

A regular meeting of the City Council of the City of Newburgh was held on Thursday, May 28, 2020 at 7:00 p.m. via a Zoom Digital Platform.

Moment of Silence / Momento de Silencio

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

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

Present: Mayor Harvey, Presiding; Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

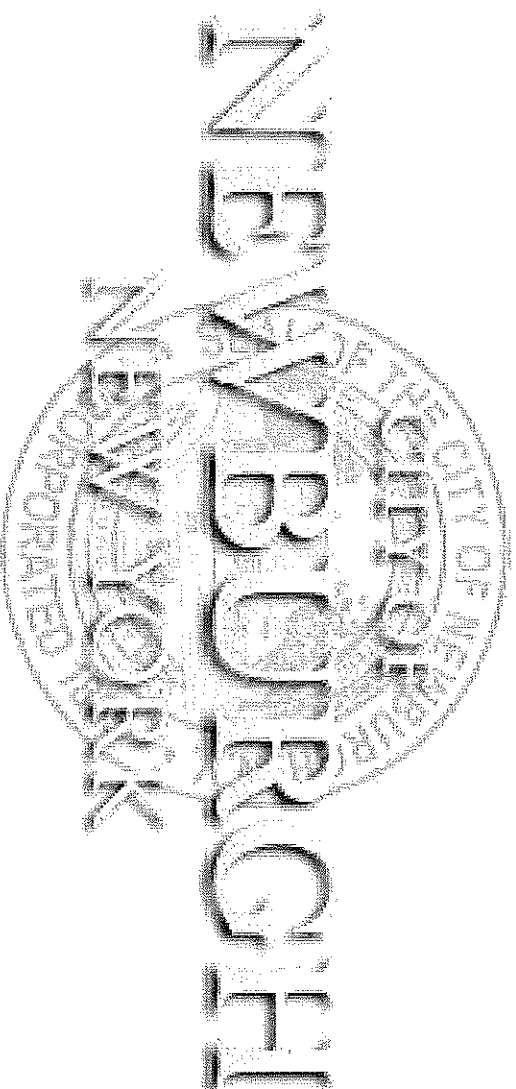
Approval of the Minutes of the City Council Meeting on May 11, 2020 / Aprobacion del Acta de la Reunion del 11 de mayo de 2020

Councilman Grice moved and Councilman Sklarz seconded.

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

Carried

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

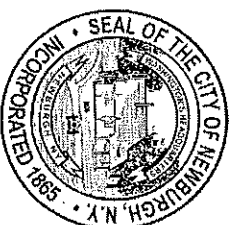
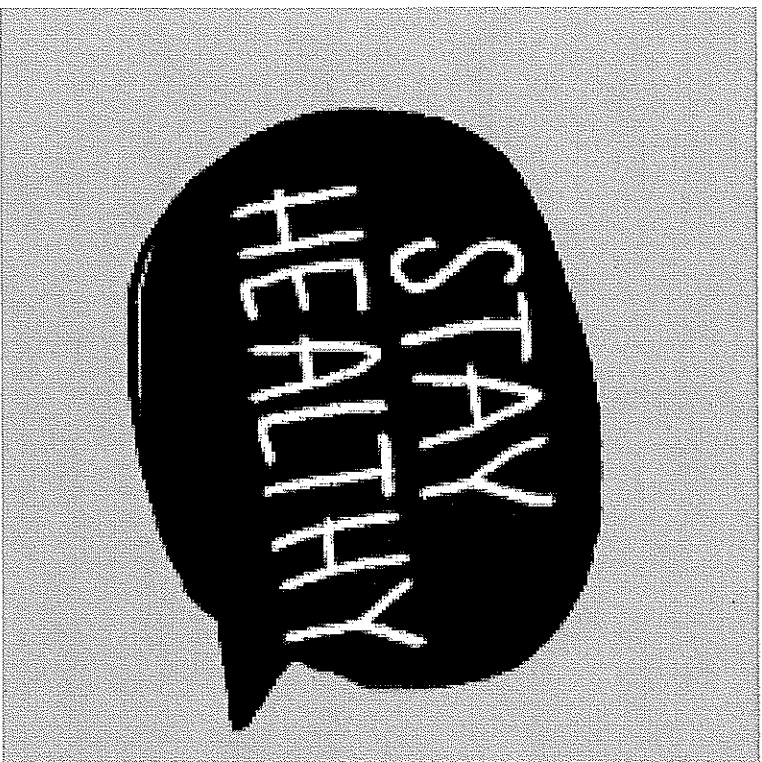


City Manager's Update

Newburgh City Council Meeting

Thursday, May 28, 2020

Where to find information



City of Newburgh

www.cityofnewburgh-ny.gov

- Changes to operations
- Important city updates



Orange County

www.orangecountygov.com

- Guidance & best practices
- Updates from County Executive



New York State

www.governor.ny.gov

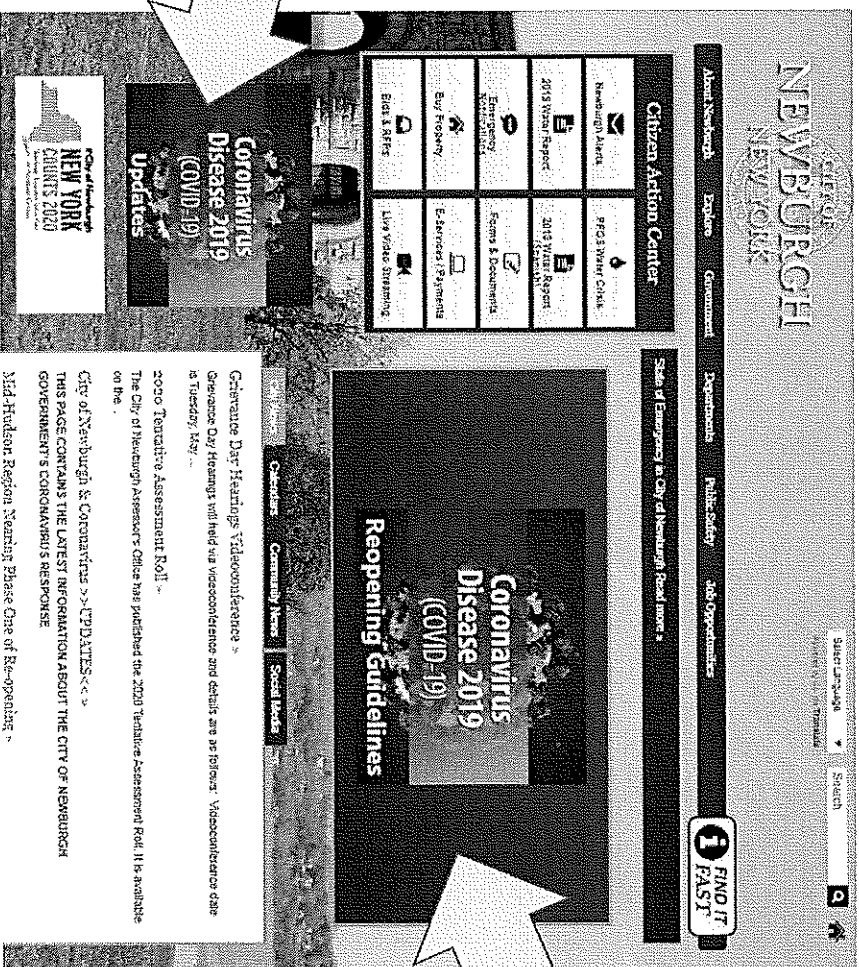
- Executive Orders
- Links to helpful information

City website updates

COVID-19 UPDATES WEBPAGE

- City government operations
- Food lists
- Health & safety resources

www.cityofnewburgh-nv.gov/coronavirus

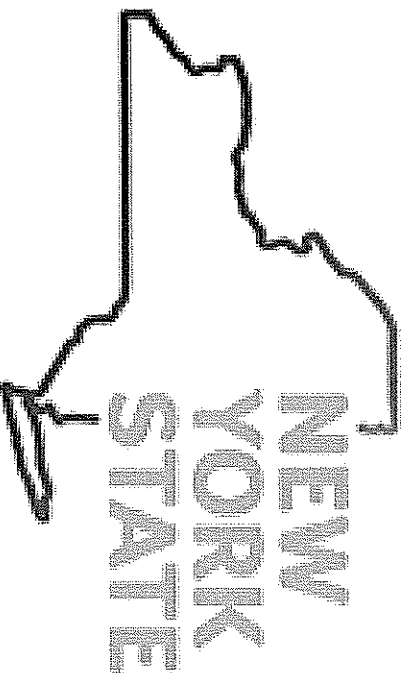


NEWBURGH RE- OPENING GUIDELINES

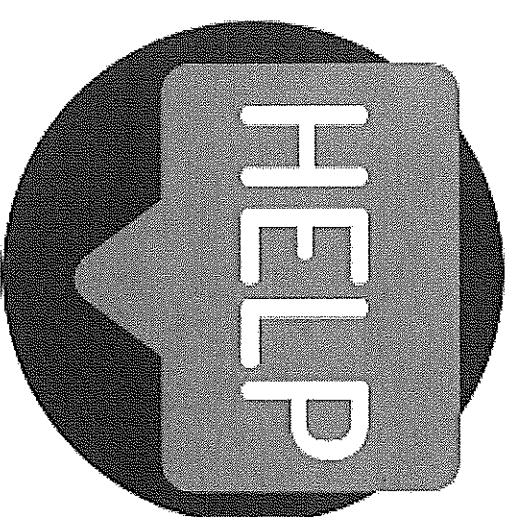
- NY Forward links
- Safety plan template
- Disinfecting guidelines

www.cityofnewburgh-nv.gov/reopeningguidelines

Empire State Development

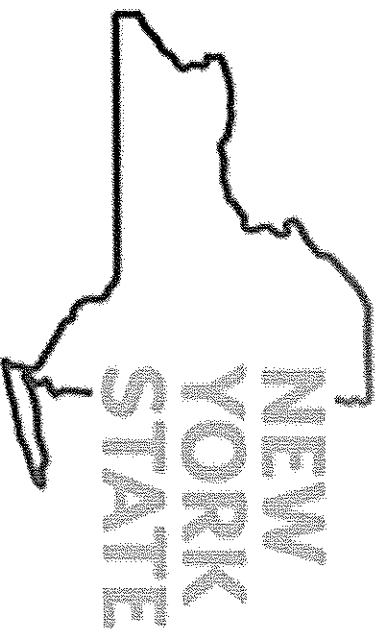


<https://esd.ny.gov/>



Guidance on re-opening New York State

- Executive Orders
- Guidance on essential businesses
- Small Business Administration (SBA) COVID19 loans
- COVID19 Business Resources
- Help NYS get COVID-19 test kits, medical supplies & PPE



Become a Contact Tracer

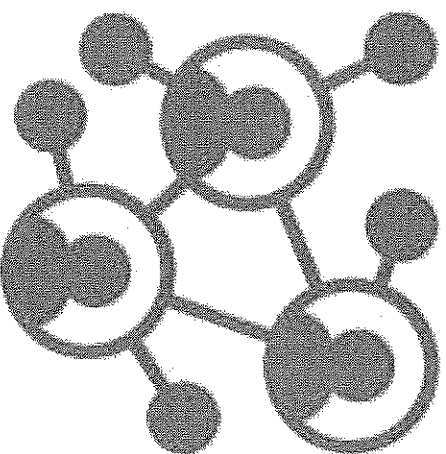
The NYS Contact Tracing initiative will support NYS DOH and local health departments to perform COVID-19 contact tracing in communities across NYS

POSITIONS

Contact Tracers
Team Supervisors
Community Support Specialists

People who are interested can apply online:

coronavirus.health.ny.gov/get-involved-how-you-can-help



Standing Up for New York's Small Businesses

NY FORWARD

Today, we are launching the \$100+ million New York Forward Loan Fund, providing flexible and affordable loans to help small businesses, focusing on MWBEs, that did not receive federal COVID-19 assistance.

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

New economic recovery loan program

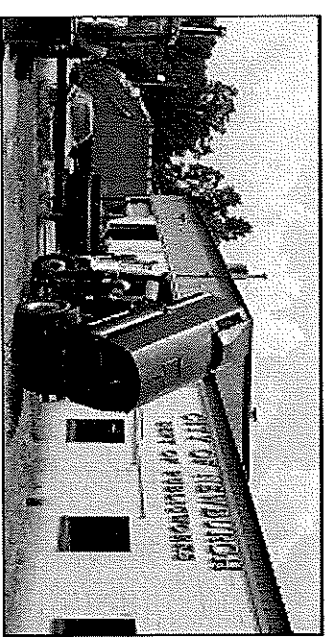
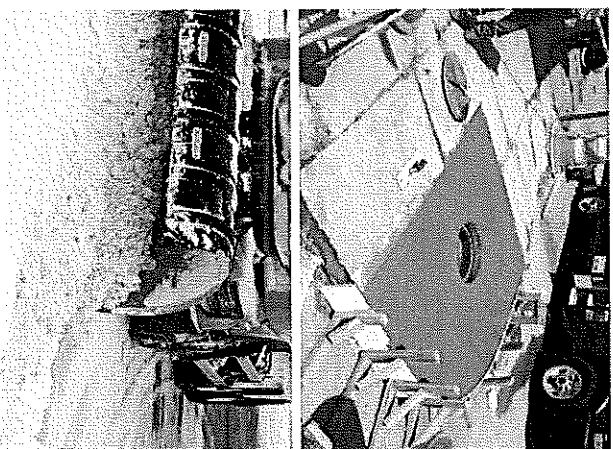
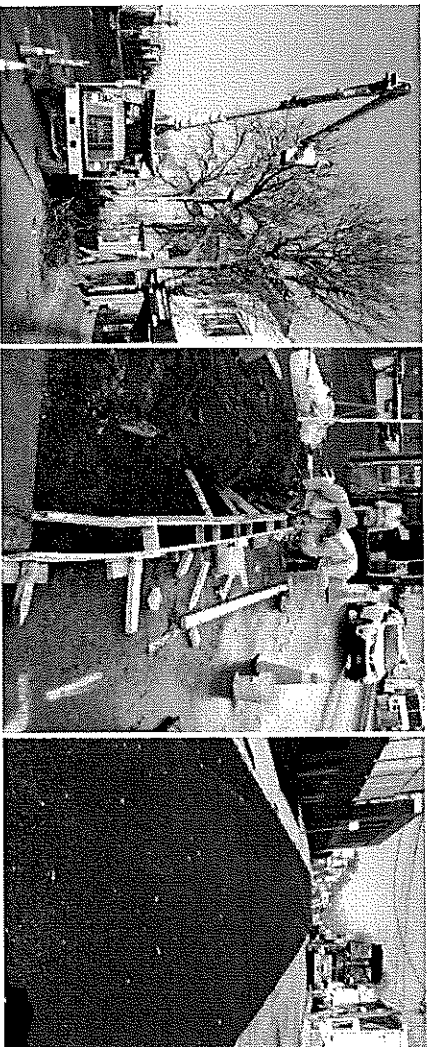
- Targets small businesses, nonprofits & small landlords
- 20 or fewer FT staff and gross revenue of less than \$3M annually
- Ideal for upfront expenses to comply with NY Forward guidelines

**New York
Forward Loan
Fund (NYFLF)**

**Pre-application
opened Tuesday
5/26**

www.esd.ny.gov

National Public Works Week



National Public Works Week

May 17, 2020 – May 23, 2020

DIVISIONS

Property Maintenance

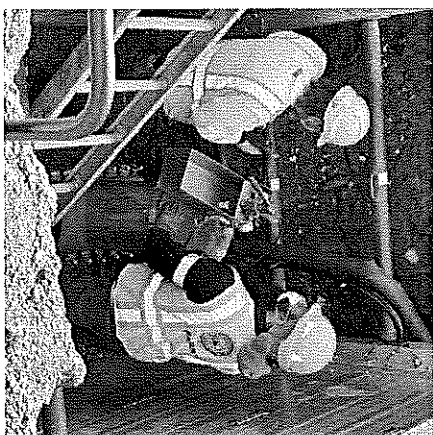
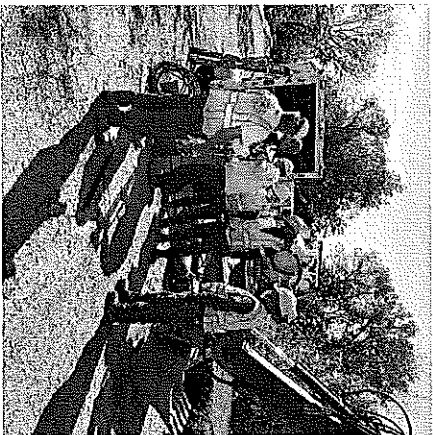
Municipal Buildings

Streets & Bridges

Snow & Parks

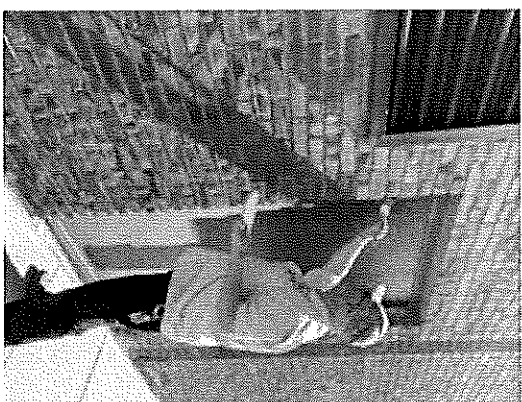
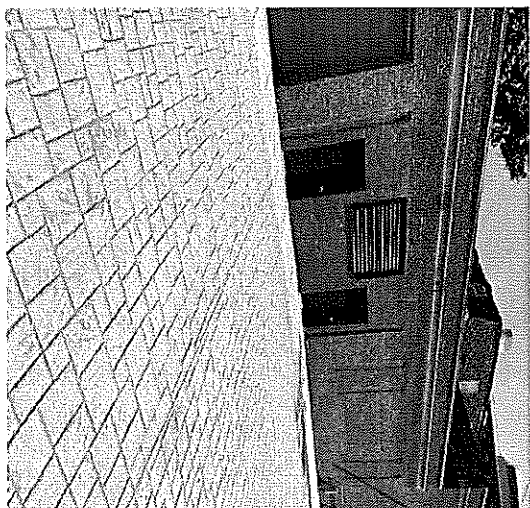
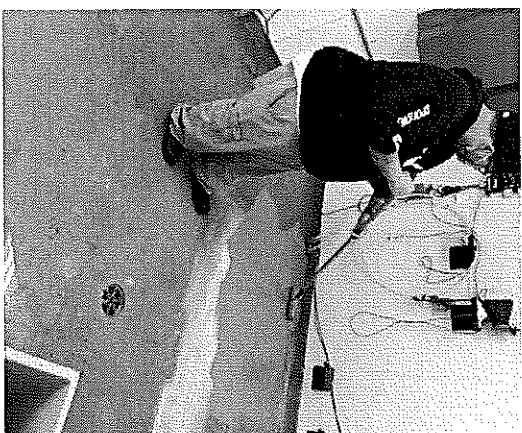
Traffic Division & City Garage

Sanitary Sewers & Sanitation

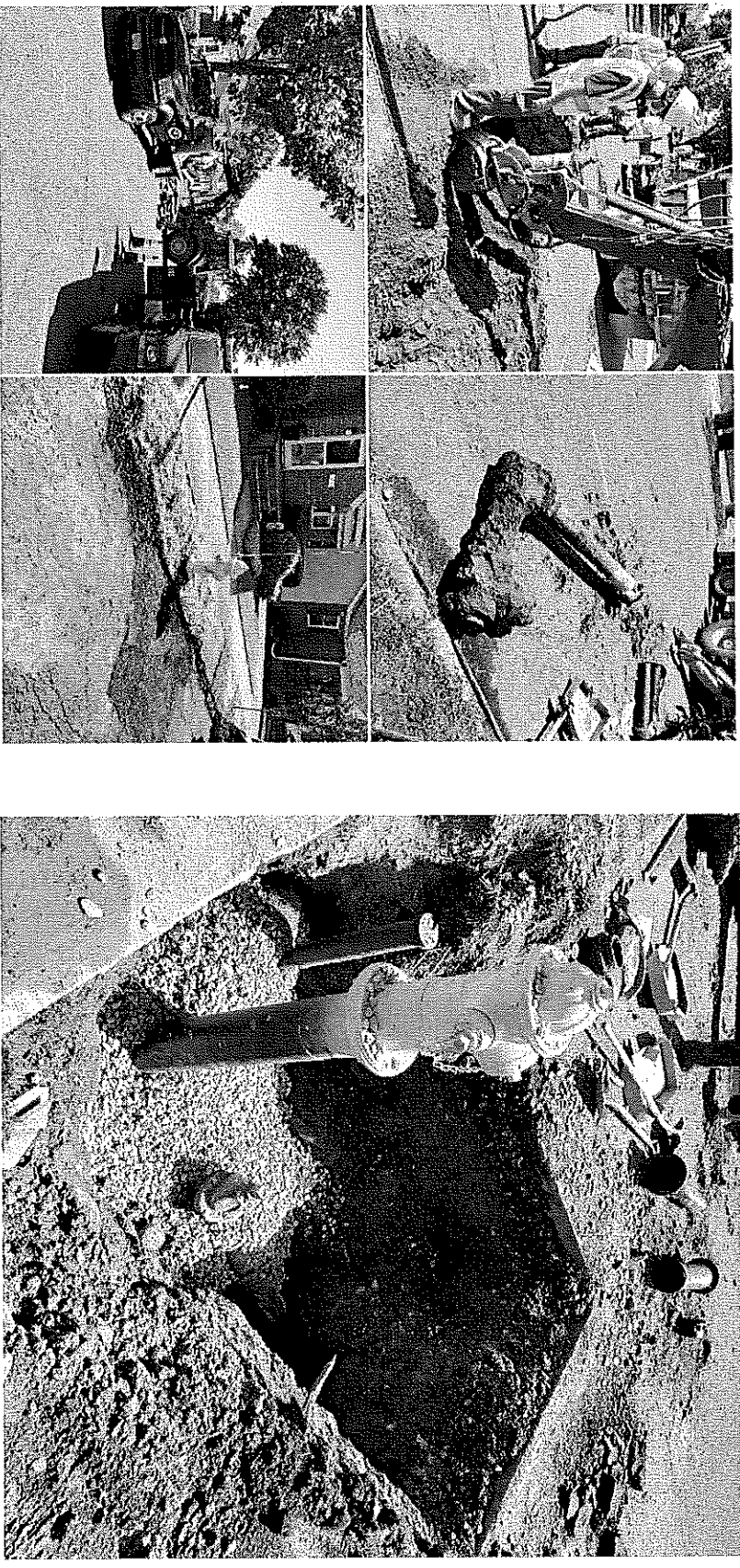


Water Department Update

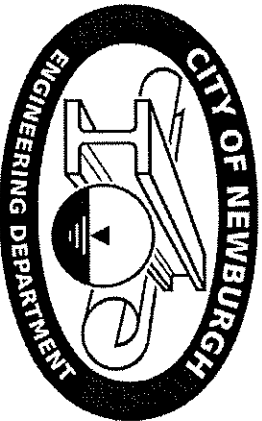
Water valve
Spring cleaning
Painting



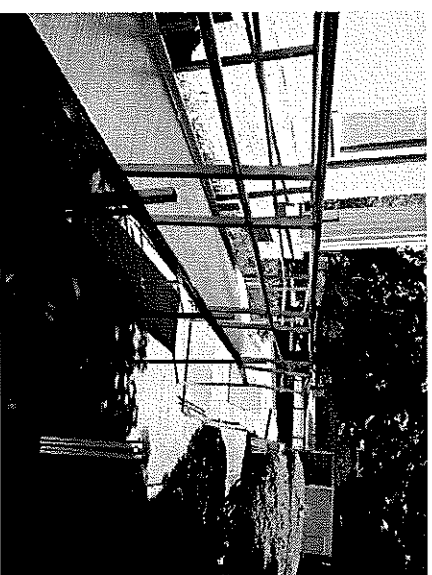
New fire hydrant on Roosevelt Place



Engineering Updates



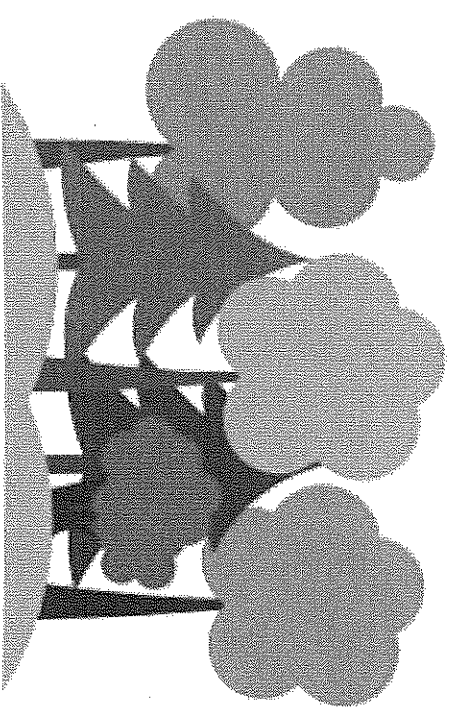
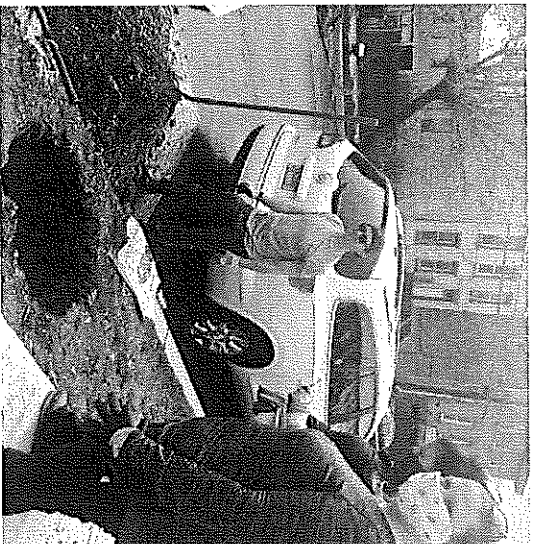
Temporary ADA
compliant access ramp
at 125 Grand Street

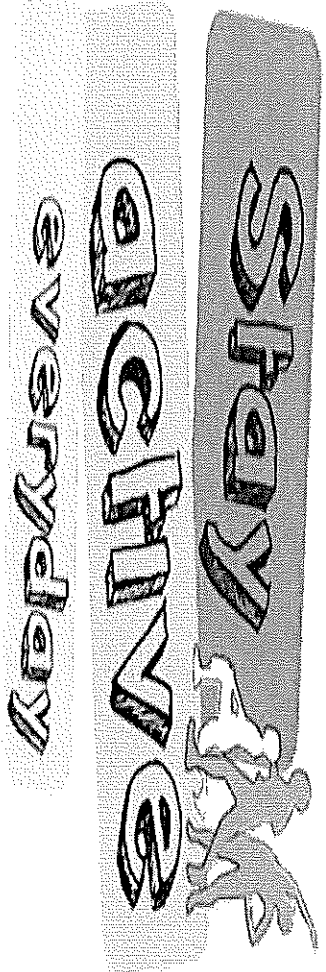


Liberty Street Lilacs

6 trees planted on Liberty Street

- “Ivory Silk Lilacs”
- Will reach 20’
- An ideal street tree
- Will attract hummingbirds and butterflies while being resistant to pests.





