A regular meeting of the City Council of the City of Newburgh was held on Monday, March 25, 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, Councilwoman Rayford, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Executive Session

Councilwoman Rayford moved and Councilman Sklarz seconded to enter Executive Session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, dismissal or removal of a particular person or corporation.

All in favor the Council entered Executive session at 7:03 P.M.

Councilwoman Rayford moved and Councilman Grice seconded to exit Executive Session. Ayes: Grice, Mejia, Monteverde, Rayford, Sklarz, Sofokles, Harvey - 7

All in favor the Council exited Executive Session at 7:52 P.M.

Approval of the Minutes of the City Council Meeting on March 11, 2019

Councilwoman Rayford moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Rayford, Sklarz, Sofokles, Harvey - 7
Carried

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

Interim City Manager, Joseph Donat said that over the past several months he has given a number of updates on the good work that goes on day in and day out here in the City of Newburgh with our more than three hundred employees. Tonight is a special night, however, because he is singling one of those employees out. John Hess joined the City of Newburgh on March 6, 1969 as a laborer in the distribution center at the Water Department. Shortly thereafter, he left to join the Military and returned to the City of Newburgh on March 2, 1972. On December 9, 1978 he was promoted from Distribution Laborer to Water Treatment Plant Operator in the Filtration Plant. On January 3, 1983 we made a provisional appointment to Senior Operator of the Filtration Plant which became permanent the following year. On January 25, 1988 we made an additional appointment to Chief Water Treatment Plant Operator and then on Christmas Eve of 2001 he retired as Senior Water Treatment Plant Operator, however, the following year he returned to the City of Newburgh and was hired back as the Water Treatment Plant Operator because we needed someone with his caliber. He presently works in the Administrative Office at the Water Department where every single one of his colleagues has said that he goes above and beyond on a daily basis. Whatever task is asked of him he does. He suits up, shows up every day and hardly ever calls out sick so tonight we have the distinct privilege of bestowing to him a key to the City.

PRESENTATIONS

Presentation of a Key to the City of Newburgh to Water Department Employee John Hess for 50 years of service

City of Newburgh, N.Y.
Proclamation

March 25, 2019
Presenting the Key to The City in Honor Of:

Mr. John Hess

WHEREAS, John Hess began his employment with the City of Newburgh on March 6, 1969; and

WHEREAS, John Hess has served his country by serving in the United States Army and has served the City of Newburgh by working as a Distribution Laborer and Water Treatment Plant Operator; and

WHEREAS, John Hess has worked for Fifty years for the City of Newburgh; and

WHEREAS, John Hess currently works in the Administrative Office and is a checks and balances for all the administrative processes performed by the Account Clerk's and Tax Collector's Department for water billing; and

WHEREAS, John Hess is an instrumental part of the City of Newburgh Water Department; and

WHEREAS, John Hess contributes his talent to the City of Newburgh Water Department by assisting in special research projects; and

WHEREAS, John Hess has worked relentlessly and has rarely taken a sick day or vacation day throughout his fifty years of employment; and

WHEREAS, John Hess goes above and beyond of what is expected of an employee of the City of Newburgh Water Department; and

WHEREAS, John Hess has worked for the Water Department for 17 years past his retirement date and is a testimony to the good work ethic that all employees should note.

THEREFORE, on behalf of the City of Newburgh, a Key to the City is presented on March 25, 2019 to Mr. John Hess in Newburgh, New York for his devoted service throughout the years, which sets an example of integrity and dedication for all.

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

Drew Kartiganer, 30 Meadow Street said he supports the RUPCO proposal because they are committed and they do excellent work. They are stabilizing and engaging the neighborhood as well as hiring people who live in the neighborhood which is exactly what you want to see. This is exactly how the tax credit should be used in Newburgh with stabilizing and renovating existing buildings. People will want to come here when those neighborhoods are stabilized and if you do it right, then Newburgh will be the place to come for the historic district. What RUPCO is doing is what you want to do so he is asking the Council to support them as much as they can.

Omari Shakur, 55 Liberty Street said he went to the College in Sullivan County and testified before the State Census Bureau about why we need to be counted. During the last Census he said that his area was severely undercounted which is why we don't get money for our streets and education. This is money that the City gets which is appropriated by the Federal Government based on population. If they undercount us by five, six or ten thousand, then that's money our City is not getting from the Federal Government. He noted that on April 1st there will be a Census Meeting at the Newburgh Free Library at 6:30 p.m. and there will also be Jobs for us to go out and count our community that pay $18.00 and up. Someone from the Governor's Office will be coming down to show us how to hire people from our community so we can all be counted. He added that there is a question on the Census about citizenship that we are working on to have banned. We want to make sure that everyone feels comfortable and is counted because it means more money to get things done in Newburgh.

Carla Johnson, City of Newburgh said that not every landlord is bad in the City of Newburgh. There are some landlords who do a good job and keep up their properties but she is after the slumlords who don't keep up with their properties because they need to be held accountable. She was in Albany last week fighting for us to be protected and noted that we need more good landlords to step up and do their job so tenants won't have to complain to Codes about violations.

Ignacio Acevedo, organizer of Nobody Leaves Mid-Hudson at 123 Washington Street said that this program started in Middletown a couple weeks ago where in four days they issued three hundred and eighty five ID's and collected five thousand eight hundred dollars. People were lining up and they had huge smiles on their faces when they left because now they feel like they belong here and it matters. If that happened in Middletown he can't even imagine what will happen here in the City of Newburgh where a huge population of the City is going to come get this. It will make a big difference and he can already see people coming here with more confidence because they feel comfortable. He applauded the Council for the work they are doing together and he can't wait for April 8th.

William Rivera, City of Newburgh asked everyone to raise their hand if they want Municipal ID's. The reality is that everyone here lives, works in Newburgh and has family in Newburgh so we belong to Newburgh and we need Municipal ID's.

Rene Mejia, 458 First Street said he was born and raised here and he is happy to be a resident of the City of Newburgh. In the twenty five years that he has lived here he has never seen the residents so united and this shows that we want the community to be united and together. He would be even happier if there was an interpreter at the meetings for the people who can't say what they want. Some have lived here their whole life and it would be a pleasure to hear what they have to say. Just by them being here shows they are very happy that the Council is supporting this. He thanked the Council for what they are doing and even though he has ID for himself he wants to be one of the first people in line to get a Municipal ID because it will show that it doesn't matter who you are or where you are from we are all Newburgh.

Councilwoman Mejia spoke in Spanish and said that there are no rules or regulations that says you have to speak English at the microphone only. Sometimes the barriers that we put on ourselves are greater than the barriers that are out there. We are one community altogether and immigration is not the only thing that impacts our lives. All of us here in the City of Newburgh are impacted by the condition of our infrastructure, by when our garbage doesn't get picked up and by when our properties are not being fixed up. The microphone is open for any language.

John Russo, 438 Powell Ave. said that a few months ago he asked about the status of the bricks on Liberty Street. He has seen over thirty plus full pallets of bricks disappear from Liberty and Clinton Street and no one can say where they are going. They are high end quality historical pavers and they are worth nine dollars a square foot so the City should be selling them. Why can't citizens access them? The same goes for the bluestone that is piled up at DPW but when you try to access them to repair sidewalks, nobody can tell you that you can have them. He knows people who will pay for them and the City needs money so here is an Idea to make some money and sell these things. There are more pallets down on the riverfront right now and these bricks are worth thousands of dollars so where are they going? What are we doing with them?

George Garrison, DPW Superintendent said that the contractor put those bricks on pallets, wrapped them and delivered them to DPW.

Mayor Harvey said that between himself, the City Manager and George Garrison they will try to figure out if there is an opportunity where citizens can purchase these if there is a surplus.

Councilwoman Mejia said that they have had this conversation before. As Mr. Garrison stated, the bricks that are part of the construction that's going on in that section were to be collected and put in storage at DPW along with the bluestone. She thinks the conversation they need to have is about balancing the need that we are going to have with the bluestone before we declare it as surplus property because if we don't, then we will have to buy more down the road for the streets that we are responsible for. There was a gentleman on Broad Street who was undergoing the construction of his sidewalk that was damaged during the repairs that were going on in that area and he was willing to buy it but we didn't have a policy stating that it was surplus. She commended DPW because in the last year they have increased the way they are tracking alongside the Police Department with the way we are able to report when outside entities come in and think they can just lift up the bluestone especially on the weekends. We have to decide what is surplus and to have a balance between if we are going to sell it and make sure we have enough to repair what the City is

responsible for repairing.

Mayor Harvey added that they will continue this offline. There is a lot of ongoing infrastructure work scheduled and ready to go starting in April with the continuation of our road repaving and ADA curb compliance. There are also development projects that are transforming this City so we have to do a critical analysis on what the City will need with those bricks and the bluestone and what is surplus. If there is surplus, then we can vote to allow citizens to purchase it.

Michelle Basch, City of Newburgh said that she is in favor of the ID's because our strength in the United States is our diversity and we have been built by immigration. She is also for RUPCO because they have stabilized areas that many people were afraid to walk into. They are still a very big entity so we have to watch every step and do it together. On resolution #72-2019, she asked why the agreement is split into three parts.

Pastor Ron Truncali, Christian Ministers Fellowship and Hudson Valley Christian Church said it is great to come back to meetings here and see how community is changing for the better. We are a powerful body when we stick together and when we come together as a group and say we want our rights it makes a difference. A group of people in the community brought a Petition to the Council to have Prayer be the central part of the meeting and not an afterthought. That is a time when we come together as a people and we become one under God so when you take that away it diminishes who we are. He feels like we have lost something here and in 2017 it came before the Court in Washington D.C. where they decided that before all meetings Prayer could be spoken. It is good enough for the Federal Government but it's not good enough for the City of Newburgh so we are missing something here.

Jeanette Drake, City of Newburgh noted that Crime Victims Week will be celebrated on Sunday, April 7th from 4:00 p.m. to 6:00 p.m. in the lot between Johnston and Lander Street. This year's theme is honoring our past and creating hope for the future. As far as we have progressed in the City, we don't want to forget about the lives that were lost to get to where we are now. Last year she had two different families attend who had lost their children over ten years ago and they told her that they finally felt at peace because they were able to leave their son's picture on the board and their family had not been forgotten. She encouraged everyone to come out on April 7th.

Ms. Hernandez, 200 South Street said that Municipal ID's are very important. She works at the Newburgh Ministry where she sees homelessness every day and they can't get benefits for social security, disability or unemployment which some of them need. She is very thankful for this.

Brenda McPhail, City of Newburgh said that she loves to see the unity in this room but let's stop coming to the City Council meetings when we need something. Let's reach out to everyone because we all live here and we need to learn how to get along. Until we learn how to get along, nothing is going to change in Newburgh. She added that Prayer is what changes things and there are a lot of things that need to be done. Do what is right for the whole community. She is tired of hearing about what they are going to do and then they do nothing.

