A regular meeting of the City Council of the City of Newburgh was held on Monday, July 12, 2021 at 6:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Councilman Shakur moved and Councilman Grice seconded to enter Executive Session.

All in favor the Council entered Executive Session at 6:01 P.M.

Councilman Shakur moved and Councilman Grice seconded to exit Executive Session.

All in favor the Council exited Executive Session at 7:30 P.M.

Moment of Silence / Momento de Silencio

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

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

Present: Mayor Harvey, presiding; Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Approval of the minutes from the regular City Council Meeting of June 14, 2021

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

City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

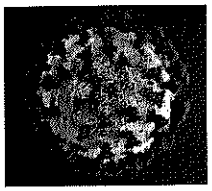
CITY OF NEWBURGH NEW YORK

City Manager's Update

Newburgh City Council Meeting

Monday, July 12, 2021

Novel Coronavirus (COVID-19)



For more information

Hotline: 1-888-364-3065

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

New York State Department of Health | New York State Department of Health COVID-19 Tracker

Testing data as of: 7/5/2021 2 PM
Testing data last updated on: 7/6/2021

Statewide

Total Persons Tested
59,216,230

Total Tested 7/05
35,339

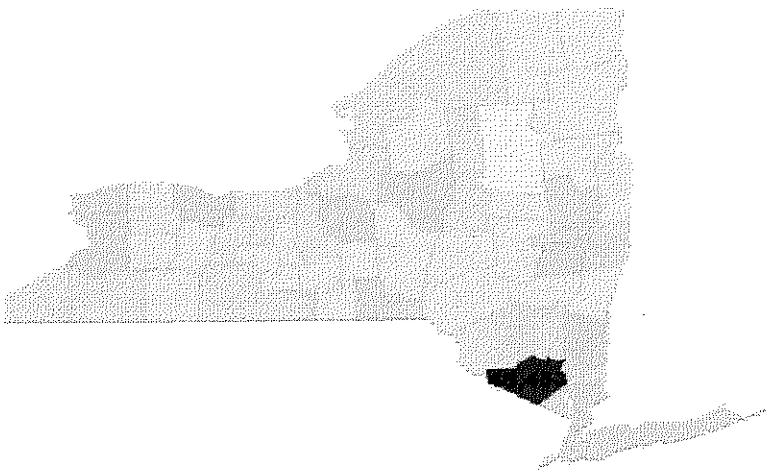
Total Tested Positive
2,099,931

Sex Distribution of Positive Cases

Female	Male	Unknown
50.7%	48.2%	1.2%

New Positives 7/05
255

Persons Tested Positive by County



Click County to See Detail
Click Again for Statewide

Madison	[illegible]
Monroe	[illegible]
Montgomery	[illegible]
Nassau	[illegible]
New York	[illegible]
Niagara	[illegible]
Oneida	[illegible]
Onondaga	[illegible]
Ontario	[illegible]
Orange	48,453
Orleans	[illegible]
Oswego	[illegible]
Otsego	[illegible]
Putnam	[illegible]
Queens	[illegible]
Rensselaer	[illegible]
Richmond	[illegible]
Rockland	[illegible]
Saratoga	[illegible]
Schenectady	[illegible]

Click for Daily Trends

Click for Table View

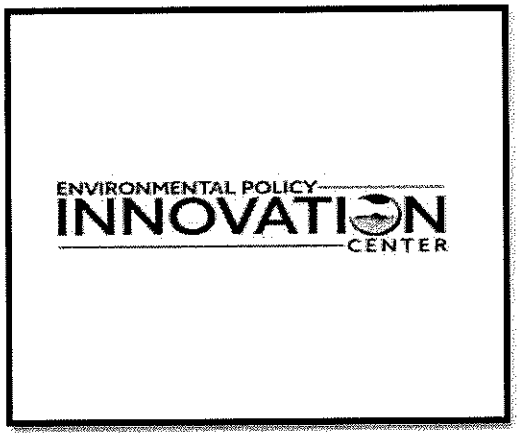
Click for Fatality Data

FAQs & Helpful Links

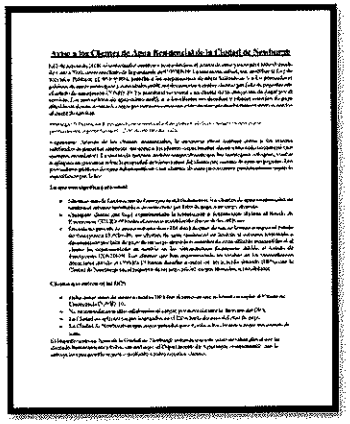
County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positives Today
Orange	855,605	48,453	5.7%	2,266	13

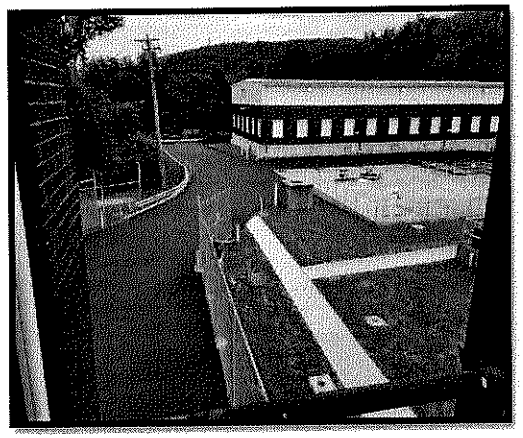
ENVIRONMENTAL POLICY
INNOVATION
CENTER

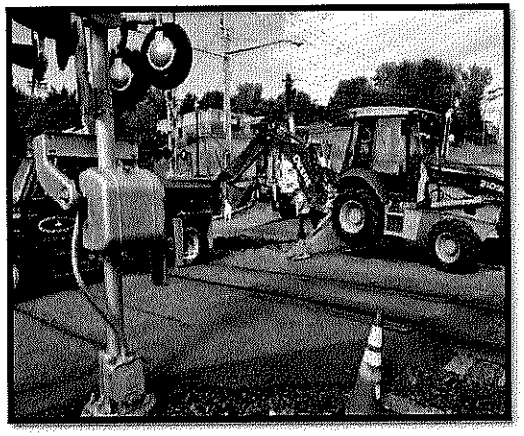


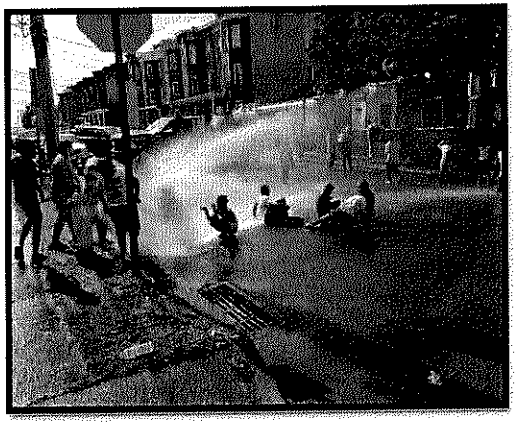
Avis a los Clientes de Agua Residencial de la Ciudad de Newburgh

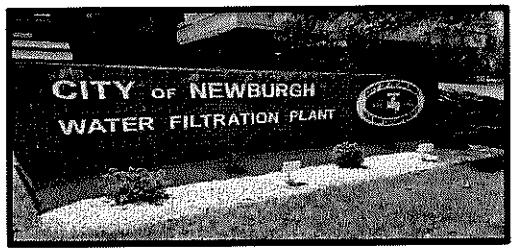


Notice to City of Newburgh Residential Water Customers









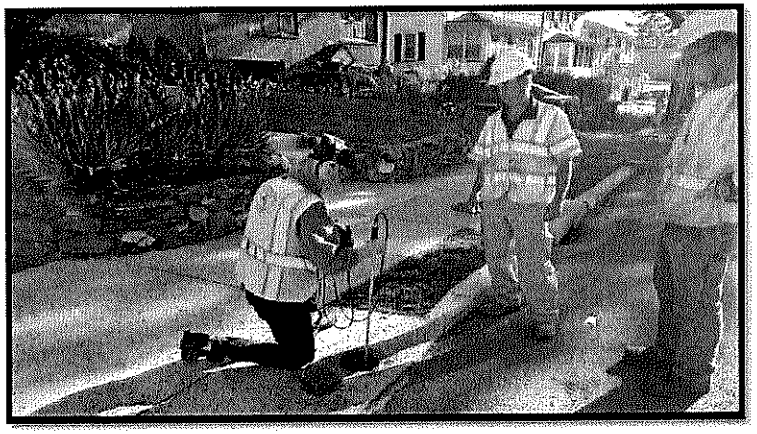
CITY OF NEWBURGH
Quality On Tap
Our Commitment To Our Profession
WATER DEPARTMENT

