.

Renewable Highlands

Community Choice Aggregation

Opportunity Summary

Community Choice Aggregation

Pooling of utility accounts within a designated area to gain bargaining power in negotiating energy supply agreements

Accounts are automatically enrolled in the program unless an account-holder actively chooses to opt-out

Local utilities continue to provide delivery and billing services—CCAs only negotiate rates and sourcing for supply

CCAs exist in six states—CA, IL, OH, NJ, MA and RI. The NY Public Service Commission is examining the potential of authorizing CCAs in the State

CCAs can facilitate cost savings, price stability, renewable energy development, implementation of community-wide energy initiatives, and grow local economies

Current Opportunity

The NY Public Service Commission has authorized a pilot CCA program managed by a non-profit called Sustainable Westchester

A second group—Citizens for Local Power—is preparing a proposal to create a county-wide CCA in Ulster County, NY

The NY Public Service Commission will define the procedure and requirements for establishing CCAs in the coming weeks

Renewable Highlands is organizing municipalities in support of a CCA proposal to the NY Public Service Commission

Community Benefit

NY's deregulated energy market facilitates consumer choice yet only 23% of residents have taken advantage of the opportunity

In active CCA markets, as many as 77% of residents are saving money through competitive energy supply

CCAs can facilitate cost savings, price stability, renewable energy development, implementation of community-wide energy initiatives, and grow local economies

CCA Results

Location	Program Name	Renewable Offer	Start Date	Premium
Communities in Illinois	Municipal Aggregation (Click on the community name to see supply options; not all communities offer green power)	Typically 100% green power option	2010-2014	varies
Sonoma County, CA	Sonoma Clean Power	33% or 100% green power	2014	33% product has 4-5% savings; 100% product is 3.5¢/kWh premium over 33% product
Lowell, MA	Community Choice Power Supply Program	100% green power	2014	8-10% savings
Cleveland, OH	Municipal Aggregation Program	100% green power	2013	21% savings
Lancaster, MA	Municipal Aggregation Program	Local PV incorporated into product mix	2013	~10% savings
Marin County, CA	Marin Energy	50% or 100% green power	2010	100% is 1¢/kWh extra

Source: US Dept. of Energy

How It Works

The CCA legal entity is formed, with a governing body consisting of representatives from the participating municipalities

Each participating municipality passes a resolution enabling local account-holders to join the CCA

The CCA issues a request for proposals from qualified energy supply companies or other energy generators

Bidders are selected based on price, duration, sourcing, and other criteria determined by the CCA and its participants

There is no requirement to select any bid—if bids do not meet criteria, default supply from the local utility remains an available option

Organization

Renewable Highlands is a volunteer group working to examine the feasibility of establishing a local CCA in the Hudson Highlands

Private funding will support the group's startup phase. Administrative charges, which are a fraction of the savings from the CCA structure, plus revenues from new energy infrastructure, will support ongoing operations. In precedent CCAs, there is minimal to no cost to individual municipalities

Philipstown, Beacon, Newburgh, Cornwall, and Fishkill are being approached to participate in the Renewable Highlands CCA

Next Steps

Pass non-binding resolution (enclosed) in support of CCA for inclusion in Renewable Highlands' proposal to the NY Public Service Commission

If authorized, Renewable Highlands, working in conjunction with municipal representatives, will form the CCA legal entity and governing board, and issue a request for proposals for energy supply contracts

If satisfactory bids are received, pass a second resolution to formally join the municipality in the CCA

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE VACANT HISTORIC DISTRICT DEMOLITION PROJECT, DECLARING THE PROJECT TO BE A TYPE I ACTION, CONSIDERING AN ENVIRONMENTAL ASSESSMENT FORM (EAF) AND REFERRING SAME INVOLVED AND INTERESTED AGENCIES

WHEREAS, by Resolution No. 182-2015 of July 13, 2015, the City Council of the City of Newburgh approved the 2015 Capital Plan as proposed and further authorized the City Manager and the City Comptroller to take appropriate action to secure financing and to implement the 2015 Capital Plan; and

WHEREAS, the City of Newburgh proposes undertake the financing of several capital improvement projects including the Vacant Historic District Building Project (the "Project") which includes the demolition of the buildings located at 115, 139, and 169 Johnston Street, 191 South Street, 68 Campbell Street, 2 and 254 Liberty Street, 161 Lander Street, and 140 and 251 Third Street; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), the City Council of the City of Newburgh wishes to declare its intent to assume Lead Agency status, classifies the Project as a Type I Action, proposes to accept an Environmental Assessment Form ("EAF") and refer same to the involved and interested agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. That this Council classifies the action as a Type I Action; and

3. That this Council proposes to accept the Environmental Assessment Form ("EAF") attached hereto; and

4. That this Council authorizes the City Manager to circulate said Long Environmental Assessment Form to other "Involved Agencies" and "Interested Agencies".

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees □ Yes □ No		
b. City, Town or Village Planning Board or Commission □ Yes □ No		
c. City Council, Town or Village Zoning Board of Appeals □ Yes □ No		
d. Other local agencies □ Yes □ No		
e. County agencies □ Yes □ No		
f. Regional agencies □ Yes □ No		
g. State agencies □ Yes □ No		
h. Federal agencies □ Yes □ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? □ Yes □ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? □ Yes □ No

iii. Is the project site within a Coastal Erosion Hazard Area? □ Yes □ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? □ Yes □ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? □ Yes □ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? □ Yes □ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) □ Yes □ No

If Yes, identify the plan(s):

_____

_____

_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? □ Yes □ No

If Yes, identify the plan(s):

_____

_____

_____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. □ Yes □ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

_____
_____

b. Is the use permitted or allowed by a special or conditional use permit? □ Yes □ No

c. Is a zoning change requested as part of the proposed action? □ Yes □ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

_____

c. Which fire protection and emergency medical services serve the project site?

_____

d. What parks serve the project site?

_____
_____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? □ Yes □ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? □ Yes □ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____
ii. Is a cluster/conservation layout proposed? □ Yes □ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? □ Yes □ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

_____
_____

f. Does the project include new residential uses? □ Yes □ No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? □ Yes □ No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? □ Yes □ No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: □ Ground water □ Surface water streams □ Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) □ Yes □ No
If Yes:
i .What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
i*v.* Will there be onsite dewatering or processing of excavated materials? □ Yes □ No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? □ Yes □ No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? □ Yes □ No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? □ Yes □ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? □ Yes □ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion:_____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? □ Yes □ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? □ Yes □ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? □ Yes □ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? □ Yes □ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? □ Yes □ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? □ Yes □ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? □ Yes □ No
- Is the project site in the existing district? □ Yes □ No
- Is expansion of the district needed? □ Yes □ No

- Do existing sewer lines serve the project site? □ Yes □ No
- Will line extension within an existing district be necessary to serve the project? □ Yes □ No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

  _____

  _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? □ Yes □ No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? □ Yes □ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

  _____

  _____
- Will stormwater runoff flow to adjacent properties? □ Yes □ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? □ Yes □ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? □ Yes □ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? □ Yes □ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) □ Yes □ No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? □ Yes □ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? □ Yes □ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? □ Yes □ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend

☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? □ Yes □ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? □ Yes □ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? □ Yes □ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? □ Yes □ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? □ Yes □ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? □ Yes □ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? □ Yes □ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? □ Yes □ No

Describe: _____

_____

n.. Will the proposed action have outdoor lighting? □ Yes □ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? □ Yes □ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? □ Yes □ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? □ Yes □ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? □ Yes □ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? □ Yes □ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? □ Yes □ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? □ Yes □ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? □ Yes □ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? □ Yes □ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? □ Yes □ No

If Yes:

i. Has the facility been formally closed? □ Yes □ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? □ Yes □ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? □ Yes □ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: □ Yes □ No

□ Yes – Spills Incidents database Provide DEC ID number(s): _____

□ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

□ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? □ Yes □ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? □ Yes □ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? □ Yes □ No
- Explain: _____

_____

_____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? □ Yes □ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: □ Well Drained: _____% of site
□ Moderately Well Drained: _____% of site
□ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: □ 0-10%: _____% of site
□ 10-15%: _____% of site
□ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? □ Yes □ No
If Yes, describe: _____

_____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? □ Yes □ No

ii. Do any wetlands or other waterbodies adjoin the project site? □ Yes □ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? □ Yes □ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? □ Yes □ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

_____

i. Is the project site in a designated Floodway? □ Yes □ No

j. Is the project site in the 100 year Floodplain? □ Yes □ No

k. Is the project site in the 500 year Floodplain? □ Yes □ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? □ Yes □ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? □ Yes □ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? □ Yes □ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? □ Yes □ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? □ Yes □ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? □ Yes □ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? □ Yes □ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? □ Yes □ No

If Yes:

i. Nature of the natural landmark: □ Biological Community □ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? □ Yes □ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? □ Yes □ No

If Yes:

i. Nature of historic/archaeological resource: □ Archaeological Site □ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? □ Yes □ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? □ Yes □ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? □ Yes □ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? □ Yes □ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? □ Yes □ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

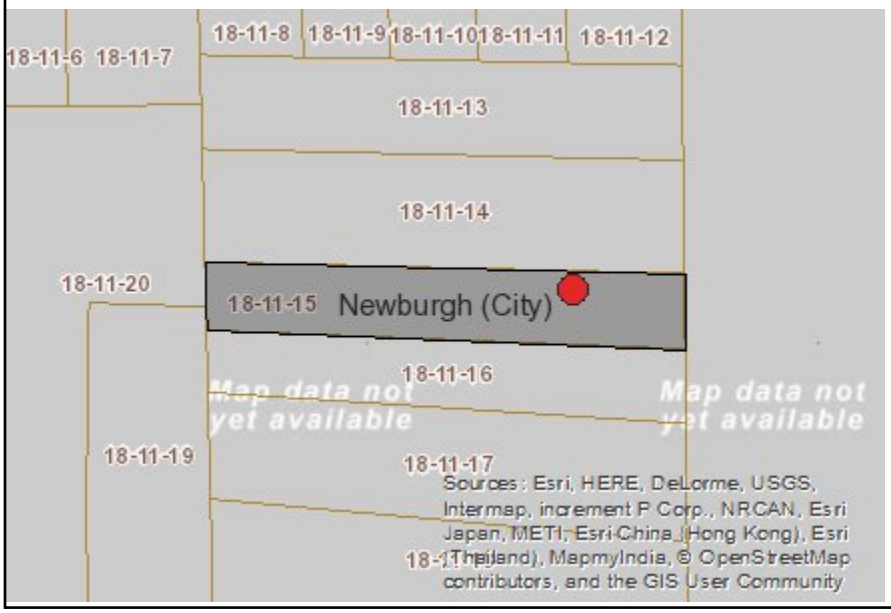
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

EAF Mapper Summary Report

Thursday, January 28, 2016 4:13 PM



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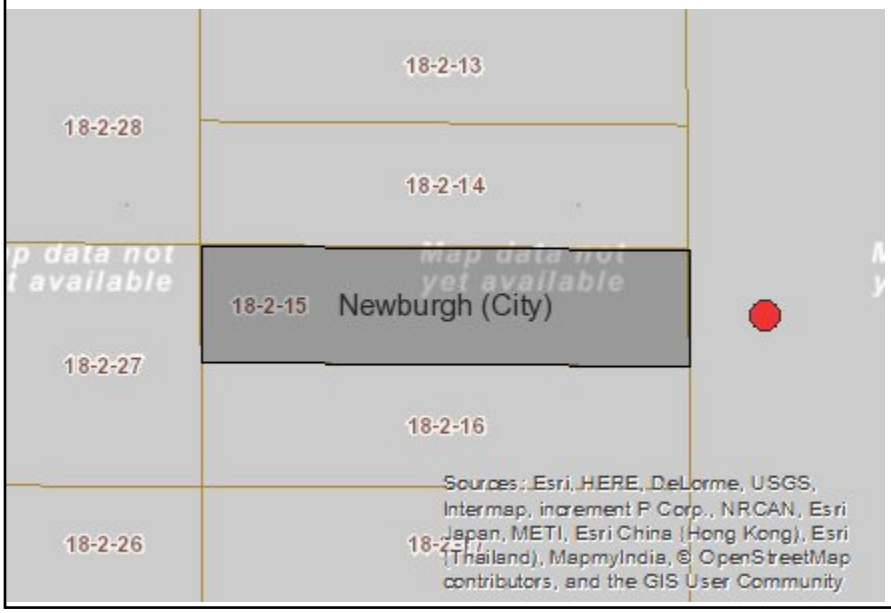
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	B00189
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:19 PM



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EAF Mapper Summary Report

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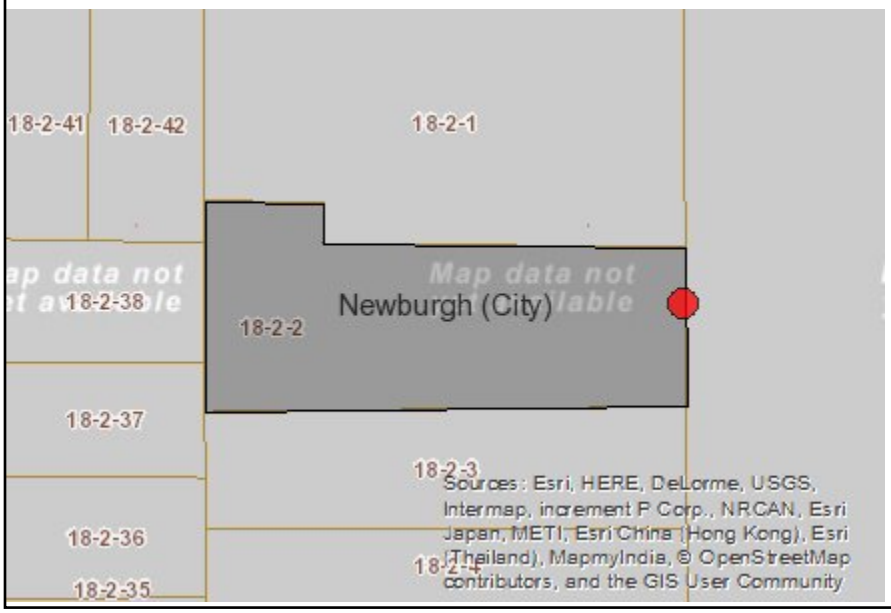

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EAF Mapper Summary Report

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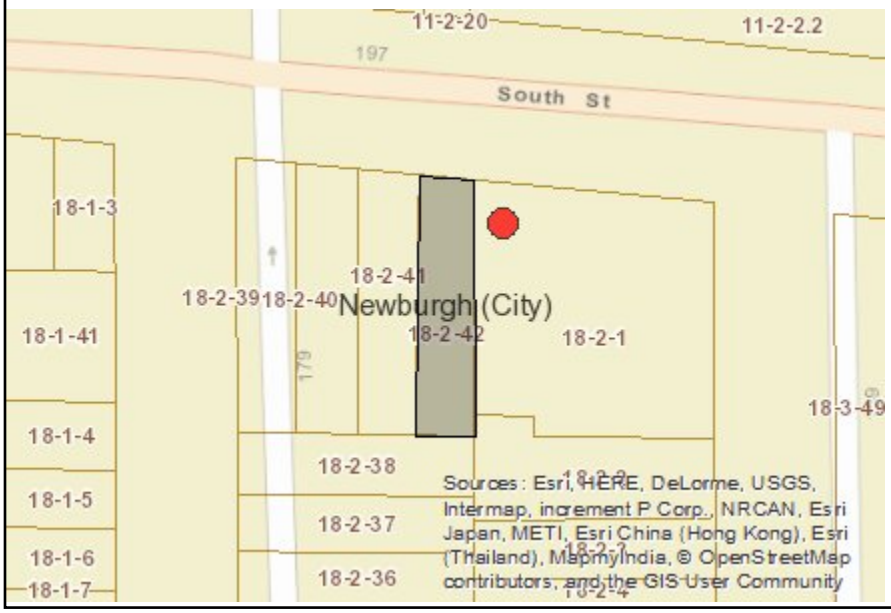

