

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 13, 2020 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 at 7:21 p.m.), Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on December 9, 2019

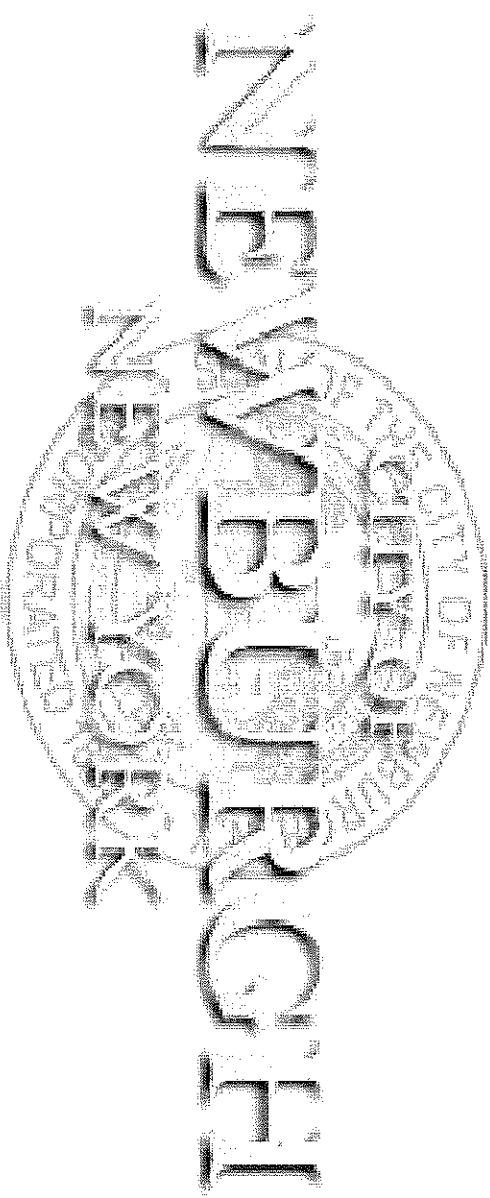
**Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 6
Carried**

PRESENTATIONS

Swearing in of Fire Chief William Horton

William Horton was sworn in as Fire Chief for the City of Newburgh.

City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

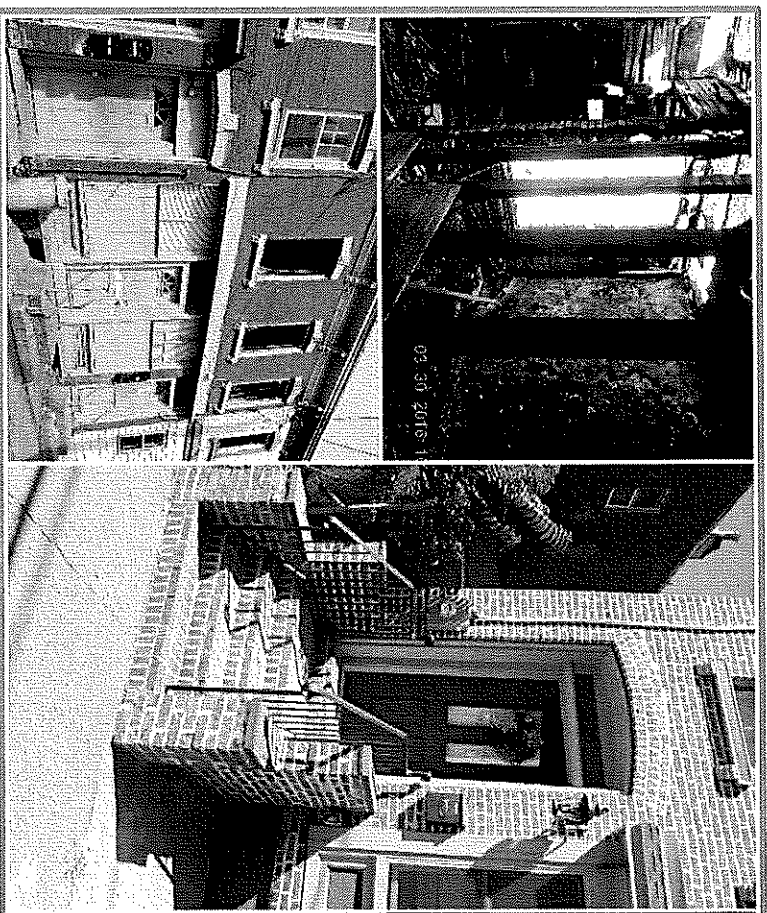


City Manager Update

Monday, January 13, 2020



Code Enforcement



- Issued more than 2,000 permits and conducted over 3,000 inspections.
- Conducted more than 1,000 inspections for vacant and rental properties.
- Issued more than 2,800 violations, resulting in safer living environments for residents.
- Collected more than \$413,500 in permit fees.

Improvements on William Street by Habitat for Humanity

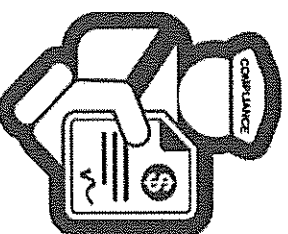
Quality of Life Sweeps

Quality of Life Sweeps conducted on Lutheran Street.

- Multiple departments were present to help improve the quality of life in the area.
- Flooded the area with concentrated code enforcement.
- Helped residents dispose of unwanted debris.
- enroll in rental registry, conduct inspections.

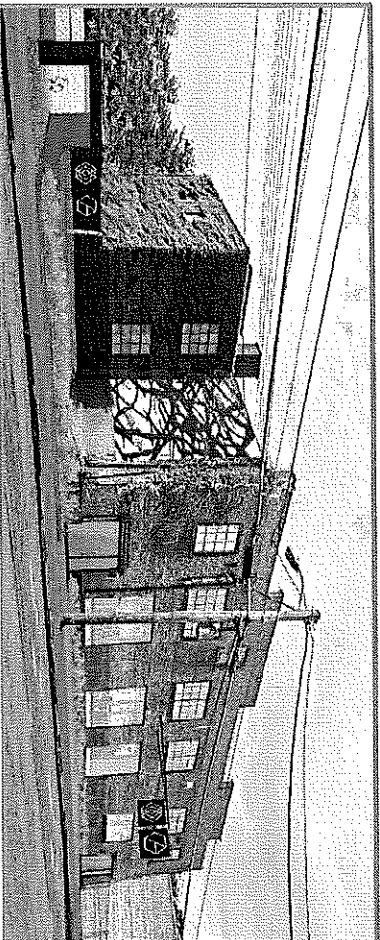
Strengthening Equity

- Received \$1.5 million in housing-related grants.
- Funds intended to address displacement, equity, code compliance, and vacant pro
- Includes funding for a comprehensive Housing Needs Assessment study underway

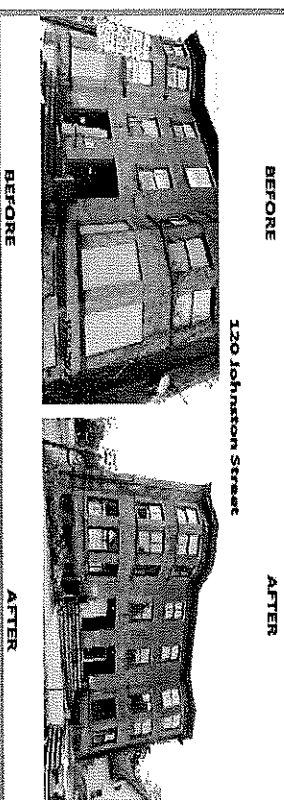
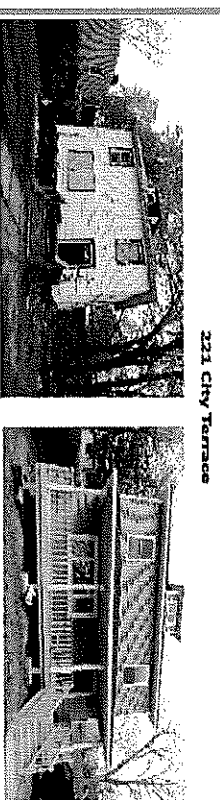
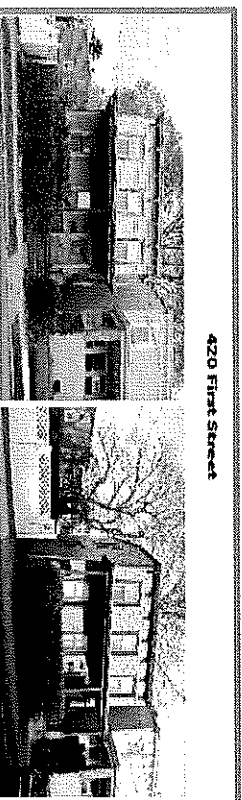




Planning & Development



City Council approved the sale of 42 properties,
Generating over \$1.5 million in revenue.

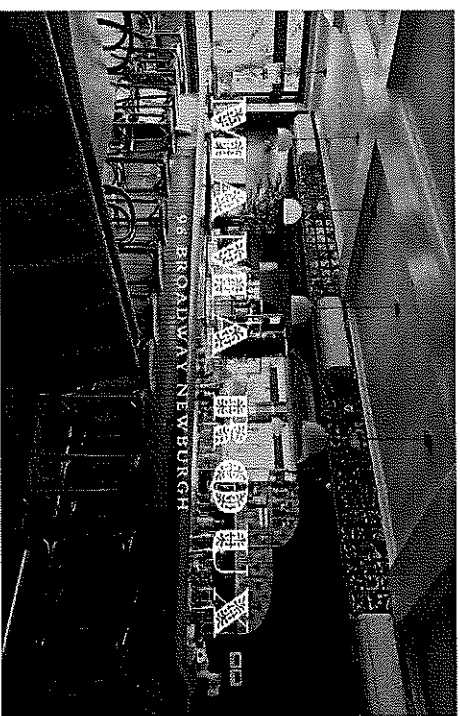
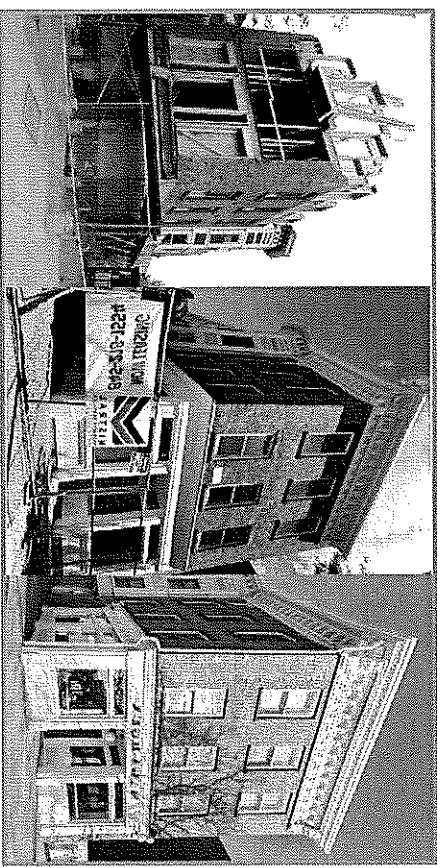
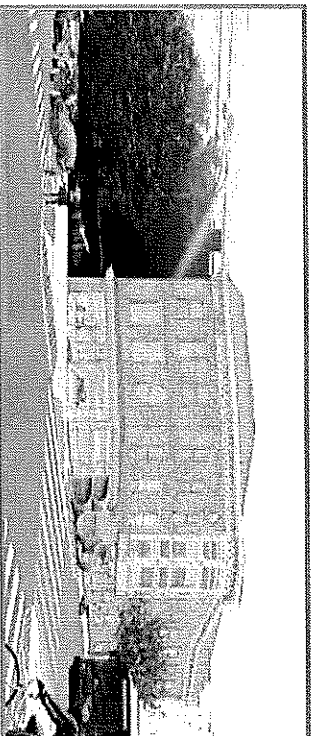


Transformation has started at 109 S. William Street.
Mixed Use Development Project will include food hall,
office space and apartments.
Currently reviewing proposals for hillside properties on
South Colden and Montgomery Streets.
Targeting 12 development areas on the East End to
reconnect the City with the Hudson and add up to \$10
million in annual revenue back on the tax rolls.