Leak Detection Survey Completed

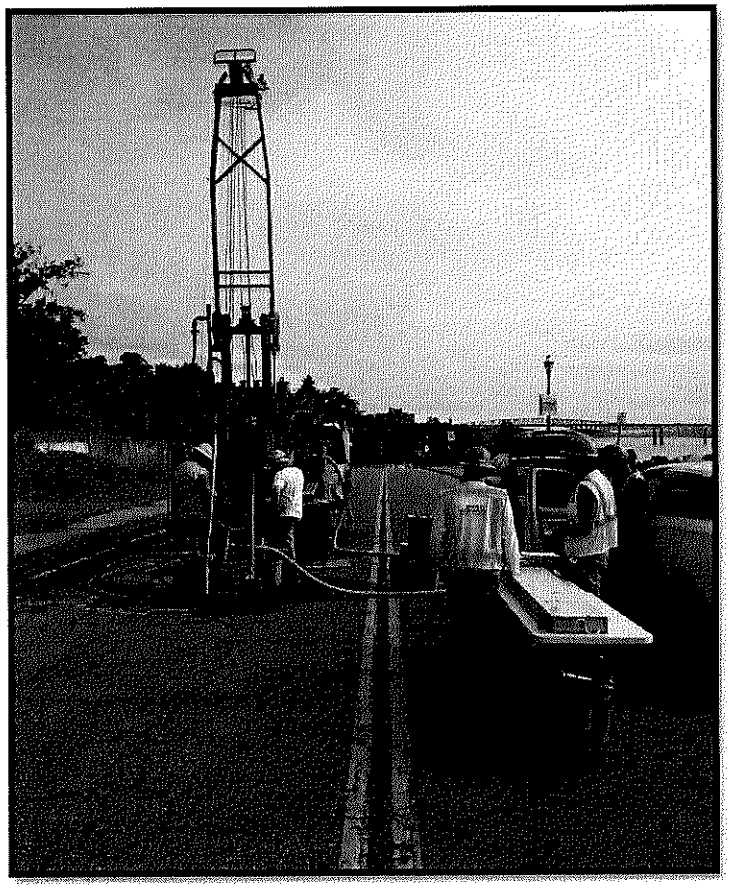
75 miles of water main were surveyed

36 leaks confirmed
- 2 main leaks
- 2 service leaks
- 32 hydrant leaks

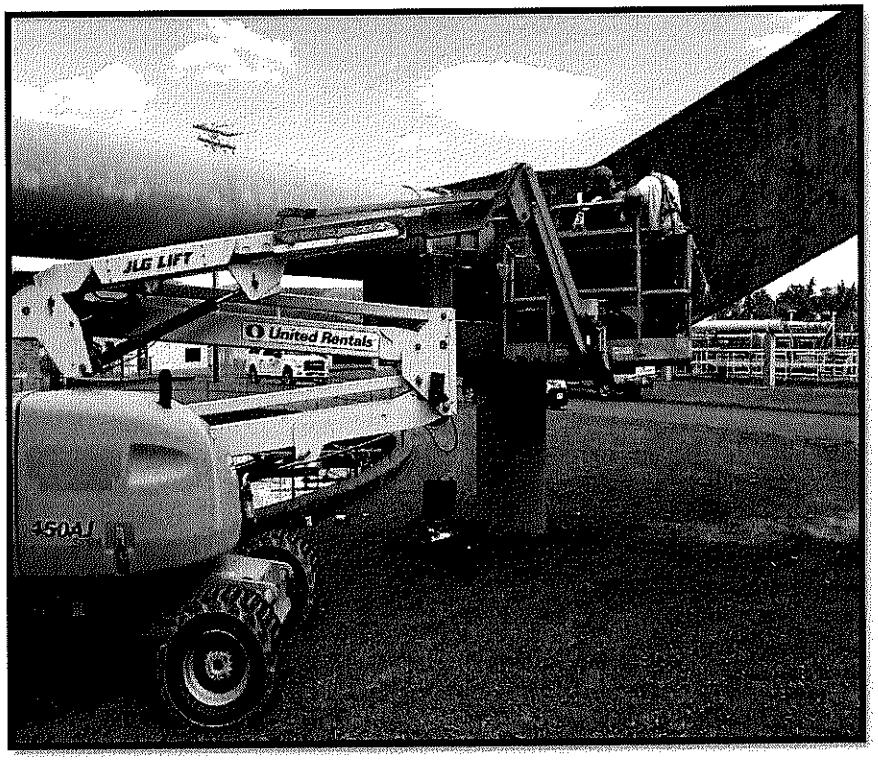
Loss of 155,000 GPD



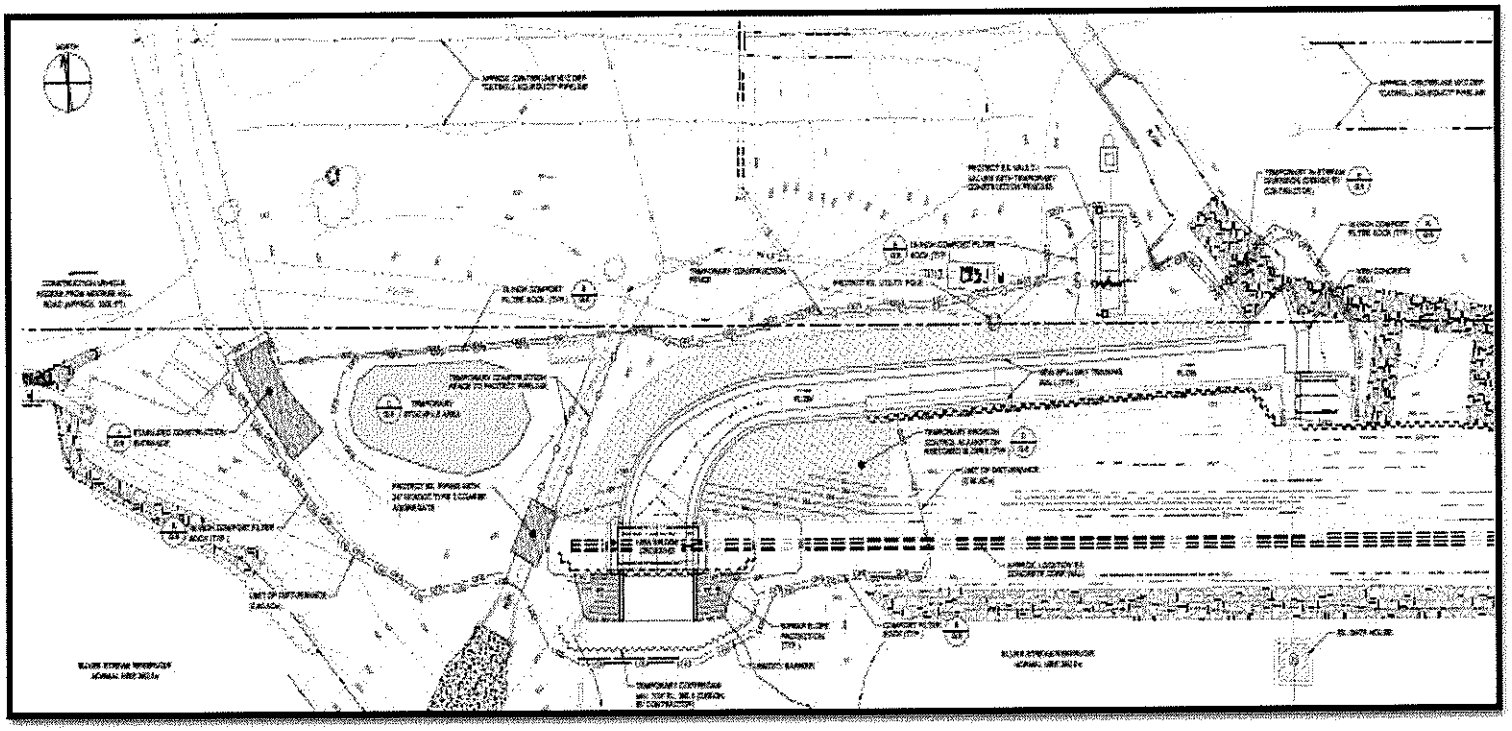
North Interceptor Sewer & Soil Borings



Concrete Assessment at Waste Water Treatment Plant



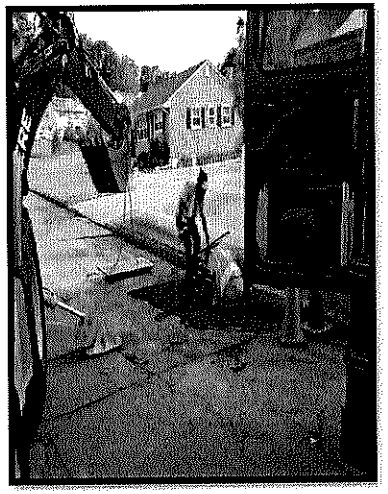
Design of Silver Stream Dam (Browns Pond) Spillway Improvements

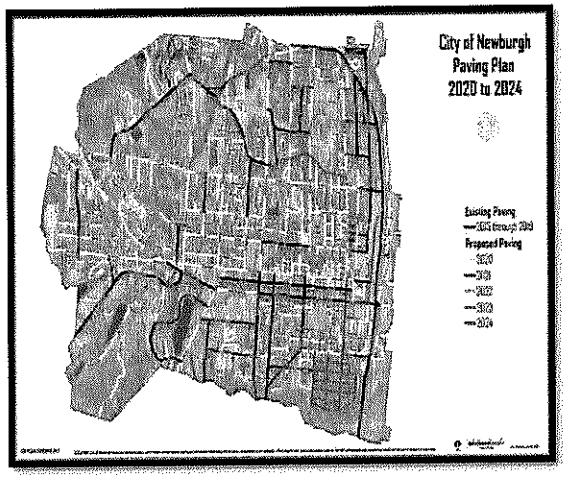


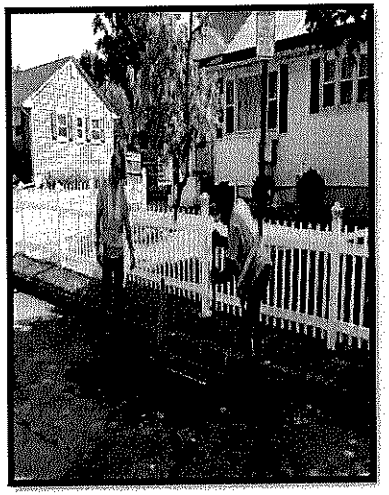
Paving

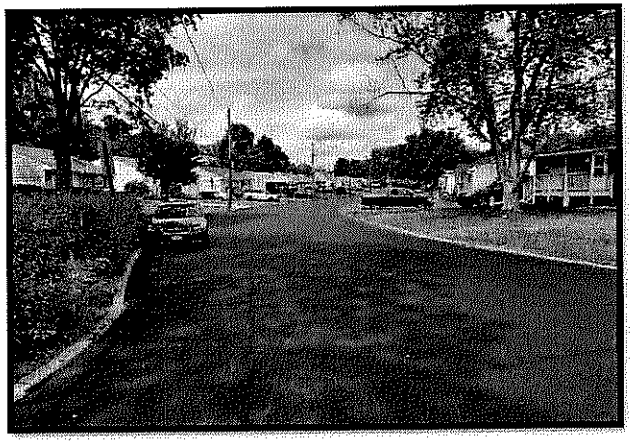
2021

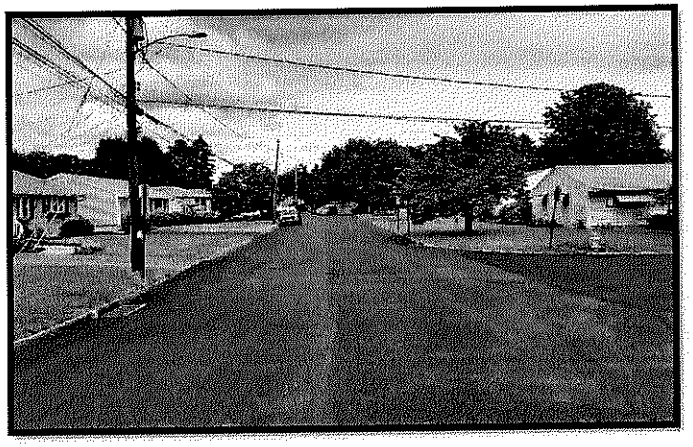
Sherman Drive
Flemming Drive
Morningside Road
Pleasant Place
Circle Drive



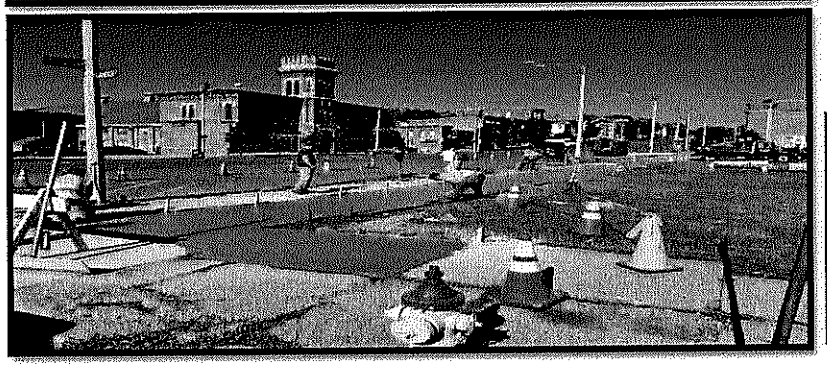






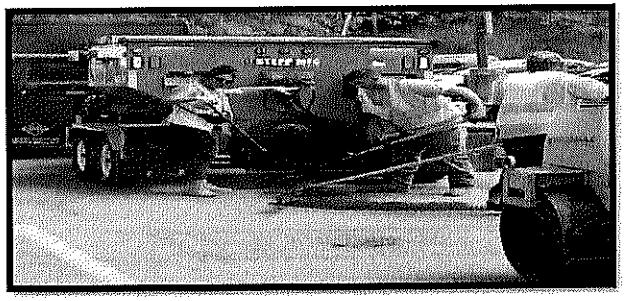


Sidewalk Repair



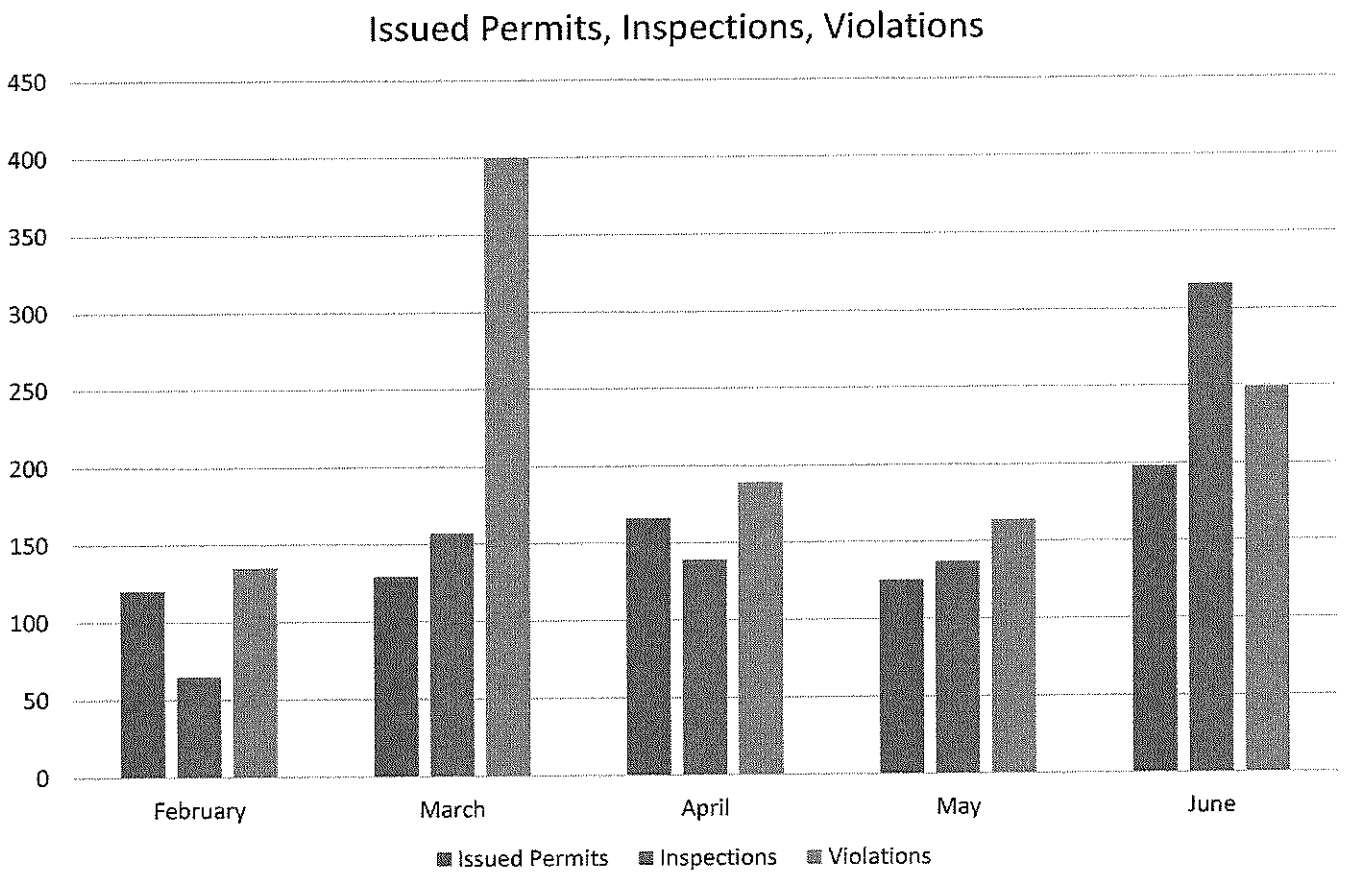
Delano Hitch Stadium

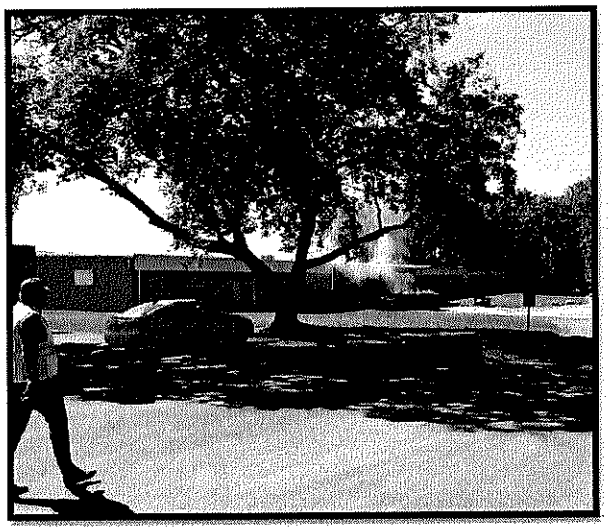
City of Newburgh
D.P.W.

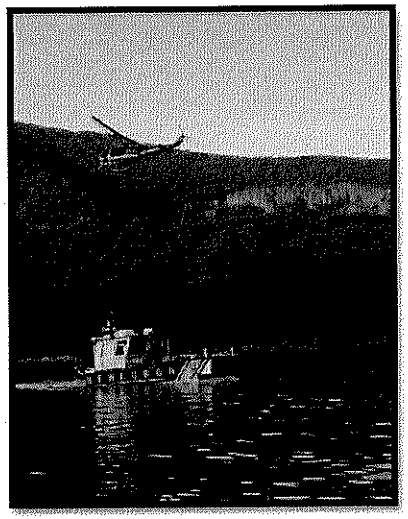


Pothole Repairs

SEAL OF THE CITY OF NEWBURGH, N.Y.
INCORPORATED 1865


Issued Permits, Inspections, Violations
450
400
350
300
250
200
150
100
50
0
February
March
April
May
June
Issued Permits
Inspections
Violations





5
Fire in Structures

78
Rescues & EMS.

24
Hazardous Conditions

55
Calls for Service

11
Good Intent Calls

45
Malicious Alarms
False Alarm

8
Malfunction of Alarms
False Alarm

31
Set off in error, due to cooking
False Alarm

City of Newburgh Police Department

Police Monthly Operations Report

Date: July 2, 2021

Calls for Service

The City of Newburgh Police Department fielded 2,251 call for service entries in June 2021. This was an 13% decrease compared to June 2020 and below the three year average. There were 425 officer initiated entries in June. This was a 39% decrease compared to June 2020, but there was a prolonged joint operation between the City of Newburgh Police and the State Police which increased officer initiated activity in May and June of 2020. Public generated calls, which include calls to 911 or the department's direct emergency line, showed 1,826 entries for June. This was an decrease of about 4% over June 2020. The top ten most frequent public generated calls accounted for 51% of the total public generated call volume for the first half of the year. The most frequent call type was Disorderly Adult with just over 8% of the public generated entries (Table 1). All "disorderly" calls combined accounted for 9% of the public generated call volume. The next most frequent public

Table 1

CALL TYPE	PLATOON ONE	PLATOON TWO	PLATOON THREE	TOTAL
DISORDERLY ADULT	183	351	316	850
ALARM - AUDIBLE/SILENT	231	258	271	760
MVA - PROPERTY DAMAGE	55	265	237	587
NOISE COMPLAINT	188	43	277	508
DOMESTIC DISPUTE	132	167	187	506
DISTURBANCE	92	88	262	442
WELFARE CHECK	71	195	169	435
SICK / INJURED PERSON	104	181	125	410
THEFT / LARCENY	37	178	118	333
GENERAL INCIDENT	60	160	60	280

generated call type was Alarms with 7.5% of the activity. Motor Vehicle Accident (MVA) - Property Damage entries rounded out the top three most frequent public generated calls with 5.8% of activity. All motor vehicle accident entries combined accounted for 8.7% of the public generated entries for the first half of the year.

