A regular meeting of the City Council of the City of Newburgh was held on Monday, September 25, 2017 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Prayer/Rezo

The Prayer was led by Rev. Nelson McAllister followed by the Pledge of Allegiance.

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/Lista de Asistencia

Present: Mayor Kennedy presiding; Councilwoman Abrams, Councilman Harvey, Councilwoman Holmes, Councilwoman Mejia, Councilwoman Rayford - 6

Absent: Councilwoman Angelo - 1

COMMUNICATIONS

Approval of the minutes of the meeting of September 11, 2017 & September 18, 2017

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Carried

City of Newburgh
City Comptroller's Office

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

FROM: Kathryn Mack, City Comptroller

DATE: September 25, 2017

SUBJECT: City of Newburgh Financials – August 2017

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

General Fund Revenue

Through the month of August 2017, the City of Newburgh collected $29.5 million (66.6%) compared to the annual revenue budget of $44.4 million. Of the $29.5 million collected, $17.6 million was for Real Property Taxes and PILOT Payments.

The remaining $11.9 million was a combination of departmental income, fund balance and inter-fund transfers. Tax Collections through August 2017 are slightly higher than collection trends from August 2016.

Highlights for increased revenue compared to prior year activity:

Non Property Tax Items - $408k

Sales and Use Tax - $247k compared to this time last year
Consumer and Utilities Gross Receipts – Up by $160k compared to this time last year
Gain from Sale of Properties – up by $106k compared to this time last year

Fines/Forfeitures:

Codes City Code Violations increased by $23k

Metered Parking is $15k higher than this time last year but is offset by a decrease in Meter Fines of $12k which is a net of $3k increase

Departmental Income:

Police/Fire Fees – Up by $47k – 185 % of this year's budget. Mostly the charging to other entities for uniform presence.

Parking Violations is up by $104k compared to last year

Codes building permits - $54k (RUPCO project)

Areas of focus:

Rental of Real Property – Work with Mesh Realty with regards to Rental Payments

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

Vacant Registry registrations are still down compared to last year.

General Fund Expense

Through the month of August, the City of Newburgh expended $26.7 million.

Overall, Departmental expenses are in-line with the approved budgets, however preliminary analysis of the Police and Overtime appear to be trending too high and in order to keep the budget within limits we will be implementing a spending freeze.

The Police 2017 overtime expense is <u>above</u> spending levels compared to the activity for the same time in 2016.

YTD Aug 2016 - $848,143
<u>YTD Aug 2017 - $989,223</u>
Variance - +$141,080 increase over PY 2016 by 16.63%

			Year	Period	Values			
			⊟2016			⊟2017		
Expense Description	Department Name	ACCOUNT DESCRIPTION	August Activity	ADJUSTED BUDGET	% to budget	August Activity	ADJUSTED BUDGET	% to budget
⊟ Public Safety	⊟ Police	OVERTIME.	$ 587,027	$ 755,000	77.75%	$ 717,625	$ 755,000	95.05%
		COURT OVERTIME.	$ 126,479	$ 189,575	66.72%	$ 130,224	$ 200,000	65.11%
		OVERTIME-CIVILIANS	$ 56,814	$ 91,954	61.79%	$ 69,694	$ 70,000	99.56%
		NARCOTICS ENFORCEMENT OT.	$ 46,609	$ 91,482	50.95%	$ 71,681	$ 75,000	95.57%
		SPECIAL EVENT/DETAIL OVERTIME.	$ 31,215	$ 31,215	100.00%	$ -	$ 5,000	0.00%
	Police Total		$ 848,143	$ 1,159,225	73.16%	$ 989,223	$ 1,105,000	89.52%
Public Safety Total			$ 848,143	$ 1,159,225	73.16%	$ 989,223	$ 1,105,000	89.52%
Grand Total			$ 848,143	$ 1,159,225	73.16%	$ 989,223	$ 1,105,000	89.52%

The Fire 2017 overtime expense is <u>under</u> spending levels compared to the activity for the same time period in 2016.

YTD Aug 2016-$736,176
<u>YTD Aug 2017-$568,546</u>
Variance – ($167,630 decrease 22.77%)

FUND	A
DEPT	3412
ITEM	103
Item Group	(All)
Type	Expense
Include/ Exclude	(Multiple Items)
Group Description	(All)

Overtime - General Fund August	Overtime - General Fund August

			Year	Period	Values			
			⊟2016			⊟2017		
Expense Description	Department Name	ACCOUNT DESCRIPTION	August Activity	ADJUSTED BUDGET	% to budget	August Activity	ADJUSTED BUDGET	% to budget
⊟ Public Safety	⊟ Fire	OVERTIME.	$ 697,244	$ 1,076,827	64.75%	$ 507,597	$ 670,017	75.76%
		OVERTIME-CIVILIANS	$ 38,932	$ 60,593	64.25%	$ 60,949	$ 45,000	135.44%
	Fire Total		$ 736,176	$ 1,137,420	64.72%	$ 568,546	$ 715,017	79.52%
Public Safety Total			$ 736,176	$ 1,137,420	64.72%	$ 568,546	$ 715,017	79.52%
Grand Total			$ 736,176	$ 1,137,420	64.72%	$ 568,546	$ 715,017	79.52%

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

Enterprise Fund Revenue

Through the month of August 2017, the Enterprise Funds (Water, Sewer and Sanitation) generated $8.3 m in revenue.

Revenue Billing for Water and Sewer 1st-2nd qtr. (Jan-June) was $6.2m of the $11.9m or approx. 51.3%, which is in line with the budgets set forth for 2017.

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

Enterprise Fund Expense

Through the month of August 2017, Enterprise Funds expended $8.5m; this amount includes $1.8m in Catskill Water bills as well as $65k in additional PFOS expenditures.

Overall Enterprise department expenses are in-line with the approved budgets.

Trust and Agency Accounts

- **Misc. Donations**
  - CAC (former Shade Tree)-$1,371
  - Landlord Registry - $188,696

- **Police**
  - Police Evidence - $80,494
  - Federal Seizure - $59,065
  - State Seizure - $28,806
  - Police Bicycle - $552
  - Police Donations - $187
  - Auxiliary Police - $2,035

- **Celebrations**
  - Puerto Rican Day - $80
  - International Festival -$9,036
  - Fireworks - $2,634
  - Memorial Day - $91

- **Other**
  - Vacant Bond Registry - $550,000

Comptroller's Department Updates

Finance

- ***Budget 2018***
  - Final hearings taking place this week 9/26-9/27
  - Working through final numbers this week
  - City Managers Proposed to be delivered to the Council on October 9th.

- **BIDs/RFPs/RFQs:**

  - **Currently under Review**

    - DEMO – Working on Bid Packages to be sent out
    - Alcohol and Drug Testing Services

  - **Current RFPs work in progress**

    - Design for Veterans Monument

Assessor's Office

- No new updates at this time

Tax Collector's Office

- Last date of collection October 31st at 4pm
  - All tax payments made in the month of October must be certified funds

Information Systems

- Expansion Camera Project- Still on schedule for fall 2017.
  - 13 Cameras in total
  - Pole Walk Completed
    - 2 concrete poles require replacement
  - Based on pole walk – action steps will be developed to proceed

- Currently 22 Cameras all functioning

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

City Manager, Michael Ciaravino said that in the Police Department our preliminary part one crime data through September 15th shows that the City is continuing to make decreases and is maintaining them. There is currently a 13% reduction in total part one crime thus far this year compared to 2016 which also includes an 11% decrease in violent crime such as murder, rape robbery and aggravated assault. There is also a 14% reduction in property related crimes such as burglary, larceny and motor vehicle theft. The city is currently experiencing a 61% decrease in bullet to body shootings. That is a very, very significant statistic and one that we hope continues as we will not be happy until we have absolutely zero bullet to body shootings. A 61% decrease speaks to the efforts of the entire Newburgh Police Department not only in their work but also relationship building in the community. We have received a lot of cooperation in our community and it has had a notable impact on our Police Officers as well. Lt. Weaver reports that morale has never been higher and one statistics that reflects that is with Officer initiated activities that occur on the streets. This Police Department is productive and is statistically one of the leaders in the State of New York. He can assure everyone that they are not resting on these statistics and saying that their job is done because we are by no means out of the woods. So far in September Officers have performed sixteen Foot Patrols throughout the City and have completed sixty-nine patrol plans. These types of proactive Officer initiated activities assist us in keeping street level violence down and with building relationships amongst our neighbors. Ultimately the Newburgh Police Department will not make the community safe because it is the residents on every street working together with the Police that will make our community safe. That is why a lot of the credit has to be given to the relationships that have been built and to the residents and citizens of Newburgh who have worked towards these decreases. A win for the City of Newburgh was a successful Federal prosecution of the Yellow Tape Money Gang that culminated with a Federal Trial for its Leader; the lone holdout that wouldn't strike a plea bargain. In this Trial the Defendant was found guilty on all counts and will be sentenced in January. This was one of the most violent groups in the City of Newburgh that terrorized our neighborhoods. They were notified by the Newburgh Police Department about a Call-In Program and that if they did not stop the violence our law enforcement partnerships at the Federal, County and State levels were going to be forced to give them their full attention. The group members were also given resources through Social Services Programs as an option if they wanted to leave that lifestyle. This included family counseling, job assistance and addressing issues within their households. We had an individual from Exodus who served a substantial amount of time behind bars share his story with these youngsters and explained the consequences that come with not doing the right thing. We had a Prosecutor who spoke to many of these individuals as well as the Police Officers and the Clergy. At the end of this Call-In we sat down with many of these individuals and ate together to talk about the opportunities that await them. Many took advantage of the opportunities with these Programs but many in the Yellow Tape Money Gang, however, did not. They made a decision to continue their violence which is unacceptable to our residents and the Newburgh Police Department so we kept our promise that if they did not stop the violence they would get our full attention of law enforcement partnership. With this final Federal Prosecution of the leader and founder of this gang we have kept our promise that you need to work with us to become successful in your life but if you continue to terrorize our neighborhoods we are going to come at you with all of the tools at the Federal, State, County and local levels. He thanked

Lt. Weaver and his team of admittedly short staffed individuals who are doing the work of what formerly was two or three Lieutenants. We are never going to build the Brass back up to where it once was but at the end of the day we want to be able to deliver these types of statistics, build success stories and stories of consequence for those who have ignored our best efforts. This is receiving the attention of the State of New York in terms of its innovated approach to crime fighting and law enforcement. While some, like the Yellow Tape Money Gang, ignored our plea many others did not. They took us up on our offer to turn their lives around and are now demonstrating the power of redemption. He thanked the community and the Police Department for its leadership in this regard.

In Codes we are at 310 Electrical Permits pulled to date for 2017. If you combine both 2015 and 2016, there was a total of 477 so we are almost at the same number as those two years combined for Electrical Permits. We have issued 293 Plumbing Permits to date in 2017 and for the same time over the last two year period only 358 Plumbing Permits were issued. There have been 1334 Street Openings to date in 2017 and for 2015 and 2016 combined there were 1810. There have been 201 Residential Rehabilitation Permits issued for 2017 to date and in 2015 and 2016 there was a combined total of 323 Permits. In addition to the construction schedule that is fueled by our Capital Plan and many other agencies, we have this work that speaks to the progress that is going on with the reconstruction of the City of Newburgh and the rebuilding of the private sector. There has been a renewed push to deliver these statistics at City Council Meetings and to publicize them on our Facebook Page. We are very proud of this work and will take the criticism and try to turn the corner.

Mayor Kennedy added that at the Anti-Poverty Task Force Meeting this morning they had a report from a member of the Newburgh Ministry that talked about the number of local people the Rupco Project has given jobs to. They were homeless and now they are starting to move forward so she was really pleased to hear that.

City Manager, Michael Ciaravino continued that at the Recreation Department there is still room left in the Positive Image Teen Program and the registration is ongoing. This Program is designed to promote health and personal development for High School aged youth and they meet from 5:00 p.m. to 9:00 p.m. on Fridays and 1:00 p.m. to 5:00 p.m. on Saturdays which also includes two trips to New York City. For information you can contact Goldie Mercado at our Recreation Department at (845) 569-7379. The Halloween season is fast approaching with the Trunk or Treat Program which is our alternative to door to door Trick or Treating. Community members decorate the trunks of their cars and pass out candy and trinkets to children wearing costumes. This Event will take place in the parking lot of the City of Newburgh Activity Center on October 31st and for more information you can call Maritza Wilson at (845) 569-7373. A Contractor has commenced construction on the reconstruction of the First Street Pier this past Monday morning so there will be photos on the Website and Facebook Page as progress develops. Also the South Water Street Sewer Separation Project Phase II Long Term Control Plan began and we broke ground on Monday, September 11th. This involves the separation of combined sewers along South Water Street through installation of a new eight inch gravity sewer main, manholes, a pump station, six inch force main installation and elimination of a century long direct discharge of raw sewage into the Hudson River. We will also be erecting signs and providing updates.

