



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

January 27, 2020

7:00 PM

Mayor/Alcaldesa

1. Moment of Silence (Prayer)/ Momento de Silencio (Rezo)
2. Pledge of Allegiance/ Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. Approval of the Minutes of the City Council Meeting on January 13, 2020
Aprobación del Acta de la Reunión General del Concejal del 13 de enero de 2020
5. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Presentations/Presentaciones

Comments from the public regarding agenda and general matters of City Business/Comentarios del público con respecto a la agenda y sobre asuntos generales de la Ciudad.

Comments from the Council regarding the agenda and general matters of City Business/Comentarios del Consejo con respecto a la agenda y sobre asuntos generales de la Ciudad

City Manager's Report/ Informe del Gerente de la Ciudad

6. Resolution No. 22 - 2020 SAM-DASNY \$50K Grant for Swat Vehicle for PD
Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in an amount not to exceed \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department. (Chief Douglas Solomon)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por un monto que no exceda \$50,000.00 para comprar un vehículo de despliegue rápido para el Departamento de Policía de la Ciudad de Newburgh. (Jefe Douglas Solomon)

7. Resolution No. 23 - 2020 - SAM--DASNY Grant \$50k for Cameras
Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$50,000.00 for camera purchase and installation. (Chief Douglas Solomon)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$50,000.00 para la compra e instalación de cámaras. (Jefe Douglas Solomon)
8. Resolution No. 24 - 2020 - SAM-DASNY Grant for \$250,000 for Paving
Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$250,000.00 for road reconstruction and rehabilitation. (Jason Morris & Joseph Donat)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$250,000.00 para reconstrucción de calles e rehabilitación. (Jason Morris & Joseph Donat)
9. Resolution No. 25 - 2020 - SAM-DASNY Grant \$300,000 for Cameras & Matching Funds for Pin#8761.20
Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$50,000.00 for camera purchase and installation and in the amount of \$250,000.00 for road reconstruction and rehabilitation. (Jason Morris & Chief Douglas Solomon)

Una resolución autorizando al Gerente de la Ciudad para solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$50,000.00 para compras de cámaras e instalación y en el monto de \$250,000.00 para reconstrucción de calles y rehabilitación. (Jason Morris & Jefe Douglas Solomon)
10. Resolution No. 26 - 2020 - Council Rules and Order of Procedure
A resolution adopting rules of order and procedure for the Council of the City of Newburgh for the year 2020.

Una resolución adoptando las Reglas de Orden y Procedimiento para el Concejo de la Ciudad de Newburgh para el año 2020.
11. Resolution No. 27 - 2020 - Endorsing the Drinking Source Water Protection Scorecard and Supporting Development of Draft Recommendations
Resolution to endorse the drinking water source protection scorecard findings and support the development of draft recommendations to improve source water protection.

Una resolución para respaldar los resultados del puntaje de la protección de las fuentes de agua potable y apoyar el desarrollo de recomendaciones preliminares para mejorar la protección del agua potable.

12. Resolution No. 28 - 2020 - Declaring Furniture and Related Items as Surplus and Authorizing Disposition Habitat for Humanity Restore and a Veterans Organization

A resolution declaring the furniture and contents of 318 North Montgomery Street as a surplus and authorizing disposition to Habitat for Humanity of Greater Newburgh Restore and a Veterans Organization.

Una resolución declarando los muebles y contenidos de la 318 de la Calle North Montgomery como excedente y autorizando la disposición a Hábitat para la Humanidad de Newburgh Restauración y a una Organización para Veteranos.

13. Resolution No. 29 - 2020 - Authorizing the Execution of a Payment of Claim

A resolution authorizing the City Manager to execute a payment of claim with Tonya L. Best in the amount of \$7,335.00.

Una resolución autorizando al Gerente de la Ciudad a ejecutar un pago de reclamo con Tonya L. Best por el monto de \$7,335.00

14. Ordinance No. 1 - 2020 - Chapter 72 Police Community Relations and Review Board

Ordinance amending Chapter 72 entitled "Police Community Relations and Review Board" of the Code of the City of Newburgh.

Una Ordenanza enmendando el Capítulo 72 titulado "Concejo de Relaciones de la Policía con la Comunidad y Revisión" del Código de la Ciudad de Newburgh.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 22 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO PURCHASE
A RAPID DEPLOYMENT VEHICLE FOR
THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department; and

WHEREAS, the total cost of the vehicle is \$79,985.00 will be funded by the grant and a City match to be derived from auction funds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept if awarded a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department; and

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



City of Newburgh

GRANT APPLICATION FORM

RECEIVED
1/7/2020

SCANNED
1/9/2020

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Administrator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: SAM Grant for Police vehicle	NAME OF DEPARTMENT REQUESTING GRANT: Police	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: J. Donat
NAME OF GRANT/NAME OF AWARDING AGENCY: SAM-DASNY sponsored by Senator Skoufis	GRANT SUBMITTAL DATE: 1/6/20	AMOUNT OF AWARD: \$50,000 for vehicle
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) Yes	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$30,000 to come from Auction funds	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:
PROJECT PLAN: RFP attached Scope of Project: To purchase a new Swat Vehicle for the Police Department Key Stakeholders: Project Timeline: (ex. Dates): 9/20-08/23		



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO: <u>YES</u>
COMMENTS:
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO
COMMENTS: <u>N/A</u>
STAFFING ISSUES REVIEWED? YES/NO:
COMMENTS: <u>N/A</u>
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO
CITY COMPTROLLER SIGNATURE: <u>[Signature]</u>
DATE: <u>11/7/20</u>
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO
CITY MANAGER SIGNATURE: <u>[Signature]</u>
DATE: <u>1/8/2020</u>



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

Resolution for 1/23 W.S. + 1/27 Council

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

COMMITTEES
AGRICULTURE
CORPORATIONS, AUTHORITIES & COMMISSIONS
FINANCE
INTERNET & TECHNOLOGY
LOCAL GOVERNMENT
TRANSPORTATION



SENATOR
JAMES SKOUFIS
39TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-1200

DISTRICT OFFICE:
47 GRAND STREET
NEWBURGH, NY 12550
OFFICE: 845-567-1270

SATELLITE OFFICE:
55 WEST RAILROAD AVENUE
SUITE 24A2
GARNERVILLE, NY 10921

e-mail:
skoufis@nysenate.gov

August 20, 2019

Joseph Donat
City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Dear Mr. Donat,

Per our recent conversation, enclosed please find the "State and Municipal Facilities Capital Program (SAM) Preliminary Application" for the City of Newburgh grant in the amount of \$50,000. These funds are for costs associated with a police car purchase and/or upgrades. Please return the completed preliminary application to me by September 20, 2019.

Once we have received the completed application, we will submit it to New York State Senate Finance. Senate Finance will submit the application to the Dormitory Authority of the State of New York (DASNY), who will send you a due diligence package to complete, with a request for specific documentation. As the grant moves through DASNY, it will receive a formal project identification number and move through multiple "desk" audits to make sure all project details are ready for the approval phase. It will then move to the Division of Budget for approval. Once DASNY is notified that the grant has received all the necessary governmental approvals, two copies of the Grant Disbursement Agreement (GDA) will be sent to you. The GDA is the contract between DASNY and the grantee.

It is important to note that, while purchases made during the review process are eligible for reimbursement upon completion of the grant's review, advancing with the project prior to a GDA and final approval is done at your own risk. At a minimum, I strongly recommend no purchases be made with the anticipated funding until the project has received a formal identification number from DASNY. Please be advised that the full review is a lengthy process, often taking up to 18 months from start to end; my office and I will move to expedite the funding as quickly as possible.

If you ever need any status updates, have any questions or need any assistance throughout the grant process, please do not hesitate to contact Christine Rodriguez, my Senior Grants Specialist, at (845) 567-1270. Thank you for your cooperation and patience as well as your partnership on behalf of those we serve.

Sincerely,

A handwritten signature in black ink, appearing to read "James Skoufis".

James Skoufis
Senator, 39th District

**STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM
(SAM)
PRELIMINARY APPLICATION**

SECTION 1: GENERAL INFORMATION

A. Project Name: Police Car Purchase and/or Upgrades

Project Location: City of Newburgh

B. Organization / Grantee:

Legally Incorporated Name: City of Newburgh

Street (not P.O. Box): 83 Broadway

City: Zip: County: Newburgh, 12550, Orange

Phone: (845) 569-7321 **Ext:** **Fax:** (845) 569- 7490 **E-mail:** hreilly@cityofnewburgh-ny.gov

Contact Name & Title: Helen Reilly, Grants Administrator

Federal Taxpayer I.D./Charity Reg.# (Non-profits Only): 14-6002329

1. Type of Organization:

- | | |
|---|--|
| ☐ Business Corporation | ☐ Public School District |
| ☐ State | ☐ Public Housing Authority |
| ☒ Municipal Corporation | ☐ Public Library or Library System |
| ☐ Water District | ☐ Fire District / Commission / Department / |
| ☐ University / Educational Organization (SUNY, Community College, Private) | ☐ Volunteer Rescue & Ambulance Squad |
| ☐ Sewer District | ☐ Public Park Conservancy or Not-for-Profit |
| ☐ Metropolitan Transportation Authority | ☐ Investment in Parks |
| | ☐ Other |

2.

a) Is the organization currently seeking or receiving any other New York State assistance for this project? ☒ No ☐ Yes

b) Is the SAM Grant a match to receiving the Other New York State Assistance? ☒ No ☐ Yes

If either a or b is Yes, please provide a detailed explanation on an attached separate sheet.

SECTION 2: PROJECT DESCRIPTION**Project Description and Amount**

1. Please attach a separate sheet with a detailed description of the specific capital project that will be undertaken and funded pursuant to this Grant. To purchase a new Police Vehicle for the Police Department

2. Project Start Date: 9/2020 Anticipated Date of Project Completion: 8/2023

3. Please list the anticipated amount of funding to be received from the SAM Program for this project.

\$ 50,000

4. Will any entity other than the Grantee set forth in Section I, above, be paying any project related costs?	☒ No ☐ Yes
<u>If Yes</u> , please attach a separate sheet setting forth the costs to be paid by another entity, as well as a description of the relationship between the Grantee and the other entity.	
5. Does the Applicant own the site where the project will be located?	☐ No ☒ Yes
<u>If No</u> , please attach a separate sheet describing the control the Applicant has over the Project site.	
6. Does the applicant plan to occupy 100% of the project facility?	☐ No ☐ Yes
<u>If No</u> , attach a schedule explaining the planned occupancy. N/A	
7. If an organization other than the Grantee will have an interest in the equipment or real property purchased with Grant funds, please attach a separate sheet describing the legal relationship between the Grantee and the organization.	
8. Does the project require environmental or other regulatory permits? <u>If Yes</u> , please specify type:	☒ No ☐ Yes
Have they been secured? ☐ No ☐ Yes ☒ NA	
<u>If No</u> , please specify why:	
9. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA)?	
☐ No ☐ Yes ☒ NA	
<u>If Yes</u> , please set forth the lead agency for the review and provide a copy of the negative declaration, findings statement, or Type II memo issued by the lead agency.	
SECTION 3: ELIGIBILITY FOR TAX-EXEMPT FINANCING	
1. Has the applicant previously received financing from the sale of tax-exempt bonds?	☐ No ☒ Yes
<u>If Yes</u> , attach a schedule describing the details of such financing.	
2. Does the applicant anticipate applying for financing for <u>this project</u> from the sale of other bonds?	☒ No ☐ Yes
3. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made?	☒ No ☐ Yes
<u>If Yes</u> , attach a schedule showing details of such disbursements (date, purpose, payee, etc.).	
4. Will the Grantee be utilizing internal labor for any portion of the project?	☒ No ☐ Yes
<u>If Yes</u> , attach a narrative summarizing the usage and dollar value of internal labor on the project. Internal labor costs will <u>not</u> be reimbursed from SAM Grant proceeds.	

SECTION 4: PROJECT BUDGET

Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary) that will be utilized to complete the Project. State the source of the funding, and any contingencies that need to be satisfied prior to accessing the funds.

Please include evidence of committed funding sources to be used to complete the project as described. This may include a copy of letter(s) of credit, award letters, a resolution from the governing board of the Grantee committing to provide the balance of the funds, or a combination of the above.

<u>USE OF FUNDS</u>	<u>SOURCES</u>						<u>TOTAL</u>
	State		In-Kind /Equity /Sponsor		Other sources (Please specify each source and include commitment letter or other evidence that funds have been secured)		
Tasks	Entity Name	Amount	Source Name	Amount	Entity Name	Amount	
Police Car purchase and/or upgrades	SAM	\$50,000					\$50,000
Total:		\$50,000					\$50,000

I hereby certify that the information in this Preliminary Application is true and correct in all material respects, and I understand that the Dormitory Authority of State of New York and other entities that may be involved in the grant process are relying on this information in the course of the reviews that are required under Federal and State law.

Signature of Authorized Officer

Date

Joseph Donat

Print Name

City Manager

Title

RAPID DEPLOYMENT VEHICLE



2727 S. Beech Daly Dr
Dearborn Heights, MI 48125
Contact: Jeremy Johnson
Mobile: 817-291-4956 Office: 602-840-2271
Email: Jeremy@armoredcars.com



CUSTOMER: Newburgh Police Department

Sgt. Lahar
55 Broadway
Newburgh, NY 12550
Phone: 845-561-3131
Email: klahar@cityofnewburgh-ny.gov
Quote: JJ191212A

RAPID DEPLOYMENT VEHICLE

Chassis Information

- **Body Style:** R.D.V. (Rapid Deployment Vehicle)
- **Chassis:** Ford E-450
- **Engine:** Standard: 7.3L Gas
- **Transmission:** 6 Speed Automatic with O/D and Tow Haul
- **Wheelbase:** 176"
- **GVWR:** 14,500lbs
- **Rear Axle Ratio:** 4.56
- **Tires:** 225/75R16
- **Seats:** Dual High Back Buckets (Vinyl)
- **Accessories:** Cruise Control
Power Group (Power Mirrors, Locks, Windows)
Radio/Am/Fm Stereo with 2 Speakers

RDV Standard Up Fit/Body Specifications:

Dimensions

- Interior Length- 16'
- Interior Width- 96"
- Interior Height- 84"

Front Wall

- 1/2" white exterior FRP
- 4" Set Back bulkhead
- Tall cab access door on cab side

Cab Access

- Top Hat roof conversion kit with cut out roof and tall cab access door

Wall Construction

- FRP walls
- FRP body skirting below frame /floor level

Rear Structure

- Extruded aluminum re corner post
- 3/8" FRP Rear Wall with cut out for 48" double narrow rear doors

RAPID DEPLOYMENT VEHICLE

Roof

- One Piece .032 Aluminum Roof Skin
- Galvanized steel roof bows on 16" centers
- Roof reinforcement for A/C and for handrails
- Radiant Barrier Insulation with 3/8" plywood and .090 glassboard liner

Corners

- Extruded aluminum front vertical corner post

Floor

- Low mount with wheel wells
- 1-1/2" formed crossmembers
- 10 ga formed C Channel Longsills
- Wood Flooring
- Gray Coinlock covering on floor
- Pre Coated Understructure

Rear Doors

- 48" Challenger 1550 Series Doors with dead bolt with T Style Door Holdbacks
- Key Lock Hardware
- 12" x 18" rear tinted fixed windows in each door
 - Mounted Vertical
- Rear Doors will have different key than side doors

Side Door

- 1-30" sliding side door curb side
- Aluminum treadplate stepwell
- 12" x 18" fixed tinted window in door
 - Mounted vertically
- Key lock on door

Rear Bumper

- 18" deep rear grip strut bumper
- Deck Plate installed between bumper and rear of body

RAPID DEPLOYMENT VEHICLE

Windows

- (5) Tinted 12"x17" windows
- (1) Side Door
- (1) Each Rear Door
- (1) Each Side Wall mounted towards rear of box

Lighting

- LED FMVSS 108 clearance lights
- LED stop turn and oval taillights with integrated back up lights
- 2-Reverse lights mounted on either side of license plate frame switched at CS rear bench

