

A regular meeting of the City Council of the City of Newburgh was held on Monday, June 8, 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

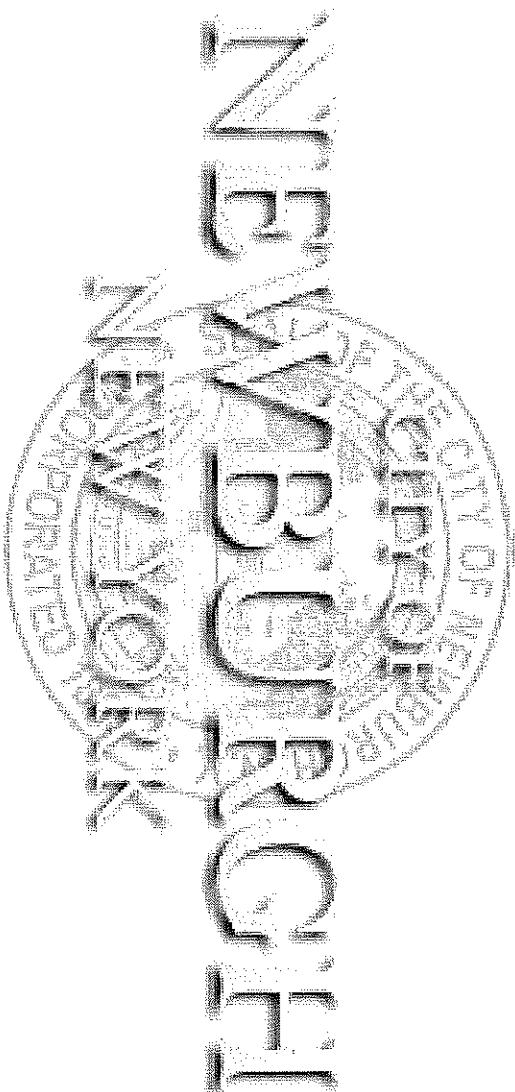
Approval of the Minutes of the City Council Meeting on May on May 28, 2020

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

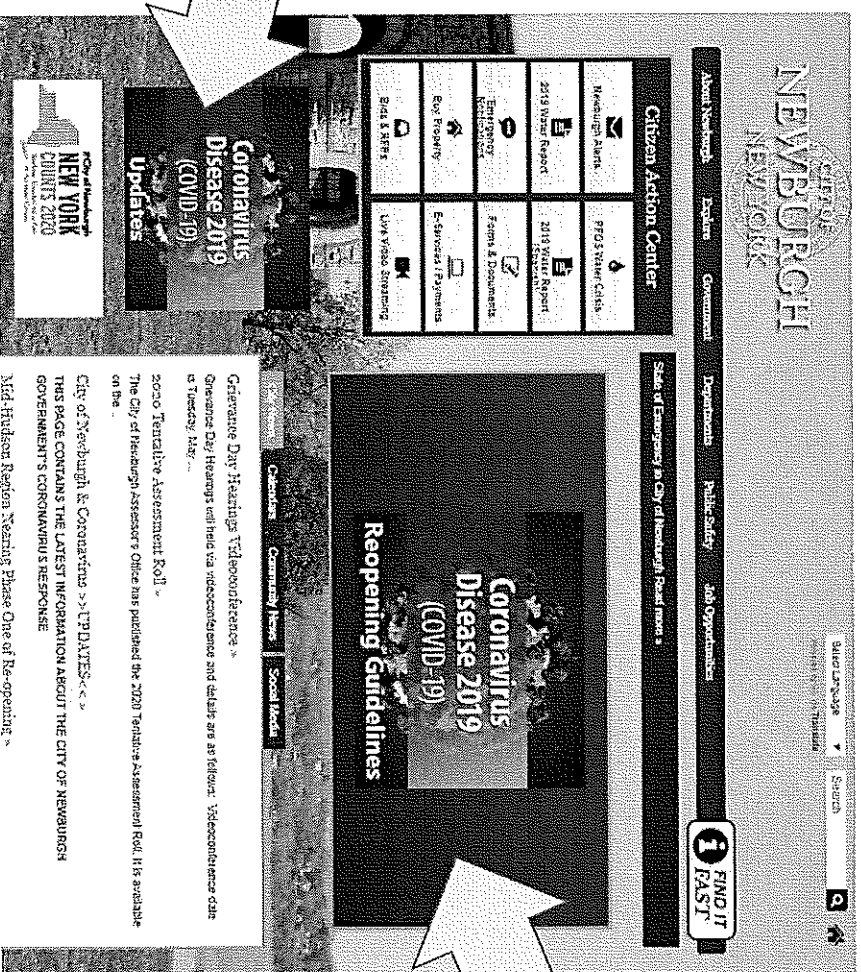
Monday, June 8, 2020

City of Newburgh Website

COVID-19 UPDATES WEBPAGE

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

www.cityofnewburgh-ny.gov/coronavirus



NEWBURGH RE-OPENING GUIDELINES

- NY Forward links
- Safety plan template
- Disinfecting guidelines

www.cityofnewburgh-ny.gov/reopeningguidelines

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.

Economic recovery loan program

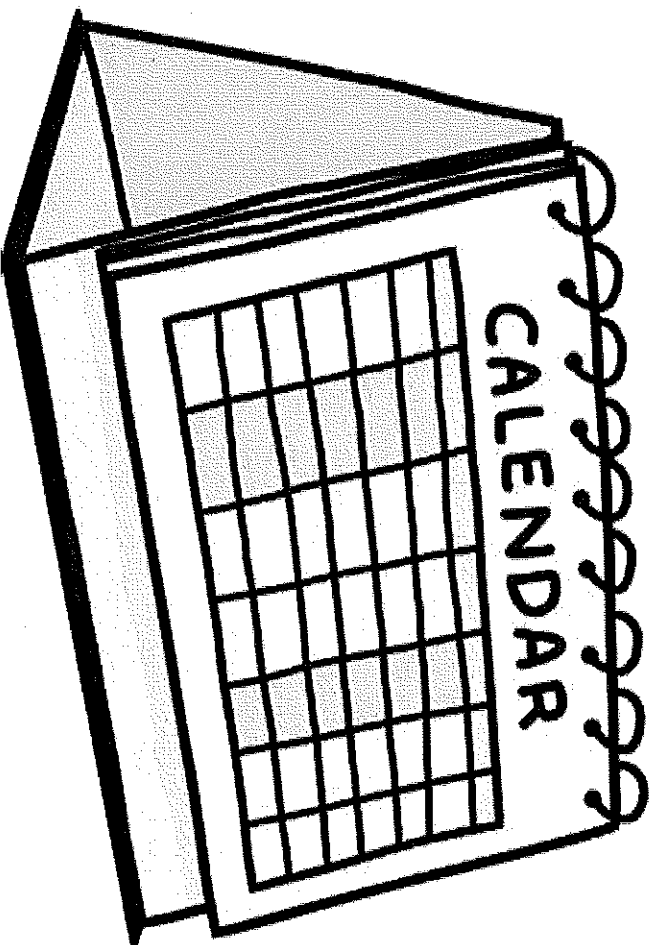
- Targets small businesses, nonprofits & small landlords
- 20 or fewer FT staff and gross revenue of less than \$3M annually
- Ideal for upfront expenses to comply with NY Forward guidelines

New York Forward Loan Fund (NYFLF)



www.esd.ny.gov

Extension of Bill Payment Deadlines



City Real Property Tax

3rd Installment

June 5 -> July 20

4th Installment

August 5 -> September 18

City Hall is closed to visitors and payments
can me made via mail or phone.

Call the City of Newburgh Collector's Office
at 845-569-7330.

CDBG Public Hearings & Public Comment Periods

SUBSTANTIAL AMENDMENT TO THE FY2019 ANNUAL ACTION PLAN

Comments accepted by Community Development Office until June 14, 2020.

- Provide emergency income payment to cover rent due to lack of income as a direct result of COVID-19.
- Provide emergency food service as a direct result of COVID-19 crisis.
- Provide program administration related to CDBG-CV.

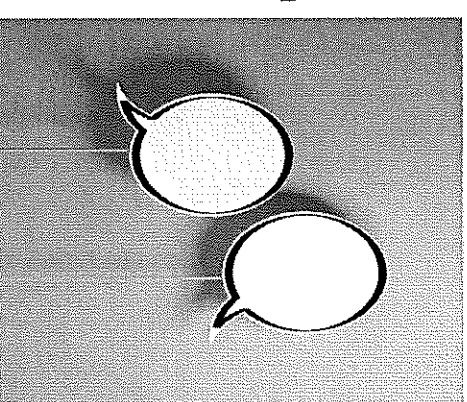
SUBSTANTIAL AMENDMENT TO THE FY2020 ANNUAL ACTION PLAN

Comments accepted by Community Development Office until July 9, 2020.

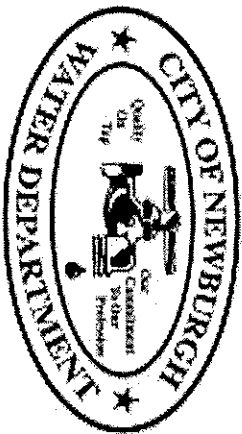
- Previously scheduled work has been postponed indefinitely due to COVID-19.
- Reallocate funding from Park Improvement line to Community Policing.

Action item tonight is to make note of public comments provided. No voting will take place related to either amendment, both of which have additional public comment periods commencing tomorrow. Comments can be sent to:

Efillo@cityofnewburgh-ny.gov

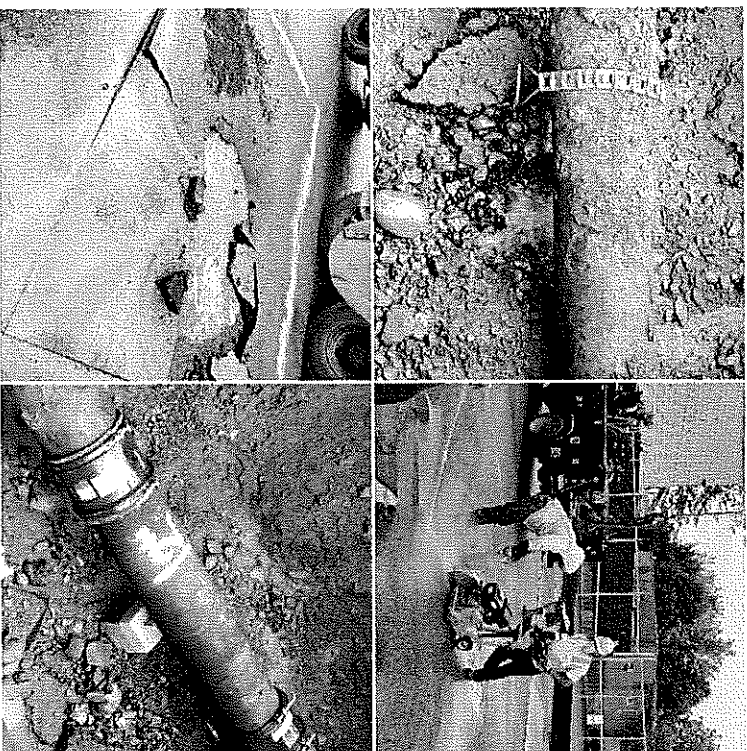
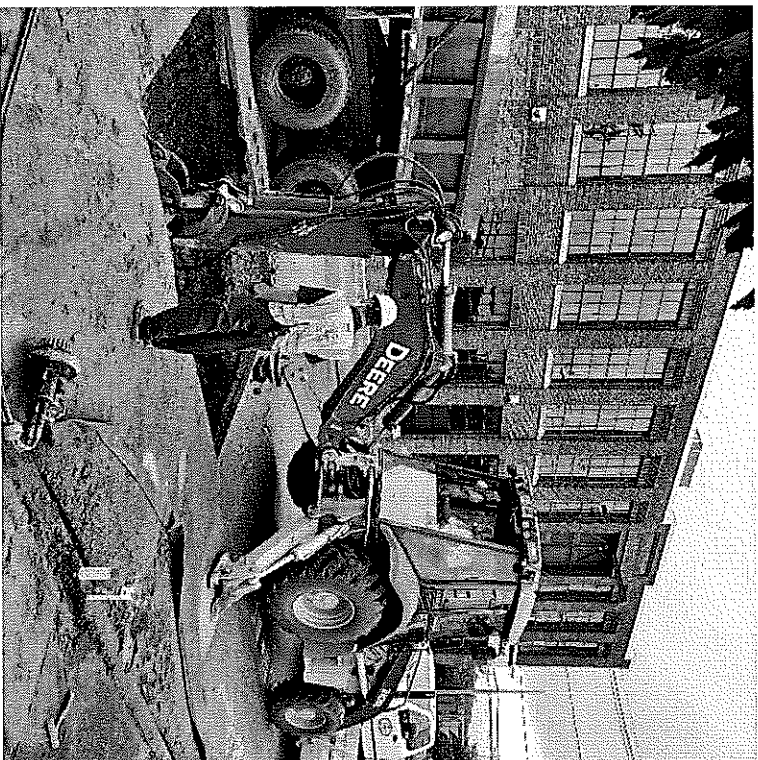


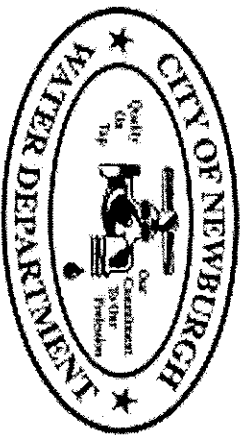
Participants will find themselves muted by default and they should change this right before they are to speak.



