

A regular meeting of the City Council of the City of Newburgh was held on Tuesday, October 15, 2019 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence (Prayer)/ Momento de Silencio (Rezo)

Mayor Harvey asked for a Moment of Silence followed by the Pledge of Allegiance.

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

Present: Mayor Harvey, Presiding; Councilman Grice, Councilwoman Mejia (arrived after roll call), Councilwoman Monteverde, Councilman Sklarz, Councilwoman Sofokles - 6

Absent: Councilwoman Rayford - 1

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on September 23, 2019 / Aprobación del acta de la Reunión General del Concejal del 23 de septiembre de 2019

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Monteverde, Sklarz, Sofokles, Harvey - 5

Carried

PRESENTATIONS

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

Mayor Harvey noted that we need to maintain order at this meeting. If at any point things get out of order, they will be asked to leave. They are glad to see everyone here tonight and they are glad that everyone cares about the City of Newburgh. There were a lot of statements and disclaimers put on social media that were not necessarily true and near the end of tonight's agenda our City Manager will present a Proposed Budget for the City Council to consider for fiscal year 2020. The City Council has not made any decisions about layoffs or anything else regarding the 2020 Budget and they can't say they are going to make cuts when they haven't seen it yet. If you live in the City and you know the City Charter, you would know that on the second Monday in October the City Manager proposes a Budget for the next fiscal year and then after that the Council looks at that Proposed Budget. The Council has an opportunity to reject or accept that Proposed Budget and make amendments, suggestions and changes to that Budget. On November 12th there will be a Public Hearing so we can hear from the public on that Proposed

Budget and then on November 25th we take our vote to make the Proposed City Budget law. They don't know what the numbers are yet but he keeps telling people, "*Men lie, women lie but numbers don't lie*".

Mayor Harvey added that if there are any comments regarding the Proposed 2020 Budget they are going to be reluctant to hear those comments because they haven't seen it yet.

Jeanne Abrams, 32 Bayview Terrace, read a poem in honor of the appointment of Mona Toscano as City of Newburgh Poet Laureate

Minister; Dr. Evelyn Williams Lindsey, said a Prayer:

Erica, 155 Lander Street, urged the Council to vote against Danskammer. Corporate control of resources and things that affect our land, water and air is a bad deal. The IPCC Report has given us about twelve years to pull our act together or our children and grandchildren have no future. Another item that is important to her is the issue of spaying and neutering stray cats. Since she has lived here she has spayed and neutered about fifteen cats at a cost of about \$140.00 per cat with vaccinations which is really expensive. Some people get vouchers for \$25.00 for spaying and neutering so she doesn't know what we need to do as a City to get a Grant or something to work with the Animal Rights Alliance because they do low cost spaying and neutering every Monday at the Walmart parking lot. It would be a public service for this City to not have sick, starving animals running around on our streets. She has exhausted her funds doing this so she is asking the Council to please consider whatever can be done in that regard.

Shelly Starkey, New Windsor, said she is here on behalf of the kids who live on Courtney Avenue. She has been to the meetings several times concerning Courtney Avenue Park and did a cleanup several years ago where she was told she was not following protocol because she didn't have a permit. After speaking to our Recreation Director, she found out that the money has already been approved for a basketball hoop but the Council decided we don't need one there. If you don't want it in the Park the owner of the vacant lot across from the Park has offered the land to put the hoop there. These are little kids who can't walk to the Recreation Department or the Armory alone and there is a temporary hoop there now but it's not stable. Someone has to be their voice.

Rich Fracasse, City of Newburgh thanked the Firemen, Policemen, DPW and Codes. The City of Poughkeepsie just announced they are adding Policemen so just think about that. A year or two ago we started talking about tax ratables and that we need them. Every project that starts here should be paying taxes and then we could pay for all of our Firemen, Policemen, DPW and Codes who are working hard every day. If they need a mediator we could put a small group of people together to mediate between the City of Newburgh and the Police and Fire Departments. He knows they don't want to lay off these guys and he doesn't know where the Budget is at but why are people being hired when we don't have any money? The Water Department decreased the water consumption just by fixing the leaks. He prays that we can work this out. We need tax ratables and we need to pay these people. They make the least amount of money to work in one of the most dangerous cities in the Country.

Deborah Danzy, 375 Lake Drive, Vice Chair on the Democratic Committee said that the road at Lake Drive and Lake Street needs to be fixed. It is the entrance to a senior complex and she has been told it is going to get done but it hasn't been fixed yet. She would like to meet George Garrison because we need to know what's going on with this road. People use this road frequently. By next year if this road is not done the cab companies will be raising their fare to \$6.00. You can't keep pushing this back as if we don't exist. People pay their taxes and we have a daycare on that corner so it's not fair. We need to get this road fixed.

Jason Morris, City Engineer said that bridge was red flagged and closed for safety. That bridge has been in design for two years and the City recently acquired the right of way to the property it needs to reconstruct it and it will be reconstructed in the year 2020.

Ms. Danzy said she is not talking about the bridge on Lake Street a/k/a 32. She is talking about the road on Lake Drive North and Lake Street.

George Garrison, DPW Superintendent said that the bridge on Lake Drive North is the bridge that Mr. Morris was just talking about. The roadway we will be repaving within the next two weeks.

Ms. Danzy noted that if nothing is done by the end of the year there will be some serious problems. It has been put off forever and it's not fair.

Carla Johnson, 52 S. Miller Street said that this past summer Skoufis and Jacobson with Mayor Harvey did a media launch about the SNUG Program and she wants to know when it's coming. The gun violence here is out of control and we need the Police to protect us from the violence that's going on here. When is the SNUG Program going to come here so we can get a safe community?

Mayor Harvey said that DCJS contacted him last week as they just transferred the funds to RECAP. He has been pushing for this since April and he was told that the funds were received so they are going through the contracts. When that's done, the SNUG program will be up and running but he doesn't know exactly when that will be.

Ms. Johnson added that she is tired of the gun violence and the Police Department doesn't have enough Officers to do the job.

James Turner, City of Newburgh said that Danskammer, LLC is interested in energy. They are not interested in jobs or the environment. They are interested in this development and this property because it's stock to them and it doesn't matter to them beyond that. Although Orange County has seen it fit to approve this it is important that the City of Newburgh does not. This entire region does not exist without you historically speaking. This industry that we started is what led to the prosperity of this entire area and we didn't come here because we couldn't swim in or drink the water. That river at one point in time was clean and everything used to be healthy but we made mistakes that we are now learning from. Fixing those mistakes is the future. He added that a friend of his recently died. He was an artist and skateboarder and he loved that Park. It would mean a lot to a very young and inspired community to put those lights on and stop treating skateboarders like the delinquents they have come to be known as. If you give them light they will shine. Don't isolate them. Welcome them and legitimize them as you do every other field around

us right now. Give them the space to express themselves on a piece of wood with some wheels on it.

Kevin Lahar, Town of Newburgh, City of Newburgh Police Department said it's expected that the Council will be presented with a Proposed 2020 City Budget later this evening which will include the layoffs of Police Officers. Over the last eighteen months many of the Council members have made comments regarding salaries to be more competitive with neighboring jurisdictions and they have made comments regarding the need to improve the working conditions. It is now clear that some of you have been talking out of both sides of your mouth. You applied for and accepted a SAFER Grant that you could not afford. The Comptroller at the time, Ms. Katie Mack, Corporation Counsel, Ms. Michelle Kelson and former City Manager, Michael Ciaravino all advised the Council that they did not recommend the City apply for a third round of SAFER funding because the City could not afford it. To add insult to injury you passed a resolution authorizing and approving an increase in salaries and benefits for the Non-Bargaining City employees and Department Heads. A well-deserved increase but realistically you clearly could not afford it. To approve the layoff of a single Officer would set our Police Department back by five years. You would no longer have a dedicated traffic enforcement unit or a community progressive response team. Maintaining a narcotics unit would be extremely difficult and there would be no community policing initiatives. The amount of overtime the City currently spends annually on Police services would increase by more than twenty five percent just to attempt to comply with the new State statutes. The Police Department's ability to respond to quality of life complaints would be nonexistent and overall crime in this City would increase. No one wants to hear of how supportive you are of the Police Department and its Officers. You provided false hopes for the Officers employed here for better pay and better working conditions. You have done nothing to the Public Safety Building where you continue to allow your Officers to work in a place that is dangerous, disgusting, filthy, outdated and literally falling down around them. You have decreased morale, increased anxiety and forced good Cops to look for jobs elsewhere. Before anyone points fingers and blame, take a hard look in the mirror. You are the ones who passed the last Budget. A Budget built on unrealistic revenue projections and expenses. You are the ones who pass resolutions against the advice of some of your Department Heads. Every news article, every study and every editorial claims that the City of Newburgh is one of the most violent cities in the State of New York and one of the most dangerous places to live in the northeast which is one hundred percent accurate.

Ricardo Rivera, Town of Newburgh, PBA President, said that information was recently provided about the Proposed 2020 Budget concerning layoffs in the Police Department, Fire Department, Department of Public Works, Water Department, etc. These layoffs will gravely impact our capabilities which are already stretched to the limit. At our current staffing levels we struggle to have full shifts and if we were to lose fifteen Officers that would put us at five Officers per shift. The staffing formulas we use are designed to insure there are enough Officers to effectively answer the average number of calls for service per shift. He understands that Budgets need to be met but the City Management has already left our department at minimum staffing levels due to low pay and we struggle to maintain Officers who wish to work here. These Officers are dedicated to working here for many reasons. Some live here, some grew up here and some have family here so they have the greatest ability to do the most good here. The Officers you would be letting go would include City residents who pay taxes and you would lose multiple Spanish speaking and minority Officers. In the last five years we have seen drastic drops in crime rates due the

tireless efforts of the Officers in this City so it is not time to back off on the safety of the City and it's not the time to cut back on the services the City can provide. Reducing the department by fifteen Officers is half of our Patrol Division and will increase the risk of citizens being exposed to more violent crimes.

Mark Sanchez Potter, City of Newburgh, organizer with Food and Water Watch which is a one million member strong organization with one hundred and forty thousand members in the state of New York and over a thousand of those members signed our petition regarding the Danskammer Power Plant. He thanked the Council for taking this resolution against Danskammer. They are a public health nuisance and we need to start moving toward a green economy. The other concern we are seeing tonight is that the unions are being denigrated and he wanted to make it clear that Newburgh should and must be a pro-union and pro-labor city. We don't need layoffs. We need solidarity amongst all people to move to an economy that works for everyone.

Tom Roberts, Central Avenue asked the Council how many houses of worship are in this City.

Councilwoman Monteverde said she believes there are seventy seven.

Mr. Roberts continued that we also have a couple Colleges and businesses here. He has been paying taxes for twenty years here and if every one of these Churches and businesses could contribute something that would be a lot of money to help offset what all the homeowners pay here and also pay what these men and women truly deserve here. Because of the previous administrations we have to pay for it now which is not right and he doesn't think everyone is paying their fair share. Help to support everyone here. He and his wife live on Social Security and he told the Council that they are going to tax us out of this city. He wanted to thank whoever is responsible for getting the street lines painted and removing the tents from Colden Street. He has an issue on his street with parties on the weekends and music all night, drinking and smoking dope. He asked if the Police could help.

Christie Amato, Grand Street, said we don't know what the Budget plan is but she wanted to emphasize again that we need a revenue creation plan. We can't balance a Budget by cutting expenses alone and we can't balance the Budget by raising taxes on existing residents. We must add net positive tax ratables to the pot and we have to have a plan. We had a beautiful plan created in 2007 which we should use and make updates to based on current living conditions and what people want. They put together an Economic Development Committee and charged them with creating revenue which is what they are there for. She worked for Leyland and believes it was a good plan and that the City should be able to use it to be able to offer up these specific parcels. We would like mixed use and mixed income there. It was a market value of over five hundred and fifty million dollars that would create over two thousand jobs and generate over fourteen million in revenue to the City of Newburgh. That is development of the waterfront so please make Newburgh affordable for the people who live here. We need to create a plan and we need to be business friendly. How can we turn down such huge amounts of revenue? We need net positive taxes.

Martha White, 70 Johnes Street, spoke about Item #23 to raise the property taxes above the tax cap. She thanked the Police and Fire departments for their service and told them that they are all being used as a bargaining chip to raise taxes on homeowners without any

accountability. Their jobs and taxes cannot be the only two things that will balance this Budget. It's not about money; it's about priorities. Last month she watched the Council sign off on a six figure no bid contract for facilities. Essentially you are going to pay consultants to tell you that your facilities are dangerous. There was an article in the news last week about all of the administrative personnel the City hired in 2019. They can hire consultants and office workers but they are telling Police and Fire that they don't have money for them. She hopes the voters all make a pledge to themselves tonight not to vote for anyone up here who says they are going to raise taxes using Police and Firefighters jobs as a fig leaf to avoid their accountability.