HVAC

- ACC Heat/Cooling combination system
- 30,000 BTU Cooling; 35,000 BTU heating capacity; 600CFM 3 speed fan
- 2 fan condenser
- Additional compressor for auxiliary A/C system
- Ceiling mounted

Lighting

- 3 Red/White LED Dome Lights mounted on cargo area ceiling (evenly spaced)
- Ceiling lighting can be switched between red and white at light
- Ceiling lights to have power switch at dash, rear & side doors

Seating

- Bench seating located on both sides of interior walls with padded vinyl seats and backs
 - Each bench includes flip up padded base equipped with pneumatic assist rods
 - Pipe door at rear on curbside for access to bench storage for long items
- Seat Belts-5 sets mounted per side meeting FMVSS standard 209 & 302

Grab Handles

Interior

- (2) Grab handle bars ceiling mounted
- Grab handle bars mounted on bulkhead (either side of cab access door)
- Grab handles mounted on rear & side cargo walls
 - 2 located on either side of rear door; 1 on each side entry door

Shelves

- Small Shelf on each side wall above sliding door pocket (pole storage)

RAPID DEPLOYMENT VEHICLE

Suspension

- Super Springs added to rear suspension

Fire Extinguisher

- 2 ¾ lb fire extinguisher in cab near driver's seat

Cabinet

- Weapon Cabinet Street Side
- Storage Drawer

TV Monitor

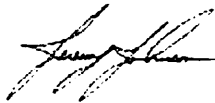
- TV Monitor mounted curb side bulkhead

Generator Box

- Generator Box Located under cabinet

TAG RDV: \$79,985.00 Delivered

***Pricing does not include any applicable taxes or licensing fees**



December 12, 2019

Jeremy Johnson
Global Fleet Manager
602-840-2271 Office
817-394-2499 Fax
817-291-4956 Mobile
jeremy@armoredcars.com

_____, 2019
Authorized Signature
Newburgh Police Department

RESOLUTION NO.: 23 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 FOR CAMERA PURCHASE AND INSTALLATION**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

WHEREAS, there is no match required for the grant; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

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



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Administrator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: SAM Grant for Cameras	NAME OF DEPARTMENT REQUESTING GRANT: IT/Police	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: J. Donat
NAME OF GRANT/NAME OF AWARDING AGENCY: SAM-DASNY sponsored by Senator Skoufis	GRANT SUBMITTAL DATE: 1/6/20	AMOUNT OF AWARD: \$50,000 for Cameras
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) No	AMOUNT REQUIRED BY THE CITY OF NEWBURGH:	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN: RFP attached

Scope of Project: Camera purchase & installation

Key Stakeholders:

Project Timeline: (ex. Dates): 9/20-08/23



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO:
COMMENTS: <i>N/A</i>
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO
COMMENTS: <i>N/A</i>
STAFFING ISSUES REVIEWED? YES/NO:
COMMENTS: <i>N/A</i>
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO
CITY COMPTROLLER SIGNATURE: <i>[Signature]</i>
DATE: <i>1/6/20</i>
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO
CITY MANAGER SIGNATURE: <i>[Signature]</i>
DATE: <i>1/7/19</i>



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL

SIGNATURE: _____

DATE: _____

11/7/20

Resolution for 1/23/20 W.S. + 1/27/20 Council

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING: _____

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

COMMITTEES
AGRICULTURE
CORPORATIONS, AUTHORITIES & COMMISSIONS
FINANCE
INTERNET & TECHNOLOGY
LOCAL GOVERNMENT
TRANSPORTATION



SENATOR
JAMES SKOUFIS
19TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-3290

DISTRICT OFFICE:
47 GRAND STREET
NEWBURGH, NY 12550
OFFICE: 845-567-1270

SATELLITE OFFICE:
55 WEST RAILROAD AVENUE
SUITE 24A2
GARNERVILLE, NY 10923

e-mail:
skoufis@nysenate.gov

August 20, 2019

Joseph Donat
City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Joe
Dear Mr. Donat,

Per our recent conversation, enclosed please find the "State and Municipal Facilities Capital Program (SAM) Preliminary Application" for the City of Newburgh grant in the amount of \$50,000. These funds are for costs associated with purchasing and/or updating cameras. Please return the completed preliminary application to me by September 20, 2019.

Once we have received the completed application, we will submit it to New York State Senate Finance. Senate Finance will submit the application to the Dormitory Authority of the State of New York (DASNY), who will send you a due diligence package to complete, with a request for specific documentation. As the grant moves through DASNY, it will receive a formal project identification number and move through multiple "desk" audits to make sure all project details are ready for the approval phase. It will then move to the Division of Budget for approval. Once DASNY is notified that the grant has received all the necessary governmental approvals, two copies of the Grant Disbursement Agreement (GDA) will be sent to you. The GDA is the contract between DASNY and the grantee.

It is important to note that, while purchases made during the review process are eligible for reimbursement upon completion of the grant's review, advancing with the project prior to a GDA and final approval is done at your own risk. At a minimum, I strongly recommend no purchases be made with the anticipated funding until the project has received a formal identification number from DASNY. Please be advised that the full review is a lengthy process, often taking up to 18 months from start to end; my office and I will move to expedite the funding as quickly as possible.

If you ever need any status updates, have any questions or need any assistance throughout the grant process, please do not hesitate to contact Christine Rodriguez, my Senior Grants Specialist, at (845) 567-1270. Thank you for your cooperation and patience as well as your partnership on behalf of those we serve.

Sincerely,

James Skoufis
James Skoufis
Senator, 39th District

*FYI Jonathan's from
for this is a separate
application.*

STATE AND MUNICIPAL FACILITIES PROGRAM PRELIMINARY APPLICATION

Project Category: ☒ State and Municipal ☐ Economic Development * ☐ Environmental*
** projects in these categories may require additional information and approval/certification*

SECTION 1: DATA SHEET / GENERAL INFORMATION

A. Project Name: Purchase and Installation of Cameras

Project Location: City of Newburgh

B. Applicant Organization: City of Newburgh

Legally Incorporated Name: City of Newburgh

Street (not P.O. Box): 83 Broadway

City: Newburgh **Zip:** 12550 **County:** Orange

Phone: 845-569-7321 **Ext:** **Fax:** 845-569-7490 **E-mail:** hreilly@cityofnewburgh-ny.gov

Contact Name & Title: Helen Reilly, Grants Administrator

Federal Taxpayer I.D./Charity Reg.# (Non-profits Only): 14-6002329

1. Type of Organization:
- ☒ Municipality ☐ Local Development Corporation or Industrial Dev. Agency
☐ Not-for-Profit ☐ University/Educational Org.
☐ Business Corporation ☐ Other (please describe) _____

2. Is the organization currently seeking or receiving any other New York State assistance for this project?
☒ No ☐ Yes

If your answer is "yes", please provide a detailed explanation on an attached separate sheet.

3. Name of project beneficiary if not applicant:

SECTION 2: PROJECT DESCRIPTION

A. Project Description and Amount

1. Please attach a detailed description of the specific capital project that will be undertaken and funded pursuant to this application.
To purchase and install 7 new outdoor PTZ Security Cameras

2. Please list the amount of funding anticipated to be received from the State and Municipal Facilities Program for this project.
\$ 50,000

3. Project Start Date: 9/2020 Anticipated Date of Project Completion: 8/2023

SECTION 3: PROJECT BUDGET, DISBURSEMENT SCHEDULE, & OPERATING COSTS

A. Use of Funds

Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary).

<u>USE OF FUNDS</u>	<u>SOURCES</u>			<u>TOTAL</u>
	State	In-Kind/ Equity/Sponsor Contribution	Other sources	
Direct Costs:	\$ 50,000	\$	\$	\$ 50,000
Camera Purchase & Installation				
Indirect/Soft Costs:				
Total:	\$ 50,000	\$	\$	\$ 50,000

B. Please describe other sources of funds and if they have been secured. N/A

C. Does the project require environmental or other regulatory permits? ☒ No ☐ Yes
Have they been secured? ☐ No ☐ Yes ☒ NA

D. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA) or is such review necessary to obtain any governmental approvals? ☐ No ☐ Yes ☒ NA

E. Please describe the ongoing operating costs required to maintain the proposed project and the sources of these funds. Approx. \$200 per year for maintenance costs. These funds would be paid out of the General Fund Budget

SECTION 4: ELIGIBILITY FOR TAX-EXEMPT FINANCING

1. Do you believe your project is eligible for tax-exempt financing under the Federal Internal Revenue Service code? ☒ No ☐ Yes

2. Has the applicant or proposed recipient of funds previously received financing from the sale of tax-exempt bonds? If yes, attach a schedule describing the details of such financing. ☐ No ☒ Yes

3. Does the applicant or proposed recipient of funds anticipate applying for financing for this project from the sale of other tax-exempt bonds? ☒ No ☐ Yes

4. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made? If yes, attach a schedule showing details of such disbursements (date, purpose, payee, etc.). ☒ No ☐ Yes

5. Does the applicant or proposed recipient of funds plan to occupy 100% of the project facility? If no, attach a schedule explaining the planned occupancy. ☐ No ☒ Yes

Signature of Applicant: _____

Date: _____



Quote

Number DSSQ3589

Date 12/31/2019

Doyle Security Systems, Inc.
495 Main Street. PO Box 546, Catskill NY 12414
Tel: (518) 943-6777 Fax: (518) 943-6688

Here is the quote you requested.

Qty	Part Number	Description	Unit Price	Ext. Price
		<i>Scope of Work: Doyle security is an OGS listed company</i> >Update wireless link on 1st Street and Johnston St. > Replace the Pat Tilt Zoom camera on the face of the Armory building on Broadway. >Replace all equipment to include a new camera at Bush Ave. >Replace all parts on the link that follows Colden St to the roof of the Police Department. >Relocate the Camera at Dubois and Broadway to the corner of the building from the face. >Replace and update the radio link near the Police Department on Mid Liberty Street.		
1	Video-1	Video Surveillance Labor		
1		One>PTZ Bracket		
		One >Adapters/Cables		
		Mid Liberty Radio Update		
		Two> Network Switch/POE/Wireless:Rocket M5 High Performance MIMO 2x2 TDMA Architecture Extended Outdoor Range Ubiquiti AirOS software External status LEDs External reset button Pole, Wall or Window mount options		
		Two> Network Switch/POE/Wireless:AMO-5G16-120 Sector Gain Antenna for Rocket M5		
		one>Cables/suppression		
		Two> Accessories:SK-MTC87413 Standoff Bracket for wireless deployment on telephone poles		
		Colden Replacement		
		Four>Network Switch/POE/Wireless:PBE-5AC-GEN2 Power Beam comes configured and assembled.		
		Two>Network Switch/POE/Wireless:SK-ES-8-150W 8 Port PoE Gigabit with 2 SFP gigabit, 150w, 48/24v Passive PoE for wireless/wifi connectivity.		
		Four>Transformers:SK-UltraBlok Commercial power filter/suppression device		
		Three>Accessories:SK-MTC87413 Standoff Bracket for wireless deployment on telephone poles		

PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOUR FOR HARDWARE ONLY AND ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING.

Qty	Part Number	Description	Unit Price	Ext. Price
		one>Network Switch/POE/Wireless:UBAM Universal Mounting Bracket		
		Two >Accessories:SK-HW-N18-1V Nema Enclosure with electrical panel and outlet built in.		
		Two>Accessories:SK-HW-NM1 Mounting Bracket		
1		Lift		

SubTotal	\$49,560.00
SalesTax	\$0.00
Shipping	\$0.00
Total	\$49,560.00

Purchase Options

Select your preferred payment option / purchase terms*:

- ☐ Terms Purchase (purchase amount \$49,560.00)
- ☐ Credit Card Purchase (purchase amount \$49,560.00)

PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOUR FOR HARDWARE ONLY AND ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING.

Doyle Security Systems, Inc.
STANDARD VIDEO SURVEILLANCE SYSTEM SALES CONTRACT

Buyer's Name: City Of Newburgh, Nicholas Crispino **Date:** Dec-31-2019

Address: Accounts Payable Dept. NewBurgh,NY12550

Email: ncrispino@cityofnewburgh-ny.gov **Phone:** \

Doyle Security Systems, Inc., (hereinafter referred to as "DSS" or "Seller") agrees to sell and install, at Buyer's premises, and Buyer agrees to buy, an electronic video surveillance system, consisting of equipment as described on the attached quote: DSSQ3589

Purchase Price:	\$ \$49,560.00
Taxes:	\$ \$0.00
Total:	\$ \$49,560.00
Monitoring Charges:	\$0.00

50% deposit due upon Acceptance, balance due within 10 days of completion.

LIMITED WARRANTY

In the event that any part of the surveillance system becomes defective, or in the event that any repairs are required, DSS agrees to make all repairs and replacement of parts without costs to the Buyer for a period of ninety (90) days from the date of installation. DSS reserves the option to either replace or repair the surveillance system, and reserves the right to substitute materials of equal quality at time of replacement, or to use reconditioned parts in fulfillment of this warranty. This warranty does not include batteries, reprogramming, damage by lightning, electrical surge, wire or foil breaks.

Except as set forth in this agreement, DSS makes no express warranties as to any matter whatsoever, including, without limitation, the condition of the equipment, its merchantability, or its fitness for any particular purpose. DSS does not represent nor warrant that the surveillance system may not be compromised or circumvented, or that the system will prevent any loss by burglary, hold-up, fire or otherwise; or that the system will in all cases provide the protection for which it is installed. DSS expressly disclaims any implied warranties, including implied warranties of merchantability or fitness for a particular purpose.

The warranty does not cover any damage to material or equipment caused by accident, misuse, attempted or unauthorized repair service, modification, or improper installation by anyone other than DSS. DSS shall not be liable for consequential damages. Buyer acknowledges that any affirmation of fact or promise made by DSS shall not be deemed to create an express warranty unless included in this contract in writing; that Buyer is not relying on DSS's skill or judgment in selecting or furnishing a system suitable for any particular purpose and that there are no warranties which extend beyond those on the face of this agreement, and that DSS has offered additional and more sophisticated equipment for an additional charge which Buyer has declined.

Buyer's exclusive remedy for DSS's breach of this contract or negligence to any degree under this contract is to require DSS to repair or replace, at DSS's option, any equipment or part of the alarm system which is non-operational. Some states do not allow the exclusion or limitation of consequential or incidental damages, or a limitation on the duration of implied warranties, so the above limitations or exclusions may not apply to you. The warranty gives you specific legal rights and you may also have other rights which may vary from state to state.

If required by law, DSS will procure all building and/or electrical permits required by local law and will provide certificate of workman's compensation prior to starting work, if requested. We recommend that you check with your local municipality regarding laws or ordinances that govern alarm usage or end user alarm permits that may be required as DSS Security is not responsible for end-user permits.

1. **DELAY IN INSTALLATION:** DSS shall not be liable for any damage or loss sustained by Buyer as a result of delay in installation of equipment, equipment failure, or for interruption of service due to electric failure, strikes, walk-outs, war, acts of God, or other causes, including DSS's negligence in the performance of this contract. The estimated date work is to be substantially completed is not a definite completion date and time is not of the essence.

2. **ALTERATION OF PREMISES FOR INSTALLATION:** DSS is authorized to make preparations such as drilling holes, driving nails, making attachments or doing any other thing necessary in DSS's sole discretion for the installation and service of the surveillance system, and DSS shall not be responsible for any condition created thereby as a result of such installation, service, or removal of the surveillance system, and Buyer represents that the owner of the premises, if other than Buyer, authorizes the installation of the surveillance system under the terms of this agreement.

3. **BUYER'S DUTY TO SUPPLY ELECTRIC AND TELEPHONE SERVICE:** Buyer agrees to furnish, at Buyer's expense, all 110 Volt AC power and electrical outlets and receptacles, internet access, high speed broadband cable or DSL and IP Address, telephone hook-ups, RJ31 Block or equivalent, as deemed necessary by Seller in its sole discretion and to notify Seller in writing via fax, e-mail or registered mail of any change in such service.