Part One Crime

Preliminary Part One crime for January 1st through June 30th, 2021 is showing a 21% reduction compared to the same timeframe in 2020 (Table 2). These figures are subject to

Table 2. Part One Crime

Jan 1 - June 30	2020	2021	Raw Change	% Change
Murder	2	0	-2	-100%
Rape	7	9	2	29%
Robbery	29	40	11	38%
Agg. Assault	106	97	-9	-8%
Res. Burglary	56	24	-42	-54%
Comm. Burglary	31	11	-20	-65%
Larceny - Theft	243	199	-44	-18%
Auto Theft	27	25	-2	-7%
Total	511	405	-106	-21%
Violent Crime	*144*	*146*	2	1%
Property Crime	*367*	*259*	-108	-29%

change pending the outcome of investigations that may lead to upgraded charges or reclassification of incidents. Violent Crime is experiencing a 1% increase with two additional incidents in 2021 then in 2020. Robbery is showing the highest numerical increase with eleven additional incidents so far this year. The year to date reduction in Aggravated Assaults has gained further traction after a 29% monthly reduction in June. Property Crime has experienced a notable reduction of 29% through June of 2021 compared to the same timeframe in 2020. All four Property Crime subcategories are yielding reductions. Motor Vehicle Theft experienced a sizable monthly increase in June. Please remember not to leave your vehicles running and unattended as this makes a theft very easy for would be criminals.

Table 3. Arrests

# of People Arrested	137
Gender	
Female	32
Male	105
Unknown	0
Cause of Arrest	
Complaint	17
Court Summons	44
Crime in Progress	58
Order of Protection	2
Other	16

Arrest Activity

The City of Newburgh Police Department had 137 arrest entries in the Department's Records Management System in June 2021 (Table 3). The majority of subjects arrested were male. The most frequent cause of arrest was for a Crime in Progress (42%), followed by Court Summons (32%), like bench warrants. The number of criminal charges per arrest ranged between one and five criminal charges, but the majority of subjects were charged with only one offense (64%). Charges ranged from city code violations for Littering and Dumping, up to serious felonies like Menacing 2nd with a Weapon, Robbery 2nd and Criminal Possession of a Weapon 2nd - Loaded Firearm.

Table 3. Arrests

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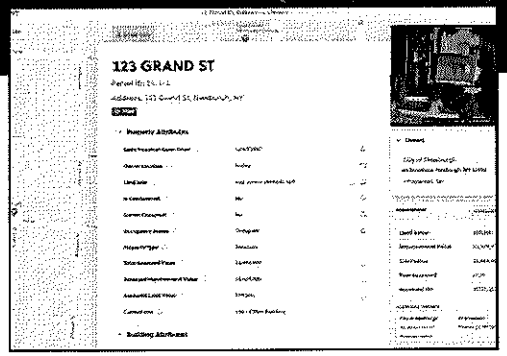
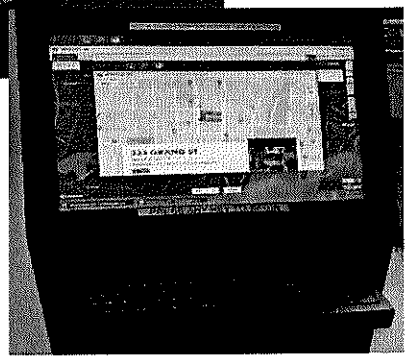




Building Blocks

Thanks to Cities RISE funding, the public can access BuildingBlocks to see:

- Current use, occupancy status
- Building attributes, condemnations
- Recent property transfers
- Ownership
- More features will be added later this year

Staff have been using the platform internally to address distressed building stock and are excited to share it.

2021 SUMMER PLAYGROUND SERIES

DATES

JULY 6

-

AUGUST 13

Weekly Schedule

July 6 - 9 Tyrone Crabb Park	**July 26 - 30** Downing Park
July 12 - 16 Xavier Luna Park	**August 2 - 6** Hasbrouck Park
July 19 - 23 Audrey Carey Park	**August 9 - 13** Delano Hitch Park

DETAILS:

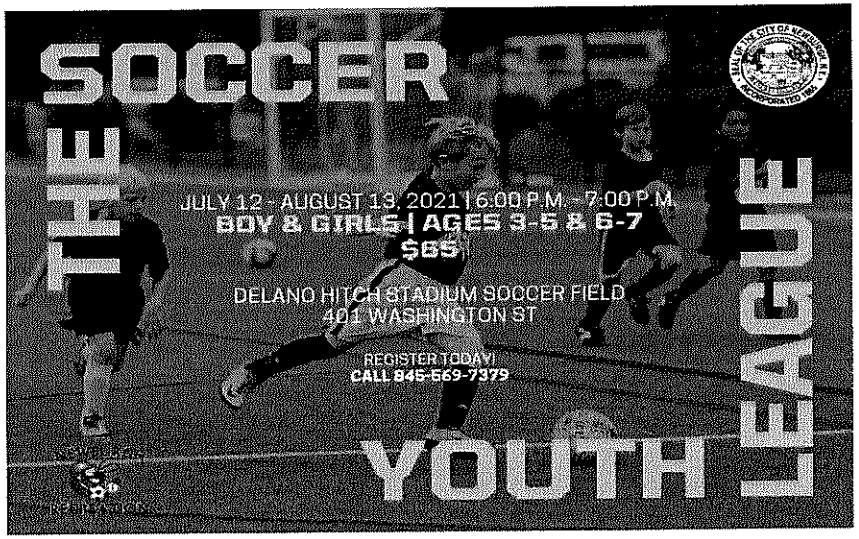
- 9:00 a.m. - 2:00 p.m.
- Monday - Friday
- Youth of all ages
- Sports
- Games
- Crafts
- Bouncy houses
- Water slides
- Play packs
- Much more fun!

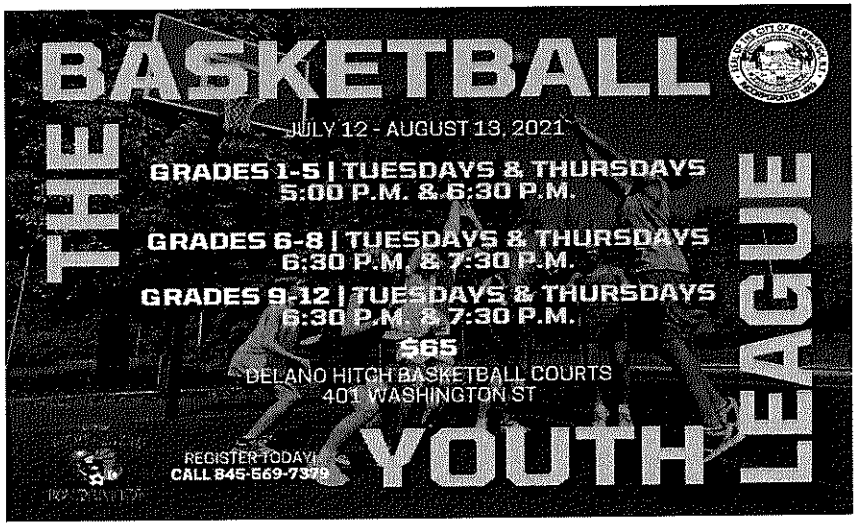
FREE BREAKFAST & LUNCH

NEWBURGH
ENLARGED CITY SCHOOL DISTRICT

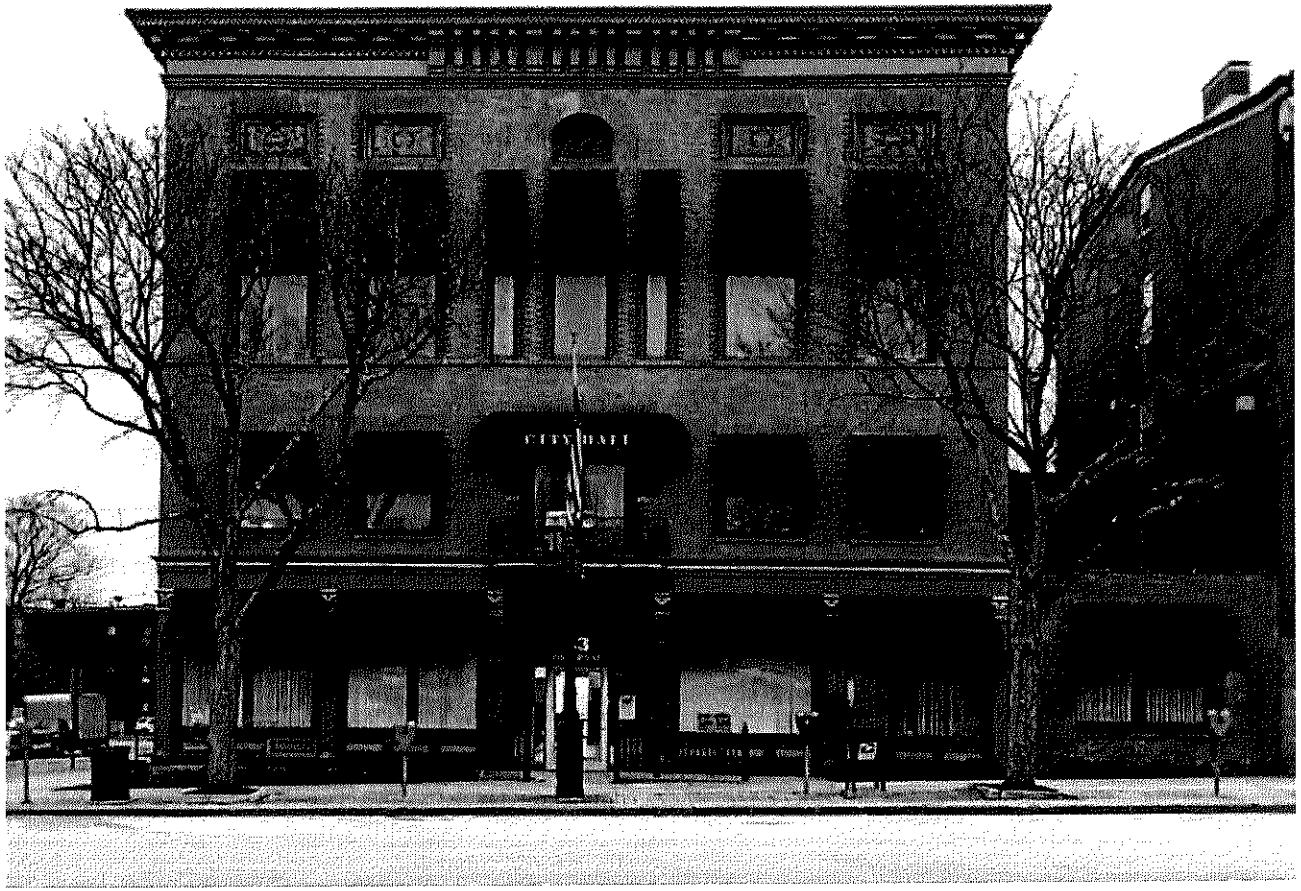
CITY OF NEWBURGH RECREATION

CITY OF NEWBURGH
RECREATION



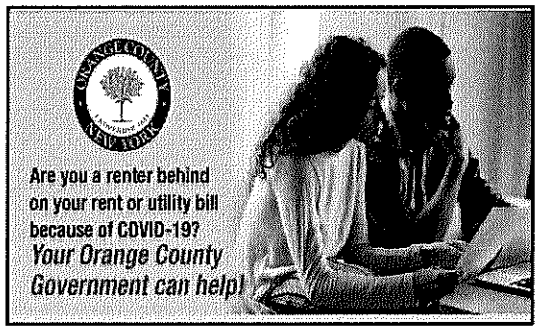


Return to In-Person Meetings

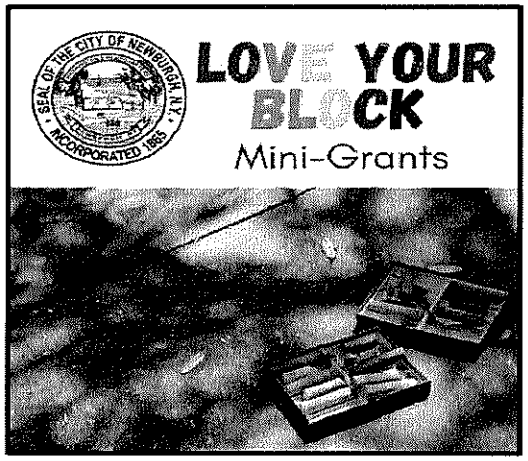


Community Updates

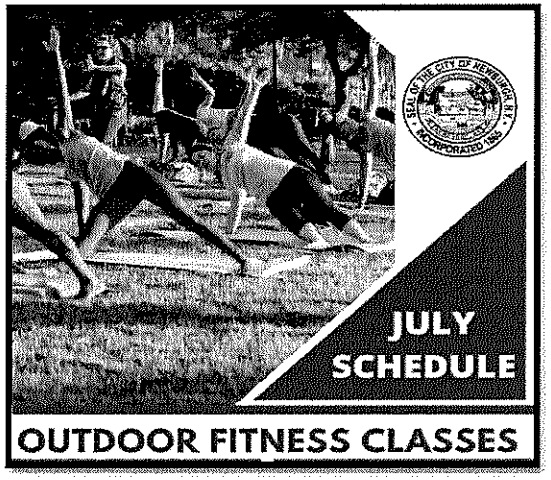
COVID-19 Homebound Vaccine



NYS Emergency Rental Assistance



Love Your Block Mini-Grants



Outdoor Fitness Classes - July

Summer Movies

PRESENTATIONS

P.A.C.E Financing Program Presentation

Sarah Smiley, Director of Municipal Membership and Transaction Manager for Energy Improvement Corporation (EIC) talked about their open C-PACE Program which is a Clean Energy Finance Program.

