

A regular meeting of the City Council of the City of Newburgh was held on Monday, October 26, 2020 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence / Momento de Silencio

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

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

Present: Mayor Harvey, presiding; Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles (arrived after roll call) - 7

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on October 13, 2020

Councilman Sklarz moved and Councilman Shakur seconded.

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

Carried

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



City Manager's Update

Newburgh City Council Meeting

Monday, October 26, 2020



Novel Coronavirus (COVID-19)

For more information

Hotline: 1-888-364-3065

www.health.ny.gov/diseases/communicable/coronavirus



Testing data as of: 10/20/2020 Midnight
Testing data last updated on: 10/21/2020
(Updated daily before 2 PM)



New York State Department of Health COVID-19 Tracker

Statewide

Total Persons Tested
13,197,504

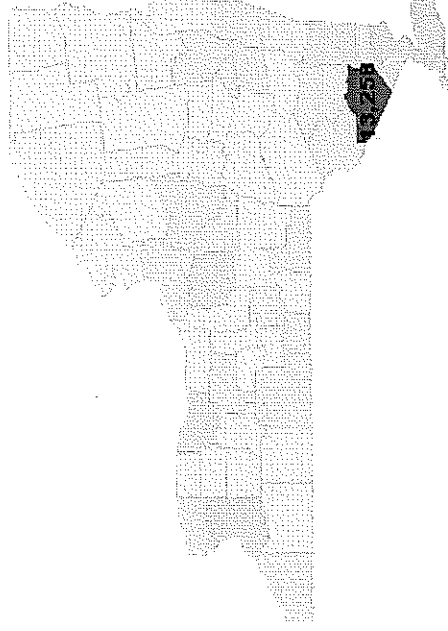
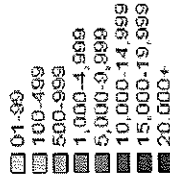
Total Tested 10/20
124,789

Total Tested Positive
488,506

Sex Distribution of Positive Cases
Female 49.0% Male 50.1% Unknown 0.9%

New Positives 10/20
2,026

Persons Tested Positive by County



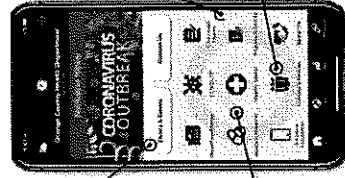
Click County to See Detail
Click Again for Statewide

Onondaga	5,124
Ontario	822
Orange	13,258
Oswego	376
Otsego	220
Putnam	353
Queens	1,755
Rensselaer	75,542
Richmond	1,067
Rockland	18,280
Saratoga	17,463
Schenectady	1,229
Schoharie	1,516
Schuyler	184
Seneca	134
St. Lawrence	131
Steuben	372
Suffolk	898
Sullivan	23,234
Ulster	1,254

Click for Daily Trends
Click for Table View
Click for Fatality Data
FAQs & Helpful Links

County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positives Today
Orange	200,079	13,258	6.6%	2,107	40



CLINICS AND EVENTS

PROGRAMS & SERVICES

HEALTH TOPICS

CHILDREN & FAMILIES



Orange County

www.orangecountygov.com

- Guidance & best practices
- Updates from County Executive



City of Newburgh

www.cityofnewburgh-ny.gov

- Changes to operations
- Important city updates

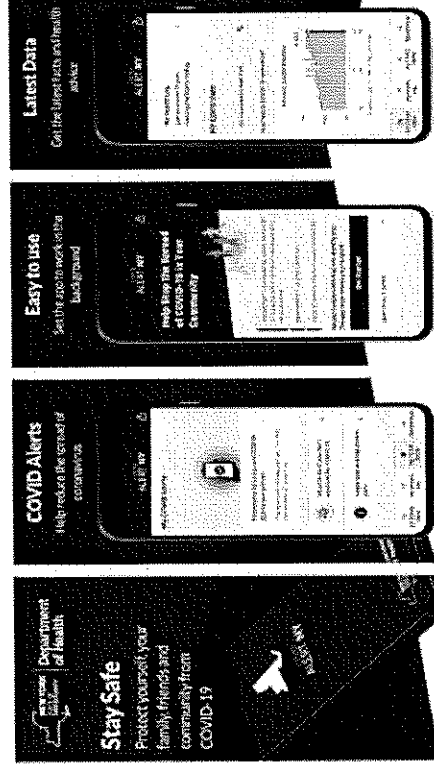


New York State

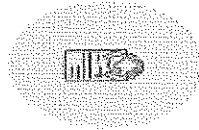
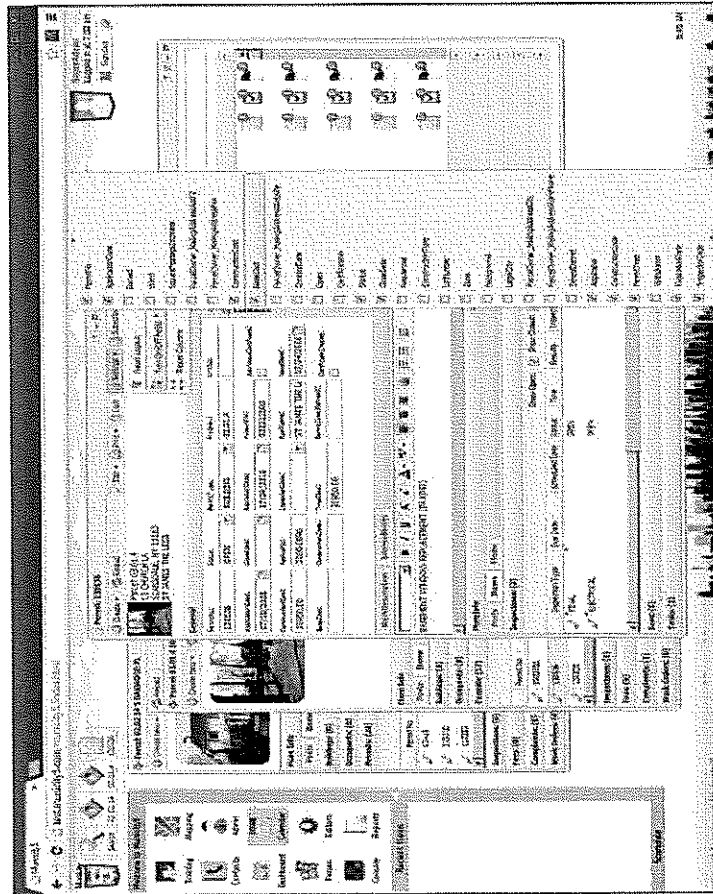
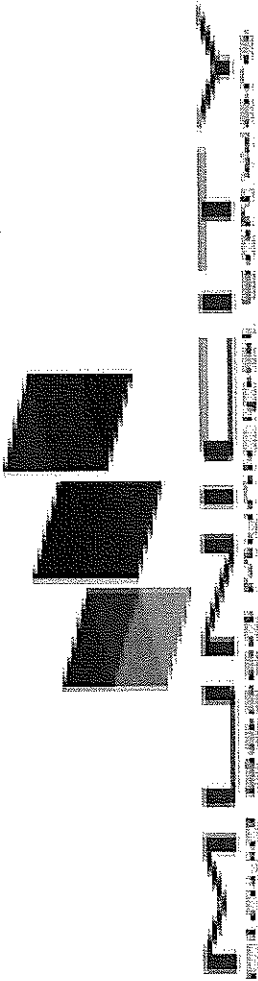
www.governor.ny.gov