4. **LIEN LAW:** DSS or any subcontractor engaged by DSS to perform the work or furnish material who is not paid may have a claim against purchaser or the owner of the premises if other than the purchaser which may be enforced against the property in accordance with the applicable lien laws.

Name: Nicholas Crispino Email: ncrispino@cityofnewburgh-ny.gov Quote# DSSQ3589

5. **APPLICATION OF PAYMENTS:** DSS is legally required to deposit all payments received prior to completion in accordance with New York Lien Law subdivision four of section seventy-one-a, and in lieu of such deposit DSS may post a bond or contract of indemnity with purchaser guaranteeing the return or proper application of such payments to the purposes of this contract.
6. **INDEMNITY:** Buyer agrees to and shall indemnify and hold harmless DSS, its employees, agents and subcontractors, from and against all claims, lawsuits, including those brought by third parties or Buyer, including reasonable attorneys' fees and losses asserted against and alleged to be caused by DSS's performance, negligent performance, or failure to perform any obligation. Parties agree that there are no third party beneficiaries of this contract.
7. **EXCULPATORY CLAUSE:** DSS and Buyer agree that the security equipment, once installed, becomes the personal property of the Buyer; that the equipment is not permanently attached to the realty and shall not be deemed fixtures. Buyer agrees that DSS is not an insurer and no insurance coverage is offered herein. The security equipment is designated to reduce certain risks of loss, though DSS does not guarantee that no loss will occur. DSS is not assuming liability, and, therefore shall not be liable to Buyer for any loss, personal injury or property damage sustained by Buyer as a result of burglary, theft, hold-up, fire, equipment failure, smoke, or any other cause, whatsoever, regardless of whether or not such loss or damage was caused by or contributed to by DSS's negligent performance or failure to perform any obligation. Buyer releases DSS from any claims for contribution, indemnity or subrogation.
8. **LIMITATION OF LIABILITY:** Buyer agrees that should there arise any liability on the part of DSS as a result of DSS's negligent performance to any degree of failure or perform any of DSS's obligations or equipment failure, that DSS's liability shall be limited the sum of \$250.00 or 5% of the sales price, whichever is greater. If Buyer wishes to increase DSS's maximum amount of DSS's limitation of liability, Buyer may, as a matter of right, at any time, by entering into a supplemental contract, obtain a higher limit by paying an annual payment consonant with DSS's increased liability. This shall not be construed as insurance coverage.
9. **WAIVER OF SUBROGATION RIGHTS:** Buyer does hereby for himself/herself/itself and any parties claiming under Buyer, release and discharge DSS from any and against all hazards covered by Buyer's insurance. Buyer on its behalf and any insurance carrier waives any right of subrogation Buyer's insurance carrier may otherwise have against DSS or DSS's subcontractors arising out of this agreement or the relation of the parties hereto.
10. **ASSIGNMENTS:** DSS shall have the right to assign this contract and shall be relieved of any obligations created herein upon such assignment. Buyer shall not be permitted to assign this agreement without written consent of DSS.
11. **LEGAL ACTION:** In the event DSS institutes legal action to recover any amounts owed by Buyer to DSS hereunder, the parties agree that the amount to be recovered, and any judgment to be entered, shall include an administration fee of 5% and interest at the rate of 1 1/2% per month from the date payment is due. Should DSS prevail in any litigation between the parties Buyer shall pay 100% of DSS's reasonable legal fees.
- The parties waive trial by jury in any action between them. In any action commenced by DSS against Buyer, Buyer shall not be permitted to interpose any counterclaim.
 - Any action by Buyer against DSS must be commenced within one year of the accrual of the cause of action or shall be barred. All actions or proceedings against DSS must be based on the provisions of this agreement. Any other action that Buyer may have or bring against DSS in respect to other services rendered in connection with this agreement shall be deemed to have merged in and be restricted to the terms and conditions of this agreement.
 - Any action or dispute between the parties, including issues of arbitrability, shall, at the option of either party, be determined by arbitration administered by the National Arbitration Association under its DSS Arbitration Rules www.natarb.com.
12. **DSS'S RIGHT TO SUBCONTRACT SPECIAL SERVICES:** Buyer agrees that DSS is authorized and permitted to subcontract any services to be provided by DSS to third parties who may be independent of DSS, and that DSS shall not be liable for any loss or damage sustained by Buyer by reason of fire, theft, burglary or any other cause whatsoever caused by the negligence of third parties and that Buyer appoints DSS to act as Buyer's agent with respect to such third parties, except that DSS shall not obligate Buyer to make any payments to such third parties. DSS shall be permitted to assign this contract and upon such assignment shall have no further obligation hereunder.
13. Buyer acknowledges that this agreement, and particularly those paragraphs relating to DSS's disclaimer of warranties, exemption from liability, even for its negligence, limitation of liability and indemnification, inure to the benefit of and are applicable to any assignee, subcontractors and communication centers of DSS.
14. **NON-SOLICITATION.** Buyer agrees that it will not solicit for employment for itself, or any other entity, or employ, in any capacity; any employee of DSS assigned by DSS to perform any service for or on behalf of Buyer for a period of two years after DSS has completed providing service to Buyer. In the event of Buyer's violation of this provision, in addition to injunctive relief, DSS shall recover from Buyer an amount equal to such employee's salary based upon the average three months preceding employee's termination of employment with DSS, times twelve, together with DSS's counsel and expert witness fees.
15. **FULL AGREEMENT/SEVERABILITY.** This agreement constitutes the full understanding of the parties and may not be amended or modified or canceled except in writing signed by both parties, except that in the event DSS issues a UL certificate to Buyer, DSS will comply with Underwriters Laboratory Inc. or any local law requirements regarding items of protection provided for in this agreement. Should any provision of this agreement be deemed void, the remaining parts shall not be affected. There are no verbal agreements or representations and Buyer has relied on none.

**SEE BOTH PAGES FOR ADDITIONAL TERMS AND CONDITIONS OF THIS SALE WHICH ARE PART OF THIS CONTRACT.
READ THEM BEFORE YOU SIGN THIS CONTRACT.
BUYER ACKNOWLEDGES RECEIVING A FULLY EXECUTED COPY OF THIS CONTRACT AT TIME OF EXECUTION.**

Please sign to accept this Quote/proposal

Name: Nicholas Crispino Email: ncrispino@cityofnewburgh-ny.gov Quote# DSSQ3589

RESOLUTION NO.: 24 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$250,000.00
FOR ROAD RECONSTRUCTION AND REHABILITATION**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the City of Newburgh; and

WHEREAS, there is no match required for the grant which will be used to fund compliance with ADA roadway requirements and road paving activities; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the City of Newburgh; and

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



City of Newburgh

GRANT APPLICATION FORM

RECEIVED
1/7/2020

SCANNED
1/9/2020

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Administrator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: SAM Grant for Roadway Reconstruction & Rehab	NAME OF DEPARTMENT REQUESTING GRANT: DPW	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: J. Donat
NAME OF GRANT/NAME OF AWARDING AGENCY: SAM-DASNY sponsored by Senator Skoufis	GRANT SUBMITTAL DATE: 1/6/20	AMOUNT OF AWARD: \$250,000 for paving
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) No	AMOUNT REQUIRED BY THE CITY OF NEWBURGH:	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:
PROJECT PLAN: RFP attached		
Scope of Project: The Funds will be used for ADA Compliance & Paving		
Key Stakeholders:		
Project Timeline: (ex. Dates): 9/20-08/23		



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO:
COMMENTS: <u>N/A</u>
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO
COMMENTS: <u>N/A</u>
STAFFING ISSUES REVIEWED? YES/NO:
COMMENTS: <u>N/A</u>
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO
CITY COMPTROLLER SIGNATURE: <u>[Signature]</u>
DATE: <u>12/1 1/6/20</u>
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO
CITY MANAGER SIGNATURE: <u>[Signature]</u>
DATE: <u>1/7/19</u>



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

Resolution for 1/23/20 W.S. + 1/27/20 Council
DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING: _____

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

COMMITTEES
AGRICULTURE
CORPORATIONS, AUTHORITIES & COMMISSIONS
FINANCE
INTERNET & TECHNOLOGY
LOCAL GOVERNMENT
TRANSPORTATION



SENATOR
JAMES SKOUFIS
39TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-1290

DISTRICT OFFICE:
47 GRAND STREET
NEWBURGH, NY 12550
OFFICE: 845-567-1270

SATELLITE OFFICE:
55 WEST RAILROAD AVENUE
SUITE 24A2
GARNERVILLE, NY 10921

e-mail:
skoufis@nysenate.gov

August 20, 2019

Joseph Donat
City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Joe

Dear Mr. Donat,

Per our recent conversation, enclosed please find the "State and Municipal Facilities Capital Program (SAM) Preliminary Application" for the City of Newburgh grant in the amount of \$250,000. These funds are for costs associated with roadway reconstruction and rehabilitation. Please return the completed preliminary application to me by September 20, 2019.

Once we have received the completed application, we will submit it to New York State Senate Finance. Senate Finance will submit the application to the Dormitory Authority of the State of New York (DASNY), who will send you a due diligence package to complete, with a request for specific documentation. As the grant moves through DASNY, it will receive a formal project identification number and move through multiple "desk" audits to make sure all project details are ready for the approval phase. It will then move to the Division of Budget for approval. Once DASNY is notified that the grant has received all the necessary governmental approvals, two copies of the Grant Disbursement Agreement (GDA) will be sent to you. The GDA is the contract between DASNY and the grantee.

It is important to note that, while purchases made during the review process are eligible for reimbursement upon completion of the grant's review, advancing with the project prior to a GDA and final approval is done at your own risk. At a minimum, I strongly recommend no purchases be made with the anticipated funding until the project has received a formal identification number from DASNY. Please be advised that the full review is a lengthy process, often taking up to 18 months from start to end; my office and I will move to expedite the funding as quickly as possible.

If you ever need any status updates, have any questions or need any assistance throughout the grant process, please do not hesitate to contact Christine Rodriguez, my Senior Grants Specialist, at (845) 567-1270. Thank you for your cooperation and patience as well as your partnership on behalf of those we serve.

Sincerely,

A handwritten signature in black ink, appearing to read "James Skoufis".
James Skoufis
Senator, 39th District

*FYI Jonathan \$250k for
this is a separate
application*

**STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM
(SAM)
PRELIMINARY APPLICATION**

SECTION 1: GENERAL INFORMATION

A. Project Name: Roadway Reconstruction and Rehabilitation

Project Location: City of Newburgh

B. Organization / Grantee:

Legally Incorporated Name: City of Newburgh

Street (not P.O. Box): 83 Broadway

City: Zip: County: Newburgh, 12550, Orange

Phone: (845) 569-7321 **Ext:** **Fax:** (845) 569- 7490 **E-mail:** hreilly@cityofnewburgh-ny.gov

Contact Name & Title: Helen Reilly, Grants Adiministrator

Federal Taxpayer I.D./Charity Reg.# (Non-profits Only): 14-6002329

I. Type of Organization:

- | | |
|---|--|
| ☐ Business Corporation | ☐ Public School District |
| ☐ State | ☐ Public Housing Authority |
| ☒ Municipal Corporation | ☐ Public Library or Library System |
| ☐ Water District | ☐ Fire District / Commission / Department / |
| ☐ University / Educational Organization (SUNY, Community College, Private) | Volunteer Rescue & Ambulance Squad |
| ☐ Sewer District | ☐ Public Park Conservancy or Not-for-Profit |
| ☐ Metropolitan Transportation Authority | Investment in Parks |
| | ☐ Other |

2. a) Is the organization currently seeking or receiving any other New York State assistance for this project? ☒ No ☐ Yes

b) Is the SAM Grant a match to receiving the Other New York State Assistance? ☒ No ☐ Yes

If either a or b is Yes, please provide a detailed explanation on an attached separate sheet.

SECTION 2: PROJECT DESCRIPTION**Project Description and Amount**

1. Please attach a separate sheet with a detailed description of the specific capital project that will be undertaken and funded pursuant to this Grant. The funds will be used for ADA Compliance and Paving

2. Project Start Date: 9/2020 Anticipated Date of Project Completion: 8/2023

3. Please list the anticipated amount of funding to be received from the SAM Program for this project.

\$ 250,000

4. Will any entity other than the Grantee set forth in Section I, above, be paying any project related costs?	☒ No ☐ Yes
<u>If Yes</u> , please attach a separate sheet setting forth the costs to be paid by another entity, as well as a description of the relationship between the Grantee and the other entity.	
5. Does the Applicant own the site where the project will be located?	☐ No ☒ Yes
<u>If No</u> , please attach a separate sheet describing the control the Applicant has over the Project site.	
6. Does the applicant plan to occupy 100% of the project facility?	☐ No ☐ Yes
<u>If No</u> , attach a schedule explaining the planned occupancy. N/A	
7. If an organization other than the Grantee will have an interest in the equipment or real property purchased with Grant funds, please attach a separate sheet describing the legal relationship between the Grantee and the organization.	
8. Does the project require environmental or other regulatory permits? <u>If Yes</u> , please specify type:	☒ No ☐ Yes
Have they been secured? ☐ No ☐ Yes ☒ NA	
<u>If No</u> , please specify why:	
9. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA)?	
☐ No ☐ Yes ☒ NA	
<u>If Yes</u> , please set forth the lead agency for the review and provide a copy of the negative declaration, findings statement, or Type II memo issued by the lead agency.	
SECTION 3: ELIGIBILITY FOR TAX-EXEMPT FINANCING	
1. Has the applicant previously received financing from the sale of tax-exempt bonds?	☐ No ☒ Yes
<u>If Yes</u> , attach a schedule describing the details of such financing.	
2. Does the applicant anticipate applying for financing for <u>this project</u> from the sale of other bonds?	☒ No ☐ Yes
3. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made?	
☒ No ☐ Yes	
<u>If Yes</u> , attach a schedule showing details of such disbursements (date, purpose, payee, etc.).	
4. Will the Grantee be utilizing internal labor for any portion of the project?	☒ No ☐ Yes
<u>If Yes</u> , attach a narrative summarizing the usage and dollar value of internal labor on the project. Internal labor costs will <u>not</u> be reimbursed from SAM Grant proceeds.	

SECTION 4: PROJECT BUDGET

Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary) that will be utilized to complete the Project. State the source of the funding, and any contingencies that need to be satisfied prior to accessing the funds.

Please include evidence of committed funding sources to be used to complete the project as described. This may include a copy of letter(s) of credit, award letters, a resolution from the governing board of the Grantee committing to provide the balance of the funds, or a combination of the above.

<u>USE OF FUNDS</u>	<u>SOURCES</u>						<u>TOTAL</u>
	State		In-Kind /Equity /Sponsor		Other sources (Please specify each source and include commitment letter or other evidence that funds have been secured)		
Tasks	Entity Name	Amount	Source Name	Amount	Entity Name	Amount	
Roadway Reconstruction	SAM	\$250,000					\$250,000
& Rehabilitation							
Total:		\$250,000					\$250,000

I hereby certify that the information in this Preliminary Application is true and correct in all material respects, and I understand that the Dormitory Authority of State of New York and other entities that may be involved in the grant process are relying on this information in the course of the reviews that are required under Federal and State law.

