

A regular meeting of the City Council of the City of Newburgh was held on Monday, October 23, 2017 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Prayer/Rezo

Prayer led by Pastor Rosie Andrews with the Northeast Gateway to Freedom followed by the Pledge of Allegiance.

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/Lista de Asistencia

Mayor Kennedy presiding; Councilwoman Angelo, Councilwoman Abrams, Councilman Harvey, Councilman Holmes, Councilwoman Mejia, Councilwoman Rayford - 7

COMMUNICATIONS

Approval of the minutes of the meeting of October 10, and October 12, 2017

Councilwoman Abrams moved and Councilman Harvey seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7

Carried

City Manager Update/ Gerente de la Ciudad pone al dia a la audiencia de los planes de cada departamento

In the Police Department our crime statistics continue to show improvement in reductions in 2017 compared to 2016. Our year to date totals from January 1st through September 30th of this year show that our part one Crime is down with a 12% reduction and violent crime has also shown a 12% reduction. There is a 17% reduction in aggravated assaults and property crime has decreased by 12%. We had a homicide recently in the City and he reported that this case was closed with an arrest within eight hours after it happened. He recognized the efforts of our Police Department under the leadership of Lt. Weaver for their hard work and hustle on that homicide. They held their twentieth YPI Class and have graduated thus far one hundred and seventy six students in that program. He had a conversation today with one of the candidates for Police Chief and this individual has rejected the offer that the City made but is keeping open the possibility in the next round of interviews that there may be an opportunity for him. He had a quick discussion with him about the rewording of the job posting that will include a possibility that the City may pursue a 211 waiver for the next batch of candidates and the one candidate that he knows Council took time to interview with has expressed his interest to continue in the interview pool. We will have that posted and it is already on our Website so we will make certain to move quickly and will hopefully have a Police Chief before the end of this year if not

sooner. The salary range is \$104,138.00 to \$116,076.00 and under New York Civil Service Law it requires that candidates appointed to the rank of Police Chief must have been appointed at one time to a Police Officer from an eligible list established in accordance with merit and fitness or have previously served as a member of the New York State Police or a second line Supervisor defined as two ranks above the rank of a Police Officer. Also Candidates may be eligible for reinstatement or transfer under applicable New York State Civil Service Law and the City of Newburgh Civil Service Commission rules and regulations and are encouraged to apply. An application for a Civil Service Law Section 211 Waiver may be available to a candidate who is receiving a New York State service retirement benefit. Also, successful candidates must either currently be a resident of the City of Newburgh or prepare to establish residency in the City of Newburgh within ninety days of a permanent appointment. He added that he sent out e-mail communication to all of the Fire Chief candidates informing them and requesting their response to the threshold question of their willingness to establish residency for the Fire Chief Position. Upon the replies we will be moving accordingly to either conduct interviews or to post for that position.

On Halloween night from 4:00 p.m. to 10:00 p.m. the on-duty Officers and marked police vehicles will have Halloween candy in their police cars to give out to the young folks in the City of Newburgh. The Officers will be stopping at random locations in the City along with stopping groups of youth to give out candy. They are welcome to flag down a Police Officer also but if they are responding to a call for service they will not be able to stop. We will also have the Trunk or Treat at the Activity Center which the Police Department will be participating in also.

He read an update regarding the issue a number of weeks ago relating to the PBA Instagram Account and the very disturbing imagery that was found posted on there of the Confederate Flag and some other disparaging photographs next to it implying that the Confederate Flag was acceptable and people wearing their clothes or pants a certain way was not acceptable. We were made aware of the PBA Instagram post on August 22, 2017 and the City immediately commenced and completed an investigation into the source of the post. The investigation was conducted by an outside agency and concluded that one individual was solely responsible for the posting and at the conclusion of the investigation the individual was suspended. Since that time this individual has separated from City service effective September 30, 2017. He is prevented by law from providing any additional information regarding this update but he hopes that this information fills in the blanks and questions that many in our community have had regarding this matter.

At the Recreation Department there is still room left in the Positive Image Teen Program which is designed to promote health and personal development for High School aged youth. This program meets from 5:00 p.m. to 9:00 p.m. on Fridays and 1:00 p.m. to 5:00 p.m. on Saturdays with two trips to New York City. For more information on this program contact the Recreation Department at (845) 569-7379. The Trunk or Treat program is an alternative to door to door Trick or Treating where community members decorate the trunks of their cars and pass out candy and trinkets to children in costumes. The event will take place in the parking lot of the City of Newburgh Activity Center on October 31, 2017 and for more information you can contact Maritza Wilson at (845) 569-7373. The next Soccer home game will be a triple header on November 5th beginning at 12:00 p.m. at the Delano-Hitch Football/Soccer Multi-Purpose Stadium. The next Newburgh Steelers

Home Game will be on Saturday, October 28, 2017 at 2:30 p.m. and 4:30 p.m. with both games being played at Delano-Hitch Football/Soccer Stadium. Registration is underway for youth indoor soccer and basketball with the season beginning on December 4, 2017 and running through February 24, 2017. The cost is \$20.00 for basketball and \$55.00 for soccer.

The Water Department is having an Open House and Water Filtration Plant Tour every second Saturday of each month and the next one will be on November 11, 2017 from 10:00 am to 12:00 noon. Please call (845) 565-3356 to schedule a tour. The City continues to flush the fire hydrants and to date we have inspected and flushed four hundred and four hydrants and expect the flushing to continue for an additional two weeks. Many may notice a slight discoloration or change in water pressure for a short period of time. Cooperation and patience during this time will be appreciated and once flushing is completed we will continue with other repairs. The demolition on the house at Brown's Pond is 95% complete. It was part of a DEC mandate that we demolish the house according to the appropriate standards. The building has been completely removed and new top soil has been spread which was hydro seeded recently for erosion control. We also have a Vendor coming in to complete the project with a new gate and a new fence.

The New York State Department of Environmental Conservation dam inspections were completed this week and our chemical feed pump projects were completed also with our new digital chlorine dosing pumps. The new pumps have the ability to give us real time data with dosages and chemical feed rates and they have the ability to be connected to our future system. The City's 2017 leak detection survey will begin again in the first weeks of November. The last time we conducted these surveys in just a few weeks we discovered the amount of water we were able to reduce by millions of gallons. We expect the survey will again take about three weeks and repairs will begin as soon as the leaks have been identified. Our average flow rate leaving the plant this month was 3.31 million gallons per day, which is with us flushing the system and compares with not too long ago when we were drawing almost 6 million gallons per day before we began the leak detection program. We have noted on the City's Facebook Page that the City is under construction with most recently the work on Front Street. The City is working very hard to increase access and to open an invitation to all residents of our community to walk down to the Waterfront and enjoy what we have to offer. There are new concrete sidewalks, ADA compliant curb ramps and crosswalks which we have constructed. The City appreciates the cooperation of everyone especially our local businesses during the recent temporary closure of Front Street to facilitate this construction.

City Manager, Michael Ciaravino added that the new location for the PCRAB Meeting to be held on Wednesday, October 25th at 7:00 p.m. will be here in the Third Floor Council Chambers rather than where they regularly meet. He reminded everyone that with the changing of the clocks it's time to check and change the batteries in your smoke detectors. Also Team Newburgh Prevention Work Group will be talking about Heroin and Opioid abuse on Wednesday, October 25th at 5:00 p.m. at the Newburgh Recreation Center.

PRESENTATIONS

Public Hearing -- CDBG Consolidated Plan for Housing and Community Development Proposed Actions FY 2018

Mayor Kennedy opened a public hearing that was advertised for this meeting to receive public comment on the City of Newburgh's proposed actions with respect to the Community Development Block Grant Program for the Consolidated Plan for Housing and Community Development for Fiscal Year 2018.

Mayor Kennedy noted that this is year four of a five year plan and she was informed last Thursday that there is no guarantee of what is going to happen at the federal level.

Deirdre Glenn, Director of Planning and Development and Ellen Fillo, CDBG Director presented the plan. Ms. Fillo noted that this is pending approval of the Federal Budget but they were advised by HUD to go ahead and present these projects for 2018. The thirty day public comment period opened on October 4th and will close on November 8th.

Councilwoman Rayford asked if they could provide a list of businesses that they have helped in the past.

Ellen Fillo, CDBG Director said that she can get that information and e-mail it to the Council.

Councilwoman Rayford said that when you go for a business loan you have to have a business plan so once these people come before them with their complete business plan, who then makes the decision to go with that business.

Deirdre Glenn, Director of Planning and Development said that they have a Loan Committee. Ellen Fillo is the Chairperson and there are three professionals; a Banker, an Investment Counselor and a Housing Business Counselor and they are all volunteers.

Ms. Fillo said it has taken some time to see what has and has not been working so we hope that we do get funded for 2018 so that we can roll this program out and make sure that we are getting this information out to the community.

Councilwoman Holmes asked about the sidewalks. Instead of having to pay fifty percent why can't it be free?

Ms. Glenn noted that we are not doing personal sidewalks any longer. With all the needs that we have with our storm water and ADA accessible sidewalks we are trying to do sidewalks in general for the City. The last three personal sidewalks that were done under the previous staff were all failed by Code. These were all on North Montgomery Street and none of them passed which was a mess.

Councilwoman Holmes asked what we have for the thirty percent homeowners that are in blight and can just afford to get by. At one time there was a loan that homeowners could get if their water pipes break or something.

Ms. Glenn said we still have some money in Infrastructure for homeowners to do that in this Budget but it's not very much.

Ms. Fillo noted that would be under Infrastructure Complete Streets and it is income based.

Councilwoman Holmes asked how much is in there for residential infrastructure?

Ms. Fillo said that she can get that information to her.

Councilwoman Holmes said she is trying to figure out how much is for the blight. If this is something that is available to people then they need to know about it.

Ms. Glenn noted that we are working closely with Orange County which does have a specific homeowner fund. We have had a number of homeowners that have been funded by the City of Newburgh and by Orange County so we are trying to build those relationships.

Councilwoman Holmes said that replacing a sidewalk is a lot of strain on a homeowner. She paid \$3,000.00 and had to replace hers because the roots of a City tree pushed it up. The sidewalks throughout the City are in terrible condition and people can't afford to replace them and pay their bills too. As a homeowner she thinks there should be more in here for the blight. CDBG is supposed to be for the blight and poor communities. We should offer them something to help them maintain their homes.

