



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

February 13, 2017

7:00 PM

Mayor/Alcaldesa

1. Prayer/Rezo
2. Pledge of Allegiance/Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/Lista de asistencia

Communications/Comunicaciones

4. Approval of the minutes of the meeting of January 23, 2017
Aprobacion del acta de la reunion del 23,
5. City Manager Update
Gerente de la Ciudad pone al dia a la audiencia de los planes de cada departamento

Presentations/Presentaciones

6. A Presentation by Dr. Roberto Padilla Superintendent from the Newburgh Enlarged School District
El Dr. Roberto Padilla, Superintendente del Distrito Escolar de Newburgh dará una presentación.
7. A Public Hearing will be held to hear public comment concerning an ordinance amending Chapter 240
Reminder that there will be a public hearing on Monday, February 13, 2017 to receive comments on proposed ordinances to amend Chapter 240, Rental Properties, addressing the rental license, tenant responsibility and rental license fees. (Michelle Kelson)

Se recuerda que habrá una audiencia pública el lunes, 13 de febrero de 2017 para recibir comentarios de ordenanzas propuestas para enmendar el Capítulo 240, Propiedades de Alquiler, dirigido a las licencias de alquiler, responsabilidades del inquilino y costos de la licencia de alquiler.
(Michelle Kelson)

Comments from the public regarding the agenda/Comentarios del público con respecto a la agenda

Comments from the Council regarding the agenda/Comentarios del Consejo con respecto a la agenda

City Manager's Report/ Informe del Gerente de la Ciudad

8. Ordinance No. 1 - 2017 /Revised Sewer Use Ordinance Chapter 248 Sewers
Ordinance amending Section 248-32 entitled "Limitations on Wastewater Strength" of the Code of the City of Newburgh to decrease the allowable pH Level from 10.5 to 9.0 for discharges into the Wastewater Collection and Treatment System. (Jason Morris)

Una ordenanza enmendando el Artículo 248-32 titulado "limitaciones en la fuerza de Aguas Residuales" del Código de la Ciudad de Newburgh para disminuir la cantidad permisible de pH de 10.5 a 9.0 para las descargas en el Sistema de Tratamiento y Colección de Aguas Residuales. (Jason Morris)

9. Resolution No. 31 - 2017 Award of Bid for CSO No.12 Reconstruction Project
Resolution authorizing the award of a Bid and the execution of a contract with Regal Utility Services, Inc. for the Combined Sewer Outfall No. 12 Reconstruction Project at a bid cost of \$224,519.00. (Jason Morris)

Una resolución autorizando la concesión de una licitación y la ejecución de un contrato con "Regal Utility Services, Inc." Para el proyecto de Reconstrucción del Desagüe de la alcantarilla combinada a un costo de \$224,519.00. (Jason Morris)

10. Resolution No. 32 - 2017 NYSDEC Sewage Pollution Right-to-Know Law Grant
Resolution authorizing the City Manager to accept a Sewage Pollution Right to Know Program Grant from the New York State Department of Environmental Conservation in an amount not to exceed \$33,300.00. (Jason Morris)

Una resolución autorizando al Gerente de la Ciudad a aceptar una concesión del Programa de Derecho a Saber de Contaminación de Aguas residuales del Departamento de Conservación del Medio Ambiente del Estado de Nueva York por un monto que no exceda \$33,300.00. (Jason Morris)

11. Resolution No. 33 - 2017 70 Liberty Street WH -- Amendment of Terms of Sale
Resolution amending Resolution Nos. 103-2016, 256-2016 and 3-2017 to

revise the terms of sale for the conveyance of real property known as 70 Liberty Street WH (Section 48, Block 5, Lot 35) to Lamont Staples. (Michelle Kelson)

Una resolución enmendando Resolución No. 103-2016, 256-2016 y 3-2017 para revisar los términos de venta para el traspaso de bienes raíces conocidas como la 70 de la Calle Liberty /WH (Sección 48, Bloque 5, Lote 35) a Lamont Staples. (Michelle Kelson)

12. Resolution No. 34 - 2017 Satisfaction and Release of Mortgage: Irene Scott Bethea & Anthony Bethea

Resolution authorizing the City Manager to execute a satisfaction in connection with a mortgage issued to Thelma Scott for premises located at 317 Grand Street (Section 10, Block 1, Lot 4) owned by Irene Scott-Bethea and Anthony Bethea. (Michelle Kelson & Deirdre Glenn)

Una resolución autorizando al Gerente de la Ciudad a ejecutar una satisfacción en conexión con una hipoteca emitida a Thelma Scott por el inmueble ubicado en la 317 de la Calle Grand (Sección 10, Bloque 1, Lote 4) propiedad de Irene Scott-Bethea y Anthony Bethea. (Michelle Kelson y Deirdre Glenn)

13. Resolution No. 35 - 2017 Purchase of 140 Chambers Street

Resolution to authorize the conveyance of real property known as 140 Chambers Street (Section 18, Block 5, Lot 27) at private sale to Cesar Avellaneda for the amount of \$4,600.00. (Deirdre Glenn)

Una resolución autorizando el traspaso de bienes raíces conocidos como la 140 de la Calle Chambers (Sección 18, Bloque 5, Lote 27) en una venta privada a Cesar Avellaneda por el monto de \$4,600.00. (Deirdre Glenn)

14. Resolution No. 36 - 2017 Greenway Grant: Complete Streets Demonstration Project Phase II

Resolution Authorizing the City Manager to apply for and accept if awarded a Hudson River Valley Greenway Grant in an amount not to exceed \$8,080.00 for materials to extend the Complete Streets Demonstration Project. (Deirdre Glenn)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar si es otorgada una concesión del "Hudson River Valley Greenway" por un monto que no exceda \$8,080.00 para materiales para extender el Proyecto de Demonstración de Calles Completas. (Deirdre Glenn)

15. Resolution No. 37 - 2017 2016 Byrne Justice Assistance Grant Program Award

Resolution authorizing the City Manager to enter into an inter-local agreement between the County of Orange and the City of Newburgh under the 2016 Byrne Memorial Justice Assistance Grant Program. (Chief Cameron)

Una resolución autorizando al Gerente de la Ciudad a entrar en un acuerdo inter-local entre el Condado de Orange y la Ciudad de Newburgh bajo el Programa de Subvención de Justicia Conmemorativo de Byrne 2016. (Jefe Cameron)

16. Resolution No. 38 - 2017 SFY 2016-2017 NYS Senate Initiative Grant from Sen. Larkin for \$20,000

Resolution authorizing the City Manager to accept a SFY 2016-2017 New York State Senate Initiative Grant from Senator William Larkin in the amount of \$20,000.00 with no City match. (Chief Cameron)

Una resolución autorizando al Gerente de la Ciudad a aceptar una Subvención Iniciativa del Senado del Estado de Nueva York del Senador William Larkin por un monto de \$20,000.00 sin necesidad que la Ciudad iguale los fondos. (Jefe Cameron)

17. Resolution No. 39 - 2017 DCJS Police Protective Equipment Program Grant

Resolution authorizing the City Manager to accept a New York State Division of Criminal Justice Services Police Protective Equipment Program Grant award in the amount of \$16,300.00 with no City match. (Chief Cameron)

Una resolución autorizando al Gerente de la Ciudad a aceptar una Subvención del Programa de Policial para Equipos de Protección de la División de Servicios de Justicia Criminal del Estado de Nueva York por un monto de \$16,300.00 sin necesidad que la Ciudad iguale los fondos. (Jefe Cameron)

18. Resolution No. 40 - 2017

A Resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the Tax Certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. 5108-2014, 5029-2015 & 4435-2016 involving Section 2 Block 20 Lot 2.2 (Silverman Gidney, LLC) (Michelle Kelson)

19. Resolution No. 41 - 2017

A Resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the Tax Certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index Nos. 5399-2014, 5425-2015 and 4608-2016 involving Section 29, Block 1, Lot 1.1 (American Felt & Filter Co., Inc.) (Michelle Kelson)

20. Resolution No. 42 - 2017

A resolution authorizing an extension of time to settle Litigation regarding the in rem tax foreclosure Of liens for the year 2014 relative to 263 liberty street (section 18, block 5, lot 14) (Michelle Kelson)

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Public Comments Regarding General Matters of City Business

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 24 - 2017

OF

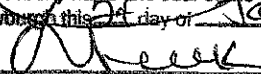
JANUARY 23, 2017

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 13, 2017
TO HEAR PUBLIC COMMENT CONCERNING AN ORDINANCE AMENDING
CHAPTER 240 ENTITLED "RENTAL PROPERTIES" ADDRESSING RENTAL
LICENSE INSPECTION REQUIREMENTS, AN ORDINANCE ADDING TENANT
RESPONSIBILITY AND AN ORDINANCE AMENDING CHAPTER 163 ENTITLED
"FEES" OF THE CODE OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning an ordinance amending Chapter 240 Entitled "Rental Properties" addressing Rental License inspection requirements, an ordinance adding Tenant Responsibility and an ordinance amending Chapter 163 Entitled "Fees" of the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day of February, 2017, in the 3rd Floor Council Chambers, 88 Broadway, City Hall, Newburgh, New York.

I, Lorene Vitak, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held Jan 23, 2017
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 24 day of Jan, 2017


City Clerk

ORDINANCE NO.: ____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 240, Rental Properties be and is hereby amended to read as follows:

SECTION 1. Article I. Rental License

§ 240-1. Findings and purpose.

The City Council has determined that there exists in the City of Newburgh a significant number of non-owner-occupied rental units. Non-owner occupants are less able to maintain daily oversight of their properties to ensure compliance with applicable laws, rules, and regulations. The City Council finds that the registration of rental properties is intended to and will ensure the protection of persons and property in all existing rental structures and on all premises required to be registered under this chapter. Further, the registration of rental properties will ensure that rental property owners adhere to applicable code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental property can be certified. It is the purpose of this chapter to protect the health, safety, and welfare of the residents of the City of Newburgh, as well as to protect the City's housing stock from deterioration by establishing a program for registering and identifying residential rental properties and for determining the responsibilities of owners of residential rental properties.

§ 240-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT - Any person who has charge, care, or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

BUILDING - A combination of materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.

DWELLING - A building used in whole or part for residential uses.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

DWELLING UNIT - Any room or contiguous group of rooms within a building and forming a single, habitable living space for one family.

MUNICIPAL OFFICER - The Fire Chief, ~~Director of the~~ Code Compliance Supervisor Bureau, and the Building Inspector or such official within that department as may be designated by the ~~Director~~ in writing.

OWNER - Any individual or individuals, partnership, or corporation or any similar type of business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of the property. Each, any, and all such persons shall have a joint and severable obligation for compliance with the provisions of this chapter.

OWNER-OCCUPIED DWELLING - A dwelling occupied by an individual owner or by members of his or her family on a nonrental basis. For the purposes of this chapter, "owner-occupied" shall not include any building owned by a partnership, corporation, or any similar type of business organization, including but not limited to a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or agent.

RENTAL PROPERTY - All buildings that contain a dwelling unit or a rooming unit that is rented, leased, let, or hired out to be occupied for residential or mixed use (commercial-residential) and are not owner-occupied.

ROOMING UNIT - Any furnished room for rent within a building and forming a single sleeping space.