Ms. Lezama, City of Newburgh said that they are asking for ID's so they can show it when asked for it. When they are asked for ID, and show ID from their Country, sometimes people make fun of them and call them illegal. This hurts when you have to go to a Doctor or specialist and they look at you like you are nobody. This makes you feel like nobody sees you and you feel rejected which hurts. She has children and has been here for twenty years so her children were born here and don't know her Country. Her kids ask her why she doesn't have an American ID because she has been here for a long time. She never told her kids that they were immigrants but when they found out and started hearing about the immigration rules they couldn't sleep for many days. She told her children not to worry because God is with us and he is helping us. They need to feel like they belong to Newburgh and the United States because they work hard, pay taxes and make money to pay bills.

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. He is in support of resolution #66-2019 because the first phase that RUPCO has done is fabulous and he trusts their work in this city. He did have three concerns which were about transportation, homeownership and community and business access which he feels they answered sufficiently. We also have a resolution tonight for students in the Newburgh Enlarged City School District to paint windows on Habitat for Humanity houses. Not only are we improving the neighborhoods by Habitat fixing those houses we are also making it beautiful by having our students participate in an art project. When it comes to Municipal ID's, we have a resolution that is going to come before us on April 8th so he encouraged everyone to come out again to speak about that. He will also be in that line to get himself a Municipal ID which he plans on using as much as possible. He thanked Mr. Shakur for the information on the Census because it is very important that we get counted as it relates directly to financial assistance for the City of Newburgh. He also thanked Carla for clarifying and going to Albany to fight on behalf of tenants. The reason the Grants were separated into three is because they are for three different situations with sewer, water and general which allows us to be reimbursed. If we lumped it all in to one, that would have severely reduced our chances for getting that reimbursement. This organization has done millions of dollars of work and their reputation speaks for themselves.

Councilwoman Mejia said in regard to resolution #66-2019 that she thinks the entire City of Newburgh knows where she stands when it comes to economic development that is done without displacement. We have had some differences with some of the projects that were proposed but this was one that she is happy to see where everyone is on the same side of the table. It is a no brainer for her. She appreciates people getting involved around the appointments for our vacancies. For the Municipal ID there will be a public hearing on April 8th so she reminded everyone to come for that. She added that proper housing is crucial for the safety net of communities and on March 11th we had a resolution of support here for universal rent control and the extension of that and a lot of people who are renters

spoke about their experience in the City of Newburgh. One person who spoke, Ms. Woody, was a long term resident in her building for over four years and just this past weekend she was informed that she is being asked to vacate the premises as of April 30th. She spoke about her situation and how she has made complaints about the conditions of her apartment so there is a correlation between speaking at the microphone and then two weeks later you are told you have to go. When it comes to economic development and housing that is where she stands and she will always stand with the ones who need it the most. She thanked RUPCO for continuing to push us in that aspect and to all of the Woody's out there she said that this is just the beginning because it is unjust that this is happening to them.

Councilwoman Monteverde thanked everyone for coming out tonight. The items on the agenda are very important issues and when it comes to Municipal ID's she feels we are making history here. She is happy to see everyone come out and get involved so she asked that they continue to come out because this is going to be a pivotal year. We will be talking about supporting rent control resolutions and affordable housing and development in the City of Newburgh. We are moving forward and we are Newburgh strong so please come out to support us and speak up because we need to hear your voices. The RUPCO project is very important. They completed phase one and did a beautiful job which revitalized these neighborhoods so Newburgh is coming back and she supports phase two but will have to recuse herself because of her affiliation with Safe Harbors. When they restore these old buildings, it's absolutely beautiful and if anyone wants to take a tour she will be happy to walk them through it. She added that it's important that they talk about the historic brick pavers and the bluestone and if the public wants to buy the bluestone back to restore their sidewalks, she hopes that in the next couple of months they can pass a resolution on that.

Councilwoman Rayford said a Prayer. She supports RUPCO because they have done a lot and our community was looking like we were in a third world country at war. She told them to continue to communicate with us and we will try our best to help them along the way. She thanked everyone for coming out and like Councilwoman Mejia said, that microphone is for everybody.

Councilman Sklarz thanked everyone for coming out tonight. Programs like RUPCO, Habitat and the Land Bank help stabilize neighborhoods which is much more preferable than building a high rise that just strips away neighborhoods. A major component of this program will also be the work of the Blacc Vanilla Foundation which will do so much to help stabilize the neighborhood and more importantly provide programs for the youth and daycare for the children. He has been involved with the Newburgh Democratic Committee for the past few years and one of the proudest things that he has been involved with there was their decision to adopt a resolution to make Newburgh a Fair and Welcoming City. The second thing was to advocate for the Municipal ID law so he is really proud to be a part of that.

Councilwoman Sofokles said she is very proud of everyone for getting up and speaking. In her work with taxes, people come in without the proper ID so these Municipal ID's will help people do what they can't otherwise do. She hopes that everyone will continue to come and support the City because that's our goal and why we are a Welcoming City. RUPCO is a piece of the pie and a piece of what we are trying to do. The city has been

selling a lot of properties this past year and she is happy to see that a lot of them are being renovated which is the key to building a tax base. RUPCO is a big part of that because they have already proven with phase one that they can do it.

Mayor Harvey thanked everyone for coming out and said that one of the proudest moments was captured in a photo of the RUPCO ribbon cutting for phase one on Johnston Street. Not only was it a dream come true for Mayor Kennedy it was also a dream come true for many people in this City. He thanked them for being professional and for coming to the table when we had tough questions as well as being willing to negotiate and talk about numbers without any issues. He is proud of phase two and they are looking forward to phase three and others because the things they have planned are amazing. On the Municipal ID's, he said that they already have the votes of the Council as they are all supporting it so it is going to happen. This City is making progress with construction, infrastructure work, Habitat and the Land Bank so a lot is happening. He added that National Crime Victims Week will be on April 7th from 4:00 p.m. to 6:00 p.m. and we must come out to support that because it is super important.

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

****Councilwoman Monteverde left the meeting prior to voting on the resoltuions**

CITY MANAGER'S REPORT

Resolution No. 64 - 2019 - Rehabilitation of Washington Lake Intake Gatehouse SEQRA Designation

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

Resolution No. 65 - 2019 - Award of Bid to Doyle Contracting for Rehabilitation of Washington Lake Intake Gatehouse

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

Resolution No. 66 - 2019 - PILOT Agreement, RUPCO/Newburgh Progress

Mayor Harvey said he is really excited about this and can't wait for this to move forward. This is a historic moment for everyone in the City of Newburgh and we need to make note of it.

Councilman Grice said that he has been very tough on RUPCO and they have answered the call very professionally each and every time. He is really excited about this opportunity.

Mayor Harvey said that Councilwoman Mejia said it best that anytime there is economic development without displacement that sort of captures it. Their work speaks for itself.

Councilwoman Mejia said she would add that as properties in our most distressed areas get rehabilitated and families start to move back in, we as a Council have to keep a close watch on the obvious increase in property value that is going to take place. When we say economic development without displacement, it's not only for the properties that are currently under rehab but also to what will happen next. To all of the property owners who are just holding on to their properties banking and waiting for the market to change and extract every possible profit while sitting on the property for the past thirty years she said to wake up because there is a different vibe here. As this happens, we have to be cautious of that and aware. We have a clear opportunity to do this differently than in other cities. She looks forward to being part of that watchful eye to make sure that the people who have been here and are feeling the pressure of having to relocate have a place that they can still call home. It is going to be a very different Ward than when she took office and to date she is proud of how we have been able to delicately balance that aspect and she is pleased with the way things are turning out. We are not there yet though so we need to be even more watchful.

Mayor Harvey added that this is affordable mixed income housing that includes workforce development, a daycare and special event space. A whole list of things that this development will potentially offer for our community.

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

Resolution No. 67 - 2019 - Purchase of 17 William Street

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

Resolution No. 68 - 2019 - Purchase of 35 Oak Street

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

Resolution No. 69 - 2019 - Summer Youth Employment

Mayor Harvey said that this is to provide young people with an opportunity to work for the City of Newburgh during the summer of 2019. Often times the criticism is that we don't have enough for the young people to do but we have a lot for them to do and here is an

additional opportunity to be employed with and for the City of Newburgh with funding from Orange County.

Councilwoman Rayford noted that this is for ages 14 to 20 so our youth need to make sure they go to the school nurse to apply for their working papers.

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

Resolution No. 70 - 2019 - DCJS GIVE Grant

Mayor Harvey asked Chief Solomon to speak on this resolution.

Chief Solomon explained that this is a county wide grant where a big portion goes to the City of Newburgh. It is a collaborative effort between the City of Newburgh Police Department, the DA's Office and the Sherriff's Office to focus on the groups and individuals committing the most violent crimes here in the City of Newburgh. This focused deterrence on the most violent individuals involved in these gangs or groups is what enables us to be extremely successful with driving the crime rate down. Particularly with the violent crime rate and bullet to body shootings which are down drastically. This grant pays for a Detective, a Crime Analyst and overtime so this is the driving force of our crime reduction efforts here in the City.

Mayor Harvey thanked the Police Department and noted that there was a ribbon cutting ceremony at the Hospital today where District Attorney Hoovler told him that he has some great news for the City of Newburgh so there will be some exciting announcements coming in the near future regarding crime reduction. He looks forward to that and it is all from this effort.

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

Resolution No. 71 - 2019 - Non-Fatal Shooting Initiative

Chief Solomon noted that the Non-Fatal Shooting Grant pays for a full time Detective and it ensures that the non-fatal shootings receive the same amount of resources and attention that the fatal ones do so that those individuals are brought to justice.

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

Resolution No. 72 - 2019 - Endeavor Municipal Development, Inc.

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

Adopted

Resolution No. 73 - 2019 - Fire Department Surplus Equipment

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

Resolution No. 74 - 2019 - NECSD/Habitat Student Art Project

Councilwoman Rayford noted that this particular item does not require any money so persons who work for the Newburgh Enlarged City School District, such as herself and others on the Council, are able to vote on this.

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

Resolution No. 75 - 2019 - Lead service line replacement

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

Resolution No. 76 - 2019 - Newburgh Water Infrastructure Structure

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

Resolution No. 77 - 2019 - Municipal Identification Card Program

Mayor Harvey asked for a point of clarification from Ms. Kelson. We are going to have a public hearing on April 8th and once that is done where will we be with the vote for the Municipal ID?

Michelle Kelson, Corporation Counsel said that once the public hearing is duly convened and closed they are able to vote on the Local Law but there are a couple of things she wants them to pay attention to because she needs their input in order to have the Local Law finalized. One thing they have to look at is an effective date of the legislation so we have to seriously consider the length of time it is going to take us to procure the equipment we need to produce the ID's and make sure that we have application forms and a process for people to come in to obtain them. That's a key piece of the legislation that still needs to be addressed prior to voting and she also wants them to make sure that the criteria in the Local Law meets their expectations. This is a combination of things that New York City adopted which was followed by Middletown and Beacon so the concepts are not new but each city addresses their own unique needs and circumstances.