Ali Muhammad, 101 Liberty Street, said he realizes that we all care about the City of Newburgh. He doesn't understand why we would provide a test for the City of Newburgh Police when we weren't hiring any more people. He worked with Chief Solomon in the City of Beacon and he worked with Thomas Pape in the City of Poughkeepsie. This City that we live in right now needs all of its employees and workers. There is a lot going on as a community and we all have to be a part of it which is why we are here today. He said that there was a group of sixty kids fighting on Broadway this past weekend and the video was taken off of social media but there were no comments on it. One Officer showed up but they are spread thin so he doesn't understand what we are doing here? Where are your measurements in regard to recruiting businesses? What is your data and where is it located? How can someone who cares find that information? For each Council member and our current City Manager, how many businesses and developments have you attracted? In the City of Beacon they brought in Hotels and music venues which changed the culture there. How can we live in the City of Newburgh and clean it up without displacement? He chose to live in this City and he cares about everyone in this community. Are we meeting with these people? If you don't have these measurements, will you create them and can we see them? Where are we in the recruitment process for these businesses? Why don't we have a Hotel in the City of Newburgh? Why don't we have music venues? The Police and Fire Departments could be perfect locations because it is prime realty. Where are we in those processes? Where is the foresight?

Hannah Brooks, City of Newburgh, encouraged everyone to come out to make comments on the City Budget on November 12th. In regard to Danskammer, she is in support of the resolution to not allow the building. Last time we sacrificed children. She wanted to congratulate Mona Toscano who will be the City of Newburgh Poet Laureate. Back in 2002 there were many false starts in the revitalization of Newburgh and eighteen years later we are still trying but she is working on her goal of bringing peace, beauty and sprit to Newburgh. We are all here for the same reasons we just need to find a way to work together.

Weaver, Lander Street, asked if anyone or their kids has ever been in a situation where they were stuck in a burning building. Once you have experienced this situation you will realize the importance of those services. These services are an insurance policy you will have for the rest of your life. The saddest thing is that DPW can't do their job and Code Enforcement is not given the proper help. How can we talk about cutting those services? What are we going to rely on? We have to realize that these are the most important assets we can have. Raise his taxes. He would rather be safe and alive knowing that they are going to be there to help him if he needs it. He begged the Council to reconsider.

Mayor Harvey said they haven't seen anything yet.

Barbara Brown, 9 Locust Street, said that on June 6th the sewer backed up into a portion of her house and as of today it has not been rectified. The insurance company has delayed and procrastinated only to get passed on and a section of her home still has not been fixed.

Councilwoman Sofokles noted that there is a resolution on the Agenda for tonight to vote on that.

Richie Rosencrans, City of Newburgh, asked about Item #18 for the Housing Needs Assessment Study. It's an interesting program that he knows nothing about so he asked if someone could speak about it and explain so we all understand.

Bill Conye, Town of Newburgh said he has a business in the City and he wanted to speak about resolution #261-2019 for the two percent cap waiver. Newburgh has the highest taxes in the Hudson Valley. We are twice what Beacon is and more than Poughkeepsie, Middletown and Port Jervis. He hopes everyone understands that we are in a dilemma here. Generally speaking the taxes are so high that many senior citizens are losing their homes because they can't afford them. Those taxes are one of the highest expenses that gets passed on to the renters. This high tax burden hurts everyone who lives here so he asked the Council to vote against allowing the City to get into more trouble by going above a state mandated cap which is purposely put there to force financial responsibility. We had this problem last year and he knows it's very difficult to solve but we are looking at a very serious situation. This has happened three and four times already with Newburgh's failed renaissance. There has to be a way to set up a plan and engineer our way out.

Rob McLymore, City of Newburgh said he is a Lieutenant in a neighboring jurisdiction and they applaud the workers in this City. He is also a Pastor in this community and we need our City Police Department because when we need them they are there and he applauds them for that. We cannot decrease the force. He is standing with them and he is hoping and praying for them to make sure they have a job to go to and that we are not taking away from the safety of our City. We need to increase the force so we can have a narcotics unit, programs for the youth and community relations. We have to make sure that the relations between the community and the Police is established so the City can improve in every area. He is asking, begging and pleading that we do not decrease the force but increase them. He has been to the Police Department many times and they also need some type of renovation where they can be safe in their own building as well. All of the people you see here tonight are in support of not decreasing but increasing the force.

Omari Shakur, 55 Liberty Street told the Council to make sure they do what is right for the people who live in the City of Newburgh. He said that a young man was shot recently and he has been to visit him so he is working on "*Gloves Up, Guns Down*" and tickets are available. We are trying to help the Police Department and our City by making sure our young people have jobs when they grow up here in the City. We want them to be Policemen and Firemen. He asked what's going on with resolution #262-2019. When the Census comes and we are missing anyone we are missing something like \$2,000.00 per person. We were at fifty seven percent with the last Census so we want to make sure that everyone is involved and counted. If they come to your house and they get no response they put down two and a half people for that house. He reminded everyone that tickets are

available to the "*Gloves Up, Gloves Down*" Event for the kids and that nine countries will be coming to participate for three days.

Leonard Lee, City of Newburgh, Coach of Hook Elite Boxing Club said he supports the Police and Fire Departments. His son got shot and the guy who shot him is still in the street so we need all the Police Officers we can get here. The Police Officers and the Fire Department should increase not decrease. He added that they are holding a "*Gloves Up, Guns Down*" Tournament and asked for support. Tickets are on sale and he hopes that Newburgh will come out.

Brendan Hogan, Cornwall, President of the Newburgh Firefighters Union asked how come every year the Fire Department has to show up in October and November Budget season to ask why you want to cut us again despite in seven years acquiring eight million dollars in Grants written by us for equipment and staffing. Why do we have retired members here tonight? Because they went through this when they were here. Why do I have to look at the guys who were laid off last year and tell them that there is a possibility they will be laid off again this year. We have worked it out before and we have always tried to work with you all so I am hopeful that all of you will come together and avert all of this. Not just the Fire Department but also the Police, DPW, Codes and clerical staff.

Tamara Rafkin, 104 Courtney Avenue in the Heights said she is here in support of the resolution against Danskammer. To everyone in the room and the ongoing discussion she said that we have a lot of people in a very large community that really care about this City and they want to take this City forward and out of this bad image because we are a lot more than those statistics. There is a lot of hope and belief in this room so she hopes that the Council reflects that hope of what we see the City can be. Don't base your decisions just upon fiscal numbers and whatever corporation may be speaking in your ear.

Russ Vernon, Town of Newburgh, said he takes a little offense that if you don't reside in the City you really have no standing or something to contribute. He has spent the last ten years of his life providing opportunities for the youth of the City of Newburgh through the Newburgh Armory Unity Center where he is now the President. He believes they have a huge impact there and many times he volunteered his services to the City to help solve some of the ratable issues but no one has taken him up on that offer. He spent several years in Louisiana changing the City of Baton Rouge which faced much more difficulty than the City of Newburgh on a much larger scale. They have Item #23 on the Budget to create a Public Hearing to increase the tax levy but if he takes them at their word and no one has seen the Budget, how would you even know that this is needed? If it's not needed then how is it on the Agenda? He asked the Council to defer that until a future meeting when you know it is something you need to vote on. Those tax caps voted on by the State Legislature were put there to put accountability on municipal boards.

A woman who said she is not from Newburgh and she lives in her car said she wanted to speak about the history of petroleum oil. In the past, Henry Ford wanted to run a hemp car on hemp oil and he wanted competition with petroleum oil but Rockefeller played the Stock Market and put an end to Henry Ford's empire so we are stuck on petroleum oil. Some will say it was the company, DuPont that had control in the Stock Market so Henry Ford couldn't have his hemp car. Hemp is alright now and it should never have been illegal. If you look up the facts when they were doing a test years ago the axe couldn't cut

through the hemp but it could cut through the steel. We could have had a very different World if these men long ago who wanted money were in the mess we are in today. A northern glacier no longer exists in the Northern Arctic and in the Southern Arctic part of a glacier the size of London, England has broken off so we are in a really bad situation. The Pine Ridge Indian Reservation out West was going to be self-sufficient on hemp but when their crop was finished the Federal Government came in and tore it down. It's sad that we are stuck on petroleum oil and we need to say no to Danskammer.

Tom Liesegang 8 Bush Avenue said he is co-founder of an online platform that celebrates and promotes artists work. They are initiating some free programs and one will be a lecture by Janet Braun-Reinitz who was a Freedom Writer in 1961. Her free lecture will be held on November 21st at 6:00 p.m. at Mt. St. Mary College, Aquinas Hall so please come out to show her your love and support.

Ms. Hollow, City of Newburgh, congratulated Mona our new Poet Laureate. She also congratulated the East by Northeast Film Festival for their incredible program. Congratulations in advance to the Newburgh Literary Festival which is happening next weekend and congratulations to Omari Shakur for winning the Shirley Chisholm Award. She also congratulated the Council for voting to oppose Danskammer tonight because with this vote they are teaching our children the meaning of self-respect and to respect our community. On Newburgh clean water project news she said that local residents have the opportunity to join the Restoration Advisory Committee to work with the International Guard on restoring our drinking water. Applications must be received by October 25th and you can check out the Facebook page. She said she asked the City Manager's Office to post this on the City's website about a week ago and time is of the essence. We need to make sure our residents know that they can join that Committee so she asked the City Manager if that could be posted on the City's website.

City Manager, Joseph Donat said that they will review it tomorrow and let her know.

Rich White, Johnes Street, said he is here to stick up for our Police Officer and Firefighters. He asked the Council where there priorities are when it comes to the people who protect us on a daily basis. We can't maintain them but you are hiring other people? Why is it more important that we don't make sure we have the funding for the Police Department and the Fire Department prior to other decisions being made? One hundred thousand dollars for a research project on the buildings comes out of the same Budget and it sound, like we are being asked as taxpayers to shoulder the burden to pay for the Police and Fire Departments. Who wouldn't want to do that? He sees what these guys do on a daily basis and it's absolutely terrifying. If the City has a Ride Along Program, they should hop in a car with these guys to see what they do and then tell us if you want to cut fifteen of them.

Mr. Figueroa, Middletown thanked the Council for not supporting Danskammer as they spent a lot of time fighting CPV on the other side of town. Historically these types of projects are dumped in the middle of environmental justice communities by the Legislators of Orange County and it's not by mistake, they do it purposely. When you look at the reports from earlier this year it's not even necessary for these Plants to upgrade at this point. The big issue is that we need to start investing in the transmission to get the renewables from upstate down. We have the ability to do it but we have to have the will to

do it. Studies have shown that if every individual does their part we can only impact climate change by twenty percent. The other eighty percent becomes the responsibility of governments and corporations so it starts right here. Our Orange County Legislators didn't have the courage to say no so he applauds the Council for voting no against Danskammer.

Michelle Basch, City of Newburgh said she has always supported our Fire and Police because they are of the utmost importance but there are some things we don't need like hiring consultants. The City has a track record of hiring the most consultants than any other small city in New York State. There are other things that can be cut but you cannot cut the people who will stop your house from burning down or who helps you from being robbed at gunpoint. You cannot cut those things and you also cannot put more taxes on us. It is not possible. She sees this City thriving like every other city in the Hudson Valley but we are not there because we get too involved in feel good projects that don't help the people in the City of Newburgh because nobody can tell me that the affordable housing is affordable. When a small one room apartment is \$750.00 at RUPCO, it's not affordable for a minimum wage earner so this is all a scam on how to make money. If you want affordable housing, then make sure that the people in this City have the transportation to get jobs so they can afford the affordable housing. Don't put affordable housing in a place where you can't get jobs and support the people who are here. It is changing so please go with the change and help us be like other cities in the Hudson Valley.

Mr. Torres, Town of Newburgh thanked the Fire Department because they changed his son's life. He is a Dispatcher for them and has become a great man because of them. He also thanked the Police Department because they influenced his other son into becoming a Police Officer too. He is a bus driver and has kids on his bus who are very negative about everything so he is like a mentor to them. These Officers are mentors for these kids also and they are great people.

Sheila Murphy, City of Newburgh thanked the Council for the great job they have been doing because she knows it's not easy. The City of Newburgh is not going to make any cuts to our Police, Fire, Water, DPW or Codes because they know that without them our City won't function. We have to go the County and the State because they have funds for our Police Department. They are working sixteen hours a day and they have to see kids get shot so how do you think they feel? All of the departments are overworked so we need a Budget that will work with the workers and we need more Police. She appreciates all of these department for the hard work they do in this City. We have to start contacting our Governor and County Legislators to let them know that we need more money for our departments so let's do it.

Kevindaryn Lujan, 100 Beacon Street, Orange County Legislator, said that tonight has been difficult and being a leader you face difficult challenges. There was a fire near his home and our Fire Department responded very quickly so he wanted to thank them because they keep us safe. Our Police Officers and Firemen go towards the danger so he applauded them for all of the hard work that they do. In regard to Danskammer, an earlier comment was made that the Orange County Legislator voted in favor of this resolution but he wants to make it clear that they all did not vote for Danskammer. There were many members, both Republican and Democratic who said they did not want that kind of project in our County. He is one of the members who said we cannot and do not want this so he applauded the City Council members for doing the research on this. He

hopes that the resolution on for tonight passes because no one should ever come to the City of Newburgh and tell us to wait and then go to the Legislature and say they should rush it through which is exactly what happened in Orange County. He applauded the Council for leading on this issue and said he stands with them as an advocate because we need their kind of leadership with these kind of issues.