Councilman Grice asked why a developer would want to do this.

Ms. Smiley said that if there are tenants in the building then it makes the building much more attractive for leasing because of lower utility bills and greater comfort for those who are using the space. It might also be because they are looking for funding to complete a project and their Bank may not be willing to provide the full amount that the property can carry for the project so they are looking for another source. It is lower cost so they might use PACE to either completely replace other sources or just reduce the amount of higher sources of capital. From a developers standpoint those are the main reasons that they would be looking to use this instead of other sources of capital. This is similar for building owners as well if they need another alternative source of capital at their disposal.

Councilwoman Mejia asked if the City has to opt in or can developers opt in through the County?

Ms. Smiley said that membership is at the level of government that enforces the tax liens so that's why cities opt in separately.

Councilwoman Monteverde said this is part of the Clean Energy Community Pledge and what is important to her is that homeowners can tap into this. For example, someone who owns an old home that needs a boiler, new windows or insulation because it's impossible to make some of these improvements without breaking the Bank so she was mostly thinking about homeowners who could access these funds.

Ms. Smiley clarified that this is just for commercial properties and cannot be utilized by single family homes because it is secured through the property assessment which gives the right to foreclosure to the lien holder and there are no current protections currently in place. This is for commercial property owners who generally are better prepared to enter into this type of agreement.

Councilwoman Monteverde asked if the owner of a multi-family property could tap into this.

Ms. Smiley said yes if they own a multi-family property they can so the residents of the building would benefit in terms of having an improved home with lower utility bills.

Councilman Shakur thanked Ms. Smiley for the presentation. As Councilwoman Mejia noted he sees that Orange County is already in it so we will look at what they are doing to see if it will help our community.

Mayor Harvey said that he too hoped this would include private homeowners. We have a

large elderly community in the City of Newburgh who are homeowners living on fixed incomes so if we could somehow expand this program to homeowners they would get a lot more support. He gets calls asking if there are any grants for roofs, windows or furnaces so is it possible for your organization to revise this plan to include homeowners?

Ms. Smiley said she hears what they are saying and wishes the current program was more helpful with that but the current law that enables this program is strictly for commercial properties. This version of the program was designed to achieve a big impact through larger commercial projects. The concern about consumer protection is very real in terms of making sure that homeowners don't take on something that maybe isn't properly explained or where there is a risk because it is a lien on the property. As of yet there is not a residential homeowner program. She believes there are other programs out there for homeowners and renters to achieve energy efficiency or assistance with that.

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

Public Hearing - Local Law amending City Charter Article XI "Police Department"

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments concerning a local law amending City Charter Chapter XI, "Police Department", which proposes a Police Commissioner for the City of Newburgh.

Councilman Shakur asked if there are no comments tonight will we be able to bring this back up in August.

Mayor Harvey said no because the vote will happen tonight.

Ann Sullivan, Ellenville thinks this is a fantastic idea and she supports it one hundred percent. She feels there is a lot of corruption and bad influences in the Police Department so she thinks that a Commissioner who can step back and make some big changes in that department is fantastic.

Mr. Smith, City of Newburgh asked for more clarity on what the Police Commissioner's duties would be aside from the Police Chief.

Mayor Harvey said that the Police Commissioner position and role was already in the rank and file in the past and then sometime in the early 1980's it was taken out. This would put the Police Commissioner back into the rank and file with a choice of the Commissioner being a civilian in plainclothes or in uniform with a badge and firearm. That person is the point of authority and would be the head of the Police Department and the Police Chief would answer to the Commissioner. The most important part to amending the local law

would be that this person is part Governor Cuomo's Executive Order 203 to reimagine the Police Department. This Commissioner would be expected to involve him or herself in the community and improve the police community relations and be an Ambassador to the City. Also to change the culture within the current Police Department so that the police community relationships could be improved. Those are some of the goals that the Police Commissioner would address.

Carla Johnson, City of Newburgh said that she supports the Commissioner because it would be a great thing for the City.

Deborah Danzy, City of Newburgh asked if this Police Commissioner would be sitting in the Police Community Relations and Review Board meetings that are held monthly.
Mayor Harvey said that he or she would definitely be invited to the meetings but he can't guarantee they will be present at all of those meetings.

Anastasia said that her family lives at Monument and Bay View and she is in favor of the Police Commissioner. There was an incident yesterday and she called the Police Department but no one showed up or followed up. It was a matter of safety because someone was driving drunk and her son has a Lemonade Stand on the corner so it would be nice to have someone to advocate for the community and for safety within the City of Newburgh.

Ray Harvey, NAACP President said this is the right step towards healing the community and the Police Department so he hope they choose the right candidate and that they come from diversity. He also hopes that the City Council and Police that are here come aboard and get this done the right way to establish the relationship that we need. The way it is now is not working so we need some fresh blood. He hopes the City gives this person the power to do their job and not just make them a figure head. Also make sure the City has their back when they make a decision because not everyone will agree with those decisions. Let's make sure we are all on the same page.

Judy Thomas, City of Newburgh knows that there are a lot of internal problems in the Police Department so she supports a Commissioner if it is a person of color who represents the majority of people in the City of Newburgh and not someone internally from the current Police Department. They have to be able to keep a perspective that can make sure that the overall big picture of the community relations is there and be able to do internal investigations with the executive branch.

Schnekwa McNeill, City of Newburgh echoes all of the comments made and said she is in total agreeance of having a Commissioner. She asked if this deletes a Police Chief.

Mayor Harvey said no. There will be new leadership in the Police Department if it is the will of the Council once the vote takes place so the rank and file will be Police Commissioner, Police Chief full-time and a Deputy Chief. The Police Chief will answer to the Police Commissioner.

Ms. Mcneill agrees with an earlier comment that this be someone with diversity who can relate to the community and keep an open door policy.

Councilman Grice said that the Police Commissioner role started in 1970 when we had

some issues with our Police Department and then went away in the 1980's. At that time there were some structural issues that didn't make it as successful as it could have been and he feels that we have answered those structural issues. There were some concerns about the Police Commissioner being a civilian but when you look at the specs that person has to have law enforcement experience.

Councilwoman Mejia said she is super excited being here in person and it's good to see everyone. The restructuring for 2021 that you are seeing is that we are bringing a revision and reset coming out of the Pandemic in terms of the way our leadership reflects our community and the conversations we want to have going forward. She thinks this Police Commissioner decision will work but in her dream world we would have had an overall Commissioner to oversee the Police and Fire Departments. Imagine what we could do with all of the overtime from those two departments. We could be hiring additional positions if we redirected those funds. How wonderful would it be to have all of the conversations about what is needed to have public safety in our community? Who else besides a Police Officer should respond when calls are made for service because someone with a gun is not required every single time? We have learned how to reimagine, reinvest and redirect what we need to do here in the City of Newburgh. This is a great idea and she thanks everyone who made this possible because this was years in the making.

Councilwoman Monteverde agreed that it is great to be here and see faces again. In regard to the whole restructuring and reimaging, she thanked the Mayor for his vision. When he first proposed this a few years ago we weren't there yet but we have gone through a lot of changes and we've heard from the community. What we had wasn't working so we are doing something different by restructuring and reimaging the Police Department and she is excited and proud of all the work they have done. Sometimes it feels like an uphill battle but at the end of the day we get things done so she is looking forward to this and then moving on to the next thing.

Councilman Shakur feels that the NAACP President said it best. If we keep doing the same thing, we are going to get the same results so we are doing something different. We are also making sure that what we do going forward reflects the diversity and the face of this City and make sure that the residents get what they deserve. A better relationship with the Police Department and with making sure these elements are brought to the community to make the best decisions. Moving forward we will bring better information to the community and with better information we are making better decisions and one of the better decisions we made is the City Manager, Mr. Venning, so you will see the results soon.

Councilman Sklarz said it's wonderful to see everyone in person. On the 203 Committee there were a lot of things reviewed, a lot of suggestions made and a lot of policies looked at but what was very clear in this process was that something isn't working. There is distrust in the community which has been going on for too long and the consensus has been that we would all benefit by hiring a Commissioner to oversee everything which is a positive step and he is glad to have been a part of it.

Councilwoman Sofokles thinks it's all been said but this is going to be something everyone will be happy with. She thanked Mayor Harvey for coming up with the idea and said to give it some time and we will see results.

Mayor Harvey said he loves history and we are witnessing history in the City of Newburgh with a new City Manager, two women being appointed to the City Court and we are about to see a significant roll out with some serious talent in the Police Department. This was a collective effort and he is thankful for his colleagues realizing that part of reimaging a new Police Department includes a Police Commissioner. Councilwoman Mejia mentioned the overtime in the Police and Fire Departments and once we figure that out we will be able to beef up and diversify the rank and file. We are going to get women in that Fire Department if it's the last thing he does. We will also be able to pay our Police Officers and Firefighters competitive wages so we don't keep losing them to different municipalities. The most important element is to improve the Police and community relationships so we have heard your cries and voices. Men lie, women lie the numbers don't lie so just watch and you will see. You can't imagine the talent that we saw when we put out this announcement. We received responses nationwide with people applying from the FBI, U.S. Marshalls and all over. We are going to see some serious changes.

There being no further comments this public hearing was closed.

CFA Brownsfield Opportunity Area Grant - Public Comment

Kippy Boyle, 400 Grand Street said she listened to the work session and Allie's presentation where she stated that if the public had recommendations for expanding the property scope to let her know during the public comment period. She asked if there is a map which would be helpful to see.

Michelle Kelson, Corporation Counsel said we can put it up on the City's website.

Ms. Boyle continued that at the north end of the boundary line she thinks it should extend north to the Clinton street extension because she thinks our neighborhood would like to see that extension added to this boundary. It has historic significance and played an equal role in history with the rest of the hill going south. She asked if this includes the sewage treatment plant land because modern day sewage treatment plants take up about a third of the space that ours does. This means that when ours is replaced we will have additional waterfront property we own that can be used. She is just thinking ahead and wonders why not add that into the boundary line? Is the Newburgh Landing Dock part of it? If not then hopefully there is some other grant money they are looking at to get that going. Lastly she asked where we can access the Leyland charrette.

Mayor Harvey noted it is on the Website under Planning and Development.

Ms. Boyle asked when this application gets reviewed and possibly accepted.

Alexandra Church, Planning & Development Director responded that it is generally in December and if lucky would start in 2022.

Councilwoman Monteverde noted that Alexandra Church is taking comments until the end

of the month.

Mayor Harvey noted that why the North Sewer Treatment Plant is not included is because there are plans to remediate that already with a different source of funds and will be relocated as well.

Jason Morris, City Engineer, said that the North Interceptor Sewer is different than the Wastewater Treatment Plant. One is a sewer main that is going to be relocated and we have a resolution on for tonight to apply for a Grant for some of that work. He believes Ms. Boyle was referring to the Wastewater Treatment Plant located at the end of Renwick Street on the east side of River Road. The general footprint of the Wastewater Treatment Plant over time will increase because it's a bit different than a typical Wastewater Treatment Plant. It accepts wastewater from a combined sewer system and as part of the City's Long Term Control Plan we have to build in addition to that facility to handle wet weather flows that now discharge into the Hudson River. That additional facility will take those wet weather flows and treat them through a treatment center and then discharge into the Hudson River so the footprint will actually expand and not decrease over time.

Mayor Harvey noted that the Wastewater Treatment Plant is not far from the North Interceptor.

Mr. Morris said that the North Interceptor and the South Interceptor join and go across the railroad tracks to the Wastewater Treatment Plant.

Councilwoman Monteverde asked if this would go into Wards Park.

Mr. Morris said the proposed plan is to expand partially to the south which is the parking lot in Wards Brothers Park.

Ann Sullivan, Ellenville encouraged that when applying for Grants that they are thinking about the most progressive, innovative language around local hiring and make sure that language is clear not an afterthought. The strongest legally allowable language possible.

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

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

Erica Norton, Lander Street said she has recently received a lot of comments about cat colonies that have disappeared and cats that have been poisoned. We know that Newburgh has a terrible feral cat problem with no mechanism to help them so there a number of people who do what they can to take care of them but it comes with personal time as well as financial and emotional costs. They would like to see the City think about having a program to offer low cost spay and neuter services for the residents of this City which would help mitigate the number of animals that end up on the streets. Also think about leasing space to volunteers where we could take in these cats for recovery after spay and neuter surgeries. Beacon doesn't have a cat problem like the City of Newburgh has. She

sent a link to apply for a Grant from the New York State Animal Population Control Program that funds a lot of things that could offset costs and would not impact the City Budget. It could improve the quality of life for many people in the City of Newburgh.

Judy Thomas, City of Newburgh said that she received alarming news that at least four cat colonies in the last few weeks have disappeared. Did someone get rid of them? She would like to see a comprehensive program that the City partners with cat rescue organizations to come up with a humane way of dealing with this overpopulation of feral cats. When South William Street was developed she inherited twenty cats that she paid to have spayed or neutered and adopted out. We have to reach out to the community with education because people are willing to help and now is the time to act. If someone is poisoning cats they could be poisoning children also.

Deborah Danzy, City of Newburgh said they fixed the bridge on Lake Drive North but did no work on the road which is horrible. There are no street lights over there either and the trees need to be pruned because they are blocking the street lights. Some of the lights on Lake Drive North are also out so they need to get Central Hudson over there to fix them. She announced they will be having Community Appreciation Day at Downing Park on July 24th to bring unity back to the community. She thanked Patty Sofokles for allowing her to hold this at the Park and Officer Lahar for his exceptional work with providing food. There will be no cost to anyone and they will be giving out gift cards, food and book bags so we are ready. Everyone is welcome to come and it's all free.

Carla Johnson, South Miller Street brought to the Council's attention that between Election night and now there were five car accidents on First Street. On Election night she was in a terrible accident and thankfully didn't get hurt but coming down First Street you can barely see the Stop Signs with cars parking too close to the corners. There was another accident on the 24th and on the 25th a motorcycle crashed into someone's car so when does it end? Does someone have to get killed? Having a Commissioner is definitely a change and history making. She appreciates having a Black City Manager, a Black Mayor and maybe a Black Commissioner in a place that looks like her.

Schnekwa McNeil, City of Newburgh reiterated what Ms. Johnson said because a lot of accidents are occurring at Johnston and First Street once or twice a week. She would like to see some speed bumps between Broadway and First Street on Johnston because there are a lot of kids there and cars go too fast. She delivered a message from the skateboarders asking for more garbage cans. The Pier at the River needs to be re-done. We know that our City is filled with lots of addiction but opioids have flooded our community and it actually got worse since COVID. She has family members and friends dealing with addiction but there are no outlets so she hopes that one day we can have an inpatient service place here in the City of Newburgh. This is vital because if someone wants to get help tonight they have to go through a lot to get it and by that time they recharge and are back out doing the same thing again. When people are down and have hit rock bottom she would like to see that we have the resources here to help them. She also volunteered to help with the cats.