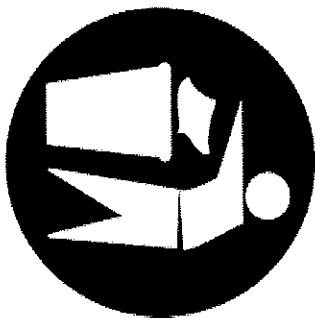
96 Broadway - Transformed

- Previously owned by the Newburgh Community Land Bank.
- Transformed by a private developer into a mixed-use, mixed-income property.
- Anchored by Mama Roux, a Cajun restaurant that opened in October of 2019.
- Vacant for more than 20 years, this key corner structure was in serious disrepair and had become a symbol of blight and disinvestment in the City.



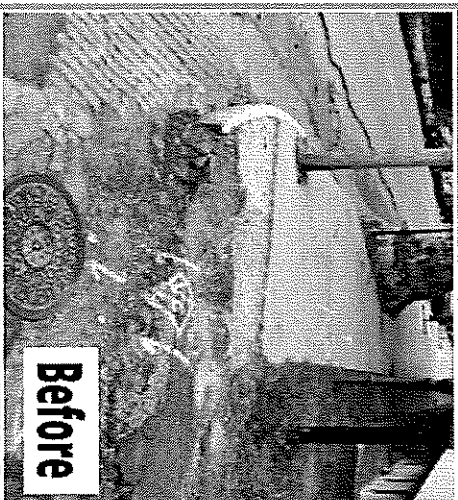


Department of Public Works

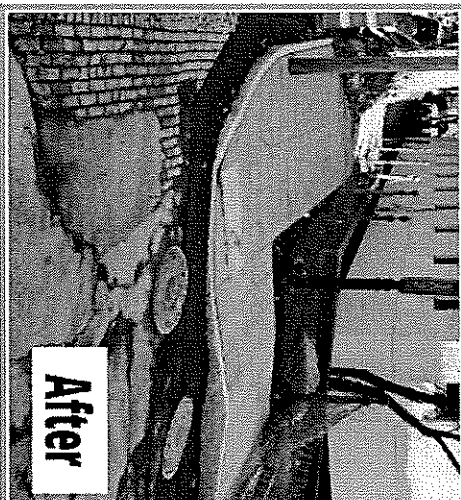


**KEEP YOUR
CITY CLEAN**

- Removed 80 tons + of illegally dumped material throughout the City.
- Picked up more than 9,000 tons of garbage and nearly 1,000 tons of recycling.



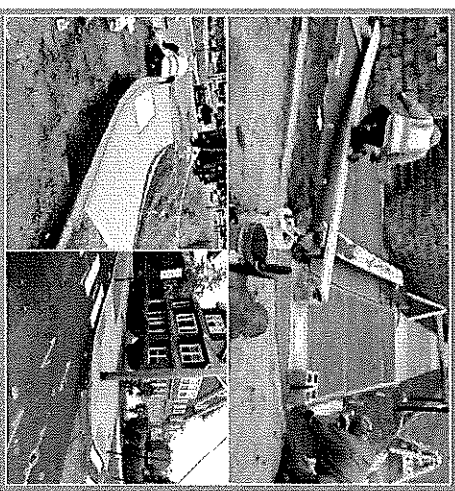
Before



After

CDBG coordinated funding for a series of curb ramps throughout the City that are compliant with ADA accessibility specifications.

Over 50 ramps were constructed in 2019 and more are expected.





Paving Projects



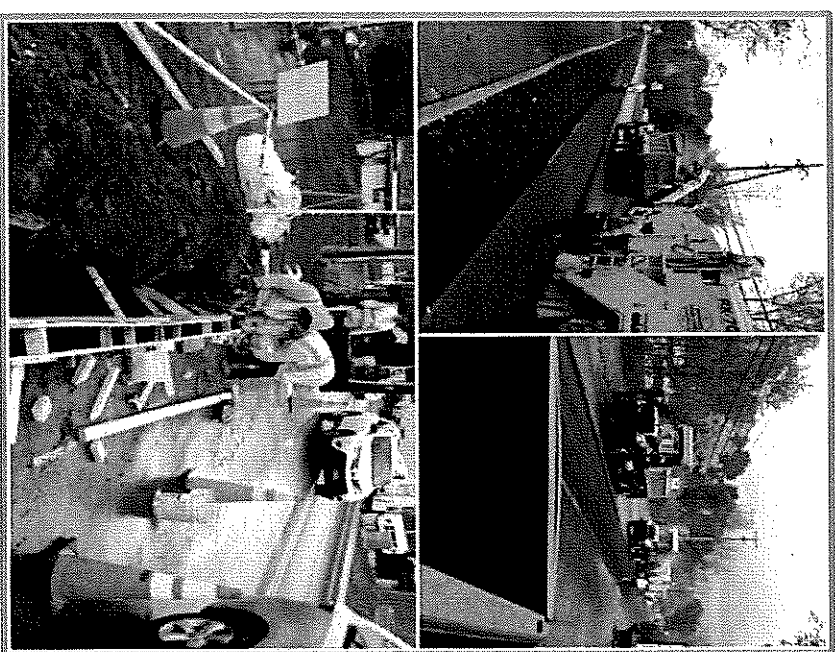
Nearly 10 miles of roads were paved.

More than 700 tons of asphalt were used to repair potholes and roadways.

The first round of paving included Grand Street, Montgomery Street, Nicoll Street, Broad Street and Clinton Street.

The last streets to be paved were Little Britain Road, Old Little Britain Road, Lake Drive, Washington Terrace, Grove Street and Orchard Street.

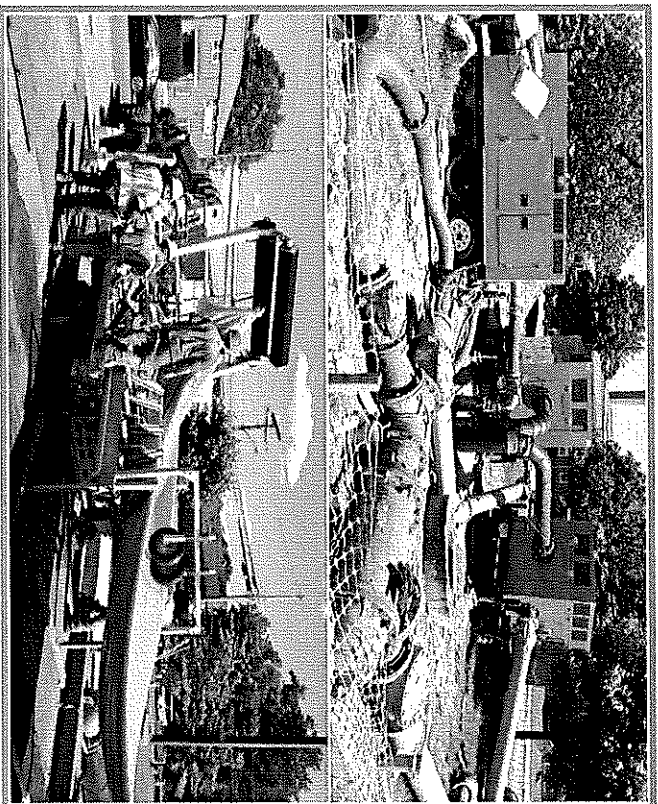
During the Fall, nearly 150 valves, catch basins and manholes needed repair before staff could pave Little Britain Road.





Engineering

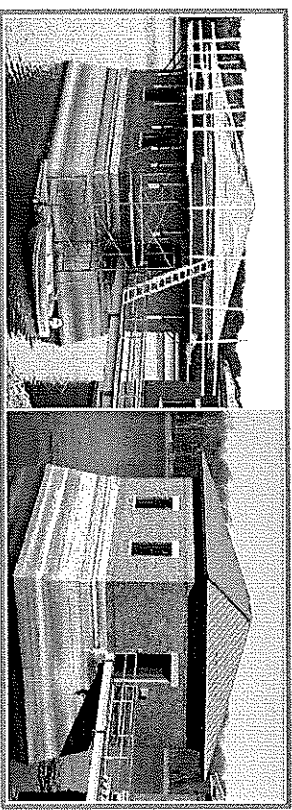
Completed more than \$6 million in critical infrastructure projects including the rehabilitation of the Washington Lake Gatehouse and West Trunk Sewer Rehabilitation.



West Trunk Sewer Rehabilitation & Sewer Main Lining
\$4.1 million project to improve interior of 6' diameter sewer main originally constructed in 1880.

Sewer Regulator #2 Upgrades Project (LTCP Phase II)
\$1.5 million project to upgrade old-style sewer regulator to include computerized gates.

Rehabilitation of Washington Lake Intake Gatehouse
This \$500,000 project was completed in December and brought a new roof, doors and windows to this structure that was built in 1922.

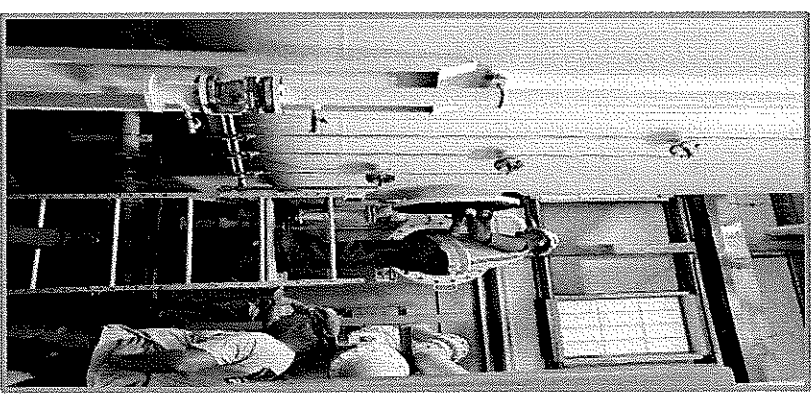
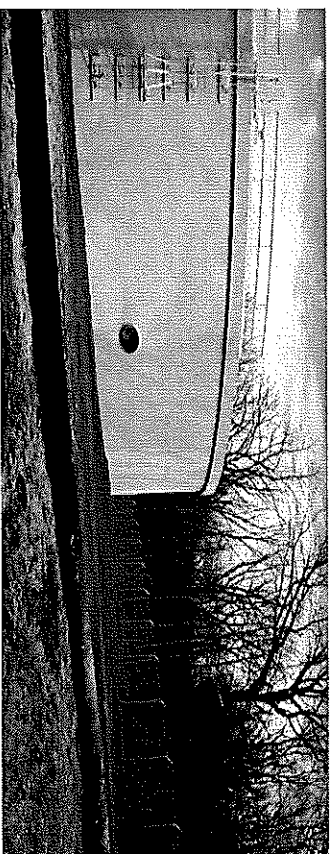




Water Department

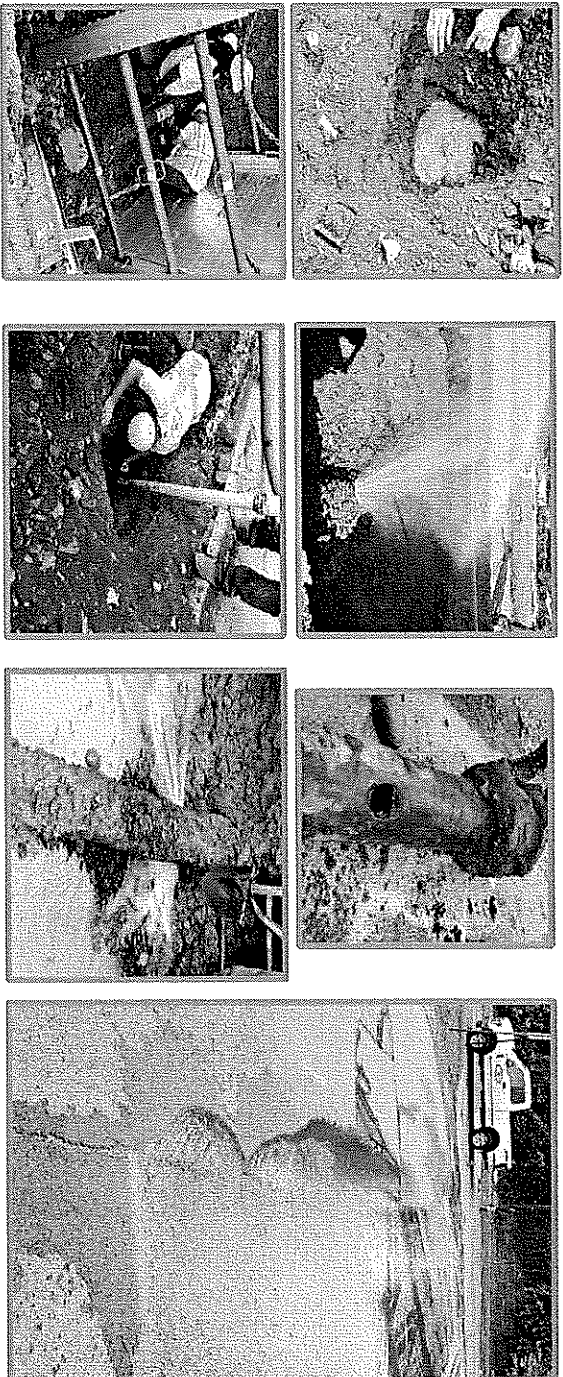
GAC Replacement

- GAC removed from vessels one pair at a time.
- All 18 vessels inspected, flushed and cleaned.
- 720,000 pounds of GAC replaced with virgin carbon.
- Sampling done and completed. Procured by NYS





