

A regular meeting of the City Council of the City of Newburgh was held on Monday, September 10, 2018 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Prayer/Rezo

The Prayer was led by Chaplain Kenneth Lawson with the US Army and the Christian Ministerial Fellowship followed by the Pledge of Allegiance.

Pledge of Allegiance/Juramento a la Alianza

Mayor Harvey asked for a Moment of Silence following the Pledge of Allegiance for 9/11.

Roll Call / Lista de Asistencia

Present: Mayor Harvey presiding; Councilman Grice, Councilman Jacobson, Councilwoman Mejia, Councilwoman Rayford, Councilwoman Sofokles - 6

Absent: Councilwoman Monteverde - 1

COMMUNICATIONS

City Manager Update

A brief update on the preparedness for the shutdown of the Catskill Aqueduct. As we speak, our City Engineer and Water Superintendent are attending a Town Council meeting in Marlboro. We are putting together an outline and we believe that based on present calculations we will have sufficient water from Brown's Pond during the shutdown but if, however, a number of contingencies were to arise such as a fire in our community that would draw a substantial amount of water down, then we have some alternatives that we will present at the next Work Session. The meeting in Marlboro tonight is to prepare for one of those contingencies.

With the PFOS situation as we speak, we have rain coming down and as a result both surface water as well as underground spring fed water into Washington Lake causes the water level to rise which brings us close to the level of our high hazard Class C earthen dam that was built in the 1990's. In order to keep that water drawn down to a safe level, the State Environmental Conservation has installed again, for a second time, diesel pumps on the water. As our water is pumped it is processed through small shorter tanks that you will see on Route 300 where the granular activated carbon has proven to be effective at filtering out long-chain PFOS but short-chain has proven otherwise. For the past two and a half years what has been happening up at the Air Force Base has brought measures in the hundreds parts per trillion range through various channels into Rec Pond where it then

goes down Silver Stream and right along the same apparatus that we are now filtering the water from Washington Lake so it does not pollute the remainder of Silver Stream, Moodna Creek, the Hudson River and ultimately the Atlantic Ocean. We have this water from Rec Pond that was last measured at five thousand nine hundred parts per trillion which is above the seventy parts per trillion range. That water is going right alongside, practically parallel to the tube that is filtering the water from Washington Lake. We have a situation that we have all known about and the State of New York has known about for at least the last two and a half years which is that we have toxic water making its way into the Hudson River. While we are delighted that the Washington Lake Reservoir water is being filtered we find it curious that this technology that is located so close to the very stream that is coming from Rec Pond with the highly polluted water hasn't been captured before it further pollutes Moodna Creek and the Hudson River. It is especially concerning when we consider the number of communities who get their water from the Hudson River and that this has been going on for the last two and a half years. He believes that the State of New York waited a long time for the Department of Defense to act in good faith. While the City of Newburgh benefited from the State of New York's Emergency Funding to build a Granular Activated Carbon Filtration Plant they realized, as we did, that the Department of Defense was not going to act. We are asking for Governor Cuomo to recognize that this pollution of the Hudson River has been going on since the inception of the Washington Lake crisis and we find it inconceivable and unforgivable. He is confident that if Governor Cuomo knew about this he would put a stop to it immediately. He believes that for a long time the State of New York's plan was for our new Plant to capture all of that water and that we were going to open up our diversion gate and accept all of that toxic water from the watershed. We have since learned that the Granular Activated Carbon technology is obsolete and does not hold short-chain PFOS back. Whether the design was by intention or through neglect or perhaps the best Scientists in the State of New York did not know about short-chain PFOS when they designed the Granular Activated Carbon Plant. If we were to accept that water from Washington Lake into our Filtration Plant, the short-chain PFOS would break through and be consumed by residents in the City of Newburgh and then would effectively make every one of us the secondary filter for short-chain PFOS before it was ultimately released into our wastewater treatment plan. For those who learned about this lately, we find this unacceptable and will not bow to political pressure to turn on the Washington Lake Reservoir and bring that water into our Plant. In the past week and a half, the number three person in the State of New York reached out to ask us to put on record what it is and what our problems were with the City of Newburgh accepting this water into our Filtration Plant. His big concern is that the request was made for this meeting without our environmental counsel present. While we are not here to jeopardize the City's legal interests we would ask that the State of New York going forward only negotiate with the Executives and the legal team with the City of Newburgh representing our legal interests. We reached out to the State Attorney General on this and we are hopeful that in the future the Attorney General has a legal representative for all of the agencies that perhaps have liability whether it be the Department of Transportation, the Port Authority or the Department of Environmental Conservation. That they would speak in a way that doesn't perpetually place political pressure on our community to look the other way when it comes to this most vital issue relating to our water. He repeated that short-chain PFOS was referenced in the ATSDR Report a number of months ago that the EPA did not want to release and there was some reportage at the National level of Federal Officials e-mailing back and forth that this was going to embarrass the Administration and they didn't want it released. They ultimately released the draft report that talks about the short-chain PFOS

and it is vitally important to understand that if the short-chain PFOS breaks through the granular activated carbon, we will be drinking it and then get it into our systems which is unacceptable. The State of New York sued the manufacturers of this PFOS and the State of Minnesota reached over a two billion dollar settlement with the manufacturer of the firefighting foam. The reason that is important is that as we appreciate the work that has been done to try to remediate this problem with the landowners that caused this problem in our community. We need to understand that twenty five million dollars compared to an anticipated billion dollar judgment that the State of New York can get from their own litigation with the manufacturers of this foam kind of leaves the City of Newburgh on the short end. We have to keep in mind that short-chain PFOS breaks through granular activated carbon and he wants to state for the record his apologies to Mayor Harvey and the City Council for his unwillingness or inability to communicate. He told Mayor Harvey that at the end of the day he believes in his leadership and that he is the right man to move our community forward. He thinks it is unfair that relationships we are trying to build have been jeopardized but he believes in Mayor Harvey's leadership and he appreciates the way they managed this a few weeks ago when it happened. At the end of the day we all have in our hearts that we cannot drink this water and he asked that no matter what happens in this community that you do not accept Washington Lake water into our Treatment Plant. When we talk about long-chain and short-chain PFOS, long-chain PFOS is held back but short-chain PFOS slips through and curls up to roll through and come out in our drinking water which is really bad for us. We are only in the beginning phase of understanding this and if Newburgh is one of the communities that is part of this new group that is coming out then we need to be especially vigilant going forward and hold ourselves to the highest standards when it comes to what we expect from the State of New York. We have a copy of the Lawsuit that was filed and another aspect of it speaks to the watershed and the new developments that are now being proposed. Not only did the huge Matrix Pharmaceuticals Warehouse get constructed during this crisis without any discussion of our impaired ability to grab water from the watershed in the future but there is now a proposal for a Waste Transfer Station, a development behind a restaurant on Route 300 and a new Waste Treatment Center in the Town of New Windsor in our watershed. All we have at the end of the day is our ability to write these letters to the local and regional Planning Boards and ask for some sort of status with regard to the SEQR process. Our lawsuit also asks for the State of New York to recognize that its role in the Department of Health with regard to the final product drinking water and its role with regard to surface water and how it gets into the watershed, which is a role of the DEC, needs to be combined. They need to understand how these two agencies can relate to each other in a more effective way. This is not theoretical it is practical and already in place with regard to New York City's watershed throughout the Hudson Valley and beyond up north. We are asking for this model to be replicated without regard to all of the campaign contributors that exist in our watershed and without regard to all of the businesses on Route 300 and all of these other businesses that are either expanding or being established and many of us just want to say, "That's enough". He doesn't believe that if Governor Cuomo knew about this that he would allow this to happen or that he wants this for any of the consumers of his water. He is confident that Mayor Harvey and the leaders at the table will remain steadfast in this regard and going forward we will inform the community. He told everyone to Google short-chain PFOS in relation to granular activated carbon and you will come to the same conclusion that we have a fiduciary duty and an obligation, without regard to political pressure, to insure that the City of Newburgh and its residents don't get played for chumps when it comes to this twenty million dollar granular activated treatment plant.

He acknowledged that Deirdre Glenn resigned and that Cynthia Corsiglia has agreed to step in as Interim to lead the Department. The Director of Planning and Development responsibilities are many including the development of attracting businesses and industry to locate in the City. When we talk about the need for revenue we are talking about revenue for our Long Term Control Plan and that we are under a DEC Mandate to separate our sewage and storm water in a certain period of time that will result in thousands of dollars that we need to raise. When we talk about revenue we talk about the need to balance our Budget in a manner that doesn't break the taxpayers but also acknowledges the essential services that are needed in our community. The most important thing we can all keep in mind is that while we believe there is a lot of work to do, on the side of trimming costs and looking at alternative models for how we perform our services that are essential to the City of Newburgh, we need to add revenue into our revenue streams. In announcing the appointment of Cynthia Corsiglia he has provided someone who has worked in a number of impressive areas. For example, as lead Attorney on principal protected structured note products and hedge fund transactions. From a hundred million to multi-billion dollar transactions with responsibilities including drafting and negotiating terms of documents for derivatives, options, collateralization, management agreements, subscription documents, disclosures for securities and hedge funds. She also worked in a billion dollar asset management firm as its chief compliance officer, building and operating a holding company and subsidiaries. At the end of the day we are lucky to have her for whatever amount of time she agrees to assist us. This isn't someone who just has experience on the business end this is also an individual who has volunteered as a Lawyer to assist with Foreclosure Intervention Network and as a member of Big Belli, LLC which is a producer of maternal and infant health education video content. She also volunteered at the Northeast Volunteer Optometric Services for Humanity. Here we have an individual who has offered to volunteer and who has the desire to move the community forward. One of his primary challenges to Ms. Corsiglia is to develop a model of what revenue looks like with both short and long term revenue planning for the City of Newburgh. Ms. Corsiglia can work with Engineering on their compliance with the long term control plan because the EFC Program is not going to be enough. The question is, how are we going to accomplish all of these objectives without risking possible fines from the DEC when we don't reach the compliance targets? This is not an easy job but he believes that she is a very competent addition to the team that includes our very competent Comptroller, Katie Mack, our Corporate Counsel team and all of our Department Heads who work on a daily basis with one emergency after another.

He added that he is amazed by the City of Newburgh and its resiliency. He is especially impressed with Mayor Harvey's leadership and he has seen him spend a lot of time meeting and working with stakeholders in what can be described as a Triathlon for him. At the end of the day he is still able to stand on his feet and maintain his sense of humor and have a sense of balance with regard to work and responsibilities. He is also very impressed by this City Council as a body and he is confident that going forward this team is going to do the right things on behalf of the City. We are going to have an interesting opportunity to address that in our Budget discussions coming up and as many may know, *"I have announced that after the Budget of this year, by the end of 2018, I will likely be out as the City Manager for the City of Newburgh. I am going to be pursuing other career opportunities and you will always and forever be in my heart. I will not be too far away, wherever I am, because I cannot get the City of Newburgh out of my blood. You are in forever and if there is*

anything I can ever do to help out our community in the future, I will be there. I will tell you right now that based on what I know, never, ever, ever accept Washington Lake water into our Treatment Plant and drink that water."

Mayor Harvey told the City Manager that he appreciates his remarks in regard to his leadership and the leadership of the Council and executive staff.

Councilwoman Rayford asked to refrain from using words of support for those who are campaigning during this campaign season.

Monthly Financial Update

City Comptroller, Katie Mack Presented the City Manager's Tentative Proposed 2019 Budget to the City Council and noted that this is the tightest Budget she has seen in the past several years. She also presented her monthly financial update.

PRESENTATIONS

Presentation will be given by the Newburgh Police Dept.

Police Chief, Douglas Solomon spoke about the City of Newburgh Police Cadet Program and Summer Camp to mentor young men and women from the City for careers in law enforcement. He said that he is very impressed with the work that has been done. Lt. Cortez acknowledged that the uniforms were paid for by Rich Fracasee, a local businessman and Motorcylepedia donated \$2,000.00. Mr. Lujan raised \$5,000.00 for the program and Blacc Vanilla also made a donation. The Cadets attend the YPI Program first then Summer Camp and then the Cadet Program. This is a continuing program and it is done by the whole department. He announced the Cadets: Lt. Gooler, Sgt. Singh, Cpl. Delgado, Cadet Mejia and Cadet Smith. All have worked very hard and they explained the program to the Council and audience members.



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Kathryn Mack
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TO: Michael Ciaravino, City Manager
Mayor – Torrance Harvey

Councilman – Anthony Grice
Councilman – Jonathan Jacobson
Councilwoman – Karen Mejia
Councilwoman – Ramona Montverde
Councilwoman – Hillary Rayford
Councilwoman – Patricia Sofokles

FROM: Kathryn Mack, City Comptroller

DATE: September 10, 2018

SUBJECT: City of Newburgh Financials – July 2018

Below are the highlights for the City of Newburgh revenue and expense activity for the period of Jan-July 2018.

General Fund Revenue

From January to July 2018, the City of Newburgh collected \$27.2 million dollars or 60.8% of the annual revenue budget of \$44.7 million. Of the \$27.2 million collected, \$17.8 million was for Real Property Taxes and PILOT Payments. The remaining \$9.4m was a combination of departmental income and inter-fund transfers.

YTD-July 2018 Revenue Highlights:

<u>Revenue Source</u>	<u>Collected thru July 2018</u>	<u>Increase from Prior Year thru July 2017</u>
Property Sales Tax	\$16.7m	\$4857k
Metered Parking	\$ 67k	\$42k
Safety Inspection/ Vacant Registry Inspect.	\$203k	\$39k
Electric Licenses/Permits	\$24k	\$14k
Building Permits*	\$113k	\$75k

Building permit activity compared to 2017 activity (excluding the RUPCO project \$110K)

Areas of concern:

<u>Revenue Source</u>	<u>Collected thru July 2018</u>	<u>Decrease from Prior Year thru July 2017</u>
City Code Violations	\$21k	\$12k

General Fund Expense

For the month of July, the City of Newburgh expended \$24.7 million or 55.18% of the 2018 FY expense budget.

Overall, Department spending projections are within the Adopted 2018 Budget appropriations with the exception of Police and Fire overtime.

Police and Fire Overtime:

The Finance department has worked with the Police and Fire department to develop a process for identifying overtime drivers, which we have used to present the hours and pay in a summarized way. At this time both department overtime expenses are exceeding the 2018 appropriated budgets through the 1st payroll in August.

(Please refer to Overtime Packages)

The Finance office has implementing a spending freeze to help offset the General Fund exposure and has provided recommendations to the City Manager for the Fire Department review. The Police department is working with their upgrade Software to implement scheduling procedures to being the process of administrating overtime in a more systematic way.

Enterprise Fund Revenue

For the month of July 2018, the Enterprise Funds (Water, Sewer and Sanitation) generated approximately \$9.8m in revenue. (3rd qtr billing will go out first week of Oct)

Water and Sewer bills through 2nd quarter 2018 met expected revenue assumptions.

The Sanitation billing through the 3rd quarter also met expected revenue assumptions.
(Tax Collectors office is reviewing and auditing the Sanitation billing to ensure that all accounts are being properly billed)

Enterprise Fund Expense

Through the month of July 2018, Enterprise Funds expended \$6.4m. Overall, Enterprise funded departments are spending and are projected to stay within the approved budget appropriations.

Trust and Agency Accounts

- Misc Donations
 - CAC (former Shade Tree) - \$1,83
 - ShotSpotter Donations -\$1,100
- Police
 - Police Evidence - \$80,493
 - Federal Seizure - \$11,289
 - State Seizure - \$52,654
 - Police Bicycle - \$552
 - Police Donations - \$187

- Misc. Fire Dept. - \$2,535
- Auxiliary Police - \$1,675
- Celebrations
 - Puerto Rican Day - \$80
 - International Festival - \$9,036
 - Fireworks - \$145
 - Memorial Day - \$91
- Other
 - City Youth –Programs and Events - \$2,500
 - Fencing for City Owned Properties - \$2,500
 - Civil War Monument - \$25,000
 - Vacant Building Bonds - \$790k
 - Landlord Registry - \$420.842k

Assessor

- sales reviews / sales corrections for ORPTS
- & preliminary sales analysis for 2019 assessment roll
- Preliminary totals / reports for adjusted base proportions
- Tax Certs provide spreadsheets & info to our City's atty
- Fielding calls & questions pertaining to the recently issued school tax bill, including NYS changes to the STAR program
- Ongoing collection of data, photos, pending & closed building permits
- Presentation to Habitat for Humanity new families

Finance

- 2019 Budget Calendar and Budget Sessions
- *Grants*
 - *See update from Millennium Strategies (attached)*

To date \$1,152,590 grant reimbursements received

City of Newburgh
Fire Overtime Summary
2017 vs 2018 Comparison
*Excludes HR - OT & FLSA

Fire Department Personnel	<u>2017 Through PW</u> <u>32 (8/3/17)</u>	<u>2018 Through PW</u> <u>32 (8/2/18)</u>	<u>Variance</u>	<u>%</u>
Overtime \$\$*	\$ 467,995	\$ 531,809	\$63,814	13.64%
Overtime Hours*	9,389	9,911	522	5.56%

Breakdown by Employee Type

Asst Chief \$\$	\$ 92,965	\$ 125,610	\$32,645	35.12%
Asst Chief Hours	1,498	1936	438	29.24%
Captain \$\$	\$ 74,412	\$ 102,526	\$28,114	37.78%
Captain Hours	1,259	1718	459	36.46%
Lieutenant \$\$	\$ 125,597	\$ 126,540	\$943	0.75%
Lieutenant Hours	2,231	2241	10	0.45%
Fire Fighters \$\$	\$ 109,582	\$ 118,308	\$8,726	7.96%
Fire Fighters Hours	2,559	2625	66	2.58%
Fire Equipment Mechanic \$\$	\$ 13,387	\$ 23,198	\$9,811	73.29%
Fire Equipment Mechanic Hours	227	386	159	70.04%

Fire Department Dispatch	<u>2017 Through PW</u> <u>32 (8/3/17)</u>	<u>2018 Through PW</u> <u>32 (8/2/18)</u>	<u>Variance</u>	<u>%</u>
Overtime \$\$	\$ 52,053	\$ 35,626	-\$16,427	-31.56%
Overtime Hours	1,616	1006	(610)	-37.75%

*PW= Payweek 32 ends 8/3/17

*PW= Payweek 32 ends 8/2/18

City of Newburgh
Police Overtime Summary
2017 vs 2018 Comparison

Police Department Personnel	<u>2017 Through</u> <u>PW 32 (8/3/17)</u>	<u>2018 Through</u> <u>PW 32 (8/2/18)</u>	<u>Variance</u>	<u>%</u>
Overtime \$\$*	\$ 931,185	\$ 737,467	-\$193,718	-20.80%
Overtime Hours*	18,674	14,451	(4,223)	-22.61%

Breakdown by Employee Type

Lieutenant \$\$	\$ 80,968	\$ 64,600	-\$16,368	-20.22%
Lieutenant Hours	1,158	904	(254)	-21.93%
Sergeant \$\$	\$ 185,170	\$ 136,388	-\$48,782.00	-26.34%
Sergeant Hours	2,959	2,111	(848)	-28.66%
Detective \$\$	\$ 206,854	\$ 124,913	-\$81,941	-39.61%
Detective Hours	3,834	2,243	(204,611)	-98.92%
Police Officer \$\$	\$ 394,984	\$ 344,142	-\$50,842	-12.87%
Police Officers Hours	8,768	7,401	(1,367)	-15.59%

<u>Police Department</u> <u>Dispatch/Admin</u>	<u>2017 Through</u> <u>PW 32 (8/3/17)</u>	<u>2018 Through</u> <u>PW 32 (8/2/18)</u>	<u>Variance</u>	<u>%</u>
Overtime \$\$	\$ 62,650	\$ 67,424	\$4,774	7.62%
Overtime Hours	1,948	1793	(155.00)	-7.96%

*PW= Payweek 32 ends 8/3/17

*PW= Payweek 32 ends 8/2/18

CITY OF NEWBURGH
2018 GENERAL FUND BUDGET VARIANCE REPORT
January 1 Through July 30, 2018

	YTD Adopted Budget	YTD Modified Budget	Actual as of July 31, 2018	YTD Budget Variances Modified/Actual	% to Budget
REVENUES:					
Appropriated Fund Balance	\$ 611,956	\$ 611,956	\$ -	\$ (611,956)	0.00%
Real Property Taxes	19,904,325	19,904,325	16,679,630	(3,224,695)	83.80%
Real Property Tax Items	1,480,051	1,480,051	1,090,847	(389,204)	73.70%
Non-Property Tax Items	11,664,800	11,664,800	6,188,025	(5,476,775)	53.05%
Departmental Income	1,034,150	1,034,150	578,565	(455,585)	55.95%
Charges for Svcs to Other Gov'ts	174,525	174,525	60,000	(114,525)	34.38%
Use of Money & Property	161,600	161,600	114,746	(46,854)	71.01%
Licenses & Permits	322,150	322,150	202,807	(119,343)	62.95%
Fines and Forfeitures	638,200	638,200	433,591	(204,609)	67.94%
Miscellaneous	381,337	381,337	178,169	(203,168)	46.72%
Interfund Revenue	2,505,055	2,505,055	1,376,169	(1,128,886)	54.94%
State Funding	4,892,752	4,892,752	240,631	(4,652,121)	4.92%
State Aid-Transportation	860,000	860,000	0	(860,000)	0.00%
Federal Aid-Public Safety	20,000	20,000	42,469	22,469	212.35%
Total Revenues	\$ 44,650,901	\$ 44,650,901	\$ 27,194,074	\$ (17,456,827)	60.90%

APPROPRIATIONS

General Government Support	6,143,646	6,092,101	3,046,491	3,045,610	50.01%
Public Safety	14,650,085	14,675,941	8,485,312	6,190,629	57.82%
Transportation	2,257,304	2,335,589	853,498	1,482,091	36.54%
Culture and Recreation	983,217	983,162	503,937	479,225	51.26%
Home and Community Services	280,179	329,123	146,942	182,181	44.65%
Employee Benefits	14,501,716	14,501,716	7,244,839	7,256,877	49.96%
Debt Service	3,995,316	3,995,316	2,578,879	1,416,437	64.55%
Interfund Transfers	1,839,438	1,839,438	1,839,438	0	100.00%
Total Appropriations	\$ 44,650,901	\$ 44,752,386	\$ 24,699,336	\$ 20,053,050	55.19%

Appropriations/Revenue \$ - \$ (101,485) ¹ \$ 2,494,738

¹ Represents 2017 encumbrances/PO brought forward in 2018

CITY OF NEWBURGH
2018 WATER FUND BUDGET VARIANCE REPORT
January 1 Through July 30, 2018

	YTD Adopted Budget	YTD Modified Budget	Actual as of July 31, 2018	YTD Budget Variances Modified/Actual	% to Budget
REVENUES:					
Appropriated Fund Balance	\$ -	\$ 770,000 ²	\$ -	\$ (770,000)	0.00%
Departmental Income	5,869,881	5,869,881	2,866,538	(3,003,343)	48.83%
Miscellaneous	231,747	231,747	10,383	(221,364)	4.48%
PFOS Expense Reimbursement*	0	0	190,256	190,256	0.00%
Catskil DEC Reimbursement*	0	0	153,847	153,847	0.00%
Total Revenues	\$ 6,101,628	\$ 6,871,628	\$ 3,347,243	\$ (3,650,604)	48.71%

APPROPRIATIONS

Salaries	1,310,791	1,317,410	624,147	693,263	47.38%
Benefits	976,793	969,522	469,611	499,911	48.44%
Equipment	188,750	204,524	82,846	121,677	40.51%
Services*	954,029	1,059,978	1,071,047	(11,069)	101.04%
Miscellaneous	442,457	442,457	151,202	291,255	34.17%
Interest	367,930	368,052	205,264	162,788	55.77%
Principal	782,782	782,782	0	782,782	0.00%
Interfund Charges	1,078,096	1,078,096	706,503	371,593	65.53%
Total Appropriations	\$ 6,101,628	\$ 6,222,821	\$ 3,310,620	\$ 2,912,200	53.20%

Appropriations/Revenue \$ - \$ 648,807 ¹ \$ 36,623

¹ Represents 2017 encumbrances/PO brought forward in 2018

² Represent Council Authorization of increase to fund balance as per resolution 63-2018

* Awaiting Finalization of PFOS contract for Reimbursement of Operating Expenses \$126,219.70

CITY OF NEWBURGH
2018 SEWER FUND BUDGET VARIANCE REPORT
January 1 Through July 30, 2018

	YTD Adopted Budget	YTD Modified Budget	Actual as of July 31, 2018	YTD Budget Variances Modified/Actual	% to Budget
REVENUES:					
Appropriated Fund Balance	\$ 217,083	\$ 217,083	\$ -	\$ (217,083)	0.00%
Departmental Income	5,000,306	5,000,306	2,410,857	(2,589,449)	48.21%
License and Permits	27,500	27,500	11,500	(16,000)	41.82%
Miscellaneous	940,415	940,415	317,181	(623,234)	33.73%
Total Revenues	\$ 6,185,304	\$ 6,185,304	\$ 2,739,539	\$ (3,445,765)	44.29%
APPROPRIATIONS					
Salaries	440,033	440,033	187,882	252,151	42.70%
Benefits	330,127	330,127	121,922	208,205	36.93%
Equipment	371,543	338,466	11,834	326,632	3.50%
Services	2,603,072	2,658,622	1,224,686	1,433,936	46.06%
Miscellaneous	258,753	252,753	1,636	251,117	0.65%
Interest	238,361	238,361	168,106	70,255	70.53%
Principal	518,538	518,538	232,500	286,038	44.84%
Interfund Charges	1,424,877	1,424,877	908,792	516,085	63.78%
Total Appropriations	\$ 6,185,304	\$ 6,201,777	\$ 2,857,359	\$ 3,344,419	46.07%
Appropriations/Revenue	\$ -	\$ (16,473)¹	\$ (117,820)		

¹ Represents 2017 encumbrances/PO brought forward in 2018

CITY OF NEWBURGH
2018 SANITATION FUND BUDGET VARIANCE REPORT
January 1 Through July 30, 2018

	YTD Adopted <u>Budget</u>	YTD Modified <u>Budget</u>	Actual as of <u>July 31, 2018</u>	YTD Budget Variances <u>Modified/Actual</u>	% to Budget
REVENUES:					
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	0.00%
Departmental Income	3,210,100	3,210,100	2,306,733	(903,367)	71.86%
Miscellaneous	<u>29,602</u>	<u>29,602</u>	<u>19,019</u>	<u>(10,583)</u>	64.25%
Total Revenues	\$ 3,239,702	\$ 3,239,702	\$ 2,325,751	\$ (913,951)	71.79%

APPROPRIATIONS

Salaries	911,357	882,874	461,870	421,005	52.31%
Benefits	713,188	719,188	390,135	329,053	54.25%
Equipment	0	0	0	0	0.00%
Services	942,039	970,926	503,501	467,424	51.86%
Miscellaneous	3,500	3,500	2,813	687	80.39%
Debt Principal	6,812	6,812	0	6,812	0.00%
Debt Interest	28,806	28,806	5,192	23,614	18.03%
Interfund Charges	<u>634,000</u>	<u>634,000</u>	<u>332,078</u>	<u>301,922</u>	52.38%
Total Appropriations	\$ 3,239,702	\$ 3,246,106	\$ 1,695,590	\$ 1,550,516	52.23%
 Appropriations/Revenue	 <u>\$ -</u>	 <u>\$ (6,404)</u>	 <u>\$ 630,161</u>		

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

Michelle Basch, 87 Broad Street, read a letter from an Attorney in the City of Goshen that was given to her to read by Drew Kartiganer who couldn't be here this evening. It was written on August 23, 2018 and reads, "*Re: City of Newburgh with Alembic Community Development sale of property known as 2 Montgomery Street (24-10-1.2). Ladies and Gentlemen please be advised that I represent Drew A. Kartiganer on whose behalf I write this letter. I understand that on or about August 14, 2017 the City Council of the City of Newburgh voted to resolve to authorize the City Manager to negotiate a development agreement with Alembic Community Development with respect to among others the referenced property known as 2 Montgomery Street. I have been asked to remind the City Council that in the event that a negotiated agreement provides for the sale or lease of the property known as 2 Montgomery Street a resolution approving the agreement, the City Manager's execution of such an agreement or the sale or lease of the property would require the affirmative vote of at least six members of the Newburgh City Council. As you must know, Section 13-3 of the Code of the City of Newburgh provides as follows. Council approval required to authorize sale or lease. No sale or lease of any real property owned by the City or of any franchise belonging to or under the control of the City of Newburgh shall be valid or authorized unless subsequently approved by a vote of four fifths of all the members of the Council. Please take this into consideration in any future actions with respect to the property known as 2 Montgomery Street.*"

Carla Johnson, no address, wanted to talk about Code Enforcement and the landlords. The Cadet Program is a great program and they raised money for uniforms and t-shirts but no money is raised for the homeless people here. People are being kicked out of their apartments and we are not making the landlords reliable for what they are doing. She has been in an apartment for sixty-nine days with no working gas which is a violation with no follow up from Codes. There is no money in Codes because the landlords don't make the repairs and nobody is doing anything about it. She offered her condolences to Lillie Howard and Mr. Shakur for the loss in their family. She asked Mr. Ciaravino to do her a favor before he leaves the City and crack down on these landlords. She has spent thousands of dollars since 2013 and she has moved nine times because every apartment she has had was condemned with violations. What will the City do with the people who are homeless here? When is this going to stop? Let's have a fundraiser for the homeless.

Kristie Amato, Grand Street said that she is a resident and she is against the Alembic Project. She read questions that have come up as a result of the last proposal. She had asked everyone if they understood what the net positive taxes were, net neutral, net negative. Is this project going to be net positive? We just heard about huge deficits that we either need to cut or create revenues but to create revenues you need net positive taxes. Is this going to be net positive? Do we know who the top net positive tax payers are and who is contributing the most to the general fund? What is the use of the highest and best uses for this site beyond just contributing net positive taxes to the general fund? What is the use that will provide the highest net positive taxes to that site? Who is paying for the thirty million dollar Bond? There were e-mails about 2 Montgomery Street made on May 1, 2018 from Deirdre saying that she had a sense with last year's budget that they were

struggling over the cost of the housing piece. If the scenario now is that there is a funding gap to develop 2 Montgomery Street there is not enough equity to accomplish the DRC revitalization let alone the City Club. We were told we needed to give away this very valuable piece in order to do the DRC and the City Club and now she is hearing that Alembic is maybe proposing to just restore the roof of the DRC. If they are only doing the roof, they won't be able to get the C/O which is required to get the tax credit. Is this for the community? If not, who is it for?

Richard Rosencrans, 88 Washington Street, wanted to let everyone know about a National Trust Preservation Fund Grant that would help foster a proper discussion about the Dutch Reformed Church and he would like input on how to move that forward. Grants from National Trust Preservation Funds are intended to encourage preservation at the local level by providing seed money for preservation projects. These Grants help stimulate public discussion and enable local groups to gain the technical expertise needed for particular projects and introduce the public to preservation concepts and techniques and encourage financial participation by the private sector. He reached out to the New York State Historic Preservation Office and was met with warmth, enthusiasm, understanding, intelligence and support because they want to help. He thanked Councilman Grice for his helpful input as he does not want to make errors with his enthusiasm to help us learn about the process anyone who would restore the Dutch Reformed Church will have to undertake. From what little he has already read from SHPO, these deals can get pretty complex and he thinks our community would be wise to seek their professional knowledge and guidance.

Martha White, 70 Johns Street said she is a homeowner and she is not in support of the Alembic Project. She read the article in the Record last week where Mayor Harvey was quoted as calling it a threat when someone said his support of the Project would cost him votes in this election cycle. That's scary because what he is calling a threat is literally Democracy in action. The way it works is if residents think you are acting in the City's best interest, they vote you in. If not, they vote you out. To hear him characterize that as a threat is a big red flag. There are people right now in this Country who are under real threats of disenfranchisement and having their right to participate in Democracy taken away. If he is borrowing a page of inflammatory rhetoric out of the Trump Play Book, Voters will see through that and it has nothing to do with Alembic. One other thing the article mentioned was that the Ford Foundation gave Hester Street Collaborative \$200,000.00 this year. She noted that Councilwoman Mejia's husband gives that money as a Grant maker for the Ford Foundation. What the article didn't say is that this is the first time they got a Ford Grant but it is not the first connection they've had. Between 2015 and 2017 Hester Street got \$374,000.00 from a grant making organization called the Neighborhoods First Fund, which Councilwoman Mejia's husband is Chairman of. That is a total of almost \$600,000.00, which is a lot of money, and then there is the rest of the money that the Record didn't mention. The Ford Foundation also gave Community Voices Heard half a million dollars for *support to tackle tough issues and build power*. Between 2015 and 2017 Neighborhoods First gave Community Voices Heard \$295,000.00 and Ford gave it another \$600,000.00 so that is a total of about 1.4 million dollars to an organization that is partners with Alembic doing outreach and PR for this project. They are paid to organize people, bring signs and get people shouting at each other. Look at who is giving them the money. Throw out this RFP and start over.

