



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
October 26, 2020
7:00 PM

Mayor/Alcaldesa

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

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento
5. Approval of the Minutes of the City Council Meeting on October 13, 2020

Presentations/Presentaciones

6. Public Hearing - proposed local law amending Chapter 93 Repurchase of in rem properties

There will be a public hearing held on Monday, October 26, 2020 to hear public comment concerning a proposed local law amending Chapter 93 entitled "Repurchase of In Rem Properties" to remove requirement of annual authorization.

Se llevara a cabo una audiencia pública el lunes 26 de octubre de 2020 para escuchar comentarios públicos sobre una ley local propuesta para enmendar el Capítulo 93 titulado "Readquisición de Propiedades In Rem" para retirar el requerimiento de autorización anual.

7. Public Hearing - local law to override the property tax cap

There will be a public hearing on Monday, October 26, 2020, to hear public comment concerning a proposed local law authorizing a property tax levy in excess of the limit established by General Municipal Law Section 3-c.

Se llevara a cabo una audiencia pública el lunes 26 de octubre de 2020 para escuchar comentarios públicos sobre una ley local propuesta para autorizar un gravamen de impuesto en exceso del límite establecido por la Ley Municipal General Sección 3-c.

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

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

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

8. Resolution No. 257 - 2020 - Award of RFP 11.20 for Professional Land Surveying Services for the 2021 ADA Curb Ramp Project

Resolution authorizing the City Manager to accept a proposal and execute a contract with Creighton Manning Engineering, LLP for professional land surveying services for the 2021 ADA Curb Ramp Project in the amount of \$50,800.00.

Una resolución autorizando al Gerente de la Ciudad a aceptar una propuesta y ejecutar un contrato con Creighton Manning Engineering, LLP para servicios profesionales de agrimensura para el Proyecto de Rampas de Acera 2021 por el monto de \$50,800.00.

9. Resolution No. 258 - 2020 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2022

Resolution requesting an exemption from County taxes for the City's Reservoir and Filter Plant Properties for the year 2022.

Una resolución solicitando una exención de los impuestos del Condado para las propiedades de Reserva y Planta de Filtración de la Ciudad para el año 2022.

10. Resolution No. 259 - 2020 - Ricoh Copier Lease Renewal

Resolution authorizing the City Manager to execute a copier lease agreement renewal with RICOH USA, Inc. for City Hall, Department of Public Works, Recreation Department, Historian and Department of Planning and Development at a cost of \$1,318.35 per month for a period of 36 months.

Una resolución autorizando al Gerente de la Ciudad a ejecutar una renovación del contrato de arrendamiento de fotocopadoras con RICOH USA, Inc. Para la Municipalidad, Departamento de Obras Públicas, Departamento de Recreación, Historiadora y Departamento de Planificación y Desarrollo a un costo de \$1,318.35 cada mes por un periodo de 36 meses.

11. Resolution No. 260 - 2020 - 82 Carson Avenue - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to 82 Carson Realty Partners, LLC to the

premises known as 82 Carson Avenue (Section 45, Block 12, Lot 17).

Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a 82 Carson Realty Partners, LLC para las instalaciones conocidas como la 82 de la Avenida Carson (Sección 45, Bloque 12, Lote 17).

12. Resolution No. 261 - 2020 - 156 William Street - Release of Restrictive Covenants

Resolution authorizing the execution of a Release of Restrictive Covenants and Right of Re-entry from a deed issued to William Goodman to the premises known as 156-158 William Street (Section 44, Block 4, Lot 13.1) n/k/a 156 William Street (Section 44, Block 4, Lot 13.12).

Una resolución autorizando la ejecución de Clausulas restrictivas y Derecho de Reingreso de un título emitido a William Goodman a las instalaciones conocidas como la 156-158 de la Calle William (Sección 44, Bloque 4, Lote 13.1) n/k/a 156 Calle William (Sección 44, Bloque 4, Lote 13.12)

13. Resolution No. 262 - 2020 - Accept a tree donation from the Greater Newburgh Parks Conservancy

Resolution authorizing the City Manager to accept a donation of a tree from the Greater Newburgh Parks Conservancy.

Una resolución autorizando al Gerente de la Ciudad a aceptar la donación de un árbol por parte de la Conservación de Parques de Newburgh

14. Resolution No. 263 - 2020 - DEC Municipal Waste Reduction & Recycling program

Resolution authorizing the City Manager to apply for a New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling State Assistance Program grant in the amount of \$100,000.00 with a fifty percent City match.

Una resolución autorizando al Gerente de la Ciudad a solicitar una Subvención del Programa de Asistencia del Departamento de Conservación Ambiental de Reducción de Desecho Municipal y Reciclaje del Estado de Nueva York en un monto de \$100,00.00 el cual requiere que la Ciudad iguale el cincuenta por ciento de los fondos.

15. Resolution No. 264 - 2020 - Resolution of Support for OCTC Unified Planning Work Program for Sidewalk Improvement District Study

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a sidewalk improvement district study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de distrito para mejoras de aceras.

16. Resolution No. 265 - 2020 - to Support OCTC Unified Planning Work Program for Lake Street Wayfinding

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a Lake Street wayfinding study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de señalización en Lake Street.

17. Resolution No. 266 - 2020 - to support OCTC Unified Planning Work Program for Microtransit Study

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council FY 2021-2022 Unified Planning Work Program Cooperative Community Program for a microtransit feasibility study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de viabilidad de microtransito.

18. Ordinance 9 - 2020 - Amending Chapter 249, Sidewalk Cafes

Ordinance amending Chapter 249, Sidewalk Cafes, of the Code of Ordinances of the City of Newburgh to permit temporary sidewalk café operations in designated parking areas.

Una ordenanza enmendando el Capítulo 249, Restaurantes en las Aceras, del Código de Ordenanzas de la Ciudad de Newburgh para permitir operaciones temporales de restaurantes en áreas de estacionamiento designadas.

19. Resolution No. 267 - 2020 - Term Limits - proposed revisions

Resolution scheduling a public hearing for November 9, 2020 to hear public comment concerning "A Local Law amending City Charter Section C3.10

entitled 'Terms of Office' of the City Charter of the City of Newburgh to establish term limits for elected officials".

Una resolución programando una audiencia pública para el 9 de noviembre de 2020, para escuchar comentarios públicos sobre "Una Ley Local enmendando los Estatutos de la Ciudad Sección C3.10 titulado 'Mandatos' del Estatuto de la Ciudad de Newburgh para establecer límites en los mandatos de los oficiales electos".

20. Resolution No. 268 - 2020 - Local Law amending City Charter Section C4.00

Resolution scheduling a public hearing for November 9, 2020 to hear public comment concerning "A Local Law amending Section C4.00 entitled 'Legislative Powers Fixed in Council' of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members".

Una resolución programando una audiencia pública para el 9 de noviembre de 2020 para escuchar comentarios públicos con respecto a "Una Ley Local enmendando Sección C4.00 titulado 'Poderes Legislativos Fijados en el Ayuntamiento' del Estatuto de la Ciudad de Newburgh para incrementar el salario anual del Alcalde y Miembros del Consejo.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: 254 - 2020

OF

OCTOBER 13, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 26, 2020
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING
CHAPTER 93 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO REMOVE THE REQUIREMENT FOR ANNUAL AUTHORIZATION

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a Local Law amending Chapter 93 of the Code of Ordinances of the City of Newburgh to remove the requirement for annual authorization; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of October, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the October 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

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

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_tgUnaJ-UQ0yGJodb46Jq9g. Please note that there is an underscore between the "N" and "t").

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_tgUnaJ-UQ0yGJodb46Jq9g. Please note that there is an underscore between the "N" and "t"). Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 12:00 p.m. on Monday, October 26, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Lorene Vitak, 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 10/13/20
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of Oct - 20

City Clerk

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

A LOCAL LAW AMENDING CHAPTER 93 ENTITLED “REPURCHASE OF IN REM PROPERTIES” OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH TO REMOVE THE REQUIREMENT FOR ANNUAL AUTHORIZATION

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 93 entitled ‘Repurchase of In Rem Properties’ of the Code of Ordinances of the City of Newburgh to remove the requirement for annual authorization”.

SECTION 2. Amendment

Chapter 93 of the City Code of Ordinances is hereby amended as follows:

~~§ 93-3. Annual Authorization by Resolution.~~

~~Annually, as soon after the last day set for redemption in the City of Newburgh's proceeding for the foreclosure of taxes in rem, pursuant to Article 11, Title 3, of the Real Property Tax Law of the State of New York, as may be practicable, the Council shall consider a resolution to authorize the repurchase process established by this chapter to commence. Said resolution shall be adopted upon a majority vote of the total membership of the Council. If said resolution is not enacted, the repurchase procedure set forth herein shall not be in effect.~~

§ 93-10. Exceptions.

- A. The provisions herein authorizing the repurchase of in rem properties shall not apply to any in rem property which the Council determines, in its sole discretion, should be retained for public purposes. Excepted properties may also include properties that are having vacant, boarded up, or buildings ~~or vacant buildings~~ that are required to ~~would~~ be boarded up pursuant to law ~~thereon~~. The Council shall approve a state in the resolution with ~~provided~~ ~~for in § 93-3~~, a list of all properties to be retained by the City.

Underlining denotes additions

~~Strikethrough~~ denote deletions

- B. The provisions herein authorizing the repurchase of in rem properties shall not apply to any in rem property on which an answer was filed in the in rem proceeding.

SECTION 3. 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 4. 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 terms “Local Law” or “Ordinance” shall be changed to “Chapter”, “Section”, or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 5. 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 6. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 255 - 2020

OF

OCTOBER 13, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR OCTOBER 26, 2020 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS
OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A local law authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of October, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the October 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
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I, Lorene Vitak, 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 10/13/20
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of Oct, 2020

City Clerk

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO.: 257 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE A CONTRACT WITH CREIGHTON MANNING ENGINEERING, LLP
FOR PROFESSIONAL LAND SURVEYING SERVICES
FOR THE 2021 ADA CURB RAMP PROJECT IN THE AMOUNT OF \$50,800.00**

WHEREAS, Under Title II of the Americans with Disabilities Act (ADA) and clarified in the United States Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing, the City of Newburgh is mandated to construct curb ramps when streets, roads or highways are altered through resurfacing; and

WHEREAS, the City of Newburgh through a competitive process in which proposals for professional land surveying services were solicited, reviewed and evaluated for the 2021 ADA Curb Ramp Project (the "Project"); and

WHEREAS, the City has received a proposal from Creighton Manning Engineering, LLP which has been identified as the most qualified firm to provide said services; and

WHEREAS, general scope of services includes establishing horizontal and vertical control at the intersections, field verification, utility research with appropriate Dig Safe survey mark out request, and generation of topographic base mapping for intersections identified in the RFP; and

WHEREAS, the funding for the land surveying services shall be derived from A.5112.0206 CHIPS; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that accepting the proposal and entering into a contract for such work as proposed 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 is hereby authorized to accept a proposal and execute a contract for professional land surveying services with the Creighton Manning Engineering, LLP in the amount of \$50,800.00 for the 2021 ADA Curb Ramp Project.

RFP NO. 11.20

PROFESSIONAL LAND SURVEYING SERVICES 2021 ADA CURB RAMP PROJECT

City of Newburgh, Orange County, New York

September 18, 2020

Submitted to:

Mr. Todd Venning, City Comptroller
City of Newburgh
Office of the Comptroller
83 Broadway, Fourth Floor
Newburgh, New York 12550

Submitted by:



Creighton Manning Engineering, LLP
Don Sovey, PLS | dsovey@cmellp.com
145 Main Street, Ossining, New York 10562
914.800.9201 | www.cmellp.com



September 18, 2020

Mr. Todd Venning, City Comptroller
City of Newburgh
Office of the Comptroller
83 Broadway, Fourth Floor
Newburgh, New York 12550

RE: RFP No. 11.20, Professional Land Surveying Services, 2021 ADA Curb Ramp Project

Dear Mr. Venning:

During the implementation of the City's 2021 paving plan is the ideal time to improve the accessibility and ADA compliance of several intersections. These improvements will significantly enhance mobility and safety for pedestrians of all ages and abilities through the upgrade of curb ramps. This project is very similar to the ones we are working on with Orange County, City of Kingston and the New York State Department of Transportation. We are the lead consultant for the survey and design of pedestrian safety improvements at approximately 300 Pedestrian Safety Action Plan (PSAP) sites in New York. Creighton Manning routinely works with local municipalities, counties, transit agencies and NYSDOT to survey, design and implement pedestrian improvements to make our communities what they should be.

The ADA standards and requirements set forth by the Department of Justice require detailed and accurate survey information to design the intersection improvements. Our firm's recent surveying experience includes hundreds of intersections and we are very comfortable with all of the aspects of this project. Creighton Manning is very interested in working with the City on this important project. We have the technical skills and resources necessary to provide the survey information you need to make informed decisions and design the required pedestrian improvements.

Creighton Manning will accurately locate all existing features and conditions, and provide an accurate survey. Our survey will provide a designer with the information needed to design ADA curb ramps. Creighton Manning has the availability to begin working on this survey October 1 and can deliver the requested mapping within 90 days.

Intersection topographic and boundary surveys for transportation projects are exactly the type of work our surveyors specialize in, and we have the technical expertise and experience that will benefit the project. Please contact me at 518.689.1825 or dsovey@cmellp.com if you have any questions regarding our experience or qualifications. This proposal is valid for forty-five days from the date of submission. We look forward to working with you on this important project.

Respectfully submitted,
Creighton Manning Engineering, LLP

Donald G. Sovey, PLS
Partner, Chief of Survey

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Letter of Transmittal

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 Iran Divestment Act

 Non-Collusive Bidding Affidavit

 Acknowledgment of Addenda

Firm Description

Creighton Manning Engineering, LLP (CM) is a professional engineering and land surveying firm with offices in Albany and Westchester County. Originally established in 1965, the firm specializes in transportation projects and has been providing professional services to local municipalities, counties, and NYSDOT for 55 years, with established expertise in land survey and mapping.

Creighton Manning has two licensed land surveyors on staff who each have more than 30 years' experience, two permanent field crews, seasonal crews, and CADD support staff. Creighton Manning has prepared numerous highway boundary surveys, topographic surveys and utility surveys, and provided boundary monumentation. Creighton Manning uses the New York State Department of Transportation mapping and layering format. Our field crews code each shot as per a classification that enables the points to be inserted into specific layers with appropriate symbols and line types/styles. CM will supply a list of all point codes; complex points may have added descriptions to better define the point.

Creighton Manning survey crews are proficient with modern survey technology and use conventional and robotic total stations and GPS. Survey staff members are completely familiar with NYSDOT Land Surveying Standards and Procedures Manual and the latest edition of the New York State Association of Land Surveyors' Code of Practice for Land Surveyors. Creighton Manning has prepared topographic maps documenting the highway boundary and prepared legal descriptions for temporary easements, permanent easements and ROW acquisitions on numerous transportation projects. The firm's services include:

- Topographic and Volumetric Surveys
- Utility Surveys
- Right-of-Way Surveys
- Construction Stake-out Surveying
- Machine Control Set-up including Horizontal and Vertical Control
- Digital Terrain and Elevation Models
- Wetland Delineation and Mapping
- GIS Geodatabases and Datasets
- GPS Control Surveys
- ALTA/ ACSM Surveys
- Acquisition Map Preparations
- Boundary Surveys and Descriptions
- Land Title Surveys
- Photogrammetric Control Surveys
- Hydrographic and Fathometric Surveys
- Deformation Surveys
- 3D Laser Scanning



CREIGHTON MANNING ENGINEERING, LLP

Organizational Structure:

Limited Liability Partnership

Number of Years in Business: 55 years

Number of Employees: 70

NYS Authorizations:

Land Surveying and Engineering

Project Manager:

Don Sovey, PLS, Chief of Survey

dsovey@cmellp.com

518.689.1825 (direct)

Key Personnel

Our project team includes two licensed land surveyors with more than 65 years of combined experience, two field crews and office/CADD support staff. Creighton Manning will provide all services “in-house”. All proposed staff are available for work on this project beginning October 1. Approximately 80 percent of our work is for the public sector – NY State agencies and local municipalities. Due to COVID-19, public sector work assignments have been slow in September. The timing of this project is perfect to allow us to complete the field work immediately before snow and ice accumulate, and complete the mapping before the end of the year.

The following is a list of the key staff members as well as their proposed role on this project.

DONALD SOVEY, PLS – Chief of Survey/Partner

Don is a licensed Professional Land Surveyor with 35 years of applicable survey experience. His surveying and project management background consists of experience acquired on boundary survey, topographic survey, and on heavy highway construction stakeout projects. He is in charge of all aspects of survey at Creighton Manning including scheduling, research, computations, fieldwork, quality control and project budget control. He has extensive experience providing design survey for ADA improvements to NYSDOT and local municipalities. Don will be the Project Manager and single point of contact for the City. He will also be responsible for quality assurance/quality control of all work products before they are submitted to the City.

JOHN O'BRIEN, PLS – Survey Analyst

John is a licensed Professional Land Surveyor with 30 years of applicable experience. He is proficient in various survey duties such as crew chief, survey analyst including boundary and right-of-way computations, digital terrain modeling, boundary and topographic surveys, photo control surveys, wetland location surveys, subdivision layout, as-built utility location, and construction stakeout. John has produced hundreds of survey maps and right-of-way plans including acquisition maps for various projects. He is skilled in producing maps in Autodesk Civil 3D, Microstation, and V8i/Inroads SS2 Survey platforms. John will be responsible for analysis and the final mapping.

MATTHEW PERRAULT – Crew Chief

Matt has 19 years of experience and is a Crew Chief for Creighton Manning. He has completed numerous projects with boundary, topographic and construction stakeout surveys while using conventional equipment, GPS, and laser scanning. He is also a licensed drone operator. He completed projects for State agencies and local municipalities where he acted as crew chief in charge of project set up and implementation. Matt will be responsible for research and field work.

JONATHAN LOGUE – Crew Chief/Instrument Person

Jon has 13 years land surveying experience and is a Crew Chief for CM. He has performed Right of Way, boundary, and topographic surveys, construction stakeout, ALTA/ACSM title surveys, quantity verification and elevation certificates. His diverse survey experience includes photo control for projects that require aerial mapping. Jon will be responsible for research and field work.

Staff Resumes

Resumes detailing key personnel experience are provided on the following pages.

Work Plan and Approach

Project Understanding

The City requires detailed survey information to design improvements including ADA accessible curb ramps at various intersections. The intersections were selected based on the paving plan for 2021. Creighton Manning will provide surveying services to the City for the 2021 ADA Curb Ramps Project. The general scope of services includes establishing horizontal and vertical control at the intersections, field verification, utility research with appropriate Dig Safe survey mark out request, and generation of topographic base mapping. The survey shall be provided for intersections identified in the RFP.

Scope of Services

Two NYS Professional Licensed Land Surveyors and experienced Crew Chiefs/survey technicians from Creighton Manning shall perform the following services according to the Code of Practice for Land Surveyors as adopted by the New York State Association of Professional Land Surveyors (NYSAPLS):

1. We will research deeds and maps at the County Clerk's office for 22 intersections.
2. Field crews experienced in ADA curb ramp projects will complete the survey. The survey shall locate all pertinent features and underground utilities including, but not limited to, sewer, stormsewer, water, electric, gas, communication, vaults, etc. within the project areas. The utility survey will be consistent with SUE Quality Level C. We will coordinate with utility owner(s) to obtain access to measure vault depth, pipe inverts, sump depth, etc. within the project areas which shall be shown and identified on the base mapping.
3. Each intersection survey shall extend approximately 150 feet along each intersecting street, focused in the street R.O.W.
4. Survey shots shall be provided for any feature greater than 6 inches in diameter or 6 inches in length on any given side and multiple survey points shall be provided for each feature.
 - a. At least the three (3) closest corners and entrances to buildings enough to approximate relevant object edge.
 - b. All miscellaneous permanent site features.
 - c. Top, bottom, front, and rear of walls and steps.
 - d. Top, bottom, front, and rear of the curb at minimum 25-foot intervals (both sides of street) and at all locations as necessary to establish curb radii, changes in curb elevation (i.e., existing drop curbs), and changes in curbing material.
 - e. Approximate street centerline and pavement edge (with station points every 50 feet).
 - f. Pedestrian/vehicular drop curbs will include shots at the edge of travelways as well as shots at the low and high points of flares and ramps.
5. If an existing permanent benchmark is not present, accessible or otherwise able to be utilized, Creighton Manning will establish a project Bench Mark in the field that is not easily altered for use during ADA curb ramp construction, or during resurfacing of the streets.
6. A licensed professional surveyor will analyze the survey data and prepare the existing conditions maps. A boundary (metes and bounds) survey shall be provided to identify the R.O.W. A location survey shall be

prepared typical of a Third-Order, Class II horizontal standard. Spot shots and topography shall be prepared with a Second-Order, Class II Vertical standard.

7. Mapping will be prepared in NAD 83 NYS East Horizontal datum and NAVD 88 Vertical datum. The mapping will show control points and monumentation enabling any future professional to replicate the survey.
8. We will provide digital data in AutoCAD Civil 3D format to the City. Original spot shots including point, description, and elevation information shall be included along with a typed description of layer format. Creighton Manning can alternatively provide the data in MicroStation format, if requested, prior to mapping. Based on our transportation design experience, MicroStation and InRoads may be preferred for future design of the ADA curb ramps.

The following deliverables shall be provided to the City of Newburgh:

1. A draft survey for review by the City's Engineering Department staff.
2. A final survey that addresses the City's consolidated comments on the draft survey.
3. NYS licensed land surveyor signed and sealed mapping in both hard copy and PDF showing all intersections identified in the RFP.

Creighton Manning will coordinate with the City to prioritize the order for completion and, if requested, make an interim submission of the final survey of half of the intersections. This will enable the City to begin design on those intersections earlier, while Creighton Manning finalizes the mapping of the remaining intersections.

Conditions and Assumptions:

- Survey to be completed before any accumulation of snow or ice that may prohibit us from gathering all of the necessary data.
- If snow or ice obscures the information that we are required to locate, Creighton Manning reserves the right to delay work until conditions are clear or request additional fees for the added effort.

Staff Allocation

An estimate of the required personnel hours by task and job title are provided below as an indication of the level of effort envisioned for the project. Detailed hours by title are provided in the Cost section of the proposal

Research - 24 hours for Survey Crew Chief

Field Work and Travel Time – 121 hours per person for a Two-Person Crew

Analyze Survey Data – 88 hours for the Survey Analyst

Mapping – 88 hours for Surveyor

QA/QC and Project Management – 44 hours for Chief of Survey

Project Schedule

All survey work will be completed and all deliverables will be received within ninety (90) days from the date of authorization to proceed. Creighton Manning is committed to meeting the following project schedule:

Contract Awarded	October 2020
Begin Deed Research and Field Survey	October 2020
Computations and Mapping	November 2020
Draft Survey Submittal	Early December 2020
Receive Comments from City	End of December 2020
Final Survey Submittal/Project Completion	First week of January 2021

Quality Assurance/Quality Control

Our experience in both survey and design for pedestrian safety improvements, including ADA-compliant ramps, has given us a very clear understanding of the level of survey data needed for the City to design the improvements. Creighton Manning's quality assurance is based on following the Code of Practice for Land Surveyors as adopted by the New York State Association of Professional Land Surveyors. Creighton Manning's Surveying Department is equipped with current state-of-the-art electronic total stations, GPS, 3D laser scanning, and data collection equipment supported by CADD graphic workstations in both AutoCAD and Microstation platforms. The firm uses appropriate methodologies, established standards and documentation to assure the City's expectations for survey mapping are met. Creighton Manning's survey equipment is highly accurate and includes the following:

- Leica CS20 Field Controller with Leica Captivate V4.10
- Leica CS20 CDMA Disto Field Controller with Leica Captivate V4.10
- Leica CS 15 Field Controller with Smartworx Viva V8.00
- Leica Nova MS60 multi station
- Leica TS16i (1") Total Station
- Leica TCRP 1203 (3") with Carlson Surveyor 2 Collector
- Topcon AT-G2 Auto Level
- DNA03 Digital Level with Leica 3 mil Invar Level Rod
- 2 Leica GS 15 Dual Frequency RTK Smart Rovers
- 8 Tripods, 2 Bipods, 8 Reflective Prisms
- NYS/OSHA Work Signs, cones, and surveyor vests & hard hats

All mapping and digital products produced by Creighton Manning conform to the NYS CADD Standards as specified in the following NYSDOT publications:

- CADD Standards & Procedure Manual
- Land Surveying Standards & Procedures Manual
- Right of Way (ROW) Mapping Procedure Manual
- Highway Design Manual

Creighton Manning's Quality Control process includes *independent* verification, checklists, and reviews by a NYS licensed land surveyor. Quality control and assurance of accuracy and completeness will include mathematical checks, grammar and spelling checks, content examinations, and standardized format reviews. Our Chief of Survey will be responsible for resolving questions about the mapping we have produced and controlling and assuring the quality of the products delivered to the City.

Experience

Following are brief descriptions of recent projects of similar and relevant scope performed for government agencies within the last five (5) years. All surveyors/key personnel proposed on Newburgh's ADA Curb Ramp project were involved in all of these representative projects.



Client: Orange County DPW
2455-2459 Roue 17M, Goshen, NY 10924
Reference: Ryan McGuire, PE
(845) 291-2750
Completion Date: 2020 survey completion

Orange County Pedestrian Safety Improvements

Chester, Cornwall, Wallkill, Warwick, Orange County, NY

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the design of this pedestrian improvements project for Orange County DPW. The project, which was tied into the NYS Plane Coordinate System (NAD 83 and NAVD 88/2011), involves survey of 11 intersections for design of various improvements including ADA compliant curb ramps, high visibility crosswalks, pedestrian signals, and curb extensions. The project was funded through a \$0.55 million grant from NYSDOT consistent with the Pedestrian Safety Action Plan (PSAP).



Client: City of Kingston
420 Broadway, Kingston, NY 12401
Reference: Ruth Ann Devitt-Frank, Grants Mgr
(845) 334-3961
Completion Date: 2019 survey completion

Pedestrian Safety Action Plan (PSAP) Improvements

City of Kingston, Ulster County, New York

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for pedestrian safety improvements at 14 uncontrolled locations and two signalized intersections in the City. Intersection improvements will include ADA ramps, upgrades to crosswalk markings, retroreflective signposts, rectangular flashing beacons, pedestrian median refuge islands, curb extensions and pedestrian signals. Survey information was gathered for design, and road boundaries were established to assure work was performed within the Right-of-Way. All data was displayed in the NAD 83 and NAVD 88/2011 coordinate system.



Client: Village of Monroe
7 Stage Road, Monroe, NY 10950
Reference: Neil Dwyer, Mayor
(845) 782-8341
Completion Date: 2018 survey completion

Lake Street and Stage Road Pedestrian Improvements

Village of Monroe, Orange County, New York

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the design of this LAFA pedestrian improvements and connectivity project. The project, which was tied into the NYS Plane Coordinate System (NAD 83/2011 and NAVD 88) involves the design of new sidewalk, drainage modifications, bio-retention area, ADA compliant curb ramps, high visibility crosswalks, and Rectangular Rapid Flashing Beacons (RRFB). The project incorporates a complete streets approach to facilitate pedestrian circulation.

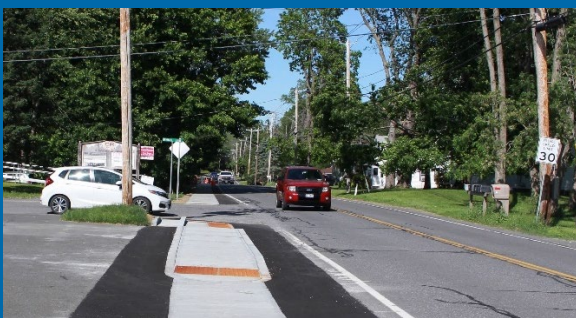


Client: Town of Sand Lake
8428 Route 66, Averill Park NY 12018
Reference: Monica Ryan (518) 674-2026 ext. 111
Completion Date: 2019 survey completion

Sand Lake Hamlets Sidewalk Enhancement Project

Town of Sand Lake, Rensselaer County, NY

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the design of approximately 2,600 feet of sidewalks and a 1,475-foot long multi-use path in the Town of Sand Lake on NY Route 43 and NY Route 66. The project was tied into the NYS Plane Coordinate System (NAD 83/2011 and NAVD 88). The design includes pedestrian improvements at the intersection of the state routes and replacement of individual sidewalk panels and curbing within the Hamlet of West Sand Lake to bring the facilities up to ADA compliance. The scope of work included data collection and analysis, preliminary design, detailed design, advertising, and bid opening and award.



Client: Village of Voorheesville
Address: 29 Voorheesville Ave, Voorheesville, NY 12186
Reference: Rich Straut, Trustee (518) 441-4701
Completion Date: 2018 survey completion

Voorheesville Pedestrian Connectivity

Village of Voorheesville, Albany County, New York

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the construction of pedestrian improvements along NY Route 156, NY Route 85A and County Road 306 in Voorheesville. The project, which was tied into the NYS Plane Coordinate System (NAD 83/2011 and NAVD 88) provided ADA-compliant pedestrian accommodations to support the *All Aboard Voorheesville: Main Street Master Plan* initiative by increasing multi-modal access to the Village.



Client: Town of Greenville, 11159 Route 32, Greenville, NY 12083 and Town of Cairo, 512 Main Street, Cairo, NY, 12413
Reference: Paul Macko, Greenville Supervisor, (518)966-5055
Dan Benoit, Cairo Supervisor, (518)622-3120
Completion Date: 2017 survey completion

Cairo and Greenville Pedestrian Improvements

Towns of Cairo and Greenville, Greene County, New York
Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the design and construction of ADA-compliant pedestrian facilities along NY Route 32 and NY Route 81 in the Town of Greenville. The project was tied into the NYS Plane Coordinate System (NAD 83/2011 and NAVD 88). The Greenville project included replacement of existing sidewalks, construction of new sidewalks, and construction of a new bus stop. In the Town of Cairo, the design included construction of sidewalks from the Cairo/Durham Elementary School to the State Route 32 intersection and a 1,700 foot long multi-use path from State Route 32 to William Dinger Road.



Client: Town of Guilderland, Town Hall, Route 20, Guilderland, NY 12084
Reference: Don Csaposs (518) 356-1980, ext. 1097
Completion Date: 2019 survey completion

West Old State Road New Sidewalks (PIN 1760.45)

Town of Guilderland, Albany County, New York
Creighton Manning provided existing conditions, utility, topographic and right-of-way survey for the design and construction of pedestrian improvements along West Old State Road within the Town of Guilderland. The project, which was tied into the NYS Plane Coordinate System (NAD 83/2011 and NAVD 88) includes design of approximately 1,760 feet of sidewalk improvements within the Town.



Client: Town of North Greenbush, 2 Douglas Street, Wynantskill, NY 12198
Reference: Tony Germano, Comptroller (518) 283-3525
Completion Date: 2020 survey completion

US Route 4 Transportation Improvements

Town of North Greenbush, Rensselaer County, NY
Creighton Manning provided right-of-way survey for the design and construction of this locally administered federal aid project that includes geometric improvements to three intersections along the US Route 4 Corridor in North Greenbush. The project also consists of pedestrian improvements along the corridor and a roundabout design at the intersection of Route 4 and Williams Road. CM prepared approximately 20 acquisition maps for NYSDOT along this corridor.



Client: Town of Bethlehem, 445 Delaware Ave.,
Delmar, NY 12054

Reference: Paul Penman, (518) 439-4955 x 1135

Completion Date: 2019 survey completion

US Route 9W Feura Bush Road Roundabout and Glenmont Sidewalk (PINs 1760.80 and 1760.81)

Town of Bethlehem, Albany County, New York

Creighton Manning provided utility mapping, existing conditions topographic and right-of-way survey for the design for two Federal Aid projects, Route 9W Feura Bush Road roundabout and Glenmont sidewalk. The scope of work includes design of a two-lane roundabout with pedestrian accommodations at the Route 9W/Feura Bush Road/Glenmont Road intersection and design of approximately 1,300 feet of sidewalk to complete a gap in the sidewalk connection to the Glenmont Elementary School. The project also includes the construction of approximately 2,800 feet of sidewalk along Glenmont Road connecting the new roundabout to Vagele Lane and adjacent neighborhoods.