Mayor Kennedy said we had a situation several years ago where someone wanted to remodel their whole house with CDBG money and that is not going to happen. If a furnace breaks down or a water line breaks, then we have the emergency fund.

Councilman Harvey said that he was talking with business owners in the City and there is a downward trend on crime, which is wonderful, but they would like to know if it is possible to get a Grant to offer cameras to homeowners and business owners. This way the City could continuously improve the comprehensive video surveillance program. If a homeowner or business owner wants to purchase a camera or two for public safety, we found a guy who can do this camera work for \$1500.00 where people can have video surveillance around their home that feeds into their cell phones or home computer. It could be a 50/50 deal so is it possible to appropriate funds in the CDBG Grant for 2018 for something like that?

Ms. Glenn said that if it is from CDBG we would have to reduce another category and we have already reduced the Urban Farm and Gardens. It is tight and we don't know what our allocation is going to be but it is possible to do that.

Ms. Fillo said that we can look into other funding sources also. That is why she is very interested to hear what their interests are because the Community Development Block Grant may not be able to fund it but there may be other Federal Programs that we can look into.

Councilwoman Holmes asked about the Warming Station and the Homeless Shelter.

Where would that come out of here?

Ms. Glenn said that it doesn't but we have a meeting set up with a representative from HUD who has been working closely with us and who put us on to the County that got a specific Grant this year that is non-allocated. This is a Federal HUD Grant specific for homelessness and blight.

Ms. Fillo noted again in regard to the cameras that she will look into other sources which might be the way to go. This could be a really unique project and a lot of times the funders want to see something unique.

Mayor Kennedy asked if we are doing public comments this evening on this plan.

Corporation Counsel, Michelle Kelson said that there is a difference between public comment and a public hearing. In the public comment period for the Grant you have scheduled a public hearing for this evening to hear comments tonight.

Omari Shakur, City of Newburgh, asked about the salaries for the workers totaling \$205,000.00 and what is that for? How much of that is for salaries? It mentions two workers from DPW and someone else so are they getting double salaries? A lot of money comes into our community for programs for the children and most of the money goes towards salaries.

Kippy Boyle, 400 Grand Street, wants to follow up on Omari's comments because she was thinking the exact same thing. It listed \$205,000.00 on the In Rem properties and she would like to see a break down for that. She also thinks this potential idea of cameras and public safety is a really great idea. She asked if there is still a CDBG Committee. If so, who are they? We are just hearing this for the first time tonight but this is the only night we can come to speak on it? This doesn't make sense because how can we review this in thirty seconds? In regard to movie nights, she would like to see different Wards gets some of these benefits. We have four Wards and she would like to make sure that attention is given to all of them. In regard to streetscape improvements, why can't we have money in there for garbage receptacles? Many people in her neighborhood have asked for additional garbage cans in front of the Heritage Center opposite the Library. These are basic simple things that would help with the blight.

Lisa Edwards, City of Newburgh, said that she liked the camera idea but added that if they have someone that they contract with they should have a quality control program. Do we have any "No Loitering" signs with a fee attached? Being on Johnston Street, which is a hot spot, they had to deal with thirty, forty and fifty people. Once that is cleaned up is there a way we could get some signs there with a fee so they would get \$150.00 fine for loitering? Lillie Howard, City of Newburgh, noted that in this plan in Tract 3 there are 25.9% people in poverty. In Tract 4, 37.5% are in poverty, Tract 5.01 31.7% and Tract 5.02, 41.1% are in poverty. These are the numbers listed in the 2015-2019 City of Newburgh Consolidated Plan. She hasn't heard anything presented tonight that is going to seriously address these poverty numbers and as long as we have poverty we will have all of the ills that come along with it. Can any of this money be used for creating jobs or Job training? In the plan it also cites there is a significant need for job training, life skill training and literacy to support workforce development and community strengthening in community building

activities but she hasn't heard anything that addresses this.

Ann Sullivan, Spring Street said that it was voted on at the Council Meeting on October 10th to hold the Public Hearing tonight and yet the thirty day comment period started on October 4th?

Michelle Kelson, Corporation Counsel said that there is a difference between a public comment period that is authorized by the CDBG Grant itself. At any time, comments can be submitted to the Planning and Development Office in written form and taken under advisement. This Council has always gone above and beyond the lowest requirement by scheduling an additional public hearing. This public hearing is above and beyond what is required to get your CDBG allocation from the Federal Government. A public hearing is a single subject separate part of your City Council meeting which allows an individual to speak directly to the City Council about the subject matter on which the public hearing has been scheduled for. The City Council has always scheduled public hearings one meeting in advance of when the hearing is to be held. That is the purpose of this particular point in the Agenda and it is above and beyond what is required by Federal Law Rules and Regulations.

Councilwoman Abrams added that anyone can submit comments to our CDBG Committee or Economic Development Department at any time because it is a thirty day comment period.

Ann Sullivan continued that her point is that the comment period was announced on October 10th but it actually started on October 4th. It was also very difficult to find the Consolidated Plan on the Website to read the attachments for tonight's Agenda. It would be helpful to make it clear and available as an attachment so she recommended they extend the public comment period another fifteen days beyond the thirty.

Corporation Counsel, Michelle Kelson pointed out that the public comment period was published in the newspaper at the same time the Orange County community Development Office published the opening of its public comment period and the two comment periods are running commensurately.

Ms. Sullivan added that it is still very difficult to find on the Website unless you know where to find the materials.

Mayor Kennedy noted that the public comment period opened on October 4th and was announced in the paper and the public hearing was voted on by the Council to be held today. In regard to a comment about loitering signs, she asked Lt. Weaver if he could speak on that. She believes that according to New York State Law we cannot fine people for loitering in New York State.

Lt. Weaver said it is a violation charge so it is up to the Courts to set a penalty. The City can't set it.

Corporation Counsel, Michelle Kelson said there is a difference between a fee and a fine. A fee is a charge for a service and a fine is punishment for having done something inappropriately. In New York State there is not just a Loitering Statute. It has to be

loitering with something else attached to it and if someone is sighted for loitering in accordance with the Penal Law, then it would be heard in the City Court and if found guilty they may be assessed a fine but it is not something that the City charges.

Mayor Kennedy noted that they will close the public hearing but the public comment period will remain open until November 8th. If anyone wants to make additional comments, they can bring them in, mail them or send them by e-mail to the Planning and Development Office.

Councilman Harvey said that Mr. Shakur asked a question about salaries that wasn't addressed.

Councilwoman Holmes noted that on one page it says three full time employees and on another page it says two.

Katie Mack, City Comptroller said that there are three employees who are part of the In Rem Program which take care of the houses that the City has taken on. There are two DPW employees and one Specialist who is the person that is selling those properties. Remember that these are three full time salaries with benefits such as health insurance, employer benefits, retirement and dental and eye coverage which is why the number is high.

Mayor Kennedy said that might seem like a lot of money but when she first came onto the City Council these properties were not being managed at all. We weren't collecting our rents and we weren't fixing our properties. We have been keeping them in much better condition than they used to be and she is thankful that we have these workers and could probably use more.

Councilwoman Holmes said she wanted to clarify that we are paying \$132,000.00 in salaries and \$73,000.00 for benefits.

Katie Mack, City Comptroller said that sounds about right. It might be a little less because she believes there is space for some tools and equipment also.

Mayor Kennedy said that the benefits, fringe and all of the extras that go to public employees in general is a struggle. If anyone goes to NYCOM, this is one of the big issues that municipalities across our State are really struggling with. If there is any danger of Cities having trouble, it's because we can't keep up with all of these extras like insurance and pensions.

Councilwoman Mejia said that last year was the first time this was allocated this way. Prior to that the turnaround time for intervention of In-Rem properties and having to board them up and clean them up would take weeks or months to be done. She feels we need to step back and make sure that we are adhering to the questions that were asked around the broader picture about what is the purpose of the CDBG and how are we impacting the low income community as a whole and then go back to the Report. We have to look at the Report that was done in 2015 to see what has been impacted and what we are not highlighting and what could be reinforced. This In-Rem property focus has tremendously impacted every single Ward in the City with picking up the garbage and

enforcement of the zombie properties making sure that the Banks are paying for that. It's more complicated but we have a whole month to provide that back and forth feedback.

Councilwoman Holmes feels that the salaries are very high and that CDBG should have some type of training and vocational program for people because the blight here don't have that. Perhaps the In-Rem could be a part of that because we need something to help our people grow and she doesn't see that here.

Councilman Harvey noticed that the allocation for fiscal year 2018 is \$780,000.00 but in previous years he has seen it be as much as 1.4 million so is there a reason why there is a downward trend?

Ellen Fillo, CDBG Director said that HUD has noted these dollars are going down and they will continue to go down but it's nothing personal against us. If this program continues, we don't know what our allocation will be but we have been advised that it will be less.