Mayor Harvey said that we can talk through those things on Thursday, April 4th, prior to the public hearing.

Ms. Kelson said we want to make sure that we have an orderly process. An earlier speaker noted that in four days the City of Middletown issued three hundred plus ID cards so she wants to make sure that the City Clerk's Office is prepared and able to maybe distribute application forms in advance and maybe set up appointments or specific dates and times when people can come in. There are a lot of other services that the City Clerk's Office provides and we do have one bilingual employee but we want to make sure that expectations are managed.

Mayor Harvey said that we want to make sure we have bilingual applications and for the first day or two that we roll this out maybe we can get some volunteers to help the City Clerk's Office. He is willing to volunteer as well as Councilwoman Mejia and possibly others who speak Spanish.

Ms. Kelson said she is sure that would be most welcome but this is going to take a little bit of planning so we will have to work with the City staff to make sure we know what the time frame is on equipment to produce the ID's. The City Clerk has already begun looking into how to put together an appropriate application and in the City Manager's Office, Eliana Diaz is translating the Local Law into Spanish so it will be available in advance to the public hearing. The planning is very critical and she knows that everyone would like to get their ID yesterday but we want to make sure that everyone gets a fair and equal opportunity to access that service. At the same time, we want to make sure that people who need other vital services that the City Clerk's Office manages don't fall by the way side. It's a lot of work but if we think about it and plan for it we should be able to get through it.

Councilwoman Mejia added that our friends from Nobody Leaves Mid-Hudson have volunteered to give pointers and share their experiences with access to technology and funding sources. She suggested that we set up a meeting with their lead organizer to have that conversation so we can learn from what some of the other cities have done with implementation.

Ms. Kelson said that one of the other things they will have to do, which does not have to be done on the 8th but probably soon thereafter, is discuss a fee. Most are charging a fee for the identification card so we will have to figure out what that will look like in the City of Newburgh. She provided them with a proposed draft but that should be in place prior to the first day that those ID's will be available.

Mayor Harvey said that there is going to be a high demand and a rush to get these ID's so you are going to get large volumes. Speaking to other municipalities that have implemented this we can hear from them about their experiences and best practices but we may want to even consider having a Saturday event. The Council people, the Mayor and others may be available on a Saturday to prevent the large volume in the Clerk's Office and challenges that may bring.

Ms. Kelson said there are other Clerk's in town and villages who have offered Saturday hours but we would have to talk to our staff and see what their availability might be for something like that. Perhaps a morning session or something like that but these are all great ideas to put on the table and with some planning and thought we should be in a position to manage the volume ahead of time.

Mayor Harvey said if we did consider a roll out on a Saturday morning maybe we could make it an event with refreshments.

Ms. Kelson said there are some limits about what we can procure and have available but if it's three hundred or five hundred ID's in the first four days it's going to be more than just one Saturday morning. We are going to have to think about how to schedule this throughout the week. Perhaps if your surname begins with A through D, then maybe you come on Tuesday morning. If it's M through Q, then you come another day.

Councilwoman Mejia said that where there's a will there's a way.

Ms. Kelson said that there are a multitude of ways and a Saturday is probably a good idea if we can work it out.

Councilwoman Sofokles said we should consider the Activity Center also instead of having everyone lined up on Broadway.

Ms. Kelson said it is going to depend on how we can set it up and if the technology is mobile. These are all great questions and great ideas and she is grateful to the other municipalities who came first and shared their experiences with us.

Councilwoman Mejia added that in New York City the Municipal ID comes with discounts associated with it so this is a call to the businesses here in the City of Newburgh. We are still at the formation aspect of this but if they are interested in potentially being tied to the Municipal ID offering some sort of discount associated with it she thinks that would be a good civic engagement and community aspect.

Ms. Kelson said that is something for the business community to engage in and our City Comptroller has already reached out to some of the Banks to make sure they will be willing to entertain a Municipal ID card as a form of identification. Everybody in the City who she has spoken with has pitched in in some way to help make this a viable and successful program.

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

Resolution No. 78 - 2019 - IDA Appointments

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

Resolution No. 79 - 2019 - Board of Ethics appointment

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

Resolution No. 80 - 2019

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

Resolution No. 81 - 2019

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

Resolution No. 82 - 2019

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

NEW BUSINESS

Mayor Harvey noted that the Fourth Annual Urban Farming Fair will be on Saturday, April 27th from 12:00 p.m. to 4:00 p.m. at 80 Broadway and admission is free. Bishop Woody's Church is also doing a Farmers Market this spring and summer. There is a lot going on April 27th with our City Wide Cleanup, the grand reopening of the Tower of Victory at Washington's Headquarters and a Shopping Stroll on Liberty Street where all of the businesses will be holding special events. Everyone should mark their calendars because that is going to be a busy Saturday.

George Garrison, DPW Superintendent said they will be working with Safe Harbors like they have been doing for the past seven to eight years. They will pick up no more than five items such as tires, mattresses and couches and this will be city wide.

Mayor Harvey said this will be the first bulk garbage pickup for the year with another one in October. People have always reminded him that we used to have bulk garbage pickup once a month but that stopped in 2005. He is still pushing for Orange County to help us with the shared service funding so we can get another day of bulk garbage pickup during the year.

Mr. Garrison said the one way they could help us is to keep the landfill open that whole day. Right now we can only go there up until Noon time but if they could keep it open that day for us it would really help a lot.

Mayor Harvey said he will make a call tomorrow on that. He added that he had a great meeting with the Hudson Valley Regional Council and some people on that Council are willing to come talk and describe how we can access State and Federal funds to help us transform all of our lights in the City of Newburgh to LED lights. NYSERDA Grants are funds we can access as a municipality so they are willing to come to our next Work Session and do a presentation to go over how we can access these funds. Poughkeepsie owns their light poles and they have completely changed over to LED throughout the City. He spoke with the Mayor of Kingston and they are in the process of converting to LED lights but like us they don't own all of their light poles. Not only is it environmentally responsible to do

this it is also cost effective.

Interim City Manager, Joseph Donat added that the grant provider that was just voted in this evening, Victor Cornelius and Endeavor Management has helped Poughkeepsie do just that and City management has already had discussions with Victor on this matter also.

Mayor Harvey said that's excellent so we will hopefully have that on the agenda for our next Work Session to see a presentation on how to access more funding.

OLD BUSINESS

Councilwoman Rayford said they need to have discussions about outstanding parking tickets that are not being paid. Years ago the City of Newburgh used the "Boot" and it has been requested that they bring that back to collect those fees.

Interim City Manager, Joseph Donat informed Councilwoman Rayford that those matters are being considered at this time by the Police Department.

Mayor Harvey said that the Neighborhood Development Task Force is having a meeting with a progress report and perspective on Newburgh property initiatives and the topics are Codes Department, public outreach campaign, RUPCO Phase one and two updates and the ADA curb ramp compliance project as well as road re-pavement. This will be held on Wednesday, April 3rd in two sessions. One will be from 2:00 p.m. to 3:00 p.m. for Stakeholders at City Hall and the second will be the public meeting from 6:30 p.m. to 8:00 p.m. at the Newburgh Free Library. This is a very important meeting because there are a lot of changes happening in the City of n Newburgh. This is the new Newburgh so people need to be informed about the changes that are rapidly happening.

Alexandra Church, Interim Planning & Development Director said this used to be the Distressed Property Task Force and they haven't met in about six to eight months so we are starting it up again under this new name. The next agenda is full but if you have a public project that you want to discuss they welcome those ideas.

Mayor Harvey asked for a clarification on who the Stakeholders are.

Ms. Church noted that both meetings are open to the public with the same agenda. Generally at the 2:00 p.m. meeting we will get municipal and county workers as well as people from the College so it's a different kind of conservation.

Mayor Harvey said he is excited about the news that Ms. Church and our City Manager is putting on the table. We were awarded RISE one and two and now we are going into RISE three so he asked Ms. Church to speak to that.

Ms. Church said that will be the Code Enforcement portion. RISE phase two is funding a public outreach campaign by the Code Enforcement Department to talk about where RISE phase three will go.

Mayor Harvey said that some of them are taking a trip in May to the John Fitzgerald Kennedy School of Government to continue to brainstorm with some of the greatest minds in the World regarding urban blight and how to get rid of it in our City.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said that he agrees with Mayor Harvey on getting our street lights back as it is a wise thing to do although it is going to take some time. He also agrees with Councilwoman Mejia that we need investment without displacement so we will be keeping a watchful eye on what happens with other properties as well.

Councilwoman Mejia thanked everyone for coming out and she will see everyone next week.

Councilwoman Rayford thanked everyone for coming out as this has been a very heartfelt meeting. She wants to focus on our youth as we have an Activity Center that we need to utilize even more especially after school hours and when school is closed. Perhaps we can create programs to share their talents and interests with the City because we don't hear what they want. We had the Park dedicated in 2018 to our youth but we need more especially for after school hours. This will help with social skills and create better relationships with different cultures in our community. They are asking that the public not for profit organizations open their doors to all of our youth and welcome them with open arms.

Councilman Sklarz thanked everyone for coming out tonight and hopes to see them back in a couple weeks. A week or so ago his colleagues in Wards one and two had a seminar with Water Department staff on lead line replacement and with the presentation we had tonight honoring a fifty year employee he is constantly in awe with the City employees.

Councilwoman Sofokles likes the way everything is going in the City of Newburgh right now as we are a very strong community.