WHAT IS OPEN

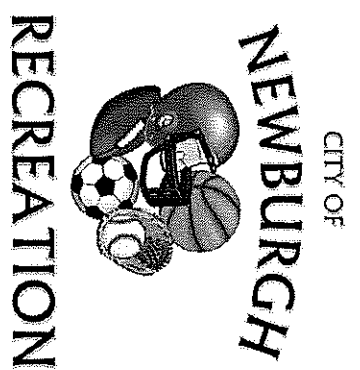
Waterfront trail from Washington St to Ward Brothers Park

- Downing Park
- Xavier Lunan Park
- Audrey Carey Park
- Tyrone Crabb Park
- Hasbrouck Park
- Crystal Lake
- Snake Hill

Tennis courts on South Street
Washington Street Boat Launch

WHAT IS CLOSED

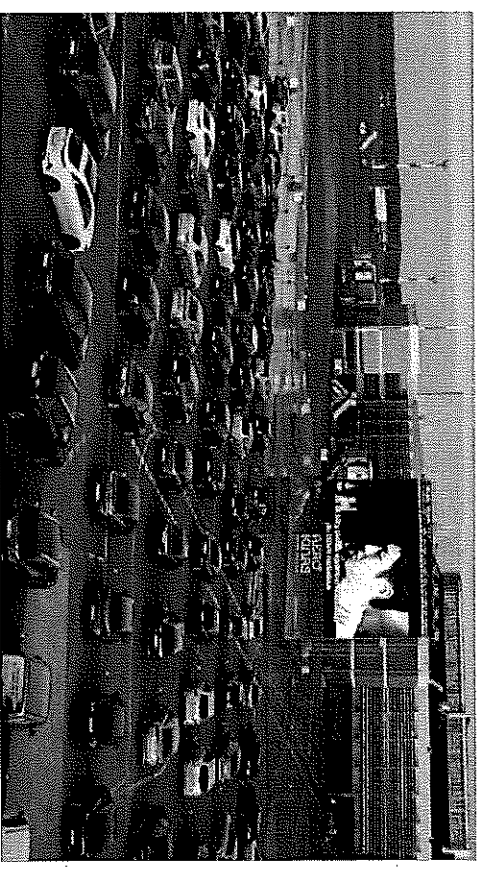
- City-run spring/summer soccer & basketball
- Summer camps & Aquatic Center
- Recreational sporting fields
- Playground equipment
- Skate Park at Delano Hitch Stadium
- Basketball hoops systems



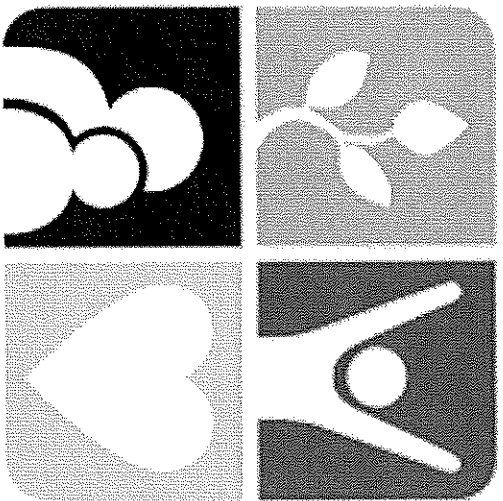
Slow Streets/Play Streets



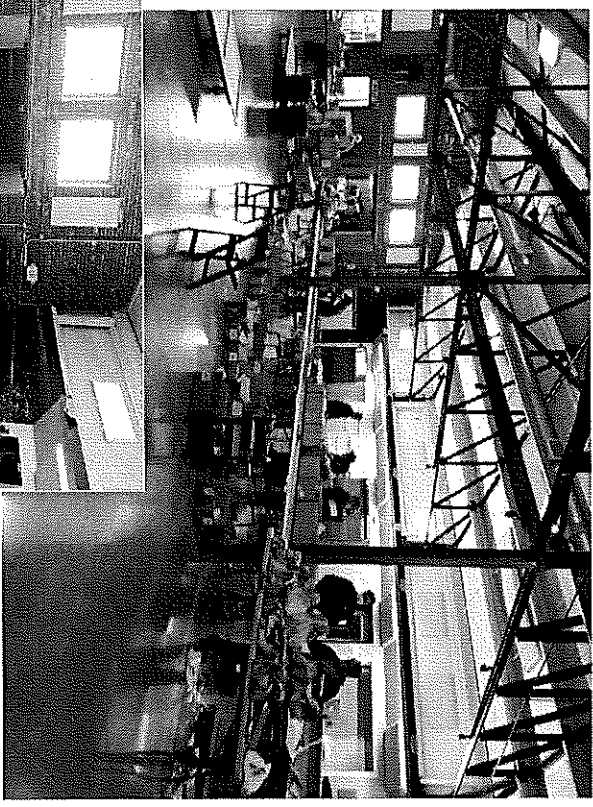
Businesses, including restaurants, interested in using non-traditional outdoor spaces this summer as part of their reopening plans should reach out to the Department of Planning and Development at 845-569-9400.



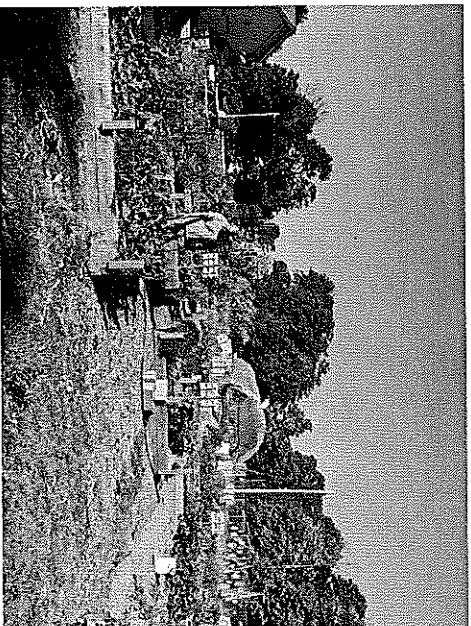
Food Giveaway



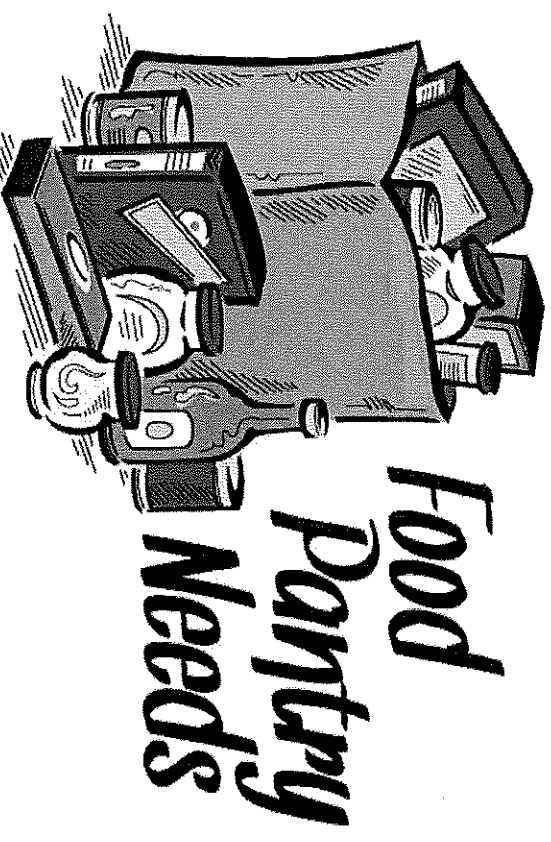
**NEWBURGH
ARMORY
UNITY CENTER**



SNAP benefits to be accepted at Downing Park Urban Farm



SNAP provides nutrition
benefits to supplement food
budgets of low-income families



Find a complete list of food pantries and
food hotlines on the city website.

www.cityofnewburgh-nv.gov/coronavirus

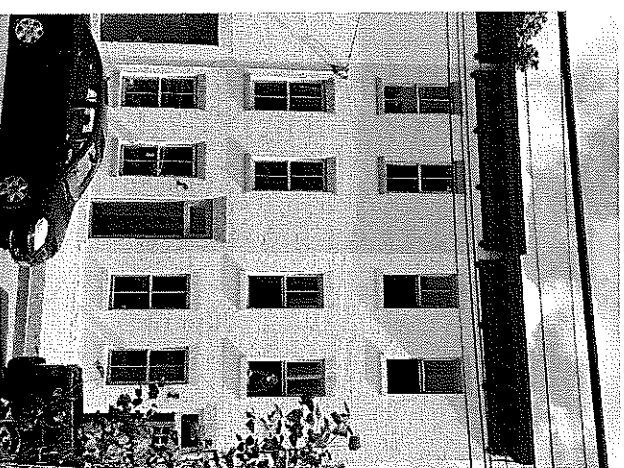
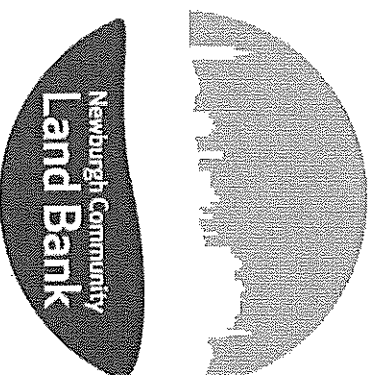
Have extra face masks or PPE? Consider
donating these items to food pantries for
people who are most in need.

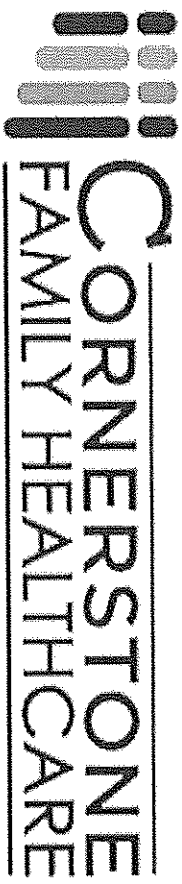
Newburgh Community Land Bank



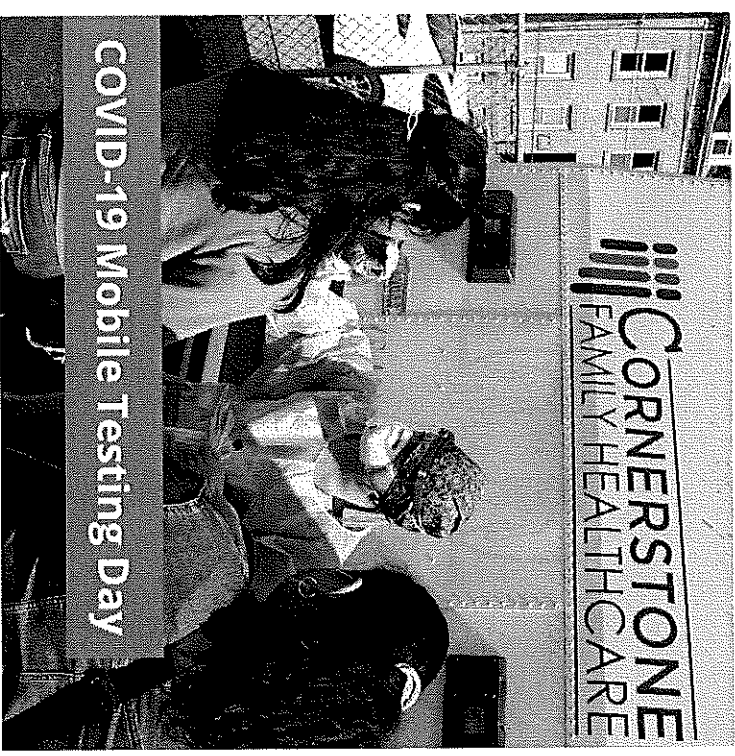
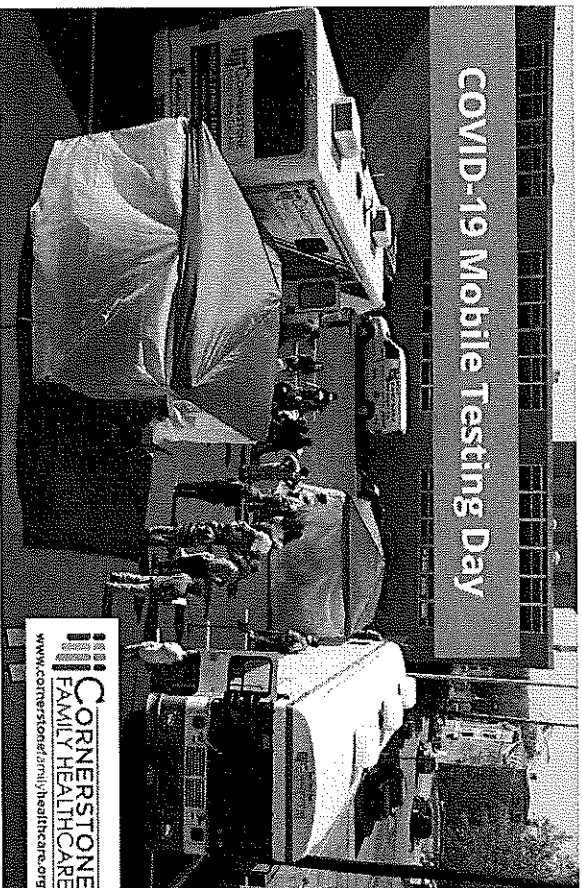
Awarded \$475,000 from Enterprise Community Partners

- Will continue renovations on 4-5 properties on Lander & Johnston Streets in upcoming year
- Funding increase meant to address racial inequity and benefit demographic groups who have historically experienced mortgage discrimination
- To date, 60% of all purchasers of NCLB properties have been African American or Latino





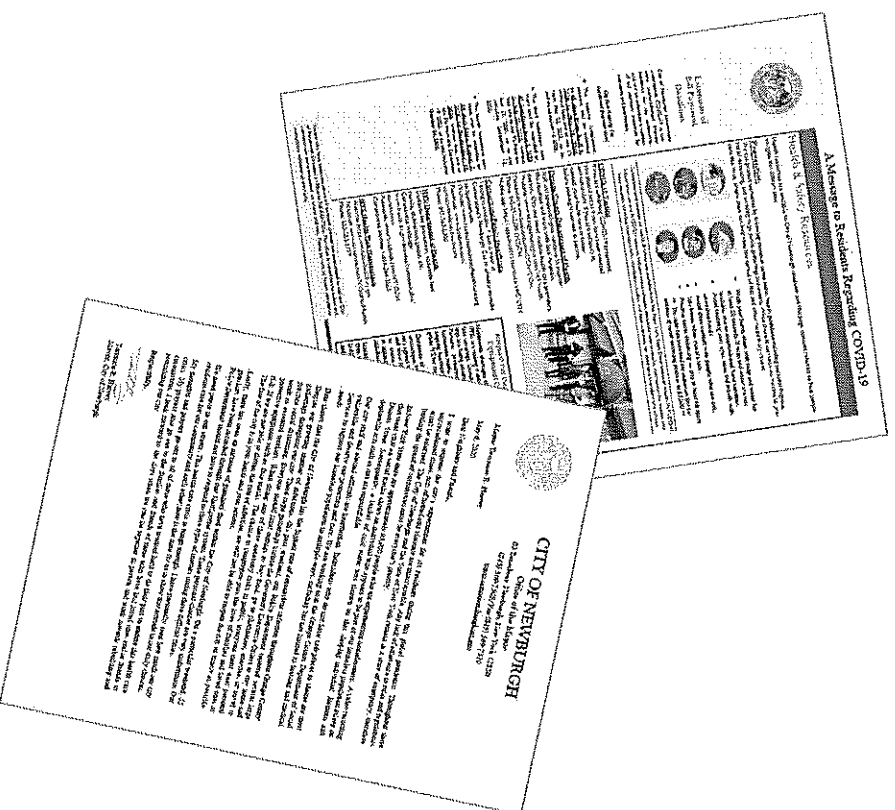
COVID-19 Testing



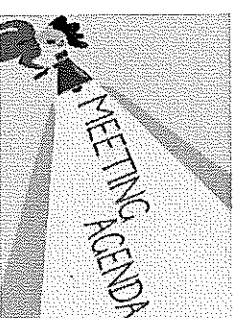
Need to be tested?

Call Cornerstone at 845-563-8000

Mailing to residents



Land Use Board Meetings



Architectural Review Commission

Meeting: 6/9/2020

Application deadline: 5/19/2020
(next deadline 6/16)

Conservation Advisory Council

Meeting: 6/4/2020

No application deadline

Planning Board

Meeting: 6/16/2020

Application deadline: 6/5/2020

Zoning Board of Appeals

Meeting: 6/23/2020

Application deadline: 6/5/2020

WE are all in this TOGETHER*

Inequities in our Communities

During a Crisis

Join us virtually on June 2 at 2:00 pm

A discussion on how the crisis disproportionately affects vulnerable populations, LGBT, Aging, Disabled, Black & Immigrant Communities & ways to address those inequities.

To REGISTER for this event email: iesposito@orangecountygov.com

Moderated by:



Inaudy Esposito, EO Human Rights Commissioner



Michele Jackson, COO RECAP

Panelists:



Inaudy Esposito, EO Human Rights Commissioner



Thank you for your commitment to our communities!



COVID-19 & Inequity



A virtual panel on Tuesday, June 2 at 2pm

Moderators

Orange County Human Rights Commission

RECAP

Panelists

Cornerstone Family Healthcare

Orange County Office for the Aging

Newburgh LGBTQ Center

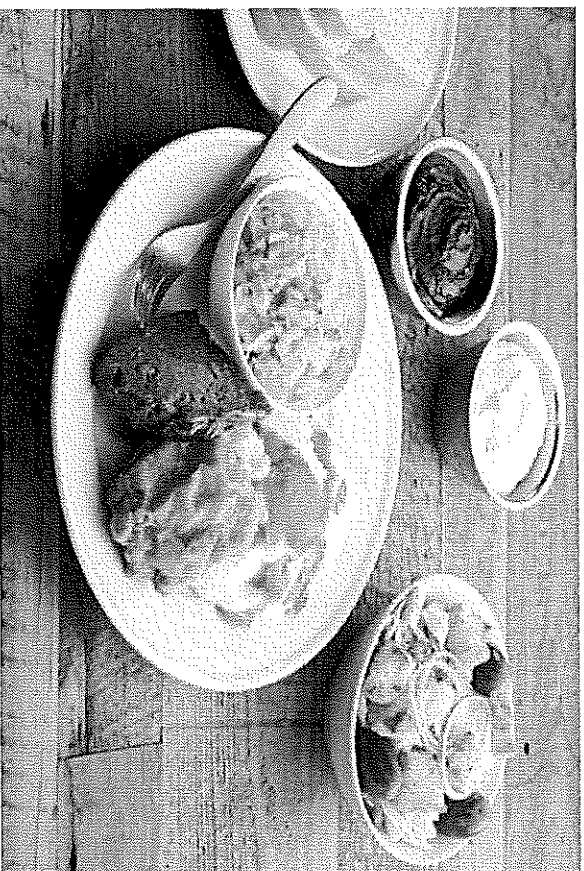
Nobody Leaves Mid-Hudson

Independent Living

Frontline

To register, email Inaudy Esposito at iesposito@orangecountygov.com

Local Eateries Need Us!



Find a list of City of Newburgh restaurants on the city website. Click the COVID-19 button.



United States[®] Census 2020

New York Self-Response Rate

55%

Newburgh Self-Response Rate

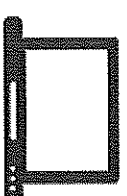
36.8%

(as of May 26)

**SAVE THE
DATE with
NEWBURGH
COUNTS!!!**

June 2 – Phone bank in English & Spanish

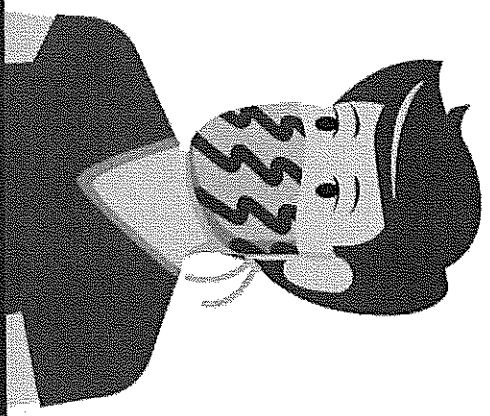
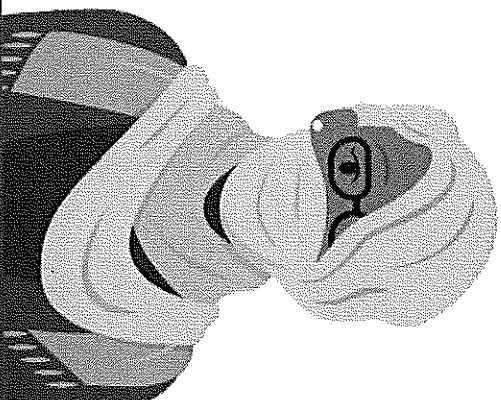
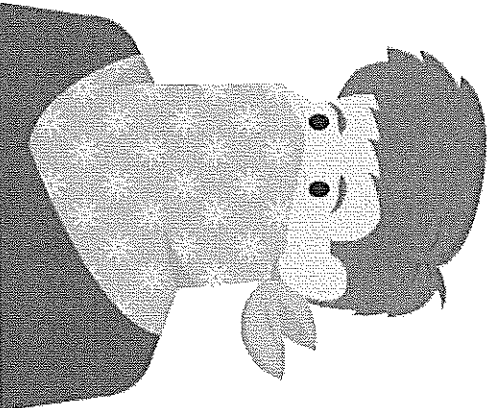
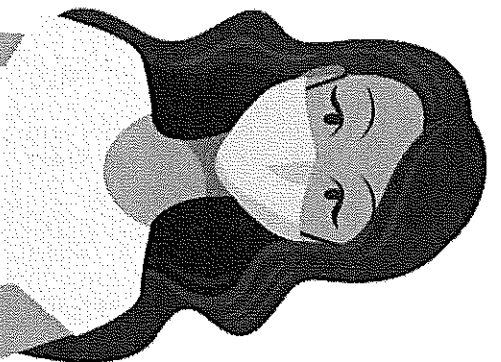
June 13 – Census Clap Caravan through
Neighborhoods



Online By Phone By Mail

Face coverings are a must!

***Have extras face masks
at home? Bring them to
food pantries.***



You can use anything that covers your nose and mouth

At the end of the City Manager's Update Councilman Shakur asked the City Manager about face masks being mandatory.

City Manager, Joseph Donat said that masks should be worn when interacting with others when out in public and when in close proximity to someone.

Councilman Shakur said someone sent him a video of a party by South High. There were two police cars over there and nobody had masks on.

Mayor Harvey said that this party was next door to his residence and he spoke to the mother, the grandmother and host of the birthday party for the eighteen year old daughter. He expressed those same sentiments about social distancing and most of the people at the party were not wearing masks. The Police came and what they have been doing since March at these types of gatherings is the knock and talk approach.

Councilman Shakur asked if the party was shut down.

Mayor Harvey said the party to his knowledge was not shut down but the residents who held that party in their backyard were made aware by him and the Police Department that face masks needed to be put on. Whether masks were put on after that talk he doesn't know but Lt. Lahar can speak to that specifically.

PUBLIC HEARINGS

Public Hearing #1 - Mayor Harvey called for a public hearing that was advertised for this meeting to receive comments on a proposed local law amending Chapter 172 of the Code of Ordinances to add a new article entitled Fireworks and Sparkling Devices.

Public Hearing #2 – Mayor Harvey called for a public hearing that was advertised for this meeting to receive comments on the amended City of Newburgh Citizen Participation Plan amended to include processes for Citizen Participation during disasters and emergencies.

***There were some issues with participants getting through to speak.**

Michelle Kelson, Corporation Counsel said that if anyone signed up to comment on the Citizen Participation Plan a public comment period is going to be opened by the Council later in the meeting. Any comments you intended to make tonight can be submitted to the Department of Planning and Development and the Council will have your comments through that opportunity. The Local Law on the fireworks is not being voted on this evening so there will be another opportunity to review and talk about it at the next work session. Your comments can be transmitted to the City Council through the public comment e-mail portion so the City Council will have them in advance of their vote on this. Submit your comments to comments@cityofnewburgh-ny.gov as a public hearing item or public comment item and the Council will receive them as well. These are other ways to get information to the City Council for their consideration before either of these items are actually voted on.

Ms. Kelson continued that we will try to figure out what the difficulty was with getting these other participants into the audio portion of the meeting.

City Manager, Joseph Donat said that they will also contact each of the people who signed up to touch base with them and get their comments for the record. He thanked everyone for their patience and understanding.

Ms. Kelson said that in order to have been invited into the meeting they had to submit their e-mail address so we will contact them to see what they wanted to say and make sure the City Council has that information well in advance of voting on either of these two items.

Mayor Harvey said that he and the other Council members look forward to seeing those comments before making an informed vote on both items.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING CHAPTER 172 OF
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO ADD "ARTICLE III - FIREWORKS AND SPARKLING DEVICES"**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 172 of the Code of Ordinances of the City of Newburgh to add 'Article III - Fireworks and Sparkling Devices'".

SECTION 2 - PURPOSE AND INTENT

Chapter 477 of the Laws of 2014 for New York State authorized counties and cities outside of New York City to legalize sparklers and certain sparkling devices (collectively referred to as "sparkling devices") for sale, possession and use. By Local Law No. 1 of 2015 effective April 10, 2015, Orange County opted to legalize sparking devices throughout Orange County. In response to concerns for the health, safety and welfare of the residents of the cities in Orange County, the Orange County Legislature and the Common Council of the City of Middletown adopted resolutions asking the New York State Legislature to reconsider the sparking device legislation and allow cities within Orange County to opt out of the Orange County local law permitting the sale, possession and use of sparking devices.

Chapter 458 of the Laws of 2016 for New York State, effective November 28, 2016, codified as New York State Penal Law Section 405.00(5)(c), allows a city within Orange County to adopt a local law to include sparking devices within the definition of "fireworks" and "dangerous fireworks" as defined in the New York State Penal Law Section 270 and as applied and enforced through New York State Penal Law Section 405.00.

The purpose of this local law is to promote the public health, safety and welfare of the City of Newburgh by including the term "sparkling device" into the definitions of "fireworks" and "dangerous fireworks," as those terms are defined in the New York State Penal Law Section 270 and as applied and enforced through New York State Penal Law Section 405.00 within the City of Newburgh.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add an Article III entitled "Fireworks and Sparkling Devices" to Chapter 172 and to read as follows:

"CHAPTER 172, ARTICLE III: FIREWORKS and SPARKLING DEVICES"

§172-20. Definitions.

As used in this article, the following terms shall have the following meanings:

SPARKLING DEVICE – shall have the same meaning as the term "sparkling device" is defined in the New York State Penal Law Section 270.00(1)(a)(vi).

FIREWORKS – shall have the same meaning as the term "fireworks" is defined in the New York State Penal Law Section 270.00(1)(a).

DANGEROUS FIREWORKS – shall have the same meaning as the term "dangerous fireworks" is defined in the New York State Penal Law Section 270.00(1)(b).

§ 172-21. Applicability.

This article shall apply to all persons within the limits of the City of Newburgh.

§ 172-22. Possession, sale or use declared hazard and nuisance.

The possession, sale or use of fireworks, dangerous fireworks, or sparkling devices in the City of Newburgh is hereby deemed to constitute a hazard and nuisance to the health, safety and welfare of the public.

§ 172-23. Merger of terms.

Pursuant to New York State Penal Law Section 405.00(5)(c), a sparkling device is hereby included within the definition of fireworks and dangerous fireworks.

§ 172-24. Penalties for offenses.

Any persons who shall violate any provisions of this Article shall be punished as provided in the New York State Penal Law Section 270 as applied and enforced by New York State Penal Law Section 405.00.

SECTION 4 – SEVERABILITY

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

SECTION 5 – CODIFICATION

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

SECTION 6 – VALIDITY

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

SECTION 7 – EFFECTIVE DATE

This Local Law and shall be effective when it is filed in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

City of Newburgh

Department of Planning and Development

Community Development Block Grant Program

CDBG

Citizen Participation Plan



Chapter/Section	Page
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Introduction	3
Encouragement of Participation	3
The Citizen Participation Plan	6
The Consolidated Plan	9
Annual Action Plan	14
Consolidated Annual Performance and Evaluation Report (CAPER)	18
Section 108 Loan Assistance Guarantee Program	20
Complaints	21

A. Introduction

Purpose

Pursuant to the citizen participation requirements of 24 CFR Section 91.105 and 24 CFR Part 5, City of Newburgh ("City") sets forth the following Citizen Participation Plan (the "Plan") as it relates to the administration of the grant programs funded by the U.S. Department of Housing and Urban Development (HUD), including:

- Community Development Block Program (CDBG)
- Any other grants that may be provided by HUD.

