



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*

May 7, 2020
6:00 PM

Engineering/Ingeniería

1. Contract with The Chazen Companies for Annual Sampling & Reporting on Former Consolidated Iron Superfund Site

Resolution authorizing the City Manager to accept a proposal with The Chazen Companies to perform additional groundwater sampling, reporting and periodic review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$15,656.00

Planning and Economic Development/Planificación y Desarrollo Económico

2. Update to Community Development Block Grant (CDBG) Citizen Participation Plan to Include Emergency/Disaster Process

Resolution scheduling a public hearing for May 26, 2020 to hear public comment concerning an amendment of the CDBG Citizen Participation Plan

Grants/Contracts/Agreements / Becas /Contratos/Convenios

3. Community Resource Officer Agreement Addendum

Resolution authorizing the City Manager to execute an addendum to the agreement with the Newburgh Enlarged City School District for police services in connection with the Community Resource Officer Program

Local Laws/Leys Locales

4. Local Law prohibiting possession and sale of sparklers or sparkling devices

Resolution scheduling a public hearing for May 26, 2020 to hear public comment concerning a local law amending Chapter 172 of the Code of Ordinances of the City of Newburgh to add "Article II – Fireworks and Sparkling Devices.

Discussion Items/Temas de Discusión

5. Rescheduling the May 26, 2020 Council Meeting

Rescheduling the May 26, 2020 Council meeting to Wednesday, May 27, 2020 or Thursday, May 28, 2020.

Executive Session/ Sesión Ejecutiva

6. Proposed, pending, or current litigation

RESOLUTION NO.: _____ - 2020

OF

MAY 11, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL WITH THE CHAZEN COMPANIES TO
PERFORM ADDITIONAL GROUNDWATER SAMPLING, REPORTING AND
PERIODIC REVIEW OF THE ENGINEERING AND INSTITUTIONAL CONTROLS AT
THE DELISTED CONSOLIDATED IRON SUPERFUND SITE AT A COST OF \$15,656.00**

WHEREAS, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation approved the Site Management Plan for the Consolidated Iron Superfund Site, and subsequently delisted the site in December of 2014; and

WHEREAS, provisions in Site Management Plan requires the City of Newburgh to conduct groundwater sampling and periodic review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site; and

WHEREAS, by Resolution No. 267-2015 of October 26, 2015, Resolution No. 125-2017 of May 22, 2017, and Resolution No. 192-2018 of August 13, 2018 the City Council approved contracts with The Chazen Companies to conduct groundwater sampling, reporting services and periodic reviews of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site; and

WHEREAS, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation have requested additional groundwater sampling for certain emerging contaminants at the delisted Consolidated Iron Superfund Site; and

WHEREAS, The Chazen Companies has submitted a proposal to conduct such groundwater sampling, reporting services and periodic review of the engineering and, institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$15,656.00 with funding to be derived from A.1440.0448.0003; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and enter into a contract with The Chazen Companies to conduct groundwater sampling, reporting services and review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$15,656.00.

April 22, 2020

Mr. Jason C. Morris, P.E. City Engineer
Office of the Engineer
83 Broadway
Newburgh, NY 12550

Re: Consolidated Iron and Metal Site – Annual Sampling & Reporting
EPA Site Number: NY0002455756
NYSDEC Site Number: 336055
Project #: 41548.00

Dear Mr. Morris,

Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. (Chazen) appreciates this opportunity to continue to provide groundwater sampling and reporting services for the former Consolidated Iron and Metal Site in the City of Newburgh, Orange County, New York. Compliance with the currently approved Site Management Plan (SMP) requires one synoptic round of groundwater sampling with analysis from select on-site wells for the identified site-specific contaminants of concern and submission of an annual Project Review Report (PRR) certifying the continued effectiveness of the implemented remedy for the Site.

