



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
January 23, 2020
6:00 PM

Work Session Presentations

1. Discussion on Drinking Watershed Scorecard Findings Prepared by Riverkeeper

A work session presentation and discussion on the joint work between Riverkeeper and the City of Newburgh to evaluate the City's drinking source watershed and prepare findings in the form of a Scorecard report.

Una presentación en la sesión de trabajo y discusión sobre el trabajo en conjunto entre Riverkeeper y la Ciudad de Newburgh para evaluar la cuenca hidrográfica de la fuente de agua potable y preparar los hallazgos en forma de un informe vía tarjeta de puntuación.

2. Recommendation from the Mayor's Strategic Economic Development Advisory Committee (SEDAC) for a Developer of 15 South Colden Street
Recomendación del Comité Consultivo de Desarrollo Económico Estratégico del Alcalde conocido por sus siglas en inglés (SEDAC) para el Desarrollo del 15 de la Calle South Colden.
3. Presentation from Police Department
Presentación del Departamento de Policía

Department of Public Works/ Departamento de Obras Públicas

4. Downing Park - ice skating
Submitted at the request of Councilwoman Patty Sofokles

Parque Downing – Patinaje sobre hielo - A pedido de la Concejal Patty Sofokles

Planning and Economic Development/Planificación y Desarrollo Económico

5. Declaring Furniture and Related Items as Surplus
Resolution declaring the furniture and contents of 318 North Montgomery Street as surplus and authorizing disposition pursuant to the City of Newburgh's Surplus Property Disposition Policy and Procedure. (Ali Church)

Una resolución declarando los muebles y los contenidos de la 318 de la Calle North Montgomery como excedente y autorizando la disposición conforme a la Póliza y Procedimiento de Propiedad Excedente de la Ciudad de Newburgh. (Ali Church)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

6. SAM-DASNY \$50K Grant for Swat Vehicle for PD

Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in an amount not to exceed \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department. (Chief Douglas Solomon)

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

7. SAM--DASNY Grant \$50k for Cameras

Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$50,000.00 for camera purchase and installation. (Chief Douglas Solomon)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$50,000.00 para la compra e instalación de cámaras. (Jefe Douglas Solomon)

8. SAM-DASNY Grant for \$250,000 for Paving

Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$250,000.00 for road reconstruction and rehabilitation. (Jason Morris & Joseph Donat)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$250,000.00 para reconstrucción de calles e rehabilitación. (Jason Morris & Joseph Donat)

9. SAM-DASNY Grant \$300,000 for Cameras & Matching Funds for Pin#8761.20

Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Program Grant in the amount of \$50,000.00 for camera purchase and installation and in the amount of \$250,000.00 for road reconstruction and rehabilitation. (Jason Morris & Chief Douglas Solomon)

Una resolución autorizando al Gerente de la Ciudad para solicitar y aceptar una Subvención del Estado DASNY y Programa de Facilidades Municipales por el monto de \$50,000.00 para compras de cámaras e instalación y en el monto de \$250,000.00 para reconstrucción de calles y rehabilitación. (Jason Morris & Jefe Douglas Solomon)

Ordinances/ Decretos

10. Chapter 189 Hours of Operation

Capítulo 189 Horas de Trabajo

11. Chapter 72 Police Community Relations and Review Board

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

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

Discussion Items/Temas de Discusión

12. Council Rules and Order of Procedure

Reglas y Orden de Procedimiento del Concejo

Executive Session/ Sesión Ejecutiva

13. Proposed, pending or current litigation

Litigación actual, pendiente o propuesta



Drinking Water Source Protection Scorecard Findings

City of Newburgh, NY

Score 15%

January 2020

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

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Score

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

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

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

Water Supply Notes

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

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

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

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

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

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

Scorecard Findings: Source Water Assessments

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

Does your water supply have a Source Water Assessment?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Does your Source Water Assessment identify all potential hazards?

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

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

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

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

Scorecard Findings: Annual Water Quality Reports

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

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

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

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

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

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

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

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

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

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

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

Did your water supply monitor for "unregulated contaminants"?

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

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

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

Scorecard Findings: Watershed Management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Are priority projects being implemented?

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

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

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

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

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

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

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

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

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

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

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

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

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

Scorecard Findings: Watershed Rules and Regulations

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

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

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

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

Are Watershed Rules and Regulations complete and up to date?

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

- **Answer:** No.

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

Scorecard Findings: Streams and Wetlands

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

Are all streams accurately classified to protect drinking water?

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

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

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

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

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

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

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

Are urban stormwater discharges in your watershed regulated?

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

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

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

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

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

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

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

via the Hudson River Estuary Program's Community Planning Resources

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

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

- **Answer:** No.

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

Is water quality monitored routinely in your watershed?

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

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

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

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

Has water quality in your watershed been assessed recently?

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

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

Have freshwater wetlands maps in your watershed been recently updated?

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

- **Answer:** No

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

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

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

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

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

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

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

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

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

Scorecard Findings: Open Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scorecard Findings: Other

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

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

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

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

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

Do projects identify source waters in environmental process?

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

Is there a stormwater user fee?

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

Are businesses engaged in drinking water source protection?

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

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

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

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

- **Answer:** No.

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

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

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

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

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

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

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

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

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

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

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

Date:



City of Newburgh
City Comptroller's Office

City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
Fax (845) 569-7490

Todd Venning
City Comptroller

NOTICE
REQUEST FOR PROPOSALS
RFP #20.19

for

**Request for Proposal (RFP) for the Purchase and Development of a City-
Owned Parcel at
15 South Colden Street, Newburgh, NY
City of Newburgh, Orange County, New York**

The City of Newburgh, New York, requests the submission of proposals for the purchase and redevelopment of city-owned property located at 15 South Colden Street in the City of Newburgh, Orange County, New York.

Qualified and interested vendors shall submit their quotations by mail or in person to the City of Newburgh no later than 4:00 PM (local time) Friday, August 02, 2019.

Vendors are responsible for timely submission of their proposals. Proposals received after specified due date and time will not be accepted.

Specifications may be obtained by visiting the Empire State Purchasing Group website at: www.bidnetdirect.com/new-york/city-of-newburgh, selecting the "Open Bids" tab. Vendors may have to register if visiting this site for the first time.

Please ensure that "City of Newburgh-RFP 20-19" is clearly marked on the outside of the envelope submitted.

No proposal shall be withdrawn for a period of forty-five (45) days subsequent to the submission deadline without the consent of the City of Newburgh Comptroller.

Award of the contract may be subject to approval by City Council. The City reserves the right to reject any or all proposals, or to accept any part of the proposal without accepting the whole thereof, or to accept such proposal they deem to be in the best interest of the City.

Todd Venning
City Comptroller

Dated: June 11, 2019

"AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"



RFP 20.19: Request for Proposal (RFP) for the Purchase and Development of a City-Owned Parcel at 15 South Colden Street, Newburgh, NY

Release Date: June 11, 2019

Due Date: August 2, 2019

Purpose of the Proposal

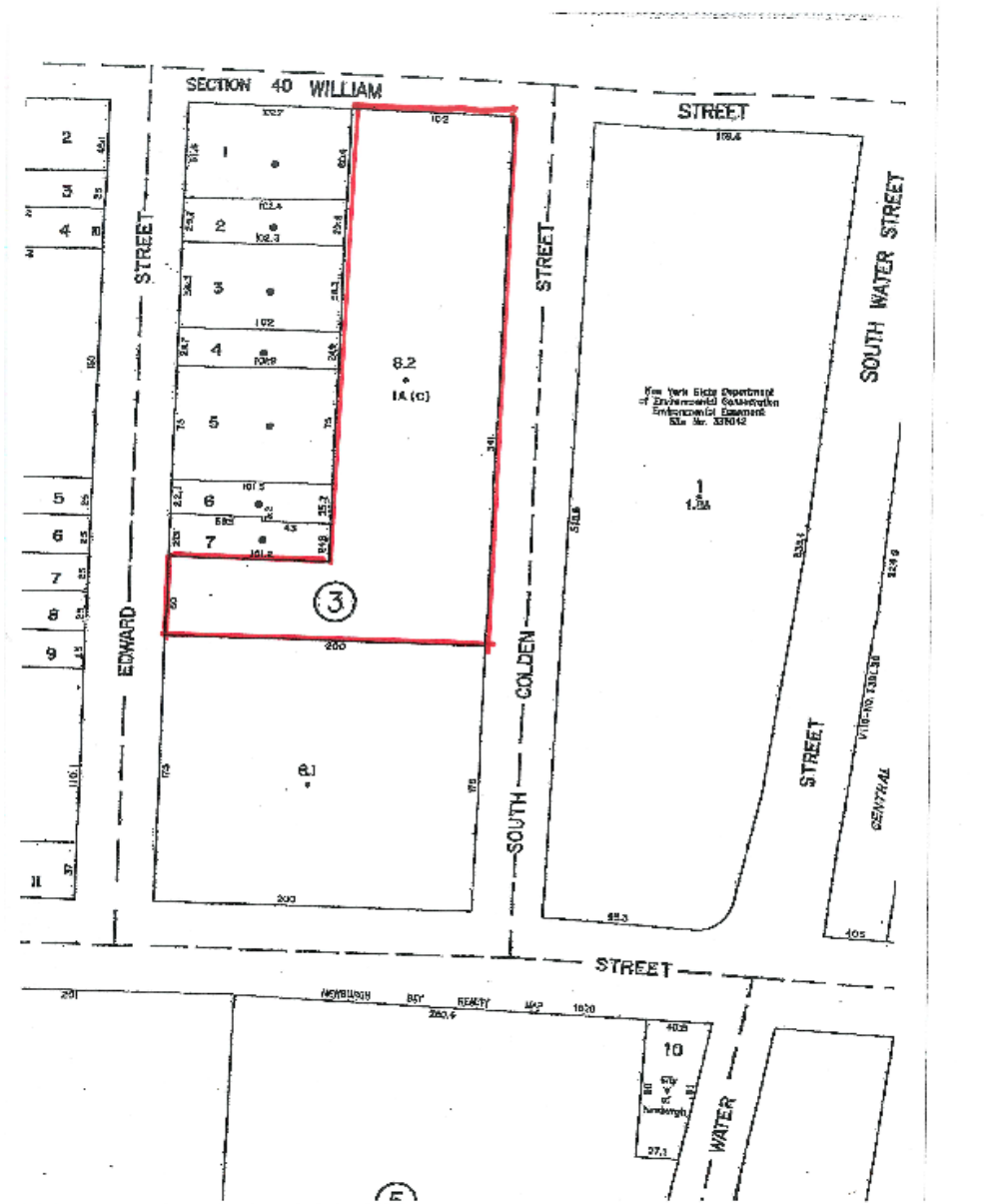
The City of Newburgh, New York, requests the submission of proposals for the purchase and development of a City-owned parcel located at 15 South Colden Street in the City of Newburgh, Orange County, New York.

The goal is to encourage a project that builds upon and complements the recent growth in the City of Newburgh, while maximizing the development potential of the site through new construction. Project proposal should maximize the highest and best use of the site, with appropriate commercial, residential or mixed-uses, and an inviting street presence on Colden Street. Projects without a substantial construction component, such as surface parking or similar, will not be considered.



Property Description

15 South Colden Street (section 46, block 3, lot 8.2) was also formerly known as 15-41 South Colden Street.



The tax map lists the parcel size as 1 acre. It is an L-shaped parcel claiming 341 feet of frontage along South Colden Street, 102 feet of frontage along South William Street and 50 feet of frontage along Edward Street. The parcel is a hillside parcel. The parcel slopes upward – sometimes steeply - from South Colden to Edward Street. There is a relatively level portion along Edward Street.

An overgrown driveway access off South William Street side is still visible. There is also the remnants of a concrete foundation within the northern confines of the lot. Views of the Hudson River can be seen from most locations on the property.



Hudson River views looking north



Hudson River views looking south

A commercial building lies along the property's southern border; residential buildings line the western boundary along Edward Street. Across the street from 15 South Colden Street is a property owned by Central Hudson Gas & Electric. Across the street on the South William Street side is a vacant parcel owned by the Palisades Interstate Park Commission.



Street view looking south

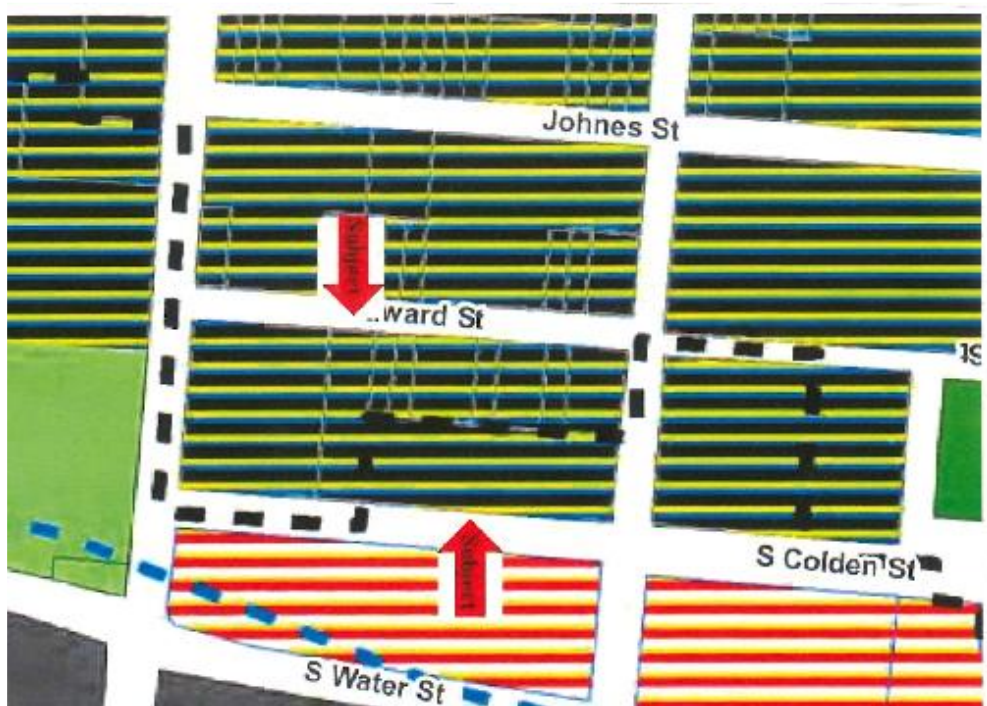


Street view looking north

15 South Colden Street has access to electricity, natural gas and municipal water and sewer.

Property Location

15 South Colden Street is located in the southeastern section of the City of Newburgh. The property is a few blocks south from Washington's Headquarters, within walking distance to the Newburgh waterfront and the growing commercial district along Liberty Street.