- Executive Orders
- Links to helpful information

Stay Informed

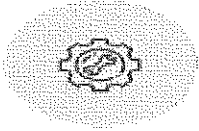


Official NYS COVID-19 Alert App



Permitting & Licensing

Easily track, issue and print all permits, certificates, and licenses



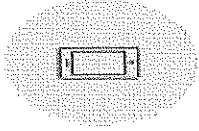
Work Order & Assets

Create, manage, and track all assets and work orders



Inspection

Manage all of your inspection activity and scheduling

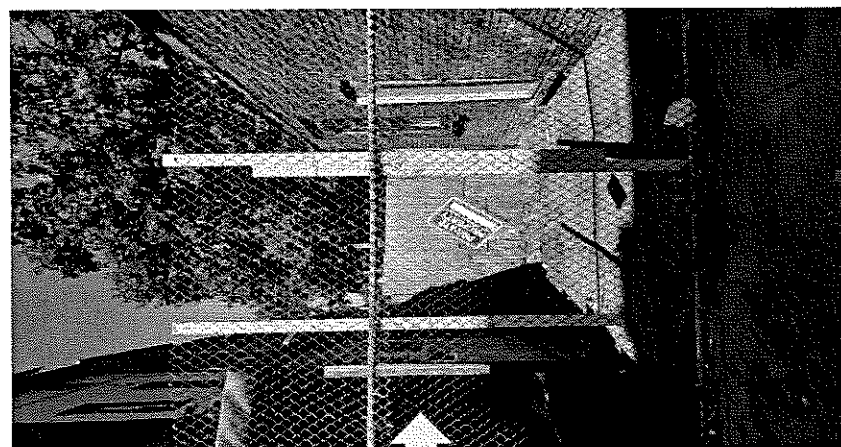
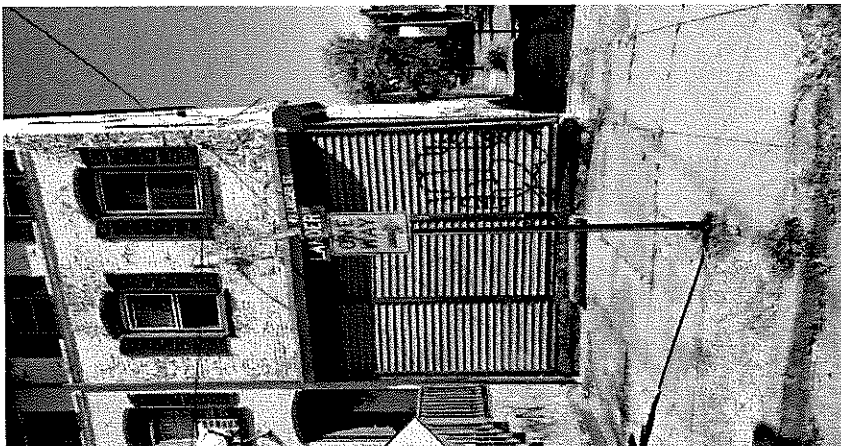