Leak Detection Survey



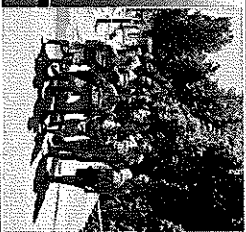
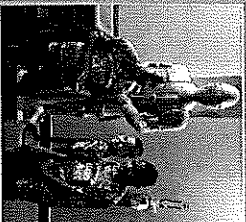
Partnered with Orange County Water Authority

- 43 leaks confirmed and repaired
- Filter plant production dropped 30%

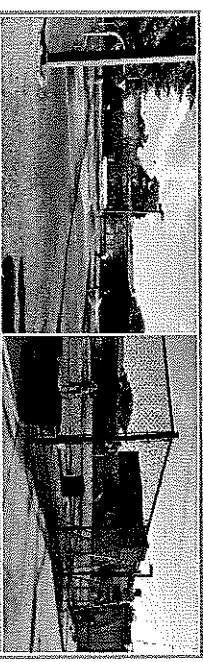
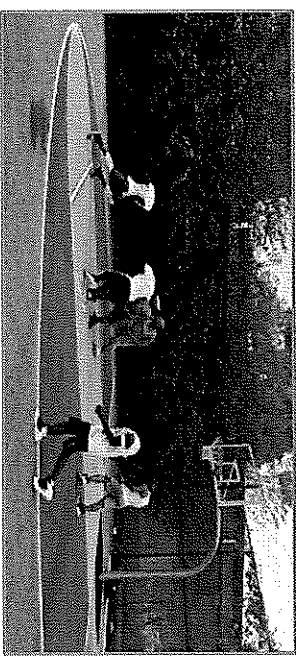


Recreation Department

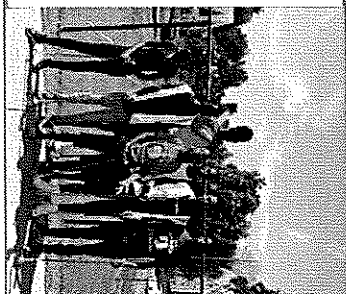
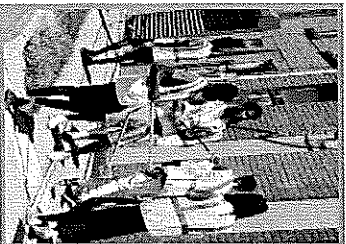
Youth programs had nearly 1,000 participants, with more than 5,000 residents using the pool over the summer.

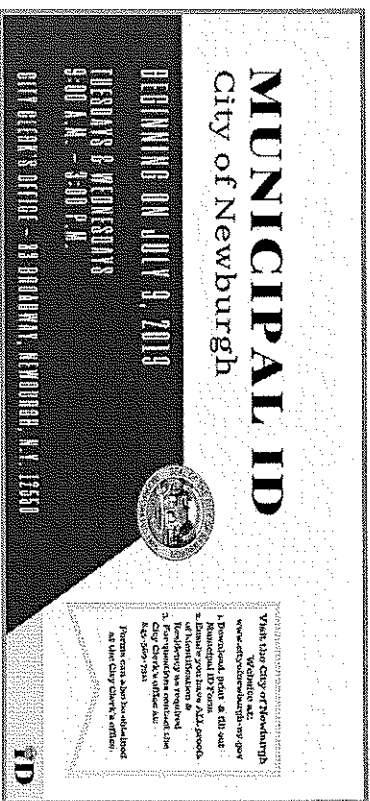
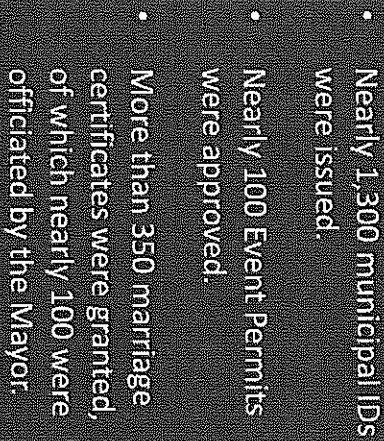


Facility Improvements – Gidney Avenue Basketball Courts



Provided nearly 20 City young adults seasonal jobs
1,000+ hours spent cleaning streets and parks.





Announcements

Workforce Development

Below the Line Bootcamp begins soon!



Prepare participants for roles in film production.

The City of Newburgh, through the Community Development Block Grant, is a sponsor of this workforce development/job training initiative.



Committee Vacancies



Various City boards are seeking new members:

- Planning Board
- Conservation Advisory Council
- Architectural Review Commission
- Zoning Board of Appeals
- Police-Community Relations & Review Board
- Transportation Advisory Committee

Instructions to apply can be found on the City website.

Newburgh Census 2020



Census Job Fairs Newburgh Free Library

Thursday, January 23 - 12 PM - 6:30 PM
Saturday, January 25 - 10 AM-4:30 AM

Newburgh Complete Count Committee Meetings

January 16th - 6:30 PM
Heritage Center - 123 Grand Street

February 13th - 6:30 PM
location TBA

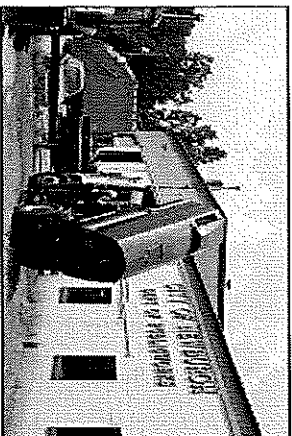
February 27th - 6:30 PM
Heritage Center - 123 Grand Street

March 12th - 6:30 PM
Heritage Center - 123 Grand Street

Announcements

MLK Holiday Sanitation Collection

There will be no sanitation collection on Monday, January 20th. Sectors with pickup on Monday will be picked up on Tuesday. Sectors with pickup on Tuesday will be picked up on Wednesday. There will be no bulk or yard waste pickup on Wednesday.



MAKE IT A DAY ON,
NOT A DAY OFF
JANUARY 20, 2020
#MLKDAY

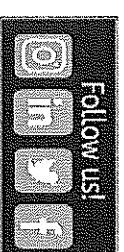
Monday, January 20, 2020
8:30 AM - 11:30 AM

Newburgh Ministry & Head Start

To register in advance visit
Habitat's website:
www.habitatnewburgh.org



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☒ Coded RED Emergency

☒ Urgent Alerts

☒ City News

☒ Community News

Find more alerts and news on the City website at:
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Submitted to City of Newburgh Executive Office

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

Pastor Ron Truncali with Hudson Valley Christian Church said he didn't think he would be coming back with this request again but there is a vote to be taken tonight concerning prayer for the City of Newburgh. We have such hope for Newburgh and many wonderful things are happening which we are all very thankful for but God's people have prayed for Newburgh. There are many different religious groups involved and we recognize that all people are constitutionally able to come and bring a prayer before the City Council. It may seem like having a Moment of Silence is the right thing to do but a Moment of Silence should be to bring memory of someone or commemorate an individual. It is not the same as prayer which should be done so others can hear it. He said that they stand with the City Council and they pray for them.

Bishop Terry Dorsey, City of Newburgh said he is hoping and praying that they will look deep down in their hearts and search their conscience before taking this vote that could affect everyone in the City of Newburgh for years to come.

Michelle Basch, City of Newburgh said that this City really needs jobs and income. There are very few industries that allow people who do not have secondary educations to get a career. One of those industries among the very few is the film industry. Kids can come in, learn and grow within that industry. How do we make income in the City? Residents have rented houses to people in the film industry and people who rent apartments have allowed the film industry to come and film in their apartments. Businesses such as restaurants catered for the film industry but the City of Newburgh has made it so difficult for the film industry to film here because of the hoops they have to jump through that they have gone to other areas like the Town of Newburgh, Kingston and Poughkeepsie. There are very few films coming in to the City of Newburgh this year because of the hoops that the City has put forth. One of which is that they have to notify the City the day before if they are changing their schedules and sometime they can't do that. New York City has about two hundred and fifty television shows and films every day. What brought New York City to the forefront and made it so special in everyone's mind? The film industry and we pushed it away. She hopes they look at that again and sees the value of the film industry to the residents and businesses of the City of Newburgh.

Hannah Brooks, City of Newburgh said she recently had an experience on her building with finishing up an inspection which was confusing and stressful because she received different answers from different people. She complimented Quanetta and the Codes Department for finally straightening her out because the Certificates of Occupancy have to match how they are being used. She is trying to comply with everything and every year she gets a different answer so she asked that Codes try to let people know what their role is as property owners. She asked for clarification on Resolution #7-2020. Are we borrowing more or paying something off? Also, Resolution #17-2020 is for a piece of vacant property that sold for \$100.00 and lots of comparable sizes have sold for \$2,700.00 to \$26,000.00 so why was this one sold for \$100.00? She also asked for clarification on the reimbursement of utilities for the Newburgh Armory.

Gabrielle Burton-Hill, City of Newburgh said she had a dream that one day Omari Shakur would be judged by the merit of his character and not his past indiscretions so she is proud to see him sitting here tonight. She told him that he is an Inspiration to his entire community to continue to fight for what you believe in and never give up on your dreams. Our young people need to see someone who went through the struggle and still made it. He is out there being vulnerable, transparent and honest which is appreciated. She also had a dream that her sidewalks would be improved in particular the north side of Broadway between Johnston and Lander which is really bad. She asked who is responsible for the sidewalks on Liberty Street on the Mount St. Mary side. There are more people walking and she knows we can do better.

Brenda McPhail, City of Newburgh, congratulated Mr. Shakur. He was in the field doing the work and she is not worried about him because she knows he is going to get the work done. She said that God is tired and we have not done what we are supposed to do. The Ministers are here tonight asking the Council to not take prayer away because a City that prays together stays together. People can talk but she is more interested in seeing what they are going to do. She hopes and prays we will do better.

Nelson McAllister, City of Newburgh read, *"In this situation of this Assembly groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the contest with G. Britain, when we were sensible of danger we had daily prayer in this room for the Divine Protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that "except the Lord build they labor in vain that build it." I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and a bye word down to future age. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by Human Wisdom, and leave it to chance, war, and conquest. I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the Clergy of this City be requested to officiate in that service."* He said this was spoken by Benjamin Franklin at the Constitution of Convention Address on Prayer on Thursday, June 28, 1787 in Philadelphia, Pennsylvania. Have we come to a place in the City of Newburgh where we do not want to give God six minutes a month for time to pray asking for His divine protection for the safety of our streets, our police, firefighters and first responders? Those that make decisions about the future of our seniors, our youth and our citizens, have we forgotten that we need God?

Carla Johnson, 52 S. Miller Street said she is proud of Omari. He has worked hard and she has seen him help people and go beyond his way to help his community. She is honored to have been able to work with him closely for the past two years because it changed her. She said that she is the new Omari Shakur of the streets letting people know that we have to stick together. She is also proud of Chief Horton and feels that Codes has come a long way because he has always helped her.

Shaniqua, City of Newburgh wished everyone a Happy New Year. She told Omari that she is very happy for him and he is an inspiration to not give up. He is always there no matter what happens and talks with the families to find a resolution. She said that she stands for justice, equality and safety and she wants to know what is happening with ShotSpotter. She was out on Saturday talking with someone who had six children under age of seven playing on the corner of Gidney Avenue and Liberty Street when she heard shots fired nearby in broad daylight. She doesn't know what we can do to keep ShotSpotter because we need safety first. This is a new year and we need more patrols in troubled areas. Keep it rotating and don't stop so we don't lose any more young lives. She would like an update on ShotSpotter?