The Liberty Street corridor – especially the section from Broadway south to Renwick Street – has been attracting renewed attention. New shops, businesses and restaurants have been leading the way. The former Liberty Street School, commanding the corner of Liberty Street and Renwick Street, is slated for a major redevelopment. In the surrounding neighborhood, Atlas Studios, Thornwillow Press and the Newburgh Brewery have each transformed former industrial buildings into models of successful entrepreneurial businesses.

15 South Colden Street is located in the Downtown Neighborhood zoning district where a wide range of uses is possible. Any proposal for this site should contribute to the neighborhood's unique mix of development by providing complementary commercial services or experiences, and/or residential housing units that will supplement existing housing types in the surrounding area. The goal is to achieve a use that supports and encourages additional development in the surrounding area.

Among the permitted uses are: two- or three-family dwellings, row or attached dwelling (townhome), professional office, restaurant, retail, neighborhood retail, etc. Among the permitted uses subject to site plan review are: apartment house, four-family dwelling, mixed use with residential, hotel, etc. It is expected that proposals for development will adhere to the zoning requirements without need for any substantial zoning variances.

The southern and western portion of the parcel is within the East End Historic District (EEHD); the majority of the parcel is outside the boundaries of the EEHD. The applicant should assume that review and approval by the City's Architectural Review Committee will be a required step in the development process.

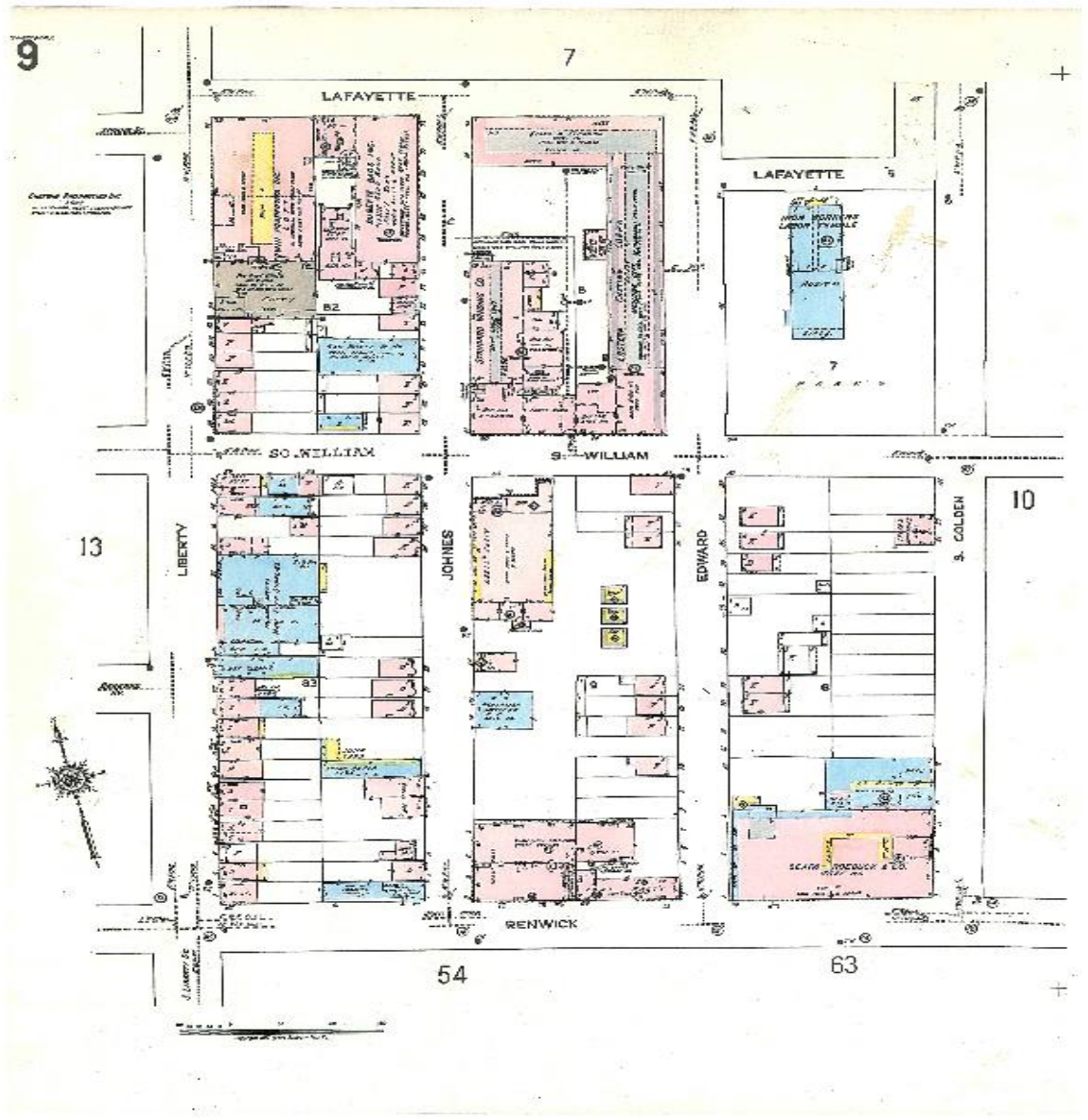
Interested developers are urged to consult the City of Newburgh's Zoning Ordinance at (<https://ecode360.com/10875666>) to review information on the all the use and area requirements within the Downtown Neighborhood District.

Property History

The City of Newburgh has owned the property since March of 1999. It was acquired as part of an *In Rem* action. The other most recent transfer occurred in March of 1988 between private parties.

In 1987, this parcel was subdivided from a larger parcel. The original, large parcel stretched from Renwick Street to South William Street, all along that block of Edward Street.

A 1957 Sanborn Fire Insurance Map shows a structure – labeled as a “stove and appliance store” – toward the north end of the parcel. It has since been demolished. The map shows no other structures on the site.



Overview of the City of Newburgh

The City of Newburgh is located 60 miles north of New York City on the west side of the Hudson River in Orange County, New York. Newburgh is a densely populated urban community of 3.8 square miles bounded by the Hudson River to the east, the Town of Newburgh to the north and west, and the Town of New Windsor to the south. The City has a population of approximately 30,000.

Newburgh has ferry access to the Metro North Train station in Beacon, NY; has direct bus service to Port Authority Bus Terminal in New York City; has interstate highway access to the New York State

Thruway, Rte. 87 and Interstate Rte. 84; is bisected by NYS 9W and NYS 17K; and is less than 2 miles from Stewart International Airport (SWF).

The East End Historic District in the City of Newburgh was listed on the National Register of Historic Places, under the provisions of the National Historic Preservation Act of 1966, on August 15, 1985, and was adopted as local historic district in September 1985. The 445-acre district includes over 2,400 contributing buildings - many designed by some of the most renowned architects of the 19th century. According to the New York State Historic Preservation Office (SHPO), at that time it was numerically the largest historic district in New York State and the ninth largest in the nation.

The City's progressive zoning code was adopted in 2015; simultaneously, the City streamlined its land use board review process. The staff of the Planning and Development Office, the Building Department, and the Engineer's Department are available to assist with the planning of the projects proposed.

Potential Tax Credits and Tax Exemptions

The property is within Pattern for Progress/ Rhinebeck Bank's Newburgh Creative Neighborhood, making projects eligible for access to the bank's \$3,000,000 loan portfolio. Rhinebeck Bank offers to fund secured term loans including commercial express loans, equipment and vehicle purchases, leasehold improvements and real estate transactions under favorable pricing, advance rates and terms to the prospective borrowers in the Newburgh Creative Neighborhood.

New businesses, businesses that relocate to New York, or expand their operations may qualify for the STARTUP-NY program. Eligibility requires that a participant be a new business in New York State, or an existing New York business relocating to or expanding within the state; partner with a New York State college or university; and creating new jobs and contributing to the economic development of the local community. Eligible businesses receive an elimination of New York State Taxes for 10 years for the business and its employees.

Businesses may be eligible for sales tax exemptions on durable goods from the City of Newburgh Industrial Development Agency (IDA).

A commercial project could also qualify for the RP-485-b *Construction, Alteration or Improvement of Commercial Property Tax Exemption*: 10-year exemption applied to the increase in assessed value attributable to the new construction portion of the assessment. In the initial year, the increase in assessed value due to the construction is 50% exempt from city,

county and school taxes. The exemption continues for an additional nine years with the amount of the exemption declining by 5% each year (i.e., 45% in year 2, 40% in year 3, etc.).

Evaluation Criteria

The City of Newburgh is seeking a purchaser to develop this parcel for a use that enhances other developments in the area and contributes to the overall revitalization of the City.

Proposals will be evaluated based on the following criteria, weighted accordingly:

- A proposed development that would benefit the City of Newburgh economically, improve quality of life, and provide a diversity of design – whether the use be residential, commercial or mixed-use construction. (30%)
- The principal developer should possess at least 5 years of similar project development experience. (10%)
- Demonstrated financial capacity and experience to complete the proposed development in a timely manner, and in a way that is compatible with the immediate neighborhood. (30%)
- Offer price. The minimum offer price is \$55,000. Offer prices will be weighted depending on the offers received. The highest offer price will receive the maximum percentage; lower offer prices will be discounted accordingly. (30%)

The City may, at its sole discretion, expand or reduce the criteria upon which it bases its final decisions regarding the selection of the developer for this parcel.

Submission Materials

Any response to this RFP should include:

- A completed Private Owner Development Application (PODA). The principal or developer may also be asked, at the discretion of the Department of Planning and Development, to also submit a PathStone Credit Report Application.
- A letter of interest in the project which includes detailed information about the identified use. Preliminary conceptual plans or drawings are expected.
- A resume or Curriculum Vitae (CV) outlining the experience of the principal developer.

- A complete description of the applicant's entity (corporation, partnership, etc.) and identification of all parties, including disclosure of all persons or entities having a beneficial interest in this proposal.
- A list of any previously completed projects comparable in size and scope.
- A list of any previous or current City of Newburgh projects that the applicant or any member of their team is/was involved with, whether directly or indirectly.
- The demonstrated capacity of the developer to finance the purchase and develop the property. A projected budget, list of funding sources (account statements, lines of credit, lender commitments, etc.).
- Marketing strategy for the project.
- A proposed time schedule for the development. The schedule should consider the time needed for: obtaining financing, completing the project design, securing permits and board approvals, preparing the site, estimating start and completion dates of construction, and projecting sellout or lease-up dates.
- Any other information that would help to understand and evaluate the project.

Submission of Proposals

Please submit, in a sealed envelope, one (1) original copy of the required submission materials listed above plus four (4) printed copies, and one (1) electronic copy, in PDF format on a USB drive, of the proposal's submission materials.

The information requested through this RFP is necessary for the City of Newburgh to adequately evaluate any proposal. Applicants are urged to submit proposals as complete as possible on their initial submission. Failure to supply the requested information may result in the rejection of a proposal.

All responses must be delivered on or before August 2, 2019. **Responses which do not meet this deadline may not be considered.** Faxed or electronic submission will not be considered. All proposals must be submitted either by mail or in person:

City of Newburgh
Office of the Comptroller
City Hall
83 Broadway
Newburgh, NY 12550

Review/Selection Process

A review Committee, which will include City staff, community representatives and other stakeholders, will review all proposals received by the due date.

An evaluation of the submission materials contained in the previous section will serve as a basis of selection of the Purchaser/Developer best suited to meet the City's goals for the site. Those deemed "best-suited" then may be asked to submit a more detailed proposal.

The Committee may, at its option, interview Developers as part of this selection process. However, selection may take place without such interviews. The Committee may, at its option, request written answers to specific Committee questions.

The Committee will then make a recommendation of one or multiple purchaser(s)/developer(s) that best meets the evaluation criteria to the City Council for their review. The final approval of any disposition of City-owned property, including this parcel, rests with the City of Newburgh Council.

The proposal chosen will be one that represents the best value to the City of Newburgh. This may or may not be the highest offer.

Questions

All questions regarding this RFP should be directed in writing, via email to the City of Newburgh's Department of Planning and Development at planning@cityofnewburgh-ny.gov

In addition, City staff may provide updates, addenda, or FAQs for this RFP. Any additional information will be posted on the City of Newburgh's website under the "RFQs & Property RFPs" section of the Planning and Development's departmental page at: <https://www.cityofnewburgh-ny.gov/planning-development/pages/rfqs-property-rfps>

Potential respondents are encouraged to periodically check the City's website for any new information concerning this RFP.

Other Conditions

The City of Newburgh may modify, waive, or otherwise vary the terms and conditions of this RFP at any time, including but not limited to, the submission date and proposal requirements.

The City of Newburgh may terminate the RFP process at any time for any reason. The City of Newburgh reserves the right to reject any and/or all proposals and to negotiate modifications of proposals submitted.

The issuance of the RFP does not obligate the City of Newburgh to select a proposal and/or enter into any agreement. Any submission does not constitute business terms under any eventual agreement.

This RFP does not in any way commit the City of Newburgh to reimburse respondents for any costs associated with the preparation and submission of this proposal.

Information contained in this RFP regarding the property is believed to be reliable; however, interested parties should rely on their own research and experts for counsel.



KEARNEY
— G R O U P —

Hereby submits:

EAST END LOFTS



In response to the City of Newburgh's Request for Proposals
"City of Newburgh-RFP 20-19"
15 South Colden Street, Newburgh, New York 12550

September 9, 2019



The City of Newburgh

PRIVATE OWNER DEVELOPMENT APPLICATION

Submit Applications to:
Department of
Planning & Development
City Hall - 83 Broadway
Newburgh NY 12550
(845) 569-9400
www.cityofnewburgh-ny.gov

Property Disposition Process

Guiding Principles

This policy shall be used to promote and regulate the sale and reuse of City properties. The following are the guiding principles for the sale of City owned property:

- Encourage development and reuse of properties**
- Eliminate blight and revitalize neighborhoods**
- Strengthen the City's tax base**
- Encourage job creation**
- Convey land in a unified, predictable, timely and transparent process.**

Property sales are conducted consistently and regularly and are based on various factors, including the condition of the property, the assessed value and the ability to recapture the City's property tax loss.

Qualified Purchasers & Bids

All purchasers of City-owned property must fulfill their commitments to the City and to their neighbors which includes paying property taxes and maintaining property in accordance with all municipal codes and ordinances.

A Qualified Purchaser is defined as one who is in good standing on all municipal obligations, and:

- 1. Is an individual, developer, or organization with no outstanding tax or property-related liens and**
- 2. Does not own any property that is subject to any significant unremediated violation of City codes and ordinances; and**
- 3. Has not been an owner in a completed City of Newburgh tax foreclosure proceeding.**

Prospective owners must purchase and rehabilitate the target property within 18 months.