Client: Greene County Highway Department, 240
West Main St, Catskill NY, 12414

Reference: Robert VanValkenburg,
Superintendent, (518) 943-4600

Project Completion Date: 2017

Palenville and Coxsackie Sidewalk Improvements

Hamlet of Palenville & Town of Coxsackie, Greene County, NY

Creighton Manning provided existing conditions, utility, topographic and right-of-way survey, design, public involvement, and inspection services to construct 2,125 feet of new sidewalk along NY Route 23A and NY Route 32A Palenville and NY Route 385 in Coxsackie. The shoulders were reconstructed to improve pavement conditions for bicycles. The existing traffic signal in Palenville was modified to provide pedestrian signals with improved crosswalks and ramps. The construction of new sidewalks was an integral part of *The Palenville, NY Greenways Plan* developed in 2014 to enhance pedestrian safety, improve mobility, and support economic development by providing access to businesses along the route.

References

The following three references are familiar with Creighton Manning's survey work for recent similar projects:

1. Brian Magee, PLS
Regional Land Surveyor
NYSDOT Region 1 Design/Mapping
50 Wolf Road, Albany, NY 12232
Brian.Magee@dot.ny.gov
(518) 485-1743
2. William E. Trudeau Jr.
Chief Supervisor of Traffic Engineering
City of Albany
10 N. Enterprise Dr., Albany, NY 12204
wtrudeau@albanyny.gov
(518) 434-4318
3. William A. Anslow
Civil Engineer I
Albany County Dept. of Public Works
449 New Salem Rd., Voorheesville, NY 12186
William.Anslow@albanycounty.com
(518) 655-7920

Insurance

Creighton Manning maintains the following insurance coverage:

1. Worker's Compensation and Employer's Liability Insurance: \$500,000
2. Automobile Liability Insurance: \$1,000,000
3. General Liability Insurance:

<u>Liability For:</u>	<u>Combined Single Limit</u>
Property Damage	\$1,000,000
Personal Injury	\$1,000,000
General Aggregate	\$2,000,000
4. Professional Liability: \$5,000,000 each claim/aggregate

A sample insurance certificate is attached that summarizes our coverages and the effective dates.

Fee Proposal

Creighton Manning Engineering's fee and payment schedule with staff billing rates for 2020-2021 by title are provided in the following table. Average billable rates for field work reflect prevailing wage rates.

Direct expenses will be billed at cost, with zero percent mark-up. Mileage will be billed at the standard IRS mileage rate, which is currently 57.5 cents per mile for business miles driven.

Title	Average Billable Rate (Office)	Hours	Average Billable Rate (Field)*	Hours	Fee
Chief of Survey	\$150	44			\$6,600
Survey Analyst	\$113	88			\$9,944
Survey Crew Chief	\$76	90	\$112	88	\$16,696
Instrument Person	\$71	88	\$106	88	\$15,576

* Prevailing wage rate

Cost

The total not-to-exceed cost including direct expenses for the Scope of Services proposed is \$50,800 (fifty thousand eight hundred dollars).

RESOLUTION NO.: 258 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2022**

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2022, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38 4 - 1 - 35 4 - 3 - 1.1 4 - 1 - 12.2 4 - 1 - 9.21 4 - 1 - 10 32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17 97 - 3 - 17 97 - 2 - 22.1 97 - 3 - 10 97 - 1 - 44; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute an Agreement, a copy of which is annexed hereto, with the County of Orange to effectuate such exemption.

AGREEMENT, made this ____ day of _____, 20____ by and between

THE CITY OF NEWBURGH, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at City Hall, 83 Broadway, in the City of Newburgh, County of Orange, State of New York; and

THE COUNTY OF ORANGE, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at the Orange County Government Center, Main Street in the Village of Goshen, County of Orange and State of New York,

WHEREAS, the City of Newburgh is the owner of several parcels of real property located in the Towns of Newburgh and New Windsor, Orange County, New York and designated on the official tax map of said towns as set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, The City of Newburgh uses said property for the operation of a water filtration plant and reservoirs exclusively; and

WHEREAS, The County of Orange has in the past, imposed taxes against said parcels of real property; and

WHEREAS, Section 406(3) of the Real Property Tax Law of the State of New York in essence, inter alia, provides that real property owned by a municipality with a population of less than 100,000 people, which property is located without its corporate limits and is used as a reservoir or water filtration plant may be wholly or partially exempt from taxation, special ad valorem levies, and special assessments, provided that the governing board of the taxing authorities so agree in writing; and

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number ____-2020 of October 26, 2020 of The City of Newburgh, New York; and

WHEREAS, the County of Orange was authorized to enter into this agreement by Resolution Number _____ of _____, dated _____, 20____, of the Orange County Legislature, it appearing that such agreement would be in the best interests of the citizens of Orange County,

NOW, THEREFORE, in consideration of the premises and pursuant to Real Property Tax Law, Section 406 (3), it is agreed as follows:

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorem levies, and special assessments levied by Orange County for the County tax year, January 1, 2022 to December 31, 2022 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2022, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

3. The County of Orange expressly reserves its right to impose, levy and collect with respect to the subject premises, any financial obligation not specifically excluded by the provisions of Real Property Tax Law, Section 406 (3).

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

[SEAL]

THE CITY OF NEWBURGH

By:_____

Joseph Donat, City Manager

Pursuant to Res. No.:

[SEAL]

THE COUNTY OF ORANGE

By:_____

Stefan ("Steven") M. Neuhaus,

County Executive

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

TODD VENNING
City Comptroller

SCHEDULE "A"

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44



County Legislature

L. Stephen Brescia, Chairman
Jean M. Ramppen, Clerk

255 Main Street – 2nd Fl
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375



October 1, 2020

Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

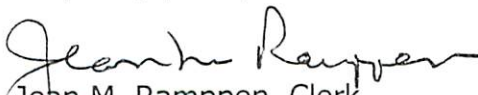
Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2021.

If you wish the County Legislature to exempt these properties for the year 2022, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 18, 2020.

A schedule of the properties that were exempt for 2021 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,


Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk



County Legislature

L. Stephen Brescia, Chairman
Jean M. Ramppen, Clerk

255 Main Street – 2nd Fl
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375



October 1, 2020

Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

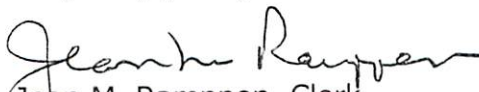
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A schedule of the properties that were exempt for 2021 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,


Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

SCHEDULE A

<u>MUNICIPALITY</u>	<u>LOCATION</u>	<u>TAX PARCEL NO.</u>
City of Middletown	Town of Wallkill	999 - 1 - 21
		999 - 1 - 22
		999 - 1 - 23
		999 - 1 - 24
		999 - 1 - 25
		999 - 1 - 26
		999 - 1 - 27
		999 - 1 - 28
		999 - 1 - 29
		999 - 1 - 19
		999 - 1 - 20
		48 - 1 - 5
		48 - 1 - 6.1
		64 - 1 - 2
		69 - 1 - 15
		999 - 1 - 20.1
		49 - 1 - 32
		49 - 1 - 62.2
		64 - 1 - 4.1
City of Middletown	Town of Mount Hope	12 - 1 - 23
		14 - 1 - 44.1
		14 - 1 - 76
		14 - 1 - 95
		14 - 1 - 127
		17 - 1 - 19
City of Newburgh	Town of New Windsor	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
City of Newburgh	Town of Newburgh	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44
City of Port Jervis	Town of Deerpark	54 - 1 - 35.1
		52 - 1 - 2
		52 - 1 - 54.1
		35 - 1 - 8.2
		57 - 1 - 40
Village of Chester	Town of Monroe	18 - 5 - 11
		13 - 1 - 28
		8 - 1 - 78
		8 - 1 - 35
		8 - 1 - 77

8 - 1 - 24
 8 - 1 - 23
 8 - 1 - 22
 8 - 1 - 21
 8 - 1 - 16
 8 - 1 - 14
 8 - 1 - 13
 8 - 1 - 12
 8 - 1 - 11
 8 - 1 - 10
 8 - 1 - 9
 8 - 1 - 8
 8 - 1 - 54
 8 - 1 - 53
 8 - 1 - 42
 8 - 1 - 44
 8 - 1 - 45
 8 - 1 - 46

Village of Cornwall-on-
 Hudson

Town of Cornwall

31 - 1 - 15
 29 - 1 - 54
 29 - 1 - 50
 4 - 2 - 56
 32 - 1 - 17
 32 - 1 - 8.1

Village of Cornwall-on-
 Hudson

Town of New Windsor

65 - 1 - 20

Village of Goshen

Town of Goshen

13 - 1 - 32.61
 15 - 1 - 8
 15 - 1 - 48
 15 - 1 - 50

Town of Wallkill

61 - 1 - 43

Village of Highland Falls

Town of Highlands

1 - 1 - 2

Village of Kiryas Joel

Town & Village of Woodbury
 Town & Village of Woodbury
 Town & Village of Woodbury
 Town & Village of Woodbury
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213 - 1 - 64.1
 213 - 1 - 49
 202 - 1 - 19
 205 - 4 - 8
 999 - 7 - 2
 999 - 7 - 1
 247 - 4 - 16
 2 - 1 - 20
 2 - 1 - 22
 2 - 1 - 23
 216 - 1 - 46.21
 36 - 1 - 56
 34 - 1 - 83
 5 - 3 - 4.2
 4 - 2 - 55
 4 - 2 - 54
 7-5-1

Town of Cornwall	12-1-1.32
Town of New Windsor	35 - 1 - 79.22
Town of New Windsor	35 - 1 - 86.1
Town of New Windsor	36 - 1 - 30
Town of New Windsor	36 - 1 - 14
Town of New Windsor	65 - 1 - 22.2
Town of New Windsor	36-1-11
Town of New Windsor	67-5-15
Town of New Windsor	67-5-16

Village of Maybrook	Town of Hamptonburgh	3 - 1 - 6
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Village of Montgomery	Town of Montgomery	28 - 1 - 63
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Village of Tuxedo Park	Town of Tuxedo	13 - 3 - 12
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Village of Walden	Town of Montgomery	10 - 1 - 4.21
		2 - 1 - 24.1
		2 - 1 - 24.21
		2 - 1 - 25.11



ORANGE COUNTY LEGISLATURE

JEAN M. RAMPPEN, Clerk

255 Main Street

Goshen, New York 10924



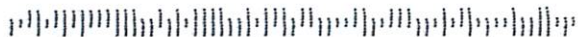
U.S. POSTAGE >> PITNEY BOWES



ZIP 10924 \$ 000.50⁰
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0000356985 OCT 01 2020

Torrance Harvey, Mayor
City of Newburgh
83 Broadway, City Hall
Newburgh, NY 12550

1255035617 C006



RESOLUTION NO.: ____259____ - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A COPIER LEASE AGREEMENT RENEWAL WITH RICOH USA, INC.
FOR CITY HALL, DEPARTMENT OF PUBLIC WORKS, RECREATION DEPARTMENT,
HISTORIAN AND DEPARTMENT OF PLANNING AND DEVELOPMENT
AT A COST OF \$1,318.35 PER MONTH FOR A PERIOD OF 36 MONTHS**

WHEREAS, several departments in City Hall and Department of Public Works, Recreation Department, Historian and Department of Planning and Development are in need of new lease agreements for copiers to perform their statutory duties, assigned tasks and day-to-day operations; and

WHEREAS, a review of available equipment and systems has determined that a renewal agreement with RICOH USA, Inc. is the most appropriate and cost-effective alternative; and

WHEREAS, the total cost of the copiers and related equipment is \$1,318.35 per month for a period of 36 months, representing a monthly savings of \$793.26 from current costs; and

WHEREAS, such funds are established and shall be derived from Budget Line A.1670.0400—Central Printing and Mailing; and

WHEREAS, a copy of said Lease Agreement is attached hereto; and

WHEREAS, this Council has reviewed such agreement and has determined that it is in the best interests of the City of Newburgh to enter into such agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to execute a Lease Agreement with RICOH USA, Inc. in substantially the same form as annexed hereto for copiers and related services according to the terms therein stated at the cost of \$1,318.35 per month for 36 months.

RICOH
 Ricoh USA, Inc.
 300 Eagleview Blvd
 Suite 200
 Exton, PA 19341

Image Management Product Schedule

Product Schedule Number:
Master Lease Agreement Number: 1022950

This Product Schedule (this "Schedule") is between Ricoh USA, Inc. ("we" or "us") and NEWBURGH, CITY OF, as customer or lessee ("Customer" or "you"). This Schedule constitutes a "Schedule," "Product Schedule," or "Order Agreement," as applicable, under the US COMMUNITIES MASTER LEASE AGREEMENT (together with any amendments, attachments and addenda thereto, the "Lease Agreement") identified above, between you and _____.

All terms and conditions of the Lease Agreement are incorporated into this Schedule and made a part hereof. If we are not the lessor under the Lease Agreement, then, solely for purposes of this Schedule, we shall be deemed to be the lessor under the Lease Agreement. It is the intent of the parties that this Schedule be separately enforceable as a complete and independent agreement, independent of all other Schedules to the Lease Agreement.

CUSTOMER INFORMATION

NEWBURGH, CITY OF				Joe Donat			
Customer (Bill To)				Billing Contact Name			
83 BROADWAY				83 BROADWAY FL 2			
Product Location Address				Billing Address (if different from location address)			
NEWBURGH	ORANGE	NY	12550-5617	NEWBURGH	ORANGE	NY	12550-5617
City	County	State	Zip	City	County	State	Zip
Billing Contact Telephone Number (845)569-7301			Billing Contact Facsimile Number		Billing Contact E-Mail Address Jdonat@cityofnewburgh-ny.gov		

PRODUCT/EQUIPMENT DESCRIPTION ("Product")

Qty	Product Description: Make & Model	Street Address/City/State/Zip
1	RICOH MP3555SP AD (ARDF) CONFIGURABLE PTO MODEL	83 BROADWAY, NEWBURGH, NY, 12550-5617, US
1	RICOH IMC3000 CONFIGURABLE PTO MODEL	83 BROADWAY, NEWBURGH, NY, 12550-5617, US
1	RICOH MP2555SP AD (ARDF) CONFIGURABLE PTO MODEL	88 PIERCES RD, NEWBURGH, NY, 12550-3247, US
1	RICOH IMC3000 CONFIGURABLE PTO MODEL	83 BROADWAY, NEWBURGH, NY, 12550-5617, US
1	RICOH IMC4500 CONFIGURABLE PTO MODEL	83 BROADWAY, NEWBURGH, NY, 12550-5617, US
1	RICOH IMC3500 CONFIGURABLE PTO MODEL	123 GRAND ST, NEWBURGH, NY, 12550-4678, US
1	RICOH IMC3500 CONFIGURABLE PTO MODEL	401 WASHINGTON ST, NEWBURGH, NY, 12550-5319, US
1	RICOH IMC3500 CONFIGURABLE PTO MODEL	83 BROADWAY, NEWBURGH, NY, 12550-5617, US
1	RICOH IMC2500 CONFIGURABLE PTO MODEL	123 GRAND ST, NEWBURGH, NY, 12550-4678, US

PAYMENT SCHEDULE

Minimum Term <i>(months)</i> 36	Minimum Payment <i>(Without Tax)</i> \$1,176.90	Minimum Payment Billing Frequency ☒ Monthly ☐ Quarterly ☐ Other: _____	Advance Payment ☐ 1 st Payment ☐ 1 st & Last Payment ☐ Other: _____
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Guaranteed Minimum Images* <table border="1"> <tr> <th>Black/White</th> <th>Color</th> </tr> <tr> <td>375</td> <td>0</td> </tr> </table>	Black/White	Color	375	0	Cost of Additional Images° <table border="1"> <tr> <th>Black/White</th> <th>Color</th> </tr> <tr> <td>0.0047</td> <td>0.0397</td> </tr> </table>	Black/White	Color	0.0047	0.0397	Meter Reading/Billing Frequency ☐ Monthly ☒ Quarterly ☐ Other: _____
Black/White	Color									
375	0									
Black/White	Color									
0.0047	0.0397									

* Based upon Minimum Payment Billing Frequency

° Based upon standard 8 1/2" x 11" paper size. Paper sizes greater than 8 1/2" x 11" may count as more than one image.



Sales Tax Exempt: ☒ YES (Attach Exemption Certificate) Customer Billing Reference Number (P.O. #, etc.)

Addendum(s) attached: ☐ YES (check if yes and indicate total number of pages: ____)

TERMS AND CONDITIONS

1. The first Payment will be due on the Effective Date. If the Lease Agreement uses the terms "Lease Payment" and "Commencement Date" rather than "Payment" and "Effective Date," then, for purposes of this Schedule, the term "Payment" shall have the same meaning as "Lease Payment," and the term "Effective Date" shall have the same meaning as "Commencement Date." If the term of this Schedule (including any extension or renewal of this Schedule) exceeds twelve (12) months, each of the Minimum Payment and the Cost of Additional Images, at Ricoh's option, may be increased on each one-year anniversary of the Effective Date by an amount equal to 5% of such Minimum Payment or Cost of Additional Images, as applicable, immediately prior to such increase (but not to exceed the maximum amount allowed by applicable law).
2. You, the undersigned Customer, have applied to us to use the above-described Product for lawful commercial (non-consumer) purposes. **THIS IS AN UNCONDITIONAL, NON-CANCELABLE AGREEMENT FOR THE MINIMUM TERM INDICATED ABOVE**, except as otherwise provided in any non-appropriation provision of the Lease Agreement, if applicable. If we accept this Schedule, you agree to use the above Product on all the terms hereof, including the terms and conditions on the Lease Agreement. **THIS WILL ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND THIS SCHEDULE AND THE LEASE AGREEMENT AND HAVE RECEIVED A COPY OF THIS SCHEDULE AND THE LEASE AGREEMENT.** You acknowledge and agree that the Ricoh service commitments included on the "*Image Management Commitments*" page attached to this Schedule (collectively, the "Commitments") are separate and independent obligations of Ricoh USA, Inc. ("Rico") governed solely by the terms set forth on such page. If we assign this Schedule in accordance with the Lease Agreement, the Commitments do not represent obligations of any assignee and are not incorporated herein by reference. You agree that Ricoh alone is the party to provide all such services and is directly responsible to you for all of the Commitments. We are or, if we assign this Schedule in accordance with the Lease Agreement, our assignee will be, the party responsible for financing and billing this Schedule, including, but not limited to, the portion of your payments under this Schedule that reflects consideration owing to Ricoh in respect of its performance of the Commitments. Accordingly, you expressly agree that Ricoh is an intended party beneficiary of your payment obligations hereunder, even if this Schedule is assigned by us in accordance with the Lease Agreement.
3. Image Charges/Meters: In return for the Minimum Payment, you are entitled to use the number of Guaranteed Minimum Images as specified in the Payment Schedule of this Schedule. The Meter Reading/Billing Frequency is the period of time (monthly, quarterly, etc.) for which the number of images used will be reconciled. If you use more than the Guaranteed Minimum Images during the selected Meter Reading/Billing Frequency period, you will pay additional charges at the applicable Cost of Additional Images as specified in the Payment Schedule of this Schedule for images, black and white and/or color, which exceed the Guaranteed Minimum Images ("Additional Images"). The charge for Additional Images is calculated by multiplying the number of Additional Images by the applicable Cost of Additional Images. The Meter Reading/Billing Frequency may be different than the Minimum Payment Billing Frequency as specified in the Payment Schedule of this Schedule. You will provide us or our designee with the actual meter reading(s) by submitting meter reads electronically via an automated meter read program, or in any other reasonable manner requested by us or our designee from time to time. If such meter reading is not received within seven (7) days of either the end of the Meter Reading/Billing Frequency period or at our request, we may estimate the number of images used. Adjustments for estimated charges for Additional Images will be made upon receipt of actual meter reading(s). Notwithstanding any adjustment, you will never pay less than the Minimum Payment.



4. Additional Provisions (if any) are:

THE PERSON SIGNING THIS SCHEDULE ON BEHALF OF THE CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO.

CUSTOMER	Accepted by: RICOH USA, INC.
By: X _____ Authorized Signer Signature	By: X _____ Authorized Signer Signature
Printed Name: _____	Printed Name: _____
Title: _____ Date: _____	Title: _____ Date: _____



RICOH USA, INC.

IMAGE MANAGEMENT COMMITMENTS

The below service commitments (collectively, the "Service Commitments") are brought to you by Ricoh USA, Inc., an Ohio corporation having its principal place of business at 300 Eagleview Blvd, Suite 200, Exton, PA 19341 ("Ricoh"). The words "you" and "your" refer to you, our customer. You agree that Ricoh alone is the party to provide all of the services set forth below and is fully responsible to you, the customer, for all of the Service Commitments. Ricoh or, if Ricoh assigns the Image Management Product Schedule to which these Service Commitments are attached, Ricoh's assignee is the party responsible for financing and billing the Image Management Product Schedule. The Service Commitments are only applicable to the equipment ("Product") described in the Image Management Product Schedule to which these Service Commitments are attached, excluding facsimile machines, single-function and wide-format printers and production units. The Service Commitments are effective on the date the Product is accepted by you and apply during Ricoh's normal business hours, excluding weekends and Ricoh recognized holidays. They remain in effect for the Minimum Term so long as no ongoing default exists on your part.

PRICING AND CHARGES/PAYMENT TERMS

The Image Management Minimum Payment and the Cost of Additional Images, as described on the Image Management Product Schedule, will not increase in price during the first 12 months of the term of the Image Management Product Schedule. If the term of the Image Management Product Schedule (including any extension or renewal) exceeds 12 months, each of the Image Management Minimum Payment and the Cost of Additional Images, at Ricoh's option, may be increased on each one-year anniversary of the Effective Date by an amount equal to 5% of such Minimum Payment or Cost of Additional Images, as applicable, immediately prior to such increase (but not to exceed the maximum amount allowed by applicable law).

PRODUCT SERVICE AND SUPPLIES

Ricoh will provide full coverage maintenance services, including replacement parts, drums, labor and all service calls, during Normal Business Hours. "Normal Business Hours" are between 8:00 a.m. and 5:00 p.m., Monday to Friday excluding public holidays. Ricoh will also provide the supplies required to produce images on the Product covered under the Image Management Product Schedule (other than non-metered Product and soft-metered Product). The supplies will be provided according to manufacturer's specifications. Ricoh reserves the right to assess a reasonable charge for supply shipments, including overnight delivery. If Ricoh determines that you have used more supplies than the manufacturer's recommended specifications, you will pay reasonable charges for those excess supplies and/or Ricoh may refuse you additional supply shipments. Optional supply items such as paper, staples and transparencies are not included.

PRODUCT AND PROFESSIONAL SERVICES UPGRADE OPTION

At any time after the expiration of one-half of the original term of the Image Management Product Schedule to which these Service Commitments relate, you may reconfigure the Product by adding, exchanging, or upgrading to an item of Product with additional features or enhanced technology. A new Image Management Product Schedule must be agreed to and signed by the parties for a term not less than the remaining term of the existing Image Management Product Schedule. The Cost of Additional Images and the Minimum Payment of the new Image Management Product Schedule will be based on any obligations remaining on the Product, the added equipment and new image volume commitment and may be subject to increase as provided in the new Image Management Product Schedule. Your Ricoh Account Executive will be pleased to work with you on a Technology Refresh prior to the end of your Image Management Product Schedule.

QUALITY ASSURANCE

Please send all correspondence relating to the Service Commitments via registered letter to the Quality Assurance Department located at: 3920 Arkwright Road, Macon, GA 31210, Attn: Quality Assurance. The Quality Assurance Department will coordinate resolution of any performance issues concerning the above Service Commitments with your local Ricoh office. Ricoh is committed to responding to any questions regarding invoiced amounts for the use of the Product relating to the Agreement within a 2-day timeframe. *To ensure the most-timely response, please call 1-888-275-4566.*

MISCELLANEOUS

These Service Commitments do not cover repairs resulting from misuse (including without limitation improper voltage or environment or the use of supplies that do not conform to the manufacturer's specifications), subjective matters (such as color reproduction accuracy) or any other factor beyond the reasonable control of Ricoh. Ricoh and you each acknowledge that these Service Commitments represent the entire understanding of the parties with respect to the subject matter hereof and that your sole remedy for any Service Commitments not performed in accordance with the foregoing is as set forth herein. The Service Commitments made herein are service and/or maintenance warranties and are not product warranties. Except as expressly set forth herein, Ricoh makes no warranties, express or implied, including any implied warranties of merchantability, fitness for use, or fitness for a particular purpose. In no event shall Ricoh be liable to you for any damages resulting from or related to any failure of any software, including, but not limited to, loss of data or delay of delivery of services under these Service Commitments. Neither party hereto shall be liable to the other for any consequential, indirect, punitive or special damages. Customer expressly acknowledges and agrees that, in connection with the security or accessibility of information stored in or recoverable from any Product provided or serviced by Ricoh, Customer is solely responsible for ensuring its own compliance with legal requirements or obligations to third parties pertaining to data security, retention and protection. To the extent allowed by law Customer shall indemnify and hold harmless Ricoh and its subsidiaries, directors, officers, employees and agents from and against any and all costs, expenses, liabilities, claims, damages, losses, judgments or fees (including reasonable attorneys' fees) arising from its failure to comply with any such legal requirements or obligations. These Service Commitments shall be governed according to the laws of the Commonwealth of Pennsylvania without regard to its conflicts of law principles. These Service Commitments are not assignable by the Customer. Unless otherwise stated in your Implementation Schedule, your Product will ONLY be serviced by a "Ricoh Certified Technician". If any software, system support or related connectivity services are included as part of these Service Commitments as determined by Ricoh, Ricoh shall provide any such services at your location set forth in the Image Management Product Schedule as applicable, or on a remote basis. You shall provide Ricoh with such access to your facilities, networks and systems as may be reasonably necessary for Ricoh to perform such services. You acknowledge and agree that, in connection with its performance of its obligations under these Service Commitments, Ricoh may place automated meter reading units on imaging devices, including but not limited to the Product, at your location in order to facilitate the timely and efficient collection of accurate meter read data on a monthly, quarterly or annual basis. Ricoh agrees that such units will be used by Ricoh solely for such purpose. Once transmitted, all meter read data shall become the sole property of Ricoh and will be utilized for billing purposes.

Customer Initials





EQUIPMENT REMOVAL/BUYOUT AUTHORIZATION

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	83 BROADWAY FL 2		City: NEWBURGH
State:	NY	Zip:	12550-5617
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MP3554SP	G166R930035/C91093383

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	83 BROADWAY FL 2		City: NEWBURGH
State:	NY	Zip:	12550-5617
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MPC4504	G716MA10475/C91093274

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	123 GRAND ST		City: NEWBURGH
State:	NY	Zip:	12550-4678
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MPC3503	E165M410124/C81067726

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	123 GRAND ST		City: NEWBURGH
State:	NY	Zip:	12550-4678
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MPC2504	G756R510536/C91093298

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	83 BROADWAY FL 2		City: NEWBURGH
State:	NY	Zip:	12550-5617
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MPC2504	G756R510399/C91093299

Customer Name:	NEWBURGH, CITY OF		
Contact Name:	Nicholas Crispino	Phone:	(845) 569-7326
Address:	83 BROADWAY		City: NEWBURGH
State:	NY	Zip:	12550-5617
		Fax/Email:	ncrispino@cityofnewburgh-ny.gov

Make	Model	Serial Number
	MPC3503	E165M361008/C81067727





Customer Name:	NEWBURGH, CITY OF			Phone:	(845) 569-7326
Contact Name:	Nicholas Crispino			City:	NEWBURGH
Address:	88 PIERCES RD			Fax/Email:	ncrispino@cityofnewburgh-ny.gov
State:	NY	Zip:	12550-3247		

Make	Model	Serial Number
	MP2554SP	G146R900825/C91093323

Customer Name:	NEWBURGH, CITY OF			Phone:	(845) 569-7326
Contact Name:	Nicholas Crispino			City:	NEWBURGH
Address:	83 BROADWAY FL 2			Fax/Email:	ncrispino@cityofnewburgh-ny.gov
State:	NY	Zip:	12550-5617		

Make	Model	Serial Number
	MPC4504	G716MA10428/C91093376

Customer Name:	NEWBURGH, CITY OF			Phone:	(845) 569-7326
Contact Name:	Nicholas Crispino			City:	NEWBURGH
Address:	401 WASHINGTON ST			Fax/Email:	ncrispino@cityofnewburgh-ny.gov
State:	NY	Zip:	12550-5319		

Make	Model	Serial Number
	MPC3503	E165M410036/C81067637

This Authorization applies to the equipment identified above and to the following Removal/Buy Out Option

This Authorization will confirm that Customer desires to engage Ricoh USA, Inc. ("RicoH") to pick-up and remove certain items of equipment that are currently (i) owned by Customer or (ii) leased from Ricoh or other third party (as specified below), and that you intend to issue written or electronic removal requests (whether such equipment is identified in this Authorization, in a purchase order, in a letter or other written form) to Ricoh from time to time for such purpose. Such removal request will set forth the location, make, model and serial number of the equipment to be removed by Ricoh. By signing below, you confirm that, with respect to every removal request issued by Customer (1) Ricoh may rely on the request, (2) the request shall be governed by this Authorization, and (3) Ricoh may accept this Authorization by either its signature or by commencing performance (e.g. equipment removal, initiating Services, etc.). Each party agrees that electronic signatures of the parties on this Authorization will have the same force and effect as manual signature. Notwithstanding the foregoing, the parties acknowledge and agree that Ricoh shall have no obligation to remove, delete, preserve, maintain or otherwise safeguard any information, images or content retained by, in or on any item of equipment serviced by Ricoh, whether through a digital storage device, hard drive or similar electronic medium ("Data Management Services"). If desired, Customer may engage Ricoh to perform such Data Management Services at its then-current rates. Notwithstanding anything in this Authorization to the contrary, (i) Customer is responsible for ensuring its own compliance with legal requirements pertaining to data retention and protection, (ii) it is the Customer's sole responsibility to obtain advice of competent legal counsel as to the identification and interpretation of any relevant laws and regulatory requirements that may affect the customer's business or data retention, and any actions required to comply with such laws, (iii) Ricoh does not provide legal advice or represent or warrant that its services or products will guarantee or ensure compliance with any law, regulation or requirement, and (iv) the selection, use and design of any Data Management Services, and any and all decisions arising with respect to the deletion or storage of any data, as well as any loss of data resulting therefrom, shall be the sole responsibility of Customer, and Customer shall indemnify and hold harmless Ricoh and its subsidiaries, directors, officers, employees and agents from and against any and all costs, expenses, liabilities, claims, damages, losses, judgments or fees (including reasonable attorneys' fees) (collectively, "Losses") arising therefrom or related thereto.

Equipment Removal (Owned by Customer). In addition to the terms and conditions set forth above, the following terms and conditions shall apply for Customer-owned equipment removals: Customer confirms that (1) Customer has good, valid and marketable title to such equipment and has satisfied all payment and other obligations relating to such equipment which may be owing to any third party under applicable lease, financing, sale or other agreements, (2) Customer has obtained any and all necessary consents and approvals required to authorize Ricoh to remove such items of equipment and to take title thereto, and (3) by this Authorization, Customer hereby transfers good and valuable title and ownership to Ricoh to the equipment, free and clear of any and all liens and encumbrances of any nature whatsoever and Customer will cause to be done, executed and delivered all such further instruments of conveyance as may be reasonably requested for the vesting of good title in Ricoh.