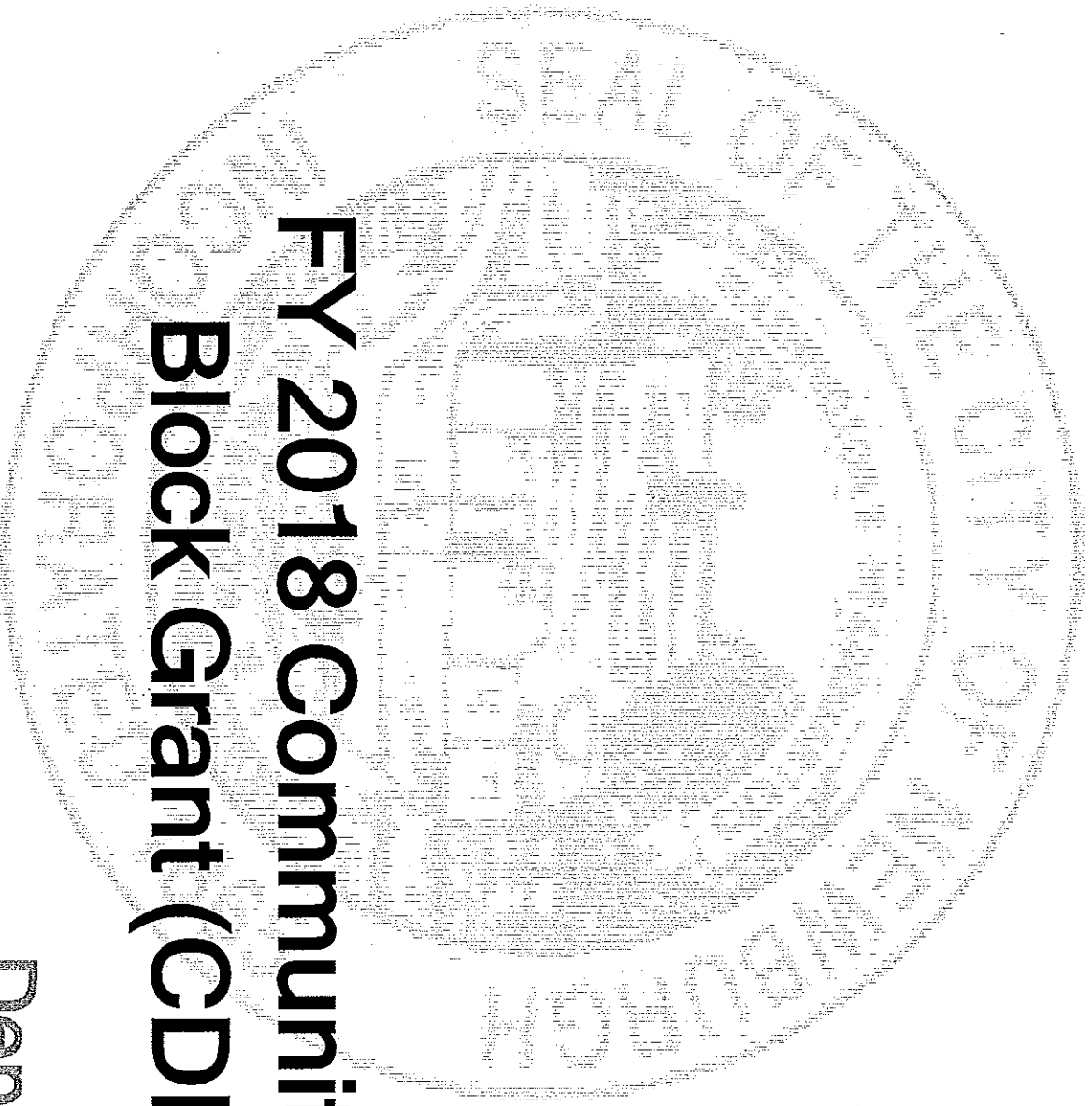
Councilwoman Mejia said she would love for the community and all of us to get more educated about participatory budgeting which is one of the new tools that could be used with CDBG. She has said this before and she will continue to say it until we experiment on it. The cliff note version of participatory budgeting is that the residents are the ones who decide where the money gets allocated.

Ms. Fillo said she will take that under advisement.

Mayor Kennedy said that next year we will be starting on our new five year plan, if the program is still intact, and that would be the perfect time to talk about a new way to allocate funds. Let's make sure we keep track of this idea and bring it forth in the next planning cycle.

Ms. Fillo agreed that as we get into the next five year plan that it be a community effort to identify the priorities and where we are going with this program.

There being no further comments this public hearing was closed.



FY 2018 Community Development Block Grant (CDBG) Projects*

**Department of Planning &
Development
October, 2017**

***Pending Federal Budget Authorization**



**EQUAL HOUSING
OPPORTUNITY**

"CDBG" - Brief Primer

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- Community Development Block Grants (CDBG) - Administered by U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is required to prepare and submit a Consolidated Plan that establishes goals for the use of CDBG funds. The most recent City of Newburgh Consolidated Plan: FY2015-FY2019
- Projects MUST be consistent with broad national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.

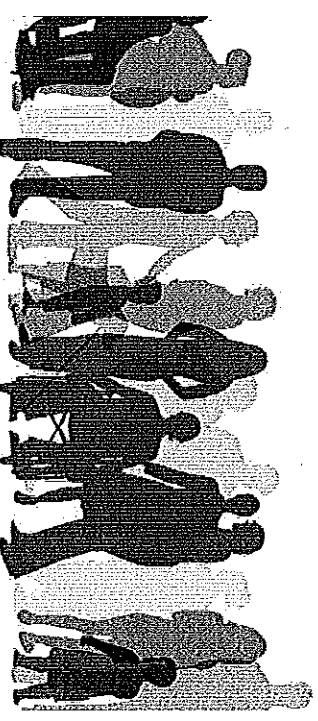


EQUAL HOUSING
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City of Newburgh Community Development Goals

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Understand that successful community building requires reestablishing trust, which takes time, patience and cooperation.



City of Newburgh CDBG Projects Overview:

- Control blight
- Provide access to parkland, trails, and healthy activities in nature
- Positively reinvest in our communities and our infrastructure
- Build community gardens and provide access to healthy and locally grown food



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FY2018: Proposed Annual Action Plan Projects*

Year 4 of the 5 Year Plan 2015 - 2019

*Pending federal authorization of funds



FY2018 Proposed CDBG Projects/Funding

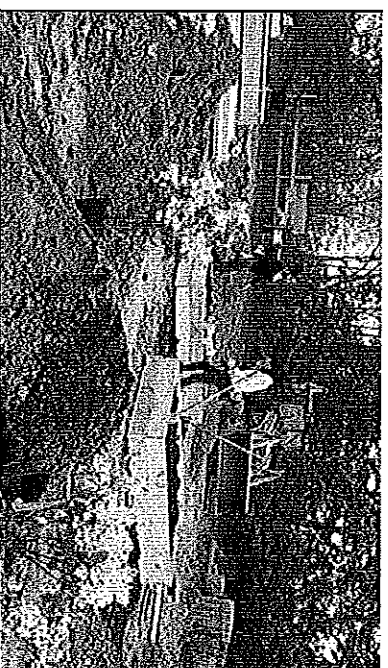
Project Name	Description	Project Funding
Projects Funded through Entitlement Grant		
Urban Agriculture Program	Downing Park Urban Farm and Urban Gardening Initiative	\$60,000.00
In Rem Property Project	Salaries for 3 fulltime employees, In Rem Property Supplies, In Rem Training	\$205,000.00
Complete Streets Program	Sidewalks, Business Façade Improvements, Infrastructure	\$225,000.00
Park Improvements	Park Improvements, including MLK Park	\$115,000.00
Community Policing/Neighborhood Services	2018 National Night Out, 2018 Children's Summer Film Festival	\$15,000.00
Administration	Program Administration, Staff Salary and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00
Estimated Total FY2018 Allocation*		\$750,000.00
Projects Funded through Program Income		
Business Loan Program	Loans to new and existing businesses	\$30,000.00
Total FY2018 Allocation & PI		\$780,000.00

* Based on FY2018 Federal Funding

Project: Urban Agriculture Program
Budget: \$60,000.00

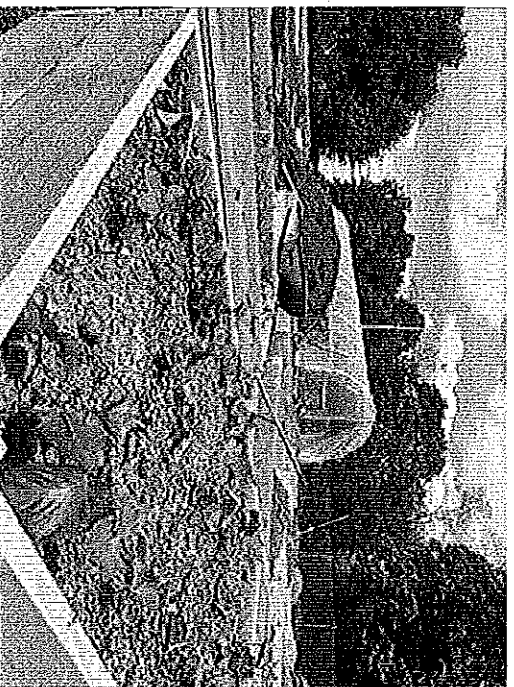
Summary: Funding to support the Downing Park Urban Farm and the Urban Gardening Initiative (Community Gardens and Outreach)

- Downing Park Urban Farm (Includes after-school program funding)
- Urban Gardening Initiative (Includes Farmer's Market, Community Education)



Urban Agriculture Program Highlights

- 1,600 lbs of food donated to soup kitchen, pantry, Meals of Wheels Program
- Downing Park Urban Farm - Center of Hope after school program
- Downing Park Farmer's Market



Project:	In Rem Property Project
Budget:	\$205,000.00

Summary: Continued funding for the In Rem project, including the salaries for 3 fulltime employees (2 DPW/ employees and the Economic Development Specialist), In Rem property supplies, such as paint, plywood, In Rem Training.

In Rem Property Project Highlights

- Staffed by 2 full-time Department of Public Works employees.
- The In Rem Property Team maintains the vacant In Rem properties, performing exterior upkeep such as boarding windows, shoveling snow and removing trash. The team removed almost 100 tons of trash from the In Rem properties in 2016
- Maintenance and security of the vacant properties is important to help keep neighborhoods looking good, maintain property values and increase



Project: Complete Streets Project
Budget: \$225,000.00

Summary: Funding to support the following Complete Streets projects:

- Sidewalks
- Façade Improvements (including business signs)
- Infrastructure



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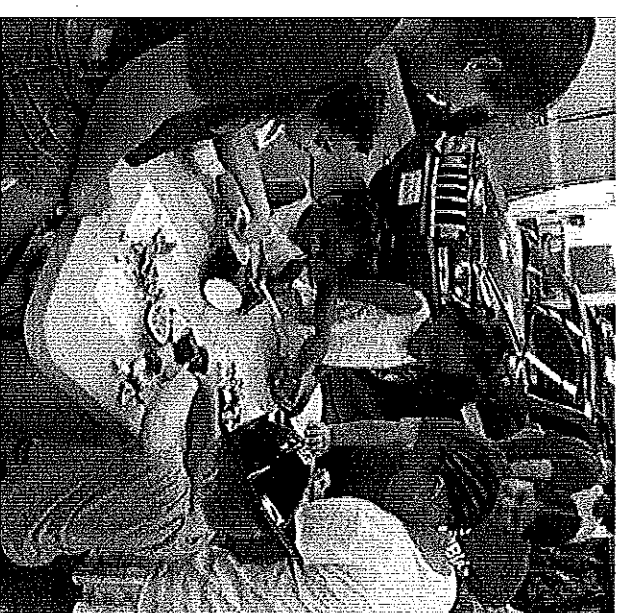
Project:	Park Improvements
Budget:	\$115,000.00

Summary: Funding to support park improvements including the MLK Park.