TENANT - A person in possession or control of a dwelling, dwelling unit or a rooming unit under a written lease or oral agreement for the payment of money.

§ 240-3. Rental License Process.

- A. Effective June 1, 2013, the owner of any rental property as defined herein shall, within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later; or within 10 days of receipt of notice by the municipality, submit a rental license application for such rental property with the municipal officer on forms provided for that purpose by the municipal officer along with any fees required by Chapter 163. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.
- B. Each rental property having a separate section block and lot number shall be registered separately.

- C. The license rental application shall include the information required under § 240-4, as well as any additional information that the municipal officer may reasonably require.
- D. It shall be unlawful for any owner to offer any unit for rent or to rent any dwelling unit or to allow any dwelling unit to be occupied without having first received a rental license pursuant to this chapter as required herein within the time prescribed for such registration. Failure to receive notice of the rental license deadline will not excuse failure to receive a rental license for a rental property. It is the responsibility of the owner to fulfill the requirements of this chapter.
- E. ~~No application for an initial rental license or a rental license renewal shall be issued until the municipal officer has conducted an inspection as described in § 240-6 and determined that the property is in compliance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code and any applicable fire prevention code. Such determination shall be based on an inspection as described in § 240-6, provided that if the owner does not consent to such inspection and no inspection has been performed pursuant to search warrant, the owner shall, in the alternative, submit a certification by a licensed professional engineer that the subject property is in compliance with said codes, in which case such certification shall be reviewed by the municipal official to determine compliance~~ all life, health, and safety violations or discrepancies have been corrected.
- F. If the rental license application is incomplete or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.
- G. The rental license shall remain valid for one year from the date of issue. The owner shall be required to renew the rental license annually and shall pay a fee in the amount prescribed in Chapter 163.
- H. The municipal officer may establish for purposes of efficient administration that all rental licenses shall be renewed by a single date in each year. The municipal officer shall establish this date in which case the initial rental license fee shall be pro-rated for applications received less than 10 months prior to that date.
- I. The completed rental license application shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

§ 240-4. Rental License Application.

- A. A rental license application shall be made by the owner of rental units or the owner's legally constituted agent on a form approved and supplied by the City of Newburgh Office of Code Compliance. This form shall be known as a "rental property statement" and shall be signed by the owner under oath. The statement shall include:
 - 1. The name(s), residence and business addresses, e-mail addresses, telephone numbers, and birth date(s) of the principal officers if the applicant is an individual, partnership, or firm, or the names, residence and business addresses, e-mail addresses, telephone numbers, and birth dates of the principal officers if the applicant is an association or

corporation. Where more than one natural person has an ownership interest, the required information shall be included for each owner.

2. If the owner is not a natural person, the employer identification number of the owner.
 3. The name, street address, e-mail address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code. The agent for service of process must maintain offices or reside in the State of New York.
 4. The name, street address, e-mail address, and telephone numbers of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property must maintain offices within 45 miles of the City and shall be available by telephone or in person on a 24-hour-per-day, seven-day-per-week basis.
 5. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.
 6. A description of the premises, including street address, section block and lot, and type of building.
 7. Number of dwelling units within the dwelling.
 8. Description of procedure through which tenant inquiries and complaints are to be processed.
 9. Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
 10. The number of tenants.
 11. If the owner does not consent to an inspection pursuant to § 240-6 and no inspection is performed pursuant to a search warrant, a certification by a licensed professional engineer that the property is in compliance.
 12. Any other information as requested by the City.
- B. The owner shall notify the municipal officer within 10 days of any change in the rental license information by filing an amended rental property statement on a form provided by the municipal officer for such purpose. Depending on the nature of changes, the City may require consent to a new property inspection. Notice of transfer of ownership shall be as described in § 240-8.

§ 240-5. License Fees; exemptions.

- A. License fees as set forth in Chapter 163 of this Code shall be due 90 days prior to the license expiration date; in the cases of a new unlicensed dwelling, a change in a previously filed rental license application, or a new license that is required due to a change in ownership as set forth in § 240-8 below, rental license fees shall be due at the time of application.

- B. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth in Chapter 163 of this Code but still must submit a rental license application as described in § 240-3 and § 240-4 above.
- C. A delinquency penalty of 5% of the rental license fee for each day of operation without a valid rental license shall be charged operators of rental properties. Once issued, a rental license is nontransferable, and the rental licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension, application withdrawal, an incomplete application or process, or application cancellation, the fee is nonrefundable.
- D. All inspection fees are set in Chapter 163. If the inspection is being performed as part of the rental licensing process, fees must be paid prior to the time of rental license issuance or renewal for the property.
- E. If any fee or any portion is not paid within 60 days after billing, the Comptroller may certify the unpaid cost against the property, and the unpaid cost shall be added to and collected with the subsequent City tax levy and shall bear interest and be enforced as provided by law for City taxes.
- F. All funds collected from rental license fees under this section shall be deposited in a dedicated trust fund to be used exclusively for municipal activities with respect to vacant and problem properties in the municipality, including but not limited to inspection, nuisance abatement, securing and boarding, maintaining property information systems, general code enforcement activities, and reasonable administrative and legal costs associated with any of the foregoing.

§ 240-6. Inspection.

- A. During regular business hours or in an emergency, the municipal officer or his representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his duties, may enter any building or rental unit within a building upon consent of the owner or with a duly executed search warrant, to make an inspection to determine whether there is any violation of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code.
- B. At the request of the municipal officer, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The municipal officer may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code ~~this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.~~

- C. The presence or existence of any of the following shall create a rebuttable presumption that a dwelling unit is rented:
1. The property is occupied by someone other than the owner, and the owner of the property represents in writing or otherwise, to any person or establishment, business, institution or government agency, that he resides at an address other than the rental property.
 2. Persons living in the premises represent that they pay rent to the owner of the premises.
 3. Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner.
 4. Testimony by a witness that it is common knowledge in the community that a person other than the record owner resides in the premises.
 5. There is more than one mailbox at the premises.
 6. There is more than one gas meter at the premises.
 7. There is more than one utility meter at the premises.
 8. There are separate entrances for segregated parts of the dwelling.
 9. There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms.
 10. There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof.
 11. The inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all or part of the dwelling unit.
 12. Two or more kitchens each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator.
- D. Nothing in this section, except for provisions containing emergency inspections, shall be deemed to authorize the municipal officer or representative to conduct an inspection of any premises subject to this chapter without the consent of the owner or without a warrant duly issued by an appropriate court.
- E. Nothing in this section shall prevent the entry into a building or dwelling unit by the municipal officer without the consent of the owner or a search warrant in response to an emergency.

§ 240-7. Conformance to Laws

No rental license shall be issued or renewed unless the rental property and its premises conform to the Code of Ordinances of Newburgh and the laws of the State of New York.

§ 240-8. License not Transferable.

No rental license shall be transferable to another person or to another rental property. Every person holding a rental license shall give notice in writing to the municipal officer within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any

licensed rental property. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental property.

§ 240-9. Required Postings.

- A. Every licensee of a rental property with more than four units shall conspicuously post the current rental license certificate in the main entryway or other conspicuous location. For rental properties of four or fewer units, the licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
- B. The City's trash and refuse policies and procedures and alternate-side street parking regulations shall be conspicuously posted in the main entryway or other conspicuous location. For rental properties with only one dwelling unit or with no common entryway, the owner must provide a copy of these policies, procedures, and regulations with the tenant's copy of the executed lease agreement.

§ 240-10. Occupancy Register Required.

- A. Every owner of a licensed rental property shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:
 - 1. Dwelling unit address.
 - 2. Number of bedrooms in dwelling unit and the maximum number of occupants.
 - 3. Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
 - 4. Dates renters occupied and vacated dwelling units.
 - 5. A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
 - 6. A similar chronological list of all corrections made in response to such requests and complaints.
- B. Such register shall be made available for viewing or copying by the municipal officer at all reasonable times.
- C. The property owner may request a pre-rental inspection of a unit prior to placing tenants and obtain a certificate of compliance stating that the apartment is compliance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code applicable city and state property maintenance codes. The cost of this inspection shall be included with license fee.

§ 240-11. Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this ordinance.

§ 240-12. Enforcement.

- A. The City of Newburgh shall have a choice of enforcing this chapter as provided in § 1-12 of the Code of Ordinances of the City of Newburgh by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.
- B. A designated managing agent of an owner may be served with a notice of violation, order to remedy, an appearance ticket, or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.
- C. No owner who designates a managing agent pursuant to the provisions of this chapter may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process on his designated agent.
- D. Any owner who fails to register a rental property under the provisions of this ordinance shall be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.
- E. The municipal official may revoke a rental license or approval issued under the provisions of this chapter upon application of the Corporation Counsel for any of the following reasons:
 - 1. Any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;
 - 2. The rental license was issued in error and should not have been issued in accordance with applicable law;
 - 3. Failure to maintain the necessary requirements as outlined in this chapter, or occurrence of unlawful activities at or about the premises;
 - 4. Fighting or violent, tumultuous or threatening behavior by any occupant of the premises;
 - 5. Unreasonable noise from the premises on a regular basis;
 - 6. Repeated calls to the police for disturbances and/or disputes at the premises;
 - 7. Obstruction of vehicular or pedestrian traffic due to vehicles from or at the premises;
 - 8. Hazardous or physically offensive conditions created by an act of an occupant or owner of the premises; or
 - 9. Existing violations on the premises of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code; or
 - 10. Condemnation of the building or after a fire resulting in structural damage.
- F. Such revocation shall take place after notice to the applicant and opportunity for the applicant to be heard by the municipal officer.
- G. No fees, as provided in Chapter 163, shall be refunded after the revocation of a rental license.

§ 240-13. Penalties for offenses.

- A. If the City of Newburgh chooses to enforce this chapter through a criminal proceeding, any person who violates or fails to comply with any provisions of this ordinance or of the rules and

regulations issued hereunder or who violates or fails to comply with any order made thereunder shall be fined up to \$500 and/or 30 days in jail.

- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense and so subject the owner to an additional fine of up to \$500 and/or additional jail sentences of up to 30 days in jail.
- H. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- I. For purposes of this section, failure to file a rental property statement within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later, or within 10 days of receipt of notice by the municipality; failure to provide correct information on the rental property statement; and failure to comply with the provisions of §240-3, 4, 5, 9, and 10 of this Chapter or such matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this ordinance.

§ 240-14 Effective Date.

This ordinance shall become effective upon publication as provided by law.

§ 240-15 Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

SECTION 2. This ordinance shall take effect on _____, 2017.

ORDINANCE NO.: _____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH TO ENACT ARTICLE II ENTITLED "TENANT RESPONSIBILITIES"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 240, Rental Properties be and is hereby amended to enact Article II, Tenant Responsibilities to read as follows:

SECTION 1: Article II. Tenant Responsibility for Maintenance of Rental Property

§ 240-16. General requirements.

Tenants of rental property shall maintain the rented premises in conformance with the following standards. Tenants shall only be responsible for conditions that he or she actually caused.

§ 240-17. Common, public or open areas.

- A. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage. Structural repairs are the responsibility of the property owner.
- B. Yards, courts and vacant lots shall be kept clean and free of hazards.
- C. Open fires shall not be permitted, unless authorized and approved pursuant to the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code and any applicable fire prevention code and in conformity with state air pollution control regulations.