Mayor Harvey thanked everyone for coming out tonight and he also thanked our entire executive staff and employees for making things happen from day to day. This City has a lot of challenges and we are in a great place right now. We are at a turning point so all you have to do is wake up in the morning and look around to see the wonderful changes that are happening. We, of course, have more challenges but he has never seen this enthusiasm, joy and get up and go sprit in past years so as we continue to move forward he is proud to live here and to serve as an educator and an elected official. He is also proud to have his family here because he loves Newburgh.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:55 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 64 - 2019

OF

MARCH 25, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE WASHINGTON LAKE INTAKE GATEHOUSE REHABILITATION PROJECT, DECLARING THE PROJECT TO BE A TYPE II ACTION, FINDING NO SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL SEQRA DOCUMENTS

WHEREAS, by Resolution No. 336-2017 of December 11, 2017, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with Weston & Sampson, PE, LS, LA, PC, for professional engineering services in connection with the Washington Lake Intake Gatehouse Rehabilitation Project; and

WHEREAS, the City of Newburgh proposes to undertake the Washington Lake Intake Gatehouse Rehabilitation Project (the "Project") which will include the demolition and reconstruction of a weather resistant roof system, replacement of windows, electrical upgrades, painting and repointing of the brick; and

WHEREAS, the City desires to comply with the New York State Environmental Quality Review Act ("SEQRA") and the regulations contained within 6 NYCRR Part 617 (the "Regulations") with respect to the Project; and

WHEREAS, under Section 617.5(c)(1), maintenance or repair involving no substantial changes in an existing facility and under Section 617.5(c)(2), the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, the proposed rehabilitation and repair of the Washington Lake Intake Gatehouse is considered within the type of activities defined as a Type II Action, and therefore, the Project is classified as a categorical exclusion to SEQRA;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York the Project constitutes a "Type II", as the quoted term is defined in the SEQRA Regulations and that no further review for SEQRA purposes is required; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary in connection with this SEQRA classification for the Project.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

Rehabilitation of the Washington Lake Intake Gatehouse

Project Location (describe, and attach a location map):

Washington Lake, latitude 41°29'28.7"N and longitude 74°03'41.9"W

Brief Description of Proposed Action:

Demolish the existing roof, including but not limited to shingles, plywood and shiplap roof deck, rafters, collar ties, double top plate, windows, doors, lifting beams and paint. Prepare structure as required to construct new roof structure, roof deck, vented soffits and eaves, new standing seam roof and fascia to form a weather resistant roof system, windows, doors, power gantry crane hoist system with structural support frame, interior and exterior light fixtures, conduit, raceways and conductors, breakers and miscellaneous fasteners, pointing of interior walls, wall and floor preparation, paint interior walls and floors, complete.

Name of Applicant or Sponsor:	Telephone: (845) 569-7447
City of Newburgh	E-Mail: jmorris@cityofnewburgh-ny.gov

Address:

83 Broadway

City/PO:	State:	Zip Code:
Newburgh	New York	12550

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of New Windsor Building Permit	☐	☑

3. a. Total acreage of the site of the proposed action? 255 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 336.8 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☑ Rural (non-agriculture) ☑ Industrial ☑ Commercial ☑ Residential (suburban)
   ☑ Forest ☐ Agriculture ☑ Aquatic ☑ Other(Specify): Water Supply Properties
   ☑ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☐	☑
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☑	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☑	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: The proposed action is reahabilitation of the intake house for the City of Newburgh Water Treatment Facility. No heated and occupied structures are proposed.	☐	☑	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: The proposed action is reahabilitation of the intake house for the City of Newburgh Water Treatment Facility. This intake gatehouse facilitates the transmission of raw water for treatment and disinfection. No potable sources of water are necessary or required as part of this project.	☑	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: The proposed action is reahabilitation of the raw water intake gatehouse for the City of Newburgh Water Treatment Facility. No wastewaster utilities exists are required.	☑	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☑	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: None.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☑ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Upland Sandpiper, Indiana Bat	☐	☑
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes, a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☑	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: The project involves the rehabilitation of a raw water intake gatehouse that is associated with an existing intermediate hazard dam that impounds source water for the City of Newburgh.	☐	☑
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: Washington Lake has been contaminated with PFAS from an upstream airport. The NYSDEC, DOD, ANG and other agencies are in the process of investigating and remediating this contamination.	☐	☑

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

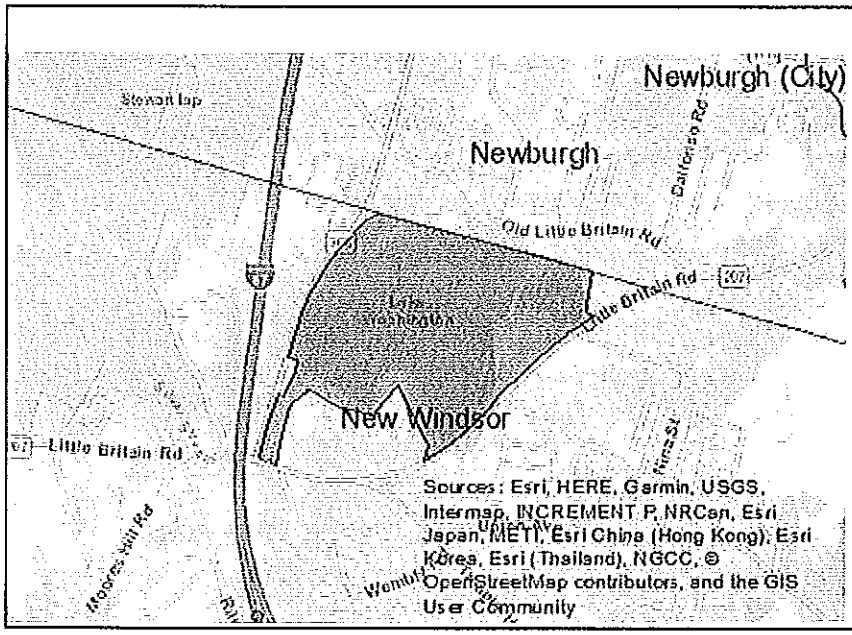
Applicant/sponsor/name: Joseph P. Donat Date: March 21, 2019

Signature: _____ Title: Interim City Manager

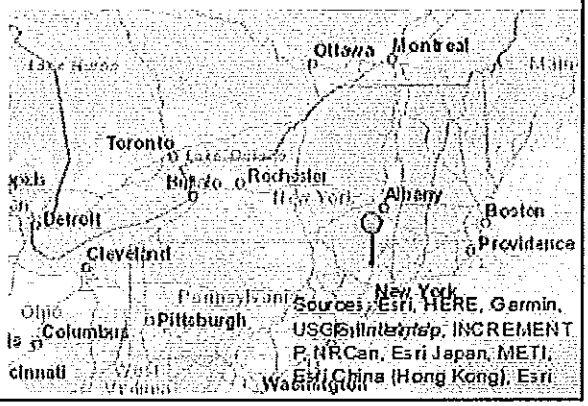
PRINT FORM

EAF Mapper Summary Report

Wednesday, March 13, 2019 2:05 PM



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



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Upland Sandpiper, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Agency Use Only [If applicable]

Project:	Washington Lake Intake Gatehouse
Date:	March 13, 2019

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project:	Washington Lake Intake Gatehouse
Date:	March 13, 2019

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Newburgh City Council	March 21, 2019
Name of Lead Agency	Date
Joseph P. Donat	Interim City Manager
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

SEQRA Classification

Under the State Environmental Quality Review Act (SEQRA), certain activities involving property acquisition, construction, and rehabilitation are categorized into various levels of review depending on the type of actions proposed. According to 6 NYCRR Part 617.5(a), Type II actions have been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, Article 8. These Type II actions are detailed in 6 NYCRR Part 617.5, but in general they include the following representative activities:

617.5(c)(1): "Maintenance or repair involving no substantial changes in an existing structure or facility;"
617.5(c)(2): "Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;"

The Washington Lake Intake Gatehouse Rehabilitation Project involves the rehabilitation and repair of an intake structure with replacement of windows, roofing, electrical upgrades, painting and repointing of the brick.

The City of Newburgh has determined that the Project will not exceed any of the Type I thresholds in 6 NYCRR Part 617.4, and that project activities will not have significant adverse impacts on the environment. The Project activities generally fall within the types of activities considered Type II actions, as summarized above. Therefore, the Washington Lake Intake Gatehouse Rehabilitation Project will not require further environmental review under SEQRA.

RESOLUTION NO.: 65 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF A CONTRACT WITH DOYLE CONTRACTING, INC. FOR THE CONSTRUCTION OF THE WASHINGTON LAKE INTAKE GATEHOUSE REHABILITATION PROJECT IN A LUMP SUM PROJECT COST OF $365,700.00 WITH AN ADDITIONAL ADD ALTERNATE NO. 1 IN AN AMOUNT OF $54,000.00

WHEREAS, by Resolution No. 182-2015 of July 13, 2015, the City Council of the City of Newburgh approved the 2015 Capital Plan as proposed and further authorized the City Manager and the City Comptroller to take appropriate action to secure financing and to implement the 2015 Capital Plan; and

WHEREAS, by Resolution No. 38-2016 of February 22, 2016, the City Council of the City of Newburgh approved the financing of Water System Improvements including the Washington Lake Intake Gatehouse Rehabilitation Project (the "Project"); and

WHEREAS, by Resolution No. 336-2017 of December 11, 2017, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with Weston & Sampson, PE, LS, LA, PC, for professional engineering services in connection with the Washington Lake Intake Gatehouse Rehabilitation Project; and

WHEREAS, the City of Newburgh has duly advertised for bids for the construction of the Washington Lake Intake Gatehouse Rehabilitation Project; and

WHEREAS, bids have been duly received and opened and Doyle Contracting, Inc. is the low bidder; and

WHEREAS, funding for such project shall be derived from HF1.8320.0200.8113.2016;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for construction of the Washington Lake Intake Gatehouse Rehabilitation Project be and it hereby is awarded to Doyle Contracting, Inc. for a lump sum project cost of $365,700.00 with an additional Add Alternate No. 1 in an amount of $54,000.00 for a total Project cost of $419,700.00, and that the Interim City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

RESOLUTION NO.: 66 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING AN EXEMPTION OF TAXES PURSUANT TO PUBLIC HOUSING FINANCE LAW SECTION 577 AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES BY AND AMONG THE CITY OF NEWBURGH, [NEWBURGH PROGRESS] LIMITED PARTNERSHIP, AND [NEWBURGH PROGRESS] HOUSING DEVELOPMENT FUND COMPANY, INC.

WHEREAS, the City of Newburgh (the "City") encourages a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for individuals and families of low to moderate income; and

WHEREAS, the Rural Ulster Preservation Company ("RUPCO") has submitted an application to the New York State Division of Housing and Community Renewal ("HCR") with the support of the City of Newburgh to further the supply of affordable housing in the City; and

WHEREAS, RUPCO intends to become a partner in a housing development fund corporation ("HDFC"), a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law ("PHFL") and Section 402 of the New York State Not-for-Profit Corporation Law, the name of which entity has not yet been determined; and

WHEREAS, the HDFC will become the record owner of the properties listed below, which shall consist of 22 parcels of residential property that provides 61 residential units for individuals and families of low to moderate income, and 2 parcels of property to be used as community space, all of which are the properties named in RUPCO's application to HCR (the "Project"); and

WHEREAS, the HDFC's plan for the continued use of the Project constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, the HDFC will be a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL, which in turn authorizes the City to exempt the Project from real property taxes; and

WHEREAS, the HDFC seeks a PILOT agreement ("Agreement") whereby it will make annual payments in lieu of taxes to the City as set forth in the Agreement, a copy of which is annexed hereto, now presented to the City Council for approval; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby exempts the Project from taxes to the extent authorized by Section 577 of the PHFL, and approves the proposed PILOT Agreement by and among the City of Newburgh and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and

BE IT FURTHER RESOLVED, that the Interim City Manager is hereby authorized to execute and deliver the foregoing PILOT Agreement, in substantially the same form as annexed hereto, with other provisions as Corporation Counsel may require on behalf of the City to effectuate the Agreement.