Lillie Howard, Omari's mom said that in honor of the life of Dr. Martin Luther King, Jr. she wanted to share his words from his book, "Why We Can't Wait". Perhaps the most important lesson from the Civil Rights Movement is that great change really comes from its top down. It is almost always bottom up. We have the right to vote and what that is accomplishing for us, for a symphony and our freedom to be complete there has to be a fourth movement. It is time to complete the unfinished work of Dr. King who knew instinctively that a multicultural and multiethnic campaign for economic justice was the next great challenge for the Civil Rights Movement. Newburgh, the urgency to fulfill the legacy of Dr. King is upon us. Don't just admire Dr. King, follow him. Don't just remember him one day, let your actions honor him every day of the year. Do Justice. Love mercy. City of Newburgh the time has come whereby business cannot continue as usual. Nothing new is really here on this Council except for Omari Shakur. Each one of you have been on this Council for quite some time, therefore, what has stopped you from making things better for all of the citizens of this great City. Omari Shakur is only one person, therefore, the change that is and has been so desperately needed whereby the poor and downtrodden can get a lift up has got to be brought about by all of you getting on the same page. If not things will be as usual so it's time to make a change whereby things will get better for all citizens of Newburgh. It's been a long time coming and now it's time for that change to come. Let me in with the words of Dr. Martin Luther King, Jr. It was the people who moved the leaders not the leaders who moved the people. Red, yellow, black, brown and white all the patches of the great American quilt must seek common ground. God bless the legacy of Rev. Dr. Martin Luther King, Jr. and God bless the City of Newburgh.

Octavia, City of Newburgh asked Councilwoman Mejia if this was important to her because it looks like she has been texting during the whole meeting.

Councilwoman Mejia noted that she is taking notes electronically.

Elder Robinson, City of Newburgh thanked the Council for all they are doing in the City and she congratulated Omari for a job well done. She asked the Council to please keep prayer in the City Council meetings because it's a must and it's greatly needed. When you

see what people are going through without prayer there is no telling what could take place in the City. She knows that there is power in prayer so please keep it because we need it.

Booker Curtis, Pastor of the New Jerusalem Church of God and Christ, 481 South Street said that if everyone here thinks about their life then someone prayed for them. Sometimes we take God for granted because we have been blessed so much but he thinks that God is looking for someone to stand up for him. He has confidence in us but do we have the same confidence in Him? When the Senate and Congress open they pray and when the President of the United States is inaugurated he puts his hand on the Bible. A Moment of Silence is usually for the departed and to remember those who were once here. Remember that God is watching all of us and whoever we believe in, we all believe in something so don't take prayer away. If you really want to see the City of Newburgh prosper, always open with a prayer because people believe in prayer. This City has a lot of hills and bumps to go through and without the help of God to give you that knowledge and wisdom we will always end up on the wrong side.

Pastor Anthony Slade, Holy Temple Church, 179 South Street congratulated Omari on his victory and said that prayer brought him here. The Bible tells us as believers to pray for those that have rule over us so we can sleep peacefully at night. The City Council has authority over the City of Newburgh and the Christian Ministerial Fellowship prays for them to make the right decisions in the best interest of the City and its people. Prayer is only to help us. Without prayer you are like a ship without a sail. He asked the Council to please vote in favor of prayer at the City Council meetings. The Congress and the Senate open their sessions with prayer so they do not leave God out.

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 tonight. He congratulated Chief Horton and feels that the public still needs data from the Codes department which he looks forward to working with him on. For the Riverkeeper resolution that's on the Agenda he said that he works closely with them and is very happy that they will be clearing the Quassaick Creek Dam. They also have a Riverkeeper Sweep that you can sign up for on their website to volunteer. The Armory is City of Newburgh property and we had to work out a deal with them for the electricity and some other things. The lot that sold was a small boarder lot that sold for its assessed value. The Transportation Advisory Committee would be the perfect place to go with sidewalk concerns because they handle all things when it comes to transportation. There was some mention about violence and he looks forward to having a meeting with Restorative Justice so we can raise that profile and get some of those things going on. As far as the film industry, he has supported it from the beginning and there has only been one film industry that he knows of that went away but they need to abide by the rules and laws of this City. He is very excited about the street sweepers and they look forward to bringing them back again. Census 2020, Census 2020, Census 2020.

Councilwoman Mejia welcomed everyone back. She said that she is proud to be sitting next to Councilman Shakur and she is also proud to have been able to play the role she

played in that growth that has taken place because it is important for our community. Michael Jordan has often been quoted as saying, *"Talent wins games but teamwork and intelligence wins championships"*. There is no doubt that there is a lot of talent at this table and that we have all won several different games, however, my mission for 2020 is around how we win championships. How we win championships around equitable development including housing, safety and quality of life, jobs and workforce development, environmental justice especially around our water and air quality. How we win championships around reducing our overtime by making sure that the budgeted overtime we do have has the opportunity to create permanent positions in the Fire and Police Departments. How we win championships around governing progressively from a shared values platform that prioritizes City of Newburgh residents and businesses. How we win championships by leveraging wins from the State level like the Green Light Project assuring that our residents can get their licenses right here in our own DMV on Broadway. That is after all why we have those social services here so that our residents have the means and the availability to do it. We shouldn't have to go to Goshen when it's right here. How we win championships by partnering with the State and County to improve our infrastructure. How we win championships around assuring that City of Newburgh residents are able to travel to the jobs that are coming to the County like LEGOLAND, Amazon and others. How we win championships by creating opportunities for intergenerational dialogue so that our youth and senior population can share their experiences with one another. And how we win championships is by listening more and talking less.

Councilwoman Monteverde wished everyone a happy 2020 and said she is very excited about starting a new decade and the development and changes that are coming to the City of Newburgh. For her and this Council it is not going to be business as usual and she feels that a lot was accomplished in 2019. She looks forward to working with everyone at this table and knows that they have a lot of hard work to do. She looks forward to working with Councilman Shakur and feels it's going to be an exciting year.

Councilman Shakur said to the community watching that this is how we get things done so if you want something you come and fight for it. In regard to sidewalks, he wants to sit down with Mr. Garrison because he has a plan to talk with him about so they will be working on that. He congratulated Chief Horton and said that work has begun with Codes but we have to do more. This is a two way street so he needs to see our community coming out to fight for the things they need. He doesn't have a magic wand and can't fix things over night but this is where it starts. He is ready to roll up his sleeves and go to work which is how we are going to get things done. He thanked everyone for being here tonight.

Councilman Sklarz said that he realized last March that Omari was running for City Council, that he was going to win and that he would have to speak after him at the meetings. He heard him speak at the inauguration and tell someone that he was not a talker but we all know better than that. He congratulated Omari and said it will be a pleasure to work with him. In regard to prayer, Newburgh is an open and welcoming community. We have people here of all races and religions and they all need to be welcomed in this setting. He knows people feel strongly about opening the meeting with a prayer but it excludes people and makes them feel uncomfortable. It makes people who are not of your Religion not receptive to hearing that prayer and it makes people who are not religious uncomfortable. These are public meetings where public business is discussed so

we need to be welcoming to everybody.

Councilwoman Sofokles wished everyone a Happy New Year. She has known Omari Shakur a long time and she feels he will bring a lot to the Council. In regard to the lot that sold for \$100.00, she said that she was on the Assessment Review Board for fourteen years and she owns five full City lots that were assessed at \$26,000.00 but this was a \$100.00 lot. It's just to get a boundary and we would not sell a lot that's worth \$26,000.00 for \$100.00. She congratulated Chief Horton and is glad we now have a Fire Chief. We now need to work on reinstating our staff and working on the Police and Fire Departments because public safety is what keeps our City safe. She added that the sidewalks are supposed to be maintained by the property owner and if the City owns it then we are responsible. We are working on a lot of stuff and you may not see it on the surface but this Council works every single day.

Mayor Harvey said he is super excited about 2020. Just because you don't see things in motion or going on doesn't mean they are not happening. Things are happening in buildings throughout the City of Newburgh and meetings are going on so they are working diligently to revitalize this City. Amazon is coming to Stewart and they are already in Montgomery. LEGOLAND in Goshen is going to be the largest one in the entire World and Woodbury Commons is going to triple its capacity. He has had several meetings with Governor Cuomo and his staff as well as meetings with various different business owners so there is a lot going on in terms of employment and transportation to get our City residents to those locations for meaningful employment. We are looking for entrepreneurs to invest in twelve or fifteen passenger vans for transportation purposes so a lot is happening. 2020 is about being strategic, intentional and continuing to revitalize this City. In 2019 we had a lot of wins and victories but we were not as good as we need to be with our public relations and letting the public know about those wins. Our City Manager just gave you a small glimpse of those wins with 1.5 million in properties and forty-two abandoned buildings on the tax rolls. With the developments, RFP's, RISE Phase III Grant, multi-million dollar grants to streamline our software and other grants that were awarded to increase and bring in new revenue streams we can bring back that personnel that we lost in our public safety. There is a lot happening behind the scenes that you all don't know about and he is very proud to be a part of it. He congratulated Councilman Shakur, Councilman Grice and Councilman Sklarz on their victories in this last election.

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

CITY MANAGER'S REPORT

Resolution No. 1 - 2020 - License and Access Agreement with Riverkeeper, Inc. for Dam Removal Activities on the Quassaick Creek

Councilman Grice moved and Councilman Sklarz seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 2 - 2020 - Strooks Felt Dam Removal SEQRA Declaring Intent to Serve as Lead Agency

Councilwoman Sofokles moved and Councilwoman Mejia seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 3 - 2020 - Change Order No. 1G with Doyle Contracting, Inc.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 4 - 2020 - Proposal with Gorick Construction to Haul and Dispose of Contaminated Soil from 82 Clinton Street

Jason Morris, City Engineer said that this proposal is from Gorick Construction for the removal of contaminated soil associated with the demolition of 82 Clinton Street and to bring new clean soil back in to take the place of where the garage was demolished.

Mayor Harvey noted that the process of revitalizing and hopefully bringing new developments to the City will bring ratables and new revenue streams. There is a lot of contamination and various sites that are not shovel ready which is one of the goals on our revitalization and master plan for 2020. We want to get any undeveloped properties we have throughout the City shovel ready to make them more attractive to development projects.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 5 - 2020 - Amendment#4 with Barton & Loguidice

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 6 - 2020 - Proposal with ARCADIS for Professional Engineering Services

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 7 - 2020 - 2020 Refunding Bond Resolution

Todd Venning, City Comptroller said that this is a bond refunding resolution so we are not issuing new debt. It's kind of like when you refinance your home where you technically pay off one mortgage and issue another one. This is an opportunity to save about a million dollars over the next fifteen years based on the interest rate environment and some of the other laws recently passed by the President so we are going to take advantage of that opportunity. We are just refinancing our old debt and saving about \$990,000.00 over the next fifteen years.

Mayor Harvey said he is excited about this and Todd Venning is a numbers guy who is very sharp. He is very meticulous about looking at these numbers and figuring out strategies and ways we can redo things to be a cost savings and have revenue added to the City.

Councilwoman Monteverde thanked Mr. Venning for looking out. It's going to be an exciting 2020 because he will continue to look at where we can capture some revenue and do whatever we need to do.

Councilwoman Sofokles thanked Todd too because he and the City Manager have brought us out of some tough spots. It was not a popular Budget this year but it had to happen. This man is right on the money and we should all feel comfortable to know that he is our Comptroller and Mr. Donat is our City Manager.

Mayor Harvey said that he is a man of his word as is everyone on the City Council and they are going to fight to restore our public safety department. With those layoffs they are not going to rest until they do what they said they were going to do. Public safety is our number one priority so we want to restore the public safety departments the right way and do it in a fiscal and responsible way. Hopefully we can trend down that overtime and do what we call income infusion which Mr. Venning and our City Manager are looking into. Things like this resolution will have us get there sooner than later.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 8 - 2020 - Amend 2020 Budget for PD Personnel

Todd Venning, City Comptroller explained that this amendment was brought about after working with the City Manager and the Police Chief to identify the best operational use of the staff. It was determined that based on the patrol schedule, which was provided last Thursday at the Work Session, that it would be best to restore three Sergeant positions while eliminating three Police Officer positions and still end up with the same net total positions that were authorized in the Budget. This just moves the positions around so they are more effective in a way to eliminate overtime at the various higher level positions. We are going to continue to do something similar to this with police and fire working with the City Manager and the Chiefs as the quarterly reports come in.

Councilman Grice said we are really fortunate to have someone like Mr. Venning with his expertise and he appreciates the way he explains things in a very simple way for us to understand. It just makes sense in some departments to give them the promotion if they are trending on the overtime and it makes us more efficient.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 9 - 2020 - Amending 2020 Homestead Rate (Decrease)

Mayor Harvey said that anyone who was witness to the Budget Hearings that started in late September knows that the big cry from the community was to decrease these taxes. There are elderly and other people living on fixed incomes and people were feeling that they were getting priced out and couldn't afford to live here anymore. We committed ourselves with the City Manager and the Comptroller to decrease the taxes for the people who live here.

