

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 8, 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 Rev. Nelson McAllister followed by the Pledge of Allegiance.

Pledge of Allegiance/Juramento a la Alianza

Roll Call / Lista de Asistencia

Present: Mayor Kennedy presiding; Councilman Harvey, Councilman Jacobson, Councilwoman Mejia, Councilwoman Monteverde, Councilwoman Rayford, Councilwoman Sofokles

COMMUNICATIONS

Approval of the minutes of the Meeting of December 11, 2017

Councilman Harvey moved and Councilwoman Mejia seconded.

Ayes: Harvey, Mejia, Rayford, Kennedy - 4

Carried

City Manager Update

City Manager, Michael Ciaravino said that we are still waiting for the Civil Service Commission's determination regarding whether Chief Solomon can be the next Police Chief for the City of Newburgh. Assemblyman Skartados wrote a letter of support citing all of Chief Solomon's qualifications as he has extensive experience and we are eager to move forward with our Police Department. He added that if you have a fire hydrant on your property please keep it clear by three feet in each direction.

Councilman Harvey said that Mr. Solomon holds a current position as the Police Chief in Beacon and he is also the Mayor of Monticello. What is the plan regarding those positions if he accepts the position here?

City Manager, Michael Ciaravino said that we will insure that those positions are abandoned. Chief Solomon has indicated that he would resign from those other positions.

City Manager, Michael Ciaravino continued by reminding everyone to keep the fire hydrants clear. With the Catskills aqueduct water we began pushing water through our new Granular Activated Treatment Plant over the weekend and he sent out a Facebook

posting on Sunday. We have the potential for some of the best drinking water in the State or Nation so it was a very exciting day for us. He did send an e-mail to the Council but heard in the Work Session that some of them were upset about the timing and how they received it so he apologized for that. This is good news. We have a number of questions that remain to be answered so Mr. Brand and Mr. Hutton from the DEC and the DOH are here tonight. It was his intention that these men and everyone who has been working with our teams at the Water Department and Engineer's Office since this water crisis hit the City of Newburgh present as they want. We are also scheduling a *"Single Issue Meeting"* for a Monday night later in the month of January and hope to secure a date for that as soon as possible. One of the great assets of our community is the level of knowledge of a lot of our residents and they have asked for the opportunity to participate in a dialogue form. Before the presentation began he recognized Mr. Brand and his team for all of the incredible work they have done to move this project along at the lightning quick speed that they did. No matter what happens he will never see a project in his career that moves along as quickly as this one did. We have an opportunity to deliver next generation quality water in Newburgh which will be yet another first for the State.

PRESENTATIONS

A Proclamation of 44 Years of Service to the City of Newburgh and a Certificate of Appreciation for outstanding service to our Special Events will be presented to Regina Angelo

The City Council presented a Proclamation to Regina Angelo for forty-four years of service to the City of Newburgh and a Certificate of Appreciation for outstanding service to our Special Events in honor of devoted service and accomplishments.

City of Newburgh, NY

Proclamation

January 8, 2018
A Proclamation honoring

Councilwoman Regina Angelo

WHEREAS, **Councilwoman Regina Angelo** served the City of Newburgh City Council from 1972-1979 and from 1987 up to the present time; and

WHEREAS, **Councilwoman Regina Angelo** continues to work in a part-time capacity at the Newburgh Free Library; and

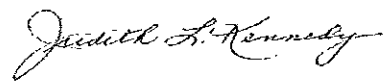
WHEREAS, **Councilwoman Regina Angelo** has been a member of the Orange County Democratic Committee since the 1950's; and

WHEREAS, **Councilwoman Regina Angelo** has served on many different Boards throughout the City of Newburgh such as the Downing Park Planning Committee, NAACP, YMCA and Big Brothers/Big Sisters to name a few; and

WHEREAS, **Councilwoman Regina Angelo** was instrumental in establishing the first Newburgh International Festival more than a quarter of a century ago; and

WHEREAS, **Councilwoman Regina Angelo** continues to lead the arrangements for the Memorial Day Parade, the July 4th festivities and the annual Christmas Tree near City Hall.

THEREFORE, I, Judith Kennedy, Mayor of the City of Newburgh, hereby honor on January 8, 2018 **Councilwoman Regina Angelo** in Newburgh, New York for her devoted service and many accomplishments throughout the years which sets an example of integrity, honor and loyalty for all.



Mayor Judy Kennedy

Department of Environmental Conservation and the Department of Health will give Update on the roll- out of the of the new water filtration system

Martin Brand, Deputy Commissioner for remediation with the New York State Department of Environmental Conservation and Brad Hutton, Deputy Commissioner for public health with the New York State Health Department gave an update on the roll-out of the new water filtration system.

Newburgh project web page: www.dec.ny.gov/chemical/108825.html

DEC info locator: www.dec.ny.gov/pubs/109457.htm.

Mr. Brand said that all of the data they have is out there or will be as soon as they get it. Everyone deserves to know what is happening in their community and what's in their water. Everyone deserves to have clean water so they have all been working very hard to come up with a system that is robust with fail safes and checks and balances. The ultimate goal is to provide clean drinking water free of the PFOS compounds for everyone in this City.

Mayor Kennedy noted that the City Manager is setting up a public session to continue this discussion which will be more interactive with the public. The time, date and place will be announced later this month so please watch for that.

Public Hearing will be held on January 8, 2018 to hear public comment concerning a local law amending Chapter 270 to eliminate a 10 year limitation to the Cold War Veterans Tax Exemption

Mayor Kennedy called a public hearing that was advertised for this meeting to hear public comment concerning a local law amending Chapter 270 entitled "Taxation" to remove a ten year limitation to the Cold War Veterans Tax Exemption authorized by New York State Real Property Tax Law Section 458-b.

Michelle Kelson, Corporation Counsel explained that New York State offers a property tax exemption to eligible Veterans who served during the Cold War era which was 1945 to 1991. Those Veterans who were honorably discharged from the Military during that period and who own residential property subject to the election of the municipality may apply for a property tax exemption. The City of Newburgh originally offered that property tax exemption by passing a Local Law in 2008 and when it was originally adopted the tax exemption was limited to a ten year period. The State Legislature has amended the State Law to eliminate that ten year limitation and it has been recommended to the City Council by the Assessor, Comptroller and Corporation Counsel that the City of Newburgh adopt a similar amendment to eliminate the ten year limitation on that tax exemption. We have seventeen homeowners who currently receive the exemption and if this legislation was not adopted then six of those seventeen recipients would lose that tax exemption and be reflected with higher taxes in 2019. The total estimated dollar amount of removing the ten year limitation is \$1,336.83.

Jeff Wallace, City of Newburgh recommends that we follow the states example and

eliminate the elimination of the exemption. It seems like the noble thing to do.

There being no further comments this public hearing was closed.

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

Stuart Sachs, 28 Lander Street thanked the City for their response to the water crisis as well as the DOH and the DEC. In some of the earlier meetings the Newburgh population was upset with the speed at which things started up but when he took his blood results to his Doctor he was blown away by the speed in which that was put together. He realizes it was a lot of work and that the State stepped up and got things done quickly. He wanted to publicly acknowledge the State and thank them for standing by Newburgh because it boosted his confidence in their willingness to be there for the long run. We clearly need a better response from the Federal Government because they are the ones who have not stepped up. The future protection of our watershed requires the kind of protection that New York City exercises around their water supplies and we need help from the Department of Health because it is his understanding that the Department of Health provides that guidance to the City of New York. None of us new about PFOS and PFOA years ago because it was something we just didn't test for and he wonders how many other things are we not testing for. Are we testing for things like ethylene glycol, which is runoff from anti-freeze that is dripping from cars in parking lots surrounding Lake Washington? Those things are important to look into also.

Nelson McAllister, Liberty Street, welcomed the new Council members and piggy backed on Stuarts comments. He said that our Water Superintendent is excellent and he is doing a fantastic job. In regard to Resolution #7-2018 for the service line replacement program Grant, he is thankful and grateful that they are getting that money. In September he had to replace his line so when they approve this he wonders if there might be some reimbursement for that. We are doing a lot of things in the City of Newburgh and you can't please everyone all the time but we have to keep moving forward. This coming weekend we will be celebrating fifty years of the Martin Luther King celebration. The Black History Committee and the Christian Ministerial Fellowship have put out some flyers for a new program on Sunday called, "*MLK, JR. LIVE*". This will be like a Saturday Night Live thing and they are asking everyone to come out because it's going to be different. There will be poetry by Councilman Harvey and the West Point Gospel Choir will be there also. Then on Monday morning at 9:00 a.m. the Black History Committee will have their annual celebration with a motorcade from Martin Luther King Way to the First United Methodist Church where they will have their day program from 9:00 a.m. to 2:00 p.m. That night the Christian Ministerial Fellowship, which will always celebrate Dr. Martin Luther King's birthday on the day of his birth, will be having their service at the Cathedral at the House of Refuge, 131 Broadway. Their speaker will be Rev. Dr. Ronald Grant, Head Chaplain for the New York State Police and the past President for the Empire Baptist Convention in New York. He is a phenomenal speaker and he is also an accomplished pianist. He invited everyone to come out.

Stephen Sinnott, City of Newburgh said they would like to see ice skating back on the Polly at Downing Park. One of the most delightful fun and free winter activities is skating

outside in a natural setting. Ice skating on the Polly has a long and storied past from 1897, when the Park was first dedicated, to the 1960's when the Mid-Atlantic's Speed Skating would draw crowds as they raced around the Polly. Unknown to many, Newburgh was the home of the Speed Skating Hall of Fame which is now located in Saratoga Springs. Weather permitting they believe that skating on the Polly should be a pastime for Newburgh's youth and generations to come. They ask for the Council's continued support and approval in making this an active recreation in this short season.

Deborah Brown, Newburgh, thanked the City, the Department of Health and the Department of Environmental Conservation for their efforts and said their work is very much appreciated. We will keep pushing, however, and one of the things that concerns her is the City's ability to monitor and have control over its own water supply. She would love to hear at their next public meeting what the plans are to enable that to happen. In terms of the public meeting, she would love to see it held at a venue that everyone in Newburgh feels comfortable going to and she would be happy to help get the word out. She wonders what they can do or are doing to get the DOD to stop polluting our water and more specifics on protection plans. She looks forward to continuing to move forward.

Drew Kartiganer, Meadow Street, congratulated the new Council members and in regard to taxes, there have been a number of developers coming to the City expressing that they are doing economic development with housing. Housing is not economic development and most city or town governments understand that. They are always looking for the ratables with commercial, retail, Hotels and restaurants. The point is that supported housing is not going to build Newburgh's tax base and our taxes are way too high. Fifty people lost homes here in the City of Newburgh because of property taxes and he has heard that Habitat is having problems also because the taxes are too high and the School taxes crazy. Every kid in these residential projects costs \$24,727.00 per year to educate. The School Budget is two hundred sixty seven million dollars and you have ten thousand eight hundred and thirty students which is the biggest hit with our school taxes. Every time you put in residential development on property that you control you are not improving and that is not economic development because you are costing the taxpayers more money. The proposal to put one hundred sixty units on 2 Montgomery Street isn't improving the economic base. He fought the Mid-Broadway Project because they had sixty one children estimated in their ninety-one apartments which would have cost the school district 1.5 million dollars a year and over their forty-five year tax break that is forty-five million dollars out of the taxpayer's pockets for a project that should have never been considered. The property the City owns on the waterfront is worth millions and if they were to develop it for commercial ratables they will be able to develop and fill the ten million dollar gap. Nothing but commercial development pays the taxes, the police, fire and DPW. That is what they have to go for not apartments.

Dan Shapley with Riverkeeper praised the efforts with this water crisis and he feels we have to follow the science that has been presented for us to see and understand. There is still a lot of work to do making sure the water that is coming into the watershed over the long term is clean which is going to be an effort for many years. We have to keep that pressure on the Department of Defense and it's up to us to keep it loud and constant. In support of Resolution #2-2018, he said this is very important for them at Riverkeeper because this is where the sewage spills out into the Hudson if it's not dealt with at its source. This is part of the work that Cities are doing up and down the river so he hopes

they will vote in favor of it.