§ 240-18. Buildings and structures.

- A. Floors, walls, including windows and doors, ceilings and other interior surfaces within the rental property shall be maintained in clean and sanitary condition in accordance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code so as not to attract insect, vermin and rodent harborage and infestation.
- B. Extension cords. Electrical extension cords shall be used only in conformance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code. If extension cords must be used, they must

be used on a temporary basis only; properly sized for the use; must not cross any pathways, or be placed under carpets or rugs. They also should not be a tripping hazard.

C. Electrical.

1. Tenants who are not licensed electricians shall not do any electrical work and shall not permit third parties who are not licensed electricians to do such electrical work. Tampering with any electrical wiring in any way is prohibited.
2. Tenants or third parties who are licensed electricians must obtain proper permits before commencing and completing any work.
3. Electrical light fixtures and other heat-generating appliances shall not be covered with fabric or other combustible material.

D. External decorative lighting, including but not limited to holiday lighting, shall not be hung by tacks or nails in such a manner as to create a fire hazard.

E. Excessive amounts of loose fabric when used as a wall or ceiling covering is a fire hazard and is not permitted.

F. Tenants may not store or place anything in such a way that it might block or prevent the use of a means of exiting from a room, rooming unit, dwelling unit or building. Items should not be stored by tenants in unfinished areas of buildings (cellars, attics, etc.), which could contribute to combustion in a fire or block access by emergency personnel. (i.e., mattresses, old boxes, lumber, clothes, etc.).

G. Fire escapes shall not be used for storage and shall be kept clear to allow for immediate egress from a room, rooming unit, dwelling unit or building.

H. Tenants shall not store combustible or flammable liquids and/or flammable gasses in their dwelling unit or rooming unit, or in accessory buildings, except in sealed, approved containers.

I. Flammable and combustible liquids and/or gasses shall not be stored in hallways, exits, stairways or areas normally used for the safe passage of people.

J. Unfinished areas of buildings, such as cellars or attics, shall not be used for any activities whatsoever other than for utility purposes.

K. Rugs or carpet shall not be installed in such a way as to obstruct the smooth opening or closing of any doors.

L. Cooking and refrigeration appliances, kitchens, and bathrooms must be kept in a clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

M. Food garbage shall not be stored on premises in such a way or for such a period of time so as to become a health hazard.

§ 240-19. Infestation and harborages.

Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. The accumulation and/or storage of materials that may provide harborage or serve as food for rodents or other vermin in a site accessible to such rodents or vermin is prohibited.

§ 240-20. Garbage and refuse.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse within rental property. Storage containers within rental property shall be of an approved flame-resistant material.
- B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.
- C. Tenants should not place loose bags of garbage and or recyclables outside the building or in a garage area and shall comply with the waste collection regulations as prescribed by Chapter 183 of the City Code of Ordinances.
- D. Tenants shall not store or leave interior furniture outdoors except for disposal in accordance with Chapter 183 of the City Code of Ordinances and applicable rules and regulations of the Department of Public Works.

§ 240-21. Junk.

- A. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.
- B. Junked vehicles, unregistered vehicles, equipment and materials shall not be stored in common, shared and/or open areas of premises.

§ 240-22. Domestic animals and pets.

Domestic animals and pets shall be kept in an appropriate manner in accordance with Chapter 150 of the City Code of Ordinances. Any tenant having ownership, custody or control of a dog or other domesticated companion or working animal shall be responsible for promptly picking up, collecting and disposing of any and all waste products of such animal in a sanitary manner.

§ 240-23. Smoke detectors; carbon monoxide detectors; fire extinguishers; sprinkler systems.

- A. Smoke detectors and carbon monoxide detectors shall not be removed, damaged or disabled in any way. Smoke and carbon monoxide detectors shall not be disabled by the tenant(s).
- B. The detectors shall not be disconnected from a power source or rendered inoperable in any way. Tenants shall not remove batteries in smoke detectors or carbon monoxide detectors located in a rental property.
- C. It shall be the duty of the tenant(s) of any rental property to keep and maintain such detectors located within their dwelling unit, or sleeping room, in good repair and operable condition and to notify the property owner to replace any and all devices which are stolen, removed, missing or rendered inoperable during their tenancy of such dwelling unit with an identical device or an equivalent device, as approved by the owner.

- D. Fire extinguishers shall not be used for any purpose other than that for which they were designed. Tenant shall notify the Fire Department upon discharging a fire extinguisher to extinguish a fire.
- E. Tampering with sprinkler systems in any way and hanging items from sprinkler systems and sprinkler equipment is prohibited.

§ 240-24. Exits; hardware for doors.

- A. Prohibited locking devices. No hasp, lock, padlock, bar, chain or other device, which is openable only from the exterior, shall be installed by a tenant(s) on any door, which is used or intended to be used, as a means of egress.
- B. Locking devices required.
 - 1. It is the responsibility of all property owners to ensure that exit doors from dwelling units, and doors from bedrooms, sleeping rooms or lodging units which are located within dwelling units, rooming or boarding houses, in which three or more unrelated individuals reside, shall be equipped with a locking device which is securable by means of a key from the outside and which is provided, on the inside, with a simple type of releasing device, such as a knob, handle or panic bar, the method of operation of which is obvious, even in darkness. No tenant shall remove and/or disable said locking devices.
 - 2. It is the responsibility of all property owners to ensure that all openable windows located within 10 feet, measured vertically, or within six feet, measured horizontally, of ground level, or of exterior balconies, porches, stairs, fire escapes, railings, roof surfaces or any other accessible structure, shall be equipped with sash locks designed to be openable from the inside only. Sash locks shall be easily openable without the use of keys and be maintained in good repair. No tenant shall remove and/or disable said sash locks.
- C. Self-closing doors shall not be blocked in the open position, and automatic doors shall not be removed.
- D. Tampering with exit lights and exit signs is prohibited. If exit lights are out or malfunctioning, the property owner must be notified.

§ 240-25. Violations and enforcement.

- A. Whenever the municipal officer finds that there has been a violation of these standards, the municipal officer shall issue a notice of violation to the person or persons responsible. The order shall:
 - 1. Be in writing.
 - 2. Identify the premises.(3)
 - 3. Specify the violation and remedial action to be taken.
 - 4. Provide a reasonable time limit for compliance.
 - 5. State the time within which an appeal may be taken.
 - 6. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the

time limit specified in the order, the City may remedy the violation in accordance with Chapter 126 and Chapter 226 of the City Code of Ordinances.

- B. A notice of violation and order may be served as follows:
1. By personal service upon the tenant(s).
 2. By posting a copy thereof on the door of the tenant(s) premises, or if access thereto is denied, by posting a copy thereof on the outside door of the building and mailing a copy to the tenant(s) in a postpaid wrapper addressed to the tenant(s).
- C. In case the tenant(s) shall fail, neglect or refuse to remove, eliminate or abate the violation, or in the case that the owner, lessor or agent fails to cause the tenant(s) to remove the violation within the time specified, the municipal officer shall forward the notice of violation to the Corporation Counsel who shall prosecute same as provided herein.
- D. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the City may remedy the violation in accordance with Chapter 126 and Chapter 226 of the City Code of Ordinances.

§ 240-26. Penalties for offenses.

Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed \$250 or a term of imprisonment not to exceed 15 days or both. Each day that a violation continues shall be deemed a separate offense and so subject the occupant to an additional penalty as provided above.

§ 240-27. Violations constitute substantial obligation of tenancy.

Unless otherwise provided for by state or federal law or the provisions of a lease, the compliance with the provisions of this chapter shall constitute a substantial obligation of every residential tenancy and the violation thereof shall be grounds for termination of the tenancy.

SECTION 2. This ordinance shall take effect on _____, 2017.

ORDINANCE NO.: _____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 163 ENTITLED "FEES"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

Code Section	Type of Fee	Amount
Chapter 240, Rental Properties		
§ 240-3	Rental License Application and Renewal	

A non-refundable annual permit application fee shall be paid, upon filing an application for a rental license or for a renewal rental license in accordance with the following schedule of rental dwelling units per structure:

Type of Dwelling	Fee
One dwelling unit	\$150.00
Two dwelling units	\$250.00
Three dwelling units	\$350.00
Four dwelling units	\$450.00
Five to ten dwelling units	\$750.00
11 to 50 dwelling units	\$1,500.00
51 to 100 dwelling units	\$2,000.00
101 to 200 dwelling units	\$2,500.00
Over 200 dwelling units	\$5,000.00

Number of Dwelling Units	Fee per unit
1 to 2 dwelling units	\$95.00 per unit
3 to 5 dwelling units	\$80.00 per unit
6 to 9 dwelling units	\$66.50 per unit

Underlining denotes additions
~~Strikethrough~~ denotes deletions

<u>10 to 11 dwelling units</u>	<u>\$62.00 per unit</u>
<u>12 to 14 dwelling units</u>	<u>\$55.00 per unit</u>
<u>15 to 20 dwelling units</u>	<u>\$50.00 per unit</u>
<u>21 or more dwelling units</u>	<u>\$39.50 per unit</u>

Section 2. This ordinance shall take effect on _____, 2017.

DRAFT

Underlining denotes additions
~~Strikethrough~~ denotes deletions

City of Newburgh
Rental Registry Summary
Proposed New Rate Structure
Fee by # of Units

Type Dwelling	# of Building Types	Total # of rental units	Total Cost for Inspections	Recommended Change to Unit		Potential Revenue from Current Structure		Variance to Total Estimated Costs	
				Fee					
1-2 Dwelling Units	3,306	4,297	403,848	\$ 95.00	\$	408,215		(4,366.87)	-1.08%
3-5 Dwelling Units	673	2,231	177,987	\$ 80.00	\$	178,480		(492.69)	-0.28%
6-9 Dwelling Units	68	455	30,245	\$ 66.50	\$	30,258		(12.65)	-0.04%
10 Dwelling Units	3	30	1,839	\$ 62.00	\$	1,860		(20.93)	-1.14%
12-13 Dwelling Units	3	37	2,019	\$ 55.00	\$	2,035		(16.03)	-0.79%
15-20 Dwelling Units	4	70	3,460	\$ 50.00	\$	3,500		(39.51)	-1.14%
20+ Dwelling Units	14	1,526	59,920	\$ 39.50	\$	60,277		(357.37)	-0.60%
Proposed New Rate Structure Totals	4,071	8,646	\$ 679,318			684,625		(5,306)	-0.78%

ORDINANCE NO.: 1 - 2017

OF

FEBRUARY 13, 2017

**AN ORDINANCE AMENDING SECTION 248-32
ENTITLED "LIMITATIONS ON WASTEWATER STRENGTH"
OF THE CODE OF THE CITY OF NEWBURGH TO
DECREASE THE ALLOWABLE pH LEVEL FROM 10.5 TO 9.0 FOR DISCHARGES
INTO
THE WASTEWATER COLLECTION AND TREATMENT SYSTEM**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 248-32, entitled "Limitations on Wastewater Strength" within the Code of the City of Newburgh be and is hereby amended to read as follows:

Section 1. § 248-32. Limitations on wastewater strength.