The Plan presents the City of Newburgh's plan to provide opportunity for and encourage all citizens to participate in the development, revision, amendment, approval, and implementation of:

- The Citizen Participation Plan
- The Assessment of Fair Housing (AFH)
- The Consolidated Plan (CP)
- The Annual Action Plan (AAP)
- The Consolidated Annual Performance and Evaluation Report (CAPER), and
- The Section 108 Loan Guarantee Program

Lead Agency

The City of Newburgh Department of Planning and Development is the lead agency responsible for the administration of the following HUD funded federal grant program:

- Community Development Block Program (CDBG)
- Any other grants that may be provided by HUD.

Effective Date

Subsequent to approval of this Citizen Participation Plan by the City of Newburgh City Council, the Plan shall be effective until it is amended or otherwise replaced.

B. Encouragement of Citizen Participation

General

The City of Newburgh provides for and encourages citizens to participate in the development, revision, amendment, approval, and implementation of the Citizen Participation Plan, the Assessment of Fair Housing, the Consolidated Plan, the Annual Action Plan, and the CAPER. The City of Newburgh encourages participation of people with low- and moderate-incomes, particularly by residents of predominantly low- and moderate- income neighborhoods as well as those living in areas designated as revitalization areas, in slum and blighted areas, and/or in areas where HUD funds are proposed to be used. With respect to the public participation initiatives included in this Plan, the City of Newburgh will take appropriate actions to encourage the participation of all its citizens, including minorities, people

with low and moderate incomes, non-English speaking people, and people with disabilities, as described below.

Non-English-Speaking People

The City of Newburgh utilized American Community Survey Data Tables # DP-1, DP02, DP05. Based on this data, the City of Newburgh meets the 1,000 or 5% LEP persons threshold for Spanish speakers.

The City of Newburgh will provide a Spanish interpretation services at City Council meetings where HUD programs are discussed. Meeting agendas, proposed plans and other meeting materials will be translated into Spanish.

People with Disabilities

To encourage the participation of people with disabilities, the City of Newburgh will include the following language in all of its public hearing notices published in the newspapers of record and La Voz newspaper/website.

“The City of Newburgh will make reasonable accommodations and services necessary for citizens with sensory-impairments and disabilities at the public hearing. Translation services may be offered upon request and availability. People requiring such accommodations/services should contact the City of Newburgh at least three working days in advance of the meeting. People requiring information in alternative formats should contact the City of Newburgh Department of Planning and Development, (845) 569-9400.”

The City of Newburgh will conduct all public hearings in locations that are accessible by people with disabilities, when available.

If requested, the City of Newburgh will mail copies of public hearing notices to people who are homebound and request such accommodation no less than seven days prior to the public meeting.

People with Low- and Moderate-Incomes

All citizens of the City of Newburgh, especially those of low and moderate income, are encouraged to participate in the CDBG program process. 73% of City of Newburgh residents are considered Low and Moderate Income Persons (2011-2015 American Community Survey [ACS]), with poverty concentrated mostly in the East End.

Organizations and Agencies

The City of Newburgh encourages the participation of local and regional institutions, the Continuum of Care, businesses, developers, nonprofit organizations, philanthropic organizations, broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, emergency management agencies, and community-based and faith-based organizations in the process of developing, revising, amending, approving, and implementing all documents covered by this Plan. This will be achieved through stakeholder interviews, focus groups and/or public meetings.

Local Public Housing Agency

The City of Newburgh encourages, in consultation with the Public Housing Authority (PHA), the Newburgh Housing Authority (NHA), the participation of residents of Section 8 Housing Choice Vouchers issued by the PHA, in the process of developing, revising, amending, approving, and implementing the documents covered by this Plan. The City of Newburgh will provide information to the Executive Director of the NHA about the Assessment of Fair Housing, its affirmatively furthering fair housing strategy, and Consolidated Plan activities related to housing developments and communities so the PHA can make this information available at the annual public hearings required for its Public Housing Agency Plan.

The City of Newburgh encourages participation by PHA stakeholders. This will be carried out by providing to the PHA information on public meetings, surveys and other outreach initiatives related to the documents covered by this Plan.

Public Notices

Public Meeting and document/comment review notices will be placed in the four (4) local newspapers:

- Orange County Post
- Hudson Valley Press
- Mid Hudson Times
- Times Herald Record

Meeting and document review notices will be placed in a local Spanish-Language publication:

- La Voz (either the monthly publication or on the La Voz website, in the event of an urgent notice.)

Public Hearings

All public hearings will be scheduled at times and locations that are convenient for potential and actual program beneficiaries, and with accommodation for people with disabilities and non-English Spanish speakers in accordance with this Plan.

Technical Assistance

When programs are available, the City of Newburgh Planning and Development staff are available to assist organizations representatives of people of low and moderate income and other eligible individuals interested in submitting a proposal to obtain funding through HUD funded Community Development programs. All potential applicants are strongly encouraged to contact the City of Newburgh Department of Planning and Development for technical assistance before initiating a funding request application.

Online Access

The City of Newburgh will post draft copies and final copies of all documents covered by this Plan on its website accessible at <https://www.cityofnewburgh-ny.gov/community-development>.

Other Engagement Techniques

This Plan may be amended as the City of Newburgh continues to gain access to technology that improves the avenues of participation by its residents.

City of Newburgh Contact

All communication regarding the Plan, the Assessment of Fair Housing, the Consolidated Plan, the Annual Action Plan, the CAPER, comments, complaints, reasonable accommodation for people with disabilities, translation services, or other elements shall be directed to:

City of Newburgh
Department of Planning and Development
83 Broadway
Newburgh, NY 12550

In the Event of Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City of Newburgh may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the City of Newburgh's website. Copies of the document will may be mailed or e-mailed upon request. The public comment and display period for any Substantial Amendment will shall be no less than five (5) days.

C. The Citizen Participation Plan

Plan Development

The City of Newburgh shall implement the following procedure when amending its Citizen Participation Plan.

Public Review of the Draft Plan

The draft Citizen Participation Plan will be made available for public review for a 15-day period prior to the consideration and approval by the City of Newburgh City Council and may be done concurrently with the public review and comment process for the Consolidated Plan. Copies of the draft Citizen Participation Plan will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Public Hearing

The City of Newburgh will conduct a public hearing to accept comments on the draft Citizen Participation Plan prior to its approval and submittal to HUD. This public hearing may be held concurrently with the public hearing held in conjunction with the Consolidated Plan.

Comments Received on the Draft Plan

Written comments will be accepted by the City of Newburgh, or a designee, during the 15-day public review period.

City of Newburgh Action

Following the public hearing, the Citizen Participation Plan will be presented to the City of Newburgh City Council for consideration and formal action. A summary of all written comments and those received orally during the public hearing, as well as the City of Newburgh's responses to all written comments, will be attached to the Citizen Participation Plan prior to submission to HUD.

Submission to HUD

The Citizen Participation Plan will be approved as a stand-alone document and submitted to HUD with a summary of all written comments and those received orally during the public hearing as well as the City of Newburgh's responses to written comments and proof of compliance with the 15-day public review and comment period requirement. A summary of any comments or views not accepted and the reasons for non-acceptance shall be supplied to HUD as well.

Amendments to the Approved Citizen Participation Plan

The City of Newburgh shall follow the following procedure to amend its approved Citizen Participation Plan, as needed.

Amendment Considerations

The City of Newburgh will amend the Plan, as necessary, to ensure adequate engagement and involvement of the public in making decisions related to its HUD funded programs. Substantial amendments to the Citizen Participation Plan may be required should a provision of the Plan be found by the City of Newburgh to conflict with HUD regulations, or when changes in HUD regulations occur. Edits to the Plan that only include updated contact information or editorial changes for clarity will not be released for public review and comment.

Draft Amended Citizen Participation Plan Review

The draft Amended Citizen Participation Plan will be made available for public review for a 15-day period prior to the City of Newburgh City Council's consideration and approval and may be done concurrently with the public review and comment process for the Consolidated Plan. Copies of the draft Amended Plan will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Comments Received on Draft Amended Citizen Participation Plan

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 15-day public review period.

Public Hearing

The City of Newburgh will conduct a public hearing to review and accept public comments on the draft Amended Citizen Participation Plan prior to its approval and submittal to HUD. This public hearing may be held concurrently with the public hearing held in conjunction with the Consolidated Plan. In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City of Newburgh may opt to forgo the public hearing to review revisions to the Citizen Participation Plan.

City of Newburgh City Council Action

Following the public hearing, the Citizen Participation Plan will be presented to the City of Newburgh City Council for consideration and formal action.

Submission to HUD

A copy of the Amended Citizen Participation Plan, including a summary of all written comments and those received during the public hearing as well as the City of Newburgh's responses and proof of compliance with the minimum 15-day public review and comment period requirement, will be submitted to HUD. A summary of any comments or views not accepted and the reasons therefore shall be supplied to HUD as well.

Plan Access

The approved Amended Citizen Participation Plan will be kept on file at:
City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh website:

<https://www.cityofnewburgh-ny.gov/community-development>

Hard copies can be made available to those requesting the approved Amended Citizen Participation Plan by contacting the City of Newburgh Department of Planning and Development, or a designee.

In the Event of Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City of Newburgh may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the City of Newburgh's Website. Copies of the document may be mailed or e-mailed upon request. The public comment and display period for any Substantial Amendment will shall be no less than five (5) days.

D. The Consolidated Plan (CP)

Plan Development

The City of Newburgh will follow the process and procedures described below in the development of its Consolidated Plan (CP).

Stakeholder Consultation and Citizen Outreach

In the development of the CP, the City of Newburgh will consult with other public and private agencies including, but not limited to, the following:

- Newburgh Housing Authority
- Other assisted housing providers
- Social service providers including those focusing on services to people with low and moderate income, families with children, the elderly, people with disabilities, people with HIV/AIDS and their families, homeless people, and other protected classes
- Community-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws
- Regional government agencies involved in metropolitan-wide planning and transportation responsibilities
- Broadband internet service providers and organizations engaged in narrowing the digital divide

- Agencies whose primary responsibilities include the management of flood prone areas, public land or water resources
- Emergency management agencies.

When preparing the portion of the CP concerning lead-based paint hazards, the City of Newburgh shall consult with local or state health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead-poisoned.

When preparing the description of priority non-housing community development needs, the City of Newburgh will notify adjacent units of local government, to the extent practicable.

A variety of mechanisms may be utilized to solicit input from these people/service providers/agencies/entities. These include written letters, telephone or in-person interviews, mail surveys, internet-based feedback and surveys, focus groups, and/or consultation workshops.

Public Hearings

The City of Newburgh will conduct at least two public hearings in the development of the CP. The first public hearing will be conducted before the draft CP is published for public comment, during which the City of Newburgh will address housing and community development needs, development of proposed activities, the amount of assistance the City of Newburgh expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit low- and moderate-income residents, and a review of program performance.

The second public hearing will be conducted during or after the 30-day public comment period during which the City of Newburgh will address identified housing and community development needs, proposed eligible activities, and proposed strategies and actions for affirmatively furthering fair housing consistent with the Assessment of Fair Housing.

Potential Displacement of People

Although the City of Newburgh does not anticipate any residential displacement to occur in the foreseeable future, it is required to describe its plans to minimize the displacement of people and to assist any people displaced. When displacement is unavoidable on a temporary or permanent basis, the City of Newburgh will comply with the federal Uniform Relocation Act.

Should displacement of residents be necessary as a result of the use of funds covered by this Plan, the City of Newburgh shall compensate residents who are actually displaced in accordance with HUD Handbook No. 1378, Tenant Assistance, Relocation and Real Property Acquisition. This resource is accessible online at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780.

Public Display and Comment Period

The draft CP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary, description of the contents and purpose of the CP; the anticipated amounts of funding (including program income, if any); proposed activities likely to result in displacement, if any; plans for minimizing the displacement of people as a result of funded activities, if any; plans to assist people actually displaced by the project, if any; the dates of the public display and comment period; the locations where copies of the draft CP can be examined; how comments will be accepted; when the document will be considered for action by the City of Newburgh City Council; and, the anticipated submission date to HUD. Copies of the draft CP will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

In addition, the City of Newburgh will make available a reasonable number of free copies of the draft document to residents and groups that request them.

Comments Received on the Draft Consolidated Plan

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 30-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing, or orally at the public hearings, in preparing the final CP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final CP for submission to HUD.

City of Newburgh City Council Action

Following the public hearing, the CP will be presented to the City of Newburgh City Council for consideration and formal action.

Submission to HUD

The CP will be submitted to HUD no less than 45 days before the start of the City of Newburgh's five-year program cycle.

In the Event of Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City of Newburgh may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the City of Newburgh's Website. Copies of the document will may be mailed or e-mailed upon request. The public comment and display period for any Substantial Amendment will shall be no less than five (5) days.

Revisions to the Consolidated Plan

The City of Newburgh shall follow the following procedure to revise its CP, as needed.

Revision Considerations

There are two types of amendments that may occur with the CP: minor amendments and substantial amendments. An amendment to the approved CP will be considered substantial when there is a change in the needs, goals, or priorities identified in the CP.

All other changes that do not meet the criteria defined above will be considered minor amendments and will not be subject to public comments. These changes will be fully documented and approved by the City of Newburgh City Council. The City of Newburgh may choose to submit a copy of each amendment to the CP to HUD as it occurs, or at the end of the program year. Letters transmitting copies of amendments will be signed by the City of Newburgh City Manager or designee.

Public Display and Comment Period

The draft Revised CP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the revisions, the dates of the public display and comment period, the locations where copies of the proposed revised CP can be examined, how comments will be accepted, when the document will be considered for action by the City of Newburgh City Council, and the anticipated submission date to HUD. Copies of the draft Revised CP will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:

<https://www.cityofnewburgh-ny.gov/community-development>

In addition, the City of Newburgh will make available a reasonable number of free copies to residents and groups that request them.

Comments Received on the Draft Revised Consolidated Plan

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 30-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing, or orally at public hearings, in preparing the final Revised CP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Revised CP for submission to HUD.

City of Newburgh City Council Action

Following the public hearing, the Revised CP will be presented to the City of Newburgh City Council for consideration and formal action.

Submission to HUD

The Revised CP will be submitted to HUD within 30 days following the end of the public display and comment period.

In the Event of a Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where program funds covered by this Plan may be expended to carry out eligible activities to address the City of Newburgh's disaster response, the City of Newburgh's requirements under this Plan will be streamlined to include:

- A 5-day public display and comment period to amend the CP.
- A minimum of one public hearing shall be held to receive comments on the Revised CP. The City of Newburgh may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the City of Newburgh's website. Copies of the document will may be mailed or e-mailed upon request. The public comment and display period for any Substantial Amendment will shall be no less than five (5) days.
- Following the public hearing, the Revised CP will be presented to the City of Newburgh City Council for consideration and formal action.
- The Revised CP will be submitted to HUD upon approval of the City of Newburgh City Council.
- Documents for public review will be shared via the City of Newburgh's Website. Copies of the document will may be mailed or e-mailed upon request.

Plan Access

The Revised CP will be kept on file at the City of Newburgh Department of Planning and Development Office, 123 Grand St. Newburgh, NY 12550

The plan can be accessed online at <https://www.cityofnewburgh-ny.gov/community-development>

Hard copies can be made available to those requesting the Revised CP by contacting the City of Newburgh Department of Planning and Development, or a designee. In the event of a local, state or federally declared disaster or emergency, documents for public review will be shared via the City of Newburgh website. Copies of the document may be mailed or e-mailed upon request.

E. The Annual Action Plan (AAP)

The Annual Action Plan (AAP) is a component of the Consolidated Plan (CP), and it describes the City of Newburgh's proposed use of available federal and other resources to address the priority needs and specific objectives in the CP for each program year; the City of Newburgh's method for distributing funds to local municipalities; and, the geographic areas of the City of Newburgh to which it will direct assistance.

Plan Development

The City of Newburgh will follow the process and procedures described below in the development of its AAP.

Public Hearings

The City of Newburgh will conduct at least two public hearings during the development of the AAP to obtain residents' views and to respond to proposals and questions. The first public hearing will be conducted before the AAP draft is published for public comment. During the first public hearing the City of Newburgh will address housing and community development needs, development of proposed activities, the amount of assistance the City of Newburgh expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit residents with low- and moderate-incomes, and a review of program performance.

The second public hearing will be conducted during or after the 30-day public comment period during which the City of Newburgh will address identified housing and community development needs, proposed eligible activities, and proposed strategies and actions for affirmatively furthering fair housing consistent with the Assessment of Fair Housing.

Citizen Advisory Committees

In the event that a Request for Proposal (RFP) is announced and RFPs are received by the City of Newburgh Department of Planning and Development, a review process is carried out whereby applications are ranked according to criteria outlined in the RFP. Planning and Development staff undertake an initial review of the RFP. The City of Newburgh CDBG Advisory Group members review the proposals. The CDBG Advisory Group then makes award recommendations to the City of Newburgh City

Council. The CDBG Advisory Group is comprised of residents in the City of Newburgh and the City of Newburgh Director of Community Development (or designee.)

Public Display and Comment Period

The draft AAP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the AAP, the anticipated amounts of funding (including program income, if any), the dates of the public display and comment period, the locations where copies of the draft AAP can be examined, how comments will be accepted, when the document will be considered for action by the City of Newburgh City Council, and the anticipated submission date to HUD. Copies of the draft AAP will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

In addition, the City of Newburgh will make available a reasonable number of free copies to residents and groups that request them.

Comments Received on the Draft Annual Action Plan

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 30-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing, or orally at the public hearings, in preparing the final AAP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final AAP for submission to HUD.

City of Newburgh City Council Action

Following the public hearing, the AAP will be presented to the City of Newburgh City Council for consideration and formal action.

Submission to HUD

The AAP will be submitted to HUD no less than 45 days before the start of the City of Newburgh's annual program year.

Revisions to the Annual Action Plan

The City of Newburgh shall follow the following procedure to revise its AAP, as needed.

Revision Considerations

There are two types of amendments that may occur with the AAP: minor amendments and substantial amendments.

An amendment to the approved AAP is considered substantial whenever the City of Newburgh makes one of the following decisions:

- Make a change in its allocation priorities or a change in the method of distribution of funds;
- To carry out an activity, using funds from any program covered by the consolidated plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD), not previously described in the action plan; or
- To change the purpose, scope, location, or beneficiaries of an activity.

The following changes define a substantial amendment:

- Substantial changes in the CDBG plan that directly affects the City of Newburgh Consolidated Plan. For the Annual Action Plan, a substantial change would constitute a change of more than 25 % of the total grant award funding the activity.
- To carry out an activity, using funds from any program covered by the Consolidated Plan (including program income) not previously identified in the Plan.
- To change the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized.

Changes that are not considered substantial amendments:

- Changes to the CDBG budget for a project by an amount that is less than 25%;
- Consolidated Plan data updates: Consolidated Plan data updates such as census data, income limits, and fair market rents, HOME high and low market rents, Home subsidy limits, and similar types of data shall not be considered a substantial amendment;
- Minor change in project location: A minor change in location on a specific property is not considered a substantial change as long as the purpose, scope, and intended beneficiaries remain essentially the same;
- Project Budget Line Item change: The transfer of some (but not all) funds within a project from one approved budget line item to another approved budget line.

All other changes to funding allocations or approved eligible activities that do not meet the criteria defined above will be considered minor amendments and will not be subject to public comments. These minor amendments will be fully documented and executed by the City of Newburgh City Council. The

City of Newburgh may choose to submit a copy of each amendment to the AAP to HUD as it occurs, or at the end of the program year. All amendments will be submitted to HUD for review via the IDIS.

Public Display and Comment Period

The draft Revised AAP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the revisions, the dates of the public display and comment period, the locations where copies of the draft revised AAP can be examined, how comments will be accepted, when the document will be considered for action by the City of Newburgh City Council, and the anticipated submission date to HUD. Copies of the draft Revised AAP will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

In addition, the City of Newburgh will make available a reasonable number of free copies to residents and groups that request them.

Comments Received on the Draft Revised Annual Action Plan

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 30-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing, or orally at public hearings, in preparing the final Revised AAP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Revised AAP for submission to HUD.

City of Newburgh City Council Action

Following the public hearing, the Revised AAP will be presented to the City of Newburgh City Council for consideration and formal action.

Submission to HUD

The Revised AAP will be submitted to HUD within 30 days following the end of the public display and comment period.

In the Event of a Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where program funds covered by this Plan may be expended to carry out eligible activities to address the City of Newburgh's disaster response, the City of Newburgh's requirements under this Plan will be streamlined to include:

- A 5-day public display and comment period to amend the CP.
- A minimum of one public hearing shall be held to receive comments on the Revised CP. The City of Newburgh may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the City of Newburgh's Website. Copies of the document will may be mailed or e-mailed upon request. The public comment and display period for any Substantial Amendment will shall be no less than five (5) days.
- Citizens Advisory Group will not be required to review proposed amendments to the Plan.
- Following the public hearing, the Revised AAP will be presented to the City of Newburgh City Council for consideration and formal action.
- The Revised CP will be submitted to HUD upon approval of the City of Newburgh City Council.
- Documents for public review will be shared via the City of Newburghs Website. Copies of the document will may be mailed or e-mailed upon request.

Plan Access

The Annual Action Plan and any revisions will be kept on file at the City of Newburgh Department of Planning and Development, 123 Grand St., Newburgh NY 12550. The plan and revisions can be accessed online at: <https://www.cityofnewburgh-ny.gov/community-development>

Hard copies can be made available to those requesting the Revised AAP by contacting the City of Newburgh Department of Planning and Development, or a designee. In the event of disaster or emergency, documents will be made available on the City of Newburghs Website. Copies may be e-mailed or mailed upon request.

F. Consolidated Annual Performance and Evaluation Report (CAPER)

Report Development

The City of Newburgh shall follow the following procedure in the drafting and approval of its Consolidated Annual Performance and Evaluation Report (CAPER).

Report Considerations

The City of Newburgh Department of Planning and Development will evaluate and report the accomplishments and expenditures of the previous program year and draft the CAPER in accordance with HUD requirements.

Public Display and Comment Period

The draft CAPER will be placed on display for a period of not less than 15 days to encourage public review and comment. Public notice of the display and comment period will be published in the Times Herald Record no less than two weeks before the period begins with accommodation for people with disabilities and non-English Spanish speakers in accordance with this Plan. The public notice shall include a brief summary and purpose of the CAPER, a summary of program expenditures, a summary of program performance, the dates of the public display and comment period, the locations where copies of the draft CAPER can be examined, how comments will be accepted, and the anticipated submission date to HUD. Copies of the draft CAPER will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Comments Received on the Draft CAPER

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 15-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing while preparing the final CAPER. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final CAPER for submission to HUD.

Submission to HUD

The CAPER will be submitted to HUD within 90 days following the end of the City of Newburgh's annual program year.

Plan Access

The CAPER will be kept on file at the City of Newburgh Office of Planning and Development, 123 Grand St. Newburgh, NY 12550.

The CAPER can be accessed online at <https://www.cityofnewburgh-ny.gov/community-development>

In the Event of Disaster or Emergency

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person review of the CAPER may not be feasible or large gatherings may be considered a public health risk, the City of Newburgh will place documents for public review on its Website. Copies of the document will may be mailed or e-mailed upon request.

G. Section 108 Loan Assistance Guarantee Program**Development of Section 108 Loan Guarantee Application**

Applications for assistance filed by the City of Newburgh for Section 108 Loan Guarantee assistance authorized under HUD regulation 24 CFR Part 570, Subpart M, are subject to all provisions set forth within this Plan. Such applications for Section 108 assistance may be included as part of the Consolidated Planning process or may be undertaken separately anytime during the City of Newburgh's program year. Before the City of Newburgh submits an application for Section 108 loan guarantee assistance, the City of Newburgh will make available to citizens, public agencies and other interested parties information that includes the amount of assistance the City of Newburgh expects to be made available (including program income), the range of activities that may be undertaken, the estimated amount that will benefit people of low- and moderate-incomes, and any activities likely to result in displacement.

Public Display and Comment Period

The City of Newburgh will publish its proposed Section 108 loan application for review and comment. The public notice shall include a summary describing the contents and purpose of the application and listing the locations where the entire application may be examined. An application for Section 108 Loan Guarantee funding shall be made available for public review for a 30-day period prior to consideration and submission to HUD and may be done concurrently with the public review and comment process for the Consolidated Plan.

Copies of the proposed Section 108 loan application will be made available for review at the following locations:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Comments Received on the Proposed Section 108 Application

Written comments will be accepted by the City of Newburgh Department of Planning and Development, or a designee, during the 30-day public display and comment period. The City of Newburgh will consider any comments or views of City of Newburgh residents received in writing in preparing the final application. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final application for submission to HUD.

Submission to HUD

The Section 108 Loan Application will be submitted to HUD.

H. Complaints

Residents may register complaints regarding any aspect of the HUD funded programs administered by the City of Newburgh Department of Planning and Development CDBG program by contacting the City of Newburgh Department of Planning and Development, or a designee. All written complaints received will be addressed in writing within 15 days.

Residents wishing to object to HUD approval of the final Consolidated Plan, Annual Action Plan or other documents identified in this plan may send written objections to the Department of Housing and Urban Development, New York State Office: Jacob K. Javits Federal Building, 26 Federal Plaza Room 3541, New York, NY 10278-0068.

Objections should be made within 30 days after the City of Newburgh has submitted the Consolidated Plan or other documents to HUD. Any objections made will only be submitted to HUD for the following reasons:

- The City of Newburgh's description of needs and objectives is plainly inconsistent with available facts and data.
- The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the City of Newburgh.
- The Annual Action Plan does not comply with the requirements of the CDBG program or other applicable laws.
- The Annual Action Plan proposed activities which are other-wise ineligible under the program regulations.

Objections shall include both an identification of requirements not met and available facts and data.

Ciudad de Newburgh
Departamento de Planeamiento y Desarrollo
Programa de Subvención en Bloque para el Desarrollo de la Comunidad

CDBG

Plan de Participación Ciudadana



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A. Introducción

Propósito

Conforme a los requisitos de participación ciudadana del 24 CFR de la Sección 91.105 y 24 CFR Parte 5, la Ciudad de Newburgh (en adelante: "Ciudad") establece el siguiente Plan de Participación Ciudadana (En adelante: "Plan"), relacionado con la administración de los programas de subvenciones financiados por el Departamento de Desarrollo Urbano y Vivienda de Estados Unidos (HUD por sus siglas en inglés), incluyendo:

- Subvención en Bloque para el Desarrollo de la Comunidad (CDBG por sus siglas en inglés).
- Cualquier otra subvención que pudiera proveer el HUD.

El Plan presenta el proyecto de la Ciudad de Newburgh para proveer oportunidades y fomentar la participación de todos los ciudadanos y ciudadanas en el desarrollo, revisión, enmiendas, aprobación e implementación de:

- El Plan de Participación Ciudadana
- La Evaluación de Vivienda Digna (AFH por sus siglas en inglés)
- El Plan General (CP por sus siglas en inglés)
- El Plan Anual de Acción (AAP por sus siglas en inglés)
- Informe General del Desempeño Anual y Evaluación (CAPER por sus siglas en inglés)
- La Sección 108 Programa de Préstamo Garantizado

Agencia Principal

El Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh es el organismo principal, responsable de la administración de los siguientes programas de subvenciones federales financiadas por HUD:

- Subvención en Bloque para el Desarrollo de la Comunidad (CDBG)
- Cualquier otra subvención que pudiera proveer el HUD.

Fecha de Vigencia

Con posterioridad a su aprobación por el Ayuntamiento de la Ciudad de Newburgh, este Plan de Participación Ciudadana, estará en vigencia hasta que sea enmendado o reemplazado.

B. Fomento de la Participación Ciudadana

General

La Ciudad de Newburgh apoya y fomenta la participación ciudadana en el desarrollo, revisión, enmienda, aprobación e implementación del Plan de Participación Ciudadana, la Evaluación de Vivienda Digna, el Plan General, el Plan de Acción Anual y el CAPER. La Ciudad de Newburgh fomenta la participación de las personas de bajos-y-moderados ingresos, particularmente de los residentes de los barrios de bajos-y-moderados ingresos, así como de quienes viven en áreas designadas como áreas de revitalización, áreas de construcciones precarias o arruinadas, y/o en áreas donde se ha propuesto que sean usados los fondos HUD. Con respecto a las iniciativas de participación pública incluidas en este Plan, la Ciudad de Newburgh tomará las decisiones apropiadas para fomentar la participación de todos

sus ciudadanos, incluyendo a las minorías, personas de bajos-y-moderados ingresos y personas con discapacidades, personas que no hablan inglés, como se describen más abajo.