Christie Amato, Grand Street, piggy backed on what Drew Kartiganer was talking about with our taxes. She understands that at the Work Session they discussed the potential development on the waterfront or on Montgomery Street with Alembic. The residents are requesting again that they put the brakes on this proposal because we need more information. She has heard that we are following the comprehensive plan from ten years ago because Newburgh hasn't changed that much but she begs to differ. There are a lot of changes and she thinks that our comprehensive plan as our road map needs to be completed with what has happened over the past ten years. We also need more information on tax ratables for that project and any project coming in because our number one problem is tax ratables. There should also be a study on what our tax base currently is and it needs to be vetted out better. A lot of people think they are trying to stop anything from being done but she is a developer herself so she is not anti-development. She thinks that those sites should be developed but they need to be developed appropriately. We need to be very clear about what we want to go there. There has been a lot of information and assumptions about affordable and assisted housing and she wants to make it clear that once you take federal money to build assisted housing it doesn't help your community. Once you take that money you can't discriminate where people come from. They are not building affordable housing that helps the City of Newburgh people. They are opening it up to the whole State and you can't discriminate. We already have a decent amount of affordable housing here in the City of Newburgh with a vacancy rate so we can't even fill the affordable housing that we already have. These are things that we need to know before we petition to build more and we need to know what we need. We need a comprehensive plan for that vision to move forward.

Beatrice Harris, City of Newburgh, commended the DOH and the DEC for putting in as much effort as they can with the water contamination but she still has concerns for herself and the entire community. These chemicals that they are dealing with have been linked to cancer and that puts us all at risk. Your body changes over time so she feels that we are barely scratching the surface on this and that we are rushing too fast. We have children and new people coming to the City of Newburgh every day so we need to be one hundred percent committed to clean, safe drinking water. We've been told it has been cleaned before but it is not clean if you are using chemicals to clean it. She has some concerns with this filter because depending on the absorption rate for the PFOS and PFOA, will those filters be changed effectively and timely? If it sits there for too long, it will go right back into our drinking water and we will be right back where we started. We have to see a positive and effective change because we have been through too many contaminations over the past fifty years and there is a serious lack of knowledge here in the City of Newburgh. She hopes that what they are saying is true because people have gotten very sick because their immune system was compromised by these chemicals. They are gambling with a population of over twenty-eight thousand people so if something should go wrong then it will be on their hands.

Ms. Hollow, First Street and member of the Newburgh Clean Water Project thanked everyone involved for their amazing work. The one agency we have not heard from is the Department of Defense which caused this pollution. To her the water and the taxes go hand in hand because Newburgh is not going to be able to generate tax revenue with toxic water. Without the Department of Defense putting in any sort of action plan for this clean

up and without any sort of action for our watershed protection she feels that we are moving too quickly in this transfer. They must urge the Department of Defense to make some sort of report to us about what they intend to do with the cause of this pollution.

Thomas Dodd, Liberty Street, said that this whole idea of a comprehensive plan is important with the tremendous amount of beautiful property that we have here and Newburgh needs to know what it expects from its developers so it is developed cohesively. We have to step back and plan this very carefully. This whole Alembic thing has been very disturbing to him because he has invested very heavily in Newburgh. He has fallen in love with Newburgh but found himself very deeply depressed after the meeting with Alembic. He saw that the community came out and spoke honestly but he feels they weren't taken seriously. The woman that they were talking too completely insulted the audience. If that is who we are supposed to speak to about this project and she doesn't respect us, then where are we? It was very troubling to him on an emotional level. We need to put a lot of information together on all of the different points and it's time to do that. He feels the ice skating is a fabulous idea and he will help in any way that he can.

Mary Wagner, Washington Street, reiterated the appreciation on the amazing work done and she thanked the Council for their questions. She asked about the health of the community and what resources are available. We have had the opportunity to speak in smaller groups about the National testing that will take place so she asked Mr. Hutton if he could share more publicly about how Newburgh can be part of that. She also asked if they could share any precedence of a community actually having preemptive care. Other communities that have been able to work with their Doctors and ongoing support because we have people who are experiencing systems already and we have to figure out what we are dealing with.

Michelle Basch, City of Newburgh, welcomed the new Council and noted that she has seen a positive difference from when she first came here. You never saw a room this full unless everyone was really angry and now we are talking and sharing which is important. She hopes the Council and the audience can keep that civility because we can do so much more if we do. On the Alembic and 2 Montgomery Street Project, she agrees that the moment we accept money from the Government for housing we have no choice and we have a social responsibility to help those who don't have. We can only help those that are here currently in the City of Newburgh and we already have affordable housing that is not filled so we don't need more. We have all kinds of venues and centers here in the City of Newburgh that we can take advantage of and we need to help the people who are here but if we get more people in we won't be able to do that. If our taxes go any higher, she will have to leave. It will become unaffordable as she is not a wealthy person. She loves Newburgh and the people here but the weight of the cost will be unaffordable so she recommends they wait and see what a plan can be developed that is constructive and efficient for all that are here and that will attract people to come here and see the beauty. Do what is right for our City and the people in it.

Richard Rosencrans, Washington Street agrees with a lot of what Ms. Basch just said. In regard to Resolutions #4-2018 and #5-2018 to extend the time for RIPRAP, LLC to rehab those buildings, he said it takes a lot of time to work on these buildings. Eighteen months is not enough time with all of the problems that these buildings face and all of the economic challenges. He asked what Resolution #9-2018 means for the Hudson River Tanker

Avoidance Zones.

Lauren, First Street, thanked the Council for the presentation and said it was very informative. She echoed comments already made and wants to help put pressure on the Department of Defense to continue the cleanup.

Rich, thanked the DOH and DEC for the presentation and asked if they could elaborate on what type of testing and things they did to select the type of carbon they are putting there. Can they talk a little bit more about the testing and whether or not they have expanded to some of the other emerging compounds that the EPA is starting to regulate or has regulated? How are they determining the breakthrough of what they are planning to do? One of the tests they have set up is that they are running a small amount of water through the carbon unit. Carbon is like a big sponge that works great for a little while but as other contaminates peel off how will they address looking at the true breakthrough and show that to the residents here. Again, the presentation was great we just need a bit more detail on some of those items.

Kevandaryn Lujan, 100 Beacon Street and Orange County Legislator for District 4 thanked the City Manager for putting the water issue on the map and the DOH and the DEC for being here and doing this presentation. The reality is that a lot of people are concerned about changing back to that water and we need to keep that in mind. We are a City that has too often been taken advantage of and we don't want to add this to that list. He encouraged the City Council to find ways we can make sure that we are getting access to our watershed because the only way we can really have control over this issue is if we have control of our watershed and we have to keep pushing our State and Federal Government to make sure that they are being kept accountable. In regard to the 2 Montgomery Street Project, unfortunately the City of Newburgh has often been seen as a dumping ground and we don't want to be a community that is being taken advantage of. Newburgh is the gateway to Orange County and we need to make sure we are pushing all forms of government to make sure they are being held accountable. There are a lot of great things happening in Newburgh and Orange County and we are going to lead the way together. The people here have so many beautiful ideas that we will have to tap into much more.

Robert Ford, New Windsor is stationed in the Military here and he told the DOH and DEC that for the DOD to actually get involved in this like they want them to they have to send information up to D.C. not local. There are people up there who really take this water thing seriously and where he is from in Jasper, North Carolina there was a Marine Base there that had a water situation his family was involved in. He asked if they have sent any of their information to the Congressmen or Senators in D.C. Have they had any congressional meetings or anything like that to help fund their project? He sees they have contractors building this facility and that money comes from somewhere so has anyone come to them with results or any type of plan?

Mr. Brand responded that it is all state funded so far. We have been to the Pentagon and it is being investigated.

Mr. Ford continued that after all of these results are computerized and sent how long will it take to get information back on what they want to do with this area? He is asking because

where he lived it took almost fifteen years to get results so it's a slow process but it needs to be done the right way. They have to make sure that the proper people get the information and the people here get their water treated like it should be. He added that each military post is supposed to be responsible for cleaning up their area and he knows for a fact that they had to keep OSHA and EPA standards. Has the Base here given their standard in what they are going to do to help clean this pollution up?

Mr. Brand said there are no plans for that.

Mr. Ford said they might want to consider contacting OSHA representatives and anyone with the EPA dealing with the DOD. He knows that in D.C. there are people that will come here to talk to the people at the Base to get their stuff straight especially if it's affecting the Town.

Steve Kirschner, Pennsylvania, said that the State worked very hard to build the new treatment plant. They are looking at the Rec Pond and things they might do but if it's going to take the federal government fifteen years to move, maybe the same sort of effort for the GAC System should be applied to the Rec Pond so you can cut off the pollution to the Lake now as opposed to fifteen years from now. He would ask the State to consider that same level of effort because a lot of us know that if you can treat it closer to the source, then the system you just put in should have a much longer lifetime and would reduce costs for the plant itself if you can reduce the loading that's going in to the Lake.

Kippy Boyle, Grand Street, welcomed the new members of the Council and she is glad that so many members of the audience are more involved. She understands that the County Budget includes money for the County to purchase lands around either watershed or drinking water areas as buffer protection. She would like the Council to think about who on the Council would like to get zoned into that whole process. What lands will they be looking at and how is that going to happen? What's is the affect for us? What comes to mind for her is Continental Organics which is for sale and it's a commercial property right across the street from Brown's Pond. This is of great concern to her as there have been rumors that when it was active, things were going into Brown's Pond. Besides the County she would also like us to find out from other municipalities if there are other properties that might impact our drinking water. She was also glad that some of the audience members brought up again the fact that the Comprehensive Plan needs to get started soon. At the Work Session the City Manager indicated that he would like to see a slow down on development so that we can have a better vision of where we are going but the head of the Planning Department sounded extremely determined to push forward with this Alembic Project. We can't do a thorough Comprehensive Plan unless part of it is about dealing with future parking. No Council has ever wanted to tackle it because it's going to be messy, unpleasant and educational but we have to do it. She hopes that the Planning Department will be spending its time preparing for the Comprehensive Plan as opposed to other developments. In regard to the President Pro Tem, she hopes they will table that vote for tonight and wait for another meeting.

Sister Virginia Wilkinson, Benkard Avenue said she doesn't know much about city planning but she understands the logic of people talking about affordable housing. She sees people at the Ministry and in our Shelter and when you have a conversation with them about affordable housing they may have a very different definition of what that means. She

asked the Council to please take that into consideration in their Maser Plan.

Bill Conye, business owner in the City of Newburgh welcomed the new Council members and said he compared the taxes in Beacon, Poughkeepsie, Kingston, Port Jervis, Middletown and Newburgh and found it revealing and disturbing. For a \$200,000.00 home in Beacon the taxes would be \$5,800.00 per year and for that same property here in Newburgh the taxes would be \$10,000.00 per year. For a multi-family \$300,000.00 home they would be \$11,500.00 in Beacon but \$17,200.00 here in Newburgh. Newburgh keeps thirty-nine cents on every dollar collected with fifty some percent going to the school district and seven percent to the County so when all is said and done there is not that much money which is impactful across the entire spectrum of residents and businesses whether you are an owner or a renter. He doesn't think there is any debate about the impact because when you look at these cities there has been a progression of economic improvement in these other cities that we haven't seen. This is why a number of people are being so specific about why the high ratables have to be protected. When you look at putting all of the properties that we have back on the tax roll, what that will generate in taxes and how it will lower the overall tax burden, it doesn't move the dial that much. With this whole Alembic thing we are opening up a true dialogue about what the entire community needs and what the tradeoffs are. He thinks words are killing us because we all have egos and we are all good people who want to do the right thing but we get inside of our box about someone's idea wasn't listened to or they weren't understood. When you say affordable housing that might mean low income housing to one person and it might mean supportive housing or subsidized housing to someone else. Maybe if we all take a step back and admit that none of us are experts on this we can work together. Before we make suppositions about what is in a proposal and what's not he encouraged the Council to read it three, four or five times because you really have to read the details to understand what a developer is saying or not saying. If we can all do that, we will have a much higher quality conversation with respect.