Mr. Howard, City of Newburgh said he is a retired firefighter and he received an e-mail stating that supposedly there are going to be cuts to public service departments and he hopes that's not true. If for some reason it is true, then you see the support that is here tonight. Please go back to the table and try to come up with something different because cuts do not work. When you cut the workforce, the work still has to be done and the amount of money you will pay in overtime will blow that Budget out the window so that's not the answer. Let's understand what's important to the City and the people who live here. If you want people to come into our City then we have to do better and we have to look better.

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

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

Councilman Grice thanked everyone for coming out. There has been a lot of misinformation out in the public and as Mayor Harvey noted this will be our first time to look at the Budget. After that there will be a Public Hearing and they will get to work as a City Council. Someone spoke about Lander Street which is where he grew up and he has been in some situations where the Fire and Police Departments were needed in that neighborhood. Someone else spoke about businesses and he visits them on a daily basis to speak with the business owners and see what they need. He also volunteers every Saturday at the Armory and he is very open to having a conversation about economic development. Comments were also made about the revenue creation plan which he is totally on board with. Please do not use the Election as a pressure technique because that doesn't work well with him. What does work well with him is if you come to him with some plans to discuss so he looks forward to meeting those people.

Councilwoman Mejia thanked everyone for coming out. On Danskammer she was sorry that it has taken them this long to get it to the stage that it's at but she is very proud that it has support. It is a reflection of the feedback we got from our City residents and neighbors across the river and the County. The Census litigation we are joining is to make the government aware that it is important to get us counted properly. She wanted to recognize Mona and the Poet within her and thank her for the versus she shares with all of us. Around the assumptions about the Budget she noted that that Council's track record on how we work with the Budget speaks for itself. In the last three years both the Fire and Police Departments have seen how we are desperately trying to reflect the values of quality of life and safety for the community. Last year they fought really hard to support the SAFER Grant and get it for a third year by meeting the Federal Government half way. In

terms of numbers, they had public hearings to hear the wish lists from all of the departments but these should not be wish lists. Those hearings should reflect the accuracy of our numbers and that is a process we need to reflect on for future Budgets. The numbers we will be hearing later tonight will show the gap between the wish lists and what gets presented in the City Manager's Budget and then we only have a month to creatively digest it. We have to change that process. We are under a Fiscal Recovery Act and she needs to have a check in with our State about the checks and balances that Recovery Act entails and make sure that the numbers accurately match.

Councilwoman Monteverde thanked everyone for coming out tonight to support our Fire and Police Departments. She thanked the Police Department because she sees them every day and she appreciates the hard work they do. She knows that they put their all into working here and that they are dedicated. The Fire Department also. As Councilwoman Mejia mentioned, last year we agonized over getting that SAFER Grant to keep them whole. We will work hard again this year once we are presented with the Budget but this is just the start of the process. There was misinformation going around and this is what can devastate a city so as a community we need to come together and come up with creative ideas on how we are going to bring revenue back into the City. She knows that the Economic Group is meeting and she wants to hear from them about what they are working on to help bring in businesses and revenue at the next Work Session. It's Important that we work together so we don't cut these services that the City of Newburgh and the community needs and deserves. Whatever we have to do to make sure we stay whole we will do. In regard to Danskammer, she is very excited because passing this resolution tonight is a pivotal moment. Everyone needs to understand why we are doing this because in this day and age fossil fuel is dead. We are in a climate global crisis and this is what we can do as a local community to reduce carbon emissions. In regard to the tax cap, she believes that it's standard to put this on the agenda. All of the other municipalities are looking at this as well but she will not support this. She will not vote on that because as a taxpayer it will hurt all of us.

Councilman Sklarz thanked everyone for coming out tonight. He has been on the Council for nine months and during that time within these rooms and throughout the community we have talked a lot about the water we drink and air we breathe. The Danskammer Plant will increase the use of natural gas and fracking. It will destroy the watersheds and eventually we will pay the price for that. The new Plant is supposed to be more efficient but the hours run will put more emissions into the atmosphere than we are seeing now and we can't afford to do this anymore. He has many young family members and he could not look into the eyes of those generations if he did not take every step he could to protect the water we drink and the air we breathe.

Councilwoman Sofokles said there is nothing more important to her than the Police and Fire Departments and she is the one who has been the most vocal about it. They fought hard for the SAFER Grant last year and she can tell you right now that with DPW, Codes, Police and Fire that she will never vote for a Budget that cuts one of you. We will work, very, very hard to do that and like someone just pointed out, why did we have a police test if we are going to layoff Police Officers? She remembers six years ago she sent Mayor Kennedy down to the Police Department to see the condition of that building which is pathetic. We are working with Assemblyman Jacobsen on a Public Safety Building and a Hotel for the City of Newburgh. We started finding Budget problems last year so we started questioning them and they hadn't been questioned before so now we are taking

everyone to task but you have to give us a chance. We have to try to overcome all of this so give us a chance but she can guarantee that she will not vote on a Budget that will have layoffs.

Mayor Harvey thanked everyone who spoke tonight. He noted that his entire family is Police Officers so everyone in the Police ranks, Fire ranks and DPW are his brothers and sisters. Last year we fought the City Manager's Proposed Budget that had a twenty percent increase in the tax with cuts and got that tax increase down to 2.58 percent. They worked day and night and spent many hours going through the Budget line by line. The City Manager hasn't proposed the Budget to them yet so how can you say that the Council is proposing cuts? They don't propose cuts; they legislate. The City Manager presents a Proposed Budget which the Council will examine and decide if it needs to be accepted or rejected and then vote on it. There is a resolution to schedule a Public Hearing to go beyond the two percent tax cap and a resolution to have a Public Hearing on November 12th. We do not do this work without transparency and we do not write the Budget. For someone to go on Social Media and say that the City Council is going to cut the Police, Fire and DPW is wrong and slanderous. We fought like Hell last year and we will fight like Hell again to make sure we stay under the tax cap and protect these jobs in this City. You have to give us a chance.

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

CITY MANAGER'S REPORT

Resolution No. 243 - 2019 - Fund Balance Appropriation Increase

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 244 - 2019 - Budget Transfer to Police Vehicle Repair Line

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 245 - 2019 - PIN# 8761.39 Lake Drive Bridge Replacement Construction
Inspection Contract with HVEA

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 246 - 2019 - setting public hearing for 2020 budget

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 247- 2019 - Lockbox Agreement with TD Bank for 2020

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 248 - 2019 - Purchase of 24 Temple Avenue (Revised Purchase Price)

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 249 - 2019 - Purchase of 6 Locust Street

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 250 - 2019 - Purchase of 53 South Robinson Avenue

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 251 - 2019 - Purchase of 50 Thompson Street

Councilman Sklarz moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 252 - 2019 - 121 Gidney Avenue - Satisfaction of Mortgage

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 253 - 2019 - 266 Carpenter Avenue - Partial Release of Restrictive Covenants

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 254 - 2019 - 61 Farrington Street - Releases of Restrictive Covenants

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 255 - 219 - Month to Month Contract Extension with Professional Account Management LLC

Councilwoman Monteverde noted that this will hopefully help with the collection of parking tickets which will be revenue. It's what she calls low hanging fruit so these are the kinds of

things we need to start doing.

Mayor Harvey echoed that sentiment. When we talk about solutions and things we need to do to expand the tax base and create ratables, this is where we can improve our systems and software so we can collect that revenue. This is definitely a great thing.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 256 - 2019 - Apply for and Accept if Awarded \$60,000 from NYS HCR for a Housing Needs Assessment study

Mayor Harvey said that someone brought this up earlier and this is an award so that we can have a study on housing because we know that housing is of great concern to many of our residents. This is a great award along with some of the other initiatives that we have in terms of dealing with urban blight and getting abandoned buildings on the tax rolls with people living in some of these houses.

Councilwoman Monteverde added that she believes this study is necessary for the Consolidated Plan.

City Manager, Joseph Donat said that is correct and he added that this is money that was previously obligated by New York State Senator, James Skoufis. This resolution is allowing us to move forward with the housing needs assessment process.

Alexandra Church, Planning and Development Director said that a housing needs assessment is a study that looks at the comprehensive housing needs of the community so we will look at everything from low income to market rate. It helps developers so they can see what price points are and it helps all of us understand who lives here and who is moving here. It's fully funded with Grants and a big portion will come from Chase Bank and the Chase Foundation. This is a Grant from Senator Skoufis's Office which we were previously told we were going to get and this is just accepting it.

Mayor Harvey thanked Senator Skoufis for all of his hard work as well as the City Council and the executive staff. This study will not only help us with our Consolidated Plan and our Master Plan but with the money from the Rise Grants we are looking at half a million dollars to get rid of our urban blight and the abandoned buildings in our City. We have a very aggressive revitalization plan and you can see the change that's already happening.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 257 - 2019 - Halloween Curfew 2019

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Adopted

Resolution No. 258 - 2019 - Board of Assessment Review reappointment

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Adopted

Resolution No. 259 - 2019 - Appoint Mona Toscano as City of Newburgh Poet Laureate

Ms. Toscano said this is a wonderful honor and she will wear it to uphold Newburgh in poetic praise. She read some poems allowed.

Councilwoman Mejia moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Adopted

Resolution No. 260 - 2019 - Danskammer

Councilwoman Mejia said that this resolution is cheers to protecting the last sweet spot on the Hudson in our area.

Councilman Grice moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Adopted

Resolution No. 261 - 2019 - Scheduling a Public Hearing on Local Law to Override Tax Cap

Councilman Grice said that there were several comments about the timing of this and the necessity of it so he would like an explanation from a legal standpoint.

Mayor Harvey added that a comment was made asking how we have this resolution regarding the tax cap if you haven't seen the Budget. Councilwoman Monteverde addressed that by saying that this resolution is protocol from our legal department to put on at this point in time.

Michelle Kelson, Corporation Counsel said that the property tax cap was enacted by State and General Municipal Law Section 3-c. It does provide a mechanism by which any tax jurisdiction may authorize a property tax levy in excess of that limit that is set by a formula produced out of the tax cap legislation. Some years a tax cap may be less than two percent and in some years it may be a function that is greater than two percent but in order to adopt a Budget that exceeds whatever that tax cap number is you have to have this Local Law in place before the Municipal Budget is adopted. It is a little bit like the cart before the horse or the chicken and egg scenario but she reminded everyone here that as hard as the City Council worked last year to make changes to the City Manager's Proposed Budget, which did propose a levy that was over the tax levy limit. At the end of day, when all the numbers were crunched and all the calculations were done the 2019 Budget came in a very small dollar amount over that levy. While it was small and statistically insignificant it would have been illegal for the Council to do that without having this Local Law in place. Scheduling a public hearing is a legal process that is required to adopt any Local

Law and if you don't follow the process you cannot be in the position to legally adopt that Local Law. It is recommend that you follow the process and put yourselves as the local legislative body in a position to give yourselves the most options to provide for the best interest of the City of Newburgh. If the 2020 Budget that you vote on turns out to be in excess of the tax cap levy limit by one penny you need to have this Local Law in place. It does require a sixty percent vote of the City Council rather than a simple majority and she also pointed out that if at the end of the Budget process the Budget that they do adopt is within that local tax cap levy limit, the Local Law can be repealed by the same process. If the 2019 Budget had been in that situation, we would have submitted a Local Law to repeal the Local Law allowing the override of the tax cap levy. She hopes this is a sufficient explanation and that they put themselves in a position to give themselves every conceivable option for adopting a Budget that represents the best interest of the City, its residents, its workers, its businesses and its stakeholders.

Mayor Harvey made a motion to table this resolution and Councilwoman Monteverde seconded.

Mayor Harvey said that to him this is a little premature when they haven't seen the Budget yet and there is still time to adopt a resolution if needed or necessary later.

Councilwoman Mejia said that as someone who organized in support of the tax cap she would like to have that extra added insurance that we are going to hold the line this year for our Budget. We cannot have a tax hike and we have to figure out how to have no cuts. This year because of all of the moving parts she needs a little extra protection, which is why she is going to disagree with the advice from Corporation Counsel. She would like to hear the budget numbers first and she would like to have that extra protection so she suggested moving Item #23 to after they hear the City Manager's Proposed Budget.

Councilman Grice echoed Councilwoman Mejia's comments. They want to have as many options as possible so instead of tabling this perhaps we could move that item to after the Budget so we can make a more informed decision. He didn't mention it earlier but we need for the community to understand the Budget so if we move that down he feels it would be a better situation.

Councilwoman Sofokles asked if they are saying they want to vote on it after the City Manager give his report.

Mayor Harvey noted that there is a motion to table this resolution which has been seconded. Everyone can make their comments and then we will have a vote to table and you can vote the way you choose. A suggestion to move it on the Agenda is not what we are discussing right now. He feels this should be tabled until we see what is being proposed by our City Manager and then later on at another meeting we can reconsider this particular resolution.