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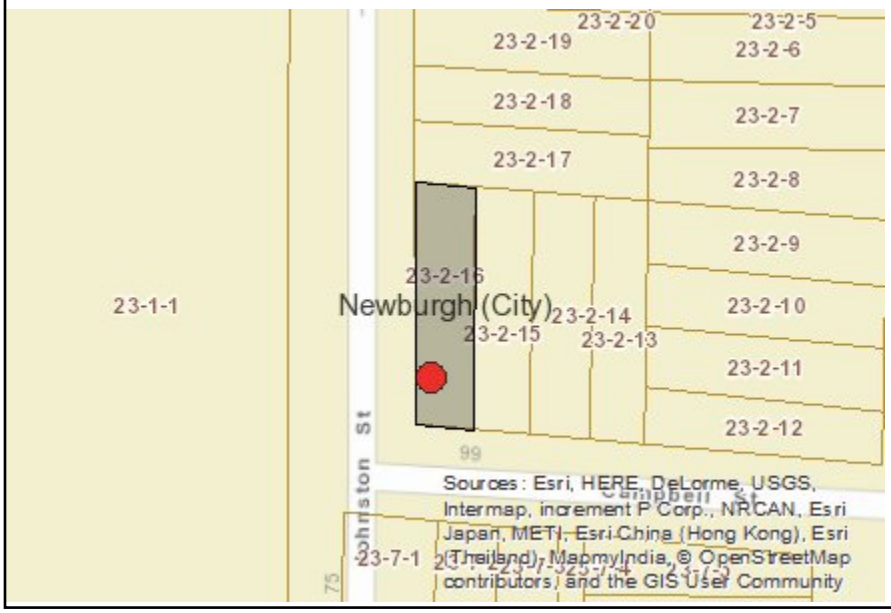
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	B00189
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:27 PM



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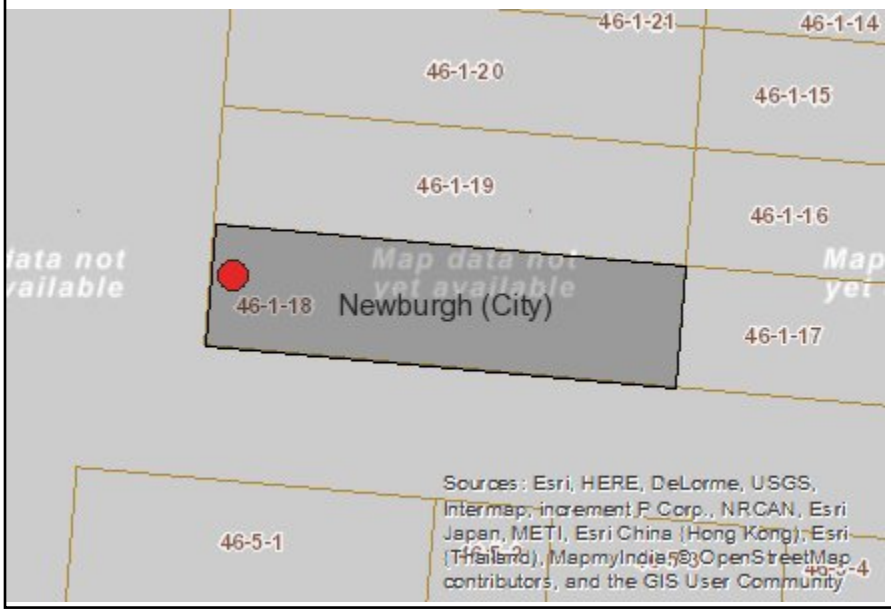
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336042
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District, US Post Office--Newburgh
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:31 PM



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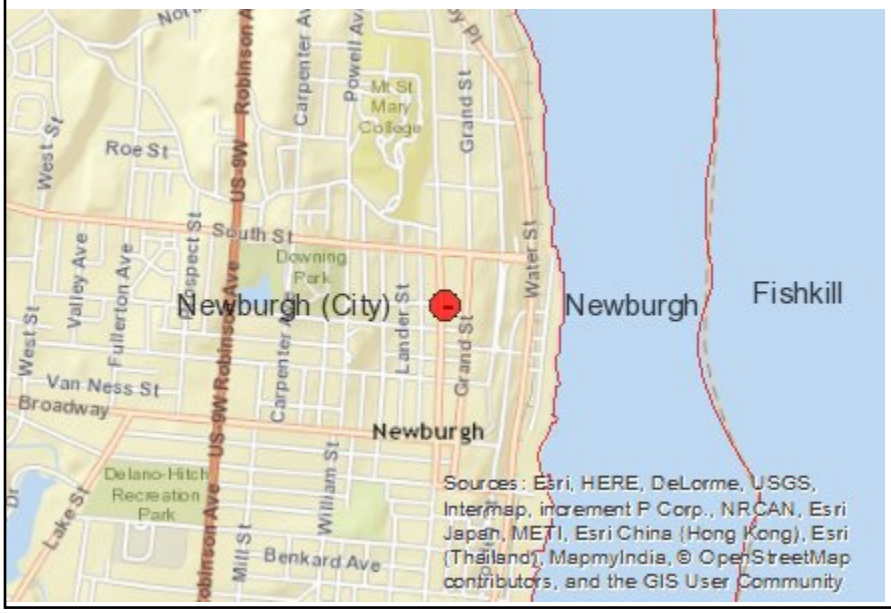
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031 , 336031 , 336055 , B00188
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:36 PM



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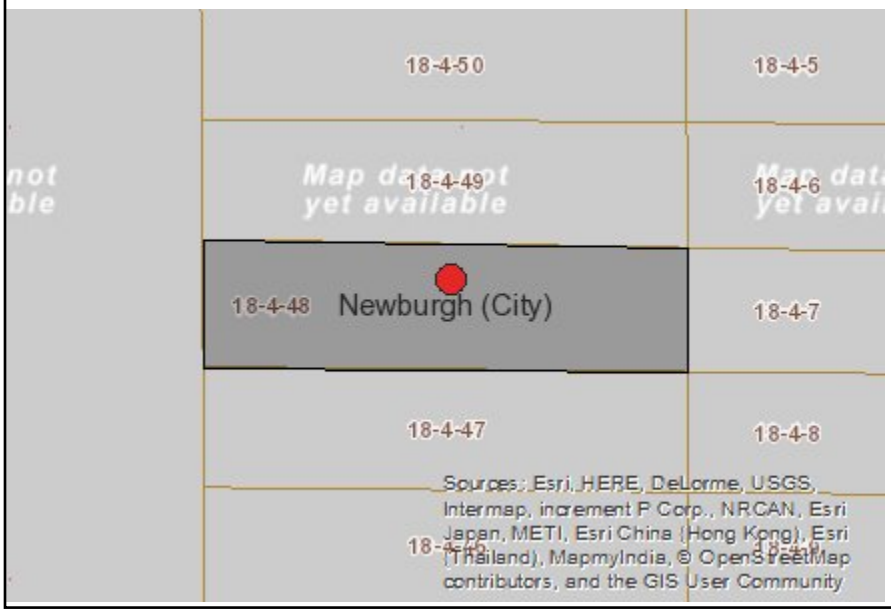
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031 , 336042 , B00189
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District, Dutch Reformed Church, US Post Office--Newburgh
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:41 PM



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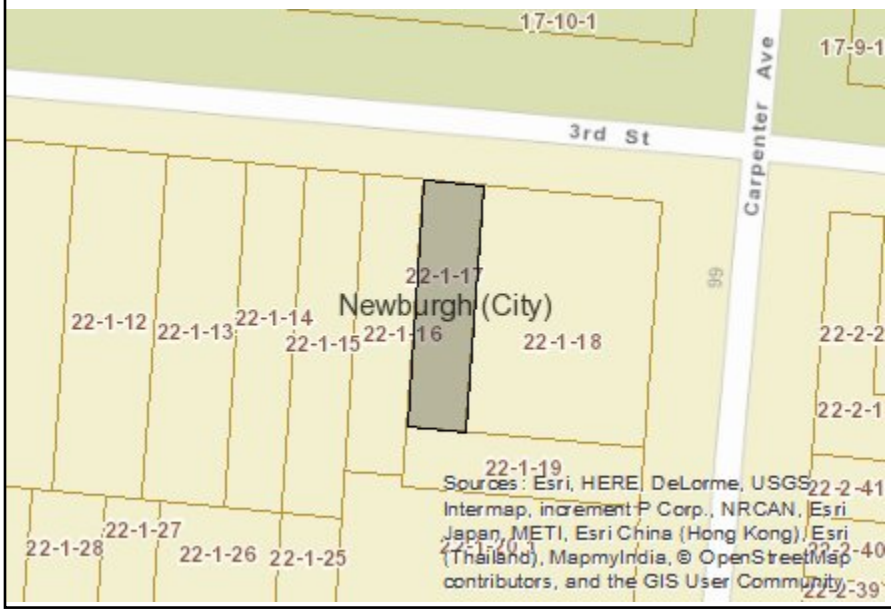
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031 , B00189
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District, Old Town Cemetery and Palatine Church Site
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 4:48 PM



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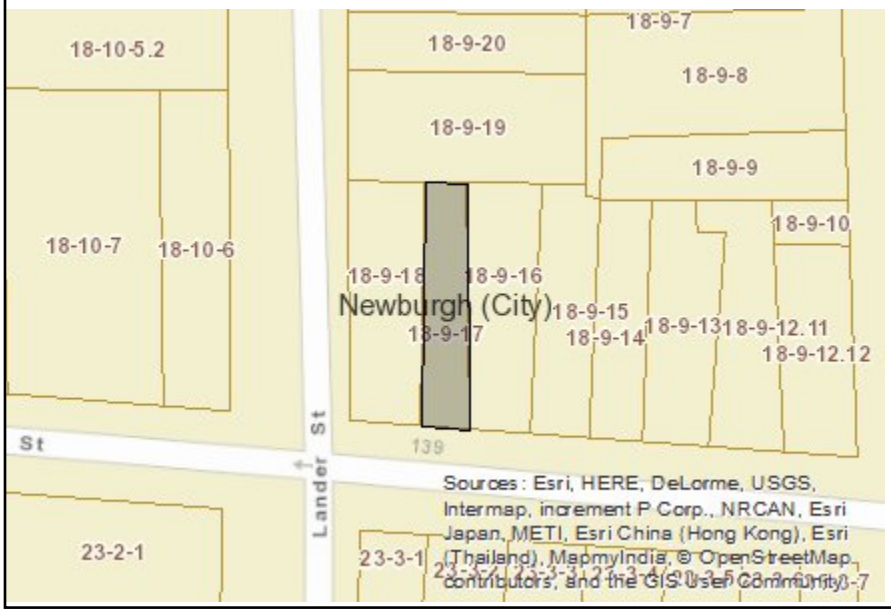
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Thursday, January 28, 2016 5:00 PM



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B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336042 , B00189
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District, US Post Office--Newburgh
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE VACANT NON-HISTORIC DISTRICT BUILDING DEMOLITION PROJECT, DECLARING THE PROJECT TO BE AN UNLISTED ACTION, ADOPTING PART I, PART II AND PART III OF THE ENVIRONMENTAL ASSESSMENT FORM AND ISSUING A NEGATIVE DECLARATION

WHEREAS, by Resolution No. 182-2015 of July 13, 2015, the City Council of the City of Newburgh approved the 2015 Capital Plan as proposed and further authorized the City Manager and the City Comptroller to take appropriate action to secure financing and to implement the 2015 Capital Plan; and

WHEREAS, the City of Newburgh proposes undertake the financing of several capital improvement projects including the Vacant Non-Historic Building Project (the "Project") which includes the demolition of the buildings located at 16 Maple Street, 187 Carson Street and 251 First Street and 253 First Street; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), the City Council of the City of Newburgh wishes to assume Lead Agency status, declare the action to be an unlisted action, approve and adopt Part I, Part II and Part III of the Short Environmental Assessment Forms and find that the Project will not have any significant adverse environmental impacts; and issue a negative declaration;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. Classifies the action as an unlisted action; and

3. Adopts Part I, Part II and Part III of the Short Environmental Assessment Form; and

4. Issues a Negative Declaration with respect to the Project; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary in connection with this SEQRA classification of the Project listed in this resolution.

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

Name of Action or Project:
Vacant Building Demolition

Project Location (describe, and attach a location map):
Multiple Propeeties throughout the City of Newburgh

Brief Description of Proposed Action:
Demolition of vacant dilapidated buildings located at 16 Maple Street, 187 Carson Street, and 251 and 253 First Street

It has been determined that the buildings are structurally unsafe and pose a threat to public safety.

Name of Applicant or Sponsor:	Telephone: (845) 569-7301
City of Newburgh	E-Mail:

Address:
83 Broadway

City/PO:	State:	Zip Code:
Newburgh	New York	12550

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 0.44 acres
b. Total acreage to be physically disturbed? 0.30 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? n/a acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☐	☑

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑
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: _____	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☑	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☐	☑
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: _____	☑	☐

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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
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:	☑	☐
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: 187 Carson Avenue near Provan - currently undergoing remediation through the NYSDEC Environmental Remediation Program	☐	☑

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

Applicant/sponsor name: Michael G. Ciaravino Date: _____

Signature: _____

PRINT FORM

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?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☑
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
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?	☑	☐
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?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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.

The proposed action has the potential to significantly impact the intensity of land use in the area. The demolition of existing structures is significant, however, due to the extremely blighted and distressed nature of these structures, and the following planned mitigation, the action will have a neutral or positive environmental impact.

The structures will be demolished, including any foundation. Each site will be cleared and graded. Each site will be fenced to deter dumping. The cleared and stabilized lots have been offered to Habitat for Humanity for new construction of housing for their homeownership program. Any parcel that Habitat is not interested in, and cannot be transferred to a similar, known, not-for-profit homeownership development company, will be offered to adjacent property owners for ownership and use as a side yard.

☐ 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.