Equipment Removal (Leased by Customer). In addition to the terms and conditions set forth above, the following terms and conditions shall apply for equipment removals of equipment leased by Customer: Except for the obligations of Ricoh to pick up and remove the identified equipment, Ricoh does not assume any obligation, payment or otherwise, under any lease agreement, which shall remain Customer's sole responsibility. As a material condition to the performance by Ricoh, Customer hereby releases Ricoh from, and shall indemnify, defend and hold Ricoh harmless from and against, any and all claims, liabilities, costs, expenses and fees arising from or relating to any breach of Customer's representations or obligations in this Authorization or of any obligation owing by Customer under its lease agreement.





CUSTOMER

Signature: _____
Name: _____
Title: _____
Date: _____

RICOH USA, INC.

Signature: _____
Name: _____
Title: _____
Date: _____

Initials



Certificate Of Completion

Envelope Id: 457516FB5F944C6C9866B6590847DFC5	Status: Sent
Subject: Ricoh Docs for NEWBURGH, CITY OF to Review & Sign (Quote 27497865)	
Source Envelope:	
Document Pages: 7	Signatures: 0
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Ricoh DocuSign
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	PO Box 6117
	Macon, GA 31208
	RicohDocuSign@Ricoh-usa.com
	IP Address: 205.145.18.4

Record Tracking

Status: Original	Holder: Ricoh DocuSign	Location: DocuSign
7/30/2020 6:38:42 AM	RicohDocuSign@Ricoh-usa.com	

Signer Events

Joe Donat	Signature	Timestamp
Jdnat@cityfnewburgh-ny.gov		Sent: 7/30/2020 6:38:44 AM

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

Signature	Timestamp
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Editor Delivery Events

Status	Timestamp
--------	-----------

Agent Delivery Events

Status	Timestamp
--------	-----------

Intermediary Delivery Events

Status	Timestamp
--------	-----------

Certified Delivery Events

Status	Timestamp
--------	-----------

Carbon Copy Events

Status	Timestamp
Hons Brian W	Sent: 7/30/2020 6:38:44 AM
Brian.Hons@ricoh-usa.com	Viewed: 7/30/2020 6:39:52 AM

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events

Signature	Timestamp
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Notary Events

Signature	Timestamp
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Envelope Summary Events

Status	Timestamps
Envelope Sent	7/30/2020 6:38:44 AM

Payment Events

Status	Timestamps
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City of Newburgh Proposal Summary

Unit	Address	Location	Current Model	Serial Number	PPM	Current B&W CPC	(12) Month B&W Average Monthly Volume	Current Monthly "Committed" B&W Prints	Current B&W "Committed" Service Cost	Current Color "Committed" Prints	Current Color CPC	(12) Month Color Average Monthly Volume	Total CPC Usage Charge	Current Monthly Lease Cost	Current Total Monthly Cost	New Ricoh Model	PPM Output	Features	(36) Month Monthly Investment	B&W Cost Per Copy	Color Cost Per Copy	
1	83 Broadway	4th Floor	Ricoh MP C4504	C91093274	45	\$0.0081	6,956	Pooled	\$20.92	0	\$0.052	585	\$30.13	\$272.91	\$323.96	Ricoh IM C4500	45	Color, B&W Copy & Print, Color Scan, Paper Feed Uit PB3280,Internal Finisher SR3250,Fax,Power Filter	\$162.17	\$0.0042	\$0.0350	
2	83 Broadway	Assessor	Ricoh MP C2504	C91093299	25	\$0.0081	910	Pooled	\$20.92	0	\$0.052	693	\$35.69	\$166.64	\$223.25	Ricoh IM C3000	30	Color, B&W Copy & Print, Color Scan, Paper Feed Uit PB3280,Internal Finisher SR3250,Punch Unit PU3070,Fax,Power Filter	\$131.20	\$0.0042	\$0.0350	
3	83 Broadway	Dept. of Public Works	Ricoh MP C4504	C91093376	45	\$0.0081	650	Pooled	\$20.92	0	\$0.052	672	\$34.61	\$266.08	\$321.61	Ricoh IM C3000	30	Color, B&W Copy & Print, Color Scan, Paper Feed Uit PB3280,Internal Finisher SR3250,Punch Unit PU3070,Fax,Power Filter	\$134.29	\$0.0042	\$0.0350	
4	83 Broadway	Executive Office (2nd Floor)	Ricoh MP C3503	C81067727	35	\$0.0067	1,972	Pooled	\$40.00	0	\$0.050	780	\$39.00	\$159.44	\$238.44	Ricoh IM C3500	35	Color,B&W Copy & Print, Color Scan, 2 Draw Paper Tray PB3280, Internal Flat Sheet Staple Finisher SR3250,Fax Type M37, Power Filter	\$134.29	\$0.0042	\$0.0350	
5	83 Broadway	Tax	Ricoh MP 3554SP	C91093383	35	\$0.0081	5,222	Pooled	\$20.92					\$178.51	\$199.43	Ricoh MP 3555SP (ARDF)	35	B&W Copy & Print, Color Scan, 2 Draw Paper Tray, Internal Finisher SR3130,Fax, Power Filter	\$112.72	\$0.0042		
6	123 Grand St	Planning/Development	Ricoh MP C3503	C81067726	35	\$0.0067	1,864	Pooled	\$34.00	0	\$0.050	1,690	\$84.50	\$159.44	\$277.94	Ricoh IM C3500	35	Color,B&W Copy,Print & Scan, Fax, Internal Flat Sheet Staple Finisher PB3280,Power Filter	\$134.29	\$0.0042	\$0.0350	
7	123 Grand St	Historian	Ricoh MPC2504	C91093298	25	\$0.0081	130	Pooled	\$20.92	0	\$0.052	65	\$3.35	\$166.64	\$190.91	Ricoh IM C2500	25	Color,B&W Copy & Print, Color Scan, Cabinet Type F,Fax, Power Filter	\$96.98	\$0.0080	\$0.0520	
8	401 Washington St	Recreation	Ricoh MP C3503	C81067637	35	\$0.0067	1,040	Pooled	\$34.00	0	\$0.050	87	\$4.35	\$159.44	\$197.79	Ricoh IM C3500	35	Color,B&W Copy & Print, Color Scan, 2 Draw Paper Tray PB3280, Internal Flat Sheet Staple Finisher SR3250,Fax Type M37, Power Filter	\$134.29	\$0.0042	\$0.0350	
9	88 Pierce St	DPW	Ricoh MP 2554SP	C91093323	25	\$0.0081	1,885	Pooled	\$20.92					\$117.37	\$138.29	Ricoh MP 2555SP	25	B&W Copy, Print & Fax, Color Scan, 2 additional Paper Trays,Internal Flat Sheet Staple Finisher SR3130,Power Filter	\$96.98	\$0.0042		
							20,629		\$233.52				4,572	\$231.62	\$1,646.47	\$2,111.61						\$1,137.21

Includes Delivery, Setup, Install Support, Training, all Service, Maintenance, Parts, and Supplies Including Staples (except paper). All meters will be billed on a cost per copy basis, reconciled Quarterly. All B/W prints will be charged as listed per device. All Color Print Usage will be charged as listed per device, per Quarter. All Service includes manufacture defects and DOES NOT include any parts or service due to physical damage as determined by a Ricoh service technician. All Supply orders are included exept items that are not spcified for that device (listed on the MyRicoh web site - www.myrichoh.com). All maintenance and lease cost will be fixed for the Length of Term Chosen.

The contents of this proposal are considered to be RICOH private data and is provided for the exclusive use of the City of Newburgh only.

Current Cost vs. Proposed Investment

TOTAL MONTHLY SAVINGS = \$793.26

CURRENT INVESTMENT

Location	Current Model	Current B&W CPC	(12) Month B&W Average Monthly Volume	Current B&W "Committed" Monthly Service Cost	Current Color CPC	(12) Month Color Average Monthly Volume	Total CPC Usage Charge	Current Monthly Lease Cost	Current Total Monthly Cost
4th Floor	Ricoh MP C4504	\$0.0081	6,956	\$20.92	\$0.052	585	\$30.13	\$272.91	\$323.96
Assessor	Ricoh MP C2504	\$0.0081	910	\$20.92	\$0.052	693	\$35.69	\$166.64	\$223.25
Dept. of Public Works	Ricoh MP C4504	\$0.0081	650	\$20.92	\$0.052	672	\$34.61	\$266.08	\$321.61
Executive Office (2nd Floor)	Ricoh MP C3503	\$0.0067	1,972	\$40.00	\$0.050	780	\$39.00	\$159.44	\$238.44
Tax	Ricoh MP 3554SP	\$0.0081	5,222	\$20.92				\$178.51	\$199.43
Planning/Development	Ricoh MP C3503	\$0.0067	1,864	\$34.00	\$0.050	1,690	\$84.50	\$159.44	\$277.94
Historian	Ricoh MPC2504	\$0.0081	130	\$20.92	\$0.052	65	\$3.35	\$166.64	\$190.91
Recreation	Ricoh MP C3503	\$0.0067	1,040	\$34.00	\$0.050	87	\$4.35	\$159.44	\$197.79
DPW	Ricoh MP 2554SP	\$0.0081	1,885	\$20.92				\$117.37	\$138.29

PROPOSED INVESTMENT

New Ricoh Proposed Model	(36) Month Monthly Investment	B&W Cost Per Copy	Color Cost Per Copy
Ricoh IM C4500	\$162.17	\$0.0042	\$0.0350
Ricoh IM C3000	\$131.20	\$0.0042	\$0.0350
Ricoh IM C3000	\$134.29	\$0.0042	\$0.0350
Ricoh IM C3500	\$134.29	\$0.0042	\$0.0350
Ricoh MP 3555SP (ARDF)	\$112.72	\$0.0042	
Ricoh IM C3500	\$134.29	\$0.0042	\$0.0350
Ricoh IM C2500	\$96.98	\$0.0080	\$0.0520
Ricoh IM C3500	\$134.29	\$0.0042	\$0.0350
Ricoh MP 2555SP	\$96.98	\$0.0042	
	\$1,137.21		

OVERALL COST PER MONTH = \$2,111.61

Proposed Committed Volume Cost = \$0.00
 AMV Cost using 20,499 at \$.0042 = \$22.10
 B&W Cost using 130 at \$.008 = \$1.04
TOTAL B&W COST = \$23.14

Proposed Committed Volume Cost = \$0.00
 AMV Cost using 4,420 at \$.035 = \$154.7
 B&W Cost using 65 at \$.052 = \$3.35
TOTAL B&W COST = \$158.00

(36) Month, Monthly Investment = \$1,137.21

Overall Monthly Investment = \$1,318.35

Overall Monthly Investment includes the last 12 month Average Monthly Volume (AMV). The average monthly volume will be billed separately (B&W and Color usage) from the lease amount. Actual Lease payment amount is \$1,137.21, cost per copy will be billed separately, as listed per device on the main proposal "RICOH City of Newburgh". The Current Cost vs. Proposed Investment" is an estimate and may be subject to change.

RESOLUTION NO.: 260 -2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO 82 CARSON REALTY PARTNERS, LLC TO THE PREMISES
KNOWN AS 82 CARSON AVENUE (SECTION 45, BLOCK 12, LOT 17)**

WHEREAS, on January 8, 2019, the City of Newburgh conveyed property located at 82 Carson Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 45, Block 12, Lot 17, to 82 Carson Realty Partners LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

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

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

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

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 82 Carson Avenue, Section 45, Block 12, Lot 17 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated January 8, 2019, from THE CITY OF NEWBURGH to 82 CARSON REALTY PARTNERS, LLC, recorded in the Orange County Clerk's Office on February 6, 2019, in Liber 14523 of Deeds at Page 243 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 P. Donat, City Manager
Pursuant to Res. No.: _____-2020

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

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. 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.



CITY OF NEWBURGH

Building Department

123 Grand Street Newburgh, New York 12550

(845) 569-7400/Fax (845) 569-0096

www.cityofnewburgh-ny.gov

TO: Michele Kelson, Corporation Counsel

FROM: William F. Horton, Fire Chief/Building Inspector

DATE: September 16, 2020

SUBJECT: 82 Carson Avenue, Release of Restrictive Covenants

With regard to the request related to the release of the restrictive covenants for 82 Carson Avenue owned by 82 Carson Realty LLC, I conducted an inspection of the property on 9/3/2020 and reviewed the building file in the office. Below are my findings:

There are no open code violations on file in the building record. There were no apparent Code violations noted during the 9/3/20 inspection.

Currently there are no open permits.

There is a valid Rental License issued on 11/19/19.

There is a valid Certificate of Occupancy on file from 6/19/2020 for a Two Family Dwelling

Thank you.





RESOLUTION NO.: 261 -2020

OF

OCTOBER 26, 2020

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO WILLIAM GOODMAN TO THE PREMISES KNOWN AS
156-158 WILLIAM STREET (SECTION 44, BLOCK 4, LOT 13.1)
N/K/A 156 WILLIAM STREET (SECTION 44, BLOCK 4, LOT 13.12)

WHEREAS, on October 30, 2000, the City of Newburgh conveyed property located at 156-158 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 4, Lot 13.1, to William Goodman; and

WHEREAS, subsequent to conveyance, several lots were combined and the property is now known as 156 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 4, Lot 13.12; and

WHEREAS, the current owners, by their attorney, have requested a release of the restrictive covenants contained in said deed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5 and 6 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 156-158 William Street, Section 44, Block 4, Lot 13.1 n/k/a 156 William Street, Section 44, Block 4, Lot 13.12 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5 and 6 in a deed dated October 30, 2000, from THE CITY OF NEWBURGH to LAWRENCE D. SMITH, recorded in the Orange County Clerk's Office on October 29, 2001, in Liber 5667 of Deeds at Page 264 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 P. Donat, City Manager
Pursuant to Res. No.: _____-2020

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

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. 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.: 262 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION
OF A TREE FROM THE GREATER NEWBURGH PARKS CONSERVANCY**

WHEREAS, the Greater Newburgh Parks Conservancy (“Conservancy”), a 501(c)(3) organization, applied for and was awarded New York State Department of Environmental Conservation Urban Forestry Council program grant in the amount of \$1,000.00 for the planting of a large specimen tree this autumn on Liberty Street near the intersection with First Street; and

WHEREAS, the Conservancy intends to donate this tree to the City of Newburgh specifically to improve the health of the air, water, and soil in that area while simultaneously providing shade and thereby mitigating the Urban Heat Island effect in our City; and

WHEREAS, the value of this donation, including the tree and its delivery, plus topsoil, mulch, and “gator” (watering bag) and the time of the volunteers needed to plant it, is exactly \$1,000.00; and

WHEREAS, such a tree will be a beautiful and psychologically calming addition to that important area for generations to come; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager of the City of Newburgh be and he is hereby authorized to accept the donation of the tree and related services with sincere gratitude to the Greater Newburgh Parks Conservancy; and

BE IT FURTHER RESOLVED, that City Council members and staff, if available, will happily celebrate and participate in the planting of said tree at a mutually agreeable time and date this fall and will help publicize this event throughout the City and beyond.

On Fri, Oct 16, 2020 at 1:14 PM Reilly, Helen <HReilly@cityofnewburgh-ny.gov> wrote:

Good afternoon,

We would like to thank the Greater Newburgh Parks Conservancy for the tree donation. The City has added the donation of the tree to the Work Session Agenda next week.

We need confirmation that the tree will be planted by the CAC and other volunteers. We also need to know the exact location that the tree will be planted before moving forward with a resolution.

Please advise.

Thank you,

Helen Reilly

Grants Administrator

City of Newburgh

83 Broadway

Newburgh, NY 12550

(845) 569-7321

From: Genie Abrams <genieabrams@gmail.com>

Sent: Sunday, October 04, 2020 4:52 PM

To: Reilly, Helen <HReilly@cityofnewburgh-ny.gov>

Subject: Draft Resolution regarding acceptance of a tree

Helen: Here is a draft resolution for the Council, resolving to accept the gift of a tree to be planted on Liberty Street near B'way, with the value (tree, labor, topsoil, mulch and all) of \$1,000. It's the Greater Newburgh Parks Conservancy that applied for and won the grant, specifically for a large shade tree, but they want to donate the tree to the City. Is this resolution OK to put before Council? Should i forward it to Ms. Kelson? i'll await your response. The tree probably can be planted as late as early November, but it would be ideal if we could plant it in October. Thanks, genie

Here's my rough draft:

DRAFT RESOLUTION FOR NEWBURGH CITY COUNCIL MEETING IN OCTOBER

WHEREAS, the Greater Newburgh Parks Conservancy, a 501(c)3 organization, recently applied for a \$1,000 grant from the New York State Department of Environmental Conservation's Urban Forestry Council for the planting of a large specimen tree this autumn on Liberty Street near the intersection with Broadway, and

WHEREAS, the Conservancy was awarded said grant and intends to donate this tree to the City specifically to improve the health of the air, water, and soil in that area while simultaneously providing shade and thereby mitigating the Urban Heat Island effect in our city, and

WHEREAS, the value of this donation, including the tree and its delivery, plus topsoil, mulch, and "gator" (watering bag) and the time of the volunteers needed to plant it, is exactly \$1,000, and

WHEREAS, such a tree will be a beautiful and psychologically calming addition to that important area for generations to come, now therefore,

BE IT RESOLVED that the City accepts this tree with sincere gratitude to the Greater Newburgh Parks Conservancy; and

BE IT FURTHER RESOLVED that City Council members and staff, if available, will happily celebrate and participate in the planting of said tree at a mutually agreeable time and date this fall and will help publicize this event throughout the City and beyond.

RESOLUTION NO.: 263 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
MUNICIPAL WASTE REDUCTION AND RECYCLING
STATE ASSISTANCE PROGRAM GRANT
IN THE AMOUNT OF \$100,000.00 WITH A FIFTY PERCENT CITY MATCH**

WHEREAS, the New York State Department of Environmental Conservation is offering funding to assist New York State municipalities meet environmental goals and mandates through the Environmental Protection Fund and the Municipal Waste Reduction and Recycling State Assistance Grant program to expand local waste reduction and recycling programs and increase participation in those programs; and

WHEREAS, the City of Newburgh proposes to apply for funding in the amount of \$100,000.00 to fund a part-time employee, recycling education materials and to purchase 95 gallon or larger recycling containers during 2021; 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 a New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling State Assistance Program grant in the amount of \$100,000.00 with a fifty percent City match.



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Municipal Waste Reduction & Recycling Program	NAME OF DEPARTMENT REQUESTING GRANT: DPW	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: George Garrison/Victor Cornelius
NAME OF GRANT/NAME OF AWARDING AGENCY: NYS DEC	GRANT SUBMITTAL DATE: Due 10/30/20	AMOUNT OF AWARD: \$100,000 maximum
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) 50%	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$100,000 maximum	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN:

Scope of Project:

The grant request will seek to fund the following:

- A part-time (20=hr./week)
- Recycling education materials,
- 95+ gallon recycling containers.

Key Stakeholders:

Project Timeline: (ex. Dates) January 1, 2021 to December 31, 2021



City of Newburgh

GRANT APPLICATION FORM

- a. Residents of the City of Newburgh
- b. Property-owners (tax-payers) of the City of Newburgh

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO:

COMMENTS:

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO

COMMENTS: N/A

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS: N/A

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER

SIGNATURE: _____

DATE: _____

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER

SIGNATURE: _____

DATE: _____

SECTION D: FOR REVIEW BY CORPORATION COUNSEL



City of Newburgh

GRANT APPLICATION FORM

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL

SIGNATURE: _____

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:



Division of Materials Management
Bureau of Solid Waste Management
625 Broadway, Albany, NY 12233-7260

New York State
Environmental Protection Fund

Municipal Waste Reduction and Recycling Program

Recycling Coordination, Education, Planning and Promotion Projects
Grants Gateway Application Guidelines and
Request for Applications

NYS Grants Gateway Opportunity ID Name: DEC01-MWRC-2020

Application Due Date: October 30, 2020 3:00 PM ET

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1.0 INTRODUCTION

Passage of the Environmental Protection Act in 1993 created the Environmental Protection Fund (EPF), a continuing source of funds dedicated to environmental projects, including programs such as the Municipal Waste Reduction and Recycling (MWRR) State Assistance Grant program to help municipalities meet environmental goals and mandates. Funding for the individual program components is subject to annual legislative appropriations. Funding for the contract term January 1, 2020 – December 31, 2020 is \$4,500,000.

The EPF allows the Department of Environmental Conservation (DEC) to provide MWRR funding to local governments for waste reduction and recycling projects. **The overall goal of this funding program is to assist municipalities in expanding local waste reduction and recycling programs and increase participation in those programs.**

Under this grant opportunity, the MWRR State Assistance Grant program can help fund the costs of Recycling Education, Coordination, Planning and Promotion. Eligible projects are expected to enhance municipal recycling through activities that coordinate recycling activities as well as encourage participation in local recycling programs.

If, during the application process, any questions arise or any assistance is needed please contact, as applicable:

DEC (Program related questions):

Phone: 518-402-8678

Email: RecyclingGrants@dec.ny.gov

Grants Management Helpdesk (Grants Gateway related questions):

Phone: 518-474-5595

Email: Grantsgateway@its.ny.gov

2.0 TIMETABLE OF KEY EVENTS:

Event:	Date:
Application Period Begins	August 3, 2020
Question & Answer Period Ends	October 23, 2020
Applications Due	October 30, 2020 3:00 PM
Award(s) Announced by (anticipated)	January 15, 2021
Contract Start and End Dates	January 1, 2021– December 31, 2021

3.0 ELIGIBILITY INFORMATION

Who is eligible to apply?

- Counties, Cities, Towns or Villages
- Local Public Authorities
- Local Public Benefit Corporations (organizations established by State Law)
- School Districts, Supervisory Districts & Improvement Districts
- Native American Tribes or Nations residing in New York State.

Private companies, not-for-profit organizations, and State agencies are **NOT** eligible for these grants.

What is public education/promotion/outreach? Examples include:

- Recycling guides, mailers, brochures, and webpages
- Advertising on TV, radio, newspaper, billboards, social media, etc.
- Recycling signs and displays
- Give-a-ways, children's shows, county fair fees, America Recycles Day items
Note: Give-a-way items must be consistent with a waste prevention or recycling message.
- Promotion of reuse of certain materials, refillable or reusable packaging
- Promotion of backyard or on-site composting and of product stewardship initiatives
- Other media for educating the public on the benefits and methods of waste reduction, reuse, composting and recycling

What is “Recycling Coordination”?

Recycling coordination is the development, coordination and implementation of activities necessary for a successful municipal recycling program, including:

- Planning, monitoring and modifying the local recycling program
- Developing public education and promotion tools, and implementing the outreach strategies
- Establishing, monitoring and improving recyclables marketing, tracking and reporting
- Fostering inter-governmental coordination relative to recycling
- Developing enforcement strategies

Important guidelines for applicants:

- Preference will be given to projects from applicants that actively collect and manage recyclables to applications.
- that include both coordination and education components, but these are not requirements.
- Grants are limited to no more than 50% of the net eligible costs incurred by the applicant. Applicants are responsible for providing a local match of at least 50% of the eligible costs.
- Grant amounts range from a minimum of \$10,000, up to a maximum of \$2,000,000 per project.
- Applications will be reviewed and may be approved, disapproved or recommended for modification by the NYSDEC, consistent with the requirements of 6 NYCRR Part 369.
- If any Federal or State assistance is received for the project, reimbursement will be limited to 50% of the net eligible costs incurred after deduction of any Federal or State funding assistance.
- A grant contract for the eligible portions of the proposed project must be executed by DEC, as well as the NYS Comptroller’s Office and NYS Attorney General’s Office as applicable.
- Payments will be made only after appropriate reimbursement requests / payment documentation have been reviewed and approved by the DEC.

Examples of ELIGIBLE Costs

1. Salary, health insurance and pension costs paid by the employer for an employee who is responsible for recycling coordination, education, promotion, or outreach. Personnel must be employees of the applicant and assigned to the project for no less than 50 percent of their full-time work schedule;
2. Direct costs necessary to educate the public and increase public awareness of and participation in waste reduction and recycling, including:
 - a. recycling guides, mailers, brochures, and webpages
 - b. advertising on TV, radio, newspaper, internet, billboards, etc.
 - c. recycling signs and displays
 - d. give-away items, children's shows, county fair displays, America Recycles Day items;
3. Reasonable costs for consultant services necessary for recycling education, promotion, planning, public relations, or other specialized purposes; and
4. Costs for supplies and materials specifically acquired and used as part of the municipal waste reduction and recycling education, promotion, planning and coordination project.

Examples of INELIGIBLE Costs

1. Costs of any item NOT primarily used for educating, promoting, planning and coordinating the benefits or methods of waste reduction, reuse and recycling;
2. Ordinary operating costs for facilities and offices, including, but not limited to, office supplies and equipment, equipment service, office maintenance, internet service, telephone (except for dedicated recycling "hotlines"), utilities, mileage costs, travel expenses, and fuel within an applicant's service area or other similar costs or expenses, as determined by the Department;
3. Indirect, overhead or in-kind costs;
4. Costs of equipment or facility costs that are funded under the MWRR Capital Grant program, such as bins, totes, or other recycling or composting containers;
5. Costs incurred in preparing and submitting an application for state assistance;
6. Unnecessary or unreasonable costs as determined by the Department of Environmental Conservation;
7. Costs for employees who use less than 50% of their work time for recycling coordination and education; and
8. Costs of educational materials that describe disposal, such as collection schedules for non-recyclables.

4.0 APPLICATION PROCEDURES

4.1 New York State has implemented an electronic Grants Gateway system. The Grants Gateway is a statewide Governor's initiative to reform the contract process with the intention of making it easier for grantees to apply for and receive funding. Applicants must be registered in the Grants Gateway to apply for and receive MWRR grants.

4.2 GRANTS GATEWAY REGISTRATION

All NYS grant applicants must be registered in the NYS Grants Gateway to be eligible to:

- Apply for a NYS grant opportunity.
- Enter into a grant contract, an amendment to an existing contract, or a letter of agreement.
- Apply for future grant payments.

GRANTS GATEWAY REGISTRATION INSTRUCTIONS

Registration is NOT an online process. Register now to allow time for processing!!

1. On the Grants Management Website at <https://grantsmanagement.ny.gov/register-your-organization> download a copy of the Registration Form for Administrator.
2. Complete the form according to the instructions provided. The completed form must be signed and notarized.
3. Mail the signed and notarized original form to Grants Management at the address provided in the instructions.
4. After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
5. Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your Password at the bottom of your Profile page. Enter a new Password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

4.3 GRANTS GATEWAY APPLICATION AND ROLES: A municipality may file an application for a new MWRR grant with the approval of its governing body. If the applicant's governing body requires a resolution to apply for and accept a grant, please do this before submitting the application.

An individual must be logged in under the correct role to initiate, complete or submit a grant application. See summary of roles:

"Grantee" role can initiate, edit, or save a grant application. This role cannot submit the application.

"Grantee Contract Signatory" role can initiate, edit, save, and submit (sign) a grant application.

"Grantee System Administrator" role has the same rights as the Grantee Contract Signatory.

“Grantee Delegated Administrator” role can create users and assign roles. This role can NOT initiate an application.

4.4 In the application, complete these components in the Grants Gateway:

- A. Input a Project/Site Address
- B. Input responses to Program Specific Questions – answer all applicable questions online
- C. Input Expenditure Budget information consistent with item F below
- D. Input a Work Plan Overview for the project
- E. Input Work Plan Properties (objectives) for the project or use defaults
- F. Budget Worksheet – complete and upload detailed budget worksheet
- G. Recyclables Tonnage Summary Sheet (including disposal figures) – complete and upload
- H. Applicant’s Local Recycling Law enacted per General Municipal Law §120-aa – upload or input reference citation
- I. Recycling Coordinator Job Description (for coordination/education projects) – upload
- J. Proof of Applicant’s Workers Compensation Insurance – upload
- K. Proof of Applicant’s Disability Insurance - upload
- L. Attachment S – Sexual Harassment Prevention Certification – complete and upload

4.5 The proposed project will be evaluated. DEC will review the final application, which may be deemed acceptable and approved, unacceptable and disapproved, or modified to reject costs determined by DEC to be ineligible for MWRR funding. Evaluation and Selection criteria for funding include:

- A. New municipal recycling program components to be initiated or improvements in a program.
- B. The size of project service area or populations served.
- C. A detailed and significant scope of work.
- D. The number of new work products to be created.
- E. A budget with both Recycling Coordination and Education costs, as appropriate.
- F. Consistency with applicant's DEC-approved Local Solid Waste Mgmt. Plan, as applicable.
- G. Enactment of a local recycling law consistent with NYS General Municipal Law 120-aa.

4.6 The DEC may ask for additional information from an Applicant as necessary to update or complete an application. Failure to provide additional, required information in a timely manner, as determined by DEC, may result in the application being disapproved.

4.7 Proof of Workers’ Compensation and Disability Benefits Insurance

Evidence of Workers’ Compensation and Employer’s Liability coverage must be provided on one of the following forms:

- | | |
|-----------------|--|
| C-105.2 | Certificate of Workers’ Compensation Insurance (Sept 2007, or current version) |
| U-26.3 | State Insurance Fund Version of the C-105.2 form |
| SI-12/GSI-105.2 | Certificate of Workers’ Compensation Self-Insurance |
| CE-200 | Certificate of Attestation of Exemption |

If the form includes "Entity Requesting Proof of Coverage (Entity being listed as the Certificate Holder)," specify the "NYS Dept. of Environ. Conservation, 625 Broadway, Albany, NY 12233-7250."

Evidence of Disability Benefits coverage must be provided on one of the following forms:

- | | |
|----------|---|
| DB-120.1 | Certificate of Insurance Coverage under the NYS Disability Benefits Law |
| DB-155 | Certificate of Disability Self-Insurance |
| CE-200 | Certificate of Attestation of Exemption |

If the form includes "Entity Requesting Proof of Coverage (Entity being listed as the Certificate Holder)," specify the "NYS Dept. of Environ. Conservation, 625 Broadway, Albany, NY 12233-7250."

4.8 Vendor Responsibility Requirement: (Applicable to projects where a project subcontractor is paid \$100,000 or more.) Contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. Contractors or subcontractors that receive contract funding valued at \$100,000 or more must complete a Vendor Responsibility Questionnaire.

To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <https://www.osc.state.ny.us/state-vendors/vendrep/vendrep-system>

4.9 Sexual Harassment Prevention Certification: State Finance Law §139-I requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made.

5.0 CONTRACTING AND PAYMENT PROCEDURES

5.1 Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Partially fund an application if the partially funded portion can be demonstrated to meet the criteria for this RFA.
- Reject any or all applications in response to the RFA at DEC's sole discretion.
- Reduce an award from the amount requested in the application, so long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time, at DEC's sole discretion.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with DEC within 60-90 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding, if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.

- If an application is determined by DEC to be incomplete, the applicant will be notified by DEC, and the application may be revised, or missing components added and resubmitted at the discretion of DEC. DEC, at its own discretion, will establish a deadline for resubmission of the application, which in no instance will exceed 30 calendar days after notification that an application is incomplete.
- DEC is authorized, at its own discretion, to combine applications from municipalities in overlapping jurisdictions.

5.2 Method of Award

Complete applications will be evaluated by DEC and, if acceptable, will be approved for State assistance for up to 50 percent of eligible costs. Acceptable projects are those that include all application components described in Section 4.4 of this RFA, and that satisfy the criteria described in Section 4.5 of this RFA.

If there are insufficient funds to provide 50 percent reimbursement for all acceptable applications, DEC may either lower the percentage or set a dollar maximum on the level of funding to be provided to each municipality. In the event DEC lowers the maximum reimbursement percentage, the lowered percentage or dollar maximum will be the same for all municipalities that submit an acceptable and approved application.

