

A regular meeting of the City Council of the City of Newburgh was held on Monday, August 9, 2021 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence / Momento de Silencio

Mayor Harvey welcomed everyone back into the gallery. The CDC guidelines are in full effect with regard to Covid-19. The virus is on the uptick with the new variant. The benches are marked for social distancing, and public safety is always our number one priority.

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

Present: Mayor Harvey, presiding; Councilman Grice, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles-5

Absent- Councilwoman Mejia, Councilwoman Monteverde-2

COMMUNICATIONS

Approval of the minutes from the City Council meeting of July 12, 2021

Councilman Sklarz moved and Councilman Shakur seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Carried

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

City Manager Todd Venning highlighted key points in city business.



City Manager's Update

Newburgh City Council Meeting

Monday, August 9, 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 COVID-19 Tracker

Statewide

Total Persons Tested
61,508,245

Total Tested 8/02
84,610

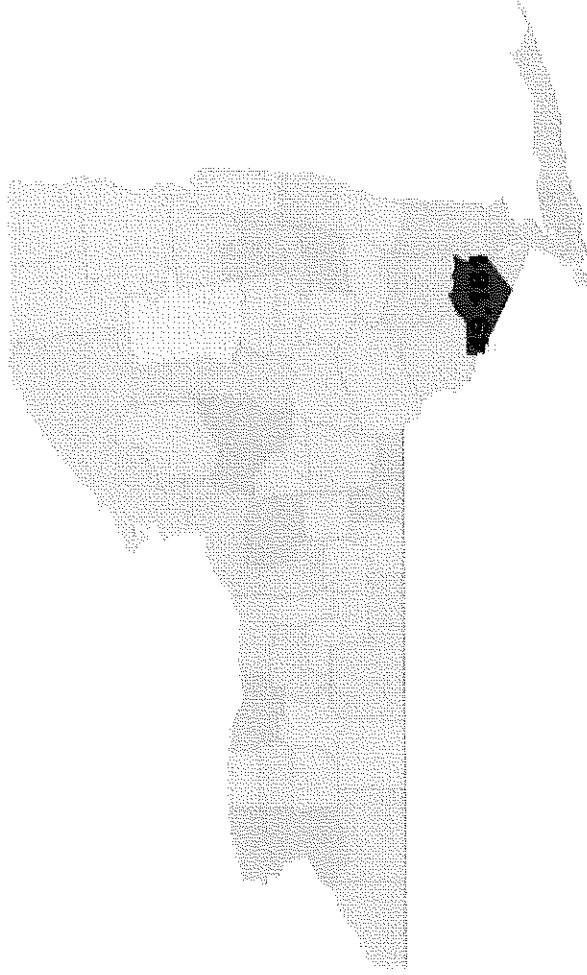
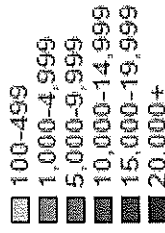
Total Tested Positive
2,141,218

Sex Distribution of Positive Cases

Female 50.7% Male 48.1% Unknown 1.1%

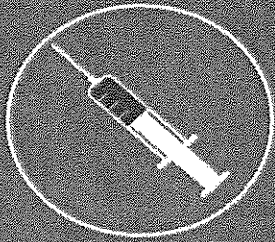
New Positives 8/02
2,932

Persons Tested Positive by County



County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positive Today
Orange	898,269	49,181	5.5%	1,946	41



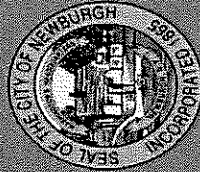
COMPLIMENTARY RIDES
TO **VACCINE SITES**

City of Newburgh Residents
get **FREE RIDES** to your
COVID-19 Vaccination

Appointment

CALL: 845-569-7420

- Must be City of Newburgh Resident
- Must have proof of confirmed vaccination appointment
- Appointment must be <30 miles from Newburgh (SUNY Orange Middletown & Ulster Fairgrounds in New Paltz)
- 24 hours notice required
- Pick-up/ Drop-off Newburgh only, no stops allowed
- Ambulette service available

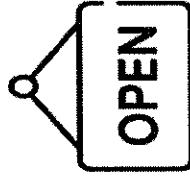


Funded by City of Newburgh CDBG-CV, Community Development Block Grant, CDBGs for Funding

COVID-19 Vacc

Did You Know

NYS has **FOUR** ways to make the COVID-19 vaccine **accessible and available to every** New Yorker.



Walk-in

appointments are available at state-operated vaccination sites for first dose appointments.



4 Hours of Paid Leave
Per Shot

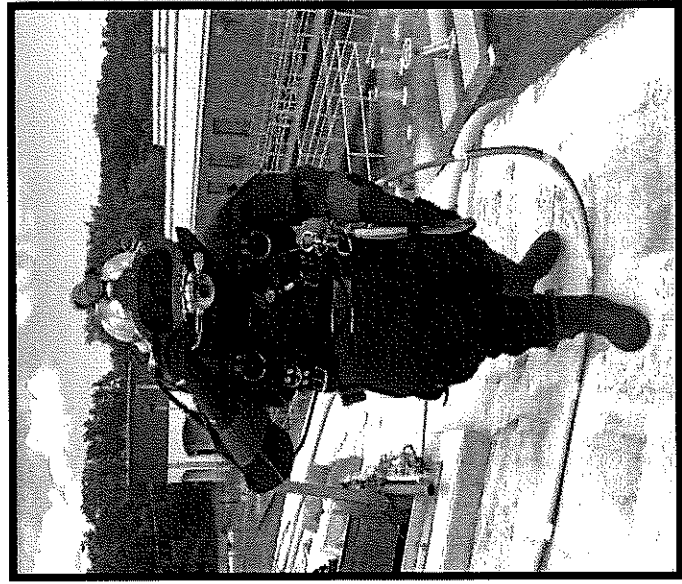
All NYS public and private employees are granted up to four hours of excused paid leave per shot. This cannot be charged against any other leave the employee has earned or accrued.



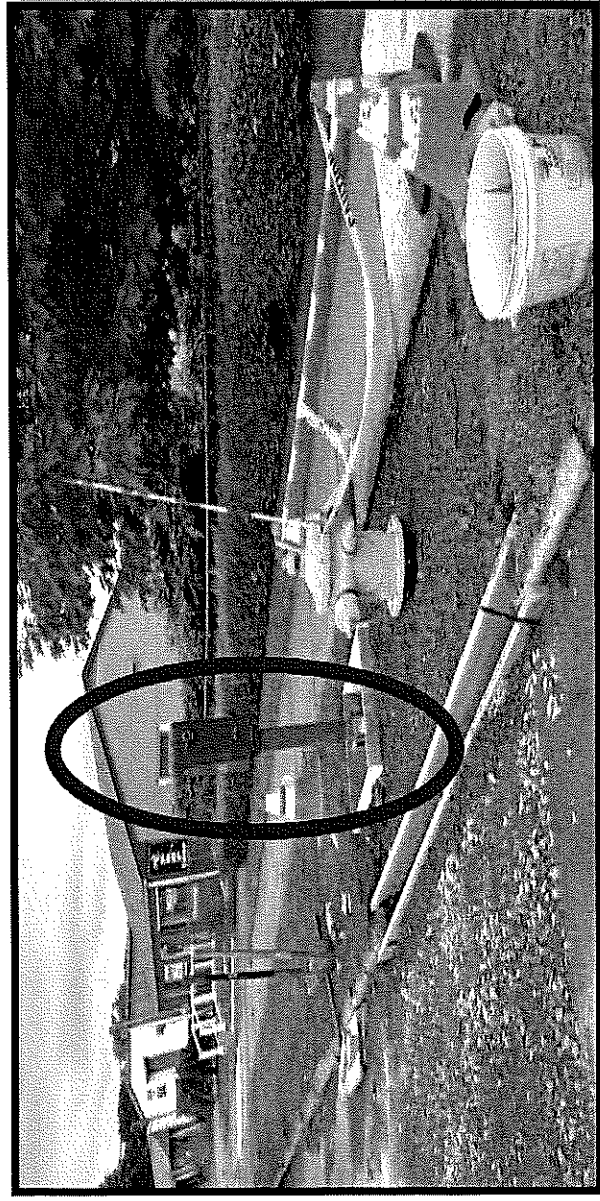
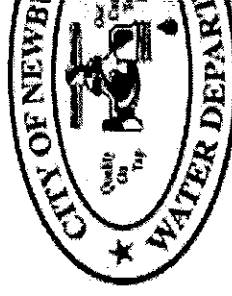
Any Recovery Time Following Vaccination is Covered Under NYS Paid Sick Leave