All purchasers must submit disclosures as required by the City. A qualified Bid is one that includes:

- 1. Adequate plans for development;**
- 2. Demonstrated capacity to complete work proposed;**
- 3. Proven financial resources;**
- 4. Demonstrated ongoing operating capacity**

Side Yards

Property may be transferred to individuals for nominal consideration in accordance with the following

- City owned vacant land adjacent to the applicant's residential property with common boundary line on either side or behind the property.
- In the event that multiple adjacent property owners desire to acquire the same side lot, the lot may be transferred to the highest bidder for the property, or subdivided upon mutual agreement by both adjoining property owners
- Maximum adjacent lot value: \$15,000
- Maximum adjacent lot size: 5000 sq ft.

Purchase Process

1. In order to inspect a property the following must be provided:
 - a. Properties may only be inspected by qualified buyers. Proof of funding must be on file prior to scheduling an inspection.
 - b. All interested parties must provide a waiver of liability prior to entering a City owned property.
 - c. Inspection of City-owned property takes place on Fridays by appointment only.
2. All proposals should be submitted using the Private Owner Development Application (PODA). Depending on the development proposed additional materials may be requested. Additional information may be required regarding financing plans, as well as preliminary design and/or specifications.
3. The purchaser will not only need to pay the agreed upon purchase price but also the current year's school taxes and County real estate taxes. The purchaser will also be responsible for paying the current year's City tax, which will be prorated at closing.
4. Purchase of property is subject to the approval of the City Council.
5. The purchaser of the property is responsible for the title search and recording fees for the transaction.
6. If a purchaser opts not to complete the purchase after City Council approval, the purchaser may be barred (at the discretion of the Department of Planning and Development) from being considered for purchasing other City-owned property.

Release of Liability

I Sean Kearney, the undersigned, release, discharge and hold harmless the City of Newburgh, its officers, employees and agents from any and all claims, actions, incidental or consequential or unknown damages, proceedings, obligations or other demands arising now or at any time in the future out of the actions, events and circumstances which are the subject of this application, including any damage which may happen to me or my property which is caused to occur in any manner, whether or not caused by my negligence or by the negligence of another person or by the City of Newburgh, and whether any such risk or hazard is known or unknown, foreseeable or otherwise.

Sean Kearney

Print

Signature

September 9, 2019

Date

Proposal Form

Contact Information:

Name: Sean Kearney
Business Name (If Applicable): Kearney Realty & Development Group
Address: 57 Route 6, Suite 207
City, State & Zip: Baldwin Place, New York 10505
Home phone: _____
Business Phone: (845)306-37705
Mobile Phone: _____
E-mail: skearney@kearneyrealtygroup.com
Federal I.D. No. (If Applicable): _____

Property Ownership Information:

Do you own – as an individual, member of an LLC, partner in a partnership, or officer in a corporation – any properties in the City of Newburgh? Yes X No _____

If you own property in the City of Newburgh, are any of these properties vacant and/or currently listed on the City of Newburgh's Vacant Building Registry? Yes _____ (attach explanation) No X N/A _____ (No property owned in the City of Newburgh)

If you own property in the City of Newburgh, are any of these properties rented? Yes X No _____ N/A _____ (No property owned in the City of Newburgh) If yes, do you have a current Rental License for each of the rental properties? Yes X No _____
☐ Verified (Internal Office Use Only); Date Verified: _____

Please list **all** of the addresses of properties you own – as an individual, member of an LLC, partner in a partnership, or officer in a corporation – in the City of Newburgh. Also indicate if any of these properties are vacant or rented. (You may attach a list of the properties if the space below is inadequate.): 97-99 Liberty Street

Are you current on all municipal obligations (taxes, water charges, etc.)? Yes X No _____ (attach explanation) N/A _____ (No property owned in City of Newburgh)
☐ Verified (Internal Office Use Only); Date Verified _____

Do you have any outstanding code violations for properties owned in the City of Newburgh? Yes _____ (attach explanation) No X N/A _____ (No property owned in City of Newburgh)
☐ Verified (Internal Office Use Only); Date Verified _____

Have you had a previous tax foreclosure on a property owned by you in the City of Newburgh? Yes _____ (attach explanation) No X

Individual Property Bid Sheet

Information on Bid Property:

(If you are bidding on more than one property, please submit a completed copy of this page for **each** bid property. Please limit the total number of properties to a maximum of **three (3)**. Only one copy of the other pages in this application is required even if you are bidding on multiple properties.)

Property Address: 15 South Colden Street

S-B-L#: 46-3-8.2

Type of Project:

_____ Single Family (includes a condominium unit)

_____ Multi-Family (# of Units_____)

_____ Mixed Use (Commercial & Residential - # of Residential Units _____)

For the property types listed above, will it be occupied by the purchaser: Yes____ No____

_____ Commercial _____ Industrial

X Vacant Land (Proposed Use: Artist Lofts & Middle Income Housing)

Offer Purchase Price: \$_____

(An offer of **at least** the minimum purchase price is recommended. The "Offer Purchase Price" cannot be left blank.)

Does or will your proposal conform to existing zoning? Yes X No

Renovation Estimate (Pre-Qualifying) - How much do you anticipate investing in this project for renovations? Please consider in your estimate that most vacant properties need *significant* repairs before they can be occupied again. This estimate can be revised once you have obtained entry to the property. *A more detailed repair cost estimate will be required after interior access.* Do not include renovation cost estimate in the "Offer Purchase Price" listed above: \$ 17,290,212

Who will be doing the work? Self X Other (complete below)

Please keep in mind that the City of Newburgh requires electrical and plumbing work to be performed by City of Newburgh licensed electricians and plumbers.

General Contractor: Tern Construction & Development

Architect: Coppola Associates

Engineer: Insite Engineering & Surveying

Examples of Purchaser's Previous Renovation or Development Experience:

(Alternatively, applicants can attach a list of renovated properties or development experience that contains the information listed below.)

Property/Project No. 1

Property/Project No. 2

Property Address: Please list all addresses (not merely project name). Include street number, street, city and zip code.	Please see attached	Please see attached
Role (i.e. owner, partner, general contractor, architect, investor.)		
Type of Project: (i.e. new construction, existing building requiring substantial rehabilitation or moderate rehabilitation.)		
Property Type: (i.e. single-family, multi-family rental or commercial.)		
Number of Buildings in Project		
Total Number of Residential Units in Project/Building		
If commercial, total square footage of project		
Total Estimated Development/Rehabilitation Costs		
Current Status of Building (Pre-development, under construction/renovation or completed - include date completed.)		
Government Program, if any (Provide name of program and agency, name and current phone of reference.)		

Finances:

(Applicant should provide not only sources of funding for the purchase of the property but also sufficient funding for the rehabilitation and/or development of the property.)

I am providing: ☒ Personal Financial Statement
 ☒ Letter from Lender/Investor
 ____ Personal or Business Bank Statement
 ____ Evidence of project funding
 ____ Developers should provide three years financial statements

What You Should Attach:

- Description of renovation plan with preliminary budget
- Verification of financial capacity
- Explanation of any tax delinquency/code violations/vacant building (if applicable)

Business Relationship:

Have you had a "business relationship" as defined in Chapter 34, Article 2 (B) (2) of the municipal code, with any City elected official in the 12 months prior to the due date of this proposal? Yes____ No X

INFORMATION RELEASE:

It is our intent that all personal financial information submitted with this proposal to the Department of Planning and Development shall be considered confidential. I hereby authorize the City of Newburgh Department of Planning and Development to obtain credit reports (by completing a PathStone Credit Report Authorization Form) and verify information supplied as part of this proposal. All information provided is true and accurate to the best of my knowledge. By signing, you also acknowledge reading and reviewing the "Standard Terms and Conditions of Sale".

	<u>September 9-2019</u>
Signature	Date
<u>Sean Kearney</u>	
Print Name	

Submit Application to:

Department of Planning & Development
City Hall, 83 Broadway
Newburgh NY 12550

Standard Terms and Conditions Sale

(This Form should be retained by the applicant. It does not need to be included with the submitted application.)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of **2018-2019**, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year **2018-2019**, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.
7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

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

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

NOTE: THESE TERMS AND CONDITIONS OF SALE CAN BE SUBJECT TO MODIFICATION AND/OR ADDITION PRIOR TO SALE APPROVAL BY THE NEWBURGH CITY COUNCIL.



34 Clayton Boulevard, Suite A
Baldwin Place, New York 10505
Telephone: 845.306.7705
Fax: 845.306.7707

September 9, 2019

City of Newburgh
Office of the Comptroller
City Hall
83 Broadway
Newburgh, New York 12550

Re: City of Newburgh-RFP 20-19 – Letter of Interest

Dear Recipient,

This development proposal is in response to the City of Newburgh's Request for Proposals for the property located at 15 South Colden Street, Newburgh, New York 12550. The Kearney Realty & Development Group hereby submits "East End Lofts" for your consideration. East End Lofts will be an innovative artist and mixed-income development.

Enclosed you will find a detailed description of East End Lofts' concept along with Kearney Realty Group & Development's background information including their development team, professional references and financial budgets. Kearney Realty & Development Group is proposing a purchase price of \$100,000.00 for 15 South Colden Street. We look forward to again partner with the City of Newburgh on this exciting redevelopment opportunity.

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Sean Kearney
Vice President
Kearney Realty & Development Group

Proposal Overview

EAST END LOFTS



The Kearney Realty & Development Group (Kearney Group) is proposing East End Lofts (The Lofts) at 15 South Colden Street, Newburgh, New York 12550. East End Loft's name is an homage to the site's proximity to the City of Newburgh's East End Historic District and a statement on how this development concept will redefine this property as a cutting-edge artist and mixed-income development.

The concept of The Lofts has been developed with careful consideration of the development goals, as stated in this request for proposals. The Lofts is a proposed innovative artist and mixed-income new construction development. The Lofts will consist of sixty-two (62) loft style apartments and will be roughly sixty-two thousand, five hundred (62,500) square feet. Kearney Group intends to design The Lofts in a way that conforms with the existing zoning and land use regulations and is consistent with the standards and design guidelines of the East End Historic District.

The Lofts is strategically designed to provide housing options at various levels of Orange County's median income levels. The Lofts is envisioned to consist of sixty-one (61) rentable loft style apartments, of which, forty (40) will have a preference for and be targeted to those involved in artistic or literary activities, six (6) will be for individuals or families at 60% of Orange County's Area Median Income (AMI), and fifteen (15) lofts will be rented to those at 80%-100% of Orange County's AMI. by maximizing the utilization of the Middle-Income Housing Program (MIHP) and the Neighborhood Revitalization Cross Subsidy Pilot Program (NRCSP). The income limits for the fifteen middle income housing lofts will be \$67,000.00-\$77,000.00 for a one bedroom and \$87,000.00 to \$98,000.00 for a two bedroom.

The City of Newburgh is a vibrant and evolving community. Mixed-income housing developments, such as The Lofts, are an essential component to ensure this vibrancy and evolution is sustained. Mixed-income housing is vital to creating and maintaining an economically diverse resident base in the City of Newburgh. Affordable housing is key to attracting and retaining an active workforce in downtown Newburgh, and middle-income housing achieves additional socio-economic benefits to the local community by providing housing options at a variety of price points. The affordable housing component of The Lofts will ensure the current workforce of the City of Newburgh does not leave the City due to rising housing cost burdens. In addition, the affordable housing component will help attract individuals and families in the workforce to the City of Newburgh. The middle-income housing component of The Lofts will attract individuals and families with higher disposable incomes. The addition of affordable and middle-income housing will create a myriad of housing options,

which will in turn create a diverse customer base for local businesses. The combination of affordable and middle-income housing at The Lofts will ensure that Newburgh's East End and downtown will retain and attract an economically diverse workforce.



The Lofts' building has been carefully designed in a way that will help the resident artists and non-artists grow and prosper at their profession. All of the lofts will have high ceiling, ten to eleven (10-11) feet, with oversized windows that help to create an open and bright loft style living area. Complimentary of the lofts' design, the common areas will help the artists collaborate and foster a strong sense of community. The Lofts will have a large lounge that will be the central meeting area for events and gatherings. In addition, The Lofts will have a performance space, equipped with wall mirrors, ballerina bars, rubber flooring, and upgraded soundproofing, which fosters musicians or performing arts to practice and collaborate. The Lofts will also have a maker's/innovator's space, which will have increased ventilation, a slop sink, drafting tables, and work benches for any fine artists or crafters to also help collaborate and create. Additional amenities of The Lofts include an on-site management office, laundry facilities, an on-site superintendent, and an internet café with complimentary access to high speed internet. These spaces will not only draw artists to The Lofts but will help them grow and evolve their skills or trade. The Lofts will create new housing options that do not currently exist in the City of Newburgh and will help expand the burgeoning artist community that currently exists on Liberty Street.

The careful design has also translated to the exterior of the building and the site design. It is the goal of Kearney Group to design and construct The Lofts to seamlessly blend into the historic and aesthetic fabric of the surrounding community. The Lofts' site design and facade design has been focused on re-activating the block of Colden Street between South William Street and Renwick Street. By utilizing a stoop frontage design, the Lofts will have a pedestrian friendly streetscape while taking inspiration from the prevailing 19th century designs of the abutting East End Historic District and the prevailing architectural styles of the surrounding neighborhood. The Lofts has been carefully planned to present itself as seven (7) individual buildings. This design is in keeping with the neighborhood's character and will create more pedestrian traffic and activity, which will re-activate this block of South Colden Street.

The Lofts will benefit from Kearney Group's extensive experience in marketing and leasing artist and middle-income lofts throughout the Hudson River Valley. Kearney Group has successfully implemented their unique marketing strategy in similar highly successful developments such as Lofts on Main, Queen City Lofts, and West End Lofts. Kearney Group's marketing efforts will be focused locally but will also extend nationwide. Through local fairs, festivals, artist collaborative groups, as well as proven media channels, Kearney Group will reach local Newburgh artists as well as draw artist from around the nation. These marketing efforts will raise awareness to all that the City of Newburgh has to offer, not only to potential residents in the Hudson River Valley, but throughout the nation.

In keeping with Kearney Group's commitment for sustainable development, The Lofts will be fully compliant with the Green Building Initiative of New York State, the Energy Efficiency Initiative, NYSERDA compliant, and LEED certified. Lofts will also mitigate the impact of its construction by being constructed to LEED standards. Part of the LEED standards is a comprehensive construction waste management plan. This management plan ensures that the highest possible percentage of construction debris is recycled and does not contribute to additional landfills. Since The Lofts will be a LEED certified building, it will also minimize the impact to the current utility infrastructure. Through green design standards and energy efficient equipment and finishes, The Lofts will have a relatively small carbon footprint which will help mitigate the stresses of the existing utility infrastructure.

As part of Kearney Group's commitment to sustainable development, The Lofts will offer exterior, as well as interior bicycle storage to encourage less dependency on vehicular transportation.





S William St

Edward St

Colden St

Colden St

EAST END LOFTS
62 UNIT RESIDENTIAL BUILDING

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

PREPARED BY:



ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.