Michelle Kelson, Corporation Counsel felt that maybe it had not been made clear. This resolution is not a vote on the Local Law. This is a procedural resolution to schedule a public hearing to hear public comment on the proposed Local Law to put you in a position to determine whether or not you need, should or have to adopt this prior to adopting the Budget. Delaying the procedure puts the City Council at a disadvantage by having to accommodate these processes in a single meeting and does not allow sufficient

time for you to actually work on the Budget. A vote on this resolution is not a vote in favor or opposed to the Local Law.

Councilwoman Mejia said that many people came here tonight and they are going to come again and say no to a tax hike. It will be another three hours of public comments that we already received here today. She is in favor of tabling it.

Mayor Harvey thanked Ms. Kelson for the point of clarification but we can address this particular resolution at the end of October and take a vote on whether or not they want to schedule a public hearing to override the tax cap so they can at least see the Budget. We haven't even seen the numbers yet and we want to see the numbers before we take this position. *"Men lie, women lie but numbers don't lie."*

Councilwoman Monteverde said it feels like we are rushing this and we do have time so let's just table it.

Mayor Harvey moved and Councilwoman Monteverde seconded that the resolution be tabled.

Ayes: Grice, Mejia, Monteverde, Sklarz, Harvey - 5

Nays: Sofokles - 1

TABLED

Resolution No. 262 - 2019 - Authorizing Commencement and Participation in a Federal Lawsuit Alleging Deficiencies of 2020 Census

Mayor Harvey noted that this also came up during public comments. People didn't know what this was about so he wanted to clarify that this resolution is for a Federal Lawsuit alleging the deficiencies of the 2020 Census. We were promised that we were going to get the things we need to have a successful Census 2020 turnout. One of those promises was that we were going to get a local field office in the City so that we could increase the probability of having a successful turnout and response for Census 2020. That local field office would help us make our residents feel comfortable going to a location for employment opportunities or getting the word out and answer questions. When the final decision came out about the field office, the City of Newburgh got left out. We got fifty seven percent of the City residents to participate ten years ago in the Census of 2010 which was too low and we want to double those numbers to put ourselves in a position where we could get eighty five, ninety five or one hundred percent participation.

Councilman Grice added that this lawsuit is at no cost to the City. He added that on the 12th there will be a hiring drive for local residents to work on the Census and he will post a flyer on that later.

Councilwoman Sofokles added that she worked on the 1980 Census when they had a local office in the Kreisel Building on Broadway. With a local office people would walk in to see what it was about. We can't be left out of this because a lot of people are not going to go online to sign up for the Census. We need a local office for people to walk into and be

inquisitive which is how we are going to get more people to sign up. She added that she went door to door but that was a long time ago and nowadays people don't want to open their doors but they may come in to an office to sign up for the Census. It is important for us to have a local field office.

Mayor Harvey said that they made those promises but they aren't delivering on it. We are upset about that because we feel it will hinder the turnout for Census 2020. We have all talked about why it is so important for people to be counted in Census 2020 because that dictates how much federal funds come to our City. When we talk about all of the infrastructure work and CHIPS funding, getting our roads repaved and ADA compliance it all depends on the turnout for the local Census every ten years and how much federal funds are appropriated to this City to help revitalize this City and keep it moving forward. If we don't get the turnout that we want or should have and they are hindering us by not giving us a local field office, this lawsuit is going to hold the federal government accountable just like it will with the contaminated water.

Councilwoman Mejia said that not everyone is on social media or will get a flyer so she noted that it will be on October 22nd from 11:00 a.m. to 4:30 p.m. at the Newburgh Free Library. Computers will be designated and available to fill it out online and they will make sure there are some volunteers there to help the people who apply. They have requested to know how many City of Newburgh residents have applied because we know that familiarity with people who knock at your door is key to getting accurate results. It is a great opportunity and a resume builder to apply and there will be people there to help navigate the computer system.

Councilwoman Monteverde said that Census 2020 starts in less than six months so we need to get prepared and get the word out because we do not want to be under counted.

Councilwoman Sofokles moved and Councilwoman Mejia seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

Resolution No. 263 - 2019 - To Execute a Payment of Claim with Iris Garcia

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted

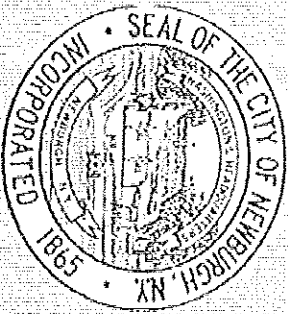
Resolution No. 264 - 2019 - To Execute a Payment of Claim with Barbara Brown

Mayor Harvey thanked Ms. Brown for being vocal and persistent and getting results. They support anything that the City government has to be held accountable for if there is any type of damage to someone's property.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6

Adopted



CITY OF NEWBURGH

2020- CITY MANAGERS PROPOSED BUDGET

CITY OF NEWBURGH 2020 MANAGERS PROPOSED BUDGET

Goals of the 2020 Budget Included:

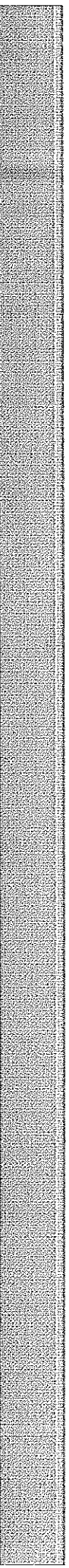
- Capture all expenditure needs for the upcoming fiscal year
- Increase Department oversight and reduce overspending
- Minimize reliance on the fund balance to support budget
- Correct structural imbalances across all city funds to promote financial stability

Budget Building processes

1. In July department heads began the process of identifying needs. All requests were to final by August.
2. In early September, all requests were provided via workbooks to the City Council, City Manager and respective department heads.
3. Budget work sessions were held September 16-30th
4. Multiple meetings to review revenue and expenditures

General Fund

CITY MANAGERS PROPOSED BUDGET 2020



City Managers Proposed Budget Revenue

General Fund - \$47,930,277

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>	<u>Inc./ (Dec.) 2019 Adj Budget</u>
Real Property Tax	24,684,559	51.50%	Inc. 4,114,093
Non Property Tax	13,051,171	27.23%	Inc. 372,088
State Aid	5,417,816	11.30%	Dec. (1,599,821)
Inter-fund Transfer	1,675,254	3.50%	Dec. (1,056,416)
Real Property Taxes (other)	1,516,730	3.16%	Inc. 252,831
Department Income	1,060,151	2.21%	Dec. (91,143)
Fines and Forfeitures	749,960	1.56%	Inc. 76,760
Appropriated Fund Balance	-	0.00%	Dec. (1,053,494)

City Managers Proposed Budget -Expense

General Fund - \$47,930,277

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Salary	\$ 18,763,913	39.15%
Benefits	\$ 14,966,688	31.23%
Fixed Charges	\$ 6,134,702	12.80%
Debt Principal	\$ 2,669,024	5.57%
Self Insurance	\$ 3,259,000	6.80%
Debt Interest	\$ 1,534,253	3.20%
Capital Items	\$ 330,000	0.69%
Special Items/Celebrations	\$ 672,126	1.40%

City Managers Proposed Budget - Expense

General Fund \$47,930,277

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Public Safety	\$ 15,323,157	31.97%
General Government	\$ 7,205,952	15.03%
Debt Services	\$ 4,203,277	8.77%
Transportation	\$ 2,004,756	4.18%
Interfund Transfer	\$ 2,859,570	5.97%
Culture and Recreation	\$ 1,136,583	2.37%
Home and Community	\$ 290,297	0.61%

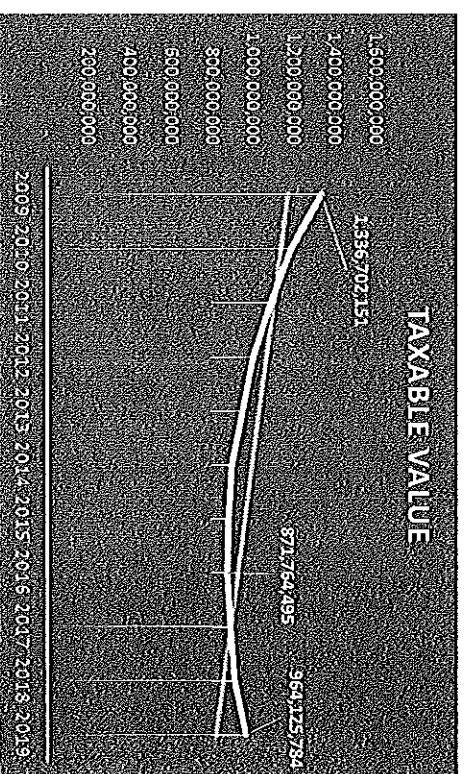
Taxable Assessed Value –

Value of *Taxable* Properties: Homestead and Non Homestead

Assessed Values

- 2018-2019 Values overall Increase \$56.2 m - 6.19%

◦ 2017-2018 –Increase	\$21.0m –	2.37%
◦ 2016-2017 –Increase	\$15.2m –	1.74%
◦ 2015-2016 –Decrease	\$6.3m –	.72%
◦ 2014-2015 –Decrease	\$16.8m –	1.88%
◦ 2013-2014 –Decrease	\$52.9m –	5.58%
◦ 2012-2013- Decrease	\$54.2m -	5.40%
◦ 2011-2012- Decrease	\$87.0m -	7.99%
◦ 2010-2011- Decrease	\$98.2m -	8.27%
◦ 2009-2010- Decrease	\$149.4m –	11.18%

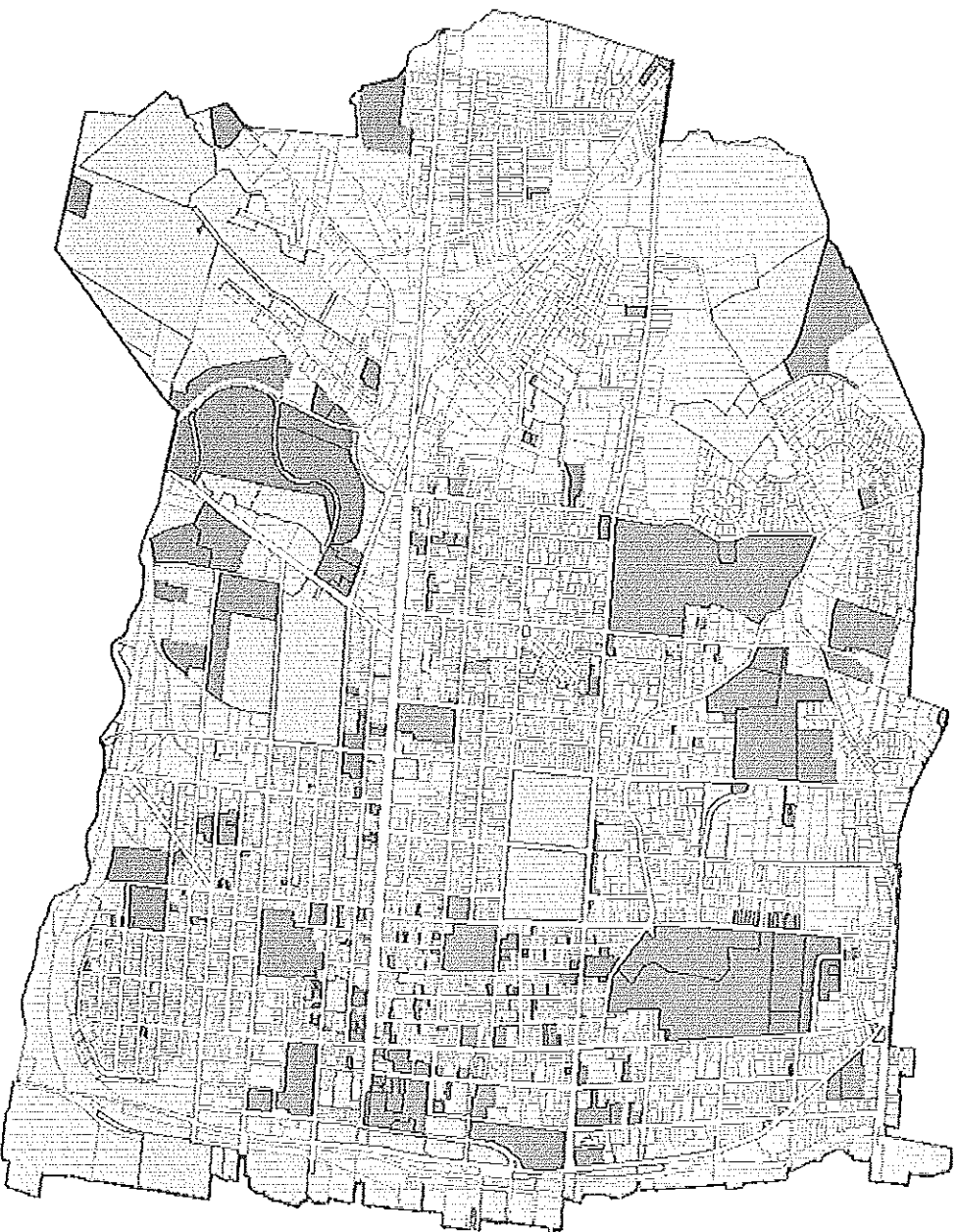


City of Newburgh



Tax Exempted Property by Roll Section 2019

- Exemption Type**
- Wholly Exempted (Private Properties)
 - Partially Exempted (Private Properties)
 - Wholly Exempted (City Owned)
 - Partially Exempted (City Owned)
 - Not Exempted



2019/1/15, Tuesday, January 15, 2019

FOR VISUAL REFERENCE ONLY

DISCLAIMER: City of Newburgh makes no representation and provides no warranty, expressed or implied, concerning the accuracy, completeness, or reliability of the map for any particular purpose and/or for its use in any way and assumes no liability for losses or damages of any kind.