Birdget Hayes, Liberty Street said she loves this City. In regard to Alembic, to her it is very obvious that we need social services and help because we have people who are very poor and kids who need a leg up to break certain cycles.. We have people who are poor and kids who need help so she doesn't think that we are going to be able to pay for that if we keep breaking the backs of the people that are here. We need to find a way to increase the tax base and a way to pay for these things that we want to do. It is her understanding that there are federal bodies that can come here to assist and fund historic preservation so she is a little confused as to why we are privatizing the historic preservation of the Dutch Reformed Church. She hopes we are going to put on the brakes and take a good hard look at how we are going to handle the situation.

Richard Fracasse and Cassandra, City of Newburgh said that Alembic is like this secret train coming down the tracks that you can't hear but we know it's there. He is a businessman with an eight million dollar a year HVAC Company and he owns two to three million dollars' worth of property here. The problem with this Alembic stuff is that we need tax ratables and something that is going to generate tax revenue. You want to put an ice skating rink in the Park? That would be nice but who is going to pay for it? We can't pay the Police Department which is one of the lowest paid in New York State working in one of the most dangerous cities in the Country. He is praying that the Council is smart enough to say no to this Alembic Project. There are many things that a whole bunch of

people are working on that he thinks everyone will be surprised with. We have some smart people here in the City of Newburgh and at the next meeting he could put one to two hundred people in this room because that's how many people are off about this. He asked why we aren't suing with this water thing.

Councilman Harvey noted that this Alembic resolution and topic was on the Work Session Agenda but is not on the current Agenda for a vote to be clear.

Judy Thomas, City of Newburgh said she wanted to follow Richard Fracasse because he is one of the private citizens who is doing major economic development here in the City of Newburgh. He has a storefront which is a wonderful fashionista boutique here in Newburgh which she never thought she would see in the four years that she has been here. This is not something that the City did. This is all private investors who had a vision. She thanked all of the people who worked on the Clean Water Project. She recently purchased a property here and is struggling to pay the taxes so she wonders if she made a mistake and is going to get pushed out like everyone else. She hopes not because she considers herself part of this vibrant community. The Alembic Project is not a small step towards the development of Newburgh it is an irreversible step. She is a small step because if the building she buys doesn't succeed, it's not a big deal for anyone but when we are talking about city funds and a big beautiful piece of property that is priceless, we have to step back and consider things. In regard to the Dutch Reformed Church, we can come up with an idea that could be an alternative way of funding that project as we have a lot of creative people here and we have a lot of ideas.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

CITY MANAGER'S REPORT

Resolution No. 1, 2018 - Orange County Urban Renewal Funding Agreement

Councilwoman Rayford asked what type of repairs will be done with this money.

Katie Mack, City Comptroller said they came up with a preliminary budget of a number of things that needed to be addressed in that building to make it readily available for the Warming Center. We needed windows replaced, maintenance to the elevator, missing fixtures and exit lighting to be replaced, sheetrock and painting, fire inspections and some plumbing. These are all just to get the building up to speed.

City Manager, Michael Ciaravino added that there were a number of windows that were broken which have been fixed but there is one that still needs repair; broken exit signs and emergency lighting units were replaced, damaged electric was repaired, exterior lighting was repaired and placed on timers. Katie mentioned that toilets and plumbing was

checked, interior walls were repaired, heating units were checked and serviced, fire alarm systems checked and serviced, a carbon monoxide system was added, the sprinkler system was checked, repaired and certified and fire extinguishers were tested with new additional ones added. We are averaging twenty-six to twenty-eight people per night at this coldest of temperatures.

Councilwoman Rayford said she has been over there a few times and one of the bathrooms is still down. She has been receiving e-mails from Mr. Horton and the one she received last night said that we reached the capacity of twenty-five people so what are we doing with twenty-six through twenty-eight?

City Manager, Michael Ciaravino said he would have to check with Chief Horton but he knows we were able to place them in Middletown that has been looked at as a standby for the capacity issue. It's actually remarkable that with very little advanced warning we took on this role and so far it's working well. He agrees that with the temperatures for this season we are indeed saving lives.

Councilwoman Rayford said she is thankful for that. When we reach the capacity some of the people are housed in local Hotels and she wants to know who pays for that?

City Manager, Michael Ciaravino said there is no funding from the City of Newburgh going towards Hotels.

Councilwoman Monteverde said there is a housing consortium and there are agencies that actually have the funding for emergency housing. If there is overflow, she thinks HONOR's in Middletown where they do emergency housing can handle that but they would of course have to be transported.

Councilman Harvey moved and Councilwoman Mejia seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 2 - 2018 - Amending Resolution No. 263-2017 to include grant funds in the total project cost

Councilwoman Rayford thanked the City Manager and Katie because they are finding Grants which is wonderful. The more she hears about Grants she is happy so keep it up. She doesn't know who is scouting for these Grants or where they are getting them from but they appreciate it.

Councilman Harvey moved and Ramona Monteverde seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 3 - 2018 - to extend Temp Sgt position

Councilman Harvey moved and Councilwoman Sofokles seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Councilman Jacobson said they discussed in the Work Session that we should have more of a uniform way of doing this in the future. He is going to vote in favor of this tonight but there seems to be a haphazard approach on when extensions are given or should be given.

Councilwoman Sofokles agrees with Councilman Jacobson but she is going to vote in favor of this as well just because she knows the history of the project. She has seen this happen over and over again where properties go eighteen months with an extension and nothing ever happens so we need to make sure people can secure financing before we approve the next project and maybe someone else could come up with the financing. Look at 100 Lander Street for example. That building went over and over and over again and now it's falling in on itself and that's just an example of many.

Councilwoman Rayford asked if we can stay on top of these properties that need to be renovated so she is asking that someone monitor who needs to come before the Council to ask for an extension. For example, the building next to the Boys and Girls Club that has been sitting for the two years since she has been on the Council with no one requesting an extension and now its falling in on itself which we don't want to happen. It will then become an empty parking lot and the City taxpayers will have to pay for a demolition so we want to monitor these buildings. She is in support of giving this person an extension.

Councilwoman Monteverde agrees with Councilwoman Sofokles and said that being a new Council Member she doesn't know that if we agree to give another eighteen month extension can we ask if their funding is secured and is there actually a scope of work? Is it possible to ask these questions?

Michelle Kelson, Corporation Counsel wishes they had a more extensive Work Session and apologized to the new Council members who may feel rushed and not have sufficient information. For these newer property sales we have general terms and conditions of sale and you will see those as we move forward. Generally the first extension, if one is necessary, is for the City Manager to grant a short extension for cause shown so they have to give a reason why they need that extension. Before the properties are even brought to the City Council for sale, they are vetted for financing and capacity to do the work. This particular property sale was brought to the City Council in 2016 by the current Planning and Development Department, there was an application made and the purchase was vetted to make sure they had the financial capacity to complete the project. What we can and will try to do better in the future is make sure that as we monitor the progress those milestones that are or are not met for whatever reason is conveyed to the Council at the same time the request is made. After the administrative process with the City Manager is completed, we don't have another alternative but to come to City Council and ask for authority to extend. In the future, we will try to do a much better job at bringing you the information that we do maintain so that you can make a more informed choice.

Mayor Kennedy suggested we give the Council a copy of the forms that have to be filled out and the information that has to be collected before we make a decision. This will help the new Council members know what is actually required before a vote is even started.

Councilman Harvey moved and Councilwoman Mejia seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 5 - 2018 - 378 Liberty Street - Extension of time to rehabilitate

Councilman Harvey moved and Councilwoman Mejia seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 6 - 2018 - Execution of Release of Restrictive Covenants & Right of Re-entry from a Deed for 129 Third Street

Councilman Harvey moved and Ramona Monteverde seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 7 - 2018 - Lead Service Line Replacement Program Grant

Councilwoman Mejia said it was brought up that we should have some sort of criteria especially for individuals who went through the expense in the last quarter of the year. She doesn't know if we have that criteria or what the guidelines moving forward are.

City Manager, Michael Ciaravino said that the preliminary information is that it can only apply prospectively.

Michelle Kelson, Corporation Counsel said we do have to develop the program so the money is available but how that program is administered in your municipality is for the municipality to create.

Councilwoman Mejia asked if they could diary that to give an update to the Council as to what those parameters will be going forward sooner rather than later. Pipes are bursting left and right and she is sure one of those will lead to a lead pipe.

City Manager, Michael Ciaravino said the preliminary discussion they had was first come first serve.

Mayor Kennedy asked if we are going to contribute the whole amount or a portion of the amount. Some may cost \$20,000.00 and others \$5,000.00. How will it be disbursed? We need some guidelines on that.

Councilman Harvey moved and Councilwoman Sofokles seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 8 - 2018 - Electronic Waste Assistance Grant

Councilman Harvey moved and Councilman Jacobson seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No.9 - 2018 - Hudson River Tanker-Avoidance Zones -- Agency Rulemaking

Michelle Kelson, Corporation Council explained many may recall that in 2016 the United States Coast Guard proposed a series of Anchorage Grounds in the Hudson River between Yonkers and Kingston and the previous City Council, among other municipalities, passed resolutions opposing that proposal. Subsequently a Coalition of Hudson River communities developed some strategies for trying to prevent that proposal from gaining traction. Among the resolutions that the previous City Council supported was a Bill in the New York State Legislature that would have created "*Tanker Avoidance Zones*" that would have frozen out the proposed Anchorage Zone. That Bill was actually passed by the State Legislature last year and signed by the Governor and now the Hudson River Community Coalition has requested the City Council support the next step in defining the Tanker Avoidance Zone which would be to have the New York State Department of Environmental Conservation begin rule making on how those Tanker Avoidance Zones would be created and administered. They are asking this City Council to continue its support of the opposition to the Anchorage Zone and support of anything that would prevent, stop or slow down Avoidance Zones from taking place.

Councilman Harvey moved and Councilman Jacobson seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 10 - 2018 - President Pro Tem

Councilman Jacobson said he opposes this resolution as he doesn't think it is necessary. Last year the Council came up with a good way of dealing with any absence of the Mayor by having a rotation. Running the meetings is not that big a deal and he doesn't think this is necessary so he is very disappointed that the Mayor would present something that would divide us at our first session.

Mayor Kennedy said she looks forward to working with everyone on this Council and she has no intention of dividing it or having this be a political stand. Her intention is to create continuity and to go back and follow the President Pro Tem like when Councilman Brown was the President Pro Tem earlier representing her when she was gone. She doesn't want this to be divisive or seen as a political move. She would like to have a point person that she can talk to if she needs to as she is dealing with some severe health issues. That is the point of view she is coming from and nothing else.

Councilman Harvey said this is difficult because he knows and understands that Karen is well capable of serving in this capacity. After hearing all of the facts he feels this is something that will divide the Council but he is going to support this resolution. He also feels that this being proposed on our first night with a new Council seated is an attempt to not see one of our members serve in that capacity if it were the rotating practice as it was in the past. The only change would be that Mr. Jacobson is on the Council now and there are individuals that would not like to see him serve in a leadership capacity such as this. Once again, he is going to support this resolution because Karen is capable and he trusts her leadership and judgement.

Mayor Kennedy added that why this is on the first Council meeting is because this last month has been very trying to her both physically and emotionally. She feels it is important to take care of important matters right away which is why it is on the Agenda tonight. She has been in and out of the Hospital several times so she wants it clear, straight and settled so she doesn't have to worry about it. This is an issue concerning her health so it's coming from the heart and has nothing to do with politics.

Councilwoman Monteverde told Councilman Harvey that she does not believe this is a political move to divide us. She would like to put the past behind us so she supports our Mayor and will be voting yes on this.

Councilwoman Rayford said it was stated that an attempt was made last year when the Mayor visited our homes with the same issue of having Councilwoman Mejia be Pro Tem. She wonders what the time frame will be if this resolution is passed. She told the Mayor that knowing the stresses they have and share as Council Members she has developed high blood pressure because she is passionate with what our City is concerned about. She proposed that the Council come up with a resolution that would allow the Mayor to still be in her position but have the ability to keep her health insurance as she recovers from her illness. If the Council misses three consecutive meetings, they can be voted off and she knows that the Mayor has pressed her way many times to come to a Council meeting as sickly as she is. Maybe the Council can come up with a resolution to help her out because there are some Council Members who don't even receive the health insurance so it wouldn't be an extra cost to the City.