If you experience side effects from the vaccine, the time to recover is covered under New York's Paid Sick Leave Law

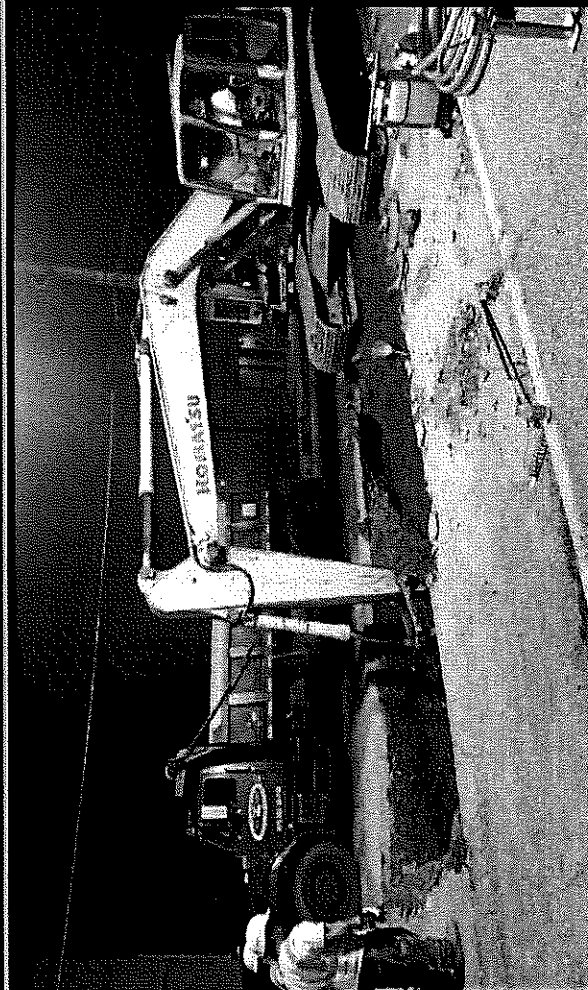
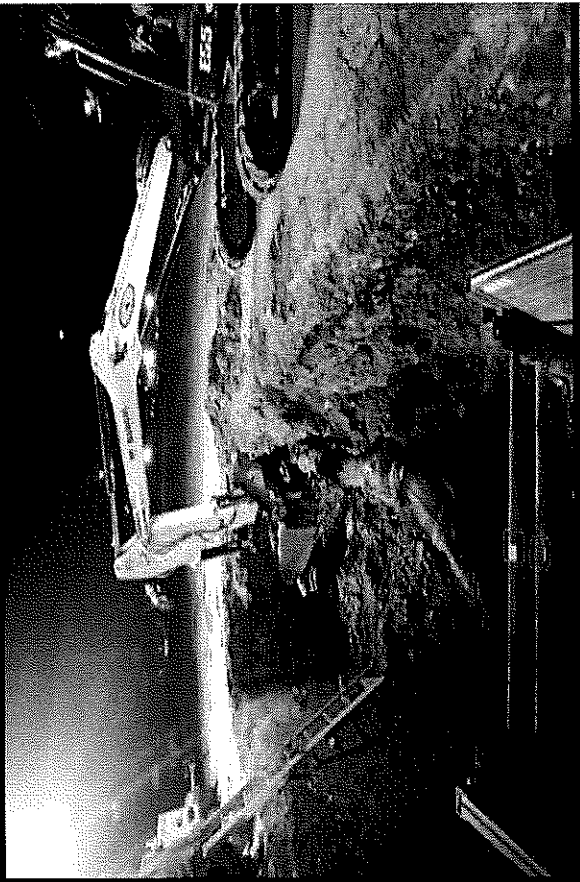
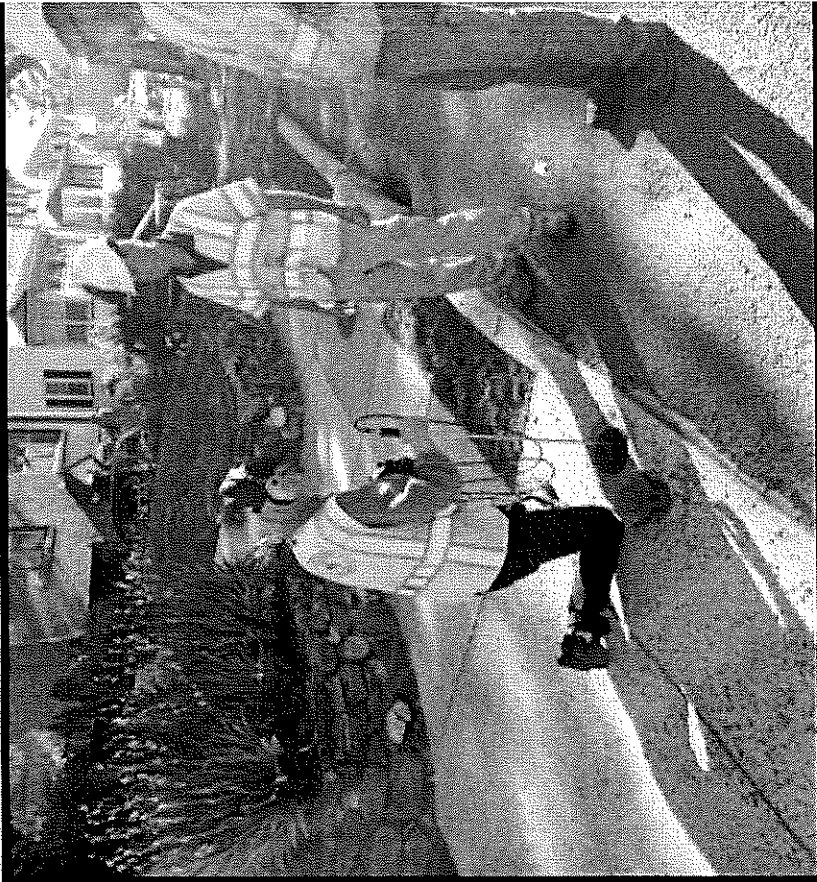