Project: Community Policing/Neighborhood Services
Budget: \$15,000.00

Summary: Funding to support:

- 2018 National Night Out
- 2018 Children's Summer Film Festival



Project: Business Loan Program
Project Funding: \$30,000.00*

Summary: Funding to support
business loans.

* To be funded with Program Income, approximately \$30,000.00.



Project:

Administration

Project Funding:

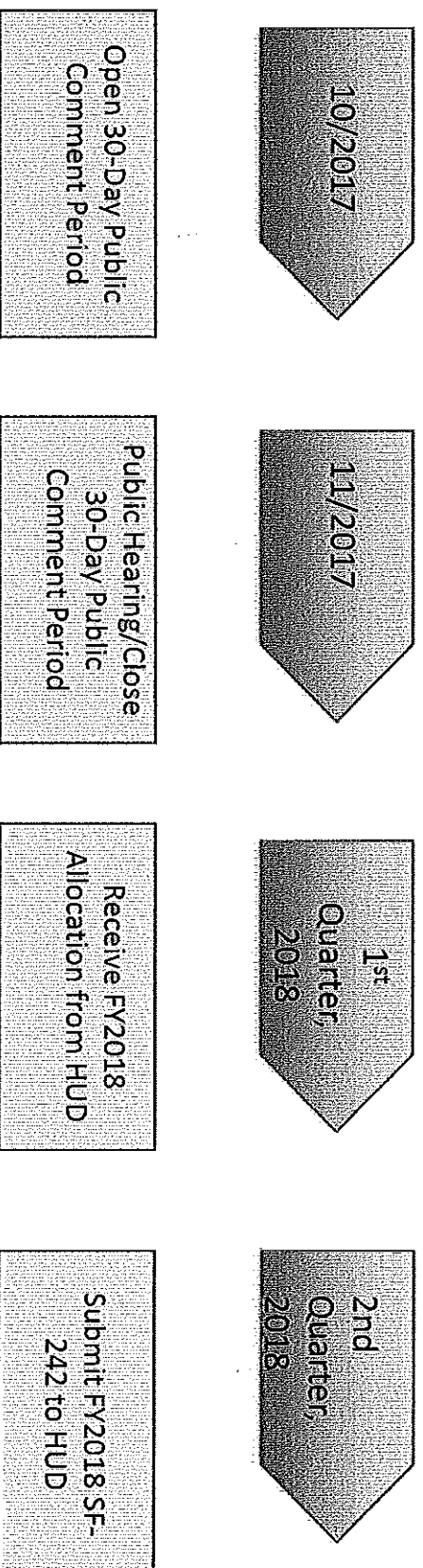
\$130,000.00

Summary: Funding to include salary
and benefits for Director of
Community Development, Business
Mailings, Supplies and Program
Administration/Training/Conference.



EQUAL HOUSING
OPPORTUNITY

FY2018 CDBG Projects Timeline*



FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS TIMELINE



*Pending Federal Budget Authorization

2018 Budget

Project Name		Description	Project Funding
Projects Funded through Entitlement Grant			
Urban Agriculture Program		Downing Park Urban Farm and Urban Gardening Initiative	\$60,000.00
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Estimated Total FY2018 Allocation*			\$750,000.00
Business Loan Program			Loans to new and existing businesses
Total FY2018 Allocation & PI			\$780,000.00
* Based on FY2018 Federal Funding			

Projects Funded through Program Income



City of Newburgh City Comptroller's Office

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Newburgh, New York 12550

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Kathryn Mack
City Comptroller
kmack@cityofnewburgh-ny.gov

TO: Michael Ciaravino, City Manager
Mayor - Judy Kennedy
Councilwoman – Genie Abrams
Councilwoman – Regina Angelo
Councilman – Torrance Harvey
Councilwoman – Cindy Holmes
Councilwoman – Karen Mejia
Councilwoman – Hillary Rayford

FROM: Kathryn Mack, City Comptroller

DATE: October 23, 2017

SUBJECT: City of Newburgh Financials – September 2017

Below are the highlights for the City of Newburgh revenue and expense activity for the period of January through September 2017.

General Fund Revenue

Through the month of September 2017, the City of Newburgh collected \$30.2 million (67.95%) compared to the annual revenue budget of \$44.4 million. Of the \$30.2 million collected, \$18.2 million was for Real Property Taxes and PILOT Payments.

The remaining \$12 million was a combination of departmental income, fund balance and inter-fund transfers. Tax Collections through September 2017 have leveled out compared to collections from last year.

Highlights for increased revenue compared to prior year activity:

Non Property Tax Items - \$284k

Sales and Use Tax - \$247k

Jul-Sept \$100k more than last year

Consumer Utilities - \$124k

Fines/Forfeitures:

Parking Violation Fines are up by \$107k.

Departmental Income:

Codes – Overall revenue has increased by approximately 123k (net) compared to this time last year. The main increases are a result of:

Safety Inspection Fees - \$23k

Building Permits - \$107k

City Code Violations - \$23k

Street Opening - \$9k

Police/Fire "Fees" – Up by \$31k – 130% of this year's budget. Due to charging other businesses and Gov't entities for uniform presence.

Areas of focus:

State Aid Transportation – Need to work with the State to schedule required road reviews to receive payment.

Vacant Registry registrations still down compared to last year.

General Fund Expense

Through the month of September, the City of Newburgh expended \$29.7 million.

Overall, Departmental expenses are in-line with the approved budgets, however preliminary analysis of the Police and Overtime are trending too high. We instituted a spending freeze on 9/26/17 to keep the overall expenses within revenue/budget limits.

The Police 2017 overtime expense is above spending levels compared to the activity for the same time in 2016, however the overall spending is within budget limits through the end of Sept.

YTD Sep 2016 - \$964,717

YTD Sep 2017 - \$1,102,504

Variance - +\$137,787 increase over PY 2016 by 14.28%

			Year	Period	Values			
			2016			2017		
			Sept			Sept		
Expense Description	Department Name	ACCOUNT DESCRIPTION	Activity	ADJUSTED BUDGET	% to budget	Activity	ADJUSTED BUDGET	% to budget
Public Safety	Police	OVERTIME	\$ 674,634	\$ 755,000	89.36%	\$ 799,626	\$ 1,127,633	70.91%
		COURT OVERTIME	\$ 135,623	\$ 189,575	71.54%	\$ 144,184	\$ 200,023	72.08%
		OVERTIME-CIVILIANS	\$ 65,462	\$ 91,954	71.19%	\$ 80,623	\$ 124,342	64.84%
		NARCOTICS ENFORCEMENT OT.	\$ 57,785	\$ 91,482	63.17%	\$ 78,071	\$ 103,630	75.34%
		SPECIAL EVENT/DETAIL OVERTIME	\$ 31,215	\$ 31,215	100.00%	\$ -	\$ -	0.00%
	Police Total		\$ 964,717	\$ 1,159,225	83.22%	\$ 1,102,504	\$ 1,555,629	70.87%
Public Safety Total			\$ 964,717	\$ 1,159,225	83.22%	\$ 1,102,504	\$ 1,555,629	70.87%
Grand Total			\$ 964,717	\$ 1,159,225	83.22%	\$ 1,102,504	\$ 1,555,629	70.87%

The Fire 2017 overtime expense is under spending levels compared to the activity for the same period in 2016, however the overall spending is trending to be over budget by an estimated \$80k.

YTD Sep 2016-\$804,291

YTD Sep 2017-\$656,506

Variance -- (\$147,785 decrease 18.37%)

			Year	Period	Values			
			2016			2017		
			Sept			Sept		
Expense Description	Department Name	ACCOUNT DESCRIPTION	Activity	ADJUSTED BUDGET	% to budget	Activity	ADJUSTED BUDGET	% to budget
Public Safety	Fire	OVERTIME	\$ 762,274	\$ 1,076,827	70.79%	\$ 586,378	\$ 729,388	80.39%
		OVERTIME-CIVILIANS	\$ 42,016	\$ 60,593	69.34%	\$ 70,128	\$ 45,000	155.84%
	Fire Total		\$ 804,291	\$ 1,137,420	70.71%	\$ 656,506	\$ 774,388	84.78%
Public Safety Total			\$ 804,291	\$ 1,137,420	70.71%	\$ 656,506	\$ 774,388	84.78%
Grand Total			\$ 804,291	\$ 1,137,420	70.71%	\$ 656,506	\$ 774,388	84.78%

We have been working with both departments to address these spending levels:

- Developed ADP Overtime report to identify approved time off prior to payout
 - Working with departments to identify "keying" parameters and the needed to identify other department personnel required to ensure information is updated.
- Identify key contributors to Overtime, i.e. – PTO (paid time off), emergencies, mutual aid, etc.
- Continuing to identify and improve on department efficiencies

All other departments are in line with overtime spending activity as budgeted.

Enterprise Fund Revenue

Through the month of September 2017, the Enterprise Funds (Water, Sewer and Sanitation) generated \$11.4m in revenue.

Revenue Billing for Water and Sewer 1st-3rd qtr. (Jan-Sep) was \$7.8m of the \$10.2m or approx. 76.60%, which is in line with the budgets set forth for 2017.

Sanitation 1st-3rd (Jan-Jul) quarter billing totaled \$2.5m of the \$3.2m or 76%, which is in line with the budgets set forth for 2017.

Enterprise Fund Expense

Through the month of September 2017, Enterprise Funds expended \$11.5m-62.2%, which excludes \$1.8m in Catskill Water bills as well as \$73k in additional PFOS expenditures. We are working on finalizing the 3rd quarter reimbursement for submission. Overall Enterprise department expenses are in-line with the approved budgets.