This proposal includes completion of the annual sampling events and PRRs for both the 2019 and 2020 monitoring periods. In addition, NYSDEC has requested submission of an updated version of the currently approved Site Management Plan (dated June 2014). The amendment to the SMP is required to memorialize the changes to the SMP requested in the December 2018 PRR that were approved by NYSDEC in their letter dated September 13, 2019.

Our task numbers for these three activities below follow prior task assignments.

Task 008 - 2019 Groundwater Sampling & PRR

Chazen will conduct one round of groundwater sampling from the eight of the ten existing on-site groundwater monitoring wells (note: removal of MW-05 and MW-10 from sampling plan approved by NYSDEC in September 2019). Wells will be purged using low-flow sampling methods. Water quality parameters will be recorded while purging to assure stabilized flow through well screens into dedicated sample tubing. Purge water will be decanted to the ground based on permission received previously from NYSDEC.

Collected samples will be placed on ice and submitted to an ELAP certified laboratory for standard turnaround with Class A data deliverables under standard chain-of-custody procedures. The samples will be submitted for analysis of the CP-51 lists of VOCs and SVOCs, and for Lead (note: change in analytical parameters approved by NYSDEC in September 2019) using appropriate NYS CLP-ASP methods.

Quality Assurance (QA) samples will also be collected and submitted for analysis. QA sampling will consist of a one field duplicate, one equipment blank (from the water level indicator) submitted for analysis of each suite of parameters, an MS/MSD sample for VOC and SVOC analysis, a trip blank for VOCs only, and a temperature blank (for the shipment integrity).

Chazen will perform the visual assessment and evaluation of the site's existing Engineering and Institutional Controls required for the PRR during the groundwater sampling event. Primary features observable on site include condition of the soil cover system and integrity of the perimeter fence. Chazen will discuss with the City any noted concerns prior to finalization of the Periodic Review Report (PRR).

The PRR will be prepared in general accordance with the applicable NYSDEC guidance, including Certification by a PE that the EC/IC requirements are being met. The groundwater sampling report and visual inspection and site photolog will be included in the PRR along with recommendations, if any. A draft of the PRR will be submitted to the City for review and comment before the final document is finalized for submission.

COVID guidance from NYSDEC/NYSDOH indicates that performance of monitoring of remedial program sites that is necessary to protect the public health are considered "essential". Consequently, the field work will be scheduled as soon as this task is authorized and completed within 10 days of authorization so that the PRR can be completed and submitted on or before the May 31, 2020 due date for this submittal.

For your records, attached is Chazen's Job Safety Analysis for the field sampling event and Supplemental Guidance for potential COVID exposure.

Task-009- 2020 Periodic Review Report (PRR)

The scope of work and associated fee for Task 009 is similar to Task 008 but without PPE for COVID compliance.

To meet the regulator compliance schedule we anticipate that sampling and inspection will be performed in November 2020 with PRR submission prior to March 1, 2021.

Task 010 – SMP Update

Per NYSDEC's request, Chazen will modify and submit an updated SMP reflecting the approved changes to the on-site monitoring program. The draft updated SMP will be submitted for your review concurrent with submission of the draft submission of the updated PRR. In consideration of our appreciation for our continued relationship with the City, the draft update to the SMP will be provide as a courtesy with no additional fee.

SCHEDULE:

We can initiate work on the Task 008 Work Plan within one week (5 business days) of receipt of your authorization to proceed and submit the draft PRR (and SMP) to you for review and comment in 15-20 business days of submittal of samples to the laboratory. Achieving the May 31, 2020 deadline for the PRR submission to NYSDEC can be accomplished with rapid authorization to proceed and timely attention of review/comment, and approval of the draft PRR. Total Project Schedule is estimated to be 11 months or less.

COSTS

Chazen can complete the scope as specified in this proposal for the lump sum price of **\$15,656**.