Distribution Tar



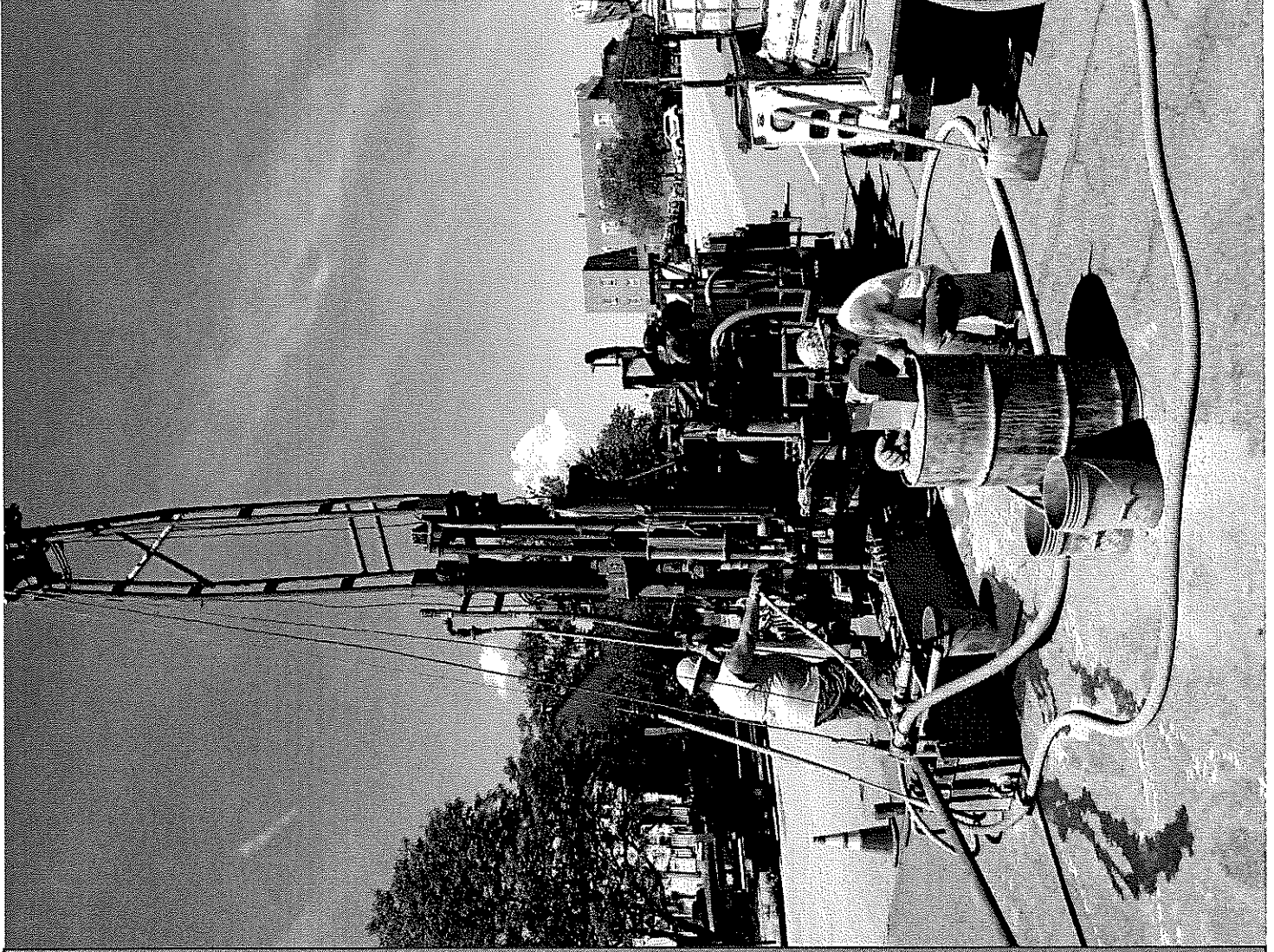
Water Quality





North Interceptor Soil & Rock Borings

- 12 soil borings and rock borings planned route for the new interceptor recently completed.



NEW YORK STATE OF OPPORTUNITY | Environmental Facilities Corporation

2021 Green Innovation Grant Program Overview

Andrew M. Cuomo
Governor

Joseph J. Rabito
President & CEO

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

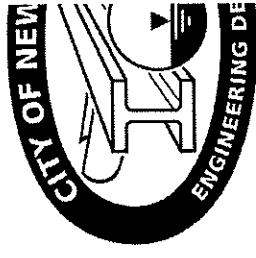
Water Quality Improvement Project (WQIP) Program

NEW YORK STATE OF OPPORTUNITY | Environmental Facilities Corporation

2021 Engineering Planning Grant Program Overview

Andrew M. Cuomo
Governor

Joseph J. Rabito
President & CEO



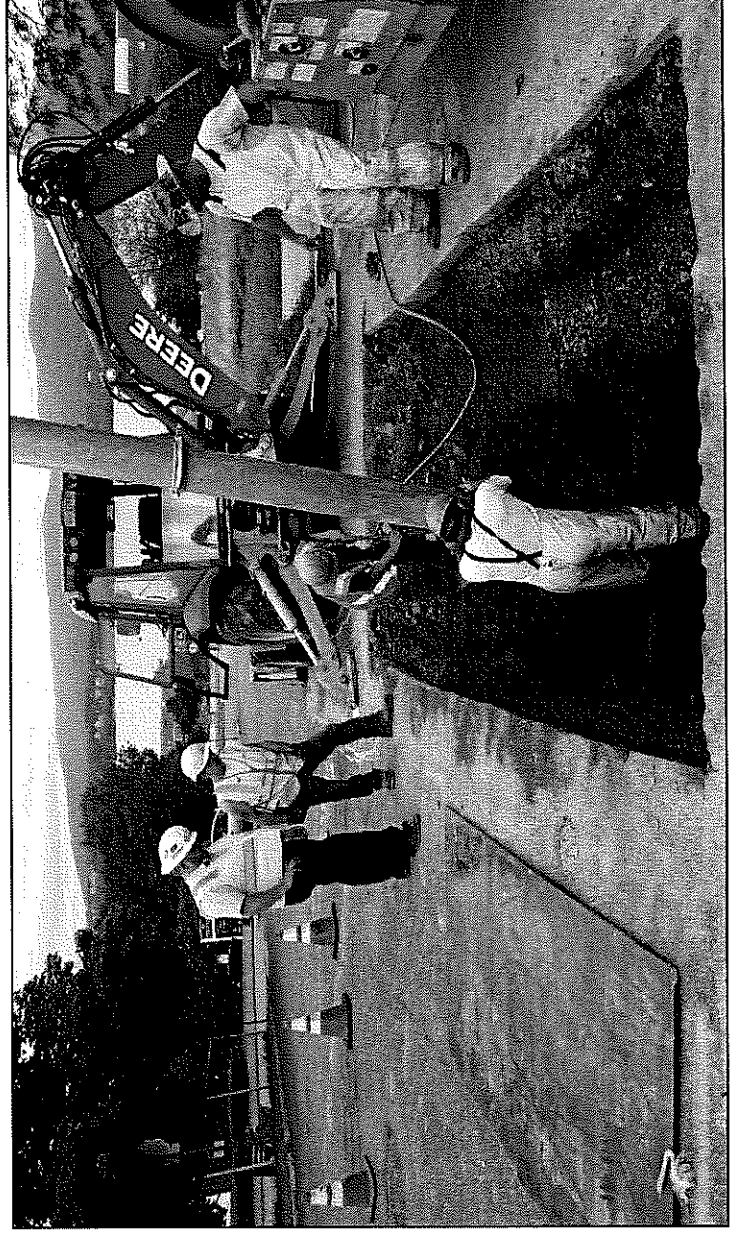
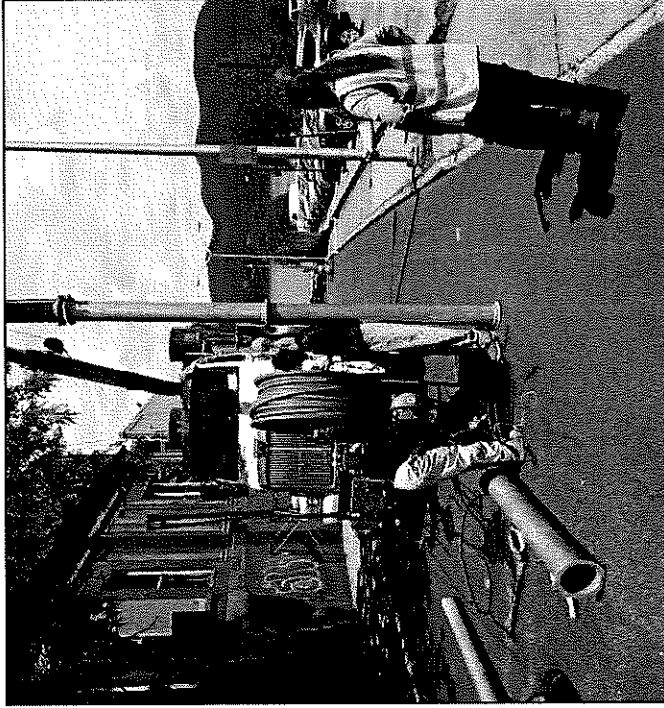
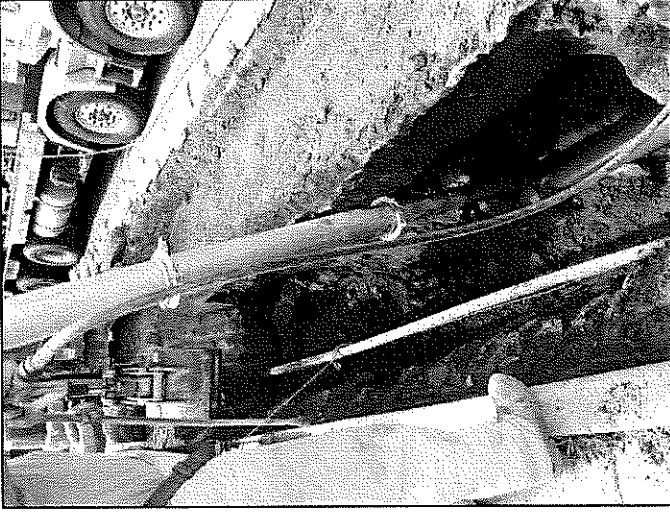
2021 CFA Submi