3 Garrett Place • Carmel, New York 10512
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Curriculum Vitae



34 Clayton Blvd., Suite A
Baldwin Place, NY 105053
Tel: 845.306.7705
Fax: 845.306.7707

Sean Kearney currently serves as the Vice President of The Kearney Realty & Development Group (KRDG), Vice President of Tern Construction & Development (TDC) and is a managing member of Parkview Development & Construction (PDC).

At his roles with KRDG and PDC, he has overseen the development of over 900 units throughout New York State and the management of over 1,300 units of a diverse housing stock including senior, workforce, veteran, supportive, middle-income, and artist housing. As Vice President of TDC, he is responsible for all contracting and purchasing of roughly \$35 million of construction contracts annually. Recently, his focus has been on downtown revitalization projects utilizing New York State Homes and Community Renewal's new middle-income housing program.

Some notable and successful projects include:

- **West End Lofts** in the City of Beacon consists of seventy-one (71) lofts for artists and middle-income households. West End Lofts is currently in the lease-up phase;
- **Hidden Meadows** in the Town of Somers, NY, consists of forty (40) market for sale townhomes and eight (8) affordable for sale townhomes and is currently under construction;
- **Lofts on Main** located in the heart of the City of Peekskill's Artist District consisting of two buildings containing seventy-four (74) loft style affordable artist housing units for artists and middle-income households. Lofts on Main is a mixed-use complex consisting of both residential and commercial;
- **Crossroads at Baldwin Place** located in Somers, NY, contains sixty-four (64) units which includes senior and mixed income housing;
- **Crossroads Plaza** located in Somers, NY, consists of a 36,000 square foot retail and office building;
- **Queen City Lofts** located in the City of Poughkeepsie, NY, consists of seventy (70) loft apartments for artists and middle-income households. Queen City Lofts also has over 10,000 square feet of retail that include a gym, grocery store, and brewery.

Sean is an active member in the communities where he works and has been on the Board of Directors for the Bardavon 1869 Opera House, Board of Directors for the Walkway over the Hudson, and Board of Directors for Peekskill's Business Improvement District. A native to the Hudson River Valley, Sean and his wife Adriana reside in the Village of Cold Spring, New York.

Kenneth Kearney is the founder and president of The Kearney Realty & Development Group, a diversified real estate development and property management firm based in Baldwin Place, New York.

Mr. Kearney's nearly twenty-three years in real estate development includes many accomplishments of completed and successful projects located throughout the Hudson Valley in New York State. To date KRDG has built commercial and residential projects valued at more than \$200 million and is currently involved with several projects at various stages of development.

Known by friends and associates as "a businessman with a big heart," Mr. Kearney brings experience, tenacity, a strong work ethic, and solid professional relationships to any project he undertakes. He has been recognized by many for achievements in developing successful projects.

KRDG has been recognized as a regional leader in its field for both innovation and quality. In 2014, KRDG committed to requiring all future buildings be LEED certified. Since 2002, The KRDG has successfully developed over 900 units in the Hudson Valley region that include senior, workforce, veteran, supportive, market-rate, middle income, and artist housing.

Some notable and successful projects include:

- **The Garden Street Revitalization Project** in the City of Poughkeepsie, NY, was a multi-phase re-development project that restored a blighted and vacant city block;
- **Wynwood Oaks** in the Town of Yorktown, NY, is an eighty (80) unit affordable senior housing apartment complex;
- **Red Hook Commons** in Red Hook, NY, consists of senior housing, commercial and market rate development on a brownfield site that was previously abandoned and contaminated;
- **Pendell Commons** in the Town of Poughkeepsie, NY, is a senior and workforce housing complex;
- **Liberty Commons** in the Village of Liberty, NY is a senior and work force housing complex;
- **West End Lofts** in the City of Beacon, NY, consists of seventy-one (71) lofts for artists and middle-income households. West End Lofts is currently in the lease-up phase;
- **Hidden Meadows** in the Town of Somers, New York, consists of forty (40) market for sale townhomes and eight (8) affordable for sale townhomes and is currently under construction;
- **Lofts on Main** located in the heart of the City of Peekskill's Artist District consisting of two buildings containing seventy-four (74) loft style affordable artist housing for artists and middle-income households. Lofts on Main is a mixed-use complex consisting of both residential and commercial;
- **Crossroads at Baldwin Place** located in Somers, New York, and contains sixty-four (64) units which includes senior and mixed income housing;
- **Crossroads Plaza** located in Somers, New York, and consists of a 36,000 square foot retail and office building;
- **Queen City Lofts** located in the City of Poughkeepsie, New York, consists of seventy (70) loft apartments for artists and middle-income households. Queen City Lofts also has over 10,000 square feet of retail that include a gym, grocery store, and brewery.

In Kenneth's free time he is a board member on two non-for-profit organizations, Patterns for Progress and Hudson Valley Community Foundations. Kenneth and his family are involved in numerous philanthropic ventures in the areas in which he works. A native of Mahopac, Kenneth and his wife Jean, continue to reside there.



The Kearney Realty & Development Group, Inc., a diversified real estate development and property management firm located at 57 Route 6, Baldwin Place,

New York, founded by Kenneth Kearney in 1996. Mr. Kearney's career of over thirty (30) years in real estate development features a consistent string of accomplishments resulting in completed, successful projects located throughout the Hudson Valley region in New York State. In 2009, Mr. Kearney's son, Sean K. Kearney, began working full time for the Kearney Group. To date, Kearney Group has built commercial and residential projects valued at more than \$200 million, is currently under construction on over \$100 million of development, and is involved in developments valued at \$90 million. Kearney Group is a corporation and is qualified to do business.

Kearney Group has been successfully developing communities since the 1990s. Kearney Group began by renovating historic, vacant, single family homes in the City of Beacon, and the City of Newburgh. In each case, Kenneth Kearney forged public and private partnerships with city and county government agencies. This methodology ultimately became a recurring theme of his development strategy in addressing the challenges of adaptive re-use and new construction in urban areas. Similar projects were successfully undertaken in the Town of Catskill and in the City of Meriden, Connecticut. These early projects set the tone for the impressive undertakings that were to follow, including:

- 27-33 East Main Street (1998) – A mixed-income and mixed-use building located in a historic district in the City of Beacon, NY. This property was a full rehabilitation of a historic building in a local historic district and was completed in 1994;
- Washington Market (1999) – A mixed-income and mixed-use building located in a historic district in the City of Newburgh, NY. Washington Market is home to the popular Liberty Street Bistro;
- Wynwood Oaks Development Project (2002) – An eighty (80) unit affordable senior housing development in the Town of Yorktown;
- Red Hook Commons (2006-2008) - A senior housing, commercial and market rate development property in the Village of Red Hook, NY, which was a county-owned brownfield site. Kearney Group worked with New York State Department of Environmental Conservation (DEC), the Brownfields Remediation Program, and the



Village of Red Hook to reclaim and find a positive new use for the previously abandoned and contaminated property;

- Pendell Commons (2009) - An inter-generational housing development consisting of twenty-four (24) affordable senior apartments and forty-eight (48) workforce housing apartments in the Town of Poughkeepsie, NY;
- The Mews at Baldwin Place (2010) – Part of a Planned Development consisting of residential, retail, office buildings centered on a village green, The Mews is a seventy-three (73) unit affordable senior housing project in Somers, NY, in partnership with the Housing Action Council;
- Poughkeepsie Commons (2012) – Consisting of twenty-four (24) supportive housing apartments for service-disabled Veterans and forty-eight (48) affordable senior housing apartments located in the City of Poughkeepsie;
- Highridge Gardens (2015) – In partnership with Rehabilitation Support Services, these two residential buildings located in the City of Poughkeepsie contain fifty (50) studio apartments with units set aside as supportive housing and twenty-four (24) one-bedroom workforce housing apartments;
- The Mews II at Baldwin Place (2015) – Part of a Planned Development consisting of residential, retail, and office buildings centered on a village green, Mews II is a seventy-five (75) unit affordable senior housing project in Somers, NY, in partnership with the Housing Action Council;
- The Hamlet at Pawling (2016) – In partnership with Castagna Realty, the Hamlet is part of an approved Planned Development that includes mixed use, market rate senior housing, affordable senior housing, assisted living, medical, and commercial on Route 22 in the Town of Pawling. The Hamlet consists of eighty (80) affordable senior housing apartments;
- The Mews at Hopewell Junction (2017) – An intergenerational and mixed-income supportive housing development on Route 376 in the Hamlet of Hopewell Junction in partnership with Abilities First. This development offers eighty-nine (89) units of housing across from East Fishkill Town Hall, Town Library, and Town Parks;



- Lofts on Main (2018) – A mixed use, mixed-income, artist housing development on a remediated brownfield on Main Street in the City of Peekskill. This development consists of fifty (50) artist lofts, twenty-two (22) middle-income units, and four (4) commercial store fronts;
- Crossroads at Baldwin Place (2018) – A mixed-income and intergenerational housing development located in Somers, New York. This development includes fifty-two (52) units of affordable senior housing, ten (10) units of mixed-income family housing, and two (2) units of market-rate housing across the street from Baldwin Place shopping center;
- Crossroads Plaza (2018) – A 36,000 square foot retail and office building located on Route 6 in the Town of Somers, NY;
- Queen City Lofts (2019) - A mixed use, mixed income, and artist housing development on a remediated brownfield on Main Street in the City of Poughkeepsie. This development consists of fifty (50) artist lofts, twenty (20) middle income lofts, and six commercial store-front and is located close to the metro north train station;
- West End Lofts (2019) – A mixed-income housing development located next to City Hall in the City of Beacon. This development consists of fifty (50) artist lofts, twenty-one (21) middle income units, and twenty-five (25) market rate units located close to the metro north train station;
- Hidden Meadow (Under Construction) – Consists of forty (40) market rate for sale townhomes and sixteen (16) affordable for sale townhomes in the Town of Somers, NY;



Since 2002, Kearney Group has successfully developed over 1,200 units in the Hudson Valley region. To date, Kearney Group has successfully developed commercial, mixed-use, senior, workforce, veteran, supportive, market-rate, middle-income, and artist housing. Kearney Group is the leading development firm in the Hudson Valley for mixed-income developments. Each development was completed either early or on time and on budget.

In 2009, Kenneth Kearney was recognized by the non-profit Mid-Hudson Pattern for Progress as its “Hudson Valley Developer of the Year.” In 2014, Kearney Group committed

to requiring all future buildings to be LEED certified. In 2015, The Kearney Realty & Development Group was recognized by Think Dutchess, Alliance For Business for the Developer/Investor Award for Business Excellence.

Kearney Group has been recognized as a regional leader in its field for both innovation and quality. In 2015, Kearney Group was the first developer in New York State to use the Middle-Income Housing Program for the highly successful Lofts on Main development. The model of such artist housing and middle-income housing has served as an economic engine for distressed areas.

In addition to the Kearney Group, The Lofts will benefit from a project team with substantial development, construction, and management experience. The Kearney Group's development and construction team have successfully developed throughout New York State.

The Lofts' project architect, A.J. Coppola of Coppola Associates, located in Newburgh, has designed over thirty large scale residential, commercial, and mixed-use developments. Kearney Group and Coppola Associates have successfully designed and constructed fourteen (14) development, totaling over one million, one hundred thousand (1,100,000) square feet. Some of these developments of note are Kearney Group's mixed-use, artists, middle income, and workforce housing developments, such as Lofts on Main, West End Lofts, and Queen City Lofts. Mr. Coppola will be responsible for preparation of all design documents and specifications. Coppola Associates will be responsible for building design and construction oversight of the building.

The Lofts will be constructed by Tern Construction & Development, LLC, a subsidiary of Kearney Realty & Development Group, Inc. Tern Construction has successfully constructed over \$200 million of new construction and adaptive reuse. Tern Construction has extensive experience in all phases of construction, urban and rural, and has committed to sustainable construction practices. Tern Construction & Development, LLC will be responsible for general construction oversight, building construction, and site construction.

In addition to real estate development, Kearney Group also manages all their own properties. With a portfolio of over 1,300 residential apartments and over 60,000 square feet of commercial and retail, Kearney Group has extensive experience in maintaining their developments to a high standard to ensure their long-term financial stability and overall success.

Similar Developments

Kearney Group has extensive development and construction experience in various fields. However, in recent years, Kearney Group has focused on the niche developments that consist of artist, workforce, and mixed-income housing. In 2015, Kearney Group was the first developer in New York State to utilize the new Middle-Income Housing Program. The Middle-Income Housing Program is designed to accommodate individuals and families up to 130% of the area median income (AMI). The model of combining artist, workforce, and middle-income housing has served as an economic engine for markets in need of an economic stimulus. Kearney Group began their extensive career on infill developments and rehabilitations of blighted buildings in urban areas throughout the Hudson Valley. In recent years, with more than three decades of expertise in financing, building, and managing mixed-income housing, Kearney Group has pursued mixed-income development in downtown urban areas and rehabilitation projects of blights buildings, Below is an example of some of the Kearney Group's successful infill, artist, and mixed-income developments

27-33 East Main Street

This building is located on East Main Street in the City of Beacon, New York, and is a mixed-use and mixed-income rehabilitation development. It consists of eight (8) mixed-income lofts and three (3) retail storefront and was originally a city-owned and condemned property in a transitional neighborhood. Utilizing an above market product and below market rents, Kearney Group was able to attract quality tenants and help stabilize the east end of Main Street. A reference contact for this development is Mr. Anthony Ruggiero, City of Beacon City Administrator, (845) 838-5009.



Washington Market

Washington Market is located on Liberty Street in the City of Newburgh and is a mixed-income and mixed-use rehabilitation development. Washington Market consists of nine (9) mixed-income lofts and two (2) retail storefronts. Again, Kearney Group utilized an above market product and a personalized approach to renting the retail storefronts.

Washington Market has been home to Caffè Macchiato since 2004, which has helped stabilize the neighborhood. Recently, Washington Market added the Liberty Street Bistro as a tenant. A reference contact for this development is Mr. Doug Olcott, the former Orange County Community Development Director and current Senior Vice President of The Community Preservation Corporation, (914) 747-2570 extension 228.

Lofts on Main

Lofts on Main is a mixed-use, mixed-income, and artist housing development on Main Street in the City of Peekskill. The site itself offered many unique challenges. The site was a former urban renewal site and contained high levels of contamination. Kearney Group was successful in entering Lofts on Main into the New York State Department of Environmental Conservation's Brownfield Cleanup Program and completing the environmental remediation of this entire site. In addition, the buildings, located in the historic district are within inches of two other historic buildings. Lofts on Main was also the first development in New York State to utilize the Middle-Income Housing Program. This development consists of fifty (50) affordable artist lofts, twenty-two (22) middle income units, and four (4) commercial store-fronts. Through Kearney Group's innovative commercial marketing approach, Lofts on Main retail consists of a bakery, an artist gallery and yoga studio, a high-end salon, and an organic and locally sourced grocery store. A reference contact for this development is Mr. Richard Leins, City Manager for the City of Peekskill, (914) 734-4245. Please feel free to visit our website at www.LoftsonMainNY.com and our Instagram page @loftsonmain for additional information.