Trust and Agency Accounts

- Misc. Donations
 - CAC (former Shade Tree)-\$1,371
 - Landlord Registry - \$229,405
- Police
 - Police Evidence - \$80,494
 - Federal Seizure - \$59,065
 - State Seizure - \$28,806
 - Police Bicycle - \$552
 - Police Donations - \$187
 - Auxiliary Police - \$2,035
- Celebrations
 - Puerto Rican Day - \$80
 - International Festival -\$9,036
 - Fireworks - \$2,635
 - Memorial Day - \$91
- Other
 - Vacant Bond Registry - \$600,000

Comptroller's Department Updates

Finance

- *Budget 2018*
 - Original Calendar dates for feedback and changes is 10/24-10/26
- BIDs/RFPs/RFQs:
 - Council Vote 10/23/17
 - Approval of Demolition Project- 4 Properties
 - 191 Lander St
 - 139 Johnson St
 - 161 Lander St
 - 251 Third St
 - Currently under Review
 - Alcohol and Drug Testing Services

- Current RFPs work in progress
 - Real Estate - Brokerage Services
 - 109 S. William Street

Assessor's Office

- None at this time

Tax Collector's Office

- Last date of collection October 31st at 4pm
 - All tax payments made in the month of October must be certified funds
 - Any unpaid City/County/School – will be converted to Lien status on 11/1
 - Any unpaid WSS billed prior to October 2017 will be relieved onto the 2018 tax rolls.

Information Systems

- Expansion Camera Project- Update:
 - Pole Walk Completed
 - Only 1 concrete poles requires replacement – Central Hudson is paying for the replacement
 - Three other poles need additional work. They will not hold up the initial installation processes and currently being addressed.
 - License Agreements from Central Hudson for CIA to proceed, which we will get this week.
 - CIA is finalizing the design and configuration of wireless equipment.
 - Central Hudson will come out and power the equipment to the poles
 - CIA has stated 4-6 weeks for project completion
 - We are still on schedule for project completed by year end.

Project funding source was moved from 2016 DAA to EFC Project USG DAA was paid down for principal amounts in 2017.

CITY OF NEWBURGH
CURRENT CAPITAL PROJECTS
Update as of 10-23-2017

Accounting Funding Source	Accounting Funding No. and Date	FUND	DEPT	ACCOUNT NO.	ACCOUNT DESCRIPTION	Original Budget	Previous Year Expense Activity	2017 Expense Activity	YTD Opm. Purchase Orders	Total Expense Activity	Paydown	Remaining Budget	% Actual Expenditure to Original Budget	% Remaining to Budget	COMMENTS
CDHSG	227-2017 124-2017 214-2017	CD1	Various	CD1.8586.0400.1123.1016 CD1.8586.0400.1123.2017 CD1.8586.0400.1123.2016	Statewide Construction 2220 Statewide Project Management Martin Luther King Park-Design Chavez-ADA Crosswalk Improvements City-Streetwide Improvements (TAP)	\$ 479,450 \$ 31,650 \$ 81,575	\$ 24,000 \$ 81,575 \$ 22,500	13,343 162 22,236	461,267 31,458 99,339	479,450 31,650 81,575	\$ 0 \$ 0 \$ 0	\$ 0 \$ 0 \$ 0	0.0% 0.0% 0.0%	13.00% 0.00% 0.00%	Some funding remaining for any change request/needed to project.
Multiple Funding Source		H/C/D	Separation Project	AL480.044.000.0000 CD1.8586.0400.1040.2017 CO.3120.0205.3000.2017 CO.3120.0205.3018.2017 CO.3120.0205.3504.2017 71000.0609.0015.0000 78.3120.0205.0000.0000	Other Services CONTRACTUAL EXPENSE COMMUNITY POLICING CLAYTON 2015 SRN INITIATIVE 2015-CP-03-0008 CHDA# 6.609 SURVEILLANCE EQUIPMENT/LARSON GRANT L016-1521000 OTHER EQUIPMENT 2015 BYRNE JAC GRANT #201501020991 FEDERAL SEIZURE FUND STREETCAMERAS - FBI SAFE STREET TASK FORCE	\$ 191 \$ 32,139 \$ 67,481 \$ 75,000 \$ 500 \$ 10,000 \$ 7,500	\$ 96 \$ 16,164 \$ 33,741 \$ 37,500 \$ 250 \$ 5,000 \$ 1,750	\$ 96 \$ 16,164 \$ 33,741 \$ 37,500 \$ 250 \$ 5,000 \$ 1,750	\$ 191 \$ 32,229 \$ 67,481 \$ 75,000 \$ 500 \$ 10,000 \$ 7,500	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0	50.0% 50.0% 50.0% 50.0% 50.0% 50.0% 50.0%	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%		
Multiple Funding Source						\$ 191,001 \$ 32,139 \$ 67,481 \$ 75,000 \$ 500 \$ 10,001 \$ 7,500	\$ 96,001 \$ 16,164 \$ 33,741 \$ 37,500 \$ 250 \$ 5,000 \$ 1,750	\$ 96,001 \$ 16,164 \$ 33,741 \$ 37,500 \$ 250 \$ 5,000 \$ 1,750	\$ 191,001 \$ 32,229 \$ 67,481 \$ 75,000 \$ 500 \$ 10,001 \$ 7,500	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0	50.00% 50.00% 50.00% 50.00% 50.00% 50.00% 50.00%	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%		
Grand Total						\$ 35,713,966	\$ 2,640,997	\$ 1,077,023	\$ 8,830,625	\$ 11,922,886	\$ 2,500,000	\$ 18,491,380	11.37%	56.52%	

COMMENTS FROM THE PUBLIC REGARDING AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Jonathan Jacobson, 25 Pierces Rd., said he is happy to see Item #22 on the Agenda to authorize the commencement of litigation in connection with the contamination of Washington Lake. This has to be done and we have to cover the cost of solving the crisis from those that caused the crisis. This is one of the things he has been campaigning on and people want this. We have to go after the Department of Defense and many people may not know that the New York State Thruway Authority had an illegal dump where the old Toll Booths used to be. It was there for years and when they would clean up oil spills on the Thruway they would dump the oil there. Also, the New Windsor Highway Department was across from the tanks on Route 300 for thirty or forty years and who knows what they dumped into the ground. The only way to get the Trump Administration to do the right thing is if they have to. If we have to sue them then that's what has to happen. He is glad this is being done as it's a good first step.

Omari Shakur, City of Newburgh, said you keep saying that the crime is going down so why has so much money been approved for overtime in the Police Department? He noted that he has a disturbing video on his phone from an incident that happened last Tuesday around 7:00 p.m. on Broadway. He saw a Cop following a car at the intersection of Broadway and Dubois Street and they threw her lights on. The woman was in the outer lane trying to turn but it looked like the Cop was trying to push her into oncoming traffic. He got out to see what was going on and there was a black lady with two kids in the car and the female Officer who pulled up behind her blocked off the two lanes of traffic coming up Broadway for approximately five to ten minutes. He would never see a white female with her kids in the car being pulled over like that in our City. Since Police Chief Cameron left the relationships with the Police Department are deteriorating in our community because no one is in charge. The Police are getting out of control. One Officer has had several complaints and lawsuits made against him but he acts like he is in charge of the Police Department. All of this money is being approved in the Budget and our crime is going down? Who is really getting robbed here? This woman who was pulled over received tickets for failing to signal and for going over 40 mph but she was at the intersection of Broadway and Dubois Street so if the Police will lie on a ticket like that what else will they lie about? Right now the people in the community do not feel safe with the Police.

Lisa Edwards, 165 Johnston Street, thanked everyone for the bulk pick-up. In 2016 she started a company called Lifestyle to Independence and their mission is to help single domestic violence survivors and single female Veterans go from poverty to prosperity. She purchased the home at 157 Johnston Street, which is her second property, and they are in the midst of renovating it. They will be working with eight single women and our goal is for each and every one of them to be a homeowner in the City of Newburgh. She is hoping that by 2019 it will be fully up and running or built. Anyone who wants to volunteer they do everything from speaking to selling cupcakes and they have been adopted by Car Cruises across Orange County, Dutchess County and Westchester County. She added that the Bowles family has been helping her with everything. When this project is finished we will have decorated the entire property right down to the cutlery and will then create a non-profit for education, transportation and the awareness of parent alienation.

George Bowles, City of Newburgh, said his purpose for coming tonight is the quality of life. We have a problem that needs to be solved which is to make the City cleaner and doing that is good for us. He helps Lisa because she is doing something good for our City and when you do something good it makes you sleep well at night. We have to help those who don't have a chance by giving them an upper hand. Don't be afraid to tell a kid on the street that they shouldn't be doing something. If you are afraid, you aren't doing your job for the young people. Let's pick up our young people. He is helping Lisa who is doing something for the Military women. Do something good and God Bless everyone.

Kippy Boyle, 400 Grand Street, said there are two major projects happening on Grand Street with the replacement of the gas lines and replacement of some water and sewer lines. The water and sewer line project is happening about three or four blocks north of South Street and ends at Clinton Street. The gas project is starting somewhere also north of South Street and goes all the way up to Marine Drive. She was stunned that with two projects going on the water and sewer project agreement is that Grand Street will be repaved in August of 2018 for those four blocks but the gas and sewer project that extends past there will not be repaved. She asked that question at the community meeting and they said it is not in the plans. She is asking whoever is in charge to go back and see if the repaving can somehow be done. We are talking about three blocks that need to be repaved to finish that and make it whole. Grand Street has looked like this for four years now and with the amount of taxes we pay it is not unreasonable to ask for. Lastly, she would love to hear how the bulk pick-up went. For her it was great but she would like to hear from the DPW on how it was and if we can do it again maybe next spring.

George Garrison, DPW Superintendent said that we picked up twenty-two tons of furniture. We picked up approximately eighty-five televisions, twenty-three tires and fifteen refrigerators and air conditioners. It went well but people put stuff out late on Wednesday so we had to go back a few times. We did it twice on Wednesday, Thursday and Friday so nobody was left out. That is one of the things we have to work on for next year but we can do it again in the spring and the fall as long as it's in the Budget.