Mark Sanchez Potter, City of Newburgh said that we are in a climate and ecological crisis and he asked what the City is doing to mitigate the worst effects of climate change and how will the City be mobilized to combat it? How is Newburgh reducing emissions from

municipal buildings? Is Newburgh going to begin to electrify its municipal owned vehicles? How many trees is the City willing to plant within the next two years? Will the City consider a gas hook up which several cities around the World are putting in place currently and will the City pass legislation to ban plastic straws and utensils at City of Newburgh establishments? Will there be community composting going forward? Will the City build public charging stations for electric vehicles on City owned property? Does the City have any holdings or investments in fossil fuels? If so, is the Comptroller and City Council willing to divest those funds from all fossil fuel holdings? There are thousands of municipalities that have begun to divest in fossil fuels and because we are in a climate crisis that is the moral imperative.

Giselle Martinez, City of Newburgh as liaison for Jonathan Jacobson asked if this information could be spread more widely. There will be a Rental Assistance Forum on Wednesday, July 21st starting at 7:00 p.m. at the Rec Center. This Forum will be of assistance for a lot of City of Newburgh residents who fell behind on their rent due to the Pandemic. The Emergency Rental Assistance Program was created to assist tenants and landlords who have struggled to pay their housing costs throughout the Pandemic. It will cover twelve months of past due rent accrued on or after March 13, 2020, three months of future rent and twelve months of overdue electric and/or gas payments that have accrued on or after March 13, 2020. This is open to everyone regardless of immigration status and she will be there to translate. She asked if she could email this information to the City and have it posted on the City website because she thinks it would be very helpful.

Mayor Harvey said, *"Absolutley"*.

Lamont, 132 Dubois Street said he also owns a home in the Town of Newburgh and coming to the City is like a war zone or nightmare. He and his mother own the home at 132 Dubois and you can't cross the road because cars are going 70 mph on that street. Can we get a speed trap or something there? Lights are out too so it's very dark and you can't see. He asked why Animal Control is only part time when we have all of these animal problems.

Mayor Harvey said we are working on that.

Ann Sullivan, Ellenville said that since the City switched to the new website about four thousand residents who signed up are no longer receiving notifications so they should be notified that they have to sign up again.

Kippy Boyle, 400 Grand Street said it's not on the agenda tonight but during the Work Session there was discussion about selling a piece of property next to the Pizza Shop that is about twenty-four hundred square feet. That's a lot of tables and customers for the Pizza Shop. She feels they owe the public the opportunity to discuss it before any determination is made that a piece of property has no value to the City. We could have things there like bike racks, benches, a nice public space or a beautiful sign about the Waterfront. Why would we think about selling twenty-four hundred square feet to the restaurant? You could lease it to them for $5,000.00 a year, let them use it and then we still own it.

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

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

Councilman Grice thanked everyone for coming out. There is a certain level of trust you should have with elected officials as we make these decisions but at the same time we need to hear from the public. He had hoped for a bigger crowd tonight so please let everyone know that we want to hear from them. With the historical things we are doing we still have work to do so we need to hear about any issues or problems moving forward. He said that he made his point clear about the City property that we should look to see what the best use for that property is. He is not sure where we are in the process but we are looking into getting our streetlights back. In regard to Dubois Street, he feels that the traffic all over the City needs to slow down. We do have a Transportation Advisory Committee so please use them for your suggestions. He believes there is a Grant for the Landing but he is not sure. For green energy there are some NYSERDA programs so we are working as hard and as fast as we can and we will look into programs for homeowners to be energy efficient. He agrees we should have charging stations especially in front of DMV. As for trees, we have the Complete Streets Policy that calls for trees and we are a Tree City. In regard to spaying and neutering, the City doesn't really have anything on the books for cats and he is in support of having something so if and when you have a chance please donate to those organizations because it takes a lot of money and what they do is important.

Councilwoman Mejia said that at the Work Session she made a suggestion to expand the area of coverage and feels it would be helpful to have an updated map on the website. She is completely in support of the cats and thanked them for everything they have done. In the last two years there has been a substantial change on how we address the needs of cats here in the City of Newburgh and she is a cat person. She would like to see a Ms. Danzy on every block to keep us informed about what is going on in the City. In her opinion we are not doing enough for climate change. She sees the composting moving forward but, again, government moves at a pace that is not the pace required for these moving times. At one point we had approved a charging station for electric cars and she thanked the Conservation Advisory Council and the community groups for the tree planting. The speeding on Dubois Street and throughout the City is a huge issue. We fix the potholes and pave the streets and then it becomes a speedway. We have to put up signs regarding the parking but there needs to be enforcement so more work needs to be done.

Councilwoman Monteverde said that Council members Mejia and Grice touched on some things regarding our climate change efforts. The Transportation Committee is looking into a Grant for the electric car charging station so it could possibly happen but she is not sure where they are with it at this point. She spoke to the person in Kingston who is in charge of the climate action items and found that they are able to push these things along but as a part-time Council member it's a little difficult to do. We could be applying for Grants but we need someone who can focus on them. She had conversations with the Grants Writer and the Kingston recycling coordinator regarding composting and it was suggested by both that we do a feasibility study before considering it. It is a very complicated program and we can't just say we are going to compost so if we are going to consider it we have to see if it is even possible to do in the City of Newburgh. Would it work in the City of Newburgh if we don't even recycle? Maybe there is a smaller program for people who want to compost but it is an ongoing effort and we are looking into it.

Councilman Shakur said that he was just at a house with a lot of rats so we need cats and we need animal control. One of the biggest things to combat the rats is to have garbage cans with tops on them. A lot of people called him about this appointment so he told them if they don't like that person to get out and vote in November to put the right person in.

Councilman Sklarz thanked everyone for coming out tonight. Many times the Council members receive calls from residents because they have a problem or an issue and for him it is rewarding to be able to help our neighbors. He received calls recently about storm sewers causing flooding on Carroll Street and a property needing remediation on the west end of the City line. He thanked the staff of DPW, Water Department, Legal Department and our City Manager for their professionalism in promptly helping these neighbors. On the agenda tonight we will be voting on a Chaplaincy Unit which is going to be a great thing by helping the Police and neighborhoods. It's a good outreach program. He thanked the cat people. We are spending a lot of money on vet bills and the Police are eating up a lot of their time transporting animals. In the law the City is only responsible for dogs not cats so if we establish a Kennel then we need to include the cat population.

Councilwoman Sofokles agrees with the cat situation and that we need a Kennel that includes cats. Beacon has a sanctuary and Joyce does have rabies clinics but we need a full-time person and we need a space so we have to work on that because it's important. The State is now mandating that we do something because we are supposed to have a shelter and we haven't had one in twenty-five years. The money we are spending for the Police to take animals to Colby Kennels and Flannery's is astronomical so we have to figure out something that includes cats too.

Mayor Harvey thanked everyone who came out tonight and asked Mr. Venning to please introduce our new Comptroller.

Todd Venning, City Manager said the City recently hired Ms. Janice Gaston as the new City Comptroller and she is well under way in Budget prep.

Mayor Harvey said that he is very impressed with her already. We are building an all-star team and doing a lot of wonderful work so he thanked his colleagues and the executive staff because we are turning a corner with effective change in our City. To Ms. Danzy's comments he said they did inquire about the roadway at Lake Drive after the bridge was replaced and Mr. Morris explained about federal funding and what it covers. It covers specific projects like the bridge that was reconstructed and we are very proud of that work but the roadway comes from a different source of funding. He also agrees that we need to do something with cats so he supports that.

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

CITY MANAGER'S REPORT

Local Law 3 - 2021 - Repealing and Replacing Article XI "Police Department"

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

Resolution No. 157 - 2021 - PERM 1 Undertaking Agreement with New York State Department of Transportation

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

Resolution No. 158 - 2021 - 2021 CFA North Interceptor Sewer Improvements and High Rate Disinfection/Floatables Control Facility Projects

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

Resolution No 159 - 2021 - 2021 CFA GIGP Drinking Water Meter Upgrade Grant Application

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

Resolution No. 160 - 2021 - Proposal with The Chazen Companies for Site Monitoring at the Former Consolidated Iron Site

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

Resolution No. 161 - 2021 - Proposal with QUEST for Material Testing at the Downing Park Shelter House

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

Resolution No. 162 - 2021 - Award of Bid 8.21 - Route 32 TAP: Lake Street (Route 32) Bridge Rehabilitation - PIN 8761.57 (Rebid)

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

Resolution No. 163 - 2021 - 2021 CFA Engineering Planning Grant (EPG) Application

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

Resolution No. 164 - 2021 - 2021 Budget Amendment - NYSDOT Touring Funds and CHIPs Funds

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

Resolution No. 165 - 2021 - Surplus Vehicles DPW, Water & Police Dept.

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

Resolution No. 166 - 2021 - 41 Roe Street - Satisfaction of Mortgage

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

Resolution No. 167 - 2021 - 104 Benkard Avenue - Release of Restrictive Covenants

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

Resolution No. 168 - 2021 - 140 Third Street - Release of Restrictive Covenants

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

Resolution No. 169 - 2021 - 103 Liberty Street - Satisfaction of Mortgage

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

Resolution No. 170 - 2021 - License Agreement with Black Rock Forest to Install 7 Wildlife Cameras to monitor Gray Fox in Newburgh

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

Resolution No. 171 - 2021 - Apply for and Accept if Awarded a Recreational Trails Program Grant for $100,000 to Purchase Land to construct a Quassaick Creek Trail

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

Resolution No. 172 - 2021 - Orange-Ulster BOCES agreement - Storage of Archival Municipal Records

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

Resolution No. 173 - 2021 - US DOJ 2021 Edward Byrne Memorial Justice Assistance Program Grant for $28,976

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

Resolution No. 174 - 2021 - Apply for and Accept if Awarded a Brownfield Opportunity Area Grant for $180,000

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

Resolution No. 175 - 2021 - Apply for a Smart Growth Comprehensive Planning Grant from the Department of State for Lake St. Corridor Enhancements

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

Resolution No. 176 - 2021 - Apply for and Accept if Awarded a $200,000 Environmental Protection Fund Grant for a Master Plan and Design Drawings for Delano Hitch Recreation Park

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

Resolution No. 177 - 2021 - Canine Lee Retirement

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

Resolution No .178 - 2021 - Chaplaincy Unit

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

Resolution No. 179 - 2021 - Amend 2021 Personnel Book - Police Department

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

Resolution No. 180 - 2021 - Orange County Fire Mutual Aid Plan

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

Resolution No. 181 - 2021 - Resolution of Support for Foster Supply Hospitality CFA Application for Grand Street Redevelopment Project

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

Resolution No. 182 - 2021 - Resolution Authorizing a Payment of Claim

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

Resolution No. 183 - 2021 - Authorizing a Payment of Claim

Councilwoman Sofokles moved and Councilman Shakur seconded.
Ayes: Grice, Mejia, Shakur, Sklarz, Sofokles, Harvey - 6
Adopted

Resolution No. 184 - 2021 - Authorizing a Payment of Claim

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

Resolution No. 185 - 2021 - Budget Amendment to 2021 City of Newburgh Budget

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

NEW BUSINESS

Councilwoman Mejia asked if a street naming for the late Terry Williams could be put on the August agenda.

Mayor Harvey said there was also a street naming request for a Mr. Santiago who was a Purple Heart recipient and a War Veteran so we have two street naming requests for consideration.

Councilwoman Sofokles added that we have the Youngblood's also.

There being no further new business to discuss this portion of the meeting was closed.

OLD BUSINESS

There was no old business to discuss.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said he would like the people who comment to stay until the end of the meeting to hear our feedback. He also wanted to make it clear to the community that we do have a Work Session where we have already discussed these items if it seems like we are going through them quickly. We want to hear from the public on what we are doing and there have been a few concerns this summer such as the dirt bike situation. He likes dirt bikes also but what we have been seeing is unsafe for everyone so we have to look at how to navigate this.

Councilwoman Mejia said on the dirt bikes that we were talking earlier about speeding which is doubly concerning with the dirt bikes. They are speeding on the streets and also the sidewalks which is extremely dangerous.

Councilwoman Monteverde agrees with those comments. The dirt bikes are on the sidewalks is very dangerous and out of control with mothers and children walking on the sidewalks. She noted that the Monarch Butterfly Garden in the People's Park is beautiful so she thanked George and his staff for taking care of it because she enjoys it.

Councilman Shakur thanked everyone for coming out tonight and noted that we had a Juneteenth event a couple weeks ago and over seven hundred and fifty people attended. He wants to make sure that the Committee gets together so we can get it ready for next year.

Councilman Sklarz announced that Giving Day is this Friday at the Newburgh Armory Center and he wanted to thank Victor Cornelius, our Grants writer, and Allie Church for exploring ways to continue funding this program. It's a good program that helps people in need.

Councilwoman Sofokles thanked Nick in Community Development because she was told he was responsible for the sign at the corner of Downing Park. It's very a tasteful sign and fits right in. The dirt bikes go up and down her street and ride on the sidewalks so it's a real problem. The parents of these kids driving these dirt bikes now they have them so it's their responsibility too but it's getting very bad and someone is going to get seriously injured.

Mayor Harvey thanked everyone for coming out tonight. He has been in communication with our Police Department about the dirt bikes which is a challenge so we are looking into having a Police Commissioner and will coordinate efforts with our current staff to come up with some ideas. Be prepared that we will be looking to vote on some heavy fines because it's dangerous and we don't want anyone to get killed. Speeding in the City is a big concern of his and people speed on his street also so it's a major problem. Hudson Taco/Pizza Shop got in touch with him because cars are driving 40, 50 and 60 miles per hour on River Road which is too fast and they are not yielding for people in the mandated cross walks so this will definitely be a top priority once we get new leadership in place. We are also looking into having more Officers on the beat with foot patrols. Lastly there was a Rodeo event where a big brawl happened and he got a lot of phone calls and complaints about the noise. There was also a lot of trash left on the street so we need to reconsider

those Permits if they are not going to clean the streets and hire the proper security staff.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 10:00 p.m.

LORENE VITEK
CITY CLERK

LOCAL LAW NO.: 3 - 2021

OF

JULY 12, 2021

A LOCAL LAW REPEALING AND REPLACING ARTICLE XI ENTITLED "POLICE DEPARTMENT" OF THE CHARTER OF THE CITY OF NEWBURGH

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 Repealing and Replacing Article XI entitled 'Police Department' of the Charter of the City of Newburgh".

SECTION 2 – AMENDMENT

Article XI of the City Charter is hereby repealed and replaced as follows:

Article XI. Department of Police

§ C11.01. Department created.
There is hereby created a Department of Police for the City, which shall consist of a Police Commissioner, Police Chief, and such other ranks and members within the Department as the City Manager, in consultation with the Police Commissioner, may hereafter create with the approval of the Council and consistent with the New York State Civil Service Law.