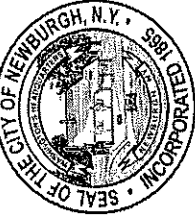
Mobile & Citizen Engagement

Conduct work on-site, and increase transparency with citizens

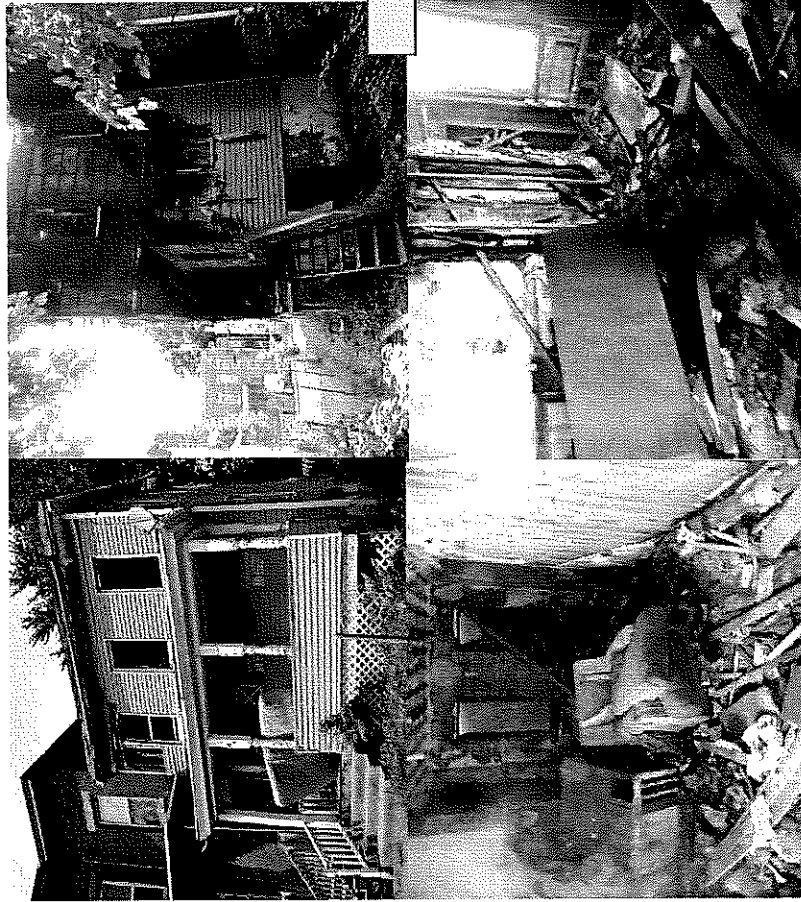


Abatement Notice Procedures





Developments in Formerly City-Owned Property



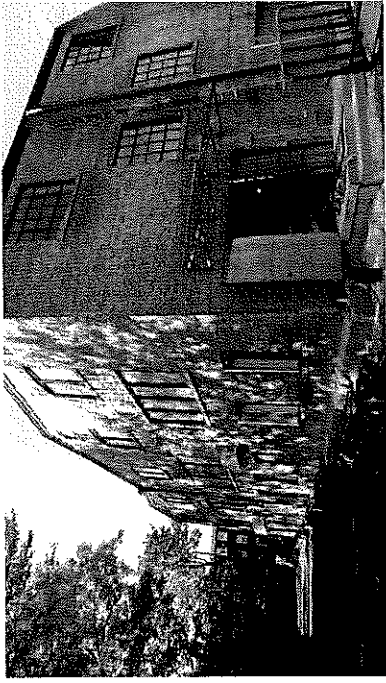
Before



After

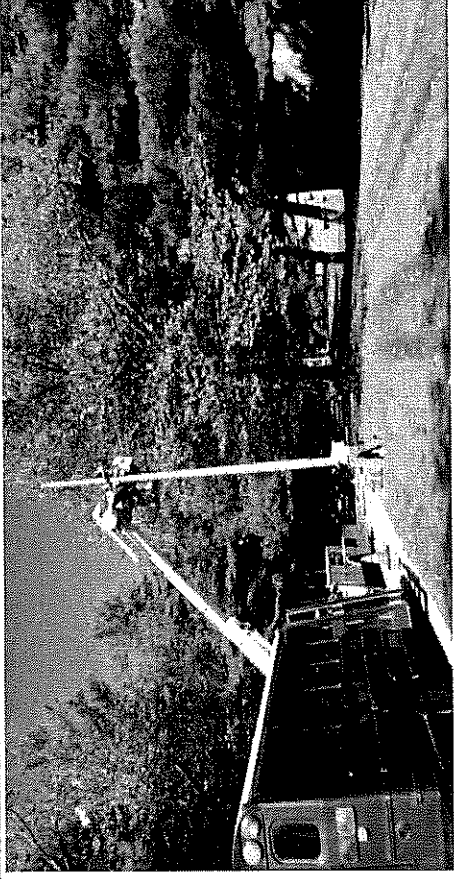
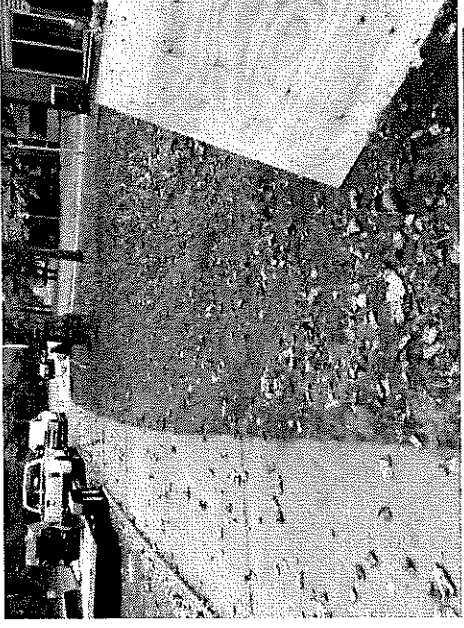
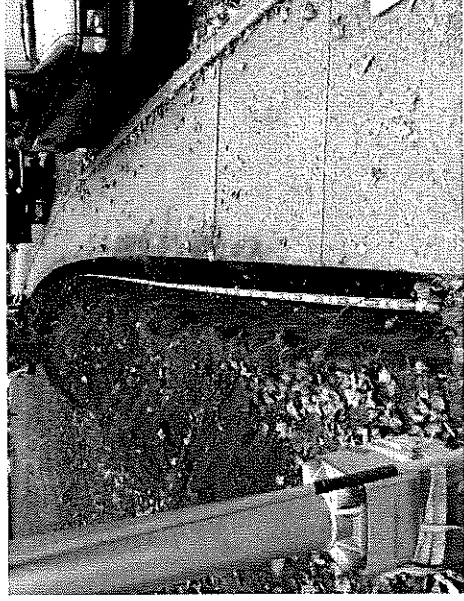


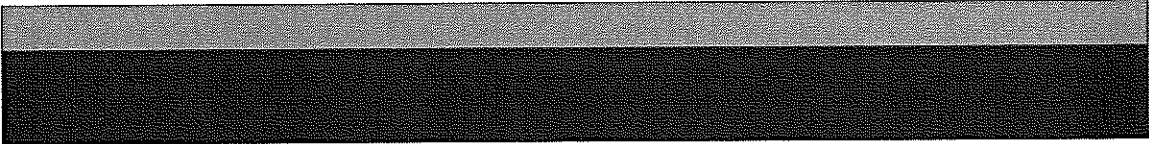
109 S. William Street





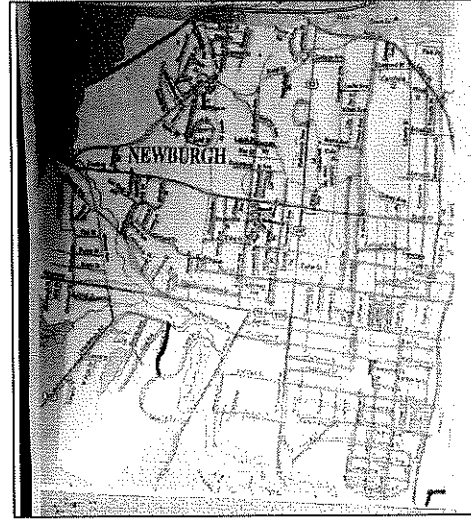
Lake Drive Apartment Complex Street Light Repairs