Mayor Kennedy told Councilwoman Rayford that she appreciates her concern but she loves this City and she is committed to what she is doing. Should that become necessary then maybe they can look into it but at this moment she is coming along and hopefully has turned a corner.

Councilman Jacobson told Mayor Kennedy that he hopes her health improves so this never has to come into effect. He is not saying anything against Karen as far as having the ability to do it but his point is that everyone here on the Council has the ability to do it and it would be a different way of solving this issue.

Councilman Harvey moved and Ramona Monteverde seconded.

Ayes: Harvey, Mejia, Monteverde, Sofokles, Kennedy - 5

Nays: Jacobson, Rayford-2

Adopted

Resolution No. 11 - 2018

Councilman Harvey moved and Councilman Jacobson seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 12 - 2018

Councilman Harvey moved and Ramona Monteverde seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 13 - 2018

Councilman Harvey moved and Councilwoman Mejia seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

Resolution No. 14 - 2018

Councilman Harvey moved and Ramona Monteverde seconded.

Ayes: Harvey, Jacobson, Mejia, Monteverde, Rayford, Sofokles, Kennedy - 7

Adopted

NEW BUSINESS

Councilwoman Sofokles brought up the skating on the Polly. If it is not approved tonight they will not have it because it's going to warm up. Do we have to vote on that?

Michelle Kelson, Corporation Counsel said that Steve has been talking to George and her and what he passed out is something she typed up so it is something she is aware of. We are also working on Rules and Regulations for the Skateboard Park but just wanted the Council to be aware that the proposal is out there and we are thinking about all of the nuts and bolts that go with it.

Councilwoman Sofokles said she feels it's a moot point anyway because it's going to be fifty degrees this week unfortunately.

City Manager, Michael Ciaravino said that one of the concerns they talked about was that they performed a couple of tests to determine thickness. Our Engineering team had some questions about the methodology and where they were drilled which Michelle brought back around with the liability so with it warming up there is that risk.

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

OLD BUSINESS

Councilman Harvey said that with Alembic they acknowledged the fact that it was on our Work Session Agenda for discussion but not on for a vote tonight. Many people had concerns they wanted the Council to hear and were hoping for a response but by doing things out of order it didn't give our constituents an opportunity to hear from the Council on this hot topic. Everything the people addressed he is in agreement with. Trying to find the ratables, dealing with and addressing the high taxes and making informed decisions without being impulsive to these ideas that the developer has presented. He agrees we need to vet it out, hear from the public and our focus needs to be on commercial development so we can have those ratables to offset the high taxes in the City of Newburgh. He wishes we had this outpouring two years ago when he first got elected and talked about ratables and creating a commercial corridor down at our waterfront on some of the prime real estate that we have in our City. That was when he asked our City Manager to meet with a developer who was willing, ready and capable of purchasing a

portion of the Consolidated Iron property at fair market value. He only wanted a portion of it and he was going to develop a multi-million dollar Hotel, which is a commercial ratable. He was going to pay fair market value for the land, pay his fair share in taxes, and bring a program to SUNY Orange, Newburgh Campus for Hospitality and Hotel Management as there isn't one anywhere in the Hudson Valley. Two years ago this developer fought with New Paltz to build a Hyatt Hotel there that was historically approved and eco-friendly. He went through five or six years of intense litigation where he spent a lot of money on lawyer fees to build that Hotel. This would not only stimulate our economy with employment but it would create a ratable in that commercial corridor but according to him our City Manager was not interested and did not want to meet with him.

City Manager, Michael Ciaravino said he talked with him about the Montgomery Street parcel to possibly build his Hotel there. The one that is the subject matter with this Alembic proposal.

Councilman Harvey said he wanted to build at the Waterfront.

City Manager, Michael Ciaravino said he wanted to build on a floodplain.

Councilman Harvey said he wanted to build on the waterfront and once again it's the same conversation we are having about again creating ratables, meaningful employment and stimulating our economy. Here we are two years later and this developer is not interested anymore and we still have this land that is just sitting there. There is no movement on what we are going to do with that Consolidated Iron property and there is no movement on creating this commercial corridor. In fact, there was a developer down at the waterfront who purchased a large lot of land and sold it to Mr. Kaplan. We had this developer ready to go with this Hotel. He saw markups, prototypes and blueprints of everything he wanted to do which would have stimulated this economy with meaningful employment.

Councilwoman Rayford said that being this was two years ago and our City Manager was not fond of him that says a lot because the Council should have been enlightened with this information. If the Council didn't take part in that, then it falls on us not the City Manager. What are we really looking for? We are saying the City Manager is kicking the can down the road because he was not favorable of this person but what can the Council do better? There might be other ideas out there and we do need ratables and commercial businesses in that area because it is shovel ready. We need to hear from the public on what ideas they might have.

Mayor Kennedy agrees because two years ago she sat down with our Planning and Development Department and went through all of the properties on the waterfront picking out which parcels could be developed. An important point that was brought up tonight is that housing is not going to ever pay the way and bring this City out of this hole. We have to have real economic development in a commercial space. Water street was once the heartbeat of the City and she knows there are citizens here who want to keep that whole hillside green and beautiful but it is full of all kinds of contaminates. We need to put together some real plans like the City of Yonkers, Kingston and others have done. We need to think about how we are going to develop that waterfront and bring tax ratables back including the Consolidated Iron site which, was temporarily named the People's Park and she knows some people want to keep it that way but this City has to do something

about economic development. She has also suggested that we put together a citizens committee as an economic development council that is not managed by this Council to bring us ideas. We need someone who can go seek out businesses and opportunities and bring them here. We are selling properties, which is good but there needs to be some serious effort to bring additional commercial development into this City to raise the tax base.

Councilwoman Rayford said she would like to hear from and meet with the residents to see what they are coming up with.

Mayor Kennedy said they are doing their own thing and we need to listen because we don't have all the answers here. Any ideas they have she is wide open to because she believes it's necessary and they aren't going to go away.

Councilwoman Mejia said that no one wants them to go away and anyone who wants to participate should be in the room. In terms of economic development and the Consolidated Iron site it was her understanding that one of the impediments when the proposal was first brought up two years ago was the development of the LWRP which has now been finalized. The Peoples Waterfront Park is temporary for now and whatever development does take place there should incorporate public access to the waterfront area. There are many ways to be creative about smart construction even in flood zones. At the Work Session she asked that we put on for the next meeting discussion on how to properly fund for the Dutch Reformed Church hearing loud and clear that we are not sure the Alembic Project is going to work because we haven't seen the numbers. There is a set of numbers out there that need to make sense for both the developer and our City and its taxpayers. Setting a line to be able to accept donations and have conversations with stakeholders about what funds are available that we can go after. Again, we said that once the LWRP was finalized and approved by the State we would move forward with coming up with the parameters. The Mayor asked the City Council at that time to come up with ideas and concepts that we would share among each other about what could go in that request for proposal so we should have that conversation. She added that we talked about the Pavement Management Plan that is in place presently and what the next steps are for that once we are able to start paving and leverage the work that has taken place with Central Hudson and Precision Pipeline. On top of that is very basic crosswalk painting that needs to take place at School Crossings and where new businesses are. It is very simple to do and should be an action plan for spring.

City Manager, Michael Ciaravino said in regard to floodplains and development that we have learned the old waste incinerator plant just immediately south of this parcel has a tremendous amount of asbestos in that building which should be put on the Council's radar screen. There are a number of items that they didn't want to bring up at the first meeting and decided to take it slow but as the meetings progress they will be laying on all of the things that some may know about, have forgotten or will be hearing for the first time. The waste incinerator site could potentially have an impact on what is possible for down at the waterfront. The other item is access as right now there is just that one trestle that comes under the railroad bridge by the Rowing Club. There has been discussion about the need to have an access road and discussion with the DOT and Senator Larkin's Office about what to do with that railroad crossing that is at the northwest corner where the Consolidated Iron site meets the Boat Launch. He spoke with Mr. M about these

challenges when he spoke to him about this other property on Montgomery. He was not interested in that land and didn't want to talk about the development challenges with that parcel so there is more to it.

Councilman Harvey said that he never expressed or articulated that there was more to it.

City Manager, Michael Ciaravino said respectfully that he did and believes it might have been done at a public meeting.

Councilman Harvey said this is the first time he ever heard this.

Councilman Monteverde said she is new at this and it has been a very long meeting but she heard a lot of good comments from the public tonight. She is very interested in smart growth and a good updated Comprehensive Plan that she believes is underway. She hears we need ratables and she agrees so we need to look further into that. In regard to taxes, we need to come up with a solution or figure out a way to make it more sustainable for our homeowners because this is a burden to them. People are coming out in droves because they are very upset about the tax situation and she doesn't blame them.

Councilman Jacobson thanked everyone who came out tonight for his first meeting and hung out to the very end. Everyone on this Council knows about taxes and that we need more ratables. As for economic development, he always felt that the City has to do the basics to get its act together in order to sell the City. There are a lot of things that have to be done to get our act together but we have to improve the quality of life for everyone here. We have to make it so that there is a reason for people to go downtown. We have to remember that Newburgh was originally a transportation hub and he has been hearing about the Westshore Line since he was five years old but we don't have it so we have to create transportation to get people to where the jobs are. They have a lot of things to talk about and he appreciates the sincere concerns. He looks forward to working with everyone in the future and feels they are a very talented group so he is optimistic.

Councilwoman Rayford said it seems like Precision Pipeline and Central Hudson are finished but we must stay on them to pave our roads that they dug into. Some of them are horrendous and need paving which they need to pay for and not the taxpayers. She welcomed the new Council members and told them she knows their hearts are in it. In regard to 104 South Lander Street, the Warming Station, she has visited there several times and when she left her heart was filled with heaviness to know how blessed she has been to have things. They are human beings in need of everything so she is asking everyone to help them out because we have to take care of Newburgh. She sees things are moving forward in this City pertaining to the homeless especially in this frigid weather so she asked when these temperatures are below thirty-two degrees and being that their time frame is from 4:00 p.m. to 8:00 a.m., are they put out then?

Deirdre Glenn said they are moved from 104 South Lander Street over to the Ministry which is open all day and we have organized shuttle buses for that.

Councilwoman Rayford said that sounds good. She has also had conversations with employees there and she is concerned because we have drug users and syringes have been found. The bottom line is that we don't need the liability and there is no security there so

perhaps the Auxiliary Police can assist. We don't need any lawsuits to where taxpayers are paying because we fall short in security. They had to break up a verbal conflict before it escalated into a physical fight so these are things we need to get a hand on before it gets out of control. She wished everyone a Happy New Year and said we love Newburgh which is why we do what we do.

Councilwoman Sofokles said that taxes are her life and she was on the Assessment Review Board so she knows who pays taxes. It is all about taxes so she will never support anything that is not a tax ratable. We need to look into a lot more things and she thinks we should maybe get Mr. M back, knock the Police Station down, build a Hotel Conference Center there and build a new Police Station for a Police Department that is underpaid and overworked. Maybe we can consolidate the Fire Department and put a Public Safety Building where Mill Street Partners wanted to go. That's all she has to say.

Councilwoman Rayford said that our Police Department is underpaid and overworked but they have a two million dollar overtime budget that we are paying.

Councilwoman Sofokles said that she also does taxes for a lot of Police Officers in other municipalities who make a lot more money.

Councilwoman Rayford said to be clear their base rate of pay is low.

Mayor Kennedy said that everyone has had lots of comments and she thanked everyone for coming out.

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

FURTHER COMMENTS FROM THE COUNCIL

There were no further comments.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 11:21 p.m.