The Water Department has produced 2.99 million gallons of water on average per day which is less than half of what we used to produce not too long ago. He reminded everyone that the Water Department is having Open House at our Water Filtration Plant and conducting Construction Tours the second Saturday of each month so the next Tour will be on October 14th from 10:00 a.m. to 2:00 p.m. We have a very impressive new Water Treatment Plant that is nearing completion so for those who have not yet taken the opportunity to see what we have been up to since this water crisis erupted it's worth taking a look at and we will also be publishing photos on the Website. The demolition at Browns Pond is almost completed where we are removing the old foundation, capping off the well and retiring the septic as per DEC standards. Over six thousand water meters have been read for the month of September and we completed the installation of curbs and sidewalks for some of our fire hydrants that were replaced this summer. Staff has completed the installation of the conduit at Washington Lake to have the power installed at our Intake House. The City Manager, City Engineer and Water Superintendent attended a meeting at the New York State Department of Environmental Conservation in New Paltz earlier in the week where they talked about our insights and those of other cities that have their water source located outside their municipalities and what we think is missing from the regulatory structure in the State of New York. They seemed very responsive to our input as well as a number of other communities so we hope to be able to report in the future regarding that progress.

Councilwoman Rayford asked the City Manager if we are still under the boil water alert.

City Manager, Michael Ciaravino responded that the boil alert was canceled he believes roughly forty-eight to seventy-two hours after it was first announced.

Councilman Harvey asked if we are still drawing water from the Catskill Aqueduct.

City Manager, Michael Ciaravino answered, *"Yes, we are."*

Mayor Kennedy noted that this boil water alert happens when water mains break and we have problems that pollute the water so while they are fixing it they have to announce a water alert. As we keep making repairs we will have less of these collapsed water mains and leaks so each thing that we are doing is moving us ahead in a proactive way so we will stop having these reactive emergencies where everything falls apart.

PRESENTATIONS

Public Hearing - Local Law proposing amendments to First Time Homebuyers of Newly Constructed Homes Tax Exemption

Mayor Kennedy called a public hearing that was advertised for this meeting to hear comments concerning proposed amendments to the income levels and exemption terms of the First Time Homebuyers of Newly Constructed Homes Tax Exemption.

Mayor Kennedy explained that this is more or less a house keeping update to a current law so that we don't have to continually keep updating the numbers.

Corporation Counsel, Michelle Kelson explained that the City has had this Tax Exemption since 2001 and Amendment #1 is to extend the time period for which the exemption would be allowed from 2016 to 2022 which was a law signed by the Governor. The other changes are to put in the definitions for the maximum income levels and purchase price levels rather than the actual numbers so that every time the New York State Mortgage Finance Agency changes those numbers we don't have to amend the Law. The current limits in the Local Law are an income limit of $81,000.00 for a one and two family household that is currently at $107,000.00 to $125,000.00 and purchase price limits of $399,000.00 plus a 15% maximum and those limits now are up to $585,000.00 and $715,000.00 respectively. Those numbers could change at any time so the Local Law takes out those numbers and swaps in the verbal definitions so the next time you would have to amend this Local Law would be in 2022 if it were further extended by the State Legislature.

Judy New, Real Estate Broker in Orange County said she represents Sunset Ridge and Ionic Builders which is new construction. They have been working with Jason and other departments to find a way to make this subdivision work. They could have sold the subdivision out hundreds of times but the taxes on a $250,000.00 home was $14,000.00. When a person is being qualified by a mortgage company they can't take into consideration any of the exemptions like this program or STAR. Councilwoman Mejia assisted in getting a group together and they decided it was zoned for a multi-family so they are putting two attached homes on each lot instead of one. That is bringing in really good affordable housing as the homes will be $189,000.00 to $199,000.00 and the taxes will be more like $8,000.00 instead of $14,000.00 which is so much more affordable. She is really excited for this because we are so close and we have so many people who are interested in this subdivision. When someone buys a home that first year or two is the toughest so having this program enables people to buy and get in as it is a five year program that helps them learn how to balance a budget. That will give thirty-six homeowners a chance to buy affordable housing so she hopes this is continued because it is a win, win for everyone. She hopes they adopt this again and continue this program.

Councilwoman Holmes asked where Sunset Ridge is located.

Ms. New said it is on the corner of Orchard Street and Morris Avenue but you can't see it and you don't even know it's there. It's like taking a beautiful little development from

another location and sitting it in the City of Newburgh because it is surrounded by trees with sidewalks and it is really charming.

Mayor Kennedy said that she has been back there and it is quite nice so she is glad to hear that they have adjusted the house size to make it affordable. She knows the developers have struggled with this and it has been going around and around for a long time.

Ms. New said it has been going on for ten years and this is the third builder.

There being no one else wishing to speak this public hearing was closed.

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

Nita Sutton, 432 Liberty Street appreciates everything that is being done as she has been here for a long time and she has seen the City go through a lot but she is not sure if the City is aware that things on the north side of Liberty Street have deteriorated significantly since she has been here. Her taxes are 300% more than when she moved in and her house is assessed way more than she can possibly get for it. There are College houses that are very noisy and have loud parties all the time and she lives next door to a rental property with tremendous turnover. When her house was assessed for even more this year, she grieved and was put back to where it was in the previous years. She appreciates what the last speaker said about people wanting to have homes and bring up families in a safe place but someone would not look at her house that way. She has put a lot of money into her home although it still has a lot of problems and she hasn't been able to do a lot of cosmetic work which will all have to be figured in if and when she decides to sell it. Given the problems in her neighborhood she has considered selling and it has all been very emotional for her and her husband.

Mayor Kennedy referred her to her Ward leader, Councilwoman Mejia and suggested she speak with our Tax Assessor when it is time to grieve her taxes.

Councilwoman Mejia said this is indicative of a broader conversation that is taking place around that neighborhood that they have had at different stages here at this table. This is part of the collective conversation around what to do with making sure that people remain in their homes.

Leonard Lee, Coach and Director of the Hook Elite Boxing Club located at 401

Washington Street said that the Annual Gloves Up Gloves Down Event was hosted here last year with the help of the City of Newburgh Recreation and we couldn't have done it without their help. He is asking again for the City of Newburgh to help them represent Newburgh and the United States of America as we compete against the Country of Ireland. He understands that the City of Newburgh can't give any funds to the Boxing Club but if it became part of the Recreation Department it would benefit everyone. He is asking to be placed under the direction of the Recreation Department with a small budget that would help enhance the Boxing Club. Hook Elite Boxing Club has been in existence for six to seven years helping to keep youth off of the streets. They are open from 4:00 p.m. to 10:00 p.m. daily and we have found that many cities, such as Middletown, support their boxing club program. We believe that with help from the City of Newburgh the boxing program will save more lives and serve more youth. As it is now the boxing program has helped a great number of youth become Champions. Hook Elite Boxing is well known in the USA Boxing Association and will continue to be with the help and support of sponsors who believe in our youth. With the City of Newburgh taking the administrative part of the Boxing Program, he can concentrate on saving youth and making Champions because paperwork is not his strength. With help and experience from the Recreation Department the Boxing Club can become more efficient and have more direction. For himself, as Founder, he is willing to fall back and let this happen. He is finding that when they go to different Events those cities support their Boxing Clubs through the Recreation Department.

Mayor Kennedy thanked Mr. Lee for coming tonight but she believes this is a fairly lengthy conversation that has to be had with our Recreation Department. She told him that all things are possible.

Councilwoman Mejia said she is completely supportive of that conversation taking place. She has been to several of their events and she does see the merits of it. The Middletown model has been instrumental so she thinks we can learn from them. We talk about having different outlets for the youth with muti-purpose fields and tennis so she thinks that boxing needs to be added to that mix.

Mayor Kennedy suggested they should maybe take a trip to Middletown to speak with their Recreation Department to see how they do it and if it is a successful program.

Councilman Harvey agrees and supports having that conversation with our Recreation Department leader to get his feel and vision on this and what needs to happen if all parties are in favor of it. Mr. Lee has a great program with a lot of assets and benefits for our youth.

Councilwoman Holmes told Mr. Lee that she supports him and the Council should speak with Mr. Stanton about it on Wednesday night at his budget meeting.

Councilwoman Rayford noted that they would have to include the City Manager and Comptroller to see what is going on. She asked what is the date of the Gloves Up Gloves Down event?

Mr. Lee said it will be in April the first week after Easter. We were supposed to go to them and put a show on in Ireland but it didn't work out because we didn't have the finances or

support and the kids didn't get Passports.

Councilwoman Rayford said that the Golden Glove Event that they held last year was spectacular and well attended.

Mr. Lee said that will probably happen again next year in February or March.

Ann Sullivan, Spring Street said she is a new resident and has loved it since she has gotten here but is extremely concerned about police presence. She has seen for the past few months regular patrolling of local streets by the State Police in Newburgh. She has been in a lot of places but has never seen this so it disturbs her. She had her own run in with them when she stopped about a block from her house and saw them sitting there so she decided to make right hand turn. When they pulled her over and gave her a ticket for supposedly improper signaling the Officer refused to give her his name or badge number. Her neighbor's say that the State Police are there regularly often on weekends and in the mornings. She would like to know what is going on so when she called the Police Department to ask they told her they are always here patrolling in Newburgh which she found even more disturbing. She would like a response as to why the State Police have turned Newburgh into their little stomping ground.

Nelson McAllister, 412 Liberty Street, asked in regard to bond resolution #263-17 if these bonds will be made available to the common person in the City of Newburgh. Will they be set in denominations where someone making an average income would be able to buy it? They need to invest somehow and if the City would make sure that is available then that would be a benefit.

Mayor Kennedy said it should just be a Municipal Bond.

Mr. McAllister said that he knows about Municipal Bonds, however, when he was on the Council they made one so the denominations were good enough so that someone making $30,000.00 a year could invest in it. If they look back in 1996, 1997, they might be able to check that out. He read a letter addressed to Mayor Kennedy as a formal request and complaint for being ticketed by Parking Enforcement on Prospect Street on September 18, 2017 at 11:24 a.m. Violation Code 228-36.1, Ticket #6000045605, Location 47 Prospect Street. His complaint is that on the particular date mentioned Precision Pipeline Solutions contracted by Central Hudson was performing construction by digging a trench for new gas lines. We are all aware of this because this Council had to approve the work order and we know that this work is being performed all over this City. At the time he received this citation, work was being done on First Street and the west side of Prospect Street next to the Church where he is Pastor. Because of the construction he could not park in his usual place so he parked down the street a little on the east side of Prospect where he was ticketed. He strongly suggested that Parking Enforcement on that block should have been suspended for that day during construction. Is it fair to say that while residents and visitors are being inconvenienced due to street improvements that they should not be punished with parking violations also? Parking regulations should have been suspended until construction was completed which would have been the sensible thing to do. He is requesting that Ticket #6000045605 be rescinded and made void and that a resolution should be drafted and passed suspending alternate side of the street parking and street sweeping regulations when there is major construction being done on the streets of

Newburgh. To him it is common sense and courtesy. He told the Council that Newburgh is sounding a lot better than it has in quite a few years so he complimented every one of them for what they are doing. He is very proud to be a citizen of the City of Newburgh.

Councilwoman Abrams said that last year in the Heights they had the same situation going on. The Police Chief then said he would make sure that Parking Enforcement would not issue tickets on the block where construction was going on and it when very smoothly. They have done it in the past so it's not impossible.