Personas que no Hablan Inglés

La Ciudad de Newburgh utiliza las Tablas de Datos de la Encuesta # DP-1, DP02, DP05 de la American Community Survey. Basándose en estos datos, la Ciudad de Newburgh alcanza el umbral de hablantes de español de 1,000 o el 5% de personas con dominio limitado del inglés (LEP por sus siglas en inglés).

La Ciudad de Newburgh proveerá servicios de intérprete en las reuniones del Ayuntamiento (City Council) donde se discuten los programas de HUD. Las agendas de las reuniones, los planes propuestos y otros materiales de las reuniones serán traducidos al español.

Personas con Discapacidades

Para fomentar la participación de las personas con discapacidades, la Ciudad de Newburgh incluirá el siguiente párrafo en todas las notificaciones de audiencias públicas que se publiquen en periódicos y en la revista La Voz, en su publicación en papel/sitio web: "En las audiencias públicas, la Ciudad de Newburgh proveerá los servicios y acomodaciones razonables para los ciudadanos con deficiencias sensoriales o discapacidades. Según pedido y disponibilidad se podrían ofrecer servicios de traducción. Las personas que requieran dichos servicios/acomodaciones deben comunicarse con la Ciudad de Newburgh con, por lo menos, tres días hábiles de anticipación a la fecha de reunión. Las personas que requieran información acerca de los formatos alternativos deben comunicarse con el Departamento de Desarrollo y Planeamiento de la Ciudad de Newburgh, al teléfono: (845) 569-9400".

La Ciudad de Newburgh va a llevar a cabo todas las audiencias públicas en lugares accesibles a las personas con discapacidad, cuando estén disponibles.

A pedido de los interesados, la Ciudad de Newburgh enviará por correo copias de las notificaciones de audiencias públicas a las personas que se encuentren confinadas y requieran dicha adecuación, con un plazo no menor a los siete días previos a la audiencia pública.

Personas de Bajos-o-Moderados Ingresos

Fomentaremos la participación de todos los ciudadanos de la Ciudad de Newburgh, en el proceso del programa CDGB, especialmente la de aquellos de bajos-o-moderados ingresos. El 73% de los residentes de la Ciudad de Newburgh se consideran Personas de Bajos-o-Moderados Ingresos, con la pobreza concentrada sobre todo en el East End (2011-2015 Encuesta de la Comunidad Americana [American Community Survey, ACS por sus siglas en inglés]).

Organizaciones y Agencias

En el proceso de desarrollar, examinar, enmendar, aprobar e implementar todos los documentos abarcados por este Plan, la Ciudad de Newburgh fomenta la participación de instituciones regionales y locales; el Continuum of Care; empresas de negocios; promotores inmobiliarios; organizaciones sin fines de lucro; organizaciones filantrópicas; proveedores de servicios de banda ancha de internet; organizaciones que participen en disminuir la brecha digital; agencias cuyas reponsabilidades principales

incluyan la gestión de áreas propensas a las inundaciones y recursos de tierras públicas o agua; agencias de gestión de emergencias; y organizaciones de base comunitaria o basadas en la fe, en el proceso de desarrollar, revisar, enmendar, aprobar e implementar todos los documentos abarcados por este Plan. Esto se logrará a través de entrevistas a los participantes, grupos de discusión y/o reuniones públicas.

Agencia Local de Vivienda Pública

La Ciudad de Newburgh fomenta —en consulta con la Autoridad de Vivienda Pública (PHA), la Autoridad de Vivienda de Newburgh (NHA)— la participación de residentes de Sección 8 - Vales de Elección de Vivienda (*Section 8 Housing Choice Vouchers*) emitidos por el PHA en el proceso de desarrollo, revisión, enmienda, aprobación e implementación de los documentos abarcados en este Plan. La Ciudad de Newburgh proveerá al Director Ejecutivo del NHA la información sobre la Evaluación de Vivienda Digna, su continuación de estrategia de acción afirmativa, y las actividades del Plan General relacionadas con el desarrollo de viviendas y comunidades, de modo que el PHA pueda mantener esta información disponible en las audiencias públicas anuales requeridas por el Plan de la Agencia de Vivienda Pública.

La Ciudad de Newburgh fomenta la participación de las partes interesadas del PHA. Esto se llevará a cabo proveyendo al PHA la información de las reuniones públicas, estudios/encuestas y otras iniciativas de extensión relacionadas con los documentos cubiertos por este Plan.

Notificaciones Públicas

Las notificaciones de Reuniones Públicas y documentos/notificaciones de comentarios de análisis de documentos se colocarán en (4) periódicos locales:

- Orange County Post
- Hudson Valley Press
- Mid Hudson Times
- Times Herald Record

Las notificaciones de reuniones o el análisis de documentos se colocarán en una publicación local en español:

- La Voz (ya sea en su publicación mensual de papel, o en La Voz online cuando se trate de una notificación urgente).

Audiencias Públicas

De acuerdo con este Plan, todas las audiencias públicas se establecerán en horarios y lugares que sean convenientes para los potenciales y reales beneficiarios, y contarán con acomodaciones para las personas con discapacidades y los hablantes de español que no hablen inglés.

Asistencia Técnica

Cuando los programas estén disponibles, el personal de Planeamiento y Desarrollo de la Ciudad de Newburgh estará disponible para asistir a las organizaciones representativas de las personas de bajos o moderados ingresos y otros individuos elegibles interesados en presentar una propuesta para obtener fondos a través de programas de Desarrollo de la Comunidad financiados por HUD.

Recomendamos especialmente, a todas las personas que sean potenciales solicitantes, que se comuniquen con el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh para recibir asistencia técnica antes de iniciar una solicitud de pedido de financiación.

Acceso En-línea

La Ciudad de Newburgh va a publicar copias de borradores y copias finales de todos los documentos cubiertos por este Plan en su sitio en-línea: <https://www.cityofnewburgh-ny.gov/community-development>.

Otras Técnicas de Participación

Este Plan puede ser enmendado a medida que la Ciudad de Newburgh continúe ganando acceso a la tecnología que mejore las vías de participación de sus residentes.

Contacto de la Ciudad de Newburgh

Toda comunicación relacionada con el Plan, la Evaluación de Vivienda Digna, el Plan General, el Plan Anual de Acción, el CAPER, comentarios, quejas, acomodaciones razonables para las personas con discapacidad, servicios de traducción y otros elementos deben dirigirse a:

City of Newburgh
Department of Planning and Development
83 Broadway
Newburgh, NY 12550

En el Evento de Desastre o Emergencia

En el evento de un desastre o emergencia declarados, ya sea local, del estado o federal, cuando los lugares públicos pudieran estar cerrados al público o la participación en-persona no fuera posible, o cuando las reuniones grandes de personas se consideraran un riesgo para la salud pública, la Ciudad de Newburgh podría optar por llevar a cabo las audiencias públicas y reuniones de manera virtual —vía llamado en conferencia o transmisión en directo— que permitieran hacer preguntas y ofrecer comentarios en tiempo real. A petición de las personas con discapacidades/LEP se proveerán acomodaciones —tales como los de lenguaje de signos o servicios de traducción—. Los documentos para la revisión pública se compartirán a través del sitio web de la Ciudad de Newburgh. Las copias de los documentos se pueden enviar por correo o por correo electrónico a pedido. Los comentarios públicos y el período de exhibición de cualquier Enmienda Importante será no menor a los cinco (5) días.

C. El Plan de Participación Ciudadana

Desarrollo del Plan

La Ciudad de Newburgh deberá implementar el siguiente procedimiento cuando enmiende su Plan de Participación Ciudadana.

Revisión Pública del Borrador del Plan

El borrador del Plan de Participación Ciudadana estará disponible para su revisión pública por un período de 15-días anterior a su consideración y aprobación por el Ayuntamiento de la Ciudad de Newburgh; y esto puede ser realizado simultáneamente con el proceso de revisión pública y comentarios del Plan General. Las copias del borrador del Plan de Participación Ciudadana estarán disponibles para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Audiencia Pública

La Ciudad de Newburgh llevará a cabo una audiencia pública para aceptar comentarios sobre el borrador del Plan de Participación Ciudadana, antes de su aprobación y presentación al HUD. Esta audiencia pública puede ser llevada a cabo simultáneamente con la audiencia pública realizada conjuntamente con el Plan General.

Comentarios Recibidos sobre el Plan General

Los comentarios por escrito serán aceptados por la Ciudad de Newburgh, o ente designado, durante los 15-días del período de revisión pública.

Acción de la Ciudad de Newburgh

A partir de la audiencia pública, el Plan de Participación Ciudadana será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal. Un resumen de todos los comentarios escritos y aquellos comentarios orales recibidos durante la audiencia pública, así como las respuestas a todos los comentarios escritos, se adjuntarán al Plan de Participación Ciudadana antes de su presentación al HUD.

Presentación al HUD

El Plan de Participación Ciudadana será aprobado como un documento independiente y presentado al HUD con un resumen de todos los comentarios escritos y aquellos comentarios orales recibidos durante la audiencia pública, así como las respuestas a todos los comentarios escritos, y las respuestas de la

Ciudad de Newburgh a los comentarios escritos, y las pruebas de que se haya cumplido con los 15-días de revisión pública y el requisito del período de comentarios.

Además, un sumario de cualquier comentario u opinión no aceptada y las razones del rechazo deberán ser provistas al HUD.

Enmiendas al Plan de Participación Ciudadana Aprobado

La Ciudad de Newburgh debe seguir el siguiente procedimiento para enmendar el Plan de Participación Ciudadana, cuando sea necesario.

Consideraciones sobre las Enmiendas

La Ciudad de Newburgh enmendará el Plan cuando sea necesario, para asegurar la participación adecuada y la colaboración del público en la toma de decisiones relacionadas con los programas financiados por HUD. Se podrían requerir enmiendas sustanciales al Plan de Participación Ciudadana si la Ciudad de Newburgh encontrara que una disposición del Plan estuviera en conflicto con las regulaciones del HUD, o cuando ocurrieran cambios en las regulaciones del HUD.

Las ediciones del Plan que solamente incluyan actualizaciones de la información de contacto o cambios editoriales para hacer aclaraciones no se revelarán para los comentarios públicos y revisiones.

Revisión del Borrador Enmendado del Plan de Participación Ciudadana

El Borrador Enmendado del Plan de Participación Ciudadana estará disponible para la revisión pública por un período de 15-días anterior a la consideración y aprobación del Ayuntamiento de la Ciudad de Newburgh y puede hacerse simultáneamente con el proceso de revisión y comentarios del Plan General. Copias del borrador del Plan Enmendado estarán disponibles para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Recepción de Comentarios al Borrador Enmendado del Plan de Participación Ciudadana

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante los 15-días del período de revisión pública.

Audiencia Pública

La Ciudad de Newburgh realizará una audiencia pública para revisar y aceptar los comentarios públicos del borrador del Plan Enmendado de Participación Ciudadana, antes de su aprobación y presentación al HUD. Esta audiencia pública podría realizarse simultáneamente con la audiencia pública realizada en conjunto con el Plan General. En el evento de una declaración local, estatal o federal de desastre o emergencia donde los lugares públicos pudieran cerrarse al público, o que la participación en-persona no fuera posible, o que las reuniones numerosas se consideraran de riesgo para la salud pública, la Ciudad de Newburgh podría optar por no realizar las audiencias públicas para examinar las revisiones al Plan de Participación Ciudadana.

Acción del Ayuntamiento de la Ciudad de Newburgh

Subsiguiente a la audiencia pública, el Plan de Participación Ciudadana será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.

Presentación al HUD

Una copia del Plan de Participación Ciudadana Enmendado, incluyendo un resumen de todos los comentarios escritos y aquellos recibidos durante las audiencias públicas así como las respuestas y prueba de haber cumplido con el requisito del mínimo de 15-días de período de revisión pública y comentarios, será presentado al HUD. Un resumen de cualquier comentario u opiniones no aceptados y las razones del rechazo deberán también ser provistos al HUD.

Acceso al Plan

El Plan de Participación Ciudadana Enmendado y aprobado será archivado en:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Las copias en papel del Plan de Participación Ciudadana Enmendado estarán disponibles para quienes lo soliciten, contactando al Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado.

En el Evento de Desastre o Emergencia

En el evento de un desastre o emergencia declarados, ya sea local, del estado o federal, cuando los lugares públicos pudieran estar cerrados al público o la participación en-persona no fuera posible, o cuando reuniones grandes de personas se consideraran un riesgo para la salud pública, la Ciudad de Newburgh podría optar por llevar a cabo las audiencias pública y reuniones de manera virtual —vía llamada en conferencia o transmisión en directo, con la habilidad de formular preguntas y hacer comentarios en tiempo real—. Las acomodaciones se proveerán a petición de las personas con discapacidades —tales como los servicios de traducción o lenguaje de signos—. Los documentos para la

revisión pública se compartirán por la vía del sitio web de la Ciudad de Newburgh. A solicitud del interesado las copias del documento podrían ser enviadas por correo o correo electrónico. El período de exhibición y comentarios públicos para cualquier Enmienda Sustancial que se realice será de no menos de cinco (5) días.

D. Plan General (CP por sus siglas en inglés)

Desarrollo del Plan

Para el desarrollo de su Plan General (CP), la Ciudad de Newburgh seguirá todos los procesos y procedimientos descritos abajo.

Consulta a los Participantes y Alcance Ciudadano

En el desarrollo del CP, la Ciudad de Newburgh consultará con otras agencias públicas y privadas incluyendo, pero no limitándose, a las siguientes:

- Autoridad de la Vivienda de Newburgh.
- Otros proveedores de vivienda asistida.
- Los proveedores de servicios sociales, incluyendo aquellos que se enfocan en servicios a las personas de bajos-o-moderados ingresos, las familias con hijos, los ancianos, las personas con discapacidades, las personas con HIV/AIDS y sus familias, las personas en situación de calle, y otras clases protegidas.
- Organizaciones de base-comunitaria y organizaciones de base-regional que representan a miembros de clases protegidas y organizaciones que implementan las leyes de vivienda digna.
- Agencias regionales de Gobierno que involucren el planeamiento metropolitano-amplio y las responsabilidades de la transportación.
- Proveedores de internet de banda ancha y organizaciones que participen en reducir la brecha digital.
- Agencias cuyas responsabilidades primarias incluyan la gestión de áreas propensas a inundarse, tierras o recursos hídricos públicos.
- Agencias de gestión de emergencias.

Cuando se prepare la parte del Plan General concerniente a los riesgos de las pinturas con base-de-plomo, la Ciudad de Newburgh deberá consultar con las agencias de salud y bienestar infantil, locales y estatales; y examinar la data relacionada con los riesgos de las pinturas con base-de-plomo y tóxicos, incluyendo la data del Departamento de Salud de ubicaciones/direcciones de unidades de vivienda en donde los niños hayan sido identificados como intoxicados-por-plomo.

Cuando se prepare la descripción de las necesidades prioritarias de desarrollo comunitario, no relacionadas con la vivienda, la Ciudad de Newburgh notificará a las unidades adyacentes del Gobierno local, en la medida de lo posible.

Se podrán utilizar una variedad de mecanismos para solicitar la opinión de estas personas/servicios/proveedores/agencias/entidades. Estos mecanismos incluyen cartas escritas,

entrevistas en persona o por teléfono, encuestas por correo, respuestas basadas-en-internet y encuestas, grupos de estudio focalizado, y/o talleres de consulta.

Audiencias Públicas

La Ciudad de Newburgh va a conducir, por lo menos, dos audiencias públicas acerca del desarrollo del Plan General (CP). La primera audiencia pública se llevará a cabo antes de la publicación para comentarios del borrador del CP. Durante la primera, la Ciudad de Newburgh estudiará las necesidades de vivienda y desarrollo de la comunidad; el desarrollo de las actividades propuestas; la cantidad de asistencia que la Ciudad de Newburgh espera recibir (incluyendo los fondos de subvenciones y los ingresos del programa); el rango de actividades abordadas, incluyendo el monto estimado que beneficiaría a los residentes de bajos-o-moderados ingresos; y una revisión del desempeño del programa.

La segunda audiencia pública se llevará a cabo durante o después de período de los 30-días de comentarios públicos, durante el cual la Ciudad de Newburgh abordará las necesidades identificadas de vivienda y desarrollo de la comunidad; las actividades elegibles propuestas; y las estrategias y acciones propuestas para impulsar positivamente la vivienda digna de acuerdo con la Evaluación de Vivienda Digna.

Desplazamiento Potencial de Personas

Aunque la Ciudad de Newburgh no prevee que ocurran desplazamientos residenciales en el futuro próximo, se requiere la descripción de los planes destinados a minimizar el desplazamiento de personas y también el plan de asistencia a cualquier persona desplazada. Cuando el desplazamiento sea inevitable, tanto temporal o permanente, la Ciudad de Newburgh va a cumplir con la Ley Federal de Reubicación Uniforme (*Federal Uniform Relocation Act*).

Si el desplazamiento de los residentes fuera necesario como resultado del uso de los fondos abarcados por este Plan, la Ciudad de Newburgh deberá compensar a los residentes que hayan sido realmente desplazados —de acuerdo con el Manual HUD Número 1378, Asistencia al Inquilino, Reubicación y Adquisición de Propiedades Inmobiliarias (*HUD Handbook No. 1378, Tenant Assistance, Relocation and Real Property Acquisition*)—.

Se puede acceder a este recurso en-línea usando el enlace:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780.

Exhibición Pública y Período de Comentario

El borrador del Plan General (CP) se exhibirá públicamente por un período no menor a los 30 días, para fomentar la revisión y comentarios públicos. La notificación pública deberá incluir un resumen, descripción de contenido y propósito del CP; el monto estimado de la financiación (incluyendo el ingreso del programa, si existiera); las actividades propuestas que pudieran resultar en desplazamientos, si existieran; los planes para minimizar el desplazamiento de personas como resultado de las actividades financiadas, si existieran; los planes de asistencia a las personas realmente desplazadas por el proyecto, si existieran; las fechas del período de comentarios y exhibición pública; los lugares donde se pueden

examinar copias del anteproyecto del CP; cómo se aceptarán los comentarios; cuándo el Ayuntamiento de la Ciudad de Newburgh considerará los documentos para la acción; y la fecha anticipada de su presentación al HUD. Copias del borrador CP estarán disponibles para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

En adición, la Ciudad de Newburgh pondrá a disposición de los grupos o residentes que los soliciten un número razonable de copias gratis del borrador del documento.

Comentarios Recibidos sobre el Borrador del Plan General

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante el período de 30-días de exhibición y comentarios públicos. En preparación para el Plan General final, la Ciudad de Newburgh considerará cualquier comentario u opinión de los residentes de la Ciudad de Newburgh que se reciban por escrito u oralmente en las audiencias públicas. Un resumen de estos comentarios u opiniones, y un resumen de cualesquiera comentarios u opiniones no aceptadas, y las razones por las que fueron rechazadas, se adjuntarán a la presentación al HUD de la versión final del Plan General.

Acción del Ayuntamiento de la Ciudad de Newburgh

Subsiguiente a la audiencia pública, el Plan General (CP) será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.

Presentación al HUD

El Plan General(CP) será presentado al HUD en un plazo no menor a los 45-días anteriores al comienzo del ciclo del programa de cinco-años de la Ciudad de Newburg.

En el Evento de Desastre o Emergencia

En el evento de un desastre o emergencia declarados, ya sea local, del estado o federal, cuando los lugares públicos pudieran estar cerrados al público o la participación en-persona no fuera posible, o cuando las reuniones grandes de personas se consideraran un riesgo para la salud pública, la Ciudad de

Newburgh podría optar por llevar a cabo las audiencias públicas y reuniones de manera virtual —vía llamado en conferencia o transmisión en directo, con la habilidad de formular preguntas y hacer comentarios en tiempo real—. Las acomodaciones se proveerán a petición de las personas con discapacidades u otros —tales como los servicios de traducción o lenguaje de signos—. Los documentos para la revisión pública se compartirán por la vía del sitio web de la Ciudad de Newburgh. A solicitud del interesado las copias del documento podrían ser enviadas por correo o correo electrónico. El período de exhibición y comentarios públicos para cualquier Enmienda Sustancial que se realice será de no menos de cinco (5) días.

Revisiones al Plan General

La Ciudad de Newburgh deberá seguir los siguientes procedimientos para revisar su Plan General, según sea necesario.

Consideraciones de la Revisión

Existen dos tipos de enmiendas que se podrían realizar al Plan General (CP): enmiendas menores y enmiendas sustanciales. Una enmienda al Plan General aprobado será considerada sustancial cuando se trate de un cambio de necesidades, metas, o prioridades, identificadas en el Plan General.

Todos los otros cambios que no alcancen el criterio definido más arriba, serán considerados enmiendas menores y no se someterán a comentarios públicos. Estos cambios serán completamente documentados y aprobados por el Ayuntamiento de la Ciudad de Newburgh. Si así lo eligiera, la Ciudad de Newburgh podría presentar al HUD una copia de cada enmienda al Plan General, como ocurre al final de año del programa. Las cartas que transman copias de enmiendas serán firmadas por el Mánager de la Ciudad de Newburgh, o ente designado.

Exhibición Pública y Período de Comentarios

El anteproyecto del Plan General Revisado será expuesto al público por un período no menor a los 30-días, para fomentar los comentarios y revisiones del público. La notificación pública deberá incluir un breve resumen de las revisiones, las fechas de la exhibición pública y el período de comentarios, los lugares donde las copias del CP revisado se podrán examinar, cómo se aceptarán los comentarios, cuándo los documentos se considerarán para la acción del Ayuntamiento de la Ciudad de Newburgh, y la fecha anticipada de su presentación al HUD. Las copias del anteproyecto del CP Revisado estarán disponibles para revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.

Newburgh, NY 12550

City of Newburgh website:

<https://www.cityofnewburgh-ny.gov/community-development>

En adición, la Ciudad de Newburgh pondrá a disposición de los residentes y grupos que lo soliciten un número razonable de copias.

Comentarios Recibidos sobre el Anteproyecto Revisado del Plan General

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante los 30-días de exhibición pública y período de comentarios. En preparación para la versión final del Plan General Revisado, la Ciudad de Newburgh considerará cualquier comentario u opinión de los residentes de la Ciudad de Newburgh recibidos por escrito, u oralmente, en las audiencias públicas. Un resumen de estos comentarios u opiniones y un resumen de los comentarios y opiniones no aceptados, y las razones de su rechazo, se adjuntarán a la versión final del Plan General Revisado para su presentación al HUD.

Acción del Ayuntamiento de la Ciudad de Newburgh

Subsiguiente a la audiencia pública, el Plan General Revisado será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.

Presentación al HUD

El Plan General revisado será presentado al HUD dentro de los 30-días siguientes a la terminación de su exhibición pública y período de comentarios.

En el Evento de Desastre o Emergencia

En el evento de que se declarara el desastre o emergencia, local o federal, en el cual los fondos de los programas cubiertos por este Plan se pudieran gastar para llevar a cabo las actividades elegibles con las cuales la Ciudad de Newburgh abordara la respuesta al desastre; bajo este Plan, los requerimientos de la Ciudad de Newburgh se facilitarían para incluir:

- Un período de exhibición pública y comentarios de 5-días para enmendar el Plan General.
- Un mínimo de una audiencia pública se debiera llevar a cabo para recibir comentarios al Plan General Revisado. La Ciudad de Newburgh podría optar por conducir audiencias públicas y reuniones virtuales por vía de llamadas en conferencia o transmisión-en-directo con la habilidad de hacer preguntas y proveer comentarios en tiempo real. A petición de las personas con discapacidades/LEP se proveerán acomodaciones —tales como los servicios de traducción o lenguaje de signos—. Los documentos para revisión pública se compartirán por la vía del sitio web de la Ciudad de Newburgh. A pedido de los interesados se enviarán copias del documento por correo o por correo electrónico. El período de comentarios y exhibición pública para cualquier Enmienda Sustancial será de no menos de (5) cinco días.
- Subsiguiente a la audiencia pública, el Plan General Revisado será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.
- El Plan General Revisado será presentado al HUD tras su aprobación por el Ayuntamiento de la Ciudad de Newburgh.

- Los documentos para revisión pública serán compartidos por la vía del sitio web de la Ciudad de Newburgh. A pedido de los interesados, los documentos se enviarán por correo o por correo electrónico.

Acceso al Plan

El Plan General Revisado se archivará en la Oficina del Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, sito en 123 Grand St. Newburgh, NY 12550.

Se puede acceder al plan en-línea en: <https://www.cityofnewburgh-ny.gov/community-development>

Las copias en papel serán puestas a disposición de aquellos que requieran el Plan General Revisado comunicándose con el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado. En el evento de que se declarara el desastre o emergencia, local o federal, los documentos para revisión pública se compartirán por la vía del sitio web de la Ciudad de Newburgh. A pedido de los interesados se enviarán por correo o correo electrónico.

E. Plan Anual de Acción (AAP por sus siglas en inglés)

El Plan Anual de Acción (AAP) es un componente del Plan General (CP), y describe el uso que propone la Ciudad de Newburgh de los recursos federales, y otros recursos, para afrontar las necesidades prioritarias y los objetivos específicos de cada año del programa del Plan General; el método de la Ciudad de Newburgh para distribuir los fondos a las municipalidades locales; y las áreas geográficas de la Ciudad de Newburgh hacia las cuales dirigirá su asistencia.

Desarrollo del Plan

En el desarrollo del su Plan Anual de Acción, la Ciudad de Newburgh seguirá el proceso y procedimientos descriptos más abajo.

Audiencias Públicas

La Ciudad de Newburgh conducirá, por lo menos, dos audiencias públicas durante el desarrollo del Plan Anual de Acción (AAP) para obtener las opiniones de los residentes y responder a sus propuestas y preguntas.

La primera audiencia pública se conducirá antes de que el borrador del AAP se publique para su comentario público. Durante la primera audiencia pública, la Ciudad de Newburgh abordará las necesidades de vivienda y desarrollo comunitario, el desarrollo de las actividades propuestas, el monto de asistencia que la Ciudad de Newburgh espera recibir (incluyendo los fondos de subvención e ingresos del programa), el rango de actividades que podrían llevarse a cabo, incluyendo el monto estimado que beneficiaría a los residentes de bajos-y-moderados ingresos, y la revisión del desempeño del programa.

La segunda audiencia pública se conducirá durante o después del período de 30-días de comentarios públicos, en el cual la Ciudad de Newburgh abordará la identificación de las necesidades de vivienda y desarrollo comunitario, las actividades elegibles propuestas, y las estrategias y acciones propuestas para llevar adelante y positivamente la vivienda digna, de acuerdo con la Evaluación de Vivienda Digna.

Comités de Consulta Ciudadana

En el evento de que se anuncie una Solicitud de Propuesta (RFP por sus siglas en inglés) y que el Departamento de Planeamiento y desarrollo de la Ciudad de Newburgh reciba las Solicitudes de Propuestas, se llevará a cabo un proceso de revisión, conforme al cual las solicitudes se clasificarán de acuerdo al criterio delineado en el RFP. El personal de Desarrollo y Planeamiento asumirá la revisión inicial de la Solicitud de Propuesta. Los miembros del Grupo de Consulta CDBG de la Ciudad de Newburgh examinarán las propuestas. El Grupo de Consulta CDBG recomendará, entonces, las adjudicaciones al Ayuntamiento de la Ciudad de Newburgh. El Grupo de Consulta CDGB está compuesto por residentes de la Ciudad de Newburgh y el Director de Desarrollo Comunitario de la Ciudad de Newburgh (o ente designado).

Exhibición y Período de Comentarios Públicos

El borrador del Plan Anual de Acción será puesto en exhibición por un período de no menos de 30-días para fomentar la revisión y comentarios públicos. La notificación pública debe incluir un breve sumario del Plan Anual de Acción, los montos esperados de los fondos (incluyendo los ingresos del programa, si los hubiera), las fechas del período de exhibición y comentarios públicos, la ubicación de los lugares en donde se puedan examinar las copias del borrador del Plan Anual de Acción, cómo se aceptarán los comentarios, cuándo un documento puede ser considerado para la acción del Ayuntamiento de la Ciudad de Newburgh, y las fechas en que se espera su presentación al HUD. Las copias del borrador del Plan Anual de Acción estarán disponibles en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Además, la Ciudad de Newburgh pondrá a disposición un número de copias gratis para los residentes y grupos que los soliciten.