Signature of Authorized Officer

Date

Joseph Donat
Print Name

City Manager
Title

RESOLUTION NO.: 25 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 FOR CAMERA PURCHASE AND INSTALLATION
AND IN THE AMOUNT OF \$250,000.00
FOR ROAD RECONSTRUCTION AND REHABILITATION**

WHEREAS, Senator Jonathan Jacobson has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation and in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the east end of the City of Newburgh; and

WHEREAS, there is no match required for the grant which will be used to fund video surveillance camera purchase and installation; and

WHEREAS, the match for the east end road reconstruction and rehabilitation is secured in the OCTC Reserve Fund for Project Pin# 8761.20; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the east end of the City of Newburgh; and

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



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Administrator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: SAM Grant for Cameras & Matching funds for Pin#8761.20 Improve East End Roads	NAME OF DEPARTMENT REQUESTING GRANT: IT/Police & Engineering	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: J. Donat
NAME OF GRANT/NAME OF AWARDING AGENCY: SAM-DASNY sponsored by Assemblyman Jacobson	GRANT SUBMITTAL DATE: 1/6/20	AMOUNT OF AWARD: \$50,000 for Cameras \$250,000 for Pin#8761.20 match
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) Yes	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: Match for Pin#8761.20 \$85,000 secured in OCTC account	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:
PROJECT PLAN: RFP attached		
Scope of Project: Camera purchase & installation, Matching funds for Project Pin#8761.20 Improve East End Roads.		
Key Stakeholders:		
Project Timeline: (ex. Dates): 8/20-09/25		



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO: <u>NO</u>
COMMENTS:
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO
COMMENTS: <u>NA</u>
STAFFING ISSUES REVIEWED? YES/NO:
COMMENTS: <u>NA</u>
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO
CITY COMPTROLLER SIGNATURE: <u>[Signature]</u>
DATE: <u>1/6/20</u>
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO
CITY MANAGER SIGNATURE: <u>[Signature]</u>
DATE: <u>1/27/19</u>



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

Resolution for 1/23 W.S. + 1/27 Council

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

JONATHAN G. JACOBSON
104th District

COMMITTEES
Cities
Election Law
Insurance
Local Governments
Transportation

September 19, 2019

Hon. Joseph Donat
Newburgh City Manager
83 Broadway
Newburgh, New York 12550

Re: State and Municipal Facilities Capital Program Funding for the City of Newburgh

Dear Mr. Donat:

Per our earlier conversation, enclosed please find the "State and Municipal Facilities Capital (SAM) Preliminary Application" for the City of Newburgh grant in the amount of \$300,000. These funds are to be divided between road repairs (\$250,000) and the purchase of a ShotSpotter camera (\$50,000) for the police department.

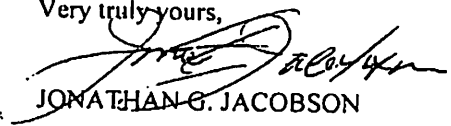
Please acknowledge receipt of this letter and provide the City's Tax ID number along with the name and email address of the Project Director(s) by October 15, 2019. Once we have received this information, we will submit it to New York State Assembly Committee on Ways and Means. After their review, Ways and Means will submit the application to the Dormitory Authority of the State of New York (DASNY), which will send you a due diligence package with a request for specific documentation. As the grant moves through DASNY, it will receive a formal project identification number and move through multiple "desk" audits to make sure all project details are ready for the approval phase. It will then move to the Division of Budget for approval. Once DASNY is notified that the grant has received all the necessary governmental approvals, two copies of the Grant Disbursement Agreement (GDA) will be sent to you. The GDA is the contract between DASNY and the grantee.

Please note that, while purchases made during the review process are eligible for reimbursement upon completion of the grant's review, advancing with the project prior to a GDA and final approval is done at your own risk. At a minimum, I recommend that no purchases be made with the anticipated funding until the project has received a formal identification number from DASNY. Please be advised that the full review is a lengthy process, often taking up to 18 months or longer. However, my office and I will move to expedite the funding as quickly as possible.

If you ever need any status updates, have any questions or need any assistance throughout the grants process, please do not hesitate to contact my Chief of Staff, Julie Shiroishi, at 845-562-0888.

Thank you for your partnership on behalf of those we serve.

Very truly yours,


JONATHAN G. JACOBSON

DISTRICT OFFICES: 47 Grand Street, Newburgh, New York 12550 • TEL: 845-562-0888 • FAX: 845-561-5218
One Civic Center Plaza, Suite 101, Poughkeepsie, New York 12601 • TEL: 845-763-7011 • FAX: 845-471-1967
EMAIL: jacobsonj@nyassembly.gov

STATE AND MUNICIPAL FACILITIES PROGRAM PRELIMINARY APPLICATION

Project Category: ☒ State and Municipal ☐ Economic Development * ☐ Environmental*
** projects in these categories may require additional information and approval/certification*

SECTION 1: DATA SHEET / GENERAL INFORMATION

A. Project Name: Purchase and Installation of Cameras/Roadway Reconstruction-Federal Aid Project
 Pin#8761.20 Improve East End Roads

Project Location: City of Newburgh

B. Applicant Organization: City of Newburgh

Legally Incorporated Name: City of Newburgh

Street (not P.O. Box): 83 Broadway

City: Newburgh **Zip:** 12550 **County:** Orange

Phone: 845-569-7321 **Ext:** **Fax:** 845-569-7490 **E-mail:** hreilly@cityofnewburgh-ny.gov

Contact Name & Title: Helen Reilly, Grants Administrator

Federal Taxpayer I.D./Charity Reg.# (Non-profits Only): 14-6002329

1. Type of Organization:
☒ Municipality ☐ Local Development Corporation or Industrial Dev. Agency
☐ Not-for-Profit ☐ University/Educational Org.
☐ Business Corporation ☐ Other (please describe) _____

2. Is the organization currently seeking or receiving any other New York State assistance for this project?
☐ No ☒ Yes

If your answer is "yes", please provide a detailed explanation on an attached separate sheet.

3. Name of project beneficiary if not applicant:

SECTION 2: PROJECT DESCRIPTION

A. Project Description and Amount

1. Please attach a detailed description of the specific capital project that will be undertaken and funded pursuant to this application.

2. Please list the amount of funding anticipated to be received from the State and Municipal Facilities Program for this project.

\$ 300,000

3. Project Start Date: 08/2020 Anticipated Date of Project Completion: 09/2025

SECTION 3: PROJECT BUDGET, DISBURSEMENT SCHEDULE, & OPERATING COSTS

A. Use of Funds

Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary).

<u>USE OF FUNDS</u>	<u>SOURCES</u>			<u>TOTAL</u>
	State	In-Kind/ Equity/Sponsor Contribution	Other sources	
Direct Costs:	\$	\$	\$	\$
Pin#8761.20-Improve East End Roads	\$250,000	\$1,342,000	\$85,000	\$1,677,000
Camera Purchase & Installation	\$50,000			\$50,000
Indirect/Soft Costs:				
Total:	\$ 300,000	\$ 1,342,000	\$ 85,000	\$ 1,727,000
B. Please describe other sources of funds and if they have been secured. Federal Funds have been secured by the NYS DOT. \$85,000 will come from City of Newburgh matching funds secured in a separate account.				
C. Does the project require environmental or other regulatory permits? (X) No () Yes Have they been secured? () No () Yes (X) NA				
D. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA) or is such review necessary to obtain any governmental approvals? () No () Yes (X) NA				
E. Please describe the ongoing operating costs required to maintain the proposed project and the sources of these funds. Once the project is complete, the City's Streets & Bridges line will be used to fund the materials and personnel necessary to maintain the sidewalks & roads. Approx. \$200 per year for camera maintenance costs. Funds will be paid from the General Fund				
SECTION 4: ELIGIBILITY FOR TAX-EXEMPT FINANCING				
1. Do you believe your project is eligible for tax-exempt financing under the Federal Internal Revenue Service code? (X) No () Yes				
2. Has the applicant or proposed recipient of funds previously received financing from the sale of tax-exempt bonds? If yes, attach a schedule describing the details of such financing. () No (X) Yes				
3. Does the applicant or proposed recipient of funds anticipate applying for financing for this project from the sale of other tax-exempt bonds? (X) No () Yes				
4. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made? If yes, attach a schedule showing details of such disbursements (date, purpose, payee, etc.). (X) No () Yes				
5. Does the applicant or proposed recipient of funds plan to occupy 100% of the project facility? If no, attach a schedule explaining the planned occupancy. () No (X) Yes				

Signature of Applicant: _____

Date: _____

Section 1

Question #2:

The project is funded by federal earmark funds which are passed through, and administered by, the New York State Department of Transportation and the Orange County Transportation Council.

Section 2

Question #1

To complete Project #8761.20 – Improve East End Roads

To purchase and install 7 new outdoor PTZ Security Cameras

Reilly, Helen

From: Reilly, Helen
Sent: Tuesday, October 15, 2019 9:25 AM
To: 'Julie Shiroishi'
Cc: Donat, Joseph; Morris, Jason; Crispino, Nicholas
Subject: RE: Grant Information

Good morning Julie,

For the camera project for \$50,000 we will be purchasing and installing 7 new outdoor PTZ security cameras. These cameras would be installed on utility poles across the City.

For the Roadway Reconstruction for \$250,000 we would like to use as a match for Federal-Aid Local Project Pin#8761.20 – Improve East End Roads.

Please let me know if you need any other information.

Thank you,

Helen Reilly

Grants Administrator
City of Newburgh
83 Broadway
Newburgh, NY 12550
(845) 569-7321

From: Julie Shiroishi <julie.shiroishi@gmail.com>
Sent: Thursday, October 10, 2019 3:54 PM
To: Reilly, Helen <HReilly@cityofnewburgh-ny.gov>
Subject: Grant Information

Hi Helen,

Nice touching base with you. When you have that more detailed information, please send it to me here or call me at the numbers below. I

I'll be in the office all day tomorrow, but we'll be closed on Monday and then I'll be out of town with the Assemblymember on Tuesday. Either way, I check this email frequently and can pass the information up to the Assembly.

Thank you!

--
Julie Shiroishi
Chief of Staff

RESOLUTION NO.: 26 - 2020

OF

JANUARY 27, 2020

A RESOLUTION ADOPTING RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2020

NOW, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby adopts for use the Rules of Order and Procedure as set forth in the copy attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take at the next Council meeting subsequent to its adoption.

**City of Newburgh City Council
Rules of Order and Procedure**

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate. The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
2. Recess the session;
3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by

motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

- I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.
- J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

- A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances. Further comments from the Council shall be limited to 3 minutes for each Council Member.
- B. The Order of Business may be departed from by majority vote of the members present.

Rule III. Voting

- A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.
- B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.
- C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.
- D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. No resolution, ordinance or local law may be introduced at a meeting if it will result in exceeding the maximum number of work session items set forth in Rule X. Notwithstanding the foregoing, by majority vote, an emergency item concerning the public health, safety or welfare not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

Rule IV. Executive Session

Whenever the Council shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the New York State Open Meetings Law. All executive sessions shall be commenced at the public meeting. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed. The presiding officer shall direct all persons except members and designated officers and employees of the City to withdraw.

Rule V. Participation of City Manager and Staff

The City Manager shall be permitted to address the Council and participate in discussions. Heads of Departments shall be permitted to address the Council. Any other City officer or employee shall be permitted to address the Council with permission of the presiding officer, subject to an appeal by motion to the City Council, the appeal to be taken without debate.

Rule VI. Suspension of the Rules

In order to hear persons other than members of the City Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and shall spend not longer than three (3) minutes, unless the time is extended by the presiding officer. This rule shall not apply to public hearings.

Rule VII. Guidelines for Public Comment

- A. The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.
- B. Speakers must adhere to the following guidelines:
 - 1. Speakers must be recognized by the presiding officer.
 - 2. Speakers must step to the front of the room.
 - 3. Speakers must give their name, street name without number and organization, if any.
 - 4. Speakers must limit their remarks to 3 minutes. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
 - 5. Speakers may not yield any remaining time they may have to another speaker.
 - 6. Council members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
 - 7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff. All speakers addressing the City Council at a public meeting shall speak from the public microphone with employees and agents of the City having the option to speak from the head table using a microphone. In no circumstances shall any speaker sit in front of the head table with his or her back to the public.

8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
 9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.
- C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

Rule IX. Rules for Public Hearings

The following rules shall apply to a legally required public hearing held before the City Council:

- (a) The Presiding Officer shall recognize each speaker when the hearing is commenced. Speakers shall identify themselves, their street name and organization, if any, prior to the remarks.
- (b) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.
- (c) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

(d) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(e) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(f) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the work session. The number of work session items and presentations shall be limited to 20. Presentations shall be limited to 10 minutes. Priority shall be given to those items which require the action of the City Council before the next regularly scheduled work session. Items considered in Executive Session shall be excluded from the maximum number of work session items.

Rule XI. Robert's Rules of Order

In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

Rule XII. Adoption of Ordinances

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)

January 10, 2014 (Rule IV)

February 22, 2016

April 24, 2017 (Rule VII(B) amended)

January 22, 2018 (Rule II, Rule VII(B), Rule IX amended)

October 22, 2018 (Rule III(D) and Rule X amended)

Approved: January 27, 2020

RESOLUTION NO.: 27 - 2020

OF

JANUARY 27, 2020

**RESOLUTION TO ENDORSE THE DRINKING WATER SOURCE PROTECTION
SCORECARD FINDINGS AND SUPPORT THE DEVELOPMENT OF DRAFT
RECOMMENDATIONS TO IMPROVE SOURCE WATER PROTECTION**

WHEREAS, The City of Newburgh owns, operates, and maintains two water supply reservoirs, Washington Lake and Brown's Pond, which had until 2016 provided the City of Newburgh with drinking source water; and

WHEREAS, The City of Newburgh does not own or have control over the land in the contributing watershed areas or the land use regulations that govern the contributing runoff to these water supply reservoirs; and

WHEREAS, The City of Newburgh has been forced to switch drinking source water to the Catskill Aqueduct and uses Brown's Pond as an emergency backup supply due to contamination in the watershed; and

WHEREAS, The City of Newburgh wishes to eliminate the sources of past, present, and future contamination in the watershed to improve source water quality in its reservoirs; and

WHEREAS, Riverkeeper has developed a Drinking Water Source Protection Scorecard tool to be used by water providers to evaluate source water protection strategies as they pertain to specific drinking water supply watersheds; and

WHEREAS, The Drinking Water Source Protection Scorecard assesses several aspects of source water protection, including source water assessments, annual drinking water quality reports, watershed management, watershed rules and regulations, streams and wetlands and open space; and

WHEREAS, The City of Newburgh Water Superintendent and City Engineer recently completed the Drinking Water Source Protection Scorecard tool for the City of Newburgh's drinking water supply watershed with the assistance of Riverkeeper; and

WHEREAS, The City of Newburgh's Score was found to be 15% out of 100%, and the Drinking Water Source Protection Scorecard Findings document a logical outline of the watershed issues to be addressed in the development of recommendations to improve protections of the watershed;

NOW, THEREFORE, BE IT RESOLVED, that The City Council of the City of Newburgh hereby endorses the Riverkeeper Drinking Water Source Protection Scorecard Findings dated January 13, 2020, and authorizes City staff to continue to collaborate with Riverkeeper to develop and refine recommendations to improve protection of the watershed and source water quality based on the Drinking Water Source Protection Scorecard Findings through an inclusive and transparent public process involving City of



Drinking Water Source Protection Scorecard Findings

City of Newburgh, NY

Score 15%

January 2020

Water Supplies	Washington Lake, Browns Pond
Who completed the Scorecard	Wayne Vradenburgh, Water Department Superintendent
	Jason Morris, PE, City Engineer
	Dan Shapley, Water Quality Program Director, Riverkeeper
Draft Date	September 25, 2019
Review Dates	October 24, 2019, December 19, 2019
Final Date	January 13, 2019

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Score

Riverkeeper's Drinking Water Source Protection Scorecard is a self-assessment tool communities can use to determine which tools they are using to protect a public drinking water supply at its source. The Score is determined by dividing the total number of "Yes" answers by the total number of questions answered, and is expressed as a percent. Future implementation of the recommendations will improve a community's future score by improving protections of public water supplies.

Newburgh's current score is 15% (6 out of 40)

How does Newburgh compare to other communities? To date, too few communities have used the Scorecard for a quantitative comparison, but its score is lower than Ossining (33%) and Peekskill (24%). Newburgh is not alone, in that most communities in New York State lack the robust routinely updated and implemented source water protection measures currently in use by New York City to protect their sources of public drinking water supplies. Newburgh's surface water supply is uniquely vulnerable to water contamination due to the complexity of land uses in the watershed. Newburgh city staff members are also more aware of the gaps in protections than those in other communities. These complexities require the use of a greater degree of creativity in developing effective drinking water source protections. As such, achieving effective drinking water source protection will require sustained commitment from a large set of stakeholders.