Tax Levy Implications

	2019 Includes Adj. BP	2020	2020 Includes Adj. BP	Additional Per Dollar Tax Rate Impact
Tax Levy	\$20,570,466	\$24,684,559	\$24,684,559	For Every \$50,000 increase
Homestead TAV	528,884,816	570,520,181	570,520,181	
Non-Homestead TAV	379,015,404	393,605,603	393,605,603	
Total TAV	907,900,220	964,125,784	964,125,784	
Homestead Rate	19.6550	21.4436	21.4436	1072.18
Non Homestead Rate	26.7913	31.6230	31.6230	1581.15

Tax Levy Implications (Continued)

Home & Non-Homestead Calculation	Homestead	Non-Homestead	Totals
2020 City Council Proposed Tax Levy	24,684,599	24,684,599	
Home & Non-Homestead Allocation %age	49.56151	50.43849	100
Tax Levy Allocated to Each Type	12,234,060	12,450,539	24,684,599
Tax Levy Allocated to Each Type	12,234,060	12,450,539	24,684,599
2020 Taxable Assessed Value	570,520,181	393,605,603	964,125,784
2020 Tax Rate per \$1,000 Assessed Value	21.443694	31.632017	
Tax Rate per \$1,000 Assessed Value	21.443694	31.632017	
2020 Tax Rate per \$1,000 Assessed Value	21.443694	31.632017	
2019 Tax Rate per \$1,000 Assessed Value	19.655012	26.791348	
2020 Tax Rate Inc/(Dec) Amt per \$1,000	\$1.79	\$4.84	
2020 Tax Rate Increase %age per \$1,000	9.10%	18.07%	
2020 \$ change for \$150,000 Assessed Value	\$268.30	\$726.10	

Personnel and benefits

Includes Salaries, Longevity, Health Benefits, Retirement, and Employer taxes

Total MP Budget \$47,930,278

Personnel & Benefits make up 70 % - \$33,730,602 (74% of 2019)

Police Department

MP 2020	29%	\$13,853,725	
2019 Adopted	31%	\$14,779,264	(\$925,539)

Fire Department

MP 2020	22%	\$10,484,832	
2019 Adopted	24%	\$11,415,621	(\$930,789)

Department of Public Works

MP 2020	6%	\$3,084,622	
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Personnel and benefits

Includes Salaries, Longevity, Health Benefits, Retirement, and Employer taxes

◦ Reduction in Police

- Removal of funding for 14% of workforce (civilian and uniform)
- Currently 4 uniform vacancies in PD

◦ Reduction in Fire

- Removal of funding for 16% of workforce (civilian and uniform)
- Currently 2 uniform vacancies in FD

◦ Hiring Freeze – Potential Reductions \$327K

- 3 MEO's in DPW
- 3 Asst Mechanic in Water
- MEO in Rec
- City Planner
- PT Code Officer
- Chief Water Operator
- Code Compliance Supervisor

Overtime Estimates

Police & Fire OT – 20% Reduction

Provided accurate and realistic estimates

- PD requested \$1.4 million in OT
 - Manager's Proposed provides \$1.1 million
- FD requested \$1 million in OT
 - Manager's Proposed provides \$800,000.

Enterprise Funds

CITY MANAGERS PROPOSED BUDGET 2020



Enterprise funds

- Water Fund:
 - City Manager's Proposed recommends 10% increase to metered water
 - Staffing study is budgeted in 2020 to determine multiyear plan to retain solvency
 - Appropriation to fund balance of \$699,793 to close \$1M gap due to increased litigation costs
- Sewer Fund:
 - Red Oak consulting recommending 6% increase from 2017-2024 with a 7% increase in 2025.
 - Reviewing a budget plan for Storm Water User Fee- (Ithaca NY Model).
- Maintain Sanitation rates for the 2020 year:
 - Review available grants for recycling incentives and other potential options available.
 - Use recent increases to restore operational budget and fund balance.

City Managers Proposed Budget -Revenue

Enterprise- \$17,108,794

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Water	7,072,546	41.34%
Sewer	6,041,704	35.31%
Sanitation	3,994,544	23.35%

City Managers Proposed Budget -Expense

Enterprise Fund- Water \$7,072,546

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Salary	1,396,298	8.16%
Benefits	1,180,071	6.90%
Fixed Charges	1,265,375	7.40%
Debt Principal	885,126	5.17%
Debt Interest	474,040	2.77%
Capital Items	0	0.00%
Special		
Items/Celebrations	752,756	4.40%

City Managers Proposed Budget -Expense

Enterprise Fund- Sewer \$ 6,041,704

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Salary	477,152	7.90%
Benefits	361,558	5.98%
Fixed Charges	2,894,660	47.91%
Debt Principal	426,592	7.06%
Debt Interest	329,689	5.46%
Capital Items	0	0.00%
Special Items/Celebrations	470,575	7.79%

City Managers Proposed Budget -Expense

Enterprise Fund- Sanitation \$ 3,994,544.00

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% to Budget</u>
Salary	955,228	23.91%
Benefits	770,156	19.28%
Fixed Charges	1,133,500	28.38%
Debt Principal	7,501	0.19%
Debt Interest	9,500	0.24%
Capital Items	0	0.00%
Special		
Items/Celebrations	589,817	14.77%

Conclusion

Staff Reduction/ 2% Tax Increase	Manager's Proposed	Tax Increase/No Staff Reduction
2% Increase to Overall Tax Levy	20% Increase to Overall Tax Levy	39% Increase to Overall Tax Levy
7.3% Decrease Homestead	9.1% Increase Homestead	26.4% Increase Homestead
0.4% Increase to Non-Homestead	18.1% Increase to Non-Homestead	36.8% Increase to Non-Homestead
49% Reduction in staff	20% Reduction in staff	No Reduction in staff

NEW BUSINESS

Councilwoman Monteverde asked for a date for the bulk pick-up

Mayor Harvey said it will be on October 30th and it will be put on the website.

OLD BUSINESS

Councilman Grice said to the people leaving the meeting that if they do reach out to the Council Members and City Department Heads to please reach out with suggestions and not with complaints. He asked Ms. Kelson for some legislation on the Community Choice Aggregation.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said he is super proud of this Council and that we have a Poet Laureate. He is also proud about our resolution on Danskamemr and he is eager to work on this Budget to get it to the right numbers because we are all taxpayers. If anyone approaches him please just have solutions because we understand the lives it impacts and the problems that will occur if it doesn't go the way we want it to.

Councilwoman Mejia said she is completely speechless about these numbers and she has more questions. She needs to request about multi-year comps especially for the Enterprise Funds and she is requesting a debrief with Dinapoli's Office. How are we going to tackle overtime if you are cutting staff which will only require more overtime? These numbers are just not making any sense because of the checks and balances that have been in place. She needs to understand so our community can understand how we went from last year to this year. Where have the huge increases been that have not been flagged? As a representative sitting on this side we can only react to the numbers that we are presented. The cost of the overtime isn't speaking to her accurately with these workforce cuts that have been put forward. We just are not going to be there in November when it's time for the Budget approval because it's not a possibility or a reality. It will negate every single thing that every City of Newburgh resident, business and worker here has been doing for the last decade. *"Over my dead body are we going to be in that situation"*. Too much has gone into making sure that we have checks and balances so if the numbers presented to us were falsified then she needs to hold someone accountable for that. She thinks the taxpayers and the workforce are demanding that accountability and as a mother, resident and elected official we owe them that answer because we can't be fighting for clean air and clean water when we can't pay our bills. She asked why they didn't get a copy of this presentation because she had to move to the other side to see the Budget.

Councilwoman Monteverde said she is at a loss for words. This is shocking and like Councilwoman Mejia asked, how is this possible? How did we get here? She agrees we need to spend overtime at this point because we are bleeding.

Councilman Sklarz thanked everyone for coming out tonight. This is his first rodeo in the

Budget process and he is pretty flabbergasted. He knows that this Council will roll up their sleeves and work hard on this and we will keep everyone posted along the way.

Councilwoman Sofokles congratulated Mona and told her that she is fabulous. She thinks the numbers last year were a little crazy but you can't lay off your services and expect overtime to go down. We can't lay off Police Officers and Firemen so something has to happen to here. The same goes for DPW and Codes because we have to keep our services. Nobody wants to hear it but someone who commented earlier probably said it best that she would rather pay more in her taxes but not thirty nine percent. Like our Corporation Counsel said, if we go over two percent then it's a problem but every municipally votes for it because it's a precaution and we didn't vote for it tonight. She feels the taxes could go up a little bit but you can't lose your Police and Firemen. We are already understaffed in the Police Department and a little understaffed in the Fire Department. We have to do something and it has to be done so she is willing to work every day on this next week at City Hall. She thanked everyone for coming because they have to have their voices heard. We all love this City and we are all taxpayers in this City too so she understands. Like Councilman Grice said, if anyone has any ideas that can help please bring them forward.

Mayor Harvey told the City Manager that these numbers aren't going to work and we are going to fight like we did last year to get these numbers down. There is no way we are going to lay off Police, Fire or DPW. We are going to roll up our sleeves and work day and night going line by line in this Budget to find the human errors, try revenue sources and do what we need to do to maintain our services and employees. At the same time we have to work like Hell to stay under that two percent tax cap and we were here a year ago. It's been like this for the past fifteen years and yes we need to expand our tax base which is why we put together an Economic Advisory Board. They have parcels on deck right now to create ratables and there is a multimillion dollar project that just got approved with a cider manufacturer in this City with jobs. There is also a 2.7 million dollar project going on at South William Street so we have stuff in the pipeline to expand the tax base. We are even talking about a possible one percent payroll tax for people who work in the City but don't live in the City. We have about five to eight projects that will bring ratables to this City that are ready to be on board so we are doing that for 2020. The Economic Advisory Committee has been working diligently and we know that expanding the tax base is not the only solution. There has to be multiple solutions and there has to be many hands and many minds to come together and get these numbers right. This is just a proposal and the process now has begun. We have until November 25th to get this Budget right.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 10:33 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 243 - 2019

OF

OCTOBER 15, 2019

RESOLUTION AMENDING RESOLUTION NO. 364-2018,
THE 2019 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER
\$27,593.00 FROM CONTINGENCY TO FIRE DEPARTMENT-EDUCATION
FOR TUITION REIMBURSEMENTS

WHEREAS, the City of Newburgh Fire Department has tuition reimbursements which were not included in the 2019 budget and Fire Academy tuitions which require payment; and

WHEREAS, this Council finds that the transfer of funds from Contingency to Fire Department-Education to fund the tuition expenses with a 2019 budget amendment is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No. 364-2019, the 2019 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990 Contingency-Emergency	<u>\$27,593.00</u>	
A.3412.0463 Fire Department-Education		<u>\$27,593.00</u>
TOTALS:	\$27,593.00	\$27,593.00

RESOLUTION NO.: 244 - 2019

OF

OCTOBER 15, 2019

RESOLUTION AMENDING RESOLUTION NO. 364-2018,
THE 2019 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER
\$15,000.00 FROM CONTINGENCY
TO DPW/POLICE GARAGE -REPAIRS/MOTOR VEHICLE

WHEREAS, the Public Works Department requires additional funds to repair Police Department vehicles for the remainder of the fiscal year; and

WHEREAS, a transfer of funds from the 2019 General Fund Contingency to DPW/Police Garage - Repairs/Motor Vehicles is required to fund needed vehicle repairs; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No. 364-2018, the 2019 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990 General Fund Contingency	<u>\$15,000.00</u>	
A.5133.442 DPW/Police Garage— Repairs/Motor Vehicles		<u>\$15,000.00</u>
TOTALS:	\$15,000.00	\$15,000.00

RESOLUTION NO.: 245 - 2019

OF

OCTOBER 15, 2019

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL TO ADD CONSTRUCTION INSPECTION SERVICES
TO THE AGREEMENT WITH HUDSON VALLEY ENGINEERING ASSOCIATES, P.C.
FOR THE LAKE DRIVE BRIDGE (BIN No. 2223630) REPLACEMENT PROJECT
AT A COST NOT TO EXCEED \$274,880.36**

WHEREAS, the Lake Drive Bridge has been Red Flagged for structural deficiencies by the New York State Department of Transportation; and

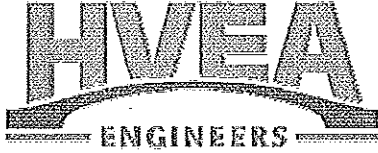
WHEREAS, following an RFQ process for selecting a design consultant in accordance with the Federal Aid process, by Resolution No. 1-2017 of January 9, 2017, the City Council of the City of Newburgh, New York authorized the City Manager to accept a proposal and execute an agreement with Hudson Valley Engineering Associates, P.C. for engineering services related to the Lake Drive over the Quassaick Creek (BIN No. 2223630) Bridge Replacement Project at a cost not to exceed \$364,949.00; and

WHEREAS, the federally funded projects require complete oversight during construction to ensure the project is completed according to the plans and specifications and Hudson Valley Engineering Associates, P.C. has submitted a proposal to add construction inspection services to its existing contract with City of Newburgh for the Project at a cost of \$274,880.36; and

WHEREAS, the funding for the construction inspection services shall be derived from the 2016 BAN-H1.5110.0208.8102.2016 which funding shall be reimbursed through the Master Federal Aid Project Agreement; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that continuing with such work as proposed would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Hudson Valley Engineering Associates, P.C. for construction inspection services related to the Lake Drive over the Quassaick Creek (BIN No. 2223630) Bridge Replacement Project at a cost not to exceed \$274,880.36.