AGREEMENT FOR PAYMENT IN LIEU OF TAXES ("PILOT") BY AND AMONG THE CITY OF NEWBURGH, THE [NEWBURGH PROGRESS] LIMITED PARTNERSHIP AND [NEWBURGH PROGRESS] HOUSING DEVELOPMENT FUND COMPANY, INC.

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the "PILOT Agreement" or "Agreement"), dated as of _____, 2019, by and among the **CITY OF NEWBURGH, NEW YORK**, a New York municipal corporation, having its principal office located at 83 Broadway, Newburgh, New York 12550 (the "City") and **[NEWBURGH PROGRESS] HOUSING DEVELOPMENT FUND COMPANY, INC.**, a New York not-for-profit corporation and entity organized pursuant to Article XI of the Private Housing Finance law, having its principal place of business at c/o RUPCO, Inc., 289 Fair Street, Kingston, New York 12401 (the "HDFC"), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **[NEWBURGH PROGRESS] LIMITED PARTNERSHIP**, a New York limited partnership, having its principal office located at c/o 289 Fair Street, Kingston, New York 12401 (the "Partnership").

WHEREAS, the HDFC is the bare legal or record owner, and the Partnership is the beneficial and equitable owner, of [22] parcels of real property, one parcel of which parcels will be subdivided to create two additional lots (3 lots total on the current existing parcel) and which additional lots are included as part of this Agreement, located in the City of Newburgh, County of Orange, State of New York, as more specifically listed and described in **Exhibit A** attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law ("PHFL"); and

WHEREAS, the HDFC is the general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will develop, own, construct, maintain and operate a housing project for persons of low income on the Property as more particularly described in **Exhibit B** in **Exhibit A** attached hereto and incorporated herein by reference (the "Project"); and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes and county taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the Council Members of the City of Newburgh, New York, by resolution adopted March 25, 2019, approved and authorized the execution of this Agreement;

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Orange County ("County"), the City, and the School District ("School District") or other taxing jurisdiction (collectively the "Taxing Jurisdictions").

2. This tax exemption will operate for a period of seventeen (17) years, measured from the City's first taxable status date following the date of the HDFC's actual acquisition of the Property. The HDFC shall be responsible for any *pro rata* portion of taxes that it may owe in the actual year that it acquired the property. This Agreement shall not limit or restrict the HDFC's or Partnership's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement. The parties understand that the exemption extended pursuant to Section 577 of the PHFL and this Agreement does not include exemption from assessments for local improvements, special assessments, or special ad valorem levies. During the period of this Agreement, the Partnership shall pay any service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which are or would be levied upon or with respect to the Project by the Taxing Jurisdictions or any other taxing authority.

3. So long as the exemption hereunder continues, the Partnership shall make annual payments in lieu of taxes ("PILOT") in the amounts set forth in this section, which payments shall cover all Local and Municipal Taxes owed in connection with the Property and the Project, and which payment shall be shared by Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. So long as the tax exemption remains in effect, tenant rental charges shall not exceed the maximum established or allowed by law, rule or regulation, and the Property shall be operated in conformance with the provisions of Article XI of PHFL.

The PILOT for the Residential Property shall be in the amount of (i) $35,000 per year for the first two years of ownership and (ii) $73,200 per year beginning in the third year of ownership, increasing two percent (2%) annually. The PILOT for the CSF Property shall be in the amount of (i) $15,000 per year during construction and (ii) $15,000 per year after the issuance of the certificate of occupancy for the buildings, increasing two percent (2%) annually.

The first payment pursuant to this Agreement shall be made on or before February 15, 2020. Subsequent payments shall be due on or before **February 15** of the calendar year to which this PILOT applies. Payment shall be payable to the "City of Newburgh." Payments shall be mailed via first class mail through the United States Postal Service or personally delivered to the City of Newburgh, attention Tax Collector, 83 Broadway, Newburgh, New York 12550, or such other address as the City may specify in writing.

The HDFC and the Partnership agree that the PILOT under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdiction tax rate, nor will it seek to commence any actions to reduce the PILOT, and these factors have been considered in arriving at the payment amounts reflected in this Agreement.

The HDFC and the Partnership shall continue to pay all water, sewer, and sanitation charges in accordance with the assessments and rates established by the City.

4. The tax exemption provided by this Agreement will continue for the term described above provided that (a) the Residential Property continues to be used as housing facilities for persons of low-income in accordance with the income and rent limitations attached hereto at Exhibit B, and (b) any of the following occur (i) the HDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Project shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest, such successor in interest shall operate the property in conformance with Article XI of the PHFL.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes to the extent permitted by law. In addition to failure to pay any amount when due, HDFC and the Partnership shall be in default of this Agreement in the event of material failure to observe and perform any other covenant, condition of agreement on its part to be observed and performed hereunder, and continuance of such failure for a period of thirty (30) days after written notice specifying the nature of such failure and requesting that it be remedied; or any warranty, representation or other statement by or on behalf of HDFC or the Partnership contained in this Agreement shall prove to have been false or untrue in any material respect on the date when made or on the effective date of this Agreement. Any payment not received by its due date shall accrue interest and penalties at the rates provided for late payment of taxes to the Taxing Jurisdictions.

Whenever any event of default under this Agreement shall have occurred and be continuing, the City shall have the following remedies: The City may terminate this Agreement and exercise all of the rights and remedies available for failure to pay property taxes as and when due had this Agreement not been in effect. The City may take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of HDFC and the Partnership under this Agreement, and the Partnership shall further pay the reasonable fees and disbursements of such attorneys as the City shall engage for the enforcement of performance or observance of any obligation, covenant or agreement on the part of HDFC and the Partnership and all other expenses, costs and disbursements so incurred.

No remedy herein conferred reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition

to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

No delay or omission in exercising any remedy shall impair any such remedy or construed to be a waiver thereof. It shall not be necessary to give any notice other than as expressly required under this Agreement. In the event any provision contained in this Agreement should be breached and thereafter duly waived by the party or parties so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery. This provision shall not apply in the event that the HDFC, its successors or assigns, become subject to the City's procedures with respect to the collection of delinquent taxes.

7. This Agreement shall inure to the benefit of and shall be binding upon the City the Partnership and the HDFC and their respective successors and assigns, including the successors in interest of the Partnership and the HDFC. There shall be no assignment of this Agreement except with consent of the other party. In the event that the Partnership and the HDFC seeks to assign this agreement, the Partnership and the HDFC must demonstrate to the City, at a minimum, that the assignee or its general partner is a housing development fund company subject to Article XI of the PHFL, the assignee is willing to assume the obligations of this Agreement in writing, and the assignee shall have provided such financial and other information as shall be reasonably requested by the City in order to assure the proper completion and operation of the housing project and the compliance with the terms of this Agreement and all applicable laws, regulations and covenants.

8. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

10. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above-described property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

11. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized by proper action of its governing body and does not require any other consent or approval for the execution thereof by such municipality, (ii) does not violate any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any agreement or instrument to which it is a party. Each such party represents that this Agreement shall constitute the legal, valid and binding agreement of such party enforceable in accordance with its terms.

12. The Partnership and HDFC jointly and severally make the following representations, warranties and covenants:

(i) The HDFC is a "housing development fund company" under Article XI of the PHFL, and the Partnership is a limited partnership the co-general partner of which is HDFC, each of which is organized, validly existing and in good standing under the laws of the State and is authorized under the laws of the State to do business in the State, has the power to enter into this Agreement and to perform the transactions contemplated hereby and its obligations hereunder and by proper action has duly authorized the execution and delivery of this Agreement and the performance of its obligations hereunder, and the execution, delivery and performance of this Agreement does not require any other consent or approval. This Agreement shall constitute the legal, valid and binding agreement of HDFC and the Partnership enforceable in accordance with its terms.

(ii) Neither the Partnership nor HDFC is in default under, or in violation of, any indenture, mortgage, declaration, lien, lease, contract, note, order, judgment, decree or other instrument of any kind to which any of its assets are subject, and the execution, delivery and compliance by the Partnership or HDFC with the terms and conditions of this Agreement do not and will not conflict with or constitute or result in a default by the Partnership or HDFC in any material respect under or violation of, (1) the entity's organizational documents, (2) any agreement or other instrument to which such entity is a party or by which, to such entity's knowledge, it is bound, or (3) any constitutional or statutory provision or order, rule, regulation, decree or ordinance of any court, government or governmental authority having jurisdiction over the Partnership or HDFC or its property, and no event has occurred and is continuing which, with the lapse of time or the giving of notice, or both, would constitute or result in such a default or violation.

(iii) The Partnership has provided to the City true and complete financial information with respect to the Property, including without limitation project costs, financing sources, rents and income limitations.

(iv) The Partnership covenants and agrees to operate the Property in accordance with all applicable rules and regulations of Article XI of the PFHL, including without limitation applicable rent limits and income limits and in accordance with the plan attached hereto as Exhibit B.

(v) The Partnership covenants and agrees to provide to the City any information or documents reasonably requested in writing by the City in order to provide any federal, state or local entity with information or reports required under any applicable law, rule or regulation.

13. The City shall file a copy of the fully-executed Agreement with the City Assessor. The Partnership shall be responsible for taking such actions as may be necessary to ensure that the Property shall be assessed as exempt upon the assessment rolls of the respective Taxing Jurisdictions, including without limitation ensuring that any required exemption form shall be filed with the appropriate officer or officers of each respective Taxing Jurisdiction. Such exemption shall be effective as of the first taxable status date of the applicable Taxing Jurisdiction following

the date of this Agreement, provided that the Partnership shall timely file any requisite exemption forms.

14. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. The Parties each consent to the jurisdiction of the New York courts in and for the County of Orange regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.

15. Entire Agreement. The Parties agree that this is the entire, fully integrated Agreement between them.

16. Amendments. This Agreement may not be amended, changed, modified, altered or terminated except by an instrument in writing executed by the Parties hereto.

17. No Third Party Beneficiaries. The Parties state that there are no third-party beneficiaries to this Agreement.

18. This Agreement shall be deemed withdrawn unless fully-executed by the Parties on or before December 1, 2019.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: _____, 2019

CITY OF NEWBURGH

By: _____
Name: Joseph P. Donat
Title: Interim City Manager

DATED: _____, 2019

[NEWBURGH PROGRESS] HOUSING DEVELOPMENT FUND COMPANY, INC.