Crossroads at Baldwin Place

Crossroads at Baldwin Place (CRBP) is a mixed-use, mixed-income and intergenerational housing development located on Route 6 in Somers, New York. CRBP includes retail and office building with frontage on Route 6, fifty-two (52) units of affordable senior housing, ten (10) units of mixed-income family housing, and two (2) units of market rate housing across the street from Baldwin Place shopping center. As part of this development, Kearney Group upgraded the infrastructure of the surrounding commercial properties by constructing a new sewer line, installing a traffic signal, and connecting all the properties with a network of sidewalks to increase the walkability and pedestrian traffic in the Baldwin Place downtown area. A reference contact for this development is Mr. Rick Morrissey, Town of Somers Town Supervisor, (914) 277-3637.



Queen City Lofts



Queen City Lofts (QCL) is a mixed-use, mixed-income and an artist housing development on Main Street in the City of Poughkeepsie. QCL had numerous challenges throughout the development phase as well as the construction phase. Kearney Group purchased the property from the City of Poughkeepsie, but also pursued, and was successful in, the acquisition of an adjoining property that contained an abandoned auto repair business. The site purchased from the City of Poughkeepsie was a former urban renewal site and both properties had excessive levels of contamination. Kearney Group was successful in entering QCL into the New York State Department of Environmental Conservation's Brownfield Cleanup Program and successful in a complete environmental remediation of the site. Kearney Group successfully utilized the Middle-Income Housing Program at QCL. QCL will yield fifty (50) affordable artist lofts, twenty (20) middle-income lofts, four (4) retail storefronts, and two (2) restaurant spaces. Building on their successful commercial marketing strategies utilized in the past, Kearney Group has successfully leased all of the retail and restaurant spaces. QCL's commercial will include a gym, a coffee lounge, an organic grocer, and a 6,000 square foot brew pub. The total investment from the commercial tenants is approximately \$2,000,000. This was accomplished without any traditional marketing. A reference contact for this development is Ms. Anne Saylor, Community Development Administrator for Dutchess County, (845) 486-3600. Please feel free to visit our website at www.QueenCityLoftsNY.com or our Instagram page [@queen.city.lofts](https://www.instagram.com/queen.city.lofts) for additional information.

West End Lofts

West End Lofts (WEL) is a mixed-income housing development on Wolcott Avenue, adjacent to City Hall, in the City of Beacon. WEL was a former urban renewal site and was owned by the City of Beacon. The City of Beacon, recognizing its need of a mixed-income development, partnered with the Kearney Group to successfully develop WEL. Kearney Group successfully utilized the Middle-Income Housing Program at WEL. WEL consists of fifty (50) affordable artist lofts, twenty-one (21) middle-income units, and twenty-five (25) market rate units. A reference contact for this development is Mr. Anthony Ruggiero, City of Beacon City Administrator, (845) 838-5009.



Examples of Kearney Realty & Development Group's Development Experience

	Project 1	Project 2	Project 3
Property Address	Dietz Street Lofts Dietz Street Oneonta, New York	Copper City Lofts 183 West Dominick Street Rome, New York	Chestnut Street Apartments 194 Chestnut Street Liberty, New York
Role	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager
Type of Project	Artist and Middle Income Housing	Mixed use, Artist and Middle Income Housing	Supportive Housing
Property Type	Multi-Family	Mixed-Use, Multi-Family, Commercial	Multifamily
Number of Buildings in Project	1	1	2
Total Number of Residential Units in Project	63	65	73
If commercial, total square footage of project	N/A	4,500 square feet	N/A
Total Estimated Development/Rehabilitation Costs	\$17,000,000	\$17,500,000	\$19,000,000
Current Status of Building	Under Development	Under Development	Under Construction
Government Program	LIHTC, SLIHTC, Empire State Development Funds, Middle-Income Housing Program	LIHTC, SLIHTC, Empire State Development Funds, Middle-Income Housing Program	LIHTC, NYS OMH

Project 4	Project 5	Project 6	Project 7
West End Lofts 1 Liam Drive Beacon, New York	Mews at Prattsville County Rt. 10 Prattsville, New York	Queen City Lofts 178 Main Street Poughkeepsie, New York	The Lofts on Main 922 Main Street Peekskill, New York
Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager
Artist Housing, Middle Income Housing, and Transit Orientated Development	Senior House and Workforce Housing	Mixed Use, Artist Housing, Middle Income Housing, Transit Orientated Development, Brownfield Development	Mixed Use, Artist Housing, Middle Income Housing, Transit Orientated Development, Brownfield Development
Multi-family	Multi-family	Mixed-Use, Mutli-family, Commercial	Mixed-Use, Mutli-family, Commercial
3	5	1	2
94	45	71	73
0	0	12,575 Square Feet	7,206 Square Feet
\$25,000,000	\$14,000,000	\$22,610,771	\$25,500,000
Under Construction	Completed	Completed	Completed
LIHTC, SLIHTC, Dutchess County HOME Program, Middle-Income Housing Program	LIHTC, NYS HOME Program	LIHTC, SLIHTC, Community Investment Fund, Empire State Development Funds, Middle Income Housing Program, Brownfield Remediation Program, Dutchess County HOME	LIHTC, SLIHTC, Middle Income Housing Program, Brownfield Remediation Program

Project 8	Project 9	Project 10	Project 11	Project 12
Crossroads at Baldwin Place 57 Route 6, Building A, B, C Baldwin Place, New York	Crossroads Plaza 57 Route 6 Baldwin Place, New York	The Mews at Hopewell Junction 25 Cannon Lane Hopewell Junction, New York	The Hamlet at Pawling 45 Castagna Drive Pawling New York	Highridge Gardens 140 Hudson Avenue Poughkeepsie, New York
Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager
Mixed-Income and Intergenerational Housing	Retail and Office building	Workforce and Supportive Housing	Senior Housing	Workforce and Supportive Housing
Mutli-family	Commercial	Multi-family	Multi-Family	Mixed-Use
3	1	6	2	2
64	N/A	89	81	74
N/A	24,000 square feet	N/A	N/A	1,500
\$16,500,000	\$5,500,000	\$21,400,000	\$16,000,000	\$19,000,000
Completed	Completed	Completed	Completed	Completed
LIHTC, SLIHTC, Westchester County, HFA Tax Exempt Bond	Private Financing	LIHTC, SLIHTC, OPWDD, Dutchess County HOME	LIHTC, SLIHTC, Dutchess County HOME	LIHTC, SLIHTC, NYS OMH, Dutchess County HOME

Project 13	Project 14	Project 15	Project 16
The Mews II at Baldwin Place 34 Clayton Boulevard Baldwin Place, New York	The Mews at Baldwin Place 24 Clayton Boulevard Baldwin Place, New York	Poughkeepsie Commons 130 Hudson Avenue Poughkeepsie, New York	Pendell Commons 5 Commons Lane Poughkeepsie, New York
Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager	Developer, General Contractor, Property Manager
Senior Housing	Senior Housing	Senior and Veteran Housing	Intergenerational Housing
Multi-Family	Multi-Family	Multi-family	Multi-Family
2	2	2	4
75	72	71	71
N/A	N/A	N/A	N/A
\$20,000,000	\$21,000,000	\$13,948,719	\$16,886,328
Completed	Completed	Completed	Completed
LIHTC, SLIHTC, Westchester County, HFA Tax Exempt Bond	LIHTC, SLIHTC, Westchester County	LIHTC, SLIHTC, Veterans assisted supportive housing vouchers, Dutchess County HOME	LIHTC, SLIHTC, Dutchess County HOME

Financial Capacity

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value
	TD Ameritrade				110,000

Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)			
	Property A	Property B	Property C
Type of Property			
Address	SEE ATTACHED		
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets.	(Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)
N/A	

Section 6. Unpaid Taxes.	(Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)
N/A	

Section 7. Other Liabilities.	(Describe in detail.)
N/A	

Section 8. Life Insurance Held.	(Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).

Signature:	Date: 03/10/2019	Social Security Number: _____
Signature: _____	Date: _____	Social Security Number: _____

PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. **PLEASE DO NOT SEND FORMS TO OMB.**

REO Schedule

Name
Date

Sean Kearney
9/6/2019

Property Name	Type of Property	No. of Units	% Occupied	Cash Flow	Est. Value	DEBT	Owner %	Equity Value
24 Paulding Avenue, Cold Spring NY	Prim. Res.				\$1,100,000	\$0	100%	\$1,100,000
Paulding Avenue	Vacant Land				\$100,000	\$0	100%	\$100,000
3302 Route 343, Amenia, NY	Market	6	100%	\$30,000	\$415,000	\$0	100%	\$415,000
8 Wayne Drive, Dover Plains, NY	Market	3	100%	\$18,000	\$250,000	\$0	100%	\$250,000
31 Wing Avenue, Dover Plains , NY	Market	20	100%	\$80,000	\$1,110,000	\$0	100%	\$1,110,000
Poughkeepsie Commons, Poughkeepsie, NY	Affordable	72	100%	\$50,000	\$2,500,000	\$1,500,000	G.P.	\$500,000
Wynwood Oaks	Affordable	80	100%	\$46,000	\$3,300,000	\$2,600,000	50%	\$120,000
Highridge Gardens	Affordable	74	100%	\$30,000			G.P.	\$125,000
Mews at Baldwin Place II	Affordable	75	100%	\$80,000	\$8,000,000	\$7,500,000	G.P.	\$125,000
44 East Main Street, Beacon	Market	4	100%	\$45,000	\$550,000	\$0	33%	\$181,500
Lofts on Main	Affordable/Middle Income	75	Under Construction			\$7,497,784	G.P.	
The Hamlet at Pawling LLC, Pawling NY	Affordable	81	100%			\$3,168,216	G.P.	\$100,000
The Mews at Hopewell LLC, East Fishkill	Affordable	89	100%			\$8,731,502	G.P.	\$70,000
Mountain Top Road, East Fishkill NY	Market Rate	3	Vacant Land		\$200,000	\$0	50%	\$100,000
Hamlet at Carmel, Carmel NY			Vacant Land		\$3,000,000	\$0	13%	\$375,000
Queen City Lofts	Affordable/Middle Income		Under Construction			\$3,836,947	G.P.	
The Mews at Prattsville	Affordable		Under Construction				G.P.	
Crossroads at Baldwin Place	Affordable & Mkt		Under Construction				G.P.	\$80,000
Crossroads Plaza	Commercial		Under Construction		\$4,000,000		25%	\$1,000,000
West End Lofts	Affordable/Middle Income		Under Construction					
West End Lofts II	Market		Under Construction				G.P.	

Total		582		\$379,000				\$5,751,500
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The Community Preservation Corporation

480 Bedford Road, Suite 4201
Chappaqua, New York 10514

September 5, 2019

City of Newburgh
Office of the Comptroller
City Hall
83 Broadway
Newburgh, NY 10550

RE: Kearney Realty Group RFP# 20.19
East End Lofts, Newburgh

Dear Sir/Madame,

I am writing this letter in support of the proposal by the Kearney Realty Group (Kenneth and Sean Kearney, principals) for the above referenced RFP.

Community Preservation Corporation (CPC) is a not-for-profit finance company established in 1974 which has invested over \$9.7 billion in public and private dollars to help revitalize neighborhoods and provide quality affordable housing throughout New York State. Our investments have helped create over 170,000 housing units and numerous commercial and retail businesses, many of which are in the City of Poughkeepsie. I serve as the Hudson Valley Regional Director.

We greatly value our 25-year relationship with the Kearney Realty Group during which time we have financed numerous renovations and new construction projects which have created over 850 apartments and a number of commercial and retail spaces in various communities throughout the Hudson Valley. Recent examples of similar projects we have financed include Lofts on Main, Peekskill, and Queen City Lofts, Poughkeepsie, which are both mixed income projects that provide affordable housing for artists and middle income housing for working families. These projects also include ground floor retail spaces.

I highly recommend your approval of The Kearney Realty Group's current proposal. If you have any questions please feel free to contact me at (914) 801-1066 or email dolcott@communitypc.com.

Sincerely,

Doug Olcott
Senior Vice President
Regional Director, Hudson Valley Office

RAYMOND JAMES

September 5, 2019

To Whom It May Concern:

Ken Kearney is among the leading developers of moderate and affordable housing in NY State and Raymond James ("RJ") is proud to have participated as the primary equity partner in Kearney Realty & Development Group's ("KRDG") housing transactions since 2010. To date, RJ has participated in 13 deals with the Kearney organization and invested nearly \$155 million dollars of equity in projects totaling over \$255 million in development costs. Raymond James has partnered with KRDG on numerous residential projects as well as several very successful mixed use and mixed income projects in Westchester and the Hudson Valley.

RJ's investments with KRDG have included 100% affordable projects, mixed-income and mixed-use properties, as well as supportive housing. A number of recent projects RJ has syndicated with KRDG include loft-style apartments with a preference on the units given to local artists and the buildings designed to include gallery space in the common area. Some of these projects also include commercial components, like Queen City Lofts in Poughkeepsie, which has approximately 10,000 square foot of ground floor commercial space being utilized as restaurant and retail space.

Given Mr. Kearney's well-earned reputation for delivering superior affordable housing in the investment community, Raymond James holds his firm in the highest regard and always welcomes the opportunity to work with them again on future projects.

Please don't hesitate to contact me if I can be of further assistance.