Jeff Woody, Newburgh, has been listening to all of the comments about money for Newburgh and suggested we look into issuing speeding tickets. In the City of Newburgh he doesn't hear about or see people getting tickets for speeding and we have a lot of children and elderly here so it can be really dangerous. He knows that Staff is tight but if we can consider that then people will understand they can't speed in Newburgh as they are doing currently. He is not sure why the format for National Night Out has changed and asked if they would consider going back to the old format where there were stations throughout City. It was really nice then and people could take a bus to go from one point to another and enjoy each other. National Night Out has always been successful but he thinks it's better when the entire City and all of the Wards are included. He thanked the Council members who attended his retirement celebration and noted that he now has a little free time.

There being no further comments this portion of the meeting was closed.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Abrams said in regard to resolution #293-2017 accepting the donation of a Key to the City for Lillie Bryant Howard that the presentation will be with her family and friends on December 11th. It will be a fun night and it's long overdue.

Councilwoman Angelo noted all of the money on tonight's Agenda that Deirdre Glenn and her department have collected. She asked Ms. Glenn if she could add up all the properties they have sold this year and give them a total for December. She bets it will be in the millions which is wonderful.

Councilman Harvey thanked everyone for coming. He is excited about Agenda Item #22 for the commencement of litigation regarding the water contamination. The Council had discussions with the City Manager and Corporation Counsel regarding some sort of rebate program or reimbursement for those individuals who were here in the City paying for water not knowing that it was contaminated. Going after the responsible party is a priority and it has to happen first but Corporation Counsel, Michelle Kelson is working on trying to figure that out. In response to Mr. Shakur's comment regarding concerns the public has with the Police Department, they have been talking with the City Manager and Acting Chief to expedite getting some leadership in place so don't think those comments and concerns aren't being considered. He agrees with Ms. Boyle as he was also excited about the bulk pickup. This is something that he has wanted to see happen since 2008/2009 when taxes went up and services were taken away so they have worked very hard to get that service back and will continue with that effort. Lastly, he reminded everyone that on October 28th the County will be having a hazardous waste pick-up at the Newburgh Activity Center.

George Garrison said he believe it will be held from 8:00 a.m. to 4:00 p.m. and they will be collecting items such as paint, light bulbs and aerosol cans. Things that you can't just throw into the regular garbage.

Councilwoman Holmes thanked everyone for coming tonight and agrees that the litigation for the water crisis is long overdue. In regard to Omari's comment about the crime going down and the overtime up, for the past four years we haven't had a handle on it. Acting Chief Cameron did get a handle on the overtime and he did bring it down so she hopes they can continue the community relations with the Police that we have. She thanked the Police Department for capturing the murderer of Tonya Smith because it was very devastating for a lot of people being that the murderer wasn't even from the City of Newburgh he was from Chicago. She thanked Lisa for bringing her business here to Newburgh. She thinks it's wonderful that she is going to help abused women and she hopes the City can be a part of that. She told Mr. Bowles that he is right about our quality of life and a lot of people don't look at how our City could be a lot cleaner. She told Bishop Woody that he is right about National Night Out so she suggested that he get in touch with the Police Chief to start a committee like we used to have.

Councilwoman Mejia added that commencement for litigation on this case is something that should not be taken lightly because it's a very complicated process that impacts multi-generational families. She encouraged and asked the residents of the City of Newburgh,

Town of Newburgh and New Windsor to get their bloodwork done because we need to know what our current levels of PFOS are. It has been extended to the end of December and if you are going into litigation you have to prove what your contamination level is. To Ms. Boyle's point, those are the conversations we were having about leveraging the projects and how do we extend the pavement to the other blocks. There will be discussions at the end of November and in December on what the pavement plans are for the coming year and we have to be able to leverage. We do have a Pavement Management Plan that should be prioritized and points should be given to leveraging so it looks smooth with projects that are getting completed. She is excited about all of the residents wanting to give back to the City and said thank you.

Councilwoman Rayford thanked Rev. Jesse Howard and Pastor Rosie for their Prayers before the meetings begin. She has been hearing for about seven years now that we have 30% homeowners and 70% renters in the City but she thinks that has changed drastically since so many homes have been sold here. She also needs a clearer understanding on the 30% homeowners. Does that mean we have 30% of homeowners who live here?

Deirdre Glenn, Planning & Development Director said that the numbers have changed slightly. They are working very diligently to get on top of the 2020 Census because it gives a real chance to measure. Right now we have about 29% owner occupied the rest are renters so it hasn't changed much.

Councilwoman Rayford said that they are not saying that this 29% is carrying the tax burden.

Ms. Glenn responded with a "no". People who own rental buildings pay taxes also and they pay at a different rate.

Councilwoman Rayford thanked Ms. Glenn for the clarity and Katie Mack, our Comptroller, for doing an outstanding job. In regard to the CDBG and the HUD she knows that HUD does a lot in our community and the Council really needs to know what HUD does to be informed and help our City move along. She asked how the Skateboard Park is coming along.

Jason Morris, City Engineer said the Park is coming along well. We are in the process of removing unsuitable soil right now where the future Park will be constructed. We are still hauling soil away and when we determine that it has reached a level where the compaction is adequate we will start building it back up and compacting new suitable soil. If you go by there now, you will see an open excavation.

Councilwoman Rayford asked if we budgeted money for cameras and lighting over there out of the CDBG.

Katie Mack, City Comptroller answered that we don't have extra cameras or lighting budgeted. Because we have so many unknowns with regard to the Park there may be an opportunity, once the Park is finalized, to see what's left.

Councilwoman Rayford said the reason why she is asking is because we don't want the City to become a liability and the taxpayer has to pay again. She noted that the Halloween

Trunk or Treat will be from 6:30 p.m. to 8:30 p.m. and asked if we will we be assisted by other police agencies for the Curfew such as the State Police. She doesn't want our residents and business owners to be alarmed if they see more police activity.

Lt. Weaver, Acting Police Chief said that at this point we will have our regular staff plus a couple of extra units. He doesn't know of any State Police or Sheriffs that will be here and the last few Halloween's we haven't had any major problems.

Mayor Kennedy commended our legal Counsel for putting together the resolution for the commencement of the litigation. This has been planned for some time and now the time has come to put this forth. She asked Lt. Weaver to check into this stop made by the Police last Tuesday and she wants to know if the Police Officer had her camera on. We have to make sure that when our Police have a civilian encounter they have to turn those cameras on as soon as they stop their car. That protects them and other people so she wants to know that those cameras are being used the way we wanted them to be used.

Lt. Weaver said that right now patrol units are assigned cameras. Some have gone out for repairs but are returned in a couple of days under the Warranty and half of whatever cameras we have go out on the patrol shift. That usually covers the patrol shift on a regular basis but there are some instances where it doesn't. There have been some issues with the clips and we hope to have more issued through a Grant where then each Officer will be assigned a clip that they will be responsible for. To outfit the whole patrol staff with clips it will cost about \$3,000.00 and they are working with the County on a Grant that they hope to get approved soon.

Mayor Kennedy again asked Lt. Weaver to look into that stop that was made last Tuesday at 7:00 p.m. and give her some feedback. She commended everyone on the bulk pick-up because as we inch the City forward progress is being made. She thanked Lisa and Coach Bowles for coming tonight and she knows several people who are out cleaning up the city so she encouraged others to do the same. She noted that if she sees young people throwing trash on the street she says something to them so we need to be assertive and take a stand. We all have to take responsibility and encourage our young people to put trash into a receptacle. The Anti-Poverty Grant is getting ready to move into Phase 2 and they are trying to select families to focus on so there will be an assessment of what the issues and needs are. If we can pull one hundred families out of poverty, we will make a huge difference so a whole lot of people are working on this right now. Home ownership was talked about and she believes that the information we use comes from the Census that happens every ten years so the next one is coming in 2020 and hopefully those numbers will change. She talked with Middletown and Kingston about their Skateboard Parks and what they do is post guidelines stating that the City is not liable and they skate at their own risk. She agrees it is important to have a camera or lights set up there to see what is going on. She added that she would love to see National Night Out expand and told Bishop Woody that it sounds like he is the person to be in charge of that.

There being no further comments this portion of the meeting was closed.

CITY MANAGER'S REPORT

Resolution No. 293 - 2017 Donation of Key to the City

Councilwoman Abrams moved and Councilman Harvey seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7

Adopted

Resolution No. 294 - 2017 Post Issuance Compliance Procedures for Tax Exempt Bonds

Councilwoman Abrams moved and Councilman Harvey seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7

Adopted

Resolution No. 295 - 2017 Award of Bid and Execution of a Contract with Jupiter Environmental Services Inc. and Gorick Construction Co., Inc. in Connection with the Vacant Building Demolition Project

Councilwoman Rayford said that the houses we have had in the past on that Demolition List haven't been touched yet so what's going on with those?

Jason Morris, City Engineer they decided to do these and use the remainder of the \$500,000.00 that we have left because these are in the worst condition.

Corporation Counsel, Michelle Kelson said that these properties were on the list and based on the funding allocated in the Capital Plan and the condition of the property these are the properties that we feel are in the most need of demolition and that we can accomplish with the funding that has been allocated.

Mayor Kennedy said there is not enough funding to do them all so these are the worst of the worst.

Councilwoman Holmes noted that Councilwoman Rayford was not here for the Work Session when the presentation was made about the demolitions.

Councilwoman Rayford said that 139 Johnston, which is diagonally across from her home, was on a list before.

Corporation Counsel, Michelle Kelson said that we have been working off of the same list from the very beginning. These are the properties that have moved through the process for which there is funding to take them down. We haven't done any other demolition under this project yet and this is the first of the properties that there is funding to demolish. Other properties have been taken down because they have become emergencies but these are from the original list and this is the first award of a contract under the Capital Plan Project.

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 296 - 2017 Release of Covenants 387 Third Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 297 - 2017 Release of Covenants 251 Powell Avenue

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 298 - 2017 Purchase of 256 North Street

Councilman Harvey thanked everyone involved in this process. Mr. Mera is a City employee and this is something we want to continue to encourage.

Councilwoman Holmes thanked Mr. Mera for coming to Ward 4.

Councilwoman Mejia added that she thinks it's really great when we have City employees purchasing property in the City and we need to have some sort of incentive attached to them. We have to make it more enticing for these types of purchases to take place and she feels we could do better on that end.

Mayor Kennedy suggested that maybe we could have a flyer with a selection of properties to hand out to our employees giving them first dibs.

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 299 - 2017 Purchase of 383 First Street

Mayor Kennedy noted that this person is not related to Councilwoman Mejia.