By: _____
Name: Kevin O'Connor
Title: President

DATED: _____, 2019

[NEWBURGH PROGRESS] LIMITED PARTNERSHIP

By: [Newburgh Progress] Housing Development Fund Company, Inc.,
its general partner

By: _____
Name: Kevin O'Connor
Title: President

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

On the ____ day of _____, in the year 2019, before me 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 person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

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

On the _____ day of _____, in the year 2019, before me personally appeared **Kevin O'Connor**, 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

EXHIBIT A

LIST OF EXEMPT PROPERTY – RESIDENTIAL

Street Address	Section/Block/Lot
193 First Street	30-2-1
197 First Street	30-1-2
215 First Street	29-5-6
135 Chambers Street	18-4-22
137 Chambers Street	18-4-21
35 Dubois Street	29-5-18
37 Dubois Street	29-5-17
39 Dubois Street	29-5-16
45 Johnston Street	30-2-9
33 Lander Street	30-4-33
42 Lander Street	30-3-10
44 Lander Street	30-3-9
98 Lander Street	23-2-1
114 Lander Street	TBD (part of proposed 116 Lander subdivision)
116 Lander Street	18-10-5.2
118 Lander Street	TBD (part of proposed 116 Lander subdivision)
122 Lander Street	18-10-3
133 Lander Street	18-4-34
135 Lander Street	18-4-35
137 Lander Street	18-4-36
139 Lander Street	18-4-37
25 S. Miller Street	30-1-17

LIST OF EXEMPT PROPERTY – COMMUNITY

245 Liberty Street	18-8-2
257 Liberty Street	18-8-1.1

EXHIBIT B

Project Plan: Newburgh Progress

Property:

1. 61 Units of residential rental low-income housing, meeting the income limits in accordance with HCR regulations applicable for low income housing tax credit and housing trust fund projects, not exceeding 70% of applicable median income ("Residential Property"). 1 unit is a superintendent's unit.

2. Approximately 20,000 square feet of community service facility space ("CSF Property").

Rents will be limited to 30% of the percentage of the applicable median income limit specified by HCR in accordance with federal and state Low Income Housing Tax Credit program requirements. Income and Rent limits will be applicable for the 17-year term of the PILOT Agreement in accordance with LIHTC regulatory agreement.

RUPCO

Proposed PILOT

Year	PILOT Payment (Residential)	PILOT Payment (CSF)	Total PILOT Payment
1	$37,500	$15,000	$52,500
2	$37,500	$15,000	$52,500
3	$73,200	$15,000	$88,200
4	$74,664	$15,300	$89,964
5	$76,157	$15,606	$91,763
6	$77,680	$15,918	$93,599
7	$79,234	$16,236	$95,471
8	$80,819	$16,561	$97,380
9	$82,435	$16,892	$99,328
10	$84,084	$17,230	$101,314
11	$85,765	$17,575	$103,340
12	$87,481	$17,926	$105,407
13	$89,230	$18,285	$107,515
14	$91,015	$18,651	$109,666
15	$92,835	$19,024	$111,859
16	$94,692	$19,404	$114,096
17	$96,586	$19,792	$116,378
Total	$1,340,878	$289,401	$1,630,279

RESOLUTION NO.: 67 - 2019

OF

MARCH 25, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 17 WILLIAM STREET (SECTION 36, BLOCK 6, LOT 10) AT PRIVATE SALE TO SCOTT RAFFAELE FOR THE AMOUNT OF $52,000.00

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 17 William Street, being more accurately described as Section 36, Block 6, Lot 10 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/Interim 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 June 28, 2019, being approximately ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
17 William Street	36 - 6 - 10	Scott Raffaele	$52,000.00

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
17 William Street, City of Newburgh (SBL: 36-6-10)

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 **2018-2019**, 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 **2018-2019**, 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 <u>not</u> be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.

13. Sale shall be final, absolute and without recourse once title 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. Notice is given that the property lies within either the East End Historic District or the Colonial Terraces Architectural Design District as designated in the City of Newburgh's current zoning map. This parcel is sold subject to all provision of law applicable thereto. It is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance any additional laws, rules or regulations applicable to those districts.
21. 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 **$5,200.00** 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: _____

_____

(Purchaser Name)

RESOLUTION NO.: 68 - 2019

OF

MARCH 25, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 35 OAK STREET (SECTION 25, BLOCK 2, LOT 5) AT PRIVATE SALE TO PEDRO HINOSTROZA FOR THE AMOUNT OF $60,000.00

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 35 Oak Street, being more accurately described as Section 25, Block 2, Lot 5, 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 property be and hereby is confirmed and the City Manager/Interim 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 June 28, 2019, being approximately ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
35 Oak Street	25 - 2 - 5	Pedro Hinostroza	$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
35 Oak Street, City of Newburgh (SBL: 25-2-5)

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 **2018-2019**, 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 **2018-2019**, 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 <u>not</u> be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title 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. 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.

RESOLUTION NO.: 69 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM TO PROVIDE YOUNG PEOPLE TO WORK FOR THE CITY OF NEWBURGH FOR THE SUMMER OF 2019

WHEREAS, the County of Orange is once again offering a Summer Youth Employment and Training Program for the purpose of providing meaningful work experience for participants; and

WHEREAS, the City of Newburgh wishes to apply for 17 youth participants; and

WHEREAS, the City of Newburgh Recreation Department and the Department of Planning and Development have expressed an interest in using this program to provide summer jobs for young people and service to the City of Newburgh; and

WHEREAS, this Council finds that entering into the attached agreement with Orange County for this purpose 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 Interim City Manager be and he is hereby authorized to execute an agreement and other necessary documents with the County of Orange in order to participate in the Summer Youth Employment and Training Program which provides young people to work in the City of Newburgh for the Summer of 2019.

RESOLUTION NO.: 70 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM
THE NEW YORK STATE DEPARTMENT OF CRIMINAL JUSTICE SERVICES
UNDER THE GUN INVOLVED VIOLENCE ELIMINATION ("GIVE") PARTNERSHIP
TO ENHANCE LAW ENFORCEMENT IN THE CITY OF NEWBURGH
TO ACHIEVE SUSTAINED, LONG-TERM CRIME REDUCTION
IN AN AMOUNT NOT TO EXCEED $430,000.00
WITH NO CITY MATCH FOR THE PERIOD JULY 1, 2019 TO JUNE 30, 2020

WHEREAS, the City of Newburgh wishes to apply for and accept a Grant Award in an amount not to exceed $430,000.00 under the Division of Criminal Justice Services Gun Involved Violence Elimination ("GIVE") Partnership; and

WHEREAS, the GIVE Grant Program provides funding to the the City of Newburgh for the Group Violence Intervention and Hotspot Policing Strategies and will continue to support emerging hotspot patrols, long term hotspot foot patrols, investigations of shootings/homicides involving identified group members, the Youth and Police Initiative, the Crime Analyst position and a field intelligence officer position and partially fund an investigator position; and

WHEREAS, the Program funding shall be for New York State fiscal year beginning July 1, 2019 and ending June 30, 2020; and

WHEREAS, the Program will enhance enforcement and prosecution efforts against crime in the City of Newburgh and no City matching funds are required, except the City of Newburgh will be responsible for certain fringe benefit costs which are not covered by the grant; and

WHEREAS, this Council has determined that accepting such funding is in the best interests of the City of Newburgh and the safety of its residents and visitors alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he hereby is authorized to apply for and accept if awarded a grant award from the New York State Department of Criminal Justice Services under the Gun Involved Violence Elimination ("GIVE") Partnership, in an amount not to exceed $430,000.00 with no City match required for New York State Fiscal Year beginning July 1, 2019 and ending June 30, 2020, to be used to carry out the program; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 71 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT A NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF $152,592.00 TO FUND A CITY OF NEWBURGH POLICE DETECTIVE IN SUPPORT OF THE NON-FATAL SHOOTINGS INITIATIVE PROGRAM

WHEREAS, the City of Newburgh has been awarded a New York State Division of Criminal Justice Services Edward Byrne Memorial Justice Assistance Grant in the amount of $152,592.00; and

WHEREAS, such grant funding will be used to fully fund a City of Newburgh Police Detective position including fringe benefits and overtime to work with the Orange County District Attorney Investigator and the City's Crime Analyst in support of the Non-Fatal Shootings Initiative Program; and

WHEREAS, this Council has determined that accepting such grant would be in the best interests of the City of Newburgh and the City of Newburgh Police Department;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept from the New York State Division of Criminal Justice Services Edward Byrne Memorial Justice Assistance Grant in the amount of $152,592.00 to fund a City of Newburgh Police Detective position in support of the Non-Fatal Shootings Initiative Program; and

BE IT FURTHER RESOLVED, that the Interim City Manager is authorized to execute any documents and to take appropriate action to effectuate the purposes of the grant and the program funded thereby.

RESOLUTION NO.: 72 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THREE AGREEMENTS WITH
ENDEAVOR MUNICIPAL DEVELOPMENT, INC.
FOR GRANT CONSULTING SERVICES IN AN AMOUNT
NOT TO EXCEED $24,000.00 PER AGREEMENT FOR A 12 MONTH PERIOD

WHEREAS, the City has obtained 3 proposals for professional grant consulting services to assist the City of Newburgh with grant research and writing support services; and

WHEREAS, Endeavor Municipal Development, Inc. has submitted 3 proposals, one each for general grant services, water service grant services, and wastewater/sewer grant services with similar scopes of work to include, but not be limited to, develop funding sources for current projects; explore funding options and eligibility for future projects; research, preparation, submission and appropriate follow up for all targeted governmental and non- governmental funding applications and the development and implementation of a project management system; and to work with appropriate City staff; and

WHEREAS, funding for said professional grant consulting services will be derived from A.1230.0448 - Other Services, F.8330.0448, and G.8120.0448; and

WHEREAS, this Council finds that entering into 3 agreements with Endeavor Municipal Development, Inc. for professional grant consulting services is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to enter into 3 agreements with Endeavor Municipal Development, Inc. for professional grant consulting services in a total amount not to exceed $24,000.00 per agreement for a 12 month period.

RESOLUTION NO.: 73 - 2019

OF

MARCH 25, 2019

A RESOLUTION DECLARING CITY OF NEWBURGH FIRE DEPARTMENT VHF RADIO EQUIPMENT AS SURPLUS AND AUTHORIZING DISPOSITION PURSUANT TO THE CITY OF NEWBURGH'S SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE

WHEREAS, the City of Newburgh Fire Department has reported that it is in possession of a VHF radio system and related equipment which is of no use by the City of Newburgh; and

WHEREAS, the Fire Department has requested that the VHF radio system and related equipment be designated as surplus and sold; and

WHEREAS, the City Council has determined that declaring the VHF radio system and related equipment as surplus is in the best interests of the City of Newburgh; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the VHF radio system and related equipment identified on the schedule attached hereto and made part hereof are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

BE IT FURTHER RESOLVED, that the Interim City Manager and/or City Comptroller be and they are hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus VHF radio system and related equipment in accordance with the City of Newburgh's Surplus Property Disposition Policy and Procedure adopted by Resolution No. 174-2014 of July 14, 2014.