Water Supply Notes

Historically, the City of Newburgh has relied on two City-owned reservoirs: Washington Lake, a manmade reservoir with a watershed in the Towns of Newburgh and New Windsor, and Browns Pond a manmade reservoir with watershed in Town of New Windsor. The City of Newburgh also owns a tap on the NYCDEP Catskill Aqueduct to enable the City to withdraw water from this supply during times of emergency.

Browns Pond, also known as Silver Stream Reservoir, is wholly within the Moodna Creek watershed, with inputs from small tributaries. Washington Lake is fed by three surface water inputs, Silver Stream in the Moodna Creek Watershed, Patton Brook in the Quassaick Creek Watershed and the lands immediately surrounding the reservoir which includes the NYSDOT owned and maintained stormwater drainage network along NYS Route 300. Both Silver Stream and Patton Brook were diverted from their natural courses in the early 1900s to expand the watershed of Washington Lake. There are also historic documents that reference groundwater springs which also may supply water to Washington Lake

The City of Newburgh's water supply is utilized by 29,000 people, primarily in the City of Newburgh. This includes residences, businesses and institutions, including Montefiore St. Luke's Hospital, Mount St. Mary College and a SUNY Orange campus. The City of Newburgh also has several finished-to-finished water supply interconnections with the Town of New Windsor, along with an intermunicipal water supply agreement, to supply the Town in the event of an emergency.

Browns Pond also serves as an emergency backup supply of raw water for 26,000 people in the Town of New Windsor.

In 2010, Orange County facilitated the [Northeast Orange County Water Supply](#) study. This study, completed in 2014, developed an implementation plan for water sharing among the City of Newburgh (29,000 people) and the Towns of New Windsor (26,000 people) and Newburgh (22,800 people). The findings of the plan have not fully been implemented.

Sampling results from the US EPA's UCMR3 testing program taken from 2013 to 2016 alerted the City and regulatory agencies to PFAS contamination within Washington Lake which originated from the lands associated with New York Stewart International Airport and the Stewart Air National Guard Base. In response to both the confirmation of contamination and the lowering of the federal MCLG for PFOS and PFOA, the City switched source waters from Washington Lake to Brown's Pond in May of 2016. The City was then again forced to switch from Brown's Pond to the Catskill Aqueduct in June 2016 due to the limited water storage capacity of Brown's Pond. Since June 2016, the City has primarily used the NYCDEP Catskill Aqueduct, which draws water from the Ashokan Reservoir in the Catskill Mountains, with Browns Pond serving as an intermittent backup supply for times when the Catskill Aqueduct becomes unavailable.

Scorecard Findings: Source Water Assessments

Source Water Assessments should include a source watershed map which clearly depicts the streams that feed a reservoir or stretch of river, and the lands that drain to those streams, or the areas relevant for groundwater recharge for wells (watershed). These assessments should also identify and assess the specific threats to water quality within that defined area. Threats to a watershed could include the presence of contaminated/cleanup sites with polluted soil and/or groundwater, facilities with permits to discharge water pollutants, or land uses that are associated with potentially harmful stormwater runoff.

Does your water supply have a Source Water Assessment?

In 1996, Congress amended the Safe Drinking Water Act, requiring the creation of Source Water Assessments for public water systems. In New York State, the Department of Health completed these assessments.

The results of Source Water Assessments are summarized in the Annual Water Quality Reports that public water supplies are required to provide to consumers. The full detailed assessment should be available upon request. Request it from your municipality, water provider, or the county or state Department of Health. Note that if your water supply relies on multiple sources (such as both wells and a reservoir) then you may have to request an assessment for each source. Find the regional Source Water Assessment Program contact for your county at:

<https://www.health.ny.gov/environmental/water/drinking/swapcnty.htm> stormwater runoff.

- **Answer:** Yes
- **Notes:** The NYS Department of Health is working on an updated Source Water Assessment for the City of Newburgh, but it has not yet released it to the City or the public for review and comment.
- **Recommendation:** NYS DOH should release a draft Source Water Assessment for the City of Newburgh and stakeholders for comment, and then finalize it based upon feedback.
- **Entity with Authority to Implement:** NYS DOH
- **Other stakeholders:** Town of New Windsor, Town of Newburgh, NYS DEC, and other stakeholders

Does your Source Water Assessment identify a "low" Susceptibility Rating for all contaminant types?

As part of the NYS Department of Health's Source Water Assessments, each drinking water supply was assigned a Susceptibility Rating for each of several contaminant types (organics such as petroleum, chemicals such as pesticides, nutrients such as phosphorus and microbial contaminants associated with sewage or animal waste).

- **Answer:** No
- **Notes:** Based on the existing but outdated Source Water Assessment, and knowledge of the watershed, we reasonably expect the updated Source Water Assessment will identify multiple susceptibilities.

- **Recommendation:** This water supply is susceptible to one or more contaminants. Identify priority actions for reducing risks from contaminants that this water supply is susceptible to, as part of current or future source water protection or watershed management programs. This plan can be developed through the NYS Drinking Water Source Protection Program, or a similar process, and may require multiple volumes that each address a particular contaminant or source type.
- **Entity with Authority to Implement:** City of Newburgh, NYS DOH, NYS DEC, Stewart ANG, Stewart Airport, NYSDOT, Thruway Authority, Private WWTP owner/operator
- **Other stakeholders:** Town of New Windsor, Town of Newburgh, NYS DEC (various permitting divisions), OC SWCD, OC DOH

Does your Source Water Assessment include an accurate map that is easy to read and interpret?

The watershed map should delineate the land area that is relevant to your water source. For surface water, that will be a watershed -- the land area that drains through connecting streams to your water supply. For groundwater, it should be an area determined by hydrogeology -- the underground flow of water through soils and rock in the vicinity of your water supply. In either case, the map should delineate the land area that is relevant to your water supply. The map should be both accurate and easy to interpret.

Use your knowledge of local geography, or other available sources of information or experts to make a determination. Use your judgement to determine if the map is easy to interpret. According to the New York State Source Water Assessment Program, the Department of Health "may update the assessments (and make them available to the public) as necessary to meet the originally defined or evolving objectives of the assessment for each public water system source."

- **Answer:** No.
- **Notes:** Despite improved low-resolution mapping of subwatersheds in the updated Source Water Assessment, there are important questions that remain about the watershed boundaries and flow patterns for both the Washington Lake and Browns Pond watersheds. A high priority for the city is to accurately map the exact boundaries of these watersheds, especially in areas with complex engineered drainage systems near the New York State Thruway, and the Meadow Hill neighborhood (Town of Newburgh). Also of high priority is to accurately map subwatershed boundaries, especially areas with complex engineered drainage systems near the Silver Stream diversion, Industrial Drive and 17K. It is also important that official NYS DEC stream and wetlands maps be updated so that unmapped waterways are included on both local and state regulatory maps.
- **Recommendation:** Because the cost of this mapping is presumed to exceed that available from local or state grant sources, the City should estimate the cost of mapping, and work with state Assembly and Senate representatives to acquire direct state funding without matching funds, through the NYS Budget. Watershed and subwatershed boundary mapping should be prepared by a New York State Licensed Land Surveyor working directly for the City.
- **Entity with Authority to Implement:** City of Newburgh, Assemblyman Jacobson, Senator Skoufis
- **Other stakeholders:**

Does your Source Water Assessment rely on relevant updated land use data?

Use your judgement. The Assessment should refer to the land use data used to create your assessment, and the date(s) that land use data was obtained. Based on your knowledge of changes to land use in your watershed, you can determine whether this land use data is likely to accurately reflect current land uses. If land use has changed significantly, or has the potential to change significantly in the near future, then you should consider the Source Water Assessment in need of an update. According to the New York State Source Water Assessment Program, the Department of Health "may update the assessments (and make them available to the public) as necessary to meet the originally defined or evolving objectives of the assessment for each public water system source."

- **Answer:** Yes
- **Notes:** It's reasonable to expect that the updated Source Water Assessment is based on relevant land use data. However, small SPDES permits and MSGP permits may not be mapped, and the question can't be fully answered until NYS DOH releases the updated Source Water Assessment for local review.
- **Recommendation:** NYS DOH should release the draft Source Water Assessment. Newburgh and other stakeholders should evaluate whether the updated Source Water Assessment accurately describes land use relevant to this water supply.
- **Entity with Authority to Implement:** NYS DOH
- **Other stakeholders:**

Does your Source Water Assessment identify all potential hazards?

Source Water Assessments considered a large number of potential hazards, but new facilities or land uses may have introduced new risks to your watershed since the last assessment. Or you may be aware of threats to your drinking water supply that were not considered as part of the original assessment. (For example, crude oil transportation on and along the Hudson River began around 2011, presenting a new threat to drinking water supplies that hadn't been considered in assessments completed in years prior.) Use the Department of Environmental Conservation's DECInfo Locator to identify discharges and other potential hazards in your watershed (these should also be identified in your Source Water Assessment): <https://www.dec.ny.gov/pubs/109457.html>

Assessments should be updated regularly to ensure they accurately reflect current threats to water quality, especially if conditions in your source watershed have changed from development or other land use changes, or from new understanding of risks from unregulated contaminants. An analysis of potential pollution sources, including permitted sanitary and industrial discharges, unpermitted sanitary sewer overflows, hazardous waste sites, and facilities associated with the use and/or storage of chemicals or petroleum. It should also include a land use analysis. The extent of urban land use in the watershed should be assessed, since runoff can introduce oils, salt, sediment, metals, nutrients and other contaminants. If existing urban land uses are present, stormwater runoff from them may put water quality at risk. A thorough source water assessment should also identify areas that are prone to future development that could put the water supply at risk. Like urban runoff, agricultural runoff can introduce contaminants such as nutrients, pathogens, sediment and pesticides into water supplies. The extent of agricultural lands in the

watershed should be assessed, and the type of agriculture (row crop, livestock operation, etc.) should be noted, since different types of agriculture present different levels and types of risks

- **Answer:** No
- **Notes:** The City has identified numerous areas where hazardous wastes may have been disposed of, and not all of these are identified in state databases that are used to inform Source Water Assessments. Without access to a draft, it is impossible to know if all contaminant sources are addressed in the Assessment. Furthermore, without a comprehensive watershed boundary limit map prepared by a licensed land surveyor working with a professional engineer, it will be impossible to understand if existing or emerging threats to the water supply exist within the actual watershed area.
- **Recommendation:** The watershed boundaries should be accurately defined with a watershed boundary map by a New York State Licensed Land Surveyor, and additional contamination source concerns identified by City of Newburgh or other stakeholders after publication of the draft Source Water Assessment should be incorporated into a final Source Water Assessment.
- **Entity with Authority to Implement:** NYS DOH
- **Other stakeholders:** Town of New Windsor, Town of Newburgh, NYS DEC, Assembly and Senate representatives

Scorecard Findings: Annual Water Quality Reports

The Annual Water Quality Report is designed to provide consumers with information on the quality of the water delivered by their public water system. Annual Water Quality Reports must contain information about the water system; information on the source of the water; reporting levels of contaminants detected in the finished water; information on cryptosporidium, radon, and other unregulated contaminants; information on any violations of the national primary drinking water regulations; and information regarding any variances or exemptions the water system may be operating under.

Does your water source make its Annual Water Quality Report easily accessible via the web?

Each public drinking water supply is required to publish an Annual Water Quality Report, which should be made easily available to those who drink the water. If you draw water from a public water system, check your municipality's website for your Annual Water Quality Report. The reports are often posted on pages devoted to the Water Department or the Department of Public Works. If your water comes from a private water system, contact your system operator.

- **Answer:** Yes
- **Notes:** Available in both English and Spanish at <https://www.cityofnewburgh-ny.gov/water-department/pages/water-quality-reports>. These reports are also mailed out annually to each water supply customer account. The City announces the posting of this report at the publicly attended City Council meetings.
- **Recommendation:** Include a link to your annual water quality report, or instructions for how to find it easily, in your Scorecard report. The City should also consider translation into additional languages, including French Creole. The City may also consider additional outreach, such as public presentations to civic and church organizations, timed to the publication of the report.
- **Entity with Authority to Implement:** City of Newburgh
- **Other stakeholders:** Organizations within the City of Newburgh

Does the summary of the Source Water Assessment for your water supply accurately reflect the conclusions of the Source Water Assessment?

Each Water Quality Report in New York State includes a short summary of the Source Water Assessment completed by the Department of Health. See if the language accurately summarizes the conclusions of the Source Water Assessment.

- **Answer:** No
- **Notes:** The section reads, in part, “The analysis of available information for this source water assessment did not find any significant sources of contamination in the watershed.”
- **Recommendation:** Update your Annual Water Quality Report to accurately summarize the Source Water Assessment for your water supply, and to specify differences in the assessments for the city’s various water sources (Washington Lake, Browns Pond, NYC Catskill Aqueduct). The section should also be expanded beyond the NYS DOH-provided template to include a forum for updating city residents on both source water protection challenges, and progress the City and other stakeholders are making in source water protection efforts.

- **Entity with Authority to Implement:** City of Newburgh, NYSDOH, OCDOH
- **Other stakeholders:**

Were all contaminants monitored in your water supply found below levels of concern?

Each water quality report includes a list of regulated contaminants that must be monitored, and a summary of the results relative to safe drinking thresholds. Learn about regulated contaminants in drinking water supplies: <https://www.epa.gov/dwstandardsregulations>

- **Answer:** No
- **Notes:** In 2018, the year of the latest report, the city violated the lead water quality standard due to change in water chemistry resulting from changes in source water (from Browns Pond to Catskill Aqueduct) and the resulting interaction with individual lead service lines in the distribution system. Future switches between water sources aren't expected to result in violations, because of changes to the corrosion control program and the City's lead service line replacement program. Lead remains a concern in tap water, though the City's recent efforts to modify its corrosion control plan and implement a lead-line replacement program have prevented further exceedances of these standards. No other contaminants exceeded federal or state health guidelines for water sources that are currently in use. However, PFAS are known to continue to contaminate Washington Lake, and neither the federal nor state governments require the City to test for all contaminants of emerging concern, including microcystin, which is of particular concern for Browns Pond, which has experienced Harmful Algal Blooms on a regular basis. Newburgh chooses to conduct microcystin, chlorophyll-a, phosphorus and limited PFAS sampling as a best management practice. Part V testing is required, including all regulated pesticides, before switch over between water sources.
- **Recommendation:** Continue to monitor, and expand monitoring for contaminants of concern even if they are not required by federal or state health standards. The Report and city website should also be updated to more clearly define the sources of water in use at different times through an easy to interpret timeline graph or other visual mechanism.
- **Entity with Authority to Implement:** City of Newburgh
- **Other stakeholders:** NYS DOH, Orange County DOH, U.S. EPA, Town of New Windsor

Did your water supply monitor for "unregulated contaminants"?

There are more than 80,000 chemicals in use, but only a small fraction of these are regulated, with drinking water limits established by the Safe Drinking Water Act. To assess the degree to which certain unregulated chemicals are found in U.S. drinking water supplies, the EPA requires larger water systems to monitor for a small number of these unregulated chemicals. Learn more at <https://www.epa.gov/dwucmr>.

Under its Unregulated Contaminant Monitoring Rule (UCMR), the U.S. Environmental Protection Agency has required the monitoring of larger water systems for certain unregulated contaminants. Read your Annual Water Quality report to see if unregulated contaminants have been monitored.