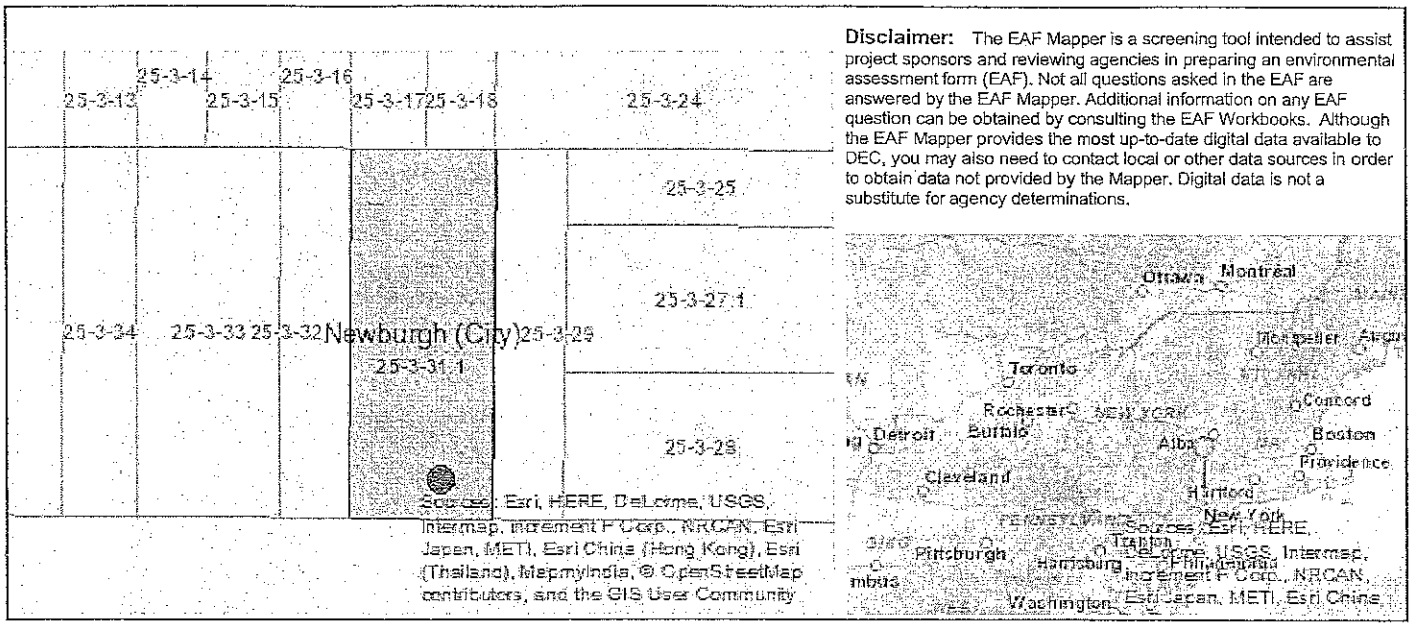
☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Newburgh	2/8/2015
Name of Lead Agency	Date
Michael Ciaravino	City Manager
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

EAF Mapper Summary Report

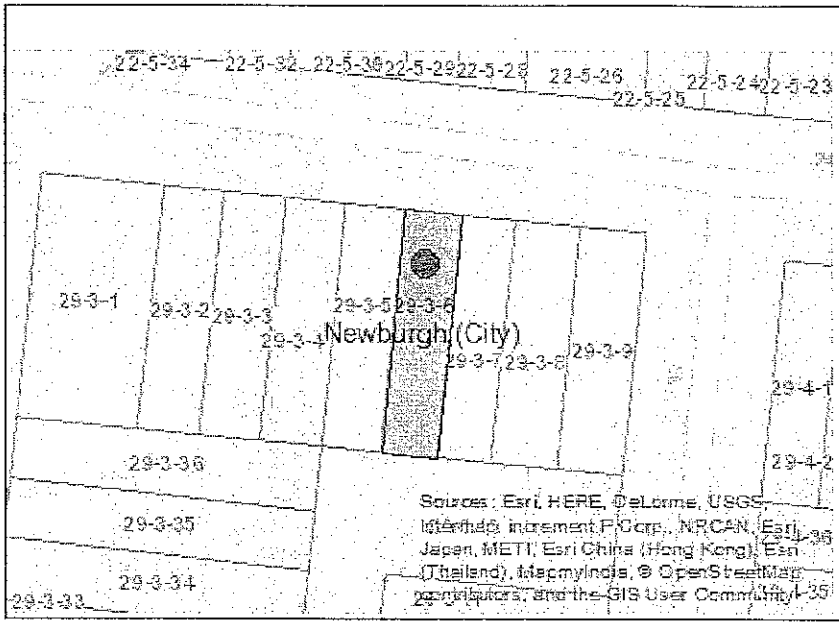
Friday, January 29, 2016 10:43 AM



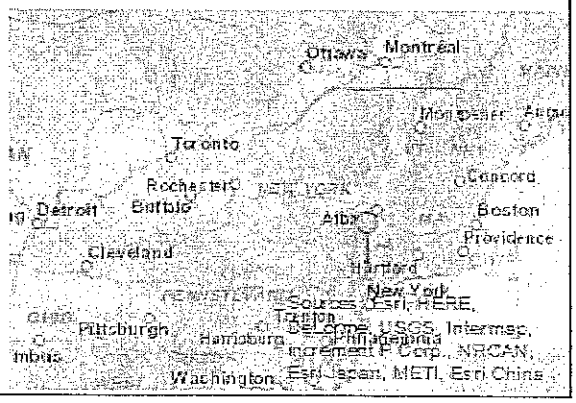
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

EAF Mapper Summary Report

Friday, January 29, 2016 10:49 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 in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
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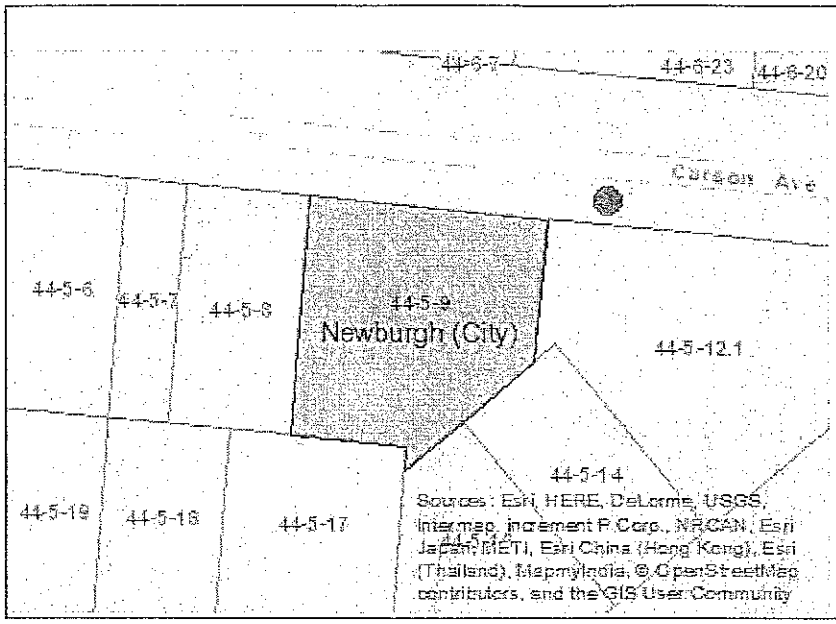
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

EAF Mapper Summary Report

Friday, January 29, 2016 10:46 AM



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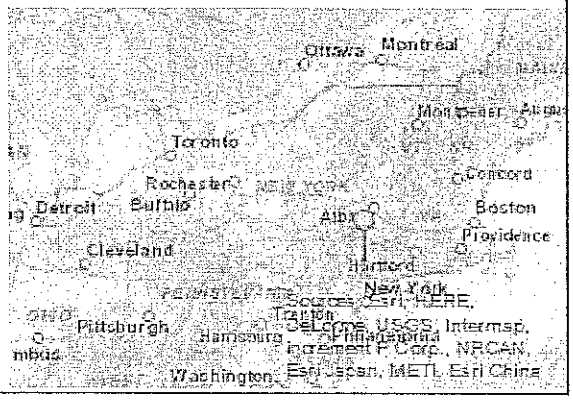
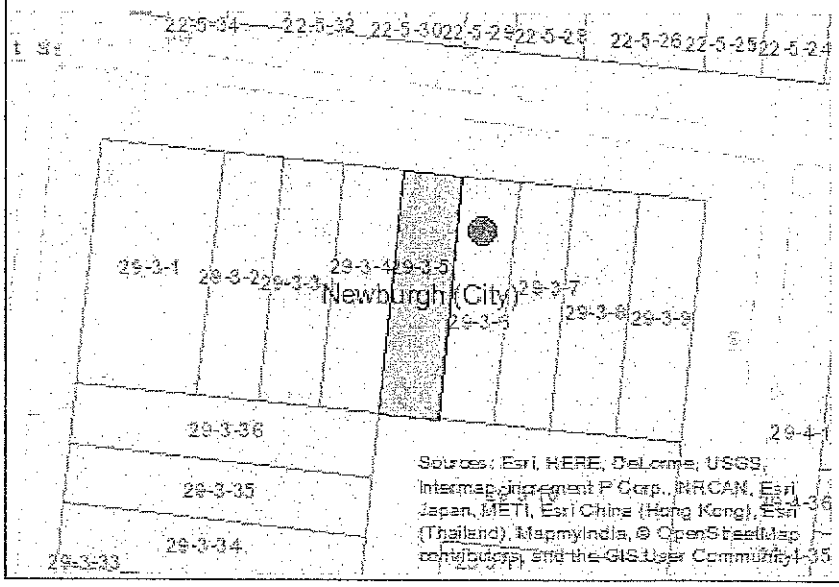


Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

EAF Mapper Summary Report

Friday, January 29, 2016 10:52 AM



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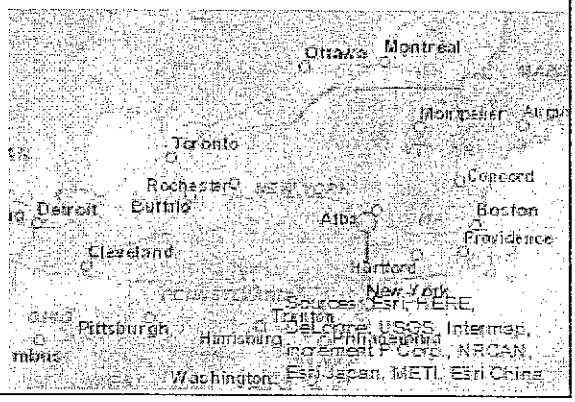

Part 1 / Question 7 [Critical Environmental Area]	No
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Part 1 / Question 12b [Archeological Sites]	Yes
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Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 22, 2016 TO HEAR PUBLIC COMMENT REGARDING THE CITY OF NEWBURGH'S FIVE YEAR CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT STRATEGY AND ACTION PLAN FOR FISCAL YEAR 2016

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments regarding the City of Newburgh's Consolidated Housing and Community Development Strategy and Action Plan for fiscal year 2016; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 22nd day of February, 2016, in the third floor Council Chambers located at 83 Broadway, City Hall, Newburgh, New York.

RESOLUTION NO.: _____ - 2016

OF

JANUARY 25, 2016

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 57-58 WILLIAMSBURG DRIVE (SECTION 1, BLOCK 2, LOT 29) AT PRIVATE SALE TO JOHN TEIXEIRA FOR THE AMOUNT OF $45,000.00

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real property Tax law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell 57-58 Williamsburg Drive, being more accurately described as Section 1, Block 2, Lot 29 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH,** such sums are to be paid on or before April 24, 2016, being ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
57-58 Williamsburg Drive	1 - 2 - 29	John Teixeira	$45,000.00

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

Terms and Conditions Sale
57-58 Williamsburg Drive, City of Newburgh (1-2-29)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The property is sold subject to unpaid 2015-2016 School Taxes and any subsequent levies. Upon the closing the property shall become subject to taxation. Payment of the 2015-2016 School Taxes shall be made as of the date of closing. Water and sewer charges and sanitation fees will be paid by the City to the date of closing except that where the water meter reading nets a usage to the purchaser of less than 6 units for the quarterly bill, the purchaser shall be responsible for a minimum water and sewer bill of six units.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE**. **The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of $250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration**.
6. Notice is hereby given that the property is occupied. This parcel is being sold subject to the City's Rental License Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the rental license fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.
7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property

located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.

9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before April 24, 2016. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of $250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall <u>not</u> be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
14. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
15. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least ten (10) days in advance of closing title and approved by the City's Engineer.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.

17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

Purchase Proposal Summary

Location:	**57-58 Williamsburg Drive**
Tax Map Number:	1-2-29
Property Class:	220—Two Family Residential
Zoning:	RL—Residential Low Density
Description:	Semi-attached 2-family home; Year built: 1988; 2 Apartments—One 3-bedroom (2nd floor) and one 2-bedroom (1st floor), Total of 2538sf of living area; 2-car garage; 5 bedrooms; 4 baths; lot size: 98 x 82
Condition:	Average/Fair
Assessed Value:	$153,700
Annual Taxes:	$ 8,066+/-
Selling Price:	$ 61,480 @ 40%
	$ 46,110 @ 30%

The city acquired this property: February 2015

Offer Information:

Name:	John Teixeira
Offer Price:	**$ 50,000 (increased from $45,000)**
Construction Estimate:	$ 27,100+/-
Proof of Financing:	Wells Fargo and Chase accounts.

Comments: Although this home is currently rented, it still needs work. There were many leak marks on the second floor ceiling indicating some roof and gutter repair. The siding needs repainting and/or replacing in several areas. Some significant settlement was noted in the foundation. One or both furnaces may need replacing, the plumbing and the electrical system need attention. The purchaser lives in Garrison but manages many properties throughout the Hudson Valley. At this time, he owns no other properties in the City of Newburgh. It should also be noted that the purchaser has good credit.

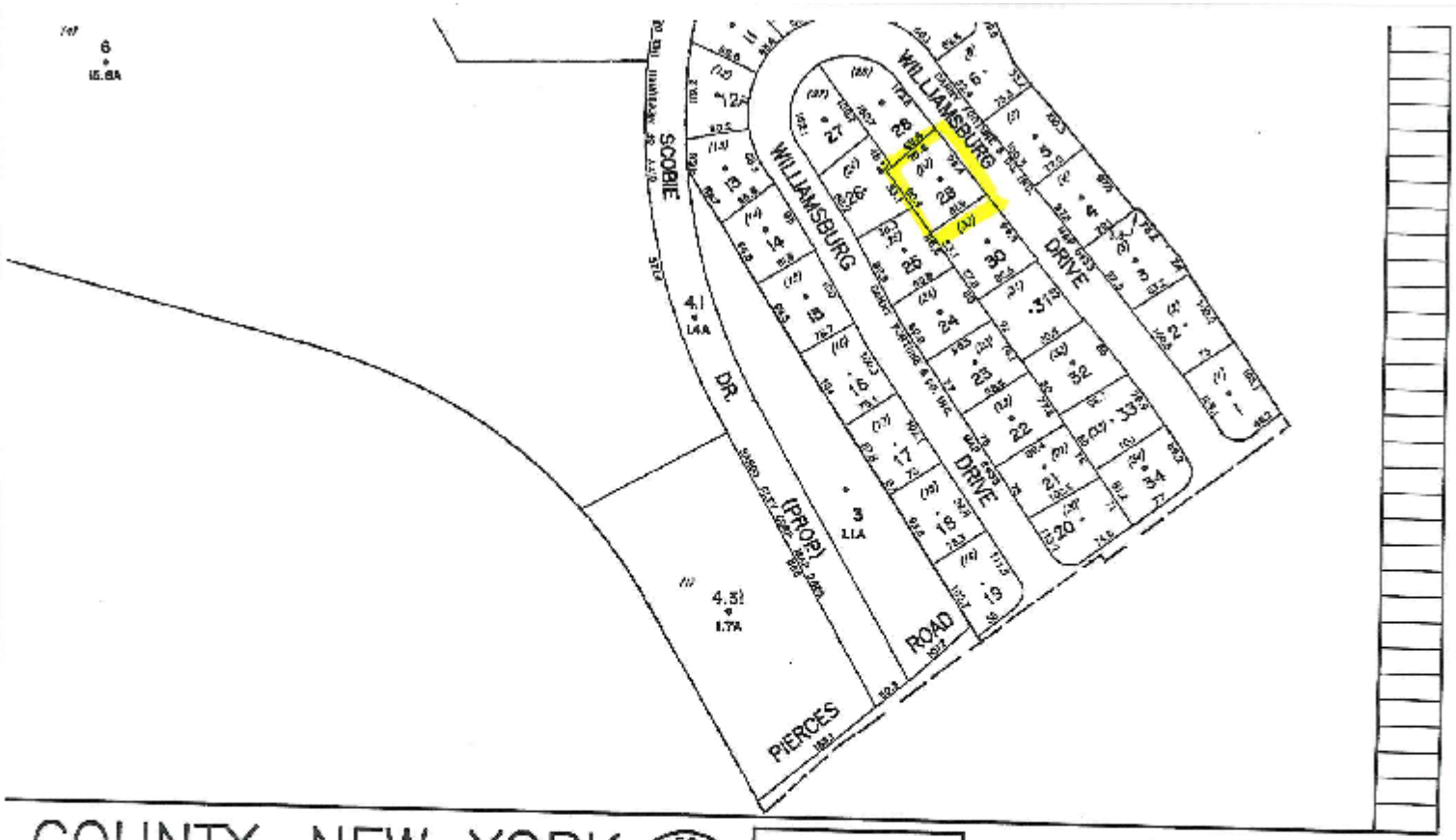
Side & Rear View

Settlement

2nd Floor Ceiling Leak Marks

2nd Floor Interior

Bath



COUNTY—NEW YORK

NOTICE
MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE ORANGE COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE O.C. REAL PROPERTY TAX SERVICE AGENCY

© NOT TO BE REPRODUCED FOR COMMERCIAL PURPOSES FOR TAX PURPOSES ONLY NOT TO BE USED FOR CONVEYANCE

ORANGE COUNTY NEW YORK

ADJOINING REFERENCE

331100
CITY OF NEWBURGH

Scale 1" = 100' Section No. 1

TAX YEAR 2015

Proposal Form

Contact Information:

Name: John Teixeira
Business Name (If Applicable): _____
Address: 15 steuben rd
City, State & Zip: Garrison NY 10524
Home phone: 9144698407
Business Phone: 9142452233
Mobile Phone: 9144698407
E-mail: Teixeiratrue@gmail.com
Federal I.D. No. (If Available): _____

Information on Bid Property:

Property Address: 57-58 Williamsburg Newburg
SBL#: 1-2-29

Order of Preference: (If submitting more than one proposal): _____

Type of Project:

____ Single Family Yes____ No____

✓ Multi-Family Yes____ No____ # Units: 2

____ Commercial ____ Industrial

Offer Purchase Price: ~~$45,000.00~~ 50,000 < PER E-MAIL FROM PURCHASER

Does your proposal conform with existing zoning? Yes ✓ No____

Renovation Estimate - How much do you anticipate investing in this project for renovations? Do not include offer purchase price: $27,100.00

Who will be doing the work? ✓ Self ✓ Other (complete below)

Please keep in mind that the City of Newburgh requires electrical and plumbing work to be performed by City licensed electricians and plumbers.