**LORENE VITEK
CITY CLERK**

LOCAL LAW NO.: _____ - 2018

OF

_____, 2018

A LOCAL LAW AMENDING CHAPTER 270, ARTICLE VIII, ENTITLED
"EXEMPTION FOR COLD WAR VETERANS"
TO REMOVE THE TEN YEAR LIMITATION

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 Chapter 270, Article VIII entitled 'Exemption for Cold War Veterans' of the Code of the City of Newburgh to remove the ten year limitation".

SECTION 2 - PURPOSE AND INTENT

The purpose of this local law is to amend the real property tax exemption in the City of Newburgh for cold war veterans authorized by Real Property Tax Law Section 458-b to remove the ten year limitation on the exemption as authorized by Chapter 290 of the 2017 Session Laws of New York effective September 12, 2017.

SECTION 3 - AMENDMENT

Chapter 270 Article VIII entitled "Exemption for Cold War Veterans" of the Code of the City of Newburgh is hereby amended to read as follows:

ARTICLE VIII

Exemption for Cold War Veterans

§270-53 Purpose.

The City of Newburgh hereby elects to provide for a Cold War Veterans Exemption pursuant to Section 458-b of the Real Property Tax Law of the State of New York.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

§270-54 Exemption.

- A. "Qualifying residential real property" shall be exempt from taxation to the extent provided for in Real Property Tax Law Section 2(a)(ii), being fifteen (15%) percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand (\$12,000.00) dollars or the product of twelve thousand (\$12,000.00) dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. The exemption authorized by this Chapter shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to a ten year limitation.

§270-55 Disability Exemption.

In addition to the exemption provided by Real Property Tax Law Section 458-b subdivision (a), the City of Newburgh hereby adopts the following disability exemption as provided in subdivision (b) of said law: where the Cold War Veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty (50%) percent of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed forty thousand (\$40,000.00) dollars, or the product of forth thousand (\$40,000.00) dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 4 - EFFECTIVE DATE:

This Local Law shall take effect immediately, in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: 1 - 2018

OF

JANUARY 8, 2018

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE COUNTY OF ORANGE
FOR REIMBURSEMENT OF FUNDS TO THE CITY OF NEWBURGH
IN THE AMOUNT OF \$10,000.00 FOR AN URBAN RENEWAL PROJECT
CONSISTING OF REPAIRS AND IMPROVEMENTS TO THE MUNICIPAL BUILDING
LOCATED AT 104 SOUTH LANDER STREET

WHEREAS, the Orange County Department of Public Works (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an agreement, a copy of which is attached hereto and made a part hereof, to provide for funding a certain urban renewal project consisting of repairs and improvements to the municipal building located at 104 South Lander Street within the City; and

WHEREAS, the County shall provide the City a total sum of Ten Thousand (\$10,000.00) Dollars for the completion of this urban renewal project; and

WHEREAS, such funds shall be used exclusively for the repair and improvements of the municipal building located at 104 South Lander Street, Newburgh, New York; and

WHEREAS, this Council has reviewed the attached agreement and has determined that entering into such agreement would be 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 the attached agreement with the County of Orange to provide for a total sum of Ten Thousand (\$10,000.00) Dollars in order to obtain the available funding for an urban renewal project consisting of repairs and improvements to the municipal building located at 104 South Lander Street, Newburgh, New York.



**INTER-MUNICIPAL AGREEMENT -
FUNDING FOR URBAN RENEWAL PROJECT**

THIS AGREEMENT is entered into on _____, 2017, by and between the **County of Orange** (the "County"), a municipal corporation of the State of New York, with its principal offices located at 255-275 Main Street, Goshen, New York 10924, and the **City of Newburgh** (the "City"), a municipal corporation of the State of New York, with its principal offices located at 83 Broadway, Newburgh, New York 12550 (collectively, the "Parties").

WHEREAS, the Parties agree that entering into this Inter-Municipal Agreement (the "Agreement") will be in the best interest of both the County and the City; and

WHEREAS, entering into this Agreement is voluntary and will not be construed so as to interfere with or diminish the power or authority of the County or the City.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt, existence and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The County shall provide to the City ten thousand dollars (\$10,000.00) for expenditures to be made by, or on behalf of, the City for an urban renewal project.
2. The urban renewal project to be funding by this Agreement, whole or in part, shall consist of repairs to the municipal building located at 104 South Lander Street, Newburgh, New York. It is anticipated that the work will include, but will not necessarily be limited to, repairs to the electrical system, repairs to the plumbing system, installation of new sheetrock, window

replacement, and repairs to the existing elevator to bring it into compliance with the applicable provisions of the building code.

3. Within 150 days of the City's receipt of the ten thousand dollars (\$10,000), the City shall provide to the County receipts, invoices, bills and/or other documentation evidencing the expenditure of the ten thousand dollars (\$10,000) on repairs to the municipal building located at 104 South Lander Street, Newburgh, New York. The County may request additional documentation in support of the expenditure(s) made by the City, and all such requests shall be reasonable in both time and scope.

4. The City shall reimburse the County any portion of the ten thousand dollars (\$10,000) if the documentation required by paragraph 3 herein is not received by the County within 150 days of the City's receipt of the ten thousand dollars (\$10,000).

5. The City shall reimburse to the County any portion of the ten thousand dollars (\$10,000) that is not expended on repairs to the municipal building located at 104 South Lander Street, Newburgh, New York, within 150 days of the City's receipt of the ten thousand dollars (\$10,000).

6. The County shall have no obligation to the City beyond the payment of funds in accordance with the terms and conditions of this Agreement.

7. This Agreement constitutes the complete and final expression of the terms of the Agreement between the Parties, and supersedes any prior agreement or understanding relating to the subject matter of this Agreement. Any prior agreement or understanding, whether expressed verbally or in writing, shall be deemed to be null and void and of no further effect.

8. No modification or amendment to this Agreement shall be effective unless it is in writing and signed by the duly authorized representatives of the Parties. Unless otherwise

specifically provided for therein, the provisions of this Agreement shall apply with all force and effect to the terms and conditions contained in any such modification or amendment of this Agreement.

9. This Agreement shall be governed by, and construed in accordance with, the laws of the State of New York.

10. To the fullest extent permitted by law, the City shall defend, indemnify and hold harmless the County, County 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), arising out of any negligent, reckless, intentional or otherwise wrongful act or omission of the City that relates to the subject-matter of this Agreement.

11. The City shall provide proof of Workers' Compensation and Disability Coverage's as required by the New York State Worker's Compensation Board and such proof shall be attached to this Agreement.

12. All provisions of Federal, State and local laws, rules, regulations and ordinances governing non-discriminatory practices; warranties against collusion; solicitation or procurement; warranties against conflicts of interest; ethics laws; confidentiality; fair practices and any other legally imposed safeguard, shall apply to this Agreement, and all acts performed by the City relating to this Agreement.

13. This Agreement shall be binding upon, and inure to the benefit of, the Parties, and to their respective successors and/or assigns.

14. Neither party to this Agreement shall assign, transfer or otherwise dispose of any of its rights or obligations under this Agreement without the prior written approval of the other

party. Any assignment without the prior written approval of the other party to this Agreement shall be void.

15. The City shall maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement, or the funds provided to the City pursuant to this Agreement.

16. The City shall retain all books, records and other documents relevant to this Agreement, or the funds provided the City pursuant to this Agreement, for six (6) years after the termination of this Agreement. The County, or any State and/or Federal auditors, and any other person or entity duly authorized by the County, shall have full access and the right to examine any of said materials during said period.

17. Any notice or communication required by this Agreement shall be sent via first class mail to:

For the County:

Erik Denega, P.E., P.M.P.
Commissioner, Department of Public Works
2455-2459 Route 17M, P.O. Box 509
Goshen, New York 10924

For the City:

Michael G. Ciaravino
City Manager, City of Newburgh
83 Broadway
Newburgh, New York 1550

18. The Parties have the right to designate additional or different recipients and/or addresses.

19. The County shall have no liability under this Agreement to the City, or to any other person or entity, beyond funds appropriated and made available for this Agreement.

20. This Agreement is for the sole benefit of the Parties, and is not for the benefit of any other person or entity. No other person or entity shall have standing to require satisfaction of the terms and conditions of this Agreement, or be deemed to be a beneficiary of the terms and conditions of this Agreement.

21. Any legal suit, action or proceeding arising out of, or relating to, this Agreement shall be commenced in the Supreme Court, Orange County, and the parties irrevocably submit to jurisdiction and venue of such court in any such suit, action or proceeding.

22. The parties agree that the terms and conditions of this Agreement are the result of negotiations between the Parties, and that this Agreement shall not be construed in favor of or against any party by reason of the extent to this Agreement was prepared by, or on behalf of, any party.

23. This Agreement does not create a partnership or agency relationship between the Parties.

24. This Agreement may be executed in any number of counterparts, each of which shall be considered an original for all purposes, and all such counterparts shall together constitute one (1) and the same instrument.

25. The failure of either of the Parties to enforce at any time any provision of this Agreement shall not constitute a waiver of any such provision, or a waiver of a remedy that may be available for a breach. No condition of this Agreement shall be considered waived by the parties unless such waiver is explicitly given in writing.

26. Each signatory to this Agreement represents and warrants that he/she is fully authorized to execute this Agreement on behalf of the County and/or the City.

(Remainder of Page Intentionally Left Blank – Signature Page Follows)

IN WITNESS WHEREOF, the County of Orange and the City of Newburgh have entered into this Agreement as of the date above written.

COUNTY OF ORANGE

CITY OF NEWBURGH

Steven M. Neuhaus
County Executive

Michael G. Ciaravino
City Manager

Dated: _____

Dated: _____

RESOLUTION NO. 2 - 2018

OF

JANUARY 8, 2018

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED JANUARY 8, 2018, AMENDING RESOLUTION NO. 263-2017 ADOPTED SEPTEMBER 25, 2017 IN RELATION TO FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, AT THE ESTIMATED TOTAL COST OF \$4,200,375.

Recitals

WHEREAS, the City Council of the City of Newburgh, New York, has heretofore duly authorized construction of the Liberty and Grand Street Improvements Project, at the estimated maximum cost of \$3,600,000 (the "Project"), which amount was appropriated therefore pursuant to Bond Resolution No. 290-2014 duly adopted on November 24, 2014 and Bond Resolution No. 263-2017 duly adopted amended on September 25, 2017 (the "2017 Bond Resolution"), and it has now been determined that the City expects to receive financing assistance from the New York State Environmental Facilities Corporation ("EFC") for the Project, through (i) a grant in the estimated total amount of \$600,375, and (ii) short-term interest-free loan financing and eventual long-term bond financing in an estimated total amount not to exceed \$3,600,000; and

WHEREAS, it is now appropriate to amend the 2017 Bond Resolution to reference the inclusion of such EFC financing assistance in the revised plan of finance for the Project;

Now, therefore,

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

Section (A). Bond Resolution No. 263-2017 duly adopted by the City Council on September 25, 2017, entitled:

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

is hereby amended to read as follows:

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 25, 2017 AND AMENDED JANUARY 8, 2018, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,200,375, APPROPRIATING \$1,700,375 FOR SUCH PURPOSE, IN ADDITION TO THE \$2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS TO FINANCE A PORTION OF SAID ADDITIONAL APPROPRIATION AND THE EXPENDITURE OF \$600,375 GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF

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

Section 2. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and

separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,200,375 and \$1,700,375 is hereby appropriated therefor, in addition to the \$2,500,000 previously appropriated pursuant to Bond Resolution No. 290-2014 adopted by the City Council on November 24, 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds, the issuance of bonds in the principal amount of \$1,100,000 bonds of the City in addition to the \$2,500,000 bonds previously authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes, and application of \$600,375 expected to be received from the New York State Environmental Facilities Corporation to be expended towards the cost of the project thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes to be levied and collected for the payment of such principal and interest.

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

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

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

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

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

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution or a summary hereof, are not substantially complied with,

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

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

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

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

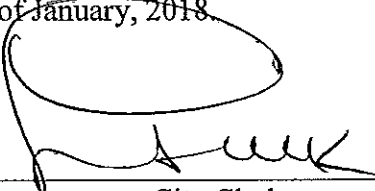
Section (C). This resolution shall take effect immediately.

CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on January 8, 2018, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this 9th day of January, 2018.

(SEAL)



City Clerk

Liberty Grand Street Sewer Project
Breakdown of Council Approved Financing, EFC Grant and EFC
Financing
Council Work Session 1/4/2018

Total Estimated Project Costs - Liberty St/Grand St Sewer	
Project	\$ 4,200,375.00

Original Spending Authorization - Resolution 290-2014	\$ 2,500,000.00
Additional Spending Resolution 263-2017	\$ 1,100,000.00
Total Council Authorized Borrowing	\$ 3,600,000.00
 Total Grant Allocation from EFC	 \$ 600,375.00

Total Council Approved Funding for Liberty/Grant St Sewer	
Project	\$ 4,200,375.00

Current Financing

EFC Finance C3-7332-09-75	\$ 286,000.00
EFC Finance C3-7332-09-76	\$ 1,494,625.00
Total Current Financing	\$ 1,780,625.00

EFC Grant C3-7332-09-76	\$ 600,375.00
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Current Secured funding for project	\$ 2,381,000.00
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Available authorization for additional low interest borrowing through EFC	\$ 1,819,375.00
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Engineers • Environmental Scientists • Planners • Landscape Architects

NYSEFC C3-7332-09-75/76
UPDATED OPINION OF PROBABLE PROJECT COST
LIBERTY AND GRAND STREETS SEWER REHABILITATION PROJECT
CITY OF NEWBURGH, ORANGE COUNTY, NEW YORK

Total of the Lowest Responsive/Responsible Bidders Unit Bid Price		\$	3,248,115
Administration and Legal Engineering	2.5%	\$	81,300
Original Engineering Agreement		\$	256,600
Engineering Amendment #1 - Add EFC Bid Packet		\$	-
Engineering Amendment #2 - Add CDBG Program Requirements		\$	15,000
Proposed Engineering Amendment #3 - Additional CA/CO		\$	195,500
Non-Construction Subtotal:		\$	548,400
Project Contingencies	10%	\$	379,652
Opinion of Probable Total Project Cost:		\$	4,176,167
Current NYSEFC IUP Listing/Funding	C3-7332-09-75	SMLP Loan	\$ 286,600
	C3-7332-09-76	SMLP Loan	\$ 1,494,625
	C3-7332-09-76	SMLP Grant	\$ 600,375
			\$ 2,381,600
	Shortfall	\$	1,794,567
	Say		\$1.8 Million

RESOLUTION NO.: 3-2018

OF

JANUARY 8, 2018

**A RESOLUTION AMENDING THE 2018 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) SERGEANT POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, the Police Department previously advised the City Manager that the department is in need of an additional individual to perform the duties of "Sergeant;" and

WHEREAS, by Resolution No. 310-2017 of November 13, 2017, the City Council authorized the amendment of the 2017 Personnel Analysis Book to create one additional Sergeant position in the Police Department Sergeant position on a temporary basis; and

WHEREAS, the Police Department has advised the City Manager that the temporary Sergeant position will be needed until February 28, 2018; and

WHEREAS, the City Council has determined that adding one temporary Sergeant position in the Police Department through February 28, 2018 will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2018 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title "Sergeant" in the Police Department through February 28, 2018.

RESOLUTION NO.: 4 - 2018

OF

JANUARY 8, 2018

A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION
OF TIME TO REHABILITATE PREMISES OWNED BY RIPRAP, LLC
KNOWN AS 326 LIBERTY STREET (SECTION 12, BLOCK 1, LOT 14)

WHEREAS, the City of Newburgh did convey the premises located at 326 Liberty Street, more accurately described as Section 12, Block 1, Lot 14 on the official Tax Map of the City of Newburgh by deed dated June 20, 2016; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about December 20, 2017; and

WHEREAS, Thomas Dodd d/b/a RipRap, LLC, the owner of property located at 326 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and requests a 1 year extension to complete the rehabilitation; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Dodd d/b/a RipRap, LLC be granted a one (1) year extension to rehabilitate the premises known as 326 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before January 7, 2019, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: 5 - 2018

OF

JANUARY 8, 2018

A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION
OF TIME TO REHABILITATE PREMISES OWNED BY RIPRAP, LLC
KNOWN AS 378 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 35)

WHEREAS, the City of Newburgh did convey the premises located at 378 Liberty Street, more accurately described as Section 10, Block 1, Lot 35 on the official Tax Map of the City of Newburgh by deed dated June 20, 2016; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about December 20, 2017; and

WHEREAS, Thomas Dodd d/b/a RipRap, LLC, the owner of property located at 378 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and requests a 1 year extension to complete the rehabilitation; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Dodd d/b/a RipRap, LLC be granted a one (1) year extension to rehabilitate the premises known as 378 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before January 7, 2019, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: 6 -2018

OF

JANUARY 8, 2018

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO LETITIA MEYERS AND HEFLA MEYERS
TO THE PREMISES KNOWN AS 129 THIRD STREET
(SECTION 23, BLOCK 3, LOT 6)

WHEREAS, on March 1, 2001, the City of Newburgh conveyed property located at 129 Third Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 23, Block 3, Lot 6, to Letitia Meyers and Hefla Meyers; and

WHEREAS, the owners, by their attorney, have requested a release of the restrictive covenants contained in the deed from the City of Newburgh; and

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

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 129 Third Street, Section 23, Block 3, Lot 6, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated March 1, 2001, from the CITY OF NEWBURGH to LETITIA MEYERS and HEFLA MEYERS, recorded in the Orange County Clerk's Office on March 21, 2001, in Liber 5482 of Deeds at Page 299 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.

RECORD & RETURN TO:

RESOLUTION NO.: 7 - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A NEW YORK STATE DEPARTMENT OF HEALTH
LEAD SERVICE LINE REPLACEMENT PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$544,745.00 REQUIRING NO CITY MATCH**

WHEREAS, New York State's Clean Water Infrastructure Act of 2017 amended the Public Health Law to require the New York State Department of Health (NYSDOH) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines; and

WHEREAS, the LSLRP covers the full replacement of residential water service lines from the public water main to the residence and included typical project costs such as engineering fees, legal fees, municipal administration fees, construction costs of materials, equipment and labor, and site and property restoration; and

WHEREAS, the City of Newburgh wishes to accept a NYSDOH LSLRP Grant in an amount not to exceed \$544,745.00 with no City matching funds required; and

WHEREAS, the City Council finds that accepting a NYSDOH LSLRP Grant is in the best interests of the City of Newburgh and its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a New York State Department of Health Lead Service Line Replacement Program Grant in an amount not to exceed \$544,745.00 requiring no City match; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

December 11, 2017

The Honorable Judy Kennedy
Mayor, City of Newburgh
83 Broadway
Newburgh, NY 12550

Re: Lead Service Line Replacement Program
Grant Award Notification
(C) Newburgh, Orange Co.

Dear Mayor Kennedy:

On behalf of the New York State (NYS) Department of Health, I am pleased to inform you that your municipality has been awarded a NYS Lead Service Line Replacement Program (LSLRP) Grant. The LSLRP was created by the NYS Clean Water Infrastructure Act of 2017 to provide municipalities with grant funds to assist in the replacement of lead service lines.

Your LSLRP grant has been awarded in an amount not to exceed \$544,745. The final amount of your grant will be determined in accordance with program requirements and is contingent upon the review and approval of the Office of the State Comptroller.

In order to begin the contract negotiation process, please send your finance contact person's name, phone number and e-mail address to LSLRP@health.ny.gov. Also, if you wish to designate a municipal contact to receive LSLRP related information, please provide that contact information as well.

Additional details about the LSLRP can be found on the program web site: <https://health.ny.gov/environmental/water/drinking/lslrp/index.htm>. You may also contact Mr. Stephen Marshall (stephen.marshall@health.ny.gov) or Mr. Dan MacElrath (richard.macelrath@health.ny.gov) at (518) 402-7650 with any questions you may have regarding the LSLRP.

We look forward to working with you on your water quality improvement project.

Sincerely,

Lloyd R. Wilson, Ph.D.
Director
Bureau of Water Supply Protection
NYS Department of Health

cc.: NYSDOH - Metropolitan Region, Attn: Ms. Westerman, Ms. Pan
Orange County Health Department, Attn: Mr. Avila

Lead Service Line Replacement Frequently Asked Questions

- [LSLRP home](#)
- [Awards](#)
- [Program eligibility](#)
- [Lead in drinking water](#)

General Information

What is the Lead Service Line Replacement Program?

New York's Clean Water Infrastructure Act of 2017 (Act) amended the Public Health Law to require the Department of Health (Department) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines.

Where in law can I find the Lead Service Line Replacement Program?

The LSLRP is located in section 1114 of the New York State Public Health Law.

How much money is available?

The LSLRP received a \$20 million allocation from the 2017 New York State budget.

How will the money be distributed?

In 2011, Governor Cuomo established 10 Regional Economic Development Councils (REDC) to provide a local focus for state investment. The LSLRP will utilize these 10 REDC Region boundaries for the purpose of distributing funds. Each region is guaranteed a minimum allocation of \$1 million, with the remaining funds distributed across the 10 REDC Regions based on the regional population as a percentage of the total state population, utilizing 2016 U.S. Census data.

How much money can my municipality receive?

Based on the legislative requirement to equitably distribute available funds, the LSLRP will offer funding of at least \$500,000 to at least two municipalities per region (the exception being the NYC Region, which contains one municipality).

How were municipalities chosen to participate in the LSLRP?

Municipal eligibility has been pre-determined by the Department based on criteria contained in the Act: *"Within each region, the department shall give priority to municipalities that have a high percentage of elevated childhood blood lead levels, based on the most recent available data. In*

-----distributing the awards allocated for each region to such priority municipalities; the department shall also consider whether the community is low income and the number of lead service lines in need of replacement."

To meet this directive, the following three data categories were chosen to evaluate and target potentially eligible municipalities: percentage of children with elevated blood lead levels (BLL), median household income (MHI), and the number of houses built before 1939 (<1939) - published reports indicate homes constructed before 1939 have a higher probability of containing lead service lines. Eligibility thresholds were chosen by the Department after a review of available data. Municipalities that met all three of the eligibility thresholds were deemed eligible to potentially receive LSLRP funding.

Why was my municipality chosen to receive a LSLRP award offer?

Municipalities that met the eligibility thresholds were listed with other municipalities in their region, in order based on the data from the three eligibility categories (municipalities with a combination of high BLL, low MHI and large number of old houses placed higher on the regional list). LSLRP award offers were extended to the municipalities at the top of their regional list.

Does my municipality have to accept the award offer?

No. If your municipality chooses not to participate in the LSLRP, your award offer will be rescinded and offered to the next eligible municipality in your region.

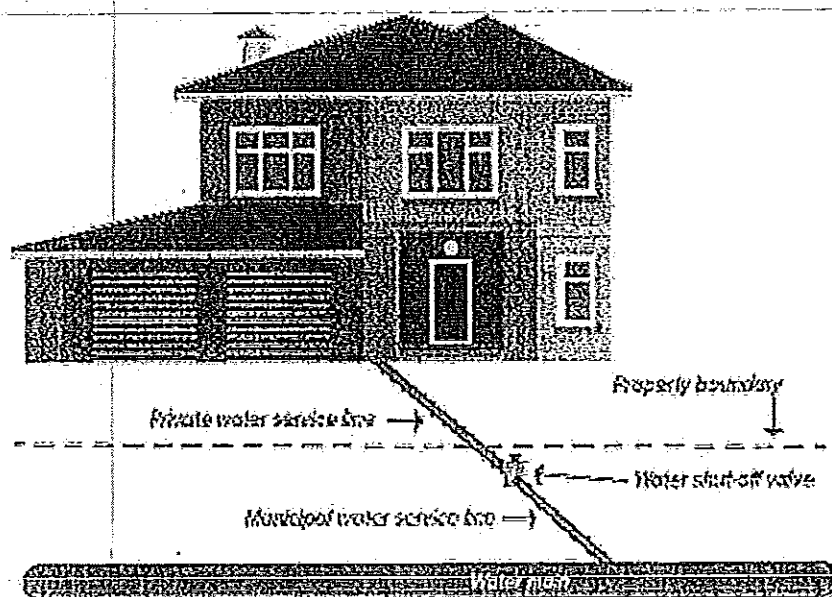
What other funding sources are available if my municipality was not selected, or if additional funds are needed?