5.3 Master Contract for Grants

1. Upon approval by DEC of a final application, a municipality must enter into a Master Contract for Grants. The Master Contract for Grants can be viewed by clicking here: [Master Contract for Grants](#).
2. The MWRR Contract will include: The statewide Master Contract for Grants, Attachment A-1 Program Specific Terms and Conditions, Attachment B-1 Expenditure Based Budget, Attachment C – Work Plan and Attachment D – Payment and Reporting Schedule. The project Work Plan and Expenditure Based Budget are drafted by the Applicant and approved by DEC prior to the Contract being sent to the grantee for signature. Once the Applicant has signed the Contract, DEC will execute the contract. For contracts valued at more than \$50,000, approval by the NYS Comptroller's Office and NYS Attorney General's Office is also required. Applicants must carefully review and fully understand all Master Contract for Grants terms and conditions and be prepared to comply with all terms and conditions should a grant be awarded.

5.4 Payment Procedures

1. Upon execution of a contract, and completion of purchases, the grantee may request 50 percent reimbursement for the eligible costs of completed portions of the project.
2. As of the date of this RFA, payment requests are NOT incorporated into the Grants Gateway for the MWRR program. Payment requests include a completed State Aid Voucher and must contain all supporting documents (vendor invoice, purchase order, cancelled check) for the expenses claimed. The grantee is required to file a "certificate of completion" with the final payment request.
3. After review of a payment request, DEC may approve, disapprove or modify the amount of funds reimbursed. Payment will not exceed the approved grant contract amount.

6.0 INSTRUCTIONS FOR REPORTING (Applies to projects involving recycling education, coordination, promotion, or outreach)

A Progress Report is required with each payment request, as they are submitted. Use the blank Progress Report Form included on Page 14.

7.0 PROGRAM SPECIFIC QUESTIONS

The following questions must be answered online in the Grants Gateway. They are copied here to allow for previewing before completing online. It is recommended that Applicants generate, edit and save responses in this format, then cut and paste the finalized responses into the Grants Gateway screens. Please do not submit this information in paper form.

1. Did the person(s) completing this online read the "Grants Gateway Application Guidelines and Request for Applications" Document for this grant opportunity, and do they understand that this application must be submitted to DEC prior to 3:00 pm on the due date?
2. Applicant Type (Eligibility check): Enter the applicant's organization type from the list below.
County, City, Town or Village
Local Public Authority
Local Public Benefit Corporation (established by NYS Law)
School Districts, Supervisory Districts or Improvement Districts
Native American Tribes or Nations residing in New York State
3. Enter a Contact Person's Name, Mailing Address, Phone number and email for this project.
4. What is the geographic location, population, and number of households in the applicant's service area?
5. What components of the municipal recycling/composting program will be newly initiated or improved by this project?
6. What is the name and title of the person employed as a municipal recycling coordinator/educator, as well as the percentage of the person's work time spent on recycling?
7. Enter the name of the person responsible for EACH OF THE FOLLOWING DUTIES:
 - a. planning, monitoring and modifying the recycling program;
 - b. implementing outreach strategies for the recycling program;
 - c. tracking and reporting for the recyclables program; and
 - d. overall solid waste management program.
8. Upload the official Job Description or Position Duties used when hiring the recycling coordinator position.
9. Provide a scope of work describing specific recycling educational/outreach/promotional tasks performed under this project.
10. Provide a list of work products (e.g., brochures, mailers, advertisements, promotional items, etc.) to be developed by this project and their projected usage.
11. Provide an implementation schedule, including milestones, intended to assess project progress.

12. Describe the consistency of the proposed project with the DEC-approved Comprehensive Recycling Analysis (CRA) or Local Solid Waste Management Plan (LSWMP) in effect for the municipality in which the project is located.
13. Describe any state, federal, or other financial assistance for this project, received or pending, and any rebates, refunds or cost recovery associated with the project. If so, what amounts and from what entities?
14. Certify that all materials/services will be purchased in accordance with the General Municipal Law and other applicable laws and regulations, and best procurement practices.
15. Upload a completed BUDGET WORKSHEET for this project.
16. Upload a completed Recyclables Tonnage Summary Worksheet.
17. Upload Proof of Workers' Compensation Insurance (See Guidelines Section 4.7)
18. Upload Proof of Disability Insurance (See Guidelines Section 4.7)
19. Upload a copy of the Applicant's recycling law adopted in compliance with General Municipal Law (GML) Section 120-aa and describe the consistency of the proposed project with the Applicant's source separation/recycling law.
Alternative to Upload: Check this site: <ftp://ftp.dec.ny.gov/dshm/LocalLaws/>
If applicant's current recycling law is listed, indicate that Local Law is on file with DEC.
20. Are any vendors expected to receive \$100,000 or more from this project? If yes, they must complete and update a Vendor Responsibility Questionnaire, and are subject to a review by the Office of State Comptroller. (See Guidelines Section 4.8)
21. Upload a completed Sexual Harassment Prevention Certification (See Guidelines Section 4.9)

Additional information may be required based on review of the responses to these questions.

Instructions: To Complete this Application, complete these links in the Forms Menu:

1. **Work Plan Overview** - Provide a brief **workplan** or description of the proposed project. (approximately 100-200 words). Use your responses to Program Specific Questions 9-11 as a basis for a workplan.
2. **Work Plan Properties** - Enter the Objectives, Tasks and Performance Measures of this project. Note: Goals must be related to recycling efforts. Use the default text if appropriate.
3. **Expenditure Budget** - Use the completed BUDGET WORKSHEET to populate the Expenditure Budget

Instructions: To submit the application, a **Grantee Contractor Signatory** or **Grantee System Administrator** (See section 4.3) must be logged in. Go to the Status Changes link.
Under APPLICATION SUBMITTED, click the APPLY STATUS button.
Read the Agreement, click on "I Agree" Button.

Application Must Be Submitted by October 30, 2020 at 3:00 PM ET

MWRR Budget Format for Coordination/Education Projects

Please use this form or create a similar format for your budget.

Personal Services - Salary of the employee designated Recycling Coordinator

1	Annualized Salary for the position	\$
2	Number of hours in a standard work week for this person	hours
3	Percentage of time dedicated to recycling & waste reduction efforts	%
4	Number of months funded (max. is 12 months)	months
5	Annualized Salary pro-rated by the percent funded and number of months	\$
6	State Grant Funds (50% of Line #5)	\$
7	Local Match Funds (50% of Line #5)	\$

Copy the amounts from lines 1-4, 6 and 7 to Forms Menu > Expenditure budget > Personal Services - Salary

Personal Services – Fringe Benefits of the employee designated Recycling Coordinator

	Category of applicable Fringe Benefit (paid by employer)	Cost
8	Retirement/Pension costs	\$
9	Health Insurance	\$
10	Dental or Visual or Life insurance	\$
11	Subtotal Fringe Benefit Costs (Add lines #8-11)	\$
12	Percentage of time dedicated to recycling & waste reduction efforts	%
13	Total Fringe (amount pro-rated by the percentage of time dedicated to recycling and waste reduction efforts)	\$
14	State Grant Funds (50% of Line #13)	\$
15	Local Match Funds (50% of Line #13)	\$

Copy the amounts from lines 14 and 15 to Forms Menu > Expenditure budget > Personal Services - Fringe

Public Education/Promotion/Outreach Expenses (Other services and costs)

16	Description of Expense	Cost
17		\$
18		\$
19		\$
20		\$
21		\$
22		\$
23		\$
24		\$
25	Total Public Education Amount (Add lines 17-24) insert more lines if needed	\$
26	State Grant Funds (50% of Line #25)	\$
27	Local Match Funds (50% of Line #25)	\$

Copy the amounts in lines 26 and 27 to Forms Menu > Expenditure Budget > Other Expenses Detail

Total Personal and non-Personal Expenses	(Add lines 5, 13 and 25)	\$
State Assistance Requested	(Add lines 6, 14 and 26)	\$

RECYCLABLES TONNAGE SUMMARY WORKSHEET

Complete lines for the materials categories used in the applicant's recycling/compost program.

Applicant:		Population:	
Materials Collected for RECYCLING	Curbside (C) Drop-off (D) Both (B)	Current Annual Recovery Amount (tons) Year 2019	Projected Recovery Amount if this project is approved (tons)
COMMINGLED Single Stream			
COMMINGLED Paper			
COMMINGLED Containers			
PAPER – Newspaper			
PAPER – Corrugated Cardboard			
PAPER – Office Paper			
PAPER – Other (Specify)			
GLASS – Containers			
METAL – Ferrous Containers			
METAL – Aluminum			
METAL – Scrap Metal			
METAL – Other (Specify)			
PLASTIC – PET Containers			
PLASTIC – HDPE Containers			
PLASTIC - Mixed (1-7 Containers)			
PLASTIC – Film			
TEXTILES			
YARD TRIMMINGS			
FOOD SCRAPS			
BIOSOLIDS Composted			
Electronic Waste			
OTHER *			
TOTAL TONS			

NOTE: All applicants must complete the Disposal section below:

Materials Collected for DISPOSAL	Curbside (C) Drop-off (D) Both (B)	Current Annual Disposal Amount (tons) Year 2019	Projected Disposal Amount if this project is approved (tons)
MSW			
C&D Debris			
INDUSTRIAL			
BIOSOLIDS (dry tons)			
TOTAL TONS			
RECYCLING RATE: (tons recycled/ tons recycled + tons disposed)		%	%

* Specify what is the OTHER items

CERTIFICATION FOR SEXUAL HARASSMENT PREVENTION

Attachment S

Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Applicant: _____

Signature: _____

Print Name and Title: _____

Date: _____

MUNICIPAL WASTE REDUCTION AND RECYCLING PROJECT

PROGRESS REPORT FORM - Recycling Coordination/Education Projects

A Progress Report is due in conjunction with payment requests.

You may use this form, or your own form using a similar format. Use additional sheets if necessary.

Grantee:		Contract No.	
Period covered by this report:			
Person completing this report:			

1. Describe the activities from the contract Scope of Work which were completed during the time period of this report.
2. List the work products from the contract which were completed. Provide copies of any completed work products, if applicable.
3. Add any other information to help evaluate the success of this project.

RESOLUTION NO. 264 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A SIDEWALK IMPROVEMENT DISTRICT STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a study to determine the feasibility of implementing sidewalk improvement districts in the City of Newburgh to determine if creating such districts will improve sidewalk repairs and improvement to promote public health and safety by reducing risks and increasing walkability; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a City-wide sidewalk improvement district study; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

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

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



SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Sidewalk Improvement District Study	NAME OF DEPARTMENT REQUESTING GRANT: Newburgh Transportation Committee	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Naomi Hersson-Ringskog
NAME OF GRANT/NAME OF AWARDING AGENCY: Orange County Transit Council Unified Planning Work Program	GRANT SUBMITTAL DATE: October 9, 2020	AMOUNT OF AWARD: \$45,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) \$0 match	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0.00	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS: N/A

PROJECT PLAN:

Scope of Project:

This study seeks to determine the feasibility of structuring a sidewalk improvement district (SID) program in the City of Newburgh. A SID could potentially create city districts that would be assessed with an annual tax to collectively fund repairs and maintenance. OCTC will be hiring consultant and following the appropriate procurement processes.

Project Timeline: (ex. Dates)

- Start date is January 2021



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO:

COMMENTS:

N/A

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO

COMMENTS:

N/A

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS:

N/A

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE:

[Signature]

DATE:

10-13-20

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER
SIGNATURE:

[Signature]

DATE:

OCT 15 2020



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

Resolution for 10/22/20 work session
+ 10/26/20 Council meeting



City of Newburgh Transportation Advisory Committee

123 Grand St, Newburgh, NY 12550

transportation@cityofnewburgh-ny.gov

facebook.com/groups/newburghtransportation

October 9, 2020

To: Ashlee Long, Orange County Department of Planning / OCTC
From: Transportation Advisory Committee of Newburgh
CC: Alexandra Church, Director of Department of Planning & Development

Re: Unified Planning Work Program SFY 2021-2022 Cooperative Community Program

Dear Ms Long

On behalf of Newburgh Transportation Advisory Committee, I submit three compelling study proposals for the Cooperative Community Program Call for Projects. These proposals reflect the work and advocacy of our resident-led committee to improve our transportation systems and quality of life. Enclosed you will find the proposals and maps for the following projects:

1. Newburgh Sidewalk Improvement District Study
2. Microtransit Study for Newburgh
3. Wayfinding along Lake Street Corridor in Newburgh, NY

We will be submitting the resolution after the November City Council Meeting. We look forward to hearing from you.

Respectfully

Naomi Hersson-Ringskog

Co-Chair of Transportation Advisory Committee

transportation@cityofnewburgh-ny.gov | 202.413.4262



ORANGE COUNTY TRANSPORTATION COUNCIL

Unified Planning Work Program
SFY 2021-2022
Cooperative Community Program
Call for Planning Projects

General Information

Proposed Project Name: Sidewalk Improvement Districts Study
Applicant/Lead Agency: Newburgh Transportation Advisory Committee (TAC)
Other Involved Agencies: Newburgh Department of Planning
Contact Person and Title: Naomi Hersson-Ringskog, Member
Address: 297 Grand st
Newburgh NY 12550
Phone: 2024134262
E-mail: NRingskog@gmail.com
Anticipated Project Length (ex. 11 months): 6 months

Project Support

Supporting Resolution Attached: ☐ Yes ☒ No

Supporting Resolution Forthcoming: ☒ Yes ☐ No

Identify the level of support from elected officials and municipal decision makers.

Anthony Grice, City Council Member
Alexandra Church, Director of Planning & Development

Chief Elected Official or Appointed Representative

Name/Signature: Gabriel Berlin

Digitally signed by Gabriel Berlin
Date: 2020.10.09 16:14:49 -04'00'

Date: 10/9/20

Project Character (35 points)

1. Provide a brief project summary including location, objective(s), and what will be achieved if the project is selected. The objective should not assume a predetermined result or recommendation. (5 points)

This study seeks to determine the feasibility of structuring a sidewalk improvement district (SID) program in the City of Newburgh. A SID could potentially create city districts that would be assessed with an annual tax to collectively fund repairs and maintenance. The study area will cover the entire four square miles of the City of Newburgh.

The objectives of this study are to determine if consistent annual costs versus large, one-time costs are appealing to property owners; if a streamlined process would result in faster and more efficient sidewalk repairs; if tax-exempt property owners could participate in sidewalk financing; and to determine a framework to balance the increased costs against the public good resulting from decreased injury and increased walkability.

This project will help reveal a path forward on a long-neglected infrastructure problem and can build trust between government and residents. As the City of Newburgh population grows and as tourism increases, this study could provide a path to boosting the city economy while improving access to transit and public health.

2. Describe the issues and trends that have led to the need for this project, efforts to address them, and why it is important to advance this project at this time. (10 points)

Newburgh is only four square miles but is rarely seen as a walkable city because of sidewalk disrepair. Repairing historic bluestone is costly and difficult and most property owners neglect the maintenance of their sidewalks. At TAC public meetings, local citizens with disabilities like John Harper of Independent Living and Margaret Sanchez routinely speak up about great difficulty navigating through the city. A mostly-blind citizen remarked that he “feels safer in walking in the streets.” Local mothers are often seen pushing strollers in the streets instead of navigating broken sidewalks.

The city’s engineering department has not conducted a sidewalk inventory to determine the scale of this problem and areas of priority. Enforcing property owner code around necessary repairs is administratively difficult and futile. However it has diligently tackled the problem by upgrading select intersections for ADA Curb Cut Compliances.

TAC has been promoting walking as a means for commuting, recreation, and enjoyment by encouraging walking groups, painting crosswalks, hosted charrettes for rightsizing car-dominant corridors, advocating for HUD CBDG funding for sidewalk improvements.

Newburgh has several characteristics that point to the need for a new approach to fixing sidewalks: 25% of the population live below the poverty line, 70% of the residents are renters, 600 properties are vacant, and 48% of the city square footage is classified as non-taxable. Most importantly, 30% of the city population does not have access to a car and relies on walking and transit options.

3. Describe how disadvantaged populations (i.e. minority, low income, disabled, older residents, etc.) will be engaged in the planning process. (5 points)

From its inception, TAC has been a proactive force in communicating and advocating equitable transportation issues and opportunities. TAC will inform the general public by using various platforms including our monthly meetings, our Facebook Group with 500+ followers, and a presentation at a public City Council meeting. With these platforms, we will provide information about the study and will solicit feedback in the form of a simple, bilingual survey. Together with city representatives, we would aim to do 1-2 "office hour" sessions to answer community questions directly.

With our past projects and advocacy, we have fostered positive relations with Independent Living, Black and Latinx Health Coalition, Newburgh Public Housing, Catholic Charities, Planned Parenthood and community leader of senior homes at Belvedere. As this policy would affect homeowners, we will work closely with Habitat for Humanity and the Newburgh Community Land Bank. To reach the Latino community (50% of Newburgh's population), we will leverage community organizations like Latinos Unidos, Nobody Leaves the Mid Hudson, and Community Voices Heard. All marketing materials will be made available with Spanish translations. 

4. a) Explain how this project addresses one or more of the goals and objectives found in the Long Range Transportation Plan found in Chapter 2: Transportation Policies. b) If this project is part of a larger planning effort, please explain. (15 points)

This study will help OCTC reach its general LRTP goals:

- a) offering safe, affordable, convenient and reliable access for residents
- b) providing a maintained, managed, and repaired infrastructure, and
- c) creating economic value and enhancing quality of life through this innovative, cooperative funding model.

A SID could potentially help meet the ten Federal Planning Factors:

- 1. Increase economic efficiency via coordinated repair instead of ad-hoc repair
- 2. Improve walker safety and avoid pushing pedestrians into roadways
- 3. Reliable walkways become an additional method of transport
- 4. Increase accessibility as existing sidewalks pose huge challenges to disabled users
- 5. Health benefits of a walkable city are clear and well studied
- 6. Walking is a primary path to connect to ferries and buses and other nodes
- 7. Organized repair of historic walkways is far more efficient and uniform than ad-hoc repairs by property owners
- 8. The existing walkway infrastructure is a great strength but demands a plan for sensible repair
- 9. Multiple, safe paths will improve resiliency
- 10. The ability to walk safely between restaurants, shops, and galleries will improve tourism

Transportation System Advancement (30 points)

5. Describe how the project will facilitate the effective and efficient use of public resources to improve the safety of transportation services and/or facilities and enhance community character and quality of life. (25 points)

A highly walkable city confers great benefits for a community including “lower BMI among adults and higher levels of physical activity in children” (<https://pubmed.ncbi.nlm.nih.gov/17465178/>), increased tourism (e.g., walking to an art gallery, then to lunch, then to a shop), and less vehicle pollution. Figuring out a sustainable strategy for sidewalk repairs and maintenance would go a long way to improving the quality of life for Newburgh.

Sidewalk improvement projects are surprisingly difficult to fund as private foundations stay away and municipalities often prioritize street paving because of the straightforward funding pathways. The proposed Sidewalk Improvement District (SID) would consistently raise funds to improve corridors in a predictable and efficient manner. Sidewalk repairs could then be done efficiently in large corridors instead of the current ad-hoc repairs. This study will explore ways to equitably raise funds and the cost/benefit analysis of consolidated improvements.

This study will also explore how Newburgh's historic character can be maintained while improving the ease and enjoyment of walking. The study will also attempt to quantify the increased safety that can result from pedestrians no longer being pushed to the streets by broken and unsafe pathways.

6. State how the project increases the efficiency of the existing system or expands travel choices, including any increases in mobility or usage for pedestrians, bicyclists, transit, and/or freight. (5 points)

A map of Newburgh shows consistent sidewalk coverage throughout the four square miles. Focusing on improving and maintaining this infrastructural asset will 1) prioritize a common public good, 2) promote walking as a means of transportation 3) increase access and mobility and 4) reduce hazards/liability issues.

As Newburgh's population increases as more vacant homes are renovated and as more workers gain office flexibility, providing multiple pathways to transportation will become more important. Investments in bussing and ferries are important but safe walkways provide the crucial connection to these public transport pickup points and other nodes of commerce.

Consistent sidewalks could also increase health and mobility for youth bicyclists under the age of 14 who are allowed to learn to ride on the sidewalk.

Implementation Capacity (35 points)

7. Provide a step by step outline of the primary tasks for the project as you currently envision it. Tasks should be well defined to allow OCTC to understand how the project leads to the expected objective(s) and how the project will be conducted and monitored. (15 points)

Upon award of the cooperative community program, TAC and Newburgh Planning Department, Engineering Department and Orange County Planning Department would solicit a consultant to form a core team and administer the study. The study would entail:

CURRENT SYSTEM

1. Evaluation of our current administrative system and operation
 1. levels of funding for sidewalk repairs
 2. rate of sidewalk repairs
 3. calculations of scope of work

KEY STAKEHOLDER IDENTIFICATION

1. identify key government stakeholders and community organizations

ANALYSIS & RECOMMENDATIONS

1. The number and boundaries of districts
2. Outline repair prioritization criteria and areas
3. Determine algorithm for the tax formula
4. Design implementation process
5. Create a budget, schedule for potential income and rate of repairs
6. Outline any additional funding sources (HUD, NYSDOT, NYSDEC).

At various points in the project, the TAC will inform residents of this study and record their feedback. The TAC will have either monthly meetings to monitor the progress and provide helpful feedback.

8. a) List the project's anticipated final deliverables and accomplishments (guidelines, ordinances, recommendations, concept plans, etc.). b) Explain how the completed project and the recommendations and deliverables will be applied, implemented, or carried forward. (10 points)

The study would produce a report with the following deliverables :

- executive summary
- evaluation of current operations and conditions
- map of proposed districts
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- assessment formula options
- strategies to credit for past privately-paid work
- Sidewalk Legislation template
- recommended assessment formula
- Proposed schedule and budget



9. Describe any outreach efforts (public meetings, advisory groups, survey, social media, etc.) that will be used to reach the general public and project stakeholders, including individuals, community organizations, underrepresented groups, and businesses affected by the project. (10 points)

TAC holds monthly public meetings that could be used to both disseminate information and to receive feedback from affected parties. The study would also lead to a public presentation in front of the City Council in a public forum. We will launch a social media campaign to solicit feedback and to share information on possible benefits of Sidewalk Improvement Districts. We will do outreach to listed organizations to present at their meetings. A press release will be issued to all major local newspapers.

Finally, we will make sure all public materials, newsletter, presentations, and surveys will have a high-quality Spanish translation. Marketing materials will be presented at the Planning Department Building as well as other key sites like Library and City Hall.

Anticipated Project Budget (10 points)

10. Total Project Cost (not to exceed \$65,000):

Describe how the budget was arrived at:

In consultation with other municipalities that have implemented the program or explored the program, we are requesting \$45,000 for six month engagement. The cost covers the consultant fee, marketing material and select number of community meetings.

Application Requirements

1. A brief signed cover letter with a list of project(s) for which applications are being submitted.
2. The completed application for each project. Responses should be no longer than the space provided.
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ORANGE COUNTY TRANSPORTATION COUNCIL

**SFY 2021-2022
Unified Planning Work Program
Cooperative Community Program
Call for Planning Projects**

1. Introduction

The Orange County Transportation Council (OCTC) is the federally designated Metropolitan Planning Organization (MPO) for Orange County. OCTC is responsible for carrying out a continuing, cooperative, and comprehensive multi-modal transportation planning process and programming and coordinating federal highway and transit investments.

The three core responsibilities of OCTC are to develop, implement, and maintain a Long Range Transportation Plan (LRTP) with a 20 year planning horizon, the Transportation Improvement Program (TIP), a 5 year federally funded capital program for transportation projects, and the development and implementation of the annual Unified Planning Work Program (UPWP).

The UPWP is developed annually to prioritize the work tasks which support the goals, objectives, and recommendations of the LRTP. The UPWP follows the State Fiscal Year (SFY), which runs from April 2021 through March 2022 and lists administrative, planning, and technical tasks which are performed by OCTC staff and consultants as needed.

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The Cooperative Community Program Call for Projects is being initiated by the OCTC as part of the preparation for the upcoming SFY 2021-2022 UPWP. The Cooperative Community Program is designed to implement the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout the County and region.

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For the 2021-2022 SFY it is expected that there will be approximately \$130,000 in federal transportation planning funds available for planning projects through the Cooperative Community Program. Total proposed project costs should not exceed \$65,000, with a minimum cost of \$25,000.

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501c (3)s, neighborhood groups, and other organizations must partner with a municipal sponsor in order to apply. Municipal sponsors with jurisdiction over the project area will be required to submit the application and take part in the planning process if approved.

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Proposed projects need to be consistent with one or more of the goals and objectives found in the OCTC 2045 Long Range Transportation Plan.

OCTC LRTP Goals and Objectives

The 2045 Long Range Transportation Plan is a comprehensive multi-modal plan that provides a strategic framework for transportation policy, planning, and investment decision making for the county-wide transportation system. The goals and objectives found in the LRTP serve as guiding principles that directly influence the capital projects pursued in the five-year Transportation Improvement Program (TIP) and the annual transportation planning activities programmed in the Unified Planning Work Program. LRTP goals are summarized below or a full list of the goals and objectives can be found in Chapter 2: Transportation Policies of the 2045 LRTP.

- a. Provide transportation options to the people of Orange County that offer safe, affordable, convenient, and reliable access to employment, education, health care, and the goods services, social interactions, and recreational opportunities that meet their daily needs.
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- ii. Transportation Services and Programs
- Transit Service Feasibility Study
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 - Education/Encouragement (distracted driving programs, bicycle awareness, etc.)
 - Integrating Travel and Tourism into local transportation plans
- iii. Transportation and Land Use Coordination
- Downtown Plans
 - Neighborhood Plans
 - Local Corridor Plans

8. Project Management

All approved applicants will work with OCTC staff to finalize the scope of work and select a project consultant. All consultants will be solicited and managed by OCTC staff. If the applicant and OCTC staff cannot agree on a final scope of work and budget within a reasonable period of time, the project will be withdrawn from consideration in the 2021-2022 UPWP. Consultants will be procured in accordance with the New York State Department of Transportation (NYSDOT) and Orange County (OC) procurement policies and will include the standard clauses necessary for all NYS and OC contracts. Funds will not be provided directly to the municipality.

With limited exceptions, projects must be completed within two years of the contract date.

9. Public Participation

Projects that are expected to result in recommendations or actions with direct or indirect impact on the public are required to adhere to the following:

- a. Approved applicants are required to work with OCTC staff to establish a steering or technical advisory committee and a public participation plan as part of the scoping process.
- b. Assist in engaging community stakeholders, setting up meeting schedules, obtaining meeting venues, and publishing any announcements.
- c. All public meetings should be inclusive of all people in the study area. Efforts should be made to engage groups that are not traditionally involved in the public involvement process, particularly minority, disabled, English as a second

language, and low-income populations. Interested parties should be identified before the meetings.

- d. Public meetings should be advertised using a variety of methods, including but not limited to newspapers, social media, flyers, etc.
- e. Efforts should be made to provide project related information and meeting materials on the applicant's website.

10. Selection Process and Criteria

As part of the review process, an application review subcommittee will be formed. The subcommittee will consist of OCTC staff and OCTC members who would like to participate. OCTC staff will conduct the initial review of applications for eligibility and consistency with the LRTP and then share the eligible applications with the subcommittee for further review. The subcommittee will then make recommendations to the OCTC Planning and Policy Committees and the general public via the standard UPWP review and approval process. The NYSDOT requires all UPWP's to complete the approval process no later than March 1.

Schedule

- August 11, 2020 – Call for Planning Projects issued
- October 9, 2020 – Project Proposal Submission Deadline
- November – December 2020 – OCTC Subcommittee Review and final recommendations to Planning Committee (Approved projects will be included in the 2021-2022 UPWP)
- January 5, 2021* – OCTC Planning Committee final review of the draft UPWP
- January 6, 2021 – February 5, 2021* – 30-day public review period for 2021-2022 UPWP
- February 9, 2021* – OCTC Policy Committee Action on the 2021-2022 UPWP
- April 1, 2021 – SFY 2021-2022 Begins

*Dates subject to change



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

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

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



SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Sidewalk Improvement District Study	NAME OF DEPARTMENT REQUESTING GRANT: Newburgh Transportation Committee	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Naomi Hersson-Ringskog
NAME OF GRANT/NAME OF AWARDING AGENCY: Orange County Transit Council Unified Planning Work Program	GRANT SUBMITTAL DATE: October 9, 2020	AMOUNT OF AWARD: \$45,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) \$0 match	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0.00	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS: N/A

PROJECT PLAN:

Scope of Project:

This study seeks to determine the feasibility of structuring a sidewalk improvement district (SID) program in the City of Newburgh. A SID could potentially create city districts that would be assessed with an annual tax to collectively fund repairs and maintenance. OCTC will be hiring consultant and following the appropriate procurement processes.

Project Timeline: (ex. Dates)

- Start date is January 2021



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO:

COMMENTS:

N/A

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO

COMMENTS:

N/A

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS:

N/A

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE:

[Signature]

DATE:

10-13-20

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER
SIGNATURE:

[Signature]

DATE:

OCT 15 2020



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

Resolution for 10/22/20 work session
+ 10/26/20 Council meeting



City of Newburgh Transportation Advisory Committee

123 Grand St, Newburgh, NY 12550

transportation@cityofnewburgh-ny.gov

facebook.com/groups/newburghtransportation

October 9, 2020

To: Ashlee Long, Orange County Department of Planning / OCTC
From: Transportation Advisory Committee of Newburgh
CC: Alexandra Church, Director of Department of Planning & Development

Re: Unified Planning Work Program SFY 2021-2022 Cooperative Community Program

Dear Ms Long

On behalf of Newburgh Transportation Advisory Committee, I submit three compelling study proposals for the Cooperative Community Program Call for Projects. These proposals reflect the work and advocacy of our resident-led committee to improve our transportation systems and quality of life. Enclosed you will find the proposals and maps for the following projects:

1. Newburgh Sidewalk Improvement District Study
2. Microtransit Study for Newburgh
3. Wayfinding along Lake Street Corridor in Newburgh, NY

We will be submitting the resolution after the November City Council Meeting. We look forward to hearing from you.

Respectfully

Naomi Hersson-Ringskog

Co-Chair of Transportation Advisory Committee

transportation@cityofnewburgh-ny.gov | 202.413.4262



ORANGE COUNTY TRANSPORTATION COUNCIL

Unified Planning Work Program
SFY 2021-2022
Cooperative Community Program
Call for Planning Projects

General Information

Proposed Project Name: Sidewalk Improvement Districts Study
Applicant/Lead Agency: Newburgh Transportation Advisory Committee (TAC)
Other Involved Agencies: Newburgh Department of Planning
Contact Person and Title: Naomi Hersson-Ringskog, Member
Address: 297 Grand st
Newburgh NY 12550
Phone: 2024134262
E-mail: NRingskog@gmail.com
Anticipated Project Length (ex. 11 months): 6 months

Project Support

Supporting Resolution Attached: ☐ Yes ☒ No

Supporting Resolution Forthcoming: ☒ Yes ☐ No

Identify the level of support from elected officials and municipal decision makers.

Anthony Grice, City Council Member
Alexandra Church, Director of Planning & Development

Chief Elected Official or Appointed Representative

Name/Signature: Gabriel Berlin

Digitally signed by Gabriel Berlin
Date: 2020.10.09 16:14:49 -04'00'

Date: 10/9/20

Project Character (35 points)

1. Provide a brief project summary including location, objective(s), and what will be achieved if the project is selected. The objective should not assume a predetermined result or recommendation. (5 points)

This study seeks to determine the feasibility of structuring a sidewalk improvement district (SID) program in the City of Newburgh. A SID could potentially create city districts that would be assessed with an annual tax to collectively fund repairs and maintenance. The study area will cover the entire four square miles of the City of Newburgh.

The objectives of this study are to determine if consistent annual costs versus large, one-time costs are appealing to property owners; if a streamlined process would result in faster and more efficient sidewalk repairs; if tax-exempt property owners could participate in sidewalk financing; and to determine a framework to balance the increased costs against the public good resulting from decreased injury and increased walkability.

This project will help reveal a path forward on a long-neglected infrastructure problem and can build trust between government and residents. As the City of Newburgh population grows and as tourism increases, this study could provide a path to boosting the city economy while improving access to transit and public health.