Water Department

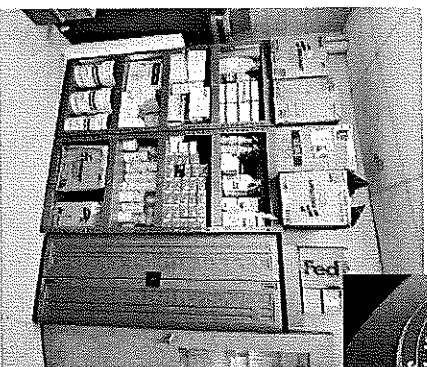
Water main break
on Washington
Street on May 28



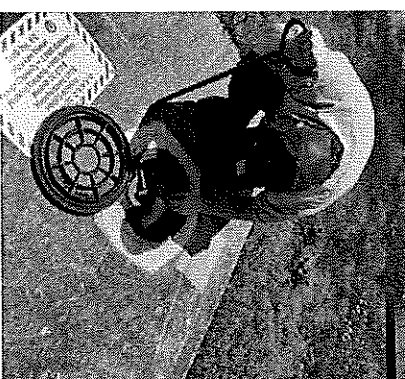
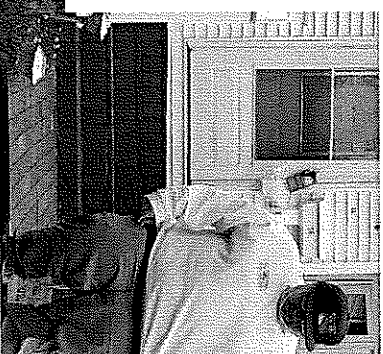
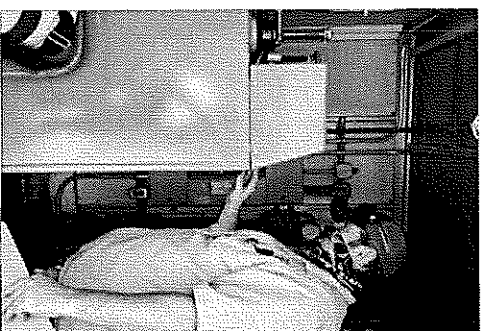


Water Department

Administrative Team

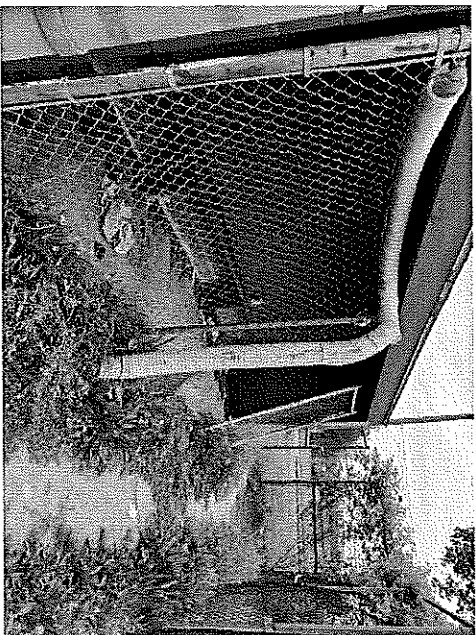
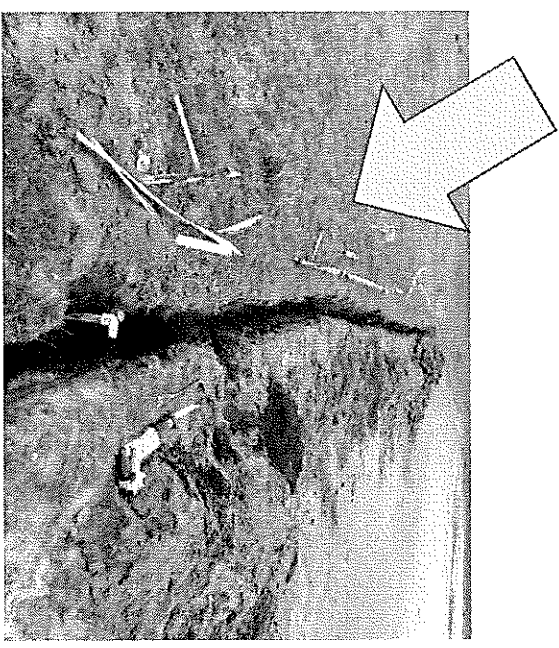
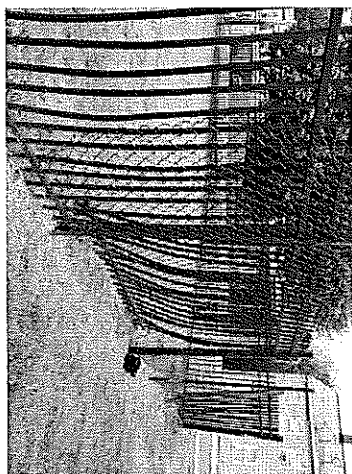
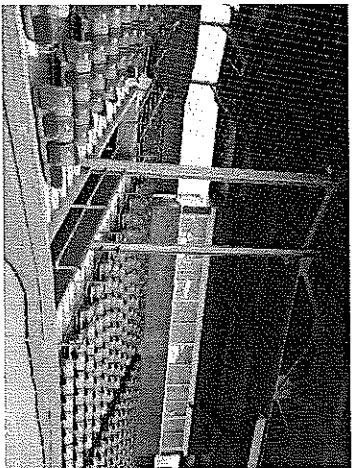


Filtration Team

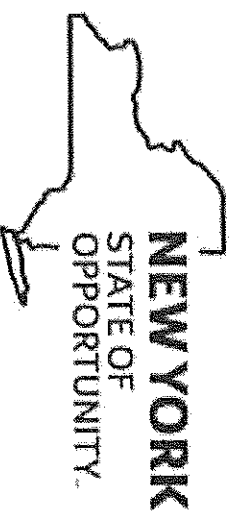
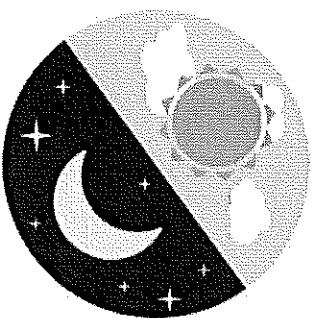


Delano Hitch Stadium

Irrigation system work began last week



NYPA Proposal



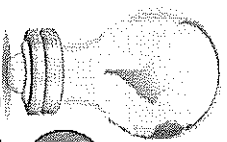
**NY Power
Authority**

Great Things on the Horizon

- Conversion to energy efficient LED bulbs
- Pole replacement
- Incorporating historic reproduction fixtures
- City-wide open wifi capability
- Full maintenance provided by NYPA

Timeline

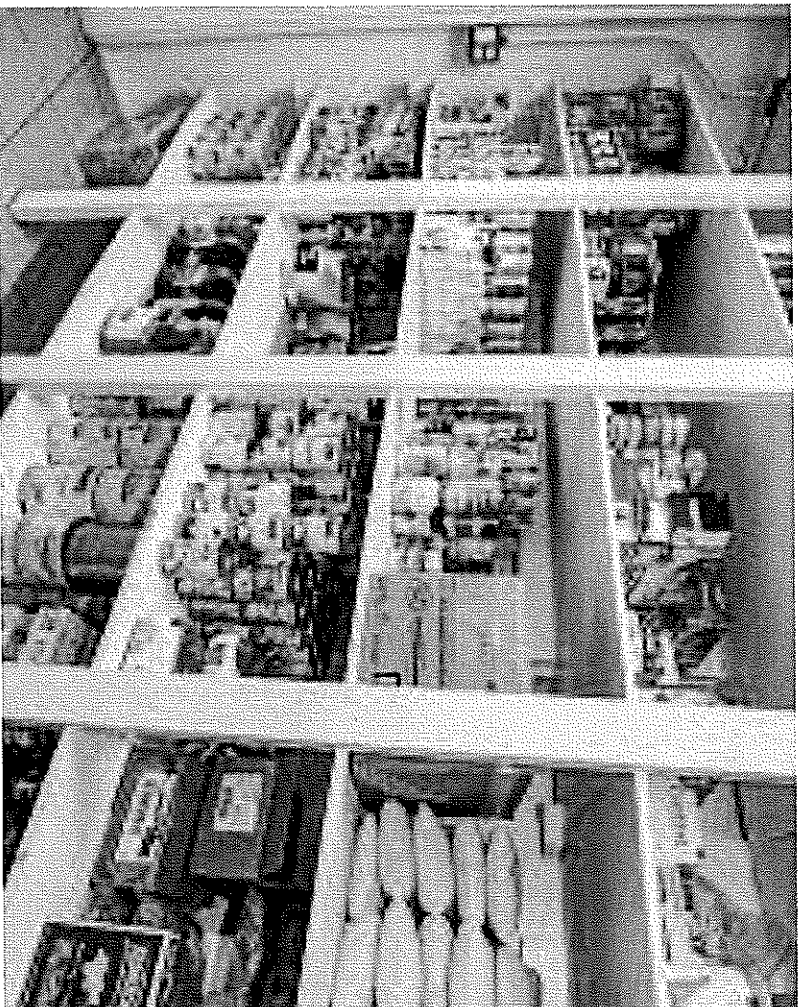
- Final design of NYPA infrastructure with “smart” options should be completed by the end of 2020
- Construction should begin by mid-spring 2021 if an agreement is reached



**Go
Green
and \$ave Green**

wifi

Food Pantries in the City of Newburgh



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

[www.cityofnewburgh-
ny.gov/coronavirus](http://www.cityofnewburgh-ny.gov/coronavirus)

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

HELP  **OUT**

FREE WEBINAR

CULTURAL HUMILITY:

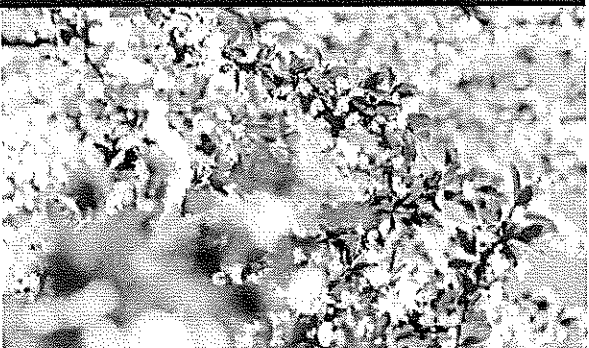
THE POWER OF ENGAGEMENT

BY: EARL GREENE

THURSDAY JUNE 11, 2020

11AM TO 1PM

ZOOM Meeting, link will be sent with registration confirmation.



Participants will gain a better understanding of cultural

humility and its benefits.

Additionally, the ethical responsibilities individuals and organizations have to engage in mutually respectful relationships with members of diverse cultures will be covered. The training will include a questions and answer session. CA\$AC/CFP Home Reading



Registration:

Email Jennifer Ocasio at jocasio@adachto.com with your name, agency or coalition, contact email and phone number

Limited Seats Available

Registration Deadline:
Tuesday June 9, 2020

Training Sponsored by
The Mid-Hudson Prevention
Resource Center

www.adachto.com

224 Main Street

Coventry, NY 10924

Funding for the Prevention Resource Center is made possible by the New York Office of Addiction Services and Support (OASAS)

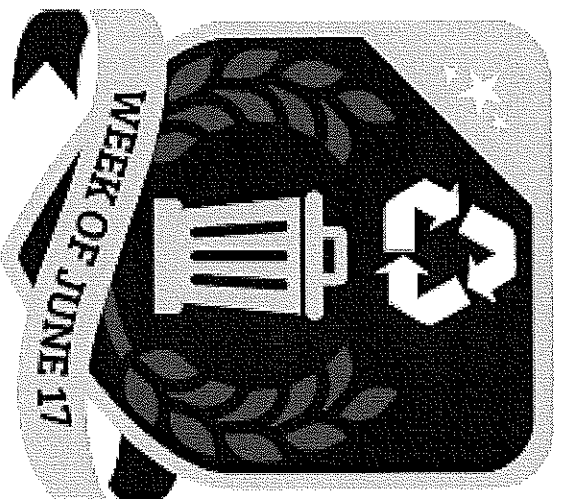
Cultural Humility: The Power of Engagement

Free Webinar

Thursday 6/11 at 11am

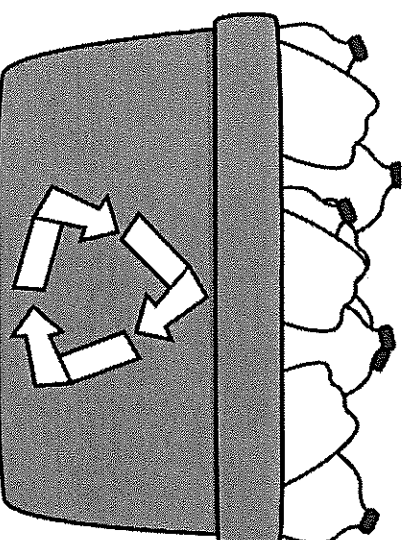
Gain a better understanding of cultural humility and learn about the ethical responsibilities individuals and organizations have to engage in mutually respectful relationships in culturally diverse communities.

Waste & Recycling Workers Week



**WASTE & RECYCLING
WORKERS WEEK**

**THANK
YOU!**



La Voz *magazine*

Cultura y noticias hispanas del Valle de Hudson



Photo: John F. Kelly, Jr.