B. No person shall discharge any wastewater:

(1) Having a temperature which will inhibit biological activity in the publicly owned treatment works resulting in interference, but in no case wastewater with a temperature at the introduction into the publicly owned treatment works which exceeds 114° F. (45.5° C.).

(2) Containing more than 100 milligrams per liter of oil or grease.

(3) Having a pH lower than 5.5 or higher than 9.0 ~~10.5~~.

(4) Containing in excess of one milligram per liter phenolic compounds which cannot be removed by the City's wastewater treatment process.

Section 2. This ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

Chapter 248. Sewers

Article III. Wastewater Discharge

§ 248-32. Limitations on wastewater strength.

- A. No person shall discharge any wastewater containing material such as arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, chromium, zinc and similar toxic substances, either in soluble or suspended solid form, in concentrations higher than those achieved in appropriate pretreatment facilities approved by the City.
- B. No person shall discharge any wastewater:
- (1) Having a temperature which will inhibit biological activity in the publicly owned treatment works resulting in interference, but in no case wastewater with a temperature at the introduction into the publicly owned treatment works which exceeds 114° F. (45.5° C.).
[Amended 2-13-1996 by Ord. No. 3-96]
 - (2) Containing more than 100 milligrams per liter of oil or grease.
 - (3) Having a pH lower than 5.5 or higher than ~~10.5~~.
[Amended 9-24-2012 by Ord. No. 6-2012]
 - (4) ~~Containing in excess of one milligram per liter of phenolic compounds which cannot be removed by the City's wastewater treatment process.~~
[1] *Editor's Note: Former Subsection B(4), dealing with identifiable chlorinated hydrocarbons, was repealed 8-8-1994 by Ord. No. 16-94. This ordinance also provided for the renumbering of former Subsection B(5) as B(4).*
- C. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this article. Under Section 307(b) of the Act, federal pretreatment standards are designed to achieve two purposes: to protect the operation of publicly owned treatment works and to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines issued under Section 304(b) of the Act which are discharging works are required to adopt the best practicable control technology currently available, as defined by the Administrator pursuant to Section 304(b) of the Act.
[Amended 6-11-1984]

**JMorris
Line**

Change from 10.5 down to 9.0

RESOLUTION NO.: 31 - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE AWARD OF A BID AND
THE EXECUTION OF A CONTRACT WITH REGAL UTILITY SERVICES, INC.
FOR THE COMBINED SEWER OUTFALL NO. 12 RECONSTRUCTION PROJECT
AT A BID COST OF \$224,519.00**

WHEREAS, the City of Newburgh has duly advertised for bids for the Combined Sewer Outfall No. 12 Reconstruction Project; and

WHEREAS, five (5) bids were duly received and opened and Regal Utility Services, Inc. is the lowest responsible bidder; and

WHEREAS, funding for such project shall be derived from HG1.8130.0208.8119.2016;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the Combined Sewer Outfall No. 12 Reconstruction Project be and it hereby is awarded to Regal Utility Services, Inc., for the bid amount of \$224,519.00, and that the City Manager be and he is hereby authorized to enter into a contract, including terms and conditions as may be required by the Corporation Counsel and City Engineer, for such work in this amount.

BID FORM

Project Identification: CSO No. 12 Reconstruction

Contract Identification And Number: Bid No. 13.16

Submitted To: City of Newburgh

83 Broadway - 4th Floor Newburgh, NY 12550

Attn: Kathryn Mack, Acting City Comptroller

- 1 The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
- 2 BIDDER accepts all of the terms and conditions of the Advertisement or Notice to Bidders and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for forty-five (45) days after the day of Bid opening. BIDDER will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen (15) days after the date of OWNER's Notice of Award.
- 3 In submitting this Bid, BIDDER represents as more fully set forth in the Agreement, that:
 - a. BIDDER has examined and carefully studied the Bid Documents and the following Addenda receipt of all which is hereby acknowledged:

List Addenda by Addendum Number and Date:

Addendum #1 11/22/16, Addendum #2 12/1/16

40

- b. BIDDER has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, and furnishing of the Work.
- c. BIDDER is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- d. BIDDER has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except underground facilities) which have been provided in paragraph 4.2 of the General Conditions. BIDDER accepts the determination set forth in paragraph 4.2 of the General Conditions of the extent of the "technical data" contained in such reports and drawings upon which BIDDER is entitled to rely as provided in paragraph 4.2 of the General Conditions. BIDDER acknowledges that such reports and drawings are not Contract Documents and may not be complete for BIDDER's purposes. BIDDER acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to underground facilities at or contiguous to the site. BIDDER has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and underground facilities) at or contiguous to the site or otherwise which may affect cost progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by BIDDER and safety precautions and programs incident thereto. BIDDER does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of this Bid for performance and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- e. BIDDER is aware of the general nature of Work to be performed by OWNER and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- f. BIDDER has correlated the information known to BIDDER, information and observation obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

- g. BIDDER has given OWNER written notice of all conflicts, errors, ambiguities or discrepancies that BIDDER has discovered in the Contract Documents and the written resolution thereof by OWNER is acceptable to BIDDER, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- h. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other BIDDER or over OWNER.
- i. Any other representation required by Laws and Regulations.

4 BIDDER will complete the Work in accordance with the Contract Documents for the following price(s):

LUMP SUM BID PRICE:

Two hundred twenty four thousand, five hundred nineteen
thousand dollars Text and zero cents Numerical \$ 224,519

All specific cash allowances are included in price(s) set forth above and have been computed in accordance with paragraph 11.8 of the General Conditions.

5 BIDDER agrees that the Work will be substantially completed and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.

BIDDER accepts the provisions of the Agreement as to liquidate damages in the event of failure to complete the Work within the times specified in the Agreement.

6 The following documents are attached to and made a condition of this Bid:

- a. Resolution of Board of Directors
- b. Non-Collusion Form
- c. Required Bid Security in the form of bid bond or certified bank check
- d. Required BIDDER's Qualification Statement with supporting data
- e. Affidavit of Worker's Compensation
- f. Iranian Energy Sector Divestment

7 Communications concerning this Bid shall be addressed to, the address of BIDDER indicated below:

Regal Utility Services, Inc.
30 Greenwood Lake Turnpike
Briarwood, N.J. 07436

8 Terms used in this Bid which are defined in the General Conditions or Instructions will have the meanings indicated in the General Conditions or Instructions.

SUBMITTED on: December 16th 2016
Month Day Year

State Contractor License No.: _____

Unofficial Bid Tabulation

City of Newburgh, NY

Project: CSO No. 12 Reconstruction - Bid #13.16

Bid Opening: Friday, December 16, 2016 @ 11:00 AM (Local Time)

Public Opening: Began at 11:06 AM Closed at 11:24 AM

Present from City: Kathryn Nivins, City Comptroller
Chad Wade, Assistant City Engineer
Elizabeth Garrison, Administrative Assistant

Contractors Present: Janet, McNamee Construction
Frank, Regal Utility Services
Joe, Montana Construction

BIDDER NAME	Lump Sum Bid Price
Coyle Industries	\$292,000.00
McNamee Construction	\$731,057.00
Regal Utility Services	\$224,519.00
Sun Up Enterprises	\$476,780.00
Montana Construction	\$871,000.00
Strategic Project Solutions	No Bid

RESOLUTION NO.: ³²_____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A
SEWAGE POLLUTION RIGHT TO KNOW PROGRAM GRANT FROM
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
IN AN AMOUNT NOT TO EXCEED \$33,300.00**

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) has made available local assistance funding to assist communities with the detection, monitoring and reporting of Combined Sewer Overflows in fulfilling the requirements of the Sewage Pollution Right to Know Law; and

WHEREAS, the City of Newburgh has applied for and been awarded funding in an amount not to exceed \$33,300.00 under the Sewage Pollution Right to Know Program; and

WHEREAS, this Council has determined that applying for and accepting a Sewage Pollution Right to Know Program Grant in an amount not to exceed \$33,300.00 is in the best interests of the City of Newburgh and its residents;

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 a New York State Department of Environmental Conservation Sewage Pollution Right to Know Program Grant in an amount not to exceed \$33,300.00; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

RESOLUTION NO.: _____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A
SEWAGE POLLUTION RIGHT TO KNOW PROGRAM GRANT FROM
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
IN AN AMOUNT NOT TO EXCEED \$33,300.00**

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) has made available local assistance funding to assist communities with the detection, monitoring and reporting of Combined Sewer Overflows in fulfilling the requirements of the Sewage Pollution Right to Know Law; and

WHEREAS, the City of Newburgh has applied for and been awarded funding in an amount not to exceed \$33,300.00 under the Sewage Pollution Right to Know Program; and

WHEREAS, this Council has determined that applying for and accepting a Sewage Pollution Right to Know Program Grant in an amount not to exceed \$33,300.00 is in the best interests of the City of Newburgh and its residents;

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 a New York State Department of Environmental Conservation Sewage Pollution Right to Know Program Grant in an amount not to exceed \$33,300.00; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
625 Broadway, 14th Floor, Albany, New York 12233-1010
P: (518) 402-8545 | F: (518) 402-8541
www.dec.ny.gov

DEC 09 2016

Ms. Helen Reilly
City of Newburgh
83 Broadway
Newburgh, NY 12550

Re: Sewage Pollution Right to Know Grant Application # DEC01-CSOR1-2016-00015

Dear Ms. Reilly:

Congratulations! We are pleased to inform you that the City of Newburgh project has been selected to receive up to \$33,300 through the Sewage Pollution Right to Know (SPRTK) program. The New York State Department of Environmental Conservation (Department) made up to \$500,000 of local assistance funding available to assist communities with the detection, monitoring and reporting of Combined Sewer Overflows (CSOs) to help fulfill the reporting requirements of the Sewage Pollution Right to Know Law.

A contract for your award will be completed in the Grants Gateway system. We will be reaching out to you shortly to provide you with additional information that will assist in getting a contract in place, and look forward to working with you on this important water quality project. On behalf of our partners at the federal, state, and local levels of government, please accept our gratitude for taking the initiative to participate in this program. If you should have any questions, please contact the Department staff at user.water@dec.ny.gov or call 518-402-8179.