Task	Labor, Field Materials and Travel	Lab Estimate	Total
Task 8 2019 Sampling & PRR	\$6,000	\$1,978	\$7,978
Task 9 2020 Sampling & PRR	\$5,700	\$1,978	\$7,678
Task 10 SMP Update	No fee	NA	-0-
Totals	\$11,700	\$3,956	\$15,656

ASSUMPTIONS AND LIMITATIONS

- No additional Site-Specific Work Plan or Quality Assurance Project Plan is required for submission to NYSDEC or the USEPA.
- The current approved SMP is sufficient to meet the project Data Quality Objectives.
- Site access will be readily provided.
- Based on the SMP, Class B deliverable data packages, independent third party data validation, and Data Usability Summary Reports (DUSPs) are not required for the project.
- Since no intrusive work is required nor anticipated for the project no site-specific HASP prepared in accordance with OSHA 1910 is required for this task.
- Chazen will prepare an internal safe work plan with task hazard analyses for our use for the survey, site inspection, and groundwater sampling events
- All field work will be conducted by Chazen Science, Engineering, or/Environmental Professionals at non-Prevailing Wage rates. No sales taxes are applicable to this work.
- The PRR will be completed in general accordance with NYSDEC guidance and submitted to NYSDEC. Our scope includes one iteration of comments and revisions, only.
- Lab fees assume and include Chazen's contract management fee.
- Fee assumes one iteration of submission, review & comment, and editing for each document.
- Fee for Task 0900 assumes no change in scope required by NYSDEC prior to 2020 sampling event.
- Fee for Task 0900 assumes COVID emergency has been lifted at time of 2020 sampling event in November and additional expendable PPE will not be required.

AGREEMENT

Since we have worked on this site previously and have signed our standard consulting agreement for this site, we require only a signature authorization below to authorize this work under the prior agreement conditions. Please feel free to call me at any time at 845 486-1551 or on my cell, or my colleague Kevin McGrath, PG, at 518-266-7370.

Sincerely,



Russell Urban-Mead, P.G.
Senior Hydrogeologist / VP, Environmental Services

cc: Kevin McGrath, P.G. and Will Olsen, P.G.

Authorizing Signature *As per Res. -2020
Joseph P. Donat, City Manager

Date

Approved as to Form

Michelle Kelson, Corporation Counsel

Date

Approved as to Finance

Todd Venning, City Comptroller

Date

Hospital Route Map

from:
Former Conlron Site
1 Washington St, Newburgh,
NY

to:

St. Luke's Hospital
70 Dubois St., Newburgh NY

St. Luke's

Newburgh
rgh

FORMER
CONSOLIDATED
IRON SITE

Washington Heights

Legend

- Feature 1
- Feature 2
- Feature 3
- Feature 4
- 📍 Newburgh

THE
Chazen
COMPANIES®

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1000 ft

JOB SAFETY ANALYSIS

Project Name:	Former Consolidated Iron Site	
Project # Task #:	41548.00 Task 0800	
Project Manager:	Russell Urban-Mead	
Last Date Revised:	April 22, 2020	
Site Location:	1 Washington Street, Newburgh, NY	Property Type: Commerical-Vacant land
Description of Work:	Periodic groundwater sampling and site inspection	
Training/Competencies Needed: Hazwop 40; GW Sampling Protocols and SOPs		
Nearest Hospital/Emergency Care: Montefiore-St. Luke's Cornwall Hospital, 70 DuBois Street, Newburgh		
Phone Number: (845) 561-4400		
Directions (ATTACH MAP): exit site, 1 block turn right, 1 block turn left, 7 blocks turn right, 1 block on left: 3/4 mi; < 6 min.		