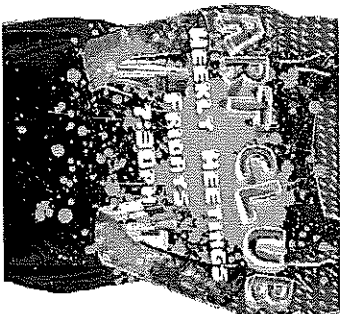


<http://lavoz.bard.edu/>

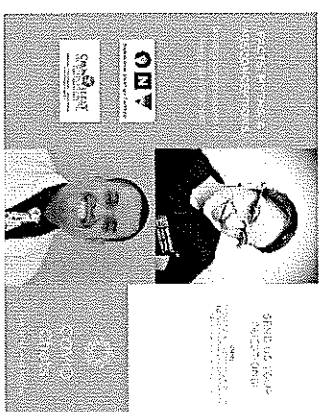
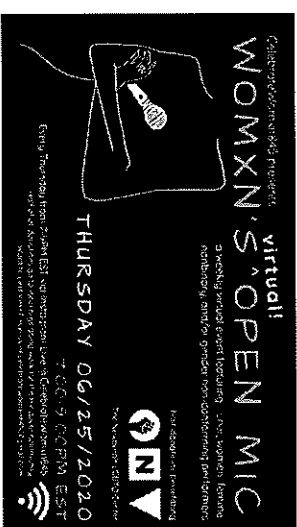
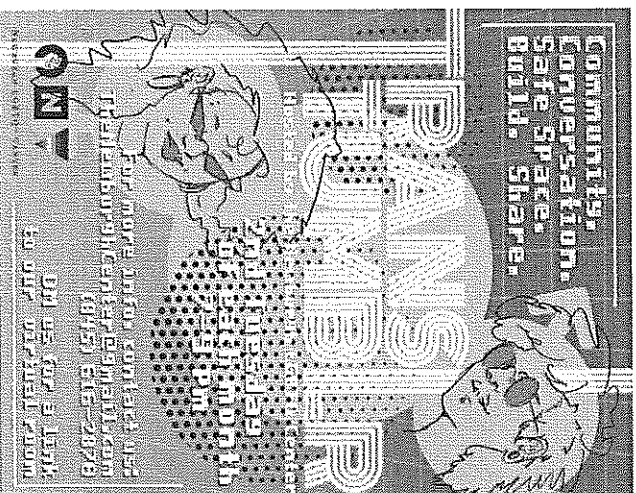


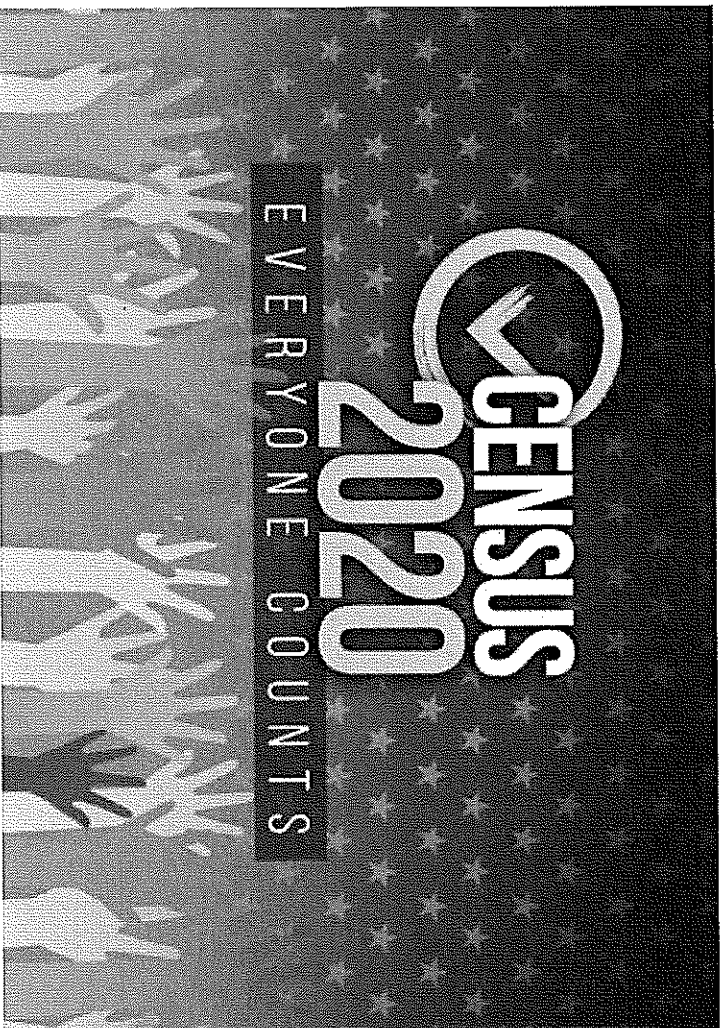
NEWBURGH LGBTQ+ CENTER

2020
PRIDE MONTH



EMERGENT FEMINISM
STRATEGY
STUDY
AND
EXPERIMENTATION
GROUP





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

June 13
Census Clap Caravan
through Neighborhoods

**United States[®]
Census
2020**

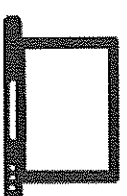
New York Self-Response Rate

55.6%

Newburgh Self-Response Rate

37.3%

(as of June 3)

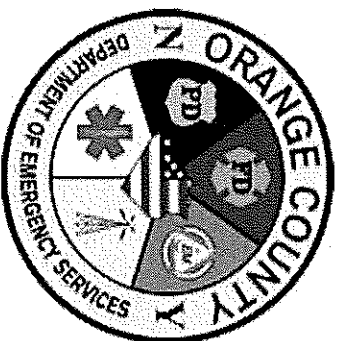
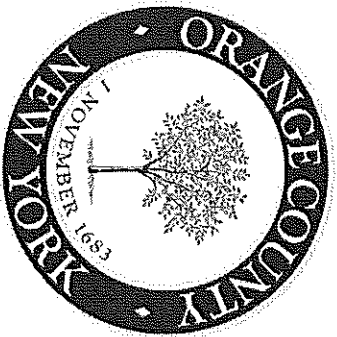


Online By Phone By Mail

Face Masks Distribution

DMV Parking lot, 130 Broadway
Tuesday, June 9, 10 AM – 2 PM

- Each family will receive a 5-pack of cloth masks & COVID-19 education materials
- No appointment needed

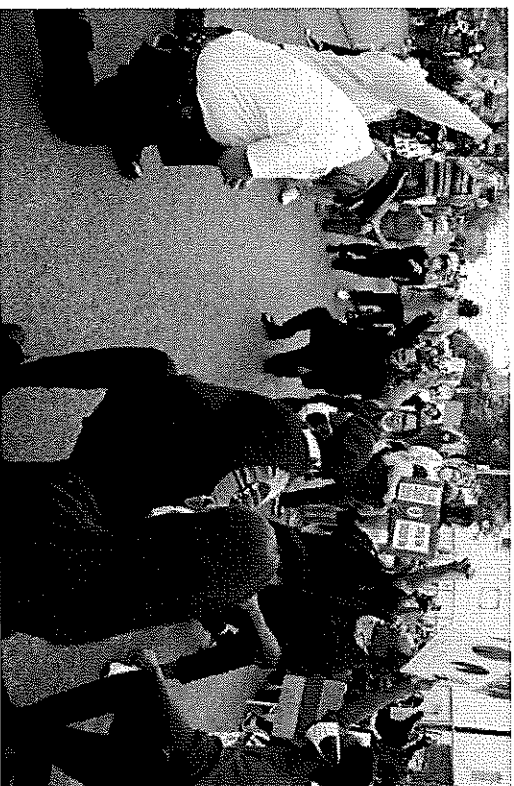
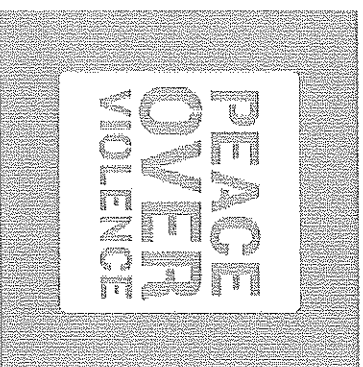


STOP THE SPREAD OF GERMS
Help prevent the spread of respiratory diseases like COVID-19.

**When in public, wear a cloth face
covering over your nose and mouth.**



Unity in the Community



COMPTROLLER UPDATE

FINANCIAL MANAGEMENT IN THE WAKE OF COVID – 19

Todd Venning
June 8, 2020

THE PROBLEM

- Revenue has sharply declined or stopped for:
 - Individuals
 - Corporations
 - State & Local Governments
- Expenses still have to be paid.
- This creates “holes” in the income and balance sheets.
- Results in reduced savings, fund balances, or reserves.

FEDERAL GOVERNMENT RESPONSE

- Federal government pumps \$7 Trillion into economy in 3 months.
- Aid to individuals and corporations to fill “holes” or gaps due to revenue dips.
- Initial strategy based on *short-term* downturn with moderate to swift recovery after mandatory quarantine orders lifted.

A NOT SO SHORT-TERM PROBLEM

- An additional 1.877 million Americans filed for unemployment benefits for the week ending May 30, 2020.
- Over the past 11 weeks more than 42 million Americans have filed for unemployment Insurance.
- Represents and enormous financial stress on states – unemployment is typically a state run program
- Likely to see higher unemployment across sectors as society returns to work.

NY STATE UNEMPLOYMENT BURDEN

- In 2019 NYS paid \$2.14 billion in unemployment.
- From March to the beginning of May, NY has paid out \$4.6 billion.
 - More than double the 2019 unemployment expense
 - In less than two months
- NY State requested \$4.4 billion in federal advances for unemployment
- Similar financial burden /request from other states to federal government.

GOVERNOR CUOMO BUDGET CUTS (?)

- Governor has stated 2021 budget has a built in mechanism to re-assess revenue quarterly and cut budget accordingly.
- State and local governments are required to have balanced budgets.
 - Federal government does not have this requirement.
- Cuts would most likely occur to:
 - State Public Safety
 - Hospitals
 - Municipalities
 - School districts
- News
 - April 26 – Governor warns of \$8.2 billion in cuts to localities
 - That could include decreases in education and Medicaid funding.
 - AIM?

FEDERAL GOVERNMENT WILL SET INITIAL TONE

- Top down decision tree.
- Externally: United States Federal Government interactions with other countries will set the global tone.
 - collaborative vs protectionist
- Internally: The amount of aid offered to individuals and to State and Local governments (SALG) will set internal tone.
- Upcoming Presidential election may alter the outcome.
- As a result State and Local Governments will respond.

2019 FINANCIALS COMPLETE

- Annual Update Document (AUD)
- Independent Audit
- Federal Single Audit
- State Single Audit
- DOT Audit

2019 [GENERAL FUND] FUND BALANCE

- Fund balance
 - Measure of net worth: {Assets – Liabilities}
 - Not all cash
 - Can be used to cover unexpected expenses or revenue shortfalls.
- 2019 Unassigned fund balance increased 124%, or \$5.5 Million over 2018.
- Total fund balance increased 39%, or \$3.4 Million over 2018.
- Will help the City offset the revenue losses from COVID to an extent.
 - Aim to retain at least 2018 fund balance levels to support Baaz credit rating.

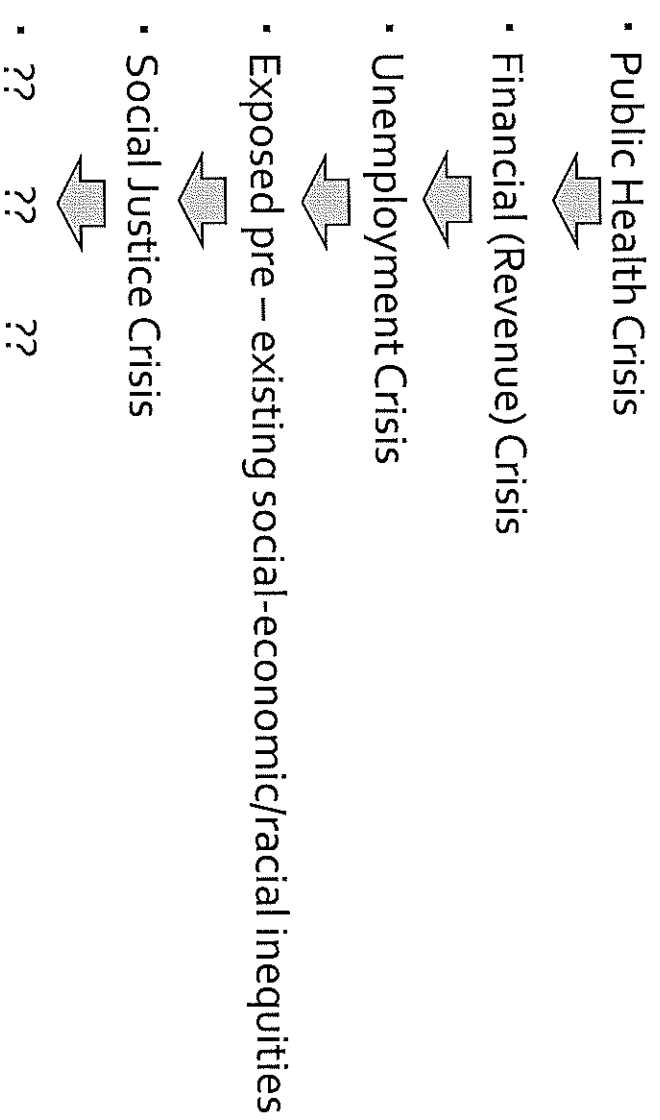
NEED FOR BAILOUTS IN PRIVATE AND PUBLIC

- U.S. Domestic Box Office
 - 2019 week 3/20 to 3/26 \$200M
 - 2020 week 3/20 to 3/26 \$5,100
- MTA ridership down over 90%
 - Loss revenue for maintenance, bond payments.
 - M.T.A. officials have made an emergency request for another \$3.9 billion in federal money.
- Bail outs requests

NEED FOR BAILOUTS IN PRIVATE AND PUBLIC

- Without revenues, local communities may lose a hospital, movie theater or community college.
- Do you ever get it back?
- Does the federal government bail out City, County, State level pensions, public safety, hospitals, public utilities, and teachers?
- If not, who is chosen for a bailout?