July 16, 2019

Jason Morris, P.E.
City of Newburgh Engineer
City Hall
83 Broadway
Newburgh, New York 12550

**Re: City of Newburgh
PIN 8761.39 – Lake Drive over Quassaick Creek (BIN 2223630) Bridge
Replacement**

Dear Mr. Morris:

Attached please find our cost proposal and scope to add construction inspection services to our contract for the Lake Drive Bridge Replacement project. The scope employs the NYSDOT's requirements for federal-aid local projects. As discussed, the federally funded projects require complete oversight during construction to ensure the project is built according to the plans and specifications and extensive documentation.

Thank you very much for considering us for the inspection services. We look forward to continuing working with you and the City.

If you have any questions, please call me.

Sincerely,

HVEA Engineers

A handwritten signature in black ink, appearing to read "J. Gorton", is written over the printed name and title.

Jack Gorton, P.E.
Project Manager

Section 9 - Construction Inspection

9.01 Equipment

The **Contractor** will furnish office space and basic office furnishings for the **Consultant**, as part of the contract.

The **Consultant** will furnish all other office, field and field laboratory supplies and equipment required to properly perform the inspection services listed below.

9.02 Inspection

The **Consultant** must provide, to the satisfaction of the **Sponsor**, contract administration and construction inspection services from such time as directed to proceed until the completion of the final agreement and issuance of final payment for the contract. The **Consultant** must assume responsibility, as appropriate, for the administration of the contract including maintaining complete project records, processing payments, performing detailed inspection work and on-site field tests of all materials and items of work incorporated into the contract consistent with federal policies and the specifications and plans applicable to the project.

9.03 Municipal Project Manager

This Project Manager will be the **Municipality's** official representative on the contract and the **Consultant** must report to and be directly responsible to said Project Manager.

9.04 Ethics

Prior to the start of work, the **Consultant** will submit to the **Sponsor** a statement regarding conflicts of interest.

9.05 Health and Safety Requirements

The **Consultant** must provide all necessary health and safety related training, supervision, equipment and programs for their inspection staff assigned to the project.

9.06 Staff Qualifications and Training

The **Consultant** must provide sufficient trained personnel to adequately and competently perform the requirements of this agreement. The **Consultant** will recommend inspectors to the Sponsor for approval prior to their assignment to the project. Resumes, proof of required certification and the proposed initial salary shall be furnished. The Sponsor may want to interview before approval, and reserves the right to disapprove any application. The employment of all consultant personnel is conditional, subject to satisfactory performance, as determined by the Sponsor.

For all construction inspection agreements, it is mandatory that all technician personnel be identified by the National Institute for Certification in Engineering Technologies (NICET) certification levels in the staffing tables. In addition, all Transportation Engineering Technicians-Construction assigned to the project at and above level III, Engineering and Senior Engineering Technicians, must be certified by NICET. Transportation Engineering

Technicians-Construction below level III assigned to the project must have successfully completed the General Work Element requirements and at least those Special Work Elements which apply to their specific project assignments at the level of their rating.

In lieu of the NICET certification requirements, the Sponsor may accept evidence that the person proposed for employment (1) has satisfactorily performed similar duties as a former NYS Department of Transportation (NYSDOT) employee or (2) has a combination of education and appropriate experience commensurate with the scope of the position in question.

Technicians employed by the **consultant** that perform field inspection of Portland cement concrete shall possess a current certification from the American Concrete Institute (ACI) as a Concrete field-testing Technician-Grade 1, or have completed all of the following NICET work elements, which are equivalent to the ACI certification:

NICET LEVEL	NICET CODE	NICET WORK ELEMENT
I	82019	Sample Fresh Concrete
I	82020	Slump Test
II	84068	Air Content, Pressure
II	84069	Air Content, Gravimetric
II	84070	Air Content, Volumetric
II	84076	Field Prepared Test Specimens

Inspectors designated as the responsible person in charge of work zone traffic control must have sufficient classroom training, or a combination of classroom training and experience, to develop needed knowledge and skills. Acceptable training should consist of a formal course presented by a recognized training program which includes at least two full days of classroom training. A minimum of two days classroom training is normally required, although one day of classroom training plus responsible experience may be considered. Recognized training providers include American Traffic Safety Services Association (ATSSA), National Safety Council (NSC), Federal Highway Administration's National Highway Institute (FHWA-NHI), and accredited colleges and universities with advanced degree programs in Civil/Transportation/Traffic Engineering. Former DOT employees may be considered on the basis of at least one day of formal classroom training combined with responsible M&PT experience.

Technicians employed by the **consultant** who perform field inspection of geotechnical construction (earthwork), including, but not limited to embankment construction, subbase placement, structure and culvert backfill placement, and testing of earthwork items for in-place density and/or gradation, shall possess a current certification and/or proof of training from the following organization:

North East Transportation Technician Certification Program (NETTCP) Soils and Aggregate

Inspector Certification. An alternative to the certification/training listed above would be proof of previous training (within the past 5 years) of the NYSDOT Earthwork Inspectors School, given by the Department's Geotechnical Engineering Bureau.

9.07 Scope of Services/Performance Requirements

A. Quality

The Consultant will enforce the specifications and identify in a timely manner to the **Sponsor** local conditions, methods of construction, errors on the plans or defects in the work or materials which would conflict with the quality of work, and conflict with the successful completion of the project.

B. Record Keeping & Payments to the Contractor

- 1) All records must be kept in accordance with the directions of the **Sponsor** and must be consistent with the requirements of the **NYSDOT Manual of Uniform Recordkeeping (MURK)**.¹ The **Consultant** must take all measurements and collect all other pertinent information necessary to prepare daily inspection reports, monthly and final estimates, survey notes, record plans showing all changes from contract plans, photographs of various phases of construction, and other pertinent data, records and reports for proper completion of records of the contract.
- 2) Any record plans, engineering data, survey notes or other data provided by the **Sponsor** should be returned to the **Sponsor** at the completion of the contract. Original tracings of record plans, maps, engineering data, the final estimate and any other engineering data produced by the **Consultant** will bear the endorsement of the **Consultant**. Any documents that require an appropriate review and approval of a Professional Engineer (P.E.) licensed and registered to practice in New York State must be signed by the P.E.
- 3) Unless otherwise modified by this agreement, the **Sponsor** will check, and when **acceptable**, approve all structural **shop** drawings.
- 4) The **Consultant** must submit the final estimate of the contract to the **Sponsor** within four (4) weeks after the date of acceptance of the contract. All **project records** must be cataloged, indexed, **packaged**, and delivered to the **Sponsor** within five (5) weeks after the date of the acceptance of the contract.

Health & Safety/Work Zone Traffic Control

- 1) The **Consultant** must ensure that all inspection staff assigned to the project are knowledgeable concerning the health and safety requirements of

¹ <https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information>

the contract per **Sponsor** policy, procedures and specifications and adhere to all standards. Individual inspectors must be instructed relative to the safety concerns for construction operations they are assigned to inspect to protect their personal safety, and to ensure they are prepared to recognize and address any contractor oversight or disregard of project safety requirements.

- 2) The **Consultant** is responsible for monitoring the Contractor's and Subcontractor's efforts to maintain traffic and protect the public from damage to person and property within the limits of, and for the duration of the contract.

Monitoring Equal Opportunity/Labor Requirements

The **Consultant** must assign to one individual the responsibility of monitoring the Contractor's adherence to Equal Opportunity and Labor requirements contained in the contract. When monitoring the Contractor's Equal Opportunity and Labor compliance, the Consultant, will utilize the guidance contained in the contract, standard specifications and the **Sponsor's** policies. The Consultant is also to input required disadvantaged business enterprise (DBE) information into the NYSDOT maintained Equitable Business Opportunities (EBO) database².

² <https://www.dot.ny.gov/dotapp/ebo>

Section 10 - Estimating and Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

- Section 9 Construction Inspection will include but not be limited to:
- Providing on-site construction inspection and oversight to ensure the quality of construction and conformity with the final plans and specifications.
 - Preparation of as-built plans.

Estimate award will be November 1, 2019. Shop drawings will be reviewed November 1, 2019 – March 1, 2020

Estimate construction will begin on March 1, 2020 and will be completed by August 30, 2020.

HVEA will staff the project with:

- 1 Part time Project Manager
- 1 Full time Resident/Office Engineer
- 1 Project Engineer as-needed
- 1 Full time Inspector

HVEA will provide cell phones for inspectors' use.

Laptops, printers and other technology items will be provided by the Contractor under the Office Technology item.

HVEA will provide APPIA management software as a direct non-salary cost in this contract.

An 11x17 color scanner/photocopier will be included by the Contractor under the field office item.

High speed internet access will be provided by the Contractor as part of the field office item.

HVEA's Project Engineer will review shop drawings, structural plans, lift plans and submittals.

HVEA will provide nuclear gauge testing for backfilling operations.

HVEA will provide concrete testing for all concrete pours.

Exhibit A, Page 1
Salary Schedule

JOB TITLE	ASCE (A) OR NICET (N)	AVERAGE ENGINEERING SALARY RATES		
	GRADE	PRESENT	PROJECTED	OVERTIME
		(07/19)	(03/20)	CATEGORY
Project Manager	VI (A)	\$76.00	\$78.28	A
Resident/Office Engineer	IV (A)	\$52.00	\$53.56	B
Project Engineer	IV (A)	\$52.00	\$53.56	B
Chief Inspector	IV (N)	\$47.14	\$48.55	C
Office Engineer	III (N)	\$45.00	\$46.35	C
Senior Inspector	III (N)	\$41.00	\$42.23	C
Inspector	II (N)	\$34.00	\$35.02	C

OVERTIME POLICY

- Category A - No overtime compensation.
Category B - Overtime compensated at straight time rate.
Category C - Overtime compensated at straight time rate x 1.50.

JOB TITLE	ASCE OR NICET GRADE
--------------	------------------------------

JOB TITLE	NICET GRADE	2019			2020												Hours	Rate	Premium Portion of Overtime	Direct Labor	
		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D					
Project Manager	VI (A)																0	\$78.28	\$0.00		
Resident/ Office Engineer	IV (A)						170	170	170	170	170	170	170	170	170		1190	\$53.56	\$63,736.40		
Overtime																	0	\$53.56	\$0.00		
Project Engineer	IV (A)																160	\$53.56	\$8,569.60		
Chief Inspector	IV (N)																0	\$48.55	\$0.00		
Office Engineer	III (N)																0	\$46.35	\$0.00		
Senior Inspector	III (N)																0	\$42.23	\$0.00		
Overtime																	0	\$42.23	\$0.00		
Inspector	II (N)						170	170	170	170	170	170	170	170		1020	\$35.02	\$35,720.40			
Overtime																40	\$35.02	\$700.40	\$1,400.80		
																	2,410		\$700.40	\$109,427.20	

Exhibit B, Page 1
Estimate of Direct Non-Salary Cost

1. TRAVEL

a) On-Job Travel -
1 Inspectors x 21 days/month x

10 miles/day =

\$1,260.00

Total On-Job Travel-

1,260 mi. x

\$0.580 /mi.=

\$730.80

SUBTOTAL TRAVEL

\$730.80

b) Material Testing - as needed

SERVICES

CONCRETE FIELD TESTING:

- 1 Technician: Complete Field Testing: Including Slump, Air, Temperature, Unit Weight, and Casting Cylinders (ACI Grade I Certified Staff)*
- 2 Compressive Strength Test of Cylinder; Per Cast, Cast by HVEA (ASTM C39)

EARTHWORK TESTING:

- 1 Sieve Analysis of Soil (ASTM D6913)
- 2 Wash Sieve Analysis of Soil (ASTM D1140)
- 3 Particle Size Analysis with Hydrometer (ASTM D422)
- 4 Proctor Analysis (ASTM D698/D1557)
- 5 Organic Content (ASTM D2974)
- 6 pH of Soil (ASTM D4972)
- 7 Flat and Elongated Particles (ASTM D4791)
- 8 Atterberg Limits (ASTM D4328)
- 9 Magnesium Sulfate Soundness (4 Cycles) (ASTM C88)
- 10 Technician (Up to 8 Hours Onsite): Compaction Testing with Nuclear Density Gauge (Certified Technician)*
- 11 Daily Gauge Fee, Per Gauge (Unlimited Tests)

TRAVEL:

- 1 Travel (Round Trip - Includes Labor & Mileage)
Sample Pickup, On Site - Reunite
- 2c Sample Pickup, at Location Off Site (Billed Portal-to-Portal, Plus Mileage at the Current IRS Mileage Rate)

PROFESSIONAL STAFF:

- 1 Project Management (Client Coordination, Review Results and Reports)
- 2 Professional Engineer

*Prices are per technician, per eight (8) hour day between the hours of 8AM and 4PM; Saturday and night rates will be charged at 1.5 times the unit rate. Sunday and Holiday rates will be charged at 2 times the unit rate.