Hazard Categories

- ☒ Outdoors
 ☐ Extreme temps/weather
 ☐ Remote location
 ☐ Heavy dust/ particulates/wind
☐ Hunting season
 ☐ Hazardous plants/animals
 ☐ Overhead Hazards (utility lines, buildings)
☐ Near/on roads or highways
 ☐ Near/over/ on water bodies
 ☐ Near Excavations and Trenches
☐ Near/on railroad tracks
 ☐ Near/in confined space
 ☐ Near moving and/or heavy equip
☐ Near electrical systems (elec. panels, elec. wires, transformers, etc.)
 ☐ Near sewage waste
☐ Lifting Heavy Objects
☒ Slip/Trip/Fall Hazard
☐ On a ladder or scaffold
☐ Noise
☐ Indoor Work

☒ Hazardous waste site or site w/ possible chemical exposure (list chemicals): GROs, DROs, and Lead

☐ Work involving chemical use (list chemicals):

☒ Specialized equipment or tool use (e.g., machete for survey): electric groundwater pump

☒ Field work when social distancing has been mandated (e.g., 2020 Covid-19)*

* All staff should review site specific COVID-19 guidance and follow it at all times. Where there is a discrepancy, the more stringent guidance shall be followed.

Task or Task Elements	Potential Safety Hazard	CONTROLS (including PPE)
1 pump connect/disconnect to battery	electrical shock hazard	Vehicle off, insulated gloves
2		
3		
4		
5		
6		
7		
8		
9		
10		
12		

Acknowledgments MUST BE MADE **PRIOR** to Beginning Field Work:

Who	Date	Signature
Acknowledgement by Employee:		
PM or Direct Supervisor Approval:		
Corp. H&S Approval** :		

** Catherine Monian, Ed Larken, Gary Aber, Patty O'Leary

JOB SAFETY ANALYSIS

Supplemental Field Work Guidance for Coronavirus (COVID-19)

The Chazen Companies encourages all employees to strictly follow available guidance from the Center for Disease Control (CDC) as well as local and state Health Departments and OSHA pertaining to COVID-19. Links to these references are included below. In an effort to consolidate this information and standardize how our staff perform essential field work, all staff should utilize the following best practices when planning for and performing field work.

All staff should review site specific COVID-19 guidance for each worksite they are entering and follow it at all times. Where there is a discrepancy, the more stringent guidance shall be followed. **Staff with presumed COVID-19 are not to perform field work.**

GUIDANCE FROM CDC, DOH, DOL OSHA

- Centers for Disease Control and Prevention Webpages: <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html> <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- New York State Department of Health: <https://coronavirus.health.ny.gov/home>
- Department of Labor OSHA Guidance on Preparing Workplaces for COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>

PRIOR TO PERFORMING FIELD WORK

- Check the **NYS Department of Health website** (<https://coronavirus.health.ny.gov/home>) for updates and the most current guidance.
- Take your temperature at home daily before coming to work. If you have an elevated temperature contact your Direct Supervisor immediately. Staff with presumed COVID-19 are not to perform field work.
- If you believe you have been exposed or your healthcare provider has indicated you should self-quarantine, alert your Direct Supervisor and Human Resources immediately.
- Inform your Direct Supervisor of your daily task and obtain their approval to perform the work ⁽¹⁾
- Make sure you have the following safety gear as required for your work:
☐ Hand sanitizer ☐ Nitrile gloves ☐ Disinfectant wipes ☐ Face mask ⁽²⁾

DURING THE EXECUTION OF FIELD WORK

- Remain a minimum of 6-feet away from other people at all times;
- Avoid occupied interior environments as much as possible and do not enter private residences ⁽²⁾;
- Do not touch your face, and;
- Limit physical contact with hard surfaces or objects while on project sites.

IMMEDIATELY AFTER COMPLETION OF FIELD WORK

- Completely wipe down any tablet, notebook, pen or other tool that was used in the field with disinfectant wipes;
- Remove of gloves properly to prevent contamination and dispose of gloves on site;
- Apply hand sanitizer that contains at least 60% alcohol, and;
- As soon as facilities with running water are available, thoroughly wash your hands with soap and water in accordance with CDC guidance.