2. Describe the issues and trends that have led to the need for this project, efforts to address them, and why it is important to advance this project at this time. (10 points)

Newburgh is only four square miles but is rarely seen as a walkable city because of sidewalk disrepair. Repairing historic bluestone is costly and difficult and most property owners neglect the maintenance of their sidewalks. At TAC public meetings, local citizens with disabilities like John Harper of Independent Living and Margaret Sanchez routinely speak up about great difficulty navigating through the city. A mostly-blind citizen remarked that he “feels safer in walking in the streets.” Local mothers are often seen pushing strollers in the streets instead of navigating broken sidewalks.

The city’s engineering department has not conducted a sidewalk inventory to determine the scale of this problem and areas of priority. Enforcing property owner code around necessary repairs is administratively difficult and futile. However it has diligently tackled the problem by upgrading select intersections for ADA Curb Cut Compliances.

TAC has been promoting walking as a means for commuting, recreation, and enjoyment by encouraging walking groups, painting crosswalks, hosted charrettes for rightsizing car-dominant corridors, advocating for HUD CBDG funding for sidewalk improvements.

Newburgh has several characteristics that point to the need for a new approach to fixing sidewalks: 25% of the population live below the poverty line, 70% of the residents are renters, 600 properties are vacant, and 48% of the city square footage is classified as non-taxable. Most importantly, 30% of the city population does not have access to a car and relies on walking and transit options.

3. Describe how disadvantaged populations (i.e. minority, low income, disabled, older residents, etc.) will be engaged in the planning process. (5 points)

From its inception, TAC has been a proactive force in communicating and advocating equitable transportation issues and opportunities. TAC will inform the general public by using various platforms including our monthly meetings, our Facebook Group with 500+ followers, and a presentation at a public City Council meeting. With these platforms, we will provide information about the study and will solicit feedback in the form of a simple, bilingual survey. Together with city representatives, we would aim to do 1-2 "office hour" sessions to answer community questions directly.

With our past projects and advocacy, we have fostered positive relations with Independent Living, Black and Latinx Health Coalition, Newburgh Public Housing, Catholic Charities, Planned Parenthood and community leader of senior homes at Belvedere. As this policy would affect homeowners, we will work closely with Habitat for Humanity and the Newburgh Community Land Bank. To reach the Latino community (50% of Newburgh's population), we will leverage community organizations like Latinos Unidos, Nobody Leaves the Mid Hudson, and Community Voices Heard. All marketing materials will be made available with Spanish translations. 

4. a) Explain how this project addresses one or more of the goals and objectives found in the Long Range Transportation Plan found in Chapter 2: Transportation Policies. b) If this project is part of a larger planning effort, please explain. (15 points)

This study will help OCTC reach its general LRTP goals:

- a) offering safe, affordable, convenient and reliable access for residents
- b) providing a maintained, managed, and repaired infrastructure, and
- c) creating economic value and enhancing quality of life through this innovative, cooperative funding model.

A SID could potentially help meet the ten Federal Planning Factors:

- 1. Increase economic efficiency via coordinated repair instead of ad-hoc repair
- 2. Improve walker safety and avoid pushing pedestrians into roadways
- 3. Reliable walkways become an additional method of transport
- 4. Increase accessibility as existing sidewalks pose huge challenges to disabled users
- 5. Health benefits of a walkable city are clear and well studied
- 6. Walking is a primary path to connect to ferries and buses and other nodes
- 7. Organized repair of historic walkways is far more efficient and uniform than ad-hoc repairs by property owners
- 8. The existing walkway infrastructure is a great strength but demands a plan for sensible repair
- 9. Multiple, safe paths will improve resiliency
- 10. The ability to walk safely between restaurants, shops, and galleries will improve tourism

Transportation System Advancement (30 points)

5. Describe how the project will facilitate the effective and efficient use of public resources to improve the safety of transportation services and/or facilities and enhance community character and quality of life. (25 points)

A highly walkable city confers great benefits for a community including “lower BMI among adults and higher levels of physical activity in children” (<https://pubmed.ncbi.nlm.nih.gov/17465178/>), increased tourism (e.g., walking to an art gallery, then to lunch, then to a shop), and less vehicle pollution. Figuring out a sustainable strategy for sidewalk repairs and maintenance would go a long way to improving the quality of life for Newburgh.

Sidewalk improvement projects are surprisingly difficult to fund as private foundations stay away and municipalities often prioritize street paving because of the straightforward funding pathways. The proposed Sidewalk Improvement District (SID) would consistently raise funds to improve corridors in a predictable and efficient manner. Sidewalk repairs could then be done efficiently in large corridors instead of the current ad-hoc repairs. This study will explore ways to equitably raise funds and the cost/benefit analysis of consolidated improvements.

This study will also explore how Newburgh's historic character can be maintained while improving the ease and enjoyment of walking. The study will also attempt to quantify the increased safety that can result from pedestrians no longer being pushed to the streets by broken and unsafe pathways.

6. State how the project increases the efficiency of the existing system or expands travel choices, including any increases in mobility or usage for pedestrians, bicyclists, transit, and/or freight. (5 points)

A map of Newburgh shows consistent sidewalk coverage throughout the four square miles. Focusing on improving and maintaining this infrastructural asset will 1) prioritize a common public good, 2) promote walking as a means of transportation 3) increase access and mobility and 4) reduce hazards/liability issues.

As Newburgh's population increases as more vacant homes are renovated and as more workers gain office flexibility, providing multiple pathways to transportation will become more important. Investments in bussing and ferries are important but safe walkways provide the crucial connection to these public transport pickup points and other nodes of commerce.

Consistent sidewalks could also increase health and mobility for youth bicyclists under the age of 14 who are allowed to learn to ride on the sidewalk.

Implementation Capacity (35 points)

7. Provide a step by step outline of the primary tasks for the project as you currently envision it. Tasks should be well defined to allow OCTC to understand how the project leads to the expected objective(s) and how the project will be conducted and monitored. (15 points)

Upon award of the cooperative community program, TAC and Newburgh Planning Department, Engineering Department and Orange County Planning Department would solicit a consultant to form a core team and administer the study. The study would entail:

CURRENT SYSTEM

1. Evaluation of our current administrative system and operation
 1. levels of funding for sidewalk repairs
 2. rate of sidewalk repairs
 3. calculations of scope of work

KEY STAKEHOLDER IDENTIFICATION

1. identify key government stakeholders and community organizations

ANALYSIS & RECOMMENDATIONS

1. The number and boundaries of districts
2. Outline repair prioritization criteria and areas
3. Determine algorithm for the tax formula
4. Design implementation process
5. Create a budget, schedule for potential income and rate of repairs
6. Outline any additional funding sources (HUD, NYSDOT, NYSDEC).

At various points in the project, the TAC will inform residents of this study and record their feedback. The TAC will have either monthly meetings to monitor the progress and provide helpful feedback.

8. a) List the project's anticipated final deliverables and accomplishments (guidelines, ordinances, recommendations, concept plans, etc.). b) Explain how the completed project and the recommendations and deliverables will be applied, implemented, or carried forward. (10 points)

The study would produce a report with the following deliverables :

- executive summary
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 - Local Corridor Plans

8. Project Management

All approved applicants will work with OCTC staff to finalize the scope of work and select a project consultant. All consultants will be solicited and managed by OCTC staff. If the applicant and OCTC staff cannot agree on a final scope of work and budget within a reasonable period of time, the project will be withdrawn from consideration in the 2021-2022 UPWP. Consultants will be procured in accordance with the New York State Department of Transportation (NYSDOT) and Orange County (OC) procurement policies and will include the standard clauses necessary for all NYS and OC contracts. Funds will not be provided directly to the municipality.

With limited exceptions, projects must be completed within two years of the contract date.

9. Public Participation

Projects that are expected to result in recommendations or actions with direct or indirect impact on the public are required to adhere to the following:

- a. Approved applicants are required to work with OCTC staff to establish a steering or technical advisory committee and a public participation plan as part of the scoping process.
- b. Assist in engaging community stakeholders, setting up meeting schedules, obtaining meeting venues, and publishing any announcements.
- c. All public meetings should be inclusive of all people in the study area. Efforts should be made to engage groups that are not traditionally involved in the public involvement process, particularly minority, disabled, English as a second

language, and low-income populations. Interested parties should be identified before the meetings.

- d. Public meetings should be advertised using a variety of methods, including but not limited to newspapers, social media, flyers, etc.
- e. Efforts should be made to provide project related information and meeting materials on the applicant's website.

10. Selection Process and Criteria

As part of the review process, an application review subcommittee will be formed. The subcommittee will consist of OCTC staff and OCTC members who would like to participate. OCTC staff will conduct the initial review of applications for eligibility and consistency with the LRTP and then share the eligible applications with the subcommittee for further review. The subcommittee will then make recommendations to the OCTC Planning and Policy Committees and the general public via the standard UPWP review and approval process. The NYSDOT requires all UPWP's to complete the approval process no later than March 1.

Schedule

- August 11, 2020 – Call for Planning Projects issued
- October 9, 2020 – Project Proposal Submission Deadline
- November – December 2020 – OCTC Subcommittee Review and final recommendations to Planning Committee (Approved projects will be included in the 2021-2022 UPWP)
- January 5, 2021* – OCTC Planning Committee final review of the draft UPWP
- January 6, 2021 – February 5, 2021* – 30-day public review period for 2021-2022 UPWP
- February 9, 2021* – OCTC Policy Committee Action on the 2021-2022 UPWP
- April 1, 2021 – SFY 2021-2022 Begins

*Dates subject to change

RESOLUTION NO. 265 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A LAKE STREET WAYFINDING STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a wayfinding study in the Lake Street corridor to increase the number of walking and biking trips, reduce confusion on the streets, reduce greenhouse emissions in the City of Newburgh to promote public health and safety by reducing risks and increasing walkability and bicycling; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a wayfinding study in the Lake Street corridor; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Lake Street Wayfinding	NAME OF DEPARTMENT REQUESTING GRANT: Newburgh Transportation Committee	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Naomi Hersson-Ringskog
NAME OF GRANT/NAME OF AWARDING AGENCY: Orange County Transit Council Unified Planning Work Program	GRANT SUBMITTAL DATE: October 9, 2020	AMOUNT OF AWARD: \$30,000.00
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) \$0 match	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0.00	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS: N/A
PROJECT PLAN: Scope of Project: The project proposes designing a wayfinding system along Lake Street corridor that helps connect the natural assets in the community. This project advocates for community-led design practices and equitable access to green space. 3 Project Timeline: (ex. Dates) • Start date is Spring 2021		



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO:

COMMENTS:

N/A

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO

COMMENTS:

N/A

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS:

N/A

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE:



DATE:

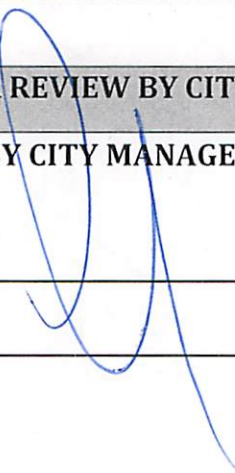
10-13-20

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO

CITY MANAGER
SIGNATURE:



DATE:



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

Resolution for 10/22/20 work session
+ 10/26/20 Council meeting



City of Newburgh Transportation Advisory Committee

123 Grand St, Newburgh, NY 12550

transportation@cityofnewburgh-ny.gov

facebook.com/groups/newburghtransportation

October 9, 2020

To: Ashlee Long, Orange County Department of Planning / OCTC
From: Transportation Advisory Committee of Newburgh
CC: Alexandra Church, Director of Department of Planning & Development

Re: Unified Planning Work Program SFY 2021-2022 Cooperative Community Program

Dear Ms Long

On behalf of Newburgh Transportation Advisory Committee, I submit three compelling study proposals for the Cooperative Community Program Call for Projects. These proposals reflect the work and advocacy of our resident-led committee to improve our transportation systems and quality of life. Enclosed you will find the proposals and maps for the following projects:

1. Newburgh Sidewalk Improvement District Study
2. Microtransit Study for Newburgh
3. Wayfinding along Lake Street Corridor in Newburgh, NY

We will be submitting the resolution after the November City Council Meeting. We look forward to hearing from you.

Respectfully

A handwritten signature in black ink, appearing to be "Naomi Hersson-Ringskog".

Naomi Hersson-Ringskog

Co-Chair of Transportation Advisory Committee

transportation@cityofnewburgh-ny.gov | 202.413.4262



ORANGE COUNTY TRANSPORTATION COUNCIL

Unified Planning Work Program
SFY 2021-2022
Cooperative Community Program
Call for Planning Projects

General Information

Proposed Project Name: Lake Street Corridor Wayfinding
Applicant/Lead Agency: Newburgh Transportation Advisory Committee
Other Involved Agencies: Newburgh Department of Planning
Contact Person and Title: Naomi Hersson-Ringskog, Member
Address: 297 Grand st
Newburgh NY 12550
Phone: 2024134262
E-mail: NRingskog@gmail.com
Anticipated Project Length (ex. 11 months): 4 months

Project Support

Supporting Resolution Attached: ☐ Yes ☒ No

Supporting Resolution Forthcoming: ☒ Yes ☐ No

Identify the level of support from elected officials and municipal decision makers.

Anthony Grice, City Council Member
Alexandra Church Director of Planning & Development

Chief Elected Official or Appointed Representative

Name/Signature: Gabriel Berlin

Digitally signed by Gabriel Berlin
Date: 2020.10.09 16:15:03 -04'00'

Date: 10/9/20

Project Character (35 points)

1. Provide a brief project summary including location, objective(s), and what will be achieved if the project is selected. The objective should not assume a predetermined result or recommendation. (5 points)

Lake Street Corridor is located at the south-western side of Newburgh, at one of the two entrances from New Windsor. This two-mile car-dominated stretch is an overlooked, underutilized corridor that connects three of Newburgh's great outdoor natural assets: Quassaick Creek, Muchattoes Lake, and Crystal Lake. The corridor also connects to the popularly used Delano-Hitch Park.

Our goal is to continue to build off of our past work of re-imagining this corridor as a right-sized destination that connects and amplifies the area's existing assets for the public to enjoy. The project proposes wayfinding systems as an asset and opportunity for the community. The project advocates for community-led design practices and equitable access to green space. 

2. Describe the issues and trends that have led to the need for this project, efforts to address them, and why it is important to advance this project at this time. (10 points)

Despite Lake Street's strategic location and nearby mixed use amenities, many locals are deterred by hazardous road conditions. Locals describe access as unwelcoming and "outright dangerous". The car-dominated corridor has four traffic lanes and faded crosswalks -- a perilous barrier for thousands of residents without a car. The City's highest concentration of financially assisted housing is adjacent to the park; Burton Towers, Lake Street Apartments, and Mullins Apartments. Independent Living submitted 35 complaints for the intersection at Washington Terrace and Lake Street.

To address these issues and to craft solutions with the community TAC and the City have done the following community-supported efforts: "Reimagine Lake Street corridor" charrette in 2019, annual Muchattoes Lake cleanups in 2019,2020, an AARP complete streets demonstration project in 2018, the Lake Street bridge replacements in 2019 and 2020, ALTA design plans in 2017, and a Quassaick Creek butterfly garden/walking path.

As Newburgh continues to reclaim its walkable street grid, investment in 

3. Describe how disadvantaged populations (i.e. minority, low income, disabled, older residents, etc.) will be engaged in the planning process. (5 points)

At its core, the planning and design process involves understanding the users' needs. This can be obtained through public engagement and performing qualitative and quantitative research that provides an inventory of destinations and how the public uses the physical environment to orient themselves and navigate.

The geographic scope of this project includes residents receiving housing assistance, individuals with disabilities, and communities of color. We will target and engage the residents who live, work, pray, or play at the many community organizations and housing complexes nearby. We plan to engage elected officials and community leaders through small zoom meetings. We will inform residents at convenient locations (close to home and after standard work hours), utilize their native language (Spanish) whenever



4. a) Explain how this project addresses one or more of the goals and objectives found in the Long Range Transportation Plan found in Chapter 2: Transportation Policies. b) If this project is part of a larger planning effort, please explain. (15 points)

This project will

PROMOTE a safe, affordable convenient, and reliable access to social interactions, recreational opportunities, health care, employment.

SUPPORT a seamless, connected and efficient pedestrian and bicycling transportation grid in the Western portion of Newburgh.

BUILD a coordinated transportation, land use, economic development and sustainability foundation for the area around Lake Street corridor.

Wayfinding helps increase the number of trips made by walking and biking, better wayfinding help reduce confusion on the streets which reduces serious injuries, reduce greenhouse gas emissions by promoting alternative mode of transportation.

Equitable accessibility is key to the project's success. Many describe access in this area as unwelcoming and "outright dangerous". Considering the area includes residents receiving housing assistance, individuals with disabilities, communities of color, and thousands of residents without a car, the urgent issue of safety fueled conversations surrounding "Complete Streets" that demanded narrowing of the oversized driving lanes to create a dedicated



Transportation System Advancement (30 points)

5. Describe how the project will facilitate the effective and efficient use of public resources to improve the safety of transportation services and/or facilities and enhance community character and quality of life. (25 points)

For a city blessed with 341 acres of parkland and greenspace – in just 3.8 square miles – and 85% of residents living near a park, Newburgh suffers from lack of visibility and unsafe access to the green infrastructure sorely needed for people's health and wellbeing.

A highly walkable city confers great benefits for a community as it increases physical activity, increases small business patronage and less vehicle pollution. A more walkable city also builds social cohesion as strangers see each other in the street.

The goals of the wayfinding plan would be focused to create a strong sense of place, help visitors find their way to and around the district, and enhance the experience of its many historical, recreational, cultural, and commercial amenities. These goals will allow the team to develop a system that defines district boundaries with a unique design, communicate information at key decision points, and provide supporting information along the way to the users' destination. Finally, wayfinding can enhance the visual brand character, define districts, and create a sense of place and boundaries to the community.

6. State how the project increases the efficiency of the existing system or expands travel choices, including any increases in mobility or usage for pedestrians, bicyclists, transit, and/or freight. (5 points)

This project will articulate the community's insights regarding accessibility issues to city parks and green spaces. This resourceful because it is harnessing the existing assets and if the study is implemented, it is a low cost-effective measure to investing in this corridor. The incremental approach adopts a complete streets framework that plans pedestrians, rollers, and bicyclists.

The primary tasks of the wayfinding study will inspire more conversations about access points and entryways to other green parks in the city, thus laying the foundation for connecting all the city's parks into an emerald



Implementation Capacity (35 points)

7. Provide a step by step outline of the primary tasks for the project as you currently envision it. Tasks should be well defined to allow OCTC to understand how the project leads to the expected objective(s) and how the project will be conducted and monitored. (15 points)

Upon award of the cooperative community program, the Transportation Advisory Committee and City of Newburgh Planning Department, Engineering Department, and Orange County Planning Department would solicit a consultant to do the following tasks

1. Background Research and Stakeholder Gathering
2. Existing Conditions: In person audit and documentation
3. Planning, Charrette & Coordination: Work with the planning team and stakeholder to understand user needs and opportunities and location planning.
4. Development of Conceptual Designs for proposed Corridor

At various points in the project, the TAC will inform residents of this study and record their feedback. The TAC will have either monthly meetings to monitor the progress and provide helpful feedback.

8. a) List the project's anticipated final deliverables and accomplishments (guidelines, ordinances, recommendations, concept plans, etc.). b) Explain how the completed project and the recommendations and deliverables will be applied, implemented, or carried forward. (10 points)
- Research & Discovery: Audits, charrettes, document and goal review. Final outcome is "Wayfinding Design Plan"
 - Concept design: 3 concepts based on analysis and alignment as noted above. Final outcome is an approved design of sign types, colors, typography, as well as recommended nomenclature and locations.
 - Design Development: final concept expanded to include materials, fabrication and maintenance issues. Final outcome is an approved set of design standards including all color, typography, icons, size, locations, nomenclature, locations, materials, fabrication and install recommendations
 - Contract Documents: Final design with all elements in a 'Design Intent document' that will be used to send to bidders including a scope of work and project requirements.
 - Construction Phase Services: All final artwork is produced and approved by client, coordination and oversight of fabricator including review and approval of materials.
9. Describe any outreach efforts (public meetings, advisory groups, survey, social media, etc.) that will be used to reach the general public and project stakeholders, including individuals, community organizations, underrepresented groups, and businesses affected by the project. (10 points)

The geographic scope of this project includes residents receiving housing assistance, individuals with disabilities, and communities of color. We will target and engage the residents who live, work, pray, or play at the many community organizations and housing complexes nearby. We plan to engage elected officials and community leaders through one-on-one meetings. We will inform residents at convenient locations (close to home and after standard work hours), utilize their native language.

In addition to items mentioned in question #3, outreach efforts will focus on the businesses along Lake Street Corridor, The Armory Unity Center, the local Public Housing residences, Lake Street Apartments, City's Recreational Department, Independent Living, Healthy Black and Latinx Coalition members, Catholic Charities listening session members, and participants, Newburgh Free Academy program, Scenic Hudson, Outdoor Promise, and City Councilman Robert Sklarz.

Anticipated Project Budget (10 points)**10. Total Project Cost (not to exceed \$65,000):**

Describe how the budget was arrived at:

In consultation with other municipalities that have implemented the program or explored the program, we are requesting \$30,000 for a four-month engagement. The cost covers the consultant fee, marketing material, and a select number of community meetings.

Application Requirements

1. A brief signed cover letter with a list of project(s) for which applications are being submitted.
2. The completed application for each project. Responses should be no longer than the space provided.
3. A map illustrating project location and boundaries.
4. Supporting resolution for the project(s). *This resolution may be submitted after the application deadline but must be submitted before project scoping can begin.*

Applications must be submitted electronically (preferred) or by mail to the Cooperative Community Program Coordinator (listed below) by close of business on October 9, 2020. It is recommended you request a read receipt to confirm delivery of your electronic submission. Applications received by fax will not be accepted.

Questions, comments, and completed applications should be directed to:

Ashlee Long
 Orange County Transportation Council
 Orange County Planning Department
 124 Main St.
 Goshen, NY 10924s
octc@orangecountygov.com
 (845)-615-3859

RESOLUTION NO. 266 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A MICROTRANSIT FEASIBILITY STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a microtransit feasibility study to determine whether microtransit will strengthen the transportation network in Newburgh and its surrounding areas, including Montgomery and Beacon to improve mobility for City of Newburgh residents; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a microtransit feasibility study; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.



City of Newburgh

GRANT APPLICATION FORM

RECEIVED
10/14/2020

SCANNED
10/15/2020

Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: Microtransit Study for Newburgh, NY	NAME OF DEPARTMENT REQUESTING GRANT: Newburgh Transportation Committee	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Naomi Hersson-Ringskog
NAME OF GRANT/NAME OF AWARING AGENCY: Orange County Transit Council Unified Planning Work Program	GRANT SUBMITTAL DATE: October 9, 2020	AMOUNT OF AWARD: \$0 45,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) \$0 match	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0.00	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS: N/A

PROJECT PLAN:

Scope of Project:

We propose to conduct a microtransit feasibility study to assess whether microtransit (technology-enabled shared transportation that doesn't run on fixed schedules or routes) could strengthen the transit network in Newburgh and surrounding areas, including Montgomery and Beacon.

Project Timeline: (ex. Dates)

- Four months from date of award.



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER

GRANT MATCH REQUIREMENT REVIEWED? YES/NO: YES

COMMENTS: N/A

IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO: YES

COMMENTS: N/A

STAFFING ISSUES REVIEWED? YES/NO:

COMMENTS: N/A

ANY ADDITIONAL COMMENTS:

→ APPROVED BY CITY COMPTROLLER? YES/NO

CITY COMPTROLLER
SIGNATURE: [Signature]

DATE: 10-13-20

NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.

SECTION C: FOR REVIEW BY CITY MANAGER

→ APPROVED BY CITY MANAGER? YES/NO: YES

CITY MANAGER
SIGNATURE: [Signature]

DATE: OCT 15 2020



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

10/14/20

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

Resolution for 10/22/20 work session
& 10/26/20 council meeting



ORANGE COUNTY TRANSPORTATION COUNCIL

Unified Planning Work Program
SFY 2021-2022
Cooperative Community Program
Call for Planning Projects

General Information

Proposed Project Name: Microtransit Study for Newburgh, NY
Applicant/Lead Agency: Newburgh Transportation Advisory Committee
Other Involved Agencies: Newburgh Department of Planning
Contact Person and Title: Naomi Hersson-Ringskog, Member
Address: 297 Grand st
Newburgh NY 12550
Phone: 2024134262
E-mail: NRingskog@gmail.com
Anticipated Project Length (ex. 11 months): 4 months

Project Support

Supporting Resolution Attached: ☐ Yes ☒ No

Supporting Resolution Forthcoming: ☒ Yes ☐ No

Identify the level of support from elected officials and municipal decision makers.

Anthony Grice, City Council Member
Alexandra Church Director of Planning & Development

Chief Elected Official or Appointed Representative

Name/Signature: Gabriel Berlin

Digitally signed by Gabriel Berlin
Date: 2020.10.09 16:14:31 -04'00'

Date: 10/9/20

Project Character (35 points)

1. Provide a brief project summary including location, objective(s), and what will be achieved if the project is selected. The objective should not assume a predetermined result or recommendation. (5 points)

We propose to conduct a microtransit feasibility study to assess whether microtransit could strengthen the transit network in Newburgh and surrounding areas, including Montgomery and Beacon. Microtransit is technology-enabled shared transportation that doesn't run on fixed schedules or routes, providing a convenient and efficient transportation option for Orange County residents and expanding the geographic and demographic reach of Orange County's transit network. Nearby cities, such as Jersey City and Newton, MA, have leveraged microtransit to flexibly improve mobility in their communities.

The study will examine existing conditions underlying successful microtransit design (e.g., population density, key trip generators, population without access to private vehicles), develop several flexible service designs, and perform cost-benefit analysis to determine whether the service scenarios would cost-effectively address transit needs in the area. The study will include capital and operational planning to meet anticipated demand levels, providing a clear roadmap for County transit planners to implement the microtransit service. Finally, the study will carefully analyze how microtransit could augment existing Transit Orange service in the area, such as adding service hours not currently provided (e.g., Sundays and evenings) and improving quality of service to Dial-A-Ride customers.

2. Describe the issues and trends that have led to the need for this project, efforts to address them, and why it is important to advance this project at this time. (10 points)

Public transit is a critical mode of transportation for many Newburgh residents, as 30% of Newburgh's population does not have access to a private vehicle. Existing transit service has received complaints for being limited and inconvenient, including the lack of service hours on Sundays and during evenings, spotty service and lateness without notification to customers, and absence of connection to key areas of employment, such as distribution centers in Montgomery. These frustration have been voiced and recorded at the Transportation Advisory Committee's monthly meetings. TAC has taken pro-active steps in working with Orange County Transit.

By examining the feasibility of alternative transit modes, Orange County could design more convenient and cost-effective transit services that increase access to jobs, educational opportunities, grocery stores, health care, and other critical services for County residents, especially vulnerable communities.

During this period of economic and public budgetary challenges, advancing a clear plan for the implementation of microtransit in Newburgh and surrounding areas will lead to higher quality transit service at lower cost, and drive economic development as the mobility of residents improves. Microtransit can be effective and efficient in areas where fixed route transit is not supported by density.

3. Describe how disadvantaged populations (i.e. minority, low income, disabled, older residents, etc.) will be engaged in the planning process. (5 points)

The main goal of microtransit is to expand transit's geographic and demographic reach, usually serving populations that are low-income, geographically isolated, and/or lacking other reliable transportation options. Accordingly, engaging disadvantaged populations is a critical part of the planning process, and will include:

- Public engagement with key stakeholders and community organizations representing disadvantaged populations
- Data collection of current travel patterns and accessibility needs for disadvantaged populations
- Spatial analysis of demographic and socioeconomic data to determine where disadvantaged populations live and work and to support the design of microtransit service zones that serve these groups
- Strong focus on accessibility in the microtransit planning process, such as determining the number of wheelchair accessible vehicles (WAVs) required to serve persons that are disabled and inclusion of booking and payment strategies for persons without smartphones and the unbanked

4. a) Explain how this project addresses one or more of the goals and objectives found in the Long Range Transportation Plan found in Chapter 2: Transportation Policies. b) If this project is part of a larger planning effort, please explain. (15 points)

A microtransit feasibility study will address all of the goals stated in the Long Range Transportation Plan. We focus below on the specific objectives achieved by implementation of a microtransit service in Newburgh and surrounding areas.

- **INCREASE number and share of trips made by walking, biking, and transit.** Microtransit will attract more riders to the broader transit network by allowing for tech-enabled upgrades for customers, such as a mobile application for ride booking, fare payment, and real-time ride monitoring, as well as shorter wait times and quicker trips.
- **INCREASE the number of visitors using passenger rail and bus services to access destinations in Orange County.** The microtransit feasibility study will focus on first- and last-mile connections to the Metro-North station in Beacon, the New Jersey Transit station in Salisbury Mills, and Transit Orange hubs.
- **INCREASE the number of jobs that can be accessed within 30 minutes by walking, biking, driving, and transit.** Microtransit service zones will expand transit coverage, reducing trip times and increasing the number of jobs within 30 minutes by transit.
- **REDUCE vehicle miles of travel per capita.** Microtransit will encourage mode shift from private vehicles, increasing the use of shared transportation and reducing VMT.
- **REDUCE the share of greenhouse gas emissions and other emissions from transportation sources.** By reducing VMT and using smaller (and potentially electric) vehicles, implementing microtransit would reduce greenhouse gas emissions.

Transportation System Advancement (30 points)

5. Describe how the project will facilitate the effective and efficient use of public resources to improve the safety of transportation services and/or facilities and enhance community character and quality of life. (25 points)

The purpose of the feasibility study is to facilitate the implementation of microtransit service in Newburgh and surrounding areas through data-driven research, community engagement, and sophisticated microtransit planning tools. Careful service planning is critical for ensuring a future microtransit service successfully addresses community transit needs. By following recommendations from the study, microtransit service has the potential to greatly improve the quality, safety, and efficiency of public transit in Orange County.

Microtransit provides a flexible alternative and complement to fixed route transit, enabling shorter walking distances, quicker trips, lower wait times, and little if any reliance on transit infrastructure. Unlike Dial-A-Bus, which requires trips scheduled at least 24 hours in advance, microtransit refers to real-time dynamic vehicle routing that can change on a moment's notice, allowing riders to go anywhere in the service zone on-demand. Passengers usually walk a block or two and catch a ride at a "virtual bus stop" — boarding at a common corner avoids unnecessary detours and makes the service much more effective. Further, customers are not required to wait outside for a bus and only walk a short distance determined by the public agency overseeing the service. This increases safety by improving accessibility and eliminating time waiting outside, while also reducing expenditures on transit facilities.

Along the passenger's route, sophisticated dynamic routing algorithms use real-time, on-the-ground information to add other people traveling in the same direction into the same vehicle. Riders are picked up and dropped off in an endless stream. This translates into a ride that's extremely efficient, environmentally friendly, and financially smart. Further, customers can monitor their rides in real-time in the mobile app, increasing transparency.

Providers of microtransit make it a priority to offer full integration with the larger public transportation ecosystem. They offer features like custom-branded (and translated) mobile apps, options to pay with existing fare cards, and multimodal trip planning so riders can get from point A to point B, all in one app.

Finally, well-planned microtransit builds in accessibility, eliminating the need for a separate dedicated paratransit service in the microtransit service zone. Microtransit services include wheelchair accessible vehicles (WAVs) and can be configured to automatically provide door-to-door service for those who require it.

6. State how the project increases the efficiency of the existing system or expands travel choices, including any increases in mobility or usage for pedestrians, bicyclists, transit, and/or freight. (5 points)

By facilitating the launch of a microtransit service, the feasibility study could greatly improve overall service efficiency, while attracting new riders to Orange County's transit network. Microtransit will provide the residents of Newburgh and surrounding areas with a more convenient transit option, and with greater geographic coverage than the current fixed route system enabling increased overall access to transit and improved mobility. Further, by replacing underperforming fixed routes with microtransit, Orange County can provide a higher quality of service with fewer vehicle hours, improving overall service efficiency.