Todd Venning, City Comptroller explained that the homestead tax basically establishes two separate property tax rates: a lower rate for residential property owners (homestead tax) and a higher rate for all other property owners (non-homestead tax). Some of the history on the homestead tax option and how it came about is that historically in New York State residential properties had been assessed at a lower value than market while commercial and other industrial style properties had been assessed at commercial values. Over time there came a need to assess all of the properties at their current full market value. The problem is that when you do that it dramatically shifts the tax burden, assuming the levy stays the same, from your commercial to your residential and many municipalities in New York State were afraid to do that. They were discouraged from increasing the residential properties to full market value so in 1981 New York State came out with this law that would provide a lower tax rate for residential properties in order to encourage municipalities to have a full market value of residential properties which would prevent any large shift of the property tax to the residential class. Any one, two and three residential units regardless of owner occupancy status qualifies. Any farm house or mobile home, but the mobile home has to be owner occupied and separately assessed. Condominiums that were built as Condominiums count as homestead, however, if the Condominiums were converted from apartments then they do not qualify as homestead. There is also a homestead tax option for any land under ten acres that is located in a residentially restricted area to one, two and three family dwellings. It was mentioned at the Work Session that the tax rate went down a little bit further by a few pennies from the adopted Budget. The adopted homestead rate on November 21, 2019 was 19.606 and the dollar value on every \$150,000.00 would be about \$2940.00 but the new rate went down .00832 resulting in a new rate of 19.597 so the dollar value dropped about \$1.25.

Mayor Harvey said we had a decrease when the Budget was adopted and the update now is that we have another decrease for homesteaders in the 2020 taxes. Anytime we can get a decrease it's a celebration for us.

Councilman Shakur thanked Mr. Venning for making this clear for everyone so we all understand.

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 10 - 2020 - Re-open the 20 year retirement plan for S. Kenan

Councilman Sklarz moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 11 - 2020 - NS North Plank Road - Purchase Agreement

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 12 - 2020 - 2 Liberty Street - Release of Restrictive Covenants

Councilman Grice moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 13 - 2020 - 235 Carpenter Avenue - Release of Covenants

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 14 - 2020 - 141 Johnston Street - Releases of Restrictive Covenants

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7
Adopted

Resolution No. 15 - 2020 - DCJS 2020-2021 Livescan Equipment Program

Councilman Grice asked what happens to the old equipment.

City Manager, Joseph Donat said he believes the old equipment is outdated and it will either go out for surplus or be taken out of commission.

Douglas Solomon, Police Chief said that the software gets outdated and becomes unsupportable.

Mayor Harvey said that they are in some serious discussions regarding public safety with some recent events that have happened with gun violence in our community. ShotSpotter is still up and functional until February 9th and we are looking at and soliciting funding sources from grants to continue beyond that date. The Council has requested a full report from Chief Solomon on our Comprehensive Video Surveillance Program so we can get an update on if all cameras are working and make a request to add to that program to make it more robust than it is already. Public safety is our number one priority and there are

cameras on the streets which are very high tech and digital so hopefully by the next City Council meeting Chief Solomon and our IT Department will do a presentation on that to assure public safety.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 16 - 2020 - CAC Application for TD Bank-Green Space Grants Program

Councilman Grice noted that when the CAS gets this Grant they will need some volunteers to help plant the trees so if you have the opportunity please help them out.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 17- 2020 - Payment of Claim with Donna Boykins-Jones

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 18 - 2020 - Payment of Claim with Tina Romaine

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 19 - 2020 - Payment of Claim with Alh Construction, LLC

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 20 - 2020 - Agreement between the City of Newburgh and the Newburgh Armory for Reimbursement of Utilities Costs

Michelle Kelson, Corporation Counsel said that the Armory Unity Center manages the Armory on behalf of the City and it is a City owned property. The Armory Organization was developed to help manage and run the programs and maintain the facilities over there. In administering that agreement there have been some issues in making sure all of the utility and maintenance payments are properly paid and accounted for. This agreement between the two Organizations will resolve any past discrepancies and result in a reimbursement from the Armory Unity Center to the City and the Organizations can move forward under the existing agreement.

Mayor Harvey added that under this agreement the Organization that manages the Newburgh Armory Center has agreed to utility reimbursement.

Councilman Grice said that while we are in support of what the Armory does, and hopefully will continue to do, it is City owned property and he thinks that sometimes that message gets a little lost with the public. It's our building and we support it.

Councilwoman Monteverde noted that they have a one hundred year lease.

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 21 - 2020 - Restoring Prayer to Council Meetings

Councilman Grice said that everyone knows he is a Christian but in thinking about all of this he hopes that when we do this prayer that it could be a non-denominational prayer. Also when we do this prayer that it not specifically name people.

Mayor Harvey said to be very upfront and clear he supports this resolution and he thinks we should restore prayer back into our meetings. He is the one who requested that it go up for a vote this way everyone can take their position in a public forum. He thinks it should be restored. If it is voted to be restored then he will work diligently with the Christian Ministerial Fellowship and other Faith Based Organizations to make sure that other groups are in representation with the prayer. Whether it be a prayer in the name of Allah, Yahweh, Buddha, Shiva or any representation of a religious faith based organization. He will work diligently with the Ministers from week to week and he is committed to that if this resolution carries. If it does not carry by vote, then we will go back to the Moment of Silence. If this resolution does not carry then we will revert back to the Moment of Silence for 20202 until or unless a resolution is brought forward by the Council to do something different. He is in support of a prayer before the City Council meetings and he is making that very clear as he actually enjoyed the way it was done in the past.

Councilwoman Sofokles said she believes that God hears you no matter where you are. She has the utmost respect for the Pastors in the City of Newburgh and when this was brought up last year all of the Council members agreed there should be a Moment of Silence so she doesn't understand why this came up again. In her experience, when speaking to people, she feels it doesn't have to be a spoken prayer. Someone mentioned Washington, D.C. but they don't do a prayer they swear someone in on a Bible. No other municipality around here does a prayer before their meeting. They all believe in separation of Church and State because nobody has the same beliefs. She means no disrespect to anyone in the room and she thinks that the work the Pastors do in this City to help the people is amazing.

Councilman Shakur said he sat down with the Ministerial Society and told them that he would back this because it is needed. He was at South High today and there was a fight with some kids that went all the way to South Street so he is going to vote for prayer here. He also hopes that the Churches get out into our community and work with these kids on the streets to make prayer work. We definitely need something new in this community and he doesn't see anything wrong with prayer. We can use the help so he will be voting for it.

Councilwoman Mejia appreciates the Mayor checking back in with this because it's very responsible of him to do that. It doesn't change her vote from last year but she thought it was commendable that he brought it back. For any disturbances that this may or may not cause to the community she said that her wish is that we operate out of the religion of love. If that's the religion that you adhere to, whatever God you pray to she hopes that continues to live in your heart. This conversation brought her back to our Charter which she recommends everyone read and it's available electronically. According to Chapter 20-3, Order of Business, the business of the Council shall be conducted in the following order: *Roll call, Approval of minutes of previous meeting, Communications, Public hearings, Public comments regarding any matter of City business, Comments from the Council, Report of City Manager, Old Business, New Business and Further comments from the Council.*

Everything else that we have on our Agenda is actually not called to by our Charter including the Pledge of Allegiance. In the spirit of love, and religion is love, she is going to adhere to what she voted last time on this. She hopes that everyone understands that and continues to live with love in their hearts.

Mayor Harvey added that it's our responsibility as elected officials to not only know our community but to know our demographics. We have a large contingency of Christians in this City and we are here to represent all but you need to know your demographics. No matter who you are praying to prayer is needed. We are a very unique city and we are turning this city around from decades of neglect, crime and poverty pimps robbing our city from the inside out. Again, he supports this resolution.

Councilwoman Sofokles moved and Councilwoman Mejia seconded.

Ayes: Grice, Shakur, Harvey - 3

Nays: Mejia, Monteverde, Sklarz, Sofokles-4

Defeated

NEW BUSINESS

Councilwoman Monteverde reminded everyone that we are coming up to our tenth year for the Annual Community Cleanup in April. We will start sending out some e-mails and setting up meetings so hopefully it will be a good year.

Councilwoman Sofokles said that we are supposed to get snow again this weekend and she has a lot of people asking here about ice skating at Downing Park. She wanted it to be on the Agenda but it's not there so she would like to find out what we are doing with that. The ice is going to start to freeze and we haven't made a resolution about how we are going to have ice skating at Downing Park which she has been asking about for years. In the past George would check the ice and if it was 7½ inches we would put up a flag that you could ice skate.

Mayor Harvey asked Michelle Kelson, Corporation Counsel if we could do a resolution.

Michelle Kelson, Corporation Counsel said that most of them already know that in consecutive years she has proposed a set of rules and regulations to follow for potential skating at Downing Park. She is just the Lawyer not an administrator and she is not in charge of the operations of this City. She has tried to get the ball rolling and she has

proposed some suggestions and parameters to the staff. Some have responded and they have proposed additional revisions with some other things to consider so she has done what she can do in this regard.

Councilwoman Sofokles said that what happened last year when it froze enough people just started skating which is dangerous. The City and Downing Park are insured but she had to chase some people off last year because they were skating on thin ice. She wants to be able to tell people when it's not safe to skate. We just need to set some rules.

Mayor Harvey said that Corporation Counsel has outlined a set of rules so a conversation can happen between himself, our City Manager and DPW. That way someone from DPW or the Recreation Department can have a protocol to test the ice and the put out a flag or some signage when the ice is frozen enough to skate on.

Councilwoman Sofokles said there are only about three days when the ice is frozen enough. The last big skating party we had was in 1989 when it lasted about a week. We missed the opportunity last year and we are getting close to it happening again so we want to be able to keep people safe. She just wants a solution and to go back to the way it was.

Joseph Donat, City Manager said that as Corporation Counsel noted she has done a lot of heavy lifting and it is his own shortcoming that we don't have finalized rules and regulations regarding this. He will take it upon himself to make sure that process is finalized before the end of the month.

Mayor Harvey said he will do anything he can to help because that would be an added benefit to the City. We have skateboarders so we should have ice skating and hot chocolate too.

Joseph Donat, City Manager said as a point of clarification that some of the rules and regulations related to skating has been somewhat of an issue for the Council as well. The rules and regulations as it relates to ice skating will be just as in depth as the rules that we have for the Skate Park.

Mayor Harvey added that he has had conference calls with a few private entities that are interested in possibly having a sit down with the City Manager and the Director of Recreation to create some sort of competition or events at the Skate Park. This would bring revenue to the City and give skaters something to look forward to on an annual or semi-annual basis where they could have competitions with neighboring municipalities. We could have Pepsi, Coca Cola and other sports apparel sponsorship and really make that Skate Park a destination for events. He doesn't know if that same thing can happen for Downing Park with ice skating but it's something to think about for the near future because there is interest from private entities to support that idea.

Councilman Shakur said that this weekend while he was out telling people to come to the City Council meeting a young lady asked if they could receive notifications about meetings because they don't know when they are.

Councilman Grice noted he and Mr. Donat have been talking about increasing our communication and they have been working diligently. He encourages people to go to the City website to sign up for the text alerts. He told Councilman Shakur that he is welcome

to join that effort as they continue to get the message out more to certain areas of the community.

Councilman Shakur said he was also up in the heights and a lot of young men there want to play basketball but they don't want to go all the way to Gidney Avenue so they would like something on that side of the City.

Councilwoman Monteverde noted that something is being worked on and she will talk to him about it.

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

OLD BUSINESS

There was no old business discussed.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said that he and Councilman Sklarz started a Facebook page for Crystal Lake which is one of our treasures on the west end and we want to give that some positive attention. We need some signage that we are working on for that area because if you bring trash in then you have to carry your trash out. It is a beautiful place to walk in a residential neighborhood so please be mindful when parking. In regard to the prayer vote, please do not make any judgments about how people voted and why. Please be respectful.