Omari Shakur, City of Newburgh said to reiterate on what Ms. Sullivan was talking about, they had just left a meeting heading down South Lander Street to make a right on the corner of South Lander Street and South William Street but the State Police were blocking the way. She was getting ready to make a left turn and he told her to make a right instead so she switched her signal and made the right turn which is when they turned their lights on. They lied on the ticket by saying that she didn't signal one hundred feet away but they couldn't have seen that because they were sitting around the corner. The Officer made them sit there for three minutes which he videotaped and then he got smart with her when she asked for his badge number. This is what they go through every night because they are "fishing" in the community. They keep stopping cars until they get a strike but during that time they are harassing innocent people in the process. On that same street while he was out campaigning for County Legislator he was talking to some ladies who were asking about the statue that was damaged at Downing Park. He found out that the Insurance only covered part of it so if anyone would like to contribute to this cause to get this statue back up please do because he promised these ladies he would check on it.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Abrams said in regard to resolutions #265, #267, #268, #269 and #270 that she is happy to support them all. They are all in her Ward and are coming back to life after many years of being abandoned and vacant so she looks forward to voting on these. She proposed that we honor Lillie Bryant Howard before the end of 2017. She is one of our great Artists and will be marking the 60th Anniversary of her recording career. Maybe we can present her with keys to the City of Newburgh.

Councilman Harvey wished to speak on some issues that Rev. McAllister presented. He is very much interested in knowing about the Municipal Bonds being readily available to our residents who may not make substantial amounts of money in their annual incomes. The median income for the City of Newburgh is about $36,000.00 per year before taxes so we live in a city where a lot of our residents are very close to the poverty line or below. With

the BAN we did last year for 8 million dollars we were told that these opportunities would go out to a Brokerage Firm and they would get the big money investors to invest and sell those for the Construction Capital Plan. He is very interested in knowing if we do have Municipal Bonds for our residents to invest in the City and he wants to support that. As far as the tickets mentioned, Precision Pipeline and Central Hudson have created such a major inconvenience by blocking off roads and tearing up the streets. There are concerns about the reconstruction and/or re-pavement also. That has been a hot topic and now we are giving out tickets on those streets so he agrees that we need to make a resolution immediately.

City Manager, Michael Ciaravino said, *"It's already done."* He just spoke with Lt. Weaver so there is already a policy that they will finalize. There should not be any citations issued on a street where there obviously will be no street sweeping going on. We learned our lesson in the Heights last year so he is hearing that we have to reinforce protocol.

Councilman Harvey asked if we could also exonerate Mr. McAllister from these charges.

City Manager, Michael Ciaravino said as it relates to that ticket he will follow Michelle's direction that we do have to follow whatever the protocol is at the Parking Tribunal. There may be others that also qualify.

Councilwoman Rayford asked what about those who have already paid?

City Manager, Michael Ciaravino said that we will have to look at the data. If residents are unable to park on the side of the street because of construction it makes no sense to be issuing citations. He added that he and Lt. Weaver will be handling this immediately.

Councilman Harvey said on the topic of street sweepers that he is still waiting for them to do his street as they haven't been on Overlook for the entire summer.

George Garrison, DPW Superintendent responded that they did do Overlook. He made sure himself that they did that street.

Councilman Harvey continued that as far as the road re-pavement he understands that there are requirements from the Federal Government regarding ADA approved sidewalks. When he spoke to some of our leadership he was told that there are some curbs that meet the ADA standard so he would like to make a request that DPW get those paved as soon as possible before winter.

City Manager, Michael Ciaravino asked Councilman Harvey who he got the list from because they are currently putting it together with Chazen. A comprehensive evaluation is being done on a number of streets and he wants to make certain they are talking about the same thing. There may be areas of the City that are ADA compliant but the areas where there is ADA non-compliance, which is part of the paving schedule and paving plan, might be where the discrepancy is.

Councilman Harvey said that no re-pavement is going to happen before winter?

City Manager, Michael Ciaravino said that the plan is for us to do the curbs.

Councilman Harvey said there are curbs that are already in compliance.

Mayor Kennedy noted that they might not necessarily be on the streets that are scheduled for paving. The last she heard was that there a few but they were random.

Jason Morris, City Engineer said that the Mayor is correct; they are at sporadic intersections that have some degree of ADA compliant curb ramps but not in a continuous fashion. To date we haven't found any continuous road that could be paved due to the ADA curb ramp issue. If we do find some we will let the Council and the City Manager know.

Mayor Kennedy said she believes we have a paving plan and asked the City Manager if he has it.

City Manager, Michael Ciaravino said they focused on what the Council wanted for tonight and they are working on the paving plan.

Councilman Harvey added that he has received complaints about the presence of State Troopers from a constituent who was also pulled over in June and has been going through Court proceedings for a traffic stop that turned into other things. The State Trooper involved was very rude, abrasive and aggressive by trying to pull him out of the car and wouldn't answer his questions. It escalated and got ugly so that constituent is asking him to write a letter of character to assist in his Court proceedings. This is an ongoing issue in our City with the State Troopers.

Lt. Weaver said that all he can do is speak to their Superiors at their Barracks but they are State Troopers and they have jurisdiction in the whole State so we can't limit them from coming into the City of Newburgh. He listens to these concerns and said that if someone has a complaint about the State Troopers they would have to make it with the State Police Barracks. Their main Barracks is in Middletown with some satellites. We can't prevent them from coming into the City as we do a lot of work with them and they help us with a lot of things.

Councilman Harvey said that he would hate to see the police community relationship deteriorate because of the State Troopers.

Lt. Weaver said that if there are issues with certain Troopers that are justified and verified through an investigation then they can be held accountable.

Councilman Harvey added that Bishop Jeff Woody is retiring from the Newburgh Enlarged City School District with a celebration on Friday, September 29th at Anthony's Pier Nine and he would like the Council to do some sort of Proclamation thanking him for thirty plus years of service in our City.

Mayor Kennedy asked Councilman Harvey to draft the wording for that Proclamation so that Eliana can create it.

Councilwoman Holmes thanked Rev. McAllister for bringing this issue up and the City Manager and Acting Chief Weaver for taking care of it. She is glad that the Chief is going to talk to the F Troop Superiors so maybe that situation, like what happened with Ms. Sullivan, won't happen again or to someone else. Omari asked about the Monument and noted that current RFP's, work in progress and design for the Veteran Monument is being done now.

Katie Mack, City Comptroller said there are a thousand things going on, not that it is not a priority, it's just how much they can do at one time. We do have the Insurance check for it and the idea was that we were going to go out to design which we could afford right now. She has one of the Account Clerks going to a Purchasing Conference to get some extra help in this area so it is in the works.

Councilwoman Holmes added that what Mr. McAllister said about the Municipal Bonds sounds like a great idea. She asked the City Manager and Comptroller if they could see how residents can invest in Municipal Bonds for our City.

Councilwoman Mejia, in regard to resolution #263, wanted to remind everyone that there are still communities like Poughkeepsie, Rhinebeck, Highland, Hyde Park and Port Ewen who draw their drinking water from the Hudson River. If she is pushing for clean water for the City of Newburgh, she doesn't want to be a hypocrite and pollute other people's water so the passing of that resolution is extremely important. It will impede the discharge of 2.3 million gallons of polluted water once we separate that so she hopes there is enough support to get that important and environmental justice project off the ground. As for the State Troopers, her mother always used to say, *"If you are under my roof, you are under my rules."* She understands we can't limit them from coming here and she welcomes their assistance when it is required and needed but she has concerns about the fashion of how they are acting in our home. She doesn't know if they have to wear body cams like our Police Officers do so when having those conversations she would like to know if they are wearing them. How many tickets do they write for our community and what about our police community relations? Our Police Department has done a great deal to improve that relationship and sometimes on the street it is difficult to tell who is a State Trooper and who is a City of Newburgh Officer so she doesn't want our local Police to get bad representation. As for the Construction Projects, we had this discussion at the community meeting with Central Hudson about what we would do about parking regulations and she was under the impression we agreed that when they are doing this work we would suspend the parking regulations on those streets. She apologized to anyone who got a ticket and hopes they can be straightened out.

Councilwoman Rayford thanked Naomi, the City Manager, Corporation Counsel and the Legislative Body for keeping this Agenda short. On resolution #275-17, she is glad that the language has been changed to a multi-purpose field and not limiting it to just soccer or tennis. Hearing Leonard Lee speak about other sports adding to this department she noted there are two others that were brought to her attention also; dancing and the marching band. Her colleagues spoke about Mr. McAllister's parking issue but in the past he also spoke about speeding on Liberty Street and Dubois Street where Colleges and the Hospital are located so she asked if we could lower the speed limit there. She added that we want to reach out to people in Mexico, Puerto Rico and Texas who have suffered lost lives or property so the Activity Center will be receiving supplies on September 28th.

Derrick Stanton, Recreation Director said he believes the one for tomorrow is at St. Patrick's Church and ours is on the 28th. The Recreation Department is not doing the collecting we are just letting them utilize the facility.

Councilwoman Rayford said if anyone wants to make a donation they should go to St. Patrick's tomorrow or the Activity Center on Thursday.

Councilwoman Mejia said that there is a large concentration of people from the region that was hit hardest in Mexico City here in our City so they are organizing those two collections. Hurricane Maria also hit Puerto Rico so they are dividing the collections between what gets collected. They need things like hand sanitizer, non-perishable items, baby food and cereal. She believes the list has been going around on Social Media and there was another collection done this past Saturday and Sunday throughout Orange County at multiple locations. This is essentially the volunteer group from St. Patrick's Church that's organizing this.

Mayor Kennedy said she was very interested in Rev. McAllister's information on the parking and noted that she lives on a street that just went through this same issue. She is glad to hear that we are going to stop that whole process and sorry to hear we didn't stop it when the project was started. We need lots of flexibility so she requested that whenever we open streets we work out this issue as part of the process when the permit is opened. That way we immediately work with Parking Enforcement so we never have this conversation again. She also hopes we pass Resolution #263 as now we can see what we are doing a lot better. She knows there are BANS and Bonds which are financed differently so she recommended that someone get in touch with Rev. McAllister to talk about how that was done and what does that mean. She heard about the north side of Street Liberty issues and it sounds like there is a bigger discussion going on with the College students and all of the havoc that goes on down there so we have to work with Mt. St. Mary's on these issues because it is very hard on homeowners. We have to work on the Code and noise enforcement because people are paying high taxes and they shouldn't have to deal with that. She is also very glad to support all of these resolutions as we move our City forward.

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

CITY MANAGER'S REPORT

Resolution No. 263 - 2017 Additional Funding Needed for Liberty/Grand St Project

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 264 - 2017 Four Year Cyclical Reassessment Plan and Financial Aid Application

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 265 - 2017 Release of restrictive covenants - 38 Hasbrouck Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 266 - 2017 Release of Restrictive Covenants - 39 City Terrace

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 267 - 2017 Release of Restrictive Covenants - 61 Henry Avenue

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 268 - 2017 Extension of Time to Rehabilitate 2 Liberty Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 269- 2017 Purchase of 139 William Street

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 270 - 2017 Re-Purchase of 189 Broadway

Councilman Harvey asked Corporation Counsel for the details of this resolution so they can make an informed decision.

Corporation Counsel, Michelle Kelson said that a request to repurchase has been brought to the Council a couple different times. This particular building at 189 Broadway contains Dr. Chhabra's Dental Practice and he is trying to find a way to pay the City the full taxes that are due and owing on the property as the City has taken title. What is being proposed is to offer the Installment Payment Agreement that is available by Local Law and over the

two year period that those payments will be made Dr. Chhabra will be granted a license to continue to occupy and use the property for his Dental Practice. He will be fully responsible for the operation and maintenance and current expenses of that property and make those payments. At the completion of the Installment Payment Agreement, after the full back taxes, interest and penalties have been paid, a closing of Title would take place and hopefully Dr. Chhabra would be financially in a position to continue on as owner of the property.

Councilman Harvey asked, *"Where does he live? Is he a City of Newburgh resident?"*

Ms. Kelson said she is not sure what his home address is or if he is a City resident. He is a business owner and he made an offer to purchase this property back in 2003. For at least ten years he made an attempt to occupy the property and pay his taxes so he is asking for some consideration to be allowed to continue that business.

Councilman Harvey said he finds it interesting that he is not here to speak to these issues regarding this property. Why hasn't he come before this Council?

Corporation Counsel, Michelle Kelson said that we don't generally invite them. The Tax Foreclosures are proceedings In-Rem so they are proceedings against the properties themselves and not individual to the tax payer. The long standing practice has been to have these requests conveyed through the Corporation Counsel's Office so we have not generally invited or asked the individual taxpayers to come to City Council for a whole host of reasons. It's not that Dr. Chhabra didn't want to come here but the invitation was not extended based on past practice.