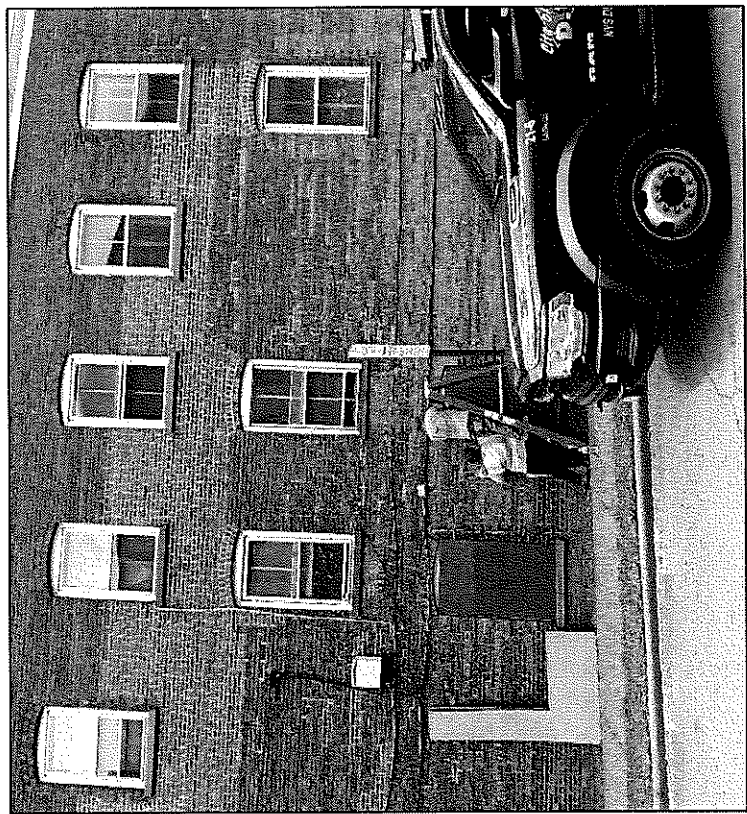
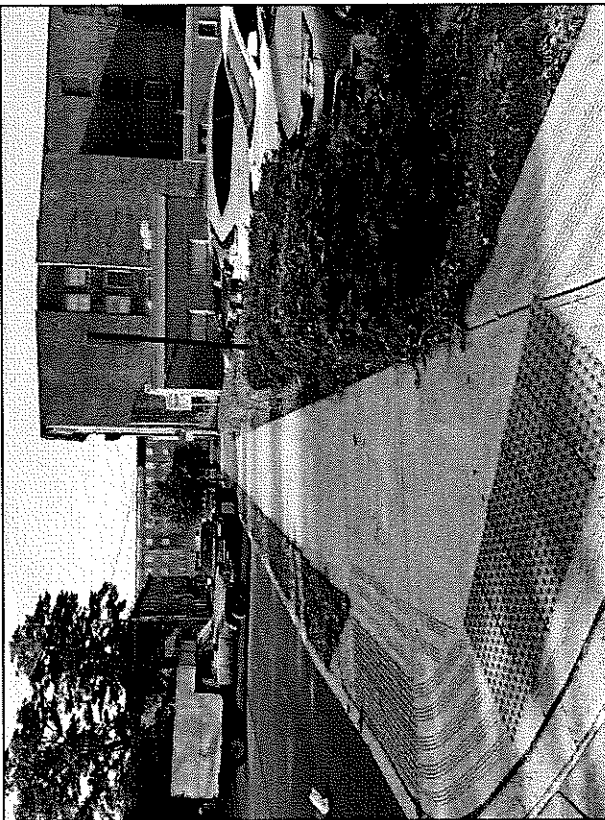
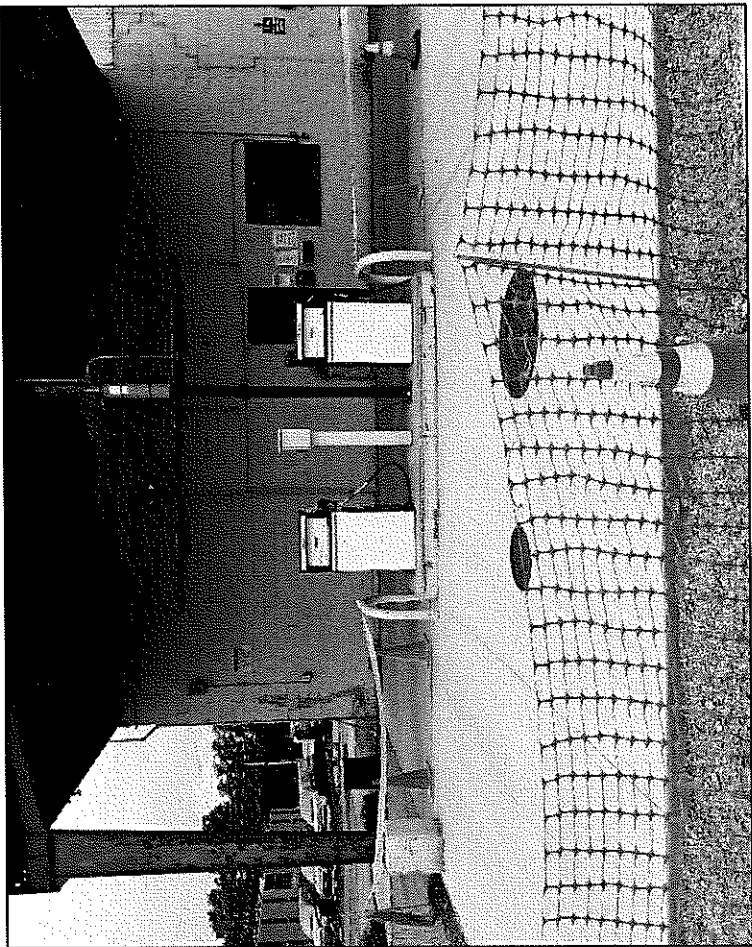
- **GIGP** (Green Innovation
- **WQIP** (Water Quality In
- **EPG** (Engineering Plann



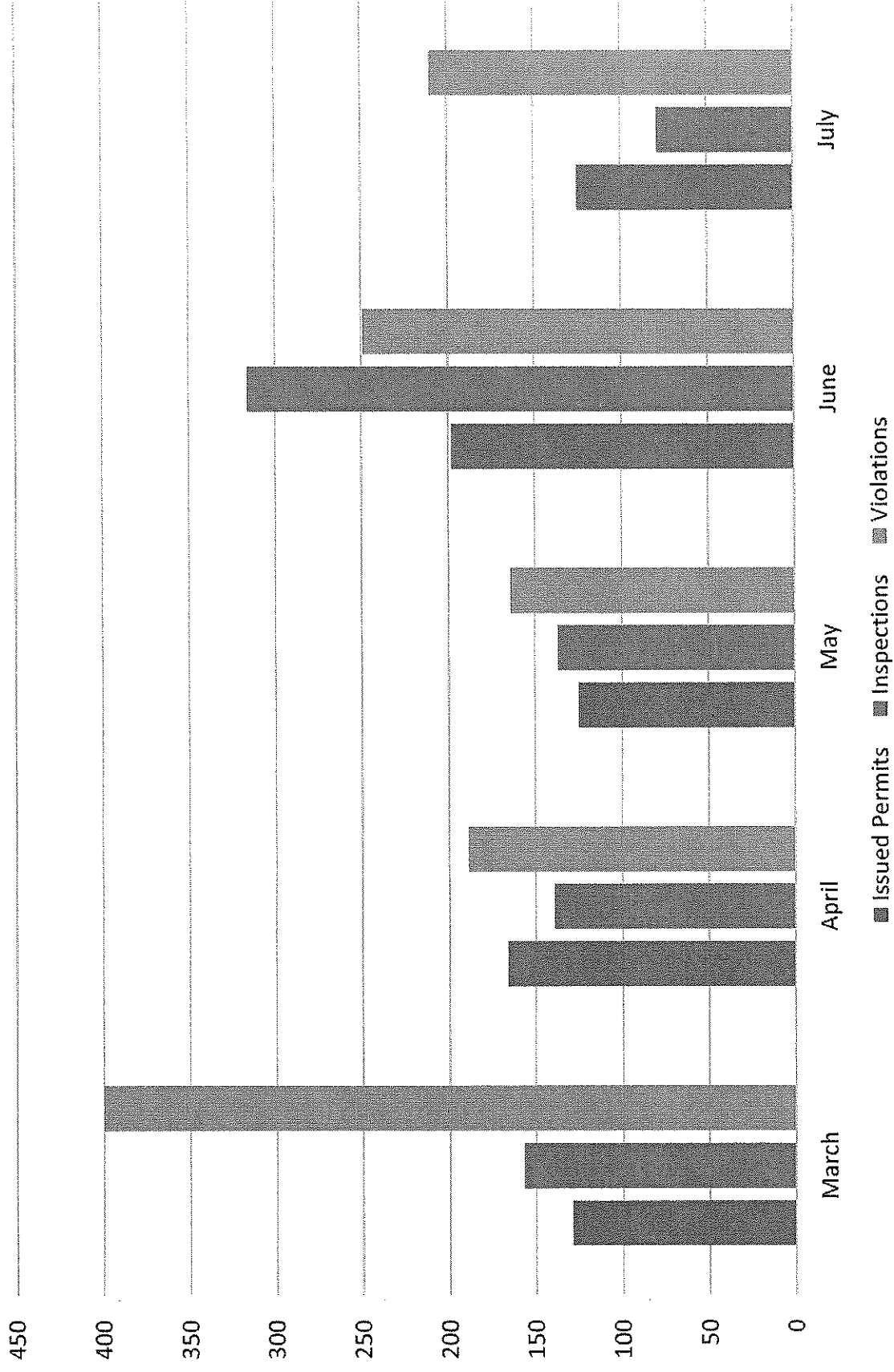
Emergency Cured-in-Place of Sewer Main Second