General Contractor: Mike mosney
Architect: Tony Viera
Engineer: _____

Estimate of repair cost document attached

Development Experience:

	Project No. 1	Project No. 2
Project location: Please list all addresses (not merely project name). Include street number, street, city and zip	1600 Linclon terr Peekskill ny 10566	1281 Ivy rd mohegan lake NY 10547
Role (i.e. managing partner, limited partner, general contractor, architect, lawyer, investor, consultant).	investor / contractor owner	investor contractor
Type of Project: (i.e. new construction, substantial rehabilitation, moderate rehabilitation)	Substantial rehabilitation	Substantial rehabilitation
Use: (i.e. single-family, multi-family rental or commercial)	multi family	Single family
Number of Buildings in Project	1	1
Total Number of Residential Units in Project	3 units	1 unit
If commercial, total square footage of project		
Systems Replaced		
Total Development Costs	$60,000	$40,000
Current Status (predevelopment, in construction, ___% complete, completed, converted to permanent financing)	100% Completed	100% Completed
Government Program, if any (provide name of program and agency, name and current phone of reference)		

Do you (or your contractor) have a history of tax delinquency or code violations in the City of Newburgh? No ✓ Yes_____ (attach explanation)

Finances:

I am providing:
- ___ Personal Financial Statement
- ___ Letter from Lender/Investor
- ✓ Personal or Business Bank Statement
- ___ Evidence of project funding
- ___ Developers should provide three years financial statements

Business Relationship:

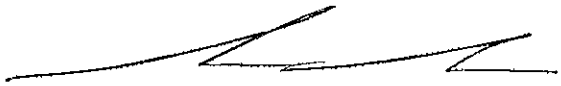
Have you had a "business relationship" as defined in Chapter 34, Article 2 (B) (2) of the municipal code, with any City elected official in the 12 months prior to the due date of this proposal? Yes_____ No ✓

What You should Attach:

- Description of renovation plan with preliminary budget
- Verification of financial capacity
- Explanation of any tax delinquency/code violations (if applicable)

INFORMATION RELEASE:

It is our intent that all personal financial information submitted with this proposal to the Department of Planning and Development shall be considered confidential. I hereby authorize the City of Newburgh Department of Planning and Development to obtain credit reports and verify information supplied as part of this proposal. All information provided is true and accurate to the best of my knowledge.



Signature

12-15-15
Date

John Teixeira
Print Name

SS# [redacted] Date of Birth [redacted]

Submit Application to:

Department of Planning & Development
City Hall – 83 Broadway
Newburgh NY 12550

ESTIMATE OF REPAIR AND COST

For: 57-58 Williamsburg

Newburg New York

EXTERIOR:

Roof: Several Leaks noted in 2nd floor apartment ceilings. Replace entire roof. $6,000.00

Gutters/Leaders: Some missing. Replace all. $1,200.00

Siding: Replace some damaged wood siding, power wash, paint entire house. $4,200.00

Doors: Exterior doors, including storm doors need repair or replacement. $1,200.00

Steps: Front step entrance to each apartment, need to be repair or possible replacement. $ 300.00

Foundation: Needs reinforcement back right side of house. Approximately $1,500.00

INTERIOR:

Boilers: Both need attention. One seems to need replacement. Tenant from 2nd floor and I observed a strong gas odor from boiler area. Second floor tenant claims most of the time heat does not work. Tenant also claims, when it does, some radiators don't put out any heat. The 2nd floor apartment had several heaters plugged in. Cost to replace one gas boiler & service the other. $4,500.00

Plumbing: 2nd Floor, under kitchen sink leaking, master bath toilet leaking to down stairs apartment.

The tub water constantly running, dishwasher broken. Tenant Claims she owns frig and stove.

To repair leaks, replace dishwasher, frig, stove. $2,000.00

First Floor, tenant claims she can't use master bath, leaks all over the place. Renovate. $2,500.00

First and 2nd floors missing washer and dryer

Interior doors: 2nd floor apartment missing all closet doors. $ 900.00

Floors: Need some attention

Walls: Both apartments are in need of painting once tenants move, especially the 2nd floor ceilings from roof leaking. $2,200.00

Electric: 2nd floor tenant has extension cords all over the place, claims some plugs don't work. A license electrician must be hired to see what the problem is. $600.00

There are small repairs:

A wall between the two garages should be installed and new lock. At this time, it's all open and the 2nd floor tenant is the only one with a key having access to the 1st floor tenants belongings.

Some light fixtures need replacement, some landscaping needed.

These prices can range once I start working on the house depending on findings.

Thank You,

John Teixeira

(914) 469-8407

Total of proposed repairs is : 27,100.00

WELLS FARGO

Date: december 15/2015

To: whom it may concern

P

Regarding Customer:
JOHN A TEIXEIRA
15 STEUBEN RD
GARRISON NY 10524

To Whom It May Concern:

This letter is verification that the customer named above has an account with Wells Fargo. This account number ending in -1952, was opened 02/27/2014 and has a current balance of $54,842.00.

If you need deposit information, refer to the customer named above. The account holder can provide deposit information from their monthly statements.

If you have any questions please call us at 1-800-TO-WELLS (1-800-869-3557). Phone Bankers are available to assist you 24 hours a day, 7 days a week.

Sincerely,

Paul F Bongiovanni
Personal Banker 2
(845)223 3263

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DSG4236 (7-10 129971)

Customer Record

DOROTHY DO... KATHLEEN M... DEBORAH L R... ANA ARVELA Add (/svp/mod/c...

Checking/Savings Account Detail

CUSTOMER RECORD (/SVP/MOD/CUSTOMER[redacted])

Wells Fargo High Yield Savings

NEW YORK 348

Balance

View History [redacted]

[redacted] | OPENED 05/02/2011 | 4 Years | ACTIVE

Provides		Stop Pay - No		
Yes	Click for detail	Holds - No	Paper	
		Pledges - No	12/31/2015	

Ledger Balance:	$27,014.60
Available Balance:	$27,014.60
Average Balance Last 12 Months:	$27,002.85
Insufficient Funds/Overdraft Today:	No
Balance Sweep:	None
Last ACH Direct Deposit:	None

Account Relationships

Tax Responsible Customer: ANA ARVELA (/svp/mod/customerRecord/725666009750625)

Related Accounts & Convenience Services

Linked Debit/ATM Cards

None

Additional Relationships

ANA ARVELA (/svp/mod/customerRecord/725666009750625)	Sole Owner
JOHN A TEIXEIRA (/svp/mod/customerRecord/574678862013311)	Beneficiary

Brokerage Settlement Relationships

None

Other

PMA Relationship	Related Account
Relationship Pricing	No

Account Title

Statement/Mailing Name: ANA ARVELA
POD JOHN A TEIXEIRA

Basic Information

Account TIN: SSN | [redacted] View

Certification: W-9 Certification

Line of Business: RETAIL CONSUMER

Money Services: No

Elizabeth Rowell
Wells Fargo Bank N.A
V.P.
914-556-6687

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY KNOWN AS 15 1/2 OVERLOOK PLACE (SECTION 48, BLOCK 3, LOT 9) TO THE NEWBURGH COMMUNITY LANDBANK AT PRIVATE SALE

WHEREAS, the Newburgh Community Land Bank was incorporated pursuant to Article 16 and Section 402 of the Not-for-Profit Corporation Law and is a Type C Not-For-Profit corporation as defined in Section 201 of the Not-For-Profit Corporation Law; and

WHEREAS, the mission of the Newburgh Community Land Bank is to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, the Newburgh Community Land Bank is ready to acquire City-owned properties consistent with its mission to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, the Newburgh Community Land Bank has requested real property known as 151/2 Overlook Place, more accurately described as Section 48, Block 3, Lot 9 on the official Tax Map of the City of Newburgh; and

WHEREAS, this Council has determined that transferring title to 151/2 Overlook Place (Section 48, Block 3, Lot 9) is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser; and

Property address	**Section, Block, Lot**	**Purchaser**

15 1/2 Overlook Place 48 – 3 – 9 Newburgh Community Land Bank

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh the properties are to be transferred to the Newburgh Community Land Bank subject to the Disposition Policies of the Newburgh Community Land Bank annexed hereto and made part hereof as Schedule "A"; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

“SCHEDULE A”

Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

1. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term “banking” of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

1. Individuals who will own and occupy the residential property.
2. Qualified Landlords or real estate investors.
3. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
4. Businesses that will own and occupy commercial property.
5. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
6. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
2. The transferee must not own any real property that: a) has any un-remediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
3. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
4. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
5. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
6. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
7. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
8. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
9. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.
10. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
11. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period

of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.

12. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
13. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
14. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.

The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

1. The owner-occupant must complete renovations and move into the structure with in a time frame negotiated by the Land Bank.
2. The property may not be used solely as rental property.
3. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either: a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or b) repay the land bank the difference between the purchase price and the initial fair market value.

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW AGREEMENT WITH GOVDEALS.COM TO PROVIDE LIQUIDATION SERVICES TO THE CITY OF NEWBURGH

WHEREAS, by Resolution No. 107-2011 of May 23, 2011, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with GovDeals.com to provide liquidation services to the City of Newburgh for the purpose of disposing of surplus City equipment which is no longer needed for City purposes; and

WHEREAS, the City wishes to modify the Financial Settlement Services Election to eliminate the cost of the services to the City and shift the cost to buyer in the form of a 12% Buyer's Premium paid by the winning bidder; and

WHEREAS, this Council finds that modifying the Financial Settlement Services Election is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager of the City of Newburgh be and he is hereby authorized to enter into a new agreement with GovDeals.com modifying the Financial Settlement Services Election to a 12% Buyer's Premium for providing liquidation services to the City of Newburgh, with such other terms and conditions as may be required by Corporation Counsel.

GovDeals

FINANCIAL SETTLEMENT SERVICES

How would you like to streamline your processes, reduce expenses, and save money?
GovDeals' Financial Settlement Services offers to its clients the option of allowing GovDeals to collect your government's auction proceeds, remit these proceeds weekly based on assets paid for and picked up and withhold GovDeals fees. By electing to use these two services, you will no longer need to collect money from the bidder or write a check to remit payment to GovDeals.

In order to get started using this new feature, complete the forms in this packet.

The combined benefits of using the GovDeals Financial Settlement Services are:

- Increased bidder base due to easy payment options
- Higher prices for your assets due to more bidders having the opportunity to bid
- No additional cost to your government
- Fully transparent as to funds collection
- Potential for reducing the number of bidder defaults due to easy payment options
- GovDeals absorbs any charge backs
- Enhanced record keeping and reporting offered with these new services
- Reduced labor cost and accounting for bidder proceeds
- Reduced labor and material costs in writing checks to GovDeals

Let us help make things easier for our online auction community!

Please remember, you may choose the full Financial Settlement Services option which includes GovDeals withholding its auction fees from your proceeds, thus eliminating the writing of a monthly check to GovDeals. If you do not want GovDeals to withhold the fee, you may choose to only allow GovDeals to collect auction proceeds and pay GovDeals its auction fees monthly.

Accepted Payment Options

VISA · AMERICAN EXPRESS · MasterCard · DISCOVER · $ Wire Transfer $ · PayPal

GovDeals.com®
Online Government Surplus Auctions

GovDeals

Financial Settlement Services (FSS) Addendum

This Addendum is between GovDeals, Inc. (GovDeals), having its principal place of business at 5907 Carmichael Place, Montgomery, Alabama 36117, and_____
(Client) having its principal place of business at _____.

It is understood the Client elects GovDeals to collect all proceeds due the Client from the winning bidder and remit the proceeds to the Client less the GovDeals fee. Optionally, the Client may elect to not have GovDeals withhold the fee by electing the appropriate section on the following page of this exhibit.

GovDeals will charge the winning bidder a "Buyer's Premium", therefore, the Client is not allowed to charge the winning bidder an additional "Buyer's Premium".

GovDeals will collect all proceeds from the winning bidder, including the "Buyer's Premium" through PayPal, credit card or wire transfer. This is the only means of payment by the bidder.

The Client will not release an asset to the winning bidder until the Client has received verification from GovDeals that payment has been received from the winning bidder. Prior to an item being released to the winning bidder, the Client will ensure the winning bidder or his/her agent has signed a "Bill of Sale" containing the following notation: "Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid". The Bill of Sale must be printed from the Client Asset Server (CAS). Any other "Bill of Sale" used by the Client must be submitted to GovDeals for approval.

No proceeds will be remitted to the Client for any asset sold without verification of payment from GovDeals and verification from the Client the item has been picked up by the winning bidder. Approved payment from the winning bidder through PayPal, credit card or wire transfer will be noted in CAS. It is the Client's responsibility to notify GovDeals when an item has been picked up, which is accomplished by the Client accessing CAS and selecting the "Picked Up" option from the "Paid, not picked up" report.

GovDeals will remit all proceeds collected, less the "Buyer's Premium" and the GovDeals fee to the Client on a weekly basis for all assets marked in CAS as 'Picked Up'. However, if you choose to be invoiced for the GovDeals' fee, GovDeals will remit all proceeds collected, less the "Buyer's Premium" only. All proceeds will be remitted electronically by Automatic Clearing House (ACH) unless elected on the following page of this exhibit to receive a paper check. Whether proceeds are remitted electronically via ACH or via paper check, a detailed backup will be submitted to the Client to support the amount remitted.

Under no circumstance will the Client collect any proceeds directly from the winning bidder and if requested to do so, the Client should refer the winning bidder directly to GovDeals for payment instructions.

GovDeals will absorb all costs of Charge Backs by PayPal or a credit card company where an item is released to the winning bidder after the Client receives proper payment notification from GovDeals, GovDeals receives proper pickup notification from the Client and the Client obtained and retained a signed "Bill of Sale" from the winning bidder.

GovDeals will refund proceeds collected to the winning bidder in those rare occasions where the winning bidder pays for an asset but never picks it up and subsequently convinces PayPal or the credit card company to withdraw the amount from GovDeals' bank account. It is the Client's responsibility to request a credit on the asset paid for but not picked up as soon as the allowable pick up time passes. By taking the credit, it insures GovDeals will not charge the Client a fee and will allow the Client to resell the asset. If the asset is mistakenly placed in 'picked up' status by the Client and GovDeals has remitted payment, the Client agrees to refund this amount back to GovDeals.