Kippy Boyle, 400 Grand Street said we are looking at the Budget and she hears the desperation regarding Firemen but what she hasn't heard in about the last ten years is any

kind of push to get more DPW workers and more Codes Inspectors. If we don't have those departments operating at full tilt then everything else will tip over. The fiscal impact analysis will become standard operating procedures when looking at any developments that are coming across your desks. The fiscal impact analysis connects planning and local economics by estimating public costs and revenues that result from property investments. The fiscal impact of development is the effect of new investments, new construction, new employment, new populations, new school enrollments and other changes to our general community. When new residential houses or businesses are built they all make additional revenues and costs and they may require new roads, sewers, additional fire and police as well as demand Parks and create traffic congestion. As we are improving the City of Newburgh there is this balance that we need to make between the great things that are coming in and how much it is costing us. The benefits of fiscal impact analysis are impressive and should become standard operation procedure.

Rich Fracasee, Town of Newburgh said he pays a lot of taxes here but also gives back. He has a business and he works hard to survive but we have been going around with this Alembic nonsense for a year or more now. He told the City Manager he is sorry to hear that he is going to go but he did a good job and he did the best he could with what he had. He bets that the financial records will show you will be more than a million and a half dollars in the hole once you add the extra firemen and such so what do we need to do? We need to generate tax revenue. You can't generate it from the people who are here already paying taxes because most can barely break even. He hopes the City will take that lot and get developers to generate at least a million dollars a year on that property. The figures you are seeing from the Alembic people are nonsense. We need to generate tax revenue. Who are we going to lay off next?

Lamar Everett, City of Newburgh said he is seeing a problem with traffic at intersections because a lot of people are flying by and they barely stop. His issue is that there are no Yield for Pedestrians Signs put up anywhere but at the Hospital. He noted that lifelong resident, Fontas Lamb passed away this past week and they are planning something for him on Saturday on private property. They know there is going to be a lot of people so he would like to know if they could have the road blocked off on South Lander between Courtney and Henry to keep the pedestrians safe.

City Manager, Michael Ciaravino told Mr. Everett to stop in his office to put together a special permit to make arrangements for DPW and Police.

Omari Shakur, City of Newburgh said it has been a bad week as he lost a Cousin this week and a Nephew today. They had an Internship Program this year and in the last five weeks they registered over six hundred people in the City of Newburgh with four more weeks to go. They have two hundred not-for-profits in the Orange County area that we will reach out to tomorrow and a pamphlet asking people if they have gone out to vote. They will be putting up posters and asking the community and businesses to make sure that everyone asks someone on Thursday if they went out to vote. We want to make sure we double the voters from the last election so on Thursday ask someone, *"Did you go out to vote?"*

Sheila Murphy asked if the Monthly Financial Update has an effect on the spending by department heads. If not, can we get some feedback on that? As for Resolution #248-18 concerning the Land Bank, what are they doing to bring revenue to the City of Newburgh?

Eric Jarmin, Bush Avenue and business owner said he agrees with an earlier comment that the crosswalk at the Hospital is a challenge to cross. It's marked but people are accustomed to just flying down that street. Also the speed limit on Broadway is 30 mph but it's more like 50 mph. Broadway from Johnson to the bottom and then on Dubois Street in front of the Hospital are two areas that outsiders are using and it's a problem. How we don't have more fatalities in those two areas is a miracle.

Mike, 38 Spring Street, likes that Liberty Street is open again but Spring Street still is not unfortunately. He thinks we need to pay attention to Amity because the behavior is to now go down the Do Not Enter; One Way Street and a lot of people walk there with their kids so someone is going to get hurt. It was a great presentation on Thursday on the Film Industry and one of things to pay attention to is the economic impact. Film Industry is wonderful and we now have about ten young students that graduated and who are working on film sets but that is just a drop in the bucket. With the Film Industry ninety percent of the money goes back out and even if it brings a lot money here temporarily a lot of that money leaves because the majority of the crew and the Actors are from the City. We need to continue to develop those things here and he would love to see with some of the changes going on that we have a real Local Economic Development Department. It's an opportunity to bring in some real world class talent here that understands these issues. Three billion dollars in retail sales in the City of Newburgh but where is most of that money going? How are we not flourishing and thriving? You need to have that value chain within the Film Industry with Post Production, which could be an expanding industry here. The catering, hospitality, transportation and all of this stuff which is not staying in the City of Newburgh. Unless we have a strategic design behind that, other people come and benefit from it and that is economic leakage. If we can train people and there is a job waiting for them then it's a totally different story. Job training doesn't work unless it is real skills development with a job waiting for us. He could do the same thing in Tech but you need to have the funds and the support. Starting salaries for Tech jobs are \$70,000.00 to \$80,000.00 per year. Plumbers, Electricians and all of that could be done but we need to have a strategic design with someone who understands real economic development, doing the impact analysis and being able to attract the world class businesses here. This is our chance to keep the money here in Newburgh.

Juanita Lewis, Organizing Director of Community Voices Heard at 87 Ann Street said there were a couple of things she wanted to address. They had a meeting with the City Manager, Code Enforcement and Police Officers around the need to hold landlords accountable and understanding the process around Code Enforcement and how to improve it. As we go into this next Budget season they would like the Council to consider adding more money for Code Inspectors because the thing that they heard the most was that the volume was so high around violations but not having enough people to actually go out and issue the tickets to remedy the problems that are happening and to protect the tenants here in the City of Newburgh. For the past few months she estimates they have seen at least two hundred residents that have been having issues around landlord intimidation, retaliation and not understanding why they are being evicted. Not knowing where to go for help outside of Legal Services. One young woman was locked out of her apartment illegally by her landlord because he needed to remedy the issues around lead. They went with her to the Police Station and started the process to get back \$4,000.00 from that landlord who illegally locked her out. For the past few meetings she has heard way too many lies about Community Voices Heard and the work they do in the City of Newburgh as

an Organization. She wants to be clear about what her job has been with this organization for ten years and what her whole career has been as a community and political organizer. CVH has been an Organization for the past twenty-four years in New York State and we have been building power within low income communities and communities of color. The reason why we came to Newburgh almost ten years ago is because there was a need of organizing people who are impacted by the issues of housing and jobs in this area. Because of that work we have been able to shine a spotlight on what's been happening around Code Enforcement and housing and for the past few months they have continued to do that and they are not going to stop until the landlords are held accountable and the mistreatment of tenants actually stops. If anyone is confused about the work that she does, she is fighting on the side of tenants and folks who need affordable housing and getting people into Office that want to make these changes.

Julie Lindell, 112 First Street said that there are some landlords on her street that would not pass code. Some are selling because they don't want to go through the inspection and that's the kind of landlord we don't want. They will sell eventually and the new buyer will have to fix it up completely and rent it out for more money. There is also a shortage of a certain price range of housing and it is difficult to build and maintain at that range because the buildings are in such bad shape. She has stopped doing development here because of that and the real estate appraisals. It is tough for people to come here and buy buildings to rehab them but it needs to be done.

Evelyn Waters, Philipstown said she is looking into bringing her company headquarters to Newburgh. People say to bring in business but it has to be built on a good foundation which brings her to her point. Conflict of interest laws exist to prevent elected officials from supporting projects they would benefit from at the expense of the best interest of the City. These laws are intended to stop corruption by elected officials by using the City resources for their personal self-serving interest. The City of Newburgh's Charter states no municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest. Councilwoman Mejia has been Alembic's most vocal advocate on the City Council. In addition, she personally controlled the Request for Proposal (RFP) that selected Alembic as the Project Developer. In reality, the RFP process was not a credible good faith effort to solicit proposals for redevelopment as it should have been. It was a rigged process to cover the predetermined selection of Alembic and Hester Street to take control of the Montgomery Street site. Councilwoman Mejia's spouse is the Senior Program Officer with Ford Foundation coordinating funding for poverty based projects. In post Katrina New Orleans, he coordinated funding for relief efforts through various companies for a number of projects. One of the projects funded was developed by Alembic. In the case of Hester Street, they received \$375,000.00 from a funding collaborative Co-Chaired by Councilwoman Mejia's husband. It is proven that her spouse has had prior financial business relationships with both Alembic and Hester Street. One of the most vocal groups supporting Alembic is called Community Voices Heard. CVH has been present at numerous Council meetings demanding Alembic be awarded 2 Montgomery Street. This support becomes suspect given that CVH received \$295,000.00 from the same funding collaborative as Hester Street Co-Chaired by Councilwoman Mejia's husband.

Gabrielle Hill, 43 DuBois Street, said we have a very serious traffic problem with speeders on Dubois Street. We thought about speed bumps but can't do that with the paramedics

going to the Hospital. Maybe we could look into one of those electronic signs that flash how fast you are going when you drive by. They would also like a Kid Crossing Sign put up there to warn people to slow down because it's becoming a hazard. In regard to Alembic, she says when in doubt throw it out and start over. In regard to resolution #240-18 for the sanitation she doesn't know how often the Council walks around the City but it is atrocious with so much dumping. On VanNess Street between Lutheran and DuBois it is horrible with tractor trailer tires, shopping carts and more. Sanitation is a huge problem so he needs all the help he can get. To the City Manager she said she still plays a recording he left on her voicemail a few years ago to never give up. She doesn't know why he is giving up and he has his personal reasons but she knows that coming into this was very difficult. It is not an easy job but she wanted to thank him for his service and wish him all the best in his future endeavors.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilman Grice thanked the Wall that Heals, which is Item #13, for the bleachers. He thanked Mr. Ciaravino for his service and looks forward to transitioning the positive things that he has done. He is in support of the Film Industry coming to Newburgh and of having an Economic Development Agency. He noted that we have a Transportation, Traffic and Parking Advisory Committee that he revitalized and takes very seriously. If anyone has any parking and transportation issues, they can reach out to that committee. With our water he wants one hundred percent remediation of our drinking water and he does not want anything built in the area of our watershed so he is against any development there. He appreciates the people going to other municipalities and speaking on behalf of the City of Newburgh. In regard to housing, he has been meeting with our Codes Department which he looks forward to continuing and as a new agenda item he plans on starting the Fair Housing Department again. When it comes to ethics violations, he takes them seriously as he believes everyone on the Council does, however, we have an Ethics Board so please go to that Board with any ethics concerns. He doesn't feel it is completely fair to do that in the public arena.

Councilman Jacobson wished everyone a good New Year. We had some personnel changes with Deirdre Glenn and he thanked her for her service. When we finally settle on a new Economic Development person he hopes we get someone with experience and that we do a nationwide search. We need to get to the next stage beyond just selling the properties we have and we need to have some real economic development that could create jobs for the people here. It was a surprise to him that the City Manager is resigning but he has done some good things and some not. He appreciates the fact that he decided to make his resignation effective at the end of the year so he doesn't leave us in the lurch concerning the Budget. He appreciates that and feels it was very professional. Concerning the Safer Grant he gave a shout out to Congressman Maloney and Senators Schumer and Gillibrand for pushing for this. He is happy we got it again. Concerning the traffic problem with speeders maybe we have to do like they do in other municipalities and put in speed bumps. There is a topic on the Agenda tonight for a public hearing concerning term limits and he thinks that is a solution in search of a problem as we really don't have that problem here.

In the last few elections people either decided not to run or lost the election. Primary Day is Thursday and the Polls are open from 6:00 a.m. to 9:00 p.m. so he encouraged everyone to get out to vote.

Councilwoman Mejia said that when she first ran for office the conversations she would have with her neighbors was about what it takes to move Newburgh forward and why do we do what we do? She always said, *"Don't make it personal"* because she thinks that is one of the things that has held Newburgh back for a long time. We see issues that we have differences on and then we make it personal. With this Ford Foundation and accusations of ethics, what has been the most disappointing thing is that individuals she has known from her pre-public life fell into that wagon and gladly hitched on. *"This perception, this mistruth and this falseness of essentially calling me a corrupt individual is not why I ran for office and spend nights away from my family."* She wishes that they had had more conversations about the differences of the Project versus the horrible ignorance and misunderstanding of philanthropy and philanthropic institutions and the roles they have in our civic life and the great role that they have played in protecting Democracy. Someone said that when elected officials stand up against bullies that is a threat to Democracy but actually the opposite is true. When we do not stand up and say we wholeheartedly disagree because we need to look at X, Y & Z, that is a threat to Democracy. *"In terms of the financial benefit that has been said and resaid at this table about my husband and my family are just untrue. If you think that I control a Committee that got selected to vet this process, then I am in the wrong business"*. She hopes we can move forward and have a different conversation about it so people don't have to keep reading the same letters that Drew already read three or four months ago. She added that she wholeheartedly supports the work that the Land Bank has been doing. It is again one of those things that got started through a philanthropic contribution. She thanked everyone for coming.

Councilwoman Rayford thanked everyone for coming out tonight. The speeding cars are everywhere here in the City of Newburgh and drivers don't adhere to the buses when they have their lights on and stop sign out. She asked the Police Department to take a step up because she has talked about the speeding near the Hospital for a few years now and she hopes they can take care of that real soon. She doesn't understand why Deirdre Glenn abruptly left because she did great work here in the City of Newburgh and then to see that our City Manager is leaving and sent a Letter of Intent to Resign while asking for a four month stay before he leaves. She has never heard of that and a lot can happen in four months so she hopes that in the account of him resigning that it be sooner than that so they can vote for an Interim as soon as possible. She thanked him for what he has done with the water. *"We love Newburgh"*. To those who have endured a lot throughout the generations here and continue to stay she said thank you. Thank you for the newcomers and the business owners because without the business owners who live on the outside of Newburgh paying these taxes she can't imagine what Newburgh would look like. Exercise your voting rights on Thursday. In the end we are going to win.

Councilwoman Sofokles thanked everyone for coming tonight and she is very sad about the City Manager. She thinks he has done a great job and when it came to crisis he was there for everything so she is sorry to see him go. She thanked the Police Chief for the YPI Program because it's great to see young people who are City of Newburgh residents that really want to be in Law Enforcement on a local level. She noted that Blacc Vanilla will be having an event tomorrow starting in the morning and going all day and they have done so

much in such a short time here in the City. She added that Community Voices Heard also does a great job as well. We all agree to disagree but we all need to work together because there are so many good things going on in this City. To some of the people bringing up these ethics issues she said that maybe they should join the Ethics Board because they are two people short. It shouldn't be brought out in public. She has known Councilwoman Mejia for twelve years and she doesn't believe there is an unethical bone in her body and anything she does for this City she truly believes is right.

Mayor Harvey thanked everyone for coming out tonight and said he has a lot of love for Newburgh. He loves all of the business owners and neighboring communities. A lot of times people put spins on things to fit their own agenda but every voice is important whether you live in the City or you don't. His statement was that the people of the City would ultimately decide and their voices have to be heard as well. It doesn't mean that we negate people who don't live in our City because we want to hear your voice and welcome your suggestions and ideas. If it were not for your ideas we wouldn't be able to move forward with what we need to do as a City. He has tossed and turned and had sleepless nights about the Alembic Project and continues to do his due diligence by looking at the numbers because they don't lie. He has held meetings with professionals and developers to see if there are other proposals but a decision hasn't been made yet. There was supposed to be a discussion so that Council and the public could hear more and hear both sides in a fair and equitable way but that was unfortunately canceled. As far as anything that he has decided to do or stands behind, he would hope that his future in representing the City as the Mayor would not be dependent on one vote or one decision. To Mr. Ciaravino he said that if he had to go to War and be in the trenches with someone he would be one of his guys. He would go to War and walk through walls with him side by side as Soldiers because in times of crisis he fought hard and did a great job. Thank you for your service. He thanked Deirdre Glenn for her service as well. We look forward to moving this City forward and not backward.

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

CITY MANAGER'S REPORT

Resolution No. 239 -2018 Contract with MJ Engineering and Land Surveying, PC for Evaluation and Design Alternatives for Sidewalks on Mill Street Bridge

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 240 - 2018 Amend Resolution No. 50 - 2018 - Amend 2018 Personnel Book to add Temporary Personnel to Sanitation Department

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 241 - 2018 Rejection of Civil War Monument Proposals

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 242 -2018 Extension of Time to Close, Release of Covenants, & Satisfaction of Mortgage - 376 Liberty Street Rear

Councilwoman Rayford moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 243 - 2018 Tree Removal Services by Hill Treekeepers

Councilwoman Rayford moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 244 - 2018 Release of Covenants for 15 William Street

Councilwoman Rayford moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 245 - 2018 To accept a gift of bleachers donated from the planning committee of The Wall that Heals

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 246 -2018 Request for Change in Terms of Sale for 74 Henry Avenue

Councilwoman Rayford moved and Councilwoman Mejia seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 247 -2018 Transfer of Real Property to the Newburgh Community Land Bank

Mayor Harvey said some questions came up about the purpose of the Land Bank, its function in our community and what benefits there are.

City Manager, Michael Ciaravino said that he is a member of the Board of the Land Bank and Councilwoman Mejia as well as formerly Deirdre Glenn are and were members of the Land Bank. That has also been vetted as he knows there was a question raised at a prior meeting regarding that ethical arrangement. It's not only been vetted by the Attorneys for the Land Bank but he believes the State Attorney General has opined on this and as recently as last week Michelle Kelson, our Corporate Counsel, also opined. Reading through the opinion he has to agree that there is absolutely no problem with the ethics relating to these properties or their roles on that Board. Just from having the primary responsibility of always looking at the bottom line for the City of Newburgh whether it's the In-Rem properties that we take each year or other properties that we hold on our books there are a number of liabilities that accrue to the City holding properties that only deteriorate further and also require us to pay the school tax. The Land Bank is enacted by the State of New York and there are many other States as well that have Land Banks and they have ultimately come into popularity in the advent of the mortgage crash and foreclosure crisis. Newburgh like other urban and suburban areas in the United States has had a plethora of properties that fell into disrepair and deteriorated rapidly. The Land Bank is a vehicle by which a municipality such as ours can convey those properties to an entity with many other tools at its disposal. The properties on for this evening represent Phase II of the RUPCO Development Projects and for those of us who have seen the properties that RUPCO took on in Phase I we are excited about where this could lead in terms of continuing to transform the neighborhoods in our community. We also know further that RUPCO has reached out to our Police Department to talk about the feasibility of a Community Policing Station. As we discussed with RUPCO in the beginning with Chief Cameron, the City is very stingy with its scarce funds so we hope RUPCO can find the funding to do that. We also know that RUPCO has worked in partnership with a few new foundations, one of them being Blacc Vanilla, and they have literally transformed some of the neighborhoods that they have developed. We simply in the City of Newburgh do not have the resources on our own to do this type of transformation. When transferring these properties to the Land Bank and with the legislative tools provided for Land Banks in the State of New York, we see the end results. There is additional funding coming to the Land Bank from the State to help transform these neighborhoods and bring these properties that have been long neglected with further risk of more collapses and demolitions back to new life.

Madeline Fletcher, Executive Director of the Newburgh Community Land Bank said they have acquired one hundred and two properties and about sixty one or sixty two of those have already returned to the tax rolls and are either fully developed or are in the development process. Those properties represent five million dollars in assessed value that has returned to the tax rolls for the City of Newburgh. We have raised well over seven million dollars in capital that we are investing directly into the properties that in many cases would be considered undevelopable even in this market where there are tons of interest in the City of Newburgh. We facilitated the use of historic tax credits which has been much unutilized in the City of Newburgh considering the historic resources that we have here. We have endeavored to make sure that the work we do directly benefits the people who live in the City of Newburgh. We have done a lot of partnership with Habitat

for Humanity creating homeowners for local people who were formerly renters and we have done additional renovations of our own that we have made available exclusively to the City of Newburgh residents. The vast majority of the rental property is occupied by City of Newburgh residents. It was mentioned earlier that people need \$600.00 apartments but those apartments are terrible unsafe places to raise families and some of these units that we are developing do provide a permanent affordable place for people with real limitations on how much they can afford. This is just data and it is all tax positive.

Councilwoman Rayford asked who the rent money goes to?

Ms. Fletcher answered the owner of the property, which is generally not the Land Bank. What we do when we acquire a property from a municipality we work with some Banks and have acquired some Bank foreclosures and we invest the capital we raise into things like environmental abatements, lead and asbestos abatements, structural stabilization and clean outs because often the buildings are packed with trash after being abandoned for so many years. We then look for qualified purchasers whether that be a partnership with Habitat or an Organization like RUPCO or whether it is an individual purchaser. We also work with DIY for people who want to do their own renovation projects so it is a pretty wide variety.

Councilwoman Rayford said when they sell the houses after they are renovated who receives the money from that sale?

Ms. Fletcher answered the Land Bank to continue operations.

Ms. Rayford asked if that means their Board of Directors.

Ms. Fletcher responded with a "no". We are a non-profit Corporation so all of the money that comes in is either used to pay for the operations such as staff costs, having an office, having phone services, computers and further investing into properties that we acquire or other projects we undertake.

City Manager, Michael Ciaravino noted that the Board of Directors are volunteers.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Sofokles, Harvey - 5

Nays: Rayford-1

Adopted

Resolution No. 248- 2018

Councilman Jacobson pointed out for the public that this resolution needs six votes and the last resolution needed a majority vote. The reason being that in this resolution these properties were acquired by the City other than through the In-Rem process which is why you need an eighty percent vote.

Assistant Corporation Counsel, Jeremy Kaufman said what that means math wise is that because there are only six members tonight then you would need all six votes in order to

carry the vote. If there is a thought or a chance that that might not happen or you want to wait for Councilwoman Monteverde to give her consideration, there is also the option to table.

Councilwoman Mejia said she thinks the discussion from the Work Session was that since Councilwoman Monteverde was most likely not going to be here that these two would be tabled.

Councilwoman Sofokles said that was her understanding too.

Councilman Grice moved and Councilwoman Sofokles seconded to table the resolution.

Ayes: Councilman Grice, Councilman Jacobson, Councilwoman Mejia, Councilwoman Sofokles, Mayor Harvey - 5

Nays: Councilwoman Rayford - 1

TABLED

Resolution No. 249 -2018 Contractor List for Lead Line Replacement Grant

Wayne Vradenburgh, Water Superintendent said that the State Health Department has approved a Grant for the City of Newburgh for lead service line replacements to old water lines that were made out of lead. If anyone believes they have a lead service line, they should give the Water Department a call and we will come to look at and verify if it is lead. We will give you the application to fill out for a reimbursement Grant for up to \$10,000.00 and we were awarded \$545,000.00. Applications are available at the Water Department and Codes Department.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 250 -2018 Renewal Agreement with Colby Kennels

Councilwoman Sofokles said that she will vote for this tonight because we don't have any alternative right now but we have paid Colby Kennels about \$170,000.00 in the past three or four years. We are wasting police resources because they have to go out and pick up stray dogs and we have a part time Officer. We have buildings so she doesn't understand why we don't have our own Kennel. She feels we are wasting a lot of money and God knows what we used to pay when we were using Flannery. She thinks we need to start a search to have our own Kennel.

Councilman Grice agrees which is why he was a little reluctant to move this. We do need to look into having our own Kennel and he remembers the one on Chambers Street.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 251- 2018 Local Adoption of the Orange County Hazard Mitigation Plan

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 252 - 2018 for an extension of time to comment on the US Army Corps NY/NJ Harbor Tributaries Feasibility Study

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 253 - 2018 Newburgh Community Land Bank 2018 LISC funding application

Councilman Jacobson moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Sofokles, Harvey - 5

Nays: Rayford-1

Adopted

Resolution No. 254 - 2018 - Prismatic

Assistant Corporation Counsel, Jeremy Kaufman explained that whenever there is litigation the City Council approves Judgements, Consents or Stipulations. In this particular case, one particular taxpayer grieved their taxes. There was a tax assessment determined by our Tax Assessor and every taxpayer has the right to challenge that and if they do not like that outcome then they have an opportunity to go through the legal process and continue to challenge it all the way up to the Supreme Court. That litigation had to be settled and this resolution is the settlement outcome of that litigation.

Mayor Harvey said that when something like that happens, are there costs to the City for these types of litigations?

Mr. Kaufman said there are actual costs and potentially hidden costs as well. Actual cost is the litigation cost. You either have to continue to litigate in terms of time and resources or if we can't do that we hire a third party Counsel to defend the City's interest in that regard. The other consideration is like in any litigation there are risks and rewards to continuing to litigate and you may also lose. If you continue to litigate and the Court does not find in your favor, you run the risk of losing the entirety of your case or your position to the other side. What happens in certain cases is that you will have a compromised position, which is not taken lightly by the City or any other litigant. There is a lot of information that goes into that decision and both sides present evidence to the Judge to support their cause so it is up to a Judge to make the final call. It is a risk reward analysis that any litigant wants to consider and there is always a distinct possibility that if you dig in all the way and force the Judge to make an ultimate decision, you could lose your entire case, which in this case, would be a much lower assessment value if a Court accepted the opposing litigants side which in turn would result in less taxes being collected for the City.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 255 - 2018 - conserve Water during the 10 Week Catskill Aqueduct Shutdown

Councilman Harvey said there are growing concerns that Brown's Pond will not be able to sustain the City of Newburgh through the ten week shutdown period and he has received calls from Governor Cuomo's Office regarding that concern. He needs our Water Superintendent, Mr. Vradenburgh and/or our Engineer, Mr. Morris to advise this Council and the public because it is a time sensitive matter. They want to test the Granular Carbon Filtration System and run Washington Lake through it and Mr. Ciaravino has made some very strong points as to why we should not do that. The Concern from Governor Cuomo's Office is that the City of Newburgh cannot sustain the water needs of the public and our City on Brown's Pond because New Windsor also uses Brown's Pond as well. According to Governor Cuomo's Office there is going to be a water crisis due to a shortage within the ten weeks that we will not be connected to the Catskill Aqueduct.

Councilman Jacobson noted that this Conservation State of Emergency has nothing to do with the quality of water that we are drinking now because we are drinking the best water we've ever had from the Catskill Aqueduct. This resolution is saying that people should conserve water. This is not an emergency regarding the quality of the water so people shouldn't panic. This is just so during the shutdown people can conserve and he knows that the Water Department and the Engineering Department are doing things to help conserve more water from their end including additional water meter readings. He just wants the public to know that this is not an emergency for the quality of the water it is a conservation emergency that we save more water.

Jason Morris, City Engineer, explained what they are doing to increase the efficiency at Brown's Pond and the calculations to date. About two years ago the City undertook an underwater survey to determine how much water storage exists at certain elevations in both of our Reservoirs; Washington Lake and Brown's Pond. Based on that there is roughly two times the volume of water needed for the shutdown at our current production rate which Wayne has got down to around 2.8 to 3 million gallons per day. The way we withdraw water from Brown's Pond is very inefficient and when we go on Brown's Pond as a source that water has to go through a pipe into Silver Stream, go down Silver Stream several hundred feet passing over an intake grate where we withdraw it into a pump station and then pump it down to the Water Filtration Plant. That pumping station that withdraws water from Silver Stream cycles on and off based on the water surface elevation of a tank at the Filtration Plant and we do not have the ability to change the opening of the valve at Brown's Pond based upon whether the pumps are pumping or not. That means that we have to physically go out to open the gate on Brown's Pond, flow water down to Silver Stream and capture it through an intake grate about every thirty minutes of the hour. So for about thirty minutes those pumps are off at which time that water is wasted down Silver Stream and in order to get around that waste the State DEC is working with us to install electric pumps on a floating platform in Brown's Pond to withdraw water and pump it into a pipe to this pumping station where it will then be pumped to the Water Filtration Plant. That eliminates the whole wasting of the water and will increase on our efficiency of withdrawal. The other concern is Harmful Algae Blooms (HABs). Wayne is working with

solitude lake management and this Council passed several resolutions with solitude lake management to treat Brown's Pond to avoid the formation of HABs and that has been working out very well. That testing has been ongoing for several months and the water quality on Brown's Pond is very good right now. We are working to avoid that scenario where HABs would prevent us from drawing from Brown's Pond. The Town of New Windsor also reserves the right to withdraw from Brown's Pond in an emergency scenario. Historically the Town of New Windsor has also withdrawn water from the Catskill Aqueduct and they have been working with the New York City Department of Environmental Protection to undertake a groundwater well where they have successfully drilled wells and are currently developing them to the point where they will no longer need the Catskill Aqueduct as a water source. They will withdraw all of their water from ground water and it is our understanding that in the ultimate development of their groundwater well system they will have roughly double the capacity of their Town. Based on that there is no reason for the City to believe at this time that they would need to draw from Brown's Pond but they are reserving that right. As it stands now we have plenty of water supply in Brown's Pond but we are looking at contingency plans and one of those plans is speaking with the Town of New Windsor to develop an interconnection. In the past the City of Newburgh supplied the Town of New Windsor with water via a piping system on Lake Street when they lost their supply so we are looking at doing something similar with the Town to supply finished water through several different interconnects and those discussions are ongoing. As a second contingency plan should Brown's Pond become unavailable, we met with the Town of Marlboro this evening to discuss trucking water from the Delaware Aqueduct to Brown's Pond and then to our Filter Plant. We are working on those two backup contingencies in the unlikely event that Brown's Pond becomes unavailable.

Wayne Vradenburgh, Water Superintendent concurs and said there is a ton of work going on with this as it is a main priority. His crews are out there fixing leaks and they just found six more today. Work is ongoing and he expects to have it all completed before the October 15th shutdown date.

City Manager, Michael Ciaravino added that he has been in communication with Orange County Emergency Planning Apparatus about this and if push were to come to shove and we were for whatever reason required to truck water in from Marlboro, the Town Supervisor said they are ready, willing and able to accommodate us with this request. We have also made preliminary arrangements with trucking some of that water and put together what we believe is a plan for where that water would be discharged into the lower southern end of Brown's Pond. If need be, he is prepared to declare the emergency that would be required whether it is the State National Guard or other apparatus in the State of New York to bring water tanker trucks to the Delaware Aqueduct location and bring it to Brown's Pond and then ultimately to be treated in our Filtration Plant. They talked about a scenario that they want to avoid at all costs which is the arrangement that is still ongoing in Flint, Michigan with bottled water. Our goal with developing all of these other contingency plans is to offer zero inconvenience to the consumers of our water during this crisis and we want to assure Governor Cuomo and the State of New York that we are doing all we can to not be forced onto Washington Lake's water during this Catskill Aqueduct crisis. There has been a lot of work that has gone into increasing the efficiencies as our City Engineer has outlined but we are going beyond that to consider a number of worst case scenarios that might have us reaching out to the second and third plans. The

one that is strongest on our minds is in the event of a fire requiring a radical draw on our water volume that would increase the likelihood that we would have to resort to these other contingencies. We are working on these alternatives and will bring the Council up to speed as progress develops and hopefully we can deliver a summary of all these efforts at the next Work Session which will be approximately ten days before the shutdown.

Mayor Harvey said we know that in any type of construction or repair project sometimes there are unforeseen things that could delay or prolong the anticipated timeline for that repair. We know it is a ten week shutdown but there is a possibility that it could turn into twelve or fourteen weeks. Are we prepared for that?

Jason Morris, City Engineer, said that the volume of water currently in Brown's Pond is double our need for the ten week shutdown so if we were to drain it dry we would have twenty weeks. We are certainly planning for the worst and doing a number of contingency plans should we need to activate them and we are also developing real time telemetry on Brown's Pond so that we can monitor the level and share it with the DEP, DEC and all of our other partners to make collective decisions based on that level.

Wayne Vradenburgh, Water Superintendent noted that they are having weekly calls with the DEP and as the shutdown moves in they will probably speak with them every other day to update them and let them know exactly where we are.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 256 - 2018 -Source Water Testing

Councilman Grice said that this water issue is his number one issue and he speaks almost daily with Riverkeeper so he urged everyone who is not familiar with that organization to please become familiar. He is also on the Quassaick Creek Watershed Alliance and he urged people to also become familiar with them because they are doing some great work in terms of our water. He stated again for the record that he does not want anything built within one hundred feet of our watershed. He wants our drinking water to be one hundred percent remediated at no cost to our City and our residents.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Jacobson, Mejia, Rayford, Sofokles, Harvey - 6

Adopted

Resolution No. 257 - 2018 Term Limits -- City Charter Section C3.10

Councilman Jacobson said he thinks this is a solution looking for a problem. We have term limits known as elections and in the last few years two people were defeated and another decided not to run for re-election. We have had exceptions over the years but he doesn't think we will have someone like Regina Angelo again who served over forty four years. He doesn't think this is necessary. In the proposed law the one appointment that the

Council has on the Civil Service Commission is limited also and on that situation we should be able to judge if that person should be reappointed or not if they have done the job and have the knowledge. He will be voting against this. Not because he is against public hearings but he is against the underlying mission.

Councilwoman Sofokles agrees with Councilman Jacobson. She has been involved in a lot of things in the past thirty years and she thinks that the only other person besides Regina was maybe Steve Rockafellow who she thinks served three terms. It has never really been an issue and the people should be able to decide who they want in office so she will be voting against it as well.