Notes:

- Approval of your direct supervisor is required each day for multi-day assignments. Approval can be obtained verbally if documented via email on a weekly basis.*
- If interior work is necessary or field work cannot be done while maintaining social distancing guidance, an employee shall be equipped with an N95 face mask or other employer approved face covering in the event of N95 mask shortages.*

TOOLBOX TALKS

Coronavirus (COVID-19)

COVID-19 TOOLBOX TALK #1: Protecting Yourself and Others

Date:	Project No.:	Location:	Companies On-Site:
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1. WHAT IS COVID-19

- COVID-19 is a coronavirus, which is a family of viruses that can cause mild to severe respiratory illness.

2. SYMPTOMS OF COVID-19 & SEVERITY OF ILLNESS

- Fever/chills and shortness of breath, cough or sore throat. Illness has ranged from mild to severe.
- Symptoms usually appear 7-14 days after exposure. Some people do not exhibit any symptoms.
- Most people recover without medical treatment, however, hospitalizations and deaths have occurred.

3. HOW DOES COVID-19 SPREAD & WHO IS AT HIGHER RISK

- Thought to spread through: 1) coughing/sneezing when respiratory droplets are inhaled by others within 6 feet, or 2) Touching surfaces with the virus, then touching your mouth or nose; virus may last for >3 days on some surfaces.
- Pregnant women, and children or adults with underlying conditions such as asthma, diabetes, suppressed immune systems, heart disease, lung disease, and kidney disease, are more likely to have complications.

4. IF YOU HAVE BEEN EXPOSED TO OR INFECTED WITH COVID-19

- Alert your healthcare provider if you think you may be infected with COVID-19, including if you have been exposed to someone with the virus and have signs/symptoms of infection.
- If you believe you have been exposed or your healthcare provider has indicated you should self-quarantine, alert your Direct Supervisor and Human Resources immediately.

5. STEPS TO PROTECT OTHERS

- Take your temperature at home daily before coming to work. If you have an elevated temperature contact your Direct Supervisor immediately.
- Stay home/self-quarantine if you are sick, except to get medical care & return to work only when cleared.

6. SOCIAL DISTANCING

- Distance yourself from anyone not within your immediate family unit (living with you).
- Stay at least 6 feet away from other people at all times. Be pro-active about notifying others to keep their distance.
- If you cannot stay 6 feet away from other people use a mask.

7. CLEAN YOUR HANDS OFTEN

- Wash your hands often with soap and water for at least 20 seconds especially before eating, after you've been in a public place, after blowing your nose, coughing, sneezing, or using the restroom.
- If soap and water are not readily available, use a hand sanitizer with at least 60% alcohol. Cover all hand surfaces and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.

8. COUGHS AND SNEEZES

- Cover your cough or sneeze with a tissue (or use your elbow), then throw the tissue in the trash.
- Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.

9. CLEAN & DISINFECT

- Clean AND disinfect frequently touched surfaces daily with soap and water and/or cleaning spray or wipe, or 1:9 bleach: water solution (whichever is appropriate for the material). Examples: tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.

TOOLBOX TALKS

Coronavirus (COVID-19)

COVID-19 TOOLBOX TALK #2: Protect Your Jobsite

Date:	Project No.:	Location:	Companies On-Site:
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SUPPLY HAND SANITIZERS FOR WORKERS. Frequent hand washing is one of the best ways to protect workers from exposure. Many projects, however, have limited access to running water. Portable stations with water containers may be available from the general contractor but where not available hand sanitizer should be used. Hand sanitizers should contain at least 60% alcohol.

SEPARATE CONSTRUCTION WORKERS FROM OCCUPIED BUILDING WORKERS. To reduce exposure to possibly exposed or infected persons, implement procedures for minimizing contact between workers that don't usually work together. This may be a problem for jobsites where workers are in occupied buildings. Review with workers policies to keep them safe from exposure. Some policies may include separate bathroom facilities, isolating workers lunch and break areas, and limiting interactions with building employees.