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 271 - 2017 Orange Ulster BOCES Letter of Agreement for Storage of Archival Materials

Councilwoman Abrams moved and Councilman Harvey seconded
Ayes - Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 272 - 2017 Commencement of SEQRA for a Developer Agreement with Alembic Community Development for Stabilization and Redevelopment of the Dutch Reformed Church, City Club, & 2 Mont. St

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 273 - 2017 $50,000 Larkin Grant for Fire Department Vehicles

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 274 - 2017 $125,000 Skartados SAM Grant for Fire Department Vehicles

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 275 - 2017 Re-purpose of Delano-Hitch Tennis Courts

Councilwoman Abrams said that she is very sorry to lose these two remaining Tennis Courts at Recreation Park as we have so few of them here in the City and we really need and deserve better Tennis Courts. We had a presentation by Mr. Maher, the Tennis Coach at N.F.A. showing how great it could be for the City and how it would help our financial situation a bit by having Tournaments here. Having heard the reasoning behind this from Mr. Stanton she said that she will reluctantly vote for this because the wording was changed making it a youth multi-purpose field.

Councilman Harvey thanked Derek Stanton for his vision, creativity and diligence with our recreation facilities. He has done a superb job and we are seeing active engaged youth in our City participating in recreation more. He has even had parents call to say thank you because there is an increase of young people going from the south side and downtown Newburgh over to the Rec to engage in basketball now. That is a significant thing to acknowledge because in the past we didn't see groups of youth mixing and engaging in these athletic recreational activities but we are seeing it now. He also would like to continue the discussion on finding the funds to do what we said we could possibly do in the near future with the Tennis Courts. Having tennis available for our young people is significant so whatever we can do to make that a reality he is in support of. He is excited for not only the soccer players with these upgrades to the fields but also the Newburgh Steelers. He talks to one of their Head Coaches regularly and they are excited about the possibility of having more time on the fields with the football team and practice. He noted that their Homecoming Game will be this Saturday at 11:00 a.m.

Councilwoman Rayford thanked our Police Department and City residents along with Mr. Stanton. As Councilman Harvey said you really don't see our youth from the heights come across Broadway to engage with the other basketball players so he has done tremendous work with our youth. In 2014, Derek was her boss and she asked him what kind of Camp he wanted and he responded that he wanted it to be physical but she wanted education to be part of it. Mr. Kaplan told her that there were some extra books upstairs that she could use so we utilized them and he took that idea of education and ran with it because that place is prospering. On Saturday mornings it is quite crowded and we see Derek and

Recreation Department staff there so she thanked them again for their work with the youth. If we don't do anything with our youth then crime will escalate. We weren't involved with our youth years ago but now the Skateboard Park is here and we have renovated the Courts at the Rec so we are doing a lot here for our youth. She wanted to thank the Council as well because a lot of things couldn't get done if we didn't have the vote. He is looking forward in the near future to see if we can budget something with the Tennis Courts. Mr. Maher is still willing to help out so maybe we can get him busy with the courts that we have on South Street. With soccer we have the indoor soccer at the Armory and we have the field that is used for both soccer and football but we never hear about when their games are or who they are playing. There should be more publicity.

Mayor Kennedy said that five and a half years ago we had a Recreation Department that was literally falling apart. She remembers interviewing Mr. Stanton and making the decision to hire him which stands out as one of the best decisions we have made. As we look at the vision as it is coming to fruition and programs are being developed on a shoestring budget she congratulated him and thanked him for working some miracles. When people say there is nothing for kids to do in this City then they are not paying attention to what is going on. The Skate Park is on its way and we might want to do something with the Boxing Club, dancing, music or tennis which is expanding the department and that means more Budget and Staff. Remember we are doing this on a shoestring budget and we are adding things little by little. Everybody wants everything all at once, which is not possible, but little by little we are starting to see the fruition of these projects starting to grow. She thanked Derek for the progress that we have made.

Councilwoman Abrams moved and Councilman Harvey seconded.
Ayes: Abrams, Harvey, Holmes, Mejia, Rayford, Kennedy - 6
Adopted

Resolution No. 276 - 2017

Councilwoman Abrams moved and Councilman Harvey seconded
Ayes - Abrams, Holmes, Harvey, Mejia, Rayford, Kennedy - 6
Adopted

NEW BUSINESS

Councilwoman Abrams reminded the Council that she would like to do some sort of recognition for Lillie Bryant Howard by presenting her with the keys to the City.

Mayor Kennedy said that we don't have any keys.

Councilwoman Abrams said that she will get some. They are adorable and you can get them online.

Mayor Kennedy said we have visitors who come here sometimes from other Countries with gifts and we never have anything to give them in return so perhaps something like keys would be a good idea.

Councilman Harvey said that he has been online researching lapel pins. We have the City Seal so is there a way we can look into a company that could produce lapel pins for City Officials?

Mayor Kennedy said that would be a Budget item and it's a good idea.

Councilman Harvey said that when they are walking around at community events they have nothing to symbolize who they represent as elected officials.

Mayor Kennedy said they could discuss it when they talk about the Council's Budget.

Councilwoman Holmes asked Michelle Kelson about parking on Broadway for the businesses owners.

Corporation Counsel, Michelle Kelson said it is against the New York State Constitution. The public streets are vested with a Public Trust just like your Park land and municipal buildings. They cannot be reserved for the benefit of an individual person. The State Law allows the City to establish reasonable rules and regulations for parking that apply equally to everyone but you cannot reserve space on Broadway or any other public street for the benefit of any particular resident or individual. Just like you can't auction off the Parks because it is a violation of the New York State Constitution. Other places do it with a Special Act to the State Legislature and the City of Albany was sued about twenty-seven times trying to create different kinds of parking schemes to benefit their residents and local businesses. You can set up a parking scheme that benefits a class of people such as residents and business owners by collecting data, figuring out what your demand is and sending a proposal to Albany. The State Legislature would then have to pass a Special Act allowing that type of parking regulation and usually the price, the quid pro quo, for that is that fifteen percent, or some other measured amount of that space, has to be open for the public. You can look at the New York State Vehicle and Traffic Law to see all of the Special Acts of the Legislature that have been passed for the benefit of other municipalities. You have to do your homework, collect your data, know what you want and you have to be able to support it. Then you have to lobby your elected officials to carry that legislation through the New York State Legislature because they are usually politically

charged. She has been saying this for about ten years now. It's a matter of the Public Trust Doctrine so you cannot just do it. You need the permission of the State Legislature.

Mayor Kennedy said that is a project. You could get a bunch of business owners together and start that process but it is a big job. She would like to have a discussion on creating an Economic Counsel. We have a lot of things going on and it would be helpful to have a citizen's group of specialists in economic development to help recruit businesses and such to the City.

Councilwoman Rayford said she travels through the City of Newburgh all the time and what surprises her is how the south side of Broadway from River Road to Mill Street is really dark. There is not enough light so she is afraid while driving. How can our City get Central Hudson to put more poles up? She added that more police presence is needed on her street.

OLD BUSINESS

Councilwoman Holmes said in regard to the Rev. Jones Street naming on Washington Street that they need to set a date for that. She is waiting for a call back from the family.

Councilwoman Rayford said we adopted a resolution last year regarding a street naming for Father Bill so we need to have a ceremony.

Councilwoman Abrams said she thought that Father Bill did not want that street naming.

Corporation Counsel, Michelle Kelson said it wasn't a street naming but they were naming the South Street Park after him and they passed a resolution for it whether he liked it or not.

Councilwoman Abrams noted that her suggestion is pending to have a moratorium on these naming's.

Ms. Kelson said that she received material from Councilwoman Rayford for the one request that came around the time of the moratorium so she will get this one on the Agenda for the next Council meeting and now that everybody is aware of the moratorium this will be the last one.

Councilwoman Rayford said there are support letters for the Gidney Avenue Park to be named also.

Mayor Kennedy said that everybody wants something named which is why we are going to have the moratorium.

Councilwoman Abrams said that the moratorium is for streets. The resolution was passed by the City Council stating that streets shall not be named for anyone except those who have given their lives for our Country.

Corporation Counsel, Michelle Kelson noted that this will be the last street naming until there is a Committee established and policies and procedures are put into place. Other honoraria can still be addressed by the City Council.

Councilman Harvey said that he would like to revisit the One Percent for Art and Culture legislation that was passed in 2006. There was a six month moratorium on it in 2009 which caused the Art and Cultural Commission to dissolve. He has received phone calls from past members of that Commission asking to reinstate the One Percent for Art and Culture and reconvene the Commission.

Corporation Counsel, Michelle Kelson said that the whole One Percent for Art has to be reevaluated because it was a cost to the City.

Councilman Harvey said, *"No it wasn't; how?"*

Ms. Kelson said she doesn't believe that is how it was intended but it turned out to be a cost to the City. With public projects the City was footing the funding for the proposed artwork.

Councilman Harvey said that he was part of writing that legislation.

Ms. Kelson said the whole thing has to be revisited because she doesn't believe that what was adopted and how it was implemented was what was intended. This was not meant to be an added cost to the City's projects but that was the road it started to go down which was one of the reasons for the moratorium.

Councilman Harvey said that the moratorium was eight years ago.

Ms. Kelson said that she understands that and in 2009 the City was in a serious financial crisis. Now that it looks like we are coming out of the other end of that crisis maybe it's time. It's something that we can revisit but it's not going to just come out of the box and pick up where it left off.

Councilman Harvey said he would like to do what they need to do to revisit or amend that law.

City Manager, Michael Ciaravino suggested they put it on for discussion at the Work Session.

Mayor Kennedy said that right now we have a lot going on with the Budget so we may need to wait until we are done with that first. She agrees it is a very important discussion to have but let's move it into the schedule as we move along.

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

FURTHER COMMENTS FROM THE COUNCIL

There were no further comments from the Council.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:40 P.M.

LORENE VITEK
CITY CLERK

RESOLUTION NO. 263 -2017

OF

SEPTEMBER 25, 2017

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 25, 2017, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $3,600,000, APPROPRIATING $1,100,000 FOR SUCH PURPOSE, IN ADDITION TO THE $2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF $1,100,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. Based upon the review of this action by the City Engineer of the City of Newburgh, in the County of Orange, New York (herein called the "City"), the City Council hereby determines that the specific object or purpose authorized to be financed pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) ("SEQRA") and requires no further proceedings under SEQRA.

Section 2. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is $3,600,000 and $1,100,000 is hereby appropriated therefor, in addition to the $2,500,000 previously appropriated pursuant to the bond resolution no. 290-2014 adopted by the City Council on November 24, 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of $1,100,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable, with the expectation that any grant funds received by the City from the New York State Environmental Facilities Corporation shall be used to pay a part of the cost of the project or to pay debt service on bonds or notes issued to finance the project or shall be budgeted as an offset to such taxes to be levied and collected.

Section 2. Bonds of the City in the aggregate principal amount of $1,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said $1,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing

bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller/Director of Finance, the chief fiscal officer of the City.

Section 7. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

"The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the city during the effective period of this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the city to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged."

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in *"The Sentinel," "The Mid Hudson Times,"* and *"The Hudson Valley Press,"* three newspapers each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on September 25, 2017, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this 26th day of September, 2017.

(SEAL)

City Clerk

RESOLUTION NO.: 264 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION SUPPORTING A FOUR YEAR CYCLICAL REASSESSMENT PLAN AND AUTHORIZING THE CITY MANAGER AND CITY ASSESSOR TO APPLY FOR AND ACCEPT IF AWARDED AID FOR CYCLICAL ASSESSMENTS FROM THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

WHEREAS, in 2008, the City of Newburgh implemented a cyclical plan to reassess real property at 100% of market value in a 6 year interval; and

WHEREAS, New York State provides financial aid to municipalities that reassess at 100% of market value on a cyclical basis in an amount of up to $5.00 per parcel in reappraisal years and up to $2.00 per parcel in non-reappraisal years to the extent such funding is available; and

WHEREAS, to be eligible for the State Aid for Cyclical Reassessments, the City of Newburgh is required to submit a plan for future reassessments that includes reassessments at 100% of market value and implemented pursuant to an approved plan with a minimum 4 year interval; revaluations or reappraisals at least once every 4 years; reassessments conducted in the first and last years of the plan; inventory collection at least once every 6 years; and provision of a set of supporting valuation documents and files; and

WHEREAS, under the 2008 cyclical reassessment plan, a reappraisal was required in 2014 and the submission of a cyclical assessment plan for future reassessments was required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, by Resolution No. 229-2014 of September 8, 2014, the City Council authorized the City Assessor to implement a 4 year cyclical assessment plan with 2014 being the first year of the plan further authorizing the City Assessor to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services; and

WHEREAS, under the 2014 cyclical reassessment plan, a reappraisal was required in 2017 and the submission of a cyclical assessment plan for future reassessments was required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, the City Assessor proposes to apply for State Aid for Cyclical Reassessments and submit a 4-year cyclical reassessment plan with 2017 being the first year of the plan; and

WHEREAS, the City Council has determined that continuing with cyclical reassessment at 100% of market value and implementing a 4-year cyclical reassessment plan with 2017 as the first year of the plan 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 Assessor of the City of Newburgh is hereby authorized to implement a 4-year cyclical assessment plan with 2017 being the first year; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager and the City Assessor are hereby authorized to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services.