- A Sewer main collapsed between Grand Street and
- Two main breaks were succ
- The use of a flexible fab resin saved the City an ex this project.



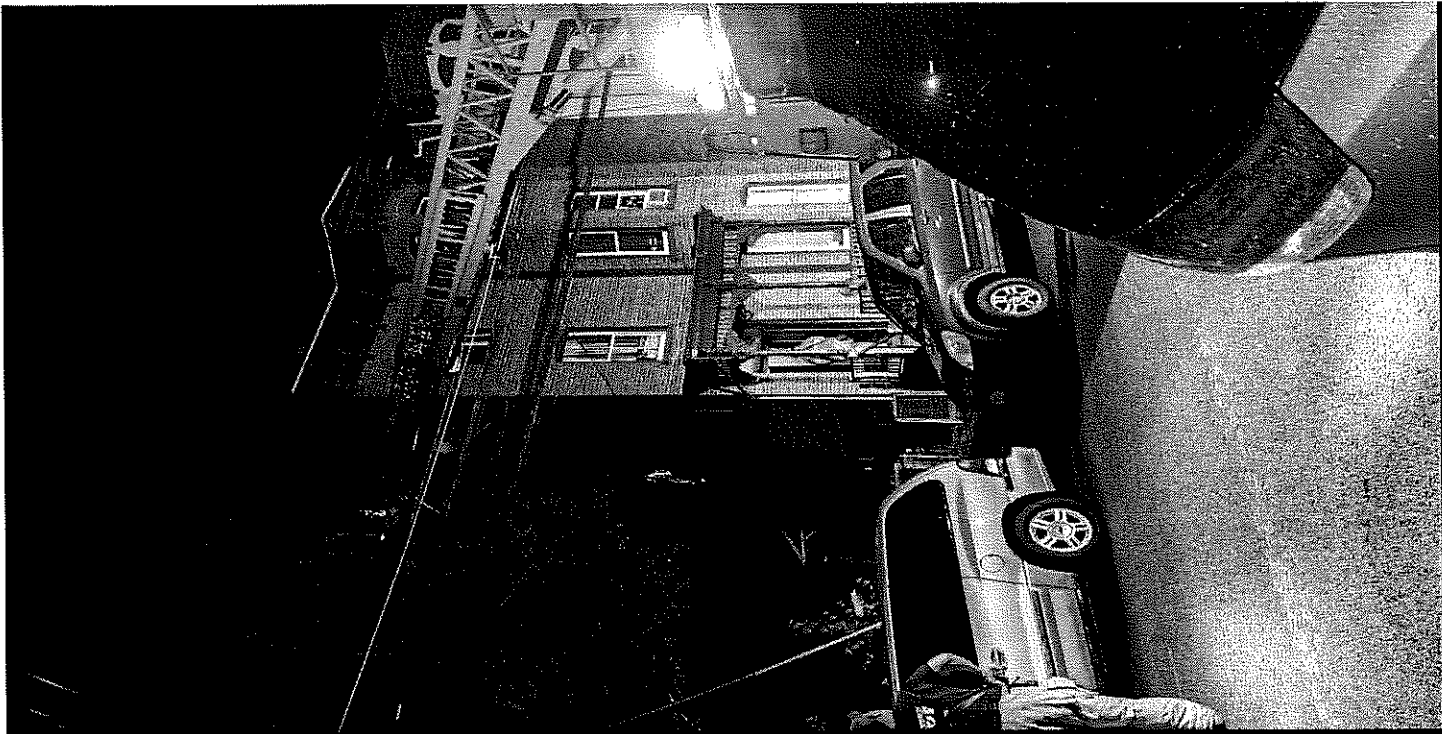
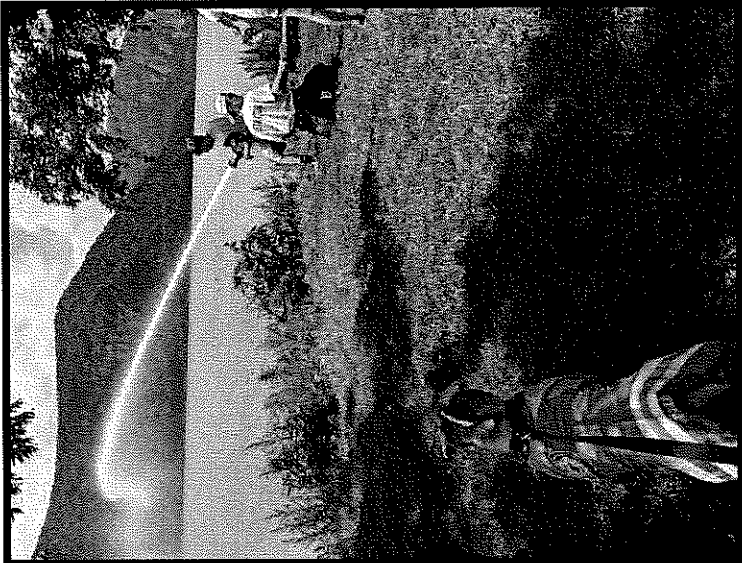
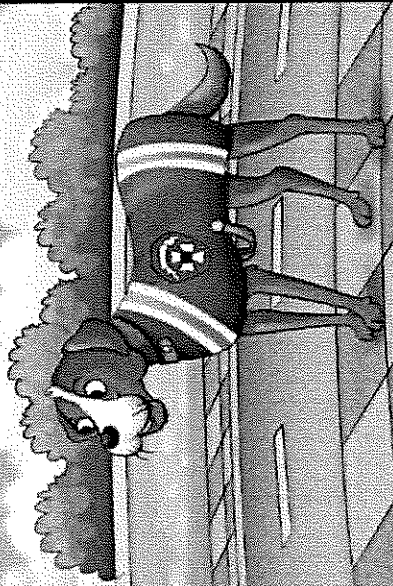


Quantitative Progress on Codes: Permits, Inspections & Violations



The true story of "Nick the Firedog"

By Timothy Dexter, Jr.





City of Newburgh Police Department Police Monthly Operations Report

Report Period: July 20, 2023

Report Date: July 20, 2023

CRIME STATISTICS
The City of Newburgh Police Department has received 43,215 calls for service during the month of July 2023. This is a 1% increase from the same month in 2022. The majority of these calls are categorized as the first response to a crime scene. The following table shows the number of calls received by the City of Newburgh Police Department during the month of July 2023, categorized by the type of crime scene.

CRIME TYPE	July 2023	July 2022	% Change
Aggravated Assault	1	0	7
Aggravated Battery	0	0	0
Aggravated Burglary	0	0	0
Aggravated Sexual Assault	0	0	0
Aggravated Trespassing	0	0	0
Aggravated Vehicle Theft	0	0	0
Aggravated Vandalism	0	0	0
Aggravated Weapons Possession	0	0	0
Aggravated Wildfire	0	0	0
Aggravated Zoning Violation	0	0	0
Aggravated Other	0	0	0
Aggravated Total	1	0	7

Change in the number of calls received during the month of July 2023 compared to the same month in 2022 is a 1% increase. This is due to a 1% increase in the number of calls received during the month of July 2023 compared to the same month in 2022. The following table shows the number of calls received by the City of Newburgh Police Department during the month of July 2023, categorized by the type of crime scene.