\$5,439.00

SUBTOTAL MATERIAL TESTING

c) Construction Management Software

13 Inspector Months - Apple Construction Estimating Software @

\$158.33 per month

\$2,058.29

1 Inspector's * 6 month project = 6

1 Resident/Office thru close out * 7 month project = 7

SUBTOTAL SOFTWARE

\$2,058.29

TOTAL DIRECT NON-SALARY COST

\$8,228.09

Exhibit C
Summary

Item IA, Direct Technical Salaries (estimated) subject to audit	\$109,427.20
Item IA, Direct Technical Salaries, Premium Portion of Overtime (estimated) subject to audit	\$700.40
Item II, Direct Non-Salary Cost (estimated) subject to audit	\$8,228.09
Item III, Overhead, 117% subject to audit	\$128,029.82
Item IV, Fixed Fee (12%) (applied to Items IA & III)	<u>\$28,494.84</u>
Total:	\$274,880.36

RESOLUTION NO.: 246 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 12, 2019
TO RECEIVE COMMENTS CONCERNING THE ADOPTION OF THE
2020 BUDGET FOR THE CITY OF NEWBURGH

BE IT RESOLVED, by the Council of the City of Newburgh, New York that pursuant to Charter Section C8.15 a public hearing will be held to receive comments concerning the adoption of the 2020 Budget for the City of Newburgh; and that such public hearing be and hereby is duly set for a City Council meeting of the Council to be held at 7:00 p.m. on the 12th day of November, 2019, in the Third Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

RESOLUTION NO.: 247 -2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A LOCKBOX AGREEMENT AS PART OF
A CASH MANAGEMENT MASTER AGREEMENT WITH TD BANK

WHEREAS, the re-implementation of lockbox services is part of the broader finance strategy geared toward faster revenue collection and recording; and

WHEREAS, improving efficiencies in the City Collector's department by reducing time spent on mail and recording will free up time resources which will be devoted to the credit card implementation, moving to monthly reconciliations, and increased parking administrative tasks; and

WEHREAS, this Council finds that entering into an agreement for lockbox services is in the best interest of the City of Newburgh;

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 TD Bank for lockbox services as part of a cash management master agreement.

RESOLUTION NO.: 248 - 2019

OF

OCTOBER 15, 2019

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 24 TEMPLE AVENUE (SECTION 32, BLOCK 3, LOT 8) AT PRIVATE SALE
TO JOHN NOTARO FOR THE AMOUNT OF \$60,000.00**

WHEREAS, by Resolution No. 166-2019, the City of Newburgh authorized the sale of 24 Temple Avenue, being more accurately described as Section 32, Block 3, Lot 8, on the official tax map of the City of Newburgh, to John Notaro for the amount of \$84,900.00; and

WHEREAS, the prospective buyer discovered certain issues during the title search process that created a cloud on title; and

WHEREAS, the prospective buyer is willing to absorb the title-related risks by offering to purchase the property at private sale at a reduced price; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the property be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before November 27, 2019; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
24 Temple Avenue	32 - 3 - 8	John Notaro	\$60,000.00

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

Terms and Conditions Sale

24 Temple Avenue, City of Newburgh (SBL: 32-3-8)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2019-2020, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2019-2020, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.
7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by **Purchaser** by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.*
11. Provided that the sale is not subject to an owner-occupancy restriction as set forth in paragraph 20, the purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
12. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
13. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
14. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
15. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
16. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City

may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

17. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
19. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
20. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of **(\$10,000.00)** payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

John Notaro

RESOLUTION NO.: 249 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 6 LOCUST STREET (SECTION 32, BLOCK 1, LOT 6)
AT PRIVATE SALE TO MELVIN VARGAS FOR THE AMOUNT OF \$25,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 6 Locust Street, being more accurately described as Section 32, Block 1, Lot 6 on the official tax map of the City of Newburgh; and

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

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before January 17, 2020, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
6 Locust Street	32 - 1 - 6	Melvin Vargas	\$25,000.00

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

Terms and Conditions Sale

6 Locust Street, City of Newburgh (SBL: 32-1-6)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2019-2020, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2019-2020, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**

15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of \$1,000.00 payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

MELVIN VARGAS

RESOLUTION NO.: 250 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN
AS 53 SOUTH ROBINSON AVENUE (SECTION 38, BLOCK 6, LOT 1) AT PRIVATE
SALE TO FREDI PATRICIO QUEZADA ROMERO AND RUBI D. ORTEGA ROJAS
FOR THE AMOUNT OF \$75,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 53 South Robinson Avenue, being more accurately described as Section 38, Block 6, Lot 1 on the official tax map of the City of Newburgh; and

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

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyers for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchasers be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before January 17, 2020, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
53 South Robinson Avenue	38 - 6 - 1	Fredi Patricio Quezada Romero Rubi D. Ortega Rojas	\$75,000.00

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

Terms and Conditions Sale
53 South Robinson Avenue, City of Newburgh
(SBL: 38-6-1)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2019-2020, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2019-2020, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey

its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of \$5,000.00 payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

FREDI PATRICIO QUEZADA ROMERO

RUBI D. ORTEGA ROJAS

RESOLUTION NO.: 251 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 50 THOMPSON STREET (SECTION 13, BLOCK 7, LOT 11.2) AT
PRIVATE SALE TO JOSEY SAVINON AND EVAN SAVINON
FOR THE AMOUNT OF \$75,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 50 Thompson Street, being more accurately described as Section 13, Block 7, Lot 11.2 on the official tax map of the City of Newburgh; and

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

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyers for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchasers be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before January 17, 2020, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
50 Thompson Street	13 - 7 - 11.2	Josey Savinon Evan Savinon	\$75,000.00

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

Terms and Conditions Sale
50 Thompson Street, City of Newburgh
(SBL: 13-7-11.2)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2019-2020, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2019-2020, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey

its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of \$3,000.00 payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

JOSEY SAVINON

EVAN SAVINON

RESOLUTION NO.: 252 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION IN CONNECTION WITH A MORTGAGE
ISSUED TO WINZLE PARKER FOR THE PREMISES LOCATED AT
121 GIDNEY AVENUE (SECTION 17, BLOCK 7, LOT 4)

WHEREAS, the City of Newburgh issued a mortgage to Winzle Parker in the principal sum of \$7,202.00 for premises located at 121 Gidney Avenue (Section 17, Block 7, Lot 4), dated May 12, 1987, and recorded in the Orange County Clerk's Office on June 23, 1987 in Liber 2711 at Page 72; and

WHEREAS, the terms of the mortgage instrument has been satisfied by the mortgagor and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Winzle Parker for premises located at 121 Gidney Avenue (Section 17, Block 7, Lot 4).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

MORTGAGE bearing the date of May 12, 1987, made by Winzle Parker to the City of Newburgh, given to secure payment of the principal sum of \$7,202.00, and duly recorded in the office of the Orange County Clerk's Office on Orange County Clerk's Office on June 23, 1987 in Liber 2711 at Page 72;

which mortgage has not been further assigned of record.

Dated: _____, 2019

CITY OF NEWBURGH

By: Joseph P. Donat, City Manager
Per Resolution No.:

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

On the _____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: 253 -2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE EXECUTION
OF A PARTIAL RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO MAGALY ORTEGA TO THE PREMISES KNOWN AS
266 CARPENTER AVENUE (SECTION 7, BLOCK 7, LOT 42)

WHEREAS, on September 29, 2017, the City of Newburgh conveyed property located at 266 Carpenter Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 7, Block 7, Lot 42, to Magaly Ortega; and

WHEREAS, the owner has requested a release of the restrictive covenants number 1, 2, 3, 4, and 5 contained in said deed; 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 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.

PARTIAL 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 266 Carpenter Avenue, (Section 7, Block 7, Lot 42) 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 September 29, 2017 from THE CITY OF NEWBURGH to Magaly Ortega, recorded in the Orange County Clerk's Office on October 3, 2017, in Liber 14299 of Deeds at Page 671 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: _____, 2019

THE CITY OF NEWBURGH

By:

Joseph Donat, City Manager
Pursuant to Res. No.: ____-2019

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

On the ____ day of _____ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.: 254-2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO NEWBURGH COMMUNITY IMPROVEMENT CORPORATION
TO THE PREMISES KNOWN AS
61 FARRINGTON STREET (SECTION 18, BLOCK 11, LOT 7)

WHEREAS, on August 11, 2005, the City of Newburgh conveyed property located at 61 Farrington Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 11, Lot 7, to Newburgh Community Improvement Corporation; and

WHEREAS, the current owner of the property, HOPN Housing Development Fund Corporation, by its attorney, has requested a release of the restrictive covenants contained in said deed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 of the aforementioned deed.

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 61 Farrington Street, Section 18, Block 11, Lot 7 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated August 11, 2015, from THE CITY OF NEWBURGH to NEWBURGH COMMUNITY IMPROVEMENT CORPORATION, recorded in the Orange County Clerk's Office on August 15, 2005, in Liber 11918 of Deeds at Page 1333 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: _____, 2019

THE CITY OF NEWBURGH

By: _____

Joseph Donat, City Manager

Pursuant to Res. No.: ____-2019

STATE OF NEW YORK)

) ss.:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.

RESOLUTION NO.: 255 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN ADDENDUM TO THE AGREEMENT WITH
PROFESSIONAL ACCOUNT MANAGEMENT, LLC
FOR MUNICIPAL PARKING SERVICES AND RELATED EQUIPMENT

WHEREAS, by Resolution No. 217-2013 of October 28, 2013, the City Council of the City of Newburgh approved an Original Agreement with Professional Account Management LLC ("PAM") for Municipal Parking Services and Related Equipment Parties to last for 3 years; and

WHEREAS, the Parties entered into an addendum ("Addendum #1") to the Original Agreement on or about March 17, 2017 that, *inter alia*, extended the terms of the Original Agreement to October 30, 2019; and

WHEREAS, pursuant to paragraph 16 of the Original Agreement, the City provided timely notice of its intent to terminate the Original Agreement to PAM; and

WHEREAS, the City wishes to continue to receive goods and services under the Original Agreement on a month-to-month basis only, and PAM wishes to continue to provide those goods and services under those terms; and

WHEREAS, the Parties wish to amend the Original Agreement to include the changes documented in an Addendum #2, attached hereto and made a part of this resolution; and

WHEREAS, the City Council finds that entering into Addendum #2 with PAM is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into Addendum #2 to the Original Agreement with Professional Account Management LLC for Municipal Parking Services and Related Equipment to continue on a month-to-month basis.

RESOLUTION NO.: 256 - 2019

OF

OCTOBER 15, 2019

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A SFY 2019-2020 NEW YORK STATE SENATE INITIATIVES PROGRAM GRANT
THROUGH NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY
RENEWAL IN AN AMOUNT NOT TO EXCEED \$60,000.00
TO FUND A HOUSING NEEDS ASSESSMENT

WHEREAS, the City of Newburgh wishes to apply for a SFY 2019-2020 New York State Senate Initiatives Program Grant administered through the New York State Division of Housing and Community Renewal to fund a Housing Needs Assessment in the City of Newburgh; and

WHEREAS, if awarded, the funding will be used to support existing monies prepare a Housing Needs Assessment for the City of Newburgh that will research and analyze current resident data and the profile of the existing housing stock; solicit input from city residents regarding housing conditions and needs; work closely with Newburgh stakeholder organizations, including city government, to better understand the challenges and opportunities of developing and preserving housing for a range of incomes; and provide pragmatic policy recommendations for equitable housing development that is tailored specifically for Newburgh; and will allow the study to focus on a wider scope of needs, challenges, and income levels and work towards developing an overall vacancy rate for the City; and

WHEREAS, no City match is required; and

WHEREAS, the City Council find it to be in the best interests of the City of Newburgh and its citizens to apply for and accept such grant;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to accept if awarded a SFY 2019-2020 New York State Senate Initiatives Program Grant administered through the New York State Division of Housing and Community Renewal administered by the New York State Division of Housing and Community Renewal in the amount of \$60,000.00 for a Housing Needs Assessment from Senator James Skoufis, with the appreciation and thanks of the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 257 - 2019

OF

OCTOBER 15, 2019

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

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

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

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

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting at 9:00 p.m. on Wednesday, October 30, 2019, and ending at 6:00 a.m. on Friday, November 1, 2019; and

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

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

RESOLUTION NO.: 258-2019

OF

OCTOBER 15, 2019

A RESOLUTION REAPPOINTING CHRISTOPHER P. CAMMARATA
TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, it is necessary to appoint members to the Board of Assessment Review; and

WHEREAS, each member of such Board serve a five-year term; and

WHEREAS, it is necessary to re-appoint one member whose term of office expired and who is willing to serve a new term;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby re-appointed to the Board of Assessment Review for the term indicated:

1. Christopher P. Cammarata, to a new five-year term commencing retroactively on October 1, 2019 and expiring on September 30, 2024.