COVID-19 IMPACT



FUTURE (PAST) CONSIDERATIONS

- 2008/2009 recession took 517 calendar days to hit "bottom"
- It took until 2016 on inflation adjusted basis to reach pre- great recession economic levels.
- 1929 to 1932 fall in economy 10%, massive unemployment
 - 1933 printed money and implemented similar programs
 - Interest rates hit zero
 - Money causes expansion
- Economy takes several years to exceed former highs

FUTURE (PAST) CONSIDERATIONS

- Similarly:
 - Once the artificial support of the economy is withdrawn we could be a year out from the "bottom".
- It will likely be several years before country is back to pre-COVID economic levels.
- Moodys' estimates timeline to 3rd quarter 2021.

WHY IS THIS IMPORTANT?

- When you look at economy over 500 years you don't see GDP drops of 10% (unless you zoom in).
- In each major economic downturn, rebuilding included
 - Creativity
 - Inventiveness
 - Adaptability
- These recent events could result in a fundament shift in:
 - The Economy
 - The Financial System, and
 - Redistribution of wealth
- City of Newburgh has to have representation to greatest extent possible when/if these new parameters are formed at county/State levels.

TURNING POINT/DEFINING MOMENT

- Internal Management (Administration):
 - Finance
 - Legal
 - Executive
- External Management:
 - Manger
 - Elected Officials

UPDATE ON REAL PROPERTY TAX & SALES TAX

REAL PROPERTY TAX COLLECTION -2ND INSTALLMENT

Real Property Tax Collection

	Actuals*	Budget*	% Of Budget	Variance
June 1st 2019	\$ 13,481,283	\$ 20,570,466	66%	
June 1st 2020	\$ 12,712,569	\$ 22,184,692	57%	-8.2%
Day After Second Installment Due Date				
April 7th 2019	\$ 10,982,767	\$ 20,570,466	53%	
May 22nd 2020	\$ 12,142,180	\$ 22,184,692	55%	1.3%

*Does not include omitted taxes.

REAL PROPERTY TAX COLLECTION -2ND INSTALLMENT

- Real property tax collection comparison June 1st 2019 vs 2020:
 - Reduced collection by 8.2%
- But - The City of Newburgh Extended RPT due dates.
 - When comparing the day after second installment due date 2019 vs 2020
 - Collection increased by 1.3%
- As of June 1st 2020, 57% of the RPT budget has been collected

REAL PROPERTY TAX COLLECTION -2ND INSTALLMENT

- This is a positive trend
 - Can change in the future quarters depending on economy.
 - Likely due to large infusion of cash to individuals/families by federal government
 - Offset unemployment
- Any disruptions to 3rd or 4th quarter still have the potential to cause substantial decreases to Real Property Tax Revenues.

IMPROVED AUTOMATION

- Credit Cards for Taxes – Available *Online* by the end of the month.
 - City
 - County
 - School
 - Lien
 - Other
- Credit Cards for Water/Sewer/Garbage *Online* by September
- Accepting Credit Cards for most transactions over-the-counter or by phone
- CON Accepted almost \$175k in payments in May (By phone)



We Accept **VISA**



Welcome

Select a Department

Products & Services

Payment Details

Confirmation Receipt

Search

Parcel ID

Parcel ID for Location

?

Customer Name

Owner of Property

?

Street Address

?

Clear

Search

Log In (Not Required)

Have a *Login?* Log into your account to see payment history or update your profile.

No Login? Create an account below or skip this step to process your payment without a user account.

Email

Password

Create Account • Forgot Password

Login

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SALES TAX COLLECTION

- 1st Quarter: \$2,707,567
 - 6% higher than previous year
 - 96% of 2020 estimate, short \$124k
- 2nd Quarter:
 - TBD – 7/30/2021
 - Expected to be lower than budget target

PROJECTED REVENUE SHORTFALLS – MAJOR FUNDS

General Fund (A)

Source	Amount	% of Budget	Estimated Reduction	Est. Revenue Loss
Real Property Tax	\$ 22,230,828	47%	25%	\$ 5,557,707
Sales & Use Tax	\$ 11,326,552	24%	33%	\$ 3,775,517
State AIM Funding*	\$ 4,464,656	10%	0%	\$ -
All Other	\$ 8,878,730	19%	20%	\$ 1,775,746
Total	\$ 46,900,766	100%	24%	\$ 11,108,970
Total Dollar Amount Estimated Baseline Loss Due to COVID-19				\$ 11,108,970
Total Percentage Estimated Baseline Loss Due to COVID-19				24%

Water Fund	(F)	\$	6,799,860	100%	25%	\$	1,699,965.02
Sewer Fund	(G)	\$	6,290,530	100%	25%	\$	1,572,633
Sanitation Fund	(S)	\$	4,001,778	100%	25%	\$	1,000,445

*NYS 2021 budget sustained levels of State aid³ to City of Newburgh.

ORDER OF OPERATIONS TO SUSTAIN \$5.5-\$11.1 IN LOSSES

- Thresholds
 - Reserves/Fund balance (To a limit)
 - Inter-fund loans (if necessary)
 - Debt options
 - Future unknown options (to be legislated)
- Implications
 - Rebuilding reserves in future years
 - Repaying any inter-fund loans/debt

KEY GOALS

- Continuing to provide services during economic downturn.
 - 2020 bond provides funding for capital projects
 - Retaining personnel
- Preserve City's credit rating

POTENTIAL LEGISLATION

- Federal Level
 - Stimulus 4 (stim4)
 - Calls for second round of payments to individuals and families
 - Extend unemployment benefits (federal supplement) through the end of the year.
 - This is likely to support RPT collection within local municipalities
- State Level
 - Budgetary Flexibility for Local Governments
 - Extend bond rollover period from 5 to 7 years
 - Authorize temporary transfers from capital reserve funds to pay for COVID operating costs
 - Extend the repayment time frame of inter-fund loans an additional year.

LOOKING TOWARD 2021 BUDGET

- No current forecast to increase taxes.
- Forecasting increases to Water/Sewer user fees.
- No current forecast to increase sanitation user fees.

QUESTIONS?

Councilman Grice thanked Mr. Venning and said it's very important to hear what's happening. It is important that we are working with our County, State and Federal Legislators and we are fortunate to live here in the City of Newburgh. He told Mr. Venning that if there is any legislation we need to be advocating for please send an e-mail. He asked him to repeat for the public our plan for taxes next year.

Todd Venning, City Comptroller said that as of right now there is no increase to the tax levy for the 2021 Budget.

Councilman Grice added that there may be an increase, however, in our water and sewer rates.

Councilwoman Mejia thanked Mr. Venning and the Executive Office for putting this together. We have been asking for numbers to be shared for some time now and she is breathing a little better now that she has heard those numbers. Looking to the 2021 Budget she reminded everyone that they are forecasting increases in water and sewer fees which were discussed pre-COVID. We should do this again after the second quarter numbers come in to double check on the revenues.

Councilwoman Monteverde thanked Todd and staff for putting together this update. It was very informative and she agrees with Councilwoman Mejia that she also feels a bit more confident that we are going to be ok for now. You mentioned a short term downturn in today's report and what is being reported is that we have officially entered into a recession that started back in February so we are not going to see that downturn until possibly sometime in 2021?

Mr. Venning responded, *"Correct. It's an estimate."*

Councilwoman Monteverde continued that the fund balance is unrestricted but we can use that to cover unexpected expenses?

Mr. Venning said, *"Yes, we will actually use it. By State law the fund balance is used to cover revenue shortfalls and unexpected expenses. The important thing is that if the fund balance goes too low, your credit score dips but if you more than double it you can use a huge chunk without reducing your credit score."*

Councilwoman Monteverde said just to be clear, *"You anticipate that we are going to be dipping into that, correct?"*

Mr. Venning said, *"At some point between now and the next four quarters absolutely"*.

Councilwoman Monteverde said he also mentioned that there was an increase in 2019 of 124% to the fund balance. Regarding the sales tax from the County is there any idea on those numbers yet?

Mr. Venning said it's really hard to tell because you have companies like Amazon and Microsoft that have done very well to the point where some of the top five companies in the United States represent twenty percent of the equities in the Fortune 500 companies, which means that you are not actually even seeing a reduction in the Stock Market yet. New York State participates in revenue sharing so even though Woodbury Commons is shut down it doesn't have to look as abysmal as we think. The 33% forecast is actually very conservative and it forecasts receiving zero dollars in the second quarter and then receiving smaller amounts than forecasted originally in the third and fourth quarters. We feel like that 33% is actually conservative and will reflect the actual numbers.

Councilwoman Monteverde added that for 2021 you mentioned no increases as far as you can see or forecast in the tax levy, correct? She just wants to make sure the community hears that.

Mr. Venning responded, *"Correct."*

Councilman Shakur reiterated what everyone already said and he thanked Mr. Venning for doing a great job. He is looking it over now so if he has any questions he will call him.

Councilman Sklarz thanked Mr. Venning and his staff for the work done on this. What percentage of our Budget are revenues coming from sales tax? Please spell out for us how you came to the conclusion that there will be no tax increase given the large drop in sales tax revenue in this quarter and what's anticipated for the next few quarters. Does the fund balance make up for all of that loss?

Todd Venning, City Comptroller said that the sales tax makes up 24% and the real property tax makes up 47% of the 2020 Budget. Yes it's because of the fund balance that we know we can sustain at least five and a half million dollars without reducing our fund balance to the level it was in in 2018. When we look at the total shortfall of maybe eleven million, at least half of that can be funded by our reserve and still preserve the integrity of our credit rating. It's the other 5.5 million that will largely be determined by the real property tax which is when we will be coming to you with various options that exist right now and that will hopefully be signed into law by the time we get there.

Councilwoman Sofokles said her confidence in Todd is overwhelming. He has everything together and she wishes he had been here fifteen years ago. She understands the numbers and where they are and she is very excited that the tax levy won't increase. We have to expect the sales tax to be down as they are down everywhere but she is happy. A lot of people aren't able to listen to the meetings so we need to get the word out that things are really not that bad in the City of Newburgh.

Mayor Harvey expressed how grateful he is to be part of this talented team. COVID19 took us over but we always said that essential services would continue to be provided and we had no layoffs or furloughs. For us to remain solvent during this Global Pandemic is attributed to the talent we have in this executive staff. He takes offense personally when people continue to talk about city mismanagement and corruption because we have a great team that includes every person working for the City during this pandemic. The Heroes Act is the second stimulus Bill that we are hoping and praying about for State and Local Governments throughout the United States. The Heroes Act was passed in the House of Representatives a few weeks ago and is now sitting in the Senate so we need to pay attention to what is going on. This Heroes Act will hopefully make us solvent and help us get through this healthcare crisis in a fiscally responsible way. He asked Mr. Venning why we had a 124% increase in the fund balance which is our reserve.

Todd Venning, City Comptroller said that when he first started in February, 2019 he noticed that the numbers were not exactly the way they should have looked so they had concerns about spending certain funds. There was an appropriation of about two million dollars that we limited because you are supposed delineate where that appropriation is coming from and some of it was not delineated and some of it was coming from reserve. By cutting off that part of the Budget you didn't use two million dollars of your fund balance which automatically resulted in a two million dollar savings. They also worked on companies that had been outstanding for about thirty years and with the Auditors which took countless hours and many nights but we were able to save the City 1.7 million in our liabilities that were reversed which increased the fund balance. We also worked with the legal department to wrap up contingent liability which saved about another \$400,000 and finally we did an analysis of all of the City's reserves to find out that the prior administration had a one million dollar reserve that was not correct. We spoke with our Auditors to get that reversed and then there was a tiny, tiny surplus in the General Fund when you account for actual revenue and activities of several hundred thousand. It was a really killer year all year and it really paid off because you can't just make a 124% increase happen in your unreserved fund balance. The timing was great because we rolled into COVID19 and we didn't know that was going to happen.

Mayor Harvey said those are the details that the public needs to know so we have to do better with public relations. That is amazing. To have a 124% increase in our unreserved funds has helped us sustain our fiduciary responsibilities and keep us on a steady path during this COVID19 Pandemic.

PUBLIC HEARING #1

Mayor Harvey called for a public hearing that was advertised for this meeting to receive comments on a Substantial Amendment to FY2020 Community Development Block Grant (CDBG)

PUBLIC HEARING #2

Mayor Harvey called for a public hearing that was advertised for this meeting to receive comments on a Substantial Amendment to FY2019 Community Development Block Grant (CDBG)

Isaiah Valentine, City of Newburgh said he has some concerns about his community and it has been rough with the protests going on. He doesn't think it's right for the Council to vote on taking money from the Parks and giving it to Police or Fire Department. He thinks they should defund the police for all they have been doing in our community and it needs to stop. He wants the Council to do better and he respects them but they have to start worrying more about the 80% of the population that lives here. Our youth matters so they have to start focusing on what really matters. He hopes they consider the 50-A because there are murderers in the Police Department and they need to go. When we get a Police Chief it would be best if he is Black so he can relate to the minorities.