Implementation Capacity (35 points)

7. Provide a step by step outline of the primary tasks for the project as you currently envision it. Tasks should be well defined to allow OCTC to understand how the project leads to the expected objective(s) and how the project will be conducted and monitored. (15 points)

Below, we outline each task that will be completed as part of the microtransit feasibility study.

- 1) **Existing conditions analysis.** The project team will conduct spatial analysis using census data (e.g., job density, population density) and locate key trip generators within Newburgh and surrounding areas. The project team will also analyze the existing fixed route network within Newburgh to assess coverage and evaluate if there are underperforming routes in certain areas or during certain times of day.
- 2) **Stakeholder engagement.** The project team will meet with community stakeholders and organizations as designated by the Newburgh Transportation Advisory Committee, including those representing disadvantaged populations, in order to learn challenges with the current transit network and goals for a future microtransit service.
- 3) **Microtransit zone selection and design.** Based on the existing conditions analysis and stakeholder meetings, the project team will design microtransit service zones that will best serve Newburgh, Montgomery, and Beacon communities.
- 4) **Simulations and key performance indicators.** The project team will simulate microtransit service using software tools that allow for testing of different service parameters (e.g., walk distance, wait time), as well as supply and demand scenarios. Based on the simulation results, the project team will recommend vehicle supply and size to best meet anticipated demand levels, while achieving quality of service objectives. The project team will also perform a cost-benefit analysis of each service design scenario.
- 5) **Implementation plan.** The project team will analyze capital and operational costs required to implement and maintain the microtransit service, as well as potential funding sources.

8. a) List the project's anticipated final deliverables and accomplishments (guidelines, ordinances, recommendations, concept plans, etc.). b) Explain how the completed project and the recommendations and deliverables will be applied, implemented, or carried forward. (10 points)

The final microtransit feasibility study will provide the following:

- 1) **A clear understanding of transit need and demand for a microtransit service.** After establishing whether microtransit is an appropriate strategy for improving mobility in Newburgh and surrounding areas, the feasibility study would explain where microtransit could most strengthen the existing transit network and the expected demand levels for the service.
- 2) **Microtransit service design and simulation results.** The study will recommend service zones that incorporate the existing conditions analysis and stakeholder comments. The project team will provide results from sophisticated simulations to determine the number of vehicles and service parameters that would best meet expected demand levels and the Transportation Advisory Committee's goals and objectives.
- 3) **A detailed implementation plan.** The study will outline capital and operational costs required for the implementation and maintenance of the service, providing a clear plan for the County to support a sustainable microtransit program.

In short, the feasibility study will provide clear justification and planning for launching a successful microtransit service in Newburgh and surrounding areas.

9. Describe any outreach efforts (public meetings, advisory groups, survey, social media, etc.) that will be used to reach the general public and project stakeholders, including individuals, community organizations, underrepresented groups, and businesses affected by the project. (10 points)

As part of Task 2, the project team will set up meetings with designated stakeholders and community organizations, including groups representing disadvantaged populations, to ensure feedback is solicited across all community interests.

TAC will reach out to Orange County Citizens Foundation to inform of the project and hear any relevant feedback or relevant past studies. For community outreach efforts, TAC will reach out to organizations including RECAP, Senior Apartments, Black and Latinx Health Coalition, Planned Parenthood, and Orange County Department of Health who just completed their two year listening session with Catholic Charities.

Further, the project team will designate members of each stakeholder group to be involved in recurring public meetings that provide updates on the status of the project, and allow for stakeholders to continuously engage with the project team throughout the duration of the study.

Material will be provided in English and Spanish.

Anticipated Project Budget (10 points)**10. Total Project Cost (not to exceed \$65,000):**

Describe how the budget was arrived at:

The total project cost for the microtransit feasibility study is \$45,000. This is derived from the estimated consultant staff hours and applicable rates to conduct the study as described in question 7.

Application Requirements

1. A brief signed cover letter with a list of project(s) for which applications are being submitted.
2. The completed application for each project. Responses should be no longer than the space provided.
3. A map illustrating project location and boundaries.
4. Supporting resolution for the project(s). *This resolution may be submitted after the application deadline but must be submitted before project scoping can begin.*

Applications must be submitted electronically (preferred) or by mail to the Cooperative Community Program Coordinator (listed below) by close of business on October 9, 2020. It is recommended you request a read receipt to confirm delivery of your electronic submission. Applications received by fax will not be accepted.

Questions, comments, and completed applications should be directed to:

Ashlee Long
 Orange County Transportation Council
 Orange County Planning Department
 124 Main St.
 Goshen, NY 10924s
octc@orangecountygov.com
 (845)-615-3859

ORDINANCE NO.: 9 - 2020

OF

OCTOBER 26, 2020

AN ORDINANCE AMENDING CHAPTER 249, SIDEWALK CAFES,
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO PERMIT TEMPORARY SIDEWALK CAFÉ OPERATIONS
IN DESIGNATED PUBLIC PARKING AREAS

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 249 of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 249-2. Application for permit.

Any person, firm or corporation desiring a permit shall make application to the Fire Chief on forms provided therefor. The form shall require a written, signed, and notarized statement of all owner(s) of the property and applicant(s) related to the proposed sidewalk cafe operation that consents to the submission of the application, releases the City of Newburgh and its officers, employees and agents from and against any and all claims, actions, losses, liability or damages of any kind arising out of or resulting from or caused by the license granted pursuant to this Chapter, and indemnifies, defends, and holds harmless the City of Newburgh and its employees and agents from the same. The applicant shall also submit a site plan of the proposed area to the Fire Chief.

§ 249-9. Sidewalk Café Operations in Designated Parking Areas

A. An applicant for a sidewalk café permit may apply to extend the sale of food and beverages as authorized in this Chapter within certain designated public parking areas on a temporary basis, as provided herein.

- (1) No designated public parking area may be wider than the side property lines. The dimensions of the designated public parking area shall be determined by the Fire Chief, based on safety and traffic considerations near the proposed space.
- (2) The applicant may not place or erect any structures or enclosures that accommodate the storage of accumulated garbage in the designated public parking area or any areas adjacent to it. No application may interfere with any public service facility, including but not limited

Underlining denotes additions

~~Strikethrough~~ denote deletions

to, bus stops, lampposts, lighting fixtures, mailboxes, public benches, or telephone booths located on the sidewalk.

- B. The applicant shall comply with all other provisions of this Chapter.
- C. In addition to the application and site plan of the proposed area, the applicant shall also provide additional information as required by the Fire Chief or the Police Chief as deemed necessary to protect the safety and welfare of pedestrians and patrons, including but not limited to:
 - (1) A map showing the design and location of all structures within the designated public parking area, such as security barriers, planters, landscaping, tables, chairs, and umbrellas;
 - (2) The number of proposed tables;
 - (3) The linear square footage of the proposed space;
 - (4) Compliance with all requirements of the Americans with Disabilities Act;
 - (5) Compliance with COVID-19 social distancing guidance issued by either New York State, including but not limited to any agencies thereof, or the Orange County Department of Health;
 - (6) Sufficient barriers, such as planters or railings, that physically separate patrons from both pedestrian and vehicular traffic;
 - (7) Location of signage indicating that food and/or beverages can only be consumed while seated at a table, bar, counter; Proof of submission of compliance with the New York State Food Service Guidelines for Employers & Employees, Interim Guidance for Outdoor and Take Out-Delivery Food Services During the COVID-19 Public Health Emergency, and Interim Guidance for Food Services During the COVID-19 Public Health Emergency.
- D. Upon meeting the requirements of §249-9(C), the Fire Chief shall approve the application. The Fire Chief shall then forward the application to the City Manager, with a copy of the application and the map of the designated parking area. The City Manager is authorized by §288-3 to suspend parking in the proposed designated parking area ~~for a period not to exceed 90 days up to and including November 30, 2020.~~
- E. The Fire Chief may deny the application and state the reasons for the denial in a letter to the applicant. The applicant may appeal the denial to the City Manager.
- F. The Fire Chief shall have authority to execute any forms prescribed by the New York State Liquor Authority ("SLA") granting jurisdiction to the SLA to monitor the conduct of the applicant in any sidewalk café and designated parking areas.
- G. There shall be no fee for a permit pursuant to this Chapter for the year 2020.
- H. This Section 249-9, and any authority granted pursuant thereto, shall automatically expire on ~~October 31, 2020~~ November 30, 2020 or when terminated earlier by State action.

Underlining denotes additions

~~Strikethrough~~ denote deletions

- I. Any permits previously issued pursuant to Ordinance No. 7-2020 of June 22, 2020 shall be automatically extended and now expire on November 30, 2020.

SECTION 2. Severability.

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

SECTION 3. Codification.

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

SECTION 4. Validity

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

SECTION 5. This ordinance shall take effect immediately.

Underlining denotes additions
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ORDINANCE NO.: 7 - 2020

OF

JUNE 22, 2020

AN ORDINANCE AMENDING CHAPTER 249, SIDEWALK CAFES,
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO PERMIT TEMPORARY SIDEWALK CAFÉ OPERATIONS
IN DESIGNATED PUBLIC PARKING AREAS

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 249 of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 249-2. Application for permit.

Any person, firm or corporation desiring a permit shall make application to the Fire Chief on forms provided therefor. The form shall require a written, signed, and notarized statement of all owner(s) of the property and applicant(s) related to the proposed sidewalk cafe operation that consents to the submission of the application, releases the City of Newburgh and its officers, employees and agents from and against any and all claims, actions, losses, liability or damages of any kind arising out of or resulting from or caused by the license granted pursuant to this Chapter, and indemnifies, defends, and holds harmless the City of Newburgh and its employees and agents from the same. The applicant shall also submit a site plan of the proposed area to the Fire Chief.

§ 249-9. Sidewalk Café Operations in Designated Parking Areas

- A. An applicant for a sidewalk café permit may apply to extend the sale of food and beverages as authorized in this Chapter within certain designated public parking areas on a temporary basis, as provided herein.
- (1) No designated public parking area may be wider than the side property lines. The dimensions of the designated public parking area shall be determined by the Fire Chief, based on safety and traffic considerations near the proposed space.
- (2) The applicant may not place or erect any structures or enclosures that accommodate the storage of accumulated garbage in the designated public parking area or any areas adjacent to it. No application may interfere with any public service facility, including but not limited

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to, bus stops, lampposts, lighting fixtures, mailboxes, public benches, or telephone booths located on the sidewalk.

- B. The applicant shall comply with all other provisions of this Chapter.
- C. In addition to the application and site plan of the proposed area, the applicant shall also provide additional information as required by the Fire Chief or the Police Chief as deemed necessary to protect the safety and welfare of pedestrians and patrons, including but not limited to:
- (1) A map showing the design and location of all structures within the designated public parking area, such as security barriers, planters, landscaping, tables, chairs, and umbrellas;
 - (2) The number of proposed tables;
 - (3) The linear square footage of the proposed space;
 - (4) Compliance with all requirements of the Americans with Disabilities Act;
 - (5) Compliance with COVID-19 social distancing guidance issued by either New York State, including but not limited to any agencies thereof, or the Orange County Department of Health;
 - (6) Sufficient barriers, such as planters or railings, that physically separate patrons from both pedestrian and vehicular traffic;
 - (7) Location of signage indicating that food and/or beverages can only be consumed while seated at a table, bar, counter; Proof of submission of compliance with the New York State Food Service Guidelines for Employers & Employees, Interim Guidance for Outdoor and Take Out-Delivery Food Services During the COVID-19 Public Health Emergency, and Interim Guidance for Food Services During the COVID-19 Public Health Emergency.
- D. Upon meeting the requirements of §249-9(C), the Fire Chief shall approve the application. The Fire Chief shall then forward the application to the City Manager, with a copy of the application and the map of the designated parking area. The City Manager is authorized by §288-3 to suspend parking in the proposed designated parking area for a period not to exceed 90 days.
- E. The Fire Chief may deny the application and state the reasons for the denial in a letter to the applicant. The applicant may appeal the denial to the City Manager.
- F. The Fire Chief shall have authority to execute any forms prescribed by the New York State Liquor Authority ("SLA") granting jurisdiction to the SLA to monitor the conduct of the applicant in any sidewalk café and designated parking areas.
- G. There shall be no fee for a permit pursuant to this Chapter for the year 2020.
- H. This Section 249-9, and any authority granted pursuant thereto, shall automatically expire on October 31, 2020 or when terminated earlier by State action.

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SECTION 2. Severability.

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

SECTION 3. Codification.

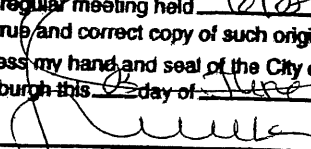
It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier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

SECTION 4. Validity

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

SECTION 5. This ordinance shall take effect immediately.

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I, Lorene Vitak, 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 6/20/20
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

RESOLUTION NO.: 267 - 2020

OF

OCTOBER 26, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 9, 2020
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW
AMENDING CITY CHARTER SECTION C3.10 ENTITLED ‘TERMS OF OFFICE’ OF THE
CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS”

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law amending City Charter Section C3.10 entitled ‘Terms of Office’ of the City Charter of the City of Newburgh to establish term limits for elected officials”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 9th day of November, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the November 9, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

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

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please note that there is an underscore between the “N” and “T”).

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 12:00 p.m. on Monday, November 9, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING SECTION C3.10 ENTITLED “TERMS OF OFFICE”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS**

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 Section C3.10 entitled ‘Terms of Office’ of the City Charter of the City of Newburgh to establish term limits for elected officials”.

SECTION 2 - AMENDMENT

§ C 3.10 of the City Charter is hereby amended as follows:

- A. The terms of office of the elective officers of the City shall be as follows: Mayor, four years; Councilman, four years; and City Judge, six years.
1. Except as otherwise provided in this Section, no person shall be eligible to be elected, appointed, or to otherwise continue to hold the office of Mayor or Councilman after that person has been elected to that office for three (3) complete consecutive four (4) year terms, unless one complete term or more has elapsed since that person last held such office.
 2. In determining the number of consecutive terms a person has served, only terms commencing on or after January 1, 2022, shall be counted.
 3. In no event shall any person hold the office of Mayor or Councilman for more than 12 consecutive years.
 4. If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. If the resignation, vacancy or removal occurs within the first two (2) years of the term, the person appointed or elected to replace him or her shall fill out the unexpired portion of the original term and be eligible to serve two (2) additional four (4) year terms of office. If the resignation, vacancy or removal occurs within the last two (2) years of the term, the person elected or appointed to replace him or her shall be eligible to serve three (3) additional four (4) year terms of office. In no event, shall any person hold the office of Mayor or Councilman for more than fourteen (14) consecutive years.
- B. The terms of office of the Civil Service Commissioner shall be six years.

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- C. Except as otherwise provided in § C5.00, the terms of office of the City Manager and of the City Clerk shall be at the pleasure of the Council.
- D. The terms of office of all City officers appointed by the City Manager shall be at the pleasure of the City Manager. Any or all such appointive City officers may, by action of the City Manager and with the approval of the Council, be placed in the competitive class of the municipal civil service. No such action shall be taken less than 90 days prior to a general City election.

SECTION 3 - 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 4 - 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 Charter 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 Charter affected thereby.

SECTION 5 - 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 6 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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Underlining denotes additions

From: [Sklarz, Robert](#)
To: [Kelson, Michelle](#)
Cc: [Torrance Harvey](#); [City Council](#)
Subject: Re: Tuesday 10/13 Public Hearing Term Limits for Council
Date: Wednesday, October 14, 2020 10:04:26 AM

Ms. Kelson:

Thanks for the information provided in your e-mail and its attachments. I just need a clarification to assist my understanding in the draft resolution Section A.4. Please allow me to present the following scenario:

- On January 1, 2023 Councilperson Smith is appointed to fill a vacancy to fill a term expiring January 1, 2026. Smith is elected in a special election in November 2023 and serves three years of the four year term;
- Smith is elected for two subsequent four year terms for a total of eleven years;
- May Smith run for a third four year term? If so, under the current wording, Smith would have to (resign) after completing year one of the term (reaching the twelve year limit). That would likely be cumbersome;
- Or, is it our intent that someone appointed to a vacancy still has the ability to be elected to 3 four year terms above and beyond the term for which s/he was appointed?

Perhaps I am just confused. However, any additional clarity may help a future Council/Counsel understand our intent.

Thanks!

Bob

On Oct 14, 2020, at 8:48 AM, Kelson, Michelle <MKelson@cityofnewburgh-ny.gov> wrote:

Mayor Harvey & City Council Members:

Following up from last night's Council meeting, below & attached is the email I received & sent yesterday afternoon concerning comments raised before & during the public hearing on the proposed local law enacting term limits. Also attached is the memo issued on September 18, 2020 with supporting documentation of an Attorney General Opinion & Sections 23 & 24 of the Municipal Home Rule Law, all of which support the conclusion that the adoption of a local law implementing term limits for the elected offices of Mayor and Council Member is an appropriate and proper subject of a local law, does not require a Charter Review Commission and is not subject to a mandatory or permissive referendum. Please refer to my email of October 7, 2020 regarding the adoption of a local law implementing a salary increase for the Mayor & Council Members which also is an appropriate and proper subject of a local law and does not require a Charter Review Commission but is subject to referendum on petition (permissive referendum) because the proposed increase would occur during the term of one or more elected officials. Further, as stated above & below the process for addressing the districting or redistricting of the ward boundaries following the 2020 Census property was recommended by the 2011 Charter Review Commission, subject

to mandatory referendum, approved by the voters at the November 8, 2011 election and codified in City Charter Section C1.21.

Please let me know if you have more questions or need additional information.

Michelle Kelson
Corporation Counsel
City of Newburgh
83 Broadway
Newburgh, NY 12550
Phone: (845) 569-7335
Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

From: Kelson, Michelle
Sent: Tuesday, October 13, 2020 2:04 PM
To: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>; Sklarz, Robert <rsklarz@cityofnewburgh-ny.gov>
Subject: RE: Tuesday 10/13 Public Hearing Term Limits for Council

I did not see Kippy's comments prior to receiving this email but she is incorrect about several points.

FIRST: See attached Chapter 2 from the NYCOM Handbook for City Officials. I've highlighted a section on the bottom of p. 2.1 and top of p.2.2:

In addition, local governments may adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or any general law relating to the following subjects, whether or not they relate to the local government's property, affairs or government, except to the extent that the Legislature restricts local governments from adopting such local laws:

1. The powers, duties, qualifications, number, mode of selection and removal, **terms of office**, **compensation**, hours of work, protection, welfare and safety of its officers and employees;

Terms of office and compensation of City officers and employees are proper subjects of local laws and do not require a Charter Review Commission.

City Charter amendments that are minor changes to one or more sections of a city charter may be accomplished by the adoption of a local law without convening a Charter Review Commission.

A charter revision, which contemplates a substantial change such as changing

government structure or complete review of the charter, or adoption of a new charter can be accomplished in 3 ways:

1. Local Law adopted by legislative body
2. Charter commission
3. Citizen initiative.

SECOND: Redistricting does not require a new Charter Review Commission. In fact, the procedure for redistricting the 4 wards was addressed by the 2011 Charter Review Commission and the process proposed by the 2011 Charter Review Commission was adopted by the voters at the November 2011 election. The districting/redistricting process is now established in City Charter Section C1.21. Following the completion of the 2020 Census, a districting commission will be appointed by the City Council to redistrict the 4 wards as necessary and appropriate. No public referenda is permitted or required.

THIRD: Public referenda only may take place where specifically provided for by the Municipal Home Rule Law.

Michelle Kelson
Corporation Counsel
City of Newburgh
83 Broadway
Newburgh, NY 12550
Phone: (845) 569-7335
Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

From: Donat, Joseph
Sent: Tuesday, October 13, 2020 1:21 PM
To: Sklarz, Robert <rsklarz@cityofnewburgh-ny.gov>
Cc: Kelson, Michelle <MKelson@cityofnewburgh-ny.gov>
Subject: RE: Tuesday 10/13 Public Hearing Term Limits for Council

Bob,

Thanks for touching base. Happy to double check the items requested and have taken the liberty of including Michelle on this correspondence as well.

I agree, that convening a Charter Review Commission is not necessary nor required. I imagine that Kippy was making a suggestion as to what path she believes should be pursued in order for the action items to be achieved.

As of now, only 3 people have confirmed to speak this evening. Kippy being one of them. Myself and Michelle will be ready to respond accordingly if and when needed.

Thanks,
Joe

From: Sklarz, Robert
Sent: Tuesday, October 13, 2020 9:28 AM
To: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>
Subject: Fwd: Tuesday 10/13 Public Hearing Term Limits for Council

Joe:

I see that you were 'copied in' on Kippy's e-mail on the proposed term limits and the City Council pay raise. She uses the word 'should' in her suggestions as to what she desires to happen. It seems to be that convening of a Charter Review Commission is not necessary nor is required for the enactment of such legislation. I know that Ms. Kelson provided us with some guidance on how to proceed on salary increases. Could you have her double check that, along with the term limit issue, and be prepared to speak on it at tonight's meeting?

Thanks!

Bob

Begin forwarded message:

From: "M.A. Lebron" <mlebron20@gmail.com>
Subject: Re: Tuesday 10/13 Public Hearing Term Limits for Council
Date: October 12, 2020 at 2:34:57 AM EDT
To: Joseph Donat <jdonat@cityofnewburgh-ny.gov>, o.shakur@cityofnewburgh-ny.gov, Anthony Grice <grice06@gmail.com>, Karen Mejia <kmejia@cityofnewburgh-ny.gov>, Patty Sofokles <taxsinger@aol.com>, Ramona Monteverde <monteverde@safe-harbors.org>, Robert Sklarz <rsklarz@hvc.rr.com>, Torrance Harvey <tharvey@cityofnewburgh-ny.gov>
Cc: hannah b <h1b458@gmail.com>, Michele Basch <mbasch.basch@gmail.com>, Barbara Smith <barbara.frankanbarb@gmail.com>, Jules Ridgeway <chair.newburghcitydc@gmail.com>, kippy boyle <kboyle@hvc.rr.com>

Kippy, thank you for copying me on this.

As it is my wife's and my 24th wedding anniversary on October 13, we will not be attending.

I submit this brief comment for the record.

As a general rule, I support term limits.

I make an exception in the case of Newburgh. The city has great difficulty attracting quality candidates for council or mayor. Imo term limits might very well lead to a deterioration in the qualities and abilities of our elected leaders. I therefore oppose the resolution.

While this is not up for consideration, I will take this opportunity to state that council members and the mayor should ideally be paid \$60K or more. At a minimum, they should be paid a living wage. I have trouble wrapping my head around the fact that the chief of code compliance makes...what is it, 15 times (?) what council members make. I'm not saying that he shouldn't be making that: that is not my point. If he IS making that, then why isn't there more money for council members?

Best regards —

Michael Lebron

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On Sun, Oct 11, 2020 at 12:55 PM kippy boyle
<kboyle@hvc.rr.com> wrote:

5. Public Hearing - Local Law Adopting Term Limits

A public hearing will be held on Tuesday, October 13, 2020 to hear comments concerning a proposed local law to amend City Charter Section C3.10 to adopt term limits for the elected offices of Mayor and Council Member.

Se llevara a cabo una audiencia pública el martes 13 de octubre de 2020 para escuchar comentarios sobre una ley local propuesta para enmendar el Estatuto de la Ciudad Sección C3.10 para adoptar límites en los términos de los oficiales electos para Alcalde y Miembro del Consejo.

Dear Elected Officials and City Manager,

If I'm unable to attend Tuesday's City Council Meeting, I submit this brief comment for the Record. (I've cc'd a few neighborhood leaders; I don't know how aware the public is of this Public Hearing. Maybe they can spread the word. I've blind-copied others who might give thoughtful consideration to the topic.)

I urge the Council to unanimously TABLE this Resolution. Here's why:

1. A Charter Review Commission should be convened to examine Term Limits and any other definitions/purposes that define the City Council's role.
2. When the 2020 Census is concluded, the Four Wards will need to be reviewed and possibly redrawn as population numbers will likely change. That is also a Charter Review Commission purpose.
3. Following a Charter Review, there would be a public referendum to vote on their findings.
4. The public also needs to decide the topic of City Council salaries. Council members should not be writing their own wages.
5. Along with salaries, it is time for the public to have a say in Health Benefits for Council Members. How much are we taxpayers currently paying for each Council Member's annual health benefits package? Are we paying (and how much) for former Council Members? When can you provide the numbers?

Until a Charter Review Commission is able to meet, any Charter change must be postponed. Conversations about salaries and benefits need to also begin, and should be settled through a Public Referendum, not by a vote of the very group most in line to benefit. Let's take time to consider all of these City Council topics.

Respectfully submitted,

C. Kippy Boyle
845-728-2601
kboyle@hvc.rr.com
kippyboyle@gmail.com

<NYCOM Handbook_for_City_Officials_-_2019-2020_-_Chapter 2 The Modern Charter.pdf><C1.21 Establishment of ward system; terms of office; Districting Commission.pdf><cover memo to Mayor, Council & City Mgr re 3d draft LL proposed term limits 9 18 20.pdf><1995 NY Op Atty Gen Inf. 1060.pdf><MHRL Sec 23 Local laws subject to mandatory referendum.pdf><MHRL Sec 24 Local laws subject to referendum on petition.pdf>

From: [Kelson, Michelle](#)
To: [Sklarz, Robert](#)
Cc: [Torrance Harvey](#); [City Council](#)
Subject: RE: Tuesday 10/13 Public Hearing Term Limits for Council
Date: Wednesday, October 14, 2020 12:23:02 PM

I read and understand the example and the confusion. I think there are a few ways to address the possibilities/outcomes raised.

1. Using your example, I think I intended for the proposed local law to preclude Mr. Smith from running for a third term wherein if he were elected he would exceed the maximum 12 years in office by 3 years ($3 + 4 + 4 + 4 = 15$) but you are correct the proposed local law is not clear. I was thinking nobody should be in a position to exceed the maximum of 12 consecutive years (3 full 4 year terms) but rather be short of the maximum if time in office is the result of filling a vacancy (not profiting on the misfortune of another).
2. As I stated in work session, the local law was a proposal drafted to effectuate a framework the Council can support & if it does not, then it should be revised.
3. Subsection C3.10(A)(4) could be revised:

If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. A person appointed by the Council to fill a vacancy in the office of Mayor or Councilman who subsequently is elected to the office of Mayor or Councilman in a general election may not serve more than three complete four (4) year terms or more than 11/12 consecutive years, **whichever is greater/lesser.**

In the above proposed revision, there are 2 possibilities for an elected official who is appointed to fill a vacancy and then is re-elected: If the proposal incorporates the term “greater”, then in the example set out below, Mr. Smith would be eligible to serve 3 complete 4 year terms in addition to the term he was elected to complete – 15 years. If the proposal incorporates the term “lesser”, then in the example set out below, Mr. Smith would be limited to serving 11 years, which include the 3 years completing the unexpired portion of the term to which he was appointed to fill & elected to complete & then 2 successive 4 year terms to which he was elected.

4. Another possible revision:

If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. A person appointed by the Council to fill a vacancy in the office of Mayor or Councilman who subsequently is elected to the office of Mayor or Councilman in a general

election may not serve more than more than XX consecutive years

In the above proposed revision, the Council could set the maximum number of consecutive years an elected official may serve where the service begins with an appointment to fill a vacancy. Here, In this revision, the cap on consecutive years could be 11 which would be less than the maximum of serving 3 complete & consecutive 4 year terms or could be 15 which would include the time serving the unexpired portion of the vacant term to which the individual was appointed and being elected to 3 subsequent and consecutive 4 year terms.

5. Another possible revision could be based on the point in time when an appointment to fill the vacancy occurs – in the first 2 years of the 4 year term or in the second 2 years of the 4 year term. This proposed revision may be the clearest or the most complicated:

If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. If the resignation, vacancy or removal occurs within the first two (2) years of the term, the person appointed or elected to replace him or her shall fill out the unexpired portion of the original term and be eligible to serve two (2) more four (4) year terms of office. If the resignation, vacancy or removal occurs within the last two (2) years of the term, the person elected or appointed to replace him or her shall be eligible to serve three (3) more four (4) year terms of office. In no event, shall any person hold the office of Mayor or Councilman for more than fourteen (14) consecutive years.

In the above proposed revision, the cap on service will depend on the point in the term a vacancy is filled & regardless of appointment or election. If the vacancy is filled in the first 2 years of the 4 year term, then the maximum number of consecutive years served is capped at 11, which is one less than the 3 consecutive elected terms (12 years). If the vacancy is filled in the second 2 years of the 4 year term, the maximum number of consecutive years served is capped at 14, which is 2 more than the 3 consecutive elected terms (12 years) and is one year less than the maximum of 15 consecutive years possible in some of the other proposed options for revisions.

If a proposed revision is something the Council wants to pursue, I recommend that the various options be discussed at the next work session & if a particular revision is preferred by the consensus of the Council that a second public hearing be scheduled to hear comment on the revised local law – See below from *NYCOM Handbook for City Officials (December 2019)* • **Chapter 5** • *Local Legislation*

Amending Proposed Local Laws Prior to Enactment. If, at any time, a proposed local law is amended (other than for very minor grammatical amendments such as the inserting

of a punctuation mark or correcting a typo or misspelled word), the proposed local law must be reintroduced to the board members (“aged”) and the public hearing must be re-noticed and re-held. (1978 Op. Atty. Gen., p. 243; and Op. State Comp. No. 81-124, p. 125 (1981)).

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Corporation Counsel
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Phone: (845) 569-7335
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mkelson@cityofnewburgh-ny.gov

From: Sklarz, Robert
Sent: Wednesday, October 14, 2020 10:04 AM
To: Kelson, Michelle <MKelson@cityofnewburgh-ny.gov>
Cc: Torrance Harvey <torrance@torranceharvey.com>; City Council <CityCouncil@cityofnewburgh-ny.gov>
Subject: Re: Tuesday 10/13 Public Hearing Term Limits for Council

Ms. Kelson:

Thanks for the information provided in your e-mail and its attachments. I just need a clarification to assist my understanding in the draft resolution Section A.4. Please allow me to present the following scenario:

- On January 1, 2023 Councilperson Smith is appointed to fill a vacancy to fill a term expiring January 1, 2026. Smith is elected in a special election in November 2023 and serves three years of the four year term;
- Smith is elected for two subsequent four year terms for a total of eleven years;
- May Smith run for a third four year term? If so, under the current wording, Smith would have to (resign) after completing year one of the term (reaching the twelve year limit). That would likely be cumbersome;
- Or, is it our intent that someone appointed to a vacancy still has the ability to be elected to 3 four year terms above and beyond the term for which s/he was appointed?

Perhaps I am just confused. However, any additional clarity may help a future Council/Counsel understand our intent.

Thanks!

Bob

On Oct 14, 2020, at 8:48 AM, Kelson, Michelle <MKelson@cityofnewburgh-ny.gov> wrote:

Mayor Harvey & City Council Members:

Following up from last night's Council meeting, below & attached is the email I received & sent yesterday afternoon concerning comments raised before & during the public hearing on the proposed local law enacting term limits. Also attached is the memo issued on September 18, 2020 with supporting documentation of an Attorney General

Opinion & Sections 23 & 24 of the Municipal Home Rule Law, all of which support the conclusion that the adoption of a local law implementing term limits for the elected offices of Mayor and Council Member is an appropriate and proper subject of a local law, does not require a Charter Review Commission and is not subject to a mandatory or permissive referendum. Please refer to my email of October 7, 2020 regarding the adoption of a local law implementing a salary increase for the Mayor & Council Members which also is an appropriate and proper subject of a local law and does not require a Charter Review Commission but is subject to referendum on petition (permissive referendum) because the proposed increase would occur during the term of one or more elected officials. Further, as stated above & below the process for addressing the districting or redistricting of the ward boundaries following the 2020 Census property was recommended by the 2011 Charter Review Commission, subject to mandatory referendum, approved by the voters at the November 8, 2011 election and codified in City Charter Section C1.21.