Mayor Harvey went back and forth on this also and even if elections don't turn out to be what is anticipated he has come to the resolve that whatever the people decide is what it will be. He too will be voting against this resolution.

Councilman Grice said he was in favor of this resolution because he thought that this would be an appropriate thing for Newburgh. It allows for those fresh voices to come in and for that younger generation to be civically engaged. This isn't saying we are going to vote for it it's just saying we are going to open it up to the public to see what they think.

Councilwoman Mejia said she is still in favor of this. The first step is having the public hearing to hear from the residents. The concept of fresh ideas and giving opportunity for different voices to serve. In the concept of term limits, we discussed three terms which is twelve years. This is just to have a public hearing about it but if there are not enough votes to have a public hearing then she encouraged people to still come out and say how they feel about term limits.

Councilwoman Rayford said she will not be in support of this because hearing what the public has to say is different than a public hearing. If they had something to say it was on the Agenda. No disrespect to the public but they must also be aware of the difference of having a say and being in a hearing. Your voice is weighed and the more people who speak for it is like your vote. She will not be supporting this because when you talk about Democracy this is what our Nation is about. Giving the people the right to vote for who they want to vote for without limits. Many times we don't have good Candidates because they say one thing and do another so we are talking about transparency and accountability and she won't be voting for this.

Councilwoman Mejia added that former Councilwoman Angelo was mentioned a lot and this has nothing to do with her term and trying to correct the past. It's about being proactive.

Mayor Harvey said that just because we don't support a public hearing on term limits doesn't mean we don't want to hear from the public on term limits. If the public feels that we need term limits and they voice that, then we may move in that direction. If the public doesn't feel that's an issue then again it goes back to Democracy and who the people ultimately decide they want to represent them on this City Council. He trusts the city residents and the people who vote and feels they will make a good decision. He really doesn't think that term limits are of grave concern to the public as it has never come up on any of our public comments.

Councilwoman Sofokles said the reason she thinks they brought up Regina is because she is the exception to the rule and the point is that it doesn't happen very often. She doesn't think you should ever limit what the people can do and they should be able to vote for whoever they want. If the people who do speak at our meetings want this to change then we will listen but for right now she thinks the Democracy side of it is more important in her opinion.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia - 2

Nays: Jacobson, Rayford, Sofokles, Harvey-4

Defeated

Resolution No. 258 - 2018 Amendment to Local Law No. 1-2015

Assistant Corporation Counsel, Jeremy Kaufman explained that this resolution amends certain residency requirements. As the Council is aware, the City Charter requires certain members of City staff to reside in the City of Newburgh and this proposed resolution would amend that in certain ways. What this particular resolution is discussing tonight is whether to have a public hearing to hear comments from the public on how they feel about the residency requirement. The way that this resolution is different from the prior resolution is that in the last public hearing vote you are talking about a mechanism by which the people can be heard. As Councilman Jacobson pointed out for the prior item, the public has an opportunity to be heard at the Polls via their vote where as here with this particular resolution there is no mechanism for the public by way of their vote to make their voices heard with respect to whether the residency requirement should be changed or amended. This vote is more procedural just to get to the point of holding a public hearing to allow the Council to hear comment about whether the residency requirement should be changed.

Councilman Jacobson said he is against this proposal as he believes there should be residency requirements for department heads. When someone lives in the City, he feels that they have a different attitude and different feelings towards the City but he isn't saying that they aren't dedicated or put in long days. He feels it's important that we govern ourselves and he doesn't like any weakening of the residency requirement. As far as hearing from the public, everyone gets a chance to speak at these meetings and he has not heard a clamoring on this issue. He will be voting against this because he thinks that public hearings should be for laws that make sense. He will be voting against it and it has nothing to do with any individual working for the City now.

Councilwoman Sofokles said it is her understanding that Michelle Kelson noted this was an oversight and we were really just voting on two people who came up through the ranks so it's not for everybody. This was for two particular department heads that came up through the ranks.

Mr. Kaufman said that is the net effect of the law. The proposed change addresses those particular issues and applies the law to any individuals who were City employees on or before the date of the adoption but who weren't municipal officers back then. Michelle's point was that it would in effect result in the coverage of two particular people. This is not a whole change of the residency requirement and it also deals with people who are currently employed with the City of Newburgh that would be grandfathered in if it turns out

that they graduated to a point of becoming a department head.

Mayor Harvey said he has heard arguments on both sides of this and it is another tough one for him. It would be great to have residents as heads of these departments but on the other side you want the best talent and it really shouldn't matter if they live in the City or not. He is torn on this.

City Manager, Michael Ciaravino said that we stand to lose two very talented people who could probably double their salary just by putting a resume out there. They have both worked for a long time for the City of Newburgh and they have dedicated themselves. To Councilwoman Sofoklese's point, Michelle simply admitted human error in drafting the legislation so we are at risk of losing two very talented people just by mere disqualification.

Some of these people bought their homes just before the mortgage crisis occurred at the top of the market and we have now had a market crash where if they were to sell their homes and try to salvage the equity to purchase in Newburgh, they are not going to be able to make ends meet. He would guess that these people would have many opportunities elsewhere and we would like to maintain continuity where and if at all possible.

Mayor Harvey said it may be worth hearing from the public on this. He has heard legitimate arguments on both sides so he is torn.

Councilwoman Sofokles said that this was an oversight and it never should have really happened. It is not fair to these two people who moved up through the ranks and didn't realize that they had to move into the City. When we bring new people into the City they have to be City residents if they are Department Heads.

Councilwoman Rayford said they weren't going to move into the City of Newburgh anyway and with the hiring that we have seen the City Manager do he hasn't really hired within Newburgh for executive staffing or any position that can make a lot of money. Nobody from Newburgh can't fit or be trained for these positions? She won't be supporting it because people want to come here and get these top paying positions but don't want to live here.

Councilwoman Sofokles said these are two people who moved up through the ranks and it was an oversight by Corporation Counsel.

Councilwoman Rayford said it wasn't up to her to make a decision.

Wayne Vradenburgh, Water Superintendent noted that he is one of those people and he started working for the City at seventeen years of age. His grandfather worked for the City of Newburgh back in the 1920's and his Uncle worked for the City of Newburgh back in the 1960's and he, himself, has almost twenty one years on the job. He has held every single position in his department except for one and if this does not pass, he loses his job. He is sure that he will be alright if this does not pass but it drives him nuts when people say, *"You are not vested because you don't live here"*. He did own a house on Williamsburgh Drive that he fixed up and when the market went up he sold it at the right time and made good money. He bought a house in the Town of Newburgh where he lives 2.3 miles away from the Plant and he is the first one here on every emergency so he considers 83 Broadway his home because we are here more than we are home.

Mayor Harvey said that Councilwoman Rayford's points, Councilman Jacobson's points, Mr. Vradenburgh's points and Mr. Ciaravino's points are all valid so he wants to hear from the public on this. This resolution is about hearing from the public because it is a very difficult decision and he wants the people to make that decision so he is going to support the resolution. He told Mr. Vradenburgh that he has seen him in action in times of crisis like with that tornado that hit Newburgh so he doesn't question his loyalty and the hard work that he does. In his opinion, this resolution should move forward so we can hear from the people and the people will decide.

Councilwoman Sofokles said it wasn't made clear in the beginning of what it actually entailed. It has been explained to us a few times so she doesn't know why everyone isn't getting it. It's just for these two position and if you want to hear from the public that's fine but isn't it ultimately the Council that will make the decision anyway?

Councilwoman Rayford said that once you open this up it won't be just for the two and we will be hit with litigation for unfair treatment. Also there is a part in there saying that you can work from home so you have to watch the language.

City Manager, Michael Ciaravino added that there is a supply and demand issue when it comes to people who actually hold licenses from the Department of Health for the title of Water Treatment Plant Operator and there is an absolute shortage of them throughout the State of New York. People who hold the licenses that Mr. Vradenburgh has are in high demand so they can get more money in other places than what we are paying in the City of Newburgh to run the Plant. In regard to our Comptroller, he has never seen anyone with more energy than Katie Mack work to make sense and logic out of our books and our financials. He thinks it would be a tremendous loss to lose her.

Katie Mack, City Comptroller said that she is the other employee we are speaking of. When the Comptroller position became available she was always good at playing number two as she always wanted to stay in the background and provide the numbers. She has been with the City for eight years now and within five days of being hired the first Comptroller left. The second Comptroller was Cheryl Gross who was here for two years and after her was John Aber and we all know how he left so the reason that she stepped up to the position was because of the lack of longevity with the people ahead of her. Most of them didn't come with the knowledge of the City's books and the City's history with our financials and we need to hold on to that knowledge and build on it year after year rather than hitting the restart button every two to three years. This job is grueling as she has been here since 5:30 on a Saturday morning only going home to sleep to ensure that these books come out. The reason that they are late is because she is trying to develop a template that can go on if she does leave and she is not here tomorrow. Can this sustain itself and not hit a restart button? When you have people come up many years staying in the City there is a certain amount of information that they retain and then can continue on versus a constant revolving door.

Mayor Harvey told Katie Mack that he has seen her work and it's amazing with the hours that she puts in away from her family just like Wayne does. A lot of our leaders in City Hall have spent a lot of time and sweat equity away from their families including members of the Council.

Councilman Jacobson said that when he looked at this he didn't know who was involved. He still believes in having department heads here and understand that this might be two special exceptions.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Sofokles, Harvey - 4

Nays: Jacobson, Rayford-2

Adopted

NEW BUSINESS

Councilman Grice said he would like to look into reestablishing our Fair Housing Office which is part of our Charter and is not active. He would also like to look at our Committees here in the City of Newburgh because some of them have some layovers and he would like to look at getting new Committee members or see if members still want to commit. He has been working with our Recreation Department on getting a baseball team to come to Newburgh.

Derek Stanton, Recreation Department said he did a little research and the City of Newburgh hasn't had a real good background with Minor League Teams. They are mostly leaving because either the Stadium is not up to standard or there is low attendance. The big thing with these Minor League Teams is that if people don't come they can't pay their players. There is an organization called the Hudson Valley National Adult Baseball Association made up of men ages seventeen and older who play in our Stadium already. They play during the week because we are one of the only fields that has lights. They are not really satisfied with the condition of the field but they said if we put some money into it then they would run their whole season there which would bring in about eight to ten thousand dollars a season for us. To do that it would cost about twenty-five to thirty thousand dollars to redo the mound, the batter's box and the whole infield so it's something we have to look at.

Councilman Grice said that we do have some funds that can go to refurbishing our field.

Mr. Stanton said that annually he gets about twenty-five thousand dollars for the operation of the field but that couldn't all go into just that. We need maintenance, paint, quick dry for when the field floods, repair made to the batter's box, the press box and more. The entire twenty-five thousand couldn't go there so we would probably have to look for about ten to fifteen thousand on top of that just to sustain us.

Councilman Jacobson said that at a Work Session when we have more time we have to go into an entry fee and if a team wants to come here do they pay something to the City?

Mr. Stanton said this wouldn't be a team it would be a league.

Councilwoman Sofokles asked Mr. Stanton if he looked into when we had the Minor League Baseball Team, The Mets, here about twenty years ago.

Mr. Stanton said they didn't like the field so the City put one hundred and fifty thousand

dollars into the field and the owner promised they would come back for the next season but they didn't.

Councilman Jacobson thinks we have to look at the arrangement that the Renegades have and asked if it would interfere too much with the amateur leagues that we have.

Mr. Stanton said it would not interfere at all. When you bring a Minor League in it becomes an all-day event but with the Hudson Valley Adult League we have had games playing before and after them. Additionally one of the biggest issues with bringing a Minor League team in is that we don't have a locker room because the Boxing League is in there. This Organization doesn't need a locker room because they come to play and then they leave. Also, with the staff he has they could not run a baseball game so you would need a complete grounds crew.

Councilman Jacobson said they have to look into some other arrangements.

Mayor Harvey said that Mr. Stanton is basically saying that we don't have the means to support a Minor League Stadium.

Mr. Stanton thinks we should go with the Hudson Valley Adult League which would bring in about eight to ten thousand dollars and we could still have other games before or after.

Mayor Harvey said that someone approached him about restarting the Little League Team in Newburgh as well so is that something that could also be accommodated?

Mr. Stanton responded with a "yes". Currently the Cal Ripken League that we have was a Little League when he started here and after about two years they weren't getting enough money so they redrew the lines so that the Town of Newburgh and the Town of New Windsor could take Newburgh kids to their Little League Teams. What we have is still kids playing but it's just not called Little League it's called Cal Ripken/Babe Ruth.

Mayor Harvey gave a thumbs up to our Hook Elite Boxing Team because they are going to Ireland.

Councilwoman Sofokles said that Derek has brought renewed excitement to the Recreation Department that was lacking since Wilbur Higgins left and she thanked him for that. The kids are important. When we had that Minor League Team here that place was beautiful and she knows he is working really hard to bring it back so she applauds him for that.

Councilman Grice added that he is really excited about this and asked to please add it to a Work Session.

George Garrison noted that they receive twenty-five to thirty thousand dollars from the County each year that we use to upgrade Parks so maybe we could use that to upgrade the field at the Rec.

Councilwoman Rayford said that Roxie Royal was in the Hospital with pneumonia and she is now in the Nursing Home for rehabilitation and it was her idea for the Skateboard Park so if it is agreeable with the Council perhaps we could dedicate that Park in her name.

Mayor Harvey said, "*Absolutely*".

Councilwoman Grice said they would like to do it in November and they would like Ms. Roxie Royal to be present with her family.

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

OLD BUSINESS

Councilman Grice reminded Corporation Counsel about the Power Against Tobacco resolution to put No Smoking signs in all of our Parks. He also wants to follow up with the Chief on where we are with the Matrix.

Councilwoman Rayford asked what happened to the resolution about limiting the agenda items. She said in regard to resolution #190-2018 that was voted on July 9, 2018 concerning Alembic she does have the letter from the Attorney that Drew Kartiganer was given. It states that it was supposed to be four fifths of the vote and our City Clerk said that it failed but in fact it passed due to a technicality. It is supposed to be 5.6 of the vote and you don't round under you round over so it was supposed to have been six votes which we didn't have so where do we stand with that?

Mayor Harvey said he thinks Councilwoman Rayford is confusing four fifths of the vote to pass the Alembic 2 Montgomery Street. She is talking about the resolution to terminate.

Jeremy Kaufman, Assistant Corporation Counsel asked Councilwoman Rayford if she is talking about a direct response to the letter.

Councilwoman Rayford said no the technicality in which at the end when we did the roll call and voted there were two who said they were for the resolution and five said no.

Mr. Kaufman said he doesn't have that resolution in front of him so he couldn't speak to that but generally speaking he and Michelle are both working on addressing the issues that are raised in the letter, which he believes was the same letter read by Michelle Bash earlier. They are working on an advice memo to all of the Council members that will address the legal issues that were raised by Mr. Littman and all of the Council members will be able to review that letter and some of the legal issues.

Councilwoman Jacobson said the issue is whether the City acquired that property that's going to be transferred through an In-Rem proceeding. If it was, then you need a majority vote and if it wasn't like those certain properties that were going to be transferred tonight you need the four fifths vote which under normal general construction 5.6 is 6. He doesn't think they will need too much research.

Mr. Kaufman said that is the general understanding about the number of votes you need to convey the property.

Councilwoman Rayford said then in actuality that resolution was passed. It's dead; it's trashed. Because not only did she and Councilman Jacobson vote for the resolution to pass but it's been over a year, we still haven't heard and she is tired.

Mayor Harvey said he thinks there is a difference between voting with four fifths of a vote to convey the property versus voting to terminate the proposal. The proposal and conveyance of property are two different elements.

Mr. Kaufman said that is correct.

Councilman Jacobson said he thinks what she is saying is that on a practical matter there aren't six votes so why are we spinning our wheels? What he thinks Mayor Harvey is saying is that the vote to rescind the process did not need six votes. *"If you are saying from a practical standpoint there is not enough votes here, I think you're right."*

Councilman Grice said that Corporation Counsel is working on an answer to this letter and asked how soon they could have that to discuss in Executive Session?

Jeremy Kaufman, Assistant Corporation Counsel said they could certainly try to have it by the next cycle if that is a priority to work on for the Council above some of the other items. It is really just a matter of prioritizing the workload.

Councilwoman Mejia said that Ms. Kelson is already aware of how volatile and important this Project is. Let's just get this done. Councilwoman Monteverde is not here this evening so she thinks the priority would be for the next Work Session if they could have the advising memo ready and we can settle this with a super majority vote that is required.

City Manager, Michael Ciaravino said the he and Michelle have talked about it and he has asked her to make it a priority. She says there are some other circumstances relating to a portion of the land being part of urban renewal land which will also factor into the analysis. Michelle knows that this is a priority for City Council.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said we are bringing baseball back to Newburgh so he is excited.

Councilman Jacobson noted we had some disagreements tonight but we weren't disagreeable, nobody threw anything at anybody and we all lived to vote another day. Speaking of voting he hopes everyone votes on Thursday and said thanks for attending tonight.

Councilwoman Mejia read the following, *"I am a commitment to achieving centered detachment. Which means that I am going to continue to fight for the people, ideas and things that I care about without fear of punishment or any expectation of reward."* She thanked everyone for coming and said if anyone wants to talk about centered detachment,

they can talk to her about it.

Councilwoman Rayford thanked everyone for coming out tonight. She emphasized safety when we are at the meetings here as we see all over the World that shootings are happening. If we could have someone stay until everyone is out of the building it would mean a lot because the Council is sometimes the last ones here and it becomes dangerous. Maybe we could have an Officer here until the lights are off and the doors are locked. She encouraged everyone to get out and vote.

Councilwoman Sofokles said she has read a lot of good things in the paper lately but today she read that Bill Kaplan agreed to send these youths to Ireland for the Boxing Match. She said that she could give them a little pocket money, which she will offer to them. This is all about the kids.

Mayor Harvey thanked everyone so much for coming out tonight and said it has been an honor and a pleasure to serve as the Mayor and a Councilman. He thinks that all of the individuals who passionately agree and/or disagree with whatever we brought forward to the public whether it's Alembic, how to move forward and bring more commercial businesses and ratables or whether it's the speed limits and things that we need to alter with crosswalks he wants to say thank you to every single person that has a vested interest in the City whether you live here or not. He thanked everyone for their passion and he encouraged people to continue to speak to issues that come before us with civility, respect and integrity because we really do have a wonderful City with wonderful neighboring towns that we love. He has seen some wonderful things happen in our City in the last five to eight years. Lastly, he sat down with Mr. Kaplan who found it in his heart and his spirit to fund these young people that really deserve to travel and nationally compete with Hook Elite Boxing. He thanked everyone for their input.

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

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 11:00 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 239 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH M.J. ENGINEERING AND LAND SURVEYING, P.C. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EVALUATION AND DESIGN ALTERNATIVES FOR THE EXISTING SIDEWALKS FOR THE MILL STREET BRIDGE SCOUR REPAIR PROJECT (BIN#2223610) AND (BIN #2223670) AT A COST OF \$35,200.00

WHEREAS, a Project for the Mill Street Bridge Scour Repair (BIN#2223610) in the City of Newburgh, Orange County, PIN S4124 (the "Project") is eligible for funding under Section 14-k of the New York State Transportation Law Multi-Modal Program; and

WHEREAS, on August 8, 2008, the City of Newburgh entered into a Master Agreement with the New York State Department of Transportation ("NYSDOT") to fund pavement and sidewalk replacement in the amount of \$200,000.00 in connection with the Project; and

WHEREAS, by Resolution No. 218-2017 of August 14, 2017, the City Council authorized the City Manager to execute Supplemental Agreement No. 1 to the Master Agreement with the NYSDOT in the amount of \$200,000.00 in connection the Project; and

WHEREAS, the bridge deck is in process to be reopened to vehicular traffic and the City issued a request for proposals for professional engineering services to evaluate the existing structurally deficient pedestrian sidewalks to assess their condition and develop rehabilitation and reconstruction alternatives to permit the City to reopen the sidewalks to pedestrians in the future; and

WHEREAS, M.J. Engineering and Land Surveying, P.C. has submitted a proposal to assess existing conditions, compile and analyze data and develop a report and cost estimate for design, repair and reconstruction options for the existing sidewalks in connection with the Project; and

WHEREAS, funding shall be reimbursed through the NYSDOT Multi-Modal No. 3 program in the amount of \$35,200.00 and derived from CG.5120.0400.3507.2018 - Pavement & Sidewalk_Mill St. Bridge Multi-Modal; and

WHEREAS, this Council has determined that authorizing the City Manager to execute a contract with M.J. Engineering and Land Surveying, P.C. is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to execute a contract with M.J. Engineering and Land Surveying, P.C. for professional engineering services for the evaluation and design of the existing sidewalks for the Mill Street Bridge Scour Repair Project (BIN#2223610) and (BIN #2223670) in the City of Newburgh, Orange County, PIN S4124 at a cost of \$35,200.00.



Engineering and Land Surveying, P.C.

Civil • Site • Transportation • Structural • Planning • GIS • Architecture • Environmental • Surveying • High-Definition Mobile Scanning • Construction Inspection

August 21, 2018

Kathryn Mack, City Comptroller
City of Newburgh
83 Broadway, Fourth Floor
Newburgh, New York 12550

RE: EXISTING PEDESTRIAN SIDEWALKS ALONG THE MILL STREET BRIDGE (BIN#2223610 and BIN#2223670)

Dear Ms. Mack:

M.J. Engineering and Land Surveying, P.C. (MJ) has led the successful completion of hundreds of infrastructure rehabilitation and replacement projects in New York State. With this experience, we are excited for the opportunity to submit our qualifications to the City of Newburgh. Our proposed team has made a visit to the area and walked the project corridor to document existing conditions for the structures along the Mill Street Bridge. We understand the importance of this corridor as it is a heavily traveled connection route for pedestrians.

The design professionals at MJ are experts in producing actionable transportation improvement and complete streets solutions in our communities. MJ is passionate about making our communities safer and more inviting for people of all ages, abilities and modes of transportation. We are located in Clifton Park, and have the resources to mobilize quickly and complete this assignment on time.

Our firm brings 40 years of expertise in highway and bridge engineering, and pedestrian safety improvement projects. Our transportation group has extensive experience in the development of contract plans and all other design contract materials for municipal highway projects. All members of the proposed team are familiar with required AASHTO specifications, the DOT Highway Design Manual, DOT Standard Specifications and all other applicable guidelines. We have also

MJ understands that in today's political environment, the development of solutions to address transportation issues is a collaborative process. Any successful project involves the ability to communicate, coordinate, and take action within not only the team itself, but with the client, stakeholders, end users, and regulatory agencies. This project will require close coordination with the CSX Railroad and DOT. MJ is staffed with personnel possessing successful past performance and technical expertise working and coordinating with railroad industry members on transportation design issues. MJ also has experience working closely with DOT, which has developed into an extensive knowledge base and valuable funding program contacts, as well as the ability to efficiently navigate through design phases after receiving application approval.

From our transportation design and complete streets expertise to our experienced engineering personnel, we are committed to the goal of improving your local community. We look forward to the opportunity to work with the City of Newburgh to meet the goals of this important project.

Sincerely,

Michael Panichelli, P.E.
President

1533 Crescent Road
Clifton Park, NY 12065
518.371.0799 518.371.0822 (fax)
mpanichelli@mjels.com

mjels.com

Clifton Park, NY
Watertown, NY
Huntington Station, NY
Sewell, NJ

RESOLUTION NO.: 240-2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AMENDING RESOLUTION NO. 50-2018 AND THE 2018 PERSONNEL
ANALYSIS BOOK TO ADD THREE TEMPORARY POSITIONS
IN THE SANITATION DIVISION IN THE DEPARTMENT OF PUBLIC WORKS
FOR 10 WEEKS

WHEREAS, due to unforeseen circumstances, there is a shortage of personnel in the Department of Public Works; and

WHEREAS, the Department of Public Works is requesting 3 temporary sanitation worker positions in the sanitation division for a period of 10 weeks commencing on August 24, 2018; and

WHEREAS, the City Council has determined that adding 3 temporary sanitation worker positions in the sanitation division in the Department of Public Works will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh; and

WHEREAS, the addition of the temporary positions requires the amendment of Resolution No. 50-2018 of February 26, 2018 which amended the City of Newburgh Adopted Personnel Analysis Book for 2018;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No. 50-2018 of February 26, 2018 and the Personnel Analysis Book for 2018 be and are hereby amended to add 3 temporary sanitation worker positions in the sanitation division in the Department of Public Works for a period of 10 weeks commencing on August 24, 2018.

RESOLUTION NO.: 241 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION REJECTING ALL BIDS RECEIVED
IN CONNECTION WITH THE RESTORATION OF THE CIVIL WAR MEMORIAL
LOCATED IN DOWNING PARK

WHEREAS, in 2015, an early morning motor vehicle accident caused significant damage to the Civil War Memorial erected in 1934 by The Daughters of the Union; and

WHEREAS, the City proposes to restore this monument in the same location near the corner of Third Street and Robinson Avenue in Downing Park; and

WHEREAS, the City of Newburgh duly advertised for bids in connection with the restoration of the Civil War Memorial located in Downing Park; and

WHEREAS, two (2) bids were received and opened; and

WHEREAS, upon review of the bids it has been determined that the cost of the bids for restoration exceeds the available budget for the project and the appraisal and cost estimates previously obtained by the City of Newburgh; and

WHEREAS, this Council has determined that rejecting all bids for the restoration of the Civil War Memorial 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 all bids received in connection with the restoration of the Civil War Memorial located within Downing Park be and are hereby rejected.

RESOLUTION NO.: 242 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO CLOSE AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A SATISFACTION OF
MORTGAGE AND RELEASES OF RESTRICTIVE COVENANTS AND RIGHT OF
RE-ENTRY, ALL IN CONNECTION WITH THE SALE OF THE PREMISES LOCATED
AT 376 LIBERTY STREET REAR (SECTION 10, BLOCK 1, LOT 34)
TO EDOUARD PIERRE

WHEREAS, on March 12, 2018, the City of Newburgh authorized the sale of the premises known as 376 Liberty Street Rear (Section 10, Block 1, Lot 34) ("Premises") to Edouard Pierre; and

WHEREAS, in connection with that sale, a title report revealed an outstanding Mortgage made by a prior owner of the Premises to the City of Newburgh in the amount of \$1,000.00, which Mortgage was dated June 29, 2010 and filed in the Office of the Orange County Clerk on September 21, 2010 in Liber 13058, Page 112; and

WHEREAS, the title report further revealed unreleased covenants from a deed dated July 10, 1995 and filed in the Office of the Orange County Clerk on September 15, 1995 in Liber 4274, Page 188 that conveyed the Premises from the City of Newburgh to Fritz Hyatt; and

WHEREAS, the title report further revealed unreleased covenants from a deed dated August 11, 2005 and filed in the Office of the Orange County Clerk on August 15, 2005 in Liber 11918, Page 1337 that conveyed the Premises from the City of Newburgh to the Newburgh Community Improvement Corporation; and

WHEREAS, Mr. Pierre, by his attorney, requested an extension of time to close to August 14, 2018 pending resolution of said title issues, and the City Manager granted said request in accordance with the Terms and Conditions of sale; and

WHEREAS, Mr. Pierre, by his attorney, has requested additional time to close, a Release of the aforementioned restrictive covenants, and a Satisfaction of the aforementioned Mortgage; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that time to close on the Premises is hereby extended to on or before October 31, 2018, and the City Manager be and he is hereby authorized to execute the attached Satisfaction of Mortgage and the attached Releases of Restrictive Covenants.

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby consent that the following mortgage be discharged of record:

MORTGAGE bearing the date of June 29, 2010, made by George Santos and Rose Marie Santos (a/k/a Rose Marie Basora) to the City of Newburgh, given to secure payment of the principal sum of \$1,000.00, and duly recorded in the office of the Orange County Clerk's Office on September 21, 2010, in Liber 13058, Page 112; and

which Mortgage has not been further assigned of record.

Dated: September ____, 2018

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Pursuant to Res. No.: ____-2018

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

On the ____ day of _____ in the year 2018, 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.

Notary Public

RECORD & RETURN TO:

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 dollars (\$10.00) 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 376 Liberty Street Rear, Section 10, Block 1, Lot 34, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a Deed dated July 10, 1995 from the CITY OF NEWBURGH to FRITZ HYATT, recorded in the Orange County Clerk's Office on September 15, 1995, in Liber 4274 of Deeds at Page 188 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: _____, 2018

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2018

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

On the _____ day of _____ in the year 2018, 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.

Notary Public

RECORD & RETURN TO:

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 dollars (\$10.00) 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 376 Liberty Street Rear, Section 10, Block 1, Lot 34, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a Deed dated August 11, 2005 from the CITY OF NEWBURGH to NEWBURGH COMMUNITY IMPROVEMENT CORPORATION, recorded in the Orange County Clerk's Office on August 15, 2005, in Liber 11918 of Deeds at Page 1337 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: _____, 2018

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2018

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

On the _____ day of _____ in the year 2018, 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.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: 243 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
HILL TREEKEEPERS FOR TREE, STUMP AND ROOT REMOVAL SERVICES
AT THE DOWNING PARK URBAN FARM AT A COST OF \$1,800.00

WHEREAS, the Conservation Advisory Council and Superintendent of Public Works have evaluated a tree adjacent to the Downing Park Urban Farm and determined that the tree is in a deteriorated condition and should be removed; and

WHEREAS, the Department of Planning and Development has solicited proposals for tree removal services and Hill Treekeepers has been deemed qualified to provide the removal services and submitted the most cost-effective proposal to remove the tree, the tree stump and the tree roots; and

WHEREAS, the cost for these services will be \$1,800.00 and funding shall be derived from budget line CD1.8686.0400.8125.2018; and

WHEREAS, the City Council has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Hill Treekeepers for tree, stump and root removal at the Downing Park Urban Farm at a cost of \$1,800.00.



Hill Treekeepers, Inc

PO Box 252 | Hopewell Junction, NY 12533
914-214-7045 | ford@hilltreekeepers.com | www.hilltreekeepers.com

RECIPIENT:

Newburgh Farm and Food- Downing Park
207 Carpenter Ave
Newburgh, NY 12552

Quote #187

Sent on 08/17/2018

Total \$900.00

SERVICE ADDRESS:

207 Carpenter Ave
Newburgh, NY 12552

SERVICE / PRODUCT	DESCRIPTION	QTY.	UNIT COST	TOTAL
Tree Removal	-remove decay/declining Norway maple center of fenced in area to right of drive	1	\$0.00	\$0.00
Stump Removal	-remove stump and roots	1	\$900.00	\$900.00

Total

\$900.00

This quote is valid for the next 30 days, after which values may be subject to change.



To: _____

Job Location _____

Phone # _____

TREE WORK		DESCRIPTION OF WORK	AMOUNT
☐	STORM DAMAGE		
☐	LOT CLEARING		
☒	STUMP REMOVAL & GRINDING	Removal stump	\$300.00
☒	MISC. TREE WORK	One maple tree cut & remove	\$1100.00
☐	DEBRIS REMOVAL		
☐	PRUNING		
☐	CABLING		
☐	CHIPPER SERVICE		
LANDSCAPING		DESCRIPTION OF WORK	AMOUNT
MISC.		DESCRIPTION OF WORK	AMOUNT
I HEREBY EXCEPT THIS CONTRACT OF THE ABOVE DESCRIBED WORK X _____ DATE _____ SIGNATURE _____ DATE _____ SIGNATURE		SUB TOTAL	
		TAX	
		TOTAL	

7 FINLEY DRIVE
SALISBURY MILLS, NY 12577
(845) 496-6110



LANDSCAPING
LAWNCARE
TREE SERVICES
Commercial / Residential
VISA

Name NEWBURGH URBAN FARM AND FOOD

Date 8/12/18

Address PO Box 541
City/State/Zip NEWBURGH NY 12550

Phone 914-441-3616

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of:

- | | | | |
|--|---|--|-----------------------------------|
| ☒ Tree removal | ☒ Remove wood | ☐ Mulch | ☐ Lawncare |
| ☐ Chip brush | ☐ Brush Cutting | ☐ Leaf Clean-up | ☐ Other |
| ☐ Pruning | ☐ Stump Grinding | ☐ Landscaping | |

DESCRIPTION OF WORK TO BE DONE

Remove Maple Tree

ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL.

1. Lawn Damage should be expected. We do not seed or correct lawn damage from tree removal, unless special written orders are given.
2. Heavy Equipment is sometimes used to remove trees. We should be instructed where leachfields, septic tanks, water lines, electrical lines, etc. are located and are to be drawn in the diagram space above. We are not responsible for driveway or walkway damage due to heavy equipment.
3. Stump grinding is an option, and a separate job from tree removal. A separate estimate can be given. We are not responsible for filling of holes or disposing of chips unless written in contract.
4. If we have to drop power, telephone, or cable lines to help remove trees, you will be told ahead of time.
5. We do not assume your insurance company will pay for tree removal due to storm, fire or other accidental means. If they are contacted by you or do cover the removal, please let us know. Your obligations to pay upon completion are still in effect.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED AND WORK TO BE PERFORMED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS SUBMITTED.