PROVIDE TRAINING AND TOOLBOX TALKS FOR WORKFORCE. Information is the key to protecting workers. Discuss with employees the hazards associated with coronavirus. Use informational bulletins circulated by the Centers for Disease Control (CDC), the Occupational Safety and Health Administration (OSHA), and the World Health Organization (WHO). Reference information from reputable sources that is company-approved, as information on the internet may be misleading or wrong.

REINFORCE KEY PREVENTIVE MEASURES WITH WORKERS. Getting confirmation that no one currently has symptoms or has contracted the virus and reminding workers about appropriate PPE (including masks and gloves), cleaning procedures and social distancing can help reduce exposure.

DISINFECT HIGH TRAFFIC AREAS FREQUENTLY. For areas of high use, use disinfectants to keep areas clean. Job trailer doors and stair rails, meeting tables, and coffee stations should all be frequently cleaned using a bleach-based cleaner. A 1:9 solution of bleach to water can be used for this purpose. Job site trailers for Chazen personnel MUST be locked at all times and restricted to Chazen and Cleaning personnel ONLY. Job trailer cleaning MUST be performed by contracted cleaning personnel, NOT contractor forces.

BE DEFENSIVE DURING INTERACTIONS WITH OTHERS. During this period of uncertainty, monitor yourself and others and pay special attention to limit social contact with others. Train yourself to not cross-contaminate or to touch your face. Share respect, not potentially harmful germs. Be pro-active about notifying others to keep their distance.

Implementing these measures on your jobsite may help reduce the spread of exposure to the coronavirus. Taking these actions will also reinforce to workers that measures are being taken to ensure their safety. We need to work together to reduce opportunities of exposure for all workers.

RESOLUTION NO.: _____ - 2020

OF

MAY 11, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR MAY 26, 2020
TO HEAR PUBLIC COMMENT CONCERNING
AN AMENDMENT OF THE CDBG CITIZEN PARTICIPATION PLAN**

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a proposed amendment to the CDBG Citizen Participation Plan; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of May, 2020.

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the May 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law. To view the livestream of the City Council Work Session and Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>. To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: [INSERT URL]. If any interested members of the public would like to provide comments on an application, comments can be called in during the meeting at [INSERT MEETING CALL IN NUMBER], [INESRT MEETING ID], [INSERT MEETING PASSWORD] or provided through the written chat section of the Zoom meeting. Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 4:00 p.m. on Friday, May 22, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