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 300 - 2017 Purchase of 26 Forsythe Place

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 301 - 2017 Purchase of 85 William Street and 87 William Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 302 - 2017 Requesting exemption from County taxes for City reservoir and filter plant properties 2019

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 303 - 2017 Further Amending the United Way Dutchess Orange office lease at 123 Grand Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 304 - 2017 Halloween Curfew

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 305 - 2017 To Execute a Payment of Claim with USAA Casualty Insurance Company

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 306 - 2017 To Execute a Payment of Claim with GEICO General Insurance Company

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

Resolution No. 307 - 2017 To Authorize the Commencement of Litigation in Connection with the Contamination of Washington Lake and the City of Newburgh Water Supply

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Rayford, Kennedy - 7
Adopted

NEW BUSINESS

There was no new business.

OLD BUSINESS

Councilwoman Homes asked about the Warming Station. She told Deirdre Glenn that she has a meeting on Thursday with Pastor Watson at 10:30 a.m. and wanted to know if that would be alright with her. She also wants to know if we can open the Activity Center for a Warming Station on November 1st. The Cathedral at the House of Refuge is another alternative and she is not sure what is going to happen so she asked the City Manager if we could tentatively open the Activity Center until we find out if Pastor Watson is going to do it or not. She just wants to make sure that we have someplace for people to go.

City Manager, Michael Ciaravino said we can work on that because it is getting cold fast.

Councilwoman Rayford asked if we can fish for a part-time Grant writer.

Katie Mack, City Comptroller, said there is an Account Clerk who has been learning how to do purchasing and there is a Consultant out there that takes about a \$3,000.00 retainer but they are Grant Writers. We are trying to set up a phone call or something to explore what that looks like and we would just have to set up the retainer and they would find the Grants.

Mayor Kennedy said that is how Kingston is doing it. The more we can contract this stuff out the less we pay for overhead and fringe.

There being no further old business to discuss this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Abrams said that a famous Jazz Pianist is coming to Newburgh and will hold a Concert this Saturday night at 11 Spring Street at 7:00 p.m. She asked everyone to please vote on November 7th because if you don't vote you can't complain. It's an honor to be able to vote, have your vote counted and speak your voice. These are our local elections and it is very important.

Councilwoman Angelo said that on Thursday night, October 26th at the City Library there will be a Candidates Debate from 6:00 p.m. to 8:00 p.m. so come hear what they are all talking about. They will be showing Historic Images of Old Newburgh on October 28th at 2pm. On November 1st, she will be collecting food at the Library with "Food for Fines". There will also be a Veterans Art Show coming on October 27th so these events will all be happening this week. On November 5th they will be having a Talk on the Crew and Battles of the USS Haynsworth. She added that they had a Festival on Saturday down at the river for Trestle and they had a good turnout with wonderful artwork being sold. She had a Halloween table for the kids so it all worked out well. On the weekends on Liberty

Street there are lots of people out and about visiting the Cafés and shopping. She noted that her flowers at Unico Park are beautiful right now so take a ride down to see them.

Councilman Harvey thanked everyone for coming out tonight.

Councilwoman Holmes thanked everyone for coming and wished them a good night.

Councilwoman Mejia thanked everyone for coming out and said she will see them next week.

Councilwoman Rayford agreed that it is important to get out to vote on November 7th and the Polls are open from 6:00 a.m. to 9:00 p.m. It is very important to get out to vote as we can see what happened with the Presidential Election and the turmoil we are in. Your vote is your voice and every Ward is up for Election. She thanked Lisa and Mr. Bowles for their Organization. She attended one of their events and met some of the women there and after hearing their life stories it makes you want to help. As Coach Bowles said we have to give them a helping hand and Newburgh Zion Lions helps young people with a hand up also. They have kids at their door in the early hours of the morning because they were put out after being beat on. Some don't have anything to eat and no bed to sleep in and so we welcome them in. One person can change one person's life so let's start here. Let us be the change that we want to see and it starts with us. The Mayor mentioned that the Anti-Poverty Grant is in its second phase so she would like to know what was done in the first phase and what does the second phase consist of? They are trying to reach one hundred families and some of the families they can reach are the ones who come to receive the turkey and Thanksgiving baskets from First United Methodist. They fed over eight hundred families last year so maybe they can reach out to some of those families. Lastly, we will be turning back the clocks soon so she would like to know if the Police or Fire Department will be giving out smoke or carbon monoxide detectors and batteries because we want to save lives here in the City of Newburgh.

Mayor Kennedy reiterated the vote on November 7th and said she watched "*The Long Walk to Freedom*" by Nelson Mandela again last night. If our children and all of the people who don't vote truly understood the bloodshed, heartache and tears that have spilled because they didn't have the right to vote, then every single person would do everything possible to vote. If you had that right taken away from you, you would realize how important it is. It is your duty and your responsibility so she prays everyone will fulfill that. She encouraged everyone to go to the Candidates Debate at the Library from 6:30 p.m. to 8:00 p.m. so everyone can have an intelligent vote. Know the candidates and who you are voting for. If anyone needs help they can sign up for Loaves and Fishes and this Friday St. Mary's has a big giveaway. She reminded everyone about the Hazardous Waste Disposal this Saturday at the Activity Center. To answer Councilwoman Rayford's question, there is a criteria that will be set up by the Task Force for the families chosen as there are about sixty organizations involved in that. There will probably be a number of families with a random drawing to make it fair. The first phase was planning what we were going to do, how we were going to do it, what model were we going to follow and who could help us get this job done. The plan is complete and we are turning it into the State for approval so then we can begin the implementation of phase two. Phase two will be to work with these families that are selected.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 10:05 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 293 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A DONATION OF A CEREMONIAL KEY TO THE CITY
TO PRESENT TO LILLIE BRYANT HOWARD

WHEREAS, The City Council of the City of Newburgh intends to honor Lillie Bryant Howard by presenting her with a ceremonial "Key to the City" for her life's work and contributions to the City of Newburgh; and

WHEREAS, a donor who wishes to remain anonymous has purchased said ceremonial "Key to the City" and wants to donate it to the City of Newburgh; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donation with the appreciation and thanks of the City of Newburgh extended to the anonymous donor for the generous contribution in recognition of a distinguished City resident.

RESOLUTION NO.: 294 - 2017

OF

OCTOBER 23, 2017

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH
POST-ISSUANCE COMPLIANCE PROCEDURES FOR TAX-EXEMPT BONDS**

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Post-Issuance Compliance Procedures for Tax-Exempt Bonds, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that these Procedures shall take effect on November 1, 2017.

RESOLUTION NO.: 295 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF
A CONTRACT WITH JUPITER ENVIRONMENTAL SERVICES, INC. FOR
THE DEMOLITION OF 139 JOHNSTON STREET AND AUTHORIZING THE AWARD
OF A BID AND THE EXECUTION OF A CONTRACT
WITH GORICK CONSTRUCTION CO., INC. FOR THE DEMOLITION
OF 191 SOUTH STREET, 161 LANDER STREET AND 251 THIRD STREET
IN CONNECTION WITH THE VACANT BUILDING DEMOLITION PROJECT

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, by Resolution No. 85-2016 of April 11, 2016, the City Council of the City of Newburgh approved the financing of the Vacant Building Demolition Project (the "Project"); and

WHEREAS, by Resolution No. 128-2017 of May 22, 2017, the City Council of the City of Newburgh approved an agreement for professional engineering services with The Asbestos & Environmental Consulting Corporation for the hazardous material, demolition management and related consulting services to facilitate the Project; and

WHEREAS, the City of Newburgh has duly advertised for bids for the demolition of 7 City-owned properties identified in the Project; and

WHEREAS, bids have been duly received and opened and Jupiter Environmental Services, Inc. is the low bidder for the demolition of property identified as 139 Johnston Street; and

WHEREAS, bids have been duly received and opened and Gorick Construction Co., Inc. is the low bidder for the demolition of a package of 3 properties identified as 191 South Street, 161 Lander Street and 251 Third Street; and

WHEREAS, funding for the Project shall be derived from H1.1620.0200.8105.2016 - 2016 BAN Demolition;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bids for the Vacant Building Demolition Project be and hereby are awarded to Jupiter Environmental Services, Inc. for the demolition of property identified as 139 Johnston Street for the amount of \$52,200.00, and to Gorick Construction Co., Inc. for demolition of a package of 3 properties identified as 191 South Street, 161 Lander Street and 251 Third Street for the amount of \$174,366.00, and that the City Manager be and he is hereby authorized to enter into a contracts for such work in these amounts.

RESOLUTION NO.: 296-2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO JOSEPH AFONSO AND MARIA AFONSO
TO THE PREMISES KNOWN AS 387 THIRD STREET
(SECTION 12, BLOCK 1, LOT 1)

WHEREAS, on January 9, 2017, the City of Newburgh conveyed property located at 387 Third Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 12, Block 1, Lot 1, to Joseph Afonso and Maria Afonso; and

WHEREAS, the Afonso's have requested a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 387 Third Street, Section 12, Block 1, Lot 1, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated January 9, 2017, from the CITY OF NEWBURGH to JOSEPH AFONSO and MARIA AFONSO, recorded in the Orange County Clerk's Office on March 1, 2017, in Liber 14189 of Deeds at Page 1590 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

THE CITY OF NEWBURGH.

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2017

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

On the _____ day of _____ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RECORD & RETURN TO:
Joseph Afonso
Maria Afonso
144 Marino Drive
Wallkill, NY 12589

RESOLUTION NO.: 297-2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO JOSEPH AFONSO AND MARIA AFONSO
TO THE PREMISES KNOWN AS 251 POWELL AVENUE
(SECTION 7, BLOCK 7, LOT 20)

WHEREAS, on January 9, 2017, the City of Newburgh conveyed property located at 251 Powell Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 7, Block 7, Lot 20, to Joseph Afonso and Maria Afonso; and

WHEREAS, the Afonso's have requested a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 251 Powell Avenue , Section 7, Block 7, Lot 20, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated January 9, 2017, from the CITY OF NEWBURGH to JOSEPH AFONSO and MARIA AFONSO, recorded in the Orange County Clerk's Office on February 28, 2017, in Liber 14189 of Deeds at Page 1051 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2017

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

On the _____ day of _____ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RECORD & RETURN TO:
Joseph Afonso
Maria Afonso
144 Marino Drive
Wallkill, NY 12589

RESOLUTION NO.: 298 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 256 NORTH STREET (SECTION 3, BLOCK 12, LOT 18)
AT PRIVATE SALE TO RAYMUNDO MERA FOR THE AMOUNT OF \$99,000.00

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 256 North Street, being more accurately described as Section 3, Block 12, Lot 18 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 purchasers 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 January 26, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
256 North Street	3 - 12 - 18	Raymundo Mera	\$99,000.00

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

256 North Street, City of Newburgh (3-12-18)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties 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 properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
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. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.