\$1,600.00

Respectfully submitted

John Flanagan

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.
Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted.
You are authorized to do the work as specified.

Date

Signature



Hill Treekeepers

Environmentally Aware Tree and Shrub Care

Home » About Us

About Our Company and Lead Arborist

arborist

-noun

a specialist in the cultivation and care of trees and shrubs, including tree surgery, the diagnosis, treatment, and prevention of tree diseases, and the control of pests.

Stoddard "Todd" Hill, *Owner*

Professional Summary: ISA Certified Arborist with over 10 years of hands-on experience in crew supervision, tree removal, excavation, and commercial/residential landscaping. Todd has contributed to the care of high visibility accounts with professional results. He stays current and expert knowledge in plant disease and diagnosis, and pruning in accordance to ANSI 300 standards for tree and shrub care. He has skills in tree climbing for pruning and removal, as well as skilled with crane assisted tree removal. Todd also holds a New York Commercial Pesticides Applicators License (3A).

Todd is CDL licensed, experienced in snow removal, excavation, and landscaping.

Education: SUNY Cobleskill, Cobleskill, NY • B.T. Plant Science • A.A.S., Landscape Development

Partial Client List: Harvard University • City of Boston • Rockefeller Family

Todd has Spanish language proficiency – “*se habla Español!*”

TESTIMONIAL: “Todd is very knowledgeable and helpful in helping us decide on tree care and planting issues. We would whole-heartily recommend him without any hesitation.”

– SK, Katonah, NY



The trees in Harvard Yard



An arborist by definition is an individual who is trained in the art and science of planting, caring for, and maintaining individual trees. ISA arborist certification is a nongovernmental, voluntary process by which individuals can document their base of knowledge. It operates without mandate of law and is an internal, self-regulating device administered by the International Society of Arboriculture. Certification provides a measurable assessment of

an individual's knowledge and competence required to provide proper tree care. Certification is not a measure of standards of practice. Certification can attest to the tree knowledge of an individual but cannot guarantee or ensure quality performance. Certified Arborists are individuals who have achieved a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination developed by some of the nation's leading experts on tree care. Certified Arborists must also continue their education to maintain their certification. Therefore, they are more likely to be up to date on the latest techniques in arboriculture.



Stoddard Hill
NE-6558A

CONTACT INFORMATION

Hill Treekeepers
P.O. Box 252
Hopewell Junction, NY 12533
(914) 214-7045
info@hilltreekeepers.com



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RESOLUTION NO.: 244-2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO VICTOR GARCIA
TO THE PREMISES KNOWN AS 15 WILLIAM STREET
(SECTION 36, BLOCK 6, LOT 1)

WHEREAS, on July 26, 1994, the City of Newburgh conveyed property located at 15 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 36, Block 6, Lot 1, to Victor Garcia; and

WHEREAS, the premises has subsequently been conveyed multiple times; and

WHEREAS, the current owner, Stacie R. Laskin, has requested a release of the restrictive covenants contained in the deed to Victor Garcia; 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 15 William Street, Section 36, Block 6, Lot 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 July 26, 1994, from THE CITY OF NEWBURGH to VICTOR GARCIA, recorded in the Orange County Clerk's Office on July 23, 1994, in Liber 4113 of Deeds at Page 80 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: _____, 2018

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Pursuant to Res. No.: -2018

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

On the ____ day of _____ in the year 2018, 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.: 245 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION ACCEPTING A DONATION OF BLEACHERS FROM
"THE WALL THAT HEALS" A REPLICA OF THE VIETNAM WAR MEMORIAL
AND THE PLANNING COMMITTEE
FOR THE SKATEBOARD PARK LOCATED
WITHIN THE DELANO-HITCH RECREATION PARK

WHEREAS, "The Wall that Heals" a replica of the Vietnam War Memorial and the planning committee has generously offered donate a set of bleachers that were provided for the recent event, "The Wall that Heals" a replica of the Vietnam War Memorial to the City of Newburgh; and

WHEREAS, Planning and Development and Public Works Departments recommend that the bleachers be brought to Delano-Hitch Recreation Park for use at the Skateboard Park; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh and its further enhancement to accept such donation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a set of bleachers from "The Wall that Heals" a replica of the Vietnam War Memorial and the planning committee, with the sincere appreciation and thanks to Jim Williams and Russ Vernon by the City Council on behalf of all of the residents of the City of Newburgh.

RESOLUTION NO.: 246 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AMENDING RESOLUTION NO. 119-2018 OF MAY 14, 2018
TO REVISE THE TERMS OF SALE FOR THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 74 HENRY AVENUE (SECTION 48, BLOCK 12, LOT 17)
AT PRIVATE SALE TO THOMAS PENNINGTON

WHEREAS, by Resolution 119-2018 of May 14, 2018, the City Council of the City of Newburgh authorized the conveyance of property known as 74 Henry Avenue being more accurately described as Section 48, Block 12, Lot 17 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has requested an amendment to the terms of sale to remove the owner-occupancy restriction; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to amend the terms of sale to remove the owner-occupancy restriction and extend the time to close until November 9, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before November 9, 2018; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
74 Henry Avenue	48 - 12 - 17	Thomas Pennington	\$75,000.00

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

Amended Terms and Conditions Sale 74 Henry Avenue, City of Newburgh (48-12-17)

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. Water and sewer charges and sanitation fees will be paid by the City to the date of closing except that where the water meter reading nets a usage to the purchaser of less than 6 units for the quarterly bill, the purchaser shall be responsible for a minimum water and sewer bill of 6 units.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. 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 occupied. This parcel is being sold subject to the City's Rental License Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the rental license fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.

8. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
9. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
10. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
11. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before November 9, 2018. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed.
18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 247 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK

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

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

WHEREAS, upon the request of the Newburgh Community Land Bank, this Council has determined that transferring title of the parcels on the attached Schedule "A" is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the properties on the list attached hereto as Schedule "A" to the Newburgh Community Land Bank be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to the Newburgh Community Land Bank; and

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

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

SCHEDULE "A"

S-B-L	Property Address
11-1-18	187 North Miller Street
11-3-13	146 South Street
18-1-10	157 North Miller Street
18-1-27	128 Dubois Street
18-3-17	150 Lander Street
18-3-24	136 Lander Street
18-9-21	115 Lander Street
23-2-13	62 Campbell Street
29-5-18	35 Dubois Street
29-5-6	215 First Street
30-1-10	39 South Miller Street
44-3-13	114 William Street

Properties to be transferred to the Newburgh Community Land Bank

S-B-L	Property Address
11-1-18	187 North Miller Street
11-3-13	146 South Street
18-1-10	157 North Miller Street
18-1-27	128 Dubois Street
18-3-17	150 Lander Street
18-3-24	136 Lander Street
18-9-21	115 Lander Street
23-2-13	62 Campbell Street
29-5-18	35 Dubois Street
29-5-6	215 First Street
30-1-10	39 South Miller Street
30-1-2	197 First Street
30-2-49	44 South Miller Street
44-3-13	114 William Street



NEWBURGH COMMUNITY LAND BANK

DISPOSITION OF REAL AND PERSONAL PROPERTY POLICY

SECTION 1. PURPOSE.

This policy (the "Policy") sets forth guidelines for the Land Bank's disposal of real and personal property in accordance with the mission and purpose of the Land Bank and applicable law.

SECTION 2. DEFINITIONS.

- a. "Land Bank" shall mean the Newburgh Community Land Bank.
- b. "Contracting Officer" shall mean the person responsible for the Land Bank's compliance with, and enforcement of, this Policy, and such person shall be the Executive Director of the Land Bank.
- c. "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in Property (as defined below).
- d. "Property" shall mean personal property or real property regardless of value, and any other interest in property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation.

SECTION 3. GENERAL DUTIES.

- a. The Land Bank shall:
 - i. maintain adequate inventory controls and accountability systems for all property owned by the Land Bank and under its control;
 - ii. periodically inventory such property to determine which property may be disposed of;
 - iii. produce written reports of such in accordance with Section 3(b); and
 - iv. transfer or dispose of such property as promptly as possible in accordance with this Policy.

b. The Land Bank shall:

i. maintain and make available for public review and inspection in accordance with Not-for-Profit Corporation Law section 1609 a complete inventory of all real property dispositions by the Land Bank. Such inventory shall include a complete copy of the sales contract including all terms and conditions including, but not limited to, any form of compensation received by the Land Bank or any other party which is not included within the sale price. All property dispositions shall be listed on the property disposition inventory within one week of disposition. Such records shall remain available for public inspection in the property disposition inventory indefinitely; and

ii. publish not less frequently than annually in accordance with Public Authorities Law section 2896 a report listing all real property owned by the Land Bank during the reporting period. Such report shall include a list and full description of all real and personal property disposed of during such period. The report shall contain the price received the Land Bank and the name of the purchaser for all such property sold by the Land Bank during such period. Such report shall be delivered to all agencies required by law including the Comptroller of the State of New York, the Director of the Budget of the State of New York, the Commissioner of the New York State Office of General Services, the Director of the Authority Budget Office and the New York State Legislature (via distribution to the majority leader of the senate and the speaker of the assembly).

SECTION 4. TRANSFER OR DISPOSITION OF PROPERTY.

a. Supervision and Direction. Except as otherwise provided herein, the Contracting Officer shall have supervision and direction over the disposition and sale of property of the Land Bank. The Land Bank shall have the right to dispose of its property for any valid purpose.

b. Custody and Control. The custody and control of Land Bank property, pending its disposition, shall be performed by the Contracting Officer.

c. Means of Disposition. Unless otherwise permitted, the Land Bank shall dispose of property by sale, exchange, or transfer, for cash, credit, or other consideration as provided for herein, with or without warranty, and upon such other terms and conditions as the Land Bank or the Contracting Officer deems proper. The Contracting Officer may execute such documents for the transfer of title or other interest in property and take such other action as is necessary or proper to dispose of such property under the provisions of this Policy.

d. Validity of Deed, Bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Land Bank, purporting to transfer title or any other interest in property of the Land Bank in accordance herewith shall be conclusive evidence of compliance with the provisions of this Policy and all applicable law insofar as concerns the title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to transfer of title of such property.

e. Method of Disposition for Real Property.

i. Negotiated Sale.

1. Competitive Listing. Land Bank property for sale shall be listed on the Land Bank's website to solicit competitive offers. An initial listing price shall be determined by staff based on a comparative market analysis and consideration of the Land Bank's then-current valuation guidelines, if any. The Contracting Officer is empowered to negotiate a proposed purchase price with interested purchasers, taking into consideration all reasonable business and financial justifications for accepting offers above or below listing price.

2. Award of Purchase Contract. The Contracting Officer shall present the Board of Directors with a summary and analysis of the offers received for a particular property, making a recommendation as to which offers are reasonable and consistent with the Land Bank's mission and purpose.

The Board of Directors, in its sole discretion, may sell property to an Applicant (as defined in Section 5) who has not submitted the highest purchase offer (i.e. sell for less than fair market value) for a variety of reasons consistent with the Land Bank's mission and purpose including, by way of example and not limitation, the submission of a redevelopment plan which provides for (i) a more comprehensive renovation of the property, (ii) owner occupancy, (iii) a valuable community service, or (iv) other community benefit. The Board of Directors will also take into consideration the Applicant's qualifications and experience, financial capacity, the quality and extent of their redevelopment plan, and the planned use for the property when selecting to which Applicant a sales contract will be awarded. In addition, a number of defined discount programs are contained in this Policy which may result in a property

being sold for less than fair market value.

ii. Requests for Proposals. A Request for Proposals (RFP) may be used for the disposition and redevelopment of certain properties identified by the Land Bank to solicit from a specific pool of potential buyers, to allow a greater length of time for interested buyers to develop an offer and development plan, or to solicit development proposals that meet certain criteria set forth by the Land Bank. As with negotiated sales, the Board of Directors will consider the purchase price offered, the planned use, the scope of the redevelopment plan, the buyer's qualifications and capacity to complete the project, and the funds available for redevelopment, in addition to the content of the response to specific criteria or questions contained within the RFP, when selecting a winning proposal.

iii. Direct Sale. The Board of Directors may authorize the sale of property to a buyer without first undertaking the other methods of disposition set forth herein when it determines that a benefit to the community will be had by authorizing such sale without competitive procedures for reasons consistent with the Land Bank's mission and purpose and upon a demonstration that the buyer is uniquely qualified to purchase, develop or otherwise return the property to productive use as set forth in Section 5 of this Policy.

f. Method of Disposition for Personal Property.

i. The Land Bank may dispose of personal property in accordance with its mission, including through Negotiated Sale, Request for Proposals and Direct Sale, as well as by donation. The Land Bank may utilize contractors or professional services to dispose of personal property provided any revenue generated from such disposal is used to support the Land Bank's mission. When determining the method of disposition, the Land Bank shall utilize the method which shall permit obtaining such competition as is feasible under the circumstances and which is consistent with the value and nature of the personal property proposed for disposition (including whether the personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity, or other quality of similar effect, that would tend to impact the value thereof), and which will be most advantageous to the Land Bank, price and other factors considered, and which shall further the interests of and be consistent with the mission and purpose of the Land Bank.

g. Board Approval for Disposition of Property. The Land Bank shall not sell, lease,

encumber, or alienate property or improvements unless authorized by a majority vote of the entire Board of Directors in accordance with section 1605(i) of the Not-for-Profit Corporation Law.

SECTION 5. BUYER QUALIFICATIONS; APPLICATION; CONSIDERATION; DISCOUNT/PREFERENCE PROGRAMS; ENFORCEMENT; LEASING.

a. Buyer Qualifications.

i. All disposals of Land Bank property shall be made to qualified buyers. A person submitting an application, bid or other offer to purchase property owned by the Land Bank (an "Applicant") must meet the following requirements to be considered a "qualified buyer":

1. The Applicant's Principal Residence for the year immediately preceding the date of the Applicant's application was in the City of Newburgh, the Applicant intends to relocate to the City of Newburgh and can provide satisfactory evidence thereof, or the Applicant has agreed to engage a responsible property manager located in the City of Newburgh to manage the property which is being disposed of pursuant to this policy. The term "Principal Residence" means the property that the Applicant uses as his or her residence. If the Applicant uses more than one property as his or her residence, the Applicant's Principal Residence is the property in which the Applicant lives for the majority of the time during the year and not less than half of the year.
2. In the event the Land Bank requires the Applicant to complete any renovations or repairs with regard to the property being disposed of pursuant to this Policy, the Applicant has submitted satisfactory evidence that he or she has a feasible plan and adequate financing to complete the necessary renovations or repairs;
3. If requested by the Land Bank, the Applicant has completed a home-buyer education course;
4. The Applicant is not otherwise disqualified as set forth herein; and
5. The Applicant has completed an application in accordance with this Policy.

ii. An Applicant is disqualified if:

1. At the time of the Applicant's application, there are unpaid and past

due taxes with respect to any real property owned by the Applicant;

2. A property owned by the Applicant has been foreclosed upon for tax-delinquency by the City of Newburgh and transferred to the Land Bank;

3. At the time of the Applicant's application, the Applicant owes amounts for past due bills, fines, or fees with respect to any real property owned by the Applicant;

4. There are open code violations or a history of code violations with respect to real property owned by the Applicant;

5. More than one (1) nuisance abatement case or proceeding has been commenced with respect to real property owned by the Applicant; or

6. The Applicant, or any spouse, parent, sibling or child of the Applicant, possessed an interest in the property for which the Applicant is applying to purchase at the time such property was foreclosed upon by the City of Newburgh for tax delinquency. The Board of Directors may consider deviating from this criterion (and 5.a.ii.2 above) if the property in question is the applicant's principal residence or principal source of income and the applicant: 1) presents compelling evidence excusing their failure to redeem the property prior to its foreclosure for unpaid real property taxes; and 2) demonstrates that they have sufficient funds to pay in full (i) the real property taxes that were due at the time of foreclosure, (ii) any other liens that were extinguished by the foreclosure (or the ability to reinstate such liens), and (iii) the Land Bank's expenses associated with the acquisition and maintenance of the property; and 3) makes all repairs necessary to bring the property into compliance with applicable health, building and zoning laws, rules and regulations, and 4) demonstrates that they have sufficient income to remain tax-current once they regain title to the property.

b. Applications. Land Bank staff shall develop purchase application forms which Applicants shall be required to complete, so that the Land Bank can evaluate the qualifications of Applicants and select Applicants with development plans that are consistent with the Land Bank's mission and purpose and the comprehensive plans of the municipalities in which the Land Bank's real property is located. The information requested in such applications may vary depending on the type of property that the Land Bank is intending to sell. The Land Bank may require Applicants to submit redevelopment plans and/or

management plans as part of the application process. The Land Bank may require Applicants to submit a contract to purchase with each application.

c. Consideration. In accordance with the terms and conditions of the Land Bank's discount/preference programs, the Land Bank may accept monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the Applicant, and such other forms of consideration deemed appropriate by the Board of Directors.

d. Discount/Preference Programs. The Land Bank has adopted the following discount and/or preference programs in order to support, through the sale of Land Bank property, development activities which further the Land Bank's mission and purpose:

i. Community Garden/Green Space Program. The Land Bank recognizes the economic, environmental, and social value of community gardens and green space. Accordingly, the Land Bank may sell or lease certain unimproved residential parcels for a nominal fee to Applicants who plan to develop such parcels into community gardens or green spaces. Any lease agreement entered into by the Land Bank and a lessee pursuant to this Community Garden/Green Space Program will require the lessee to be responsible for all property maintenance and upkeep; obtain any required permits for use or development; comply with all local building, zoning, and property maintenance ordinances; obtain approval from the Land Bank prior to installing improvements exceeding \$1,000 in value or placing any signs on the property; and furnish the Land Bank with liability waivers signed by each gardener who will have the right to use the property.

ii. Residential Side-Lot Program. Certain vacant residential lots acquired by the Land Bank may not be readily marketable because of their size, location, or other characteristics. The Land Bank may sell certain vacant residential lots for a discounted price to property owners who own lots which are directly adjacent to such vacant lots. Owners of adjacent, well-maintained properties are the mostly likely purchasers to take care of these vacant lots in many instances, thereby enhancing the value of the purchaser's property, beautifying the surrounding neighborhood, and improving surrounding property values. The Land Bank may require purchasers to combine such lots with the purchaser's adjacent property to create one tax parcel as a condition of the sale.

iii. Affordable Housing Development Program. Due to the community benefit derived from the development of affordable housing, the Land Bank may sell certain properties, including properties with vacant buildings, at a discounted price to

Applicants who plan to develop income-restricted affordable housing. In order to qualify for this discount, the development must be subject to restrictive covenants or otherwise regulated by an affordable housing funder for a defined affordability period.

iv. Tenant to Home Owner Program. The Land Bank may provide a preference to Applicants who occupy a property being disposed of pursuant to this Policy as tenants at the time the Land Bank acquires such property. The Land Bank will encourage all first time homebuyers to take home owner education courses and to receive other financial counseling.

v. Geographically Targeted Revitalization Programs. From time to time, the Land Bank may reduce the sales price of properties in a clearly defined geographic area in order to attract multiple private investors, such that the investors might leverage one another's investments. These targeted programs will be created by resolution of the Board of Directors. The resolution will define the geographic boundaries of the program, whether it is limited to a certain category of real property, the percentage by which the sales price is to be discounted, and the duration of the program. These programs will be advertised on the Land Bank's website and in other promotional materials during the course of the program, and the justification for discounting the sales price will be stated in the resolution disposing of each property.

vi. Additional Discount/Preference Programs. From time to time, the Land Bank may adopt by resolution of the Board of Directors additional discount or preference programs in furtherance of its purpose or mission.

e. Enforcement. In the event a real property disposition is being made in conjunction with a development plan proposed by the Applicant and approved by the Land Bank or with conditions imposed by the Land Bank, the Land Bank shall take appropriate measures to secure the Applicant's completion of the development plan or compliance with the conditions which measures may include a deed restriction or similar mechanism.

f. Leasing. It may be in the best interest of the Land Bank and the furtherance of its mission to lease its real property under certain circumstances, including, but not limited, to the following circumstances:

i. Existing Occupants. In order to avoid displacing persons occupying real property at the time it is acquired by the Land Bank, the Land Bank may enter into lease agreements with any such persons. The Land Bank may offer occupants relocation assistance if the real property is not habitable or if the occupants are unwilling to enter into lease agreements.

ii. Properties Pending Sale. The Land Bank may lease an occupied parcel of real property for which a sale is pending in order to allow the occupant to enhance the value of the real property and prevent vandalism to which vacant properties are susceptible.

SECTION 6. LAND BANKING AND PLANNED DEVELOPMENT

In some instances the Land Bank will acquire a dense concentration of properties in a geographic area and may “land bank” those properties for a period of time prior to advertising them for sale until a coordinated redevelopment plan can be developed. Such plan will include input from relevant stakeholders such as the municipality, community development corporations and neighborhood associations. Once a plan has been developed, certain properties may be appropriate for the Land Bank to hold for a longer period of time until necessary funds have been raised for their redevelopment pursuant to the plan, until the Land Bank has acquired other strategic properties nearby, assembled larger parcels, certain development approvals have been granted, or other necessary conditions to effectuate the plan are met.

Properties identified as appropriate for affordable housing development (see definition of Affordable Housing in 5.d.iii. of this Policy) through such a planning effort will be advertised as available only for redevelopment that accomplishes the objectives stated in the plan. These objectives may include certain income-restrictions/affordability thresholds, restriction to rental or owner-occupancy, and minimum standards for the quality of renovation or new construction. Other properties in the plan may be deemed appropriate for sale to private developers or individuals using standard methods to advertise properties for negotiated sale. Particular terms of sale (such as design standards or minimum renovation standards) and/or a hierarchy of preferred redevelopment plans may be adopted by the Board of Directors specific to this geographic area as allowable under 5.d.v. of this Policy.

In other instances the Land Bank acquires a scattered assortment of properties and moves to list them for sale soliciting competing offers. In both instances the Land Bank will take into consideration that funds may not yet have been awarded for subsidized projects and that the Applicant may not yet be able to demonstrate proof of funds awarded, and the Land Bank may approve the sale with a closing date to occur once proof of funds is obtained and when the applicant is ready to take title and begin work (i.e. land banking it for the project in order to minimize the buyer's total carrying costs in light of the community benefits these projects provide). In some cases the Land Bank may land bank properties until an optimal method of disposition can be identified and effectuated.

SECTION 7. MISCELLANEOUS.

- a. Modification and Amendment; Filing. These guidelines are subject to modification and amendment at the discretion of the Land Bank and shall be filed annually with all local and state agencies as required under applicable law
- b. Posting on the Land Bank Website. This Policy shall be posted on the Land Bank's website.
- c. Annual Review. This Policy shall be reviewed annually by the Land Bank and approved by the Board of Directors of the Land Bank in accordance with section 2896(1) of the Public Authorities Law.

TABLED

RESOLUTION NO.: 248 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK

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

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

WHEREAS, upon the request of the Newburgh Community Land Bank, this Council has determined that transferring title of the parcels on the attached Schedule "A" is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the properties on the list attached hereto as Schedule "A" to the Newburgh Community Land Bank be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to the Newburgh Community Land Bank; and

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

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

SCHEDULE "A"

S-B-L	Property Address
30-1-2	197 First Street
30-2-49	44 South Miller Street

RESOLUTION NO.: 249 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION DESIGNATING A LIST OF QUALIFIED PLUMBING CONTRACTORS
TO PERFORM WORK IN CONNECTION WITH
A NEW YORK STATE DEPARTMENT OF HEALTH
LEAD SERVICE LINE REPLACEMENT PROGRAM GRANT

WHEREAS, by Resolution No. 7-2018 of January 8, 2018, the City Council of the City of Newburgh authorized the City Manager to accept a New York State Department of Health Lead Service Line Replacement Program ("LSLRP") Grant to facilitate the replacement of lead water service lines; and

WHEREAS, the City of Newburgh issued a Request for Qualifications soliciting plumbing contractors interested in bidding on lead water service line replacement projects in the City of Newburgh funded by the LSLRP; and

WHEREAS, the City of Newburgh received applications from plumbing contractors and 10 plumbing contractors have been found to be qualified to bid on and perform the work required by the LSLRP Grant; and

WHEREAS, the City Council finds that designating a list of qualified plumbing contractors to bid on and perform work under the LSLRP Grant is in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following plumbing contractors are designated as qualified to bid on and perform work under the New York State Department of Health Lead Service Line Replacement Program Grant:

1. Valenza Plumbing
2. Vitek Plumbing Inc.
3. Neighborhood Plumbing
4. Bradshaw Landscaping
5. Connolly Plumbing
6. Vincent J. Cestaro & Son Plumbing, Heating & AC
7. Classic Plumbing Heating & Air Conditioning Corp
8. TAM Enterprises Inc.
9. Heckerroth Plumbing & Heating
10. Spagnoli Excavating & Sons, Inc.



City of Newburgh
City Comptroller's Office
City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
Fax (845) 569-7490

Kathryn Mack
City Comptroller
kmack@cityofnewburgh-ny.gov

NOTICE
REQUEST FOR QUALIFICATIONS
RFQ #6.18

for

QUALIFIED CONTRACTORS FOR LEAD WATER SERVICE LINE REPLACEMENTS
for the City of Newburgh, New York

The City of Newburgh, is seeking qualified plumbing contractors interested in bidding on upcoming lead water service line replacement projects in the City of Newburgh. The City of Newburgh has been awarded \$544,000 by the NYS Department of Health and anticipates replacing 68 individual lead water service lines within the City of Newburgh. Qualification packages will be received by Kathryn Mack, City Comptroller at: 83 Broadway, 4th Floor, Newburgh, New York 12550 until 4 p.m. (local time) on Wednesday, July 25, 2018.

The Request for Qualifications (RFQ) packet will be available to the public on Friday, June 22, 2018, and may be viewed and downloaded at no charge by visiting the Empire State Purchasing Group website at: www.bidnetdirect.com/city-of-newburgh, selecting the "Open Bids" tab and title of solicitation. Vendors may have to register, if they are visiting this site for the first time. They will also be available at the Code Compliance Department located at 123 Grand Street, Newburgh, NY 12550. Contractors must hold a City of Newburgh plumbing license in order to participate in this program.

Responses to the RFQs must be made on the official form (or an exact copy by reproduction thereof) and enclosed in a sealed envelope. Facsimile or electronic mail submissions will not be accepted. Vendors are responsible for timely delivery of their qualifications; there will be no exceptions. Only pre-qualified contractors will be allowed to bid on Lead Service Line Replacement Program projects. It is the sole responsibility of the Contractor to submit an application for pre-qualification within the time frame stated above.

The City of Newburgh reserves the right to reject any and all qualification packages, to waive any and all informalities, and the right to disregard all nonconforming, non-responsive packages.

Kathryn Mack
City Comptroller

Dated: June 11, 2018

"AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"

City of Newburgh Approved Qualified Lead Service Line Replacement Contractors

Contractor	Address	Telephone	Fax	Contact
1 Valenza Plumbing	42 Old N. Plank Road Newburgh, NY 12550	(845) 565-2799	N/A	Eric Dileo
2 Vitek Plumbing Inc.	17 Rock Cut Road Newburgh, NY 12550	(845) 561-1510	(845) 567-9939	Andrew Vitek
3 Neighborhood Plumbing	43 Birchwood Drive New Windsor, NY 12553	(845) 527-0077	N/A	Anthony Balu
4 Bradshaw Landscaping	699 Route 208 Gardiner, NY 12525	(845) 453-0454	N/A	Ryan Bradshaw
5 Connolly Plumbing	5200 Searsville Road Pine Bush, NY 12566	(845) 275-7272	N/A	Frank Connolly
6 Vincent J. Cestaro & Son Plumbing, Heating & AC	705 South Street Newburgh, NY 12550	(845) 561-5623	(845) 565-3771	Vincent Cestaro
7 Classic Plumbing Heating & Air Conditioning Corp	28 Linden Drive Newburgh, NY 12550	(845) 567-3396	N/A	Frank Draiss
8 TAM Enterprises Inc.	114 Hartley Road Goshen, NY 10924	(845) 294-8882	(845) 294-8883	Anthony Lasaponara
9 Heckerroth Plumbing & Heating	10 Lumen Lane Highland, NY 12528	(845) 255-2102	(845) 883-6979	James Jacobini
10 Spagnoli Excavating & Sons, Inc.	47 South Plank Road. Newburgh, NY 12550	(845) 562-6877	(845) 562-8910	Scott Spagnoli



City of Newburgh Comptroller's Office

83 Broadway
Newburgh, New York 12550

Kathryn Mack
Comptroller

kmack@cityofnewburgh-ny.gov

Tel. (845) 569-7320
Fax (845) 569-7490

CONTRACTOR PRE-QUALIFICATION FORM

CONTRACTOR:

The City of Newburgh, NY has been awarded \$544,000, by the NYS Department of Health, to administer a Lead Service Line Replacement Program. The City anticipates the replacement of approximately 68 service lines on homes in the City of Newburgh with the value of individual bid packages ranging from \$6,000 to \$10,000 per project. The City recognizes the importance of craftsmanship, quality materials, skill and experience with respect to the performance of these service line replacement projects. Consequently, the City has established a pre-qualification procedure for contractors and will develop and maintain a Qualified Contractors list for the purposes of bid procurement for this grant. Contracts for this work will only be awarded to pre-qualified contractors. **Pre-qualification forms must be submitted to the City of Newburgh Comptroller's Office, 83 Broadway, Newburgh, NY 12550 by July 25, 2018, no later than 4:00 p.m.** Contractors added to the pre-qualified contractors list will remain on the list for the two year grant term. Documents must be signed by the company principal, officer or legally authorized signatory.

INSTRUCTIONS:

In order to pre-qualify the contractor must:

- Complete the contractor's qualification form in its entirety and submit it to the Comptroller's Office before the deadline
- Submit the City of Newburgh Conflict of Interest Certification
- Submit a completed W-9 tax form
- Submit certificate of insurance naming the City of Newburgh as additionally insured
- Submit worker's compensation insurance certificate C-105.2 or CE-200 if exempt
- Submit disability insurance certificate D.B. 120.1
- Agree to warranty all work performed under the Lead Service line Replacement Program contracts, as evidence by the contractors signature on the contractors warranty section of the pre-qualification form.

If, in the opinion of the City of Newburgh, the contractor meets the program's standards for qualified contractors, the contractor will be notified and placed on the list of Qualified Contractors.

The City of Newburgh reserves the right to require additional information, including a financial statement from contractors, if required for pre-qualification.

The City of Newburgh reserves the right to remove any contractor from the list of Qualified Contractors for any reason at any time. Any false statement will result in the immediate disqualification from bidding or any program participation.

Respectfully,

The City of Newburgh

CONTRACTOR PRE-QUALIFICATION FORM

CONTRACTOR INFORMATION:

Company Name: _____ Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____ Federal Tax ID: _____ S.S.# _____

Principals Name: _____ Home Address: _____

Home Phone: _____

COMPANY STRUCTURE:

____ Sole Proprietorship ____ Partnership ____ Corporation ____ LLC ____ Other/Specify _____

Date company organized? _____ Where incorporated? _____

How long in business under current name? _____

Have you had a business under another name? _____ If yes, explain _____

Name(s) and addresses of officers, members or owners of firm/partnership, etc.:

Name	Address	Title
------	---------	-------

Name	Address	Title
------	---------	-------

Name	Address	Title
------	---------	-------

Name	Address	Title
------	---------	-------

* The City of Newburgh encourages DBE's including MBE's and WBE's to pre-qualify for purpose of being included in the Lead Service Line Replacement Program.

Business Classification: (Check all that apply)

____ DBE(Disadvantaged Business Enterprise)

____ WBE(Women-Owned Business Enterprise)

____ MBE(Minority Business Enterprise)

____ SBE(Small Business Enterprise)

CONTRACTOR PRE-QUALIFICATION FORM(continued)

Are you a City of Newburgh Licensed plumber? _____ License number _____

Has your City of Newburgh license or any other trade license been revoked in the last five (5) years? _____

Have you ever failed to complete work awarded to you? _____ If yes, explain _____

Have you ever defaulted on a contract or been terminated for cause by any public agency? _____
If yes, explain _____

Are you currently listed as an ineligible contractor by any local, state or federal government contractor list? _____ If yes, explain _____

Is your firm/company currently the debtor in a bankruptcy case or have any kind of judgement rendered against you related to any type of construction services? _____ If yes, explain _____

At any time during the last five (5) years, has your firm/company or any of its owners or officers been convicted of a crime involving the awarding of a government construction project, bidding or performance of a government contract? _____ If yes, explain _____

At any time in the past five (5) years, has your firm/company been found by an awarding agency to not be a responsible bidder? _____

Number of Full Time Individuals presently employed by your firm? _____ Are any of your employees residents of the City of Newburgh? Yes _____ No _____

INSURANCE:

Does your coverage meet the required minimums? _____ (see attached minimum insurance coverage form)

Insurance Company _____ Address _____

Agent Name _____ Phone Number _____

Liability Ins. Policy # _____ Expiration date _____

Workers Compensation Ins.# _____ Expiration date _____

Disability Ins. Policy# _____ Expiration date _____

CONTRACTOR PRE-QUALIFICATION FORM(continued)

PROJECT EXPERIENCE:

Please list the last three contracts completed by you, stating approximate gross cost for each, and the date completed:

List all jobs completed in the City of Newburgh (currently or previously) include address of job:

REFERENCES: Please provide three (3) recent professional business references.