Surplus Tracker

Department	Item	Item Description	Quantity	Estimated Individual Value	Estimated Value	What would the department like to do with the surplus??	Council Resolution	Possible Revenue? (If so, how much)
Fire	VHF Radio Equipment	Radios, antennas, microphones, batteries	38	unknown	unknown	Offer equipment for sale to other Fire Departments		Unknown. Would like to use revenue to continue building and equipment
Fire	VHF Radio Equipment	Repeater	1	unknown	unknown	Offer equipment for sale to other Fire Departments		Unknown. Would like to use revenue to continue building and equipment
Fire	VHF Radio Equipment	Dispatch console equipment	2	unknown	unknown	Offer equipment for sale to other Fire Departments		Unknown. Would like to use revenue to continue building and equipment

CITY OF NEWBURGH FIRE DEPARTMENT

MEMORANDUM

TO: Todd Venning, Comptroller

FROM: Terry Ahlers, Acting Fire Chief

SUBJECT: Surplus VHF Radio Equipment

DATE: March 13, 2019

The Fire Department VHF radio system, and related equipment has been removed from service and should be considered surplus equipment. Please dispose of per city policy, proceeds to go towards the Fire Department budget for additional repairs and upgrades to the facilities and equipment.

If you have any questions, please contact me.

Terry Ahlers,
Acting Fire Chief

RESOLUTION NO.: 74 -2019

OF

MARCH 25, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING AN ART PROJECT OF
THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT
IN COLLABORATION WITH HABITAT FOR HUMANITY OF GREATER NEWBURGH

WHEREAS, the Newburgh Enlarged City School District (the "District") in collaboration with Habitat for Humanity of Greater Newburgh ("Habitat") has proposed to install student art work on the windows of vacant buildings awaiting rehabilitation; and

WHEREAS, the buildings proposed for the installation of the student art work are located at 324 Robinson Avenue, 114, 116, 118, 122, 124, 126, and 128 William Street; and

WHEREAS, the art work is proposed to be installed on the boards of the windows of the vacant buildings and will be non-permanent and removable and the project sponsors will take reasonable efforts to comply with regulations applicable to the East End Historic District and Section 129-8 of the City Code addressing the boarding of buildings or structures as follows:

- All broken glass shall be removed from the doors or windows of said buildings or structures;
- All openings shall be entirely boarded up with either plywood or pressboard having a minimum thickness of 3/8 inch;
- All art work will be applied to plywood or pressboard used in boarding up with the color and quality of the paint is subject to the approval of the Building Inspector; and
- All openings which are not within 10 feet of ground level at their lowest point and which are not readily accessible from ground level or from neighboring buildings or structures shall have a one-square-foot opening on the top of the enclosure which shall be covered by a quarter-inch wire mesh screen. Louvers may be used in place of the wire mesh screen, provided that they do not inhibit the ventilation; and

WHEREAS, the City of Newburgh (the "City") wishes to support the District's art programs;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Council of the City of Newburgh hereby supports the collaborative art project of the Newburgh Enlarged City School District and Habitat for Humanity of Greater Newburgh for the installation of student artwork on boards of the windows of vacant buildings located at 324 Robinson Avenue, 114, 116, 118, 122, 124, 126, and 128 William Street in the City of Newburgh subject to the conditions herein stated.

RESOLUTION NO.: 75 - 2019

OF

MARCH 25, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH SUPPORTING ADDITIONAL FUNDING FOR LEAD SERVICE LINE REPLACEMENT

WHEREAS, lead in drinking water poses a serious threat to the health and safety of children; and

WHEREAS, there is no safe level of lead in drinking water, with even low levels of exposure associated with learning disabilities, impaired speech and hearing, and diminished IQ; and

WHEREAS, lead service lines, connecting public water mains to a building's internal plumbing, are the primary cause of lead in drinking water; and

WHEREAS, the removal and replacement of lead service lines is essential to reduce childhood lead exposure and protect drinking water from contamination; and

WHEREAS, the City of Newburgh discovered elevated levels of lead in the drinking water of some residences in December 2018; and

WHEREAS, the Lead Service Line Replacement Program, created through the Clean Water Infrastructure Act of 2017, expanded the City of Newburgh's capacity to invest in this vital infrastructure improvement; and

WHEREAS, the current level of state funding will remove only a fraction of the City of Newburgh's lead service lines and is insufficient to eliminate the threat of lead in drinking water across the state;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the City Clerk be and hereby is directed to send a copy of this resolution to Governor Andrew M. Cuomo, Speaker of the New York State Assembly Carl Heastie, New York State Senate Majority Leader Andrea Stewart-Cousins, Senator James Skoufis, and Assemblyman Jonathan Jacobson encouraging and requesting that they continue to fund lead service line replacement and increase the dedicated line for the Lead Service Line Replacement Program to $100 million.

RESOLUTION NO.: 76 - 2019

OF

MARCH 25, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH SUPPORTING WATER INFRASTRUCTURE FUNDING

WHEREAS, up-to-date water infrastructure is vital to protect public health and the environment and foster thriving communities; and

WHEREAS, most communities and especially the City of Newburgh, have aging and crumbling drinking water and wastewater infrastructure causing damage to our roads, streets, schools, homes and businesses; and

WHEREAS, investing in infrastructure projects creates good-paying jobs and a solid foundation for businesses; and

WHEREAS, key members in both the Senate and Assembly, along with the Governor, recognized that local governments need financial support and passed the Water Infrastructure Improvement Act (WIIA) of 2015 and the Clean Water Infrastructure Act (CWIA) of 2017; and

WHEREAS, the WIIA and the CWIA have been successful at awarding $770 million to protect clean water across the state; and

WHEREAS, Newburgh has greatly benefited from New York's water infrastructure program, receiving two grants to jump-start water quality improvements; and

WHEREAS, only a fraction of severely needed projects have been able to receive grants due to a lack of sufficient funding to meet New York's water infrastructure needs;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the City Clerk be and hereby is directed to send a copy of this resolution to Governor Andrew M. Cuomo, Speaker of the New York State Assembly Carl Heastie, New York State Senate Majority Leader Andrea Stewart-Cousins, Senator James Skoufis, and Assemblyman Jonathan Jacobson encouraging and requesting that they continue to fund water infrastructure projects and include a $5 billion, five-year commitment for the Clean Water Infrastructure Act in the SFY 2019-2020 State Budget.

RESOLUTION NO.:___77__ - 2019

OF

MARCH 25, 2019

RESOLUTION SCHEDULING A PUBLIC HEARING FOR APRIL 8, 2019 TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW ENACTING CHAPTER 60 ENTITLED "MUNICIPAL IDENTIFICATION CARD PROGRAM" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Enacting Chapter 60 entitled 'Municipal Identification Card Program' of the Code of Ordinances of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 8th day of April, 2019, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

LOCAL LAW NO.: _____ - 2019

OF

_____, 2019

A LOCAL LAW ENACTING CHAPTER 60 TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH ENTITLED "MUNICIPAL IDENTIFICATION CARD PROGRAM"

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 60 "Municipal Identification Card Program" be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Enacting Chapter 60 entitled 'Municipal Identification Card Program' to the Code of Ordinances of the City of Newburgh".

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to enact new Chapter 60 entitled "Municipal Identification Card Program" to read as follows:

§ 60-1 Legislative findings, intent and purpose.

A. The City Council of the City of Newburgh finds that many residents of the City of Newburgh often do not have access to various forms of identification and therefore have difficulty obtaining services, such as bank accounts, health care and access to public and government buildings. This barrier leaves thousands of individuals, including, but not limited to, immigrants, homeless persons, transgender persons, senior citizens, young people, and the formerly incarcerated, without access to critical services. It is the intent of the City Council to continue the City of Newburgh's status as a fair and welcoming center for all residents without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, immigration, housing, or financial status.

B. Residents' lack of access to acceptable forms of identification also raises public safety concerns for the City of Newburgh. Residents without access to bank accounts often carry large amounts of money on their person or store it in their home making them targets for crime. In addition, residents who cannot produce proof of identity are often reluctant to report crimes to the police that they suffer or witness. Studies show that immigrant populations in particular are victimized by crime at rates similar to or greater than the general population but immigrant populations report crime at lower rates than the general

population. The under-reporting of crime poses a serious public safety problem and erodes the ability of law enforcement to function effectively in the City of Newburgh.

C. A City of Newburgh identification card would help reduce the impact of the barriers to services outlined above, improve public safety, and foster pride and participation in the community. A City of Newburgh identification card would encourage crime reporting and witness cooperation and support a safer community. A City of Newburgh identification card also could assist more City residents to open bank accounts, access public facilities, receive resident discounts when available from local businesses, events, and arts institutions. A City of Newburgh identification card would benefit children and youth who become lost and normally possess no identification or emergency contact information and elderly citizens who no longer drive and may not possess a valid driver's license. Therefore, it is in the best interests of the City of Newburgh and its residents to issue its own municipal identification card.

D. By authorizing and creating a municipal identification card program, the City Council does not intend to expand identification requirements for access to basic services or exercise of constitutional rights. The City of Newburgh municipal identification program should not be used to require individuals to produce government-issued identification to access services and benefits where such identification is not now required, such as registering to vote or casting a ballot.

§ 60-2 Disclaimer.

The City of Newburgh is providing the City of Newburgh Municipal Identification Card for identification and access to services provided by the City of Newburgh. The City of Newburgh does not act as a guarantor or warrantor of either of the information provided by the applicant for a City of Newburgh Municipal Identification Card or of/against acts, criminal or otherwise, committed by the individual(s) while possessing or using a City of Newburgh Municipal Identification Card. The City of Newburgh does not waive any of its protections afforded under Federal, State or local laws, processing and/or issuing the City of Newburgh Municipal Identification Card.

§ 60-3 City of Newburgh Municipal Identification Card Program.

A. The City of Newburgh hereby establishes a City of Newburgh municipal identification card program. The City of Newburgh municipal identification card shall be issued to individuals who can prove their identity and residency in accordance with the terms of this chapter. The City Clerk shall be designated to administer the City of Newburgh Municipal Identification Card Program.

B. The City Clerk shall act as the custodian of all records an applications and undertake the development of all policies and procedures necessary to implement the City of Newburgh Municipal Identification Card Program

§ 60-4 Definitions.

CITY OF NEWBURGH or CITY means The City of Newburgh, a municipal corporation, or any department, agency, board or commission thereof.

CITY OF NEWBURGH MUNICIPAL IDENTIFICATION CARD or CITY OF NEWBURGH IDENTIFICATION CARD means an identification card issued by the City of Newburgh pursuant to Section 60-y of this Chapter.

RESIDENT means a person who can establish that he or she is a current resident of the City of Newburgh.

§ 60-5 Issuance of City of Newburgh Municipal Identification Cards.

A. The City of Newburgh Municipal Identification Card shall be available to any resident of the City of Newburgh over the age of 14, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this chapter.