Councilwoman Mejia said on winning championships and echoing the Census that we have a meeting on Thursday at 6:30 at the Heritage Center and they would love to get people engaged. Every ten years we have an opportunity to get counted so we can get the right resources for our community. This is how we get funding for our schools, hospitals, infrastructure and resources where we are seriously lacking because we have not been properly counted. A lot of people have put in a lot of time to make sure that the City of Newburgh get counted. How can we continue that spirit of love and celebration that we feel during the winter months throughout the year? Chinese New Year is coming up so it's another opportunity to celebrate us as a humanity. With everything that's going on in the World we need to slow down, listen and be there for each other. It's 2020 and we will be winning championships together.

Councilwoman Monteverde said she looks forward to those 2020 championships. The things that our City Manager reported is very exciting. The Codes Department did three thousand inspections, which is really good work and she wants to continue to support them and do a shout out. In Planning and Development, 1.5 million for forty two buildings sold is great and we will continue to sell buildings. She is looking forward to paving in 2020 and hearing Mr. Garrison's 2020 Paving Plan. Eighty tons of garbage was dumped in the City which was picked up so we have to figure this out. She doesn't know if people are coming

in from out of the area or they are just too lazy to go to the dump but stop dumping in our beautiful city. We are trying to clean it up and it hurts her to see that. She looks forward to the ongoing discussions in giving the public updates on where we are with ShotSpotter. We will make sure to continue to look everywhere to keep that going because it's a really important program.

Councilman Shakur said that this is his first meeting so he is learning and trying to wrap his head around a lot of stuff. He is thankful for being here and he looks forward to doing the work. In regard to the Census he will be sitting down with the ward Council members to do a town hall of each ward before we make any concrete plans. He wants to go back to the community and listen to what they need and see how we can move forward from there. He also will be sitting down with the department heads to see how we can help them too because it's about all of us working together.

Councilman Sklarz said that when Jonathan Jacobson sat in this seat he advocated for regular paving of the roads and last week he, Councilman Shakur and I attended a Press Conference where the City was given half a million dollars for road paving. This is wonderful news for Newburgh because we can get some more paving done in 2020 thanks to the efforts of Assemblyman Jacobson and Senator Skoufis.

Councilwoman Sofokles said that all of the Council members made valid points and we do want to have a championship here. She worked the Census years ago and it's so important for everyone to be a part of it because it's how we get federal funds. A lot of people go uncounted which is why Councilman Grice keeps repeating Census 2020, Census 2020. He says it all the time because he is trying to drum it in to everybody's head that we have to be a part of this. If you are retired or not working, it would be a good time to get a job and learn something. She told George Garrison that she hopes we can pave Fullerton Avenue and Third Street now that we have this extra money. She thanked everyone for coming tonight, the City Manager and all of the department heads. She is excited about the way things are going but having this City Manager, Comptroller and City Council is what's going to turn this City around which is happening. It was a tough Budget season but we got through it and now we just have to make everything right again. It's great to see people coming out to the Council meetings.

Mayor Harvey asked Alexandra Church to speak about the next steps moving forward with the RFP.

Alexandra Church, Planning & Development Director explained that the City put out an RFP for 15 S. Colden Street, which is the property that gets dumped on all the time, and the Committee has come to a recommendation. We haven't notified the developer yet but there is a recommendation and we will be coming to the Council in the next few weeks with that recommendation and working towards a developer agreement.

Michelle Kelson, Corporation Counsel said that she has no idea what the recommendations is and this is the first time she is hearing that there is one so she can affirmatively state that there have been no discussions regarding a developer agreement. She is hopeful that if the recommendation is made and the developer is notified either this week or next week that sometime in February we would have a developer agreement for the Council.

Mayor Harvey thanked Ms. Kelson for that information as he is trying to get a timeline on that because he is excited and they want to wrap that up. He also thanked everyone who came out for the first meeting of the year as it was a great meeting. We are very optimistic about 2020 and he hopes that at the next meeting on the 27th they can get updates on the Comprehensive Video Surveillance Program, ShotSpotter and the water litigation. Corporation Counsel gave them a wonderful chart on the litigation process and why it takes so long especially for the magnitude and the severity of the litigation regarding the water. The Codes Department has done a wonderful job and we want to figure out where we are with the RISE Phase III Grant so we can continue to support the Codes Department and continue getting rental properties on the Rental Registry making sure the apartments and buildings are up to code. He noted that Chief Horton and everyone in Codes has done an excellent job collecting \$400,000.00 for Building Permits so we want to continue to support them so that the quality of life is improved for all of our residents no matter where you are on the social economic level. It doesn't matter if you are rich, middle class or poor because everyone deserves decent housing and a great quality of life. There are some major employment opportunities happening in our region so he will keep reminding everyone that we want our residents to have meaningful employment, careers and jobs that go above minimum wage and we want to continue to get our residents who have been here for decades to have a better quality of life. Stay woke and please pay attention to these major employment opportunities coming to Orange County.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:22 p.m.

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: _____1_____ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
LICENSE AND ACCESS AGREEMENT WITH RIVERKEEPER, INC. AND ITS
CONTRACTED AGENTS TO ALLOW ACCESS
TO CITY OWNED PROPERTY IN CONNECTION WITH
THE RESTORING HERRING AND EEL PASSAGE:
REMOVING THE STROOKS FELT DAM ON QUASSAICK CREEK PROJECT**

WHEREAS, by Resolution Nos. 85-2019 and 86-2019 of April 9, 2019, the City Council of the City of Newburgh declared its support for the project to remove the Strooks Felt Dam partially located within the municipal boundary of the City of Newburgh and authorized and endorsed the application of Riverkeeper for a grant under the Round 23 Hudson River Estuary Program Tributary Restoration and Resiliency program for a project known as "Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek" (the "Project"); and

WHEREAS, Riverkeeper was awarded the grant and intends to proceed with the Project in cooperation with the City of Newburgh and other interested and involved agencies; and

WHEREAS, the Project requires access to and permission to work on City-owned real property known as tax parcel 47-2-10.2 on the official tax map of Orange County ("the City Property"); and

WHEREAS, the City agrees to provide access to Riverkeeper to the City Property for the purpose of the dam removal in connection with the Project, subject to the conditions provided within the attached agreement; and

WHEREAS, this Council has reviewed the attached agreement and has determined that entering into the same is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the License and Access Agreement, the same form annexed hereto, with Riverkeeper, Inc. and its contracted agents to allow them access to City owned property in connection with the Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek Project.

RESOLUTION NO.: 2 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL
QUALITY REVIEW ACT (SEQRA) FOR THE RESTORING HERRING AND EEL
PASSAGE; REMOVING THE STROOKS FELT DAM ON QUASSAICK CREEK PROJECT,
DECLARING THE PROJECT TO BE AN UNLISTED ACTION, CONSIDERING AN
ENVIRONMENTAL ASSESSMENT FORM (EAF) AND
REFERRING SAME TO INVOLVED AND INTERESTED AGENCIES**

WHEREAS, by Resolution Nos. 85-2019 and 86-2019 of April 9, 2019, the City Council of the City of Newburgh declared its support for the project to remove the Strooks Felt Dam partially located within the municipal boundary of the City of Newburgh and authorized and endorsed the application of Riverkeeper for a grant under the Round 23 Hudson River Estuary Program Tributary Restoration and Resiliency program for a project known as "Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek" (the "Project"); and

WHEREAS, Riverkeeper was awarded the grant and intends to proceed with the Project in cooperation with the City of Newburgh and other interested and involved agencies; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), the City Council of the City of Newburgh wishes to declare its intent to assume Lead Agency status for the Project, classify the Project as an Unlisted Action, proposes a coordinated review and to accept an Environmental Assessment Form ("EAF"); and refer same to the involved and interested agencies;

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

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and
2. That this Council classifies the action as an Unlisted Action; and
3. That this Council proposes to a coordinated review and accept the Environmental Assessment Form ("EAF") attached hereto; and
4. That this Council authorizes the City Manager to circulate said Environmental Assessment Form to other "Involved Agencies" and "Interested Agencies".

RESOLUTION NO.: 3 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1G
WITH DOYLE CONTRACTING, INC. A NET CONTRACT REDUCTION
IN THE AMOUNT OF \$8,800.00 FOR THE CONSTRUCTION OF
THE WASHINGTON LAKE INTAKE GATEHOUSE REHABILITATION PROJECT**

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, by Resolution No. 65-2019 of March 25, 2019, the City Council of the City of Newburgh awarded a bid for construction of the Washington Lake Intake Gatehouse Rehabilitation Project 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

WHEREAS, contract modifications to delete the motorization of new Crane Trolley due to exterior conditions in the building, limited space and maintenance concerns for a \$10,000.00 contract price deduction, and to add mortar repairs and trim around new FRP door for a contract price increase of \$1,200.00 are necessary; and

WHEREAS, Doyle Contracting, Inc. has submitted Change Order No. 1G which includes a net contract decrease in the amount of \$8,800.00 with funding for the change order derived from HF1.8320.0200.8113.2016; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 1G with Doyle Contracting, Inc. for a net contract decrease in the amount of \$8,800.00 in the Washington Lake Intake Gatehouse Rehabilitation Project.

RESOLUTION NO.: 4 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
WITH GORICK CONSTRUCTION CO., INC.
FOR SOIL HAULING AND DISPOSAL IN THE EMERGENCY DEMOLITION OF A
BRICK GARAGE LOCATED AT 82 CLINTON STREET IN THE AMOUNT OF \$18,641.00
AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,689.00
FOR SOIL BACKFILL IN EXCESS OF PER UNIT AMOUNT OF 75 CUBIC YARDS**

WHEREAS, the City of Newburgh determined that the collapsing two-story brick garage located at 82 Clinton Street represented an immediate threat to the public health and safety to the neighborhood; and

WHEREAS, pursuant to the City of Newburgh's Emergency Procurement Policy, it was determined that Gorick Construction Co., Inc. was fully qualified and provided the lowest price to complete the demolition of the collapsing garage located at 82 Clinton Street; and

WHEREAS, by Resolution No. 304-2019 of December 9, 2019, the City Council authorized the City Manager to execute a contract with Gorick Construction Co., Inc. for the demolition of the garage and the removal of an underground storage tank located at 82 Clinton Street which included a unit cost for additional soil backfill in excess of 75 cubic yards; and

WHEREAS, following the demolition of the structure and removal of the underground storage tank, imported soil back fill exceeded the original per unit amount of 75 cubic yards and the contaminated soil must be removed from the site and properly disposed; and

WHEREAS, Gorick Construction Co., Inc. has provided an invoice for the excess soil back fill in the amount of \$5,689.00 and a contract for removing, hauling and properly disposing of the contaminated soil in the amount of \$18,641.00; and

WHEREAS, funding for such excess soil back fill and soil disposal work will be derived from A.1440.0200; and

WHEREAS, this Council has determined that it is in the best interests of the City of Newburgh and its further development to approve payment of the soil back fill invoice and enter into a contract for such soil disposal services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to approve payment of the excess soil back fill invoice submitted by Gorick Construction Co., Inc. in the amount of \$5,689.00 and execute a contract with Gorick Construction Co., Inc. in the amount of \$18,641.00 for the removal and disposal of soil in connection with the demolition of the garage and removal of an underground storage tank located at 82 Clinton Street.