CRIME TYPE	July 2023	July 2022	% Change
Aggravated Assault	1	0	7
Aggravated Battery	0	0	0
Aggravated Burglary	0	0	0
Aggravated Sexual Assault	0	0	0
Aggravated Trespassing	0	0	0
Aggravated Vehicle Theft	0	0	0
Aggravated Vandalism	0	0	0
Aggravated Weapons Possession	0	0	0
Aggravated Wildfire	0	0	0
Aggravated Zoning Violation	0	0	0
Aggravated Other	0	0	0
Aggravated Total	1	0	7

Arrests

The City of Newburgh Police Department has received 43,215 calls for service during the month of July 2023. This is a 1% increase from the same month in 2022. The majority of these calls are categorized as the first response to a crime scene. The following table shows the number of calls received by the City of Newburgh Police Department during the month of July 2023, categorized by the type of crime scene.

CRIME TYPE	July 2023	July 2022	% Change
Aggravated Assault	1	0	7
Aggravated Battery	0	0	0
Aggravated Burglary	0	0	0
Aggravated Sexual Assault	0	0	0
Aggravated Trespassing	0	0	0
Aggravated Vehicle Theft	0	0	0
Aggravated Vandalism	0	0	0
Aggravated Weapons Possession	0	0	0
Aggravated Wildfire	0	0	0
Aggravated Zoning Violation	0	0	0
Aggravated Other	0	0	0
Aggravated Total	1	0	7

Cause of Arrest

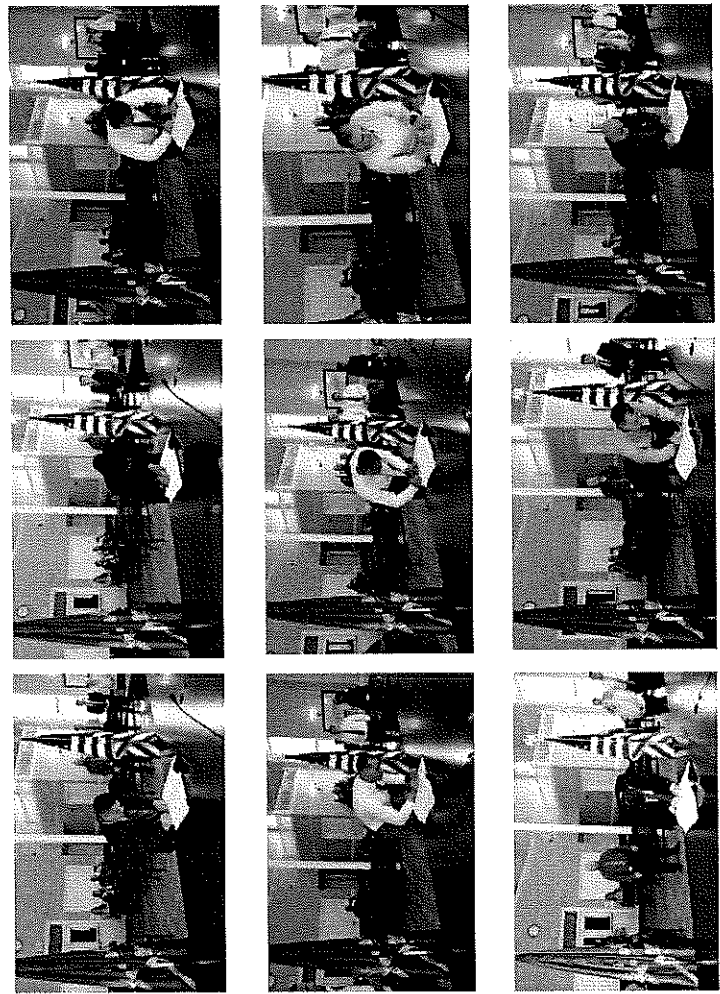
Cause of Arrest	Number of Arrests
Complaint	7
Court Summons	6
Crime in Progress	31
Other	10

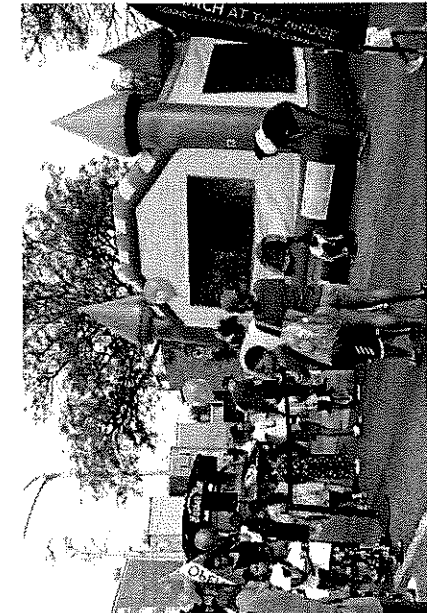
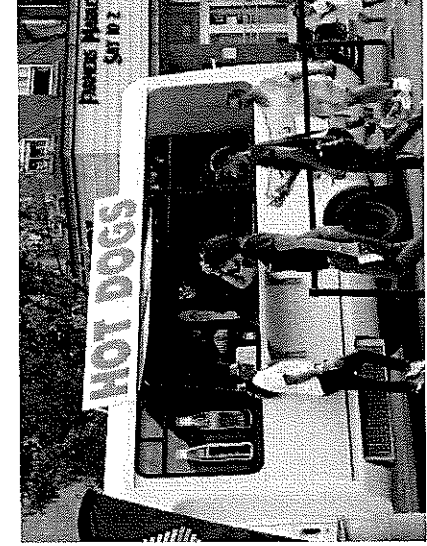
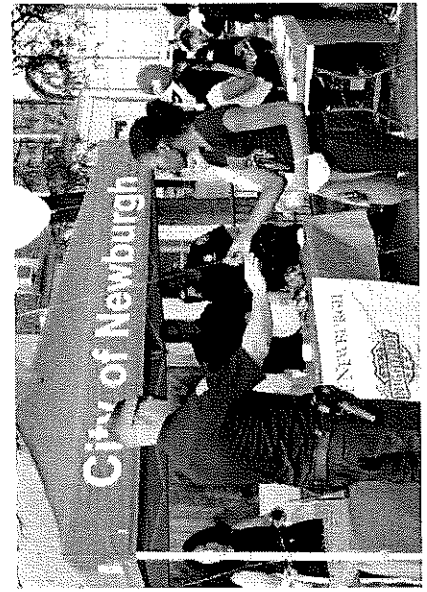
Gender