A GovDeals' Client Services Representative or a GovDeals Help Desk Representative will train the Client on how to effectively use the Financial Settlement Services feature and provide ongoing support as needed. There are no additional costs to the Client for training and support.

GovDeals is covered by a Crime Insurance Policy with a limit of $5,000,000, which will protect the Client against any loss of funds.

Financial Settlement Services (FSS) Election and Information

Please complete payment instructions below:
If client elects FSS, this section must be completed prior to submitting form back to GovDeals.

Accounting Contact: _____
(Person to receive checks and invoices) Name and Title

E-Mail Address: _____

Phone Number: _____

Option B: Client elects for GovDeals to collect all proceeds from the buyer:

☐ Option B1 ☐ Option B2 ☐ Option B3 ☐ Option B4

(Please choose only one option for payment)
If payment will be made by ACH, please provide the following information:

Name of Bank	
County of Bank	
Name of Client: (Name on bank account)	
Bank Routing Number	
Bank Account Number	
Checking/Savings	

OR:

If payment will be made by paper check, please provide the following information:

Make check payable to: _____
Client's Legal Name

Mail check to: _____
Street Address / P.O. Box Number

_____
City, State and Zip Code

Approved for GovDeals:

_____

President
Title Date

Approved for Client:

_____

_____
Title Date

☐ **Please check here only if Client elects to NOT allow GovDeals to deduct the GovDeals fees from proceeds due the client.**

GovDeals

Flexible Pricing Options (FPO)

The Client has the option to choose from the following alternative plans:

B - Client Elects GovDeals Financial Settlement Services (FSS) allowing GovDeals to Collect Proceeds. Only one option below can be used and once this option is chosen, it cannot be changed for twelve (12) months.

Option B1: The Client pays a 7.5% fee, but not less than $5.00, and the winning bidder pays a 5% Buyers Premium. *

Option B2: The Client pays a 5% fee, but not less than $5.00, and the winning bidder pays a 7.5% Buyers Premium.

Option B3: The Client pays a 2.5% fee, but not less than $5.00, and the winning bidder pays a 10% Buyers Premium.

Option B4: The Client pays a 0% fee and the winning bidder pays a 12.50% Buyers Premium.

*If the Client chooses to pay the full 7.5% fee (Option B1), they will have access to the **Tiered Fee Reduction Schedule.**

Tiered Fee Reduction Schedule (Only applies to Option B1)

GovDeals' **Tiered Fee Reduction Schedule** below explains how the base auction fee of 7.5% is reduced for assets that sell in excess of $100,000 on **www.govdeals.com**.

1. **When an asset sells for up to $100,000 in a winning bid, the GovDeals fee is seven and one-half percent (7.5%) of the winning bid, but not less than $5.00.**

2. Where an asset sells for more than $100,000, but less than $500,000 the GovDeals fee is seven and one-half percent (7.5%) of the winning bid up to $100,000, plus five and one-half percent (5.5%) of the winning bid for auction proceeds in excess of $100,000 up to $500,000.

3. Where an asset sells for greater than $500,000 the GovDeals fee is seven and one-half percent (7.5%) of the first $100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next $400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the bid amount in excess of $500,000.

4. Where an asset sells for greater than $1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first $100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next $400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the next $500,000 of the winning bid, plus a fee of two and one-half percent (2.5%) of the bid amount in excess of $1,000,000.

GovDeals Financial Settlement Services
Frequently Asked Questions

Are there any additional fees to use GovDeals Financial Settlement Services (FSS)?
There are no additional fees for Sellers who use FSS. Sellers are charged their normal GovDeals fees. The winning Bidders of FSS auctions are charged a 5% Buyer's Premium to cover GovDeals costs of payment collection.

What are the Flexible Pricing Options (FPO)?
You now have the ability to pass on all (or a portion) of your GovDeals Fees to the Buyer through our Flexible Pricing Options.

What are the most popular Flexible Pricing options that client's elect?
GovDeals clients utilize all four of the Flexible Pricing Options; however, the options most commonly selected are B1 & B2.

How many GovDeals Clients are using the Financial Settlement Services?
Since 2009, more than 82% of new GovDeals Clients have utilized FSS. Across GovDeals, over 63% of GovDeals clients now use FSS and this number grows daily.

What do the bidders think about paying online?
GovDeals has surveyed our top bidders about Financial Settlement. Overwhelming, these bidders liked & preferred the convenience of paying online with a Credit Card and PayPal.

Does the Buyer's Premium affect my results?
Almost all of our Sellers, who have switched to FSS, have noticed no change in the results of their auctions with the Buyer's Premium. Any bidder lost because of the Buyer's Premium is made up with one who wants or needs to use the convenience of a Credit Card and PayPal to purchase your Surplus Property.

Are Sellers charged fees on the Buyer's Premium?
No, as with Sales Tax, the Buyer's Premium is not included in GovDeals calculation of our fees.

How is Sales Tax collected?
If a Seller is required to add sales tax to an auction, GovDeals will collect the sales tax from the winning bidder and remit the full amount to the Seller. Winning Bidders who are tax exempt must notify the seller immediately, and the seller can remove the tax charged prior to the Bidder making their electronic payment.

Do Winning Bidders have the option to pay onsite via Money Order, Cash, or Certified Check?
No. All winning Bidders must pay through the GovDeals website prior to making arrangements for removal. Credit Card and PayPal payments are usually processed and marked as "Paid" in less than one hour. Wire Transfer payments may not show as "Paid" for 24 hours from the payment date.

Can a Seller return to collecting their own payments if they are unhappy with the Financial Settlement Services?
Yes, a seller may return to collecting their own payments, but GovDeals asks Sellers to give FSS a 12 month trial before making that decision.

Does FSS change the way that the Seller lists an asset on GovDeals?
No. Although the Seller's Client Service Representative will update the Client's Instruction Fields to reflect the changes in payment options, the changes with auctions using FSS occur once the auctions have closed.

How does GovDeals notify the Seller that a winning Bidder has paid for an item?
GovDeals notifies Sellers that payment has been received via the Paid For/Picked Up Report in the "Reports" section of the www.govdeals.net site. Sellers and Buyers are still issued a Certificate as normal. On this certificate, in the Special Instructions section, the winning Bidder is given instructions on how to make payment via the GovDeals website.

What is my liability if a winning bidder disputes a charge to their Credit Card or PayPal account?
A Seller will have each Buyer sign a Bill of Sale prior to removal of the assets purchased. As long as the Seller has a copy of this signed Bill of Sale, GovDeals takes on all liability of charge-backs by Buyers.

What would happen if a stolen credit card were used to make a payment? Do you have any fraud provisions?
PayPal is our service provider for processing all electronic payments including credit cards. PayPal and GovDeals are both PCI compliant and have security standards in place to ensure the authenticity of the buyer and credit card/bank account holder. Since the implementation of FSS, there have been transactions that have been fraudulent, but GovDeals absorbed all costs to the card holder and monies paid to the seller.

How does GovDeals remit payment to our municipality?
GovDeals remits payment each week, via check or Direct Deposit (ACH/EFT), for all Assets marked as "Picked Up" in the previous Monday-Sunday time period. Checks are mailed on each Thursday. Clients who elect to have their payments remitted via Direct Deposit (ACH/EFT) receive payment on Thursdays.

Can GovDeals withhold their fees prior to issuing payment?
Sellers have the option to have all of GovDeals fees removed prior to payment being remitted. Sellers who have their fees withheld never have to pay another GovDeals invoice. This eliminates the need & extra work involved in issuing payment to GovDeals.

Will I continue to receive a monthly invoice from GovDeals?
Yes, a monthly invoice will be emailed from GovDeals; however, if you have elected to have GovDeals withhold your fees, the invoice will not reflect a balance due amount. It will list all of the items sold for the previous month along with the sold amount and the fees withheld by GovDeals.

How does GovDeals help Sellers reconcile the payments remitted to their municipality?
Each check stub includes a statement of what was included in the payment. For ACH payments, an itemized statement of what was included in the deposit will be emailed to the Accounting Contact that was setup when the Seller sets up FSS. The Deposit ID# and Check # can be searched for on a client's Paid For/Picked Up report to pull up a more detailed report of what was included in the deposit/check.

How do I get started?
In order to start using the Financial Settlement Services a signed copy of the FSS Addendum will need to be faxed to GovDeals Sales Support at 334-387-0519 or emailed to her at salessupport@govdeals.com. Clients can also log on to www.govdeals.com and complete the "Become a Seller" document (located under "Contact Us").

Once GovDeals receives your FSS Addendum or the completed online form, your CSR will work with you to complete the setup of FSS on your account.

RESOLUTION NO.: ___-2016

OF

FEBRUARY 8, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF UP TO $8,000.00 FROM THE PATROLMEN'S BENEVOLENT ASSOCIATION OF NEWBURGH NEW YORK, INC. TO PURCHASE A NEW POLICE DOG

WHEREAS, the City of Newburgh Police Department will be retiring a police dog and requires a new police dog for its K-9 unit; and

WHEREAS, the Patrolmen's Benevolent Association of Newburgh, New York, Inc. (PBA) has offered to donate up to $8,000.00 to the City of Newburgh toward the purchase of a new police dog for the Police Department's K-9 unit; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept the donation of funds from the PBA for the purpose of purchasing a new police dog to replace the dog to be retired;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager of the City of Newburgh be and he is hereby authorized to accept a donation of up to $8,000.00 from the Patrolmen's Benevolent Association of Newburgh, New York, Inc. for the purpose of purchasing a new police dog for the City of Newburgh Police Department K-9 Unit.

Police Benevolent Association

Of The City of Newburgh
P.O. Box 871 Newburgh, NY 12551
(845) 569-7529

The Newburgh City Council and City Manager Michael Ciaravino,

This letter is being written on behalf of the members of the "PBA" union to seek approval on purchasing a new canine (K-9) for the police department.

The PBA and its members are willing to donate up to $8,000 dollars for the purpose of replacing K-9 "Ruger" who will be retired from service.

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

Thank you for your time with this matter.

Detective Mike Pitt
President, PBA

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION AMENDING RESOLUTION NO.: 163-2007 ESTABLISHING A BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF NEWBURGH TO COMBINE LINCOLN'S BIRTHDAY AND WASHINGTON'S BIRTHDAY TO A PRESIDENTS DAY HOLIDAY

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 163-2007 which amended Resolution No.: 33-2003 establishing a benefit plan for non-bargaining unit employees of the City of Newburgh be and the same is hereby further amended as follows:

Section 2: Holidays is hereby amended as follows:

Section 2: Holidays

(a) Employees covered by this resolution shall be granted leave with pay for the following holidays:

New Year's Day
Martin Luther King's Birthday
~~Lincoln's Birthday~~
~~Washington's Birthday~~
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day
General Election Day
Veteran's Day
Thanksgiving Day

Friday following Thanksgiving Day
Christmas Day

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

The City of Newburgh
Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

Tel. (845) 569-7335
Fax. (845) 569-7338

Timothy W. Kramer
Assistant Corporation Counsel

MEMORANDUM

TO: Judith L. Kennedy, Mayor
Genie Abrams, Councilwoman
Regina Angelo, Councilwoman
Torrance Harvey, Councilman
Cindy Holmes, Councilwoman
Karen Mejia, Councilwoman
Hillary Rayford, Councilwoman
Michael G. Ciaravino, City Manager

FROM: Michelle Kelson, Corporation Counsel

RE: Salary and Benefit Plan for Non-Bargaining Unit Employees
Resolution 163-2007
Combining Lincoln's Birthday and Washington's Birthday to Presidents Day

DATE: January 26, 2016

The New York State Constitution and the Municipal Home Rule Law provide authority for municipalities to adopt or amend local laws relating to the compensation of its officers and employees that are not inconsistent with the constitution or general law. New York State General Municipal Law Section 92 permits municipalities to create benefit plans for employees by local law, ordinance or resolution. The City Council of the City of Newburgh has adopted by resolution a benefit plan for its employees who are not included within any bargaining unit. Resolution No. 163-2007 of August 20, 2007 establishes the latest comprehensive benefit plan for non-bargaining unit employees. Resolution No. 163-2007 was amended by Resolution No. 179-2008 of November 10, 2008, which eliminated Section 2(b) relating to holiday pay for certain employees. Copies of Resolution No. 163-2007 and Resolution No. 179-2008 are attached for your review. Please be advised that Schedules "A" and "B" attached to Resolution No. 163-2007 were accurate at the time of adoption but that some of the job titles are no longer filled; the grade of some job titles has changed; and the salary schedules were affected by a 5% pay reduction adopted in the 2010 budget.

In the collective bargaining agreements with Local 589, International Association of Firefighters, Civil Service Employees Association and Patrolmen's Benevolent Association, the unions have agreed to combine the holidays of Lincoln's Birthday (celebrated on February 12th each year) and Washington's Birthday (celebrated on the 3rd Monday in February annually) into a single holiday of President's Day (federally recognized holiday celebrated on the 3rd Monday in February annually). This holiday consolidation is effective beginning January 1, 2016 for the CSEA. Local 589, IAFF agreed to this holiday consolidation effective January 13, 2011. The same holiday consolidation became effective for PBA members hired on or after December 31, 2014 as required by the Interest Award. Copies of the CSEA MOA for a new collective bargaining agreement for the period January 1, 2011 through December 31, 2016; the relevant pages of the Local 589, IAFF collective bargaining agreement for the period January 1, 2010 through December 31, 2014; and the PBA Interest Arbitration Award summary page are attached.

It is necessary to consolidate the Lincoln's Birthday and Washington's Birthday holidays into a single Presidents Day holiday for the non-bargaining unit employees. It would be inconsistent and inefficient to continue to afford the Lincoln's Birthday holiday to the department-heads and the management/confidential employees covered by the non-bargaining unit benefit plan while at the same time all of the City employees below the department-head level and covered by collective bargaining agreements are required to report to work.

A resolution of the City Council to amend the non-bargaining unit benefit plan is required to implement this change in holidays to be consistent with the collective bargaining agreements applicable to the overwhelming majority of City employees and a proposed resolution to implement this change also is attached.

MICHELLE KELSON
Corporation Counsel

MK/ar
Attachments

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 5. Powers, Limitations, and Liabilities

McKinney's General Municipal Law § 92

§ 92. Vacations, sick leaves and leaves of absence of officers and employees

Effective: September 4, 2008

Currentness

1. The governing board of each county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state by local law, ordinance or resolution, or in the city of New York the mayor by order may grant vacations, sick leaves and leaves of absence to its officers or employees with or without pay and adopt rules and regulations in relation thereto. Notwithstanding any other provision of law, any such governing board or mayor may also in like manner provide for cash payment of the monetary value of accumulated and unused vacation time or time allowances granted in lieu of overtime compensation standing to the credit of its officers and employees at the time of their separation from the service, or in case of death in service, to be paid to their beneficiaries.

2. An employee of a county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state who is elected by an employee organization certified or recognized by the employer pursuant to article fourteen of the civil service law may be granted a leave of absence from their regular position for the purpose of serving with such employee organization.

3. The governing board of each county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state may provide by local law, ordinance or resolution or in the city of New York the mayor by order, that vacations granted to its officers and employees shall be earned by and credited to them for each day, week or month of service and for the payment for such earned and credited vacations prior to the commencement thereof.

Credits

(Added L.1952, c. 784, § 1. Amended L.1958, c. 36, § 1; L.1960, c. 931, § 1; L.1962, c. 199, § 1; L.1963, c. 14, § 1; L.1964, c. 576, § 43; L.2008, c. 523, § 1, eff. Sept. 4, 2008.)

Notes of Decisions (185)

McKinney's General Municipal Law § 92, NY GEN MUN § 92

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RESOLUTION NO. 163-2007

OF

AUGUST 20, 2007

A RESOLUTION TO AMEND AND RESTATE THE BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No. 33-2003 "A Resolution To Establish The Benefit Plan For Non-Bargaining Unit Employees" is hereby amended and the Benefit Plan For Non-Bargaining Unit Employees is hereby restated as follows:

Section 1: Covered Employees

This resolution shall apply to all salaried officers and salaried permanent employees of the City of Newburgh who work regular hours of no less than 35 hours per week and who are not members of any collective bargaining unit.