City of Newburgh

Department of Planning and Development

Community Development Block Grant Program

CDBG

Citizen Participation Plan



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A. Introduction

Purpose

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

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

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

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

Lead Agency

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

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

Effective Date

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

B. Encouragement of Citizen Participation

General

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

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

Non-English-Speaking People

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

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

People with Disabilities

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

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

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

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

People with Low- and Moderate-Incomes

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

Organizations and Agencies

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

Local Public Housing Agency

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

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

Public Notices

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

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

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

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

Public Hearings

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

Technical Assistance

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

Online Access

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

Other Engagement Techniques

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

City of Newburgh Contact

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

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

In the Event of Disaster or Emergency

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

C. The Citizen Participation Plan

Plan Development

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

Public Review of the Draft Plan

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

Public Hearing

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

Comments Received on the Draft Plan

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

City of Newburgh Action

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

Submission to HUD

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

Amendments to the Approved Citizen Participation Plan

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

Amendment Considerations

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

Draft Amended Citizen Participation Plan Review

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

Comments Received on Draft Amended Citizen Participation Plan

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

Public Hearing

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

City of Newburgh City Council Action

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

Submission to HUD

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

Plan Access

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

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

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

In the Event of Disaster or Emergency

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

D. The Consolidated Plan (CP)

Plan Development

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

Stakeholder Consultation and Citizen Outreach

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

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

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

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

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

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

Public Hearings

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

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

Potential Displacement of People

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

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

Public Display and Comment Period

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

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

Comments Received on the Draft Consolidated Plan

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

City of Newburgh City Council Action

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

Submission to HUD

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

In the Event of Disaster or Emergency

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

Revisions to the Consolidated Plan

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

Revision Considerations

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

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

Public Display and Comment Period

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

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

Comments Received on the Draft Revised Consolidated Plan

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

City of Newburgh City Council Action

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

Submission to HUD

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

In the Event of a Disaster or Emergency

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

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

Plan Access

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

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

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

E. The Annual Action Plan (AAP)

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

Plan Development

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

Public Hearings

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

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

Citizen Advisory Committees

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

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

Public Display and Comment Period

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

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

Comments Received on the Draft Annual Action Plan

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

City of Newburgh City Council Action

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

Submission to HUD

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

Revisions to the Annual Action Plan

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

Revision Considerations

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

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

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

The following changes define a substantial amendment:

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

Changes that are not considered substantial amendments:

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

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

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

Public Display and Comment Period

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

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

Comments Received on the Draft Revised Annual Action Plan

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

City of Newburgh City Council Action

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

Submission to HUD

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

In the Event of a Disaster or Emergency

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

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

Plan Access

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

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

F. Consolidated Annual Performance and Evaluation Report (CAPER)

Report Development

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

Report Considerations

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

Public Display and Comment Period

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

Comments Received on the Draft CAPER

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

Submission to HUD

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

Plan Access

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

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

In the Event of Disaster or Emergency

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

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

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

Public Display and Comment Period

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

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

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

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

Newburgh Free Library
124 Grand St.
Newburgh, NY 12550

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

Comments Received on the Proposed Section 108 Application

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

Submission to HUD

The Section 108 Loan Application will be submitted to HUD.

H. Complaints

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

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

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

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

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

RESOLUTION NO.: _____ - 2020

OF

MAY 11, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN ADDENDUM TO THE AGREEMENT WITH
THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT FOR POLICE SERVICES
IN CONNECTION WITH THE COMMUNITY RESOURCE OFFICER PROGRAM**

WHEREAS, by Resolution No. 210-2019 of August 12, 2019, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with the Newburgh Enlarged City School District ("NECSD") to provide police services in connection with the Community Resource Officer Program for the 2019-2020 school year for compensation paid by the District to the City of Newburgh in the amount of One Hundred Thousand (\$100,000.00) Dollars; and

WHEREAS, due to the state of emergency from the novel corona virus (COVID-19) pandemic, Governor Andrew M. Cuomo, by Executive Order 202.4, required all schools in New York State to close no later than Wednesday, March 18, 2020, and by Executive Order 202.18, which extended the directives contained in Executive Order 202.4, as amended by Executive Orders 202.11 and 202.14, required that all schools in New York State remain closed through May 15, 2020, after which the continued closure would be re-evaluated; and

WHEREAS, the school closures have reduced the need for a Community Resource Officer services in the NECSD and the parties wish to modify the terms of the cooperative agreement concerning the compensation to the City for services rendered in connection with the Community Resource Officer Program; and

WHEREAS, the City finds that such modification in the form of the Addendum annexed hereto is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an Addendum to the Community Resource Officer Agreement with the Newburgh Enlarged City School District, in substantially the same form as annexed hereto with such other terms and conditions as may be required by the Corporation Counsel.

COMMUNITY RESOURCE OFFICER AGREEMENT ADDENDUM

THIS COMMUNITY RESOURCE OFFICER AGREEMENT ADDENDUM ("Addendum"), made as of this ____ day of _____, 2020, by and between the Board of Education of the Newburgh Enlarged City School District, having its principal place of business at 124 Grand Street, Newburgh, New York 12550 (hereinafter "the Board of Education") and The City of Newburgh having its principal place of business at City Hall, 83 Broadway, Newburgh, NY 12550 (hereinafter referred to as "the City").