Sincerely,



Basil Seggos
Commissioner



Department of
Environmental
Conservation

RESOLUTION NO.: 33 - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AMENDING RESOLUTION NOS. 103-2016, 265-2016 AND 3-2017
TO REVISE THE TERMS OF SALE FOR THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 70 LIBERTY STREET WH (SECTION 48, BLOCK 5, LOT 35)
AT PRIVATE SALE TO LAMONT STAPLES**

WHEREAS, by Resolution No.: 103-2016 of April 25, 2016, the Council of the City of Newburgh, New York, authorized the sale of 70 Liberty Street WH (Section 48, Block 5, Lot 35) to Lamont Staples; and

WHEREAS, the City Manager granted the sixty (60) day allotted extension to close title on said premises on or before September 22, 2016; and

WHEREAS, by Resolution No.: 265-2016 of October 11, 2016, the City Council authorized an extension to close on or before December 31, 2016; and

WHEREAS, by Resolution No.: 3-2017 of January 9, 2017, the City Council authorized a further extension to close on or before March 31, 2017; and

WHEREAS, in order to complete the mortgage financing to become an owner-occupant, an amendment to Term of Sale No. _____ is necessary; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Terms of Sale be amended as hereinafter provided and the sale of the property is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of \$_____ in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before March 31, 2017; and

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

70 Liberty Street WH, City of Newburgh (48-5-35)

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 2015-2016**, 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 2015-2016, 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 lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcel 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 **March 31, 2017**. *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. **The purchaser warrants that he is in possession of the parcel and shall remain in possession as tenant until a closing of title occurs as set forth herein. As tenant, purchaser pays rent in monthly installments of \$1,200.00 per month. Rental Payments for December 2016, January 2017 and February 2017 paid by purchaser pursuant to these Terms and Conditions of Sale shall be credited against the purchase price on purchaser's account.**
13. 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.
14. 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.
15. 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.**

16. 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.
17. 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.
18. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
19. 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.: ³⁴_____ -2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION IN CONNECTION WITH A MORTGAGE ISSUED TO THELMA
SCOTT FOR PREMISES LOCATED AT 317 GRAND STREET (SECTION 10, BLOCK
1, LOT 4)
OWNED BY IRENE SCOTT-BETHEA AND ANTHONY BETHEA**

WHEREAS, Thelma Scott executed a 10-year bond and mortgage to the Newburgh Community Development Agency ("NCDA") in the amount of Twenty Thousand (\$20,000.00) Dollars on November 27, 2002 ("Mortgage Loan") for improvements to property located at 317 Grand Street; and

WHEREAS, Thelma Scott is deceased and her daughter, Irene Scott-Bethea, and Anthony Bethea are the current owners of the mortgaged property; and

WHEREAS, by Resolution No. 4-2010 of May 10, 2010, the NCDA authorized the Chairman to execute a Modification, Extension and Subordination Agreement of the Mortgage Loan to be in second mortgage position behind a bank loan to be in first mortgage position, such loan to be reduced to Nine Thousand (\$9,000.00) Dollars, with Fifty-Seven (57) remaining monthly payments of One Hundred Thirty-Nine and 43/100 (\$139.43) Dollars each due for the months of June 2010 through February 2015; and

WHEREAS, by Resolution No.: 105-2010 of May 10, 2010, the City Council authorized the acceptance and assumption of all the assets and liabilities of the NCDA, all without consideration, pursuant to Section 554(19) of the General Municipal Law and further authorized the Acting City Manager to execute and accept delivery of any and all deeds, assignments, instruments, agreements, and any and all other necessary documents to effect such acceptance and assumption by the City; and

WHEREAS, by an Assignment and Assumption of Mortgage Without Covenant between the NCDA f/k/a the Newburgh Urban Renewal Agency to the City of Newburgh, executed on November 15, 2010, and recorded in the Orange County Clerk's Office on November 22, 2010, included a mortgage issued to Thelma Scott for premises located at 317 Grand Street (Section 10, Block 1, Lot 4); and

WHEREAS, the terms of the mortgage instrument as set forth in the Modification, Extension and Subordination Agreement have been satisfied, and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

WHEREAS, this Council has determined that executing said Satisfaction is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Thelma Scott for premises located at 317 Grand Street (Section 10, Block 1, Lot 4).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, as Successor in Interest to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following mortgage is paid, and does hereby consent that the same be discharged of record:

MORTGAGE bearing the date of November 27, 2002, made by Thelma Scott to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency, given to secure payment of the principal sum of \$20,000.00, and duly recorded in the office of the Orange County Clerk's Office on July 21, 2003 in Liber 11123 at page 1049; and

further described in Assignment and Assumption of Mortgage Without Covenant from the Newburgh Community Development Agency formerly known as the Newburgh Urban Renewal Agency to the City of Newburgh, dated the 15th day of November in the year 2010, and recorded on the 22nd day of November in the year 2010, in Book 13085 Page 0851.

Dated: February _____, 2017

CITY OF NEWBURGH

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

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

On the _____ day of February, 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 person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

Irene Scott Bethea and Anthony Bethea
217 Grand Street
Newburgh, NY 12550

RESOLUTION NO.: ³⁵_____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 140 CHAMBERS STREET (SECTION 18, BLOCK 5, LOT 27)
AT PRIVATE SALE TO CESAR AVELLANEDA FOR THE AMOUNT OF \$4,600.00**

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 140 Chambers Street, being more accurately described as Section 18, Block 5, Lot 27 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 May 15, 2017, being 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>
-------------------------	----------------------------	------------------	-----------------------

140 Chambers Street	18 – 5 – 27	Cesar Avellaneda	\$4,600.00
---------------------	-------------	------------------	------------

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

140 Chambers Street, City of Newburgh (18-5-27)

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 2016-2017, 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 2016-2017, 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 lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance with same.
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 May 15, 2017. *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.: ³⁶_____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND
ACCEPT IF AWARDED A HUDSON RIVER VALLEY GREENWAY GRANT
IN AN AMOUNT NOT TO EXCEED \$8,080.00 FOR MATERIALS TO EXTEND
THE COMPLETE STREETS DEMONSTRATION PROJECT**

WHEREAS, the City of Newburgh wishes to apply to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled Complete Streets Demonstration Project Phase II to be located in the City of Newburgh; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located; and

WHEREAS the City intends to request a grant award in the amount of Eight Thousand Eighty (\$8,080.00) Dollars with a match of in-kind staff hours; and

WHEREAS, if awarded, the funding will be used to extend the Complete Streets Demonstration Project along Grand Street especially near the Library and Orange County Community College, in conjunction with the Boys and Girls Club Team Council; at the existing pedestrian crossing on upper Broadway in the 460 Block, near the Post Office; and including materials to facilitate private investors following our Complete Streets guidelines; and

WHEREAS, this Council has determined that making such application and accepting such funds if awarded is in the best interests of the City of Newburgh and its further development;

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 apply for and accept if awarded a Hudson River Valley Greenway Grant in an amount not to exceed \$8,080.00 for material to extend the Complete Streets Demonstration Project in the City of Newburgh; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the project funded thereby.



Hudson River Valley Greenway

BARNABAS MCHENRY
Chairman
Greenway Council

SARA GRIFFEN
Acting Chair
Greenway Conservancy

MARK CASTIGLIONE
Acting Executive Director

Guidelines for the Hudson River Valley Greenway Grant Program

A. Background:

The Hudson River Valley Greenway was established by New York State through the Greenway Act of 1991. Since then, the Greenway has been committed to the preservation, enhancement and development of the world-renowned scenic, natural, historic, cultural and recreational resources of the Hudson River Valley while supporting consistent with economic development goals and the tradition of municipal home rule.

The Greenway administers a grant program to help “Greenway Communities” and participating Greenway Compact Communities achieve these shared goals.

One of the major objectives of the Greenway Act is the development and implementation of a regional planning strategy known as the Greenway Compact. The Greenway Compact planning approach is one of thinking regionally as communities plan locally. It includes physical connections and linkages between communities for local and regional benefit. Additionally, it extends beyond physical linkages to encourage voluntary regional cooperation among the communities and counties of the Hudson River Valley to address issues of collective concern and promote mutually beneficial regional approaches. The Greenway Compact program facilitates a coordinated regional planning process for voluntary cooperation in support of the five Greenway Criteria.

The five **Greenway criteria** include:

Natural and Cultural Resource Protection – Protect, preserve, and enhance natural resources, including natural communities, open spaces, cultural and historic resources, scenic roads and scenic areas.

Regional Planning – Working together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development, public access and heritage and environmental education.

Economic Development – Encourage economic development compatible with the preservation and enhancement of natural and cultural resources including agriculture, tourism, and the revitalization of established community centers and waterfronts.

Public Access – Promote increased public access to the Hudson River through the creation of riverside parks and the development of the Hudson River Valley Greenway Trail System.

Heritage and Environmental Education – Promote awareness among residents and visitors about the Valley’s natural, cultural, scenic and historic resources.



Hudson River Valley Greenway

The Greenway has designated the counties as the basic planning areas for the development of the Greenway Compact. Counties may initiate the development of a county-level Greenway Compact Plan, which makes recommendations and outlines best practices for incorporating Greenway principles into local land use planning. Municipalities can voluntarily choose to “opt-in” to their county’s Greenway Compact Plan by incorporating its principles into their land use regulations, thereby demonstrating their commitment to the shared values embodied within the Compact Plan. Through adoption of a Greenway Compact Plan, a municipality is thereby considered a participating Greenway Compact Community, and eligible for increased Greenway project funding.

B. Grant Eligibility Guidelines

Municipalities must be located within the geographic area of the Greenway in order to be eligible. The Greenway area includes all of the municipalities within these counties: Albany, Columbia, Dutchess, Orange, Putnam, Rensselaer, Rockland, Saratoga, Ulster, Washington, Westchester, municipalities in Greene County outside of the Catskill Park; and those portions of New York and Bronx counties adjacent to the Hudson River and within the city’s local waterfront revitalization program area pursuant to Executive Law Article 42. To determine if your community is a Greenway Community, please reference [this map](#) or contact the Greenway office: (518) 473-3835, hrvq@hudsongreenway.ny.gov.

1. Greenway Communities Grant Eligibility Guidelines:

This grant program is open to municipalities that are within the designated Greenway area and have adopted a local board resolution to become a designated “Greenway Community.” The resolution demonstrates that the community supports the **Greenway Criteria** and the voluntary process for the development of the Greenway Compact. A sample resolution is available in part F of this application.

2. Greenway Compact Communities Grant Eligibility Guidelines

Communities that have adopted an approved Greenway Compact Plan are eligible for increased grant funding and additional benefits under this program. In addition to the requirements for the Greenway Communities Grant Program, municipalities must be a participating community in a Greenway Compact Plan. To become a Greenway Compact Community, a community must pass a local law adopting an approved Greenway Compact Plan. For more information on the Greenway Compact, please [click here](#). Additional guidelines for the Greenway Compact Grant Program are provided in part E of this application.

C. Funding and Application Guidelines

Greenway Grant Categories: Greenway Community Grants and Greenway Compact Grants

Greenway Community Grants are open to “Greenway Communities.” Greenway Compact Grants are open to participating Greenway Compact Communities. See eligibility guidelines for additional information.

Applicants will be allowed a conference period with Greenway staff up to the grant deadline. This period will allow applicants to ask staff for feedback and input on the grant project and application. Applicants are strongly encouraged to contact the Greenway prior to submitting an application to discuss proposed projects.



Hudson River Valley Greenway

Greenway Communities can undertake a variety of projects under this program that are consistent with the Greenway criteria or advance the Greenway compact. The following list of projects is intended to provide only general guidance for applicants:

- **Community/Regional Planning:** Comprehensive plans, zoning and subdivision ordinances, site plans
- **Economic Development:** Tourism, agriculture protection plans and techniques, main street and waterfront revitalization plans and implementation techniques
- **Natural Resource Protection:** Natural resource inventories and management plans, critical environmental area designations, natural resource protection ordinances
- **Cultural Resource Protection** (Cultural resource inventories, historic preservation plans/ordinances)
- **Scenic Resource Protection** (Viewshed analysis, scenic impact review guidelines, scenic road protection, development of scenic easement programs)
- **Open Space Protection** (Open space inventories, comprehensive open space, recreation and trails plans, development of conservation easement programs, transfer of development rights ordinances)

Funding Range: Requests for Greenway funds typically range from \$5,000—\$10,000. Intermunicipal collaboration projects that involve two or more municipalities will be considered for funding in excess of \$10,000.