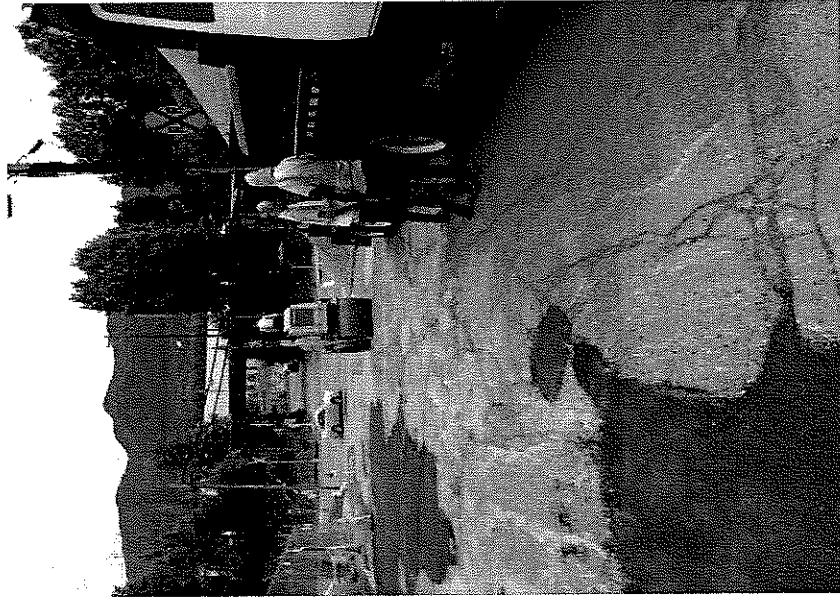


Potholes

40 tons of asphalt used so far this year



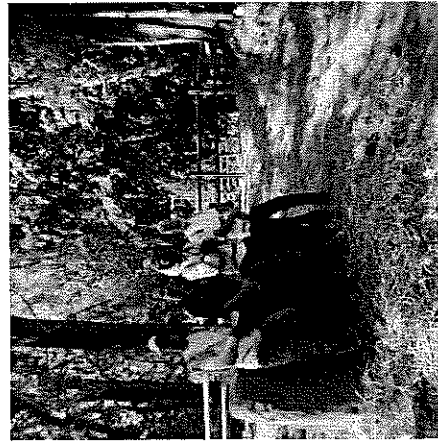
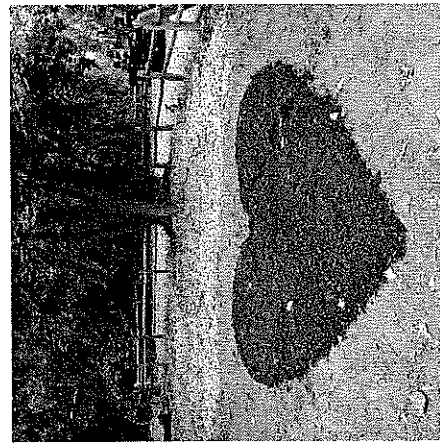
STREET	LOCATION	DATE	TIME	PERSONS	VEHICLE	REMARKS
1st St	1st St	1/1/84	10:00	2	1	1st St
2nd St	2nd St	1/1/84	10:05	2	1	2nd St
3rd St	3rd St	1/1/84	10:10	2	1	3rd St
4th St	4th St	1/1/84	10:15	2	1	4th St
5th St	5th St	1/1/84	10:20	2	1	5th St
6th St	6th St	1/1/84	10:25	2	1	6th St
7th St	7th St	1/1/84	10:30	2	1	7th St
8th St	8th St	1/1/84	10:35	2	1	8th St
9th St	9th St	1/1/84	10:40	2	1	9th St
10th St	10th St	1/1/84	10:45	2	1	10th St
11th St	11th St	1/1/84	10:50	2	1	11th St
12th St	12th St	1/1/84	10:55	2	1	12th St
13th St	13th St	1/1/84	11:00	2	1	13th St
14th St	14th St	1/1/84	11:05	2	1	14th St
15th St	15th St	1/1/84	11:10	2	1	15th St
16th St	16th St	1/1/84	11:15	2	1	16th St
17th St	17th St	1/1/84	11:20	2	1	17th St
18th St	18th St	1/1/84	11:25	2	1	18th St
19th St	19th St	1/1/84	11:30	2	1	19th St
20th St	20th St	1/1/84	11:35	2	1	20th St
21st St	21st St	1/1/84	11:40	2	1	21st St
22nd St	22nd St	1/1/84	11:45	2	1	22nd St
23rd St	23rd St	1/1/84	11:50	2	1	23rd St
24th St	24th St	1/1/84	11:55	2	1	24th St
25th St	25th St	1/1/84	12:00	2	1	25th St
26th St	26th St	1/1/84	12:05	2	1	26th St
27th St	27th St	1/1/84	12:10	2	1	27th St
28th St	28th St	1/1/84	12:15	2	1	28th St
29th St	29th St	1/1/84	12:20	2	1	29th St
30th St	30th St	1/1/84	12:25	2	1	30th St
31st St	31st St	1/1/84	12:30	2	1	31st St
32nd St	32nd St	1/1/84	12:35	2	1	32nd St
33rd St	33rd St	1/1/84	12:40	2	1	33rd St
34th St	34th St	1/1/84	12:45	2	1	34th St
35th St	35th St	1/1/84	12:50	2	1	35th St
36th St	36th St	1/1/84	12:55	2	1	36th St
37th St	37th St	1/1/84	1:00	2	1	37th St
38th St	38th St	1/1/84	1:05	2	1	38th St
39th St	39th St	1/1/84	1:10	2	1	39th St
40th St	40th St	1/1/84	1:15	2	1	40th St
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48th St	48th St	1/1/84	1:55	2	1	48th St
49th St	49th St	1/1/84	2:00	2	1	49th St
50th St	50th St	1/1/84	2:05	2	1	50th St
51st St	51st St	1/1/84	2:10	2	1	51st St
52nd St	52nd St	1/1/84	2:15	2	1	52nd St
53rd St	53rd St	1/1/84	2:20	2	1	53rd St
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55th St	55th St	1/1/84	2:30	2	1	55th St
56th St	56th St	1/1/84	2:35	2	1	56th St
57th St	57th St	1/1/84	2:40	2	1	57th St
58th St	58th St	1/1/84	2:45	2	1	58th St
59th St	59th St	1/1/84	2:50	2	1	59th St
60th St	60th St	1/1/84	2:55	2	1	60th St
61st St	61st St	1/1/84	3:00	2	1	61st St
62nd St	62nd St	1/1/84	3:05	2	1	62nd St
63rd St	63rd St	1/1/84	3:10	2	1	63rd St
64th St	64th St	1/1/84	3:15	2	1	64th St
65th St	65th St	1/1/84	3:20	2	1	65th St
66th St	66th St	1/1/84	3:25	2	1	66th St
67th St	67th St	1/1/84	3:30	2	1	67th St
68th St	68th St	1/1/84	3:35	2	1	68th St
69th St	69th St	1/1/84	3:40	2	1	69th St
70th St	70th St	1/1/84	3:45	2	1	70th St
71st St	71st St	1/1/84	3:50	2	1	71st St
72nd St	72nd St	1/1/84	3:55	2	1	72nd St
73rd St	73rd St	1/1/84	4:00	2	1	73rd St
74th St	74th St	1/1/84	4:05	2	1	74th St
75th St	75th St	1/1/84	4:10	2	1	75th St
76th St	76th St	1/1/84	4:15	2	1	76th St
77th St	77th St	1/1/84	4:20	2	1	77th St
78th St	78th St	1/1/84	4:25	2	1	78th St
79th St	79th St	1/1/84	4:30	2	1	79th St
80th St	80th St	1/1/84	4:35	2	1	80th St
81st St	81st St	1/1/84	4:40	2	1	81st St
82nd St	82nd St	1/1/84	4:45	2	1	82nd St
83rd St	83rd St	1/1/84	4:50	2	1	83rd St
84th St	84th St	1/1/84	4:55	2	1	84th St
85th St	85th St	1/1/84	5:00	2	1	85th St
86th St	86th St	1/1/84	5:05	2	1	86th St
87th St	87th St	1/1/84	5:10	2	1	87th St
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89th St	89th St	1/1/84	5:20	2	1	89th St
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91st St	91st St	1/1/84	5:30	2	1	91st St
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94th St	94th St	1/1/84	5:45	2	1	94th St
95th St	95th St	1/1/84	5:50	2	1	95th St
96th St	96th St	1/1/84	5:55	2	1	96th St
97th St	97th St	1/1/84	6:00	2	1	97th St
98th St	98th St	1/1/84	6:05	2	1	98th St
99th St	99th St	1/1/84	6:10	2	1	99th St
100th St	100th St	1/1/84	6:15	2	1	100th St