The Drinking Water State Revolving Fund (DWSRF) and Water Infrastructure Improvement Act (WIIA) are two New York State funding programs which may be able to provide financial assistance for the replacement of lead service lines.

Program Guidelines

What kind of service lines are covered under the LSLRP?

The LSLRP covers the full replacement of residential water service lines from the public water main to the residence.



What costs are covered under the LSLRP?

Typical project costs such as engineering fees, legal fees, municipal administration fees, construction (materials, equipment, labor) and site/property restoration are included.

How does my municipality choose which lead service lines to replace?

Each municipality will be responsible for contacting homeowners to confirm the presence of a lead service line (full or partial) and whether or not the homeowner is interested in having it replaced.

Who performs the work to replace the lead service line?

Municipalities can utilize their own work force, hire external contractors or allow homeowners to hire their own contractor. Regardless of the method chosen, LSLRP and New York State contract requirements (M/WBE, wage rates, reporting, etc.) will need to be met.

What is the mechanism for receiving funding from the Lead Service Line Replacement Program?

In order to receive the funding, the municipality will enter into a contract with the New York State Department of Health. The contract will be submitted and approved electronically through the New York State Grants Gateway, which also offers training webinars and other information for grantees.

What requirements does a contract with New York State contain?

A copy of a sample Master Grant Contract can be found at the New York State Grants Gateway. All contract language found within the contract must be adhered to for this program. Included in the contract will be budget and workplan documents that will be developed in negotiations with Bureau of Water Supply Protection program staff.

~~What is the method for receiving payment for expenses under this contract?~~

The municipality will submit quarterly vouchers to the program contact identified in the contract document. In order to submit a voucher and receive the payment via check or electronic ACH payment, the municipality must be registered within the New York Statewide Financial System (SFS). Information regarding SFS can be found there or by emailing LSLRP@health.ny.gov.

How does the municipality report on work as it gets completed?

Along with the voucher, the municipality will submit a quarterly progress report which will outline the work that has been completed to date.

Additional Information

Where can I find more information about lead?

- More information about lead can be found on the New York State Department of Health's lead website.
- If you have additional questions about lead in drinking water, please contact your local health department.

FREQUENTLY ASKED QUESTIONS

New York State Department of Health Lead Service Line Replacement Program (Updated December 21, 2017)

Background

Drinking water can be a source of lead exposure. Lead can enter drinking water when service pipes that contain lead corrode, especially where the water has characteristics that corrode pipes and fixtures, such as high acidity or low mineral content. Corrosion is found to occur often in brass or chrome-plated brass faucets and fixtures with lead solder, from which significant amounts of lead can leach into the water, especially hot water. The U.S. Environmental Protection Agency (EPA) estimates that drinking water contaminated with lead can contribute to 20 percent or more of a person's total exposure to lead. Infants who consume mostly mixed formula can receive 40 to 60 percent of their total exposure to lead from drinking water.

General Information

Q1. What is the Lead Service Line Replacement Program?

A1. New York's Clean Water Infrastructure Act of 2017 (Act) amended the Public Health Law to require the Department of Health (Department) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines.

Q2. Where in law can I find the Lead Service Line Replacement Program?

A2. The Lead Service Line Replacement Program is located in section 1114 of the New York State Public Health Law.

Q3. How much money is available?

A3. The LSLRP received a \$20 Million allocation from the 2017 New York State budget.

Q4. How will the money be distributed?

A4. In 2011, Governor Cuomo established 10 Regional Economic Development Councils (REDC) to provide a local focus for state investment. The LSLRP will utilize these 10 REDC Region boundaries for the purpose of distributing funds. Each region is guaranteed a minimum allocation of \$1 Million, with the remaining funds distributed across the 10 REDC Regions based on the regional population as a percentage of the total state population, utilizing 2016 U.S. Census data.

Q5. How much money can my municipality receive?

A5. Based on the legislative requirement to equitably distribute available funds, the LSLRP will offer funding of at least \$500,000 to at least two municipalities per region (the exception being the NYC Region, which contains one municipality).

Q6. What is the anticipated cost to replace a lead service line?

A6. Based on the length of the service line and other site-specific variables, the replacement cost could be between \$5,000 and \$10,000 per lead service line.

Q7. How were municipalities chosen to participate in the LSLRP?

A7. Municipal eligibility has been pre-determined by the Department based on criteria contained in the Act: *"Within each region, the department shall give priority to municipalities that have a high percentage of elevated childhood blood lead levels, based on the most recent available data. In distributing the awards allocated for each region to such priority municipalities, the department shall also consider whether the community is low income and the number of lead service lines in need of replacement."*

To meet this directive, the following three data categories were chosen to evaluate and target potentially eligible municipalities: percentage of children with elevated blood lead levels (BLL), median household income (MHI), and the number of houses built before 1939 (<1939) - published reports indicate homes constructed before 1939 have a higher probability of containing lead service lines. Eligibility thresholds were chosen by the Department after a review of available data. Municipalities that met all three of the eligibility thresholds were deemed eligible to potentially receive LSLRP funding.

Q8. Why was my municipality chosen to receive a LSLRP award offer?

A8. Municipalities that met the eligibility thresholds were listed with other municipalities in their region, in order based on the data from the three eligibility categories (municipalities with a combination of high BLL, low MHI and large number of old houses placed higher on the regional list). LSLRP award offers were extended to the municipalities at the top of their regional list.

Q9. Does my municipality have to accept the award offer?

A9. No. If your municipality chooses not to participate in the LSLRP, your award offer will be rescinded and offered to the next eligible municipality in your region.

Q10. What other funding sources are available if my municipality was not selected, or if additional funds are needed?

A10. The Drinking Water State Revolving Fund (DWSRF) and Water Infrastructure Improvement Act (WIIA) are two New York State funding programs which may be able to provide financial assistance for the replacement of lead service lines. Additional information on each program can be found here:

DWSRF - <https://www.efc.ny.gov/drinkingwater>

WIIA - <https://www.efc.ny.gov/WIIA>

Program Guidelines

Q11. What kind of service lines are covered under the LSLRP?

A11. The LSLRP covers the full replacement of residential water service lines from the public water main to the residence.

Q12. Can Lead Service Line Replacement Program grant funds be used to replace lead service lines for buildings other than residential structures?

A12. Yes. However, priority should be given to replacing lead lines serving residential properties.

Q13. What costs are covered under the LSLRP?

A13. Typical project costs such as engineering fees, legal fees, municipal administration fees, construction (materials, equipment, labor) and site/property restoration are included.

Q14. My municipality dug up portions of a road to replace lead "goosenecks". Can Lead Service Line Replacement Program grant funds be used to refinish the entire road?

A14. No. Only the portion of the road related to the "gooseneck" replacement will be eligible for reimbursement under the LSLRP.

Q15. My municipality doesn't know where lead service lines are located. How can we find them?

A15. The Department recommends looking at older homes (those constructed before 1940), older areas of the municipality, or areas near where lead service lines have been found in the past. Property owners can also provide information if they suspect their water service line contains lead.

Q16. How can a homeowner test if they have a lead service line?

A16. The easiest way to test if a water service line might contain lead is via a "scratch test". After locating where the water service line enters the building, typically in a basement or near a water meter, identify a test area on the pipe between the point where it enters the building and the inlet valve before the water meter. Using the flat edge of a screwdriver, gently scratch the outside of the pipe. If the scratched area is shiny and silver, it is likely a lead service line (a magnet will not stick to lead pipe). If the scratched area is copper in color, like a penny, the service line is copper (a magnet will not stick to copper pipe). If the scratched area remains a dull gray color, and a magnet sticks to the surface, the service line is galvanized steel.

Q17. How does my municipality choose which lead service lines to replace?

A17. Each municipality will be responsible for contacting homeowners to confirm the presence of a lead service line (full or partial) and whether or not the homeowner is interested in having it replaced.

Q18. What requirements are there for choosing a service line to be replaced?

A18. The only requirement is that some portion of the service line must contain lead. This includes the "gooseneck" connecting the municipal watermain to the service line, the service line from the curb stop to the building, or both.

Q19. Do the service lines chosen for replacement need to serve a residence with children?

A19. No. Children do not need to live at the residence having the service line replaced.

Q20. Who performs the work to replace the lead service line?

A20. Municipalities can utilize their own work force, hire external contractors or allow homeowners to hire their own contractor. Regardless of the method chosen, LSLRP and New York State contract requirements (M/WBE, wage rates, reporting, etc.) will need to be met.

Q21. What is the mechanism for receiving funding from the Lead Service Line Replacement Program?

A21. In order to receive the funding, the municipality will enter into a contract with the New York State Department of Health. The contract will be submitted and approved electronically through the New York State Grants Gateway. Municipalities can find information and training webinars regarding the Grants Gateway at: <https://grantsreform.ny.gov/Grantees>.

Q22. What requirements does a contract with New York State contain?

A22. A copy of a sample Master Grant Contract can be found at the following website: <https://grantsreform.ny.gov/>. All contract language found within the contract must be adhered to for this program. Included in the contract will be budget and workplan documents that will be developed in negotiations with Bureau of Water Supply Protection program staff.

Q23. Are MWBE requirements included in the Lead Service Line Replacement Program? If so, what are the goals?

A23. The New York State certified MWBE participation goal for the LSLRP is 30%. If a municipality is unable to meet that goal, a waiver request process is available.

Q24. How long will my municipality have to spend the money?

A24. The LSLRP contract length will be two years. If a municipality is unable to spend all of its grant award in that time, a contract extension request process is available.

Q25. What is the method for receiving payment for expenses under this contract?

A25. The municipality will submit quarterly vouchers to the program contact identified in the contract document. In order to submit a voucher and receive the payment via check or electronic ACH payment, the municipality must be registered within the New York Statewide Financial System (SFS). Information regarding SFS can be found at the following website: <http://www.sfs.ny.gov/> or by e-mailing LSLRP@health.ny.gov.

Q26. What is the turnaround time for reimbursement?

A26. The Department estimates that program eligible costs submitted by a municipality can be reimbursed within 30 to 60 days of receipt by the State.

Q27. How does the municipality report on work as it gets completed?

A27. Along with the voucher, the municipality will submit a quarterly progress report, which will outline the work that has been completed to date.

Additional Information

Q28. Where can more information about lead be found?