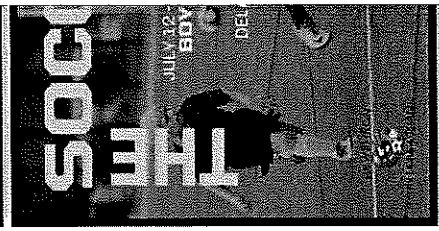
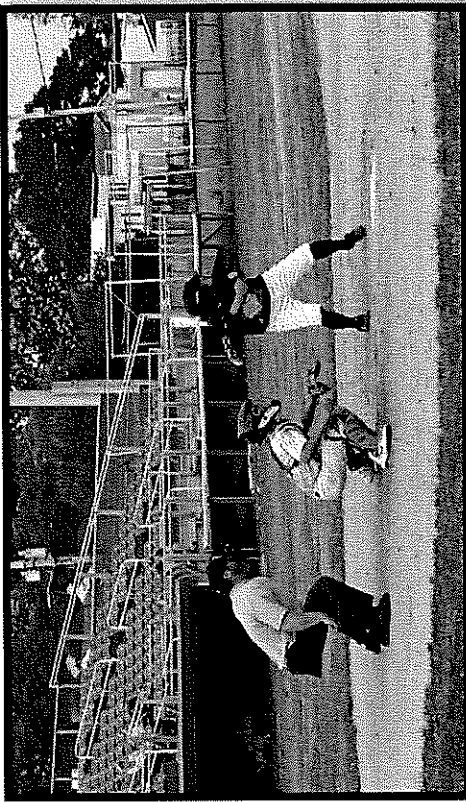
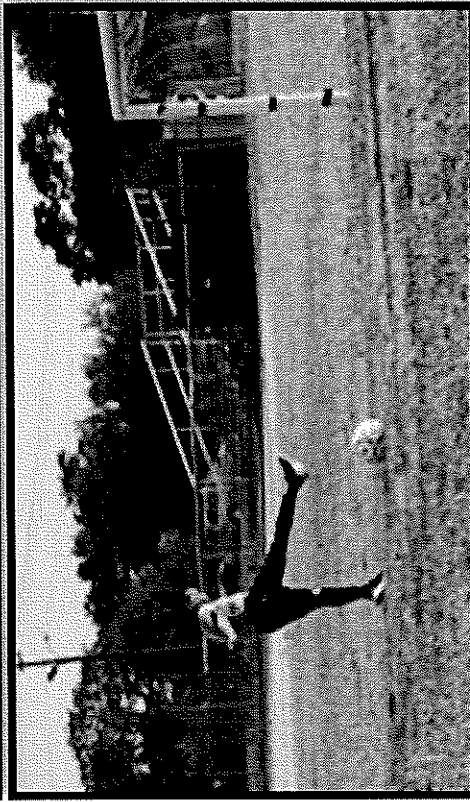
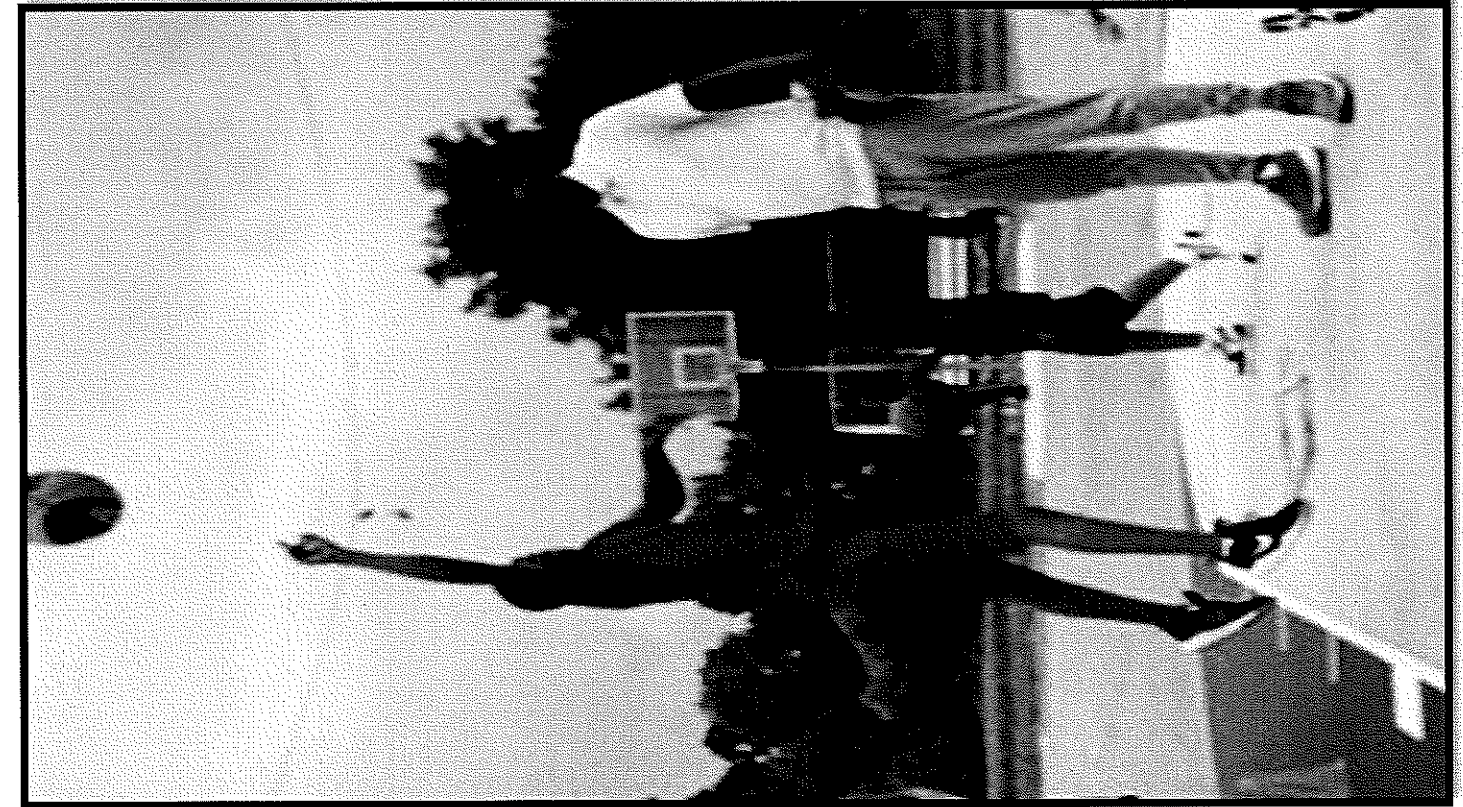
Gender	Number of Arrests
Female	7
Male	47
Unknown	0

of People Arrested

# of People Arrested	Number of Arrests
54	54







REC

NE

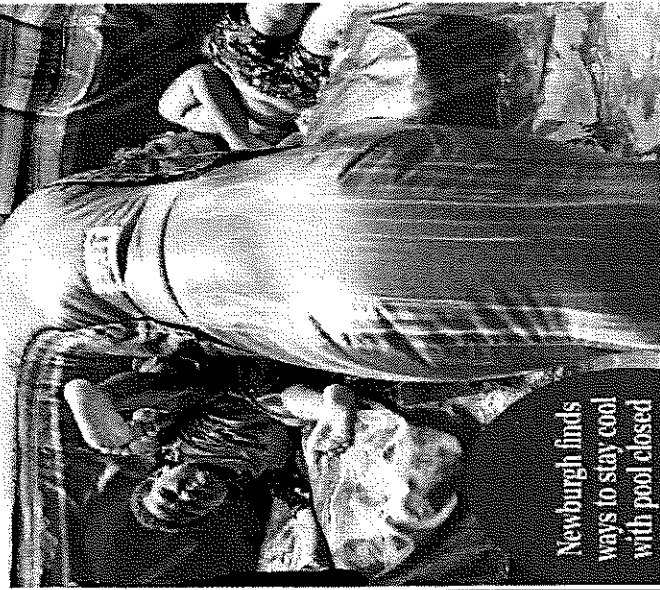
TIMES HERALD-RECORD

SERVING
THE CATSKILLS
AND HUDSON
VALLEY

FRIDAY, JULY 20, 2011 | RECORDONLINE.COM

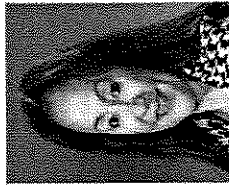
PART OF THE USA TODAY NETWORK

SLIDING INTO SUMMER FUN



**Newburgh finds
ways to stay cool
with pool closed
for repairs** **PAGES 6-7A**

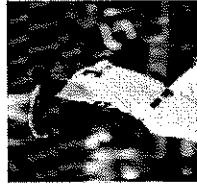
McLean Fisher, left, and Jackson Box, right, travel down a waterslide Tuesday at Tyrone Crabb Memorial Park in Newburgh. With Newburgh's Aquatics Center closed and in need of a \$1.4 million repair, the city brings the water directly to residents. **ALICE WOLLMAN FOR THE TIMES HERALD-RECORD**



Health rules

Education Commissioner Betty Rosa expresses frustration over delay in safety guidelines from governors.

NEWS, 13A



Trade needs

Loss to Kravies highlights 'Aer' need for starting pitching and a bat.