Gabriel Berlin, City of Newburgh commented on the defunding of the already approved Park Improvements Project by \$80,000.00. I am sure you are aware that the Nation is experiencing the largest nationwide mass protest in two generations. Across the Nation elected officials are listening to the voices of the people about the pain and suffering of the Black community and communities of color who have suffered at the hands of the police from Newburgh to Los Angeles. Black lives matter and yet for four decades across the United States, Newburgh included, we have given funding priority to law enforcement at the expense of housing, Social Services, Welfare, education programs, job programs and other services that a community needs to thrive. That is why he was greatly disappointment when he read the City's Amendment Proposal for CDBG to defund the already approved Park Improvement Project to move \$80,000.00 to a Community Policing Program for over one hundred thousand dollars. At the core of the current protests around the Nation is the question of police funding. Over thirty percent of the City of Newburgh's General Fund goes towards policing totaling some fifteen million dollars. Increasing the CDBG community policing item to \$100,000.00 would represent an increase of 400% for that program alone and would take money away that is desperately needed by our Parks or any other aspect of the City. While other cities around the Country are re-evaluating how much money to send to their police, the City of Los Angeles announced they will be cutting their police budget by one hundred million dollars or more and the Mayor of New York announced he will be the cutting the NYPD budget but Newburgh is publicly announcing a police program funding increase. As Chairman of the Transportation Committee he can assure you that our streets and sidewalks in and around our City Parks are in desperate need of funds. Areas around Downing Park barely have crosswalk markings making them more dangerous for pedestrians and Lake Street where families and older folks struggle to cross one of the most dangerous intersections in our City without updated markings or crosswalk signals. In the past two years as Chairman of the Transportation Committee his job most of the time

has been telling people no. No we can't install accessible parking space for the people on your block to use. No we can't put in Stop Signs to make your neighborhood safer. No we can't add crosswalk signals to make it easier to get your kids across the street. No we can't re-paint that dangerous intersection where cars threaten public safety yet here we are proposing that \$80,000.00 of Community Development Grant money be diverted towards a police outreach program. The \$80,000.00 doesn't have to be for Parks as it could go towards the many programs and budgets that are severely underfunded in Newburgh. Housing, homeless outreach, temporary shelters for families in need, job training or business development to bring more jobs. Now is not the time to increase funding for any police programs. If community policing is truly an urgent priority he has no doubt the Police Department can find \$80,000.00 or one half of one percent of their fifteen million dollar budget. He urged the Council to oppose this amendment and have it abandoned. Let's put Newburgh at the forefront of progressive budget ideas that are being introduced across the Country in this historic moment we are living through. Fund social programs and the community but it's past time to solve all of our problems by funding the police.

Peter Frase, 29 Courtney Ave., said he is a former member and Secretary for the Police Community Relations and Review Board and he is opposed to the CDBG amendment. We are at a moment when people in this Country are asking hard questions about the nature of policing and the roles of police departments in our communities. Newburgh like many cities spends huge amounts of money on the police which has a nearly fifteen million dollar budget making up over thirty percent of the General Fund. This department's history has all the problems that have been identified around this Country by Black Lives Matter Activists when it comes to the way Black and Brown people in particular have been over policed, harassed, brutalized and sometimes killed in their interactions with police. I believe this is a time to talk about shifting priorities away from criminalization and punishment and towards things that make for a healthier and safe Newburgh. Things like housing, health care, recreation and yes, Parks. He is very unhappy to see the Council proposing to take money away from Parks and give it to this Community Policing Program which we have very little information on. He understands COVID19 has disrupted some of the City's original plans but there has to be better places that this Grant money can be directed to. Any new Police Department programs should be funded through existing budget lines and the regular budget process rather than taking funds that have been allocated for other purposes. What this department needs is not more money it needs more accountability so instead of writing another blank check to the Police this Council should be listening to the voices of those who are demanding that accountability. Pass the Right to Know Act and show your support to repeal New York Law 50-A which seals police personnel records from public scrutiny and demands better data to evaluate their performance. You can also strengthen the Civilian Review Board so it can exercise true Democratic oversight rather than simply issue symbolic findings while the police continue to investigate and exonerate themselves. What you should not do is write another blank check when there are so many needs going unfulfilled in this City and approving this funding sends the wrong message. There are going to be some long and hard discussions ahead about our fiscal priorities and the long standing history of mistrust between people and the police in this City. In the larger scheme of things this \$80,000.00 may seem minor but he hopes they all recognize that we must end the decade's long cycle in Newburgh and elsewhere of unaccountable escalation of police budgets and begin rethinking our

priorities. He asked the Council to reject this proposal and seek ways to put those funds to more appropriate use.

Aurora Lopez Zarate, City of Newburgh said they don't want the \$80,000.00 to go to the Police Department as it should go to other community programs that we need in the City of Newburgh. If the City of Newburgh Police Department wants to build trust in the community, they need to use their regular budget money. She wants to make sure the Right to Know Act is passed as soon as possible here in the City of Newburgh to make sure Black and Brown lives are protected now and in the future. We need our next Police Chief to represent the community here in the City of Newburgh to make sure no future incidents happen. She also wants a local resolution to repeal 50-A which is another way to make sure that our community is protected. Lastly she wants to make sure any State Troopers or Police working in the City of Newburgh are paired with a Newburgh Officer wearing body cameras and if an incident occurs the film from that camera should be released within seventy-two hours. They appreciate the City Council working with the community and hopes they are listening right now. We don't want that \$80,000.00 to go to the Police because we need that money in our community.

Richard Rosencrans, City of Newburgh said he is opposed to the CDBG FY2020 amendment of moving money from Parks to the vaguely described new Police Community Relations Activities. He understands the COVID19 issues but we can find other places to move that money to and his concerns have been shared and will be shared with other people who stand with him in opposition so he demands full accountability of our Police Department before any funds are allocated to them. As an alternative he would like his community to consider holding Safe Space Programs in the Parks where the community can address the Police Department directly. The Police would be required to come unarmed and we would assure their safety. The community will maintain our peace just as we have in the protests. We do not want anyone to get hurt ever again so we will create sacred space honoring our ancestors and indigenous people and the Parks will become hallowed ground. Peace is possible. If security is needed at these events, it must be by civilian Black people and no off-duty Police. If films are to be included they must be pro-Black life films possibly with a presentation by some organization working on this issue. The Programs can be facilitated by such local organizations like We Are Newburgh, Team Newburgh, The Newburgh LGBTQ Center, Community Voices Heard, The Police Community Relations Board and County and State Mental Health Organizations. We would invite Hudson Valley organizations to join us. He does not speak for these Organizations just suggests them because they are doing excellent work in our community. Obviously details need to be worked out but it could be very therapeutic and healing for the community and enlightening for the Police Department as it looks to play a role in the future of our community. This endeavor would have psychological and philosophical impacts on our police community relations that could lead to substantial community policing reforms in the near future. This is the only way he will support using any funds for anything with the Police.

Ronald Zorilla, 384 South Street said that he is also opposed to the CDBG amendment moving \$80,000.00 from our precious Parks to the Police. He knows these are unprecedented times but he

believes that reinvesting in the quality of life of our residents is important. Green space and Parks play a huge part in that and as a member of the Downing Park Planning Committee he has seen the use of Parks go up during COVID19. It's one of the best places to go for social distancing and there are a lot of inherent health benefits. He believes in protecting green spaces and improving them so that people of all ages can benefit which is important.

Melissa Molfetas, New Windsor resident said she grew up in Newburgh and recently returned because of the National crisis. The recent deaths of George Floyd and Tyrell Fincher raise questions that we can no longer avoid. What is the role of the Police in this community? What exactly are we paying for? Having been a first responder herself and a member of a police family she can no longer stand on the sidelines, silent or complacent in a system that is clearly broken and the time for change is here and now. In a time of much needed integrity and courage, it is her hope that the City of Newburgh will mark itself as a leader on the road to national healing and change. Police work can be difficult, dangerous and taxing because we have burdened our Police with the job of addressing the fallout of pervasive societal failures. The current proposal to rob a Park budget and double down on community policing completely misses the mark here. We need root to stem changes to build a healthier and safer community together. What does community policing look like in Newburgh? From what she can see the strategy now is priming teenagers in a Junior Cadet Program to either become Officers or act as public relations liaisons for the Police. It's debatable what kind of impact that Program has on children but the *catch them while they are young* strategy is about winning hearts and minds. The City and Department can only earn back the trust of the community through real structural changes not by lip services and youth propaganda. In reality, Police are courting Newburgh school children to prime their view about criminality while simultaneously patrolling their neighborhoods in a way that fosters mistrust and fear. The current methods are not working. Although the City reports a decline in crime, gun violence is still rampant and the problem is a reflection of the dark cloud that is hanging over this City and the entire Nation which is institutional racism. The death of Tyrell Fincher is a prime example and it is devastating yet the community does not even mention his name anymore. We missed a key opportunity in the wake of his death to have a much needed conversation about community policing and how that incident came to occur. The Police knew about this gentleman and had reason to know that he might be armed and fearful of uniformed Officers approaching him on a street where he was alone. It comes as no surprise to her that his first instinctual reaction was fear and self-preservation. The incident was unfortunate and injuries to the Officer were also tragic but a different approach could have prevented all of that. We cannot continue to throw public money behind failed practices such as this because it's not acceptable and it is not an acceptable standard for community policing. Scenarios like this are dangerous for the citizens and Police alike and the Police cannot claim that they played no role in creating that situation. Good practices would dictate that they diffuse and deescalate interactions rather than treating the streets of Newburgh like combat zones. We need more mental health first aid training and meaningful anti-racism and cultural competency training for Police. Taking away from Parks does not accomplish this. In reality, fixing blighted areas of the City would deter crime on their own and make the community feel healthier and safer. This City is filled with abandoned buildings and the affordable housing stock here is crumbling so the danger in the streets is fostered by that atmosphere. What we need now are services and a commitment to cleaning up streets and Parks. Maintaining Monuments, repairing infrastructure with better sidewalks and streets. Housing codes

that are enforced and well maintained Parks. We also need to invest in the City's programs for parents, the homeless and people with mental illness, violence and addiction history. The City needs to enforce housing code violations and in good conscience continue to do the good work to undo the racial injustice in this City and in this Country.

Ida Leung, City of Newburgh questions the reallocation of the \$80,000.00. She wants to know if they will be providing some clarification context for what the current Police budget is and what the supplementation of safety issues are. We had a huge budget cut in the Police Department and they have been on the receiving end of a lot of negative comments but we rely on them to keep us safe. She also heard that the police activity in Newburgh has been supplemented by two or three crime management reduction agencies so she is not sure that the Police Department really needs as much supplementation as it might otherwise because of their Budget cut. How does this \$80,000.00 fit in with the Park budget? Listening to the comments this evening maybe the same programs and agenda which might have been pushed through or initiated by the Police Department for community building could just as well be handled in the Park's Budget. It would be the same work just under different management and people might feel more comfortable about it.

Ann Sullivan said she resides in Ellenville but works on Ann Street and she doesn't support moving any CDBG money out of Parks and into policing. It is her opinion that no money should go to the City of Newburgh Police Department until the very deep structural problems and racism in the department are rooted out. That money could be much better spent on things like creating jobs, activities for kids, summer youth programs and coding classes. This Council should pass the Right to Know Act so that every Officer has to give out a business card when they interact with community members. It's so simple and plain common sense but it should have been done several months ago. The City Manager should meet with the community and engage in a transparent process around hiring the next Police Chief. The relationship between the community and the Police is extremely poor right now and it's critical to create a process that will result in the police and the community working together. The City also needs to create a Police Commission representing the community with real power to investigate. They need to start providing access to videos within seventy-two hours and stop dragging their feet. It's hard to imagine what you mean by the term "*Community Policing*." She sent the Council videos of the way some Officers speak to the community which is not professional let alone what she would consider community policing. We need to build relationships and respect in the community but until some Officers are completely retrained and closely monitored, community policing should be called antagonize the community policing.

Maria Ramirez, 215 North Street, said she is moved by the community support and echoes what a lot of other community members have said tonight. We think the Officers should be required to give out business cards when they interact with a community member so the City Council should immediately pass the Right to Know Act. Residents of the City of Newburgh should have the right to know of any abuse or misconduct involving a Police Officer so the Council should pass a resolution in support of repealing 50-A. We want a meeting with the City Manager to discuss and create a community process

for choosing the next Police Chief. We want to insure that the next Chief is a person of color committed to dismantling structural and systemic racism within the Police Department and we want to have that meeting by Friday, June 19, 2020. All City of Newburgh Officers should go through implicit bias and undoing racism training by September 1, 2020 and make a commitment to attend training at least once a year. Any State or County Officers working in the City of Newburgh must be paired with a Newburgh Officer wearing a body camera and that body camera must be on at all times. If an incident occurs involving a Police Officer, footage from a body camera must be released within seventy-two hours. We also want the Council to adopt a Police Accountability Act which is legislation that creates a Police Commission representative of the community with the power and authority to investigate complaints. We absolutely do not want that \$80,000.00 transferred to the Police. We need to be a city that leads and we need to be leaders in this movement.