Comentarios Recibidos sobre el Borrador del Plan Anual de Acción

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante el período de 30-días de exhibición y comentarios. La Ciudad de Newburgh considerará cualquier comentario u opinión de los residentes de la ciudad de Newburgh, recibidos por escrito u oralmente en audiencia pública, en preparación para la versión final del Plan Anual de Acción. Un resumen de estos comentarios u opiniones, y un sumario de cualquier

comentario u opinión no aceptado y las razones del rechazo, se adjuntarán a la versión final del Plan Anual de Acción para su presentación al HUD.

Acción del Ayuntamiento de la Ciudad de Newburgh

Subsiguiente a la audiencia pública, el Plan Anual de Acción se presentará al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.

Presentación al HUD

El Plan Anual de Acción se presentará al HUD con no menos de 45-días previos al comienzo del programa anual de la Ciudad de Newburgh.

Revisiones al Plan Anual de Acción

La Ciudad de Newburgh seguirá los siguientes procedimientos para revisar su Plan Anual de Acción, según sea necesario.

Consideraciones de la Revisión

Hay dos tipos de enmiendas que pueden ocurrir en el Plan Anual de Acción: enmiendas menores y enmiendas sustanciales.

Una enmienda al Plan Anual de Acción aprobado se considera sustancial siempre y cuando la Ciudad de Newburgh tome una de las siguientes decisiones:

- Haga un cambio en la asignación de prioridades o cambie el método de distribución de fondos;
- Lleve a cabo una actividad usando fondos de un programa cubierto por el Plan General (incluyendo: ingresos del programa, reembolsos, restituciones, recuperaciones, o reasignaciones del HUD), que no se hayan descrito previamente en el plan de acción; o
- Cambiar el propósito, alcance, ubicación o beneficiarios de una actividad.

Los siguientes cambios definen una enmienda sustancial:

- Cambios sustanciales al plan CDBG que afecten directamente al Plan General de la Ciudad de Newburgh. Un cambio sustancial al Plan Anual de Acción sería un cambio de más de un 25 % de la subvención total otorgada para financiar la actividad.
- Llevar a cabo una actividad, usando fondos de cualquier programa del Plan General (incluyendo ingresos del programa) que no estuviera previamente identificada en el Plan.
- Cambiar el propósito, alcance, ubicación y beneficiarios de una actividad a otra en más de un 25 % de los fondos totales previamente autorizados.

Cambios que no se consideran enmiendas sustanciales:

- Cambios de cualquier proyecto al presupuesto de CDBG que sean menores a un monto del 25 %;
- Actualizaciones de la data del Plan General: Actualizaciones de la data del Plan General, como por ejemplo, data proveniente del censo, límites de ingreso, alquileres de mercado dignos, alquileres altos y bajos de mercado HOME, límites a los subsidios del hogar, y tipos similares de data no se deben considerar enmiendas sustanciales;

- Cambios menores en la ubicación de un proyecto: Un cambio menor en una ubicación de una propiedad específica no se considera un cambio sustancial siempre y cuando el propósito, alcance, y los beneficiarios previstos sean esencialmente los mismos;
- Cambio de un ítem en la Línea de Presupuesto del Proyecto: La transferencia de alguno de los fondos (pero no todos) dentro de un proyecto desde un ítem de una línea de presupuesto aprobado a otra línea de presupuesto aprobado.

Todos los otros cambios para financiar actividades asignadas o aprobadas que no alcancen el criterio definido arriba, serán considerados enmiendas menores y no estarán sujetos a comentarios públicos. Estas enmiendas menores se documentarán y ejecutarán completamente por el Ayuntamiento de la Ciudad de Newburgh. La Ciudad de Newburgh podría elegir presentar una copia de cada enmienda del AAP al HUD mientras ocurra, o al final del año del programa. Todas las enmiendas se someterán al HUD para su revisión por la vía de IDIS.

Período de Exhibición y Comentario Público

El borrador Revisado del Plan Anual de Acción (AAP) será exhibido por un período no menor a los 30-días para fomentar la revisión y los comentarios del público. La notificación pública deberá incluir un breve resumen de las revisiones, las fechas de exhibición pública y el período de comentarios, los lugares donde se puedan examinar las copias del borrador revisado del AAP, cómo se aceptarán los comentarios, cuándo se considerarán los documentos para la acción del Ayuntamiento de la Ciudad de Newburgh, y la fecha esperada de su presentación al HUD. Copias del borrador Revisado del Plan Anual de Acción estarán disponibles para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

En adición, la Ciudad de Newburgh pondrá a disposición de los residentes y grupos que lo soliciten un razonable número de copias gratuitas.

Comentarios Recibidos sobre el Borrador Revisado del Plan Anual de Acción

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante un período de exhibición pública y comentarios de 30-días. Para preparar la versión final del Plan Anual de Acción Revisado, la Ciudad de Newburgh

considerará cualquier comentario u opinión de los residentes de la Ciudad de Newburgh recibidos por escrito u oralmente en las audiencias públicas. Un sumario de estos comentarios u opiniones, y un sumario de cualquier comentario u opinión no aceptado y las razones del rechazo, se adjuntarán a la versión final del Plan Anual de Acción para su presentación al HUD.

Acción del Ayuntamiento de la Ciudad de Newburgh

Subsiguiente a la audiencia pública, el Plan Anual de Acción Revisado será presentado al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.

Presentación al HUD

El Plan Anual de Acción Revisado se someterá al HUD dentro de los 30-días siguientes al final del período de exhibición y comentario.

En el Evento de Desastre o Emergencia

En el evento de que se declarara el desastre o emergencia, local o federal, en el cual los fondos de los programas cubiertos por este Plan, se pudieran gastar para llevar a cabo las actividades elegibles con las cuales la Ciudad de Newburgh abordaría la respuesta al desastre; bajo este Plan, los requerimientos de la Ciudad de Newburgh se facilitarían para incluir:

- Un período de 5-días de exhibición y comentarios para enmendar el Plan General.
- Debe llevarse a cabo un mínimo de una audiencia pública para recibir comentarios sobre el Plan General Revisado. La Ciudad de Newburgh podría optar por conducir audiencias públicas y reuniones virtuales vía llamadas en conferencia o transmisión-en-directo, con la habilidad de hacer preguntas y proveer comentarios en tiempo real. A petición de las personas con discapacidades/LEP se proveerán acomodaciones —tales como los servicios de traducción o lenguaje de signos—. Los documentos para revisión pública se compartirán por la vía del sitio web de la Ciudad de Newburgh. A pedido de los interesados se enviarán copias del documento por correo o por correo electrónico. El período de comentarios y exhibición públicos para cualquier Enmienda Sustancial será de no menos de (5) cinco días.
- No se requerirá que el Grupo de Consulta Ciudadana revise las enmiendas propuestas al Plan.
- Subsiguiente a la audiencia pública, el Plan Anual de Acción Revisado se presentará al Ayuntamiento de la Ciudad de Newburgh para su consideración y acción formal.
- El Plan Anual de Acción Revisado se someterá al HUD luego de ser aprobado por el Ayuntamiento de la Ciudad de Newburgh.
- Los documentos a ser revisados por el público se compartirán por la vía del sitio web de la Ciudad de Newburgh. A pedido de los interesados se enviarán copias del documento por correo o correo electrónico.

Acceso al Plan

El Plan Anual de Acción y cualesquiera revisiones se conservarán en el archivo del Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, sito en: 123 Grand St., Newburgh NY 12550. Se puede acceder en-línea al plan y revisiones en: <https://www.cityofnewburgh-ny.gov/community-development>

A pedido de los interesados las copias en papel del Plan Anual Revisado estarán disponibles contactando al Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado. En el evento de desastre o emergencia, los documentos estarán disponibles en el sitio web de la Ciudad de Newburgh. A pedido de los interesados se enviarán copias por correo o correo electrónico.

F. Informe General del Desempeño Anual y Evaluación (CAPER)

Desarrollo del Informe

La Ciudad de Newburgh debe seguir el siguiente procedimiento al hacer el borrador y aprobar su Informe General del Desempeño Anual y Evaluación (CAPER).

Consideraciones del Informe

El Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh evaluará e informará los logros y el desembolso del año previo del programa y deberá hacer el borrador del CAPER de acuerdo con los requisitos del HUD.

Período de Comentarios y Exhibición Pública

El borrador del CAPER se colocará en exhibición por un período no menor a los 15-días para fomentar la revisión y comentarios públicos. La notificación pública del período de exhibición y comentarios se publicará en el periódico Times Herald Record con no menos de dos semanas de anticipación al comienzo del período —con acomodaciones para las personas con discapacidades y personas hablantes de español que no hablan inglés (LEP), de acuerdo con este Plan—. Esta notificación pública debe incluir un breve sumario y propósito del CAPER, un sumario de los gastos del programa, un resumen del desempeño del programa, las fechas del período de exhibición y comentarios, la ubicación donde se pueden examinar las copias del borrador del CAPER, cómo serían aceptados los comentarios, y la fecha anticipada de presentación al HUD. Las copias del borrador del CAPER estarán a disposición para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Comentarios Recibidos sobre el Borrador del CAPER

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante los 15-días del período de exhibición y comentario. La Ciudad de Newburgh considerará cualquier comentario u opinión de los residentes de la Ciudad de Newburgh, recibidos por escrito, mientras se prepara la versión final del CAPER. Un resumen de estos comentarios u opiniones, y un resumen de los comentarios u opiniones no aceptados y las razones de su rechazo, se adjuntarán a la versión final del CAPER para su presentación al HUD.

Presentación al HUD

El CAPER se presentará al HUD dentro de los 90-días subsiguientes al final del programa anual de la Ciudad de Newburgh.

Acceso al Plan

El CAPER se conservará en el archivo de la Oficina del Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, sito en: 123 Grand St. Newburgh, NY 12550.

El CAPER se puede acceder en línea: [athttps://www.cityofnewburgh-ny.gov/community-development](https://www.cityofnewburgh-ny.gov/community-development)

En el Evento de Desastre o Emergencia

En el evento de que se declarara el desastre o emergencia, local o federal, cuando los lugares públicos pudieran estar cerrados al público o la revisión en-persona del CAPER no fuera posible, o grandes reuniones pudieran considerarse de riesgo para la salud pública, la Ciudad de Newburgh colocará los documentos para su revisión en su sitio web. A pedido de los interesados las copias del documento podrían enviarse por correo o correo electrónico.

G. Sección 108 Programa de Asistencia a Préstamos Garantizados

Desarrollo de la Sección 108 de la Solicitud de Préstamo Garantizado

Las solicitudes de asistencia presentadas por la Ciudad de Newburgh para la asistencia a la Sección 108 Préstamo Garantizado y autorizada bajo regulación del HUD —24 CFR Part 570, Subpart M— están sujetas a todas las disposiciones establecidas dentro de este Plan. Dichas solicitudes para la asistencia de la Sección 108 pueden ser incluidas como parte del proceso del Plan General o realizadas separadamente en cualquier momento durante el programa anual de la Ciudad de Newburgh. Antes de que la Ciudad de Newburgh presente una solicitud de asistencia de Préstamo Garantizado de Sección 108, la Ciudad de Newburgh pondrá a disposición de sus residentes, agencias públicas y otras partes interesadas, la información que incluya el monto de la asistencia que la Ciudad de Newburgh espera hacer disponible (incluyendo los ingresos del programa), el rango de actividades que pudiera asumir, el monto estimado que beneficiaría a las personas de bajos-o-moderados ingresos, y cualquier otra actividad que posiblemente resultara en un desplazamiento.

Período de Exhibición y Comentarios Públicos

La Ciudad de Newburgh publicará su propuesta de solicitud de préstamo de Sección 108 para su revisión y comentarios. Las notificaciones públicas deben incluir un sumario describiendo los contenidos y propósito de la solicitud y una lista de los lugares donde la solicitud completa pueda ser examinada. Una

solicitud de financiación de un Préstamo Garantizado de Sección 108 debe estar disponible para la revisión pública por un período de 30-días anteriores a la consideración y presentación al HUD y pudiera hacerse simultáneamente con el proceso de revisión y comentarios públicos del Plan General.

Las copias de la propuesta de solicitud de préstamos de Sección 108 estarán disponibles para su revisión en los siguientes lugares:

City of Newburgh Department of Planning and Development Office
123 Grand St.
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

City of Newburgh website:
<https://www.cityofnewburgh-ny.gov/community-development>

Los comentarios escritos serán aceptados por el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado, durante los 30-días de exhibición y comentarios públicos. La Ciudad de Newburgh considerará cualquier comentario u opinión de los residentes de la Ciudad de Newburgh recibidos por escrito, en preparación para la solicitud final. Un sumario de estos comentarios u opiniones, y un sumario de los comentarios u opiniones no aceptados y las razones de su rechazo, se adjuntarán a la versión final de la solicitud para su presentación al HUD.

Presentación al HUD

La solicitud de Préstamo de Sección 108 se presentará al HUD.

H. Quejas

Los residentes pueden registrar sus quejas con respecto a cualquier aspecto de los programas financiados por HUD y administrados por el programa CDBG del Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, comunicándose con el Departamento de Planeamiento y Desarrollo de la Ciudad de Newburgh, o ente designado. Todas las quejas recibidas por escrito se atenderán por escrito dentro de los 15-días.

Los residentes que deseen objetar la aprobación final del HUD a la versión final del Plan General, el Plan Anual de Acción u otros documentos identificados en este plan pueden enviar objeciones escritas al Departamento de Vivienda y Desarrollo Urbano del estado de Nueva York (*Department of Housing and Urban Development, New York State Office*):

Department of Housing and Urban Development, New York State Office: Jacob K. Javits Federal Building, 26 Federal Plaza Room 3541, New York, NY 10278-0068.

Las objeciones deben realizarse dentro de los 30-días subsiguientes a la presentación del Plan General u otros documentos realizada por la Ciudad de Newburgh ante el HUD. Solamente se realizarán al HUD, cualesquiera objeciones, debidas a las siguientes razones:

- La descripción de las necesidades y objetivos de la Ciudad de Newburgh sea claramente incompatible con la data y hechos disponibles.
- Las actividades que serán realizadas sean claramente incompatibles con las necesidades y objetivos identificados con la Ciudad de Newburgh.
- El Plan Anual de Acción no cumpla con los requerimientos del programa CDBG u otras leyes aplicables.
- El Plan Anual de Acción hubiera propuesto actividades que fueran inelegibles bajo las regulaciones del programa.

Las objeciones deben incluir ambas, una identificación de requisitos no cumplidos, y la data y hechos disponibles.

From: Marilyn Ejercito
Sent: Wednesday, May 20, 2020 10:45 AM
To: SmartBoard
Subject: PUBLIC COMMENT ITEM- CHAPTER 172 CODE OF ORDINANCES CHAPTER II

I am writing this regarding the intent to add Article II - Fireworks and Sparkling Devices at the May 28, 2020 city council meeting and strongly requesting the City Council ban it. I live on Townsend Ave. Last year on July 4th my neighbors had a party at 59 Townsend Ave. There were a large number of people at the event. At dusk they started setting off illegal fireworks on our street. We called the police department and shortly thereafter 2 officers arrived and spoke to the group. The conversation lasted less than 5 minutes and then they left. A few minutes later 4-5 men lined up boxes of fireworks in the middle of the street blocking cars trying to get through and set them off resulting in a frightening and dangerous display with burning embers and debris raining down on all the homes in close proximity. These burning embers were not only on the street front but coming down in the backyards. I had just had wood chips laid down in my backyard 2 days earlier and was afraid a fire would start. There were also children at the party who were standing on the sidewalk while the fireworks were going off. The neighbors who rent at this address showed complete disregard and lack of concern for the safety and well being of everyone else who live on this street. As soon as the fireworks were done the neighbors quickly removed the boxes from the street. We called the police department again but no one ever came. The next morning the amount of debris on the street, cars and yards was unbelievable. We contacted Fire Chief Bill Horton who came to survey the mess. He also took photographs. We contacted the police department again and the officer that came was of no assistance. He said there was nothing he could do and would not approach the neighbors who set off the fireworks. He said, "Well it is the 4th of July and they're entitled to celebrate". I spoke with the Police Chief who also said he could not do anything about it. I spoke with the City Manager Joe Donat who discussed the ordinance and addressing it with the City Council. I also have videos and pictures of the events which I sent to both Bill Horton and Joe Donat. I am asking the City Council not to allow Article II to be added. Luckily no one was injured and no fires resulted last year but it could have turned out much differently. If fireworks are banned in the city then the police will be able to enforce that order on people who defy it. I was very disappointed in the lack of concern and action by law enforcement in this matter given the dangerous situation last year and the fact that these fireworks were obviously illegal. Sparklers and small legal fireworks are one thing but by allowing them there are many people that assume the illegal ones are acceptable. I hope the City Council moves to ban fireworks this year as a show of concern for the safety of the residents they represent. If not I fear there will definitely be a repeat of last year's performance on this street with potential dire consequences. I would also be happy to share the photographs and videos of the event with any City Council member who is interested. Thank you.

Marilyn Ejercito
63 Townsend Ave.
Newburgh, NT 12550

From: Nancy Layne
Sent: Sunday, May 31, 2020 9:18 AM
To: Diaz, Eliana <EDiaz@cityofnewburgh-ny.gov>
Subject: Re: City of Newburgh - Public Hearing Item(s)

Hello Ms. Diaz

I had only registered because it appeared it was the only way to view the meeting. I was unable to access thru the city website live streaming portal so I used the Zoom link from a prior email I had received. My intent was not to comment but to view the meeting.

However, having viewed the meeting in its' entirety, I would like to comment on the prohibition of fireworks. It should be noted that I abhor fireworks and find them very scary and understand the resident concerns for safety, etc. But I would like to point out that having our already overburdened PD enforce such a law at this time; i.e. during a pandemic and public unrest, it would seem that the task of regulating this ordinance will further complicate an already tense situation. Thank you.

Nancy Layne

Vitek, Lorene

From:
Sent: Sunday, May 17, 2020 9:09 AM
To: SmartBoard
Subject: PUBLIC COMMENT ITEM - SPEEDING ON SOUTH STREET (second comment email)
Attachments: message to NPD.png; 2019 email.JPG

ANOTHER DEAD ANIMAL ON SOUTH STREET. How is this possible on a street with a designated top speed of 30MPH? Because there are NO CONTROLS.

The quality of life on South Street (Ward 3) is quite nice -- EXCEPT for the traffic.

WHEN is some attention going to be given to this dangerous problem? I'm talking about that mile on South Street between West Street and Dupont. We have NO controls at all - the last traffic light going west is on West Street and there is nothing for .9 mile. So what happens? 85% of the drivers SPEED. TOO MANY are traveling at rates that must exceed 45 mph. We can hear them coming in the distance. Even from the East (remember, please, that the block east of West Street is where our high school is located -- where the speed limit is supposed to be 15 mph). On work mornings, going eastbound, I have been passed *at least* three times on that very block.

It is getting worse: Not only are huge trucks (do they even belong on this road?) traveling upwards of 40 mph, but many cars are being passed on this road and racing bikers speed by. (I'm not talking about older, Harley drivers. THEY respect the speed limit.)

When do we residents deserve some traffic controls? I'm not talking about parking a marked or unmarked car for an hour. Suggestions, from easiest to best:

1. STOP SIGNS (A START) every quarter mile. Might be dangerous because I don't know if the speeders would actually STOP.
2. SPEED BUMPS (GOOD) - I was told that this couldn't be done because the plow drivers would have a problem in winter. I'm sorry -- but don't the plows have a mechanism to LIFT them? Some mall roadways have speed bumps -- how do plow drivers manage *them*?
3. TRAFFIC LIGHT (perhaps at Schiff) to make everyone STOP and WAIT.
4. SPEEDING CAMERA -- BEST, because the City can fine the speeders AND make some necessary funds.

Please don't wait until a person gets hit or a car goes out of control and damages property. I've been writing about this for years -- pretty much since I moved here. I've written to two mayors and three police chiefs (among others). Attached are just two of my communications.

Please. Do something. STOP THE SPEEDING!!!

Nora

N. Cofresi
565 So. St.
12550
917-400-5000
RESPECT CREATION

COPIES POSTED TO:
CORP COUNSEL
NPD

Vitek, Lorene

From:
Sent: Monday, May 25, 2020 6:59 PM
To: SmartBoard
Subject: 'PUBLIC COMMENT ITEM'

Follow Up Flag: Follow up
Flag Status: Flagged

Is closed captioning (during meetings where the large TV screens are used) included in the new technology for the City of Newburgh?

Karen
City of Newburgh resident 

CITY MANAGER'S REPORT

Resolution No. 113 - 2020 - Proposal with ARCADIS for Professional Engineering Services
Related to Phases 2 and 3 of the City's Long Term Control Plan

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 114 - 2020 - Award of Bid for PIN# 8761.39 Lake Drive over Quassaick Creek
Bridge Replacement

Mayor Harvey said that he, Councilman Grice and Councilman Sklarz had long discussions with the residents on Lake Drive regarding the bridge and a timeline. He is happy to see this resolution and hopes we can get shovels in the ground and get this bridge replacement done for those residents.

Councilman Sklarz is happy to see that work is being progressed on a Grant to provide residents with further transportation options. Right now because of that construction they are cut off from the rest of the world.

Councilman Grice said he was going to mention the Grant as well as he is very excited about that. The large buses could not go into the complex because it was difficult to maneuver so he is excited about this project and the Grant to get those residents access to Lake Street.

Councilman Shakur asked how many residents will be hired for this construction.

City Manager, Joseph Donat said he is not aware at this time but will reach out and ask about their hiring practices.

Mayor Harvey said that perhaps Michelle Kelson could shed some light on this because this is a concern that Councilman Shakur has repeatedly brought to our attention and many of us support his concerns. He supports his concerns in knowing what the hiring practices are once a permit has been made by our City government. There should be minimum requirements for hiring and staffing these projects for minorities and women and particularly residents. Is there anything on the books currently?

Michelle Kelson, Corporation Counsel said that this Project is funded by a Contract with the New York State Department of Transportation. There is a Master State Contract that was previously approved by the Council and the funding for the Project is derived primarily from the State Department of Transportation, therefore, we are required to follow the procurement guidelines and rules and regulations of the State Department of Transportation. Attached to the resolution there is a copy of the City's advertisement for bids and on the second page of that advertisement it talks about the disadvantage business EEO goals and minority women owned business requirements for the locally administered Federal Aid projects. There are goals and standards that these companies have to meet under State and Federal guidelines so we cannot graft our own local guidelines onto those. For other projects where the City is using its own funding we can do other things regarding

hiring requirements but here we are constrained by the source of the funding.

Councilman Shakur noted that we see a lot of work going on in our City and we see minorities but they are not from our City. We want some contractors who are going to hire our residents and put us to work in our City.

Ms. Kelson said she understands but again, if the Project is funded by a State or Federal source the City has to comply with the State and Federal source regulations or the City will risk not being funded or not being reimbursed for the work that is being undertaken.

Mayor Harvey recommended taking a closer look at those State and Federal guidelines and regulations for procurement. For that to improve is a point that is well taken from Councilman Shakur as well as when we are using City funds we need to differentiate between City funded construction projects and the hiring practices moving forward. Those are some legislative actions that this Council is very much interested in to make sure that our City residents are working and are employed on some of these construction sites. He agrees with that and supports Councilman Shakur on that particular issue.

Councilman Sklarz asked when do we anticipate shovels to hit the ground and how long will this take?

City Manager, Joseph Donat said that by late June or early July shovels will hit the ground as this is the final step in that process and we hope that this project will be fully completed in less than a year.

Councilman Sklarz moved and Councilman Grice seconded.

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

Resolution No. 115 - 2020 - Purchase of 66 Carson Avenue

Councilwoman Mejia moved and Councilwoman Sofokles seconded.

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

Resolution No. 116 - 2020 - 2020 TD Tree Days Grant for \$19,720

Councilwoman Monteverde moved and Councilwoman Mejia seconded.

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

Resolution No. 117 - 2020 - US DOJ 2020 Bullet Proof Vest Grant

Councilwoman Sofokles moved and Councilwoman Mejia seconded.

**Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Nays: Shakur-1
Adopted**

Resolution No. 118 - 2020 - To accept if awarded -NEA Coronavirus Aid, Relief, and Economic Security (CARES) Act FY 2020

Councilman Grice moved and Councilwoman Monteverde seconded.

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

Adopted

Resolution No. 119 - 2020 - CDBG FY 2019 Substantial Amendment - schedule public hearing

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Adopted

Resolution No. 120 - 2020 - CDBG FY 2019 Substantial Amendment - schedule public comment period

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 121 - 2020 - CDBG FY 2020 Substantial Amendment - schedule public hearing

Councilwoman Monteverde moved and Councilwoman Sofokles seconded.

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

Adopted

Resolution No. 122 - 2020 - CDBG FY 2020 Substantial Amendment - schedule public comment period

Mayor Harvey asked Corporation Counsel to explain the difference between scheduling a public comment period versus scheduling a public hearing for this resolution.

Michelle Kelson, Corporation Counsel explained that a public hearing is a single issue portion of a public meeting in which the members of the public have an opportunity to be heard by the Legislative Body on that subject matter during a public meeting. A public comment period is usually a period of several days in which the public can submit written comments on the same matters directly to the City staff and the City Council on the various CDBG amendments and projects. It's just a different method of receiving comments, questions and concerns from the public.

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

Resolution No. 123 - 2020 - Payment of Claim with Janet Martinez

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

Resolution 124 - 2020 - to Open 5-Day Public Comment Period - Amended Citizen Participation Plan

Councilman Grice moved and Councilwoman Monteverde seconded.

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

Adopted

Ordinance No. 5 - 2020 - Amendment to Chapter 223 - Mobile Food Vendors

Councilman Grice thanked everyone who worked on this specifically Councilwoman Monteverde. He likes the regulations and feels it will help with the health and safety of the customers as well as not put too much of a burden on the people who will be operating a food truck. He looks forward to going to a food truck after this ordinance is passed.

Mayor Harvey said he is excited about this and he also looked at it closely. It was updated so it is a fair and equitable process for mobile food vending and there are a lot of people looking for opportunities to participate in mobile food vending in our community.

Councilwoman Monteverde thanked everyone for supporting this. This will make it cut and dry and very clear that we are now open for business for food trucks and we welcome them.

Councilwoman Monteverde moved and Councilwoman Sofokles seconded.

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

Adopted

Ordinance No. 6 - 2020 - Amendment to Chapter 163 - Fees

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Adopted

NEW BUSINESS

Councilwoman Monteverde said that earlier we were talking about the masks and whether they were mandatory. Cuomo just signed a Bill or Law that any business can refuse to do business with anyone who walks in to their establishment without one.

Mayor Harvey said that Governor Cuomo approved an Executive Order to provide legal parameters around businesses during the State of Emergency that they can deny customers who enter a business in New York without their PPE particularly face masks. A lot of City businesses have already put up protective shields at their cash registers in their businesses and put up signs warning people before entering that they are not welcome to enter without a face mask. For larger establishments where there is the potential for people to congregate such as grocery stores, they have put up signage and marked the floors for social distancing guidelines.

Councilwoman Monteverde said she is happy to see they are doing what they have to do in order to open and provide services.

Councilman Shakur said that many residents have brought to his attention that they are looking for a Social Ambassador to hand out masks to people. When the Police stop people they don't have masks and they're interacting so perhaps our Officers should hand out masks also.