W I T N E S S E T H:

WHEREAS, on September 6, 2019, City and the Board of Education executed a Community Resource Officer Agreement (hereinafter "Agreement") for the administration and compensation of the position of Community Resource Officer (hereinafter "CRO"), to be filled by police officers from the City of Newburgh Police Department at Newburgh Free Academy; and

WHEREAS, the parties have agreed that a modification to the Agreement of the reimbursement of expense in participating in the CRO Program is necessary and appropriate because of the mandatory school closures required by the Executive Orders of the Governor of New York State due to state of emergency from the novel corona virus (COVID-19) pandemic;

NOW, THEREFORE, in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree that Paragraph 19 of the Agreement, providing for compensation to the City for services rendered in connection with the CRO Program in the amount of \$100,000 and paid by the School Board to the City of Newburgh in monthly installments of \$10,000 per month from September 1, 2019 – June 30, 2020 commencing within thirty (30) days of ratification of this agreement by all parties, shall be modified as follows:

1. The School Board shall make monthly installments of \$10,000 per month from September 1, 2020 through February 29, 2020.
2. The School Board shall make a payment of \$5,000 for the month of March 2020.
3. The School Board shall not be required to make a monthly payment for April, May or June 2020 if the schools remain closed as required by Executive Orders. If the Governor's Executive Orders expire and are not further extended after May 15, 2020, the School Board shall make a payment of \$5,000 for May 2020 and a payment of \$10,000 for June 2020.
4. All other terms and conditions set forth in the Agreement shall remain in full force and effect.

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BOARD OF EDUCATION OF THE NEWBURGH
ENLARGED CITY SCHOOL DISTRICT

Dr. Roberto Padilla
SUPERINTENDENT OF SCHOOLS

CITY BOARD OF THE CITY OF NEWBURGH

Joseph P. Donat
CITY MANAGER
CITY OF NEWBURGH
Per Res. No.:

RESOLUTION NO.: _____ - 2020

OF

MAY 11, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR MAY 26, 2020
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING
CHAPTER 172 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO ADD “ARTICLE II – FIREWORKS AND SPARKLING DEVICES”**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a Local Law amending Chapter 172 of the Code of Ordinances of the City of Newburgh to add “Article II – Fireworks and Sparkling Devices”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of May, 2020.

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the May 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law. To view the livestream of the City Council Work Session and Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>. To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: [INSERT URL]. If any interested members of the public would like to provide comments on an application, comments can be called in during the meeting at [INSERT MEETING CALL IN NUMBER], [INSERT MEETING ID], [INSERT MEETING PASSWORD] or provided through the written chat section of the Zoom meeting. Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 4:00 p.m. on Friday, May 22, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING CHAPTER 172 OF
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO ADD “ARTICLE II – FIREWORKS AND SPARKLING DEVICES”**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 172 of the Code of Ordinances of the City of Newburgh to add ‘Article II – Fireworks and Sparkling Devices’”.

SECTION 2 - PURPOSE AND INTENT

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

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

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

SECTION 3 - AMENDMENT

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

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

§172-14. Definitions.

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

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

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

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

§ 172-15. Applicability.

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

§ 172-16. Possession, sale or use declared hazard and nuisance.

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

§ 172-17. Merger of terms.

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

§ 172-18. Penalties for offenses.

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

SECTION 4 - SEVERABILITY

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

SECTION 5 - CODIFICATION

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

SECTION 6 - VALIDITY

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

SECTION 7 - EFFECTIVE DATE

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

RESOLUTION NO.: _____ - 2020

OF

MAY 11, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF
CLAIM WITH RAIQUAN FALLS IN THE AMOUNT OF \$8,000.00**

WHEREAS, Raiquan Falls brought a claim against the City of Newburgh; and

WHEREAS, parties and the City have reached an agreement for the payment of the claim in the amount of Eight Thousand and 00/100 Dollars (\$8,000.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Raiquan Falls in the amount of Eight Thousand and 00/100 Dollars (\$8,000.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described