Applicants must complete existing Greenway Communities or Greenway Compact Grant projects or rescind funds previously awarded before being eligible to receive new funding through this grant program.

Match Requirement: This is a matching funds program requiring “dollar for dollar” match of funds awarded. Greenway grant assistance toward the cost of the projects shall not exceed 50% of the approved project's cost. After the grant award is made, the Greenway shall not be responsible for cost-sharing any increases in the total cost of the project. Federal and State funds are eligible to be used as match. Local match may be provided as in-kind services or other non-monetary contributions. Mileage is not reimbursable but may be used for local match.

Eligible Expenses: Expenses eligible for reimbursement include, but are not limited to:

- Local staff time for work on compact development, including attendance at public meetings or staff-level meetings. Mileage for staff attendance at public meetings is **not** eligible for reimbursement, but is permitted to be used as part of the local match.
- Printing, production costs and/or informational material related to the compact document.
- Professional consulting services.

Payment: Greenway grant funds are provided on a reimbursement basis; advance funds are not provided. Successful applicants must document project expenditures, the required match, and submit a [New York State Claim for Payment form](#) to receive funds. If a project involves the development of a plan or similar product, final payment of funding will not be made until the plan is completed in final form and adopted by the governing body of the relevant municipality. The Greenway cannot reimburse for any work undertaken prior to the grant award date or after the contract term.

Timetable: A work program for each phase of funding, with projected costs and an estimated timeline for completion, must be submitted and approved by the Greenway Council Board prior to the awarding of any



Hudson River Valley Greenway

grant funding. Once the grant is awarded, a project agreement (including a budget, performance timeline and scope of work) will be formalized between the Greenway and the applicant.

Acknowledgement: All final reports, images, signs, maps or other final products are required to note the financial contribution of the Greenway, and the Greenway logo shall be displayed on all final products. The logo will be provided upon request. Drafts of any displays, signs, or publications must be submitted to the Greenway before final production.

D. Evaluation Guidelines:

This is a competitive grant program. Applications will be rated on the following:

1. How well the projects help advance the Greenway Criteria
2. How well the projects advance the Greenway Compact
3. Innovation and Transferability: Higher ranking projects will be innovative and applicable elsewhere

Additional Factors:

- Amount of grant award contingent on funding availability.
- Intermunicipal projects will rate higher than single-community projects

E. Additional Guidelines for the Greenway Compact Grant Program

The Greenway Act of 1991 provides certain incentives for communities that adopt and implement the Greenway Compact, including a 5% preference in certain state grants ranking systems. In order to provide an additional major incentive for the development and implementation of the county or regional Compact strategy, Greenway Compact Communities are eligible to receive more than \$10,000 in matching grant funds.

Compact Development and Local Adoption Projects

Counties, individually or cooperatively, can apply for expenses related to Greenway Compact Plan development or adoption by cities, towns and villages. Projects may include multiple phases. Funding for the final sub-phase of the work program will be fully disbursed upon completion of the county or regional Compact document, approval and/or adoption by the county legislature and chief executive officer, and final acceptance by the Hudson River Valley Greenway Communities Council.

Compact Implementation Projects

Compact implementation project funding may be utilized for planning efforts or site-specific projects that are identified in or consistent with the approved county or regional Compact Plan. Specific references must be cited.

RESOLUTION NO.: ³⁷_____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTER-LOCAL AGREEMENT BETWEEN
THE COUNTY OF ORANGE AND THE CITY OF NEWBURGH UNDER
THE 2016 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

WHEREAS, the Justice Assistance Grant ("JAG") Program provides funds for various law enforcement agencies throughout the State of New York; and

WHEREAS, the City of Newburgh joined the County of Orange and other local law enforcement agencies in applying for the 2016 Byrne Memorial JAG, which provides funds for various important law enforcement functions as provided by the terms of the award including but not limited to street surveillance cameras, undercover vehicle availability, unmarked patrol vehicles, acquisition of an evidence management system, upgrade to the Live Scan fingerprinting system and related database compilation and access, technology and equipment, record-keeping, training and the enhancement of other important police functions; and

WHEREAS, the County has agreed to set aside \$20,000.00 from the 2016 Local JAG Award – 2016-DJ-BX-0316 for the City of Newburgh with no City match required to be used toward the cost of trunk equipment organizers, night vision goggles, rifle racks and a mobile data terminal with stand and printer/scanner;

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 enter into an inter-local agreement between the County of Orange and the City of Newburgh in connection with the 2016 Byrne Memorial JAG Program Award to receive funds through the County of Orange under the terms of said program (the "Grant") and under the terms and conditions of the agreement, a copy of which is attached hereto, for various important law enforcement functions for the City of Newburgh and other local law enforcement agencies.

**INTER-MUNICIPAL AGREEMENT
BY AND AMONG THE COUNTY OF ORANGE, THE CITY OF NEWBURGH, AND
THE CITY OF MIDDLETOWN**

2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

THIS INTER-MUNICIPAL AGREEMENT, made and entered into this ____ day of _____, 2017 ("Agreement") by and among the COUNTY OF ORANGE, which is authorized to execute this Inter-local Agreement by virtue of authority granted pursuant to the Orange County Charter, more specifically Section 3.02(m) thereof, to be administered by and through the Orange County Department of Emergency Services ("COUNTY"), the CITY OF NEWBURGH, acting by and through its governing body, the NEWBURGH CITY COUNCIL ("NEWBURGH"), and the CITY OF MIDDLETOWN, acting by and through its governing body, the MIDDLETOWN CITY COUNCIL ("MIDDLETOWN"). COUNTY, NEWBURGH, and MIDDLETOWN are each individually referred to in this Agreement as a "Party" and collectively referred to as the "Parties."

WITNESSETH

WHEREAS, this Agreement is made under the authority of Section 99-h of the New York State General Municipal Law; and

WHEREAS, each Party, in performing their governmental functions or in paying for the procurement of the governmental functions contemplated hereunder, shall make that performance or the payments for the procurement of such services from current revenues legally available to that Party; and

WHEREAS, each Party finds that the performance of this Agreement is in its best interests and that the undertaking of the obligations as defined and described herein will benefit the public, and that the division of costs fairly compensates the performing Party for the functions under this Agreement; and

WHEREAS, the COUNTY will receive the full amount of the disparate award of FIFTY ONE THOUSAND FOUR HUNDRED FIVE AND 00/100 (\$51,405.00) under Justice Administration Grant Award number 2016-DJ-BX-0316 ("FY 2016 JAG Award") and will administrator the FY 2016 JAG Award acting as the fiscal agent distributing said funds in the agreed allocation amounts as set forth below; and

WHEREAS, the FY 2016 Award funds will be allocated and distributed as follows: (i) NEWBURGH will utilize its portion of the award in the amount of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) ("Newburgh Allocation") for the purchase of trunk equipment organizers, night vision goggles, rifle racks and a mobile data terminal with stand and printer/scanner ("Newburgh Project"); (ii) MIDDLETOWN will utilize its portion of the award

in the amount of SIX THOUSAND FIVE HUNDRED 00/100 DOLLARS (\$6,500.00) ("Middletown Allocation") for the purchase of an internal computer network/ infrastructure through a Network-Attached Storage Device ("Middletown Project"); and (iii) COUNTY will use its portion of the award in the amount of TWENTY FOUR THOUSAND NINE HUNDRED FIVE AND 00/100 DOLLARS (\$24,905.00) ("County Allocation") to cover operational costs related to the maintenance of a countywide law enforcement vehicle locator dispatching system to benefit all municipal, county, and state police patrol vehicles within Orange County, New York for police and public safety broadband services ("County Project"); and

WHEREAS, the Parties believe it to be in their best interests to allocate the FY 2016 JAG Award funds as set forth above.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the Parties agree as follows:

1. **RECITALS INCORPORATED.** The recitals set forth above are true and correct and are hereby incorporated into this Agreement as if fully set forth here at length.
2. **GRANT AWARD.** The Parties acknowledge that the COUNTY will receive the total amount of FY 2016 JAG Award in the aggregate amount of FIFTY ONE THOUSAND FOUR HUNDRED FIVE AND 00/100 (\$51,405.00) and the COUNTY shall act as the fiscal agent for the FY 2016 JAG Award distributing such funds.
3. **ALLOCATION OF AWARD.** The Parties agree that the FY 2016 JAG Award funds shall be allocated, distributed, and expended as follows:
 - a. Newburgh Allocation. From the FY 2016 JAG Award the COUNTY will deliver to NEWBURGH and NEWBURGH will accept from the COUNTY the Newburgh Allocation, which funds shall be used by NEWBURGH for Newburgh Project.
 - b. Middletown Allocation. From the FY 2016 JAG Award the COUNTY will deliver to MIDDLETOWN and MIDDLETOWN will accept from the COUNTY the Middletown Allocation, which funds shall be used by MIDDLETOWN for the Middletown Project.
 - c. County Allocation. The COUNTY shall use its County Allocation of the FY 2016 JAG Award for the County Project.
4. **AGREEMENT TO GRANT TERMS.** Each Party agrees to abide by all terms, conditions, obligations, and requirements of Justice Administration Grant Award 2016-DJ-BX-0316 Grant Agreement, a copy of which is attached hereto, made a part hereof and marked Exhibit A and all applicable federal and state laws, statutes, regulations, or agency guidelines applicable under Exhibit A. In the event of any conflict or inconsistency between this Agreement and any requirement in Exhibit A, the conflict shall be resolved by giving precedence to the requirements of Exhibit A over the Agreement.

5. **NO LIABILITY TO OTHER PARTY.** Each Party to this Agreement will be responsible for its own actions relating to the subject matter of this Agreement and shall not be liable for any civil liability that may arise from the accepting its allocation of the FY 2016 JAG Award.
6. **NO THIRD PARTY BENEFICIARIES.** By entering into this Agreement, the Parties do not intend to create any obligations express or implied other than those set out herein. The Parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.
7. **COUNTERPART SIGNATURES.** This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first above written.

CITY OF NEWBURGH

Sworn to before me this _____ day
of 2017

City Manager

Notary Public

CITY OF MIDDLETOWN

Sworn to before me this _____ day
of 2017

Mayor

Notary Public

COUNTY OF ORANGE

Sworn to before me this _____ day
of 2017

Stefan ("Steven") M. Neuhaus
County Executive

Notary Public



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Coordinator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Police Equipment Program	NAME OF DEPARTMENT REQUESTING GRANT: Police Department	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Daniel C. Cameron Chief of Police
NAME OF GRANT/NAME OF AWARDING AGENCY: Orange County JAG Grant	GRANT SUBMITTAL DATE: January 31, 2017	AMOUNT OF AWARD: \$20,000.00
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) NO	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: NONE	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN: The City of Newburgh Police Department proposes to use JAG funding in several ways, all of which will enhance the capabilities of the department and officer safety. The Police Department's vehicle fleet is equipped with many pieces of necessary equipment, all kept in the vehicle's trunk, to be used in an emergency. The purchase of twenty five trunk organizers will allow these items; flares, crime scene tape, fire extinguisher, traffic safety vests, etc., to be kept secure and easily accessible. The Police Department is also implementing a patrol rifle program that allows authorized officers to carry a patrol rifle while on patrol. The purchase of ten rifle racks to be mounted in patrol cars, assigned to these designated officers, is absolutely vital in order to properly secure the rifles and allow quick deployment in the event of an emergency. The Police Department would utilize a portion of the funding to equip a new patrol car with a technology set-up that will allow the officer to perform basic functions on his own, which would cut down on radio traffic and keep the radio clear for dispatch and emergency traffic. The equipment includes a mobile data terminal and stand, a tracs scanner and printer. Lastly, the Police Department commonly conducts searches for contraband and wanted subjects at night. The purchase of a night vision monocular (for patrol) and a set of helmet mountable night vision goggles (for the tactical team) will greatly enhance the capability to locate contraband and provide greater officer safety during searches for wanted individuals.