Mayor Harvey said that is a point well taken and it's an excellent idea to have a Social

Ambassadors in our City. He said that he and the Council have walked the streets handing out masks and they will continue those efforts. RECAP was giving out PPE and Councilman Grice was at Lake Street Apartments with Scott Manley from the Town of Newburgh and Planned Parenthood. He knows there is a shortage on masks but we are getting some things in on a constant basis from Orange County so we will continue to do our very best collectively to create Social Ambassadors. Orange County Legislator, Kevindaryan Lujan was knocking on doors this past weekend handing out masks and he will be handing out more this coming weekend so it's an ongoing process. He commended everyone who has chipped in since this Pandemic and feels we are doing a better job at sharing information and encouraging our residents to wear masks. We are learning and getting better as we go with all of our efforts collectively because this was an unprecedented and unpredicted healthcare crisis that nobody anticipated. He added that a lot of the City Council received heat with the layoffs from the beginning of 2020 but he has had many conversations with our City Manager and our City Comptroller and had we not done all the measures in 2019 with the Budget and those hard decisions when we got hit with this unpredicted healthcare crisis this City would have been bankrupt within two to three weeks. Because the City Council, City Manager and Executive staff made some really tough decisions we were able to continuously provide essential services to our residents and not make one layoff or furlough after the Corona Virus hit. We are hoping that the Federal Government will provide additional funds for the State and local governments throughout the Country so we don't have to make those kind of decisions ever again with layoffs and furloughs. He thanked the City Manager, Executive staff and Council for their hard work last year with some really difficult decisions during the Budget season. The increases in the sanitation bill was also a very difficult decision to make and we all know how important sanitation is when you have a virus that's communicable.

City Manager, Joseph Donat noted that the Police and Fire Department has so far handed out about seven thousand masks to the community. We anticipate that number to increase significantly through some collaboration with the County. All Police and Fire vehicles have masks in them and will gladly distribute masks to anyone in need. We also have masks at City Hall to distribute so anyone interested in being a Social Ambassador should contact us so we can work with them.

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

OLD BUSINESS

Councilwoman Mejia said they have been talking since the beginning of May around having a tracking list of proposed legislation. She emailed everyone and thanked Ms. Kelson for putting the first draft together of what is currently in the hopper. We just have to fill it out as a phase one of us putting everything into one document and being able to track it for future discussion at one of our Work Sessions. Please check your emails for a document that we can all work on at the same time and then come back collectively to discuss. This is a helpful tool that we can use to continue to prioritize legislation. Today we had a discussion about projects that come to the City of Newburgh and types of funding

so a local hiring ordinance could be part of that list. At least if we catalog it then it's all in one document and we can have a conversation and prioritize to move policy forward.

Mayor Harvey said he looks forward to participating in that legislative document.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice thanked everyone viewing tonight and apologized for the technical issues because they want to hear all of the comments. He noted that he is excited about the Northwest Sewer Separation because after that's done not only will we be fixing our sewer and water but that land can then be developed to help our tax base. He feels that the Assessor's Office did a fantastic job and the assessment decisions won't be made until July so he looks forward to seeing those decisions and that impact. He is really excited about the Delano-Hitch Project as it has been a pet project of his. There have been some comments on Social Media about decisions this Council has made so he asked the Council members to please confer with one another and for the public to ask that specific elected official about the decisions he or she made. Sometimes there are presumptions that go on when you don't know all of the facts and details which makes for an uncomfortable situation. Census 2020 is still in effect so please fill out your Census. Wear masks when out and if unsure of the phases please look at our City website

Councilwoman Mejia finds herself echoing some of the comments that Councilman Grice mentioned. She is also in deep reflection, frustration, sadness and a bunch of emotions about what is taking place in our World. She always comes back to what is taking place here in our own community and our own neighborhoods. The time we have is so limited and the time we spent not working productively together is really discouraging for her. We all have different styles by which we function under but to her it's so important about how things get messaged. It's so important how we support and hold each other accountable. She wants to figure out how to do things differently which is why she is focusing on the legislation aspects we can do. She thinks those are some common grounds that as a community we can all get behind and respect and still honor everybody's differences on how you interact. She added that PPE is really important for the workforce and the community so she can't support PPE for healthcare workers and then not support it for the Police and Fire Departments. She wants to make sure that when having conversations and discussions that we are looking at workplace matters and policy based matters.

Councilwoman Monteverde thanked Councilwoman Mejia for her comments. She too has been thinking a lot these days how the Council works together and she hopes that at some point we can all be in alignment. She knows that they all care about this City and hopes they can continue to communicate with each other to look at what legislation we want to put forth this year. We can be strong and we can work together but there is a lot going on in our City and a lot of people are looking to us as leaders to help move this City forward. At some point if we can just set aside our differences as we are not always going to agree on everything. We are a Council with the Mayor and we work together so if we can look at what we would like to accomplish in the next year or two she thinks they can get a lot

done. One thing in the City Manager's Report regarding the roads being closed off she is very excited about and she would love to see these closures happen by July so that we have space for the community to create some green space. The Restaurants that have been closed can then spread out and offer al fresco dining that will help their businesses so she is going to push for this to happen as quickly as possible. She is also excited about the other ideas so if we could put together a schedule on the drive-in movie with people social distancing it would really be important for the community. She thanked DPW for doing and outstanding job. She is grateful to them, our Water Department, our Engineering Department and Community Development as well as Police and Fire.

Councilman Shakur thanked everyone for watching tonight and for being part of this meeting. There have been a lot of meetings in the community and he looks forward to those. He encouraged everyone to go to his web page and do the Census 2020 because right now Newburgh is way behind the rest of the State so we need to move on this.

Councilman Sklarz said, *"I just want to take a minute to express my disappointment on the behavior of Councilman Shakur. Minutes after the March 27th shooting you used social media to make incorrect statements about the incident stating that an unarmed man was shot by the Police. Your behavior was totally irresponsible, reckless and ignited social unrest throughout the City. It is clearly ironic that you continue to claim credit for going out early the following morning to put out the fires that you, yourself ignited. There was an arrest on April 28th and you issued incorrect statements that a Taser was used by Police and you know that not to be true but you continued to say it. During the week of May 13th a joint police task force operation made numerous arrests confiscating guns and drugs. Using racially divisive language you constantly characterize this police activity as an occupation of the City. There are so many members of this community who question the conduct of certain Police Officers. They deserve a fair hearing of their complaints. They are not served by incorrect statements. They are not served by the distortion of facts and they are not served by language that racially divides our City. As a City Council person at large we represent all of this City and we owe it to everyone to get the facts right before we speak."*

Councilwoman Sofokles said she agrees with her fellow Councilmembers that we need to get a better handle on things and not cause unrest in the City but create unity. There is a lot going on in this Country and everyone is upset so we need to create calmness. On another note, she thanked the CAC for the lilacs planted and the Assessment Review Board. She spent fourteen years on the Assessment Review Board and that group of people knows what they are doing so give them the benefit of doubt and let them do their job. She also thanked DPW because they work really hard and they are short staffed. She thanked Cornerstone for putting up the testing sites which are very important. She is happy about the Land Bank Urban Farm also as a lot of things are still happening with everything that's going on and we need to support them. She is glad that Marilyn Ejercito got through tonight because last year she received many phone calls on the 4th of July from Townsend Avenue because it was very scary. This wasn't like sparklers or small fireworks it was scary stuff so she supports this ordinance. There is no other way because people take advantage and we almost had a big tragedy last year.

Mayor Harvey thanked everyone tuning in and listening tonight. His thoughts and prayers go out to Ahmaud Aubrey and the Aubrey family and George Floyd and the Floyd family.

He recognizes that African American men are going through a very difficult time in our Nation right now and as an African American man himself he has encountered and seen videos that are horrific but justice will prevail and must be served. Locally there is some disconnect between the community in the City of the Newburgh and our law enforcement but he is committed to working with everyone whether we agree or disagree. He is committed to working with everyone to bring solutions to the problem. *"I am a solution based person and I am very quick to recognize when there is a problem but I am very slow at expressing my opinions and my position on very difficult and very challenging matters. I am very slow on articulating my opinion because I like to be well thought and calculated with what I say because I know words have meaning and words are powerful. I do not disagree with everything Councilman Shakur says because I believe Councilman Shakur has some very valid points on various matters dealing with the City of Newburgh. I do ask him to not put my name and my position in his videos and he and I are not seeing things eye to eye recently but I still respect Councilman Shakur and I do agree that Councilman Shakur and everyone should fact find and do their research before we make statements on any matter. I don't care if they are racial matters or matters regarding the Police or whatever."* We did recognize that our law enforcement has to wear PPE for their own protection and the protection of the community. We are living in very, very difficult times so we do need to unite and listen to each other. His goal and his job is to unite all of us even when we have differences. *"I want peace in the streets of Newburgh and we need justice, peace and equality throughout our Country"*. He has love for everyone and everybody's point of view is valid so he is willing to listen and do what he has to do to create solutions moving forward. He thanked everyone for their comments and the Council and staff for their hard work. Everyone is working hard and he appreciates everything they are doing to get through this healthcare crisis. He appreciates everyone and regardless of any differences he wanted to say thanks to all. God Bless and good night.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 8:45 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 113 - 2020

OF

MAY 28, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
WITH ARCADIS OF NEW YORK INC. FOR PHASES II AND III OF
THE COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN
IN AN AMOUNT NOT TO EXCEED \$542,500.00**

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute a Consent Order with the New York State Department of Environmental Conservation ("NYS DEC") to resolve violations at the Wastewater Treatment Plant and for the development of the Long Term Control Plan ("LTCP"); and

WHEREAS, the City submitted its Phase I LTCP and by Resolution No. 303-2015 of November 23, 2015, the City Council authorized the City Manager to execute a Modification Order on Consent approving a Compliance Schedule for Phase I through V of the LTCP; and

WHEREAS, by Resolution No. 189-2019 of August 12, 2019, the City Council authorized the City Manager to accept a letter proposal and execute a professional engineering services agreement with Arcadis of New York, Inc. to complete the planning and preliminary engineering for projects included as part of Phase II, III, and IV of the LTCP in an amount not to exceed \$880,000.00; and

WHEREAS, Arcadis of New York, Inc. has submitted a letter proposal for additional professional engineering services to complete the designs and bid documents for the Downing Park Drain Outlet and Third Street Storm Drain and North Interceptor Improvements Projects included as part of Phase II and III of the CSO LTCP; and

WHEREAS, funding for the cost of the services an amount not to exceed \$542,500.00 shall be derived from an existing grant and loan from the New York State Environmental Facilities Corporation under project CWSRF#C3-7332-11-00; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept the letter proposal and execute a professional engineering services agreement with Arcadis of New York, Inc. to complete the designs and bid documents for the Downing Park Drain Outlet and Third Street Storm Drain and North Interceptor Improvements Projects included as part of Phase II and III of the Long Term Control Plan for the City's Combined Sewer Collection System, with other provisions as Corporation Counsel may require, in an amount not to exceed \$542,500.00.

RESOLUTION NO.: 114 - 2020

OF

MAY 28, 2020

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF
A CONTRACT WITH MICHELS CORPORATION FOR THE CONSTRUCTION OF
THE LAKE DRIVE OVER QUASSAICK CREEK REPLACEMENT PROJECT
(BIN#2223630/PIN#8761.39) IN AN AMOUNT NOT TO EXCEED \$2,139,500.00

WHEREAS, the City of Newburgh duly re-advertised for bids in connection with the Lake Drive over the Quassaick Creek Bridge Replacement Project (BIN#2223630/PIN#8761.39); and

WHEREAS, seven (7) bids were duly received and opened and Michels Corporation is the most responsible low bidder; and

WHEREAS, funding for the Project shall be derived from the Orange County Transportation Council (OCTC) Transportation Improvement Program (TIP), OCTC Tip Reserve Fund Budget Line A.0000.0882.0000, and the 2016 BAN H1.5110.0208.8102.2016; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for construction of the Lake Drive over the Quassaick Creek Bridge Replacement Project (BIN#2223630/PIN#8761.39) for the City of Newburgh be and it hereby is awarded to Michels Corporation in an amount not to exceed \$2,139,500.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

CITY OF NEWBURGH
83 BROADWAY, NEWBURGH, NY 12550

TITLE: LAKE DRIVE OVER QUASSAICK CREEK BRIDGE REPLACEMENT

PIN: 8761.39 | Bid #4.20

ADVERTISEMENT FOR BIDS

Name of Project: **PIN 8761.39 (Bid #4.20)** – Lake Drive over Quassaick Creek Bridge Replacement
City of Newburgh, Orange County

Sealed bids for the furnishing of all labor and material necessary for **Lake Drive over Quassaick Creek Bridge Replacement** will be received by the City of Newburgh Comptroller's Office until **11:00 a.m. (local time) Wednesday, May 13, 2020 at the City Hall**, City of Newburgh, 83 Broadway - 4th floor, Newburgh, New York, 12550 at which time and place they will be publicly opened and read aloud. However, if the Governor further extends the New York State Disaster Emergency Declaration as amended by Executive Order No. 202.11 beyond April 26, 2020, the bid opening will be non-public and live-streamed for public viewing.

Bids will be received for the following Contract: PIN 8761.39 – Lake Drive over Quassaick Creek Bridge Replacement. This project includes the replacement of the existing Lake Drive Bridge over the Quassaick Creek in the City of Newburgh, New York.

Complete sets of the drawings, specifications and bid forms, becoming available to the public on **Friday, April 17, 2020** may be viewed and downloaded at no charge by visiting the Empire State Purchasing Group website at: www.BidNetDirect.com/new-york/city-of-newburgh, selecting the "Open Solicitations" tab and title of solicitation. Vendors may have to register if visiting this site for the first time. Bids will only be accepted from those vendors having downloaded all Bid Documents from the Empire State Purchasing Group website which are then considered and listed as an Official Plan Holder.

All Bids must be made on the official Bid Form or an exact copy by reproduction thereof and enclosed in a sealed envelope. **All bids must be in original form and signed in blue ink, except for a Notary Public.** Photocopies will not be accepted and will result in a rejection of the bid.

Each proposal shall be accompanied by a bid security in the amount of five percent (5%) of the gross amount of the bid payable to the City of Newburgh as a guarantee that if the Bid is accepted, the Bidder will enter into a contract with the City of Newburgh. No bidder may withdraw his or her bid within forty-five (45) days after the actual date of opening therefore.

The Bidder to whom the Contract is awarded will be required to furnish performance and payment bonds from an acceptable Surety Company for an amount not less than 100% of the accepted bid to guarantee the Bidder will complete the items bid upon in accordance with the specifications and under the terms of the contract documents.

This is a Federal Aid project and the NYSDOT Standard Construction Specifications dated May 1, 2020 MUST be followed including Section 100. The project contains Affirmative Action Goals and reporting requirements. NYSDOT Standard Specifications must be followed on a Federal Aid project. This project is subject to the provision of Chapter 605, Laws of the State of New York of 1959, Section 103-A of the General Municipal Law and subsequent amendments, and all Federal requirements.

This project is subject to New York State Department of Labor Prevailing Wage rates and Federal Davis-Bacon Labor rates. The higher rates shall apply.

All work items of the Contract shall be completed within 180 consecutive calendar days from receipt of Notice to Proceed, exclusive of an approved winter shutdown or such period as extended by the Owner as provided herein.

CITY OF NEWBURGH
83 BROADWAY, NEWBURGH, NY 12550

TITLE: LAKE DRIVE OVER QUASSAICK CREEK BRIDGE REPLACEMENT

PIN: 8761.39 | Bid #4.20

The Disadvantaged Business Utilization Goal for this project is 8.0%. EEO Goals for this project are 17.0% Minority and 6.9% Female. There is no M/WBE language or requirements, residences or geographical restrictions or requirements or Project Labor Agreement requirements associated with this project.

The New York State Department of Transportation utilizes a web-based civil rights reporting system called EBO (Equitable Business Opportunities). The Contractor is required to utilize this reporting software in accordance with Section 15.4.8 of the NYSDOT Procedures for Locally Administered Federal Aid Projects.

Owner's Rights Reserved: The City of Newburgh, (the City), reserves the right to reject any or all Bids and to waive any and all informalities or technicality and the right to disregard all nonconforming, non-responsive or conditional bids in the interest of the City.

Upon selection, for all contracts that equal or exceed \$100,000, the low bidder will be required to submit to the State a Vendor Responsibility Questionnaire: Construction – For-Profit (CCA-2). Contractors and subcontractors **MUST have an approved CCA-2 on file with NYSDOT** prior to the letting of the project. The questionnaire can be found online at: http://www.osc.state.ny.us/vendrep/forms_vendor.htm

Addenda Procedure: Bidders shall refer to the Instructions to Bidders in the Project Proposal for a complete description of the addendum process.

Statement of Non-Collusion: Bidders are required to execute the non-collusion bidding certificate attached thereto pursuant to Section 103-d of the General Municipal Law of the State of New York.

Bidders are required to submit Lobbying Activities Form contained in the project specifications.

Any inquiries regarding the contract plans and/or specifications must be directed, in writing, to Lou Bach, P.E., Project Engineer at lbach@hveapc.com.

Bidders shall promptly notify the City of any errors, omissions, conflicts, ambiguity, etc. in/among the contract documents.

Owner

City of Newburgh
83 Broadway
Newburgh, NY 12550

Contact

Jason Morris, P.E.
City Engineer
JMorris@cityofnewburgh-ny.gov

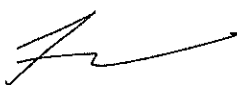
Consultant

HVEA Engineers
560 Route 52 – Suite 201
Beacon, NY 12508

Contact

Lou Bach, P.E.
Project Engineer
LBach@hveapc.com

BY ORDER OF THE CITY OF NEWBURGH

By:  Dated: April 15, 2020
City Comptroller

RESOLUTION NO.: 115 - 2020

OF

MAY 28, 2020

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 66 CARSON AVENUE (SECTION 45, BLOCK 6, LOT 30)
AT PRIVATE SALE TO STEVEN T. CHING FOR THE AMOUNT OF \$52,000.00**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by exercising its right of reverter pursuant to Section 612 of the Real Property Actions and Proceedings Law of the State of New York; and

WHEREAS, pursuant to Section 13-2 of the City Code of the City of Newburgh, the City may sell any real property at private sale; and

WHEREAS, the City of Newburgh desires to sell 66 Carson Avenue, being more accurately described as Section 45, Block 6, Lot 30 on the official tax map of the City of Newburgh; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before August 28, 2020, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
66 Carson Avenue	45 - 6 - 30	Steven T. Ching	\$52,000.00

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

Terms and Conditions Sale

66 Carson Avenue, City of Newburgh (SBL: 45-6-30)

STANDARD TERMS:

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

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

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

ACKNOWLEDGED AND AGREED

Date: _____

Steven T. Ching

RESOLUTION NO.: ____116____ - 2020

OF

MAY 28, 2020

**A RESOLUTION AUTHORIZING THE CONSERVATION ADVISORY COUNCIL AND
THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED AN
ARBOR DAY FOUNDATION TD TREE DAYS PROGRAM GRANT
IN THE AMOUNT OF \$19,720.00 TO SUPPORT NEW TREE PLANTING
ON SOUTH AND LANDER STREETS**

WHEREAS, the City of Newburgh Conservation Advisory Council has requested that the City of Newburgh authorize its application to the Arbor Day Foundation TD Tree Days Grant program to fund new tree planting on South and Lander Streets; and

WHEREAS, the City of Newburgh Conservation Advisory Council proposes to plant 30 trees along South and Lander Streets which presently are bare of trees and without the benefits of shade, temperature moderation and clean air provided by trees; and

WHEREAS, such grant funding shall be the amount of \$19,720.00 and requires no match from the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh Conservation Advisory Council and the City Manager be and they are hereby authorized to apply for and accept if awarded an Arbor Day Foundation TD Tree Days Program grant in the amount of \$19,720.00 to fund new tree planting on South and Lander Streets; and

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

RESOLUTION NO.: 117 - 2020

OF

MAY 28, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM
THE UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE
UNDER THE 2020 BULLETPROOF VEST PARTNERSHIP IN THE AMOUNT OF
\$21,125.00 WITH A FIFTY PERCENT MATCH TO BE PAID OUT OF POLICE FUNDS**

WHEREAS, the City of Newburgh Police Department has advised that grant funding is available from the United States Department of Justice Bureau of Justice Assistance under the Bulletproof Vest Partnership FY 2020 covering the period April 1, 2020 through August 31, 2022; and

WHEREAS, the Partnership was created by the Bulletproof Vest Partnership Grant Act of 1998; and

WHEREAS, this initiative is designed to provide a critical resource for state and local jurisdictions that saves lives; and

WHEREAS, funding is requested for 25 vests at a total cost of \$21,125.00 and a fifty (50%) percent match in the amount of \$10,562.50 is to be paid out of Police funds A.3120.0417; and

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

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 grant from the Bureau of Justice Assistance under the 2020 Bulletproof Vest Partnership in the amount of \$21,125.00, with a fifty (50%) percent match to be paid out of Police funds; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 118 - 2020

OF

MAY 28, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A NATIONAL ENDOWMENT FOR THE ARTS
CORONAVIRUS AID RELIEF AND ECONOMIC SECURITY ACT GRANT
IN THE AMOUNT OF \$50,000.00 WITH NO CITY MATCH
TO CONDUCT A NEWBURGH ARTS AND CULTURAL SURVEY**

WHEREAS, by Resolution No. 21-2019 of January 28, 2019, the City Council of the City of Newburgh authorized the Interim City Manager, on behalf of the Newburgh Arts and Cultural Commission, to apply for a National Endowment for the Arts Art Works grant in the amount of \$35,000.00 to conduct an arts and cultural survey; and

WHEREAS, by Resolution No. 327-2019 of December 9, 2019, the City Council authorized the City Manager, on behalf of the Newburgh Arts and Cultural Commission to accept a National Endowment for the Arts Art Works grant in the amount of \$10,000.00 to conduct an arts and cultural survey; and

WHEREAS, the Newburgh Arts and Cultural Commission has requested that the City of Newburgh apply for and accept if awarded a National Endowment for the Arts Coronavirus Aid, Relief and Economic Security ("CARES") Act grant in the amount of \$50,000.00 to support the conduct of the previously awarded Newburgh Arts and Cultural Study; and

WHEREAS, the grant in the amount of \$50,000.00 requires no City match; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a National Endowment for the Arts Coronavirus Aid, Relief and Economic Security ("CARES") Act grant in the amount of \$50,000.00 to continue to conduct the previously awarded arts and cultural survey grant; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to apply for such grant.

RESOLUTION NO.: 119 - 2020

OF

MAY 28, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR JUNE 8, 2020 TO HEAR
PUBLIC COMMENT CONCERNING A SUBSTANTIAL AMENDMENT TO THE
CITY OF NEWBURGH CDBG FY2019 ANNUAL ACTION PLAN
FOR THE ALLOCATION OF
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING**

WHEREAS, by Resolution No. 327-2018 of November 13, 2018, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant ("CDBG") FY 2019 Annual Action Plan ("AAP"); and

WHEREAS, the City of Newburgh received a special allocation of CDBG funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which requires a Substantial Amendment to the previously authorized FY 2019 AAP and a public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a substantial amendment to the CDBG FY 2019 Annual Action Plan; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 8th day of June, 2020; and

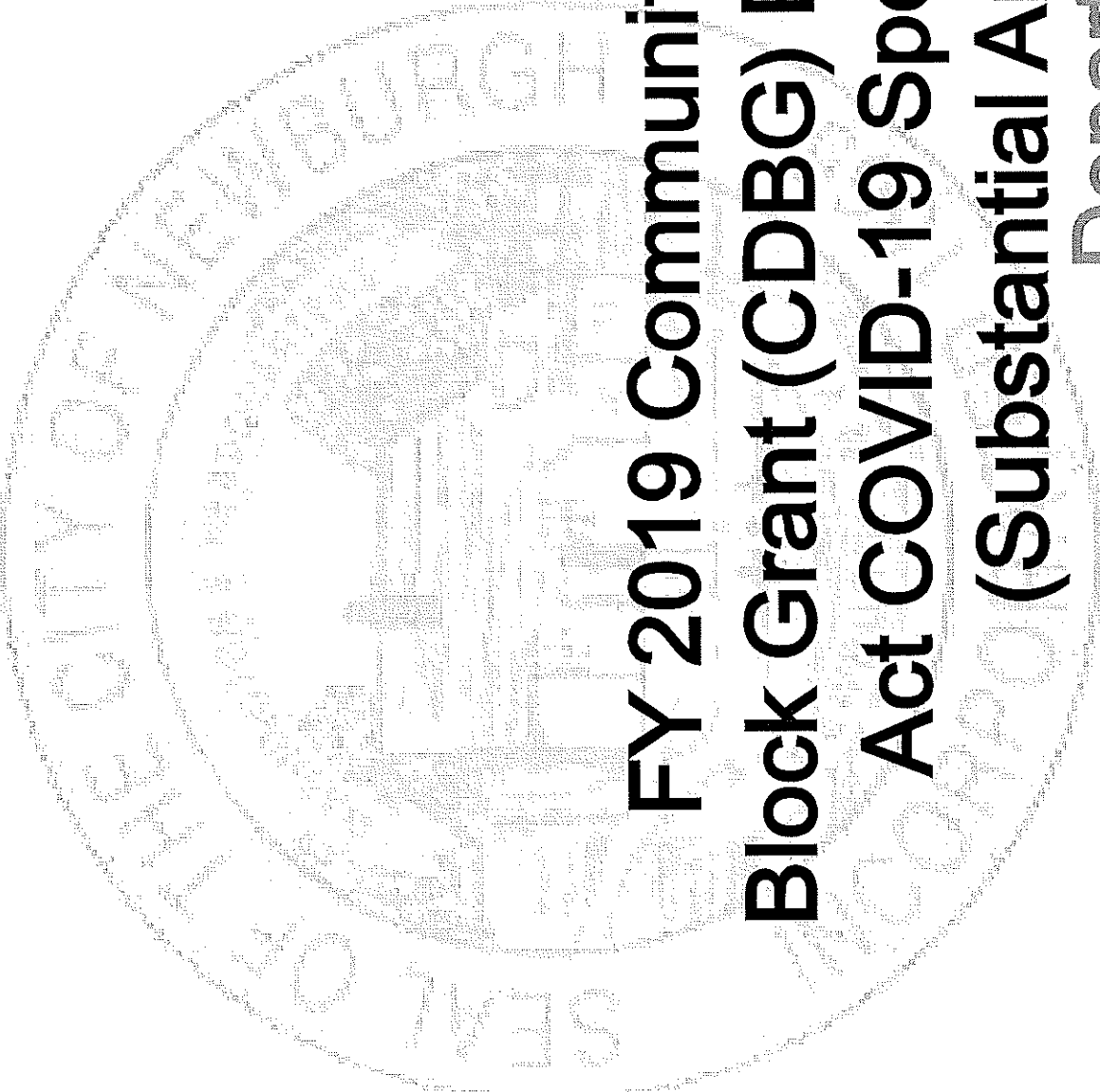
BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not meet in-person and in accordance with the Governor's Executive Order 202.1, as amended, the June 8, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed CDBG FY2019 Annual Action Plan as follows:

To view the livestream of the City Council Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: https://zoom.us/webinar/register/WN_nH9rwoDKQjGhCeUEy6IdPw. Please note that there is an underscore between the "N" and "n").

To order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Friday, June 5, 2020 through the Zoom App: https://zoom.us/webinar/register/WN_nH9rwoDKQjGhCeUEy6IdPw. Please note that there is an underscore between the "N" and "n"). Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Friday, June 5, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

The seal of the City of Newburgh is a circular emblem. It features a central shield with a sun rising over a river, with a bridge in the background. The shield is surrounded by a wreath. The outer ring of the seal contains the text "CITY OF NEWBURGH" at the top and "1784" at the bottom.

FY 2019 Community Development Block Grant (CDBG) Projects + CARES Act COVID-19 Special Allocation (Substantial Amendment)

**Department of Planning &
Development
May, 2020**

City of Newburgh City Council:

Torrance Harvey, Mayor

Karen Mejia, Ward 1

Ramona Monteverde, Ward 2

Robert Sklarz, Ward 3

Patty Sofokles, Ward 4

Anthony Grice, At-Large

Omari Shakur, At-Large

(New) CARES Act Funding

- In April, 2020, the City of Newburgh received a special allocation of Community Development Block Grant (CDBG) funds in the amount of \$513,511.00 to “prevent, prepare for, and respond to the Coronavirus (COVID-19).”
- The allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

(New) City of Newburgh FY2019 Substantial Amendment

- Pursuant to “24 CFR § 91.505 - Amendments to the consolidated plan,” amendments may be made to a jurisdiction’s Annual Action Plan (AAP). The jurisdiction’s Citizen Participation Plan (CPP) determines the criteria for a substantial amendment to the AAP.
- The City of Newburgh’s CPP requires a substantial amendment when there is:
 - A “change of more than 25 % of the total grant award funding the activity.”
 - A “change the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized.”