Please let me know if you have more questions or need additional information.

Michelle Kelson
Corporation Counsel
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Newburgh, NY 12550
Phone: (845) 569-7335
Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

From: Kelson, Michelle
Sent: Tuesday, October 13, 2020 2:04 PM
To: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>; Sklarz, Robert <rsklarz@cityofnewburgh-ny.gov>
Subject: RE: Tuesday 10/13 Public Hearing Term Limits for Council

I did not see Kippy's comments prior to receiving this email but she is incorrect about several points.

FIRST: See attached Chapter 2 from the NYCOM Handbook for City Officials. I've highlighted a section on the bottom of p. 2.1 and top of p.2.2:

In addition, local governments may adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or any general law relating to the following subjects, whether or not they relate to the local government's property, affairs or government, except to the extent that the Legislature restricts local governments from adopting such local laws:

1. The powers, duties, qualifications, number, mode of selection and removal, **terms of office**, **compensation**, hours of work, protection, welfare and safety of its officers and employees;

Terms of office and compensation of City officers and employees are proper subjects of local laws and do not require a Charter Review Commission.

City Charter amendments that are minor changes to one or more sections of a city charter may be accomplished by the adoption of a local law without convening a Charter Review Commission.

A charter revision, which contemplates a substantial change such as changing government structure or complete review of the charter, or adoption of a new charter can be accomplished in 3 ways:

1. Local Law adopted by legislative body
2. Charter commission
3. Citizen initiative.

SECOND: Redistricting does not require a new Charter Review Commission. In fact, the procedure for redistricting the 4 wards was addressed by the 2011 Charter Review Commission and the process proposed by the 2011 Charter Review Commission was adopted by the voters at the November 2011 election. The districting/redistricting process is now established in City Charter Section C1.21. Following the completion of the 2020 Census, a districting commission will be appointed by the City Council to redistrict the 4 wards as necessary and appropriate. No public referenda is permitted or required.

THIRD: Public referenda only may take place where specifically provided for by the Municipal Home Rule Law.

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From: Donat, Joseph

Sent: Tuesday, October 13, 2020 1:21 PM

To: Sklarz, Robert <rsklarz@cityofnewburgh-ny.gov>

Cc: Kelson, Michelle <MKelson@cityofnewburgh-ny.gov>

Subject: RE: Tuesday 10/13 Public Hearing Term Limits for Council

Bob,

Thanks for touching base. Happy to double check the items requested and have taken the liberty of including Michelle on this correspondence as well.

I agree, that convening a Charter Review Commission is not necessary nor required. I imagine that Kippy was making a suggestion as to what path she believes should be pursued in order for the action items to be achieved.

As of now, only 3 people have confirmed to speak this evening. Kippy being one of them. Myself and Michelle will be ready to respond accordingly if and when needed.

Thanks,
Joe

From: Sklarz, Robert

Sent: Tuesday, October 13, 2020 9:28 AM

To: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>

Subject: Fwd: Tuesday 10/13 Public Hearing Term Limits for Council

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Monteverde <rmonteverde@safe-harbors.org>, Robert Sklarz
<rsklarz@hvc.rr.com>, Torrance Harvey
<tharvey@cityofnewburgh-ny.gov>
Cc: hannah b <hlb458@gmail.com>, Michele Basch
<mbasch.basch@gmail.com>, Barbara Smith
<barbara.frankanbarb@gmail.com>, Jules Ridgeway
<chair.newburghcitydc@gmail.com>, kippy boyle
<kboyle@hvc.rr.com>

Kippy, thank you for copying me on this.

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we will not be attending.

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money for council members?

Best regards —

Michael Lebron

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On Sun, Oct 11, 2020 at 12:55 PM kippy boyle
<kboyle@hvc.rr.com> wrote:

5. Public Hearing - Local Law Adopting Term Limits

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Se llevara a cabo una audiencia pública el martes 13 de octubre de 2020 para escuchar comentarios sobre una ley local propuesta para enmendar el Estatuto de la Ciudad Sección C3.10 para adoptar limites en los términos de los oficiales electos para Alcalde y Miembro del Consejo.

Dear Elected Officials and City Manager,

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Respectfully submitted,

C. Kippy Boyle
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Commission.pdf><cover memo to Mayor, Council & City Mgr re 3d draft LL
proposed term limits 9 18 20.pdf><1995 NY Op Atty Gen Inf. 1060.pdf><MHRL
Sec 23 Local laws subject to mandatory referendum.pdf><MHRL Sec 24 Local
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The City of Newburgh

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Jeremy Kaufman
Assistant Corporation Counsel

MEMORANDUM

TO: Councilman Anthony Grice
Councilwoman Karen Mejia
Councilwoman Ramona Monteverde
Councilman Omari Shakur
Councilman Robert Sklarz
Councilwoman Patricia Sofokles
Mayor Torrance Harvey
Joseph P. Donat, City Manager

FROM: Michelle Kelson, Corporation Counsel

RE: Proposed third draft local law
Term limits for Mayor and Councilman

DATE: September 18, 2020

As you may be aware City Charter Section C3.10 establishes the terms of office of the City of Newburgh's elected and appointed officers and provides that the terms of office of the Mayor and Councilman shall be four (4) years. Currently, the City Charter does not limit the number of terms, consecutive or otherwise, that a person who is elected as Mayor or Councilman may serve.

In 2018, Councilwoman Mejia proposed term limits for elective office in the City of Newburgh but no action on the proposed local law was taken at that time. A local governing body may adopt a local law providing for limits on the number of consecutive terms an elected official may serve and such a local law is not subject to a mandatory referendum or referendum on petition (also known as a permissive referendum). New York State Municipal Home Rule Law ("MHRL") Section 10(1)(i) and (ii)(a)(1) authorizes local governing bodies to adopt local laws consistent with the Constitution and general NYS laws relating to the property, affairs, to the government of a local government and to the qualification of its officers and employees. The New York State Attorney General ("NYSAG") determined that a limitation on the number of consecutive terms sufficiently relates to the affairs and government of a local government and constitutes a qualification for office and does not conflict with any NYS law or Constitution.

A local government may conduct a referendum only where there is specific statutory or constitutional authority to do so. MHRL Sections 23 and 24 provide the statutory authority for conducting mandatory referenda and referenda on petition. In reviewing the authority for mandatory referenda, the NYSAG determined that a local law establishing term limits does not implicate any of the subjects listed in MHRL Section 23 and therefore is not subject to a mandatory referendum. The NYSAG specifically found that such local law does not change the law of succession to the office of mayor of a city and does not abolish, transfer or curtail any power of an elected officer. MHRL Section 23(2)(d), (e) and (f). The NYSAG also determined that a local law establishing term limits does not implicate any of the subjects listed in MHRL section 24 and therefore found no authority to conduct a referendum on petition.

Attached to this memorandum, please find for consideration and review the most recent draft local law for the establishment of term limits for the elected offices of Mayor and Councilman, as follows:

1. The maximum number of consecutive terms to which the officer shall be elected is 3.
2. The commencement date from which the maximum number of elected terms is counted is January 1, 2022.
3. In addition to a maximum number of consecutive terms, the corresponding maximum number of consecutive years to which any person may hold an elective office is 12.
4. The calculation of maximum number of consecutive terms and consecutive years which addresses the circumstances where vacancies and appointments/elections to fill vacancies occur is a maximum of 4 four year terms or 12 years.

The maximums were proposed in 2018 and remain is open to discussion by the Council. If the Council determines to proceed, the next step is to schedule a public hearing on the draft local law. A resolution scheduling a public hearing can be added to the September 28, 2020 Council meeting agenda for the public hearing to be held at the following regular Council meeting now scheduled for Tuesday, October 13, 2020.

Michelle Kelson

MICHELLE KELSON
Corporation Counsel

MK/bhs
Attachments

Chapter 2

The Modern Charter

HOME RULE AND SCOPE OF AUTHORITY

Most people know that New York is a home rule state. But when pressed, even many municipal lawyers have a difficult time defining what that actually means. Understanding New York's municipal home rule law, however, is important for navigating the legal minefield of what local officials can and cannot do regarding not only their government's own affairs, but also in regards to regulating activities within the municipality's jurisdiction. While a lengthy treatise could be written about municipal home rule in New York, this section is intended to provide only an overview of the topic. Consequently, it is important for local officials to consult with their municipal attorneys when dealing with municipal home rule issues facing their communities.

NEW YORK'S CONSTITUTIONAL PROVISIONS ON LOCAL GOVERNMENTS

In New York State, the basis for the right of local self-governance is set forth in Article IX of the New York State Constitution. Unfortunately, Article IX of New York's Constitution is a jumble of provisions that sometimes mandate, sometimes permit, and sometimes prohibit various actions.

Article IX, Section 2 requires the Legislature to provide for the "creation and organization of local governments in such manner as shall secure to them the rights, powers, privileges and immunities granted to them by this constitution." Moreover, the Legislature must "enact, and may from time to time amend, a statute of local governments granting to local governments powers including, but not limited to, those of local legislation and administration in addition to the powers vested in them by [Article IX of the Constitution]."¹

This provision begs the question, what powers does Article IX vest in local governments for which legislative action is needed? Article IX, Section 1 mandates that local governments have legislative bodies, requires local approval of the annexation of a local government's territory, authorizes local government intermunicipal agreements, protects local government use of eminent domain, allows local governments to earn a fair return on municipal utility property, and permits local governments to apportion the costs of local governmental services upon portions of municipalities. These powers, while important, do not generally strike at the heart of local government structure and administration.

Of more interest to most local government officials is Article IX, Section 2(c) which establishes that, in addition to the powers the Legislature grants in the statute of local governments or any other State law, local governments may adopt and amend local laws relating to its property, affairs or government so long as such local laws are not inconsistent with provisions of the New York State Constitution or any general law.

In addition, local governments may adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or any general law relating to the following subjects, whether or not they relate to the local government's property, affairs or

government, except to the extent that the Legislature restricts local governments from adopting such local laws:

1. The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees;
2. In the case of a city, town or village, the membership and composition of its legislative body;
3. The transaction of its business;
4. The incurring of its obligations, except that local laws relating to financing by the issuance of evidences of indebtedness by such local government shall be consistent with laws enacted by the Legislature;
5. The presentation, ascertainment and discharge of claims against it;
6. The acquisition of its transit facilities and the ownership and operation thereof;
7. The levy, collection and administration of local taxes authorized by the Legislature and of assessments for local improvements, consistent with laws enacted by the Legislature;
8. The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or sub-contractor performing work, labor or services for it; and
9. The government, protection, order, conduct, safety, health and well-being of persons or property therein.

This is an extensive list. But a key caveat to this local authority is the ability of the State Legislature to enact “general laws” which preempt such local authority. Article IX, Section 2 authorizes the Legislature to enact legislation “in relation to the property, affairs or government of any local government” but only pursuant to the following procedures:

1. By general law (defined as a “law which in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages”); or
2. By special law (defined as a “law which in terms and in effect applies to one or more, but not all, counties, counties other than those wholly included within a city, cities, towns or villages”) only:
 - On request of two-thirds of a municipality’s local legislative body or on request of its chief executive officer with the concurrence of a simple majority of the local legislative body, or
 - On certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the Legislature.²

Moreover, Article IX, Section 2 authorizes, but does not require, the Legislature “to confer on local governments powers not relating to their property, affairs or government including, but not limited to, those of local legislation and administration, in addition to those otherwise granted by or pursuant to [Article IX], and to withdraw or restrict such additional powers.” Thus, the Constitution empowers, but does not mandate, the Legislature grant additional powers to local governments.

“PROPERTY, AFFAIRS OR GOVERNMENT” DEFINED

Article IX, Section 2(c) of the New York State Constitution provides that local government officials may adopt and amend local laws relating to their property, affairs or government so long as they are not inconsistent with the provisions of the New York State Constitution or any general law. Unfortunately, there is no one dispositive, exhaustive definition of “property, affairs or government.” The State has enumerated in Municipal Home Rule Law § 10(1)(ii)(a) specific activities which can be categorized as “property, affairs, or government,” although the ability of local governments to exercise those powers is expressly limited in that same section of law to instances in which the State has enacted a general law. Some of the topics enumerated in Municipal Home Rule Law § 10(1)(ii)(a) are listed below:³

1. The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees, as well as the creation or discontinuance of departments and the prescription or modification of their powers and duties;
2. The legislative body’s membership and composition;
3. The transaction of its business;⁴
4. The presentation, ascertainment, disposition and discharge of claims against it;
5. The fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon;
6. The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or subcontractor performing work, labor or services for it; and
7. The legislative body’s apportionment, including its composition and membership, its members terms of office, the areas from which representatives are to be chosen and the voting powers of the individual members.⁵

GENERAL AND SPECIAL LAWS DISTINGUISHED

While many people may look at Article IX, Section 2(c) as giving tremendous power to local governments, New York’s courts have narrowly interpreted the meaning of “property, affairs or government”⁶ and the State itself is given substantial authority to step in and regulate the “property, affairs or government” of New York’s local governments. The one limitation on this authority, and the key restriction on the State’s authority to regulate municipalities’ “property, affairs, or government” is that, absent a request from a local government, the State may only act in the form of a **general law**, which is defined as a “law which in terms and in effect applies alike to all counties,⁷ all cities, all towns or all villages.”⁸ The State has extensively exercised this Constitutional authority, regulating “property, affairs, or government” in the form of the State’s Municipal Home Rule Law, General Municipal Law, the General City Law, the Second Class Cities Law, and the Village Law (to name a few), all of which are “general laws.”

WHAT HOME RULE POWERS THE STATE HAS TAKEN AWAY

Despite adopting significant legislation controlling local government powers, the Legislature has given some flexibility to cities. The key provision of law that empowers local government to exercise their home rule is Municipal Home Rule Law § 10, which was discussed in part above. Municipal Home Rule Law § 10 begins with a reiteration of

Article IX, Section 2(c), which, as previously noted, does not give significant power to local governments because of the numerous general laws the State has enacted.

However, the State has given cities significant power to amend city charters. Pursuant to Municipal Home Rule Law § 10(1)(ii)(c), a city may revise its charter or adopt a new charter by local law adopted by its legislative body following the procedures set forth in Municipal Home Rule Law Articles 3 and 4.⁹ This is a significant power for city officials.

New York's Municipal Home Rule Laws do not vest unfettered power in the State's local governments. To the contrary, the New York State Constitution gives substantial power to the State Legislature to empower or restrict local government, which the Legislature has exercised extensively. However, cities retain significant power in their ability to amend their charters.

LIMITATIONS ON LOCAL LAWS AND CHARTER ENACTMENTS

The authority of cities to enact local laws is subject to several limitations which also limit their authority to adopt and amend their charters. The constitutional grant of authority to cities for the adoption of local laws itself contains certain restrictions.

- **Inconsistent with a General Law or the New York State Constitution** – A local law may not be inconsistent with a general State law or the New York State Constitution. For example, the following local laws would be invalid as they would be inconsistent with State law: a local law attempting to remove or raise local government debt or tax limits; local laws affecting the maintenance, support or administration of local educational system, or teachers' pension or retirement system; local laws affecting the courts; or local laws affecting power of the Office of the State Comptroller regarding audits/exams of municipal accounts.
- **Matters of State Concern** – Local laws may not cover subject-matters which are determined to be areas of State-wide concern. A matter of State-wide concern is one that affects the residents of the entire State rather than only the "property, affairs or government" of a particular locality. Examples of subject-matters that are of State concern include taxation, transportation and highways, parks, incurring of indebtedness, water supply, education, social services, health, banking, rapid transit, civil service, housing and municipal boundaries.
- **Preemption** – Local laws may not be enacted with respect to subject-matters for which State law has clearly indicated that the subject-matter is preempted or if the state regulatory scheme has completely occupied a particular field. Preemption occurs when State regulation in a particular area is so comprehensive as to indicate an intention to exclude local legislation (i.e., sale of alcoholic beverages, campaign financing, penalties for the sale of drugs, and local regulation of licensing motor vehicle drivers or rules of the road).

CITY CHARTER VERSES CITY ADMINISTRATIVE CODE

While a city's charter and administrative code both play a vital role in the overall operation and administration of city government, one should not be confused with the other.

The charter, as previously discussed, is the document which delineates the legal boundaries of the city and defines its organization, powers, functions, and procedures. Generally, the charter is the place where one will find matters of a more permanent and historical nature, such as the composition of the city council, the various departments, and the procedure for assessing and collecting taxes. The charter establishes a city's basic legal framework.

The code (sometimes referred to as the administrative code) is the official collection or compendium of laws, rules, or regulations of the city, consolidated and classified by subject matter, which cover topics ranging from regulating amusements to zoning. Generally, the code includes provisions implementing sections of the charter, as well as other general legislation. For example, while the charter may establish a sewer department, the code may contain provisions outlining sewer use and sewer rents. Code provisions tend to reflect the ongoing needs of the city and its residents and tend to be less permanent in nature than charter provisions. For example, a code provision might regulate vendors and solicitors and include a permit fee schedule which is amended from time to time.

COMMON FORMS OF CITY GOVERNMENT

Cities in New York State share few similarities. Each city has its own individual charter and the ability to revise it by local action. All cities have elected councils; council members are elected by wards, at-large or a combination of the two. Most cities have mayors; most mayors are elected at-large by the voters, while some are selected by the council. There is no requirement that a city use any of these forms. In general, forms of city government fall into four broad categories:

- **Strong Mayor – Council** – Under this form of city government, the mayor is the chief executive and administrative head of the city and the council is the policy-making body. The mayor usually has the power to: appoint and remove agency heads, with or without council confirmation; prepare the budget; and exercise broad veto powers over council actions. This form sometimes includes a professional administrator appointed by the mayor and is then called the “mayor - administrator plan.”
- **Council – Manager** – Under this form of city government, a professional manager is the administrative head of the city, the council is the policy-making body and the mayor, if the position exists, is mainly a ceremonial figure. The manager usually has the power to appoint and remove department heads and prepare the budget, but does not have veto power over council actions.
- **Weak Mayor – Council** – Under this form of city government, the mayor is not the chief executive head of the city. The council is not only the policy-making body, it also provides a committee form of administrative leadership. It appoints and removes agency heads and prepares budgets. There is generally no mayoral veto power. The mayor may serve as a member of the council and/or as the city's ceremonial figure.
- **Commission** – Under this form of city government, commissioners are elected by the voters to each administer an individual department of the city government. The commissioners form the city's policy-making body and serve as its local legislative body.

THE ESSENTIAL ELEMENTS OF A CITY CHARTER

The city charter is a *framework* for the operation of a city. Consequently, local officials should not attempt to use the charter to provide a solution to every possible problem that can arise. It is recommended that the charter contain a general grant of power to allow for flexibility.

Newly-elected city officials should review their charter upon taking office in order to adequately understand how the city operates. Important items to review and understand include:

Legislative Body:

- What is the legislative body and its members called?
- What powers does the legislative body have?
- Are there any powers which should be specifically denied to the legislative body?
- Are there any qualifications for members in addition to those required by the Public Officers Law?
- How many members will comprise the legislative body and what will their terms of office be? Are the terms of office staggered or concurrent?
- Will council members be elected by wards or districts, at-large, or a combination of both? If by ward or district, how will the wards be apportioned?
- What happens if a vacancy occurs in the office of one of the council members? Who makes appointments to fill the vacancies in office and how long are appointments to fill vacancies for? What happens if an appointment is not made? Are there additional qualifications for office for an appointed member?
- Will there be any procedure provided for removing a council member in addition to the procedure provided by the Public Officers Law? Will there be term limits?

Legislative Body Procedures:

- Will there be a presiding officer of the legislative body and how will they be chosen? What is their voting power?
- Who prepares the agenda for meetings and how are items added to the agenda?
- Is there a time and place for regular meetings?
- Is there a procedure for calling special meetings? What can be done at a special meeting? Who is responsible for ensuring that the council complies with the Open Meetings Law?
- When is the legislative body required to use a local law, ordinance, or resolution? How are ordinances and resolutions adopted? Will there be a procedure for emergency adoption of ordinances or resolutions?
- What are the rules for voting (e.g., tie votes, abstentions), quorums, and other rules of procedure?
- Are there attendance requirements? If members fail to attend meetings, what are the consequences?

Office of the Mayor:

- What are the qualifications for office? How will the mayor be elected, by the city residents or the legislative body? What is the term of office?
- Does the mayor have veto power over council actions, and if so, how is it exercised? Can the legislative body override the mayor's veto?
- What happens if the mayor takes no action on a piece of local legislation within the allotted time? Does the veto power apply to all local laws, ordinances and resolutions of the legislative body or only to local laws?
- Is the mayor a voting member of the legislative body and can the mayor participate in meetings?
- Who takes over if the mayor is absent or otherwise unable to perform his or her duties? What is the extent of the acting mayor's authority? Who decides when the mayor is absent or unable to perform his or duties?
- If a vacancy is created in the office of the mayor, is there an order of succession or must an appointment be made or an election held? Is there a procedure for removing the mayor from office?
- What are the powers of the mayor?

For Cities With a City Manager:

- What are the manager's qualifications and the method of appointment or election? If appointed, will the manager be a public official or employee?
- What are the manager's responsibilities? What is the relationship between the manager and other elected officials?
- Is the manager required to be a resident of the city?
- Is there a procedure for removing the manager and is an acting manager provided for? What authority does an acting manager have?

Administration:

- Are any other public officials elected to office?
- Who appoints non-elected public officials and employees?
- Are appointed public officers required to comply with the Public Officers Law and have a term of office or are they employees?
- How much detail about departments is spelled out in the charter and how much is in the administrative code?
- Are any boards or commissions established in the charter or the administrative code?
- Who supervises the administration? Are there department heads who will not be under the authority of a chief elected, legislative body, or administrative officer?
- Who creates new departments, boards, or commissions? Do all departments, boards and commissions have to be created in the charter or can they be created in the code?
- Who has the authority to discipline or remove employees and appointed officials?

Budget Procedure:

- What is the municipal fiscal year?
- Who is responsible for preparing the proposed budget and what must be in it?
- How is the budget adopted?
- Will anyone have veto or line item power over the budget? If the mayor has veto authority, what is the procedure for overriding a veto?
- What is the procedure for amending the budget?
- How is the budget implemented and administered?
- How are real property taxes administered and collected?
- What are the procedures for administering and collecting non-property tax revenue?
- What happens if a budget deadline is not met?

Procedures to Consider When Amending the Charter:

- Will ethical standards be outlined in the charter or set forth in the administrative code?
- If approved by the voters, when does the new charter take effect?
- When is the first election of officers held under the new charter?
- How will staggered terms be implemented?
- Will all appointed public officials continue in office during the transition and when will their term expire?
- How is the charter amended and how often is the charter reviewed?

¹ Article IX, Section 2 (b)(1). A power granted in the statute of local governments may be repealed, diminished, impaired or suspended only by the legislature (gubernatorial approval) enacting a statute at its regular session in one calendar year and the re-enactment and approval of the statute in the following calendar year.

² N.Y.S. Constitution, Article IX, Section 3(d).

³ This list does not include every matter set forth in Municipal Home Rule Law § 10(1)(ii)(a), nor is it intended to be exclusive of other matters which may be considered “property, affairs, or government” but are not listed in that subdivision.

⁴ This term is not defined.

⁵ To make these changes, cities must adopt a plan of apportionment pursuant Municipal Home Rule Law § 10(1)(ii)(a)(13).

⁶ See County Securities v. Seacord, 278 N.Y. 34 (1938); see also Manes v. Goldin, 400 F.Supp. 23 (1975), affirmed 96 S.Ct. 851.

⁷ Other than those wholly included within a city.

⁸ See N.Y.S. Constitution, Article IX, Section 3(d)(1).

⁹ Municipal Home Rule Law § 10(1)(ii)(c).

1995 N.Y. Op. Atty. Gen. (Inf.) 1060 (N.Y.A.G.), 1995 WL 316745

Office of the Attorney General

State of New York
Informal Opinion No. 95-29
May 9, 1995

NY CONST, ART I, § 1; MUNICIPAL HOME RULE LAW §§ 10(1)(i) and (ii)(a)(1), 23(2)(d), (e) and (f), 37.

***1** A local government is authorized to enact a local law limiting the number of consecutive terms that an elected officer may serve. Such a local law is not subject to a referendum.

Marilyn J. Slaatten,
County Attorney
County of Westchester
Room 600, Michaelian Office Bldg.
148 Martine Avenue
White Plains, NY 10601

Dear Ms. Slaatten:

You have requested an opinion concerning the legality of local legislation, without a referendum, imposing a limitation on the number of consecutive terms local elected officials may serve. You have asked for a confirmation of the viability of **Informal Opinion No. 83-10**.

In **Informal Opinion No. 83-10**, we concluded that a village could enact a local law to limit the number of consecutive terms that a person may serve as mayor. We found that such a local law would not be subject to a referendum.

First, we found that there is authority for a local government to enact a local law limiting the number of consecutive terms a local elected officer may serve. We cited provisions of the Municipal Home Rule Law which authorize the enactment of local laws, consistent with the Constitution and general State laws, in relation to the property, affairs and government of a local government and in relation to the qualifications of its officers and employees. **Municipal Home Rule Law § 10(1)(i) and (ii)(a)(1)**. We found that a limitation on the number of consecutive terms relates to the affairs and government of a local government and constitutes a qualification for office. We found no State law or provision of the Constitution in conflict with such a local law.

Citing **Matter of Benzow v Cooley, 12 AD2d 162 (4th Dept)**, affd on other grounds, **9 NY2d 888 (1961)** our 1983 opinion also concluded that a local law limiting the number of consecutive terms an elected officer may serve is not subject to a referendum. It is well established that a referendum may not be conducted by a local government in the absence of specific constitutional or statutory authority. Citing **1980 Op Atty Gen (Inf) 221**. First, we found that the legislation would not be subject to a mandatory referendum under **section 23(2)(d) and (e) of the Municipal Home Rule Law**.¹ We reasoned that the term limitation was not a change in the law of succession to the office of mayor because the law of succession to an office refers only to the method of filling a vacancy in the office. Citing **Matter of Benzow v Cooley, supra**, affd on these grounds, **9 NY2d 888 (1961)**. Our 1983 opinion also concluded that the proposed local law would not change the term of an elected officer nor change the method of nominating or electing an elected officer. *Ibid*. We found that it would not abolish, transfer or curtail any power of an elected officer, removing grounds for a referendum under **Municipal Home Rule Law § 23(2)(f)**.

***2** We see no basis for departing from the view expressed in our 1983 opinion that a local law limiting the number of consecutive terms that an elected officer may serve is not subject to a referendum. Further, we continue to believe that there is authority for the enactment of such a local law. As you point out, New York courts have concluded that term limitation legislation is valid. **Matter of Roth v Cuevas, 158 Misc 2d 238 (Sup Ct NY Co)**, affd, **603 NYS2d 736 (App Div 1st Dept)**, affd for reasons stated in the opinion of Supreme Court Justice Martin Evans, **82 NY2d 791 (1993)**. In *Roth*, the petitioner filed a motion seeking judicial validation of initiative petitions seeking to amend the New York City Charter to establish a

limit on the number of consecutive terms of office for various elected officials. The Supreme Court held, inter alia, that the proposed local law was not beyond local legislative authority granted pursuant to the New York Constitution and Municipal Home Rule Law; that the petitions did not seek to exercise legislative authority inconsistent with State law; that limitation of the number of consecutive terms was not an arbitrary exclusion from office; that the proposed law did not impermissibly infringe on the right to seek office under the Equal Protection Clause of the New York Constitution; and that the proposed local law did not disenfranchise the voters.

The petitions were filed under [section 37 of the Municipal Home Rule Law](#) which establishes a procedure by which a proposal to amend a city charter made by qualified electors can be placed on the ballot for public referendum. In dealing with the question of local legislative authority, the Court cited provisions of the Constitution and State law calling for the rights, powers, privileges and immunities granted to local governments to be liberally construed. Citing with approval the 1983 Attorney General opinion, the Court found authority for the term limitation legislation in the power granted to local governments to enact local laws relating to their affairs and government. The Court reasoned that the term limitation legislation would affect only New York City public officers and that the State would have no paramount interest in these term limits. The legislation would not, to a substantial degree, constitute a matter of State-wide concern. Alternatively, the Court found authority for the term limit legislation in the power of local governments to enact local laws relating to the powers, duties, qualifications, number, mode of selection and removal and terms of office of its officers. [Municipal Home Rule Law § 10\(1\)\(ii\)\(a\)\(1\)](#).

In Roth, the Court concluded that the term limit legislation is not inconsistent with the Constitution or any State law. The legislation did not prohibit what is specifically permitted by the Constitution or State law or permit what is specifically forbidden by the Constitution or State law. Further, the Court found that the State's silence on this issue did not establish a conflict.

***3** The Court found that the term limit legislation did not constitute an arbitrary exclusion from office but instead established a qualification for office having a rational basis. Citing [Golden v Clark, 76 NY2d 618, 627 \(1990\)](#), the Court found that the proposed local law was intended to broaden opportunities for political and public participation in government, to reduce the opportunities for corruption, and as a result increase citizens' confidence in the integrity and effectiveness of their government. Also, the Court found that while public employees in New York have rights to continue holding their positions under the Civil Service Law, public officers have been given no such protection.

In Roth, the Court found no violation of [Article I, § 1 of the New York Constitution](#), providing that no member of the State may be disenfranchised or deprived of any of the rights or privileges secured to a citizen. The Court reasoned that the proposed local law would have only an incidental effect on the right to vote; would be neutrally applied to all political parties; would in no way violate the constitutional rule of one person one vote; and generally would not disenfranchise or infringe upon rights of association because these rights do not guarantee a particular candidate.

Thus, in Roth the authority of a local government to enact term limit legislation was confirmed against a broad-based attack on State statutory and constitutional grounds.

We conclude that a local government is authorized to enact a local law limiting the number of consecutive terms that an elected officer may serve. Such a local law is not subject to a referendum..

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

Victoria A. Graffeo
Solicitor General

Footnotes

¹ Under [section 23\(2\)\(e\)](#), a referendum must be held if a local law abolishes an elective office; changes the method of nominating, electing or removing an elective officer; changes the term of an elective officer; or reduces the salary of an elective officer during

his term of office.

1995 N.Y. Op. Atty. Gen. (Inf.) 1060 (N.Y.A.G.), 1995 WL 316745

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Proposed Legislation

[McKinney's Consolidated Laws of New York Annotated](#)

[Municipal Home Rule Law \(Refs & Annos\)](#)

[Chapter 36-a. Of the Consolidated Laws](#)

[Article 3. Procedure for Adoption of Local Laws; Referenda; Filing and Publication \(Refs & Annos\)](#)

McKinney's Municipal Home Rule Law § 23

§ 23. Local laws subject to mandatory referendum

[Currentness](#)

1. A local law subject to mandatory referendum as provided in this section or in any other state statute, shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than sixty days after the adoption thereof unless such local law provides for its submission for approval of the electors at a special election or unless, within thirty days after the adoption of such local law, a petition signed, authenticated and subject to certification by the clerk as provided for other petitions in [section twenty-four](#) of this chapter is filed with such clerk requesting its submission at a special election. If the local law so provides or if a valid petition is so filed requesting the submission of the local law at a special election, it shall be submitted at such a special election held in such local government not less than sixty days after the adoption of the local law, the date for which special election shall be fixed by the legislative body. In either case such local law shall become operative as prescribed therein only if approved at such election by the affirmative vote of a majority of the qualified electors of such local government voting upon the proposition.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to mandatory referendum if it:

a. In the case of a city, provides a new charter for such city.

b. In the case of a city, town or village, changes the membership or composition of the legislative body or increases or decreases the number of votes which any member is entitled to cast.

c. Changes the veto power of the elective chief executive officer.

d. Changes the law of succession to the office of the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town.

e. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, or changes the term of an elective office, or reduces the salary of an elective officer during his term of office.

f. Abolishes, transfers or curtails any power of an elective officer.

g. Creates a new elective office.

h. In the case of a city, changes the boundaries of wards, or other districts, from which members of the county board of supervisors, chosen as such in such city to represent the city, are elected.

i. Changes a provision of law relating to public utility franchises.

j. In the case of a city, reduces the salary or compensation of a city officer or employee, increases his hours of employment or changes his working conditions if such salary, compensation, hours or conditions have been fixed by a state statute and approved by the vote of the qualified electors of the city. No provision effecting such reductions, increases or changes contained in any local law or proposed new charter shall become effective unless the definite question with respect to such reductions, increases or changes shall be submitted separately from any provisions not relating to such reductions, increases or changes and approved by the affirmative vote of a majority of the qualified electors voting thereon.

k. In the case of a city, changes a provision of law relating to the membership or terms of office of the civil service commission of the city.