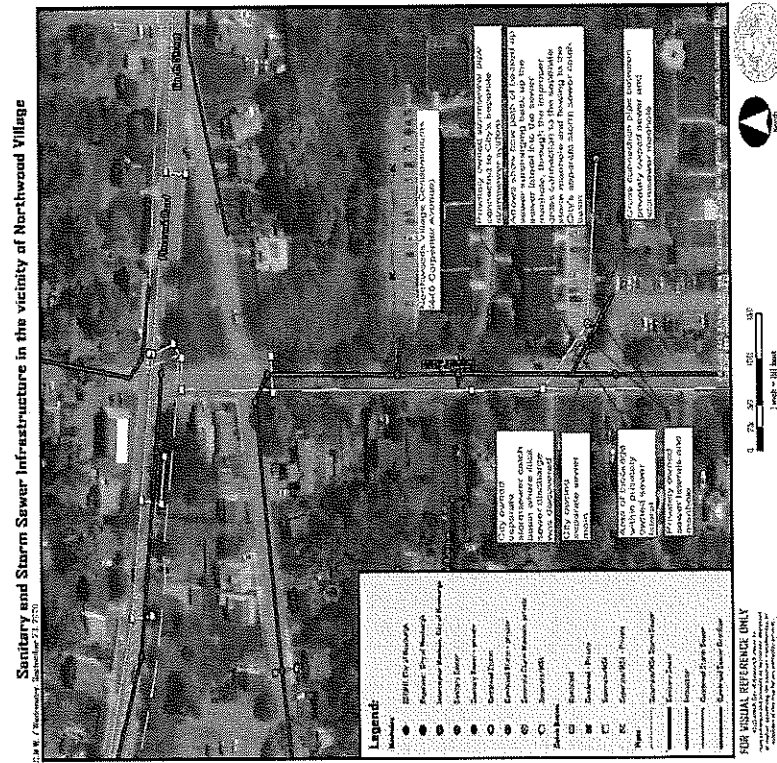
Crystal Lake Rehabilitation



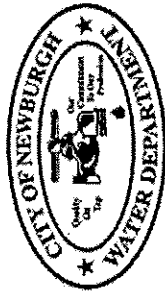
Filtration Team



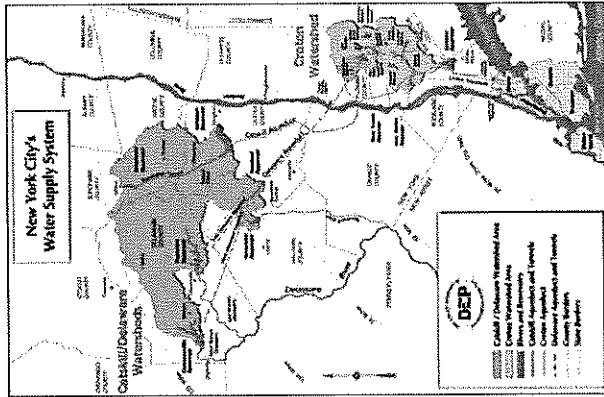
Sewer Collapse Embankment Failure



Mobilization at Browns Pond



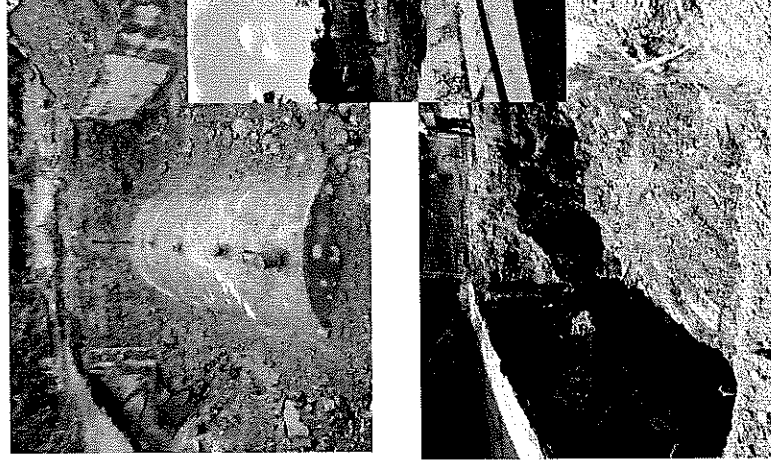
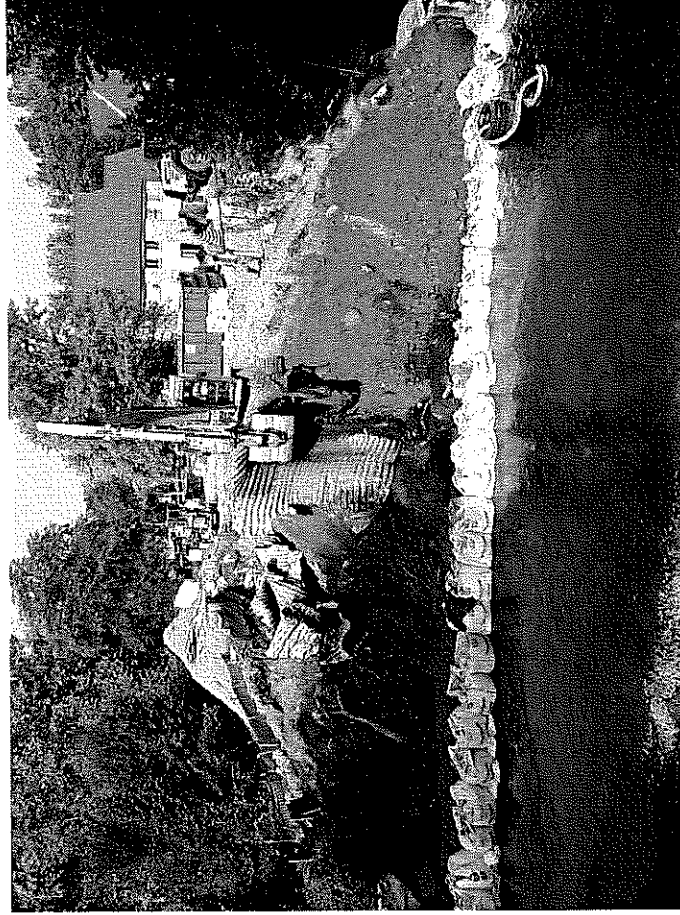
Fall Catskill Aqueduct Shutdown



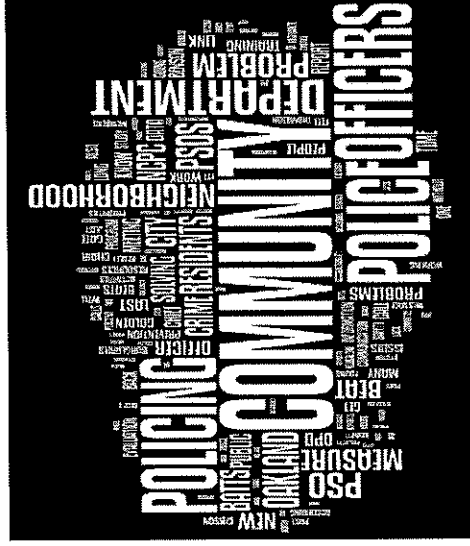
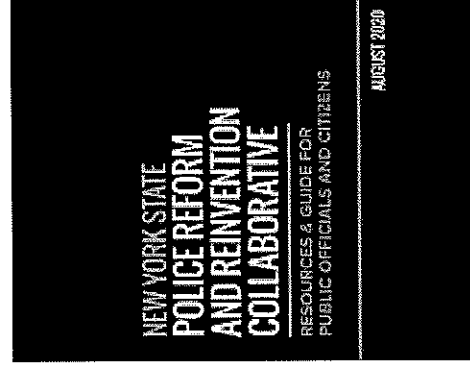
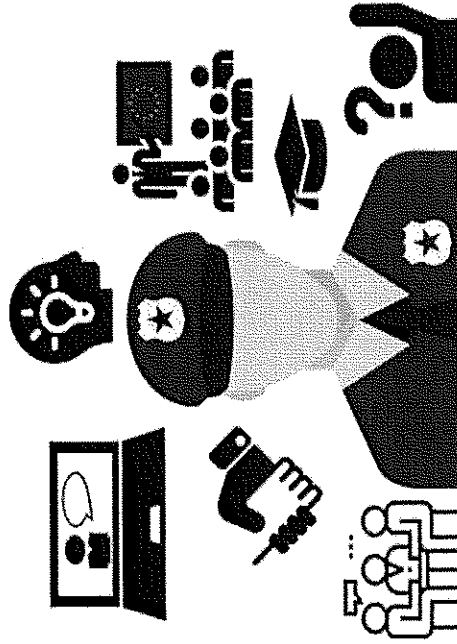
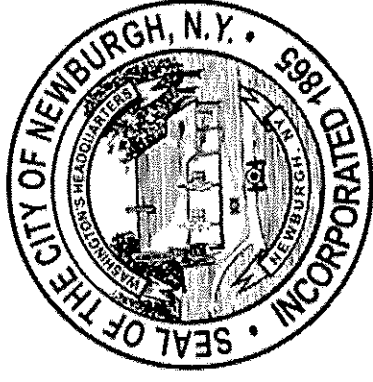
Lake Drive Bridge Replacement Project



Tank Removal and Soil Remediation



The seal of the Newburgh Police Department is circular. It features a central emblem of a torch and a scale of justice. The words "POLICE" and "NEWBURGH N.Y." are written in a large, bold, serif font around the top and bottom of the seal, respectively. The words "COMMUNITY DESIGNED POLICING" and "PEOPLE HELPING PEOPLE" are written in a smaller, sans-serif font around the inner circle of the seal.