(New) City of Newburgh FY2019 Substantial Amendment

- As the CARES Act special allocation to the City of Newburgh is greater than both the “change of more than 25 % of the total grant award funding the activity” and a “change [to] the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized,” the substantial amendment process must be activated in order for the City of Newburgh to accept the funding.
- The substantial amendment process includes:
 - Update to a previously authorized AAP
 - Public Hearing
 - Public Comment Period
 - Submission of updated AAP to the U.S Department of Housing and Urban Development (HUD)

(New) City of Newburgh FY2019 Substantial Amendment

- To expedite and streamline use of the special allocation of CDBG funding, CDBG-CV, the special allocation will be added to the City of Newburgh FY2019 AAP.
- New Activities added to the FY2019 AAP:
 - Public Service
 - Emergency Income Payments (Rent): \$413,511.00
 - Emergency Food Service - CARES Act (CDBG-CV): \$50,000.00
 - Administration
 - Administration - CARES Act (CDBG-CV): \$102,702.20

Additional information begins on Slide 11

“CDBG” - Brief Primer

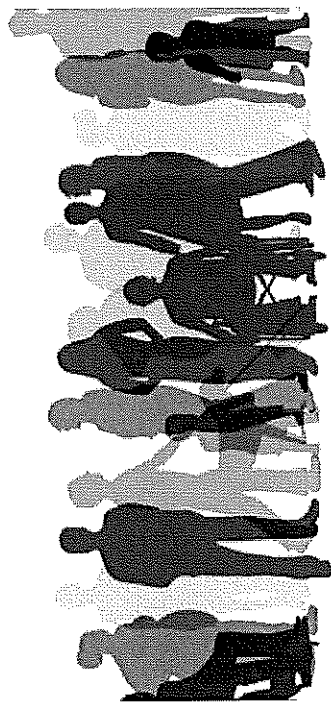
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- Community Development Block Grant (CDBG) - Administered by the U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is required to prepare and submit a Consolidated Plan that establishes goals for the use of CDBG funds. The most recent City of Newburgh Consolidated Plan: FY2015-FY2019
- Projects MUST be consistent with national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.

City of Newburgh Community Development Goals

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Successful community building requires reestablishing trust, which takes time, patience, outreach and communication.



City of Newburgh CDBG Projects Overview:

- Manage city-owned properties, through the in rem program.
- Provide access to parkland, trails, and healthy activities in nature
- Positively reinvest in our community and our infrastructure
- Provide public service activities to respond to community need

FY2019: Annual Action Plan Projects updated with CARES Act COVID-19 Special Allocation

Year 5 of the 5 Year Plan
2015 - 2019

FY2019 Entitlement + CARES Act Funding

Amended CDBG Projects/Funding

Project Name	Description	Project Funding FY2019 Annual Entitlement (CDBG- EN) Funding	Project Funding FY2019 EN + CARES Act (CDBG-CV) Allocation
In Rem Property Program	Salaries for 3 fulltime employees, in Rem Property Supplies, in Rem Training	\$215,000.00	\$215,000.00
Complete Streets Program	Sidewalks, Business Façade Improvements, Infrastructure	\$225,000.00	\$225,000.00
Park Improvements	Park Improvements	\$190,786.00	\$190,786.00
Community Policing/Neighborhood Services	Community and Neighborhood Police Initiatives, 2018 National Night Out, 2019 Children's Summer Film Festival	\$18,000.00	\$18,000.00
	CARES Act (CDBG-CV): Public Service: Provide equipment, supplies, and materials necessary to carry-out a public service; Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.		\$50,000.00
	CARES Act (CDBG-CV): Public Service: Public Service program to provide emergency income payment (rent), to cover rent due to lack of income as a direct result of the COVID-19 crisis.		\$413,511.00
Homeowner Resource Assistance Program	Program to provide resource assistance to homeowners	\$60,000.00	\$60,000.00
Administration	Program Administration, Staff Salaries and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	\$130,000.00
	CARES Act (CDBG-CV): Program Administration of CDBG-CV funds. Includes program administration costs such as public notices, language translation, mailing, salary, meetings/training.		\$50,000.00
Total		\$838,786.00	\$1,352,297.00

Added through Substantial Amendment (New)
Project: Public Service, Emergency Food Service -
CARES Act (CDBG-CV)
Previous Budget: \$0.00
New Budget: \$50,000.00

Summary: Provide equipment, supplies, and materials necessary to carry-out a public service; Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities. Funding to be provided to organization through Request For Proposal (RFP) process.

Added through Substantial Amendment (New)
Project: Public Service, Emergency Income
(Rent) Payment - CARES Act (CDBG-CV)
Previous Budget: \$0.00
New Budget: \$413,511.00

Summary: Public Service program to provide emergency income payment (rent), to cover rent due to lack of income as a direct result of the COVID-19 crisis.

Added through Substantial Amendment (New)
Project: Administration - CARES Act (CDBG-CV)
Previous Budget: \$0.00
Budget: \$50,000.00

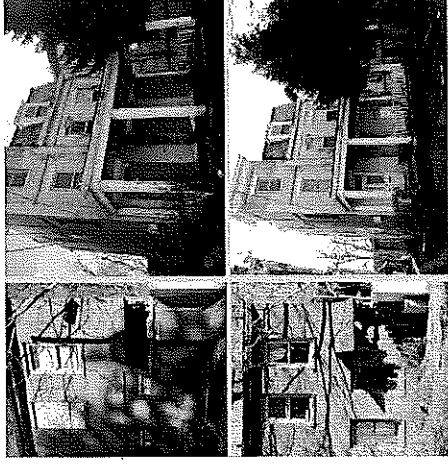
Summary: Funding for Program Administration of CDBG-CV funds. Includes program administration costs such as public notices, language translation, mailing, salary, meetings/training.

Project: In Rem Property Program
Budget: \$215,000.00

Summary: Continued funding for the In Rem program, including the salaries for 3 fulltime employees (2 DPW employees and the Economic Development Specialist), In Rem property program supplies, such as paint, plywood, In Rem Training.

In Rem Property Program Highlights

- Staffed by 2 full-time Department of Public Works employees and 1 employee of the Planning & Development Department dedicated to the in rem program.
- Provides maintenance and security of vacant properties. Keeps properties habitable, neighborhoods looking good, maintains/increases property values.



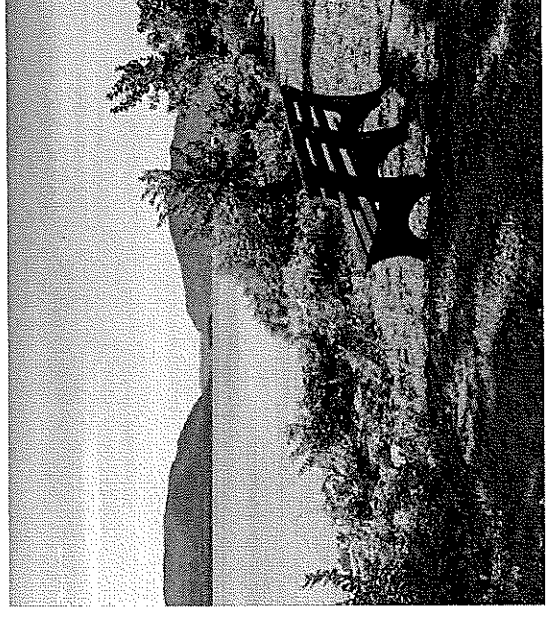
Project: Complete Streets Project
Budget: \$225,000.00

Summary: Funding to support the following Complete Streets projects:

- Sidewalks
- Façade Improvements (including business signs)
- Infrastructure

Project: Park Improvements
Budget: \$200,000.00

Summary: Funding to support park improvements in the City of Newburgh. Projects to include support to the new South Street Park.

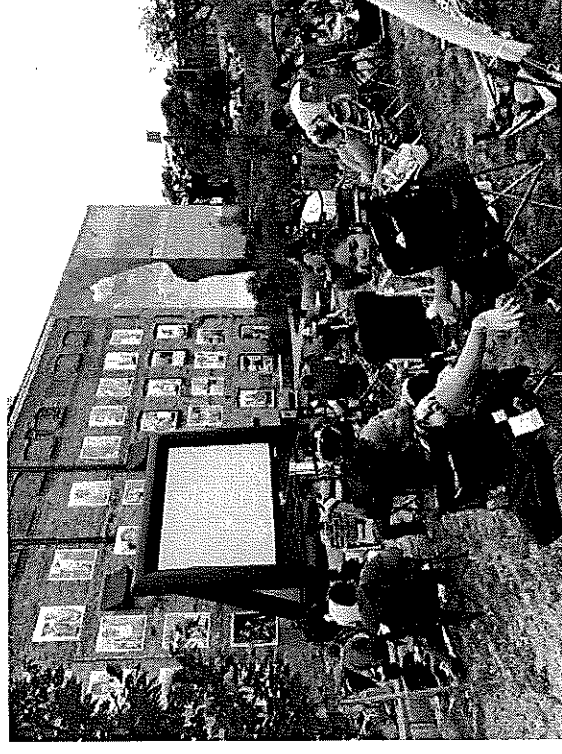


Project: Community Policing/Neighborhood Services

Budget: \$18,000.00

Summary: Funding to support:

- 2019 National Night Out
- 2019 Children's Summer Film Festival



Project: Homeowner Resource Assistance
Budget: \$60,000.00

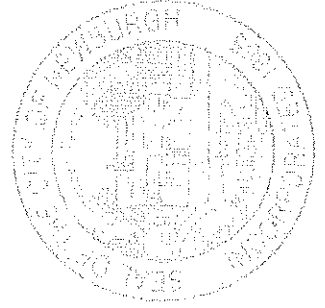
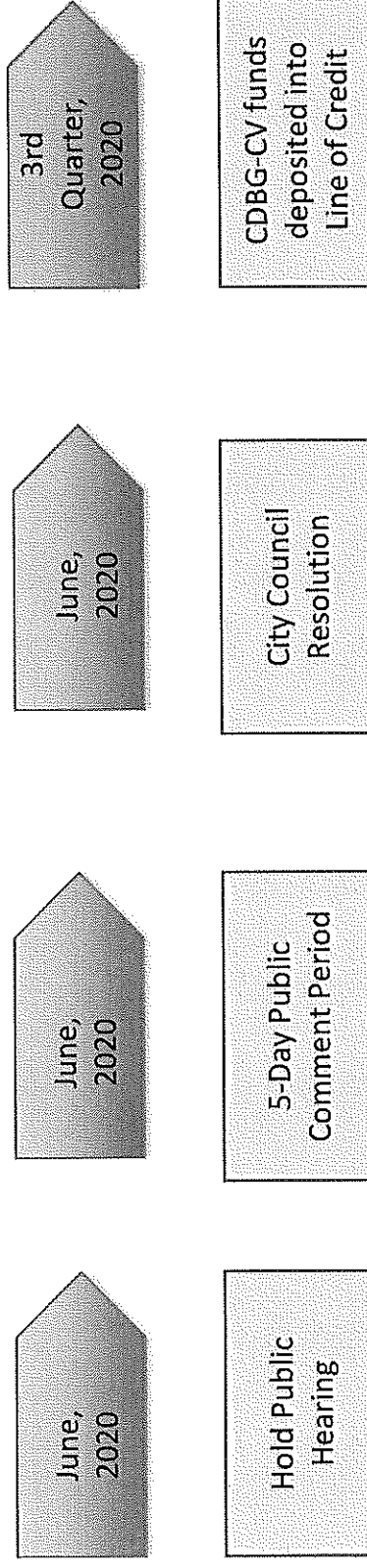
Summary: Funding to support a low-income homeowner resource assistance program. Includes repairs as well as other assistance such as financial/budget counseling.

Project: Administration

Project Funding: \$130,000.00

Summary: Funding to include salary and benefits for Director of Community Development, Business Mailings, Supplies and Program Administration/Training/Conference.

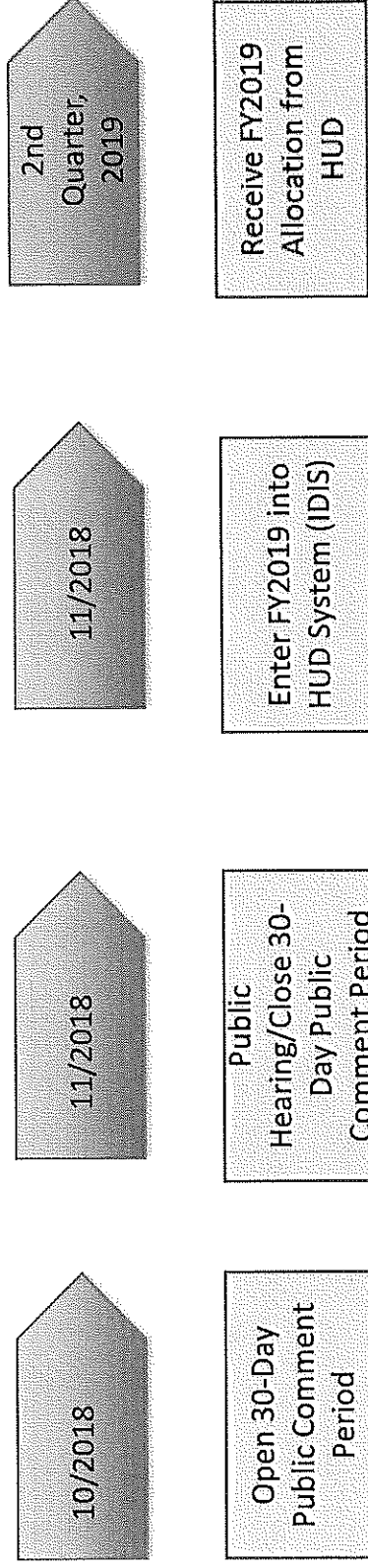
FY2019 CDBG-CV Projects Timeline (New)



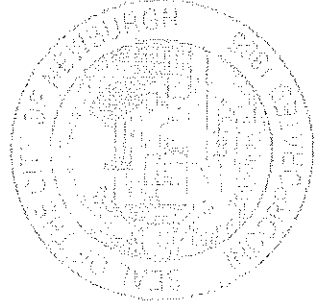
FY 2019 CDBG-CV PROJECTS TIMELINE



FY2019 CDBG Projects Timeline



FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS TIMELINE



Project Name	Description	Project Funding FY2019 Annual Entitlement (CDBG-EN) Funding	Project Funding FY2019 EN + CARES Act (CDBG-CV) Allocation
In Rem Property Program	Salaries for: 3 fulltime employees, In Rem Property Supplies, In Rem Training	\$215,000.00	\$215,000.00
Complete Streets Program	Sidewalks, Business Façade Improvements, Infrastructure	\$225,000.00	\$225,000.00
Park Improvements	Park Improvements	\$190,786.00	\$190,786.00
Community Policing/Neighborhood Services	Community and Neighborhood Police Initiatives, 2018 National Night Out, 2019 Children's Summer Film Festival	\$18,000.00	\$18,000.00
	CARES Act (CDBG-CV): Public Service: Provide equipment, supplies, and materials necessary to carry-out a public service; Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.		\$50,000.00
	CARES Act (CDBG-CV): Public Service: Public Service program to provide emergency income payment (rent), to cover rent due to lack of income as a direct result of the COVID-19 crisis.		\$413,511.00
Homeowner Resource Assistance Program	Program to provide resource assistance to homeowners	\$60,000.00	\$60,000.00
Administration	Program Administration, Staff Salaries and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	\$130,000.00
	CARES Act (CDBG-CV): Program Administration of CDBG-CV funds. Includes program administration costs such as public notices, language translation, mailing, salary, meetings/training.		\$50,000.00
	Total	\$838,786.00	\$1,352,297.00

RESOLUTION NO.: 120 - 2020

OF

MAY 28, 2020

RESOLUTION OPENING A 5-DAY PUBLIC COMMENT PERIOD TO RECEIVE
PUBLIC COMMENT CONCERNING A SUBSTANTIAL AMENDMENT TO THE
CITY OF NEWBURGH CDBG FY2019 ANNUAL ACTION PLAN
FOR THE ALLOCATION OF
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING

WHEREAS, by Resolution No. 327-2018 of November 13, 2018, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant ("CDBG") FY 2019 Annual Action Plan ("AAP"); and

WHEREAS, the City of Newburgh received a special allocation of CDBG funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which requires a Substantial Amendment to the previously authorized FY 2019 AAP and a 5-day public comment period;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the 5-day period to receive written public comment on the City of Newburgh's substantial amendment to the CDBG FY 2019 Annual Action Plan shall commence on June 9, 2020 and close on June 14, 2020.

RESOLUTION NO.: 121 - 2020

OF

MAY 28, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR JUNE 8, 2020 TO HEAR
PUBLIC COMMENT CONCERNING A SUBSTANTIAL AMENDMENT TO THE
CITY OF NEWBURGH CDBG FY2020 ANNUAL ACTION PLAN TO REALLOCATE
FUNDING TO COMMUNITY POLICING AND NEIGHBORHOOD SERVICES**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant ("CDBG") FY 2020 Annual Action Plan ("AAP"); and

WHEREAS, the City of Newburgh proposes to reallocate CDBG funding from Park Improvements to Community Policing and Neighborhood Services, which requires a Substantial Amendment to the previously authorized FY 2020 AAP and a public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a Substantial Amendment to the CDBG FY 2020 Annual Action Plan; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 8th day of June, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not meet in-person and in accordance with the Governor's Executive Order 202.1, as amended, the June 8, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed CDBG FY2020 Annual Action Plan as follows:

To view the livestream of the City Council Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: https://zoom.us/webinar/register/WN_nH9rwoDKQjGhCeUEy6IdPw. Please note that there is an underscore between the "N" and "n").

To order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Friday, June 5, 2020 through the Zoom App: https://zoom.us/webinar/register/WN_nH9rwoDKQjGhCeUEy6IdPw. Please note that there is an underscore between the "N" and "n"). Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

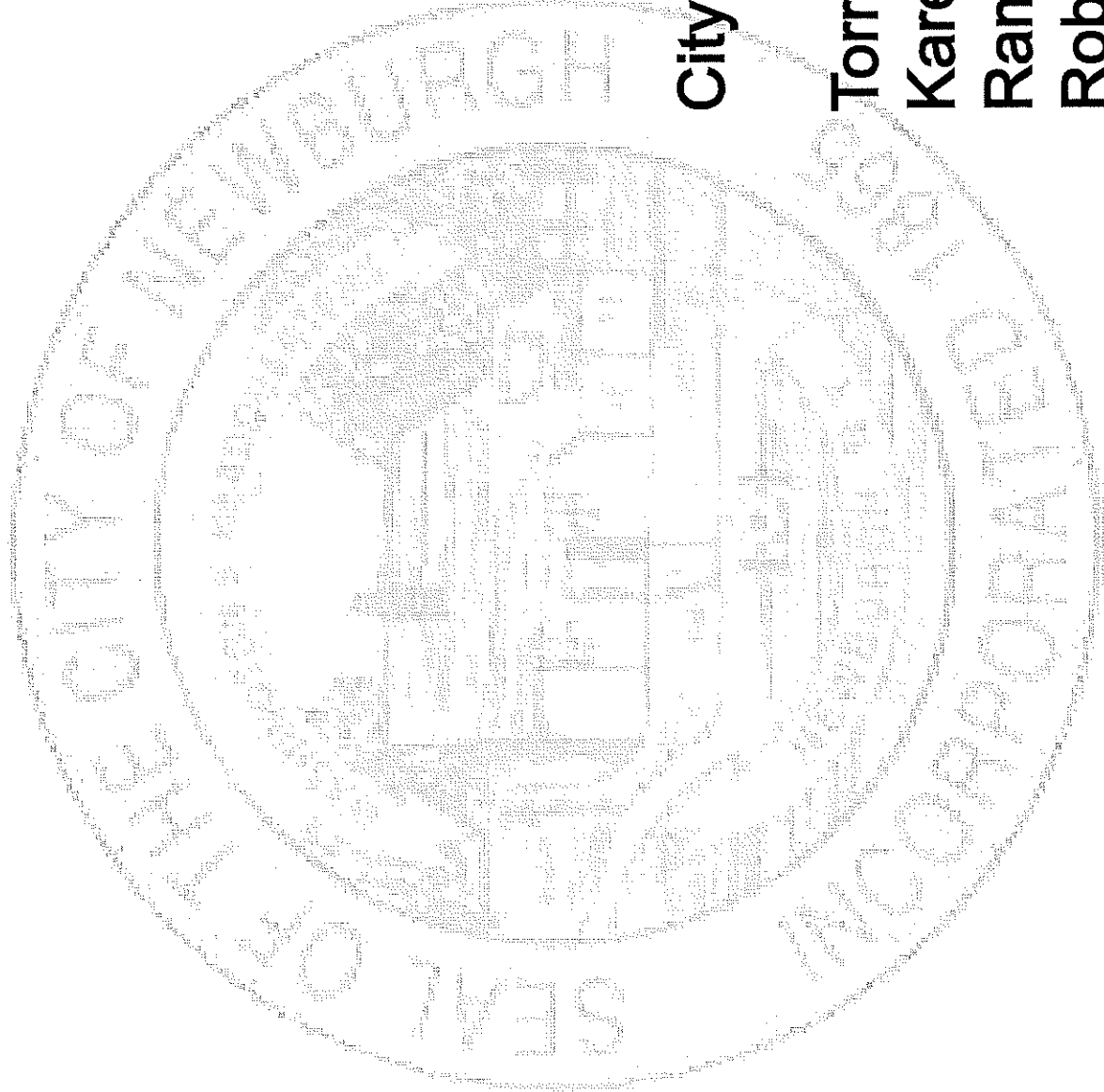
Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Friday, June 5, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.



Community Development Block Grant (“CDBG”) FY2020 Annual Action Plan Substantial Amendment

**Department of Planning &
Development
May, 2020**





City of Newburgh City Council:

Torrance Harvey, Mayor

Karen Mejia, Ward 1

Ramona Monteverde, Ward 2

Robert Sklarz, Ward 3

Patty Sofokles, Ward 4

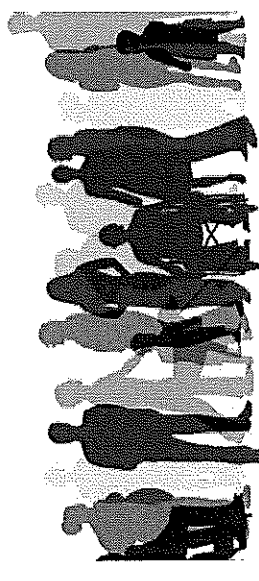
Anthony Grice, At-Large

Omari Shakur, At-Large

City of Newburgh Community Development Goals - Refresher

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Successful community building requires reestablishing trust, which takes time, patience, outreach and communication.



“CDBG” - Brief Primer

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- Community Development Block Grant (CDBG) - Administered by the U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is under the Orange County Consortium (Orange County, City of Newburgh, City of Middletown).
- The City of Newburgh is required to prepare and submit a Consolidated Plan that establishes goals for the use of CDBG funds. The new City of Newburgh Consolidated Plan: FY2020-FY2024
- Projects **MUST** be consistent with national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.

(New) City of Newburgh FY2020 Substantial Amendment

- Pursuant to “24 CFR § 91.505 - Amendments to the consolidated plan,” amendments may be made to a jurisdiction’s Annual Action Plan (AAP). The jurisdiction’s Citizen Participation Plan (CPP) determines the criteria for a substantial amendment to the AAP.
- The City of Newburgh’s CPP requires a substantial amendment when there is:
 - A “change of more than 25 % of the total grant award funding the activity.”
 - A “change the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized.”

(New) City of Newburgh FY2020 Substantial Amendment

- The substantial amendment process includes:
 - Update to a previously authorized AAP
 - Public Hearing
 - Public Comment Period
 - Submission of updated AAP to the U.S Department of Housing and Urban Development (HUD)

(New) City of Newburgh FY2020 Substantial Amendment

- Activities updated in the FY2020 AAP:

Quality of Life

- Park Improvement Project: \$98,907.82 (Decrease \$80,000)

Community Policing/Neighborhood Services

- New Community Policing Initiative: \$100,558.26 (Increase in \$80,000.00 from Park Improvements + \$20,558.26 from Summer Film Festival/National Night Out)

Additional information begins on the next slide

(New) FY2020 CDBG Projects/Funding

Substantial Amendment

Proposed Activities (Examples)	Project Funding	% Project increase, if HUD allocation greater than proposed (approx.)	% Project decrease, if HUD allocation less than proposed (approx.)	Adjusted Funding	New Totals	Substantial Amendment (New) Total
Salaries for 3 full-time employees, In Rem Property Supplies, In Rem Training, Homeowner Assistance Program	\$220,000.00 \$50,000.00	26% 6%	No Change No Change	\$7,257.38 \$1,674.78	\$227,257.38 \$51,674.78	\$227,257.38 \$51,674.78
Complete Streets Project (ex. ADA Curb-Cut Upgrades)	\$225,000.00	32%	10%	\$8,932.16	\$233,932.16	\$233,932.16
Funding to support business requiring workforce development training, Business Signage/Façade Improvements	\$25,000.00	10%	No Change	\$2,791.30	\$27,791.30	\$27,791.30
Amendment: Park Improvements, including playground equipment upgrades	\$175,000.00	14%	10%	\$3,907.82	\$178,907.82	\$98,907.82
Amendment: 2020 Children's Summer Film Festival Amendment: Community Policing Initiative	\$20,000.00	2%	No Change	\$558.26	\$20,558.26	\$0.00 \$100,558.26
Program Administration, Staff Salar and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	10%	10%	\$2,791.30	\$132,791.30	\$132,791.30
Proposed Total FY2020 Allocation	\$845,000.00			\$27,913.00	\$872,913.00	\$872,913.00

Contingency Funding

If the actual annual allocation amount exceeds the proposed estimate, the project budgets will increase by:

Housing	Salaries for 3 full-time employees, In Rem Property Supplies, In Rem Training, Homeowner Assistance Program	\$220,000.00 \$50,000.00	26% 6%
Infrastructure Improvements	Complete Streets Project (ex. ADA Curb-Cut Upgrades)	\$225,000.00	32%
Economic Development	Funding to support business requiring workforce development training, Business Signage/Façade Improvements	\$25,000.00	10%
Park Improvements	Park Improvements, including playground equipment upgrades	\$175,000.00	14%
Community Policing/Neighborhood	2020 Children's Summer Film Festival	\$20,000.00	2%
Administration	Program Administration, Staff Salar and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	10%

Contingency Funding

If the actual annual allocation amount is less than the proposed estimate, the project budgets will decrease by:

Housing	Salaries for 3 full-time employees, In Rem Property Supplies, In Rem Training, Homeowner Assistance Program	\$220,000.00 \$50,000.00	No Change No Change
Infrastructure Improvements	Complete Streets Project (ex. ADA Curb-Cut Upgrades)	\$225,000.00	10%
Economic Development	Funding to support business requiring workforce development training, Business Signage/Façade Improvements	\$25,000.00	No Change
Park Improvements	Park Improvements, including playground equipment upgrades	\$175,000.00	10%
Community Policing/Neighborhood Services	2020 Children's Summer Film Festival	\$20,000.00	No Change
Administration	Program Administration, Staff Salar and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	10%

**New - Substantial Amendment
Project: Park Improved
Previously Approved Budget: \$178, 907.82
New Budget: \$98,907.82**

Summary

Examples of projects may include:

- Playground equipment improvements/upgrades
- Fencing



New - Substantial Amendment
Project: Community Policing/Neighborhood Services – New
Community Policing Initiative
Previously Approved Budget: \$0.00
New Budget: \$100,558.26

Summary

Examples of activities included in this initiative may include:

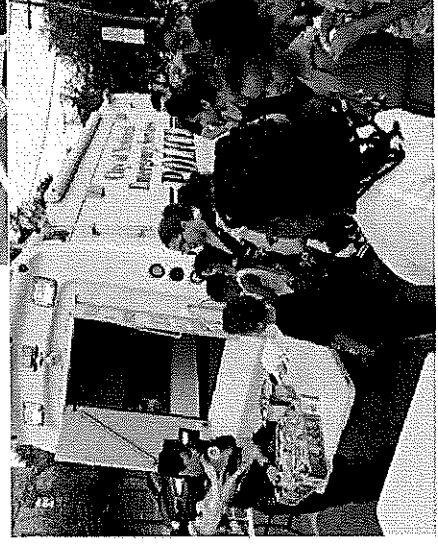
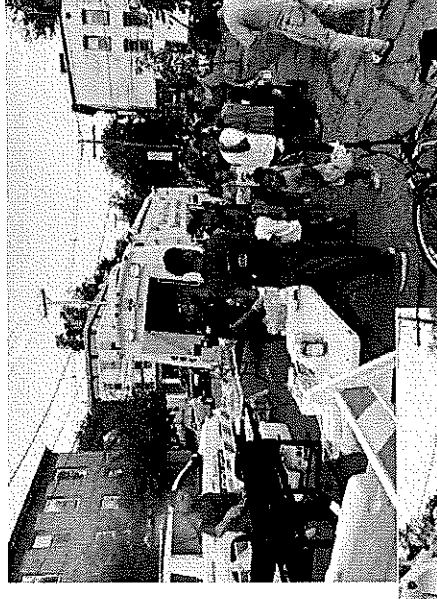
- Park/Walk-n-Talk Details
- Innovative Community Policing efforts performed in accordance with safe social-distancing (as required)
- Community Policing materials

**New - Substantial Amendment
Project: Community Policing/Neighborhood Services
Previously Approved Budget: \$20,558.26
New Budget: \$0.00 (Funding re-allocated to new
Community Policing Initiative)**

Summary

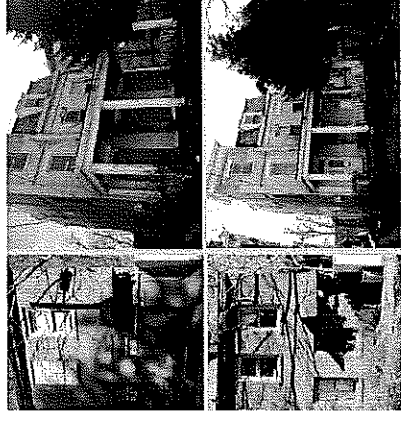
Examples of Projects may include:

- 2020 Children's Summer Film Festival



In Rem Property Program Highlights

- Staffed by 2 full-time Department of Public Works employees and 1 employee of the Planning & Development Department dedicated to the in rem program.
- Provides maintenance and security of vacant properties. Keeps properties habitable, neighborhoods looking good, maintains/increases property values.