§ C11.02. Police Commissioner.
The Police Commissioner shall be responsible for the overall operation, supervision, and administration of the Police Department and its officers in accordance with the City Charter. It shall be the duty of the Police Commissioner to ensure that the Police Department preserves peace and good order; enforces the laws, ordinances, rules, regulations of the City of Newburgh, New York State; and performs other duties as the City Council may proscribe by ordinance or local law. The Police Commissioner shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. The Police Commissioner shall be responsible for the City jail, shall have custody of all persons incarcerated therein, and shall keep such records and make such reports concerning the activities of the Department as may be required by statute or by the City Council. She or he shall have authority to administer oaths and take evidence, affidavits and acknowledgments in all matters as proceedings pertaining to the Police Department.

§ C11.03. Police Chief.

The Chief of Police shall be appointed by the City Manager and shall have immediate direction and control of the Police Department, subject to the policies, rules, regulations and orders established by the City Manager and Police Commissioner.

§ C11.04. Appointments, promotions and changes in status of members.

A. No person shall be appointed to membership in the Police Department or continue to hold membership therein who is not a citizen of good moral character or who has ever been convicted of a felony or who cannot understandingly read and write the English language.
B. The City Manager shall make all appointments, promotions and changes of status of the officers and members of the Police Department in accordance with the provisions of the New York State Civil Service Law, except as otherwise herein provided. In making promotions, seniority and meritorious service in the Department, as well as superior capacity, as shown by competitive examination or otherwise, shall be taken into, account. Individual acts of bravery may be treated as acts of meritorious service, and the relative weight therefor shall be fixed by the Municipal Civil Service Commission.
C. No member of the Police Department shall hold office or be employed in any other department of the City government.

§ C11.05. Police Officers powers, duties, authority.

A. Police officers of the City of Newburgh shall have all the powers, authority, and duties conferred on them by the laws of the State of New York. It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the City, state and federal laws and all statutes applicable therein and to preserve order and prevent infractions of the law and arrest violators thereof.
B. No member of the Police Department shall serve any process except by order of the Police Commissioner or his designated representative.
C. Every member of the Police Department shall appear as a witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; any fees paid for such services shall be turned over to the Police Chief, who shall deposit the same with the City Comptroller.
D. The members of the Police Department shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the Police Commissioners or his designee. Police officers shall also have in every other part of the state in criminal matters all the powers of constables; and any warrant for search or arrest issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof as provided in the Criminal Procedure Law. They shall possess such other powers and perform such other duties as may be provided by law or ordinance of the Council.

§ C11.06. Conduct of members.

It shall be the duty of all members of the Police Department to conduct themselves in a proper and law abiding manner at all times and to avoid the use of unnecessary force. All members of the

Department shall obey the orders and directions of their superior and any rules, regulations and general orders promulgated by the Police Commissioner.

§ C11.07. Organizational structure; rules and regulations.

The organizational structure of the Police Department shall be determined by the City Manager and shall be as promulgated in the rules and regulations of the Police Department. The City Manager may make or prescribe such rules and regulations, including general orders, as he shall deem advisable, and they shall be binding on all members of the Department. Such rules, regulations and general orders may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the discipline and efficiency of the Department.

§ C11.08. Auxiliary police officers.

A. Pursuant to the New York State Defense Emergency Act, any person of good character, having duties which require it, may be appointed an auxiliary police officer by the City Manager, provided that, except upon authorization by the Council, no such auxiliary officer shall be entitled to any compensation from the City, nor shall such auxiliary police officer be considered an employee of the City by reason of such appointment.

B. Auxiliary police officers shall obey all rules of the Police Department applicable to them and may be deprived of their appointment by the City Manager at any time.

C. The City Manager or his designated representative may authorize said auxiliary police officers to perform duty, including any defense drill or training exercise, while armed with a loaded firearm; provided, however, that all such officers have a valid permit to carry a firearm.

D. The City Manager has absolute discretion in determining which, if any, auxiliary police officers may perform duty while armed and may withhold permission from any auxiliary police officer at any time. Said auxiliary police officer must undergo and satisfactorily complete a firearms training program under the auspices of the Police Chief or his designated representative prior to performing any duty while armed.

E. Said auxiliary police officers must obey all laws pertaining to the use of firearms and deadly physical force and all rules, regulations and general orders of the Police Department.

F. Auxiliary police officers of the City of Newburgh in criminal matters shall have all the powers of peace officers under the general laws of the state and shall also have the power to arrest any person found by them violating any penal ordinances of the City or laws of the state and to take such person before the proper magistrate, where such person shall be dealt with in the same manner as if he had been arrested upon a warrant theretofore duly issued by such magistrate. Auxiliary police officers shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the Police Commissioner or his designee and shall have peace officer status and powers only within the Newburgh City limits and only during periods while such members are actually performing duty prescribed or ordered by the Police Chief during an attack or defense drill or training exercise.

§ C11.09. Custody of stolen property.
The Police Commissioner shall have the custody of all lost, abandoned or stolen property recovered in the City, except as otherwise provided in the City Charter or the Code of the City of Newburgh.

§ C11.10. Parking enforcement.
Parking Enforcement Officers are members of the Police Department and as such are public servants. It shall be their duty and they shall have the power to enforce all the laws and ordinances of the City and laws of the state pertaining to parking violations. For this purpose, they are authorized to issue and serve legal process as defined by the laws of the state for violations of parking laws and ordinances, including the authority to issue and serve appearance tickets, as defined by the Criminal Procedure Law.

§ C11.11. Service of criminal process by police.
All criminal process for any offense committed within the City and all process to recover or to enforce any penalty for the violation of any City ordinance issued out of any court or by any magistrate within the a City and every process or subpoena issued by the District Attorney of the county in which the City is situated, relating to any offense committed within the City, and every process, subpoena or warrant issued by any Coroner of such county in any inquest held in the City relative to the death of any person may be served by any member of the Police Department.

SECTION 3 - SEVERABILITY
The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION
It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Charter", "Article", 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 City Charter affected thereby.

SECTION 5 - VALIDITY
The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 – EFFECTIVE DATE

This Local Law and shall be effective on effective immediately after the filing 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.: 157 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN UNDERTAKING (PERM 1) WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT ACTIVITIES AND PERFORM WORK ON THE HIGHWAYS AND IN THE RIGHTS-OF-WAY CONTROLLED BY THE STATE OF NEW YORK

WHEREAS, the City of Newburgh, from time to time, receives permits from the New York State Department of Transportation to conduct activities and perform work on the highways and within rights-of-way owned or controlled by New York State; and

WHEREAS, the City's access to the State's highways and rights-of-way requires compliance with the New York State Highway Law and other terms and conditions, which are set forth in a standard form Undertaking, identified by New York State Department of Transportation as PERM 1; and

WHEREAS, the City Council has reviewed the Undertaking form PERM 1 and finds that signing such Undertaking is in the best interest of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh the attached Undertaking (PERM 1) with the New York State Department of Transportation.

RESOLUTION NO.: 158 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WATER QUALITY IMPROVEMENT PROJECT PROGRAM GRANT NOT TO EXCEED $10,000,000.00 WITH A CITY MATCH FOR THE NORTH INTERCEPTOR SEWER IMPROVEMENTS AND HIGH RATE DISINFECTION/FLOATABLES CONTROL FACILITY PROJECTS

WHEREAS, the New York State Department of Environmental Conservation Water Quality Improvement Project Program (DEC WQIP) is a competitive state-wide reimbursement grant program for construction and implementation projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source; and

WHEREAS, the City wishes to apply for and accept if awarded a DEC WQIP Program grant through the Consolidated Funding Application process to fund the North Interceptor Sewer Improvements and High Rate Disinfection Facility Projects; and

WHEREAS, such grant funds shall be in an amount not to exceed $10,000,000.00 with a City match to be provided through the Clean Water State Revolving Fund (CWSRF) Program, Sewer Fund Balance and/or City issued Ban/Bonds;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Department of Environmental Conservation Water Quality Improvement Project Program grant through the 2021 Consolidated Funding Application in an amount not to exceed $10,000,000.00 with a City match to be provided by the Clean Water State Revolving Fund (CWSRF) Program, Sewer Fund Balance and/or City issued Ban/Bonds to fund North Interceptor Sewer Improvements and High Rate Disinfection Facility Projects; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 159 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A GRANT FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION GREEN INNOVATION GRANT PROGRAM NOT TO EXCEED $2,700,000.00 WITH A 50% MATCH FOR A DRINKING WATER METER UPGRADE PROJECT

WHEREAS, the New York State Environmental Facilities Corporation Green Innovation Grant Program (EFC GIGP) is a competitive program for projects that improve water quality and mitigate the effects of climate change through the implementation of green practices, including water efficiency; and

WHEREAS, the City wishes to apply for and accept if awarded an EFC GIGP grant through the Consolidated Funding Application process to fund a drinking water meter upgrade project that will replace all City of Newburgh drinking water supply customer meters with new smart meters with leak detection and remote read capability; will alert customers and the City of leaks in household plumbing; decrease the time and work hours associated with driving around the City to obtain meter readings; and increase the frequency of meter reading to alert customers of plumbing leaks in a more timely manner; and

WHEREAS, such grant funds shall be in an amount not to exceed $2,700,000.00 with a 50% match to be provided through Drinking Water State Revolving Fund (DWSRF) Program, Water Fund balance and City issued BAN/Bonds;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the New York State Environmental Facilities Corporation Green Innovation Grant Program through the 2021 Consolidated Funding Application in an amount not to exceed $2,700,000.00 with a 50% match to be provided through Drinking Water State Revolving Fund (DWSRF) Program, Water Fund balance and City issued BAN/Bonds to fund a Drinking Water Meter Upgrade Project; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 160 - 2021

OF

JULY 12, 2021

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 $6,100.00

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, Resolution No. 192-2018 of August 13, 2018 and Resolution No. 106-2020 of May 1, 2020, 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 $6,100.00 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 $6,100.00.

RESOLUTION NO.: 161 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T) IN AN AMOUNT OF $3,101.00 FOR PRE-RENOVATION ENVIRONMENTAL TESTING SERVICES FOR THE DOWNING PARK SHELTER HOUSE

WHEREAS, the City of Newburgh is evaluating the Downing Park Shelter House for anticipated repairs and renovations; and

WHEREAS, the Downing Park Shelter House must be evaluated for the presence of asbestos and/or lead containing material before undertaking any renovations; and

WHEREAS, Quality Environmental Solutions & Technologies, Inc. (QUES&T) is a qualified environmental remediation consultant and has submitted a proposal for pre-renovation environmental testing services; and

WHEREAS, the services will cost $3,101.00 and funding shall be derived from an existing DASNY Grant under Budget Line CG.7114.0400.3026.2020; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute a contract with Quality Environmental Solutions & Technologies, Inc. for pre-renovation environmental testing services at the Downing Park Shelter House at a cost of $3,101.00.

RESOLUTION NO.: 162 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF A CONTRACT WITH MCNAMEE CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE) REHABILITATION PROJECT (PIN# 8761.57/BIN# 2022260) IN AN AMOUNT NOT TO EXCEED $1,678,560.00

WHEREAS, the City of Newburgh duly re-advertised for bids in connection with the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260"); and

WHEREAS, four (4) bids were duly received and opened and McNamee Construction Corporation is the most responsible low bidder; and

WHEREAS, funding for the Project shall be derived from the OCTC TIP Reserve Fund, the Bridge NY 2016 Program A.1918.0400 - Grant Match; and Federal Earmark Funds; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for construction of the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260") for the City of Newburgh be and it hereby is awarded to McNamee Construction Corporation in an amount not to exceed $1,678,560.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

RESOLUTION NO.: 163 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A GRANT FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT PROGRAM NOT TO EXCEED $100,000.00 WITH A 20% MATCH FOR SEWER INSPECTION AND INFLOW AND INFILTRATION INVESTIGATION ACTIVITIES

WHEREAS, the New York State Environmental Facilities Corporation (EFC) offers grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects through the Wastewater Infrastructure Engineering Planning Grant program to fund engineering and planning to produce an engineering report to advance water quality projects to design and ultimately construction; and

WHEREAS, the City wishes to apply for and accept if awarded an EFC Wastewater Infrastructure Engineering Planning grant through the Consolidated Funding Application process to fund sewer inspection and inflow and infiltration investigation activities; and

WHEREAS, such grant funds shall be in an amount not to exceed $100,000.00 with a 20% match to be provided through in kind services from the Engineering Department and/or from the 2021-2022 engineering sewer budget;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant program through the 2021 Consolidated Funding Application in an amount not to exceed $100,000.00 with a 20% match to be provided through in kind services from the Engineering Department and/or from the 2021-2022 engineering sewer budget to fund sewer inspection and inflow and infiltration investigation activities; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 164 - 2021

OF

JULY 12, 2021

RESOLUTION AMENDING RESOLUTION NO: 282-2020,
THE 2021 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO ADJUST FOR CHIPS FUNDING AND TO INCLUDE DOT TOURING FUNDS
IN REVENUE AND EXPENSE

WHEREAS, it is necessary to adjust the 2021 Budget to reflect the revenue and expense for Consolidated Highway Aid (CHIPS) funding and to include Department of Transportation touring route program funds; the same being in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No.: 282-2020, the 2021 Budget of the City of Newburgh, is hereby amended as follows:

	Increase
Revenue	
A.0000.3501 Consolidated Highway Aid (CHIPS)	$1,024,968.78
A.0000.3589.0001 NYS Touring Route Program	$1,111,306.22
Expense	
A.5112.0206 Consolidated Highway Aid (CHIPS)	$1,024,968.78
A.5680.206.0000 NYS Touring Route Program	$1,111,306.22

RESOLUTION NO.: 165 - 2021

OF

JULY 12, 2021

A RESOLUTION DECLARING POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS AND WATER DEPARTMENT VEHICLES AS SURPLUS

WHEREAS, the City of Newburgh Department of Public Works possesses one 2004 International VacCon #04-1; seven garbage trucks identified as 1999 International #99-9, 1997 International #97-8, 1996 International #96-1, 1990 Diamond Rio #90-6, 1989 Diamond Rio #89-1, 1989 Diamond Reo #89-3 and 1989 International #89-4; and one recycling truck identified as 1990 International #90-7; which are no longer of use to the City; and

WHEREAS, the City of Newburgh Police Department possesses one 2014 Ford Taurus and one 2010 Dodge Charger which are no longer of use to the City; and

WHEREAS, the City of Newburgh Water Department possesses one 2009 Ford F150 pick-up truck, which is no longer of use to the City; and

WHEREAS, the Department of Public Works, the Police Department, and Water Department have requested that the vehicles be designated as surplus and sold; and

WHEREAS, the City Council has determined that declaring the vehicles 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 vehicles 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 vehicles in accordance with the City of Newburgh's Surplus Property Disposition Policy and Procedure adopted by Resolution No. 174-2014 of July 14, 2014.