Calls of Service for 1/1/20-9/30/20

Fires	99
Rescue Calls	560
Hazardous Conditions	254
Service Calls	559
Good Intent Calls	113
False Alarms	530
Special Incidents	5
Total Calls for the Year	2,120

Average Response Time	2:48 min
Firefighter Exposures	0
FF Fire Ground Injuries	6
Overlapping Calls	283

Mutual Aid for 1/1/20-7/30/20

Calls Mutual Aid Given	35
Total Time on Calls	17.5 Hours
Total Manpower Hours	70 Hours
Calls Mutual Aid Received	13
Total Companies Called	41
Total Time Mutual Aid Used	19 Hours
Total Manpower Hours	327 Hours



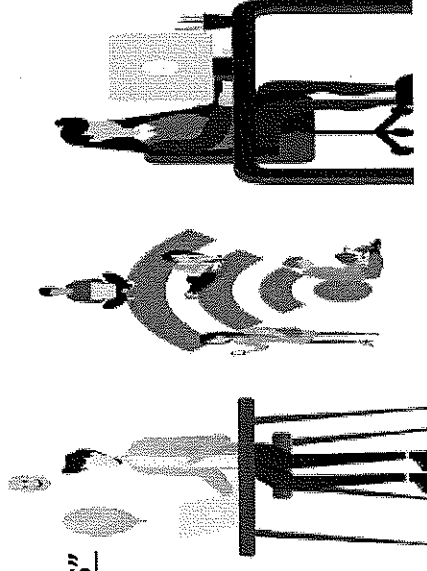
Public Hearings & Public Comment Periods

- PROPOSED LOCAL LAW AMENDING CHAPTER 93 "REPURCHASE OF IN REM PROPERTIES"

- Remove the requirement for annual authorization.

- PROPOSED LOCAL LAW TO OVERRIDE THE PROPERTY TAX CAP

- Authorize a property tax levy in excess of the limit established by General Municipal Law Section 3-c.

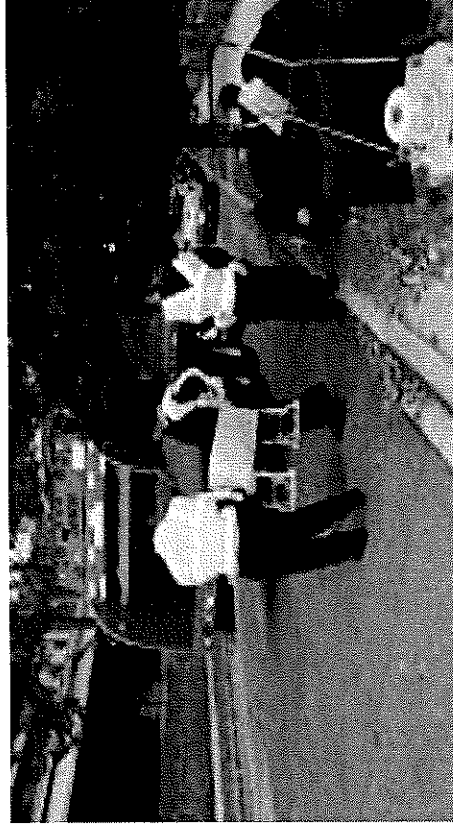
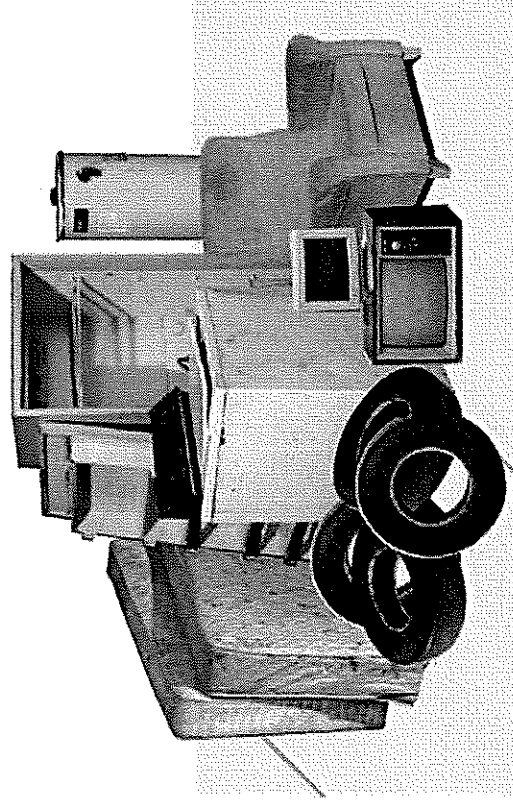


Participants will find themselves muted by default and they should change this right before they are to speak.

*Action item tonight is to make note of public comments provided.
No voting will take place related to either proposed local law tonight.*

Free of Charge Bulk Pick Up Pilot Program

- Call DPW to schedule a pickup 845-565-3297
- Dispose of up to 5 bulk waste items

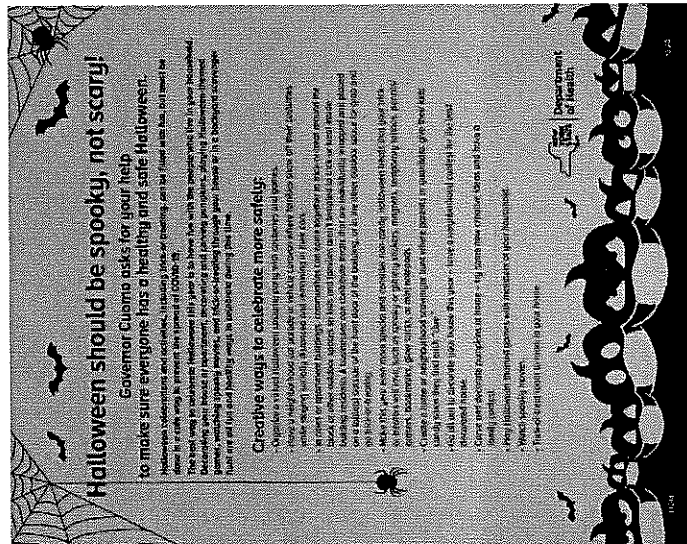


www.cityofnewburgh-ny.gov/public-works/pages/bulk-items-and-yard-waste-pick-up



October 29 | 7:00 p.m.

Socially-Distanced Halloween Events



October 31 | 12:00 p.m.