Very Truly Yours,



Darryl J. Seavey
Vice President, Director of Acquisitions Northeast Region
535 Madison Avenue, 9th Floor
New York, New York 10022
(212) 883-6550
Darryl.Seavey@RaymondJames.com

Budgets

Project Name: East End Lofts

Date: 9/4/19

C. Development Budget

B. Residential Financial Sources

page 2

A. Costs	4002	4001	HTF	4006									
	Equity Tax Credit DHCR	Community Preservation Corp.	Middle Income Program	Deferred Developer's Fee	Equity SLIHTC	NYSERDA	0	0			C. TOTAL	D. Ineligible Basis	E. Eligible Basis
a. ACQUISITION													
1. Land	100,000										100,000	100,000	0
2. Structure(s)											0		0
3. Total Acquisition (lines 1+2)	100,000	0	0	0	0	0	0	0	0	0	100,000	100,000	0
b. SOFT COSTS													
4. Appraisal(s)	12,000										12,000		12,000
5. Market Study	12,000										12,000		12,000
6. Survey	14,000										14,000		14,000
7. Soil Borings											0		0
8. Environmental Testing	175,000										175,000		175,000
9. Architecture/Engineering Fee	595,000										595,000		595,000
10. Construction Manager Fee											0		0
11. Legal Fees	185,000										185,000		185,000
12. Developer's Allowance											0		0
13. Cost Certification Audit	12,000										12,000		12,000
14. Insurance(s)	175,000										175,000		175,000
15. Taxes	15,000										15,000		15,000
16. Interim Interest <u>\$900,000</u>	900,000										900,000		900,000
17. Closing Costs	241,520										241,520		241,520
18. Title and Recording Fees	135,000										135,000		135,000
19. Relocation Expenses											0		0
20. Credit Application Fee <u>6,000</u>	3,000										3,000	3,000	0
21. Credit Allocation Fee <u>97,120</u>	122,200										122,200	122,200	0
22. Other DHCR/HCR Fees											0	0	0
23. Other Soft Costs (Tab 1.2)	157,725										157,725	0	157,725
24. Total Soft Costs (sum lines 4 through 23)	2,754,445	0	0	0	0	0	0	0	0	0	2,754,445	125,200	2,629,245

Project Name: East End Lofts

Date: 9/4/19

C. Development Budget

B. Residential Financial Sources

page 3

A. Costs	4002	4001	HTF	4006										
	Equity Tax Credit DHCR	Community Preservation Corp.	Middle Income Program	Deferred Developer's Fee	Equity SLIHTC	NYSERDA	0	0				C. Total	D. Ineligible Basis	E. Eligible Basis
c. CONSTRUCTION														
25. Site Work	1,035,000											1,035,000		1,035,000
26. Off Site Work												0		0
27. Demolition												0		0
28. Environmental Remediation														0
29. Other Construction (Tab 1.2)												0	0	0
30. Subtotal Site Prep (25-29)	1,035,000	0	0	0	0	0	0	0	0	0	0	1,035,000	0	1,035,000
31. Residential	843,310	3,000,000	3,100,000		1,598,240	63,800						8,605,350		8,605,350
32. Community Service Facility												0		
33. Commercial/Civic												0		
34. General Contractor's Insurance												0		0
35. Performance Bond Premium												0		0
36. Subtotal-Contractor's Cost (sum of lines 30-35)	1,878,310	3,000,000	3,100,000	0	1,598,240	63,800	0	0	0	0	0	9,640,350	0	9,640,350
37. General Conditions	602,000											602,000		602,000
38. Builder's Overhead	220,000											220,000		220,000
39. Builder's Profit	604,249											604,249		604,249
40. Total - Construction Cost (sum of lines 36 thru 39)	3,304,559	3,000,000	3,100,000	0	1,598,240	63,800	0	0	0	0	0	11,066,599	0	11,066,599
41. Project Contingency	682,000											682,000		682,000
42. LIHC/SLIHC Developer's Fee	2,211,632			147,911								2,359,543		2,359,543
43. Total - Development Cost (sum of 3, 24, 40, 41 and 42)	9,052,636	3,000,000	3,100,000	147,911	1,598,240	63,800	0	0	0	0	0	16,962,587	225,200	16,737,387
d. WORKING CAPITAL														
44. Initial Operating Deficit	36,000											36,000		36,000
45. Supplement Mgmt Fee/Marketing	31,000											31,000		31,000
46. Maintenance/Equipment (Tab 1.2)	29,000											29,000	0	29,000
47. Other Working Capital (Tab 1.2)												0	0	0
Total-Working Capital (sum of lines 44-47)	96,000	0	0	0	0	0	0	0	0	0	0	96,000	0	96,000
e. PROJECT RESERVES														
49. Capitalized Operating Reserve	169,625											169,625	169,625	0
50. Capitalized Replacement Reserve	62,000											62,000	62,000	0
51. Reserve for Adapting Units														
52. Other Project Reserves												0		0
Total - Reserves 53. (sum of lines 49-52)	231,625	0	0	0	0	0	0	0	0	0	0	231,625	231,625	0
Total Project Cost 54. (sum of lines 43, 48 and 53)	9,380,261	3,000,000	3,100,000	147,911	1,598,240	63,800	0	0	0	0	0	17,290,212	456,825	16,833,387
55. Syndication/Partnership Costs												0	0	0
56 Total	9,380,261	3,000,000	3,100,000	147,911	1,598,240	63,800	0	0	0	0	0	17,290,212	456,825	16,833,387

Exhibit 4 - Rents/Maintenance Fees & Affordability

page 1

Project Name: **East End Lofts**

Date: **09/04/19**

Project County: **Orange**

SHARS # (if assigned)

Median Income = **\$94,600**

This Exhibit must be completed by all applicants proposing to assist residential units. All residential units in the project must be recorded on this Exhibit, including those not funded by DHCR/HTFC, and building superintendent's/resident manager's units.

Apr-2018

A. Tenant Affordability Plan for Rental Units

1. Do you anticipate that any units in the project will receive a rental subsidy?

2. If yes, enter the number of units that you expect to receive the subsidy from, by source

	a. DSS Housing Allowance - No. of units to receive subsidy	
	b. HTFC Section 8 - No. of units to receive subsidy	
	c. Section 8 Other - No. of units to receive subsidy	
	d. DHCR RRAP - No. of units to receive subsidy	
	e. USDA - RD Section 521 - No. of units to receive subsidy	
	f. Other (specify)	

Total number of units to receive subsidy **0**

3. If the project includes a non-rent bearing unit to be occupied by a **building superintendent/resident manager**, complete the following table:

A. Unit Size	B. # of Units	C. # of Occupants in Unit	D. Monthly Utilities	E. Total Monthly Housing Cost	F. Total Annual Cost
2 br	1		\$150	\$150	\$1,800
Total Units	1		Total \$	\$150	\$1,800

Comments:

revised: 10/12/18

Project Name: **East End Lofts**

page 2

Date: 09/04/19

Project County: **Orange**

SHARS # (if assigned)

Median Income = **\$94,600** Apr-2018**Table A1 - Monthly Housing Cost and Affordability for Rental Units Without Project Based Vouchers**

A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.
Unit Size	# of Units	# of Occupants per unit	Monthly Basic Rent	Tenant Paid Utilities	Total Monthly Housing Cost	Total Annual Housing Cost	Minimum Annual Income to Afford Unit	AMI (see reference materials)	% of AMI Unit is Affordable to	% of AMI Unit will be Targeted to	Max Rent at 60% LIHC Eligibility	HCR STAFF ONLY HTF Surcharge
1 br	5	1.5	965	122	\$1,087	\$13,044	\$43,480	\$71,000	61%	>30%-50%	\$1,065	\$0
2 br	1	3.0	1,155	150	1,305	15,660	52,200	85,200	61%	>30%-50%	1,278	0
1 br	28	1.5	965	122	1,087	13,044	43,480	71,000	61%	>50%-60%	1,065	0
2 br	12	3.0	1,155	150	1,305	15,660	52,200	85,200	61%	>50%-60%	1,278	0
1 br	8	1.5	1,325	122	1,447	17,364	57,880	71,000	82%	>50%-60%	1,065	0
2 br	7	3.0	1,585	150	1,735	20,820	69,400	85,200	81%	>60%-80%	1,278	0
										>60%-80%	0	
										>60%-80%	0	
										>60%-80%	0	
										>60%-80%	0	
										>60%-80%	0	
										>60%-80%	0	
											0	
											0	
											0	
											0	
											0	
											0	
											0	
											0	

Total Units **61**

Total Monthly Income for Units Without Subsidies

\$68,555

Total Number of Units Without Subsidies

61

Total Residential Monthly Income and Maintenance Fees (use in Exhibit 5)

\$68,555

Total Number of Project Units

624. LIHC Monitoring Fee **\$4,154** (Applicable to all LIHC-assisted units)

5. Do the comparable market rents entered in Tables A1 and A2, Column D above include:

a. Heat

b. Hot Water

c. Electricity

NOTE - The Rents listed in the above table represent the maximum allowable rent to be collected from all sources, including the tenant rent payment and rental assistance payments from any source, unless HTFC's Asset Management staff issues a written approval of a rent increase.

Exhibit 5 - Project Income and Operating Budget

Project Name **East End Lofts**

Date: **9/4/19**

SHARS # (if assigned)

Table 1 -Total Effective Income		
Section A. Effective Residential Income		
Income/Vacancy & Arrears		\$ Amount
1. Total Residential Monthly Income/Maintenance Fees:		\$68,555
2. Annual Gross Residential Income (Line 1 x 12):		822,660
3. Residential Vacancy & Arrears (Line 2) x %	5.00%	41,133
4. Net Residential Income (Line 2 minus Line 3):		781,527
5. Ancillary Residential Income:		
a. Laundry:		6,000
b. Parking:		0
c. Other (specify):		0
6. Total Ancillary Residential Income (Sum of Lines 5a through 5c):		6,000
7. Effective Residential Rental Income (Sum of Lines 4 and 6):		\$787,527
8. Residential Debt Service Subsidy (specify):		
9. Total Residential Operating Income:		\$787,527
Section B. Effective Non-Residential Income		
Income/Vacancy & Arrears		\$ Amount
10. Gross Annual Commercial/Civic/CSF Income:		\$0
11. Estimated % of Commercial/Civic/CSF Vacancy and Arrears		10.00%
12. Total Commercial/Civic/CSF Vacancy and Arrears		0
13. Net Non-Residential Income		0
13a. Will the income for this portion of the project be guaranteed through a master lease and/or developer guarantee?		
14. Total Effective Income – Residential & Non-Residential (Add Lines 9 + 13):		\$787,527

Exhibit 5 Project Income and Operating Budget

Project Name: **East End Lofts**

SHARS # (if assigned)

Residential Base

Date: **9/4/19**

Table 2 - Basis for Projection of Operating Budget for Years 1 – 15

A. Expense				B. Year 1 Cost	C. Type - % Increase		D. Rationale for Estimate and Source	
							default expense Type	Variable
1a. Effective Residential Rental Income				\$787,527	Variable	2.00%	default expense % change	3.00%
1b. Residential Debt Service Subsidy				\$0	Fixed			
1c. Total Effective Residential Income				\$787,527				
2. Manager				40,000	Variable	3.00%	Salary standards set by the Kearney Realty Group	
3. Management Fee (enter %)		6.00%		47,251	Variable	2.00%	Six Percen Net Rent Income	
4. Accounting & Audit				12,000	Variable	3.00%	Based on Budget Standards established by KRG	
5. Legal				2,000	Variable	3.00%	Based on Budget Standards established by KRG	
6. Advertising				2,200	Variable	3.00%	Based on Budget Standards established by KRG	
7. Office Supplies & Equipment				3,500	Variable	3.00%	Based on Budget Standards established by KRG	
8. LIHC Monitoring Fee				4,154	Variable	2.00%	DHCR Formula	
9. Other Admin. (specify in column D)				4,800	Variable	3.00%	Based on Budget Standards established by KRG	
11. Janitor and Cleaning Payroll				8,000	Variable	3.00%	Based on Budget Standards established by KRG	
12. Janitor and Cleaning Supplies				6,000	Variable	3.00%	Based on Budget Standards established by KRG	
13. Exterminating				4,000	Variable	3.00%	Based on Budget Standards established by KRG	
14. Garbage and Trash Removal				16,000	Variable	3.00%	Based on Budget Standards established by KRG	
15. Security					Variable	3.00%		
16. Ground Expense				10,000	Variable	3.00%	Based on Budget Standards established by KRG	
17. Maintenance and Repair Payroll				28,000	Variable	3.00%	Based on Budget Standards established by KRG	
18. Maintenance and Repair Materials				12,000	Variable	3.00%	Based on Budget Standards established by KRG	
19. Maintenance and Repair Contracts					Variable	3.00%		
20. Elevator				6,000	Variable	3.00%	Based on Letter from Elevator Company	
21. Snow Removal				18,000	Variable	3.00%	Based on Budget Standards established by KRG	
22. Painting and Decorating				10,000	Variable	3.00%	Based on Budget Standards established by KRG	
23. Other M & O (specify in column D)					Variable	3.00%		
25. Fuel Oil					Variable	3.00%		
26. Lighting/Electricity				16,000	Variable	3.00%	Based on Budget Standards established by KRG	
27. Water and Sewer				26,500	Variable	3.00%	Based on Budget Standards established by KRG	
28. Gas				18,000	Variable	3.00%	Based on Budget Standards established by KRG	
29. Other Utilities (specify in column D)					Variable	3.00%		
31. Real Estate Taxes				130,000	Variable	3.00%		
32. Payroll Taxes					Variable	3.00%		
33. Other Taxes (specify)					Variable	3.00%		
34. Property and Liability Insurance				46,000	Variable	3.00%		
35. Fidelity Bond Insurance					Variable	3.00%		
36. Other Insurance (specify in column D)					Variable	3.00%		
38. Operating Reserve				24,678	Variable	2.00%	DHCR Formula	
39. Replacement Reserve				21,350	Fixed			
40. Total Expenses				\$516,433				
41. Net Operating Income				\$271,095				
42. Debt Service <i>List All Sources of Permanent Financing with Debt Service</i>				B. Year 1 Cost	C. Type % Increase		D. Source Name	
4001	3,100,000	5.500%	30	230,206	Fixed		The Community Preservation Corporation	
	3,000,000	0.500%	30	15,000	Fixed		Middle Income Program	
					Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
		0.000%			Fixed			
43. Total Debt Service				\$245,206				
44. Cash Flow				\$25,889				
45. Repayment of Deferred Dev's. Fee					Fixed			

Development Timetable

<u>Activity/Approval</u>	<u>Status</u>	<u>Anticipated Completion Date</u>
Site Control	Pending	Winter/Spring 2020
Planning Board Submission	Pending	Summer 2020
Application to NYS HCR for Funding	Pending	Fall 2020
Complete Local Approvals	Pending	Fall 2020
Receive NYS HCR Funding*	Pending	Spring 2021
Construction Closing/Purchase of Property	Pending	Fall 2021
Construction Completion/Occupancy	Pending	Spring/Summer 2023

*If funding is not received in Spring 2021, Kearney Group will re-apply for funding in Fall or Winter of 2021. This is to be awarded in Spring of 2022. Construction Closing/Purchase of Property would take place in Fall 2022 and Construction Completion in 2024.



57 Route 6, Suite 207
Baldwin Place, New York 10505
Telephone: 845.306.7705
Fax: 845.306.7707

December 31, 2019

Alexandra Church, AICP
City Planner
City of Newburgh
123 Grand Street
Newburgh, New York 12550

Re: SEDAC Follow-up: City of Newburgh-RFP 20-19

Dear Ms. Church,

Thank you again for giving us the opportunity to respond to the follow-up questions. Attached please find our responses.

Should you have any additional questions or comments, please feel free to contact me. Thank you.