Section 2: Holidays

(a) Employees covered by this resolution shall be granted leave with pay for the following holidays:

New Year's Day
Martin Luther King's Birthday
Lincoln's Birthday
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
General Election Day
Veteran's Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

(b) The following employees shall receive a lump sum payment equal to fifteen days pay at their established salary on the first Thursday of December of each year:

City Manager
Deputy Police Chiefs
Deputy Fire Chiefs
Supt. Water Dept.
Deputy Supt. Water Dept.
Police Chief
Fire Chief
Supt. of Public Works
Deputy Supt. of Public Works

Section 3: Vacation

(a) All new employees must work one full year from their date of appointment before being eligible to take a vacation.

(b) Vacation may only be taken with the prior approval of the department head or the City Manager. Approval shall not be unreasonably withheld.

(c) Employees shall earn vacation time in accordance with the following schedule:

I. City Manager and Department Heads upon completion of

1 year	20 working days
2 years	21 working days
3 years	22 working days
4 years	23 working days
5 years	26 working days
6 years	28 working days
7 years	29 working days
8 years	30 working days
9 years	31 working days
10 years	32 working days
11+ years	33 working days

II. Deputies and Assistants upon completion of

1 year	15 working days
2 years	16 working days
3 years	17 working days
4 years	18 working days
5 years	20 working days
6 years	21 working days
7 years	22 working days
8 years	23 working days
9 years	24 working days
10 years	25 working days
11 years	26 working days
12 years	27 working days
13 years	28 working days
14 years	29 working days
15 years	30 working days

III. Administrative/Confidential Employees upon completion of

1 year	10 working days
2 years	15 working days
3 years	16 working days
4 years	17 working days
5 years	18 working days
6 years	20 working days
7 years	21 working days
8 years	22 working days
9 years	23 working days
10 years	24 working days
11 years	25 working days
12 years	26 working days
13 years	27 working days
14 years	28 working days
15 years	29 working days
16+ years	30 working days

Section 4: Sick Leave

(a) All employees shall receive 15 sick days per year.

(b) Employees shall be granted sick leave at half-pay for personal illness after all sick and vacation time has been exhausted but such sick leave at half pay shall not exceed one week for each complete year of service.

(c) When an employee is off the job due to illness, the City will continue to pay health insurance premiums for a maximum period of three months until a waiver of premium is executed.

(d) The City Manager may request an employee using sick leave to provide a doctor's certificate for an absence of more than three days.

(e) Commencing January 1, 2008, a non-bargaining unit employee with at least eight (8) years of employment with the City may seek to convert accrued and unused sick leave to a cash payment subject to the approval of the City Manager and the terms stated herein. The City Manager shall have sole discretion to approve or disapprove the employee's request, and the decision shall be non-reviewable. In addition to the requisite years of employment with the City, the employee must have no less than fifty (50) sick leave days accrued and unused remaining after the requested number of sick leave days is deducted from the employee's sick leave balance.

The employee shall be paid at 75% of the employee's daily rate of pay based on the employee's annual salary at the time of payment for each day of sick leave approved by the City Manager for conversion. The number of sick leave days converted to cash payment shall be deducted from the employee's sick leave balance.

An employee may request and/or receive payment for accrued sick leave no more frequently than once in a five (5) year period. An employee shall not be eligible for conversion of sick leave to cash payment for a five year period after the employee receives the payment provided herein.

Section 5: Personal Leave

All employees shall receive the following personal leave days:

During the first year of employment	1 day
During the second, third and forth year of employment	2 days
During the fifth and each subsequent year of employment	4 days

Section 6: Bereavement Leave

Employees shall be entitled to four (4) consecutive work days leave of absence with pay between the dates of death and funeral when a death occurs in the immediate family which shall include a grandparent, a grandparent-in-law, parent, mother-in-law, father-in-law, spouse, child, brother, sister, brother-in-law, sister-in-law and grandchild. Provided that uniformed members of the police and fire departments covered by this Resolution shall receive the bereavement leave as is provided to subordinate members of their departments.

Section 7: Jury Duty Leave

Time off with full pay will be allowed for jury duty provided that any reimbursement check for said jury duty is submitted to the City. Payment received for mileage and meal allowance shall belong to the employee.

Section 8: Maternity Leave

Employees shall receive maternity leave to the same extent as it is granted to other employees of the City.

Section 9: Uniform Allowance

Employees covered by this Resolution who are uniformed members of the Police and Fire Departments shall receive the same clothing allowance as is provided to subordinate members in their respective departments.

Section 10: Health Insurance

(a) The City shall continue to participate in the New York State Health Insurance Plan and contribute one hundred percent (100%) of the premium for employees and other dependants and continue the present policy upon retirement.

(b) Health Insurance Waiver – an employee who is covered by another health insurance plan may decline the coverage provided herein on or before the 1st day of December of each year by executing a waiver on a form established by the Comptroller. An employee declining and waiving coverage shall receive a payment equal to 25% of the savings to the City on or before January 30 of the following year.

(c) All employees hired on or after the date of the resolution shall contribute 10% of the cost of health insurance for the like of their employment with the City.

(d) Employees must have a minimum of ten (10) years of service with the City of Newburgh to be eligible to receive health insurance upon retirement.

Section 11: Dental and Optical Insurance

Effective January 1, 2008, employees shall be included in the CSEA Sunrise Dental Plan and the CSEA Platinum Vision Plan on the same terms and conditions as provided to City employees covered by the CSEA collective bargaining agreement in effect for the period January 1, 2008 through December 31, 2010. This provision is subject to the approval by the CSEA Sunrise Dental Plan and the CSEA Platinum Vision Plan of inclusion of non-bargaining unit City employees in said plans.

Section 12: Retirement

The City shall continue to participate in the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

Section 13: Severance

Upon the effective date of separation, retirement or death, the employee or the employee's beneficiary shall receive cash payment for seventy-five percent (75%) of unused sick leave at the employee's current salary, plus the cash value of all accrued but unused vacation leave.

Section 14: Longevity Schedule

A longevity payment is to be made on the anniversary date of the employee's hiring and annually thereafter in accordance with the following schedule.

Upon Completion of Stated Years of Employment	January 1, 2007	January 1, 2008	January 1, 2009	January 1, 2010
5 years of employment	875	975	1,175	1,375
10 years of employment	1,525	1,625	1,825	2,025
15 years of employment	1,875	1,975	2,175	2,375
18 years of employment	2,225	2,325	2,525	2,725
20 years of employment	2,350	2,450	2,650	2,850

Section 15: Life Insurance

The City shall provide to each employee a life insurance policy in the amount of two times the employee's annual salary.

Section 16: Deferred Compensation Plan

The City shall adopt the Deferred Compensation Plan for employees of the State of New York and other participating public jurisdictions open to employees covered by this resolution, pursuant to Section 5 of the State Finance Law. Employees may on one occasion during their employment contribute unused sick or vacation time to the deferred compensation plan at the rate of 75% of its cash value provided that such contribution is consistent with the rules of the plan and applicable to State and Federal statutes and regulations.

Section 17: Salary Increases

The annual salaries of all employees covered by this Resolution are to be increased as reflected on Schedule B attached hereto and shall be retroactive to January 1, 2007.

Section 18: Fair Labor Standards Act

Employees subject to the Fair Labor Standards Act and covered by this Resolution shall receive compensatory time as required by the Fair Labor Standards Act for time worked in excess of 40 hours per week.

Section 19: Education

Subject to prior course approval by the City Manager, the full cost of tuition, books and school, not to exceed the tuition rate per credit hour as established by the State University of New York (New Paltz), incurred by any officer or employee covered by this resolution attending a certified educational institution or course which is related to said officer's or employee's duties shall be paid upon successful completion of said course and the submission of official grade reports to the City Manager. The cost of courses or education unrelated to an officer's or employee's duties or employment by the City shall not be paid by the City.

Section 20: Fitness for Duty

The City of Newburgh and its officers and employees recognize that the public has the absolute right to expect that persons employed by the City in the exercise of their duties will be free from the effects of alcohol and controlled substances. The City, as the employer, has the right to expect its employees to report for duty and to set a positive example for the community. The non-bargaining unit employees, by acceptance of the benefits conferred by this Resolution, recognize and agree that the City Manager has the right to adopt rules, regulations, policies and procedures to implement random testing of employees for the use of alcohol and controlled substance as to all employees who exercise public safety functions, operate City vehicles or equipment, have access to confidential information or information the divulgence of which would adversely affect public security or who exercise a public trust.

Section 21: Intent of the Council

It is the intent of this Council that

(a) the following are to be classed as Department Heads under this resolution:

City Manager, Comptroller, Police Chief, Fire Chief, Director of Business and Industrial Development, Code Compliance Supervisor, Director of Community Development, Corporation Counsel, Superintendent of Public Works, Superintendent of Water, Director of Recreation, Director of Youth and Family Services, City Clerk/Registrar, Assessor, Collector, and Civil Service Administrator.

(b) the following are to be classed as Deputies and Assistants under this resolution:

Assistant Corporation Counsel, Deputy Fire Chief, Deputy Police Chief, Deputy City Clerk/Registrar, Deputy City Clerk, Deputy Superintendent of Public Works, Deputy Superintendent of Water, Executive Assistant, Special Projects Coordinator, Cultural and Economic Director, Planner, Assistant Assessor, and Crime Analyst.

(c) the following are to be classed Administrative/Confidential Employees under this resolution:

Business Services Coordinator, Secretary to the Director of Business and Industrial Development, Economic Development Specialist, Administrative Assistant to the City Manager, Secretary to the City Manager, Secretary to the Corporation Counsel, Secretary to the Police Chief, Secretary to the Fire Chief, Secretary to the Water Superintendent, Secretary to the Comptroller, Secretary to the Superintendent of Public Works, Secretary to the Code Compliance Supervisor, and GIS Analyst.

It is further the intent of this Council to preserve its discretion to enter into agreements for the employment of the City Manager outside the scope of this resolution. The Council further recognizes that the annual salary for the Police Chief position is subject to the provisions of General Municipal Law section 207-m and that the Police Chief's salary may be adjusted to satisfy the requirements of the law.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 8/20/07 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 21st day of Aug. 20 07

Deputy City Clerk

SCHEDULE A

Grade 1

Secretary to the City Manager
Secretary to the Police Chief
Secretary to the Code Compliance Super.
Secretary to the Superintendent of Public Works
Secretary to the Director of Business and Industrial Development
Secretary to the Corporation Counsel (I)
Deputy City Clerk

Grade 2

Secretary to the Comptroller
Secretary to the Fire Chief
Secretary to the Corporation Counsel (II)
Secretary to the Water Superintendent
Administrative Assistant to City Manager
Deputy City Clerk/Registrar
Assistant Assessor

Grade 3

City Clerk/Registrar
Civil Service Administrator
Executive Assistant to City Manager
Director of Youth, Children & Family Svc.
Special Projects Coordinator
Business Services Coordinator
GIS Analyst

Grade 4

Planner

Grade 5

Deputy Superintendent of Public Works
Deputy Superintendent of Water
Assessor
Collector
Crime Analyst
Code Compliance Supervisor
Cultural and Economic Director

Grade 6

Assistant Corporation Counsel
Recreation Supervisor
Director of Community Development

Grade 7

Superintendent of Water
Superintendent of Public Works
Director of Business and Industrial Development
Comptroller
Deputy Fire Chief

Grade 7B

Deputy Police Chief

Grade 8

Corporation Counsel
Fire Chief
Police Chief*
*The base salary for the Police Chief position is subject to adjustment to provide the minimum dollar amount annual salary increase required by General Municipal Law section 207-m.

Grade 9

City Manager**
**The salary for the City Manager position is further subject to terms provided in an employment agreement between the City and the City Manager.

SCHEDULE B

2007 NON-BARGAINING SALARY SCHEDULE

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	30,000	32,750	35,500	39,000	41,250	44,000
2	40,000	42,700	45,250	47,880	50,530	53,250
3	50,500	52,428	53,500	55,300	57,000	59,500
4	59,825	61,500	63,025	64,625	66,500	68,500
5	67,800	70,500	73,200	75,800	78,500	80,562
6	75,000	76,575	78,200	79,775	81,500	84,000
7	84,562	85,906	87,247	88,564	89,930	91,273
Grade 7B	86,818	88,196	89,574	90,952	92,518	94,084
8	96,465	97,996	99,527	101,058	104,291	107,524
9	106,358	107,953	109,548	111,145	112,740	113,005

2008 NON-BARGAINING SALARY SCHEDULE

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	31,200	34,060	36,920	40,560	42,900	45,760
2	41,600	44,408	47,060	49,795	52,551	55,380
3	52,520	54,525	55,640	57,512	59,280	61,880
4	62,218	63,960	65,546	67,210	69,160	71,240
5	70,512	73,320	76,128	78,832	81,640	83,784
6	78,000	79,638	81,328	82,966	84,760	87,360
7	87,944	89,342	90,736	92,107	93,528	94,924
Grade 7B	92,333	93,799	95,265	96,730	97,288	97,847
8	100,324	101,916	103,508	105,100	108,463	111,825
9	110,612	112,271	113,930	115,591	117,250	117,526

2009 NON-BARGAINING SALARY SCHEDULE

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	33,150	36,010	38,870	42,510	44,850	47,710
2	43,550	46,358	49,010	51,787	54,653	57,595
3	54,621	56,706	57,866	59,812	61,651	64,355
4	64,707	66,518	68,168	69,898	71,926	74,090
5	73,332	76,253	79,173	81,985	84,906	87,136
6	81,120	82,824	84,581	86,285	88,150	90,854
7	91,462	92,916	94,366	95,791	97,269	98,721
Grade 7B	96,026	97,551	99,076	100,599	101,180	101,761
8	104,337	105,992	107,648	109,304	112,801	116,298
9	115,036	116,762	118,488	120,214	121,940	122,227

2010 NON-BARGAINING SALARY SCHEDULE

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	34,559	37,540	40,522	44,317	46,756	49,738
2	45,401	48,328	51,093	53,988	56,976	60,043
3	56,942	59,116	60,325	62,355	64,271	67,090
4	67,457	69,345	71,065	72,869	74,983	77,238
5	76,449	79,494	82,538	85,470	88,514	90,839
6	84,568	86,344	88,176	89,952	91,897	94,716
7	95,349	96,865	98,376	99,862	101,403	102,917
Grade 7B	100,107	101,697	103,286	104,875	105,480	106,086
8	108,771	110,497	112,223	113,950	117,595	121,241
9	119,926	121,724	123,523	125,323	127,122	127,421

RESOLUTION NO.: 179 - 2008

OF

NOVEMBER 10, 2008

A RESOLUTION AMENDING RESOLUTION NO.: 163-2007 WHICH PROVIDES A BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF NEWBURGH

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 163-2007 which amended Resolution No.: 33-2003 establishing a benefit plan for non-bargaining unit employees of the City of Newburgh be and the same is hereby further amended as follows:

Section 2: Holidays is hereby amended to delete therefrom subsection (b) in its entirety; and

BE IT FURTHER RESOLVED, this Resolution shall not apply to the Chief of Police, pursuant to Section 207-m of the General Municipal Law; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect January 1, 2009.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held Nov. 10, 2008 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 12th day of Nov. 20 08

Deputy City Clerk

RESOLUTION NO. 10 - 2011

OF

JANUARY 10, 2011

A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT
WITH LOCAL 589
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

WHEREAS, the City of Newburgh and Local 589 International Association of Fire Fighters ("Local 589") are parties to a collective bargaining agreement which term expired on December 31, 2009; and

WHEREAS, the City Manager and negotiators representing the City of Newburgh and Local 589 have engaged in collective negotiations for a successor agreement pursuant to the requirement of the Taylor Law; and

WHEREAS, the City Council has reviewed the terms negotiated as set forth in the attached Collective Bargaining Agreement between the City of Newburgh and the Local 589, which sets forth the terms and conditions of employment for the term January 1, 2010 through December 31, 2014, and has consulted with the representatives of the City, who have recommended that the City Council approve the negotiated changes and new collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the terms of the attached Collective Bargaining Agreement are ratified and approved and the City Manager is directed and authorized to execute such agreement.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held Jan. 10, 2011 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 11 day of Jan. 20 11

City Clerk

STIPULATION OF AGREEMENT made and entered into this 10th day of January 2011 by and between the negotiating committees for the City of Newburgh ("the City") and Local 589, IAFF, AFL-CIO ("the IAFF").