VOTE EARLY NY

ELECTION 2020

NOVEMBER 3, 2020 GENERAL ELECTION EARLY VOTING DATES & SITES

Sat.	Oct. 24:	12 PM - 5 PM	Thu.	Oct. 29:	7 AM - 3 PM
Sun.	Oct. 25:	10 AM - 3 PM	Fri.	Oct. 30:	12 PM - 8 PM
Mon.	Oct. 26:	12 PM - 8 PM	Sat.	Oct. 31:	10 AM - 3 PM
Tue.	Oct. 27:	7 AM - 3 PM	Sun.	Nov. 1:	10 AM - 3 PM
Wed.	Oct. 28:	12 PM - 8 PM			

If you live in Orange County, you may vote early at any of these locations listed below:

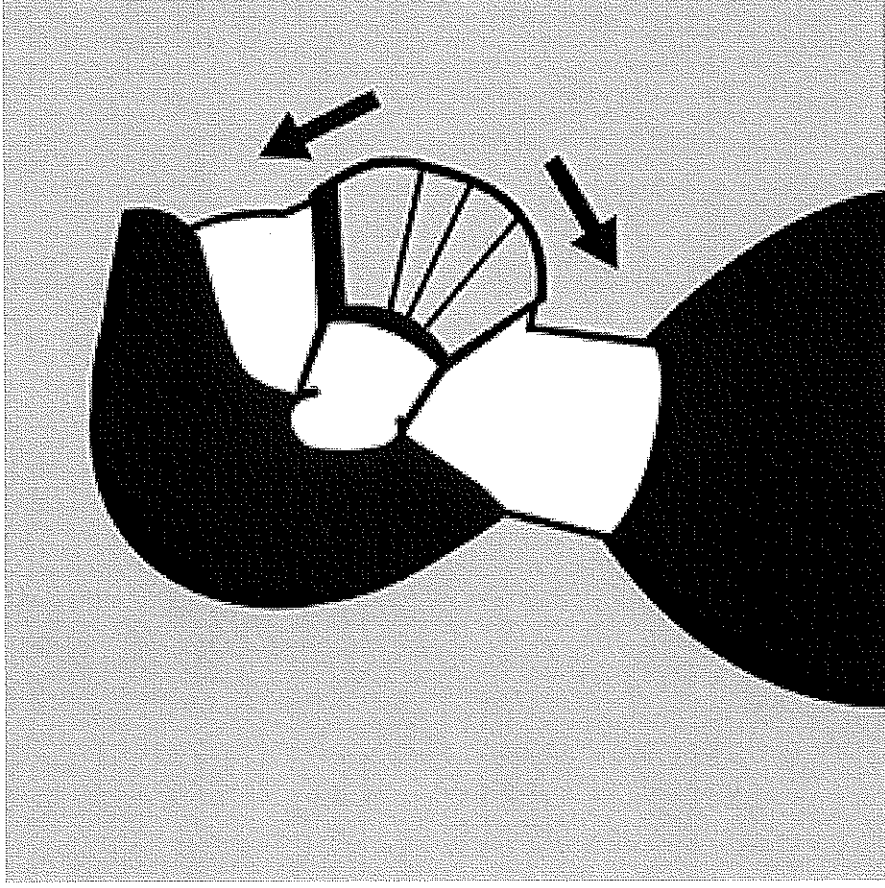
City of Newburgh Activity Center 401 Washington St, Newburgh
Cornwall Ambulance Building 1 Clinton St, Cornwall, NY
Warwick Town Hall 132 Kings Highway, Warwick, NY
Middletown Senior Center (Mulberry House) 62-70 West Main St, Middletown, NY
Village of Montgomery Senior Center 36 Bridge St, Montgomery, NY
Delaware Engine Co #2 22 Hammond St, Port Jervis
Monroe Town Hall 1465 Orange Turnpike, Monroe, NY

Face Coverings

Use these in public settings where social distancing is not possible

Sew and no-sew tutorials are available from the CDC website

Coverings should be worn while using public transportation and in for-hire vehicles by both passengers and operators



PRESENTATIONS

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

Mayor Harvey called for a public hearing that was advertised for this meeting to hear public comment concerning a proposed local law amending Chapter 93 entitled "Repurchase of In Rem Properties" to remove requirement of annual authorization.

There being no one wishing to speak this public hearing was closed.

Public Hearing - local law to override the property tax cap

Mayor Harvey called for a public hearing that was advertised for this meeting 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.

There being no one wishing to speak this public hearing was closed.

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

There were no comments.

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

There were no comments.

CITY MANAGER'S REPORT

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

Councilman Grice moved and Councilwoman Mejia seconded.

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

Adopted

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

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 259 - 2020 - Ricoh Copier Lease Renewal

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

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

Councilwoman Sofokles moved and Councilwoman Mejia seconded.

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

Adopted

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

Councilwoman Monteverde moved and Councilman Shakur seconded.

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

Adopted

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

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

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

Councilman Shakur moved and Councilwoman Monteverde seconded.

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

Adopted

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

Councilman Sklarz moved and Councilwoman Mejia seconded.

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

Adopted

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

Councilman Shakur moved and Councilman Sklarz seconded.

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

Adopted

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

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

Ordinance 9 - 2020 - Amending Chapter 249, Sidewalk Cafes

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

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

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

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

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Adopted

NEW BUSINESS

There was no new business.

OLD BUSINESS

Councilman Grice said that a resident reached out to all of the Council members with some concerns about the In Rem properties regarding exceptions. He noted it is important that they are transparent on what the City decides to do with property so perhaps they can sit down with Ms. Kelson to make sure that whatever language they are using is transparent.

Michelle Kelson, Corporation Counsel wanted to be clear about the amendments that are being proposed. The major amendment is to remove the annual authorization of the process of repurchasing In Rem properties. The administrative process, if the Local Law is adopted, will become the primary process and will become permanent. The Local Law does not make any other major changes to this Chapter. All we did with the rest of that Chapter was harmonize it with the change to remove the annual authorization. Anyone who wants to repurchase an In Rem property will be able to do it through an administrative process. The Local Law does not make any changes to the Chapter relative to any properties the Council wishes to retain for public purpose. That has always been in the Chapter and we are not making any changes to that part of the Chapter.

Councilman Shakur asked about the Police Identification Act and when it will be moving forward. Also when it does come out how will we explain it to the community? Five people just told him this weekend that they want to make comments so why aren't we getting general comments from our community? He wants to hear from our community and what's going on so somehow we have to find a way to make that happen.

Mayor Harvey made a public request that the City Manager follow up on several requests from Council members regarding Fire and Police Department overtime. They have received notification that we are running into problems once again with overtime particularly in the Fire Department. There is great concern coming from the Comptroller's office so as an Old Business item at the next City Council meeting they are making a final request for the data that we need in terms of how many fire calls have been

made up to this point as we come into the fourth quarter of the fiscal year. They would also like information on how overtime is being managed with new leadership in the Fire Department. He said that they have made multiple requests for this data but have not received it. We talked about a year ago on getting a Forensic Audit on staffing for both Police and Fire so we can understand and strategize on how to curtail the overtime so it doesn't continue to run this City out of its budget. We have a vote on the Budget coming up so the City Council needs this data. He believes that at this point the Fire Department has run 1.3 million dollars thus far in overtime and during this Global Pandemic a second stimulus has not been passed but the City has been able to stay afloat with no layoffs or furloughs. As an old business item, we need that data and we would like to get some sort of sense of where we are with the Forensic Audit on staffing in our Public Safety and we want these items addressed as soon as possible.