Name _____ Address _____ Phone # _____

Name _____ Address _____ Phone# _____

Name _____ Address _____ Phone# _____

SUB-CONTRACTORS: To be used on LSLRP projects (i.e. Excavation, Paving Etc.)

Company Name: _____ Address: _____

Phone: _____ Cell: _____ E-mail: _____

Principals Name: _____ Federal Tax ID _____

Is Company a _____ WBE(Women-Owned Business Enterprise) or _____ MBE(Minority Business Enterprise)?

CONTRACTOR PRE-QUALIFICATION FORM(continued)

Company Name: _____ Address: _____

Phone: _____ Cell: _____ E-mail: _____

Principals Name: _____ Federal Tax ID _____

Is Company a _____ WBE(Women-Owned Business Enterprise) or _____ MBE(Minority Business Enterprise)?

Company Name: _____ Address: _____

Phone: _____ Cell: _____ E-mail: _____

Principals Name: _____ Federal Tax ID _____

Is Company a _____ WBE(Women-Owned Business Enterprise) or _____ MBE(Minority Business Enterprise)?

The above information is true and correct to the best of my knowledge and I do hereby authorize the City of Newburgh, to obtain the necessary credit and reference data from corporate and/or personal files to establish my qualifications for bidding on contractual services.

Firm/Company

Date

Principal/Authorized Signatory

Print Name

I understand and agree to furnish the City of Newburgh, evidence of Comprehensive Public Liability Insurance Coverage to protect the homeowners for not less than \$1,000,000, in the event of bodily injury, including death: and \$1,000,000, in the event of property damage.

Note: Please be advised you must obtain proof of adequate coverage from all subcontractors.

Date

Signature

Return Fully Completed Form To:

City of Newburgh Comptroller's Office
Attn: Kathryn Mack
83 Broadway
Newburgh, NY 12550
845-569-7320

CONTRACTOR PRE-QUALIFICATION FORM(continued)

MINIMUM INSURANCE COVERAGE REQUIREMENTS FOR CONTRACTORS AND SUB-CONTRACTORS

Workers Compensation

- Most Contractors must submit Form C-105.2 – Certificate of Workers Compensation. Contractors covered by the State Insurance Fund must submit Form U-26.3
- Contractors who are self-insured must submit Form SI-12 – Certificate of Workers Compensation Self-Insurance
- Contractors not required to carry Workers Compensation Insurance must submit Form CE-200 – Certificate of Attestation of Exemption from Workers Compensation/Disability Insurance

Disability Benefits Insurance

- Most Contractors must submit Form DB-120.1 – Certificate of Disability Benefits Insurance
- Contractors who are self-insured must submit Form DB155 – Certificate of Disability Self-Insurance
- Contractors not required to carry Disability Benefits Insurance must submit Form CE-200- Certificate of Attestation of Exemption from Workers Compensation/Disability Insurance

Commercial General Liability Insurance

Coverage shall be written on Commercial General Liability form and shall include Contractual Liability, Independent Contractors, Products and Completed Operations.

The City of Newburgh, located at 83 Broadway, Newburgh, NY 12550, shall be added to the Commercial General Liability Policy as "Additional Insured" and this insurance shall be primary and non-contributory with any other valid and collectable insurance.

- Bodily Injury Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) for each occurrence and in an amount not less than Two Million Dollars (\$2,000,000.00) general aggregate.
- Property Damage Liability Insurance in an amount not less than One Million Dollars (\$1,000,000.00) for each occurrence and in an amount not less than Two Million Dollars (\$2,000,000.00) general aggregate.

Bond of Indemnity with surety

- Bond coverage of Ten Thousand Dollars (\$10,000.00)

City of Newburgh
Comptroller's Office
Conflict of Interest Certification
Page 1

Please answer the following questions, and sign and notarize this certification on the last page.
This certification must be submitted with any application for Contractor Pre-Qualification for the
Lead Service Line Replacement Program through the City of Newburgh Comptroller's Office.

1. Are you an official, employee or member of any board or agency of the City of Newburgh?
Yes _____ No _____

If yes, please describe your position:

2. Are you related by blood or marriage to any official, employee or member of any board or agency of the City of Newburgh?
Yes _____ No _____

If yes, please identify the official(s), employee(s) or member(s) and describe your relationship:

3. Do you have any corporate, partnership, landlord-tenant or other business relationship with any official, employee or member of any board or agency of the City of Newburgh?
Yes _____ No _____

If yes, identify the official(s), employee(s) or member(s) and describe the business relationship:

4. Are you doing business in any of the following ways with any official, employee, or member of any board or agency of the City of Newburgh (check any that are applicable, if other, please describe):
Yes _____ No _____

____ Purchaser or Seller of Goods (please describe on attached sheet)
____ Loan or Grant Recipient (please describe on attached sheet)
____ Provision of Services (please describe on attached sheet)
____ Other (please describe)

City of Newburgh
Comptroller's Office
Conflict of Interest Certification
Page 2

I, _____, hereby certify that all information contained in this certification, as well as all information contained in my application to the Comptroller's Office, is true and accurate.

Signature

Date

State of New York

SS:

County of Orange

On the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said state, personally appeared _____,

Know to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person on behalf of which the individual(s) acted executed the instrument.

Notary Public

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

RESOLUTION NO.: 250 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH COLBY KENNELS
TO PROVIDE FOR BOARDING SERVICES FOR DOGS IN
THE CUSTODY OF THE CITY OF NEWBURGH

WHEREAS, as mandated by the Agriculture & Markets Law of New York State, the Animal Control Unit must have caregivers for the dogs taken into the custody of the City of Newburgh; and

WHEREAS, Colby Kennels has submitted a revised proposal to provide boarding services such as clean housing, feeding and rehabilitation of dogs in the custody of the City of Newburgh; and

WHEREAS, this Council has reviewed the revised proposed agreement with Colby Kennels and has determined that entering into the same would be in the best interests of the City of Newburgh, its citizens and the animals alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement, in substantially the same form annexed hereto with such other terms and conditions as may be required by the Corporation Counsel, with Colby Kennels to provide boarding services for the dogs in the custody of the City of Newburgh.

AGREEMENT FOR VENDOR SERVICES

THIS AGREEMENT is entered into as of this _____ day of _____, 2018, by and between the CITY OF NEWBURGH, a municipal corporation chartered under the authority of the State of New York, hereinafter referred to as the "CITY," with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550; and COLBY KENNELS, a firm with principal offices at _____, New York 12550 hereinafter referred to as "VENDOR."

ARTICLE 1. SCOPE OF WORK

VENDOR agrees to perform the SERVICES and/or supply the goods identified in Schedule A, (the "SERVICES") which is attached to, and is part of this Agreement. VENDOR agrees to perform the SERVICES and/or supply the goods in accordance with the terms and conditions of this Agreement. It is specifically agreed that the CITY will not compensate VENDOR for any SERVICES and/or goods provided outside those specifically identified in Schedule A, without prior authorization, evidenced only by a written Change Order or Addendum to this Agreement executed by the City Manager of the CITY after consultation with the City Department Head responsible for the oversight of this Agreement (hereinafter "Department Head").

Any and all reports, documents, charts, graphs, maps, designs, images, photographs, computer programs and software, artwork, creative works, compositions, and the rights to employ, publish, disseminate, amend or otherwise use same, and/or any other intellectual property to be provided by VENDOR to CITY under the terms of this Agreement shall become the property of the CITY, unless otherwise provided for by the parties.

ARTICLE 2. TERM OF AGREEMENT

VENDOR agrees to perform the SERVICES and/or supply goods beginning as of October 1, 2018, and ending September 30, 2019. This contract may be renewed by the City for each of five (5) successive one-year terms.

ARTICLE 3. COMPENSATION

For satisfactory performance of the SERVICES and/or receipt of conforming goods or, as such SERVICES or goods may be modified by mutual written agreement, the CITY agrees to compensate VENDOR in accordance with the fees and expenses as stated in Schedule A, which is attached to and is part of this Agreement. VENDOR SHALL submit to the CITY a monthly itemized invoice for SERVICES rendered during the prior month, or as otherwise set forth in Schedule A, and prepared in such form and supported by such documents as the CITY may reasonably require. The CITY will pay the proper amounts due VENDOR within sixty (60) days after receipt of a CITY Claimant's Certification form, and if the Claimant's Certification form is objectionable, will notify VENDOR, in writing, of the CITY'S reasons for objecting to all or any portion of the invoice submitted by VENDOR.

ARTICLE 4. EXECUTORY CLAUSE

The CITY shall have no liability under this Agreement to VENDOR or to anyone else beyond funds appropriated and available for this Agreement.

ARTICLE 5. PROCUREMENT OF AGREEMENT

VENDOR represents and warrants that no person or selling agency has been employed or retained by VENDOR to solicit or secure this Agreement upon an agreement or upon an understanding for a commission, percentage, a brokerage fee, contingent fee or

any other compensation. VENDOR further represents and warrants that no payment, gift or thing of value has been made, given or promised to obtain this or any other agreement between the parties. VENDOR makes such representations and warranties to induce the CITY to enter into this Agreement and the CITY relies upon such representations and warranties in the execution hereof.

ARTICLE 6. CONFLICT OF INTEREST

VENDOR represents and warrants that neither it nor any of its directors, officers, members, partners or employees, have any interest nor shall they acquire any interest, directly or indirectly which would or may conflict in any manner or degree with the performance or rendering of the SERVICES herein provided. VENDOR further represents and warrants that in the performance of this Agreement, no person having such interest or possible interest shall be employed by it and that no elected official or other officer or employee of the CITY, nor any person whose salary is payable, in whole or in part, by the CITY, or any corporation, partnership or association in which such official, officer or employee is directly or indirectly interested shall have any such interest, direct or indirect, in this Agreement or in the proceeds thereof, unless such person submits a letter disclosing such an interest, or the appearance or potential of same, to the City Manager and a copy to the Corporation Counsel of the CITY in advance of the negotiation and execution of this Agreement.

ARTICLE 7. FAIR PRACTICES

VENDOR and each person signing on behalf of the VENDOR represents, warrants and certifies that the prices in this Agreement have been arrived at independently by VENDOR without collusion, consultation, communication, or agreement with any other bidder, proposer or with any competitor as to any matter relating to such prices which has the effect of, or has as its purpose, restricting competition; and that no attempt has been made or will be made by VENDOR to

induce any other person, partnership, corporation or entity to submit or not to submit a proposal or quote for the purpose of restricting competition.

ARTICLE 8. INDEPENDENT CONTRACTOR

In performing the SERVICES and/or supplying goods and incurring expenses under this Agreement, VENDOR shall operate as, and have the status of, an independent contractor and shall not act as agent, or be an agent, of the CITY. As an independent contractor, VENDOR shall be solely responsible for determining the means and methods of performing the SERVICES and/or supplying of the goods and shall have complete charge and responsibility for VENDOR'S personnel engaged in the performance of the same.

In accordance with such status as independent contractor, VENDOR covenants and agrees that neither it nor its employees or agents will hold themselves out as, nor claim to be officers or employees of the CITY, or of any department, agency or unit thereof by reason hereof, and that they will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the CITY including, but not limited to, Worker's Compensation coverage, health coverage, Unemployment Insurance Benefits, Social Security coverage or employee retirement membership or credit.

ARTICLE 9. NON-EXCLUSIVITY, ASSIGNMENT AND SUBCONTRACTING

The parties recognize and agree that VENDOR is providing specialized professional services to assist CITY in performing its obligations under the Agricultural & Markets Law and other state and local laws, rules and regulations; and that VENDOR will provide its services in accordance with same. The parties agree that this agreement is non-exclusive, and that CITY shall be entitled to secure the same services and/or goods from another

vendor as provided by VENDOR hereunder at any time including during the term of this Agreement.

VENDOR shall not assign any of its rights, interest or obligations under this Agreement, or subcontract any of the SERVICES to be performed by it, under this Agreement, without the prior express written consent of the City Manager of the CITY. Any such subcontract, assignment, transfer, conveyance, or other disposition without such prior consent shall be void and any SERVICES provided thereunder will not be compensated. Any subcontract or assignment properly consented to by the CITY shall be subject to all of the terms and conditions of this Agreement.

The provisions of this clause shall not hinder, prevent, or affect any assignment by VENDOR for the benefit of its creditors made pursuant to the laws of the State of New York.

This agreement may be assigned by the CITY to any corporation, agency, municipality or instrumentality having authority to accept such assignment.

ARTICLE 10. BOOKS AND RECORDS

VENDOR agrees to maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement.

ARTICLE 11. RETENTION OF RECORDS

VENDOR agrees to retain all books, records and other documents relevant to this Agreement for six (6) years after the final payment or termination of this Agreement, whichever later occurs. CITY, or any State and/or Federal auditors, and any other persons duly authorized by the CITY, shall have full access and the right to examine any of said materials during said period.

ARTICLE 12. AUDIT BY THE CITY AND OTHERS

All Claimant Certification forms or invoices presented for payment to be made hereunder, and the books, records and accounts upon which said Claimant's Certification forms or invoices are based are subject to audit by the CITY. VENDOR shall submit any and all documentation and justification in support of expenditures or fees under this Agreement as may be required by the CITY so that it may evaluate the reasonableness of the charges, and VENDOR shall make its records available to the CITY upon request. All books, Claimant's Certification forms, records, reports, cancelled checks and any and all similar material may be subject to periodic inspection, review and audit by the CITY, the State of New York, the federal government, and/or other persons duly authorized by the CITY. Such audits may include examination and review of the source and application of all funds whether from the CITY, State, the federal government, private sources or otherwise. VENDOR shall not be entitled to any interim or final payment under this Agreement if any audit requirements and/or requests have not been satisfactorily met.

ARTICLE 13. INSURANCE

For all of the SERVICES set forth herein and as hereinafter amended, VENDOR shall maintain or cause to be maintained, in full force and effect during the term of this Agreement, at its expense, Workers' Compensation insurance, liability insurance covering personal injury and property damage of a minimum of \$2,000,000 per occurrence, naming the City as additional insured, and other insurance with stated minimum coverages, as required by law: Notwithstanding anything to the contrary in this Agreement, VENDOR irrevocably waives all claims against the CITY for all losses, damages, claims or expenses resulting from risks commercially insurable under commercially-available policies of insurance.

If the insurance is terminated for any reason, VENDOR agrees to purchase an unlimited extended reporting provision to report claims arising from the SERVICES performed or goods provided for the CITY; and

Immediate notice shall be given to the CITY through the City Manager of circumstances or incidents that might give rise to future claims with respect to the SERVICES performed under this Agreement.

ARTICLE 14. INDEMNIFICATION

VENDOR agrees to defend, indemnify and hold harmless the CITY, including its officials, employees and agents, against all claims, losses, damages, liabilities, costs or expenses (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement), whether incurred as a result of a claim by a third party or any other person or entity, arising out of the SERVICES performed and/or goods supplied pursuant to this Agreement which the CITY or its officials, employees or agents, may suffer by reason of any negligence, fault, act or omission of VENDOR, its employees, representatives, subcontractors, assignees, or agents.

ARTICLE 15. PROTECTION OF CITY PROPERTY

VENDOR assumes the risk of and shall be responsible for, any loss or damage to CITY property, including property and equipment leased by the CITY, used in the performance of this Agreement and caused, either directly or indirectly by the acts, conduct, omissions or lack of good faith of VENDOR, its officers, directors, members, partners, employees, representatives or assignees, or any person, firm, company, agent or others engaged by VENDOR as an expert consultant specialist or subcontractor hereunder.

In the event that any such CITY property is lost or damaged, except for normal wear and tear, then the CITY shall have the right to withhold further payments hereunder for the

purposes of set-off in sufficient sums to cover such loss or damage.

ARTICLE 16. CONFIDENTIAL INFORMATION

In the course of providing the SERVICES and/or goods hereunder, VENDOR may acquire knowledge or come into possession of confidential, sensitive or proprietary information belonging to CITY. VENDOR agrees that it will keep and maintain such information securely and confidentially, and not disclose such information to any third parties, including the media, nor use such information in any manner publically or privately, without receiving the prior approval, in writing, of the CITY authorizing such use. VENDOR'S obligations under this clause to maintain the confidentiality of such information and to refrain from using such information in any manner without the prior written approval of the CITY shall survive the termination or expiration of this Agreement.

ARTICLE 17. TERMINATION

Either party may, by written notice to the other effective ninety (90) days after mailing, terminate this Agreement in whole or in part at any time (i) for convenience, (ii) upon the failure of a party to comply with any of the terms or conditions of this agreement, or (iii) upon the VENDOR becoming insolvent or bankrupt.

Upon termination of this Agreement, the VENDOR shall comply with any and all CITY closeout procedures, including, but not limited to:

A. Accounting for and refunding to the CITY within thirty (30) days, any unexpended funds which have been paid to VENDOR pursuant to this Agreement; and

B. Furnishing within thirty (30) days an inventory to the CITY of all equipment, appurtenances and property purchased by VENDOR through or provided under this Agreement, and carrying out any CITY directive concerning the disposition thereof.

ARTICLE 18. GENERAL RELEASE

The acceptance by VENDOR or its assignees of the final payment under this Agreement, whether by Claimant's Certification form, judgment of any court of competent jurisdiction, or administrative means shall constitute and operate as a general release to the CITY from any and all claims of VENDOR arising out of the performance of this Agreement.

ARTICLE 19. NO ARBITRATION

Any and all disputes involving this Agreement, including the breach or alleged breach thereof, may not be submitted to arbitration unless specifically agreed thereto in writing by the City Manager of the CITY, but must instead only be heard in the Supreme Court of the State of New York, with venue in Orange County.

ARTICLE 20. GOVERNING LAW

This Agreement shall be governed by the laws of the State of New York. VENDOR shall render all SERVICES under this Agreement in accordance with applicable provisions of all federal, state and local laws, rules and regulations as are in effect at the time such SERVICES are rendered.

ARTICLE 21. ENTIRE AGREEMENT

The rights and obligations of the parties and their respective agents, successors and assignees shall be subject to and governed by this Agreement, including Schedules A and B, which supersede any other understandings or writings between or among the parties.

ARTICLE 22. MODIFICATION

No changes, amendments or modifications of any of the terms and/or conditions of this Agreement shall be valid unless reduced to writing and signed by both parties. Changes in the scope of SERVICES in this Agreement shall not be binding, and no payment shall be due in connection therewith, unless prior to the performance of any such SERVICES, the City Manager of the CITY, after consultation with the Department Head and Corporation Counsel, executes an Addendum or Change Order to this Agreement, which Addendum or Change Order shall specifically set forth the scope of such extra or additional SERVICES and the amount of compensation and the extension of the time for performance, if any, for any such SERVICES. Unless otherwise specifically provided for therein, the provisions of this Agreement shall apply with full force and effect to the terms and conditions contained in such Addendum or Change Order.

{THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK}

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

THE CITY OF NEWBURGH

COLBY KENNELS

BY: _____
Michael G. Ciaravino,
City Manager
Per Resolution No. -2018

BY: _____
Title:

DATE: _____

DATE: _____

APPROVED:

KATHRYN MACK
CITY COMPTROLLER

MICHELLE KELSON
CORPORATION COUNSEL

SCOPE OF SERVICES / FEES & EXPENSES

COLBY KENNELS shall take temporary custody of dogs brought to the kennel by the CITY OF NEWBURGH ANIMAL CONTROL officer, or by any police officer or other authorized officer, official, agent or employee of City of Newburgh. Colby Kennels will provide shelter, food, treatment and care, and shall otherwise serve the needs of all such dogs as required by the Agriculture and Markets Law of the State of New York, and by the laws, rules, regulations and policies of the City Of Newburgh and its officials and officers in connection therewith. No police officer or other authorized officer, official, agent or employee of the City of Newburgh is to disclose to anyone inquiring about a dog that it is at Colby Kennels. Anyone inquiring about the whereabouts or getting their dog back MUST go through Ltn. Christina Schluter.

All dogs MUST be vaccinated for Rabies, DHLPP and Bordetella and arrive at the kennel with the appropriate records. All dogs must also be checked for fleas and flea medication administered before coming to the kennel.

Colby Kennels will NOT accept a dog from the City of Newburgh without the proper vaccination paper work.

EXCEPTION - RABIES QUARANTINE dogs do not need vaccinations.

Colby Kennels has the right to deny an aggressive dog from entering the kennel that it determines to be a liability to the staff and clients.

All dogs must be brought to and picked up during Colby Kennels office hours:

Monday thru Friday 8 am to 12 noon and 4 pm to 5 pm

Saturday 8 am to 12 noon

The office is closed Saturday afternoons, Sundays and major holidays.

For each dog brought to or caused to be placed in the physical custody of Colby Kennels by the City of Newburgh, Colby Kennels shall be paid a one-time fee as follows:

- A. For each dog determined to be suitable for adoption, the daily fee will be \$28.00 until the dog is spayed/neutered.
- B. For each such dog determined to be unsuitable for adoption, the daily fee will be \$28.00 and the dog MUST be removed as soon as possible after the 7 day hold period.
- C. For each dog held for 10- day RABIES QUARANTINE, the daily fee will be \$28.00 until the dog is removed.
- D. Once a suitable dog has been spayed or neutered and returns to Colby Kennels, the daily fee will be \$18.00 until the dog is removed.
- E. Colby Kennels will bill the City of Newburgh for all dogs in it's care the first of every month and must be paid in full within 21 days.

- F. No more than six (6) dogs may be left in the custody of Colby Kennels at any one time without the consent of Colby Kennels Manager Mabel Finley and/or Linda Jobson, Owner.
- G. Ltn. Christina Schluter; no other person or entity; shall be responsible for determining whether each such dog is suitable for adoption and shall be responsible for the tasks associated with the adoption/transfer of such dogs.

RESOLUTION NO.: 251 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
AUTHORIZING THE ACCEPTANCE AND ADOPTION OF THE
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE FOR
ORANGE COUNTY, NEW YORK

WHEREAS, the Orange County Department of Emergency Services, with the assistance from Barton & Loguidice, D.P.C., has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

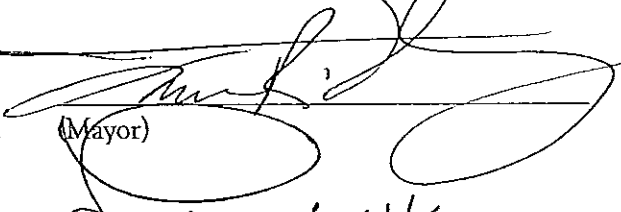
WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

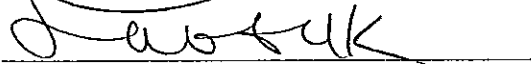
WHEREAS, the City of Newburgh has reviewed the 2018 Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan; and

WHEREAS, the City of Newburgh will consider the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the City of Newburgh, as a participating jurisdiction, adopts the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York, dated April 2018.

This resolution was thereupon declared duly adopted on September 10, 2018.


(Mayor)


(Clerk)

Orange County, New York

**Multi-Jurisdictional Multi-Hazard
Mitigation Plan**

April 2018

Orange County, New York

**Multi-Jurisdictional Multi-Hazard
Mitigation Plan**

April 2018

Prepared for:

Orange County Department of Emergency Services
Division of Emergency Management
Emergency Services Center
22 Wells Farm Road, Goshen, NY 10924

Prepared by:

Barton & Loguidice, D.P.C.
637 Broadway, Suite 2B,
Newburgh, New York 12550

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1.0 Introduction

1.1 Background

What is a Hazard?

A hazard is defined as a situation which poses a level of threat to life, health, property, and/or the environment. A hazard can be natural, technological or human-caused.

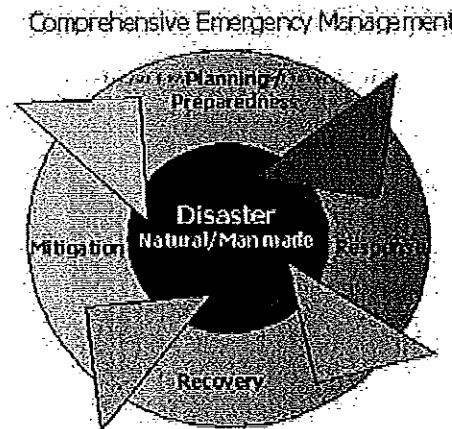
What is Hazard Mitigation?

Hazard mitigation is broadly defined as a method for reducing or alleviating property loss, reducing damage to the environment, and reducing the number and severity of injuries that occur from hazard events through long and short-term strategies. Responsibility for implementing mitigation measures runs community wide from individuals to industries, private business and all levels of government.

Hazard Mitigation and the Other Phases of Emergency Management

Hazard mitigation is often considered just one of four phases of emergency management. The other phases include preparedness, response and recovery. Each of these phases relate to and rely upon each other, as illustrated by Figure 1.1a.

Figure 1.1a: The Phases of Emergency Management



The overarching goal of all of these emergency management activities is the prevention or minimizing of loss of life and property in disaster situations. The Orange County Department of Emergency Services (OCDES) serves as the lead local agency in promoting this goal. The Orange County Department of Emergency Services is comprised of five divisions, each of which provides separate services to the public and to the emergency service agencies located within the County. The five divisions of the OCDES include Emergency Communications (911), Emergency Management, Fire Services, Police Liaison Services, and Emergency Medical

Services. The Division of Emergency Management (DEM) leads Orange County in the preparation for, prevention of, response to, and recovery from disaster events.

OCDEM's responsibilities include:

- Provision of public preparedness information, including sharing of such information with citizens, the private sector, municipalities, and non-governmental organizations (NGOs)
- Participate in planning activities of many types and at many levels (keeper of the County's Comprehensive Emergency Plan) in partnership with other agencies involved in emergency responses, and authoring After Action Reports/Improvement Plans that identify best practices as well as areas for improvement.
- Work with local municipalities, private sector representatives, and volunteer organizations across the County to develop disaster preparedness plans and mitigation projects, provide training and exercise activities.
- Coordination of County agency response during emergencies or disaster events
- Liaison to State and Federal resources in times of disasters
- Operation of the County's Emergency Services Center during the time of a disaster/emergency; and
- Coordination of recovery efforts after a disaster and liaison with State and Federal agencies involved in this process.

It is important to note that this plan relates to several of the emergency management phases, though its focus is mitigation.

FEMA and Hazard Mitigation

The Federal Emergency Management Agency (FEMA) provides assistance through the Robert T. Stafford Disaster Relief and Emergency Assistance Act to local governments that are recovering from a hazard event. The Federal Disaster Mitigation Act of 2000 (DMA 2000) recognized the importance and cost-effectiveness of mitigation in specifying that local governments must have a FEMA approved natural hazard mitigation plan to be eligible for mitigation project funding.

DMA 2000 encourages and rewards local and state pre-disaster planning, promotes conservation and sustainability, and seeks to integrate state and local planning with an overall goal of strengthening statewide hazard mitigation planning. As of November 1, 2004, all local governments were required to have a FEMA approved hazard mitigation plan to receive funding through the Hazard Mitigation Grant Program (HMGP) for specified mitigation projects.

1.2 Plan Purpose

Why Develop a Hazard Mitigation Plan?

The purpose of this Multi-Jurisdictional Multi-Hazard Mitigation Plan (HMP) is to effectively reduce future disaster damages, public expenditure, private losses, and community hazard vulnerability. This plan update provides an opportunity for Orange County and its municipalities to develop a comprehensive risk assessment and to outline proposed mitigation actions to minimize the costs and impacts of future disaster events.

The intention of this plan update is to meet the New York State and federal hazard mitigation planning requirements established and managed by the New York State Department of Homeland Security and Emergency Services (DHSES) and FEMA. Jurisdictions that are participating in this plan update will benefit from the planning and implementation of the mitigation actions proposed and included within. The Pre-Disaster Mitigation Program (PDM), HMGP, and the Flood Mitigation Assistance (FMA) Program continue to require communities to have an active FEMA-approved multi-hazard mitigation plan in-place prior to requesting project implementation funds. Participating jurisdictions that are granted funds are able to implement and complete beneficial mitigation actions to minimize impacts to their communities and constituents from hazard events. The following resources and regulatory programs are key documents which provided guidance for the preparation of this HMP update:

- Section 404 of Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq. (April 2013);
- Federal Disaster Mitigation Act of 2000;
- Hazard Mitigation Grant Program (HMGP), Pre-disaster Mitigation Program, Flood Mitigation Assistance Program, Repetitive Floodplain Claims Program (RFC), Severe Repetitive Loss Program (SRL);
- Code of Federal Regulations (CFR) – 44 Part 201 – Mitigation Planning;
- Hazard Mitigation and Relocation Assistance Act of 1993;
- FEMA – 44 CFR Part 9 – Floodplain Management and Protection of Wetlands and 44 CFR Part 10 – Environmental Considerations;
- New York State Executive Law, Article 2-B, Sections 23 and 28-a;
- Disaster Relief Appropriations Act, 2013 and the Sandy Recovery Improvement Act (SRIA) of 2013;
- New York State Hazard Mitigation Plan (2014);
- Hazard Mitigation Planning Standards (NYS DHSES, June 2014); and
- Orange County Single Jurisdiction Natural Hazard Mitigation Plan (2011).

The Orange County Division of Emergency Management organized and managed the effort to compile and produce this update to the Orange County Single Jurisdiction Natural Hazard Mitigation Plan that was adopted in February 2011. The efforts to update the original plan were made possible by a grant from FEMA that was administered by the Orange County Department of Emergency Services. The five-year plan maintenance period had lapsed on Orange County's 2011 HMP, and Orange County contracted with Barton & Loguidice, D.P.C., hired through a formal request for qualifications (RFQ) process, to assist in the update effort. In addition to the general requirements of updating the plan, Orange County sought to expand the original single jurisdiction document to include the involvement of all 42 jurisdictions in the County. The continued monitoring and evaluation of this updated HMP will be provided by the Orange County Division of Emergency Management, with efforts led by Mr. Craig Cherry, Deputy Commissioner, and Mr. Dominick Greene, Emergency Planner.

The development of a HMP update for Orange County provides the following benefits:

- Maintains eligibility for federal funds to complete pre-disaster mitigation actions;
- Allows for the development of more sustainable and disaster-resistant communities;
- Emphasizes the formation of partnerships that support planning and mitigation efforts;
- Reduces long-term impacts to structures and human-health associated with extreme hazard events, which are in some cases are exacerbated by changing climactic conditions; and
- Increases the understanding of the hazards that could potentially impact the County and its municipalities, and the specific locations within the County that are most vulnerable to damages and impacts as a result of natural hazard events.

Comments or questions about this plan should be addressed to the Orange County Division of Emergency Management at the Emergency Services Center, 22 Wells Farm Road in Goshen, NY 10924. This office can also be reached by phone at (845) 615-0400 and online at Orange County's website: <http://www.orangecountygov.com/content/1164/default.aspx>.

1.3 Planning Participants

The 2018 HMP Update for Orange County includes participation from 41 of the 43 jurisdictions located within, and including, Orange County. Participants include Orange County, 18 towns: Blooming Grove, Chester, Cornwall, Crawford, Deerpark, Goshen, Greenville, Hamptonburgh, Highlands, Minisink, Monroe, Montgomery, Mount Hope, Newburgh, Tuxedo, Wallkill, Warwick, Woodbury; 18 villages: Chester, Cornwall-on-Hudson, Florida, Goshen, Greenwood Lake, Harriman, Highland Falls, Maybrook, Monroe, Montgomery, Otisville, South Blooming Grove, Tuxedo Park, Unionville, Walden, Warwick, Washingtonville, Woodbury; and 3 cities: Middletown, Newburgh, and Port Jervis. The Town of Wawayanda participated in the planning process, however, the Town Board chose not to submit mitigation actions at this time.

The Town of New Windsor has its own existing single jurisdiction hazard mitigation plan. The Town is currently performing their plan update and revision. Therefore, the Town is not participating in the Orange County Hazard Mitigation Plan.

The Village of Kiryas Joel does not have a hazard mitigation plan on file with Orange County at this time. The Village has also decided not to participate in the Orange County Hazard Mitigation Plan.

The future Town of Palm Tree is not yet established. The Town is currently expected to be organized on January 1, 2020. Therefore, the Town of Palm Tree is not included in the Orange County Hazard Mitigation Plan Update.

Figure 1.3a shows the locations of these municipalities within the County limits.