RESOLUTION NO.: 166 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SATISFACTION OF MORTGAGE IN CONNECTION WITH A BOND AND MORTGAGE ISSUED TO JENNY UPAYACU FOR THE PREMISES LOCATED AT 41 ROE STREET (SECTION 7, BLOCK 10, LOT 2)

WHEREAS, the City of Newburgh issued a Bond and Mortgage to Jenny Upayacu in the principal sum of $20,000.00 for premises located at 41 Roe Street (Section 7, Block 10, Lot 2) ("Premises"), dated August 20, 2010, and recorded in the Orange County Clerk's Office on March 30, 2011, in Liber 13156 of Deeds at Page 1313; and

WHEREAS, the terms of the Bond and Mortgage instrument have been satisfied by the mortgagor and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

WHEREAS, this Council has determined that executing said Satisfaction is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a Bond and Mortgage issued to Jenny Upayacu for the premises located at 41 Roe Street (Section 7, Block 10, Lot 2).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby consent that the following mortgage be discharged of record:

BOND AND MORTGAGE bearing the date of August 20, 2010, made by Jenny Upayacu to the City of Newburgh, given to secure payment of the principal sum of $20,000.00, and duly recorded in the office of the Orange County Clerk's Office on March 30, 2011, in Liber 13156 of Deeds at Page 1313; and

which Mortgage has not been further assigned of record.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: _____-2021

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

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____
Notary Public

RESOLUTION NO.: 167 -2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO LEONOR MACHUCA TO THE PREMISES KNOWN AS 104 BENKARD AVENUE (F/K/A 118 BENKARD AVENUE) (SECTION 44, BLOCK 2, LOT 19)

WHEREAS, on November 15, 2000, the City of Newburgh conveyed property located at 104 Benkard Avenue (f/k/a 118 Benkard Avenue), being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 2, Lot 19, to Leonor Machuca; and

WHEREAS, the attorney for Ms. Machuca has requested a release of the restrictive covenants contained in said deed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 of the aforementioned deed.

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 104 Benkard Avenue (f/k/a 118 Benkard Avenue), Section 44, Block 2, Lot 19 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated November 15, 2000, from THE CITY OF NEWBURGH to LEONOR MACHUCA, recorded in the Orange County Clerk's Office on November 27, 2000, in Liber 5410 of Deeds at Page 336 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ____-2021

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

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RESOLUTION NO.: 168 -2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO A.F.N. CORPORATION, AND FROM A DEED ISSUED TO SANDRA HAWKINS, BOTH TO THE PREMISES KNOWN AS 140 THIRD STREET (F/K/A 138 THIRD STREET) (SECTION 18, BLOCK 9, LOT 17)

WHEREAS, on February 14, 1997, the City of Newburgh conveyed property located at 140 Third Street (f/k/a 138 Third Street), being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 9, Lot 17, to A.F.N. Corporation (by William Brinnier); and

WHEREAS, the City of Newburgh regained title to the property in a deed dated March 30, 1998 and recorded in the Orange County Clerk's Office on April 28, 1998 in Liber 4772, Page 209; and

WHEREAS, on January 22, 2001, the City of Newburgh conveyed the property Sandra Hawkins; and

WHEREAS, the City of Newburgh again regained title to the property in a deed dated August 2, 2010 and recorded in the Orange County Clerk's Office on August 5, 2010 in Liber 13038, Page 1904; and

WHEREAS, by Resolution No. 78-2021, the City of Newburgh approved the sale of the property to Bunny Escava, Michael Mamiye, and Hyman Mamiye (d/b/a Nutopia Development LLC), and the attorney for the purchaser has requested releases of the restrictive covenants contained in the aforementioned deeds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, and 4 in the deed from the City of Newburgh to A.F.N. Corporation, and of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in the deed from the City of Newburgh to Sandra Hawkins.

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 140 Third Street (f/k/a 138 Third Street), Section 18, Block 9, Lot 17 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, and 4 in a deed dated February 14, 1997, from THE CITY OF NEWBURGH to A.F.N. CORPORATION, recorded in the Orange County Clerk's Office on February 14, 1997, in Liber 4540 of Deeds at Page 10 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ___-2021

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

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 140 Third Street (f/k/a 138 Third Street), Section 18, Block 9, Lot 17 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated January 22, 2001, from THE CITY OF NEWBURGH to SANDRA HAWKINS, recorded in the Orange County Clerk's Office on January 30, 2001, in Liber 5452 of Deeds at Page 142 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: ___-2021

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

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RESOLUTION NO.: 169 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE ISSUED TO LIBERTY WORKS L.L.C. FOR THE PREMISES LOCATED AT 103 LIBERTY STREET (SECTION 36, BLOCK 4, LOT 14)

WHEREAS, the Newburgh Community Development Agency ("NCDA") issued a mortgage to Liberty Works L.L.C. (by Drew Kartiganer, Member) in the principal sum of $25,000.00 for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14), dated September 8, 1995, and recorded in the Orange County Clerk's Office on September 19, 1995, in Liber 5519 of Deeds at Page 119; and

WHEREAS, the City of Newburgh is the successor in interest to the NCDA; and

WHEREAS, this Council has determined that issuing and executing a Satisfaction of Mortgage, a copy of which is 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 the attached Satisfaction in connection with a mortgage issued to Liberty Works L.L.C. for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, as Successor in Interest to the Newburgh Community Development Agency, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby consent that the following mortgage be discharged of record:

MORTGAGE bearing the date of September 8, 1995, made by Liberty Works L.L.C. to the Newburgh Community Development Agency, given to secure payment of the principal sum of $7,500.00, and duly recorded in the office of the Orange County Clerk's Office on September 19, 1995, in Liber 5519 of Deeds at Page 119; and

which mortgage has not been further assigned of record.

Dated: July ____, 2021

CITY OF NEWBURGH

_____

By: Todd Venning, City Manager
Pursuant to Resolution No.: ____-2021

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

On the_____ day of July, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: 170 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH BLACK ROCK FOREST CONSORTIUM, INC. TO ALLOW USE AND ACCESS OF UP TO SEVEN CITY-OWNED PROPERTY SITES FOR ENVIRONMENTAL OBSERVATION OF GRAY FOX WILDLIFE

WHEREAS, Anna Soccorsi, a graduate student at Columbia University, and Scott LaPoint, a research scientist at Black Rock Forest Consortium, Inc., seek to conduct an environmental research study related to gray fox wildlife; and

WHEREAS, Ms. Soccorsi and Mr. LaPoint propose have requested access of up to 7 parcels of City-owned property sites for purposes of creating observation sites for gray fox wildlife during the summer and fall of 2021; and

WHEREAS, access to the parcels requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such license and has determined that entering into the same would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached license agreement with Black Rock Forest Consortium, Inc., to allow access of up to 7 City-owned property sites for environmental observation of gray fox wildlife.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated as of _____, 2021, by and between:

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

BLACK ROCK FOREST CONSORTIUM, INC., with an address of 65 Reservoir Road, Cornwall, New York 12518 ("Licensee").

WHEREAS, the City is the owner of various parcels of land located within the City of Newburgh and the Town of New Windsor, and more specifically described in **Schedule A**, annexed hereto and made a part hereof (all parcels collectively hereinafter referred to as "the Property"); and

WHEREAS, the Licensee has requested access to the Property for the purpose of conducting an environmental research study related to gray fox wildlife;

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

Section 1. Grant of License. The City hereby represents that it owns the Property, and that it has duly authorized this License Agreement. The City hereby grants Licensee a revocable license for Licensee and Licensee's employees, apprentices, volunteers, agents, invited guests, and contractors, upon the conditions hereinafter stated, the license or privilege of entering upon the Property, and taking thereupon such equipment, tools, machinery and other materials as may be necessary, for the purpose of conducting an environmental research study related to gray fox wildlife.

Section 2. Use of and Access to the Property. Entry to the Property is limited to the use and access necessary to conducting an environmental research study related to gray fox wildlife, administered by the Licensee. In addition to Property access, Licensee shall be permitted to install one camera trap per parcel, hidden from view, away from trails, locked to a tree, and labeled with study purpose and contact information. Licensee shall perform its research tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, in the sole discretion of the City. Subject only to the terms in this paragraph, Licensee shall not disturb any of the Property, and shall perform clean-up and maintenance of the Property related to the research project.

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

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

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

1. General Liability Insurance in an amount not less than $1,000,000.00 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than $3,000,000.00 on account of any one occurrence.

2. Property Damage Insurance in an amount not less than $50,000.00 for damage on account of all occurrences. The Licensee shall furnish the above insurance to the City and shall also name the City as an additional named insured in said policies. Such insurance shall be maintained in force during the entire term of this License Agreement.

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

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

Section 5. Defense and Indemnity. Licensee shall defend, indemnify and hold the City harmless against any and all claims, actions, proceedings, and lawsuits arising out of or relating to the access and use of the Property under this License Agreement, excepting gross negligence, intentional breach of this agreement or misconduct by the Licensor.

Section 6. Term of License. The license or privilege hereby given shall commence upon the signing of this Licensee Agreement and shall expire without further notice to either party to the other at 11:59 p.m. on October 29, 2021 ("Expiration Date"), subject to Section 8 below. The license may be renewed thereafter by the mutual consent of both parties on such terms and conditions as the parties shall agree at that time.

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

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

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

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

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

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

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

WITNESSETH:

THE CITY OF NEWBURGH
LICENSOR

By: _____
Todd Venning, City Manager
Per Resolution No.: ____-2021

BLACK ROCK FOREST
LICENSEE

By: _____
Scott LaPoint

Approved as to form:

_____
MICHELLE KELSON, Corporation Counsel

_____
MARCIA ESPINOSA, Acting City Comptroller

Remainder of this page intentionally left blank/Schedule A to follow

SCHEDULE A – List of Properties for Access

Property Address	Section/Block/Lot
1. Lake Washington (New Windsor)	4-1-12.2
2. Crystal Lake	41-2-11.2
3. Harrison Pond	50-1-1.12
4. Muchattoes Lake	33-7-29.2
5. Quassaick Creek, Site #1	43-1-35
6. Browns Pond (New Windsor)	32-2-53
7. Newburgh Center (West Med Tech)	14-3-54.2

RESOLUTION NO.: 171 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION RECREATIONAL TRAILS PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED $100,000.00 WITH A 20% MATCH FOR LAND ACQUISION TO CONSTRUCT A QUASSAICK CREEK TRAIL

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Recreational Trails Programs provides funds to develop and maintain recreational trails for motorized and non-motorized use; and

WHEREAS, the City of Newburgh intends to apply for a grant in the amount of $100,000.00 with matching funds from the Orange County Land Trust for the purpose of acquiring three parcels of land to include in the construction of the Quassaick Creek Trail; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Recreational Trails Program grant through the 2021 Consolidated Funding Application process in an amount not to exceed $100,000.00 with a 20% match to acquire three parcels of vacant land for the construction of the Quassaick Creek Trail; and 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 program funded thereby.

RESOLUTION NO.: 172 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ORANGE-ULSTER BOCES FOR THE STORAGE OF ARCHIVED MUNICIPAL RECORDS

WHEREAS, by Resolution No. 271-2017 of September 25, 2017, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with Orange-Ulster BOCES, at a cost of approximately $3,000.00 for pick-up, delivery, retrieval and storage of the City's archived municipal records; and

WHEREAS, by Resolution No. 45-2019 of February 25, 2019, by Resolution No. 170-2019 of July 8, 2019, and by Resolution No. 208-2020 of September 14, 2020, the City Council authorized one-year renewal agreements for the periods June 2018 to June 2019, June 2019 to June 2020, and June 2020 to June 2021, respectively, with Orange-Ulster BOCES at a cost of $306.00 per month for pick-up, delivery, retrieval and storage of the City's archived municipal records; and

WHEREAS, the City of Newburgh wishes to renew the agreement with Orange-Ulster BOCES for another year; and

WHEREAS, the cost for these services is approximately $306.00 per month and shall be derived from A.1460.0448 Records Management–Other Services; and

WHEREAS, this Council has determined that entering into this agreement 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 enter into a one-year renewal agreement with Orange-Ulster BOCES for the period June 2021 through June 2022, in substantially the same form as annexed hereto with any other provision that Counsel may require, at a cost of $306.00 per month for pick-up, delivery, retrieval and storage of the City's archived municipal records.

RESOLUTION NO.: 173 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM GRANT IN THE AMOUNT OF $28,976.00 TO PURCHASE COMPUTERS AND RELATED EQUIPMENT FOR THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, the City of Newburgh wishes to apply for a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Program grant in the amount of $28,976.00; and

WHEREAS, such grant funding will be used to purchase computers and computer-related equipment to be used by the Police Department; and

WHEREAS, this Council has determined that applying for and accepting such grant if awarded would be in the best interests of the City of Newburgh and its residents, and the City of Newburgh Police Department;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Program Grant in the amount of $28,976.00 to purchase computers and computer-related equipment for the City of Newburgh Police Department; and 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 program funded thereby.

RESOLUTION NO.: 174 -2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A NEW YORK STATE DEPARTMENT OF STATE BROWNFIELD OPPORTUNITY AREA PROGRAM GRANT IN THE AMOUNT OF $180,000.00 WITH A 10% CITY MATCH FOR A NOMINATION STUDY OF THE "NEWBURGH, NY HILLSIDE"

WHEREAS, the City of Newburgh, herein called the "Applicant", after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable; and

WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (the contract); and

WHEREAS, the City of Newburgh deems it to be in the public interest and benefit to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED by the City of Newburgh, as follows:

1. That the City Manager is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to: sign and submit the application; execute the contract; request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance; and

2. That the Applicant intends to complete a Nomination for an approximate 55-acre area characterized with 22 acres of potential brownfield sites that are located in the City of Newburgh, NY, hereafter to be referred to as Newburgh, NY Hillside; and

3. That the Applicant requests funds in the amount of $180,000.00, representing no more than 90% of the total Project cost; and

4. That the Applicant agrees that it will fund the Applicant's 10% share of the Project;

5. That the Applicant agrees to complete the BOA Nomination in a timely manner and to seek official Designation of the Brownfield Opportunity Area by the Secretary of State upon completion of the Nomination; and

6. That this Authorization take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the City Council of the City of Newburgh duly held on the 12th day of July, 2021; and further that such Resolution has been fully recorded in the City Council Minutes in my office.

In witness thereof, I have hereunto set my hand this 13th day of July, 2021.