City Manager, Joseph Donat said he will see to it that a presentation is made by the Fire Chief and also the Police Chief regarding overtime this year. A third quarter report was circulated earlier today to the Council and was also discussed in the power point regarding some of the data requested from the Fire Department but certainly not all of the data that the Council has requested. In addition, the Proposed Budget calls for a Staffing Audit to be conducted next year related to scheduling and other staffing related issues in our public safety departments. That is included in the Proposed Budget and can be in the Adopted Budget if the Council so wishes. He does not have a timeline for it but he imagines it could happen within the first several months of the New Year so we can have that commence immediately. He asked Mayor Harvey if he would like presentations from both the Police and Fire Departments regarding overtime at the next Council Work Session.

Mayor Harvey said he is making the request for both and for full disclosure this has been flagged from the Comptroller's office and the ultimate goal is to get this overtime down in the next fiscal year so we can start looking into creating more competitive salaries for our Police and Firefighters. We can also do some other creative staffing, which we discussed previously, for public safety with part time Officers to do community policing on foot to improve community relations.

Councilman Shakur said maybe if the Police Chief showed up some times instead of sending his people. He hasn't seen him at one incident since he's been hired.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice noted that the work our DPW, Water Department and Engineering did last night needs to be commended. There was a major sewer line break and they were able to do that work without disrupting service to our residents. That almost never happens but our departments were able to do it so he wanted to commend them again. He noted that it is early voting time so please get out and vote and check the schedule because it is for different times on different days. VOTE 2020, Vote 2020, Vote 2020.

Councilwoman Mejia noted that Census 2020 has come to an end and is now closed and

Newburgh's response rate was 45.9% which was lower than what we had ten years ago. There was an uptick in certain areas which is encouraging but we are going to be limited more or less to the same amount of funding we've had in the last decade. We continue to move forward with the Proposed Budget and there will be future discussions about it but she is still reflecting on what has been proposed by making sure it is reflecting our priorities that we talked about and the municipality moving post COVID to 2021 because it impacts all of us. Things pop up within twenty-four hours that have an impact on our Budget so we need to leave enough flexibility for the year 2021 so we can continue to keep the tax levy as it is and make sure our tax rate continues to go down in the direction it has been moving for the past three years. Looking at staffing as a crucial component of that and expansions in staffing she feels we need to seriously consider where we expand and where we hold the fort. She loves some of the compromises that can be made in terms of creating a position but holding onto the funding for it because she is very hesitant on how we enter 2021. She wants to continue to prioritize things that are of value to us with public safety making sure we have a diverse workforce and making sure that community voices are heard as well. She wished everyone a good night and said to be safe. In this Halloween weekend be kind, be gentle and wear your mask.

Councilwoman Monteverde wanted to thank all of our departments in particular Joe and his staff for all of the hard work they do and Wayne, Jason, George and their staff for working throughout the night. They had a generator with lights on and they did their best to stabilize that sewer line so we could continue to flush our toilets. She went to the site today to see for herself and the work they did to clear that area and stabilize the road to rebuild that line is amazing. She thanked them for the hard work they do and for being committed and dedicated to the City. She noted that here in the City of Newburgh we have some young master chess players that she wants to acknowledge. They play at the Armory and we need to recognize that talent so at some point she would like to honor them. She is also looking forward to that Audit regarding overtime. If we can focus and prioritize, that would leave more room in the Budget to increase salaries to compensate people for the hard work that they do.

Councilman Shakur said we got another meeting accomplished and the departments that worked on the sewer line need to be recognized and commended for their work. Over the past week we have been having a lot of problems with dirt bikes. He understands we don't have the same space as people do in the country for dirt bikes but they can't be riding on the sidewalks. *"If the Police stop you, don't run."* This is a serious problem and he doesn't want to see anyone get hurt so be careful and aware of where you are at all times and don't be on the sidewalks. He wanted to speak on this because there were a lot of incidents this past week and by the grace of God no one was killed so it's a serious problem that needs to be addressed. *"Get out and vote."* There are seven days left for early voting and schedules are posted. We have ten thousand registered voters in the City of Newburgh and he believes that five hundred showed up the first day so that means nine thousand five hundred people still need to get out and vote. He added that Nu Voters will be giving out rides because the weather is going to be bad.

Councilman Sklarz added his thanks to the work performed by City staff. When a light goes out we just change the bulb but when a large complex like Lake Street goes out it's more than deficient bulbs. DPW had to dig trenches to find out what was going on and then repair and replace the wiring. He understands they are just about done with the south end

of the project and will hopefully be getting the north end done this week. He thanked DPW staff for their efforts because they have been working very hard out there. On that sewer line collapse last night, he went out there today and was told before he got there how bad it was but it was incredible as the whole side of the bluff collapsed taking that sewer line with it. The Water Department, Fire Department, DPW and Engineering stayed up all night and continually show that they always rise to the challenge and serve our City with dedication and professionalism. They deserve all of our thanks.

Councilwoman Sofokles said everyone has made it very clear how much we appreciate our department heads. In the Record today is a story about some young men who want to do more cleanups in the City of Newburgh and she thinks it is probably the best story she read all week. They were social distancing, they did the job and they seemed very committed so she appreciates what they are doing. She is glad Councilwoman Monteverde touched on the chess group. Matthew Tether started that chess group on a street corner and now it has grown into what it is with those kids being champs. She wished Bill Kaplan a Happy Birthday this week. He started the Armory Unity Center and spends every day there which is where this chess group is. She is very excited about Crystal Lake because that is where her parents and grandparents went when they were kids so it was a beautiful place then and it's great to see it coming back. It all has to start somewhere. The chess group, the young men cleaning the City and Crystal Lake all had to start somewhere and it's all due to a lot of hard workers who she thanks very much.

Mayor Harvey also thanked the Engineering Department, DPW, Water Department and our City Manager. He was able to get out to that site where he took some photos and a walking tour of the damage so he wanted to reiterate all the sentiments expressed by his colleagues because they do things through the night to work on emergencies that people don't know about. He thanked DPW and Sanitation for the bulk garbage pickup which is very exciting as we will be able to minimize the illegal dumping. He thanked the City and the community because our positive tests are at about one percent so everyone is following the guidelines and wearing masks. A shout out to the Newburgh Enlarged City School District students and parents who have been working through this COVID19 Pandemic. He noted that the dirt bikes are an ongoing issue so he met with some of the guys who are riding and the Police Department. He also received a call from a DJ with K104 Radio who made him aware that there is a track in Middletown that allows dirt bikes so he will be meeting with him next week to see about some alternate locations to ride dirt bikes. A lot of great positive things are happening in our City and they far outweigh the negative. He told Councilwoman Monteverde that he would support honoring the chess group because they are doing some good things and he encouraged everyone to get out and vote early.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 8:07 p.m.

**LORENE VITEK
CITY CLERK**

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.

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

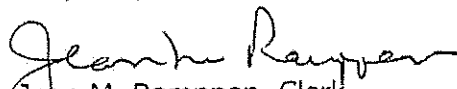
Dear Mayor Harvey:

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

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.

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.

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.

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.

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.

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.

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.

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

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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 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.

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- 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.

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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_TP060hmCRfW115ff55npNg. 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_TP060hmCRfW115ff55npNg. 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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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:
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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.

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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.

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