The participation of a large majority of jurisdictions in the HMP Update process fulfills one of the main goals that Orange County had for this effort, and greatly improves the quality and completeness of this planning document. The 2011 HMP included only the County as a participating jurisdiction, though hazard information and damage details were included for jurisdictions within the County, as appropriate. The City of Port Jervis, Town of Wallkill, City of Middletown, Town of Cornwall, Village of Cornwall-on-Hudson, Town of Woodbury, Village of Woodbury, Town of Blooming Grove, Village of South Blooming Grove, Village of Washingtonville, Town of Highlands, Town of Warwick, Village of Florida, Village of Greenwood Lake, and the Village of Warwick independently fulfilled DMA 2000 requirements through the implementation of single and multi-jurisdiction mitigation plans. The historic documentation and risk assessment data included in these single and multi-jurisdiction plans will be incorporated into this 2018 Multi-Jurisdictional Multi-Hazard Mitigation Plan. The single and multi-jurisdiction plans available for review and incorporation into this HMP Update process are as follows:

- Multi-Jurisdictional Multi-Hazard Mitigation Plan – Town of Warwick, Villages of Warwick, Florida, and Greenwood Lake – February 2014
- Natural Hazards Mitigation Plan – Town of Wallkill and City of Middletown – February 2014
- 2013 Joint Hazard Mitigation Plan – Town of Cornwall and Village of Cornwall-On-Hudson – October 2013
- Multi-Jurisdictional All-Hazard Mitigation Plan – Town of Blooming Grove, Villages of South Blooming Grove and Washingtonville – August 2013
- Hazard Mitigation Plan – Town of Deerpark – June 2010
- Multi-Jurisdictional Hazard Mitigation Plan – City of Port Jervis – August 2009
- Hazard Mitigation Plan – Town of Highlands – April 2009
- Hazard Mitigation Plan – Town/Village of Woodbury – August 2008

Municipalities within Orange County were contacted by the DEM to participate in the plan update and were invited to attend a variety of meetings held throughout the planning process.

Each participating jurisdiction provided updated information about the hazards that have historically occurred within their boundaries, with a focus on post-2011 events. Repair costs and damage estimates associated with such hazard events were also provided. Participating jurisdictions reviewed the critical facilities within their boundaries and the risk assessment and vulnerability information provided within this Plan Update. The DEM coordinated data collection and information review with jurisdictions and agencies unable to attend scheduled meetings.

A wide variety of additional resources were utilized to gather information concerning historic and recent occurrences of hazard events within Orange County, vulnerabilities within the County related to future hazard events, and costs and damages likely to occur as a result of a hazard event. The goals and objectives included in the County's 2011 HMP were reviewed and updated, as appropriate. Goals are created to assist in the formulation of potential mitigation actions and strategies that could be implemented to minimize the loss of life, frequency of injuries, damage to property, and/or impacts to the environment as a result of hazard events that affect Orange County.

Representatives from the participating jurisdictions made up the Project Team. An Executive Committee was also assembled by the DEM; this committee consisted of representatives from the following agencies, groups, and entities: Barton & Loguidice (project consultant), Orange County Division of Emergency Management, Orange County Department of Public Works, Orange County Department of Parks and Recreation, Orange County Department of Information Technology, Orange County Planning Department, and Orange County Real Property Services. Executive Committee members were selected and invited to participate in this update process based upon their specialties and fields of interest. Further detail about the Project Team and the Executive Committee is provided in Section 3.0.

1.4 Hazard Mitigation Planning Process

In completing the 2018 HMP update, participating jurisdictions accomplished the following objectives to support the plan update process:

- Established a knowledgeable planning group to represent all participating jurisdictions;
- Assessed numerous natural, technological, and human-caused hazards to determine those that have the greatest possibility of impacting their community;
- Analyzed and profiled selected hazards;
- Incorporated recent planning efforts and new updated scientific information into hazard profiles and mitigation activities;
- Updated critical facility listings for their community;
- Estimated damages and impacts that could occur as a result of various hazard events;
- Developed pre-disaster mitigation strategies and actions for the various types of hazards to which each jurisdiction determined it was vulnerable; and

- Reviewed and revised the plan maintenance procedures associated with this Plan.

DMA 2000 only requires that communities evaluate the impact of natural hazards. Though nine (9) natural hazards are the primary focus of this Plan Update, Orange County and other participants could have also chosen to assess the County's vulnerability to technological hazards and human-caused hazards. However, similar to their 2011 HMP, the County chose to focus on natural hazards for this update effort. Some participating jurisdictions followed this lead and only chose to address natural hazards for their communities, while other jurisdictions chose to profile and discuss a handful of technological hazards in their municipal annex (Section 10). The nine natural hazards identified by Orange County are further described and profiled in Section 5 of this Plan Update.

1.5 Document Format Methodology

Orange County chose a specific format for the 2018 HMP Update that combined the efficiencies of county-wide task scopes and the customization of jurisdictional annexes. The introduction of thirty-nine (39) local municipalities into the County's plan presented logistical hurdles.

As a result, the County decided that the most efficient way to conduct and describe the planning process (Section 3), risk assessment (Section 4), hazard profiles (Section 5), county-wide hazard vulnerabilities (Section 6), over-arching county-wide hazard mitigation goals and objectives (Section 7), National Flood Insurance Program (NFIP) participation (Section 8), and future plan maintenance (Section 9) was to address them at the county-wide perspective and include them in the "main body" of the plan. The main body of the plan constitutes Sections 1-9.

To allow for local jurisdictions to be included in the plan, the County chose to provide a jurisdictional annexes section of the plan (Section 10). The jurisdictional annex format customizes forward looking mitigation strategies and locally relevant natural hazard vulnerabilities to particular municipalities. This strategy accommodates the usage of activities better handled at the County level with municipal-specific strategies and needs.

Completed worksheets prescribed by FEMA to aide in a jurisdiction's understanding of hazard risks, vulnerabilities, and potential mitigation strategies are attached to each annex for their reference in future hazard mitigation planning and capital budgeting. A larger discussion of the composition of Section 10 can be found in Section 10.1 – Background.

10.2.26 City of Newburgh

This section presents the jurisdictional annex for the City of Newburgh.

10.2.26.1 Contacts

Primary and secondary contacts regarding this plan are identified as follows:

- Terry Ahlers – Acting Fire Chief
22 Grand Street
Newburgh, NY 12550
(845) 562-1212
- William Horton – Assistant Fire Chief
22 Grand Street
Newburgh, NY 12550
(845) 562-1212
- Jason C. Morris, P.E. – City Engineer
83 Broadway, City Hall,
Newburgh, NY 12550
(845) 569-7300
- Judy Kennedy – Mayor
83 Broadway, City Hall
Newburgh, NY 12550

10.2.26.2 Municipal Profile

Population

According to the U.S. Census, the 2010 population for the City of Newburgh was twenty-eight thousand, eight hundred sixty-six (28,866), with a population density of seven thousand, five hundred eighty-eight (7,588) persons per square mile. The population has increased by a 2% from the 2000 census to twenty-eight thousand, two hundred sixty (28,260).

Location

The City of Newburgh is located on the Hudson River, sixty (60) miles north of New York City. The city lies near the intersection of Interstate 84 (running west to Pennsylvania and east to Connecticut) and the New York State Thruway (I-87), which runs from New York City north to Albany. The City of Newburgh is surrounded by the Town of Newburgh to the north and west, the Town of New Windsor to the south, and the Hudson River to the east.

Brief History

The City of Newburgh was originally a part of the Town of Newburgh. The Town of Newburgh is one of the oldest Towns in New York State. Before English settlement, the Waoranek tribe had settled the area, part of the Lenape tribe of the Algonquin nation. In 1609, Henry Hudson, an Englishman sailing under contract to the Dutch government, was the first European to explore the river as far north as Newburgh. Hudson's ship, the Half Moon, came up the river to Newburgh.

By 1750, mills were operating along the creeks feeding the growth of ship, home and commercial building. Farms were productive, and there were two (2) docks on the Hudson.

The Precinct of Newburgh was established in 1763, by a law passed by the General Assembly of New York State. In March of 1788, the Precinct of Newburgh was organized as the Town of Newburgh. The Village of Newburgh was incorporated out of the Town in May of 1800, becoming the City of Newburgh in 1865. The remaining forty-five (45) square miles of the precinct comprises the Town of Newburgh of today.

As the 20th century dawned, Newburgh was thriving with over one hundred (100) manufacturing plants. The industries were predominantly machine shops, shipbuilding yards, cloth manufactories, clothing design and production factories, brickyards, plaster works and shipping concerns. During World War I shipyards and other manufacturing plants were vastly expanded. Ships were built in Newburgh were given names reflecting the surrounding area, such as the S.S. Walden and the S.S. Firthcliff. Newburgh was a major center for retail shopping for the entire Hudson Valley up through World War II.

Governing Body

The City of Newburgh operates under the Council-Manager form of municipal government. The City Council of Trustees is comprised of the Mayor and six (6) council members. The City Manager is the administrative head of the City government and manages the day-to-day affairs of the City.

Future Growth

After decades of declining population, the City of Newburgh began experiencing population growth in the early nineties. While the growth has been modest, the City has recognized the need to appropriately plan for this change. The City also recognized the opportunity presented by this growth trend to revitalize parts of the City that have long been neglected. Accordingly, in the mid-2000's, the City began updating its Planning Documents.

In 2008, the City adopted Plan-It Newburgh, the City's sustainable Master Plan, followed in 2011 by the adoption of the Future Land Use Plan, which described and mapped the City's desired land use goals. In 2012, the City adopted a report by the Pace Land Use Law Center on streamlining the Land Use review and approval process.

10.2.26.3 Hazard Vulnerabilities and Ranking

Risk Ranking

The following hazards have been identified by the City of Newburgh. Vulnerability was assessed due to frequency and potential extent for damages.

Table 10.2.26a: Hazard Vulnerability By Event	
Hazard Event	Vulnerability
Drought	Moderate
Earthquake	Low
Flood	High
Hurricane	Moderate
Ice Jam	Low
Ice Storm	Moderate
Severe Thunderstorm	High
Tornado	Low
Wildfire	Low
Winter Storm	High
Extreme Temperatures	Moderate

Critical Facilities

A list of community Critical Facilities was generated to aid in mitigation planning. The table below summarizes the number of these facilities within the City which may be impacted by any of the previously noted hazards.

This information was used to identify potential needed improvements to existing Critical Facilities. Critical facilities were identified by the City as meeting this definition: "Any structure(s) and/or infrastructure within a community whose incapacity or destruction would:

- Have a debilitating impact on the defense or economic security of that community.
- Significantly hinder a community's ability to recover following a disaster."

Discretion was left up to the participating jurisdiction to select these facilities.

Table 10.2.26b: Critical Facility And Infrastructure Counts By Category					
Transportation Network	Water Supply Systems (wells)	Government Services	Emergency Services	Educational / Shelter and Evacuation Facilities	Telecommunications
4	2	4	3	1	4

Additionally, the City has provided a table that has over one hundred and ninety (190) critical infrastructure and key resources to be addressed; see Table 10.2.26n for more information.

The City of Newburgh has eight (8) critical facilities within the 500-year floodplain or the high hazard Landslide Rating¹ area. One (1) of these facilities is located in both. Below is a table that identifies the structures and hazard issues.

Table 10.2.26c: City of Newburgh Critical Facilities and Infrastructure in Hazard Areas			
Critical Infrastructure	500-Yr Flood	Landslide Rating	Associated Mitigation Action
Crystal Lake Dam	Y	N	N/A
Decarlo Dam	Y	Y	N/A
Harrison Dam	Y	N	N/A
Holden Dam	Y	N	N/A
McDole Mill Pond Dam	Y	N	N/A
Muchattoes Lake Dam	Y	N	N/A
Delano-Hitch Park	N	Y	N/A
Downing Park	N	Y	N/A

While it is assumed that most municipal water systems facilities are not located within the floodplain, the City will explore hardening/relocation opportunities for those that are located within the floodplain should such actions become necessary due to the incidence of flooding impacts.

By necessity, critical wastewater facilities are located within the 500-year floodplain due to discharge requirements and gravity-fed systems optimization. While relocation is neither desired nor feasible, the City of Newburgh will seek to harden these facilities where feasibly and fiscally possible. The City provided an extensive listing of such facilities in Table 10.2.26n.

Priority Hazard Events

The following sections detail the priority hazard events identified by the jurisdiction. Additional information about each hazard including frequency, history, and severity within Orange County is included within Section 5.0 of the main body of the Hazard Mitigation Plan (Volume I).

The probability of climate-related hazard events is generally expected to increase in the future within the City of Newburgh. This anticipated increase results from the expected increase in weather volatility associated with climate change. Hudson River communities will also experience increased threat of flooding due to sea level rise. Upstream tributaries such as the Quassaick Creek and Bushfield Creek will also experience increased flooding occurrences.

¹ Areas with a landslide rating in of greater than 37 are considered hazardous. The data was derived from HAZUS software analysis.

Past occurrences of hazard events are indicated in their respective profiles below. Some hazards may not have locally available documentation of past occurrence, but are nonetheless profiled in this annex to instill future mitigation planning consideration.

Flood

Flooding in the City is a result from snow melt, heavy rains or other weather conditions. By identifying areas that are prone to flooding it is possible to restrict development to open space uses, including passive recreation and agricultural uses, which don't obstruct water flow and are tolerant of flooding. The Federal Emergency Management Agency (FEMA) has identified potential flood hazard areas in the City of Newburgh, which are shown on FEMA maps.

Historical Occurrence:

The Table below summarizes the FEMA Presidential Disaster (DR) or Emergency (EM) Declarations for flood events in Orange County, which encompasses the City of Newburgh. Many of these federal disasters were the remnants of severe storms or tropical or extra tropical disturbances (hurricanes, tropical storms, Nor'Easters) either passing over or located within proximity to the State. Further information about flooding events which impacted Orange County is provided in Section 5.0 of this plan.

Table 10.2.26d: Presidential Disaster Declarations for Flooding and Related Events in Orange County				
Declaration Number	Type of Event	Date	Cost of Losses (approximate)	Source (s)
DR-45	Hurricane & Flood (Hurricane Connie and Diane)	August 1955	Flooding throughout the Town and City of Newburgh that caused evacuations. Flooding caused damage to residential and commercial properties, road closures, and power outages.	FEMA, Orange County HMP
DR-311	Severe Storms and Flood (Tropical Storm Doria)	August 1971	This storm caused seven deaths and \$147.6 M in damage throughout its path (1971 USD, \$735 M 2006 USD). New York State experienced approximately \$7.4 M in total eligible damages. Orange County experienced approximately \$29 K in property and crop damages. Estimated damages for the Town and City of Newburgh are unknown.	FEMA, Orange County HMP
DR-702	Coastal Storms and Flood	April 1984	Flooding occurred across southeastern New York State, and a federal disaster designation was declared on April 17. Flooding caused road closures in the Town and City of Newburgh Planning Area. Orange County experienced approximately \$11.9M in total eligible damages.	FEMA, Orange County HMP
DR-1095	Severe Storm and Flooding	January 1996	Severe storms and flooding across the region from January 19-30th led to road damage across Orange County. Orange County was among many counties in New York State that became eligible for Individual and Public Assistance under Federal Disaster Declaration DR-1095. Storm-induced damages to County roads at 32 locations resulted in approximately \$330,000 in damages. Estimated storm damages to Town and City of Newburgh are unknown.	FEMA, NOAA-NCDC, Orange County HMP

Table 10.2.26d: Presidential Disaster Declarations for Flooding and Related Events in Orange County				
Declaration Number	Type of Event	Date	Cost of Losses (approximate)	Source (s)
DR-1296	Remnants of Hurricane Floyd Flooding	September 1999	Heavy rain caused flooding which damaged private properties, local bridges, roads, and culverts	NOAA-NCDC, Orange County HMP
DR-1564	Severe Storms and Flooding	August-September 2004	The remnants of a tropical system combined with thunderstorms moved over Western Orange County, where hourly rainfall estimates in the three to five inches was observed at times. Houses were damaged, roads were destroyed, and buildings collapsed throughout Western Orange County. A federal disaster declaration was made on October 1. Damage estimates were \$2.2 M in public and \$1.8 M in private property. As of April 2013, \$2.8 M in FEMA Individual Assistance and \$14 M in Public Assistance Grants were approved and obligated throughout New York State. Estimated storm damages to Town and City of Newburgh are unknown.	FEMA, Orange County HMP
DR-1565	Remnants of Hurricane Ivan and Flooding	September 2004	Remnants of Hurricane Ivan dropped up to 5" of rainfall in some areas of Orange County. This amount of rainfall caused flash flooding of roadways and highways across the region. The total damages within New York State were approximately \$15.10 M. Specific damages totals for the Town and City of Newburgh are unknown.	NOAA-NCDC, Orange County HMP
DR-1589	Severe Storms and Flooding	April 2005	Heavy rain caused widespread urban flooding throughout Orange County. Most small streams and rivers overflowed their banks. In addition, high wind gusts from 46 to 57 mph, associated with heavier showers, downed trees.	FEMA, NOAA-NCDC, Orange County HMP
DR-4031	Remnants of Tropical Storm Lee and Flooding	September 2011	The remnants of Tropical Storm Lee impacted the county two weeks after Hurricane Irene made landfall. Combined damages for Hurricane Irene and Tropical Storm Lee exceeded \$ 55 million for Orange County. Specific damages for the Town and City of Newburgh were not available for this storm event.	NOAA-NCDC, FEMA,
DR-4085	Remnants of Hurricane Sandy and Flooding	October 2012	Much of the worst impacts during this storm were felt along the eastern portion of the County, and downstate. In Town and City of Newburgh, there were widespread power outages and downed trees. The water and wastewater plants were inaccessible due to road closures.	NOAA-NCDC, FEMA, Planning Area Input

The table below indicates that approximately 22% of the land in the City is within high flood risk areas (Zones A, AE, AH, AO) and approximately 1% of the land in the City is mapped as moderate flood risk areas (X500) (FEMA Flooding Mapping, 2016).

Table 10.2.26e: Summary of Land Areas Within the City of Newburgh in Flood Hazard Areas (Source: FEMA DFIRM Data, 2016)						
	Total Land Area (Acres)	High Flood Risk (Acres)	Moderate Flood Risk (Acres)	Low Flood Risk (Acres)	Land in High Flood Risk %	Land in Moderate Flood Risk %
Municipality		A, AE, AH, AO	X500	X	A, AE, AH, AO	X500
City of Newburgh	3,034	661	41	2,302	22%	1%

Below is a table that illustrates the value of property in the City of Newburgh that is located within the 500-year floodplain and is categorized by land use type. This table was derived from FEMA floodplain mapping and parcel data from the Orange County Property Assessor.

Table 10.2.26f: Structures in the City of Newburgh Vulnerable to 500-year Flood Events and Their Estimated Values		
Type of Structure	# Structures in Hazard Area	Value of Structures (in millions)
Residential	11	\$63.1
Commercial	40	\$47.6
Industrial	15	\$15.1
Agricultural	0	\$0
Religious/Non-profit	0	\$0
Government	0	\$0
Education	0	\$0
Utilities	3	\$0
Dams	6	Unknown
Parks	0	\$0
Total	75	\$126M

Extreme Temperatures

Both extreme heat and cold can be detrimental to human health and property. Associated risks include sunstroke and hypothermia as well as brownouts and flooding caused by the ice dams created by extreme cold.

A 2010 report by the NYS Office of Emergency Management ranked Orange County as among the counties with the smallest percentages of vulnerable populations, with 10% aged sixty-five (65) and above and 7% younger than age five (5).

Historical Occurrence:

In the past ten (10) years, the following extreme heat and cold events were reported to NOAA's Storm Events Database in Orange County.

- July 2011 – Heat between 95 and 105 degrees, along with heat indices in excess of 105 degrees occurred for a couple of days. The heat index was as high as 115 degrees at Stewart Field Airport (KSWF) in Newburgh at 1 p.m. and 2 p.m. on July 22. One (1) death in Orange County was attributed.
- July 2012 – Excessive Heat- The heat index reached or exceeded 107 degrees at Newburgh airport (Stewart Field).
- July 2013 – Excessive Heat- The combination of high heat and humidity resulted in heat index values between 105 and 110 degrees for a few hours during the afternoon at Montgomery Airport and at Newburgh International Airport.
- September 2013 – Excessive Heat- At Stewart International Airport in Newburgh, the heat index reached 105 degrees at 2 p.m. At nearby Poughkeepsie Airport, the heat index also reached 105 degrees. This occurred at 3 p.m.
- February 2015 – Cold/Wind Chill- Wind chills fell to 26 degrees below zero (0) at 6 a.m. at both Orange County Airport and Stewart International Airport.

Severe Thunderstorm

For a description of this hazard, please see section 5.2.

Historical Occurrence:

In the past ten (10) years there is no record of any severe thunderstorms that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document.

Hurricane

For a description of this hazard, please see section 5.3.

Historical Occurrence:

In the past ten (10) years there is no record of any hurricanes that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document. It is of note that hurricane threats could potential increase due to climate change trends.

Drought

For a description of this hazard, please see section 5.5.

Historical Occurrence:

In the past ten (10) years there is no record of any droughts that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document.

Earthquake

For a description of this hazard, please see section 5.7.

Historical Occurrence:

In the past ten (10) years there is no record of any earthquakes that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document.

Winter Storm (Severe)

For a description of this hazard, please see section 5.8.

Historical Occurrences:

In the past ten (10) years there is no record of any winter storms that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document.

Ice Storm

The NWS uses the term “ice storm” to describe occasions when damaging accumulations of ice are expected during freezing rain situations. Significant accumulations of ice pull down trees and utility lines resulting in the loss of power and communications. Such accumulations of ice pose a risk to walking and driving. Damage from such events could include structural damage, utility failures, and tree damage as a result of excessive weight.

Historical Occurrence:

According to NOAA's Storm Events Database, one (1) ice storm event has been recorded for Orange County in the past ten years, but no specific information is available for the City of Newburgh.

- December 11, 2008: Major automobile accident on the Newburgh-Beacon Bridge in Orange County with eight injuries. There were also scattered reports of trees and power lines down with the American Red Cross opening a shelter in Central Valley the following day.

Wildfire

Wildfires can be caused by natural hazards (lightning) but are much more often manmade, either accidental in cause or arson. These most often occur during the summer, associated with the drier conditions which allow vegetation and brush to readily burn.

Though no historical occurrences have affected the City, these events are most likely to occur in tracts of undeveloped land. The New York State Hazard Mitigation Plan (2014) summarized the risk according to favorable locations in the following table.

Table 10.2.26g: Exposure To Wildfire Risk Assessment							
Urban/Wildlife Interface (feet)	Wildfire Risk Area- No Improved Properties (acres)	Wildlife Risk Area- With Improved Properties (acres)	Total Area (acres)	Total Area within Wildfire Risk Zones (%)	Total Value of Improvements in Municipal Areas	Improved Value within Wildfire Risk Zones	Improved Value within Wildlife Risk Zones (%)
11,341	19	41	641	9%	\$189,184,799	\$2,998,437	2%

Ice Jam

For a description of this hazard, please see section 5.10.

Historical Occurrences:

In the past ten (10) years there is no record of any ice jams that have explicitly impacted the City of Newburgh. However, there have been a number of recorded occurrences within Orange County. The information can be found in the main body of the document.

10.2.26.4 Capability Assessment

Planning and Regulatory Capability

Table 10.2.26h: Planning and Regulatory Tools			
Tool/Program (Code, Ordinance, Plan)	Status: Do you have this? (Y/N)	Authority (Local, County, State, Federal)	Code Citation and Comments (Code Chapter, Date of Adoption, Name of Plan, Explanation of Authority, etc.)
Building Code	Y	County, State, Federal	NYS Building Codes 2010 Edition
Zoning Ordinance	Y	Local	
Subdivision Ordinance	Y	Local	
NFIP Flood Damage Protection Ordinance	Y	Federal, State, Local	
NFIP - Cumulative Substantial Damages	Y	Federal, Local	
Special Purpose Ordinances (e.g. wetlands, critical or sensitive areas)	Y	Federal, State, Local	
Growth Management	Y	Local	
Floodplain Management/Basin Plan	Y	Federal, State, Local	
Stormwater Management Plan/Ordinance	N	N/A	
Comprehensive Plan/Master Plan	Y	Local	

Table 10.2.26h: Planning and Regulatory Tools			
Tool/Program (Code, Ordinance, Plan)	Status: Do you have this? (Y/N)	Authority (Local, County, State, Federal)	Code Citation and Comments (Code Chapter, Date of Adoption, Name of Plan, Explanation of Authority, etc.)
Capital Improvements Plan	Y	Local	
Site Plan Review Requirements	Y	Local	
Economic Development Plan	Y	Local	
Emergency Response Plan	Y	Local	2004
Post Disaster Recovery Plan	Y	Local	
Post Disaster Recovery Ordinance	N	N/A	

Administrative and Technical

The table below summarizes potential staff and personnel resources available to the City.

Table 10.2.26i: Administrative and Technical Capabilities		
Available Staff/ Personnel Resources	(Y or N)	Department/Agency/Position
Planner(s) or Engineer(s) with knowledge of land development and land management practices	Y	City Engineer, City Planner, City Planning Board, ZBA
Engineer(s) or Professional(s) trained in construction practices related to buildings and/or infrastructure	Y	City Engineer, City Building Inspector, City Fire Chief
Planners or engineers with an understanding of natural hazards	Y	City Engineer, City Fire Chief, DPW Superintendent
NFIP Floodplain Administrator	Y	City Engineer
Surveyor(s)	Y	City Engineer
Personnel skilled or trained in "GIS" applications	Y	City Engineer, City Planner
Scientist familiar with natural hazards in the County.	Y	City Consultant, as needed
Emergency Manager	Y	City Fire Chief
Grant Writer(s)	Y	Various department head
Staff with expertise or training in benefit/cost analysis	Y	City Engineer
Professionals trained in conducting damage assessments	Y	City Engineer, DPW Superintendent, City Fire Chief

Fiscal

Table 10.2.26j: Fiscal Opportunities For The City of Newburgh		
Financial Resources	Accessible or Eligible to Use (Yes, No, Don't Know)	Comments
Community Development Block Grants	Y	Approved Entitlement Community
Capital Improvements Project funding	Y	Various projects
Authority to levy taxes for specific purposes	Y	Various projects
Fees for water, sewer, gas, or electric service	Y	Water, sewer, parking, boat launch
Impact fees for homebuyers or new developments/homes	Y	Various projects
Incur debt through general obligation bonds	Y	Various project
Federal/State Funding	Y	Various projects

NFIP: Administrator, Vulnerability, Resources, Compliance

According to FEMA Flood Mapping, the City of Newburgh has two hundred six (206) parcels located in 100 and 500 year floodplains. These include entire and or partial parcels. As of January 31, 2018, the City has thirty-four (34) current National Flood Insurance Program policies; the insurance In-Force (whole \$) is \$11,729,800. The written premium In-Force for the Town is 58,894. According to Table 8.2c, there are two (2) repetitive flood loss residential properties located within the City of Newburgh – neither of which qualify as severe repetitive flood loss properties.

The City Engineer serves as the Floodplain Administrator. The City has been maintaining NFIP participation by performing the duties and actions that were listed in the local laws that their municipal boards adopted. (Local Law #5 of 2007) The City Floodplain Administrator has been provided an NFIP best practices guidance package and will be using it to improve local participation in NFIP standards going forward. This package of documents was provided by NYSDHSES and can be found in Appendix F - NFIP Floodplain Administrator Guidance Package.

Table 10.2.26k: National Flood Insurance Program (NFIP) Summary (Source: FEMA Policy Statistics NY)						
Jurisdiction	# Policies	# Claims (Losses)	Total Loss Payments	Closed Losses	Open Losses	CWOP Losses
City of Newburgh	34	35	\$514,836	26	0	9

Hazard Mitigation: Existing and Planning Mechanisms

Emergency Communications, Routes, and Shelters:

Orange County and the City of Newburgh utilize the CodeRED system for emergency notifications. The City follows emergency route rules set by Orange County. The City has one (1) designated emergency shelter: South William Street Armory (321 S. Williams St., Newburgh, NY 12550). More information on this site can be found in Attachment III.

Comprehensive Plan:

The City of Newburgh's Comprehensive Plan – "Plan-It Newburgh" – was adopted in December 2008. The plan discusses existing conditions, comprehensive plans vision and goals, implementations, as well as potential zoning map changes. The plan also lists the provision of emergency services and emergency housing as high priorities for the City.

Comprehensive Emergency Management Plan:

On June 16, 2008, the Newburgh City Council adopted the Comprehensive Emergency Management Plan, providing all-hazards management guidance for City actions before, during and after an emergency.

The development of this plan included an analysis of potential hazards that could affect the city and an assessment of the capabilities existing in the city to deal with potential hazards.

City departments' and agencies' emergency management responsibilities are outlined in this plan. Assignments are made within the framework of the present City capability and existing organizational responsibilities. The City Manager is designated to coordinate all emergency management activities of the City of Newburgh. The City intends to use the Incident Command System (ICS) to respond to emergencies. ICS is a management tool for the command, control, and coordination of resources and personnel in an emergency. Specific emergency management guidance for situations requiring special knowledge, technical expertise, and resources may be addressed in separate annexes attached to the plan. Examples of this type of situation are emergencies resulting from hazardous chemical releases, dam failures, or power outages.

The plan provides general all-hazards management guidance, using existing organizations, to allow the City to meet its responsibilities before, during and after an emergency.

Planning Mechanisms:

While this annex has provided a summary and description of existing plans, policies, and regulatory mechanisms that support hazard mitigation, the 2018 Orange County Hazard Mitigation Plan Update is intended to allow for the integration of its recommendations and data into local plans. Listed below are several planning and policy mechanisms that lend themselves to the integration of materials and objectives from this hazard mitigation plan. Columns to the right indicate whether the municipality has utilized hazard mitigation planning elements in the past (as in the aftermath of a previous local hazard mitigation plan) and whether they intend to be utilized in the future (which most, if not all, do).

Table 10.2.26I: Incorporation of Hazard Mitigation Planning into Existing and Future Planning Mechanisms		
Planning Mechanism	Has been Utilized	May be Utilized
Capital Improvement Budget: Hazard Mitigation Actions to be considered during the development of annual capital improvement plans. Compliance with Hazard Mitigation goals and objectives as well as the hazard vulnerability of site will be a consideration during the evaluation of infrastructure and facilities projects.		X
Operating Budget: Hazard Mitigation Actions to be considered within day-to-day operating budgets as funding permits.		X
Building & Zoning Ordinances: Review of the hazard mitigation plan and hazard analyses are part of the evaluation of land use, zoning, and development review ordinances and permitted processes.		X
Comprehensive Land Use Plan: Elements such as hazard vulnerability and hazard area extents will be considered during the development of future land use maps and other elements of comprehensive planning.		X
Human Resource Manual: Employee job descriptions may contain elements related to hazard mitigation planning and associated recommendations.		X
Grant Applications: Support for funding requests in the form of data, maps, and priority recommendations will be drawn from the hazard mitigation plan.		X
Fire Plan: Fire Plans for the municipality and local fire departments can utilize data and mapping in the hazard mitigation plan.		X
Local School Service Projects: Municipal officials and staff can explore the possibility of collaboration with local school districts to provide avenues for student community service projects as well as educational opportunities.		X
Economic Development: Local chambers of commerce and other economic development agencies can utilize the hazard mitigation plan to better inform new/expanding businesses in finding a location.		X

Summary

The City will utilize this Hazard Mitigation Plan to inform the Comprehensive Plan and update its Comprehensive Emergency Management Plan by advancing a list of potential mitigation actions, including but not limited to improvements to infrastructure, emergency response, and public awareness.

10.2.26.5 Mitigation Strategy and Prioritization

Past, Completed, and Ongoing Initiatives

The City has not provided any information in regards to past, complete and ongoing initiatives.

Proposed Initiatives

Table 10.2.26m: Mitigation Actions/Projects Identified			
Action	Description	Involved Agency(ies)	Funding Source(s)
CN-1	Lake Drive Culvert Replacement	City of Newburgh Engineering Department	Transportation Improvement Program – 20% Match, Bridge NY, FEMA (HMGP, HMA)
CN-2	Install backup generators	City of Newburgh Engineering and Fire Dept.	Local BAN, FEMA (HMGP, HMA)
CN-3	Walsh Road Bridge Rehabilitation	City of Newburgh Engineering	Transportation Improvement Program – 20% Match, Bridge NY, FEMA (HMGP, HMA)
CN-4	Washington Lake Dam reconstruction	City of Newburgh Engineering and Water Departments	Local BAN FEMA (HMGP, HMA)
CN-5	City-wide Emergency Communications system	City of Newburgh Fire Department	Municipal Budget, County Budget, FEMA (HMGP, HMA)
CN-6	Develop an Emergency Operations Center	City of Newburgh IT and Fire Department	Municipal Budget, FEMA (HMGP, HMA)
CN-7	Silver Stream Dam repairs	City of Newburgh Engineering and Water Dept.	Local BAN, FEMA (HMGP, HMA)
CN-8	Mill Street Bridge Rehabilitation	City of Newburgh Engineering Dept.	Local BAN, , Bridge NY, FEMA (HMGP, HMA)
CN-9	Purchase ground penetrating radar	City of Newburgh Engineering Department	Municipal Budget, FEMA (HMGP, HMA)
CN-10	NIMS Training	City of Newburgh Fire Department	Municipal Budget, FEMA (HMGP, HMA)
CN-11	Local Emergency Planning Committee training	City of Newburgh Fire Department	Municipal Budget, FEMA (HMGP, HMA)
CN-12	City WWTP flood protection redesign	City of Newburgh Engineering & Fire Dept.	Municipal Budget (alone); FEMA (HMGP, HMA), CWSRF, WQIP
CN-13	Secondary access to police building	City of Newburgh Engineering Dept.	NYS DHSES, NYS Police Grants
CN-14	Phase 1 Sewer Separation project	City of Newburgh Engineering & Water Dept.	Municipal Budget (unable to fund)
CN-15	Update floodplain maps	City of Newburgh Engineering & Fire Dept.	Municipal Budget
CN-16	Emergency auxiliary water supply pumping station	City of Newburgh Engineering & Water Dept.	NYSEFC DWSRF, NYSEFC WIIA
CN-17	Newburgh watershed protection plan	City of Newburgh Engineering & Water Dept.	NYSDEC, Hudson River Estuary Program

STAPLEE forms were completed for each of these aforementioned actions. A table with these evaluations can be found in Attachment II of this jurisdictional annex.