The Housing and Community Development Act of 1992 authorizes activities necessary to make essential repairs and payment of operating expenses needed to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low- and moderate-income neighborhoods.



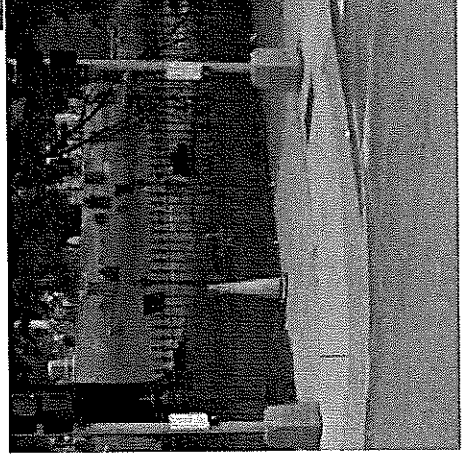
Project:
Budget:

Infrastructure Improvements
\$225,000.00

Summary

Examples of projects may include:

- “Complete Streets” Safe Access Upgrades
- Sidewalk improvements



Project:	Housing	
Activities:	In Rem Property Project	(\$220,000.00)
	Homeowner Assistance	(\$50,000.00)

Summary

- Continued funding for the In Rem program, including the salaries for 3 fulltime employees (2 DPW employees and the Economic Development Specialist), In Rem property program supplies, such as paint, plywood, In Rem Training.
- Funding to support City of Newburgh Housing Partner Homeowner Assistance Program.



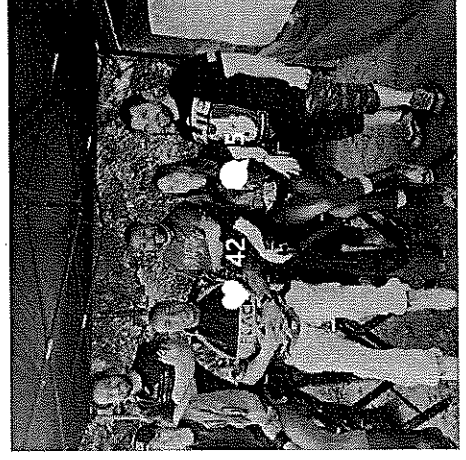
EQUAL HOUSING
OPPORTUNITY

Project: Economic Development
Budget: \$25,000.00

Summary

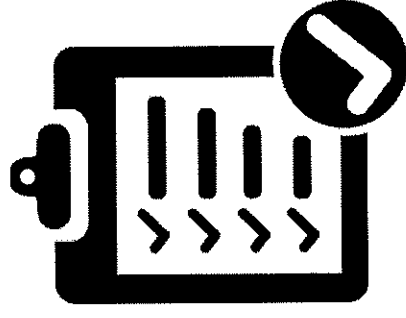
Examples of projects may include:

- Business Signage/Façade Improvements
- Funding to Support Business Workforce Development Training.



Project: Administration

Project Funding: \$130,000.00

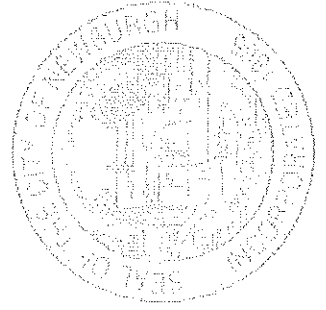
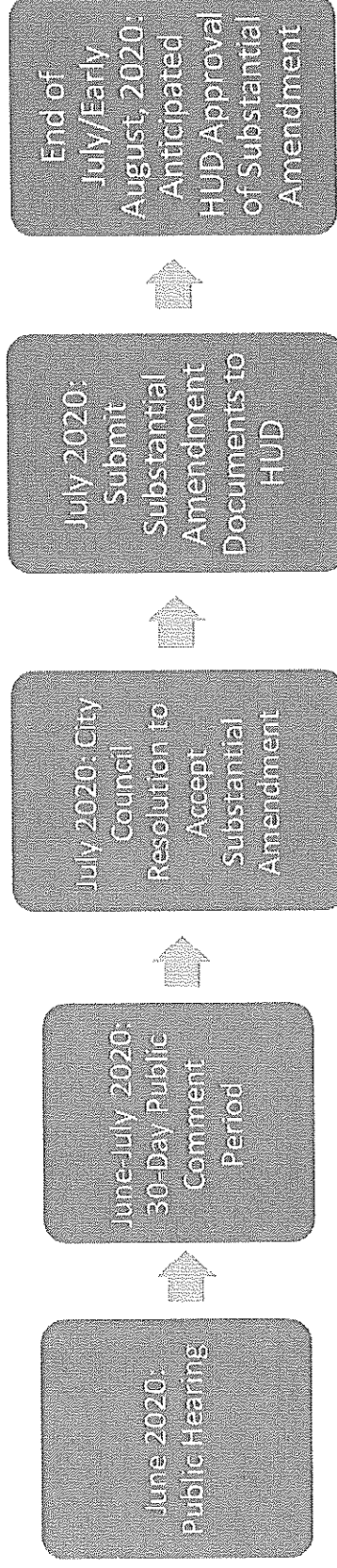


Summary

Funding to include salary and benefits for Director of Community Development, Business Mailings, Supplies and Program Administration/Training/Conference.

(New) FY2020 CDBG AAP Timeline

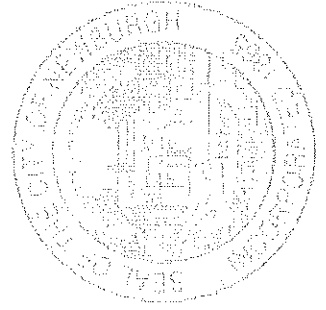
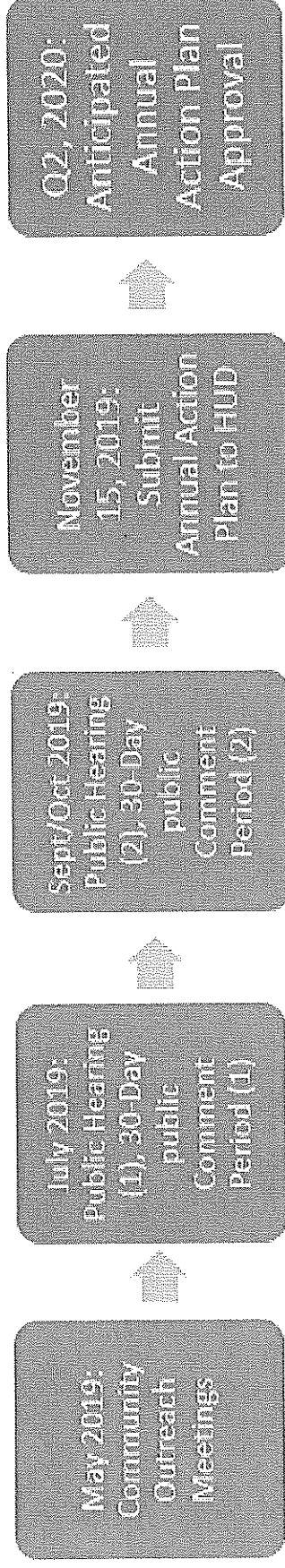
Substantial Amendment



**FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROJECTS TIMELINE – Substantial Amendment**



FY2020 CDBG AAP Timeline



**FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROJECTS TIMELINE**



Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding	% Project Increase, If HUD allocation greater than proposed (approx.)		% Project decrease, If HUD allocation less than proposed (approx.)		Adjusted Funding	New Totals	Substantial Amendment (New) Total
Housing	Housing	Salaries for 3 full-time employees, in Rem Property Supplies, in Rem Training, Homeowner Assistance Program	\$220,000.00	25%	No Change		\$7,257.38	\$227,257.38	\$227,257.38	
			\$50,000.00	8%	No Change		\$1,674.78	\$51,674.78	\$51,674.78	
Infrastructure Improvements	Infrastructure Improvements	Compleat Streets Project (ex. ADA Curb-Cut Upgrades)	\$225,000.00	32%	10%		\$8,992.16	\$233,992.16	\$233,992.16	
Economic Development	Economic Development	Funding to support business requiring workforce development training, Business Signage/Pavade Improvements	\$25,000.00	10%	No Change		\$2,791.30	\$27,791.30	\$27,791.30	
Quality of Life Improvements	Park Improvements	Amendment: Park Improvements, including playground equipment upgrades	\$175,000.00	15%	10%		\$3,907.82	\$178,907.82	\$178,907.82	
Quality of Life Improvements	Community Policing/Neighborhood Services	Amendment: 2020 Children's Summer Film Festival Amendment: Community Policing Initiative	\$20,000.00	2%	No Change		\$558.26	\$20,558.26	\$20,558.26	
Administration	Administration	Program Administration, Staff Salar and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00	10%	10%		\$2,791.30	\$132,791.30	\$132,791.30	
			\$845,000.00				\$27,913.00	\$872,913.00	\$872,913.00	
		Proposed Total FY2020 Allocation								

RESOLUTION NO.: 122 - 2020

OF

MAY 28, 2020

**RESOLUTION OPENING A 30-DAY PUBLIC COMMENT PERIOD TO RECEIVE
PUBLIC COMMENT CONCERNING A SUBSTANTIAL AMENDMENT TO THE
CITY OF NEWBURGH CDBG FY2020 ANNUAL ACTION PLAN TO REALLOCATE
FUNDING TO COMMUNITY POLICING AND NEIGHBORHOOD SERVICES**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant ("CDBG") FY 2020 Annual Action Plan ("AAP"); and

WHEREAS, the City of Newburgh proposes to reallocate CDBG funding from Park Improvements to Community Policing and Neighborhood Services, which requires a Substantial Amendment to the previously authorized FY 2020 AAP and a 30-day public comment period;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the 30-day period to receive written public comment on the City of Newburgh's Substantial Amendment to the CDBG FY 2020 Annual Action Plan shall commence on June 9, 2020 and close on July 9, 2020.

RESOLUTION NO. 123 - 2020

OF

MAY 28, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A PAYMENT OF CLAIM WITH JANET MARTINEZ, INDIVIDUALLY, AND AS MOTHER
AND NATURAL GUARDIAN OF K.F. IN THE TOTAL AMOUNT OF \$30,000.00

WHEREAS, Janet Martinez brought a claim for herself and as mother and natural guardian of K.F. against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the total amount of \$30,000.00 in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Janet Martinez, individually, and as mother and natural guardian of K.F., in the total amount of \$30,000.00, and that City Manager be and he hereby is authorized to execute a written settlement agreement and general release, and any other documents as the City's attorneys may require, to effectuate the settlement as herein described.

RESOLUTION NO.: 124 - 2020

OF

MAY 28, 2020

**RESOLUTION TO OPEN A 5-DAY PUBLIC COMMENT PERIOD
TO RECEIVE COMMENTS FROM THE PUBLIC ON
THE AMENDED CITY OF NEWBURGH CDBG CITIZEN PARTICIPATION PLAN**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant ("CDBG") 5 year Consolidated Plan for FY 2020-2024; FY2020 one-year Action Plan, subject to further revisions as may be necessary to meet federal requirements, Citizen Participation Plan and a Language Access Plan; and

WHEREAS, the Citizen Participation Plan requires an amendment to include processes for Citizen Participation during Emergencies and Disasters, including the potential use of new technology that improves the avenues of participation by residents, in preparation for the receipt and allocation of CDBG Coronavirus aid (CDBG-CV); and

WHEREAS, by Resolution No. 107-2020 of May 11, 2020, the City Council scheduled a public hearing to receive comments concerning a proposed amendment to the CDBG Citizen Participation Plan at the regular City Council meeting held at 7:00 p.m. on May 28, 2020; and

WHEREAS, the City Council now wishes to open a 5 day Public Comment Period to receive comments from the public on the amended City of Newburgh Citizen Participation Plan, which amendments include processes for citizen participation during disasters and emergencies; and

WHEREAS, the 5-Day Public Comment Period shall commence on June 1, 2020 and conclude on June 6, 2020; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a 5 day Public Comment Period to receive comments from the public on the amended City of Newburgh Citizen Participation Plan commencing on June 1, 2020 and conclude on June 6, 2020.

ORDINANCE NO.: 5 - 2020

OF

MAY 28, 2020

**AN ORDINANCE AMENDING SECTION 223-3, "DEFINITIONS; WORD USAGE," AND
SECTION 223-9, "FOOD VENDORS," OF THE CODE OF THE CITY OF NEWBURGH
TO INCLUDE REGULATIONS FOR MOBILE FOOD VENDORS**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 223-3 entitled "Definitions; Word Usage" and Section 223-9 entitled "Food Vendors" of the Code of the City of Newburgh are hereby amended as follows:

SECTION 1. Amendment

§ 223-3. Definitions; Word Usage

A. As used in this chapter, the following terms shall have the meanings indicated:

CANVASS or SOLICIT

To make or seek to make personal contact with another, either on the highways or streets of this City or on public or private property other than his own, for the purpose of raising funds for, supporting goals of or recruiting new members into a religious, charitable, educational, or political organization or participating in a political campaign on behalf of any candidate for public office.

CITY

The City of Newburgh, of the State of New York, unless otherwise specified.

DECIBEL (dB)

A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of 20 micronewtons per square meter.

FALSE, FRAUDULENT, MISREPRESENTATION, INACCURATE or MISLEADING

- (1) Representations that goods have manufacture, sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have; the supplier or manufacturer has a sponsorship, approval, status, affiliation or connection that he does not

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have; goods are original or new if they are deteriorated, altered, reconditioned, reclaimed or secondhand; or goods are of particular standard, quality, grade, style or model if they are of another; and/or

- (2) The use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact if such use deceives or tends to deceive; and/or
- (3) Disparaging the goods, services or business of another by false or misleading representations of material facts; and/or
- (4) Offering goods with intent not to sell them as offered; and/or
- (5) Making false or misleading representations of fact concerning the reasons for, existence of or amount of price reductions, or price in comparison to prices of competitors or one's own prices at a past or future time; and/or
- (6) Falsely stating the reasons for offering or supplying goods at sale or discount prices.

FOOD

Any raw, cooked or processed edible substances, beverages, ingredients, condiments, ice or water used or intended for use or for sale in whole or in part for human consumption.

FOOD SERVICE ESTABLISHMENT

A place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided, whether consumption occurs on or off the premises. The term excludes food processing establishments, retail food stores, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves and consumes the food limited to a congregation, club or fraternal organization.

MOBILE FOOD VEHICLE

A commercially manufactured, self-contained, mobile unit in which ready-to-eat food is cooked, wrapped, packaged, processed, prepared or portioned for service, sale or distribution; or one in which beverages are brewed, blended, chilled, bottled, portioned, poured, or prepared for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MFVV")

The owner of a mobile food vehicle or the owner's agent.

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PERSONAL CONTACT

The face-to-face canvassing or solicitation of a person by another. Mail and telephone contact does not require registration or wearing an identification badge under this chapter.

POLITICAL ORGANIZATION

An organization, a substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office.

PUBLIC SPACE and PUBLIC STREETS

All publicly owned property between the private property lines on a street as such property lines are shown on City records, including, but not limited to, a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums and terminals.

RELIGIOUS OR CHARITABLE OR EDUCATIONAL ORGANIZATION

An organization granted tax exemption by the Internal Revenue Service of the United States Treasury Department.

VENDOR or PEDDLER

Includes any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, clothing, products, items for sale, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, cart, pushcart, table, platform, automotive vehicle, trailer, railroad car or other vehicle or conveyance or other stationary location on a public street, sidewalk or other location on City-owned property normally used for public accommodation or travel, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a vendor or peddler, subject to the provisions of this chapter. The word "peddler" shall include the words "vendor," "street vendor," "hawker" and "huckster" and other such words carrying or conveying the same meaning and understanding and addressing the same activities described thereby.

B. The use of any pronoun shall be deemed to include both the masculine and the feminine, and the singular and plural, as the sense and meaning thereof shall appropriately require.

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§ 223-9. Food Vendors

Each licensed food vendor and mobile food unit licensee shall:

- ~~A. Permit regular inspections by any authorized City law, Fire or Code Enforcement Officer of any mobile food unit used in the operation of his business, or any premises under his control in which food is intended to be sold, offered for sale, distributed or given away by him as a food vendor is prepared, processed or stored, and present such mobile food unit for inspection at such place and time as may be designated by the City Code Enforcement, Fire Department or Police Department.~~
- ~~B. Provide to the Code Enforcement or Police Department, or any other authorized officer or employee of the City, the names and home and business addresses of the owners of such service rooms, commissaries, depots or distributors from whom such licensee received his food supply and where his mobile food unit and food supply are stored when not in use for sale or distribution.~~
- ~~C. Have in his possession and make available for inspection satisfactory proof or documentation detailing the source of all foods being held, stored, offered for sale, distributed or given away.~~
- ~~D. Not use or permit anyone else to use the mobile food unit for vending, distributing or giving away any foods other than those authorized, in writing, by the license issued to such vendor.~~
- ~~E. Refrain from acting as a food vendor or operating a mobile food unit after the expiration of his license or permit and during any period of suspension or revocation of same.~~
- ~~F. Surrender his license, permit, badge and insignia promptly to the City Clerk upon revocation, suspension, termination or expiration of his license or permit.~~
- ~~G. Not sell, lend, lease or in any manner transfer his license, permit, badge or insignia unless otherwise specifically provided by law or by rule or regulation prescribed by this Code.~~
- ~~H. Comply with all laws, codes, rules and regulations applicable to all vendors provided herein and all laws, codes, rules and regulations applicable to the sale or provision of food and drink to the general public.~~
- ~~I. Vendors are hereby prohibited from using tangible City property meant for public use to enhance their business. Such City property includes, but is not limited to, picnic tables and garbage cans.~~

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A. General Provisions

- (1) It shall be unlawful for any person to operate a mobile food vehicle within the public space or public streets within the City of Newburgh without first having obtained a valid mobile food vending license as prescribed in this article. Operation of a mobile food vehicle on private property shall continue to be regulated and prohibited in accordance with all applicable provisions of the City Code.
- (2) It shall be unlawful for a MFVV to park, stand, or operate in a location which is:
 - (a) Within twenty-five (25) feet of a sidewalk corner;
 - (b) Within twenty-five (25) feet of a street intersection;
 - (c) Within twenty-five (25) feet of an area operating pursuant to a valid sidewalk café permit;
 - (d) Within 1,000 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is licensed or sanctioned by the City, except when the vendor has obtained a permit to so operate from the City in accordance with Chapter 110 of the City of Newburgh Code of Ordinances;
 - (e) Within 10 feet from other parked vehicles in the front and rear of the MFVV;
 - (f) In the Low Density, Medium Density, or High Density Residential zones, as defined in Chapter 300 of the City of Newburgh Code of Ordinances;
 - (g) Contrary to the provisions of §223-11 of the City of Newburgh Code of Ordinances. In the event that the provisions of §223-11 and this subsection conflict, the provisions of this subsection shall prevail.
- (3) Each and every MFVV must at all times carry on the vehicle a "measuring wheel" with a measuring capacity of no less than 500 feet as a condition of its licensure. The failure of any MFVV to carry such a "measuring wheel" or abide by the proximity distance restrictions included in this article shall constitute a violation of this article.
- (4) All MFVV's must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two vehicle parking spaces may park in said spaces so long as it abides by all other City parking requirements.

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- (5) No MFVV's shall attach or have attached any flashing or revolving light or lights on a vehicle used in aid of the mobile food vendor's business.
- (6) MFVV's are prohibited from using tangible City property meant for public use to enhance their business. Such City property includes, but is not limited to, picnic tables and garbage cans.
- (7) MFVV's are prohibited from disposing of garbage generated in the course of business operations into any garbage receptacles owned by the City, located on a City sidewalk, or in a City right-of-way, and shall comply with the provisions of §223-14.

B. Mobile Food Vehicle Requirements.

All mobile food vehicles must comply with the following:

- (1) Make available for inspection each vehicle to the Fire Department to determine that the vehicle meets the current standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Affix side-by-side, in a conspicuous location on the mobile food vehicle where it may be readily observed by all patrons, its license for food service issued by the Orange County Department of Health and its license for operation in the City of Newburgh, as prescribed in §223-9(C).
- (3) Any signage must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle.
- (4) Be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.
- (5) Not exceed ten (10) feet in width or forty (40) feet in length.
- (6) Have a serving window that shall be adjacent to the sidewalk when parked.
- (7) If equipped with an engine or generator, said engine or generator must operate in accordance with §223-13.
- (8) Receive inspection and approval from the Fire Department for all fuel storage and diesel or propane generators, including those fueled directly from a vehicle fuel tank.
- (9) No more than two (2) 100-pound propane tanks are allowed (200 pounds aggregate).

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- (10) No storage or use of LPG cylinders or tanks shall be allowed within the vehicle at any time. Any generator or LPG storage compartments located on the exterior of the vehicle must be enclosed, with venting to the exterior and must not allow any venting to the interior of the vehicle.
- (11) Have a bumper that extends beyond the compartment to provide added impact protection if an LPG storage compartment is located on the rear of the truck.
- (12) Be properly placarded to indicate the storage of any combustible or flammable gases.
- (13) Comply with New York State Department of Transportation ("NYSDOT") standards if a belly tanks is installed and/or located within the truck body frame for additional structural protection.
- (14) Be equipped with "Class 1 Commercial" kitchen hoods and suppression systems for any vehicle with a grill, stove, or fryolator.
- (15) Be equipped with an 8", non-combustible splash shield when a grill, stove, or fryolator are adjacent to each other.
- (16) Affix a sticker in a conspicuous location that indicates a cleaning and service of the hood and exhaust systems within the past 365 days measured from the date of inspection.
- (17) Have all piping, interior gas appliances and commercial kitchen hood suppression systems be professionally installed by licensed plumber and permitted through the City of Newburgh Plumbing Inspector. "Flex pipe" shall be allowed from the LPG tank to a regulator, but the regulator to the appliance must be "hard piped" by a licensed, City of Newburgh plumber.
- (18) Be equipped with a Class K extinguisher of sufficient size and a 20 BC extinguisher installed inside the vehicle.
- (19) Be equipped with NSF/ANSI or equivalent certified hand washing sinks, with capacity for tempered hot/cold water under pressure, and soap and towels with splash guards.
- (20) Be equipped with NSF/ANSI or equivalent certified three-compartment sinks with integral drain boards, and with capacity for tempered hot/cold water under pressure.
- (21) Have interior lighting with a minimum of 35-foot candles of light on the preparation, hand washing sink, and three-compartment sink surfaces.

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- (22) Have a 15-gallon fresh water supply, a water heater that provides no less than 10 gallons per hour of 120°F (±2°) of hot water, and a waste water tank that is at least 15 percent larger than the combined capacity of fresh and hot water tanks.
- (23) Comply with NFPA 96 standards for ventilation control and fire protection of commercial cooking operations.

C. License Required; Additional Application Requirements.

- (1) In addition to the requirements set forth in §223-4, any person desiring to operate a mobile food vehicle shall provide the following information:
 - (a) Name, address, phone number, e-mail address, and signature of the owner (if a natural person) of the mobile food vehicle, or the same information for any business entity and any officer or member of the business entity that owns the mobile food vehicle.
 - (b) If the applicant is a business entity, the name and address of its registered agent.
 - (c) Names, addresses, e-mail addresses, and phone numbers of all individuals who will operate the mobile food vehicle, either to drive the mobile food vehicle to a particular location, or to prepare or sell food to the public.
 - (d) A valid copy of all licenses, permits or certificates required by the County of Orange, the State of New York or any subsidiary enforcement agencies or departments thereof.
 - (e) A valid copy of New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators.
 - (f) Address used for the base of operations for all cleaning, disposal of wastewater, and mobile food vehicle servicing operations.
 - (g) A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.
- (2) The vendor shall furnish and maintain such public liability, food products liability, and property insurance, as will protect the vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less

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than \$500,000 per occurrence. The policy shall further provide that it may not be canceled except upon 30 days' written notice served upon the City Clerk.

(3) All license applicants shall submit to a Newburgh Police Department background check for criminal convictions that the City Council has deemed related to the proposed activity. A license application shall be denied if the Chief of Police, upon review of a criminal background check, determines that any mobile food vehicle operators, as defined in Section 223-9(C)(1)(c) have been convicted of:

(a) Any felony in the ten (10) years preceding the date of the application for a crime involving: theft, fraud, the sale of marijuana, the sale of controlled substances, or an alcohol-related offense; or

(b) Any misdemeanor in the five (5) years preceding the date of the application for a crime involving: theft, fraud, the sale of marijuana, the sale of controlled substances, or an alcohol-related offense;

C. Form and condition of license.

(1) Every mobile food vehicle vending license shall be subject to the following conditions:

(a) The license shall not be transferable.

(b) The license shall be valid for one vehicle only.

(c) The license shall be permanently and prominently affixed to the vehicle, and shall be posted in a conspicuous location on the mobile food vehicle where it may be readily observed by all patrons.

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.

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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.

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ORDINANCE NO.: 6 - 2020

OF

MAY 28, 2020

AN ORDINANCE AMENDING CHAPTER 163 ENTITLED "FEES"
OF THE CODE OF THE CITY OF NEWBURGH TO PROVIDE
FEES RELATED TO LICENSING OF MOBILE FOOD VENDORS

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

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

§ 163-1. Schedule of Code Fees.

Chapter 223, Peddlers, Vendors and Solicitors

<u>§ 223-9</u>	<u>Mobile Food Vendors</u>	
	<u>Application Fee (includes first year of license)</u>	<u>\$350.00</u>
	<u>License Renewal Fee</u>	<u>\$200.00</u>
	<u>Duplicate or Lost License Fee</u>	<u>\$50.00</u>
	<u>Late Fee for Licenses Renewed Within</u> <u>Following the Expiration of a License</u>	<u>\$50.00</u>

Section 2. This ordinance shall take effect immediately.

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