RESOLUTION NO. 259 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION APPOINTING MONA TOSCANO
CITY OF NEWBURGH POET LAUREATE

WHEREAS, Mona Toscano was born in the shadow of the Statue of Liberty during World War II in Jersey City, NJ, reared in Hudson County, NJ and lived there until she went to Ladycliff College in Highland Falls, NY and after receiving a Bachelor's in History and secondary teaching certification, worked at the UN and in 1964 and 1965 lived and worked in Europe and returned to Manhattan, married, and did post-baccalaureate studies in psychology following which for twenty years, raised her family in Central New York; and

WHEREAS, in 1996, she returned downstate becoming an urban pioneer when she purchased an historic Liberty Street house in Newburgh, NY near South Street, witnessed the transformation of a new illuminated Newburgh with her pioneer travails assuaged, and now lives in an apartment in an antebellum house off Grand Street with a forty-foot veranda that has the best river views in all of Newburgh; and

WHEREAS, she began writing in middle age through the workshop offerings of the Rome NY Art Center, where she studied under Pulitzer Prize winner, Hayden Caruth, the late Aga Shahid Ali, and Michael Burkard, one of America's New Language poets; and

WHEREAS, her former husband's job relocation to Central New York, circa '79, up-ended a fourteen year career ladder in academia where she had worked as an editor at Pace University and grants officer at Baruch/CUNY, from which she received a Master's of Public Administration, and in the winter-land of Utica/Syracuse NY, she became an art administrator, which included being a Publicist at the Rome Art Center; Director of the Cortland Arts Council; fundraiser for Utica's summer festival; Director at the Mohawk Valley Center for the Arts and, briefly, Director at Orange County Arts Council; and

WHEREAS, from 1999 until 2010, she had an art gallery in the mansard roof area of her Liberty Street home that included an art installation on the first anniversary of 9/11 by Serbian artist, Beka Nanic and a Mother's Day exhibit featuring the controversial Shawn Dell Joyce, 2002 and a showing of Korean photographer/cinematographer, Kee Suun's wild animals of Siberia, 2010; and

WHEREAS, her community activism in Newburgh includes working at Glenn Hines Boys and Girls Club, organizing Newburgh first National Night Out in 2000, and under prompting by Fr. Scafidi, organizing the original board of Newburgh's "Trestle Inc." for the waterfront mural; for exemplary work as a tour guide in 2004 and 2005, she received "The Best Neighbor" Award from

Newburgh for Newcomers and prompted Newburgh Preservation to sell Dutch tulip bulbs as a fundraiser for the Dutch Reformed Church, circa 2007; with a group of visual and Literary artists she staged art on the lawns of St. Mary's Church and the Mount College, and in front of Newburgh's historic court house, exhibiting photos of children—100 Reasons Not to Go to War—as protest to the war in Iraq in September 2010; and

WHEREAS, Mona Toscano's poetry reading in Newburgh began at the Liberty Street art gallery, the Tree of Art, circa 1997 and from that assemblage, she was an originating member of the Hudson River Poets meeting at the Newburgh Library since the late 1990s; she became the theme-study coordinator of HRP, 2013-2017 and published her first limited edition collection of poems "Routes" through the Newburgh's EXLIT small press 2016, a hand-bound production by the Newburgh Bindery; and

WHEREAS, she has published some forty poems in small presses and local publications, having enough poetry for three more chapbooks, including Italian-American poetry and samples appeared in the late ethnic journal "la bella figura" and in "Footworks" of Passaic County Community College; her poetry has been anthologized, including an American/Canadian/Italian anthology; and she is contributor to HRP's anthologies coming out of their reading venue at the Karpelas Museum in Newburgh, 2018 & 2019; and

WHEREAS, she has a few awards to her credit, including first place in a Dorfman Contest (Rome NY) and with a (Syracuse) Comstock Review contest, and has received honorable mention in other poetry contests; and

WHEREAS, she was selected to read her poetry for the City of Newburgh's First 9/11 anniversary program, and accompanied by pianist Neil Alexander, they presented at evening-tide on the porch of the Dutch Reformed Church and she was listed as an "Artist of the Year" in 2002 in the Times Herald Record and awarded a NYSCA Decentralization Award for Poetry in 2003; and

WHEREAS, based on the foregoing, the City Council of the City of Newburgh finds that Mona Toscano holds the qualifications necessary and appropriate to serve as City of Newburgh Poet Laureate, the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newburgh hereby appoints Mona Toscano as the City of Newburgh Poet Laureate; and

BE IT FURTHER RESOLVED, that the honorary position of City of Newburgh Poet Laureate is voluntary in nature and such honorary position shall not be considered an employee, nor an elected official of the City of Newburgh and as such cannot legally bind or obligate the City of Newburgh in transactions with others; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION NO.: ____260____ - 2019

OF

OCTOBER 15, 2019

RESOLUTION CONCERNING THE PROPOSED
DANSKAMMER ENERGY CENTER PROPOSAL

WHEREAS, Danskammer Energy, LLC ("Danskammer"), seeks a permit through the State's Article 10 power plant siting process to build and operate a new gas-fired power plant with a potential generating capacity of 525-575 megawatts on the shores of the Hudson River in the Town of Newburgh, referred to as the Facility Repowering Project; and

WHEREAS, the City of Newburgh is a party to the Article 10 process, has received and reviewed presentations on the proposed Facility Repowering Project, and received public comments from City of Newburgh residents and representatives of Danskammer, Scenic Hudson, Hudson Valley Building & Construction Trades Council, Food and Water Watch, and Newburgh's Conservation Advisory Council expressing concerns and opposition to the project; and

WHEREAS, the current power plant located at the site operates only when electric generation demand reaches a peak so that it operates about 5% of the year to meet peak power demand; and

WHEREAS, the new power plant will operate year-round as a base load facility; and

WHEREAS, the new power plant will use fracked natural gas as its primary fuel, with provisions to use ultra-low sulfur diesel (ULSD) for up to 30 days as a back-up fuel; and

WHEREAS, New York State banned fracking to protect our health and protect the climate, but this facility would use fracked gas, which is especially dangerous to air and water quality of the communities outside of New York from which it is extracted, and the City of Newburgh does not seek increased harms on any community, including outside of New York State; and

WHEREAS, fugitive methane from fracking, pipelines, compressor stations and other transport is a highly potent greenhouse gas; and

WHEREAS, gas-powered plants produce pollution that harms local air quality and the public's health through release of contaminants; and

WHEREAS, children, the elderly and anyone with a pre-existing health condition affecting their lungs, such as asthma or emphysema, are especially vulnerable; and

WHEREAS, the City of Newburgh includes communities and census blocks that qualify as environmental justice communities under state law and therefore are entitled to extra protection to minimize additional harms through public policy decisions affecting their environmental quality; and

WHEREAS, the new gas-powered plant operating at baseload capacity will produce pollution that will fuel the growing climate crisis, contrary to the interests of the City of Newburgh and in contradiction to the State's Energy Plan and Clean Energy Standard of 50% renewable energy generation to be available on the electric grid by 2030, which Governor Cuomo more recently increased to 100% by 2040; and

WHEREAS, Danskammer has filed a Preliminary Scoping Statement with the Siting Board, which informs the Siting Board, other public agencies, and communities about the project, including a description of the proposed facility, potential environmental and health impacts, proposed studies to evaluate those impacts, proposed mitigation measures and reasonable alternatives to the project; and

WHEREAS, Danskammer will conduct various studies to identify and evaluate the potential impacts of a project on the environment, public health, and other public interest factors; and

WHEREAS, after the public involvement program and preliminary scoping statement are filed, Danskammer must then submit a formal Article 10 application to the Siting Board, which includes the same information as the preliminary scoping statement but in greater detail; and

WHEREAS, the City Council recognizes that Danskammer is at the beginning of the approval process and must still hire experts, conduct various planned studies, file its Article 10 application, and conduct public hearings before obtaining final approval to construct the project;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, based on the information currently before it, opposes the construction of a new power plant on the Hudson River in the Mid-Hudson Valley; noting that the Council will fully and objectively take into account any new and additional information provided by way of the full formal Article 10 application process; and further noting that for a positive recommendation, such additional information would have to demonstrate the statewide necessity of such additional power generation capacity, as well as the statewide inability to provide any alternative timely sources with lesser negative impacts on air quality and the local economy; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh urges Governor Cuomo and New York State to focus additional economic development resources into the Hudson Valley to provide prevailing wage jobs for the construction and operation of clean power generation, brownfield clean-up, or other appropriate economic development projects in the Hudson Valley; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh urges Governor Cuomo and the Siting Board convened under Article 10 of the State Public Service Law to consider the concerns stated herein when considering Danskammer's proposal to build and operate a larger, new facility; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh is directed to submit this statement to the Public Service Commission and to send a copy of this resolution to Governor Andrew Cuomo, N.Y. Public Service Commission Chairman John B. Rhodes for entry into the record of public comments of the consideration under state law of Danskammer Energy's applications, and to N.Y. Assembly Member Jonathan Jacobson, and N.Y. Senator James Skoufis.

TABLED

RESOLUTION NO.: 261 - 2019

OF

OCTOBER 15, 2019

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR OCTOBER 28, 2019 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY
IN EXCESS OF THE LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW SECTION 3-c

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A local law authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 28th day of October, 2019, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

TABLED

LOCAL LAW NO.: _____ - 2019

OF

_____, 2019

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO.: 262 - 2019

OF

OCTOBER 15, 2019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
AUTHORIZING COMMENCEMENT AND PARTICIPATION IN A FEDERAL
LAWSUIT ALLEGING DEFICIENCIES OF 2020 CENSUS**

WHEREAS, the Census Bureau has drastically underprepared for the 2020 Census, including by severely scaling back community outreach, hiring unreasonably small numbers of employees to staff its field operations and develop community partnerships, and relying on demonstrably unreliable administrative records; and

WHEREAS, the Census Bureau has entered Fiscal Year 2020 with over \$1 billion in unspent appropriated funds, which could be used to improve census procedures; and

WHEREAS, deficiencies in the 2020 Census will result in a massive and differential undercount of communities of color, especially in cities such as Newburgh; and

WHEREAS, in 2010, a mere 57 percent of City of Newburgh residents filled out the initial census questionnaire, one of the lowest census-participation rates in New York State; and

WHEREAS, given its large Hispanic, black, and undocumented populations, the City of Newburgh remains a “hard-to-count” community in the lead-up to the 2020 Census; and

WHEREAS, an accurate census count is vital to ensuring that the City of Newburgh receives its fair share of federal funding—including transportation, housing, social services, and infrastructure funding—and political representation; and

WHEREAS, Senators Schumer and Gillibrand and Representative Maloney have urged the Census Bureau to establish a Questionnaire Assistance Center in Newburgh, to host a census jobs fair, and to meet with community leaders to encourage participation in the 2020 Census;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, based on the information currently before it, believes that the U.S. government’s preparations for the 2020 Census are so conspicuously deficient as to extend far beyond the failures of past censuses, such that they violate the constitutional duty to conduct an “actual Enumeration,” as well as statutory prohibitions, including against arbitrary and capricious agency action; and

BE IT FURTHER RESOLVED, that the Newburgh City Council authorizes the City of Newburgh to join as a plaintiff in a lawsuit in the U.S. District Court for the Southern District of New York challenging the deficient procedures of the 2020 Census; and

BE IT FURTHER RESOLVED, that the Newburgh City Council urges the Census Bureau to open a Questionnaire Assistance Center in Newburgh, to increase awareness of the 2020 Census and aid residents in filling out their census forms.

RESOLUTION NO.: 263 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH IRIS GARCIA IN THE AMOUNT OF \$3,708.98

WHEREAS, Iris Garcia brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand Seven Hundred Eight and 98/100 Dollars (\$3,708.98) 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 Iris Garcia in the total amount of Three Thousand Seven Hundred Eight and 98/100 Dollars (\$3,708.98) 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.: 264 - 2019

OF

OCTOBER 15, 2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH BARBARA BROWN IN THE AMOUNT OF \$17,783.87

WHEREAS, Barbara Brown 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 Seventeen Thousand Seven Hundred Eighty-Three and 87/100 Dollars (\$17,783.87) 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 Barbara Brown in the total amount of Seventeen Thousand Seven Hundred Eighty-Three and 87/100 Dollars (\$17,783.87) 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.