RESOLUTION NO.: 229 - 2014

OF

SEPTEMBER 8, 2014

A RESOLUTION SUPPORTING A FOUR YEAR CYCLICAL REASSESSMENT PLAN AND AUTHORIZING THE CITY MANAGER AND CITY ASSESSOR TO APPLY FOR AND ACCEPT IF AWARDED AID FOR CYCLICAL ASSESSMENTS FROM THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

WHEREAS, in 2008, the City of Newburgh implemented a cyclical plan to reassess real property at 100% of market value in a 6 year interval; and

WHEREAS, New York State provides financial aid to municipalities that reassess at 100% of market value on a cyclical basis in an amount of up to $5.00 per parcel in reappraisal years and up to $2.00 per parcel in non-reappraisal years to the extent such funding is available; and

WHEREAS, to be eligible for the State Aid for Cyclical Reassessments, the City of Newburgh is required to submit a plan for future reassessments that includes reassessments at 100% of market value and implemented pursuant to an approved plan with a minimum 4 year interval; revaluations or reappraisals at least once every 4 years; reassessments conducted in the first and last years of the plan; inventory collection at least once every 6 years; and provision of a set of supporting valuation documents and files; and

WHEREAS, under the ~~2008~~ 2014 cyclical reassessment plan, a reappraisal is required in ~~2014~~ 2017 and the submission of a cyclical assessment plan for future reassessments is required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, the City Assessor proposes to apply for State Aid for Cyclical Reassessments and submit a 4-year cyclical reassessment plan with ~~2014~~ 2017 being the first year of the plan; and

WHEREAS, the City Council has determined that continuing with cyclical reassessment at 100% of market value and implementing a 4-year cyclical reassessment plan with ~~2014~~ 2017 as the first year of the plan 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 Assessor of the City of Newburgh is hereby authorized to implement a 4-year cyclical assessment plan with ~~2014~~ 2017 being the first year; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager and the City Assessor are hereby authorized to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 9/8/14 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 9 day of Sep 20 14

City Clerk

New York State Department of Taxation and Finance
Office of Real Property Tax Services

RP-1573-ACR-A
(2/15)

Application for Review for the Maintenance of a System of Improved Real Property Tax Administration Aid

Aid for Cyclical Reassessments
OFFICE OF REAL PROPERTY TAX SERVICES

Part 1 – Aid application (to be completed by Chief Executive Officer and Assessor)
The application must be submitted by the *Assessor* of the assessing unit, and the CEO of the municipality or constituent municipality of a CAP; if a CAP, please copy and insert the needed numbers of this page.

CITY OF NEWBURGH City/town/CAP name	ORANGE County	331100 SWIS Code/CAP Code
MICHAEL G. CIARAVINO Chief Executive officer's name (print)	Municipality name if in CAP	
Signature	Date	
JOANNE M. MAJEWSKI, IAO Assessor's name (print)	Signature	Date

The above signatories do hereby make application for financial aid for the maintenance of a system of improved real property tax administration pursuant to Real Property Tax Law section 1573 and acknowledge that the failure to implement a reassessment pursuant to an approved *plan for cyclical reappraisals* will result in the repayment of the full amount of financial aid received for the assessment rolls following the roll for which the most recent reassessment (reappraisal) was implemented.

Please enter an *X* in one box below:

Assessment roll year 2017

Year number of cyclical plan 4

Reappraisal year aid ☒

Non-reappraisal year aid ☐

Assessor: Complete and sign *Part 2 – Aid Verification* on the following page.

Part 2 – Aid verification (to be completed by Assessor)

In filing this application for the assessment roll, I do hereby verify that:

1 Parcels on the data file have complete and accurate inventories as of taxable status date.
2 Pertinent sales data on the data file is complete and accurate.
3 Parcels on the assessment roll filed pursuant to Article 15-C of the RPTL have valid property tax exemption codes.
4 The final assessment roll meets the requirements of Part 8190 of 20 NYCRR.
5 The assessor's report meets the requirements of Part 8193 20 NYCRR.
6 Data files required pursuant to Article 15-C of the RPTL and Part 8190 of 20 NYCRR are filed in accordance with Section 1590 of the RPTL.
7 Sales corrections required by Part 8191 of 20 NYCRR are received in an ORPTS approved computerized format. Transactions are received on a timely basis.
8 Notice of assessment inventory was published as required by section 501 of the RPTL.
9 Notice of tentative assessment roll was published as required by section 506 of the RPTL.
10 Assessment change notices were sent as required by section 510 of the RPTL.
11 Assessment disclosure notices as required by section 511 of the RPTL are sent and required meetings have been held.
12 The tentative and final assessment rolls were posted on the Internet as required by section 1590 of the RPTL.
13 Notice of final assessment roll was published as required by section 516 of the RPTL.
14 Renewal forms for the senior citizens' exemptions were sent as required by section 467 of the RPTL.
15 Notices of denial for the STAR exemptions were sent as required by section 425 of the RPTL.
16 The uniform percentage appears on the tentative assessment roll or in instances where a tentative assessment roll is not printed, a sign that contains the uniform percentage is posted in a conspicuous location.
17 In a reassessment year, all parcels were reappraised and reviewed in accordance with Subpart 8210-3.2(b) of 20 NYCRR.
18 In accordance with the Assessing Unit's plan to ensure that all parcels are re-inspected at least once every six years, the Assessing Unit has performed the activities as described below:

Collection of inventory data requirement	Residential	Commercial	Vacant	Utility
Percentage of parcels physically inspected during this year	34 %	46 %	30 %	13 %
Cumulative percentage of parcels that have been physically inspected within the last six (6) years	100 %	100 %	100 %	100 %

Assessor's signature _____ Date _____

Instructions – Submit this Application to your State Aid Representative:

NYSDTF/ORPTS Western Region Genesee County Building 2 3837 West Main Street Road Batavia NY 14020	NYSDTF/ORPTS Central Region 333 East Washington Street Syracuse NY 13202	NYSDTF/ORPTS Northern Region W A Harriman Campus Building 8A Albany NY 12227-0801	NYSDTF/ORPTS Southern Region 44 south Broadway, 6th Floor White Plains NY 10601

New York State Department of Taxation and Finance
Office of Real Property Tax Services

Plan for Cyclical Reassessments

RP-1573-ACR-P
(2/15)

Aid for Cyclical Reassessments
OFFICE OF REAL PROPERTY TAX SERVICES

Assessing unit City of Newburgh

SWIS/CAP code 331100

County Orange

Date plan submitted:

Original _____

Amended _____

This Plan covers final assessment roll years: Years **must** correspond to first and last reappraisal years in the chart on page 3.

From 2017 To 2020

The plan must be submitted by the *Assessor* of the assessing unit, and the CEO of the municipality or constituent municipality of a CAP; if a CAP, please copy and insert the needed numbers of this page.

1 Plan development & commitment

Plan submitted by:

Michael G. Claravino City Manager
Chief Executive Officer's name (print)

Municipality name if in CAP

Signature

Joanne M. Majewski, IAO
Assessor's name (print)

Signature

The above signatories acknowledge that the failure to implement a reappraisal pursuant to an approved Plan for Cyclical Reassessments will result in the repayment of the full amount of financial aid received for the assessment rolls following the roll for which the most recent reappraisal was implemented.

3 Current status of data collection/re-inspection requirement

Assessment roll year of last assessing unit-wide data collection or re-collection, if done	2017
Is an assessing unit-wide data collection project currently underway? (Yes/No)	Yes

Complete the chart below **only** if data collection/re-inspection was performed over several years

	Residential	Commercial	Vacant	Utility
Cumulative percentage of parcels that have been physically inspected within the last six (6) years	100%	100%	100%	100%

4 Plan length and reassessment timetable

The statute and rules require:

- Plan not less than four years
- Reappraisal in the **first** and **last** years of the plan
- A reappraisal at least every **four** years
- Inventory collection at least once every **six** years (all parcels **must** have been physically inspected at least once within the preceding six years of each assessment roll year in the plan)

Rules require that a *revaluation* in any year be a complete reappraisal in order to be eligible for State aid of up to $5 per parcel (see *Guidelines* for details).

Complete each row in the table below, entering the following information for each year of the plan:

- **Assessment roll year for each year of plan only**
- **Reappraisal Cycle: Reappraisal or blank**
- **Inventory Collection** (physical re-inspection): **Assessing Unit-wide, Partial, or blank**

If there is intent to conduct a reassessment using methods other than a complete reappraisal in the *non-reappraisal* years, the assessor **must** notify ORPTS in writing no later than 180 days prior to the tentative roll (typically by November 1) - do **not** enter on chart.

Plan year	1	2	3	4	5	6
Assessment roll year	2017	2018	2019	2020		
Reappraisal cycle	Reappraisal			Reappraisal		
Inventory collection	partial	partial	partial	partial		

Instructions – Submit this Application to your State Aid Representative:

NYSDTF/ORPTS Western Region Genesee County Building 2 3837 West Main Street Road Batavia NY 14020	NYSDTF/ORPTS Central Region 333 East Washington Street Syracuse NY 13202	NYSDTF/ORPTS Northern Region W A Harriman Campus Building 8A Albany NY 12227-0801	NYSDTF/ORPTS Southern Region 44 south Broadway, 6th Floor White Plains NY 10601

Please see the example on the following page

RESOLUTION NO.: ____265____-2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO FRANK LIPPOLIS
TO THE PREMISES KNOWN AS 38 HASBROUCK STREET
(SECTION 38, BLOCK 3, LOT 47)

WHEREAS, on August 30, 2001, the City of Newburgh conveyed property located at 38 Hasbrouck Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 47, to Frank Lippolis; and

WHEREAS, the owner, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh; and

WHEREAS, it has been determined that such release be granted; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 38 Hasbrouck Street, Section 38, Block 3, Lot 47, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated August 30, 2001, from the CITY OF NEWBURGH to FRANK LIPPOLIS, recorded in the Orange County Clerk's Office on September 13, 2001, in Liber 5627 of Deeds at Page 88 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

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

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

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

_____

RECORD & RETURN TO:

RESOLUTION NO.: 266 -2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO ALEJANDRINO FLORENTINO
TO THE PREMISES KNOWN AS 39 CITY TERRACE
(SECTION 29, BLOCK 4, LOT 13)

WHEREAS, on November 12, 1993, the City of Newburgh conveyed property located at 39 City Terrace, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 4, Lot 13, to Alejandrino Florentino; and

WHEREAS, the property has subsequently been conveyed to various other parties; and

WHEREAS, the City of Newburgh ultimately re-acquired title to said real property through the foreclosure of tax liens; and

WHEREAS, by Resolution No.: 225-2017 the City Council authorized the sale of 39 City Terrace (Section 29, Block 4, Lot 13) to Cairi Johnson; and

WHEREAS, Mr. Johnson, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh to Alejandrino Florentino; and

WHEREAS, it has been determined that such release be granted; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 39 City Terrace, Section 29, Block 4, Lot 13, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a deed dated November 12, 1993, from the CITY OF NEWBURGH to ALEJANDRINO FLORENTINO, recorded in the Orange County Clerk's Office on December 20, 1993, in Liber 3951 of Deeds at Page 203 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

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

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

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

_____

RECORD & RETURN TO:

RESOLUTION NO.: 267 -2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO YVETTE SIMS
TO THE PREMISES KNOWN AS 61 HENRY AVENUE
F/K/A 59-63 HENRY AVENUE
(SECTION 48, BLOCK 10, LOT 4.1)

WHEREAS, on August 12, 1996, the City of Newburgh conveyed property located at 61 Henry Avenue f/k/a 59-63 Henry Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 48, Block 1, Lot 4.1, to Yvette Sims; and

WHEREAS, Yvette Sims subsequently conveyed said premises to Anthony D. Bruce; and

WHEREAS, Mr. Bruce, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh to Yvette Sims; and