Sincerely,

Sean Kearney
Vice President
Kearney Realty & Development Group

Enclosures

Mixed-Use Component

Based upon the feedback received from Newburgh's SEDAC, East End Lofts' concept has been revised from solely residential, to a mixed-use model. The design of the residential component of East End Lofts will keep the same historic and aesthetic design, but it will not be complimented by an architecturally distinct commercial component. This commercial component will be comprised of two distinct users and will be located at the corner of South William and South Colden Streets. Locating the commercial element at the corner of South William Street and South Colden Street will be a crucial component to integrating East End Lofts into the greater Newburgh Community. Updated concept renderings are attached.

Cornerstone Restaurant

- The addition of an eatery, specifically a restaurant, will be an important part of re-activating this portion of the City of Newburgh. Building on Kearney Realty & Development Group's (Kearney Group) other successful restaurant spaces in the Hudson Valley, East End Lofts will feature a two-story restaurant with a rooftop terrace. The rooftop terrace will not only provide sweeping views of the Hudson River, but it will also make this restaurant a regional destination. Kearney Group already has a successful relationship with Mr. Michael Kelly of AMK Restaurant Group LLC, owner of Liberty Street Bistro and Newburgh Flour Shop, as Kearney Group is the owner and manager of 97 Liberty Street, which is home to Mr. Kelly's successful Liberty Street Bistro restaurant. As evidenced by the attached Letter of Interest from Mr. Kelley, Kearney Group would seek to once again work with this proprietor to make this restaurant space a unique dining destination in the Hudson Valley.

Gallery

- Adjacent to the restaurant space, East End Lofts will feature a gallery for local artists. In the initial stages of East End Lofts, this space will be made available to the resident artists to show their wares free of cost. Ultimately, a long-term tenant, such as an artist collective, will be sought to operate and program the space. However, until such tenant is identified and committed, Kearney Group will operate this gallery in conjunction with the resident artists of East End Lofts. This strategy will ensure that there is never a "dark storefront" and from the first day of completion, East End Lofts will only bring vibrancy, security, and positive synergy to this portion of the City of Newburgh.

Construction Workforce Development

Internship

- Kearney Group's construction firm, Tern Construction & Development (Tern Construction), will offer an employment opportunity to a local individual. This individual will be given the opportunity of a paid internship with Tern Construction, and if a desire is shown, with Kearney Group. The aim of this internship is to not just give this individual employment, but to teach them valuable skills in managing the construction process from the perspective of a general contractor. If the individual shows a willingness or desire to learn about real estate development, the internship can evolve to Kearney Group. At Kearney Group, the individual will learn the fundamentals of planning, designing and financing of large-scale developments. This internship program has been successfully implemented by Kearney Group on past developments throughout the Hudson Valley.

Local Workforce

- During the construction phase of East End Lofts, Tern Construction will implement a comprehensive Workforce Development Plan for the recruitment, training, and hiring of residents from the neighborhoods surrounding East End Lofts. The Workforce Development Plan is a three-phase plan, which consists of:

Phase I Planning & Prework

- Establish positions to be available and timing
- Establish a date for the on-site workshop
- Advertise locally for the workshop
- Establish goals and guidelines of the workshop

Phase II On-Site Workshop

- Perform an orientation for all participants
- Conduct assessment test to determine the capacities and expertise of the local individuals

Phase III Determination

- Contact workshop participants who qualify for employment
- Contact workshop participant who qualifies for internship
- If there are more qualified participants than employment opportunities with Tern Construction & Development, Tern will refer the qualified individuals to its subcontractors

Local Sourcing

Employment & Training

- Tern Construction will encourage their subcontractors to hire local when possible.
- Tern Construction will offer referrals of local individuals who participated in the on-site workshop to its subcontractors.

Outreach

- Tern Construction will identify and establish communication with local subcontractors and suppliers.
- Tern Construction will extend invitations to bid to local subcontractors and suppliers.
- Tern Construction will encourage their subcontractors to utilize local suppliers when possible

Permanent Workforce Development

Upon completion, East End Lofts will provide ongoing workforce development training. Kearney Group will design and integrate a 1,500-2,000 square foot classroom and office space for ongoing workforce development programming. This program will be run through a partnership and collaboration of Kearney Group and either Orange County Community College or RUPCO.

Artist Certification Committee

East End Lofts' Artist Certification Committee will be comprised of five (5) individuals. Two (2) seats on the Artist Certification Committee can be made available to individuals from the City of Newburgh community.



December 12th, 2019

Sean Kearney
Vice President
Kearney Realty & Development Group
57 Route 6, Suite 207
Baldwin Place, New York 10512

Re: East End Lofts Letter of Interest

Mr. Kearney:

This letter is to serve as a Letter of Interest (LOI) for a restaurant space in the proposed development "East End Lofts" on South Colden Street in the City of Newburgh. A restaurant space in that location with river views has the potential to be extremely successful.

Currently, my company AMK Restaurant Group LLC, comprised of Liberty Street Bistro and Newburgh Flour Shop, remains at the forefront of culinary service in the heart of the Historic District of the City of Newburgh.

Thank you;

A handwritten signature in dark ink, appearing to read "Michael Kelly", with a long, sweeping horizontal line extending to the right.

Michael Kelly
AMK Restaurant Group LLC
97 Liberty Street, Newburgh, NY 12250





COMMITTEE SUMMARY SCORE SHEET FOR RFP 20.19 FOR 15 SOUTH COLDEN STREET

	Xenolith-Avante Artifex	Kearney Group
A.C.	80.4	97.2
B.C.	84.8	100
E.C.	97.6	95.2
A.D.	92	98.8
B.F.	88	90.4
K.L.	91.2	95.6
J.M	90.4	91.6
G.R.	86	96.4
Median Scores	89.2	96

DOWNING PARK ICE SKATING RULES

PLEASE BE ADVISED THAT ICE SKATING ON THE POLLY IN DOWNING PARK IS DEPENDENT ON WEATHER CONDITIONS FOR ICE QUALITY. AN EXTENDED FORECAST OF BELOW 32 DEGREE DAILY HIGH TEMPERATURES IS REQUIRED TO ESTABLISH A SAFE BASE FOR SKATING AND YOUR PATIENCE IS APPRECIATED.

1. The marked area of the Polly at Downing Park will be cleared for ice skating from January 1, 2020 to February 29, 2020, weather conditions permitting. Once cleared, quality and safety of the ice is determined daily. "GREEN FLAG" will be displayed when the Pond is deemed safe and useable. Check status by:
 - a. Phone: 845-569-7301 (Monday through Friday 8:30 am to 4:00 pm)
 - b. City of Newburgh website www.cityofnewburgh-ny.gov
 - c. City of Newburgh Facebook
2. Ice Skating is not permitted in any other City of Newburgh park.
3. When ice conditions allow, skating hours in Downing Park are as follows
 - a. 8:30 am to 4:00 pm daily
4. Equipment is not available for rent in any park.
5. Only figure skates or hockey skates are permitted. No bikes, scooters or motorized vehicles are permitted.
6. Ice conditions will vary depending on the weather.
7. The Pond at Downing Park is a free, unsupervised and skate-at-your own risk facility. By using this facility, participants are acknowledging that there are inherent risks involved in the activity of ice skating and are voluntarily assuming those risks.
8. Children under the age of twelve (12) must be accompanied by an adult.
9. No food or drink is allowed on the ice.
10. Alcoholic beverages, smoking, offensive language, pets are prohibited.
11. Failure to adhere to these skating rules may result in a loss of skating privileges

Ice Safety Guidelines

- Generally, avoid frozen waters outside of the designated and marked skating area.
- Do not go onto the Polly unless clearly marked with GREEN FLAG.
- Parents and caregivers should make sure children are never unattended near ice.
- If you hear cracking, lie down immediately to try to distribute your weight.
- If you witness someone falling through ice, never attempt to make a rescue by yourself. Call 911 and notify the proper authorities. Be sure to give the exact location and an account of the incident.

Downing Park Ice Skating Program Considerations

1. What department will measure the ice? Department of Public Works
2. What is the safe thickness to allow skating? 8 inches
3. What tools will be required to check the ice thickness and how will they be purchased?
DPW has the necessary tools
4. Will the ice surface be maintained in any way? Snow clearing only
5. Will snow be cleared from the ice surface after a snow event? Yes
6. What will be the window of dates in which the City allows skating? 1/1 to 2/28 each year
weather permitting
7. Will someone be selling ice skates? Safety gear? No
8. Establishment of rules for skating? Yes – see separate page
9. What department will enforce the rules? TBD
10. Readily accessible phone for 911 calls? TBD
11. Specifically ban pond bonfires. See rules
12. City needs to properly disconnect fountain and/or aerator to ensure it does not operate
during winter months. DPW does this annually
13. Free for all skaters? YES
14. Benches to change into skates? TBD
15. Liability? Need to notify insurance of this new activity? Law Department

RESOLUTION NO.: _____ - 2020

OF

JANUARY 27, 2020

**A RESOLUTION DECLARING THE FURNITURE AND CONTENTS OF
318 NORTH MONTGOMERY STREET AS SURPLUS AND
AUTHORIZING DISPOSITION PURSUANT TO THE CITY OF NEWBURGH'S
SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE**

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

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

WHEREAS, the Department of Planning and Development has requested that the contents of 318 North Montgomery Street be designated as surplus and sold; and

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

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

BE IT FURTHER RESOLVED, that the City Manager and/or City Comptroller be and they are hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus property in accordance with the City of Newburgh's Surplus Property Disposition Policy and Procedure adopted by Resolution No. 174-2014 of July 14, 2014.

Surplus Items from 318 N. Montgomery St

1st Floor South Parlor

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

1st Floor North Parlors & hallway

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

2nd floor North Office

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

2nd Floor North Parlor & Hallway

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

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

2nd Floor South Parlor

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

3rd floor rooms

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

Basement

- 1 large floor safe

RESOLUTION NO.: _____ - 2020

OF

JANUARY 27, 2020

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

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

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

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

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

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



City of Newburgh

GRANT APPLICATION FORM

RECEIVED
1/7/2020

SCANNED
1/9/2020

Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

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



City of Newburgh

GRANT APPLICATION FORM

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



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

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

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

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



SENATOR
JAMES SKOUFIS
39TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-3200

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

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

e-mail:
skoufis@nysenate.gov

August 20, 2019

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

Dear Mr. Donat,

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

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

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

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

Sincerely,

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

James Skoufis
Senator, 39th District

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

SECTION 1: GENERAL INFORMATION

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

Project Location: City of Newburgh

B. Organization / Grantee:

Legally Incorporated Name: City of Newburgh

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

City: Zip: County: Newburgh, 12550, Orange

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

Contact Name & Title: Helen Reilly, Grants Administrator

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

1. Type of Organization:

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

2.

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

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

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

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

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

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

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

\$ 50,000

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

SECTION 4: PROJECT BUDGET

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

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

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

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

Signature of Authorized Officer

Date

Joseph Donat

Print Name

City Manager

Title

RAPID DEPLOYMENT VEHICLE



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



CUSTOMER: Newburgh Police Department

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

RAPID DEPLOYMENT VEHICLE

Chassis Information

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

RDV Standard Up Fit/Body Specifications:

Dimensions

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

Front Wall

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

Cab Access

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

Wall Construction

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

Rear Structure

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

RAPID DEPLOYMENT VEHICLE

Roof

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

Corners

- Extruded aluminum front vertical corner post

Floor

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

Rear Doors

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

Side Door

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

Rear Bumper

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

RAPID DEPLOYMENT VEHICLE

Windows

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

Lighting

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

HVAC

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

Lighting

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

Seating

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

Grab Handles

Interior

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

Shelves

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

RAPID DEPLOYMENT VEHICLE

Suspension

- Super Springs added to rear suspension

Fire Extinguisher

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

Cabinet

- Weapon Cabinet Street Side
- Storage Drawer

TV Monitor

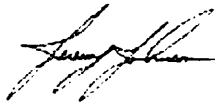
- TV Monitor mounted curb side bulkhead

Generator Box

- Generator Box Located under cabinet

TAG RDV: \$79,985.00 Delivered

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



December 12, 2019

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

_____, 2019
Authorized Signature
Newburgh Police Department

RESOLUTION NO.: _____ - 2020

OF

JANUARY 27, 2020

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

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

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

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

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

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



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

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

PROJECT PLAN: RFP attached

Scope of Project: Camera purchase & installation

Key Stakeholders:

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



City of Newburgh

GRANT APPLICATION FORM

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



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL

SIGNATURE: _____

DATE: _____

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

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING: _____

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

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



SENATOR
JAMES SKOUFIS
19TH SENATORIAL DISTRICT
STATE OF NEW YORK

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

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

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

e-mail:
skoufis@nysenate.gov

August 20, 2019

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

Joe
Dear Mr. Donat,

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

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

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

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

Sincerely,

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

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

STATE AND MUNICIPAL FACILITIES PROGRAM PRELIMINARY APPLICATION

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

SECTION 1: DATA SHEET / GENERAL INFORMATION

A. Project Name: Purchase and Installation of Cameras

Project Location: City of Newburgh

B. Applicant Organization: City of Newburgh

Legally Incorporated Name: City of Newburgh

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

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

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

Contact Name & Title: Helen Reilly, Grants Administrator

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

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

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

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

3. Name of project beneficiary if not applicant:

SECTION 2: PROJECT DESCRIPTION

A. Project Description and Amount

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

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

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

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

A. Use of Funds

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

<u>USE OF FUNDS</u>	<u>SOURCES</u>			<u>TOTAL</u>
	State	In-Kind/ Equity/Sponsor Contribution	Other sources	
Direct Costs:	\$ 50,000	\$	\$	\$ 50,000
Camera Purchase & Installation				
Indirect/Soft Costs:				
Total:	\$ 50,000	\$	\$	\$ 50,000
B. Please describe other sources of funds and if they have been secured. N/A				
C. Does the project require environmental or other regulatory permits? Have they been secured? (X) No () Yes () No () Yes (X) NA				
D. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA) or is such review necessary to obtain any governmental approvals? () No () Yes (X) NA				
E. Please describe the ongoing operating costs required to maintain the proposed project and the sources of these funds. Approx. \$200 per year for maintenance costs. These funds would be paid out of the General Fund Budget				
SECTION 4: ELIGIBILITY FOR TAX-EXEMPT FINANCING				
1. Do you believe your project is eligible for tax-exempt financing under the Federal Internal Revenue Service code? (X) No () Yes				
2. Has the applicant or proposed recipient of funds previously received financing from the sale of tax-exempt bonds? If yes, attach a schedule describing the details of such financing. () No (X) Yes				
3. Does the applicant or proposed recipient of funds anticipate applying for financing for this project from the sale of other tax-exempt bonds? (X) No () Yes				
4. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made? If yes, attach a schedule showing details of such disbursements (date, purpose, payee, etc.). (X) No () Yes				
5. Does the applicant or proposed recipient of funds plan to occupy 100% of the project facility? If no, attach a schedule explaining the planned occupancy. () No (X) Yes				

Signature of Applicant: _____

Date: _____



Quote

Number DSSQ3589
Date 12/31/2019

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

Here is the quote you requested.