“STAPLEE” refers to the following lenses of evaluation: social, technological, administrative, political, legal, economic, and environmental.

Future Needs

Table 10.2.26n below lists all critical infrastructure and key resources for the City of Newburgh. A time passes and this infrastructure wears, the facilities and resources in this list will provide expectations of future hazard mitigation needs.

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources					
Category	Facility Name	CI/KR Type	Street #	Street Name	Notes
Hazmat Manufacturing/ Storage/Use	Sunoco	Fuel Station	115	Lake Street	
Hazmat Manufacturing/ Storage/Use	Sunoco	Fuel Station	510	Broadway	
Hazmat Manufacturing/ Storage/Use	Mobil Mart	Fuel Station	310	Broadway	
Hazmat Manufacturing/ Storage/Use	Shell	Fuel Station	405	Broadway	
Hazmat Manufacturing/ Storage/Use	Urethane Technology Company	Hazmat	59	Temple Avenue	
Hazmat Manufacturing/ Storage/Use	Arctic Glacier	Hazmat	225	Lake Street	
Hazmat Manufacturing/ Storage/Use	Verizon	Hazmat	220	Liberty Street	
Hazmat Manufacturing/ Storage/Use	Propane Mixing Station	Hazmat		Renwick & Water Street	
High Occupant Habitation	Bourne Apartments	Highrise Building	150-154	Smith Street	
High Occupant Habitation	UTC High Rise	Highrise Building	207	Lake Drive	
High Occupant Habitation	Hudson Pointe Apartments	Highrise Building	90	Grand Street	
High Occupant Habitation	Burton Towers	Highrise Building	36	Cerone Place	
High Occupant Habitation	Cerone Place	Highrise Building	35	Cerone Place	
Special Occupant Habitation (PNP Facility)	Gidney Avenue Magnet School	Educational Facility	300	Gidney Avenue	
Special Occupant Habitation (PNP Facility)	Newburgh Free Academy - Main Campus	Educational Facility	201	Fullerton Avenue	
Special Occupant Habitation (PNP Facility)	Newburgh Free Academy - North Campus	Educational Facility	301	Robinson Avenue	
Special Occupant Habitation (PNP Facility)	South Middle School	Educational Facility	33-63	Monument Street	
Special Occupant Habitation (PNP Facility)	Pre-K Center	Educational Facility	191	Washington Street	
Special Occupant Habitation (PNP Facility)	Horizons-on-the-Hudson Magnet School	Educational Facility	137	Montgomery Street	
Special Occupant Habitation (PNP Facility)	Bishop Dunn Memorial School	Educational Facility	50	Gidney Avenue	
Special Occupant Habitation (PNP Facility)	Nora Cronin Presentation Academy	Educational Facility	120	South Street	
Special Occupant Habitation (PNP Facility)	San Miguel Academy of Newburgh	Educational Facility		Renwick Street	

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources				
Category	Facility Name	CIKR Type	Street #	Street Name
Special Occupant Habitation (PNP Facility)	Mount Saint Mary College (MSMC)	Educational Facility	330	Powell Avenue
Special Occupant Habitation (PNP Facility)	SUNY Orange Community College	Educational Facility	1	Washington Center
Special Occupant Habitation (PNP Facility)	St. Luke's Cornwall Hospital - Newburgh Campus	Medical Facility	70	Dubois Street
Public Assembly	Delano Hlch Stadium/Recreation Park/Aquatic Center	Assembly/ Stadium		Washington Street
Religious Assembly	Amazing Grace Apostolic Faith Church	Assembly	361	Broadway
Religious Assembly	Ame Zion Church	Assembly	109	Washington Terrace
Religious Assembly	Best temple Church of God in Christ	Assembly	11	South Street
Religious Assembly	Calvary Full Gospel Bible Church	Assembly	142	South Street Apt 5220
Religious Assembly	Calvary Full Gospel Church	Assembly	359	1st Street
Religious Assembly	Calvary Presbyterian Church	Assembly	120	South Street
Religious Assembly	Centro Catolico Hispano	Assembly	157	Liberty Street
Religious Assembly	Church of God	Assembly	60	Dubois Street
Religious Assembly	Church of God	Assembly	4	Oak Street
Religious Assembly	Church of God by Faith	Assembly	29	Bridge Street
Religious Assembly	Church of God of Prophecy	Assembly	173	Broadway
Religious Assembly	Church of the Good Shepherd	Assembly	271	Broadway
Religious Assembly	Church of the Living God	Assembly	61	William Street
Religious Assembly	Ebenezer Baptist Church	Assembly	76	1st Street
Religious Assembly	First Assembly of God International	Assembly	25	William Street
Religious Assembly	First Baptist Church	Assembly	481	South Street
Religious Assembly	First Born Church of the Living God House of Joy	Assembly	109	Liberty Street
Religious Assembly	First United Methodist Church	Assembly	241	Liberty Street
Religious Assembly	Gods Deliverance Center Incorporated	Assembly	189	W Parmenter Street
Religious Assembly	Grace Tabernacle	Assembly	78	South William Street
Religious Assembly	Grace United Methodist Church	Assembly	468	Broadway

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources				
Category	Facility Name	CIKR Type	Street #	Street Name
Religious Assemblage	Holy Deliverance Apostolic Temple	Assembly	37	Chambers Street
Religious Assemblage	Holy temple Incorporated U H C	Assembly	179	South Street
Religious Assemblage	House of God Hebrew Pentecostal Church	Assembly	149	South William Street
Religious Assemblage	House of Prayer	Assembly	60	South Johnston Street
Religious Assemblage	House of Refuge	Assembly	131	Broadway
Religious Assemblage	Hudson Valley Christian Church	Assembly	100	Grand Street
Religious Assemblage	Kingdom Hall of Jehovahs Witness	Assembly	408	Carpenter Ave Apt 13
Religious Assemblage	Life Restoration Church	Assembly	136	1st Street
Religious Assemblage	Living in Jesus Ministry Incorporated	Assembly	119	South Street
Religious Assemblage	Milford United Methodist Church	Assembly	206	Ann Street
Religious Assemblage	Mt Calvary F B H Church	Assembly	167	Grand Street
Religious Assemblage	New Beginners Church of Christ	Assembly	60	Johnston Street
Religious Assemblage	New Hope BAPTIST Church	Assembly	20	Mill Street
Religious Assemblage	New Jerusalem Deliverance Temple	Assembly	376	Washington Street
Religious Assemblage	Newburgh Tabernacle Sdn Church	Assembly	251	Grand Street
Religious Assemblage	Rhema Christian Worship Center	Assembly	49	Lander Street
Religious Assemblage	Sacred Heart Church	Assembly	25	South Robinson Avenue
Religious Assemblage	Saint Patrick's Church	Assembly	55	Grand Street
Religious Assemblage	Seventh Day Adventist Church	Assembly	497	Gidney Avenue
Religious Assemblage	Soul Saving Station	Assembly	120	North Miller Street
Religious Assemblage	St Francis of Assisi Religious Education Ofc	Assembly	145	Benkard Avenue
Religious Assemblage	St George's Episcopal Church	Assembly	105	Grand Street
Religious Assemblage	St Martin de Porres Society of Black Ministry	Assembly	185	Liberty Street
Religious Assemblage	St Mary's Church	Assembly	180	South Street
Religious Assemblage	St Nicholas Greek Orthodox Church	Assembly	19	Fullerton Avenue
Religious Assemblage	Temple Baptist	Assembly	7	William Street

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources				
Category	Facility Name	CIKR Type	Street #	Street Name
Religious Assemblage	The Living Word Center	Assembly	102	South Plank Road
Religious Assemblage	The Salvation Army	Assembly	234	Van Ness Street
Religious Assemblage	Valley Bible Baptist Church	Assembly	10	Carter Street # A
Community Lifeline	Natural Gas Blow-off Locations	Utilities		
Community Lifeline	Electric	Utilities		
Community Lifeline	Water Department	Utilities	493	Little Britain Road
Community Lifeline	Wastewater Plant	Sewage Treatment Facility	2	Renwick Street
Community Lifeline	Washington Lake	Water Storage Reservoir	207	Little Britain Road
Public Safety Facility	Fire Department Headquarters	Fire Department	22	Grand Street
Public Safety Facility	Engine 3	Fire Department	492	Broadway
Public Safety Facility	Police Headquarters	Police Department	55	Broadway
Public Building	Newburgh Post Office	Post Offices	217	Liberty Street
Public Building	West Newburgh Post Office	Post Offices	467	Broadway
Public Building	Congressman Sean Patrick Maloney District Office	Government Building	123	Grand Street
Public Building	Orange County District 4 Office of Curile Dillard	County Government Building	350	North Water Street
Public Building	City Court	Local Government Building	300	Broadway
Public Building	City Hall	Local Government Building	83	Broadway
Public Building	1841 Courthouse (Building/ Code Enforcement, Historian, Congressman Maloney District Office)	Local Government Building	123	Grand Street
Public Building	Newburgh Film Office	Local Government Building	250	Lake Street
Public Building	Recreation Department	Local Government Building	401	Washington Street
Public Building	Newburgh Free Library	Local Government Building	124	Grand Street
Public Building	Department of Public Works (Location of Municipal Fuel Pumps)	Local Government Building	88	Pierces Road
Transportation Network	South Street	Evacuation Route		South Street
Transportation Network	Robinson/South Robinson Ave (State Route 9W)	Evacuation Route/State Highway		Robinson/S Robinson Ave

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources				
Category	Facility Name	CIKR Type	Street #	Street Name
Transportation Network	Lake Street Bridge (Over Quassaick Creek)	Transportation Network		Lake Street
Transportation Network	South Robinson/9W Bridge (over Railroad)	Transportation Network	250	South Robinson Avenue
Transportation Network	Mill Street Bridge (over railroad)	Transportation Network	242	Mill Street
Transportation Network	Gidney Avenue Bridge (over Interstate 84)	Transportation Network	564	Gidney Avenue
Transportation Network	Broadway (17K)	Transportation Network		Broadway
Transportation Network	Lake Street (State Route 32)	Transportation Network		Lake Street
Transportation Network	Railroad Bridge at Pier Loun	Railroad Transit System	10	Park Place
Transportation Network	Railroad (Runs Parallel to the River and Water St.)	Railroad Transit System		
Transportation Network	Newburgh-Beacon Ferry	River Transportation System		Front Street
Retail Occupancy (High Transit Habitation)	A&P Coat Apron & Linen Supply Inc.	Business	115	Dickson Street
Public Building	NYS DOT Transportation Maintenance	State Building	112	Dickson Street
	Independent Living, Inc.		5	Washington Terrace
Special Occupant Habitation (PNP Facility)	West End Veterinary Office	Medical Facility	41	Fullerton Avenue
Special Occupant Habitation (PNP Facility)	Greater Hudson Family Health	Medical Facility	147	Lake Street
	Graphic Technology, Inc.	Business	211	Dupont Avenue
Special Occupant Habitation (PNP Facility)	St. Luke's Liberty Dialysis	Medical Facility	4	Corwin Court
Public Assemblage	Ritz Theater	Assembly Building	107	Broadway
High Occupant Habitation	The Cornerstone Residence Housing	Highrise Building	111	Broadway
Manufacturing Facility	LaBella Strings	Business	256	Broadway
Special Occupant Habitation (PNP Facility)	High Pointe Senior Apartments	Senior Citizen Centers	223	West Street
Retail Occupancy (High Transit Habitation)	The Granite Factory	Business	27	Renwick Street

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources

Category	Facility Name	CIKR Type	Street #	Street Name	Notes
Retail Occupancy (High Transit Habitation)	NJ Mattress Factory	Business	102	South William Street	
Retail Occupancy (High Transit Habitation)	Haight Fire Equipment	Business	199	Little Britain Road	
Hazmat Manufacturing/ Storage/Use	Culligan	Bulk Storage Facility	131	Little Britain Road	
Warehouse Occupancy	Hen Foods Inc.	Food Distribution Center	280	Little Britain Road	
	Key Bank	Banking and Finance	78	Broadway	
	Citizens Bank	Banking and Finance	456	Broadway	
	Bank of America	Banking and Finance	385	Broadway	
	TD Bank	Banking and Finance	800	Broadway	
	Hudson Heritage Federal Credit Union	Banking and Finance	2	Corwin Court	
Transportation Network	Water Street	Evacuation Route			
Community Lifeline	Dam (Walsh Rd)	Water Storage Reservoir			
Community Lifeline	Dam (South Robinson)	Water Storage Reservoir			
Community Lifeline	Dam (William St)	Water Storage Reservoir			
Community Lifeline	Water Tank (Ellis Ave)	Water Storage Reservoir			
Community Lifeline	Water Tank (Marne Ave)	Water Storage Reservoir			
Community Lifeline	Brady Water Tank	Water Storage Reservoir			
Sewer					
Community Lifeline	Crescent Avenue Pump Station	Lift Station	40	Plank Road	Across the street
Community Lifeline	Mullens Apartment Pump Station	Lift Station	40	Walsh Road	
Community Lifeline	Front Street Pump Station	Lift Station	40	Front Street	
Community Lifeline	Lake Drive Pump Station	Lift Station	129	Lake Drive	
Community Lifeline	Rowing Club Pump Station	Lift Station		River Street	
Community Lifeline	S. William Street Temporary Pump Station	Lift Station	3	River Street	Intersection of River Street and extension of S. William Street.
Community Lifeline	Scoble Drive Pump Station	Lift Station	98	Scoble Drive	
Community Lifeline	Labore's Local 17 Pump Station	Lift Station	301-307	Little Britain Road	

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources				
Category	Facility Name	CIKR Type	Street #	Street Name
Community Lifeline	South Interceptor			
Community Lifeline	North Interceptor			
Community Lifeline	Central Interceptor - Broadway to S. William Street			
Community Lifeline	Regulator No. 1			
Community Lifeline	Regulator No. 2			
Community Lifeline	Regulator No. 3		25	Renwick Street
				Middle of Renwick Street, west of S. Colden Street
Community Lifeline	Regulator No. 4		38	Edward Street
				Southern edge of S. William Street, east of Edward Street
Community Lifeline	Regulator No. 5		76	First Street
				Southern edge of First Street, west of Montgomery Street
Community Lifeline	Regulator No. 6		110	Grand Street
				Middle of Second Street east of Grand Street
Community Lifeline	Regulator No. 7		69	South Street
				Middle of east bound lane of South Street, west of Water Street
Community Lifeline	Regulator No. 8		215	Water Street
				Middle of the continuation of Colden Street, west of Water Street
Community Lifeline	Regulator No. 9		2	Broad Street
				Middle of Broad Street, west of N. Water Street
Community Lifeline	Regulator No. 10		2	Nicoll Street
				Southern edge of Nicoll Street
Community Lifeline	Regulator No. 11		10	Park Place
				In the grassed median
Community Lifeline	Headworks Influent Line			

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources					
Category	Facility Name	CIKR Type	Street #	Street Name	Notes
Community Lifeline	Diversion Manhole A		94	S Water Street	Northern edge of Washington Street, east of Colden Street
Community Lifeline	Diversion Manhole B		2	Colden Street	Eastern edge of site, across from old Train Station
Community Lifeline	Diversion Manhole C		124	Grand Street	Middle of Grand Street at Third Street
Community Lifeline	Diversion Manhole D		182	Water Street	In the turf area towards South Street
Community Lifeline	Diversion Manhole E		390	N. Montgomery Street	Middle of the N. Montgomery Street
Community Lifeline	Diversion Manhole F		38	Edward Street	Middle of S. William Street east of Edward Street
Community Lifeline	Diversion Manhole G		34	Montgomery Street	Southern edge of 2nd Street east of Montgomery St.
Water					
Community Lifeline	Carter Street Pump Station		2	Carter Street	
Community Lifeline	Marne Avenue Pump Station		283	Carpenter Avenue	
Community Lifeline	High Service Transmission Main				
Community Lifeline	Low Service Transmission Main				
Community Lifeline	Raw Water Transmission Main - Brown's Pond				
Community Lifeline	Raw Water Transmission Main - Washington Lake				
Community Lifeline	West Trunkline - Little Britain Road to South Interceptor				
Community Lifeline	Silver Stream Diversion Gate		799	NY-300	
Community Lifeline	Patton Brook Diversion Gate		1030	NY-300	

Table 10.2.26n: City of Newburgh Critical Infrastructure and Key Resources					
Category	Facility Name	CIKR Type	Street #	Street Name	Notes
Other					
Public Assemblage	Armory Unity Center		312	S. William Street	
	Repeater Location - Downing Park		123	Carpenter Avenue	
	Repeater Location - St. Luke's Hospital		70	Dubois Street	
Transportation Network	Railroad Bridge - Fifth Street				
Transportation Network	Railroad Bridge - Fourth Street				
Transportation Network	Railroad Bridge - Third Street				
Transportation Network	Railroad Bridge - Second Street				
Transportation Network	Railroad Bridge - Carpenter Street				
Transportation Network	Railroad Bridge - First Street				
Transportation Network	Railroad Bridge - Renwick Street				
Transportation Network	Railroad Bridge - Quassaick Creek				
Transportation Network	Railroad Crossing - Washington Street				
Transportation Network	Bridge - River Road at Quassaick Creek				
Transportation Network	Boat Launch				

10.2.26.6 Hazard Area Extent and Location

A map demonstrating the location of certain hazard areas is attached as Attachment I.

Attachment I

**Hazard Area Extent and Location Map -
City of Newburgh**

Attachment II

STAPLEE Mitigation Action Cost/Benefit Analysis - City of Newburgh

STAPLEE Criteria Consideration Tables
Mitigation Action Prioritization and Comparison

City of Newburgh

Jurisdiction:

Action ID	Action	S	T	A	P	L	E	E	Can action be easily implemented?	Does action achieve multiple plan objectives?	Can action be quickly implemented?	Level of action benefits	Level of action overall costs	Priority ranking
		+ = benefit (favorable), - = cost (unfavorable), 0 = neutral or N/A										Levels = high, medium, or low		
CN-1	Lake Drive Culvert Replacement: Closure is eminent, replacement will keep road connections for emergency personnel and residents.	+	+	-	+	+	-	+	-	+	-	High	High (\$1.99 mill.)	High (Priority 3)
CN-2	Install backup emergency power sources for City Hall and two city owned buildings used as emergency shelters.	+	+	+	+	+	+	0	+	+	0	High	Medium (\$300,000)	High (Priority 5)
CN-3	Walsh Rd Bridge Rehabilitation: Rehabilitate / Replace failing portions of the bridge to keep road connection open for emergency personnel and residents	+	+	-	+	+	-	+	-	+	-	High	High (\$1.948 mill.)	High (Priority 6)
CN-4	Washington Lake Dam: spillway design and reconstruction, address wet area below dam, and installation of a low level drain to prevent inundation of surrounding structures in the event of failure	+	+	-	+	+	-	+	-	+	-	High	High (\$2.04 mill.)	High (Priority 7)
CN-5	Emergency Communications: Participate in a community wide emergency communications network to notify citizens of time critical information.	+	+	+	+	+	+	0	0	+	0	High	Medium	High (Priority 8)
CN-6	Emergency Operations Center: Plan and develop a functional Emergency Operations Center to manage and limit loss related to the cascading events from unplanned incidents.	+	+	+	+	+	0	0	0	+	+	High	Low (\$12,000-\$15,000)	High (Priority 9)
CN-7	Silver Stream Dam: headwall and spillway repairs to prevent inundation of surrounding structures in the event of failure, loss of backup drinking water source, and potential effects to NYCDEP aqueduct.	+	+	-	+	+	-	+	-	+	-	High	Medium (\$350,000)	High (Priority 10)
CN-8	Mill Street Bridge Rehabilitation: Bridge is currently closed; assessment, design, and repair of two failing footings will reopen road connections for emergency personnel and residents.	+	+	-	+	+	-	+	-	+	-	High	Medium (\$200,000)	High (Priority 11)

STAPLEE Criteria Consideration Tables
Mitigation Action Prioritization and Comparison

Jurisdiction: City of Newburgh

Action ID	Action	S	T	A	P	L	E	E	Can action be easily implemented?	Does action achieve multiple plan objectives?	Can action be quickly implemented?	Level of action benefits	Level of action overall costs	Priority ranking
		+ = benefit (favorable), - = cost (unfavorable), 0 = neutral or N/A								Levels = high, medium, or low				
CN-9	Ground Penetrating Radar: Purchase ground penetrating radar to quickly identify sinkholes caused by failed water and sewer lines.	+	+	0	+	+	0	+	+	+	+	Medium	Low (\$10,000)	High (Priority 9)
CN-10	NIMS Training: Continue training appropriate city personnel in the National Incident Management System. (NIMS)	+	+	0	+	+	+	+	+	+	+	Medium	Low (\$3,000)	High (Priority 10)
CN-11	Local Emergency Planning Committee: Continue training with, and support of the Local Emergency Planning Committee and coordinate continuing updates of the County Hazard Mitigation Plan.	+	+	0	+	+	+	+	+	+	+	Medium	Low (\$2,500)	High (Priority 11)
CN-12	Flood protection at City wastewater plant: Pursue funding to design and construct flood protection measures at the City Wastewater Plant on the Hudson River.	+	+	-	+	+	-	+	-	+	-	High	High (\$3 million)	Medium (Priority 1)
CN-13	Police Entrance: provide safe secondary access to the building. Existing overhead structure is failing.	+	+	0	+	+	0	0	0	0	0	Medium	Medium (\$100,000)	Medium (Priority 2)
CN-14	Sewer Separation Phase I: Engineer and complete separation of the storm and sanitary sewer systems to assist with limiting the overburden of the City sewer plant.	+	+	-	+	+	-	+	-	+	-	High	High (\$4 million)	Medium (Priority 3)
CN-15	Flood Plain Map Updates: Provide local level assistance in updating flood plain maps. Funds would be used to attend meetings held by NYDEC, FEMA and USGS.	+	+	0	+	+	+	+	+	+	+	Medium	Low (\$2,500)	Low
CN-16	Auxiliary Water Supply: Provide pumping station with line for fire suppression operations in the event of the loss of primary water supply through the construction of an auxiliary water supply system.	+	+	+	+	0	+	0	0	+	-	High	High (\$8.5 mill.)	High (Priority 4)

STAPLEE Criteria Consideration Tables
Mitigation Action Prioritization and Comparison

Jurisdiction:		City of Newburgh													
Action ID	Action	S	T	A	P	L	E	E	Can action be easily implemented?	Does action achieve multiple plan objectives?	Can action be quickly implemented?	Level of action benefits	Level of action overall costs	Priority ranking	
		+ = benefit (favorable), - = cost (unfavorable), 0 = neutral or N/A										Levels = high, medium, or low			
CN-17	Newburgh Watershed Protection Plan: Provide for the mapping, signage and oversight of the watershed system feeding into Washington Lake and Browns Pond Reservoirs.	+	+	0	+	+	0	+	+	+	+	Medium	Medium (\$350,000)	High (Priority 2)	

Attachment III

**Hazard Mitigation Worksheets -
City of Newburgh**

Mitigation Actions and Strategy Detail Worksheet

Action Worksheet	
Name of Jurisdiction	City of Newburgh
Name of Hazard Mitigation Plan	Orange County Hazard Mitigation Plan
Potential Actions/Projects (not being implemented at this time)	
Action/Project Number	CNB 001
Name of Action/Project	Lake Drive Culvert Replacement
Summary of Evaluation: Benefits (losses avoided), estimated costs, and other factors considered	Closure is eminent, replacement will keep road connections for emergency personnel and residents. \$1.99 Million to replace failing culverts with a bridge structure, reconnecting the streambed.
Plan for Implementation	
Responsible Organization	City of Newburgh Engineering Department
Action/Project Priority	Tier 1 Priority 1
Potential Funding Sources	Transportation Improvement Program, 20 percent City match.
Other assisting organizations, entities, etc.	None
Local planning mechanisms to be used in project/action implementation, if any	Currently included for discussion/approval of the Capital Plan.
Progress Report	
Date of status report	
Report of progress	
Evaluation of effectiveness	

Mitigation Actions and Strategy Detail Worksheet

Action Worksheet	
Name of Jurisdiction	City of Newburgh
Name of Hazard Mitigation Plan	Orange County Hazard Mitigation Plan
Potential Actions/Projects (not being implemented at this time)	
Action/Project Number	CNB 003
Name of Action/Project	Flood Protection at City Wastewater Plant
Summary of Evaluation: Benefits (losses avoided), estimated costs, and other factors considered	Pursue funding to design and construct flood protection measures at the City Wastewater Plant on the Hudson River. The cost associated with protecting and raising the controls and tanks is estimated to be 3.00 million dollars.
Plan for Implementation	
Responsible Organization	City of Newburgh Engineering and Fire Departments.
Action/Project Priority	Tier 2
Potential Funding Sources	Municipal Budget (unable to fund)
Other assisting organizations, entities, etc.	None
Local planning mechanisms to be used in project/action implementation, if any	To be managed through the update of the Comprehensive Emergency Management Plan.
Progress Report	
Date of status report	
Report of progress	
Evaluation of effectiveness	

Orange County
Multi-Jurisdictional All Natural Hazard Mitigation Plan
Emergency Shelter Questionnaire

Name of Your Municipality:	<u>City of Newburgh</u>
Common Name of Your Emergency Shelter:	<u>South William Street Armory</u>
Street Address of Your Emergency Shelter:	<u>321 South William Street</u> <u>Newburgh, NY 12550</u>
Name of the Owner of Your Emergency Shelter:	<u>City of Newburgh</u>
Name of the Regular Occupant of Your Emergency Shelter:	<u>Newburgh Armory Unity center</u>

Name of Jurisdiction: _____

**RESOLUTION
TO AUTHORIZE THE ACCEPTANCE AND ADOPTION OF THE
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE FOR
ORANGE COUNTY, NEW YORK**

WHEREAS, the Orange County Department of Emergency Services, with the assistance from Barton & Loguidice, D.P.C., has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the City of Newburgh, has reviewed the 2016 Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

WHEREAS, the City of Newburgh, will consider the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the City of Newburgh, as a participating jurisdiction, adopts the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York, dated May 2016.

This resolution was thereupon declared duly adopted on _____.

(Mayor)

(Clerk)

RESOLUTION NO.: 252 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
REQUESTING AN EXTENSION OF TIME FOR COMMENTS ON THE SCOPING OF
THE U.S. ARMY CORPS OF ENGINEERS
NEW YORK-NEW JERSEY HARBOR TRIBUTARIES FEASIBILITY STUDY

WHEREAS, The U.S. Army Corps of Engineers (USACE) initiated the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to develop and implement measures to reduce the risk of coastal storm damage to communities, critical infrastructure, and important societal resources; and

WHEREAS, USACE has proposed six alternatives:

- Alternative 1: "No Action," meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.
- Alternative 2: Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge.
- Alternative 3A: Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.
- Alternative 3B: Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.
- Alternative 4: Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.
- Alternative 5: Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative 1; and

WHEREAS, USACE intends to narrow the six options down to one or two by the fall of 2018. The one or two "tentatively selected plan(s)" will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period,

ending September 20, to consider the "scope" of issues it should study in that preliminary environmental review; and

WHEREAS, this short time frame and limited number of meetings is inadequate given the enormous scale of the project; and

WHEREAS, several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river's iconic species (striped bass, Atlantic sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen; and

WHEREAS, in-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve; and

WHEREAS, deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk. In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers; and

WHEREAS, USACE estimates \$30 billion to \$50 billion to build the in-water barriers in Alternative 2, with annual maintenance likely costing billions, without even addressing sea level rise; and

WHEREAS, Alternative 5 – shoreline and nature-based measures (dunes, dikes, floodwalls, and levees) – is estimated at \$2 billion to \$4 billion. It is the only alternative that addresses both storm surge and sea level rise, while leaving the river to flow freely; and

WHEREAS, the economy and culture of the Hudson River Valley is intimately tied to the health of the Hudson River, including the migrations of its signature fish. Tourism generates more than \$5.3 billion annually; and

WHEREAS, non-federal sponsors of the study include New York State, represented by the NYSDEC and New Jersey, represented by the NJ Department of Environmental Protection. NY and NJ thereby have the authority to withdraw from the study or to reject any construction alternative;

NOW THEREFORE BE IT RESOLVED, that we, the elected representatives of the City of Newburgh in Orange County in the Hudson Valley, cannot comment effectively, as is our legal right, without detailed information and data on the social, economic and environmental impacts of each alternative. The PowerPoint slides and the fact sheet provided to the public to date are completely inadequate. The Army Corps needs to publish comprehensive information about all the alternatives being considered, including the environmental impacts on the Hudson and the Harbor and to share with the public the complete list of existing studies it will consult in the preliminary assessments of the projects; and

BE IT FURTHER RESOLVED, the meetings recently posted were too few, announced too late, and were not advertised so that the public would actually be aware. The Army Corps and the other involved agencies need to provide numerous, comprehensive and well-advertised public meetings throughout the affected area, which includes Long Island Sound, New York Harbor, New Jersey coastal waters and the Hudson to Troy; and

BE IT FURTHER RESOLVED, the short comment period, for a proposal with consequences that could last centuries, or millennia, is unacceptable. By contrast, the U.S. Coast Guard, in seeking public feedback on designating new anchorage grounds on the Hudson, initially offered a three-month comment period on an "advance notice of public rulemaking," then extended that by an additional three months, which allowed members of the public time to become informed and voice their opinions. Therefore, we request an extension of the scoping comment period to at least 90 days; and

BE IT FURTHER RESOLVED, only one of the alternatives is even acceptable so far. Alternative 5, described as "Perimeter Only," is the only acceptable alternative the U.S. Army Corps has presented to date. Only "shoreline-based measures" should be employed. Our protection would rely on shoreline-based floodwalls and levees, including beaches, dunes and waterfront parks, combined with reimagined land use from some low lying areas. It would protect our low-lying communities from both storm surge and flooding from rain storms, while leaving our rivers free to flow and thrive; and

BE IT FURTHER RESOLVED, in its cost-benefit analysis of the current array of alternatives, the USACE should include an evaluation of the value of ecosystem services; and the cost of shoreline measures that are essential to protect against flooding from sea level rise, even for alternatives that include harbor wide barriers; and

BE IT FURTHER RESOLVED, The full range of impacts must be considered before the six alternatives are narrowed. Before any alternative is eliminated from consideration, the potential impacts of each alternative should be studied in relation to the following:

- Tidal range / regime and flow velocity.
- Migration of all native fish species.
- Abundance of all native and currently existing fish species.
- Abundance and distribution of all mollusk species throughout the study area.
- Current and potential commercial and recreational fisheries.

- Endangered, threatened and special-concern fish and wildlife species (both federally and state designated) in the New York Bight and in the Hackensack River, Passaic River, Raritan River, Meadowlands, Jamaica Bay and Long Island Sound.
- Vegetation (subaquatic and intertidal).
- Birds.
- Habitat for fish, birds and other wildlife.
- Sedimentation rates, scour and elevation in the rivers, bays and harbor.
- Changes in contamination levels both in the water and in river and harbor sediments.
- Rate at which PCBs and other contaminants will be transported from the rivers and harbor to the sea.
- Water quality in the harbor, rivers and bays.
- Dissolved oxygen levels throughout the study area.
- Salinity throughout the study area.
- Water temperature throughout the study area.
- Nutrient concentrations throughout the study area.
- Frequency of algae blooms throughout the study area.
- The degree and cost of wastewater treatment required to comply with the Clean Water Act, in light of reduced tidal exchange / flushing.
- Induced coastal flooding or deflection of storm surge to areas adjacent to any barrier alternatives.
- Back-flooding inland of any barriers due to heavy rain events.
- Commercial shipping.
- Recreational boating.
- Cost to state taxpayers for future operation and maintenance of ship and tide gates in any barriers.