B. Applications for a City of Newburgh Municipal Identification Card shall be made on a form specified by the City Clerk. Each application for a new City of Newburgh Municipal Identification Card shall be accompanied by a fee as established in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh.

C. The City of Newburgh Municipal Identification Card shall display, at a minimum, the cardholder's photograph, name, date of birth, and expiration date. The City of Newburgh Municipal Identification Card shall be designed in a manner to deter fraud, which may include bar codes, serial numbers, watermarks, the City seal and/or other security measures.

D. The City of Newburgh Municipal Identification Card shall be valid for a period of four (4) years from the date of issuance and may thereafter be renewed for a fee as established in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh. A City of Newburgh Municipal Identification Card maybe replaced or information changed for a fee established in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh.

E. Fees for any new, renewed, or replacement City of Newburgh Municipal Identification Card may be waived by the City Clerk based on information presented with the application and approved by the City Manager.

F. The City Clerk may require applicants to schedule an appointment for the purpose of the orderly administration of the City of Newburgh Municipal Identification Card Program.

§ 60-6 City of Newburgh Municipal Identification Card eligibility

In order to obtain a City of Newburgh Municipal Identification Card, an applicant must establish proof of identity and proof of residency within the City of Newburgh. The City of Newburgh

Municipal Identification Card Program shall implement the following point system to determine whether applicants are able to prove identity and residency in the City of Newburgh. A total of 5 points of proof are required. An applicant must attain 4 points of identification and 1 point of residency. All documents submitted must be original or certified copies and bear the required state and/or municipal seals. If the applicant is a minor, the proof must be submitted on behalf of said minor by the applicant's parent(s), legal guardian, or by a court of competent jurisdiction.

A. Proof of identity. In order to establish identity, an applicant shall be required to attain four points of identification by producing at least one of the following document from List One (four points), current or expired not more than five years prior to the date of the City of Newburgh Municipal Identification Card application, or one document from List Two (three points) along with one document from List Three (one point).

   1. List one (four-point documents): United States or foreign birth certificate; United States or foreign passport; United States state driver's license; United States state identification card; United States permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for reentry to the issuing country; a national identification card with photo, name, date of birth, and expiration date; a foreign driver's license; United States or foreign military identification card; a current visa issued by a government agency.

   2. List Two (three-point documents): United States citizenship and naturalization certificate; United States federal government or tribal-issued photo ID; state veterans ID with photo.

   3. List Three (one-point document): social security card; EBT card; high school or college diploma; ITIN (individual taxpayer identification number) card or authorization letter (must be accompanied by an ID with a photograph); voter registration card.

B. Proof of residency. In order to establish residency, an applicant shall be required to produce at least one of the following items which must show the applicant's name and residential address located within the City of Newburgh and must be dated no more than 60 days prior to the date such document is presented, unless otherwise indicated below:

   1. A utility bill;
   2. A current residential property lease;
   3. A local property tax statement dated within one year of the date it is submitted;
   4. A local real property mortgage payment receipt;
   5. A bank account statement;
   6. Proof that the applicant has a minor child currently enrolled in a school located within the Newburgh Enlarged City School District based on a City of Newburgh address;
   7. An employment pay stub;
   8. A jury summons or court order issued by a federal or state court;

9. A federal or state income tax or refund statement dated within one year of the date it is submitted;
10. An insurance bill dated within one year of the date it is submitted (homeowner, renter, health, life, or automobile insurance);
11. Written verification issued by a homeless shelter located within the municipality that confirms at least 15 days' residency;
12. Written verification issued by a hospital, health clinic or social services agency located within the City of Newburgh confirming at least 15 days' residency.

§ 60-7 Confidentiality

A. The records relating to the application and issuance of City of Newburgh Municipal Identification Card shall be maintained in accordance with the law.

B. The City of Newburgh will make the best efforts to protect the confidentiality of all City of Newburgh Municipal Identification Card applicants to the maximum extent allowable by federal and state law.

C. The City of Newburgh shall not disclose information obtained from an applicant for a City of Newburgh Municipal Identification Card to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities, unless:

1. Authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or

2. So-ordered by a court of competent jurisdiction whose decisions are binding on the City of Newburgh; or

3. Requested by a City of Newburgh department for the limited purpose of administering the program or determining the applicant's eligibility for additional benefits, services, or care, provided that such disclosure complies with all applicable federal and state privacy laws and regulations.

D. The City Clerk's office shall not retain original or copies of documents provided by an applicant to prove identity or residence when applying for a City of Newburgh Municipal Identification Card. The City Clerk's office nor will not retain any listing of such documents. Any documentation provided by the applicant during the application process shall be immediately returned to the applicant after the City of Newburgh Municipal Identification Card is printed. A statement will be included on the application form indicating that the City Clerk's office has reviewed the applicable documentation submitted by the applicant, and such official in the City Clerk's office will initial the application showing that the qualifying documentation has been submitted, but not retained, in connection with the application.

§ 60-8 Access to services

A. All City of Newburgh municipal departments, agencies and offices, and appropriate municipal employees, including law enforcement officers, may accept the City of Newburgh Municipal Identification Card as proof of identity and residency, except where acceptance of the City of Newburgh Municipal Identification Card is prohibited by or conflicts with state or federal law.

B. The City may take reasonable efforts to publicize the benefits and promote the acceptance of the City of Newburgh Municipal Identification Card within the City of Newburgh.

C. The City of Newburgh municipal, departments, agencies, employees, and offices may not require the possession of a City of Newburgh Municipal Identification Card where identification is not already required in order to obtain City services; provided, however, that the City of Newburgh municipal departments, agencies, employees, and offices may require the possession of a City of Newburgh Municipal Identification Card to obtain benefits or privileges offered exclusively to those who possess a City of Newburgh Municipal Identification Card as an incentive to apply for the municipal identity card.

D. The City will train appropriate municipal personnel, municipal offices, and law enforcement officers to ensure that the City of Newburgh Municipal Identification Card is effectively accepted for its intended use as is outlined in this chapter.

§ 60-9 Language assistance

The City may, consistent with all federal, state and local laws, use reasonable efforts to provide language assistance to applicants for the City of Newburgh Municipal Identification Card to facilitate access thereto. The City may use reasonable efforts to interpret foreign documents but applicants are responsible to provide translation of documents used to support an application for the City of Newburgh Municipal Identification Card.

§ 60-10 Violations; penalties for offenses

It is a violation of this chapter for any person or entity to undertake any of the following acts. A fine of no more than $100 may be imposed for each violation.

A. To knowingly present false information in the course of applying for a City of Newburgh Municipal Identification Card.

B. To alter, copy, or replicate a City of Newburgh Municipal Identification Card without the authority of the City.

C. To use a City of Newburgh Municipal Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

SECTION 4 – SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 5 – CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 6 – VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 7 – EFFECTIVE DATE

This Local Law and shall be effective on _____, 2019 and after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

ORDINANCE NO.: _____ - 2019

OF

_____, 2019

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

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

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

§ 163-1. Schedule of Code Fees.

Code Section	Type of Fee	Amount
Chapter 60, Municipal Identification Card Program		
§ 60-5	Application fee	$10.00 (adult) $5.00 (under 18 or over 62, veteran, disabled)
	Renewal fee	$5.00
	Replacement or change of information fee	$5.00

Section 2. This ordinance shall take effect on _____ and upon the filing of Local Law No. -2019 of , 2019 in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining denotes additions.
~~Strikethrough~~ denotes deletions.

RESOLUTION NO.: 78 - 2019

OF

MARCH 25, 2019

A RESOLUTION APPOINTING CHRISTINA E. AMATO, SARAH BECKHAM HOOFF AND MICHAEL KELLY TO FILL VACANCIES ON THE BOARD OF DIRECTORS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the City of Newburgh Industrial Development Agency has notified the City Council of three vacancies on its Board of Directors and has recommended three candidates to fill those vacancies; and

WHEREAS, the City Council has determined that appointing three members to the Board of Directors of the City of Newburgh Industrial Development Agency 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 following individuals be and are hereby appointed as members of the Board of Directors of the City of Newburgh Industrial Development Agency:

Christina E. Amato
Sarah Beckham Hooff
Michael Kelly; and

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

RESOLUTION NO.: ___79___ - 2019

OF

MARCH 25, 2019

A RESOLUTION APPOINTING A MEMBER
TO THE CITY OF NEWBURGH BOARD OF ETHICS

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-5 provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, a majority of whom shall not be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint a new member to fill a vacancy now existing on the Board of Ethics; and

WHEREAS, several citizens have expressed their interest in donating their time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a new five (5) year term commencing on April 1, 2019 and expiring on March 31, 2024.

Patrick J. Berardinelli Sr.

RESOLUTION NO. 80 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PAYMENT OF CLAIM WITH ANGEL SANCHEZ AND MARQUIS THOMPSON IN THE AMOUNT OF $42,500.00

WHEREAS, Angel Sanchez and Marquis Thompson brought a claim against the City of Newburgh; and

WHERAS, the parties have reached an agreement for the payment of the claim in the amount of $42,500.00 in exchange for a release to resolve all claims among them to be dispersed to Angel Sanchez in the amount of $35,00.00 and to Marquis Thompson in the amount of $7,500.00; 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's attorneys are hereby authorized to settle the claim of Angel Sanchez and Marquis Thompson in the total amount of $42,500.00, and that Interim City Manager be and he hereby is authorized to execute a written settlement agreement and general release, and any other documents as the City's attorneys may require, to effectuate the settlement as herein described.

RESOLUTION NO.: ____81_____ - 2019

OF

MARCH 25, 2019

A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF REAL PROPERTY KNOWN AS 25 BRIDGE STREET (SECTION 44, BLOCK 4, LOT 3.2) AT PRIVATE SALE TO RICHARD QUILES C/O ACCU-TILE, INC.

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, by his attorney, Richard Quiles, former owner of 25 Bridge Street, being more accurately described as Section 44, Block 4, Lot 3.2 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 25 Bridge Street, Section 44, Block 4, Lot 3.2, to Richard Quiles c/o Accu-Tile, Inc. be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for an amount of $64,661.70 plus costs of water usage for the period of August 2018 to April 2019, no later than April 30, 2019; and

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

RESOLUTION NO.: 82 - 2019

OF

MARCH 25, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM WITH
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
a/s/o NICOLAS MARTINEZ IN THE AMOUNT OF $7,014.08

WHEREAS, State Farm Mutual Automobile Insurance Company a/s/o Nicolas Martinez 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 Seven Thousand Fourteen and 08/100 Dollars ($7,014.08) in exchange for a release to resolve all property damage 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 Interim City Manager is hereby authorized to settle the claim of State Farm Mutual Automobile Insurance Company a/s/o Nicolas Martinez in the total amount of Seven Thousand Fourteen and 08/100 Dollars ($7,014.08) and that the Interim City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.