Natasha Mills said she is speaking on behalf of the citizens of Newburgh who are asking for police accountability. Officers should be required to give out their business cards when they interact with a community member so the City Council should immediately pass the Right to Know Act. Residents of the City of Newburgh should have the right to know of any abuses or misconducts by a Police Officer so the City Council should pass a resolution in support of repealing 50-A. We want a meeting with the City Manager to discuss and create a community process for choosing the next Police Chief. We want to insure that the next Chief is a person of color committed to dismantling structural racism within the Police Department and we want to have this meeting by Friday, June 19th. All City of Newburgh Officers must go through implicit bias and undoing racism training by September 1, 2020. Any State or County Troopers working in the City of Newburgh must be paired with an Officer wearing a body camera. If an incident occurs involving a Police Officer and a resident, footage must be released within seventy-two hours and she is also asking to adopt the Police Accountability Act. This is legislation that creates a Police Commission that represents the community with power and authority to investigate and adjudicate complaints. We need to be held accountable and so do they.

Alisha Kahn, City of Newburgh said this is not the time to do a transfer of money from Parks to the Police. We should defund the Police completely and think about different alternatives to policing which includes all of the areas that Newburgh needs to be centered around. By bringing up this proposal now you are telling City of Newburgh resident that you don't care about the protests that are going on. Don't pass this resolution and start having discussions around alternative policing and restorative justice which does not include putting more money into policing. These conversations can happen on multiple levels and he volunteers to help. By passing this resolution you are saying that all Black lives don't matter. As a White person in the City of Newburgh, he faces harassment so he can only imagine what his Black and Brown brothers and sisters deal with on a daily basis. There is no need for the continued budget of policing. There have been constant reports of harassment and the Police just killed a Black man a few months ago so you want to give more money to the Police? This tells the City of Newburgh residents that you don't care about what they say and you don't care about the current movement that is constantly going on. To bring this up at this time is crazy. If you truly care about this community, he suggested not passing this resolution or even talking about it again.

Corey Allen, City of Newburgh and Chairman of the Police Community Relations & Review Board said that the Board hasn't been up and running for about six months but they met the other night. He goes out and walks the streets and said it looks like the Civil Rights Movement and it feels there is a lack of communication. We are looking at taking money out of Parks and putting it into community policing and we don't even know what that means. Community policing is a very ambiguous phase and you are looking at a system of mistrust. At the meeting the Board had the other night, only two Council members showed up with all that's going on. Taking money from Parks and putting it towards the Police is not the answer right now. Take that money and put it toward jobs because most of the kids here don't have jobs. We have been mistreated for years and its showing from Urban Renewal to now so given the history here in this City, taking money from one department and giving it to the Police does not look good. We have been your most consistent voting base so discussing this without first going to the community is like a slap in face.

Lillie Howard, City of Newburgh said she has been listening to all of the wonderful remarks from everyone tonight. She is 80 years old and has been living in Newburgh all of her life. She was a member of the Police Community Relations & Review Board and she has a column in the newspaper where she will be writing about this. No money should be taken from Parks and transferred to the Police Department.

Cynthia Gilkison, City of Newburgh said she grew up in Harlem where her kid brother spent most of his time running from the Police and she feels like she has returned to that time. To put more money into policing the community is unnecessary because we have a police force that is decent. She trusts the Police here but doesn't think we need the State Police or more Police in Newburgh. The Police need to be accountable for their actions by what they say and what they do and they need to be friendlier to the community. She feels they don't have a connection with our community so they need to be out on the streets more talking to people and getting to know them. Her family fought for these rights fifty years ago. The rights to be free in America. The rights to be free from Police racism. The rights to be free to pursue my life goals, and the right to be free to walk about my community without having to be afraid of the Police. She is afraid the Police are going to pull her over when driving. She has been pulled over before and her car was searched without her permission and when she explained that she had to leave she was told to shut up and stand on the side of the road. The Police don't really connect with the people in this community and they don't listen to us or hear us. We really need to have them go through undoing racism courses and the City Council should pass a resolution in support of repealing 50-A. She has lived here for seventeen years and has two sons who she is afraid will get pulled over or stopped by the Police so she fear for them. Something needs to change in this City and we need to get police officers in to training that actually works to serve and protect the community.

Angela Montiel, City of Newburgh said she doesn't agree with taking money from the Parks for the Police. She has not had the best interactions with the Police and she knows they are not all bad but they need to take domestic violence more seriously and try to help the victims as much as possible. The money should really go to the kids of Newburgh because they are much more important. If you are

going to give money to the Police, make them take non-discrimination classes. She is Mexican so why are people of color being discriminated against and given tickets if they don't speak Spanish properly?

Mark Sanchez-Potter, City of Newburgh said he is opposed to the proposed movement of \$80,000.00 from Park Improvements to Community Policing. That money should be used for Parks and given the current state of affairs in this Country as well as the movement of people we need to have a serious conversation about defunding the Police and moving away from a mass incarceration model into restorative justice. Insure that true justice is brought to the people who live in the City. He is a proud City of Newburgh resident and he would like to see the community improve and for everyone to be treated equally. The Council can show this by insuring that Parks are fully funded and our Police are reformed in a way that brings justice to everyone.

Malvina Holloway, City of Newburgh said that this evening has been very informative. She is a representative of the NAACP and noted that a letter was sent to the City Manager and the City Council in April which echoes much of what has been said this evening. The end of that letter said that they would like to follow up with the Council and City Manager to strategize around achieving the goals for much of what was said this evening. The same people that had money five hundred years ago are the same Countries that have money today and the disparities then are very similar to those now. They should be increasing the funding for Parks based on the criteria for the project which she believes must be consistent with the National priorities. Activities that benefit low and moderate income people. The prevention or elimination of slums or community development activities to address an urgency threat to health or safety. Specifically increasing the quality of life specific to the current Pandemic circumstances with distinctive descriptions would be beneficial for support. Distinct description of the neighborhood services would be beneficial but the words "*may be included*" aren't helpful. She would like to look at the actual reality of terminology being used. The Police Chief hiring needs to be transparent. The Police Community Relations and Review Board along with the Human Rights Commission would be a way for you to have a lens with an approach that would include people who are affected by these decisions. She is asking the Council to do things differently, notice the pain and act accordingly. The letter from the NAACP was sent in April and hopefully we will hear from you soon.

Renee Mejia, Jr., 458 First Street very much opposes giving any money to the Police from our Parks. He was born and raised here and cannot stress the importance of having accessible parks and resources available to invest in an outlet for young people to go to and enjoy themselves. Giving more money to the Police is like kicking us when we are down and not listening to the community. Many local Legislators have said that they want to listen to the demands and the people who are currently outside City Hall demanding to be heard. We demand more accountability for the Police and that the community be heard. We don't want to lose the funds that we need. There are local resolutions that could be passed to provide more accountability for the Police that would make us feel more secure in our own community. It is sad to hear that certain Police Officers who have done things in our community are now returning to their jobs as that is not a good message with what is happening right now. If the community is saying that we need better relationships with the Police then it has to come

from their pockets and not from the people here. If these funds are allocated to the Parks it's because they desperately needs these funds. A few years ago we had young people protesting that we needed more funds for Parks and that they be accessible to everyone. Make sure funds stay in the pockets of the residents for the City of Newburgh and put the interest of the people first. At the end of the day you represent the people who are giving you their demands as to what we need.

Ray Harvey, 408 Carpenter Avenue and NAACP President said he is against the transfer of money from Parks at this time with the kids having been stuck in the house. We can do some safe and fun activities with that money instead of taking it away because the kids need something to bring them joy and laughter so he urged the City Council to think about that. They also need to look at Officers giving out their cards when interacting with citizens and he is totally against outside policing with State Troopers and Sherriff's. Apparently we have no authority on telling them to wear body cams which should be done and they need that body cam footage to be released within seventy-two hours not three months later. Repealing 50-A can be done right away by sending letters to our State representatives and Police training on racism should be done by September. If you are going to take that money from Parks and give it to the Police then it can be used for some serious training which needs to be done. Pass the Right to Know Act. The Police Accountability Board needs some power because we need to start holding these Police Officers accountable. He said that he does not hate the Police but they have to be held accountable when they are wrong. He wished everyone a safe and happy night.

There were no further speakers signed up to speak on either public hearing.

Vitek, Lorene

From: Crispino, Nicholas
Sent: Monday, June 08, 2020 8:28 AM
To: SmartBoard
Cc: 'Ida Leung'
Subject: Comments City Council meeting June 8th

Please see the below comments from a citizen.

Thanks, Nick

From: Ida Leung
Sent: Sunday, June 7, 2020 10:01 PM
To: IT <IT@cityofnewburgh-ny.gov>
Subject: City Council meeting

I am to be speaker #13. I am concerned about removing \$80,000 from the parks budget. How much does that leave the parks?

Also understand that police budget has been cut severely but Newburgh police have been supplemented with additional Fed/State support. How much does that outside support make up for cutbacks?

Thank you, Ida Leung

Vitek, Lorene

From: Tay Culbert
Sent: Thursday, June 04, 2020 11:06 AM
To: SmartBoard
Subject: "PUBLIC COMMENT ITEM"

- 1.) Who is the new Newburgh Police Chief?
- 2.) How do we contact him when we feel like his staff is not following protocol?
- 3.) question to the mayor.... What is your position over the Newburgh City Police Department?
- 4.) Why are the Sheriff's in town? And who are controlling their duties? Who do we report our complaints to about them harassing and not following protocol?
- 5.) concern towards the Sheriff's..... If they are going to be patrolling our streets and working with the local police Department the people feel as though they shouldn't be put to the forefront and apprehending. The people feel like they have come and only been harassing the minorities.
- 6.) As for the high demand of request from our Mayor Torrance Harvey and Governor Andrew Cuomo pertaining to COVID-19 asking that the people not congregate or have gatherings of more than 10 people What can they offer those who are homeless or have nowhere to go during shelter cut off hours or those who are in halfway houses who have to be out at a certain time.
- 7.) What is our city doing as far as feeding those homeless or less fortunate during this pandemic?
- 8.) Where do we stand at the moment with the Tyrell Finches case?
- 9.) What is expected to happen to the officer involved in the death of Tyrell Finches?
- 10.) What is set in motion for further stop and frisk? The people feel like they are just being harassed since the death of Tyrell.
- 11.) Are male officers and Sheriff's allowed to stop and frisk or handcuff females and vice versa? This question is pertaining to the sheriff stop on Sunday May 31st on the corner of Liberty st and Broadway?
- 12.) How can the people of the community or those who want to express a concern involving unlawful arrests or harassment get in contact with you the Mayor?
- 13.) Will you the Mayor Torrance Harvey be willing to do a peaceful protest walk with your community? The people feel as though you helped make a peace treaty between the owner from Black Vanilla to show support and to eliminate violence isn't this the same?
- 14.) How can you the Mayor assure us that none of our local community residents or visitors will not fall victim to police brutality and that we can exercise our rights when it comes to police not protecting and serving?
- 15.) Why did they lay off half the police force just to only have to bring in Sheriffs? Did our funding go to them just for them to come in to town and harass the minorities?
- 16.) The programs that Mr. Harvey announced are coming to the community the day he held the peace conference with the community and Black Vanilla what happened to them and how can the community get further information?
- 17.) What programs can we expect to come to our community for our youth and where would they be located?
- 18.) What is the city doing with the old head start located on William and Washington?
- 19.) Why aren't the Newburgh Police Department hiring Minorities? Or telling the community about the programs they have with the police department? Maybe that would help with community to police relation building.
- 20.) How can someone go about buying property here in the City of Newburgh because we see a lot of the Jewish Community coming in and they are taking over and the minority community can't afford their rates.
- 21.) 1. Is the review board active? If not - when will it be? 2. What other programs are in place to improve communication between Police and the community? 3. What is the contact number for internal affairs that would investigate the City of Newburgh Police?
- 22.) Better afterschool/summer programs for the community. One that satisfies all ages. Better community policing. More pay for the officers, that way they value their jobs and will be held accountable for any wrongdoing.

Sent from my iPhone

City Manager, Joseph Donat noted that there are public comment periods for both items and comments can e-mailed to efillo@cityofnewburgh-ny.gov.

Mayor Harvey thanked all of the people who participated in the public hearings tonight and noted they raised a lot of great points regarding the Right to Know Act and 50-A. He has done a lot of research and he believes the City Council has the authority to pass a Right to Know Act within our City government. He asked Ms. Kelson if that is so and also if it is a State jurisdiction to repeal 50-A.

Corporation Counsel, Michelle Kelson said that New York State Civil Rights Law 50-A protects public disclosure of personnel records of Police Officers to determine disciplinary actions and it would be up to the New York State Legislature to repeal it. Some of the comments were asking the City Council to consider a resolution supporting the State Legislature on repealing 50-A which is something the Council can consider amongst themselves. They can pass a resolution of support but they cannot repeal that law by themselves. The second item that came up tonight is the Right to Know legislation which has been enacted in New York City and Albany that requires Police Officers to identify themselves with business cards indicating their name and badge number to individuals they interact with. The City of Newburgh Police Department has a series of rules, regulations and general orders where they are required to wear a badge number and a name plate which they are required to tell verbally to anyone who asks for it. You could adopt an amendment to the City Code that would require Police Officers to provide their identifying information in the written form of a business card. Some proposals have been submitted and she is working on something currently that she should have ready for their consideration at the July meeting.

Mayor Harvey thanked Ms. Kelson for that information. He thinks it is important to clarify for the public and maintain public trust with all that is going on in our community, the Nation and the World regarding Police oversight. 50-A is a State legislative jurisdiction but we can pass a resolution to support it which is a symbolic act. He and some of the Council members have been trying to educate our public on what we have the power and authority to do as local elected officials and what is beyond our jurisdiction and is in the hands of our State elected officials. A lot of times people don't know and they make demands on the local City Council but it's not within our jurisdiction to do so. For instance, when we talk about mandating the State Police or the Sheriff's Department to wear body cams we do not have the legal authority to make those demands. He asked Ms. Kelson for a point of clarification on how and why a single municipality cannot make legal demands on them.