RESOLUTION NO.: 5 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDMENT NO. 4 TO A CONTRACT WITH BARTON & LOGUIDICE, D.P.C. FOR
PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$55,000.00
FOR ADDITIONAL CONSTRUCTION PHASE ADMINISTRATION SERVICES
IN THE LIBERTY STREET AND GRAND STREET
SANITARY SEWER IMPROVEMENTS PROJECT**

WHEREAS, the City of Newburgh has experienced failures in the combined sanitary sewer system in the vicinity of Liberty Street and Grand Streets which has resulted in repeated sewer backups to residences, and deteriorated sewer mains on Liberty and Grand Streets; and

WHEREAS, Liberty Street and Grand Street Sanitary Sewer Improvements Project ("the Project") was listed on the New York State Environmental Facilities Corporation ("EFC") multi-year intended use plan as Project No. C3-7332-09-00 with a score sufficient to qualify for Project financing through EFC's traditional loan programs; and

WHEREAS, the EFC's Storm Mitigation Loan Program ("SMLP") offers a financing option for the Project consisting of a combination of 25% grant funding and 75% zero-interest loans which provide a potential Project savings to the City of 25% of the total project cost of approximately \$300,000.00, and by Resolution No.: 28-2014 of February 10, 2014, this Council authorized the Interim City Manager to execute a contract with Barton & Loguidice, D.P.C. for professional engineering services necessary to complete the application for the grant funding at a cost not to exceed \$19,900.00; and

WHEREAS, by Resolution No.: 29-2014 of February 10, 2014, the Council authorized the Interim City Manager to apply for and accept if awarded a grant and zero interest loan financing from the EFC SMLP in an estimated Project cost of \$1,150,800.00, and upon the award of such funding to enter into and execute a documents and contracts with the EFC for said purposes and further, to carry out and comply with the terms of such project agreement(s); and

WHEREAS, by Resolution No. 289-2014 of November 24, 2014, the Council authorized the City Manager to execute an agreement for professional engineering services with Barton & Loguidice, D.P.C. in an amount not to exceed \$256,600.00 for the design and construction inspection services of new sewer and stormsewers for Liberty, Grand, Clinton and Montgomery Streets and assistance to secure funding awarded under the EFC SMLP for the Liberty Street and Grand Street Sanitary Sewer Improvements Project; and

WHEREAS, by Resolution No. 48-2015 of March 23, 2015, the City Council authorized the City Manager to execute an amendment to the agreement for professional engineering services

with Barton & Loguidice, D.P.C. for the administration of CDBG-DR program funds in connection with funding awarded under the EFC SMLP for the Project; and

WHEREAS, by Resolution No. 195-2018 of August 13, 2018, the Council authorized the City Manager to execute an amendment to the agreement for professional engineering services with Barton & Loguidice due to the discovery of unknown existing underground utilities encountered during construction design changes were required for the Project resulting in the need for an extension of time of 36 days to complete the Project as well as additional construction phase professional engineering services for the Project in an amount not to exceed \$254,000.00; and

WHEREAS, due to the size and scope of the Project, the Project completion extended until August 7, 2019 and required additional submissions to EFC, construction administration services and construction observation services at a cost of \$55,000.00; and

WHEREAS, funding for the additional professional engineering services shall be derived from New York State Environmental Facilities Project# C3-7332-09-75 & C3-7332-09-76; and

WHEREAS, this Council has determined that amending the professional engineering services contract with Barton & Loguidice to include the additional construction phase professional engineering services for the Project under the terms of the proposal and contract amendment as attached hereto is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an amendment to the agreement for professional engineering services with Barton & Loguidice, D.P.C. for the scope of work outlined in the proposal dated September 12, 2019 in the amount of \$55,000.00 for the additional construction phase professional engineering services for the Project for the Liberty Street and Grand Street Sanitary Sewer Improvements Project.

RESOLUTION NO.: ____6____ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
WITH ARCADIS OF NEW YORK INC. FOR REVIEW OF
THE TOWN OF NEWBURGH MEADOW HILL PARALLEL SEWER RELIEF PROJECT
IN AN AMOUNT NOT TO EXCEED \$10,000.00**

WHEREAS, the City of Newburgh and the Town of Newburgh are parties to an Inter-Municipal Sewer Agreement governing sewage treatment service and the construction of additional sewage treatment plant capacity dated May 6, 2004; and

WHEREAS, the Town of Newburgh proposes to undertake the Meadow Hill Parallel Relief Sewer Project; and

WHEREAS, the City of Newburgh is subject to an Order on Consent with the New York State Department of Environmental Conservation to resolve violations at the Wastewater Treatment Plant and for the development of the Combined Sewer Overflow Long Term Control Plan; and

WHEREAS, Arcadis of New York, Inc. has submitted a letter proposal for professional engineering services for review of the Town of Newburgh's Meadow Hill Parallel Relief Sewer Project to assess possible impacts to the City of Newburgh's Combined Sewer Overflow Long Term Control Plan; and

WHEREAS, the cost of said services to be performed is an amount not to exceed \$10,000.00 and funding for such project shall be derived from an escrow account funded by the Town of Newburgh; and

WHEREAS, this Council determines that accepting the proposal and executing a contract with Arcadis of New York, Inc. in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept the letter proposal and execute an agreement with Arcadis of New York, Inc. for professional services to complete the planning and preliminary engineering for review of the Town of Newburgh's Meadow Hill Parallel Relief Sewer Project to assess possible impacts to the City of Newburgh's Combined Sewer Overflow Long Term Control Plan in an amount not to exceed \$10,000.00.

RESOLUTION NO. 7 - 2020

REFUNDING BOND RESOLUTION DATED January 13, 2020

REFUNDING BOND RESOLUTION OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID CITY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$19,500,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$19,500,000 REFUNDING BONDS OF SAID CITY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Adopted) January 13, 2020

Recitals

Whereas, the City of Newburgh in the County of Orange, New York (herein called "City"), has heretofore issued on June 27, 2012, its \$20,825,000 General Obligation Serial Bonds, Series 2012A (herein called the "2012A Bonds"), now outstanding in the principal amount of \$17,210,000 and on June 27, 2012, its \$6,090,000 General Obligation Deficit Liquidation Serial Bonds, Series 2012B (herein called the "2012B Bonds"), now outstanding in the principal amount of \$3,380,000; (the respective outstanding amounts of each of the 2012A Bonds and the 2012B Bonds shall be hereinafter collectively referred to as the "Outstanding Bonds"); such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the City to

refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City;

now, therefore,

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

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Outstanding Bonds of the City.
- b. "Escrow Contract" means the contract to be entered into by and between the City and the Escrow Holder pursuant to Section 9 hereof.
- c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service

payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

- e. "Redemption Date" means, as applicable: June 15, 2022 for the Outstanding Bonds maturing on or after June 15, 2023, or such later date as may be determined by the Comptroller/Director of Finance in the final refunding financial plan.
- f. "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$19,500,000 bonds of the City of Newburgh in the County of Orange, authorized pursuant to Section 2 hereof.
- g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The City Council of the City (herein called "City Council"), hereby authorizes the refunding of the Bonds To Be Refunded of the City, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$19,500,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$19,500,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the City to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$19,500,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the City by Capital Markets Advisors, LLC and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the City in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of two consolidated issues of bonds originally issued pursuant to various bond resolutions of the City, adopted on their respective dates and

authorizing various capital improvements and deficit liquidation for the City and the bond determinations certificates of the Comptroller/Director of Finance for each issue dated their respective dates (the "Refunded Bonds Determination Certificates"). In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$19,500,000 have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller/Director of Finance, the chief fiscal officer of the City, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is as specified in the Refunded Bonds Determination Certificates which are incorporated herein by reference.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A.

Section 6. Said \$19,500,000 Refunding Bonds may be sold at public or private sale.

(a) If the Refunding Bonds are sold at private sale, the Comptroller/Director of Finance, as the chief fiscal officer of the City, is hereby authorized to execute a purchase contract on behalf of the City for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(b) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Comptroller/Director of Finance is hereby authorized and direct to prepare or have prepared a Notice of Sale, which shall be published at least once in "THE BOND BUYER," published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale.

(c) Prior to the issuance of the Refunding Bonds, the Comptroller/Director of Finance shall have filed with the City Council a certificate approved by the State Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds.

(d) In connection with such sale, the City Council hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution.

(e) The Comptroller/Director of Finance is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the City in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City payable as to both principal and interest by a general tax upon all the taxable real property within the City. The faith and credit of the City are hereby

irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the City Council relative to (i) prescribing the terms, form and contents of the Refunding Bonds, (ii) the sale and issuance of the Refunding Bonds, (iii) the making of determinations to issue Refunding Bonds and provide for substantially level or declining debt service, (iv) authorizing and executing agreements for credit enhancement of the Refunding Bonds, and (v) executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller/Director of Finance as the chief fiscal officer of the City.

Section 9. Prior to the issuance of the Refunding Bonds the City shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the City, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To

Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the City the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the City and shall be applied by the City only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance

with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the City Council hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the City by mailing or transmitting such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be

amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

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

Section 14. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 15. This Refunding Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary,

in the "*The Sentinel*," "*The Mid Hudson Times*," and "*The Hudson Valley Press*," three newspapers each of said newspapers having been designated the official newspapers of the City for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by _____
and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

Exhibit A

Proposed Refunding Financial Plan

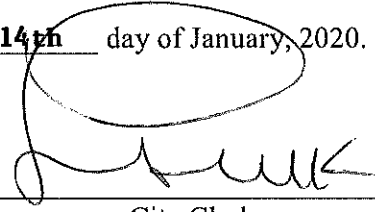
CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on January 13, 2020, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this

14th day of January, 2020.

(SEAL)



City Clerk

RESOLUTION NO.: ____8____ - 2020

OF

JANUARY 13, 2020

A RESOLUTION AMENDING THE 2020 PERSONNEL SERVICES BOOK FOR THE
CITY OF NEWBURGH, NEW YORK
TO REFLECT A TOTAL OF TWELVE SERGEANT POSITIONS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, the 2020 Budget for the City of Newburgh Police Department provided for the elimination of 19 positions and provided for nine sergeant positions; and

WHEREAS, the Police Department proposes to restore three sergeant positions to promote the economy and efficiency of the department; and

WHEREAS, the restoration of the 3 sergeant positions will result in 3 vacant police officer positions which will be eliminated; and

WHEREAS, the restoration of the 3 sergeant positions and the elimination of the 3 police officer positions will not change the net number of positions in the Police Department but requires an amendment to the 2020 Personnel Book to reflect the reallocation of positions within the Police Department;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2020 be amended to restore 3 sergeant positions and eliminate 3 police officer positions as those positions become vacant.

RESOLUTION NO.: 9 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AMENDING RESOLUTION NO. 288-2019 ADOPTING
AN AMENDED BUDGET FOR THE FISCAL YEAR 2020**

WHEREAS, the City Manager, on October 15, 2019, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the "Manager's Proposed Fiscal Year 2020 Budget" and the "Manager's Proposed Personnel Analysis Book" of same date, of revenues and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2020; and

WHEREAS, such detailed estimates have been filed in the City Clerk's Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 12, 2019 in reference to said estimates for any item thereof; and

WHEREAS, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller's budget review report #B19-6-11 dated November 15, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2020 as appears in the annexed "City Council Fiscal Year 2020 Budget" on November 21, 2019; and

BE IT FURTHER RESOLVED, that the sum of \$22,184,692 be levied and raised on account of City taxes for the year 2020 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being ~~\$570,726,884~~ 570,969,181 for Homestead Properties and \$393,605,603 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause said amount of \$22,184,692 to be extended and apportioned and adjusted on said assessment roll at ~~\$19.606286~~ 19.597966 for Homestead Properties and \$27.933692 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and

BE IT FURTHER RESOLVED, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2020 is as set forth in Section 163-1 of the City Code of Ordinances; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and

BE IT FURTHER RESOLVED, that said City tax roll shall be delivered to the City Collector on the 2nd day of January 2020, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 2nd day of January 2020, and collect up to and including the 5th day of February 2020, without fees, and to add 5% from the 6th day of February 2020, up to and including the 31st day of March 2020.

The second installment commencing on the 1st day of March 2020, and collect up to and including the 6th day of April 2020, without fees, and to add 5% from the 7th day of April 2020, up to and including the 30th day of May 2020.

The third installment commencing on the 1st day of May 2020, and collect up to and including the 5th day of June 2020, without fees, and to add 5% from the 6th day of June 2020, up to and including the 30th day of July, 2020.

The fourth installment commencing on the 1st day of July 2019, and collect up to and including the 5th day of August 2020, without fees, and to add 5% from the 6th day of August 2020, up to and including the 1st day of October, 2020.

In addition, thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

BE IT FURTHER RESOLVED, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Chase, TD Bank, Sterling National Bank, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.

RESOLUTION NO.: ____10____ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION REOPENING SECTION 384-d OF THE RETIREMENT
AND SOCIAL SECURITY LAW FOR SAMUEL B. KENAN AS SET FORTH
IN CHAPTER 636 OF THE LAWS OF 2019**

WHEREAS, by Resolution No. 136-2019 of June 6, 2019, the City Council of the City of Newburgh made make a Home Rule Request pursuant to the Municipal Home Rule Law of the State of New York that the Senate and Assembly of New York enact Senate Bill S4135-A and Assembly Bill A7014-A, a copy of which is annexed hereto, to authorize the City of Newburgh to offer an optional Twenty (20) Year Retirement Plan to Police Officer Samuel Kenan, Jr. pursuant to Section 384-d of the Retirement and Social Security Law; and

WHEREAS, the Senate and Assembly Bills were enacted in Chapter 636 of the Laws of 2019 which authorizes the City of Newburgh to reopen the twenty-year retirement plan, Section 384-d of the Retirement and Social Security Law, for Samuel B. Kenan; and

WHEREAS, the City Council finds that that electing to provide the benefits of Chapter 636 and file said election with the New York State Local Retirement System on or before December 12, 2020 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 this governing board of the City of Newburgh does hereby assume the additional cost required to provide the reopening of Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 636 of the Laws of 2019.