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh urges Basil Seggos, Commissioner, New York State Department of Environmental Conservation, Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers to request an extension of the scoping comment period with additional public information and scoping meetings, for the NY/NJ Harbor & Tributaries Coastal Storm Risk Management Feasibility Study; and to complete specific studies prior to the winnowing of proposed alternatives.



Storm surge barriers threaten the very life of the Hudson River

The U.S. Army Corps of Engineers is considering several options for coastal storm protections in our region, and some of these options would have catastrophic consequences for the Hudson and New York Harbor. Specifically, storm surge barriers – giant ocean gates – would choke off tidal flow and the migration of fish – damaging the life of the Hudson River Estuary forever.

This is a critical time to speak out and prevent a short-sighted decision.

In response to Superstorm Sandy, the U.S. Army Corps of Engineers (USACE) initiated the **NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study**, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to reduce the risk of coastal storm damage to communities and critical infrastructure. The Corps has offered six alternative conceptual designs:

Alternative 1: “No Action,” meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.

Alternative 2: Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge (*see map at right*).

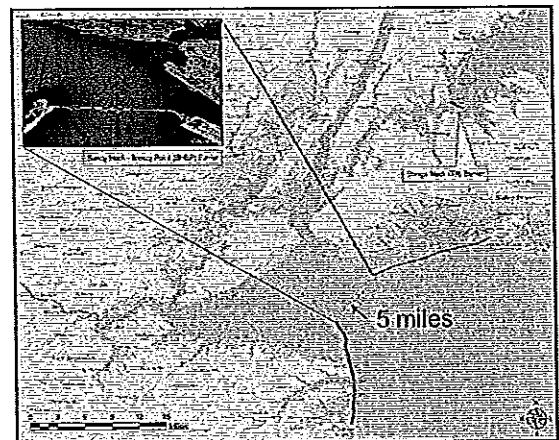
Alternative 3A: Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.

Alternative 3B: Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.

Alternative 4: Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.

Alternative 5: Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative 1.

Several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic



sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

In-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

Deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk.

Back flooding: In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

Potential costs: USACE estimates \$30 billion to \$50 billion to build Alternative 2 in-water barriers, with annual maintenance likely costing billions, without addressing flooding from sea level rise. Alternative 5 (shoreline measures like dunes, dikes, floodwalls, and levees) is estimated at \$2 billion to \$4 billion and addresses both storm surge and sea level rise, while leaving the river to flow freely.

What is the status of the study? USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending September 20, to consider the “scope” of issues it should study in that preliminary environmental review. This short time frame and limited number of meetings is inadequate given the enormous scale of the project.

Non-federal sponsors of the study include New York State, represented by the NYS Department of Environmental Conservation (DEC) and New Jersey, represented by the NJ Department of Environmental Protection. NY and NJ may reject any construction alternative.

Elected officials can take action and make a difference:

1. Send a letter to Basil Seggos, Commissioner, NYSDEC; Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers; and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers:
 - a. Insist that any coastal protection project address the risk of flooding from both storm surge and long term sea level rise.
 - b. Request more information for the public, including the studies the USACE is using to evaluate alternatives.
 - c. Request additional public scoping meetings across New York City, Long Island, and throughout the Hudson Valley.
2. Submit comments, and urge your constituents to do the same, to USACE (NYNJHarbor.TribStudy@usace.army.mil) by September 20. (See template at link below.)
3. Adopt a municipal resolution. (See model language at link below.)

Riverkeeper information page: Riverkeeper.org/barriers

Contact: Rebecca Martin, rmartin@riverkeeper.org, 845.750.7295



Sample Resolution Language: Storm Surge Proposal

URGING, We, as representatives of [insert name of municipality] in [county] urge Basil Seggos, Commissioner, New York State Department of Environmental Conservation (NYSDEC), Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers (USACE) and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers to request an extension of the scoping comment period with additional public information and scoping meetings, for the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study; and to complete specific studies prior to the winnowing of proposed alternatives.

WHEREAS, The U.S. Army Corps of Engineers (USACE) initiated the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to develop and implement measures to reduce the risk of coastal storm damage to communities, critical infrastructure, and important societal resources.

WHEREAS, USACE has proposed six alternatives:

- **Alternative 1:** "No Action," meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.
- **Alternative 2:** Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge (*see map at right*).
- **Alternative 3A:** Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.
- **Alternative 3B:** Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.
- **Alternative 4:** Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.

- **Alternative 5:** Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative

WHEREAS, USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending September 20, to consider the “scope” of issues it should study in that preliminary environmental review.

WHEREAS, This short time frame and limited number of meetings is inadequate given the enormous scale of the project.

WHEREAS, Several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

WHEREAS, In-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

WHEREAS, Deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk. In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

WHEREAS, USACE estimates \$30 billion to \$50 billion to build the in-water barriers in Alternative 2, with annual maintenance likely costing billions, without even addressing sea level rise.

WHEREAS, Alternative 5 — shoreline and nature-based measures (dunes, dikes, floodwalls, and levees) — is estimated at \$2 billion to \$4 billion. It is the only alternative that addresses both storm surge and sea level rise, while leaving the river to flow freely.

WHEREAS, The economy and culture of the Hudson River Valley is intimately tied to the health of the Hudson River, including the migrations of its signature fish. Tourism generates more than \$5.3 billion annually.

WHEREAS, Non-federal sponsors of the study include New York State, represented by the NYSDEC and New Jersey, represented by the NJ Department of Environmental Protection. NY and NJ thereby have the authority to withdraw from the study or to reject any construction alternative.

NOW THEREFORE BE IT RESOLVED, That we, the elected representatives of [insert name of municipality] in [county] in the Hudson Valley, cannot comment effectively, as is our legal right, without detailed information and data on the social, economic and environmental impacts of each alternative. The PowerPoint slides and the fact sheet provided to the public to date are completely inadequate. The Army Corps needs to publish comprehensive information about all the alternatives being considered, including the environmental impacts on the Hudson and the Harbor and to share with the public the complete list of existing studies it will consult in the preliminary assessments of the projects; and

BE IT FURTHER RESOLVED, The meetings recently posted were too few, announced too late, and were not advertised so that the public would actually be aware. The Army Corps and the other involved agencies need to provide numerous, comprehensive and well advertised public meetings throughout the affected area, which includes Long Island Sound, New York Harbor, New Jersey coastal waters and the Hudson to Troy.

BE IT FURTHER RESOLVED, The short comment period, for a proposal with consequences that could last centuries, or millennia, is unacceptable. By contrast, the U.S. Coast Guard, in seeking public feedback on designating new anchorage grounds on the Hudson, initially offered a three-month comment period on an "advance notice of public rulemaking," then extended that by an additional three months, which allowed members of the public time to become informed and voice their opinions. Therefore, we request an extension of the scoping comment period to at least 90 days.

BE IT FURTHER RESOLVED, Only one of the alternatives is even acceptable so far. Alternative 5, described as "Perimeter Only," is the only acceptable alternative the U.S. Army Corps has presented to date. Only "shoreline-based measures" should be employed. Our protection would rely on shoreline-based floodwalls and levees, including beaches, dunes and waterfront parks, combined with reimagined land use from some low lying areas. It would protect our low-lying communities from both storm surge and flooding from rain storms, while leaving our rivers free to flow and thrive.

BE IT FURTHER RESOLVED, In its cost-benefit analysis of the current array of alternatives, the USACE should include an evaluation of the value of ecosystem services; and the cost of shoreline measures that are essential to protect against flooding from sea level rise, even for alternatives that include harbor wide barriers.

BE IT FURTHER RESOLVED, The full range of impacts must be considered before the six alternatives are narrowed. Before any alternative is eliminated from consideration, the potential impacts of each alternative should be studied in relation to the following:

- Tidal range / regime and flow velocity.
- Migration of all native fish species.

- Abundance of all native and currently existing fish species.
- Abundance and distribution of all mollusk species throughout the study area.
- Current and potential commercial and recreational fisheries.
- Endangered, threatened and special-concern fish and wildlife species (both federally and state designated) in the New York Bight and in the Hackensack River, Passaic River, Raritan River, Meadowlands, Jamaica Bay and Long Island Sound.
- Vegetation (subaquatic and intertidal).
- Birds.
- Habitat for fish, birds and other wildlife.
- Sedimentation rates, scour and elevation in the rivers, bays and harbor.
- Changes in contamination levels both in the water and in river and harbor sediments.
- Rate at which PCBs and other contaminants will be transported from the rivers and harbor to the sea.
- Water quality in the harbor, rivers and bays.
- Dissolved oxygen levels throughout the study area.
- Salinity throughout the study area.
- Water temperature throughout the study area.
- Nutrient concentrations throughout the study area.
- Frequency of algae blooms throughout the study area.
- The degree and cost of wastewater treatment required to comply with the Clean Water Act, in light of reduced tidal exchange / flushing.
- Induced coastal flooding or deflection of storm surge to areas adjacent to any barrier alternatives.
- Back-flooding inland of any barriers due to heavy rain events.
- Commercial shipping.
- Recreational boating.
- Cost to state taxpayers for future operation and maintenance of ship and tide gates in any barriers.

Respectfully,
[signatures]

For more information

RESOLUTION NO.: 253 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK
SUPPORTING THE 2018 FUNDING APPLICATION OF
THE NEWBURGH COMMUNITY LAND BANK TO
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL THROUGH
THE LOCAL INITIATIVES SUPPORT CORPORATION AND
ENTERPRISE COMMUNITY PARTNERS, INC.

WHEREAS, in 2016, the Newburgh Community Land Bank was awarded a Land Bank Capitalization Grant in the amount of \$2,000,000.00 from Enterprise Community Partners, Inc. and the Local Initiatives Support Corporation pursuant to a settlement agreement between certain financial institutions and the Office of the New York State Attorney General; and

WHEREAS, the Newburgh Community Land Bank is eligible to apply for a second Land Bank Capitalization Grant in the amount of \$2,000,000.00 from Enterprise Community Partners, Inc. and the Local Initiatives Support Corporation which grant will provide funding to fight blight by repurposing distressed and vacant properties, restoring them to the taxable roll and providing quality housing opportunities; and

WHEREAS, the grant application requires a letter of support from the City of Newburgh; and

WHEREAS, this Council has determined that supporting the funding application of the Newburgh Community Land Bank to Enterprise Community Partners, Inc. and the Local Initiatives Support Corporation is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh the Cover Letter of Support for Land Bank Funding Application, as annexed hereto and made part hereof, in support of the Newburgh Community Land Bank application for a Land Bank Capitalization Grant in the amount of \$2,000,000.00 from Enterprise Community Partners, Inc. and the Local Initiatives Support Corporation through the Office of the New York State Attorney General; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to support the award of such grant funding and the Newburgh Community Land Bank's administration of the programs funded thereby.

SPONSOR COVER LETTER

Date

Elizabeth Zeldin
Enterprise Community Partners, Inc.
1 Whitehall St., 11th Fl.
New York, NY 10004

Re: Cover Letter of Support for Land Bank Funding Application

Dear Ms. Zeldin:

The City of Newburgh hereby submit(s) this request, on behalf of Newburgh Community Land Bank ("NCLB"), to Enterprise Community Partners Inc. for a grant in the amount of two million dollars (\$2,000,000.00). This Grant Request will provide urgently needed funding for NCLB to fight blight in our communities by, among other strategies, repurposing distressed and vacant properties, restoring them to our tax roll(s) and providing quality housing opportunities.

Very truly yours,

[To be executed by Authorized Signatory]

[Signature of Authorized Signatory of Sponsoring Municipality/County]

Name: _____

Title: _____

Date _____, 2016

[Add signature blocks, as needed, for each sponsoring municipality and/or county. If it is easier logistically to have a separate letter from each sponsor feel free to submit individual sponsor letters.]

RESOLUTION NO.: 254-2018

OF

SEPTEMBER 10, 2018

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 5204-2015, 4642-2016, 5537-2017 AND 7660-2018 INVOLVING SECTION 32, BLOCK 1, LOTS 9.11 AND 9.22 AND SECTION 32, BLOCK 2, LOT 1.21 (PRISMATIC DYEING & FINISHING/40 WISNER AVENUE, LLC)

WHEREAS, Prismatic Dyeing & Finishing and 40 Wisner Avenue, LLC have commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2015-2016, 2016-2017 and 2017-2018 tax assessment years bearing Orange County Index Nos. 5204-2015, 4642-2016, 5537-2017 and 7660-2018; and

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

WHEREAS, Prismatic Dyeing & Finishing and 40 Wisner Avenue, LLC are willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2015-2016 as tax map number 32-2-1.2 be reduced to a market value of \$990,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2016-2017 as tax map number 32-2-1.2 be reduced to a market value of \$990,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2017-2018 as tax map number 32-2-1.2 be reduced to a market value of \$990,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2018-2019 as tax map number 32-2-1.2 be reduced to a market value of \$850,000.
- 5- That the proceedings brought in connection with the property described on the City of Newburgh tax roll for the 2015-2016, 2016-2017 and 2017-2018 tax years as tax map number 32-1-9.11 be discontinued with prejudice.
- 6- That the proceedings brought in connection with the property described on the City of Newburgh tax roll for the 2015-2016, 2016-2017 and 2017-2018 tax years as tax map number 32-1-9.22 be discontinued with prejudice.

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

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

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of
PRISMATIC DYEING & FINISHING,

Petitioner,

CONSENT JUDGMENT

- against -

THE BOARD OF ASSESSORS AND THE BOARD OF
ASSESSMENT REVIEW OF THE CITY OF NEWBURGH,

Index Nos. 5204-2015
4642-2016 EF
5537-2017 EF
7660-2018 EF

Respondents

- against -

THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT

Intervenor-Respondent

-----X
40 WISNER AVENUE, LLC,

Petitioner,

- against -

THE BOARD OF ASSESSORS AND THE BOARD OF
ASSESSMENT REVIEW OF THE CITY OF NEWBURGH,

Index No. 7660-2018 EF

Respondents.
-----X

PRESENT: HON. CATHERINE M. BARTLETT

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

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the 2015, 2016, 2017, and 2018 tax years, as follows:

Tax Map No. 32-2-1.2

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

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Amount of Reduction</u>
2015	\$1,590,400	\$990,000	\$590,400
2016	\$1,590,400	\$990,000	\$590,400
2017	\$1,621,700	\$990,000	\$621,700
2018	\$1,621,700	\$850,000	\$771,700

and it is further,

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2015, 2016, 2017, and 2018 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

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

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

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

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

ORDERED, that all tax refunds hereinabove directed to be made by Respondents and/or any of the various taxing authorities be made by check or draft payable to the order of SCHRODER & STROM, LLP as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law § 475; and it is further

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

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

ORDERED, that the proceedings brought in connection with the real property described on the City of Newburgh tax rolls for the tax years 2015, 2016, and 2017 as tax map numbers 32-1-9.11 and 32-1-9.22 be discontinued with prejudice; and it is further,

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

Signed: September __, 2018
 Goshen, New York

ENTER:

HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

Michael G. Ciaravino
City Manager
Dated:

ED MOHLENHOFF, ESQ.
Schroder & Strom, LLP
Attorney for the Petitioner
Dated:

HON. JOANNE MAJEWSKI
Assessor
Dated:

ELIZABETH A. LEDKOVSKY, ESQ.
Shaw, Perelson, May & Lambert, LLP
Attorney for Intervenor-Respondent
Dated:

KELLY M. NAUGHTON, ESQ.
Burke, Miele, Golden & Naughton, LLP
Attorney for Respondents
Dated:

RESOLUTION NO.: 255 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH RENEWING
THE DECLARATION OF A STAGE III WATER EMERGENCY AND URGING ALL CITY
OF NEWBURGH RESIDENTS AND WATER SUPPLY CUSTOMERS TO
CONSERVE WATER DURING THE TEN-WEEK CATSKILL AQUEDUCT SHUTDOWN

WHEREAS, in May 2016, the City of Newburgh switched its drinking source water from Washington Lake to Brown's Pond and then to the Catskill Aqueduct in response to implementation of increased regulatory standards for PFOS and PFOA contaminants; and

WHEREAS, the Catskill Aqueduct will be shut down and unavailable for 10 weeks beginning on October 15, 2018; and

WHEREAS, the City of Newburgh is able to use Brown's Pond as its drinking water supply during the temporary shutdown; and

WHEREAS, to ensure that Brown's Pond has a sufficient quantity of clean water for the needs of City residents, businesses and water supply customers during the Catskill Aqueduct shutdown, it is necessary for all City residents, businesses and water supply customers to take all necessary and appropriate steps to conserve water; and

WHEREAS, the City of Newburgh Water Superintendent has declared a Stage III Water Emergency pursuant to City Code Chapter 293 to require City residents, businesses and water supply customers implement water conservation measures; and

WHEREAS, the City Council has determined that such water conservation measures are in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby supports the declaration of a State III Water Emergency by the City of Newburgh Water Superintendent; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh hereby urges all City of Newburgh residents, businesses and water supply customers take all necessary and appropriate water conservation measures to ensure that Brown's Pond will have a sufficient quantity of clean water during the 10 week Catskill Aqueduct shutdown scheduled to begin on October 15, 2018.

RESOLUTION NO.: 256 - 2018

OF

SEPTEMBER 10, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DEMANDING THAT THE SOURCE OF THE CONTAMINATION OF
THE CITY'S FORMER PRIMARY WATER SUPPLY BE FULLY REMEDIATED
PRIOR TO TESTING WASHINGTON LAKE SOURCE WATER THROUGH
THE GRANULATED ACTIVATED CARBON FILTRATION SYSTEM AT
THE CITY OF NEWBURGH WATER FILTRATION PLANT

WHEREAS, it has been determined that source of the per- and polyfluoralkyl substances ("PFAS") contamination in the City of Newburgh's former primary source water supply in Washington Lake, originates from the New York State Air National Guard Base and Stewart Airport in Newburgh NY; and

WHEREAS, by Resolution No. 307-2017 of October 23, 2017, the Council of the City of Newburgh, New York, authorized litigation against any and all potentially responsible parties in connection with the contamination of Washington Lake and the City of Newburgh Water Supply; and

WHEREAS, on August 6, 2018, the City of Newburgh filed suit in federal court in White Plains against 23 defendants seeking to halt and remediate the on-going contamination of the City's water supply by PFAS substances originating from the New York State Air National Guard Base and Stewart Airport; and

WHEREAS, to date, none of the defendants determined to be potentially responsible for the PFAS contamination have taken any action to halt or remediate the contamination at its source; and

WHEREAS, despite no efforts to halt or undertake remediation of the source of the City's water supply contamination, New York State proposes to test the granulated activated carbon filtration system at the City of Newburgh Water Filtration Plant with Washington Lake source water; and

WHEREAS, New York State is readily able to test the temporary granulated activated carbon filtration system set up and in current use for the de-watering of Washington Lake as an alternative to testing the Granular Activated Carbon system at the City of Newburgh Washington Lake Filtration Plant; and

WHEREAS, in preparation for the upcoming 10-week shutdown of the Catskill Aqueduct, the City of Newburgh has proposed testing Brown's Pond water through the granulated activated carbon filtration system at the City of Newburgh Water Filtration Plant; and

WHEREAS, the City Council of the City of Newburgh opposes running Washington Lake water through the City of Newburgh Water Filtration Plant for any purposes, including testing the granulated activated carbon filtration system, until New York State and any and all potentially responsible parties halt the discharge of contaminants and fully remediate the source of the Washington Lake PFAS contamination at the New York State Air National Guard Base and Stewart Airport and remediate Washington Lake;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh hereby officially opposes running Washington Lake water through the City of Newburgh Water Filtration Plant for any purposes, including testing the granulated activated carbon filtration system;; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that New York State and any and all of the potentially responsible parties fully remediate the source of the Washington Lake PFAS contamination at the New York State Air National Guard Base at Stewart Airport and fully remediate Washington Lake before Washington Lake water is run through the City of Newburgh Water Filtration Plant for any purposes, including testing the granulated activated carbon filtration system.

DEFEATED

RESOLUTION NO.: 257 - 2018

OF

SEPTEMBER 10, 2018

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 9, 2018
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW
AMENDING CITY CHARTER SECTION C3.10 ENTITLED "TERMS OF OFFICE"
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending City Charter Section C3.10 entitled 'Terms of Office' of the City Charter of the City of Newburgh to establish term limits for elected officials"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 9th day of October, 2018, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

LOCAL LAW NO.: _____ - 2018

OF

_____, 2018

A LOCAL LAW AMENDING SECTION C3.10 ENTITLED "TERMS OF OFFICE" OF THE
CITY CHARTER OF THE CITY OF NEWBURGH TO ESTABLISH TERM LIMITS FOR
ELECTED OFFICIALS

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Section C3.10 entitled 'Terms of Office' of the City Charter of the City of Newburgh to establish term limits for elected officials".

SECTION 2 - AMENDMENT

§ C 3.10 of the City Charter is hereby amended as follows:

- A. The terms of office of the elective officers of the City shall be as follows: Mayor, four years; Councilman, four years; and City Judge, six years.
1. Except as otherwise provided in this Section, no person shall be eligible to be elected, appointed, or to otherwise continue to hold the office of Mayor or Councilman after that person has been elected to that office for () complete consecutive four (4) year terms, unless one complete term or more has elapsed since that person last held such office.
 2. In determining the number of consecutive terms a person has served, only terms commencing on or after January 1, 20xx, shall be counted.
 3. In no even shall any person hold the office of Mayor or Councilman for more than consecutive years.
 4. If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. A person appointed by the Council to fill a vacancy in the office of Mayor or Councilman who subsequently is elected to the office of Mayor or Councilman in a general election may not serve more than complete four (4) year terms or more than consecutive years.
- B. The terms of office of the Civil Service Commissioner shall be six years.
- C. Except as otherwise provided in § C5.00, the terms of office of the City Manager and of the City Clerk shall be at the pleasure of the Council.
- D. The terms of office of all City officers appointed by the City Manager shall be at the pleasure of the City Manager. Any or all such appointive City officers may, by action of the City

~~Strikethrough~~ denote deletions

Underlining denotes additions

Manager and with the approval of the Council, be placed in the competitive class of the municipal civil service. No such action shall be taken less than 90 days prior to a general City election.

SECTION 3 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

DRAFT

~~Strikethrough~~ denote deletions

Underlining denotes additions

The City of Newburgh Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

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

Jeremy Kaufman
Assistant Corporation Counsel

MEMORANDUM

TO: Councilman Anthony Grice
Councilman Jonathan Jacobson
Councilwoman Karen Mejia
Councilwoman Ramona Monteverde
Councilwoman Hillary Rayford
Councilwoman Patricia Sofokles
Mayor Torrance Harvey
Michael G. Ciaravino, City Manager

FROM: Michelle Kelson, Corporation Counsel

RE: Proposed first draft local law
Term limits for Mayor and Councilman

DATE: August 28, 2018

As you may be aware City Charter Section C3.10 establishes the terms of office of the City of Newburgh's elected and appointed officers and provides that the terms of office of the Mayor and Councilman shall be four (4) years. Currently, the City Charter does not limit the number of terms, consecutive or otherwise, that a person who is elected as Mayor or Councilman may serve.

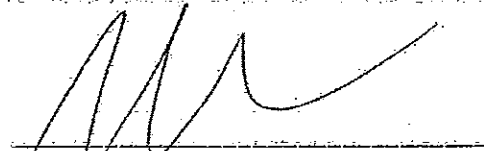
Councilwoman Mejia is interested in proposing term limits for elective office in the City of Newburgh. A local governing body may adopt a local law providing for limits on the number of consecutive terms an elected official may serve and such a local law is not subject to a mandatory referendum or referendum on petition (also known as a permissive referendum). New York State Municipal Home Rule Law ("MHRL") Section 10(1)(i) and (ii)(a)(1) authorizes local governing bodies to adopt local laws consistent with the Constitution and general NYS laws relating to the property, affairs, to the government of a local government and to the qualification of its officers and employees. The New York State Attorney General ("NYSAG") determined that a limitation on the number of consecutive terms sufficiently relates to the affairs and government of a local government and constitutes a qualification for office and does not conflict with any NYS law or Constitution.

A local government may conduct a referendum only where there is specific statutory or constitutional authority to do so. MHRL Sections 23 and 24 provide the statutory authority for conducting mandatory referenda and referenda on petition. In reviewing the authority for mandatory referenda, the NYSAG determined that a local law establishing term limits does not implicate any of the subjects listed in MHRL Section 23 and therefore is not subject to a mandatory referendum. The NYSAG specifically found that such local law does not change the law of succession to the office of mayor of a city and does not abolish, transfer or curtail any power of an elected officer, MHRL Section 23(2)(d), (e) and (f). The NYSAG also determined that a local law establishing term limits does not implicate any of the subjects listed in MHRL section 24 and therefore found no authority to conduct a referendum on petition.

Attached to this memorandum, please find for consideration and review a draft local law proposing a framework for the establishment of term limits for the elected offices of Mayor and Councilman. The framework suggests the following:

1. There should be a maximum number of consecutive terms that to which the officer shall be elected.
2. There should be a commencement date from which the maximum number of elected terms is counted.
3. In addition to a maximum number of consecutive terms, there should be a corresponding maximum number of consecutive years to which any person may hold an elective office.
4. There should be a calculation of maximum number of consecutive terms and consecutive years which addresses the circumstances where vacancies and appointments/elections to fill vacancies occur.

The framework itself is open to discussion by the Council. The proposed framework also leaves for the Council to determine the specific limitations on the maximum number of terms and time in office, as well as the commencement date for the application of said limitations.



MICHELLE KELSON
Corporation Counsel

MK/bhs
Attachment

RESOLUTION NO. 258 - 2018

OF

SEPTEMBER 10, 2018

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR SEPTEMBER 24, 2018 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING CITY CHARTER SECTION C3.12
ENTITLED "RESIDENCY REQUIREMENTS"
OF THE CODE OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Amending City Charter Section C3.12 entitled 'Residency Requirements' of the Code of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 24th day of September, 2018, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

LOCAL LAW NO.: _____ - 2018

OF

_____, 2018

A LOCAL LAW AMENDING SECTION C3.12 ENTITLED "RESIDENCY REQUIREMENTS" OF THE CODE OF THE CITY OF NEWBURGH

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Section C3.12 entitled 'Residency Requirements' of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

City Charter Section C3.12 entitled "Residency Requirements" is hereby amended as follows:

- A. Purpose. The City Council of the City of Newburgh finds that individuals who are officers and department heads of the City of Newburgh take a greater interest, commitment and involvement in the municipality that employs them by living within that community. The City Council further finds that in order to protect the health safety and welfare of the citizens of the City where emergency and emergency work arise, it is necessary that the officers and department heads residing in the City. Accordingly, the City Council determines that there is a sufficient public need to require that officers and department heads initially appointed and hired after the effective date of this Section be residents of the City of Newburgh.
- B. Application. This section shall apply to the officers of the City of Newburgh enumerated in Subsection C3.00(B) and (C) of this Article and the City Marshal and Acting City Marshal initially appointed after the effective date of this local law on or after January 13, 2015. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the City Charter and Code of Ordinances of the City of Newburgh found to be contrary to the provisions herein. City Charter Section C3.00(D) is hereby repealed by this local law.

- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFICER - includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the Traffic and Parking Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the City

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Underlining denotes additions

Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks and Recreation Director, one Planning and Development Director as enumerated in City Charter Section C3.00(B) and (C) initially appointed and hired by the City of Newburgh after the effective date of this local law on or after January 13, 2015 and the City Marshal and Acting City Marshal initially appointed after the effective date of this local law on or after January 13, 2015.

RESIDENCY - a person's usual and customary place of abode where the individual lives and regularly stays, the place where the family of any person permanently resides and the place where any person having no family generally lodges

- D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh after the effective date of this local law on or after January 13, 2015 shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial permanent appointment or become a resident within 90 days of permanent appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

E. Verification and documentation.

1. The City Council shall be responsible for verifying the compliance with this residency requirement for the City Manager, Civil Service Commissioners, City Clerk and members of the Traffic and Parking Advisory Committee. The City Manager shall be responsible for verifying the compliance with this residency requirement for the remaining officers, except for the City Marshal and Acting City Marshal. The City Court shall be responsible for verifying compliance with this residency requirement for the City Marshal and Acting City Marshal.

2. All relevant sources of verification or documentation must be considered in determining an officer's residence. Where the officer's family permanently resides is a significant factor in determining the officer's residence. The following sources of verification or documentation also should be considered:

Voter's registration
Driver's license
Motor vehicle registration
Utility bills and receipts
Deed

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Underlining denotes additions

Tax bills and receipts
Contract for sale
Lease or rental agreement
Landlord's affidavit
Insurance policies
Visual verification

F. Waiver. In the event that the provisions of Subsection D of this Section will prevent the City from filling the officer positions, one sixty (60) day extension may be granted as follows:

1. By the City Council for the Civil Service Commissioners, the City Clerk and the Traffic and Parking Advisory Committee members;
2. By the City Manager for the remaining officers, except for the City Marshal and Acting City Marshal; and
3. By the City Court for the City Marshal and Acting City Marshal.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City or who ~~is an employee of the City~~ as of the effective date of this local law January 12, 2015 and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.
2. Nothing herein shall change the residency requirement for any elected City official.
3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.10(C).

SECTION 3 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on _____, 2018 after it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

~~Strikethrough~~ denote deletions
Underlining denotes additions

The City of Newburgh

Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

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

Jeremy Kaufman
Assistant Corporation Counsel

MEMORANDUM

TO: Councilman Anthony Grice
Councilman Jonathan Jacobson
Councilwoman Karen Mejia
Councilwoman Ramona Monteverde
Councilwoman Hillary Rayford
Councilwoman Patricia Sofokles
Mayor Torrance Harvey
Michael G. Claravino, City Manager

FROM: Michelle Kelson, Corporation Counsel

RE: Revised Proposed Amendment to Local Law No. 1-2015
Residency Requirement for Municipal Officers

DATE: August 27, 2018

As you are aware, by Local Law No. 1-2015 of January 12, 2015, the City Council adopted a residency requirement for the Municipal Officers listed in City Charter Section C3.00(B) and (C). The residency requirement was imposed prospectively for all municipal officers initially appointed on or after January 13, 2017. At the July 6, 2017 work session, concerns were raised about the goals, objectives and application of Local Law No. 1-2015, and it was requested that further discussion of this topic be placed on the August 10, 2017 work session agenda. The concerns appeared to focus on balancing the idea of fostering more engaged and committed municipal officers through City residency and recruiting, retaining and promoting the best qualified candidates for municipal officer positions. Summarizing the concerns raised about Local Law No. 1-2015 at the July 6, 2017 work session:

1. Application to individuals who were City employees on or before the date of adoption but who were not municipal officers. Local Law No. 1-2015 requires individuals who were City employees but who were not City residents on or before effective date of the local law to become City residents in order to be considered for a subsequent appointment to a municipal officer position. This has been perceived to have a negative effect on the opportunities for individuals who were employed by the City who want to be promoted to more senior positions but did not contemplate City residency because it was not required at the time the individual commenced employment with the City. Additionally, Local Law

No. 1-2015 provided an exception from the residency requirement for the individuals holding municipal officer positions at the time of adoption but some of those incumbents had less time in service to the City than other employees who are subject to the residency requirement and who want to be considered for promotion.

2. The potential to limit or negatively impact recruitment for the most senior City positions.

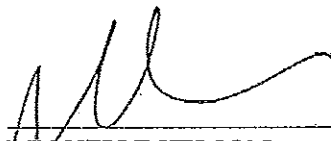
In August of 2017, I prepared a draft amendment to Local Law No. 1-2015 containing options to address these concerns which were presented to Council in August 2017 and after public hearing in September 2017, no further action was taken.

The draft amendment to Local Law No. 1-2015 was submitted to Council again at the August 9, 2018 work session. The proposed amendment would apply the exception to the residency requirement to all individuals who are employed by the City on the effective date of a local law containing such amendment. It would treat incumbent employees the same as the incumbent municipal officers. If a current employee was eligible for an appointment to a municipal officer position on a promotional basis and the employee was not a City resident, the employee would not be required to become a City resident by accepting the promotional appointment.

Previously the proposed amendment included the possibility of a partial or full waiver of the residency requirement on a case by case basis where sufficient evidence is submitted and establishes that the municipal officer position cannot be filled with a qualified City resident or a qualified nonresident who is willing to become a City resident. The proposed amendments to waiver provisions were not well-received at the August 9, 2018 work session and they have been removed from the proposed draft amendment.

Please be reminded that no further and additional revisions or amendments to Local Law No. 1-2015 are or were needed to address the residency for the position of Fire Chief because Local Law No. 1-2015 could not and did not override the residency requirement as set forth in POL Section 3(4) because it is not a general law of the State but rather a special law of the State that cannot be superseded by a local law.

If the Council wants to proceed with the revised amendment as now proposed, the next step is to schedule a public hearing by adopting a resolution scheduling such public hearing at the September 10, 2018 Council meeting. The public hearing would be held at a future Council meeting, which could be as early as September 24, 2018.



MICHELLE KELSON
Corporation Counsel

MK/bhs
Attachment