7. Notice is hereby given that the property is vacant and unoccupied. The parcel is being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.
8. 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.
9. 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.
10. 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.
11. 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 January 26, 2018. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *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.
12. 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 not 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.
13. 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.
14. 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.**

15. 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.
16. 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 thirty (30) days in advance of closing title and approved by the City's Engineer.
17. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed.
18. 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.

RESOLUTION NO.: 299 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN
AS 383 FIRST STREET (SECTION 28, BLOCK 1, LOT 14)
AT PRIVATE SALE TO MITCHELL MEJIA FOR THE AMOUNT OF \$19,000.00

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 383 First Street being more accurately described as Section 28, Block 1, Lot 14 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 January 26, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
383 First Street	28 - 1 - 14	Mitchell Mejia	\$19,000.00

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 of Sale

383 First Street, City of Newburgh (28-1-14)

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 properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. 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 6 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. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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 January 26, 2017. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *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.
12. 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 not 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.
13. 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.
14. 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.**
15. 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.

16. 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.
17. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
18. 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.

RESOLUTION NO.: 300 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 26 FORSYTHE PLACE (SECTION 9, BLOCK 3, LOT 5) AT PRIVATE SALE
TO JOSEPH AND MARIA AFONSO FOR THE AMOUNT OF \$25,000.00

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 26 Forsythe Place, being more accurately described as Section 9, Block 3, Lot 5 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyers have 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 buyers 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 purchasers be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers 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 January 26, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
26 Forsythe Place	9 - 3 - 5	Joseph and Maria Afonso	\$25,000.00

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

26 Forsythe Place, City of Newburgh (9-3-5)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties 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 properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
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 vacant and unoccupied. The parcel is being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the vacant property 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 January 26, 2018. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *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 not 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 thirty (30) days in advance of closing title and approved by the City's Engineer.

16. Evictions, if necessary, are solely the responsibility of the purchaser 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.

RESOLUTION NO.: 301 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN
AS 85 WILLIAM STREET (SECTION 39, BLOCK 2, LOT 21) AND
87 WILLIAM STREET (SECTION 39, BLOCK 2, LOT 20)
AT PRIVATE SALE TO BISESSAR ALVIN MOONESAR
FOR THE TOTAL AMOUNT OF \$21,500.00

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 85 William Street and 87 William Street being more accurately described as Section 39, Block 2, Lots 21 and 20, respectively, on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase these properties 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 properties 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 January 26, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
85 William Street	39 - 2 - 21	Bisessar Alvin Moonesar	\$14,000.00
87 William Street	39 - 2 - 20		\$ 7,500.00

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

Terms and Conditions of Sale
85 William Street, City of Newburgh (39-2-21)
87 William Street, City of Newburgh (39-2-20)

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 properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
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 properties are vacant and unoccupied. The parcels are being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the properties and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcels in accordance with same.
7. Notice is hereby given that the properties lie within the East End Historic District as designated upon the zoning or tax map. The parcels are being sold subject to all provision of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcels so designated in accordance with same.

8. 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.
9. 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.
10. 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.
11. 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 January 26, 2017. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *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.
12. 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 not 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.
13. 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.
14. 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.**
15. 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.

16. 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.
17. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
18. 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.

RESOLUTION NO.: 302 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2019

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2019, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute an Agreement, a copy of which is annexed hereto, with the County of Orange to effectuate such exemption.

AGREEMENT, made this ____ day of _____, 201____ by and between

THE CITY OF NEWBURGH, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at City Hall, 83 Broadway, in the City of Newburgh, County of Orange, State of New York; and

THE COUNTY OF ORANGE, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at the Orange County Government Center, Main Street in the Village of Goshen, County of Orange and State of New York,

WHEREAS, the City of Newburgh is the owner of several parcels of real property located in the Towns of Newburgh and New Windsor, Orange County, New York and designated on the official tax map of said towns as set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, The City of Newburgh uses said property for the operation of a water filtration plant and reservoirs exclusively; and

WHEREAS, The County of Orange has in the past, imposed taxes against said parcels of real property; and

WHEREAS, Section 406(3) of the Real Property Tax Law of the State of New York in essence, inter alia, provides that real property owned by a municipality with a population of less than 100,000 people, which property is located without its corporate limits and is used as a reservoir or water filtration plant may be wholly or partially exempt from taxation, special ad valorem levies, and special assessments, provided that the governing board of the taxing authorities so agree in writing; and

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number _____-2017 of October 23, 2017 of The City of Newburgh, New York; and

WHEREAS, the County of Orange was authorized to enter into this agreement by Resolution Number _____ of _____, dated _____, 201____, of the Orange County Legislature, it appearing that such agreement would be in the best interests of the citizens of Orange County,

NOW, THEREFORE, in consideration of the premises and pursuant to Real Property Tax Law, Section 406 (3), it is agreed as follows:

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorem levies, and special assessments levied by Orange County for the County tax year, January 1, 2019 to December 31, 2019 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2019, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

3. The County of Orange expressly reserves its right to impose, levy and collect with respect to the subject premises, any financial obligation not specifically excluded by the provisions of Real Property Tax Law, Section 406 (3).

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of
the
date set forth above.

[SEAL]

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino,
City Manager
Pursuant to Res. No.: _____-2017

[SEAL]

THE COUNTY OF ORANGE

By: _____
Stefan ("Steven") M. Neuhaus,
County Executive

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

KATHRYN MACK
City Comptroller

SCHEDULE "A"

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44

RESOLUTION NO.: 303 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION AMENDING RESOLUTION NOS. 83-2017 AND 288-2017
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED OFFICE
LEASE AGREEMENT WITH THE UNITED WAY DUTCHESS ORANGE REGION FOR
A PORTION OF THE SECOND FLOOR OF 123 GRAND STREET

WHEREAS, by Resolution No. 83-2017 of March 27, 2017, the City Council authorized the City Manager to execute a lease agreement with the United Way Orange Dutchess Region for the use of two offices on the second floor of 123 Grand Street; and

WHEREAS, by Resolution No. 288-2017, the City Council authorized an amended lease agreement for the lease of one office on the second floor of said premises for a monthly rent of \$700.00 for the remainder of the one-year term; and

WHEREAS, the parties have agreed to further amend the lease for the lease of the smaller office on the second floor of said premises for a monthly rent of \$650.00 for the remainder of the one-year terms and a copy of the revised amended lease is annexed hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such amended lease agreement and finds that entering into the same would be in the best interests of the City of Newburgh and the community alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the attached amended lease agreement with the United Way Dutchess Orange Region for the use of one office on the second floor of 123 Grand Street in substantially the same form and on the terms and conditions contained in the attached lease agreement, including such other terms and conditions as may be deemed appropriate and necessary by the City Manager and/or the Corporation Counsel in order to carry-out the subject transaction.

RESOLUTION NO.: 304 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
ON OCTOBER 30TH AND 31ST
FROM 9:00 P.M. UNTIL 6:00 A.M.

WHEREAS, the City of Newburgh has a general obligation to ensure the safety and welfare of the general population of the City including minors, along with protection of private property; and

WHEREAS, October, 30th and 31st are associated with Halloween related activities, including "Trick or Treating" and other related outdoor activities, some of which might be prejudicial to the safety and welfare of the population and protection of private property; and

WHEREAS, the City of Newburgh determines that the passage of a curfew resolution for Halloween and the preceding night will assist in protecting the welfare of minors by reducing the likelihood of their involvement in inappropriate behavior, while aiding parents or guardians of minors entrusted in their care;

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting at 9:00 p.m. on Monday, October 30, 2017, and ending at 6:00 a.m. on Wednesday, November 1, 2017; and

BE IT FURTHER RESOLVED, this Council urges all parents to inform their children and supervise the implementation of this City-wide curfew so that we may avoid problems and promote the safety, health and welfare of our City's young people and property owners; and

BE IT FURTHER RESOLVED, that it shall be a defense to a violation of this curfew that the minor was accompanied by the minor's parent or guardian, engaged in an employment activity, or involved in an emergency or other legally justifiable activity.

RESOLUTION NO.: 305 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH USAA CASUALTY INSURANCE COMPANY
a/s/o MAUREEN FLANNERY IN THE AMOUNT OF \$3,266.31

WHEREAS, USAA Casualty Insurance Company a/s/o Maureen Flannery brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand Two Hundred Sixty-Six and 31/100 Dollars (\$3,266.31) in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of USAA Casualty Insurance Company a/s/o Maureen Flannery in the total amount of Three Thousand Two Hundred Sixty-Six and 31/100 Dollars (\$3,266.31) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 306 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH GEICO GENERAL INSURANCE COMPANY
a/s/o CHRISTOPHER MCCURRY IN THE AMOUNT OF \$12,371.54

WHEREAS, GEICO General Insurance Company a/s/o Christopher McCurry brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Twelve Thousand Three Hundred Seventy-One and 54/100 Dollars (\$12,371.54) in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of GEICO General Insurance Company a/s/o Christopher McCurry in the total amount of Twelve Thousand Three Hundred Seventy-One and 45/100 Dollars (\$12,371.54) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 307 - 2017

OF

OCTOBER 23, 2017

A RESOLUTION TO AUTHORIZE THE COMMENCEMENT OF LITIGATION
AGAINST ANY AND ALL POTENTIALLY RESPONSIBLE PARTIES
IN CONNECTION WITH THE CONTAMINATION OF WASHINGTON LAKE
AND THE CITY OF NEWBURGH WATER SUPPLY

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, hereby authorizes litigation against any and all potentially responsible parties in connection with the contamination of Washington Lake and the City of Newburgh Water Supply.