RESOLUTION NO.: 11 - 2020

OF

JANUARY 13, 2020

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF VACANT REAL PROPERTY
KNOWN AS NS NORTH PLANK ROAD (SECTION 3, BLOCK 6, LOT 2)
AT PRIVATE SALE TO JOANNE MAJEWSKI AND ALAN AXELROD
FOR THE AMOUNT OF \$100.00

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 a vacant parcel of real property identified as NS North Plank Road, being more accurately described as Section 3, Block 6, Lot 2 on the official tax map of the City of Newburgh; and

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

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

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

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
NS North Plank Road	3 - 6 - 2	Joanne Majewski Alan Axelrod	\$100.00

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

NS North Plank Road, City of Newburgh (SBL: 3-6-2)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2019-2020, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2019-2020, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. 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.
13. 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.**
14. 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.
15. 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.
16. 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.

RESOLUTION NO.: ____12____-2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO JOHN BONHOMME TO THE PREMISES KNOWN AS
2 LIBERTY STREET (SECTION 46, BLOCK 1, LOT 18)**

WHEREAS, on December 11, 2015, the City of Newburgh conveyed property located at 2 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 46, Block 1, Lot 18, to John Bonhomme; and

WHEREAS, Mr. Bonhomme has requested a release of the restrictive covenants contained in said deed; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 2 Liberty Street, Section 46, Block 1, Lot 18 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated December 11, 2015, from THE CITY OF NEWBURGH to JOHN BONHOMME, recorded in the Orange County Clerk's Office on February 22, 2016, in Liber 14011 of Deeds at Page 663 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph Donat, City Manager
Pursuant to Res. No.: ____-2020

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

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: ____13____-2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO AJAAYSWINDELL INC. TO THE PREMISES KNOWN AS
235 CARPENTER AVENUE (SECTION 7, BLOCK 8, LOT 13)**

WHEREAS, on October 31, 2018, the City of Newburgh conveyed property located at 235 Carpenter Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 7, Block 8, Lot 13, to Ajaayswindell Inc.; and

WHEREAS, an officer of Ajaayswindell Inc., Arbia Swindell, has requested a release of the restrictive covenants contained in said deed; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 235 Carpenter Avenue, Section 7, Block 8, Lot 13 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated October 31, 2018, from THE CITY OF NEWBURGH to AJAAYSWINDELL INC., recorded in the Orange County Clerk's Office on December 10, 2018, in Liber 14498 of Deeds at Page 841 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2019

THE CITY OF NEWBURGH

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

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

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

RESOLUTION NO.: _____14_____ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF TWO (2) RELEASES OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM DEEDS RELATED TO
THE PREMISES KNOWN AS 141 JOHNSTON STREET (SECTION 18, BLOCK 2, LOT 14)**

WHEREAS, by Resolution No.: 207-2019, the City Council of the City of Newburgh ("City") authorized the conveyance of title to two (2) parcels of real property located at 139 Johnston Street (Section 18, Block 2, Lot 15) and 141 Johnston Street (Section 18, Block 2, Lot 14) to the Newburgh Community Land Bank ("NCLB"); and

WHEREAS, a title search revealed reference to two (2) deeds in the chain of title with respect to the parcel at 141 Johnston Street, both of which contained rights of re-entry and reverter to the benefit of the City, which rights the NCLB has requested the City release so as to provide clear title to the Parcels for re-development; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 141 Johnston Street, Section 18, Block 2, Lot 14 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated December 10, 2002, from THE CITY OF NEWBURGH to BARBARA LAPOLT, recorded in the Orange County Clerk's Office on March 28, 2003, in Liber 11004 of Deeds at Page 1043 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2019

THE CITY OF NEWBURGH

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

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

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

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 141 Johnston Street, Section 18, Block 2, Lot 14 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated February 22, 1982, from THE CITY OF NEWBURGH to JOHN W. BROWN AND HELEN PRICE BROWN, recorded in the Orange County Clerk's Office on April 5, 1982, in Liber 2219 of Deeds at Page 589 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2019

THE CITY OF NEWBURGH

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

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

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

RESOLUTION NO.: 15 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A SFY 2020-2021 NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES LIVESCAN EQUIPMENT GRANT
IN THE AMOUNT OF \$10,000.00 WITH A FIFTY PERCENT CITY MATCH**

WHEREAS, the City of Newburgh Police Department proposes to apply for a SFY 2020-2021 New York State Division of Criminal Justice Services LIVESCAN Equipment program grant in order to purchase and install new LIVESCAN equipment to replace existing and outdated equipment; and

WHEREAS, such funding requires a 50% City match which will be derived from the General Fund Police Department budget; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a SFY 2020-2021 New York State Division of Criminal Justice Services LIVESCAN Equipment program grant in the amount of \$10,000.00 with a 50% City match for the purchase of equipment by the City of Newburgh Police Department; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 16 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CONSERVATION ADVISORY COUNCIL AND
THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED AN
ARBOR DAY FOUNDATION TD GREEN SPACE PROGRAM GRANT IN THE
AMOUNT OF \$20,000.00 TO SUPPORT THE NEWBURGH TREE INVENTORY,
NEW TREE PLANTING, CITY-WIDE TREE MAINTENANCE AND
TREE STEWARDSHIP CAMPAIGN**

WHEREAS, the City of Newburgh Conservation Advisory Council has requested that the City of Newburgh authorize its application to the Arbor Day Foundation TD Green Space Grant program to support an update to the City of Newburgh Tree Inventory, to continue new tree planting and tree maintenance, and to engage the community and raise awareness for a tree stewardship program; and

WHEREAS, the City of Newburgh Conservation Advisory Council will partner with the Greater Newburgh Parks Conservancy and coordinate with the City of Newburgh Department of Public Works to improve and enhance the City of Newburgh's tree inventory and maintenance programs and promote the City's urban forestry; and

WHEREAS, preference will be given to projects in areas that primarily serve low- to moderate-income residents, such as the City of Newburgh, New York; and

WHEREAS, such grant funding shall be in an amount not to exceed \$20,000.00 and requiring no match from the City; and

WHEREAS, this Council has determined that making such application and accepting such grant funds if awarded is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh Conservation Advisory Council and the City Manager be and they are hereby authorized to apply for and accept if awarded an Arbor Day Foundation TD Green Space Program grant in the amount of \$20,000.00 to support an update to the City of Newburgh Tree Inventory, to continue new tree planting and tree maintenance, and to engage the community and raise awareness for a tree stewardship program; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby further authorized to execute any documents in connection with such grant and to take all measures as may be appropriate and necessary to carry out such program.

RESOLUTION NO.: 17 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH DONNA BOYKINS-JONES IN THE AMOUNT OF \$2,552.80**

WHEREAS, Donna Boykins-Jones brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$2,552.80) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Donna Boykins-Jones in the total amount of Two Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$2,552.80) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 18 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH TINA ROMAINÉ IN THE AMOUNT OF \$3,148.48**

WHEREAS, Tina Romaine brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand One Hundred Forty-Eight and 48/100 Dollars (\$3,148.48) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Tina Romaine in the total amount of Three Thousand One Hundred Forty-Eight and 48/100 Dollars (\$3,148.48) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 19 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH ALH CONSTRUCTION, LLC IN THE AMOUNT OF \$3,580.11**

WHEREAS, ALH Construction, LLC brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand Five Hundred Eighty and 11/100 Dollars (\$3,580.11) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of ALH Construction, LLC in the total amount of Three Thousand Five Hundred Eighty and 11/100 Dollars (\$3,580.11) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 20 - 2020

OF

JANUARY 13, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NEWBURGH AND
THE NEWBURGH ARMORY UNITY CENTER, INC.
FOR REIMBURSEMENT OF UTILITIES COSTS

WHEREAS, by Resolution No. 146-2011 of July 11, 2011, the City Council of the City of Newburgh determined that the Newburgh Armory Unity Center, Inc. ("NAUC") was the most capable entity to provide administrative, management, operation, and fundraising services for the Newburgh Armory located at 321 South William Street in the City of Newburgh and authorized the City Manager to execute a Management Agreement with the NAUC; and

WHEREAS, the original term of the Management Agreement was for twenty-five (25) years and has been extended twice now terminating on July 18, 2111; and

WHEREAS, the Management Agreement provides that during its term all maintenance including but not limited to grass mowing, snow removal, repairs, security, capital improvements and utilities costs for the Armory shall be included and paid as designated in the Operating Budget; and

WHEREAS, the City continued to pay utilities costs for the Armory which the NAUC was contractually obligated to pay and the parties have agreed upon the terms for the reimbursement of the utilities costs paid by the City in order to avoid the cost, time and risk of litigation between them; and

WHEREAS, the City recognizes the enormous beneficial impact that the Newburgh Armory has had on the City of Newburgh by providing a home for recreational and educational programs that have greatly benefited the greater Newburgh community; and

WHEREAS, the City wishes to ensure the continued success of the Newburgh Armory and finds that the execution of such agreement is in the best interests of the City of Newburgh and its citizens;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement for the reimbursement of the utilities costs with the Newburgh Armory Unity Center, Inc. in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

1/10/20

This AGREEMENT dated _____, 2020 by and between the City of Newburgh, a New York municipal corporation ("City") and Newburgh Armory Unity Center, Inc., a New York not-for-profit corporation ("Manager")

WHEREAS, on July 19, 2011, the City and the Manager executed a Management Agreement for the administration, operation, marketing and management of the building now known as the Newburgh Armory located at 321-393 S. William St., Newburgh, New York (the "Management Agreement"); and

WHEREAS, the original term of the Management Agreement was for twenty-five (25) years and has been extended twice now terminating on July 18, 2111; and

WHEREAS, the Management Agreement provides that during its term all maintenance including but not limited to grass mowing, snow removal, repairs, security, capital improvements and utilities costs for the Armory shall be included and paid as designated in the Operating Budget; and

WHEREAS, the City continued to pay utilities costs for the Armory which the Manager was contractually obligated to pay; and

WHEREAS, the parties wish to negotiate an agreement for the reimbursement of the utilities costs paid by the City; and

WHEREAS, the parties have agreed upon the terms of a negotiated settlement in order to avoid the cost, time and risk of litigation between them.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and the Recitals set forth above, which are incorporated into this Agreement as though more fully set forth in this Agreement, the parties agree as follows:

1/10/20

1. The Manager shall pay \$125,000.00 to the CITY in full satisfaction of the utilities costs paid by the City from the commencement of the Management Agreement through December 31, 2018.

2. The City will not commence any action, claim, lawsuit or other proceeding against the Manager to recover the utilities costs except as set forth in paragraphs "1" of this Agreement, or to enforce the terms of this Agreement.

3. This Agreement is made and entered into in the State of New York and will be in all respects interpreted, enforced, and governed pursuant to the laws of that State, except for choice of law provisions. The language of all parts of this Agreement will be in all cases construed as a whole, according to its fair meaning and not strictly for or against any of the parties, even though one of the parties may have drafted it.

4. This Agreement constitutes the entire agreement between the City and the Manager. No other promises or agreements, oral or otherwise, have been made.

5. The parties have entered into this Agreement solely for the purpose of avoiding the burdens and expense of potential litigation. The making of this Agreement is not intended, and will not be construed, as an acknowledgement or admission that the City or the Manager violated any law (statutory or decisional), ordinance or regulation, or has committed any wrongdoing.

6. This Agreement, including this paragraph, may only be modified by written agreement executed by the parties.

7. All other terms and conditions set forth in the Management Agreement shall remain in full force and effect during the Renewal Term.

1/10/20

8. This Agreement may be executed in more than one counterpart, each of which will be deemed an original, but all of which will constitute one and the same instrument.

9. This Agreement may be executed with original signatures in counterparts, or by facsimile or PDF-scanned signatures in counterparts, which will be deemed legally binding as fully as an original signature.

IN WITNESS WHEREOF, the City and the Manager have duly executed this Agreement in duplicate as of the day and year first above written.

CITY OF NEWBURGH

NEWBURGH ARMORY UNITY CENTER,
INC.

By: _____
Name: Joseph P. Donat
Title: City Manager
Per Resolution No.:

By: _____
Name:
Title:

DEFEATED

RESOLUTION NO.: 21 -2020

OF

JANUARY 13, 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ADDING AN OPENING PRAYER
TO THE CITY COUNCIL REGULAR MEETING AGENDA

BE IT RESOLVED, by the Council of the City of Newburgh, New York that each City Council regular meeting begin with an opening prayer.