1. Approximately 25 Police Car Trunk Organizer's by Progard = \$5,000.00
2. Gen 3 Night vision Monocular and a set of helmet mountable night vision goggles =



City of Newburgh

GRANT APPLICATION FORM

\$6,065.00

3. Approximately 10 Rifle Racks for vehicles = \$4,500.00
4. One full Tech set-up for a vehicle (MDT, MDT Stand, Tracs scanner & printer) + \$4,000.00
5. Total = \$19,565.00

Scope of Project:

Project Timeline: (ex. Dates) Purchase equipment as funding becomes available

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? ☒ YES / ☐ NO:

n/a

COMMENTS:

IN-KIND SERVICES REQUIREMENT REVIEWED? ☒ YES / ☐ NO

n/a

COMMENTS:

STAFFING ISSUES REVIEWED? ☒ YES / ☐ NO:

N/A

COMMENTS:

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE: _____

[Signature]

DATE: _____

2/6/17

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER



City of Newburgh

GRANT APPLICATION FORM

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER

SIGNATURE: _____

DATE: _____

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL

SIGNATURE: _____

DATE: *rec'd + approved 2/2/17*

Added to Nov/15 Agenda 2/9 W.S. 2/13 Council

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

RESOLUTION NO.: 38 - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A SFY 2016-2017 NEW YORK STATE SENATE INITIATIVE GRANT
FROM SENATOR WILLIAM LARKIN IN THE AMOUNT OF \$20,000.00
WITH NO CITY MATCH**

WHEREAS, the City of Newburgh received a Grant Award through the New York State Division of Criminal Justice Services in the amount of \$20,000.00 from Senator Larkin under the SFY 2016-2017 New York State Senate Initiative; and

WHEREAS, the City of Newburgh will use the funding to purchase 5 Taser X26P CEW Class III Lasers, 5 Tactical Performance Power Magazines to be used in patrol operations; Adobe Pro video enhancement software to be used by detectives to enhance the quality of both civilian and police street surveillance camera videos; the purchase and installation of a keyless electronic access door for the rear entrance of the Police Department to enhance building security; the purchase of 4 VISTA HD/extended version wearable body cameras to continue building the body worn camera program; and the purchase of an Ogura HRS-946 power door spreader and Broco DRS-14 rescue saw blade for use by the tactical team;

WHEREAS, such funding requires no City match; and

WHEREAS, this Council has determined that applying for such grant and accepting if awarded is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a SFY 2016-2017 New York State Initiative Grant, Project ID LG16-1547-D00, from Senator William Larkin in the amount of \$20,000.00 for the purchase of equipment by the City of Newburgh Police Department, with the appreciation and thanks of the City of Newburgh; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Coordinator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Police Equipment Purchases	NAME OF DEPARTMENT REQUESTING GRANT: Police Department	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Daniel C. Cameron Chief of Police
NAME OF GRANT/NAME OF AWARDDING AGENCY: NYS Senate (Senator Larkin) SFY 2016-2017 Administered by DCJS	GRANT SUBMITTAL DATE: January 31, 2017	AMOUNT OF AWARD: \$20,000.00
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) NO	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: NONE	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN: Funding will be utilized to purchase; 1. Five Taser X26P CEW class III lasers (\$931.45 each) and five Taser Tactical Performance Power Magazines (\$56.41 each) for a total of \$4,657.25 to be used in patrol operations, 2. Adobe Pro video enhancement software (\$1,200.00) to be used by Detectives to enhance the quality of both civilian and Police street surveillance camera videos, 3. Purchase and install a keyless electronic access door for the rear entrance of the Police Department to enhance building security (total including labor \$6,750.00), 4. Purchase four VISTA HD/extended version wearable body cameras (approximately \$900.00 each total \$3,600.00) to continue building the body worn camera program and 5. Purchase an Ogura HRS-946 power door spreader (\$2,750.00) and a Broco DRS-14 rescue saw blade (\$180.00) for use by tactical team. Total cost of purchases \$19,419.30.

Scope of Project:



City of Newburgh

GRANT APPLICATION FORM

Project Timeline: (ex. Dates) Purchase equipment as funding becomes available

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO: YES

COMMENTS:

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO: YES

COMMENTS:

STAFFING ISSUES REVIEWED? YES/NO: YES

COMMENTS:

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO: YES

CITY COMPTROLLER

SIGNATURE: Katryn Mael

DATE: 1/31/17

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER



City of Newburgh

GRANT APPLICATION FORM

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER
SIGNATURE: _____

DATE: 2-1-17

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: 2/3/17

Resolution for 2/9/17 W.S. + 2/13/17 Council Meeting
DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING: Meeting



**Division of Criminal
Justice Services**

MEMORANDUM

TO: Award Recipients

FROM: Michael C. Green
Executive Deputy Commissioner, NYS Division of Criminal Justice Services

DATE: October 18, 2016

SUBJECT: Legislative Grant Award

I am pleased to advise you that the enacted 2016-17 New York State Budget includes an appropriation of funds to support the program noted on the attached Grant Information Sheet.

Applications must be completed and submitted via the NYS Division of Criminal Justice Services (DCJS) Grant Management System (GMS) within 30 days of receiving this award notice. Please contact DCJS Criminal Justice Program Representative Katie Nastars at (518) 457-6030 or via email at Katie.nastars@dcjs.ny.gov to initiate this process.

Please note that all not-for-profit grantees are required to prequalify in the Grants Gateway in advance of receiving grant funding. Additional information on prequalification and the Grants Gateway can be found on the Grants Reform website at (<http://grantsreform.ny.gov/>). Grantees should complete this requirement as soon as possible to avoid any delay in the approval of your grant contract.

Congratulations on your grant award. DCJS looks forward to working with your organization to administer this grant.

Attachment

**GRANT AWARD INFORMATION
CORRECTED AWARD**

October 18, 2016

Project ID: LG16-1547-D00

DCJS Number: LG16102270

Project Title: Equipment Purchase

Award Recipient: Newburgh City Police Department

Mailing Address: Newburgh City Police Department
55 Broadway
Newburgh, NY 12550

Contact Person: Lt. Richard Carrion

Award Amount: \$20,000

DCJS Contact: Katie Nastars, Criminal Justice Program Representative
Division of Criminal Justice Services
Office of Program Development and Funding
80 S. Swan Street
Albany, NY 12210
(518) 457-6030
(518) 485-2728 Fax

Application Return Date: Within 30 Days of Receipt of this Award Notice

Technical Assistance to Complete
Applications Available Upon Request
GMS Help Desk
At (518) 457-9787

RESOLUTION NO.: ³⁹_____ - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
POLICE PROTECTIVE EQUIPMENT PROGRAM GRANT AWARD
IN THE AMOUNT OF \$16,300.00 WITH NO CITY MATCH**

WHEREAS, the City of Newburgh received a Grant Award through the County of Orange in the amount of \$16,300.00 under the New York State Division of Criminal Justice Services Police Protective Equipment Program; and

WHEREAS, the City of Newburgh will use the funding to enhance the Police Department's response to an active shooter incident, terrorist attack or other critical incident through the purchase of 20 advanced ballistic helmets and 20 advanced ballistic plate carriers and plates; and

WHEREAS, no City matching funds are required and this Council has determined that accepting such funding is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to accept a New York State Division of Criminal Justice Services Police Protective Equipment Program Grant through the County of Orange in the amount of \$16,300.00 with no City match required, to be used to carry out the program and implement the purposes set forth herein; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Coordinator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Police Protective Equipment Program	NAME OF DEPARTMENT REQUESTING GRANT: Police Department	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Daniel C. Cameron Chief of Police
NAME OF GRANT/NAME OF AWARING AGENCY: NYS DCJS Project #PP16-1235-D00	GRANT SUBMITTAL DATE: January 31, 2017	AMOUNT OF AWARD: \$16,300.00
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) NO	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: NONE	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN: Funding will be used to enhance the police department's response to an active shooter incident, terrorist attack or other critical incident through the purchase of 20 advanced ballistic helmets and 20 advanced ballistic plate carriers and plates.

Scope of Project:

Project Timeline: (ex. Dates) Purchase equipment as funding becomes available

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO: ☒ YES

COMMENTS:



City of Newburgh

GRANT APPLICATION FORM

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO

COMMENTS:

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS:

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE:

DATE:

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER
SIGNATURE:

DATE:

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE:

DATE:



City of Newburgh

GRANT APPLICATION FORM

Resolution for 2/9/17 WS + 2/15/17 Council	
DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:	Meeting



**Division of Criminal
Justice Services**

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

January 11, 2017

The Honorable Steven Neuhaus
Orange County Executive
255 Main Street
Goshen, NY 10924-1619

Dear County Executive Neuhaus:

I am pleased to advise you that the NYS Division of Criminal Justice Services (DCJS) has awarded your county a Police Protective Equipment Program (PPEP) total award of \$249,580 for the contract period 1/1/2017 to 12/31/2017. As stipulated in the Request for Applications (RFA), these funds are to be used by your partnership to equip local police agencies with protective equipment and DCJS approved patrol rifles to provide the greatest level of protection and effectiveness in your efforts to combat active shooter incidents, terrorist attacks, and other criminal events.

The attached spreadsheet represents your county's entire budget request for PPEP and the amount of funding approved by DCJS for each individual request. Separate contracts will be developed with each listed participating agency. Participating agencies are expected to use the approved budget amount provided in the "Awarded Budget" column, on the attached, when developing their PPEP contract.

A DCJS Office of Program Development and Funding (OPDF) Program Representative assigned to this project, will contact each participating agency to assist in the development of their contract. Please see the attached *Instruction Sheet* which provides additional important information.

Should you have any questions, please contact Joann Tierney-Daniels with the DCJS Office of Program Development and Funding at (518) 457-8404 or e-mail at Joann.Tierney-Daniels@dcjs.ny.gov.