WHEREAS, the parties have engaged in negotiations in good faith in an effort to arrive at the terms of a new collective negotiations agreement to be effective January 1, 2010; and

WHEREAS, the parties have arrived at a tentative agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties stipulate and agree as follows:

1. The provisions of this Agreement are subject to ratification by the IAFF's membership, and ratification and approval by the City Council.

2. The signatories agree to recommend this Agreement for ratification/approval.

3. A copy of this original document has been furnished to representatives of the City and the IAFF.

4. All proposals made by either party during the course of negotiations which are not covered by this Agreement shall be deemed dropped.

5. The provisions of the Agreement shall be as per the attached draft collective negotiations agreement. Unless otherwise noted, all changes shall be effective on January 1, 2010.

FOR THE CITY:

Richard S. Herbert 1/3/11

Cheryl A. Gross 1/3/11

FOR THE IAFF:

Jimmy M. Hyer 01/03/11

Sammy Cortes 01/03/11

ARTICLE XVII – LIFE INSURANCE

Each employee shall receive life insurance coverage on the employee's life payable to the employee's designated beneficiary in the amount of $50,000 fully paid by the City. The coverage is to provide the employee with an option to continue the insurance beyond retirement at the employee's own cost and expense.

ARTICLE XVIII - HOLIDAYS

A. Employees shall receive the following 13 holidays in time at the rate of time and one-half of one-fifth (1/5th) weekly salary.

New Years Day
Rev. Martin Luther King Jr. Day
Lincoln's Birthday
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Christmas Eve
Christmas Day

Effective January 13, 2011, employees shall be entitled to take the following 10 holidays per calendar year either in time or pay. Holidays elected as time shall be at the rate of 24 hours per holiday. Holidays elected as pay shall be paid at the rate of 16 hours per holiday.

New Years Day
Rev. Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

B. A new hire shall not be eligible for holiday pay or compensatory time for holidays which occur during the employee's training period and until the employee is assigned to a group.

C. Employees electing to receive pay for a holiday shall receive payment in the next pay date following the day of occurrence for the applicable holiday.

Employees electing to receive compensatory time will be credited the time on the day of occurrence of the applicable holiday.

D. Employees will notify the Fire Department in writing on the Fire Department's form by July 1st of the preceding year of their election of compensatory time or pay for holidays, except that the City agrees that employees can resubmit written requests for

RESOLUTION NO.: 86 - 2015

OF

APRIL 13, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A STIPULATION OF AGREEMENT AND APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000, AFSCME, AFL-CIO

WHEREAS, the City of Newburgh and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO ("CSEA") are parties to a collective bargaining agreement which expired on December 31, 2010; and

WHEREAS, the City Manager and negotiators representing the City of Newburgh and CSEA have engaged in collective negotiations for a successor agreement pursuant to the requirements of the Taylor Law; and

WHEREAS, the City Council has reviewed the terms negotiated as set forth in the Stipulation of Agreement between the City of Newburgh and the CSEA, a copy of which is attached hereto, which sets forth the terms and conditions of employment for the term January 1, 2011 through December 31, 2016 and has consulted with the representatives of the City who have recommended that the City Council approve the negotiated changes and new collective bargaining agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the terms of the attached Stipulation of Agreement are ratified; and

BE IT FURTHER RESOLVED, that the City Manager is directed and authorized to enter into a complete collective bargaining agreement incorporating the terms of the Stipulation of Agreement into a complete collective bargaining agreement with the CSEA for the term January 1, 2011 through December 31, 2016.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held APR 13 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 14 day of APRIL 20 15

City Clerk

THIS DOCUMENT, ITS EXISTENCE AND CONTENTS, MAY NOT BE REVEALED BY EITHER PARTY OR THE PARTY'S AGENTS TO ANY THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE OTHER PARTY

Memorandum of Agreement
by and between
Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO
City of Newburgh Unit
Orange County Local 836
and
City of Newburgh

STIPULATION OF AGREEMENT ("Agreement") made and entered this ___ day of _____, 2015 by and between the negotiating committees for the City of Newburgh ("the City") and Civil Service Employees Association, Inc., CSEA Local 1000, AFSCME, AFL-CIO (CSEA) City of Newburgh Unit, Orange County Local 836 ("the Union").

WHEREAS, the parties have engaged in negotiations in good faith in effort to arrive at the terms of a new collective negotiations agreement to be effective January 1, 2011; and

WHEREAS, the parties have arrived at a tentative agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties stipulate and agree as follows:

1. The terms of this Agreement are subject to ratification by the City Council of the City of Newburgh and the members of the CSEA City of Newburgh Unit.
2. The signatories agree to recommend this Agreement for ratification/approval.
3. A copy of this original document has been furnished to representatives of the City and the Union.
4. All proposals made by either party during the course of negotiations which are not covered by this Agreement shall be deemed dropped.
5. Unless otherwise noted, all changes shall be effective on January 1, 2011. All provisions of the 2007-2010 Collective Bargaining Agreement between the parties shall be continued, remaining unaffected or altered, unless changed by this Agreement and updated where necessary to incorporate it into the successor Agreement. All references to amendments made herein are made with respect to the January 1, 2007-December 31, 2010 Collective Bargaining Agreement between the parties and such amendments shall be incorporated into the successor agreement.
6. Cover and duration: January 1, 2011 – December 31, 2016.
7. **ARTICLE I RECOGNITION AND DUES DEDUCTIONS**

Section 1- Recognition
Amend the first paragraph to read:

THIS DOCUMENT, ITS EXISTENCE AND CONTENTS, MAY NOT BE REVEALED BY EITHER PARTY OR THE PARTY'S AGENTS TO ANY THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE OTHER PARTY

"The CITY recognizes the UNION as the sole and exclusive bargaining representative for all of the employees in the CITY in the titles listed below for the purposes of bargaining collectively and in the determination of terms and conditions of employment and in the administration of grievances arising under the terms of this agreement:

Account Clerk
Afterschool Initiatives Coordinator
Assistant Animal Control Officer
Assistant Assessor
Assistant Maintenance Mechanic
Assistant Superintendent of Public Works
Automotive Mechanic
Automotive Parts Coordinator
Bi-Lingual Clerk
Bi-Lingual Typist
Building Maintenance Worker
Cashier
Chief Water Treatment Plant Operator
Cleaner
Code Compliance Officer
Computer Programmer/Operator
Data Processing Supervisor
Development Coordinator
Engineer Technician
Historic Preservation Officer
Heavy Equipment Operator
Information Systems Manager
Laborer Supervisor
Maintenance Laborer
Maintenance Worker
Motor Equipment Operator
Plumbing Inspector
Parking Enforcement Officer
Principal Stenographer
Property Manager
Records Management Officer
Sanitation Enforcement Officer
Sanitation Worker
Senior Automotive Mechanic
Senior Recreation Leader
Skilled Laborer
Traffic Equipment Servicer
Tree Trimmer
Water Maintenance Mechanic
Water Meter Repair Server
Water Treatment Plant Operator Trainee
Working Supervisor
Youth Services Specialist

Account Clerk-Typist
Animal Control Officer
Assistant City Engineer
Assistant Recreation Supervisor
Assistant to the Assessor
Automotive Mechanic/Tow Truck Operator
Automotive Repair Specialist
Bi-Lingual Translator/Typist
Bookkeeper
Building Maintenance Equipment Mechanic
Chief Automotive Mechanic
Chief Water and Sewage Treatment Plant Operator
Clerk
Computer Operator
Data Entry Operator
Desk Top Technician
Dispatcher
Garage Attendant
GIS Analyst

Junior Civil Engineer
Laborer
Maintenance Mechanic
Mechanic's Helper
Neighborhood Development Coordinator
Planner

Program Assistant
Real Property Data Clerk
Reservoir Supervisor
Sanitation Supervisor
Senior Account Clerk
Senior Payroll Clerk
Senior Stenographer
Senior Typist
Supervising Cashier
Traffic Equipment Supervisor
Typist
Water Maintenance Worker
Water Meter Reader
Water Treatment Plant Operator
Youth Services Coordinator

THIS DOCUMENT, ITS EXISTENCE AND CONTENTS, MAY NOT BE REVEALED BY EITHER PARTY OR THE PARTY'S AGENTS TO ANY THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE OTHER PARTY

If at the time of ratification any title that is included in the bargaining unit represented by the Union has been excluded from this list, this exclusion shall not be interpreted to mean that the title is excluded from the bargaining unit but that it was omitted from this list due to an error and title shall remain in the bargaining unit.

Insert the following paragraph after first paragraph
"Other titles appropriate and not excluded from the bargaining unit represented by the Union under the law shall be added during the terms of this Agreement, if so created by the CITY. The Union shall be notified in writing by the CITY when a new job title is created by written notice within 5 working days of creation."

Delete (housekeeping): The following titles will go from non-bargaining unit to the bargaining unit as members whenever the individual holding such title on January 1, 2007 vacates such title:
Planner
Assistant Assessor
GIS Analyst

8. ARTICLE III COMPENSATION

Section 2- Compensation

A. Delete and replace with- "The salary schedule in effect for the period January 1, 2011 through December 31, 2014 shall be provided in Appendix B attached hereto; the Salary Schedule in effect for the period January 1, 2015 through December 31, 2015 shall be as provided in Appendix C attached hereto; the Salary Schedule in effect for the period January 1, 2016 through December 31, 2016 shall be provided in Appendix D attached hereto."

B. Delete and replace with- "Effective the date of complete and full ratification, all full-time bargaining unit members on payroll as of December 31, 2014, shall receive a lump sum payment in the amount of two-thousand-five hundred dollars ($2,500.00). All part time bargaining unit members on the payroll as of December 31, 2014 , shall receive a lump sum payment in the amount of twelve hundred and fifty ($1,250). This payment shall be made no later than thirty (30) days after full and complete ratification in a separate check. This payment is subject to all applicable taxes.

C. Delete and replace with- Effective January 1, 2015, annual salary rates shall be increased by one and three quarters percent (1.75%) at each grade and step above the annual salary rates in effect on December 31, 2010. The 2015 Salary Schedule is attached as Appendix C.

D. Delete and replace with- Effective January 1, 2016, annual salary schedule rates shall be increased by two percent (2%) at each grade and step above the annual salary rates in effect on December 31, 2015. The 2016 Salary Schedule is attached as Appendix D.

THIS DOCUMENT, ITS EXISTENCE AND CONTENTS, MAY NOT BE REVEALED BY EITHER PARTY OR THE PARTY'S AGENTS TO ANY THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE OTHER PARTY

Re-letter the remaining sections appropriately.

9. ARTICLE IV HOLIDAYS WITH PAY

A. Paid Holidays

Effective January 1, 2016, Delete Lincoln's Birthday and Washington's Birthday
Add President's Day

10. ARTICLE VIII PENSIONS AND INSURANCES

Section 2- Insurances

B. Hospitalization

Add new paragraph (v) "A full time employee hired after full and complete ratification of this stipulation of agreement shall pay fifteen percent (15%) of the cost of the health insurance coverage elected by the employee and the premium contribution shall be made by the employee for the entire period the employee is covered by City- provided health insurance coverage during the life of employment with the City, or until retirement."

11. ARTICLE X GOOD AND WELFARE

Amend F and G as follows:

F. Sunrise Dental Plan- Composite Rate per Employee

Delete: The City agrees to pay the following amounts for the indicated time periods towards the premium cost of the CSEA Sunrise Dental Plan for full-time employees in the bargaining unit.

Add: The City agrees to continue to pay the full cost of the premium cost of the CSEA Sunrise Dental Plan for full-time employees of the bargaining unit. City agrees to assume responsibility for management and administration of such plan and all costs associated with such management and administration.
Delete: rates (housekeeping)

G. Platinum 12 Vision Plan- Composite Rate per Employee

Delete: The City agrees to pay the following amounts for the indicated time period towards the premium cost of the CSEA Platinum 12 Vision Plan for full-time employees in the bargaining unit.

Add: The City agrees to continue to pay the full cost of the premium cost of the CSEA Platinum 12 Vision Plan for full-time employees in the bargaining unit.
Delete: rates (housekeeping).

12. ARTICLE X GOOD AND WELFARE

Add new L. as follows:

L. Employee Evaluation System

The parties agree that the establishment of an effective and appropriate mechanism to evaluate employee performance is a worthwhile goal which would benefit the parties and the City of Newburgh generally. Therefore, the parties mutually agree that they will negotiate with each other in good faith to establish an employee performance evaluation

system not later than 30 days after the City provides notice to the Union of its readiness to begin such negotiations.

13. ARTICLE XI ADMINISTRATIVE PROVISIONS

C. Accident Review Committee

Add new paragraph:

The Accident Review Committee will consist of 3 members designated by the Union and 3 members designated by the City. The Accident Review Committee shall convene quarterly to review workplace accidents unless there is a need to meet more frequently upon the request of one of the parties. The recommendations of the Accident Review Committee shall be submitted in writing to the City Manager. The City Manager may accept or reject any or all of the Accident Review Committee's recommendations. The City Manager shall inform the Accident Review Committee of his reasons for rejecting any of the Committee's recommendations in writing in a timely manner.

14. ARTICLE XVIII DURATION

Amend paragraph as follows:

"This Agreement as amended shall become effective on the first day of January 2011, and shall terminate the close of business on the 31st day of December 2016. The terms of this Agreement shall apply to persons who are or have become members of the bargaining unit on or after January 1, 2011."

Civil Service Employees Association,
Local 1000, AFSCME, AFL-CIO
City of Newburgh Unit
Orange County Local 836

BY: _____
James Smith
President
Dated: 3/4/15

BY: _____
Vanessa J. Bisone
Labor Relations Specialist
Dated: 3/4/15

BY: _____
Edwin Howard
Chairman, Negotiating Committee
Dated: 3/5/15

City of Newburgh

BY: _____
Michael Ciaravino
City Manager
Dated: 2/13/15

BY: _____
Michelle Kelson
Corporation Counsel
Dated: 2/13/15

BY: _____
John J. Aber
Comptroller
Dated: 2/13/15

AWARD

1. **TERM-** This Award shall cover the period January 1, 2013 through December 31, 2014.
2. **SALARY-** Amend the base salary contained in Article III (A) (2) (i) and Appendices A and A-1 of the CBA such that the base salary in the 2012 salary schedules will be increased by the following percentages:

As of July 1, 2013- 1%, including for those unit members who retired between July 1, 2013 and the date of this Award.

As of July 1, 2014- 1%, including for those unit members who retired between July 1, 2013 and the date of this Award.

3. **LONGEVITY-** Amend Article XV (F) (1), such that each of the four categories of years of service is increased by $300. This increase shall be effective as of December 31, 2014.
4. **VACATIONS-** Amend Article IV (F) such that requests for vacation days in the following year must be submitted between November 1 and November 30 of the prior year.
5. **HOLIDAYS-** Amend Article V(B) as follows: Effective December 31, 2014, bargaining unit members may take two (2) of the holidays listed in Article V(C) as amended below as *floating days.* The bargaining unit member shall be paid at a straight time rate for the actual holiday and at a rate of time and one-half for the *floating day.* The *floating day* may not be taken on another holiday listed in Article V(C).