- **Answer:** Yes
- **Notes:** PFAS other than those required to be tested by the EPA's Unregulated Contaminant Monitoring Rule are known to contaminate Washington Lake. The current UCMR rule only requires testing for PFOS and PFOA, which are within the long-chain family of PFAS compounds. Many recent scientific and medical research has indicated that the short-chain family of PFAS compounds may be just as harmful to human health as the long chain compounds. Newburgh conducts microcystin, chlorophyll-a, phosphorus and limited PFAS sampling. Part V testing is required, including all regulated pesticides, before switch over between water sources. The City has also identified past occurrences of past hazardous waste dumping in the Washington Lake watershed. The potential for contaminants from these sites to affect source water quality should be assessed with targeted testing of any contaminants that are both present at these sites and not already part of routine drinking water quality monitoring.
- **Recommendation:** Continue to advocate for comprehensive testing and cleanup of all PFAS contamination source(s) and contaminated lands, including NY Stewart International Airport and all sites associated with the Stewart Air National Guard Base. Seek guidance from the Department of Health and independent experts to interpret results, and ensure Source Water Assessments are updated, if necessary, to reflect the data. Based on Source Water Assessment, adapt monitoring programs to monitor for any contaminants of concern that aren't already routinely monitored, even if they are not required by federal or state health standards. These should include short-chain PFAS and microcystin. Monitoring should also be expanded to the reservoirs and their watersheds, and chemicals should be added to monitoring programs based on evidence of past dumping or other concerns identified by the City and other stakeholders.
- **Entity with Authority to Implement:** City of Newburgh, NYS DOH, OC DOH, NYSDEC, responsible parties
- **Other stakeholders:** U.S. EPA

Scorecard Findings: Watershed Management

Whether as part of a larger watershed management program, or a targeted source water protection program, plans should be in place to implement projects that reduce and eliminate threats identified in Source Water Assessments. Watershed Management programs may also address issues such as water quantity, flooding, wildlife habitat, recreation or other priorities.

Does your water source have a Source Water Protection Program, or is part of a comprehensive watershed management plan?

Congress and the EPA intended the Source Water Assessment to be the basis for Source Water Protection Programs that would be implemented to reduce and eliminate threats to water quality identified by the Assessments. The first objective of New York's Source Water Assessment Program was to "determine whether a sophisticated source-specific protection program is needed." Source waters may be part of a larger watershed that has been the subject of planning; alternately, two or more watersheds may be important for preserving your source waters. In some cases a Watershed Management Plan and Source Water Protection Plan may cover the same geographic area and issues. Your water provider should know if your water supply has a Source Water Protection Program that goes beyond the watershed inspection activities of the Department of Health. Plans will typically be published and be made publicly available. Some watershed plans are also available at the Department of Environmental Conservation Website: <http://www.dec.ny.gov/chemical/99985.html>

- **Answer:** No.
- **Notes:** The DEC is creating a plan believed to be specific to Phosphorus.
- **Recommendation:** The City should consider applying for state support through the Drinking Water Source Protection Program (DWSP2) to create a plan based on the updated Source Water Assessment.
- **Entity with Authority to Implement:** City of Newburgh
- **Other stakeholders:** NYS DOH, NYS DEC, Orange County DOH , Town of New Windsor, Orange County Water Authority/Planning Department, Town of Newburgh, others

Does your municipality have formal source water protection agreements between all municipalities that share the same water source?

Some, but not all, water sources are shared by multiple municipalities. Larger reservoirs and river sources are two examples that may serve communities in multiple municipalities. Check with your municipal government or water supplier to learn if other communities that draw water from the same source have cooperative agreements related to source water protection.

- **Answer:** No
- **Notes:** A sewage overflow in December 2019 in Town of New Windsor, affecting Washington Lake, highlights the need for multi-faceted source water protection agreements that include realtime notification of hazards (including sewage overflows), as well as protocols for notifying and including City of Newburgh in planning and zoning decisions affecting watershed lands.

- **Recommendation:** Develop source water protection agreements with all users of the water supply: Town of New Windsor (Browns Pond, Washington Lake).
- **Entity with Authority to Implement:** City of Newburgh
- **Other stakeholders:** Town of New Windsor

Are all municipalities that have land in the watershed involved with implementing the plan, via an intermunicipal council or other governmental structure?

Surface waters (reservoirs, rivers) that are used as the source of public drinking water supplies typically have watersheds that include multiple municipalities. The streams that feed the drinking water supply may be located at a significant distance from those drinking the water. Groundwater sources may rely on recharge areas that cross municipal boundaries as well. Given that New York is a Home Rule state, where local governments make all land use decisions, intermunicipal agreements are often necessary, to accomplish source water protection goals. Check with your municipal government to find out if your community has formal agreements with neighboring communities around the topic of source water protection. Some regions of the state have umbrella organizations, such as the Hudson River Watershed Alliance, that list active citizens groups: <http://www.hudsonwatershed.org/local-watershed-groups.html>

- **Answer:** No
- **Notes:** Orange County Water Authority is convening stakeholders with the intention of building a lasting coalition.
- **Recommendation:** Develop source water protection agreements with all municipalities in the watershed.
- **Entity with Authority to Implement:** City of Newburgh, Town of New Windsor, Town of Newburgh
- **Other stakeholders:** Orange County Water Authority, OC DOH, NYSDOH

Does your source water protection program or watershed management plan address all potential threats identified in the Source Water Assessment?

Watershed plans may have multiple goals, ranging from recreation and public access to habitat protection and flood mitigation. Ensure that any watershed plans specifically address the threats to water quality identified in your Source Water Assessment. Compare the Source Water Protection Program or watershed management plan to the Source Water Assessment.

- **Answer:** No
- **Notes:** An adaptive multi-volume protection plan is needed, with volumes for PFAS, other hazardous waste concerns, other industrial discharge concerns, phosphorus, salt and other road-related runoff, pesticides, manure, residential stormwater runoff, and other concerns.
- **Recommendation:** Update source water protection or watershed management plan to reflect all threats identified in the Source Water Assessment.
- **Entity with Authority to Implement:** City of Newburgh and range of stakeholders, including Town of New Windsor, Town of Newburgh

- **Other stakeholders:** Town of New Windsor, Town of Newburgh, Orange County Water Authority, NYS DEC, NYS DOH, Orange County DOH, others

Does the plan include specific prioritized projects, including what agencies have authority to act, and potential funding sources?

Because watersheds typically extend across municipal boundaries and New York is a Home Rule state, effective watershed management typically requires multiple government agencies at multiple levels, including local and county, state, and often federal. When priority projects are clearly identified, along with the agency that can implement any given project, plans are more likely to be used to protect water supplies.

Implementing watershed management plans can involve governments and agencies at many levels, including: at the local level, municipal councils, planning and zoning boards, relevant committees (open space protection, master planning, etc.), engineering and planning departments, departments of public works, water and wastewater utilities; at the county level, planning departments, Soil and Water Conservation Districts; at the regional level, Regional Councils; at the state level, the Department of Environmental Conservation and Department of Health; and at the federal level, the Environmental Protection Agency, USDA Natural Resource Conservation Service and Farm Service Agency, and U.S. Geological Survey. Non-governmental organizations may also play important roles.

- **Answer:** No.
- **Notes:** The DEC plan is expected to include this information, but only for phosphorus.
- **Recommendation:** Update source water protection or watershed management plan to include specific prioritized projects, including what agencies have authority to act, and potential funding sources.

Are priority projects being implemented?

Your municipal government or water provider should be able to tell you which projects have been implemented recently, and which are being planned for implementation.

- **Answer:** No
- **Recommendation:** Implement projects prioritized in source water protection or watershed management plan.

Is there a dedicated source of funding for source water protection projects?

Without prioritized, specific projects, and funding, even good plans may not be implemented to protect source waters. Your municipal government or water provider should know if your Source Water Protection Program is has a dedicated funding source, such as a surcharge on water bills.

- **Answer:** No.
- **Notes:** Projects identified in DEC plan are expected to be fundable via WQIP grants (competitive, not dedicated)
- **Recommendation:** Develop a dedicated source of funding for implementing source water protection projects.

- **Entity with Authority to Implement:** TBD, depending on nature of fund
- **Other stakeholders:** City of Newburgh, Town of New Windsor, Town of Newburgh, Orange County Water Authority

Are one or more staff members dedicated to source water protection or watershed management?

Implementing a plan effectively often involves dedicated staff. Your municipal government or water provider should know if your Source Water Protection Program is has staff dedicated to source water protection.

- **Answer:** No
- **Notes:** Knowledgeable staff spend some time, but no one is dedicated to overseeing source water protection.
- **Recommendation:** Share your Scorecard report with staff involved with source water protection. Convene stakeholders with enforcement authority to conduct joint inspections.
- **Entity with Authority to Implement:** City of Newburgh
- **Other stakeholders:** Orange County DOH, NYS DEC Encon police, NYS DEC permits/enforcement divisions

Is there an active citizens group focused on protection/restoration of this watershed?

Citizens groups can provide volunteers, citizen scientists, and they can act as a watchdog to ensure the creation or implementation of plans to protect watersheds. Inquire with municipalities in your watershed to find out if there is an active citizens group. Some regions of the state have umbrella organizations, such as the Hudson River Watershed Alliance, that list active citizens groups:

<http://www.hudsonwatershed.org/local-watershed-groups.html>

- **Answer:** Yes
- **Notes:** Moodna Creek WIC, QCWA, NCWP, Riverkeeper, Orange County Land Trust, Orange County Water Authority (quasi-governmental)
- **Recommendation:** Share your Scorecard report with staff involved with relevant non-governmental organizations and citizens groups working in your watershed. NGOs should engage a larger constellation of community groups to increase the constituency active in promoting drinking water source protection and restoration.

Scorecard Findings: Watershed Rules and Regulations

Home rule in New York State means that municipalities typically have authority to make land use decisions within their borders; however Public Health Law Section 1100 empowers the New York State Department of Health to make rules to protect water supplies and empowers localities to take action beyond municipal borders to protect drinking water supplies.

Has the Department of Health promulgated local Watershed Rules and Regulations for your water supply?

From the Hudson Valley Regional Council white paper on the subject: "New York's Public Health Law Article 11, §1100 authorizes the New York State Department of Health (NYS DOH) to promulgate regulations 'for the protection from contamination of any or all public supplies of potable waters and water supplies of the state ... and their sources within the state....' and these are known as watershed rules and regulations. For water sources from certain watersheds in NY, including the water supply watersheds used for New York City's drinking water supplies, the watershed rules and regulations have been updated in recent years and they are a central part of the drinking water protection program for those water sources. While these regulations have not been updated in many years for most supplies, other regulations have been implemented to address certain water quality risks that were not fully recognized when this law was first adopted, including hazardous waste disposal, storage of fuel oil and chemicals, and pesticide applications." Read more at <http://hudsonvalleyregionalcouncil.org/wp-content/uploads/2015/11/Watershed-Rules-Regs-for-Protecting-Drinking-Water-in-NY.pdf> Promulgated Watershed Rules and Regulations for New York State communities can be found here: <https://regs.health.ny.gov/content/subchapter-municipalities-districts-companies-institutions>

- **Answer:** Yes
- **Notes:** <https://regs.health.ny.gov/content/section-1332-city-newburgh>

Are Watershed Rules and Regulations complete and up to date?

Many Watershed Rules and Regulations in New York State were written decades ago, and do not empower communities to address modern threats. Considering your Source Water Assessment, watershed management plan and/or source water protection program, assess whether Watershed Rules and Regulations for your water supply help your community meet the challenge of reducing threats to water quality. Many Watershed Rules and Regulations in New York State were written decades ago, and do not reflect modern threats, nor do they adequately address gaps in the implementation or enforcement of laws that have been implemented since their creation, such as the Clean Water Act. Judge the source water protection rules for your water supply, and consider your knowledge of the water supply, its Source Water Assessment, and other factors to determine if the rules adequately empower your community to address vulnerabilities. As part of your analysis, you can compare your Rules and Regulations to model drafted by the state Department of Health in 2006, available at <https://www.riverkeeper.org/draft-of-revised-nys-watershed-rules-as-of-5-17-2006-2/>

- **Answer:** No.

- **Notes:** The rules appear to date to 1933, prior to profound changes to land use and associated risks. The rules were put in place just after construction of NYS Routes 207 and 300 in 1930, but they predate the construction of the New York State Thruway, the interstate highway system, the transformation of Stewart as a city airport to an Air Force base and later an Air National Guard base, and the suburbanization of the area, with associated development of large retail stores and residential subdivision developments. The rules predate the use of thousands of chemicals now in common use, including those used in firefighting foams and pesticides that are of concern in Newburgh's drinking water supply. The rules predate contemporary understanding of the function of watersheds, climate change, harmful algal blooms and other relevant processes and phenomena relevant to drinking water supply protection. As such, the rules are plainly outdated and do not deal with modern threats. City staff also highlighted the need for rules that give escalating enforcement authority to City staff. The only enforcement attempt in memory was related to sedimentation of Browns Pond caused by construction of the Reserve development; enforcement was attempted under the Clean Water Act and ultimately resulted in a settlement (penalty + inspection authority).
- **Recommendation:** Share your findings with your state Assembly and Senate representatives, and request an update to your Watershed Rules and Regulations from the NYS Department of Health. Join in a coalition that is being formed among municipalities and NGOs to advocate for NYS DOH to update Watershed Rules and Regulations for other municipalities.
- **Entity with Authority to Implement:** NYS DOH
- **Other stakeholders:** City of Newburgh, Orange County DOH, other watershed stakeholders TBD

Scorecard Findings: Streams and Wetlands

The degree to which streams and wetlands are healthy and protected in a watershed is a good indicator of water quality. Forests or other natural buffers around streams and wetlands are important for maintaining their health.

Are all streams accurately classified to protect drinking water?

Under New York State's implementation of the Clean Water Act, it designates stream segments with classifications that guide permitting of pollution discharges and stream disturbances, with the highest protections (Class A or Class AA) given to drinking water supplies. Consult the NYS Environmental Resource Mapper (<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) and the Waterbody Inventory/Priority Waterbodies List (<http://www.dec.ny.gov/chemical/36730.html>) to ensure both list the streams in your watershed as Class A or Class AA.

- **Answer:** No.
- **Notes:** As documented by the City of Newburgh and Riverkeeper in a letter of March 11, 2019, to DEC.
- **Recommendation:** DEC should accurately map all tributaries to source water reservoirs, reclassify and clarify Class A waters as requested. This should precede a thorough re-assessment of all waters in the watershed, so that impairments are thoroughly documented.
- **Entity with Authority to Implement:** NYS DEC
- **Other stakeholders:** City of Newburgh, Riverkeeper

Are all pollution discharge permits written to protect Class A waters, and are dischargers in compliance with their permits?

To protect water quality, the Clean Water Act requires polluters to meet permit conditions, so that discharges don't violate water quality standards. Permit conditions for discharges to Class A waters are often more restrictive than for discharges to other waters. Use the Department of Environmental Conservation's DECInfo Locator to identify discharges in your watershed (these should also be identified in your Source Water Assessment) and determine if permits are written to protect Class A waters. <https://www.dec.ny.gov/pubs/109457.html> Then, use the Environmental Protection Agency's ECHO (Enforcement and Compliance History Online) database to determine if they are currently in compliance. (<https://echo.epa.gov/>)

- **Answer:** No
- **Notes:** The Stewart ANG Base is not written to Class A standards. There have been releases of firefighting foam and/or associated chemicals from both the Air National Guard Base and tenants of the Port Authority of NY and NJ at Stewart International Airport; There is no system for communicating to the city when exceedances, modifications, violations of permits occur, etc.; In addition to SPDES permits, there are many other types of DEC-permitted facilities in the watershed, and DEC permitting staff needs to be deeply engaged, collaborate with the City, creative in writing permit conditions and aggressive in enforcing permit conditions and limits.

Town of New Windsor's sewer system has overflowed after instances of heavy or sustained rain and/or snow melt, affecting Washington Lake on numerous occasions.

- **Recommendation:** Request an initial meeting with Department of Environmental Conservation staff to discuss your concerns about water pollution discharges and permitting in your watershed. Engage permitting staff as key stakeholders in drinking water source protection planning and implementation.
- **Entity with Authority to Implement:** NYS DEC permitting staff
- **Other stakeholders:** City of Newburgh, Riverkeeper

Are urban stormwater discharges in your watershed regulated?