WHEREAS, it has been determined that such release be granted; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 61 Henry Avenue f/k/a 59-63 Henry Avenue, Section 48, Block 10, Lot 4.1, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a deed dated August 12, 1996, from the CITY OF NEWBURGH to YVETTE SIMS, recorded in the Orange County Clerk's Office on August 23, 1996, in Liber 4436 of Deeds at Page 134 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

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

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

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

_____

RECORD & RETURN TO:

RESOLUTION NO.: 268 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION OF TIME TO REHABILITATE PREMISES OWNED BY JOHN BONHOMME KNOWN AS 2 LIBERTY STREET (SECTION 46, BLOCK 1, LOT 18)

WHEREAS, the City of Newburgh did convey the premises located at 2 Liberty Street, more accurately described as Section 46, Block 1, Lot 18 on the official Tax Map of the City of Newburgh by deed dated December 11, 2015; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about June 11, 2017; and

WHEREAS, John Bonhomme, the owner of property located at 2 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and expects to complete the rehabilitation in the Spring of 2018; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its continued development to grant the requested extension;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that John Bonhomme be granted a one (1) year extension to rehabilitate the premises known as 2 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before September 25, 2018, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: 269 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 139 WILLIAM STREET (SECTION 45, BLOCK 10, LOT 26) AT PRIVATE SALE TO MICHAEL MOSCATI FOR THE AMOUNT OF $4,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 139 William Street, being more accurately described as Section 45, Block 10, Lot 26 on the official tax map of the City of Newburgh; and

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

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective 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 December 29, 2017, being approximately ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
139 William Street	45 – 10 – 26	Michael Moscati	$4,000.00

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

Terms and Conditions Sale
139 William Street, City of Newburgh (45-10-26)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE. The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of $250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.**
6. Notice is hereby given that the property 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 December 29, 2017. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of $250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall <u>not</u> be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
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.: 270 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 189 BROADWAY (SECTION 36, BLOCK 1, LOT 1)
AT PRIVATE SALE TO DEVENDER CHHABRA

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, Devender Chhabra, the former owner of 189 Broadway, being more accurately described as Section 36, Block 1, Lot 1 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase the property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 189 Broadway (Section 36, Block 1, Lot 1) on the official tax map of the City of Newburgh, to Devender Chhabra be and hereby is confirmed and that upon receipt of the purchase price of $170,918.02, in accordance with terms and conditions in substantially the same form annexed hereto with such other terms and conditions acceptable to the Corporation Counsel by no later than September 30, 2019, which amount represents all past due tax liens, together with all interest and penalties accruing thereon, including attorneys fees, in full, the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser in accordance with said terms and conditions no later than October 31, 2019; 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 – 189 Broadway

1. City of Newburgh (hereafter "City of Newburgh, "City" or "Licensor") acquired title to the property known as 189 Broadway, more accurately described as Section 36, Block 1, Lot 1 on the official tax map of the City of Newburgh, (hereafter referred to as the "Premises") 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. Devender Chhabra (hereafter "Licensee" or "Purchaser") owned the Premises prior to Licensor. Licensee used the Premises to operate his dental practice.

3. Licensee desires to continue operating his dental practice on the Premises and to repurchase the Premises from Licensor.

4. Licensor and Licensee (hereafter "Parties") desire to enter into this License and Purchase Agreement ("Agreement"), as follows:

License Provision

5. Grant of License. Licensor grants Licensee a license to use and occupy the Premises, subject to the following terms and conditions. Licensee shall have no real property interest in, or other rights to, the Premises. The license is non-exclusive, revocable at will by the Licensor, and is non-transferrable. Licensor agrees that it shall not permit any other licensee of the Premises to use or occupy any portion of it during the Term (as defined below).

6. Use. Licensor shall permit Licensee to render dental services on premises between the hours of ___ and ___ from (day) to (day).

7. Term. The term of this license shall commence on September 30, 2017, and shall expire on September 30, 2019, unless sooner terminated by the Licensor.

8. Fee. (a) Licensee agrees to pay Licensor a license fee according to the following payment schedule:

   $38,852.42 due upon the signing of this Agreement.
   $16,508.20 due on or before December 31, 2017
   $16,508.20 due on or before March 31, 2018
   $16,508.20 due on or before June 30, 2018
   $16,508.20 due on or before September 30, 2018
   $16,508.20 due on or before December 31, 2018
   $16,508.20 due on or before March 31, 2019
   $16,508.20 due on or before June 30, 2019
   $16,508.20 due on or before September 30, 2019

(b) The sum total of the fees set forth above ($170,918.02) shall be referred to herein as the "Total License Fee."

(c) In the event any payment is not received prior to the close of business on or before the due date, Licensee shall pay, as an additional License Fee, a late charge equal to five percent (5%) of the License Fee payment that is past due. Any unpaid balance after the aforementioned due dates, regardless of the cause, may be grounds for terminating the license.

(d) All payments due shall be payable to the "City of Newburgh" by bank check, certified check or money order.

9. Taxes & Utilities. Licensee shall be responsible for all taxes, utilities, water, sewer, and sanitation charges. Licensee is responsible for any and all costs associated with installation and/or monthly service fees or maintenance charges for services not expressly assumed by Licensor herein.

10. Maintenance and Repairs. (a) Licensee shall not cause any installation, repair, or maintenance of any heating, cooling, plumbing, electrical or structural systems on the Premises without the written approval of Licensor's Building Inspector or Code Compliance Supervisor. The costs of any such installation, repair, or maintenance, if approved, shall be borne by Licensee.

(b) Licensor agrees and warrant that it will maintain the Premises in a reasonable and customary in accordance with the Use permitted in paragraph 6.

11. Right of Inspection and Entry. Licensee agrees that Licensor, or its representative(s) or designee(s), may enter the Premises at reasonable hours for the purpose of making inspections, repairs, and for any other purpose deemed necessary by Licensor, and at all times during an emergency. Licensor also reserves the right to conduct an administrative search when there is reasonable suspicion of the presence of items that may be considered by Licensor to be a danger or hazard to the health and welfare of the community and/or a violation of law.

12. Compliance with Law. Licensee, at its sole cost and expense, shall promptly comply with all laws and regulations of any governmental authority. Licensee shall pay all fines, penalties, costs, and expenses, imposed on Licensee. Licensee shall also pay all fines, penalties, costs, and expenses, imposed on Licensor for Licensee's failure to comply with any governmental laws, rules, or regulations.

13. Condition of Premises. Licensee has inspected the Premises and agrees to accept the Premises "AS IS" on the date of this License. LICENSOR MAKES NO REPRESENTATIONS, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE PREMISES.

14. Waiver. Licensee expressly waives, and agrees not to make any claim for damages against, Licensor, direct or consequential, arising out of any failure of Licensor to furnish any utility,

service, or facility, any error or omission with respect thereto, or any delay or interruption of the same.

15. Licensee's Property. Notwithstanding the provisions contained in the "Purchase Agreement" section of this Agreement, any fixtures or equipment attached or built into the Premises shall be deemed Licensor's property and may not be removed by Licensee unless agreed to in writing by the Licensor. Any of Licensee's personal property remaining on the Premises 30 days after the expiration of the license Term shall become property of the Licensor.

16. Indemnification. Licensee will defend, indemnify, and hold Licensor and its respective officers and agents ("Licensor's Indemnified Parties"), harmless from and against any suits, claims, causes of action, liabilities, losses, costs, damages, and expenses of any kind – including reasonable attorneys fees and court costs – arising in any manner in connection with Licensee's use of the Premises, or claims arising from any of Licensee's agents, employees, invitees, business partners, or contractors. Licensee shall furnish Licensor with any legal papers served or filed. Licensee shall maintain adequate insurance for the foregoing.

17. Insurance. In addition to the insurance required in paragraph 16, Licensee, at its expense, will maintain commercial general liability insurance, with Licensor named as an additional insured, with limits no less than $1 million per occurrence and $2 million aggregate for bodily injury, and $100,000 per occurrence and $1 million aggregate for property damage. Licensee will maintain said coverage on forms customary in the insurance industry to assure REPLACEMENT VALUE COST on all property on Premises. Licensee agrees to waive all rights of subrogation against Licensor.

18. Licensor's Liability. Licensor shall not be liable to Licensee, nor shall Licensee be entitled to a reduction or right of setoff of the license fees in any way or for any reason.

19. Affirmative Waivers. Licensor and Licensor's Indemnified Parties shall not be liable for, and Licensee waives all right of recovery against, any entities or individuals for any damage or claim with respect to tort in connection with the Premises.

20. No Waiver. The failure of Licensor to affirmatively demand performance of any obligations by Licensee hereunder shall not be deemed a waiver of any of Licensor's rights contained herein or at law.

21. Severability. The invalidity or unenforceability of any provision herein shall neither affect nor impair the validity of any other provision contained herein.

22. Right to Cancel. Licensor retains the right to cancel whenever it decides in good faith to do so, so long as the decision is not arbitrary or capricious. Licensor's right to revoke is not contingent upon whether Licensee is in default of the terms of this agreement.

Purchase Agreement

23. Provided that Licensee has complied with all of the terms of the License Agreement in the sole discretion of the Licensor, and provided that Licensee has timely paid the Total License Fee and any unpaid taxes, charges or fees pursuant to this Agreement, Licensee may elect to purchase the Premises from Licensor on or before October 31, 2019, under the following terms and conditions.

24. Licensee's election to purchase must be made in writing, and no sooner than 10 days prior to the date Licensee wishes to close.

25. Licensor shall convey the Premises to Licensee for the good and valuable consideration contained herein.

26. Licensee shall be responsible for any and all property taxes levied by the City of Newburgh and the Newburgh Enlarged City School District. Any such taxes actually paid by Licensee shall be reimbursed by Licensee to Licensor at closing.

27. All recording costs and transfer taxes shall be paid by Licensee. Such recording costs shall be payable to the "Orange County Clerk" by bank check, certified check or money order.

28. All unpaid taxes, costs, and fees must be paid by cash or guaranteed funds to the City of Newburgh Comptroller's Office on or before October 31, 2019, *TIME BEING OF THE ESSENCE.* Any additional request to extend the closing date shall be made in writing and placed before the City Council for its consideration.

29. The Premises, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, or: (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, which are the responsibility of the Licensee, 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) any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding.

30. Licensee shall continue to be responsible for all taxes, water, sewer and sanitation charges.

31. Upon delivery of a quitclaim deed by Licensor to Licensee, any and all claims with respect to title to the premises are merged in the deed and do not survive.

32. No personal property is included in the sale. The disposition of any property located on the Premises shall be the sole responsibility of the Licensee following the closing.

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33. All informational tools, such as slides, tax maps, deeds, photos, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE CITY MAKES NO WARRANTY, EXPRESS OR IMPLIED, IN CONNECTION WITH THIS SALE.

34. 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. The Premises may contain paint or other similar surface coating material containing lead. Licensee shall be responsible for the correction of such conditions when required by applicable law. Properties also may contain other environmental hazards. Licensee shall be responsible for ascertaining and investigating such conditions prior to bidding. Licensee shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Licensee acknowledges receivership of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Licensee also acknowledges that 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.

35. If Licensee fails to close title or fails to gain an extension of time to close by City Council, the City shall no longer have any other rights or obligations to Licensee and Licensee must vacate the Premises forthwith.

36. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council because of Purchaser's breach of these Terms, the City shall be entitled to the keep any sums received in this Agreement as liquidated damages. Licensee shall not be entitled to any monies previously paid herein. Licensee 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.

37. The 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, its heirs, success or assigns, against City of Newburgh arising from this sale.

38. 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 and closing fees/costs. Purchaser may remain in possession of property until the deed is recorded conveying title to the purchaser. Title vests upon recording of deed.

39. 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.

40. Any 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.

41. By acknowledging and executing these Terms & Conditions, Licensee certifies that he is 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, assessments, penalties and charges which have been levied against the property. The purchaser agrees that neither he nor his assigns shall convey the property until after the date of the deed conveying title to the purchaser. If such conveyance in violation of these terms and conditions, the purchaser understands that he may be found to have committed fraud, and/or intent to defraud, and will be liable for damages to the City of Newburgh.