_____

Lorene Vitek, City Clerk

Official Seal:

RESOLUTION NO.: 175 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION TO THE DEPARTMENT OF STATE FOR A SMART GROWTH COMPREHENSIVE PLANNING GRANT IN AN AMOUNT NOT TO EXCEED $100,000.00 WITH A 10% CITY MATCH FOR LAKE STREET CORRIDOR ENHANCEMENTS

WHEREAS, the New York State Department of State Environmental Protection Fund Smart Growth Program provides funding to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community; and

WHEREAS, the City of Newburgh intends to apply for a grant in the amount of $100,000.00, with a 10% City match to undertake an engineering study and to design and implement a street mural along Lake Street corridor which would provide traffic calming and activate the corridor to bring more foot traffic and accessibility within and to the community; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for a New York State Department of State Environmental Protection Fund Smart Growth Program grant through the 2021 Consolidated Funding Application process in an amount not to exceed $100,000.00 with a 10% City match to fund Lake Street Corridor Enhancements.

RESOLUTION NO.: 176 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND TO ACCEPT IF AWARDED A NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION ENVIRONMENTAL PROTECTION FUND GRANT IN AN AMOUNT NOT TO EXCEED $200,000.00 WITH A CITY MATCH TO DEVELOP THE DELANO-HITCH RECRATION PARK MASTER PLAN

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Environmental Protection Fund Grant Program provides funding for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within the physical boundaries of the State of New York; and

WHEREAS, the City of Newburgh intends to apply for a grant in the amount of $200,000.00, with a City match to be derived from in-kind services provided by Clark Patterson Lee and cash appropriated in the 2022 City budget to develop a master plan and design drawings for Delano-Hitch Recreation Park; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund grant through the 2021 Consolidated Funding Application process in an amount not to exceed $200,000.00 for the Delano-Hitch Recreation Park Master Plan; and 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 program funded thereby.

RESOLUTION NO.: 177 -2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE SALE OF A POLICE DOG TO POLICE OFFICER ROMAN SCUADRONI

WHEREAS, by Resolution No. 174-2014 of July14, 2014, the City Council of the City of Newburgh adopted a Surplus Property Disposition Policy and Procedure; and

WHEREAS, Section V of the Surplus Property Disposition Policy and Procedure provides that surplus police dogs shall be sold at private sale as set forth in Section 97-3(B) of the Code of Ordinances of the City of Newburgh; and

WHEREAS, a police dog named "Lee" has been retired and are no longer in service to the City of Newburgh Police Department and this Council finds that selling the police dog to the police officer handler 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 attached agreement between the City of Newburgh and Police Officer Roman Scuadroni for the purchase of a police dog named "Lee" be and the same is hereby approved and the City Manager is authorized and directed to sign the same.

THIS AGREEMENT, made this _____ day of _____, two thousand twenty-one

BETWEEN:

THE CITY OF NEWBURGH, a municipal corporation of the State of New York, hereinafter called the "Seller," and

ROMAN SCUADRONI, residing at _____, New York, hereinafter called the "Purchaser."

WITNESSETH

WHEREAS, the City of Newburgh has no further use for the dog Lee and is willing to sell, assign and transfer ownership of said dog Lee to Police Officer Roman Scuadroni, the above-named purchaser; and

WHEREAS, Roman Scuadroni is willing to purchase and care for and take title to said dog Lee.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby agree as follows:

1. That the Seller, the City of Newburgh, hereby transfers the title to the police work dog Lee to the Purchaser, Roman Scuadroni, for the sum of One ($1.00) Dollar.
2. That the Purchaser hereby agrees that he will not use the terms police work dog, police dog, police canine or the City of Newburgh Police Department in any manner, shape or form.
3. The Purchaser hereby further accepts full responsibility for any and all injuries and/or damage that said dog Lee may cause or inflict upon any person, persons or property.
4. The Purchaser further agrees that in the event that any claim or action is brought or made against the City of Newburgh by reasons of any act of said dog from the effective date of this Agreement, he will personally save the City of Newburgh harmless for any loss, cost or expense that the City may have, including reasonable attorney's fees, as a result of any claim or action brought against the City of Newburgh or any of its departments for an injury or damage the said dog Lee may cause.

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THE CITY OF NEWBURGH

BY: _____
TODD VENNING
City Manager

PURCHASER

BY: _____
ROMAN SCUADRONI

APPROVED AS TO FORM:

_____
MICHELLE KELSON
Corporation Counsel

_____
MARCIA ESPINOSA-OLIVA
Acting City Comptroller

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

On the _____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

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

On the _____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared ROMAN SCUADRONI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RESOLUTION NO.: 174 - 2014

OF

JULY 14, 2014

A RESOLUTION ADOPTING THE CITY OF NEWBURGH
SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Surplus Property Disposition Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Policy shall take effect immediately upon adoption by the City Council.

I, Katrina Cotten, Deputy 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 7/14/14 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 15th day of July 20 14

Deputy City Clerk

TO:

FROM:

DATE:

SUBJECT: Surplus Property Disposition Policy and Procedure

I: **PURPOSE**

The purpose of this memorandum is to set forth the policy and procedures for the disposal of surplus property of the City.

II: **GENERAL**

The Office of the Comptroller will be responsible for ensuring compliance with this memorandum.

III: **POLICY**

It is the policy of the City of Newburgh that surplus personal property of the City shall be disposed of in an orderly, equitable and efficient manner and in accordance with Chapter 97 of the Code of Ordinances of the City of Newburgh.

IV: **PROCEDURE**

The following procedure shall be utilized by the City of Newburgh for the disposal of surplus personal property of the City:

A. The head of each department shall perform a quarterly review of personal property of the department to determine whether there is any property which is no longer needed for City purposes.

B. The head of each department shall submit a report to the Comptroller on a quarterly basis identifying any such property as surplus. The report shall include a recommendation as to whether such property should be disposed of by the City or should be used as a trade-in to acquire new property.

1. Where there is a recommendation that surplus property be used as trade-in, the City Manager and the Comptroller shall review the recommendation and make a determination of whether the property may be used as trade-in. The review shall include a determination by the City Manager that fair value is being received by the City for the trade-in.
2. If the City Manager determines that fair value is not being received for the trade-in, he shall request a recommendation from the Comptroller for an alternative disposition of the property.

3. Where there is a recommendation that surplus property is no longer needed by a particular department, the Comptroller shall review the recommendation and offer the property for use by any other City department. If another department can use the property, such property shall be transferred to that department. If the Comptroller determines that no other City department can use the property, the Comptroller shall request a declaration of surplus property by resolution of the City Council. The Comptroller shall provide the list of property to be sold and the terms of sale to the Corporation Counsel, who shall prepare the Resolution for the City Council's consideration.

C. All property declared to be surplus property shall be offered for sale at public auction on a quarterly basis. The following procedures are to be followed for such sale:

1. Notice of the public auction shall be published by the Comptroller at least once per week for two weeks in advance of the sale. Publication on the City's website shall satisfy the publication requirement.

2. The public auction shall be held through a website that specializes in online auctions for government surplus property. The Comptroller shall determine which website will be used;

3. All property will be listed to be sold in "as-is" condition; and

4. The property shall be sold to the highest bidder.

D. Any surplus property not sold at public auction shall be disposed of in accordance with the direction of the City Manager. Such property shall be sold at private sale, held and re-auctioned at a later date, or junked.

V. POLICE DOGS

A. Surplus police dogs shall be sold at private sale as set forth in Section 97-3(B) of the Code of Ordinances of the City of Newburgh.

§ 97-3. Review of disposal recommendation. [Amended 2-13-1990 by Ord. No. 6-90]

A. If it is recommended that surplus property be disposed of, the City Manager and the Purchasing Agent shall review that recommendation and, if they approve, the Purchasing Agent shall determine if any other City department can use the property and, if so, said property shall be transferred to said department. Otherwise, said property shall be declared to be surplus and shall be disposed of in accordance with § 97-4 of this chapter, except as provided in Subsection B of this section.

B. In the case of surplus police dogs, the City Manager may, in his discretion, direct that they be sold at private sale for such consideration as he may deem advisable. Under normal circumstances, because the dogs might be dangerous in the hands of an untrained person and because it is difficult to change from one dog handler to another, the police officer who had handled the dog during its Police Department service should be given first priority.

RESOLUTION NO.: 178 - 2021

OF

JULY 12, 2021

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH SUPPORTING THE CREATION OF THE CHAPLAINCY UNIT WITHIN THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, by Executive Order 203, Governor Andrew M. Cuomo has required each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

WHEREAS, pursuant to Executive Order 203 and by Resolution No. 59-2021 of March 22, 2021, the City Council of the City of Newburgh commenced a comprehensive review of current police force deployments, strategies, policies, procedures, and practices and adopted The City of Newburgh Police Reform & Reinvention Collaborative Plan (the "Plan"); and

WHEREAS, the Plan provides for the creation and implementation of the Police Chaplaincy Unit which will organize a diverse group of members of the clergy, equally balanced to reflect the current City of Newburgh demographic to work with the police and the community for the purpose of enhancing relationships, responding to critical incidents, and supporting officers, crime victims and families; and

WHEREAS, the Police Department has prepared a Chaplaincy Unit Handbook and Department General Order; and

WHEREAS, the City Council has reviewed the Chaplaincy Unit Handbook and Department General Order and finds that supporting the creation, implementation and administration of the Chaplaincy Unit within the City Police Department is in the best interests of the City of Newburgh and its residents and stakeholders;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York, hereby supports the creation, implementation and administration of the Chaplaincy Unit within the City of Newburgh Police Department as part of the City of Newburgh Police Reform & Reinvention Collaborative Plan.

RESOLUTION NO.: 179 -2021

OF

JULY 12, 2021

A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
DELETING ONE FULL TIME DEPUTY CHIEF POSITION
AND ADDING ONE FULL TIME POLICE COMMISSIONER POSITION
IN THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, the City of Newburgh proposes to create the positon of Police Commissioner in the City of Newburgh Police Department; and

WHEREAS, the City Council has determined that adding one (1) Full-time Police Commissioner position and deleting one (1) Full-time Deputy Police Chief position in the Police Department will promote continuity in leadership and efficiency within the Department; the same being in the best interests of the City of Newburgh; and

WHEREAS, the change in the job titles of such positions requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended to delete one (1) Full-time Deputy Chief position at Grade 7-B in the Non-Bargaining Unit Salary Schedule and add one (1) Full-time Police Commissioner position at Grade 9 in the Non-Bargaining Unit Salary Schedule within the City of Newburgh Police Department.

RESOLUTION NO.: 180 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ORANGE COUNTY FIRE MUTUAL AID PLAN

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Council approves the participation by the City of Newburgh Fire Department in the Orange County Fire Mutual Aid Plan as now in effect and as amended from time to time ("Plan"); and

BE IT FURTHER RESOLVED, that the City of Newburgh acknowledges and accepts its financial responsibility for such participation pursuant to General Municipal Law Section 209(2)-(4); and

BE IT FURTHER RESOLVED, that the City of Newburgh agrees to comply with all provisions of this Plan and will respond to all calls for assistance from another fire company or fire department through the County Division of Emergency Communications; and

BE IT FURTHER RESOLVED, that the City of Newburgh, to the best of its knowledge, knows of no resolution or agreement against "outside service" by the City of Newburgh Fire Department that would affect the power of such department to participate in the Plan; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh, the Plan; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to deliver to the County of Orange Fire Coordinator, an executed copy of the Plan and certified copy of this Resolution upon adoption.

Voted: In Favor 7 Opposed 0 Abstained 0

RESOLUTION NO. 181 - 2021

OF

JULY 12, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK SUPPORTING THE 2021 CONSOLIDATED FUNDING APPLICATION OF FOSTER SUPPLY HOSPITALITY FOR EMPIRE STATE DEVELOPMENT CAPITAL GRANT FUNDING FOR THE FSH GRAND STREET REDEVELOPMENT PROJECT

WHEREAS, Empire State Development Capital Grant Funding Program is for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or Region; and

WHEREAS, Foster Supply Hospitality seeks Empire State Development Capital Grant Funding for the redevelopment of 3 contiguous historic Grand Street buildings located in the City of Newburgh and known as the former Masonic Temple, YMCA and American Legion Hall to adaptively restore the buildings to include an 80-room hotel, premier spa, restaurants, rooftop bar, conference space, and a signature event venue in the Masonic Hall's grand ballroom; and

WHEREAS, Foster Supply Hospitality's Grand Street Redevelopment Project will bring 61 full-time equivalent jobs and thousands of annual visitors to downtown Newburgh, and engage SUNY Orange as a pipeline for future job and career opportunities by creating a culinary and hospitality training program, all of which will inject new economic vitality into the City of Newburgh and the Hudson Valley; and

WHEREAS, the City Council find that supporting Foster Supply Hospitality's Grand Street Redevelopment Project is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the 2021 Consolidated Funding Application of Foster Supply Hospitality to the Empire State Development Capital Grant Funding Program for the development of The Grand Street Redevelopment Project.

RESOLUTION NO.: 182 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM WITH
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
a/s/o ALBERTO LUNA IN THE AMOUNT OF $5,439.96

WHEREAS, State Farm Mutual Automobile Insurance Company a/s/o Alberto Luna brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand Four Hundred Thirty-Nine and 96/100 Dollars ($5,439.96) in exchange for a release to resolve all property damage claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter 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 Interim City Manager is hereby authorized to settle the claim of State Farm Mutual Automobile Insurance Company a/s/o Alberto Luna in the total amount of Five Thousand Four Hundred Thirty-Nine and 96/100 Dollars ($5,439.96) 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.

RESOLUTION NO.: 183 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF CLAIM WITH JAMES FAISON IN THE AMOUNT OF $500.00

WHEREAS, James Faison brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Hundred and 00/100 Dollars ($500.00) 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 the matter 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 James Faison in the total amount of Five Hundred and 00/100 Dollars ($500.00) 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.

RESOLUTION NO.: 184 - 2021

OF

JULY 12, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF CLAIM WITH AMIRA HOLLEY IN THE AMOUNT OF $5,425.60

WHEREAS, Amira Holley brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand Four Hundred Twenty-Five and 60/100 Dollars ($5,425.60) 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 the matter 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 Amira Holley in the total amount of Five Thousand Four Hundred Twenty-Five and 60/100 Dollars ($5,425.60) 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.

Resolution No. 185-2021
of
July 12, 2021

RESOLUTION AMENDING RESOLUTION NO: 282-2020, THE 2021 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO CORRECT THE OCTC REPORTING FROM GENERAL FUND TRANSFERS TO GENERAL APPROPRIATED FUND BALANCE.

2021 Proposed Amendments to General Fund - Expenses & Revenues

			Decrease
A 9901	Transfers		
.0925	Transfer Out		
.0001	OCTC-Transfer Out to Reserve	$	480,500

			Decrease
A 0000			
.0599	Appropriated Fund Balance		
.2000	Funding OCTC Reserve	$	480,500