Urban runoff can introduce oils, salt, sediment, metals, nutrients, pesticides and other contaminants. If existing urban land uses are present, stormwater runoff from them may put water quality at risk.

Municipal stormwater discharges from some communities are regulated by federal and state law, but smaller communities are not covered by these rules. The presence of regulations should not provide adequate assurance that urban stormwater discharges are free of pollution, but regulations are a start to control pollution from urban stormwater runoff. Consult the map of communities regulated under the Municipal Separate Storm Sewer System (MS4) program here:

<http://www.dec.ny.gov/chemical/92258.html>

- **Answer:** No
- **Notes:** While much of the watershed is MS4-regulated, there is an excluded area around Browns Pond in Town of New Windsor. See <ftp://ftp.dec.state.ny.us/dow/Map/ms4maporangesullivan.pdf> (Map D4) It appears that other watershed areas are MS4-regulated, but this should be carefully verified.
- **Scorecard Recommendations:** DEC should exert MS4 jurisdiction over the entire watershed area and perform a compliance audit.
- **Entity with Authority to Implement:** NYS DEC, US EPA
- **Other stakeholders:** City of Newburgh, Town of New Windsor

Do all municipalities in your watershed have local laws protecting natural buffers around streams, including intermittent streams, in your source watershed?

Local laws may provide greater protections than state or federal rules to protect streams. Check with the municipalities in which source water lands are located. Model laws available in the Orange County Water Authority's Watershed Design Guide

<https://www.orangecountygov.com/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or

via the Hudson River Estuary Program's Community Planning Resources

<https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center

<https://appsrv.pace.edu/GainingGround/?do=TopicSearch>

- **Answer:** No.

- **Notes:** New Windsor has language in the existing Town code, but the associated zoning map doesn't match the intent of the language in the code.
- **Recommendation:** Update local stream protection laws using models available in the Orange County Water Authority's Watershed Design Guide <https://www.orangecountygov.com/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or via the Hudson River Estuary Program's Community Planning Resources <https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center <https://appsrv.pace.edu/GainingGround/?do=TopicSearch>
- **Entity with Authority to Implement:** Town of New Windsor, Town of Newburgh
- **Other stakeholders:**

Is water quality monitored routinely in your watershed?

While public water supplies are required to perform frequent monitoring at the point of treatment, monitoring of reservoirs, the streams that feed them, and aquifers, are often not routinely monitored. Inquire with municipalities, citizen watershed groups or water source providers.

- **Answer:** No
- **Notes:** City of Newburgh began a Browns Pond monitoring project in 2018 and it continued in 2019, with phosphorus and microcystin as a focus. Browns Pond monitoring as part of drinking water plant operation also includes daily temp, pH and monthly alkalinity and manganese tests. A one-year project coordinated by Riverkeeper extends phosphorus monitoring to streams that feed Browns Pond in 2019. Newburgh will consider extending annual monitoring into streams based on results of Riverkeeper-led monitoring project. There is no routine monitoring of Washington Lake or its diversion tributaries, Silver Stream and Patton Brook.
- **Recommendation:** Establish a water quality monitoring program in your watershed. A monitoring plan should be developed to ensure that data collected is relevant to drinking water quality concerns, including but not limited to phosphorus, chlorophyll a, microcystin, chloride and PFAS. In addition to routine ongoing data collection relevant for source water management by the city and its eventual partners, targeted data collection should also be conducted to update DEC assessments of waterbodies in the source watershed. DEC will be assessing Lower Hudson Basin waters in 2021, so a request for assessment of these waters is timely; alternately the city and/or NGOs can seek to assess these waters in partnership with DEC, and seek grant funding for the projects. For Washington Lake tributaries, all DEC-designated segments of Patton Brook and Silver Stream and their tributaries should be assessed so that PWL and 303d lists of impaired waters can be updated. Depending on impairments, these listings influence the availability of grant funding, and may influence local development decisions and regulatory compliance, such as MS4 monitoring. Additional data will also likely be needed from defined stream segments that are tributary to Browns Pond to complete PWL and 303d updates. Citizens can be engaged in these stream assessments via the [PEERS](#) (Professional External Evaluations of Rivers and Streams) program, which facilitates the approval of Quality Assurance Project Plans consistent with DEC Bureau of Water Assessment protocols for assessing waters. Newburgh should also consider engaging the NYS Federation of Lake Associations and DEC to determine if the [CSLAP](#) (Citizen Statewide Lake Assessment Program) would provide a useful system for data collection in Browns Pond and Washington Lake. The [WAVE](#) (Water Assessments by Volunteer

Evaluators), which focuses on macroinvertebrates in streams, is likely to yield less relevant data for drinking water treatment concerns, but may be a project to support citizen engagement in the watershed. Given the frequency of unsolicited requests by universities to come assist the city in various efforts, the city might consider an RFP to universities to assist in its development and execution of a monitoring program, so that the city can get data it values in exchange for the university's investment in education of its students.

- **Entity with Authority to Implement:** DEC (RIBS assessment) with or without collaboration from City of Newburgh and/or NGOs
- **Other stakeholders:** TBD

Has water quality in your watershed been assessed recently?

The Waterbody Inventory/Priority Waterbodies List (WI/PWL) is a compilation of water quality information for all individual waterbodies in the state. The WI/PWL includes waterbody Fact Sheets outlining the most recent assessment of the degree to which the waterbody is supporting its designated use (including drinking water) under the Clean Water Act, as well as identification of water quality problems and sources, and summary of activities to restore and protect each individual waterbody. Check the relevant factsheets to see if streams are accurately classified, and any relevant data is consistent with other documents, such as Source Water Assessments or watershed plans. The PWL is an important document for determining state funding priorities for certain grants and loans. Consult the DEC's Waterbody Inventory/Priority Waterbodies List (WI/PWL) to find out if the state has recent data about your watershed: <http://www.dec.ny.gov/chemical/36730.html>

- **Answer:** No
- **Notes:** While Washington Lake and Browns Pond were both added to the NYS draft 2018 303d list of Impaired Waters (see https://www.dec.ny.gov/docs/water_pdf/303dlistdraft18.pdf) due to excess phosphorus, and DEC has conducted repeated sampling of Browns Pond, Washington Lake, and some tributary waters for PFAS and Superfund chemicals, a thorough assessment resulting in updated Priority Waterbody List (PWL) and/or 303d listings has not been completed. Reservoirs and their feeder streams are included in both the Quassaick (http://www.dec.ny.gov/docs/water_pdf/wilhudsquassaic.pdf) and Moodna (http://www.dec.ny.gov/docs/water_pdf/wilhudsmoodna.pdf) PWLs.
- **Recommendation:** See above.

Have freshwater wetlands maps in your watershed been recently updated?

State law regulated wetlands over 12.4 acres that are included in the state's Article 24 freshwater wetlands maps, requiring a state permit to fill, drain or otherwise disturb wetlands. Preservation of wetlands that naturally filter water and recharge groundwater supplies is recognized as key to preserving long-term water quality. Technological improvements, as well as natural changes over time, necessitate periodic updates to wetlands maps to ensure completeness and accuracy. Find out when maps for your county have been updated: http://www.dec.ny.gov/docs/wildlife_pdf/wetstats4.pdf Some counties and municipalities also have more detailed maps, including as part of Natural Resource Inventories.

- **Answer:** No

- **Notes:** The last Orange County freshwater wetlands map updates occurred in July 2011, according to DEC. It is well known to local advocates that one particular wetlands, roughly behind Wal-Mart, is greater than 12.4 acres, but bisected by the Thruway, resulting in incorrect mapping and inadequate regulation even though hydraulic connections exist between the two segments of the original wetland. Additional concerns about the mapping and classification of wetlands were raised in a letter from Newburgh and Riverkeeper to DEC, dated March 2019. Additionally, a bill in the NYS Legislature would extend state protections to wetlands of 1 acre or greater. This bill should be approved and get the Governor's signature.
- **Entity with Authority to Implement:** DEC, NYS Legislature (Skoufis, Jacobson), Governor (Cuomo)
- **Other stakeholders:** EPA

Are wetlands designated "Class I" as part of drinking water supply?

Wetlands that are in drinking water supply areas should be "Class I," (sometimes written "Class 1") with the highest level of protections. In the language of the law, a wetlands area should be designated Class I if "it is adjacent or contiguous to a reservoir or other body of water that is used primarily for public water supply, or it is hydraulically connected to an aquifer which is used for public water supply." (6 NYCRR Part 664). Inquire with the DEC regional office to learn about classifications of wetlands in your watershed. <http://www.dec.ny.gov/lands/5138.html>

- **Answer:** No
- **Notes:** Concerns about the mapping and classification of wetlands were raised in a letter from Newburgh and Riverkeeper to DEC, dated March 2019.
- **Recommendation:** DEC should update classifications to reflect use of these waters as drinking water.
- **Entity with Authority to Implement:** DEC

Do all municipalities in your watershed have local laws protecting wetlands and their buffers in your source watershed?

Local laws may provide greater protections than state or federal rules to protect wetlands, particularly those under 12.4 acres. Model laws available in the Orange County Water Authority's Watershed Design Guide <https://www.orangetownny.gov/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or via the Hudson River Estuary Program's Community Planning Resources <https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center <https://appsrv.pace.edu/GainingGround/?do=TopicSearch>. Check with the municipalities in which source water lands are located.

- **Answer:** No.
- **Notes:** To our knowledge, neither Town of New Windsor nor Town of Newburgh regulates small wetlands. Adoption of a local wetland law may become unnecessary if NYS Legislature accepts the recommendation to pass, and the Governor signs, expanded wetlands protections.
- **Recommendation:** Check with the municipalities in your watershed to determine if each has local laws protecting small wetlands and their buffers. Compare and update local wetlands

protection laws using models available in the Orange County Water Authority's Watershed Design Guide <https://www.orangecountygov.com/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or via the Hudson River Estuary Program's Community Planning Resources <https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center <https://appsrv.pace.edu/GainingGround/?do=TopicSearch>. Check with the municipalities in which source water lands are located.

- **Entity with Authority to Implement:** Town of Newburgh, Town of New Windsor (or NYS Legislature/Governor, for statewide action.)

Scorecard Findings: Open Space

Undeveloped lands, especially forests, help to provide a natural filter. Sensitive lands, such as steep slopes, are particularly important to preserve, to prevent erosion that can degrade water quality.

Have priority lands and forests key to preserving water quality been identified for conservation?

Preservation of forests, particularly, and other open spaces, naturally filter water supplies, prevent erosion and reduce stormwater runoff. They are recognized as key to preserving long-term water quality. Consult with your municipality or water provider, watershed management plan or source water protection program.

- **Answer:** Yes and No
- **Notes:** Orange County Water Authority has convened stakeholders to collaboratively identify several priority parcels in the Browns Pond watershed. A similar process has not commenced for Washington Lake, because the immediate priority to expend limited funds for land conservation is Browns Pond due to its criticality to function during aqueduct shutdowns.
- **Recommendation:** Continue to convene these stakeholders in order to ensure there is an iterative long term commitment to prioritization and protection of watershed lands
- **Entity with Authority to Implement:** Orange County Water Authority
- **Other Stakeholders:** Orange County Land Trust, City of Newburgh, Riverkeeper and Scenic Hudson, Town of New Windsor, Town of Newburgh

Is there a dedicated source of local funding to preserve these lands?

Some municipalities and counties have established open space protection programs, such as Community Preservation Funds or transfer of development rights programs. The mission of each plan may or may not include preservation of lands in your source watershed. The NYS Open Space Conservation Plan identifies priorities that are eligible for state funding for preservation. Protection of water supplies as a high priority, but does not specifically identify priority lands for conservation in each source water area. Promulgation by Department of Health of Local Watershed Rules and Regulations is necessary, under current rules, for downstream users of water to protect lands upstream if those lands are in other municipalities. Inquire with your municipality or water provider about local sources of funding, such as a local Open Space Conservation Fund or Transfer of Development Rights program.

- **Answer:** No
- **Notes:** Orange County Water Authority has a one-time \$1.7 million grant from the NYS Water Quality Improvement Program fund for land conservation to promote source water protection.
- **Recommendation:** Work to approve a local Community Preservation Fund, or other source of open space conservation funding, coordinate with regional land trusts or county open space preservation programs to ensure priority lands in your watershed have been identified; and identify of projects in the state Open Space Conservation Plan, which is updated every three years. <https://www.dec.ny.gov/lands/98720.html>

- **Entity with Authority to Implement:** Orange County Legislature, NYS Legislature
- **Other Stakeholders:** Orange County Water Authority, Orange County Land Trust, City of Newburgh, Riverkeeper and Scenic Hudson, Town of New Windsor, Town of Newburgh

Do all municipalities in your watershed have local laws protecting steep slopes?

Local laws may provide greater protections than state or federal rules to protect wetlands, streams, steep slopes and other features that are important for preserving high water quality. Check with the municipalities in which source water lands are located to see if they have regulations protection steep slopes.

- **Answer:** Unsure
- **Recommendation:** Check with the municipalities in which source water lands are located to see if they have regulations protection steep slopes. Compare and update local laws for steep slope protection to model laws available in the Orange County Water Authority's Watershed Design Guide <https://www.orangecountygov.com/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or via the Hudson River Estuary Program's Community Planning Resources <https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center <https://appsrv.pace.edu/GainingGround/?do=TopicSearch>. Check with the municipalities in which source water lands are located.
- **Entity with Authority to Implement:** Town of Newburgh, Town of New Windsor
- **Other Stakeholders:**

Do all municipalities in your watershed have local laws to regulate timber harvesting and forest clearing in your source watershed?

Local laws may provide greater protections than state or federal rules to protect wetlands, streams, steep slopes and other features that are important for preserving high water quality. Check with the municipalities in your watershed to determine which have local protections for forests or regulations for timber harvesting.

- **Answer:** Unsure
- **Recommendation:** Check with the municipalities in your watershed to determine which have local protections for forests or regulations for timber harvesting. Compare and update local forest protection and timber harvesting laws to model laws available in the Orange County Water Authority's Watershed Design Guide <https://www.orangecountygov.com/DocumentCenter/View/4135/Watershed-Design-Guide-2014-PDF> or via the Hudson River Estuary Program's Community Planning Resources <https://www.dec.ny.gov/lands/5082.html#Planning> or the Pace Land Use Law Center <https://appsrv.pace.edu/GainingGround/?do=TopicSearch>. Check with the municipalities in which source water lands are located.

In addition, the perverse incentive created by the DEC's regulation to protect Indiana bats has promoted the clear-cutting of many forested lands. DEC must adapt its regulation to prevent this outcome.

- **Entity with Authority to Implement:** Town of Newburgh, Town of New Windsor (local laws); DEC (Indiana bat)
- **Other Stakeholders:** Many stakeholders for Indiana bat recommendation

Scorecard Findings: Other

Newburgh city staff and/or Riverkeeper identified several other key gaps, as follows:

Are you made aware of development projects proposed for your watershed?

- **Answer:** Inconsistently
- **Notes:** Towns inconsistently notify the City, although notification has improved in recent years. There is currently no requirement for either of the municipalities to notify the City if a development is planned within the watershed. The County notifies the City only if a neighboring Town must refer to the County for review under General Municipal Law 239. There is no requirement that the County notify the City.
- **Recommendation:** Revise the NYSDEC Environmental Assessment Form to require a Yes/No checkbox which is prefilled based upon project location and background GIS watershed information. Amend SEQRA laws to require any project within a watershed as a Type-I Action and require that the municipality of the impacted watershed become an involved agent in the SEQRA process. Encourage City-Town MOU or intermunicipal agreement for notification of projects within reservoir watershed. Towns and/or DEC should designate watersheds as Critical Environmental Areas. DEC should update maps of Potential Environmental Justice areas to include the watershed because the impact of development in the watershed affects an environmental justice community's drinking water quality.
- **Entity with Authority to Implement:** NYSDEC, City of Newburgh, Town of Newburgh & Town of New Windsor
- **Other stakeholders:** Town of New Windsor, Town of Newburgh

Do you have authority to influence development projects proposed in your watershed?