Dated: _____ 2017

_____

DEVENDER CHHABRA

DRAFT

RESOLUTION NO.: 271 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ORANGE-ULSTER BOCES FOR THE STORAGE OF ARCHIVED MUNICIPAL RECORDS

WHEREAS, the City of Newburgh wishes to enter into the attached agreement with Orange-Ulster BOCES; and

WHEREAS, the agreement provides for the pick-up, delivery, retrieval and storage of the City's archived municipal records; and

WHEREAS, the annual cost for these services is approximately $3,000.00 and shall be derived from Records Management—Other Services; and

WHEREAS, this Council has determined that entering into this agreement 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 enter into the agreement with Orange-Ulster BOCES, in substantially the same form as annexed hereto with any other provision that Counsel may require, at an annual cost of $3,000.00 for pick-up, delivery, retrieval and storage of the City's archived municipal records.

ADMINISTRATION
William J. Hecht
District Superintendent/CEO

Deborah McBride Heppes
Assistant Superintendent for Finance

Theresa A. Reynolds
Assistant Superintendent for Instruction

Sharleen Depew
Clerk of the Board

ORANGE-ULSTER BOCES
Learning for Life

BOARD MEMBERS
Dorothy A. Slattery, President
Eugenia S. Pavek, Vice-President
Michael Bello
Lawrence E. Berger
Martha Bogart
William M. Boss
David Eaton

Orange-Ulster BOCES Letter of Agreement
2017-2018

Description of Service: Archival/Inactive Storage
Co-Ser: 643-7012-643.220

Client: City of Newburgh	**Orange-Ulster BOCES** (OUB)
Contact/Title: Deirdre Glenn Director of Business & Industrial Development	**Contact/Title:** Sheila Almond Information Processing Manager
Address/Telephone/E-mail: City Hall 83 Broadway Newburgh, NY 12550 dglenn@cityofnewburgh-ny.gov	**Address/Telephone/E-mail:** 4 Harriman Drive Goshen, NY 10924 845-781-4363 x 10746 Sheila.almond@ouboces.org

Orange-Ulster BOCES (OUB) will perform the services described on schedules annexed to this Agreement, either physically or by reference (each a "Schedule"), and Client will pay OUB for such services according to the rates and provisions in the Schedules. All services will be provided subject to this Agreement, which consists of this page, the Basic Terms and Conditions and Schedules.

Client:	**OUB:**
Print Name:	**Print Name:**
Signature:	**Signature:**
Title:	**Title:**
Signing Date:	**Signing Date:**

BASIC TERMS AND CONDITIONS

(Based on terms and conditions promulgated by Professional Records & Information Services Management)

The following terms and conditions shall apply to this Agreement:

1. **Term.** The term of this Agreement shall commence on the date of Client's signature or, if later, the Effective Date set forth on the first page of this Agreement. The initial term of this Agreement shall continue for one (1) year after commencement. Upon expiration of the initial term, the term will continue with automatic renewals for additional one (1) year terms, unless written notice of non-renewal is delivered by either party to the other not less than thirty (30) days prior to the expiration date. In the event that OUB continues to hold Deposits (which are defined as inactive paper records in labeled cubic foot boxes or transfiles) after the expiration or termination of this Agreement, the terms of this Agreement shall continue to apply until all Deposits have been removed from OUB facility, except that OUB may adjust rates upon thirty (30) days' written notice.

2. **Charges.** Rates and charges shall be as specified in the Pricing Schedule (Schedule A) and/or other Schedules. Rates and charges for storage and services shall remain fixed for the first year of this Agreement, and may thereafter be changed at any time by OUB upon thirty (30) days' written notice.

3. **Storage Volume.** Client acknowledges that the rates and charges on Schedule A have been offered by OUB on the basis of Client's agreement to maintain its storage levels with OUB at no less than eighty percent (80%) of the storage levels maintained by Client during the immediately preceding three (3) month period, excluding any Deposits destroyed by OUB at Client's request.

4. **Client Instructions.** Client warrants that it is the owner or legal custodian of the Deposits and has full authority to store the Deposits and direct their disposition in accordance with their Agreement. OUB will perform services pursuant to the reasonable direction of Client's agent(s) identified pursuant to OUB standards. Authority granted to any persons on standard authorization forms shall constitute Client's representation that the identified persons have full authority to order any service, including disposal or removal of Deposits. Such orders may be given in person, by telephone, or in writing (fax, email, or hard-copy). Client releases OUB from all losses, damages and liability by reason of the destruction of materials pursuant to Client's authorization.

5. **Operational Procedures.** Client shall comply with OUB reasonable operational requirements, as modified from time to time, regarding cartons, carton integrity, delivery/pickup/account closing volumes, preparation for pickup, security, secure shredding protocols, access and similar matters. Extraordinary volume requests (defined as 125% of the average volume over the immediately preceding three month period) may involve additional costs, such as overtime, which Client will pay at OUB overtime rates, provided Client consents to such costs in advance.

6. **Force Majeure**. Neither party shall be liable for delay or inability to perform caused by acts of God, governmental actions, labor unrest, acts of terrorism, riots, unusual traffic delays, or other causes beyond its reasonable control.

7. **Governmental Orders**. OUB is authorized to comply with any subpoena or similar order related to the Deposits, at Client's expense, provided that OUB notifies Client promptly upon receipt thereof, unless such notice is prohibited by law. OUB will cooperate with Client's efforts to quash or limit any subpoena, at Client's expense.

8. **Confidentiality**. "Confidential Information" means any information (i) contained in the Deposits, (ii) concerning or relating to the property, business and affairs of the party disclosing such information that is furnished to the receiving party, and (iii) regarding this Agreement, its Schedules, and OUB processes and procedures; except for information that was previously known to the receiving party free of any obligation to keep it confidential, is subsequently made public by the disclosing party or is disclosed by a third party having a legal right to make such disclosure. Confidential Information shall be used only in the manner contemplated by this Agreement and shall not be intentionally disclosed to third parties without the disclosing party's written consent. OUB shall not implement and maintain reasonable safeguards designed to protect Client's Confidential Information.

9. **Limitation of Liability**.
    a. Liability for Loss or Damage to Deposits. OUB shall not be liable for any loss or destruction of, or damage to, Deposits, including costs resulting from a loss of a Deposit constituting a breach of data security or confidentiality, unless such loss or damage resulted from OUB negligence. If liable, the amount of OUB liability is limited as provided on the first page hereof. Deposits are not insured by OUB against loss or damage, however caused. Client may insure Deposits through third-party insurers for any amount. Client shall cause its insurers of Deposits to waive any right of subrogation against OUB. If Deposits are placed in the custody of a third-party carrier for transportation, the carrier shall be solely responsible for any loss or destruction of, or damage to, such Deposits while in the custody of the carrier.
    b. Liability for Non-Storage Services. With respect to services not related to the storage of Deposits, OUB shall not be liable for any loss or default unless such loss or default is due to the negligence of OUB. If liable, the amount of OUB liability is limited as provided on the first page hereof. OUB shall not be liable for the loss of contents of shredding bins unless and until the contents are in the custody and control of OUB.
    c. No Consequential Damages. In no event shall either party be liable for any consequential, incidental, special or punitive damages, or for the loss of profits or loss of data, regardless of whether an action is brought in tort, contract or under any other theory.

10. **ITAR/EAR Compliance.** Client represents that none of the Deposits stored by OUB pursuant to this Agreement require protection from access by foreign persons because they contain technical information regarding defense articles or defense services within the meaning of the International Traffic in Arms Regulations (22 CFR 120) or technical data within the meaning of the Export Administration Regulations (15 CFR 730-774). If any of Client's Deposits do contain such information, Client shall notify OUB of the specific Deposits that contain such information and acknowledges that special storage and service rates shall apply thereto.

11. **Non-Custodial Status.** Unless OUB shall have explicitly agreed in writing, OUB performance of services shall not cause OUB to be deemed a "custodian" of the records or "designee" of Client under state or federal law with respect to such records.

12. **Notice of Loss.** When Deposits have been lost, damaged, or destroyed, OUB shall, upon confirmation of the event, report the matter in writing to the Client.

13. **Client Default.** If Client fails to pay OUB charges (other than disputed charges) within sixty (60) days after the date of an invoice, OUB may suspend service. If Client fails to pay OUB charges (other than disputed charges) for six (6) months or longer, OUB may securely destroy Deposits, provided OUB shall have provided ninety (90) days' written notice to Client, Client shall pay OUB standard price for such secure destruction. A final notice will be sent to Client ten (10) days prior to secure destruction of the Deposits. OUB shall have other rights and remedies as may be provided by law. In the event OUB takes any actions pursuant to this Section, it shall have no liability to Client or anyone claiming by or through Client.

14. **Termination.** Either party may terminate this Agreement upon written notice to the other party in the event that the other party shall have breached any of its material obligations hereunder and shall not have cured such default within thirty (30) days after written notice of such default, subject to the fees set forth in the applicable Schedule(s).

15. **Safe materials and Premises.** Client shall not store with OUB or place in shredding bins any material that is highly flammable, may attract vermin or insects, or is otherwise dangerous or unsafe to store or handle, or any material that is regulated by federal or state law or regulation relating to the environment or hazardous materials. Client shall not store negotiable instruments, jewelry, check stock or other items that have intrinsic value. Client warrants that it shall only place paper-based materials in the shredding bins. Client shall reimburse OUB for damage to equipment or injury to personnel resulting from Client's breach of this warranty.

16. **Purchase Orders.** OUB will accept the P.O. in advance for yearly service.

17. **Miscellaneous.** Client will box documents in cubic foot cartons and label appropriately prior to being picked up by the OUB Records Management Specialists. The content index will be included with the prepared boxes for transportation. The Client will provide the labor for loading the documents into the transport vehicle.

Schedule A

Orange Ulster BOCES Cost for Standard Services

DESCRIPTION	COST
Climate Controlled Storage	$ 3.00 per cubic foot carton per month
Verify Client Created Content List	$ 0.00 (included in cubic foot storage cost)
OUB Records Management Specialist time for retrieval, refile, emailed documents per request	$41.00 per hour (one hour minimum)
Client Approved Document Destruction (Shredding) with certificate provided to client	$50.00 per bin (8 cubic feet per bin)

Orange-Ulster BOCES Cost for Premium Services

DESCRIPTION	COST
OUB Transit Time for pickup & delivery (from OUB and back to OUB)	$41.00 per hour (one hour minimum)
Mileage - pickup and delivery from OUB back to OUB (Rate is IRS 2015 Standard Mileage Rate for Business)	$ .535 per mile (rate 2017)
Tolls if applicable	(current NY State Toll fee)
OUB Verification of Contents against Client Content List upon arrival at OUB and report back to client	$41.00 per hour each OUB Records Management Specialist
OUB Packing and Indexing Contents	$41.00 per hour each OUB Records Management Specialist

RESOLUTION NO.: 272 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PURPOSE OF APPROVING A DEVELOPMENT AGREEMENT WITH ALEMBIC COMMUNITY DEVELOPMENT, DECLARING THE PROJECT TO BE A TYPE I ACTION, CONSIDERING A FULL ENVIRONMENTAL ASSESSMENT FORM (EAF) AND REFERRING SAME TO INVOLVED AND INTERESTED AGENCIES

WHEREAS, by Resolution No. 246-2017 of August 14, 2017, the City Council of the City of Newburgh authorized the City Manager to execute an agreement to stabilize the Dutch Reformed Church and to negotiate on behalf of the City of Newburgh a land development agreement with Alembic Community Development, and its development partners, in connection with the redevelopment of the Dutch Reformed Church, the City Club and 2 Montgomery Street; and

WHEREAS, the City of Newburgh proposes undertake the approval of a land development agreement in compliance with the State Environmental Quality Review Act (SEQRA); and

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

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

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

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

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

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Sponsor Information.

Name of Action or Project: Developer Agreement with Alembic Community Development for Stabilization and Redevelopment of the Dutch Reformed Church, City Club, & 2 Mont. St		
Project Location (describe, and attach a general location map): City of Newburgh parcels 24-10-1.2; 24-2-17; and 19-1-25		
Brief Description of Proposed Action (include purpose or need): The action consists of the approval of a Developer Agreement with Alembic Community Development or its subsidiary, to redevelop the Dutch Reformed Church (19-1-25), the City Club (24-2-17), and 2 Montgomery Street (24-10-1.2). The project will be ongoing, with a large public participatory planning process to determine the end uses, however, for this general EAF, the developer has proposed the following: 168 Units of housing in a variety of unit sizes. Three larger buildings and townhouses. 15,000-25,000 sq ft retail. 18,000 sq ft community facility space 118 parking spaces. Restoration of the DRC to a public use, and the restoration of the City Club to a mixed-use development (3500 sq ft non-res).		
Name of Applicant/Sponsor: City of Newburgh	Telephone: 845-569-7301 E-Mail:	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Alexandra Church, City Planner	Telephone: 845-569-7388 E-Mail: achurch@cityofnewburgh-ny.gov	
Address: Department of Planning and Development, 123 Grand Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): City of Newburgh	Telephone: 845-569-7301 E-Mail:	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	Redevelopment agreement; land sale agreement	October 2017
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Site Plan review	TBD
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☑Yes☐No	ARC Certificate of Appropriateness	TBD
e. County agencies ☑Yes☐No	County Planning GML 239 Review	TBD
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	SHPO environmental review; SHPO Historic Tax Credit approval; LIHTC	TBD
h. Federal agencies ☑Yes☐No	NPS, Federal Historic Tax Credit approval;	TBD

i. Coastal Resources.