Michelle Kelson, Corporation Counsel said that New York State Troopers have jurisdiction throughout New York State and the Sherriff's Office has jurisdiction throughout the County so they can conduct law enforcement operations within the City boundaries whether they are invited to participate or not. The County and State are higher levels of government so the City doesn't have the ability or authority to mandate practices for those employees of higher levels of government. What she heard tonight was a

request for a joint pairing with City Officers who have body worn cameras to provide some additional level of accountability. She is not sure we can mandate that either.

Mayor Harvey doesn't think it's realistic either because New York State Troopers and Orange County Sherriff's have jurisdiction beyond the City of Newburgh so they can travel in and out of local municipalities enforcing the law.

Ms. Kelson said it may not be realistic but noted that Governor Cuomo recently proposed introducing a body worn camera program for the New York State Police. She encouraged everyone listening tonight to refer to your State Elected Representative, your Assemblyman, your State Senator and the Governor's Office and continue to make those demands for accountability from those law enforcement agencies as well.

Mayor Harvey added they should also contact our County Elected Officials, Legislators Kevindaryan Lujan and James Kulisek so they can be made aware of the concerns of our residents. Many times people don't know that these are separate entities so the City Council can't make those legal demands or requirements on those higher law enforcement agencies. We have to make that clear.

Councilman Shakur asked if we can tell them we don't want them here taking our kids out of their cars illegally. They have to enforce the law equally if they want to come into our community.

Mayor Harvey said yes we can say that but New York State Troopers have legal jurisdiction in our City and throughout the State of New York.

Councilman Shakur said we can tell them to enforce the laws throughout the whole community. Not just the Black and Brown communities.

Mayor Harvey said we are going to continue to look at how we can educate our residents on what steps to follow to file a formal complaint regarding a State Police Officer or County Sherriff if they feel their Constitutional rights are being violated.

CITY MANAGER'S REPORT

Resolution No. 125 - 2020 - Amendment#5 with Barton & Loguidice, DPC for Professional Engineering Services on the Liberty & Grand Street Sewer Separation Project

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 126 - 2020 - Agreement with RAFTELIS for a Stormwater User Fee Planning Study

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 127 - 2020 - City of Newburgh Parking Meter Expansion Feasibility Study

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 128 - 2020 - 15 South Colden Street - site development agreement

Councilwoman Monteverde said she is excited they are finally moving on some development here. She asked the City Manager if they could get an email with the timeline.

City Manager, Joseph Donat said he would send that.

Mayor Harvey echoed the sentiments of Councilwoman Monteverde as he is also excited about moving on development. We were doing some great work revitalizing our City and hopefully this is the restart of what we envisioned and started prior to COVID19.

Councilwoman Mejia said that the process used for this particular development incorporated the Mayor's Committee and she wants to encourage specifically for the workforce development portion that that committee continues to get utilized. That way communication will get back to the Council on recruitment of local workforce and what it will look like in the future as well.

Councilman Shakur said that this was Urban Renewal land and he hasn't talked to the people doing this yet so he knows the other Council members have a little more insight on it. He hasn't seen this brought before the community and he feels they need more input on this so he will be voting no on this.

Mayor Harvey noted that this Project and the Mayor's Committee preceded Councilman Shakur's time here on the Council but they did have public hearings and received community input. The Mayor's Economic and Development Committee is made up of community members and residents who have gone through a long vetting process with this. He told Councilman Shakur that his comment is appreciated.

Councilman Shakur said that no one reached out to him so he will do his own research but for now he will be voting, "no".

**Councilman Sklarz moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles, Harvey - 6
Nays: Shakur-1
Adopted**

Resolution No. 129 - 2020 - 264 Liberty Street - Release of Covenants

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

Resolution No. 130 - 2020 - 241 Third Street, 48, 50 and 52 Johnston Street - Release of Covenants

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

Resolution No. 131 - 2020 - 61 Temple Avenue - Ecological Citizens Project License Agreement

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

Resolution No. 132 - 2020 - NYPA Smart Street Lighting

Councilman Grice thanked everyone for their hard work on this.

Mayor Harvey echoed that sentiment and noted that this is definitely a move in the right direction with becoming a smart, technological and green city. He thanked everyone involved.

Councilman Sklarz asked where we are with the zombie poles on Broadway. He thought Central Hudson was responsible for getting rid of them.

Mayor Harvey responded that they are responsible so we may have to revisit that.

City Manager, Joseph Donat said that it depends on who has the last wire on the pole; Central Hudson or Verizon. Some of our partners in State Government initiated this initiative several months ago so he would be happy to follow up and get an update from them. As we go through this process with light transitions and conversions we will certainly get rid of the zombie poles as they present themselves and will get a more comprehensive update to the Council in a few days.

Councilman Grice added that Senator Skoufis did have some of our poles moved and he was working on a resolution that speaks to our zombie poles and wires.

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 133 - 2020 - Conservation Advisory Council appointment

Councilwoman Sofokles said that Ron Zorrilla has been a very important member of the Downing Park Planning Committee for many years. We needed young blood to revitalize the Committee and he has been amazing. She thinks that his addition to the CAC will be equally as good so she is very proud to appoint him.

Mayor Harvey said he is a good guy and he's very energetic. Ron is a go getter so he definitely supports this.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 134 - 2020 - Settlement of Litigation

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Adopted

Local Law No. 1 - 2020 - Prohibiting possession and sale of sparklers and sparking devices

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Nays: Shakur-1

Adopted

NEW BUSINESS

Councilman Shakur said he asked for the Right to Know Act three months ago so what is going on with that?

Mayor Harvey said that our Corporation Counsel mentioned she is working on that legislation and he is very much in support of that. The public has said that they want better police community relationships with some oversight and input on how our Police Department functions so it is being worked on for the July Work Session.

Councilman Grice said that he is in support of the Right to Know Act legislation and considering everything that is going on it should rise to the top of our priorities. We should move on this as quickly as possible.

There was no other new business to discuss.

OLD BUSINESS

There was no old business to discuss.

FURTHER COMMENTS FROM THE COUNCIL

There were no further comments.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:56 P.M.

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: 125 - 2020

OF

JUNE 8, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDMENT NO. 5 TO A CONTRACT WITH BARTON & LOGUIDICE, D.P.C. FOR
PROFESSIONAL ENGINEERING SERVICES AT NO ADDITIONAL COST
TO TRANSFER \$5,000 FROM CWSRF FUNDING/REPORTING SERVICES TO
CONSTRUCTION ASSISTANCE SERVICES TO FACILITATE COMPLETION
OF THE LIBERTY STREET AND GRAND STREET
SANITARY SEWER IMPROVEMENTS PROJECT**

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

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

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

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

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

WHEREAS, by Resolution No. 48-2015 of March 23, 2015, the City Council authorized the City Manager to execute an amendment to the agreement for professional engineering services with Barton & Loguidice, D.P.C. for the administration of CDBG-DR program funds in connection with funding awarded under the EFC SMLP for the Project; and

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

WHEREAS, by Resolution No. 5-2020 of January 13, 2020, the Council authorized the City Manager to execute an amendment to the agreement for professional engineering services with Barton & Loguidice, D.P.C. for required additional submissions to EFC, construction administration services and construction observation services at a cost of \$55,000.00 for the Project; and

WHEREAS, a contract amendment at no additional cost to the City is necessary for the transfer of Project funding in the amount of \$5,000 from CWSRF Funding/Reporting services to Construction Assistance services is required by EFC to complete Project close-out documents; and

WHEREAS, this Council has determined that amending the professional engineering services contract with Barton & Loguidice, D.P.C. to facilitate the completion of the Project is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an amendment to the agreement for professional engineering services with Barton & Loguidice, D.P.C. at no additional cost to the City of Newburgh to transfer \$5,000 from CWSRF Funding/Reporting services to Construction Assistance services to complete Liberty Street and Grand Street Sanitary Sewer Improvements Project close-out documents with the New York State Environmental Facilities Corporation.

RESOLUTION NO.: 126 - 2020

OF

JUNE 8, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE A CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS, INC.
FOR PROFESSIONAL FINANCIAL SERVICES FOR A STORMWATER USER FEE
PLANNING STUDY AT A COST OF \$68,860.00 AND
AMENDING RESOLUTION NO: 288-2019, THE 2020 BUDGET FOR
THE CITY OF NEWBURGH, NEW YORK TO TRANSFER FUNDS FROM
SEWER FUND CONTINGENCY EMERGENCY TO SEWER FUND OTHER SERVICES

WHEREAS, The Phase II Stormwater Program of the New York State Department of Environmental Conservation ("NYSDEC") requires the City of Newburgh, as an operator of Municipal Separate Storm Sewer Systems ("MS4s"), to prepare and implement a Stormwater Management Plan, which the City prepared and finalized in September 2016 addressing six program elements designed to reduce the discharge of pollutants to the maximum extent practicable; and

WHEREAS, by Resolution Nos. 219-2011 of October 24, 2011 and 303-2015 of November 23, 2015, the City Council approved a Consent Order with the NYSDEC to resolve violations at the Wastewater Treatment Plant and develop a Long Term Control Plan to address combined sewer overflows and the implementation of green stormwater infrastructure to reduce runoff and combined sewer overflows with a program cost of approximately \$39 million over 15 years; and

WHEREAS, the City desires to establish and evaluate a dedicated funding source to help pay for stormwater system operations, maintenance, and capital needs associated with these regulatory requirements; and

WHEREAS, Raftelis Financial Consultants, Inc. is qualified to provide such professional financial services and has prepared a proposal for a stormwater user fee planning study for the City to evaluate establishing a dedicated funding source to help pay for the stormwater system program; and

WHEREAS, the cost of the stormwater user fee planning study will be \$68,860.00 and funding will be transferred from G.1900.1990 - Contingency Emergency to G.1440.0448 - Other Services; and

WHEREAS, this Council determines accepting the proposal and entering into a contract with Raftelis Financial Consultants, Inc. for professional financial services in connection with the

development of a stormwater user fee planning study is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute a contract with Raftelis Financial Consultants, Inc. for professional financial services for a stormwater user fee planning study at a cost of \$68,860.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 288-2019, the 2020 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
Sewer Fund		
Contingency Emergency		
G.1900.1990	\$69,000.00	
Sewer Fund		
Sanitary Sewers Other Services		
G.1440.0448		\$69,000.00

RESOLUTION NO.: 127 - 2020

OF

JUNE 8, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A CONTRACT WITH KIMLEY HORN OF NEW YORK, P.C. TO PERFORM
A PARKING METER EXPANSION FEASIBILITY STUDY
AT A COST OF \$30,300.00

WHEREAS, the City Council of the City of Newburgh has identified parking as an important issue with respect to attracting businesses, increasing parking turnover, and creating more viable commercial areas around the City; and

WHEREAS, the City of Newburgh presently maintains a single space, on-street parking meter program along Broadway, and no meter program in its municipal parking lots or along the waterfront; and

WHEREAS, the City wishes to evaluate the areas along Broadway corridor, the waterfront, and its municipal parking lots to better manage parking turnover, improve parking performance, and maximize parking revenues based on growing levels of parking demand; and

WHEREAS, the City of Newburgh has received a proposal from Kimley Horn of New York, P.C., to provide professional parking study services that includes performance of a parking meter expansion feasibility study, with said study to review the City's current parking program and parking management strategies, make recommendations for potential parking meter expansion, and provide advice on requests for proposal with respect to parking meter installations; and

WHEREAS, the cost of the study will not exceed \$30,300.00, plus reimbursable expenses, and funding shall be derived from H1.1330.0205.0000.2020; and

WHEREAS, this Council has determined that accepting such proposal and entering into the contract is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to execute a contract for professional parking study services to perform a parking meter expansion feasibility study at a cost not to exceed \$30,300.00, plus reimbursable expenses.

RESOLUTION NO.: 128 - 2020

OF

JUNE 8, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A SITE DEVELOPMENT AGREEMENT WITH
THE KEARNEY REALTY & DEVELOPMENT GROUP INC.
FOR THE TRANSFER AND REDEVELOPMENT OF PROPERTY LOCATED AT
15 SOUTH COLDEN STREET (SECTION 46, BLOCK 3, LOT 8.2)

WHEREAS, the City of Newburgh wishes to redevelop the City-owned property located at 15 South Colden Street (the "Property"); and

WHEREAS, the City issued a Request For Proposals ("RFP") for the development of the Property and received two (2) responses from developers interested in pursuing development projects on the Property; and

WHEREAS, a review committee has reviewed the responses to the RFP and recommended to City Council that the Kearney Realty & Development Group Inc. be selected to develop the Property; and

WHEREAS, the parties have negotiated a site development agreement for the transfer and redevelopment of the Property, which is annexed hereto; and

WHEREAS, this Council finds that the Property is not required for public use and that approving such site development agreement is necessary, appropriate and in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh the site development agreement with Kearney Realty & Development Group Inc., in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require, for the transfer and redevelopment of the property at 15 South Colden Street.