Credits

(L.1963, c. 843. Amended L.1964, c. 78, §§ 10, 11.)

[Notes of Decisions \(165\)](#)

McKinney's Municipal Home Rule Law § 23, NY MUN HOME RULE § 23
Current through L.2017, chapters 1 to 23.

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

[McKinney's Consolidated Laws of New York Annotated](#)

[Municipal Home Rule Law \(Refs & Annos\)](#)

[Chapter 36-a. Of the Consolidated Laws](#)

[Article 3. Procedure for Adoption of Local Laws; Referenda; Filing and Publication \(Refs & Annos\)](#)

McKinney's Municipal Home Rule Law § 24

§ 24. Local laws subject to referendum on petition

[Currentness](#)

1. a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election of state or local government officers held in such local government not less than sixty days after the filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law. If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which such local government or any part thereof is located, such court or justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by [section 16-116 of the election law](#).

b. A local law adopted by a village and subject to a referendum on petition as provided in this section or in any other state statute, if not also subject to a mandatory referendum shall be conducted as a permissive referendum as provided in article nine of the village law and compliance with that article shall be deemed to be compliance with this chapter for all purposes.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to referendum on petition if it:

- a. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action.
- b. Changes a provision of law relating to public bidding, purchases or contracts.
- c. Changes a provision of law relating to assessments of real property or benefit assessments for local improvements.
- d. Changes a provision of law relating to the exercise of the power of condemnation.
- e. Changes a provision of law relating to the authorization or issuance of bonds or other obligations, except as provided in [section 34.00 of the local finance law](#) in the case of a city.
- f. Changes a provision of law relating to the auditing of the accounts of the local government.
- g. Changes a provision of law relating to the alienation or leasing of real property of the local government.
- h. In the case of a city, town or village increases the salary of an elective officer during his term of office or, in the case of a county, increases the salary of an elective officer or of an officer appointed for a fixed term, during his term of office, except where any such increase by a county is made in accordance with a schedule providing higher rates of compensation through additional increments of salary based on time service, which schedule or applicable amendment thereof was in existence prior to the commencement of such term of office.
- i. In the case of a county, establishes a county general hospital pursuant to the provisions of the general municipal law.
- j. Is a local law relating to apportionment adopted pursuant to subparagraph thirteen of paragraph a of [subdivision one of section ten](#) of this chapter. Notwithstanding the provisions of subdivision one of this section:

(1) A petition signed and authenticated in number equal to at least five per centum of qualified voters as provided in subdivision one of this section, or to fifteen thousand, whichever is less, shall be sufficient to require the submission of a proposition or propositions for the approval of such a local law or the principle¹ elements designated therein for separate submission, at a referendum in accordance with such subdivision.

(2) The legislative body of the local government on its own motion may adopt a resolution requiring that a proposition or propositions for the approval of such a local law and the principle¹ elements therein as shall have been designated for separate submission, be submitted at a referendum, in accordance with such subdivision, at the next general election, or at a special

election, held not less than sixty days after the adoption of such resolution.

k. In the case of a village, creates or abolishes the office of manager.

Credits

(L.1963, c. 843. Amended L.1969, c. 834, § 3; L.1977, c. 237, § 1; L.1977, c. 963, § 1; L.1984, c. 140, § 1; L.1984, c. 434, § 14; L.1986, c. 271, § 1.)

[Notes of Decisions \(90\)](#)

Footnotes

¹

So in original. Probably should be “principal”.

McKinney’s Municipal Home Rule Law § 24, NY MUN HOME RULE § 24
Current through L.2017, chapters 1 to 23.

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RESOLUTION NO.: 268 - 2020

OF

OCTOBER 26, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 9, 2020
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW AMENDING
SECTION C4.00 ENTITLED ‘LEGISLATIVE POWERS FIXED IN COUNCIL’
OF THE CITY CHARTER OF THE CITY OF NEWBURGH” TO INCREASE
THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS”**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law amending Section C4.00 entitled ‘Legislative Powers fixed in Council’ of the City Charter of the City of Newburgh to Increase the Annual Salary of the Mayor and Council Members”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 9TH day of November, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the November 9, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

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

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please note that there is an underscore between the “N” and “T”).

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov the Subject Line in this format: “PUBLIC HEARING ITEM” by 12:00 p.m. on Monday, November 9, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING SECTION C4.00
ENTITLED “LEGISLATIVE POWERS FIXED IN COUNCIL”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO INCREASE THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS**

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 Section C4.00 entitled ‘Legislative Powers fixed in Council’ of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members”.

SECTION 2 – AMENDMENT

§ C 4.00 of the City Charter is hereby amended as follows:

All the legislative powers of the City, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the “Council of the City of Newburgh” to be composed of the Mayor and six Council members. It shall be, for all purposes, the Common Council of the City. The Mayor shall receive an annual salary of \$15,000 and the other six members of the Council shall each receive an annual salary of \$12,000 ~~\$9,000~~, payable in equal monthly installments.

SECTION 3 – 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.

~~Strikethrough~~ denote deletions

Underlining denotes additions

SECTION 4 - 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 Charter 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 Charter affected thereby.

SECTION 5 - 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 6 - EFFECTIVE DATE

This Local Law shall take effect on January 8, 2021 after being filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and upon expiration of the time period for filing a petition for permissive referendum. In the event that a petition is duly filed and a referendum held, this Local Law shall take effect after said referendum has been duly passed by a majority of voters and has been duly filed in the Office of the New York State Secretary of State.

~~Strikethrough~~ denote deletions
Underlining denotes additions

From: [Kelson, Michelle](#)
To: [Torrance Harvey](#); [City Council](#)
Cc: [Donat, Joseph](#); [Venning, Todd](#)
Subject: City Council Annual Salary
Date: Wednesday, October 07, 2020 6:21:11 PM
Attachments: [City Charter Sec. C4.00 Legislative powers fixed in Council.pdf](#)
[LL No. 5-92 of 12.14.92.pdf](#)
[NYCOM Handbook for City Officials - 2019-2020 - Chap 5 Local Legislation.pdf](#)
[Requestor David Avstreih - 1990 N.Y. Op. Attv. Gen. \(Inf.\) 1092 \(1990\).pdf](#)

Dear Mayor Harvey and Council Members:

I recall that in the preparation of the last 2 or 3 budgets, there was some interest in increasing the annual salary of the City Council from \$9,000.00 to \$12,000.00. I understand that a Council salary increase is a topic in the preparation of 2021 budget. I know that you work very hard on behalf of your community and I am not expressing an opinion on the justification for a proposed salary increase. I write to advise you of the process that is required for a salary increase to become effective on January 1, 2021.

In addition to allocating sufficient funding to support a salary increase in an adopted annual budget, the Council also must pass a local law amending City Charter Section C4.00. The last sentence of City Charter Section C4.00 provides: "The Mayor and the other six members of the Council shall each receive an annual salary of \$9,000, payable in equal monthly installments." A copy of City Charter Section C4.00 is attached to this email. In order to change the amount of the annual salary of the Mayor and Council Members, City Charter Section C4.00 must be amended to reflect the increased amount. Minor or limited charter amendments can be accomplished by adopting a local law. A local law that increases the salary of an elected official is not subject to mandatory referendum.

However, a local law that increases the salary of an elective officer during his or her term of office is subject to a permissive referendum (referendum by petition). An increase in salary for the Mayor and Council Members effective in 2021 would be during the term of office of all the elected officials on City Council. If a petition for referendum is filed within 45 days of adoption of a local law amending City Charter Section C4.00 to increase the salaries of the Mayor and Council Members, the local law would not be effective until the referendum is approved by the qualified electors of the City. (See attached Opinion of the NYS Attorney General 1990 NY Op Gen (Inf) 1092).

The last time the City Council salaries were increased was 1993. A copy of Local Law No. 5-1992 of December 14, 1992 increasing Council salary from \$6,000 to \$9,000 is attached. (The reference in the Code to an amendment from November 8, 2011 relates to the Charter Review amendments that were approved in the November 8, 2011 election which amended City Charter Section C4.00 to change the number of Council Members from four to six and did not amend the Council's annual salary.) A local law may be amended only by another local law. The procedure for adopting local laws is set forth in Article 3 of the Municipal Home Rule Law. I have attached a copy of Chapter 5 of the NYCOM Handbook for City Officials (December 2019) which explains the requirements and procedures for adopting local laws. Conducting a separate public hearing on each local law is a key requirement. Therefore, as difficult as it may be, if the 2021 budget contains an appropriation for a salary increase for the Mayor and Council Members, a local law amending City Charter Section C4.00 will be required before the salary increase can go into effect. The timeline that I would propose is as follows:

1. October 13, 2020 Council meeting: City Manager proposed 2021 budget is introduced.
2. November 5, 2020 work session: Introduction of proposed local law amending City Charter Section C4.00 to reflect the salary increased in the proposed 2021 budget.
3. November 9, 2020 Council meeting: Resolution scheduling a public hearing for November 23, 2020 to hear comment on proposed local law amending City Charter Section C4.00
4. November 23, 2020 Council meeting: Public hearing proposed local law amending City Charter Section C4.00 to reflect the salary increased in the proposed 2021 budget
This timeline avoids having the public hearing on the budget which must be 11/9/20 and the public hearing on the salary increase at the same meeting.

However, the local law amending City Charter Section C4.00 could be introduced at the October 22, 2020 work session & a resolution scheduling a public hearing for November 9, 2020 could be voted on at the October 26, 2020 meeting. The public hearing on the annual budget must be held on November 9, 2020. It is the Council's decision on the timeline for the adoption of the local law amending City Charter Section C4.00.

The Council must vote to approve the 2021 budget on November 23, 2020 & if the salary increase is included in the approved budget and the public hearing on the local law is closed, the Council can vote on the local law amending City Charter Section C4.00 after approving the budget resolution OR

5. December 14, 2020 Council meeting: Council vote on the local law amending City Charter Section C4.00. This local law would have an effective date of January 1, 2021.

If a salary increase for the Mayor and Council Members is included in the City Manager's FY 2021 proposed budget (or the Council includes a salary increase after receiving the City Manager's FY2021 proposed budget), I will need to know the new salary amount proposed and the preferred timeline for introducing and adopting a local law amending City Charter Section C4.00 to reflect the new salary amount. Thank you for your attention to this matter.

Michelle Kelson
Corporation Counsel
City of Newburgh

83 Broadway
Newburgh, NY 12550
Phone: (845) 569-7335
Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

§ C4.00. Legislative powers fixed in Council. [Amended 11-10-1952 by L.L. No. 9-1952; 12-29-1960 by L.L. No. 2-1960; 12-8-1969 by L.L. No. 1-1969; 12-27-1976 by L.L. No. 2-1976; 1-26-1981 by L.L. No. 2-1981; 12-14-1981 by L.L. No. 1-1982; 12-14-1992 by L.L. No. 5-1992; 11-8-2011¹]

All the legislative powers of the City, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the "Council of the City of Newburgh" and to be composed of the Mayor and six Council members. It shall be, for all purposes, the Common Council of the City. The Mayor and the other six members of the Council shall each receive an annual salary of \$9,000, payable in equal monthly installments.

1. Editor's Note: This proposition provided that the revised provisions of this section would become effective on January 1, 2014.

LOCAL LAW NO. 5

OF December 14 1992

A LOCAL LAW AMENDING SECTION 4.00 OF THE CITY
CHARTER IN RELATION TO THE ANNUAL SALARY
OF COUNCIL MEMBERS

BE IT ENACTED, by the Council of the City of Newburgh, New York, that Section C4.00 of the City Charter be and it hereby is amended to read as follows:

(C4.00. Legislative powers fixed in Council.

All the legislative powers of the city, however conferred upon or possessed by it, are hereby fixed in a board to be known as the "Council of the City of Newburgh" and to be composed of the Mayor and four (4) Councilmembers. It shall be, for all purposes, the Common Council of the city. The Mayor and the other four (4) members of the Council shall each receive an annual salary of nine thousand dollars (\$9,000.00), payable in equal monthly installments."

THIS AMENDMENT SHALL BECOME EFFECTIVE ON JANUARY 1, 1993.

Councilman Berardinelli moved and Councilman Giudice seconded that the Local Law be adopted.

Ayes-Councilmen Berardinelli, Giudice, Rockafellow, Mayor Carey-4.

Abstain-Councilman Kulkin-1.

ADOPTED.

Chapter 5

Local Legislation

A city council may enact legislation by local law, ordinance or resolution. The city charter or a State statute may prescribe which to use for a particular matter, but many times the propriety of using a resolution versus an ordinance or a local law will depend on tradition, expediency, or individual preference.

RESOLUTIONS

Adopting a resolution requires the least amount of formality. Unless otherwise required by State law, resolutions may be adopted without any waiting period, without notifying the public, and without holding a public hearing. Resolutions may be introduced and passed at the same meeting and, unless otherwise stated, take effect immediately. Resolutions are usually used for actions concerning the day-to-day work of a city. Examples of actions that would be addressed by adopting a resolution include establishing a salary, transferring money from one budget account to another, or legislative expressions of praise or mourning.

There is frequent discussion about the difference between a motion and a resolution. Neither of these terms is defined in State law. In practical terms, a resolution is a more formal motion.

ORDINANCES

Ordinances are more formal than resolutions, but less so than local laws. Ordinances are usually used for actions of a more permanent nature, such as accepting a dedication of a street, establishing a housing code, or amending the administrative structure of government.

The General City Law, § 20(22), empowers every city “[t]o regulate by ordinance or local law any matter within the powers of the city, and to provide penalties, forfeitures and imprisonment to punish violations thereof” In addition to this broad general authority to adopt ordinances, § 20 of the General City Law includes authorization to enact ordinances with respect to specific subject matters such as sewer rents (subd. 26), and the licensing and regulation of master and special electricians (subd. 27).¹

In contrast to the procedures to be followed in the adoption of local laws as set forth in § 20 of the Municipal Home Rule Law, the General City Law includes no similar process to be followed in the enactment of city ordinances. Thus, the assumption is that those procedures may vary from one city to another based upon provisions in a city charter or, perhaps, simply, long-established local practice.

However, the Second Class Cities Law does include some particulars relating to the adoption of ordinances for the cities subject to its provisions. For example, § 35 provides that “on the passage of every ordinance, the yeas and nays of the members voting ... shall be entered in full upon the journal. The passage of an ordinance shall require the affirmative vote of at least a majority of all the members of the common council. No

ordinance shall be passed by the common council on the same day in which it is introduced, except by unanimous consent.”² (Emphasis added).

LOCAL LAWS

A local law is the highest form of legislation a city may adopt, as the power to enact a local law is granted to local governments by the New York State Constitution.³ A local law has the same effect as an act of the State Legislature. Actions taken by local law usually involve the structure of government, the transfer of power from one official or body to another, a change from a statewide standard or rule, or establishing a regulation, the violation of which can result in imposing a criminal or civil penalty.

LIMITATIONS ON LOCAL LAWS

The authority of cities to adopt local laws is subject to certain limitations. For example, local laws may be adopted provided that they are not inconsistent with any provision of State law,⁴ do not deal with a matter of State concern (such as education or health), and are not in a subject area preempted by the State.

Inconsistent With a State Law or the NYS Constitution

A local law may not be inconsistent with a general State law or the NYS Constitution. For example, a local law may not supersede a State statute if the local law removes or raises local government debt limits; removes or raises taxing limits; removes restrictions on the issuing of bonds or other indebtedness; affects maintenance, support or administration of a local educational system, or teachers’ pension or retirement system; affects the courts; affects power of the Office of the State Comptroller regarding audits/exams of municipal accounts; or transfers to abutting property owners liability for failure to maintain sidewalks/gutters. However, cities have the unique authority to adopt local laws relating to “[t]he collection of local taxes authorized by the legislature and of assessments for local improvements” which, in contrast to those of counties, towns and villages need not be consistent with “laws enacted by the legislature.”⁵

Matters of State Concern

Local governments are also restricted from adopting local laws on subject matters that are areas of state concern. A matter of state concern affects the residents of the entire state rather than only the “property, affairs or government” of a particular locality. For example, taxation, transportation and highways, parks, incurring of indebtedness, water supply, education, social services, health, banking, rapid transit, civil service, housing and municipal boundaries are matters of State concern.

Preemption

Additionally, local laws may not be enacted with respect to subject matters that the State has clearly indicated (a) an attempt to preempt local government action, or (b) an intent to completely occupy that particular subject matter field. Preemption occurs when state regulation in a particular area is so comprehensive as to indicate an intention to exclude local legislation. For example, the sale of alcoholic beverages, the regulation of campaign financing, penalties for selling drugs, and the licensing of motor vehicle drivers are all areas that have been preempted by the State.

ENACTING LOCAL LAWS

The procedure for adopting local laws is set forth in Municipal Home Rule Law, Articles 2 and 3. Specifically, every local law must contain a title, an enacting clause, the body of the law, and an effective date. **Local law filing forms may be downloaded from the Department of State's website at www.dos.ny.gov/forms/corporations/0239-f-l.pdf.**

The procedure set forth in Municipal Home Rule Law, Article 3 must also be used to amend previously enacted local laws and ordinances.⁶

Certain local laws are subject to mandatory or permissive referenda. Municipal Home Rule Law §§ 23 and 24 set forth most, but not all, of the actions that require mandatory or permissive referenda. Generally, local laws subject to a mandatory referendum must be voted on by the public and local laws subject to a permissive referendum are only voted on if a petition is filed requesting a public vote is signed by a certain percentage of registered voters.

Format of a Local Law

- Every local law must contain a title, an enacting clause, the body of the law, and an effective date. The New York Secretary of State has adopted a form for promulgating local laws.
- The title must briefly refer to the subject matter.
- The law may embrace only one subject matter. Codification or re-codification of ordinances or laws is considered one subject (e.g., the zoning code).
- The following phrase must be used at the beginning of every law: "Be it enacted by the (naming the legislative body) of the (name of local government) as follows:"
- The law must be consecutively numbered, starting with number one for the first law of the calendar year. For example: Local Law No. 1 of 2019, Local Law No. 2 of 2019, etc.

Local Laws From Start to Finish

Identifying the Need for a Local Law. The local government body receives a citizen complaints or receives information regarding a problem within the municipality. A local law is needed to address the problem.

Drafting the Proposed Local Law. The municipal attorney drafts a local law which deals with the problem at hand. While the attorney is not required to draft the local law, cities are encouraged to consult with their attorney when drafting local laws. As of 2011, the city attorney no longer needs to certify to the Department of State that the local law "contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto."⁷

The "Aging" Requirement. Every proposed local law must be "aged," that is, a number of days must pass between the day when the proposed local law is first introduced to the members of the legislative body and the day on which the legislative body may act on the proposal. The "aging" requirement is set forth in Municipal Home Rule § 20(4). Before a

proposed local law may be passed by a legislative body, a copy of the law in its final form must be either:

- “Placed upon the desks or tables” of each member of the legislative body at least seven days prior to its passage (not including Sunday); or
- Mailed to each member of the legislative body at least 10 days prior to its passage (not including Sunday).

Note that by amendment in 2013, a proposed local law is “deemed to be upon the desks or tables” of members of the local legislative body if it is set forth in a legible electronic format by electronic means, and it is available for review in such format at the desks of the members.⁸ An additional amendment in 2015 clarified that email is an acceptable method of delivering proposed local laws, provided that the local government has documented that each member of the legislative body has an email address which has been posted on the municipal clerk’s bulletin board and the legislative body has unanimously adopted a resolution authorizing electronic delivery of proposed local laws.⁹

The aging requirement may be dispensed with if the mayor certifies that it is necessary that the local law be passed immediately.¹⁰ This declaration by the mayor is often referred to as a “message of necessity.” Note that proposed local laws which have not been “aged” may only be enacted by a two-thirds vote of the fully constituted city council. Thus, if a city has a five-member council and the mayor dispenses with the aging requirement, the local law must receive four “yes” votes to be enacted. In addition, even if the aging requirement is dispensed with, a properly noticed public hearing on the proposed local law must still be held.¹¹

The Public Hearing. A public hearing must be held before the adoption or approval of a local law by the city council or the elected chief executive officer of the city. The public hearing must be held on five days notice. When the hearing is held before the elected chief executive officer, notice must be given by that officer within 10 days after the local law has been presented to him or her, and the hearing must be held within 20 days thereafter.¹²

The public hearing may be adjourned to a specific time, date and location, without having to re-notice the continuation of the hearing. However, if the public hearing is closed or adjourned *sine die* (without assigning a specific day and time for reconvening), it may not be reopened or resumed without satisfying the requirements of publishing notice of the hearing in the official newspaper and posting notice.

The Vote. The city council may vote on a proposed local law any time after the public hearing is concluded. A majority vote of the fully constituted council is required to adopt a local law. A two-thirds vote is necessary if a message of necessity was issued¹³ or if required by the city charter.

Each member may vote on a proposed local law, even if they were absent from the hearing on the proposed local law. If a council member is absent from the public hearing, however, before voting on the proposed local law, that member should review the comments that were submitted at the public hearing. In addition, members may not vote by telephone,¹⁴ although the Public Officers Law expressly allows for participation by videoconference.¹⁵

The vote of each council member must be recorded in the minutes of the meeting. Note that a member may not be compelled to vote. If a member abstains from voting, their abstention must be recorded in the minutes. A council member is not required to give a reason for abstaining from voting. If a member is absent from the vote, their absence must be noted in the minutes.

To determine whether a proposed local law is enacted, the clerk must count the number of votes in favor of the local law. A majority of the fully constituted council must vote in favor of the local law for it to be enacted. For example, cities with five council members must have three votes in favor of the local law for it to be enacted. Cities with seven member councils must have four votes in favor of the local law for it to be enacted. If the mayor issued a message of necessity and thereby dispensed with the aging requirement, two-thirds of the members must vote in favor of the local law for it to be enacted. Finally, if a member is absent from a meeting when a vote is taken, the member may not subsequently submit their vote on the proposed local law.

The Filing Requirements. Within 20 days of adopting a local law,¹⁶ the city clerk must file a certified copy of the local law with the Secretary of State at the following address: **NYS Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.**

Additionally, a certified copy of the local law must be filed in the city clerk's office in a separate book(s), which the clerk must index.¹⁷

The Local Law's Effective Date. Pursuant to Municipal Home Rule Law § 27, notwithstanding a local law's stated effective date, it does not become effective until filed in the Secretary of State's office. In addition, if an effective date is not expressly stated in the local law, it becomes effective 20 days after it is filed in the Secretary of State's office.

Local laws that are subject to mandatory or permissive referenda, as outlined in Municipal Home Rule Law §§ 23 and 24, do not take effect until filed with the Office of the Secretary of State, which may only be done following the permissive referendum waiting period (providing no petition is filed) or upon approval by the electors.

Amending Proposed Local Laws Prior to Enactment. If, at any time, a proposed local law is amended (other than for very minor grammatical amendments such as the inserting of a punctuation mark or correcting a typo or misspelled word), the proposed local law must be reintroduced to the board members ("aged") and the public hearing must be re-noticed and re-held.¹⁸

Local Laws and SEQR

Every local law, ordinance and resolution, the enactment of which may affect the environment, is considered an "action" within the meaning of the State Environmental Quality Review law (SEQR). Actions are divided into three categories, Type I Actions, Type II Actions, and Unlisted Actions. For proposed local laws, ordinances and resolutions that are Type I Actions, the city must complete a Full Environmental Assessment Form (EAF). For proposed local legislative acts that are Unlisted Actions, the city must complete either a Short or Full EAF. For those acts that are Type II Actions, cities are not required to undertake any action.

As a result, for every local law, ordinance and resolution enacted, the city must determine:

- If the local law, ordinance or resolution affects the environment; and
- If so, whether it is a Type I, Type II, or Unlisted Action.

If no environmental review is required because a local law either will not affect the environment or is a Type II Action, it is recommended that the board of trustees note such finding in the meeting minutes prior to adopting the local law.

For more information on SEQR, visit www.dec.ny.gov/permits/357.html.

Special Consideration for Zoning Laws

Cities must comply with additional procedural requirements when adopting and amending zoning laws. **For more information on adopting and amending zoning laws, please refer to NYCOM Municipal Management Series, *The Adoption and Amendment of Zoning*, also available on the NYCOM website at www.nycom.org for NYCOM members only.**

Local Law Checklist

Consider the following when adopting local laws:

- Does the local law cover only one subject?
- Does the local law relate to the municipality's property, affairs or government or a topic enumerated in Municipal Home Rule Law § 10?
- Is the local law, other than one relating to the collection of local taxes, consistent with the provisions of the State Constitution and general state laws?
- Does the local law concern an issue that is a matter of state concern?
- Does the local law have an effective date?
- Does the local law provide for enforcement provisions (if appropriate)?
- Is the local law subject to a referendum?
- Has the local law been drafted or reviewed by your city attorney?
- Is the local law subject to SEQR?
- Is the local law a zoning law?
- Has the local law "aged" sufficiently?
- Was a properly noticed public hearing held on the proposed local law?
- Was the proposed local law subsequently amended prior to being submitted to the city council and the noticing of the public hearing?

How to Count Days When Required by Statute

General Construction Law § 20 provides that the day of the event is excluded from the count and the last day of the period included.

Exception 1: If the time period to be counted is two days, exclude the day of the event and if any of the days to be counted or the last day of the period is Saturday, Sunday, or public holiday, do not count that day.

Example: Notice is required two days in advance and notice is given on a Friday. The act would be allowed on Tuesday.

Exception 2: Whenever the last day falls on a Saturday, Sunday, or public holiday, the act which is authorized or required may be done on the next business day. Note the permissive may. Cities are not prohibited from conducting business on Saturdays, Sundays or public holidays. The person required to do the act may extend their time until the next day, pursuant to General Construction Law § 25-a.

Example: If a tax date falls on a Sunday, payments may be made on Monday. The city could not mandate that payments be made on Sunday.

Example: If the five-day requirement for holding a public hearing on a local law falls on Memorial Day, the city council may hold the hearing on Memorial Day or choose to hold it on the following day.

After following the first general rule with its exceptions, count every single day within the days to be counted including Saturdays, Sundays, and public holidays, unless the specific statute states otherwise, in accordance with General Construction Law § 20.

Example: A State statute requires that notice be given five days in advance. Notice is given on a Thursday. The act would be allowed on Tuesday.

Example: When adopting a local law, Municipal Home Rule Law § 20 provides that “No such local law shall be passed until it shall have been in its final form and . . . upon the desks or table of the members at least seven calendar days, exclusive of Sunday, prior to its final passage.” Therefore, the State law says to exclude Sundays and the last day of the period. If a local law was introduced on a Wednesday, a vote could not be taken until the following Thursday. All Saturdays and public holidays would still be counted.

Example: If the local law was introduced on a Friday, the vote could be taken the following Saturday.

The law does not recognize fractions of days, so, if the last day falls on April 15, and the act required is done at 11:59 p.m. on that day, the requirement has been satisfied; (for instance, filing your income tax return).

Public holidays are defined pursuant to General Construction Law § 24. This section does not recognize religious holidays such as Good Friday or Rosh Hashanah.

¹ Others include the creation of a lien for towing and storage of illegally-parked vehicles (subd. 30), compelling the repair or removal of structures endangering the health, safety or welfare of the public (subd. 35), and prohibiting and punishing loitering (subd. 37).

² See also, Second Class Cities Law §§ 30, 38 and 39.

³ NY Constitution, Article 9, § 2(c).

⁴ Except as otherwise provided in the Municipal Home Rule Law. See Municipal Home Rule Law § 10(1)(ii)(a)(9). See also Sonmax, Inc v. City of New York, 43 N.Y.2d 253 (1977).

⁵ Id.

⁶ See, 1982 Op. State. Comp. No. 82-35, 1984 Op. State Comp. No. 84-26 and 1998 Op. State Comp. No. 98-22.

⁷ Municipal Home Rule Law § 27(2), as amended by L. 2011, c. 97, effective, June 24, 2011.

- ⁸ Chapter 426 of the Laws of 2013.
- ⁹ Chapter 397 of the Laws of 2015.
- ¹⁰ Municipal Home Rule Law § 204(4).
- ¹¹ Municipal Home Rule Law § 20(5).
- ¹² *Id.*
- ¹³ Municipal Home Rule Law § 20(4).
- ¹⁴ Town of Eastchester v. SBRPS, 23 A.D.3d 484 (2d Dept. 2005).
- ¹⁵ Public Officers Law §§ 103(c) and 104(4). *See also* General Construction Law § 41.
- ¹⁶ Municipal Home Rule Law § 27(1).
- ¹⁷ Municipal Home Rule Law § 27(6).
- ¹⁸ 1978 Op. Atty. Gen., p. 243; and Op. State Comp. No. 81-124, p. 125 (1981).

1990 N.Y. Op. Atty. Gen. (Inf.) 1092 (N.Y.A.G.), 1990 WL 514532

Office of the Attorney General

State of New York
Informal Opinion No. 90-52
June 11, 1990

MUNICIPAL HOME RULE LAW, §§ 10(1)(c)(1), 24(2)(a) and (2)(h), 27, 36.

***1** A local law increasing the salary of an elected city official during his term of office is subject to a referendum on petition under [section 24 of the Municipal Home Rule Law](#).

Requestor: David Avstreich
Corporation Counsel
City of Mount Vernon
City Hall
Roosevelt Square
Mount Vernon, New York 10550

You have asked whether a referendum is required in order to increase the salary of an elected official of the City of Mount Vernon during his term of office. You have informed us that the charter of the City of Mount Vernon establishes the annual salaries of elected officials of the city and that these provisions have been amended from time to time by local law in order to increase salaries.

In that your charter establishes salaries of elected officials, it is necessary that a local law be enacted in order to modify these salaries. Under the Municipal Home Rule Law, a city charter can be locally revised only by local law ([Municipal Home Rule Law, §§ 10\[1\]\[c\]\[1\], 36](#)). A local law increasing the salary of an elected officer of a city during his term of office is subject to a referendum on petition (id., [§ 24\[2\]\[h\]](#)).

We note that it is common to establish compensation levels by resolution. For example, in many cases municipalities establish salaries as part of the annual budget which is typically enacted by resolution. There is no general requirement that resolutions increasing the salaries of elected officials be presented to the voters for approval.

You also have asked about the procedure for the conduct of a referendum under [section 24 of the Municipal Home Rule Law](#). Specifically, you are concerned about the effective date of a local law subject to a referendum on petition. Under [section 24](#), a local law does not take effect until at least 45 days after its adoption (id., [§ 24\[1\]\[a\]](#)). If, however, the requisite petition for a referendum is filed within 45 days after the adoption of the local law, it does not take effect until approved by the affirmative vote of a majority of the qualified electors of the local government voting on the proposition (ibid.).

The procedure for the petition and for the conduct of the referendum are established by law (ibid.). Also, see [section 27 of the Municipal Home Rule Law](#) with respect to the filing and publication of local laws.

We conclude that a local law increasing the salary of an elected city official during his term of office is subject to a referendum on petition under [section 24 of the Municipal Home Rule Law](#).

The Attorney General renders formal opinions only to officers and departments of the State government. This perforce is an informal and unofficial expression of views of this office.

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