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

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

The area is part of the Hudson River Valley Greenway Corridor and the NPS Hudson River Valley National Heritage Area

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
DN Downtown Neighborhood and WG Waterfront Gateway

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

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

C.4. Existing community services.

a. In what school district is the project site located? Newburgh Enlarged City School District

b. What police or other public protection forces serve the project site?
City of Newburgh, Orange County Sheriff, New York State Police

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

d. What parks serve the project site?
Audrey Carey Park, Tyronne Crabb Park, UNICO Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential mixed-use, public facilities, retail, professional office.

b. a. Total acreage of the site of the proposed action? 2.69932 acres
b. Total acreage to be physically disturbed? 1.8 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.69932 acres

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

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

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

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑Yes ☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				168
At completion of all phases				168

g. Does the proposed action include new non-residential construction (including expansions)? ☑Yes ☐No

If Yes,

i. Total number of structures 5

ii. Dimensions (in feet) of largest proposed structure: 72 height; tbd width; and tbd length

iii. Approximate extent of building space to be heated or cooled: tbd square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No
If Yes, describe:

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

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes☐No
If Yes:

i. Total anticipated water usage/demand per day: 64,780 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes☐No
If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes☑No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes☑No
If, Yes:

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

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

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

d. Will the proposed action generate liquid wastes? ☑Yes☐No
If Yes:

i. Total anticipated liquid waste generation per day: 64,780 gallons/day

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

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑Yes☐No
If Yes:

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

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

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

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

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

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

_____

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

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

If Yes:

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

_____ Square feet or 2.3 acres (impervious surface)

_____ Square feet or 2.7 acres (parcel size)

ii. Describe types of new point sources. _____

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

On-site management of stormwater will be required in accordance with the NYS Stormwater Design Manual. Flows and overflow will be directed to the City's existing seperate stormwater system.

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

  Hudson River
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

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

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

If Yes, identify:

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

Heavy equipment is expected to be used on site during construction

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

None

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

None

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

If Yes:

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

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

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

If Yes:

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

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

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☑ Morning ☑ Evening ☑Weekend ☑ Randomly between hours of 6 am to 11 pm.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: 0

iii. Parking spaces: Existing 0 Proposed 118 Net increase/decrease 118

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

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

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

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

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

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

If Yes:

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

Commercial & community space: 743,900 kwh/yr (17.3 kwh/yr/sq ft); Residential units: 1,816,416 kwh/yr (10,812 kwh/yr/du); TOTAL: 2,560,316 kwh/yr

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

Central Hudson Electric and Gas

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

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

i. During Construction:

- Monday - Friday: 8 a.m. to 8 p.m.
- Saturday: 8 a.m. to 8 p.m.
- Sunday: 10 a.m. to 8 p.m.
- Holidays: _____

ii. During Operations:

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

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

If yes:

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

Heavy equipment, power tools, pnuematic compressors, amongst other typical construction equipment. All noises will be in accordance with section 212-5 of the City Code.

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

Describe: _____

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

If yes:

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

All lighting shall be reviewed and approved by the City's Planning Board and include dark-sky compliant fixtures with sheild that limit light cast-off to adjacent properties.

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally describe proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: 462.09 tons per construction duration (unit of time)
- Operation : 134.90 tons per year (unit of time)

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

- Construction: Recycling shall be in accordance with local rules and regulations.
- Operation: Recycling shall be required in ccordance with the City of Newburgh Sanitation rules and regulations.

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

- Construction: Contract with a local hauler and disposed off in accordance with local rules and regulations.
- Operation: City of Newburgh Sanitation

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☑ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.5	2.3	+1.8
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.19	.37	-1.8
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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

i. If Yes: explain: The lawn of the Dutch Reformed Church is currently used for passive recreation and will continue to be used as such in the future

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

If Yes,

i. Identify Facilities:

The Newburgh Free Library sits in the middle of this site. It is a community center, an education center, and will continue to serve the entire community during and after this project.

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

If Yes:

i. Dimensions of the dam and impoundment:

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

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

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

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

If Yes:

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

_____

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

If Yes:

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

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

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

☐ Neither database

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

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

If yes, provide DEC ID number(s): 336055 , 336042 , 546031

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

336055: Consolidated Iron and Metal State Superfund remediation is complete and has no effect on the project. 336042: CH - Water St. - Newburgh MGP is under remediation and has no effect on the project. 546031: Hudson River PCB Sediments will have no effect on the project.

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 1.67 feet

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

c. Predominant soil type(s) present on project site: Mardin gravelly silt loam 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 1.54 feet

e. Drainage status of project site soils: ☐ Well Drained: ____% of site
☑ Moderately Well Drained: 100 % of site
☐ Poorly Drained ____% of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 20 % of site
☑ 10-15%: 80 % of site
☐ 15% or greater: ____% of site

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

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

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
squirrels chipmunks various birds

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

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

This threshold is generally triggered by the Hudson River habitat of the Atlantic sturgeon. This action will have no effect on the Hudson River, and therefore is not expected to have an effect on the Atlantic sturgeon population.

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

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☑Yes ☐No
If yes, give a brief description of how the proposed action may affect that use: _____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: East End Historic District, Dutch Reformed Church

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

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

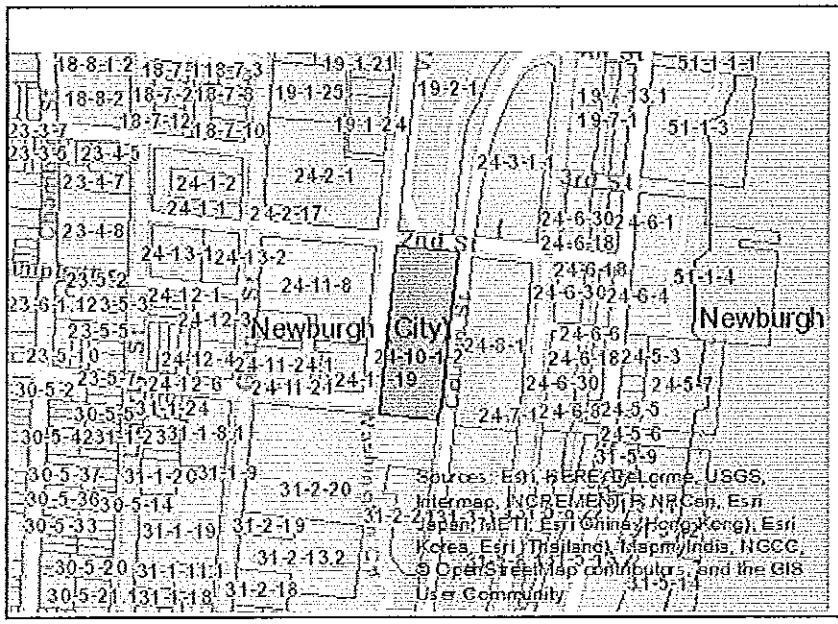
Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

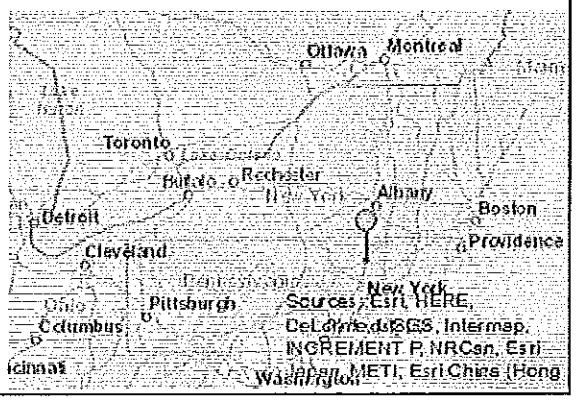
PRINT FORM

EAF Mapper Summary Report

Friday, September 08, 2017 12:32 PM



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



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336055 , 336042 , 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

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

RESOLUTION NO.: 273 - 2017

OF

SEPTEMBER 25, 2017

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A SFY 2017-2018 NEW YORK STATE SENATE INITIATIVE GRANT FROM SENATOR WILLIAM LARKIN IN AN AMOUNT NOT TO EXCEED $50,000.00 WITH NO CITY MATCH TO PURCHASE TWO SPORT UTILITY VEHICLES FOR THE CITY OF NEWBURGH FIRE DEPARTMENT

WHEREAS, the City of Newburgh received a Grant Award through the New York State Division of Criminal Justice Services in the amount of $50,000.00 from Senator Larkin under the SFY 2017-2018 New York State Senate Initiative; and

WHEREAS, the City of Newburgh will use the funding to purchase 2 severe duty sport utility vehicles to replace a 2001 SUV and a 1991 SUV;

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 is hereby authorized to accept a SFY 2017-2018 New York State Initiative Grant from Senator William Larkin in the amount of $50,000.00 with no City match required to purchase 2 severe duty sport utility vehicles by the City of Newburgh Fire 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.

RESOLUTION NO.: 274 - 2017

OF

SEPTEMBER 25, 2017

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT FROM ASSEMBLYMAN FRANK SKARTADOS IN AN AMOUNT NOT TO EXCEED $125,000.00 WITH NO CITY MATCH TO PURCHASE TWO SPORT UTILITY VEHICLES AND ONE PICK-UP TRUCK FOR THE CITY OF NEWBURGH FIRE DEPARTMENT

WHEREAS, the City of Newburgh Fire Department is requesting to apply for a Dormitory Authority of the State of New York State and Municipal Facilities Program Grant from Assemblyman Skartados in the amount of $125,000.00 to purchase 2 sport utility vehicles and 1 light duty pick-up truck; and

WHEREAS, if awarded, the vehicles will be used to replace a 2008 vehicle and a pair of 2004 Jeeps; and

WHEREAS, the grant requires no City match; and

WHEREAS, it is deemed to be in the best interests of the City of Newburgh to apply for and accept such grant if awarded;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to accept if awarded a Dormitory Authority of the State of New York State and Municipal Facilities Program Grant from Assemblyman Frank Skartados in the amount of $125,000.00 with no City match required to purchase 1 severe duty sport utility vehicle, 1 small severe duty sport utility vehicle and one light duty pick-up truck by the City of Newburgh Fire 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.

RESOLUTION NO.: 275 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RE-PURPOSE THE TENNIS COURTS LOCATED IN DELANO-HITCH RECREATION PARK INTO A YOUTH MULTI-PURPOSE FIELD

WHEREAS, the current football/soccer field located within the Delano-Hitch Recreation Park is not sufficient to support the football program and the three soccer programs currently using the existing field; and

WHEREAS, the tennis courts located in the Delano-Hitch Recreation Park are underutilized and in need of major repairs before they could be used for tennis and community members are currently using the tennis courts to play soccer and volleyball; and

WHEREAS, an additional youth multi-purpose field could be used by various sports programs in addition to those community members who wish to continue playing pick-up field games and thereby relieving the scheduling pressure for the current soccer/football field; and

WHEREAS, anyone wanting to play tennis can do so on the tennis courts located on South Street; and

WHEREAS, the Recreation Department can convert the Delano-Hitch tennis courts to a youth multi-purpose field with existing staff; and

WHEREAS, this Council finds that the proposal to re-purpose the Delano-Hitch tennis courts for a youth multi-purpose field is in the best interests of the City of Newburgh, its residents and youth alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to re-purpose the tennis courts located in the Delano-Hitch Recreation Park into a youth multi-purpose field.

RESOLUTION NO.: 276 - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF CLAIM WITH TAMEKA WRIGHT IN THE AMOUNT OF $2,698.30

WHEREAS, Tameka Wright brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Six Hundred Ninety-Eight and 30/100 Dollars ($2,698.30) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Jose Velasquez in the total amount of Two Thousand Six Hundred Ninety-Eight and 30/100 Dollars ($2,698.30) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.