As noted on pages 100-101, a committee of four people (two appointed by the PBA and two by the City Manager) is to meet within 90 days of the date of this Award and determine the procedures to used in the implementation of this item. The determinations of the committee must be in writing and ratified by the membership of the PBA and the City Manager. In the event that the committee cannot achieve a ratified agreement within 90 days of this Award, or a longer period if agreed to by both parties, either party may request that the panel reconvene and resolve the matter in a supplemental binding Opinion and Award.

6. **HOLIDAYS-** Amend Article V(C) such that, effective December 31, 2014, Presidents Day will replace Lincoln's Birthday and Washington's Birthday and that General Election Day will be deleted from the list of paid holidays. The amended Article V(C) will apply to bargaining unit members hired after December 31, 2014.
7. **HOSPITALIZATION**- Amend Article IX (A) as follows:

Effective December 31, 2014, all retirees whose date of retirement is on or after December 31, 2014, shall contribute 15% of the cost of individual or family coverage provided that the retiree had family coverage on December 31, 2014.

For retirees who had individual coverage on December 31, 2014 and opt to add dependents to their coverage, the City shall contribute 85% of the cost of individual coverage and 35% of the cost of the dependent coverage.

When retirees are eligible for health insurance coverage under the health plan of another City employee's or retiree's health plan, both the retiring member and the other City employee or retiree must choose one single family coverage or two individual coverages.

8. **HOSPITALIZATION**- Amend Article IX (D) as follows:

Effective December 31, 2014, where a bargaining unit member is eligible for health insurance coverage through another City employee's plan, the bargaining unit member and the other City employee must choose either one family plan or two individual plans.

9. **DRUG & ALCOHOL TESTING-** Amend Article XXII (B) as follows:

In sentence 2 of paragraph 1, insert *or if an employee* discharges *a weapon* after *City-owned vehicle.*

The last sentence in this section shall be: *Effective December 31, 2014, the following random drug testing procedure shall be implemented:*

10. **ALL OTHER PROPOSALS.** All of other proposals irrespective of whether they were discussed herein are denied.

Dated: January 18, 2016
Hewlett Harbor, NY

ARTHUR A. RIEGEL
IMPARTIAL MEMBER OF PANEL

AFFIRMATION

STATE OF NEW YORK)
COUNTY OF NASSAU)

I, Arthur A. Riegel, Esq., affirm that I am the individual describe in and who executed the foregoing instrument which is my Opinion and Interest Arbitration Award.

ARTHUR A. RIEGEL, ESQ

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 8, 2016

A RESOLUTION AMENDING RESOLUTION NO.: 163-2007 ESTABLISHING A BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF NEWBURGH TO COMBINE LINCOLN'S BIRTHDAY AND WASHINGTON'S BIRTHDAY TO A PRESIDENTS DAY HOLIDAY

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 163-2007 which amended Resolution No.: 33-2003 establishing a benefit plan for non-bargaining unit employees of the City of Newburgh be and the same is hereby further amended as follows:

Section 2: Holidays is hereby amended as follows:

Section 2: Holidays

(a) Employees covered by this resolution shall be granted leave with pay for the following holidays:

New Year's Day
Martin Luther King's Birthday
~~Lincoln's Birthday~~
~~Washington's Birthday~~
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day
General Election Day
Veteran's Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

Chapter 72. Police Community Relations and Review Board

§ 72-1. Findings and purpose.

A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.

B. The City Council further finds that it is important to have a method by which City residents can make requests for law-enforcement-related services.

C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.

D. The purpose of Chapter **72** of the City Code of Ordinances is to create an independent, nonexclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning described in this section:

CHIEF
The Police Chief of the City of Newburgh Police Department.

COMPLAINT
A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY
Spouse, domestic partner, child, stepchild, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION
A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER
Sworn member of the City of Newburgh Police Department.

PCRRB
Police Community Relations and Review Board.

PROFESSIONAL STANDARDS
Administrative Lieutenant of the City of Newburgh Police Department.

§ 72-3. Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of nine members.

B. Appointment to the PCRRB shall be made as follows:

(1) Two members from each of the four wards shall be appointed by the Council member elected from each ward.

(2) One member shall be appointed by the City Council, and such member shall be designated as the Chair of the PCRRB.

(3) If a Council member fails or refuses to appoint a member to the PCRRB under § **72-3B(1)** and a vacancy exists for more than 60 days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

(4) When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

(1) Members shall be appointed for two-year terms; provided, however, that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.

(2) No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of nonmembership.

(3) Members shall continue to serve on the PCRRB until their successors are appointed.

D. Removal.

(1) The PCRRB, by a simple majority vote of the entire Board, may upon good cause request that the City Council remove a PCRRB member where appropriate.

(2) The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.

(3) PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.

E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within 60 days in the same manner as the predecessor to fill the unexpired term.

§ 72-4. Members.

A. Qualifications of members:

(1) Members of the PCRRB shall reside in the City of Newburgh and be at least 18 years old at the time of appointment.

(2) Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.

(3) The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.

(4) Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.

(5) Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have any financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.

(6) No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member responsibilities: PCRRB members shall:

(1) Obey all laws respecting individuals' rights of privacy and confidentiality of records.

(2) Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.

(3) Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, and integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5. Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

(1) The PCRRB shall adopt and the City Council shall approve rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.

(2) The PCRRB shall hold regular monthly business meetings.

(3) Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.

(4) The PCRRB shall hold its initial meeting within 60 days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.

(5) The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the "Open Meetings Law."

C. Recommendations; reports.

(1) The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.

(2) The PCRRB shall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.

D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

E. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.

(1) Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh, NY, or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.

(2) A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.

(3) Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.

F. Review of complaints. A review of a complaint shall proceed as provided in this subsection.

(1) Investigation of complaints.

(a) The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.

(b) The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief or his designee fails to conclude the investigation within 60 days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise

the PCRRB in writing of the status of the investigation every 30 days until the conclusion of the investigation.

(c) Within 10 working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

(d) After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:

[1] Render its findings pursuant to § **72-5F(2)**; or

[2] Request that the Police Chief or his designee conduct further investigation of the complaint; or

[3] Obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio- or videotapes and related documents; or

[4] Refer the complaint to mediation as provided in § **72-6**.

(e) In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.

(2) Findings of the PCRRB.

(a) The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:

[1] Sustained: where the review disclosed sufficient facts to prove the allegations made in the complaint.

[2] Not sustained: where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

[3] Exonerated: where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.

[4] Unfounded: where the review shows that the act or acts complained of did not occur or were misconstrued.

[5] Ineffective policy or training: where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.

[6] No finding: where the complaint failed to produce information to further the investigation; where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.

[7] Mediated: where the complaint is resolved by mediation.

(b)

If the PCRRB fails to render any finding referenced above within 60 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding referenced above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 72-6. Mediation.

A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.

B. Mediation shall be conducted at no cost to the complainant or the officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.

C. After a complaint is filed under § **72-5** of this chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to § **72-5F(1)(d)** of this chapter. In either case, the mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.

D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.

E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.

F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.

G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.

H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.

I. The PCRRB and the Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the PCRRB review process referenced in this chapter shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the PCRRB shall issue a finding of "mediated" and the allegations shall be deleted from the officer's PCRRB history.

§ 72-7. Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is under way or where a civil action against the City is under way or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8. Construction of chapter.

No report, finding or determination made pursuant to this chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RESOLUTION NO.: _____- 2016

OF

FEBRUARY 8, 2016

A RESOLUTION ADOPTING
RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2016

BE IT RESOLVED, that the Council of the City of Newburgh, New York adopts for use during the year 2016 the Rules of Conduct and Procedure: By Laws, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

DRAFT

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate**.** The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
2. Recess the session;
3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the

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proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.

J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances.

B. The Order of Business may be departed from by majority vote of the members present.

Rule III. Voting

A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.

B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.

D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. Notwithstanding the foregoing, by majority vote, an item not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

Rule IV. Executive Session

Whenever the Council shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the New York State Open Meetings Law. All executive sessions shall be commenced at the public meeting. Proposals,

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discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed. The presiding officer shall direct all persons except members and designated officers and employees of the City to withdraw.

Rule V. Participation of City Manager and Staff

The City Manager shall be permitted to address the Council and participate in discussions. Heads of Departments shall be permitted to address the Council. Any other City officer or employee shall be permitted to address the Council with permission of the presiding officer, subject to an appeal by motion to the City Council, the appeal to be taken without debate.

Rule VI. Suspension of the Rules

In order to hear persons other than members of the City Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and shall spend not longer than three (3) minutes, unless the time is extended by the presiding officer. This rule shall not apply to public hearings.

Rule VII. Guidelines for Public Comment

A. The public shall be allowed to speak only during the Public Comment periods of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.

B. Speakers must adhere to the following guidelines:

1. Speakers must be recognized by the presiding officer.
2. Speakers must step to the front of the room.
3. Speakers must give their name, address and organization, if any.
4. Speakers must limit their remarks to 3 minutes on a given topic. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
5. Speakers may not yield any remaining time they may have to another speaker.
6. Council members may, with the permission of the presiding officer, , interrupt a speaker during their remarks, but only for the purpose of clarification or information.
7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff.
8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote,

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request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.

9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.

C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

Rule IX. Rules for Public Hearings

The following rules shall apply to a legally required public hearing held before the City Council:

(a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Presiding Officer shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

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(e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(f) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(g) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions.

Rule XI. Robert's Rules of Order

In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

Rule XII. Adoption of Ordinances

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001
Amended: February 25, 2002 (Rule XII added)
January 10, 2014 (Rule IV)

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RESOLUTION NO.: 2 - 2014

OF

JANUARY 13, 2014

A RESOLUTION ADOPTING
RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2014

BE IT RESOLVED, that the Council of the City of Newburgh, New York adopts for use during the year 2014 the Rules of Conduct and Procedure: By Laws, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 1/13/14 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 14 day of Jan. 20 14

City Clerk

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate. The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification; or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
2. Recess the session;
3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.

J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances.

B. The Order of Business may be departed from by majority vote of the members present.

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A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.

B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.

D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. Notwithstanding the foregoing, by majority vote, an item not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

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Whenever the Council shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the New York State Open Meetings Law. All executive sessions shall be commenced at the public meeting. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed. The presiding officer shall direct all persons except members and designated officers and employees of the City to withdraw.

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7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff.
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(b) The Presiding Officer shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

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In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

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Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on

agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001
Amended: February 25, 2002 (Rule XII added)
January 10, 2014 (Rule IV)

City of Newburgh, NY
Friday, September 19, 2014

Chapter C. CHARTER

Article IV. City Council

§ C4.01. Rules of order.

[Amended 5-5-1941 by L.L. No. 1-1941; 2-24-1947 by L.L. No. 1-1947; 12-26-1951 by L.L. No. 3-1951; 3-3-1952 by L.L. No. 2-1952; 12-22-1952 by L.L. No. 10-1952; 2-12-1980 by L.L. No. 1-1980; 1-24-1983 by L.L. No. 1-1983]

A. The Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disorderly conduct or declare his seat vacant by reason of inexcusable absence, provided that such absence has continued for four consecutive regular meetings, but no expulsion shall take place and no vacancy on account of absence shall be declared until the delinquent member has had an opportunity to be heard in his defense.

B. Except as in this section especially regulated, the legislative powers of the Council may be exercised as provided by rules or ordinances adopted by it.

C. Each member of the Council shall have the right to vote on any question coming before it. A majority of the Council shall constitute a quorum, and the affirmative vote of a majority of all the members of the Council shall be necessary to adopt any motion, resolution or ordinance.

D. Regular meetings of the Council shall be held on the second and fourth Mondays of each month, except the months of June, July and August. Regular meetings of the Council shall be held on the second Mondays of June, July and August. If a regular meeting falls on a legal holiday, the meeting shall be held on the day following such legal holiday. All regular meetings shall be held at the time and place fixed by ordinance or resolution of the Council. Special meetings may be called by any member of the Council on three days' notice, which notice shall specify the object of the meeting. All legislative sessions shall be open to the public, and every matter coming before the Council for disposition shall be put to a vote whereon the ayes and nays shall be called and recorded. A full and accurate journal of the proceedings of

the Council shall be kept by the City Clerk, which journal shall be open to the inspection of any elector of the City at any reasonable time.

E. The Council may change the date, time or place of any regular or special meeting provided for in Subsection **D** of this section or may cancel such meeting either by resolution passed at the immediately preceding regular or special meeting or by consent of the Council at any time prior to the scheduled meeting.

F. An emergency meeting may be called on less than three days' notice by the City Manager or a majority of the City Council upon reasonable notice, which notice shall specify the object of the meeting.
[Added 12-11-1995 by L.L. No. 4-1995]

City of Newburgh, NY
Monday, December 21, 2015

Chapter 20. Council, City

§ 20-1. Meetings.

[Amended 4-28-1986 by Ord. No. 7-86; 6-13-1988 by L.L. No. 4-1988; 4-9-1990 by L.L. No. 12-1990]
All meetings of the Council will be held at the City of Newburgh Activity Center in the Recreation Park at the corner of Washington Street and Lake Street, Newburgh, New York, at 7:30 p.m. or at such other time and place as the Council may direct. Any meeting so held may be adjourned to a different time and place within the City by vote of a majority of the Council.

§ 20-2. Appearances before Council work sessions.

A. Persons or groups wishing to address or appear before work sessions of the Council must submit a request in writing to the City Manager indicating:

   (1) The name of the person or group, address and telephone number.

   (2) The subject matter to be addressed.

   (3) The time and date requested.

B. Also, a member of the Council may ask the City Manager to put a particular person or group on the agenda to address the Council at a work session.

C. Such requests by individuals or groups may be granted by the City Manager, in his discretion. Such requests by a Council member shall be put on the work session agenda, but, in either case, if one or more Council members so request, the question of permission to address a Council work session shall be put to a Council vote for Council determination.

§ 20-3. Order of business.

[Amended 11-8-1999 by Ord. No. 13-99[1]]
The business of the Council shall be conducted in the following order:

A. Roll call.

B. Approval of minutes of previous meeting.

C. Communications.

D. Public hearings.

E. Public comments regarding report of City Manager and items of old business and new business.

F. Comments from the Council.

G. Report of City Manager.

H. Old business.

I. New business.

J. Public comments regarding general matters of City business.

K. Further comments from the Council.

[1] *Editor's Note: This ordinance provided that it would take effect at the next City Council meeting subsequent to its adoption.*

§ 20-4. Sergeant at Arms.

The Chief of Police shall be the Sergeant at Arms of the Council and shall attend all of its meetings.

§ 20-5. Record of vote on ordinances; date of passage.

The City Clerk shall attach to every ordinance passed by the Council the names of the Councilmen voting in the affirmative and the negative and the date of its passage.

§ 20-6. Recording and filing of ordinances; proof of publication.

All ordinances passed by the Common Council shall be recorded by the City Clerk in a proper book or books, with indexes. The originals shall be filed in the City Clerk's office, and due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk and attached thereto or written and attested upon the face of the record of such ordinance.

§ 20-7. When ordinances effective.

[Amended 6-13-1988 by L.L. No. 4-1988]

All ordinances shall take effect immediately upon their publication, unless an ordinance shall otherwise specify the time when it shall go into effect.

§ 20-8. Official newspaper.

[Amended 10-13-1992 by Ord. No. 22-92; 10-13-1998 by Ord. No. 17-98; 6-14-1999 by Ord. No. 2-99[1]; 4-22-2002 by Ord. No. 11-2002]

The Mid-Hudson Times, The Sentinel and the Hudson Valley Press shall be the official newspapers of the City. All notices and advertisements published by direction of the Council shall be published in all said official newspapers.

[1] *Editor's Note: This ordinance provided that it would take effect 7-1-1999.*