RESOLUTION NO.: 129 -2020

OF

JUNE 8, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO REV. WOODROW W. MITCHELL, EXECUTOR UNDER THE LAST WILL
AND TESTAMENT OF JOHN MITCHELL, TO THE PREMISES KNOWN AS
264 LIBERTY STREET (SECTION 18, BLOCK 6, LOT 32)**

WHEREAS, on June 11, 1985, the City of Newburgh conveyed property located at 264 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 6, Lot 32, to the Estate of John Mitchell; and

WHEREAS, such deed was lost and never recorded; and a replacement deed was issued to Rev. Woodrow W. Mitchell, Executor under the last will and testament of John Mitchell, on June 23, 1987; and

WHEREAS, the attorney representing the owner in the sale of the premises has requested a release of the restrictive covenants contained in the deed from the City of Newburgh in order to facilitate the sale; and

WHEREAS, it has been determined that such release be granted; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 264 Liberty Street, Section 18, Block 6, Lot 32 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a replacement deed dated June 23, 1987, from THE CITY OF NEWBURGH to REV. WOODROW W. MITCHELL, EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF JOHN MITCHELL, recorded in the Orange County Clerk's Office on September 1, 1988, in Liber 3000 of Deeds at Page 65 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

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

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

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

RESOLUTION NO.: 130 -2020

OF

JUNE 8, 2020

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO WORKS III ASSOCIATES, LP, TO THE PREMISES KNOWN AS
241 THIRD STREET (SECTION 22, BLOCK 2, LOT 2), 48 JOHNSTON STREET
(SECTION 30, BLOCK 3, LOT 39), 50 JOHNSTON STREET
(SECTION 30, BLOCK 3, LOT 40) AND 52 JOHNSTON STREET
(SECTION 30, BLOCK 3, LOT 41)

WHEREAS, on April 30, 1997, the Newburgh Community Development Agency ("NCDA") conveyed properties located at 241 Third Street, 48 Johnston Street, 50 Johnston Street and 52 Johnston Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 22, Block 2, Lot 2, and Section 30, Block 3, Lots 39, 40 and 41, respectively, to Works III Associates, LP; and

WHEREAS, the owner of the premises has requested a release of the restrictive covenants contained in the deed from the City of Newburgh; and

WHEREAS, it has been determined that such release be granted; and

WHEREAS, this Council has determined that issuing a Release of Restrictive Covenants by the City of Newburgh, as successor in interest to the NCDA, is in the best interests of the City of Newburgh;

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

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

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, as Successor in Interest to the Newburgh Community Development Agency, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 241 Third Street, 48 Johnston Street, 50 Johnston Street and 52 Johnston Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 22, Block 2, Lot 2, and Section 30, Block 3, Lots 39, 40 and 41, from those restrictive covenants numbered 1, 2 and 3 in a deed dated April 30, 1997, from the NEWBURGH COMMUNITY DEVELOPMENT AGENCY to WORKS III ASSOCIATES, LP, recorded in the Orange County Clerk's Office on May 12, 1997, in Liber 4566 of Deeds at Page 314 and does further release said premises from the right of re-entry reserved in favor of the Newburgh Community Development Agency as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH, as Successor
in Interest to the Newburgh Community
Development Agency

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

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

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

RESOLUTION NO.: 131 - 2020

OF

JUNE 8, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
A LICENSE AGREEMENT WITH THE ECOLOGICAL CITIZEN'S PROJECT, INC.
TO ALLOW USE AND ACCESS TO A PORTION OF 61 TEMPLE AVENUE
(SECTION 42, BLOCK 1, LOT 1) FOR A COMMUNITY GARDEN**

WHEREAS, Ecological Citizen's Project, Inc., in conjunction with technical assistance from Scenic Hudson, is looking to expand its existing Regenerative Communities community farmer program to the east side of Crystal Lake as a site for cultivation of vegetables, fruits, berries, and other larger plantings through regenerative farming practices and associated community programs; and

WHEREAS, the Regenerative Communities community farmer program will provide affordable, healthy fruits and vegetables to surrounding neighborhood residents and encourage public use and enjoyment of the Crystal Lake site; and

WHEREAS, Crystal Lake is currently underutilized and subject to dumping due to lack of oversight and regular activity and the community farmer also would engage in regular trash clean-up and maintenance of the grounds around the entrance to Temple Avenue and their farm site; and

WHEREAS, the proposed garden expansion would be located at 61 Temple Avenue, more accurately described as Section 42, Block 1, Lot 1 on the official Tax Map of the City of Newburgh, and access to the property requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such license and has determined that entering into the same would be 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 enter into the attached license agreement with Ecological Citizen's Project, Inc., to allow access to City-owned property known as 61 Temple Avenue (Section 42, Block 1, Lot 1) for the purpose of expanding its gardening and farming program.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated as of _____, 2020, by and between:

THE CITY OF NEWBURGH, a New York municipal corporation with offices at 83 Broadway, City Hall, Newburgh, New York 12550 ("City" or "Licensor"); and

ECOLOGICAL CITIZEN'S PROJECT, INC., with an address of 69 South Mountain Pass, Garrison, NY 10524 ("Licensee").

WHEREAS, the City is the owner of a parcel of vacant land located at 61 Temple Avenue in the City of Newburgh, and more accurately described as Section 42, Block 1, Lot 1 on the official tax map of the City of Newburgh (hereinafter referred to as "the Property"); and

WHEREAS, the Licensee has requested access to the Property for the purpose of undertaking gardening and farming activities in connection with its Regenerative Communities community farmer program;

NOW, THEREFORE, it is hereby agreed between the parties as follows:

Section 1. Grant of License. The City hereby represents that it owns 61 Temple Avenue in the City of Newburgh, and more accurately described as Section 42, Block 1, Lot 1 on the official tax map of the City of Newburgh, and that it has duly authorized this License Agreement. The City hereby grants Licensee a revocable license for Licensee and Licensee's employees, apprentices, volunteers, agents, invited guests, and contractors, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 61 Temple Avenue, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary, for the purposes of and to perform certain gardening, community programs, and farming work as part of the Regenerative Communities community farmer program administered by Licensee.

Section 2. Use of and Access to 61 Temple Avenue ("the Property"). Entry to the Property is limited to the use and access necessary to create, plant and maintain an urban garden and farm and associated community programs undertaken by the Regenerative Communities community farmer program administered by the Licensee. Licensee shall not engage in any tree clearing activities. Licensee shall access the Property through the existing roadway known as Temple Avenue and shall make all reasonable efforts to prevent the urban garden and farm from encroaching into the existing roadway. Licensee agrees to do such work and perform such tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, obtaining any and all permits required thereby. Licensee shall perform regular trash clean-up and maintenance of the grounds around the entrance to Temple Avenue and its garden site. Licensee shall give Licensor no less than forty-eight (48) hours advance notice of its commencement of work on the Property.

Section 3. Insurance. The Licensee shall not commence or perform work nor operate machinery under this License Agreement until it has obtained all insurance required under this Section 3 and such insurance has been approved by the City.

A. Workers' Compensation Insurance - The Licensee shall take out and maintain during the life of this agreement such Workers' Compensation Insurance for its employees or members to be assigned to the work hereunder as may be required by New York State Law.

B. General Liability and Property Damage Insurance - The Licensee shall take out and maintain during the life of this agreement such general liability and property damage insurance as shall protect it and the City which shall be named as additional insured on all such policies from claims for damages for personal injury including accidental death, as well as from claims for property damage which may arise from operations under this agreement. The amounts of such insurance shall be as follows:

1. General Liability Insurance in an amount not less than \$1,000,000.00 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than \$3,000,000.00 on account of any one occurrence.
2. Property Damage Insurance in an amount not less than \$50,000.00 for damage on account of all occurrences. The Licensee shall furnish the above insurance to the City and shall also name the City as an additional named insured in said policies. Such insurance shall be maintained in force during the entire term of this License Agreement.

C. Licensee may retain certain employees, agents, contractors and consultants to perform the subject work. In the contract by which Licensee retains such agents, Licensee and such agents shall provide and maintain insurances as required by this Section 3 and name Licensor as additional insured under insurance coverage concerning Licensee's performance of the work referenced herein.

Section 4. Damages. The relation of the Licensee to the City as to the work to be performed by it under this agreement shall be that of an independent contractor. As an independent contractor, it will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said performances arising out of the negligent performance, other than those wholly caused by Acts of God or hidden defects under the City's or a previous licensee's prior care. The Licensee shall make good any damages that may occur in consequence of the performances or any part of it. The Licensee shall assume blame, loss and responsibility of any nature to the extent of the Licensee's neglect or violation of any federal, state, county or local laws, regulations or ordinances applicable to the Licensee and/or the nature of its performance or arising out of its activities licensed hereby. Licensee will not be liable for damages in excess of Licensee's insurance coverage per occurrence, except such limitations will not apply to claims based on Licensee's intentional breach of this agreement or willful misconduct.

Section 5. Defense and Indemnity. Licensee shall defend, indemnify and hold the City harmless against any and all claims, actions, proceedings, and lawsuits arising out of or relating to the access

and use of the Property under this License Agreement, excepting gross negligence, intentional breach of this agreement or misconduct by the Licensors.

Section 6. Term of License. The license or privilege hereby given shall commence upon the signing of this licensee agreement and shall expire without further notice to either party to the other at midnight December 31, 2025 subject to Section 8 below. The license may be renewed thereafter by the mutual consent of both parties on such terms and conditions as the parties shall agree at that time.

Section 7. Assignment of License; No Sub-Licensing. This License may not be assigned or sub-let to any other party.

Section 8. Termination of License. Either party may terminate this license prior to December 31, 2025, with or without cause, on at least thirty (30) days prior written notice to the other party. Upon termination by either party, Licensee shall not be entitled to reimbursement of any of its costs, and Licensee and its agents, employees and contractors will restore of the property to a clean and orderly state and in substantially the same condition as existed prior to the granting of this license. Licensors' written notice of termination for cause will include a list of deficiencies and opportunity for Licensee to cure deficiencies within the thirty (30) day period. If Licensee does not cure the deficiencies within the thirty (30) day period, Licensee may terminate this License immediately.

The City may terminate this license agreement by ten (10) days' written notice when and if in its sole judgment it deems such termination is necessary by operation of law in the City's sole reasonable discretion.

Section 9. New York Law. This License Agreement shall be construed under New York law and any and all proceedings brought by either party arising out of or related to this License shall be brought in the New York Supreme Court, Orange County.

Section 10. Modification of License Agreement. This License Agreement may not be modified except by a writing subscribed by both parties to this Agreement.

Section 11. No Vested Right. It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this license.

Remainder of this page intentionally left blank/Signature page to follow

WITNESSETH:

THE CITY OF NEWBURGH
LICENSOR

By: _____

Joseph Donat, City Manager
Per Resolution No.:

ECOLOGICAL CITIZEN'S PROJECT, INC.
LICENSEE

By: _____

Approved as to form:

MICHELLE KELSON, Corporation Counsel

TODD VENNING, City Comptroller

RESOLUTION NO.: _____ 132 _____ - 2020

OF

JUNE 8, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A NEW YORK STATE POWER AUTHORITY
SMART STREET LIGHTING PROGRAM GRANT
IN THE AMOUNT OF \$75,000.00 WITH NO CITY MATCH**

WHEREAS, the New York State Power Authority Smart Street Lighting Program provides assistance with converting existing streetlight systems to energy-efficient LED to enable municipalities to save taxpayer dollars, provide better lighting to their community, reduce energy use and subsequently decrease a community's impact on the environment; and

WHEREAS, the Smart Street Lighting grant will provide funding in the amount of \$75,000.00 with no City match which will be used to offset the cost of acquisition of street lighting infrastructure and conversion to LED lighting and is anticipated to save the City of Newburgh approximately 40% of the cost of street lighting; and; and

WHEREAS, the cost of conversion will be financed by the New York Power Authority from the electric cost savings over a period of 5 to 10 years and includes a maintenance plan for new fixtures; 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;

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 New York State Power Authority Smart Street Lighting Program Grant in the amount of \$75,000.00 with no City-match; and

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

RESOLUTION NO.: 133-2020

OF

JUNE 8, 2020

**A RESOLUTION APPOINTING RONALD ZORRILLA AS A MEMBER
OF THE CONSERVATION ADVISORY COUNCIL**

WHEREAS, the City Council of the City of Newburgh adopted Local Law No. 1-2013 of August 19, 2013 which added Chapter 159 of the City Code of Ordinances entitled "Conservation Advisory Council"; and

WHEREAS, Chapter 159 provides for a seven-member Conservation Advisory Council, the members of which are appointed for terms of two years; and

WHEREAS, the Conservation Advisory Council has recommended that the City Council appoint Ronald Zorrilla to complete the unexpired term of Marc Lallanilla who resigned as Member; and

WHEREAS, the City Council finds that appointing Ronald Zorrilla as a Member of the Conservation Advisory Council is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Ronald Zorrilla be and is hereby appointed to the Conservation Advisory Council effective immediately to complete the term of Mr. Lallanilla which term expires on November 30, 2021.

RESOLUTION NO.: 134 - 2020

OF

JUNE 8, 2020

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2017 RELATIVE TO
129 CHAMBERS STREET (SECTION 18, BLOCK 4, LOT 25)

WHEREAS, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2017-9726; and

WHEREAS, the property owner has advised the City that he is prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter without the need for litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Director of Finance and Enforcing Officer be and he is hereby authorized to withdraw the liens on the property located at 129 Chambers Street (Section 18, Block 4, Lot 25), in the City of Newburgh, from the List of Delinquent Taxes, as the sum of Ten Thousand Four Hundred Ninety Two and 73/100 (\$10,492.73) Dollars representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open school taxes, water charges and sewer charges, was paid in full on May 27, 2020.

LOCAL LAW NO.: 1 - 2020

OF

JUNE 8, 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 sparkling device legislation and allow cities within Orange County to opt out of the Orange County local law permitting the sale, possession and use of sparkling 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 sparkling 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.

I, Loraine Vittek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held June 20
and that it is a true and correct copy of such original.
Witness my hand and seal of the City of
Newburgh this 20 day of June 2020

City Clerk