Very truly yours

Michael C. Green
Executive Deputy Commissioner

MCG:JTD:neb
Attachments (2):

- Contract Instruction Sheet
- 2016-17 Police Protective Equipment Program Awardees

cc: 2016-17 Police Protective Equipment Program Awardees
Joann Tierney-Daniels, DCJS

**2016-17 DCJS Office of Program Development and Funding
Contract Instruction Sheet**

Please note and complete the following information within 30 days of receiving the award letter to further facilitate the development of your contract:

- Ensure all prior year contracts are in compliance with contract conditions (up-to-date progress reports, vouchers, fiscal cost reports and detailed itemization forms).
- Grantees receiving in excess of \$25,000 must submit:
 - Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS- 3301)
 - Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309)

These forms can be located at:

<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

- Grantees receiving in excess of \$250,000 must also submit the Local Assistance MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300). This form can be located at:
<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>



**Orange County
2016-17 Police Protective Equipment Program (PPEP) Award**

Implementing Agency	Project #	Award
1 Chester Town Police Department	PP16-1215-D00	\$7,520
2 Chester Village Police Department	PP16-1216-D00	\$4,075
3 Cornwall Town Police Department	PP16-1217-D00	\$6,260
4 Crawford Town Police Department	PP16-1218-D00	\$5,705
5 Goshen Village Police Department	PP16-1219-D00	\$10,520
6 Harriman Village Police Department	PP16-1220-D00	\$5,075
7 Highland Falls Village Police Department	PP16-1221-D00	\$6,890
8 Montgomery Village Police Department	PP16-1222-D00	\$5,260
9 Mount Hope Town Police Department	PP16-1223-D00	\$4,260
10 New Windsor Town Police Department	PP16-1224-D00	\$12,225
11 Orange County Sheriffs Office	PP16-1225-D00	\$76,250
12 Port Jervis City Police Department	PP16-1226-D00	\$9,150
13 Tuxedo Park Village Police Department	PP16-1227-D00	\$3,445
14 Walden Village Police Department	PP16-1228-D00	\$5,890
15 Walkill Town Police Department	PP16-1229-D00	\$8,150
16 Warwick Town Police Department	PP16-1230-D00	\$8,150
17 Washingtonville Village Police Department	PP16-1231-D00	\$4,890
18 Woodbury Town Police Department	PP16-1232-D00	\$8,150
19 Middletown City Police Department	PP16-1233-D00	\$21,300
20 Deer Park Town Police Department	PP16-1234-D00	\$5,075
21 City of Newburgh Police Department	PP16-1235-D00	\$16,300
22 Village of Monroe Police Department	PP16-1236-D00	\$6,520
23 Blooming Grove Town Police Department	PP16-1237-D00	\$8,520
Total:		\$249,580

RESOLUTION NO.: 40-2017

OF

FEBRUARY 13, 2017

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. 5108-2014, 5029-2015 & 4435-2016 INVOLVING SECTION 2 BLOCK 20 LOT 2.2 (SILVERMAN GIDNEY, LLC)

WHEREAS, Silverman Gidney, LLC has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2014-2015, 2015-2016 & 2016-2017 tax assessment years bearing Orange County Index No. 5108-2014, 5029-2015 & 4435-2016 respectively; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Robert DiNardo, Esq. of Catania, Mahon, Milligram & Rider, PLLC, Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Silverman Gidney, LLC is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2014-2015 as tax map number 2-20-2.2 be reduced from an assessed value of \$1,010,500.00 and set at an assessed value of \$850,000.00; and
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2015-2016 as tax map number 2-20-2.2 be reduced from an assessed value of \$1,010,500.00 and set at an assessed value of \$850,000.00; and
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax years 2016-2017 as tax map number 2-20-2.2 be reduced from an assessed value of \$925,000.00 and set at an assessed value of \$850,000.00.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Order and Stipulation of Settlement are hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Robert DiNardo, Esq. of Catania, Mahon, Milligram & Rider, PLLC, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of

SILVERMAN-GIDNEY, LLC

Petitioner,

- against -

CITY OF NEWBURGH, (MUNICIPAL CORPORATION),
its ASSESSORS AND BOARD OF ASSESSMENT
REVIEW

Respondents.

To review certain real property
Assessments for the year 2014, 2015 & 2016 under
Article 7 of the Real Property Tax Law.

-----X

Hon. Catherine M. Bartlett, AJSC

CONSENT JUDGMENT

Index No.: EF004435-2016

Index No.: 005029-2015

Index No.: 005108-2014

UPON THE CONSENT attached hereto duly executed by the attorneys for all the parties, it is

ORDERED, that the real property of the Petitioner described on the City of Newburgh tax rolls
for the tax year 2014-15 as follows:

Tax Map No. 2-20-2.2

be reduced in assessment from \$1,010,500.00 to a total assessment of \$850,000.00 for a total reduction
in assessment of \$160,500.00, prior to the application of any real property tax exemptions, if any; and it
is further

ORDERED, that the real property of the Petitioner described on the City of Newburgh tax rolls
for the tax year 2015-16 as follows:

Tax Map No. 2-20-2.2

be reduced in assessment from \$1,010,500.00 to a total assessment of \$850,000.00 for a total reduction in assessment of \$160,500.00, prior to the application of any real property tax exemptions, if any; and it is further

ORDERED, that the real property of the Petitioner described on the City of Newburgh tax rolls for the tax year 2016-17 as follows:

Tax Map No. 2-20-2.2

be reduced in assessment from \$925,000.00 to a total assessment of \$850,000.00 for a total reduction in assessment of \$75,000.00, prior to the application of any real property tax exemptions, if any; and it is further

ORDERED, that the Petitioner's real property taxes on said parcels described above for the 2014-2015, 2015-2016 & 2016-2017 School, County and City taxes be adjusted accordingly and that the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be, upon the entering of this Consent Judgment with the Orange County Clerk; and it is further

ORDERED, that the officer or officers having custody of the aforesaid assessment roll of the City of Newburgh shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform said assessment to such corrected and reduced valuation; and it is further

ORDERED, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh, the County of Orange and/or the County Commissioner of Finance, as appropriate and/or required by statute, the amount, if any, paid as City taxes and City Special District taxes against the

original assessment in excess of what said taxes would have been if said assessment had been made as determined herein; and it is further

ORDERED, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh, the County of Orange and/or the County Commissioner of Finance, as appropriate and/or required by statute, the amounts, if any, paid as County taxes and County Special District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein; and it is further

ORDERED, that there shall be audited, allowed and paid to the Petitioner by the Newburgh Enlarged City School District the amounts, if any, paid as School District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein; and it is further

ORDERED, that in the event that the refunds are made within sixty (60) days after service of this Consent Judgment with notice of entry, there shall be no interest paid or credited in connection with this Consent Judgment; otherwise, interest shall be paid in accordance with the applicable statute; and it is further

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed this ___ day of _____, 2017 at Goshen, New York

E N T E R:

Hon. Catherine M. Bartlett, AJSC

ON CONSENT:

Michael G. Ciaravino
City Manager
Dated:
Per Res. No.

JOSEPH A. CHURGIN
Attorney for the Petitioner
Dated:

Joanne Majewski, IAO
Assessor
Dated:

ROBERT DINARDO, ESQ.
Catania, Mahon, Milligram & Rider, PLLC
Attorney for Respondents
Dated:

RESOLUTION NO.: ⁴¹_____2017

OF

FEBRUARY 13, 2017

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 5399-2014, 5425-2015 AND 4608-2016 INVOLVING SECTION 29, BLOCK 1, LOT 1.1 (AMERICAN FELT & FILTER CO., INC.)

WHEREAS, American Felt & Filter Co., Inc. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2014-2015, 2015-2016 and 2016-2017 tax assessment years bearing Orange County Index Nos. 5399-2014, 5425-2015 and 4608-2016; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Richard B. Golden, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, American Felt & Filter Co., Inc. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2014-2015 as tax map number 29-1-1.1 be reduced to a market value of \$830,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2015-2016 as tax map number 29-1-1.1 be reduced to a market value of \$830,000.
- 3- That the proceedings brought in connection with the property described on the City of Newburgh tax roll for the tax year 2016-2017 as tax map number 29-1-1.1 be discontinued with prejudice.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Consent Judgment are hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of
AMERICAN FELT & FILTER CO., INC.,

Petitioner,

CONSENT JUDGMENT

- against -

THE BOARD OF ASSESSORS AND/OR THE
ASSESSOR OF THE CITY OF NEWBURGH, AND
THE BOARD OF ASSESSMENT REVIEW,

**Index Nos. 2014-5399
2015-5425
2016-4608 EF**

Respondents.
-----X

PRESENT: HON. CATHERINE M. BARTLETT

UPON THE CONSENT attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the 2014-2015 and 2015-2016 tax years, as follows:

Tax Map No. 29-1-1.1

be reduced in market value, prior to the application of any real property tax exemptions, if any, as follows:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Amount of Reduction</u>
2014-2015	\$939,000	\$830,000	\$109,000
2015-2016	\$939,000	\$830,000	\$109,000

and it is further,

ORDERED, that the proceedings brought in connection with the real property described on the City of Newburgh tax rolls for the tax year 2016-2017 as tax map number 29-1-1.1 be discontinued with prejudice; and it is further,

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2014-2015 and 2015-2016 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

ORDERED, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amount, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh, the County of Orange, and/or the County Commissioner of Finance, as appropriate and/or required by statute, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the Newburgh City School District, the amount, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that all tax refunds hereinabove directed to be made by Respondents and/or any of the various taxing authorities be made by check or draft payable to the order of HERMAN

KATZ CANGEMI & CLYNE LLP as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law § 475; and it is further

ORDERED, that the provisions of Real Property Tax Law § 727 shall be applicable to the 2017-2018 and 2018-2019 assessment years; and it is further,

ORDERED, that in the event that the refunds are made within sixty (60) sixty days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further;

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: February __, 2017
Goshen, New York

ENTER:

HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

Michael G. Ciaravino	WARREN DUBITSKY, ESQ.
City Manager	Herman Katz Cangemi & Clyne, LLP
Dated:	Attorney for the Petitioner
Per Res. No.	Dated:
Joanne Majewski, IAO	
Assessor	
Dated:	
RICHARD B. GOLDEN, ESQ.	
Burke, Miele & Golden, LLP	
Attorney for Respondents	
Dated:	

RESOLUTION NO.: 42 - 2017

OF

FEBRUARY 13, 2017

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO SETTLE
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2014 RELATIVE TO
263 LIBERTY STREET (SECTION 18, BLOCK 5, LOT 14)**

WHEREAS, by Resolution No. 16-2017 of January 9, 2017, the City Council of the City of Newburgh, New York authorized the Director of Finance and Enforcing Officer to withdraw the liens on the property located at 263 Liberty Street (Section 18, Block 5, Lot 14), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty Two Thousand Nine Hundred Forty-Three And 10/100 (\$22,943.10) Dollars representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes, water, sewer and sanitation charges, are all paid in full by certified or bank check on or before January 31, 2017; and

WHEREAS, the attorney has requested an extension of time to remit payment and complete the settlement of such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to extend the time to settle this matter without the need for litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Director of Finance and Enforcing Officer be and she is hereby authorized to withdraw the liens on the property located at 263 Liberty Street (Section 18, Block 5, Lot 14), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty-Three Thousand Four Hundred Fifty-Six and 29/100 (\$23,456.29) Dollars is paid in full by certified or bank check on or before February 28, 2017, or provided that the sum of Twenty-Three Thousand Seven Hundred Twenty-Eight and 34/100 (\$23,728.34) Dollars is paid in full by certified or bank check on or before March 31, 2017, representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes, water, sewer and sanitation charges.