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

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

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

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

Purchase Options

Select your preferred payment option / purchase terms*:

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

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

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

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

Address: Accounts Payable Dept. NewBurgh,NY12550

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

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

Purchase Price: \$ \$49,560.00

Taxes: \$ \$0.00

Total: \$ \$49,560.00

Monitoring Charges: \$0.00

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

LIMITED WARRANTY

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

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

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

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

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

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

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

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

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

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

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

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

Please sign to accept this Quote/proposal

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

RESOLUTION NO.: _____ - 2020

OF

JANUARY 27, 2020

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

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

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

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

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

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



City of Newburgh

GRANT APPLICATION FORM

RECEIVED
1/7/2020

SCANNED
1/9/2020

Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

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



City of Newburgh

GRANT APPLICATION FORM

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



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

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

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

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



SENATOR
JAMES SKOUFIS
39TH SENATORIAL DISTRICT
STATE OF NEW YORK

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

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

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

e-mail:
skoufis@nysenate.gov

August 20, 2019

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

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

Dear Mr. Donat,

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

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

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

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

Sincerely,

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

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

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

SECTION 1: GENERAL INFORMATION

A. Project Name: Roadway Reconstruction and Rehabilitation

Project Location: City of Newburgh

B. Organization / Grantee:

Legally Incorporated Name: City of Newburgh

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

City: Zip: County: Newburgh, 12550, Orange

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

Contact Name & Title: Helen Reilly, Grants Adiministrator

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

I. Type of Organization:

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

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

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

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

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

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

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

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

\$ 250,000

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

SECTION 4: PROJECT BUDGET

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

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

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

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

Signature of Authorized Officer

Date

Joseph Donat
Print Name

City Manager
Title

RESOLUTION NO.: _____ - 2020

OF

JANUARY 27, 2020

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

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

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

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

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

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

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

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



City of Newburgh

GRANT APPLICATION FORM



Grant Requestor:

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

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

SECTION A. COMPLETED BY GRANT REQUESTOR

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



City of Newburgh

GRANT APPLICATION FORM

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



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

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

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

JONATHAN G. JACOBSON
104th District

COMMITTEES
Cities
Election Law
Insurance
Local Governments
Transportation

September 19, 2019

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

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

Dear Mr. Donat:

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

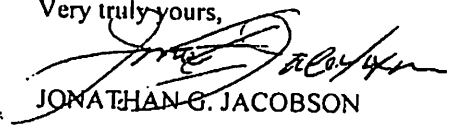
Please acknowledge receipt of this letter and provide the City's Tax ID number along with the name and email address of the Project Director(s) by October 15, 2019. Once we have received this information, we will submit it to New York State Assembly Committee on Ways and Means. After their review, Ways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

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

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

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

Very truly yours,


JONATHAN G. JACOBSON

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

STATE AND MUNICIPAL FACILITIES PROGRAM PRELIMINARY APPLICATION

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

SECTION 1: DATA SHEET / GENERAL INFORMATION

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

Project Location: City of Newburgh

B. Applicant Organization: City of Newburgh

Legally Incorporated Name: City of Newburgh

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

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

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

Contact Name & Title: Helen Reilly, Grants Administrator

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

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

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

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

3. Name of project beneficiary if not applicant:

SECTION 2: PROJECT DESCRIPTION

A. Project Description and Amount

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

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

\$ 300,000

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

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

A. Use of Funds

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

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

Signature of Applicant: _____

Date: _____

Section 1

Question #2:

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

Section 2

Question #1

To complete Project #8761.20 – Improve East End Roads

To purchase and install 7 new outdoor PTZ Security Cameras

Reilly, Helen

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

Good morning Julie,

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

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

Please let me know if you need any other information.

Thank you,

Helen Reilly

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

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

Hi Helen,

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

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

Thank you!

--
Julie Shiroishi
Chief of Staff

Chapter 189

HOURS OF OPERATION

GENERAL REFERENCES

Coin-operated premises — See Ch. 136.

Noise — See Ch. 212.

Junkyards — See Ch. 198.

§ 189-1. Legislative intent and findings.

- A. Legislative intent. It is the purpose of this chapter to protect the health, safety and welfare of the residents of the City of Newburgh and those persons passing through as transients or visitors or who otherwise are within the jurisdiction of the City of Newburgh by regulating the hours of operation of certain retail business establishments. The City Council of the City of Newburgh has enacted this chapter to address the negative secondary effects of retail establishments open during the late evening hours and early morning hours, based upon police resources, the crime rate, the public order, public safety, public health, physical and mental health, property values, environmental noise, light and air pollution, littering, sanitation and local motor vehicle traffic. The provisions of this chapter have neither the purpose nor effect of restricting or denying access to merchandise or protected speech.
- B. Findings. The Mayor and members of the City Council of the City of Newburgh are all residents of the City and familiar with the locations of businesses which operate during the late evening and early morning hours. Many of such businesses are in close proximity to residences. The Mayor and Council are also cognizant of serious public safety concerns in the local community associated with the nighttime operations of such retail businesses. Based upon the Mayor's and Council's local knowledge and evidence concerning the impacts or "secondary effects" of nighttime retail establishment operations on the community, as presented in hearings and in studies and reports made available to the Council with respect to local business locations, it is hereby found that the operations of certain retail establishments during the late evening and early morning hours lend themselves to unlawful activities at and in nearby proximity to such premises, that are not within the proper control of the operators of the establishments. Such unlawful activities include the discharge of firearms, illegal handgun possessions, assaults, larcenies and narcotics crimes, as well as City Code violations. There are not adequate legal provisions making the owners of these establishments responsible for such activities. Such unlawful activities, coupled with the additional negative effects of late evening and early morning business hours of retail establishments, including noise and light pollution associated with motor vehicle traffic, littering and sanitation issues, and impacts on adjacent and nearby

property values constitute a menace to the public health, safety and welfare, which in the absence of corrective measures will result in a deterioration in social values, a curtailment of investment and tax revenues and an impairment of economic values. The imposition of limits on the late evening and early morning hours of operation of such businesses will serve as a deterrent to and reduce opportunities for illegal activities by, between or against customers, as well as mitigate other negative environmental, traffic and sanitary secondary effects. The hours of operation of such retail establishments should be reasonably regulated in order to protect the substantial governmental concerns raised by the various findings herein.

§ 189-2. Definitions.

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

BAR — A premises where alcoholic beverages are sold for consumption on premises; or a premises operated as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees.

ESTABLISHMENT — Any store, shop, market or place of business in which goods, wares, food, beverages or merchandise of any type, nature or description are offered for sale to a purchaser.

GASOLINE STATION — Premises used for the sale of gasoline and any other motor vehicle fuel, oil and other lubricating substances to the public, including incidental sale of motor vehicle accessories, prepackaged food items and tangible consumer goods primarily for self-service by the customer. Related motor vehicle services may also be provided, including the repair, greasing, washing, servicing and adjusting of vehicles.

PHARMACY — Premises where prescription drugs are sold at retail, together with dry goods, foods or beverages.

RESTAURANT — Premises where food is sold and which provides seating at tables or counters for its patrons to consume the food on premises. This definition shall not include premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

RETAIL — The sale or the offer for sale of goods, wares, food, beverages or merchandise of any description, type or nature on a direct basis to a purchaser to be consumed primarily off premises.

§ 189-3. Restrictions on hours of operation. [Amended 3-28-2011 by L.L. No. 2-2011]

It shall be unlawful for any retail establishment, except those set forth in § 189-4 hereof, to operate and remain open to the public between the hours of 12:00 midnight and 5:00 a.m.

§ 189-4. Exceptions.

This chapter shall not apply to restaurants, bars, bowling alleys, billiard parlors, barber shops, beauty parlors, movie theaters and playhouses, hotels and motels, gasoline stations, pharmacies and pharmacy sections of any store which dispenses prescription drugs which must be physically separated from the other areas of the store; provided, however, that this chapter will apply to the remainder of said store, and further provided that said pharmacy and pharmacy section is under the immediate supervision of a licensed pharmacist. This chapter shall also not apply to any establishments whose hours of operation are otherwise regulated by state laws or regulations which preempt the regulation of hours of operation by the City.

§ 189-5. Penalties for offenses.

- A. Any violation, by a person, firm, partnership, corporation or other entity, of this chapter shall be deemed an offense punishable by a fine not to exceed \$500 or imprisonment for a period not to exceed six months, or both.
- B. Any person who takes part in or assists in any violation of this chapter shall also be subject to the penalties provided herein.
- C. Each day or part thereof that a violation of this chapter is committed or permitted to exist shall constitute a separate offense.

§ 189-6. Enforcement and other remedies.

- A. The Police Department shall enforce the provisions of this chapter against any person found to be violating the same.
- B. Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the City Council or other law enforcement authority to avoid or prevent any violation or attempted violation of this chapter, such as but not limited to an injunction or restraining order.

§ 189-7. Applicability of other laws.

This chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

ORDINANCE NO.: _____ - 2020

OF

_____, 2020

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

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

SECTION 1. Amendment

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

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

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

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

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

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

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

~~Strikethrough~~ denotes deletions

Underlining denotes additions

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

C. Terms.

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

§ 72-5 Powers and duties.

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

~~Strikethrough~~ denotes deletions

Underlining denotes additions

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

SECTION 2. Severability.

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

SECTION 3. Codification.

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

SECTION 4. Validity

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

SECTION 5. This ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

Chapter 72

POLICE COMMUNITY RELATIONS AND REVIEW BOARD

GENERAL REFERENCES

Police Department — See Ch. 80.

§ 72-1. Findings and purpose.

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

§ 72-2. Definitions.

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

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

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

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

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

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

PCRRB — Police Community Relations and Review Board.

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

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

- A. There is hereby established a Police Community Relations and Review Board comprised of nine members.
- B. Appointment to the PCRRB shall be made as follows:
 - (1) Two members from each of the four wards shall be appointed by the Council member elected from each ward.
 - (2) One member shall be appointed by the City Council, and such member shall be designated as the Chair of the PCRRB.
 - (3) If a Council member fails or refuses to appoint a member to the PCRRB under § 72-3B(1) and a vacancy exists for more than 60 days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.
 - (4) When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.
- C. Terms.
 - (1) Members shall be appointed for two-year terms; provided, however, that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
 - (2) No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of nonmembership.
 - (3) Members shall continue to serve on the PCRRB until their successors are appointed.
- D. Removal.
 - (1) The PCRRB, by a simple majority vote of the entire Board, may upon good cause request that the City Council remove a PCRRB member where appropriate.

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

§ 72-4. Members.

A. Qualifications of members:

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

B. Member responsibilities: PCRRB members shall:

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

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

§ 72-5. Powers and duties.

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

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

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

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

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

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

§ 72-6. Mediation.

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

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

§ 72-7. Suspension of proceedings.

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

§ 72-8. Construction of chapter.

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

§ 72-9. Severability.

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

POLICE COMMUNITY RELATIONS AND REVIEW BOARD

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

POLICE COMMUNITY RELATIONS AND REVIEW BOARD

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

The City of Newburgh

Office of the Corporation Counsel

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Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

Tel. (845) 569-7335
Fax. (845) 569-7338

Jeremy Kaufman
Assistant Corporation Counsel

MEMORANDUM

TO: Councilman Anthony Grice
Councilman Jonathan Jacobson
Councilwoman Karen Mejia
Councilwoman Ramona Monteverde
Councilwoman Hillary Rayford
Councilwoman Patty Sofokles
Mayor Torrance Harvey

FROM: Michelle Kelson, Corporation Counsel

RE: Resolution No. 310-2018 of October 22, 2018
Amending the 2018 Council Rules and Order of Procedure

CC: Michael G. Ciaravino, City Manager

DATE: October 23, 2018

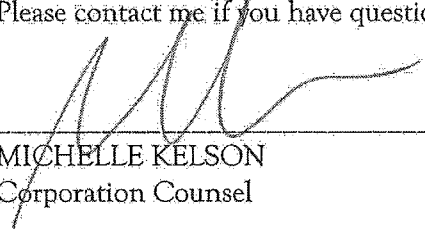
Attached please find a certified copy of Resolution No. 310-2018 of October 22, 2018 amending the 2018 Council Rules and Order of Procedure as amended. The amendments are as follows:

- Rule III(D): Resolutions, ordinances, and local laws may not be introduced at the regular meeting if the addition will increase the number of items above the work session limit.
- Rule X: There will be a maximum of 20 work session agenda items and presentations. Presentations are limited to 10 minutes. Priority will be given for items that have a deadline by which Council action is needed instead of a purely first-come, first-served basis. Executive session items are excluded from the maximum number of work session agenda items because those items tend to be important matters where Council consideration and action cannot often be delayed to the next work session.

The 2018 Rules and Order of Procedure will take effect for the next work session scheduled for Thursday, November 8, 2018 and the next regular City Council meeting scheduled for Tuesday, November 13, 2018.

A clean copy of the 2018 Rules and Order of Procedure, as amended, is attached for your reference.

Please contact me if you have questions or need more information.



MICHELLE KELSON
Corporation Counsel

MK/bhs
Attachments

RESOLUTION NO.: 310 - 2018

OF

OCTOBER 22, 2018

A RESOLUTION AMENDING RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2018

WHEREAS, by Resolution No. 25-2018 of January 22, 2018, the City Council of the City of Newburgh adopted for use Rules of Order and Procedure for City Council meetings; and

WHEREAS, this Council finds that amending such Rules and Order of Procedure is in the best interests of the City of Newburgh;

NOW, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby amends the 2018 the Rules of Conduct and Procedure as set forth in the copy attached hereto and made a part of this Resolution; and

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

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 Oct. 22, 2018
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 22 day of Oct. 2018


City Clerk

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

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

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

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

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

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

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

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

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

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to

comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

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

Rule II. Order of Business

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

Rule III. Voting

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

Rule IV. Executive Session

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

Rule V. Participation of City Manager and Staff

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

Rule VI. Suspension of the Rules

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

Rule VII. Guidelines for Public Comment

A. The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.

B. Speakers must adhere to the following guidelines:

1. Speakers must be recognized by the presiding officer.
2. Speakers must step to the front of the room.
3. Speakers must give their name, street name without number and organization, if any.
4. Speakers must limit their remarks to 3 minutes. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
5. Speakers may not yield any remaining time they may have to another speaker.
6. Council members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff. All speakers addressing the City Council at a public meeting shall speak from the public microphone with employees and agents of the City having the option

to speak from the head table using a microphone. In no circumstances shall any speaker sit in front of the head table with his or her back to the public.

8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.

- C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

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

Rule IX. Rules for Public Hearings

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

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

(c) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

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

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

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

Rule X. Work Sessions

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

Rule XI. Robert's Rules of Order

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

Rule XII. Adoption of Ordinances

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

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

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)

January 10, 2014 (Rule IV)

February 22, 2016

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

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

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