- **Answer:** No
- **Recommendation:** See above. Update Watershed Rules and Regulations to clarify authority. Seek additional authority such as Peekskill has achieved through a state law that gives designated watershed inspector the power of a peace officer to enforce relevant laws in the neighboring towns that have lands that influence the city's source water.
- **Entity with Authority to Implement:** NYS Legislature (for expanded powers of a watershed inspector)
- **Other stakeholders:** Towns of New Windsor, Newburgh

Do projects identify source waters in environmental process?

- **Answer:** No
- **Recommendation:** Neighboring towns, or if they are unwilling, NYS DEC, should designate the watersheds as Critical Environmental Areas. See EAF comment above.
- **Entity with Authority to Implement:** NYS DEC, or Town of New Windsor, Town of Newburgh
- **Other stakeholders:**

Is there a stormwater user fee?

- **Answer:** No
- **Recommendation:** Develop a stormwater fee and an infrastructure bank to fund storm water quality mitigations, such as green infrastructure where appropriate. Given the overdevelopment of the watershed, all new development should be subject to strict requirements to eliminate the flow of polluted runoff and mitigate the impact of past development. Green infrastructure's success is also directly dependent upon proper maintenance. Any future green infrastructure must have an entity that is legally responsible for maintenance and a proper funding stream must be guaranteed prior to this recommendation being implemented.
- **Entity with Authority to Implement:** Town of New Windsor, Town of Newburgh,
- **Other stakeholders:** Stakeholder group

Are businesses engaged in drinking water source protection?

- **Answer:** No
- **Recommendation:** Given the large number of commercial businesses in the watershed, and the role of stormwater runoff, private businesses need to be engaged to achieve restoration of water quality. A business coalition should be formed to advance strategies to various mitigation strategies, educate consumers and otherwise support source water initiatives.
- **Entity with Authority to Implement:** Business community
- **Other stakeholders:** NGOs - QCWA, NCWP, Riverkeeper, Moodna WIC, other NGOs, chambers of commerce

Do relevant economic development planning documents reflect drinking water source protection goals?

- **Answer:** No
- **Recommendation:** The [Orange County Comprehensive Plan](#), last updated in January 2019, identifies much of the watershed as a "priority growth area." The plan states: "It should be noted that the Growth Areas include some portions of the watersheds and bedrock that drain to municipal drinking water supplies (i.e. reservoirs and wells), but that land uses within these watersheds, in particular, need to be managed by the municipalities in a manner that is compliant with best management practices for water supply protection." Evidence on the group suggests clearly that real estate development is proceeding without adequate consideration of water protection. Evidence includes the Shoppes at Newburgh development, which impacted Patton Brook by destroying forested buffer and building directly to the edge of the Class A stream; proposals for hotels adjacent to Washington Lake, and residential subdivisions around Browns Pond. Regional economic development entities must educate themselves on the impacts of this development pattern, and reverse the course that has resulted in overdevelopment of these watersheds, imperiling the water quality for tens of thousands of people.
- **Entity with Authority to Implement:** Orange County, Mid-Hudson Regional Economic Development Council
- **Other stakeholders:** Orange County Partnership, chambers of commerce, Town of Newburgh, Town of New Windsor, NGOs

Do relevant open space preservation plans prioritize lands in your watershed?

- **Answer:** No.

- **Notes:** The NYS Open Space Plan's Region 3 priorities do not include Newburgh's drinking water supply (see https://www.dec.ny.gov/docs/lands_forests_pdf/osp2016final1.pdf), and an update to Watershed Rules and Regulations may be required to access state open space funds (see https://www.dec.ny.gov/docs/lands_forests_pdf/osp16c.pdf). Orange County's Open Space Plan identifies drinking water source protection as the top priority, but the recommendation to provide matching funds has not been enacted. (See: <https://www.orangecountygov.com/DocumentCenter/View/1478/Chapter-IV-Recommended-Actions-PDF>). Town of Newburgh's Comprehensive Plan makes no mention of Lake Washington, its use as a drinking water supply, nor the town's watershed lands. (See <http://www.townofnewburgh.org/uppages/PDF%20Final%20Report.pdf>) Town of New Windsor does not appear to have a plan that identifies open space priorities.
- **Recommendation:** Orange County should enact matching funds as recommended in its open space plan. Each town should enact open space plans to prioritize watershed protection in the drinking water supply area. The state should revise its Open Space Plan to reduce restrictions on drinking water supply protections, and Region 3's priorities should include Newburgh's drinking water supply in future updates.
- **Entities with Authority to Implement:** NYSDEC, Orange County, Town of New Windsor, Town of Newburgh.
- **Other Stakeholders:** City of Newburgh, land trusts,

RESOLUTION NO.: 28 - 2020

OF

JANUARY 27, 2020

**A RESOLUTION DECLARING THE FURNITURE AND CONTENTS OF
318 NORTH MONTGOMERY STREET AS SURPLUS AND AUTHORIZING
DISPOSITION TO HABITAT FOR HUMANITY OF GREATER NEWBURGH RESTORE
AND A VETERANS ORGANIZATION**

WHEREAS, the City of Newburgh acquired the property located at 318 North Montgomery Street through in rem tax foreclosure; and

WHEREAS, the City of Newburgh Department of Planning and Development has inventoried the contents of the building located at 318 North Montgomery Street as listed on the schedule of surplus items annexed hereto and made part hereof and finds the contents of no use by the City of Newburgh; and

WHEREAS, the Department of Planning and Development has requested that the contents of 318 North Montgomery Street be designated as surplus and donated to Habitat for Humanity of Greater Newburgh ReStore, except for the casket which is proposed to be donated to a qualified organization that provides benefits to veterans; and

WHEREAS, the City Council has determined that declaring the contents of 318 North Montgomery Street as surplus and donating said contents as proposed is in the best interests of the City of Newburgh; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the contents of 318 North Montgomery Street identified on the schedule attached hereto and made part hereof are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

BE IT FURTHER RESOLVED, that the City Manager and/or City Comptroller be and they are hereby authorized to execute any required documents and conduct all necessary transactions to donate said surplus property to Habitat for Humanity of Greater Newburgh ReStore and to a qualified organization that provides benefits to veterans.

Surplus Items from 318 N. Montgomery St

1st Floor South Parlor

- 2 couches
- 2 loveseats
- 4 torch lamps
- 3 paintings
- 1 wood side table
- 2 podiums
- 1 glass-front display case
- 1 stereo receiver and set of stereo speakers

1st Floor North Parlors & hallway

- 2 overstuffed chairs
- 2 upholstered chairs
- 2 rugs
- 1 loveseat
- 1 leather chair
- 1 kids table with three chairs
- 2 wood side chairs
- 2 floor lamps
- 1 coat rack
- 1 water cooler
- 1 wood side table
- 1 metal portable coat hanger
- 1 large mirror
- 1 set of stereo speakers

2nd floor North Office

- 1 secretary desk and chair
- 1 typewriter and typewriter stand
- 1 2-drawer filing cabinet
- 1 4-drawer filing cabinet
- 1 large wood desk and chair

2nd Floor North Parlor & Hallway

- 1 wood dining room table with 6 chairs (one dining room chair is in the office) and two additional wood chairs
- 1 wood plant stand
- 1 wood buffet

1 glass and wood hutch
1 urn and 2 small vases
1 small wood table
1 large artificial floor plant

2nd Floor South Parlor

1 solid mahogany casket
2 wooden upholstered chairs
1 small wood cloverleaf table
1 wood floor cabinet

3rd floor rooms

1 wood dining room table with four chairs
1 leather-like couch
1 flat-screen tv and dvd player with wood stand
2 wood dressers – one highboy and one dresser with mirror
1 head board
2 side bed tables
1 rocking chair
1 wood coffee table
1 small wood kitchen table
1 architect's lamp

Basement

1 large floor safe

RESOLUTION NO.: 29 - 2020

OF

JANUARY 27, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF
CLAIM WITH TONYA L. BEST IN THE AMOUNT OF \$7,335.00**

WHEREAS, Tonya L. Best brought a claim against the City of Newburgh; and

WHEREAS, Tonya L. Best and the City have reached an agreement for the payment of the claim in the amount of Seven Thousand Three Hundred Thirty-Five and 00/100 Dollars (\$7,335.00) in exchange for a release to resolve all property damage claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle these matters for the amounts 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 Tonya L. Best by payment of Three Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$3,575.00) to Tonya L. Best and payment of Three Thousand Seven Hundred Sixty and 00/100 Dollars (\$3,760.00) to Donation Vehicle Program; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlements as herein described.

ORDINANCE NO.: 1 - 2020

OF

JANUARY 27, 2020

AN ORDINANCE AMENDING CHAPTER 72 ENTITLED
"POLICE COMMUNITY RELATIONS AND REVIEW BOARD"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 72, entitled "Police Community Relations and Review Board," of the Code of Ordinances of the City of Newburgh be and is hereby amended to read as follows:

SECTION 1. Amendment

§ 72-3 Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of seven ~~nine~~ members.

B. Appointment to the PCRRB shall be made as follows:

1. One ~~Two~~ members from each of the four wards shall be appointed by the Council member elected from each ward.

2. Three ~~One~~ members shall be appointed by the City Council and the City Council shall designate one such member ~~shall be designated~~ as the Chair of the PCRRB.

3. If a Council member fails or refuses to appoint a member to the PCRRB under Section 72-3(B)(1) and a vacancy exists for more than sixty days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

4. When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted

~~Strikethrough~~ denotes deletions

Underlining denotes additions

to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

1. Members shall be appointed for ~~three~~ two year terms; ~~provided, however that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.~~
2. No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of non-membership.
3. Members shall continue to serve on the PCRRB until their successors are appointed.

§ 72-5 Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

1. The PCRRB shall adopt and the City Council shall approve, rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
2. The PCRRB shall hold regular monthly business meetings.
3. ~~Four~~ Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. ~~Four~~ Five votes shall be required for any action by the PCRRB.
4. The PCRRB shall hold its initial meeting within sixty (60) days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

5. The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the Open Meetings Law.

SECTION 2. Severability.

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

SECTION 3. Codification.

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

SECTION 4. Validity

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

SECTION 5. This ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

Chapter 72

POLICE COMMUNITY RELATIONS AND REVIEW BOARD

GENERAL REFERENCES

Police Department — See Ch. 80.

§ 72-1. Findings and purpose.

- A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.
- B. The City Council further finds that it is important to have a method by which City residents can make requests for law-enforcement-related services.
- C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.
- D. The purpose of Chapter 72 of the City Code of Ordinances is to create an independent, nonexclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning described in this section:

CHIEF — The Police Chief of the City of Newburgh Police Department.

COMPLAINT — A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY — Spouse, domestic partner, child, stepchild, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION — A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER — Sworn member of the City of Newburgh Police Department.

PCRRB — Police Community Relations and Review Board.

PROFESSIONAL STANDARDS — Administrative Lieutenant of the City of Newburgh Police Department.

§ 72-3. Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of nine members.

B. Appointment to the PCRRB shall be made as follows:

- (1) Two members from each of the four wards shall be appointed by the Council member elected from each ward.
- (2) One member shall be appointed by the City Council, and such member shall be designated as the Chair of the PCRRB.
- (3) If a Council member fails or refuses to appoint a member to the PCRRB under § 72-3B(1) and a vacancy exists for more than 60 days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.
- (4) When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

- (1) Members shall be appointed for two-year terms; provided, however, that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
- (2) No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of nonmembership.
- (3) Members shall continue to serve on the PCRRB until their successors are appointed.

D. Removal.

- (1) The PCRRB, by a simple majority vote of the entire Board, may upon good cause request that the City Council remove a PCRRB member where appropriate.

- (2) The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.
 - (3) PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.
- E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within 60 days in the same manner as the predecessor to fill the unexpired term.

§ 72-4. Members.

A. Qualifications of members:

- (1) Members of the PCRRB shall reside in the City of Newburgh and be at least 18 years old at the time of appointment.
- (2) Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.
- (3) The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.
- (4) Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.
- (5) Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have any financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.
- (6) No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member responsibilities: PCRRB members shall:

- (1) Obey all laws respecting individuals' rights of privacy and confidentiality of records.
- (2) Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.

- (3) Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, and integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5. Powers and duties.

- A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.
- B. Meetings and administration.
 - (1) The PCRRB shall adopt and the City Council shall approve rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
 - (2) The PCRRB shall hold regular monthly business meetings.
 - (3) Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.
 - (4) The PCRRB shall hold its initial meeting within 60 days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.
 - (5) The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the "Open Meetings Law."
- C. Recommendations; reports.
 - (1) The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.
 - (2) The PCRRB shall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.
- D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

- E. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.
- (1) Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh, NY, or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.
 - (2) A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.
 - (3) Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.
- F. Review of complaints. A review of a complaint shall proceed as provided in this subsection.
- (1) Investigation of complaints.
 - (a) The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.
 - (b) The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief or his designee fails to conclude the investigation within 60 days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise the PCRRB in writing of the status of the investigation every 30 days until the conclusion of the investigation.
 - (c) Within 10 working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

- (d) After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:
 - [1] Render its findings pursuant to § 72-5F(2); or
 - [2] Request that the Police Chief or his designee conduct further investigation of the complaint; or
 - [3] Obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio- or videotapes and related documents; or
 - [4] Refer the complaint to mediation as provided in § 72-6.
 - (e) In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.
- (2) Findings of the PCRRB.
- (a) The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:
 - [1] Sustained: where the review disclosed sufficient facts to prove the allegations made in the complaint.
 - [2] Not sustained: where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
 - [3] Exonerated: where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.
 - [4] Unfounded: where the review shows that the act or acts complained of did not occur or were misconstrued.
 - [5] Ineffective policy or training: where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.
 - [6] No finding: where the complaint failed to produce information to further the investigation; where the

investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.

[7] Mediated: where the complaint is resolved by mediation.

- (b) If the PCRRB fails to render any finding referenced above within 60 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding referenced above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 72-6. Mediation.

- A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.
- B. Mediation shall be conducted at no cost to the complainant or the officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.
- C. After a complaint is filed under § 72-5 of this chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to § 72-5F(1)(d) of this chapter. In either case, the mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.
- D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.

- F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.
- G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.
- H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.
- I. The PCRRB and the Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the PCRRB review process referenced in this chapter shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the PCRRB shall issue a finding of "mediated" and the allegations shall be deleted from the officer's PCRRB history.

§ 72-7. Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is under way or where a civil action against the City is under way or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8. Construction of chapter.

No report, finding or determination made pursuant to this chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

POLICE COMMUNITY RELATIONS AND REVIEW BOARD				
MEMBERS	DATE OF APPOINTMENT	DATE OF EXPIRATION	Notes	METHOD OF APPT.
Corey Allen	Jan. 13, 2015	Jan. 12, 2017	holdover	CC
		Oct. 31, 2020	vacant	CC W1
	Oct. 19, 2018	Oct. 31, 2020	Resigned	CC W1
	Nov. 1, 2018	Oct. 31, 2020	Resigned	CC W2
	Nov. 17, 2017	Oct. 31, 2019	Resigned	CC W2
Lillie Howard	Apr. 27, 2017	Oct. 31, 2018	holdover	CC W3
	Apr. 27, 2017	Apr. 30, 2019	holdover	CC W3
Anthony Bruce	Nov. 1, 2014	Oct. 31, 2016	holdover	CC W4
Sertaira Boyd	Nov. 1, 2018	Oct. 31, 2020		CC W4

POLICE COMMUNITY RELATIONS AND REVIEW BOARD				
MEMBERS	DATE OF APPOINTMENT	DATE OF EXPIRATION	Notes	METHOD OF APPT.
Corey Allen	Jan. 13, 2015	Jan. 12, 2017	holdover	CC
				CC W1
				CC W2
Lillie Howard	Apr. 27, 2017	Oct. 31, 2018	holdover	CC W3
Anthony Bruce	Nov. 1, 2014	Oct. 31, 2016	holdover	CC?
Sertaira Boyd	Nov. 1, 2018	Oct. 31, 2020		CC W4
				CC