A28. More information about lead can be found on the Department's website at:

https://www.health.ny.gov/environmental/lead/education_materials/index.htm

If you have any additional questions about lead in drinking water, please contact your local health department. Contact information is available at:

http://health.ny.gov/environmental/water/drinking/doh_pub_contacts_map.htm

RESOLUTION NO.: 8 - 2018

OF

JANUARY 8, 2018

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION ELECTRONIC WASTE ASSISTANCE GRANT
FOR MUNICIPAL E-WASTE ASSISTANCE

WHEREAS, the New York State Department of Environmental Conservation has funding available in FY 2016/2017 to assist New York State municipalities with the unanticipated costs of collecting and recycling eligible electronic wastes; and

WHEREAS, the Household Hazardous Waste State Assistance Program will reimburse up to 50% of actual expenses incurred during the period April 1, 2017 to December 31, 2017 for collection/recycling of covered e-waste such as computers, computer peripherals, televisions, small scale servers, and small electronic equipment, pursuant to the New York State's Electronic Equipment Recycling and Reuse Act; and

WHEREAS, the City of Newburgh expects to spend \$3,787.40 during the grant period and has requested reimbursement in the amount of \$1,893.70 to partially defray costs paid to an e-waste recycling firm (recycler) for covered e-waste recycling; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Department of Environmental Conservation Electronic Waste Assistance Grant for Municipal E-Waste Assistance for the period April 1, 2017 through December 31, 2017; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

RESOLUTION NO.: 9 - 2018

OF

JANUARY 8, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING IMMEDIATE STATE AGENCY RULE-MAKING FOR
TANKER-AVOIDANCE ZONES IN THE HUDSON RIVER

WHEREAS, in 2016 the U.S. Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/ S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce, New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the City of Newburgh to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the City of Newburgh is home to a rapidly developing Hudson River waterfront, as well as a large historic district listed on the National Register of Historic Places and Washington's Headquarters Historic Site, both having majestic Hudson River views, the integrity of which would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the City of Newburgh has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river as described in Resolution No. 244-2016 of September 12, 2016, Resolution No. 72-2017 of March 13, 2017 and Resolution No. 166 -2017 of June 12, 2017; and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Tappan Zee Bridge and the Port of Albany, and a recommendation to establish new anchorage grounds was discussed and could be part of the USCG's PAWSA report; and

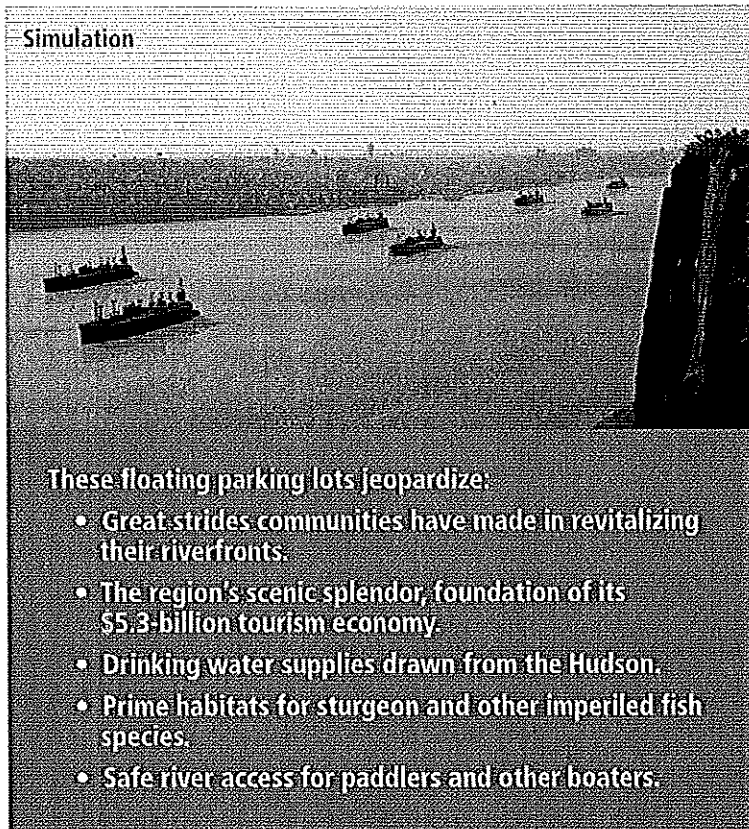
WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among these many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Newburgh requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and

BE IT FURTHER RESOLVED that the City Clerk of the City of Newburgh, New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. William J. Larkin, Jr., New York State Senator, the Hon. Frank Skartados, New York State Assemblyman, and to such other persons as the City Council, in its discretion, may deem proper in order to effectuate the purpose of this resolution.

Proposed Hudson River Anchorages



Background

The U.S. Coast Guard (USCG) proposal to establish 10 new sites for 43 commercial vessels to anchor along the Hudson River between Yonkers, Westchester County, and Kingston, Ulster County, was temporarily suspended pending a Ports and Waterways Safety Assessment (PAWSA). This proposal could turn over 2,400 acres of the river into huge "parking lots" for barges—in 42 out of the 43 berths, vessels could sit for 30 days or more, letting companies store flammable crude oil awaiting shipment to East Coast refineries. Allowing these containers to anchor on the Hudson puts our natural resources, aquatic habitats and scenic views at risk. These vessels, which can hold up to 4 million gallons of volatile cargo, would increase the risk of spills, leaks or explosions and jeopardize all of the progress Hudson River communities have made in revitalizing their waterfronts.

The USCG has not demonstrated that new anchorages are needed for navigational safety. And there are other measures that can enhance navigational safety without compromising environmental and community interests.

What has been done?

- In 2016 over 10,000 comments were submitted to the USCG, with over 96% expressing negative concerns over the proposal.
- In 2017 the USCG temporarily suspended the rulemaking pending a PAWSA.
- In November 2017 Scenic Hudson participated in two PAWSA workshops hosted by the USCG where we reiterated our continued opposition to any official designation of new anchorages and offered alternative mitigation measures to improve navigational safety.
- Gov. Cuomo signed Senate Bill 5197b and Assembly Bill 6825 into law, authorizing the Department of Environmental Conservation to issue enforceable regulations that would designate Tanker Avoidance Zones on the Hudson River based on environmental considerations and waterfront communities.

What you can do

- Contact the NY Department of Environmental Conservation and urge it to issue strict regulations that will prohibit new anchorage grounds from being sited where they pose a clear and direct threat to the environment, quality of life and regional economic development goals.

DEC's Bureau of Public Outreach: public@dec.ny.gov or 518 402 8044

- Ask your Representative to support bill number H.R. 2619, which would prevent the Coast Guard from establishing any new anchorage grounds on the Hudson River without submitting a report to Congress detailing their potential impacts on critical habitats and sites listed on the National Priorities List. Also ask your Representative to support the amendment to division E of Rules to bar expenditures for new anchorages sites in the specified area prior to October 1, 2018.

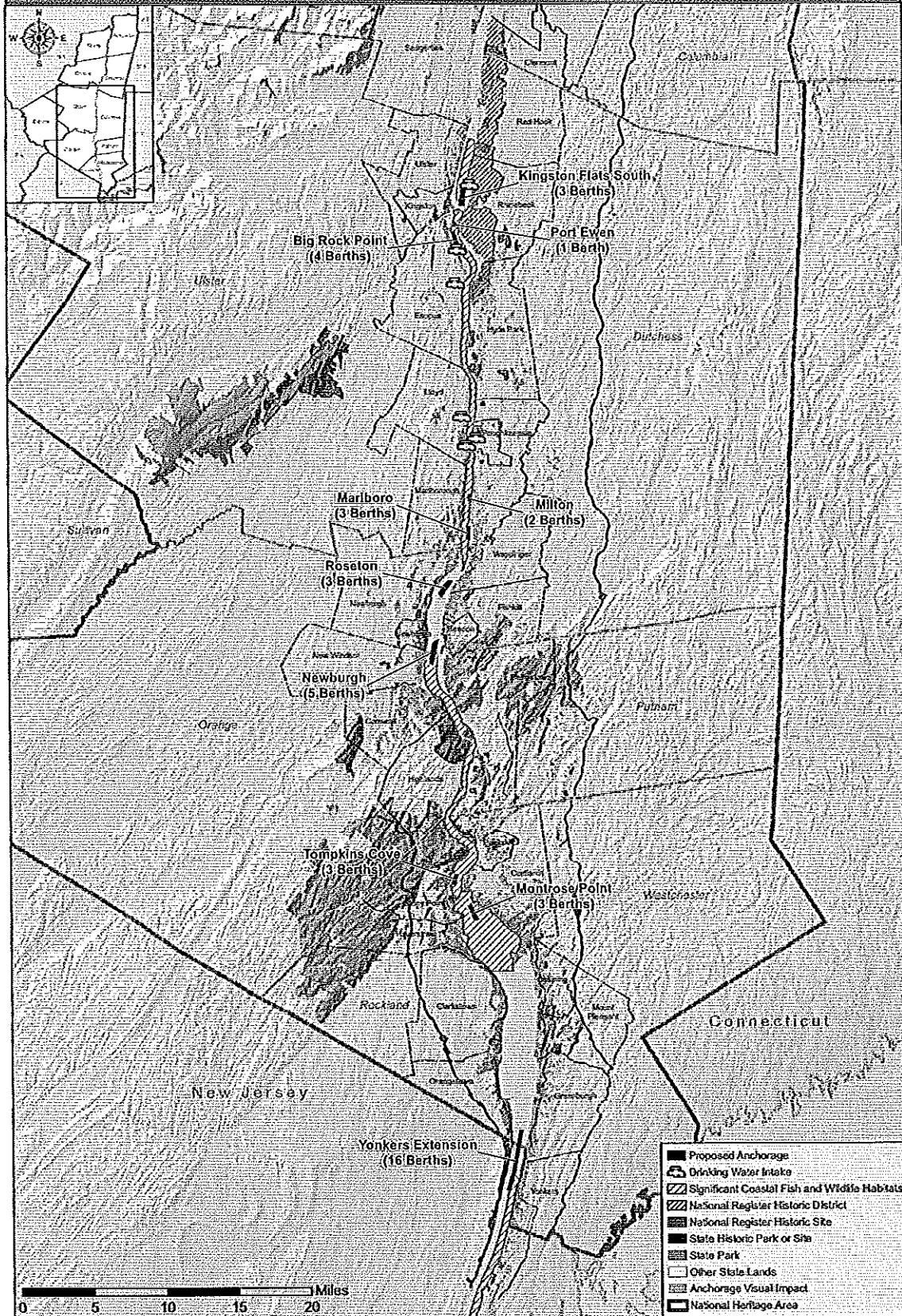
U.S. Capitol switchboard: 202 224 3121



Proposed Hudson River Anchorages

Hudson River Valley National Heritage Area

November 2016



RESOLUTION NO. 10 - 2018

OF

JANUARY 8, 2018

A RESOLUTION APPOINTING KAREN MEJIA AS THE
PRESIDENT PRO-TEM TO SERVE IN THE ABSENCE OF THE MAYOR
AS THE PRESIDING OFFICIAL AT CITY COUNCIL MEETINGS

WHEREAS, it is the official duty of the Mayor of the City of Newburgh to preside over the Council meetings to ensure that business of the city is performed according to the Rule of Order; and

WHEREAS, it is sometimes necessary for the Mayor to be absent either through illness or must attend another meetings that are essential to the betterment of the affairs of the City; and

WHEREAS, Section C4.11 of the City Charter states that "the Council may appoint one of its members as President Pro Tem, who, in the absence or disability of the Mayor, shall preside over the meetings of the Council and perform the duties, exercise all the functions and have the powers of the Mayor during the continuance of such absence or other disability";

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newburgh that Karen Mejia is appointed as President Pro Tem to serve in the absence of the Mayor; and

BE IT FURTHER RESOLVED by the City Council of the City of Newburgh that this resolution shall supersede Resolution No. 195-2016 of July 28, 2016.

RESOLUTION NO.: 11 - 2018

OF

JANUARY 8, 2018

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A SETTLEMENT OF A CLAIM WITH PROGRESSIVE INSURANCE COMPANY**

WHEREAS, the City of Newburgh has made a claim for property damage against Progressive Insurance Company for damage by its insured, Leslie Vazquez, to City of Newburgh Police Vehicle No. 130; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand Six Hundred Thirty-Five and 84/100 Dollars (\$5,635.84) in exchange for a release and to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim for property damage to City of Newburgh Police Vehicle No. 130 and accept the total amount of Five Thousand Six Hundred Thirty-Five and 84/100 Dollars (\$5,635.84) and is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 12 - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH BELVEDERE HOUSING LP IN THE AMOUNT OF \$9,700.00**

WHEREAS, Belvedere Housing LP brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Nine Thousand Seven Hundred and 00/100 Dollars (\$9,700.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Belvedere Housing LP in the total amount of Nine Thousand Seven Hundred and 00/100 Dollars (\$9,700.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 13 - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH EUGENE JOHNSON IN THE AMOUNT OF \$26,250.00**

WHEREAS, Eugene Johnson brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Twenty-six Thousand Two Hundred Fifty and 00/100 Dollars (\$26,250.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Eugene Johnson in the total amount of Twenty-six Thousand Two Hundred Fifty and 00/100 Dollars (\$26,250.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 14 - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH ROQUAN HARRIS IN THE AMOUNT OF \$10,000.00**

WHEREAS, Roquan Harris brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Roquan Harris in the total amount of Ten Thousand and 00/100 Dollars (\$10,000.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.