SPORTS, 45A

Weather

High: 80° Low: 61°
Windy, Scattered, 1A

Volume 45 No. 20
Newburgh, New York
August 1, 1986 \$2.00
49207 \$3.50



DATES

JULY 6

ADMINISTRATIVE

Weekly S

July 6 - 9

Tyrone Crabb Park

July 12 - 16

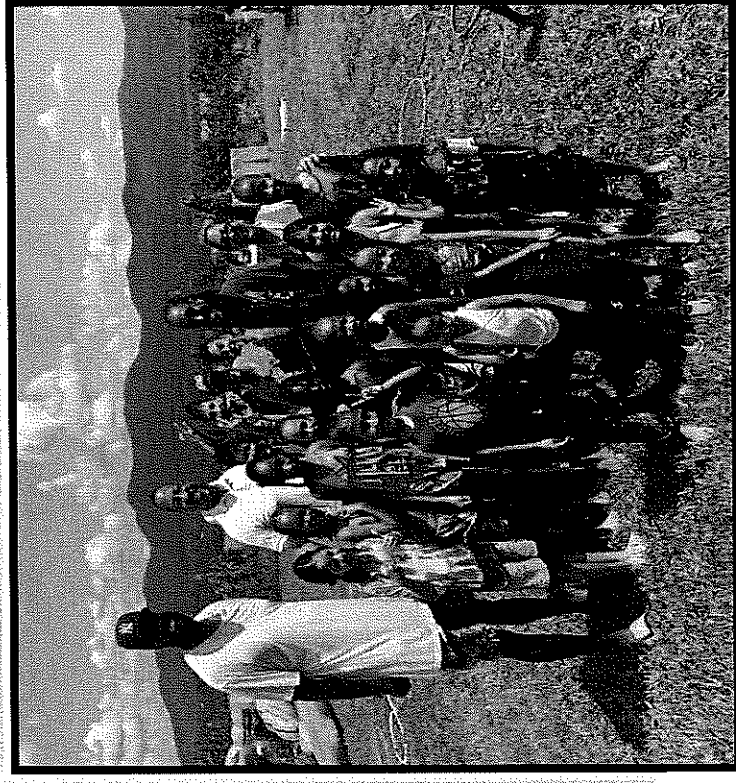
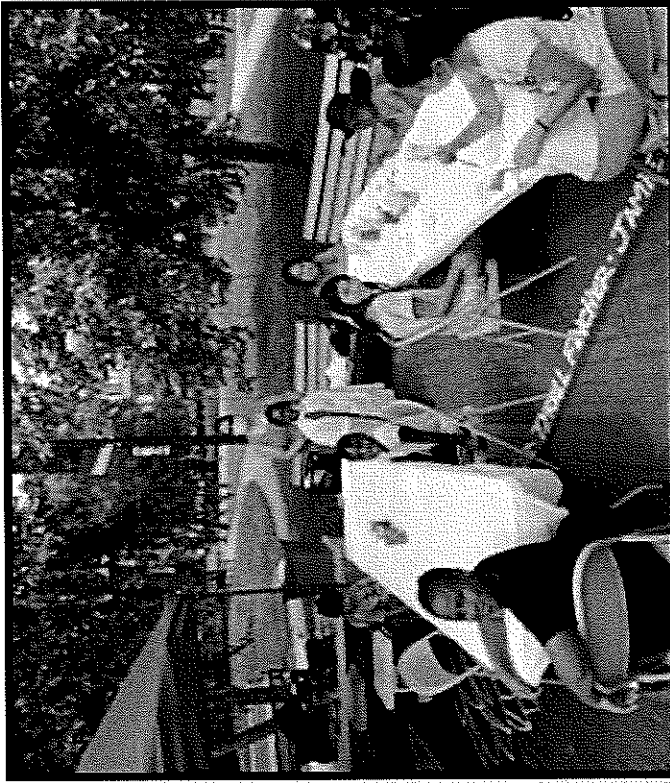
Xavier Lunan Park

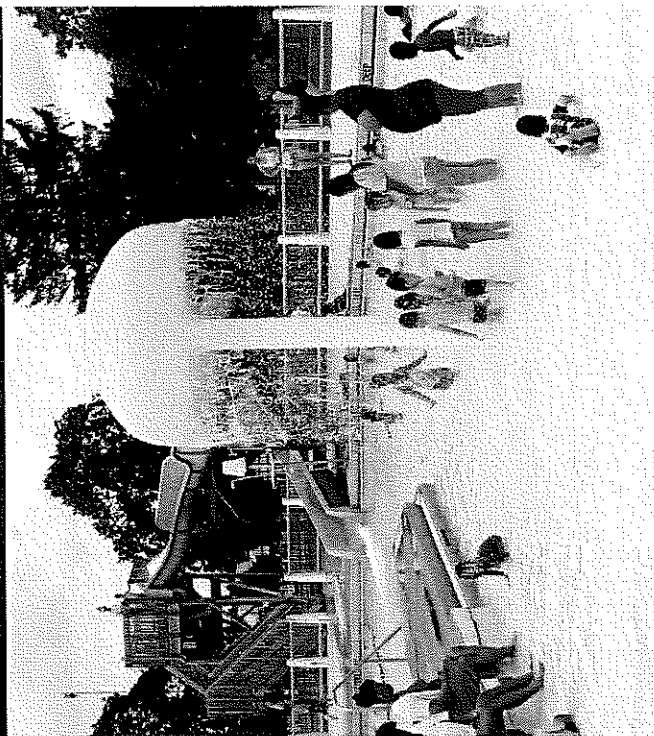
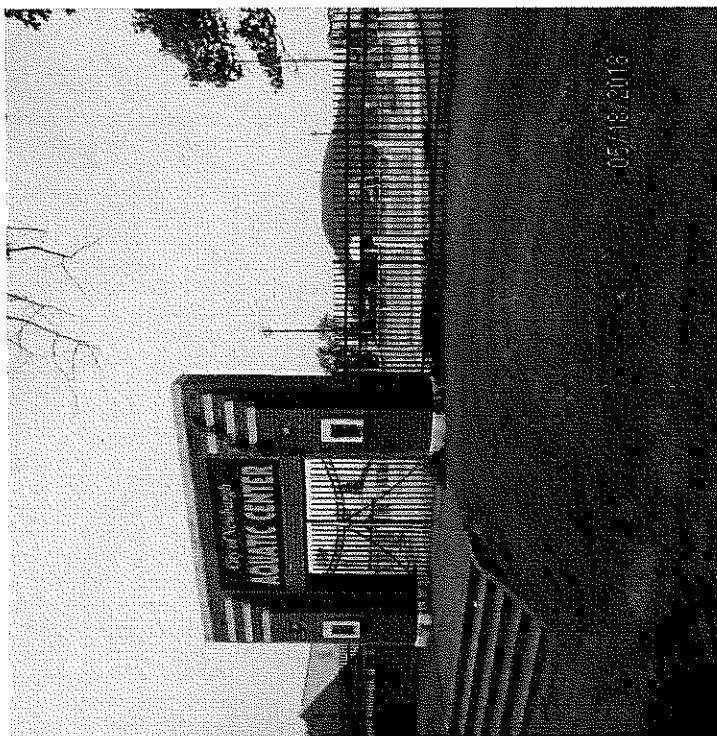
July 19 - 23

Audrey Carey Park

FREE BREAKFAST

NEWB
ENLARGED CITY S





Delano Hitch Pool, circa 1950

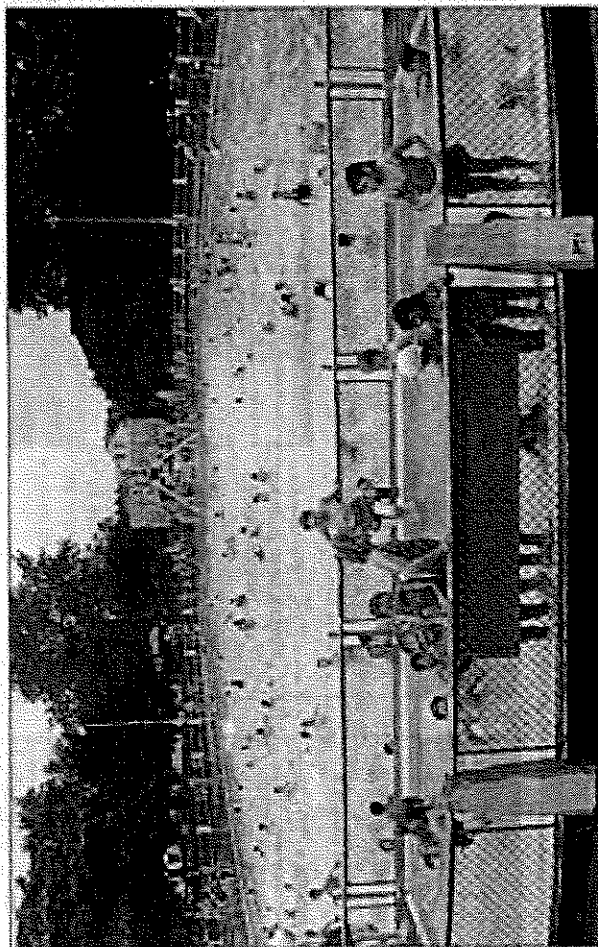


Photo by Ralph M. Aulio (1913 - 2005)

Community Updates



FREE YOUTH CIRCUS PROGRAM



LEARN TO FLY!




AUGUST SCHEDULE

OUTDOOR FITNESS CLASSES

CREATIVE COMMUNITY

SUMMER WORKSHOP
Children and Teens Grades 4-12

AUGUST 2021

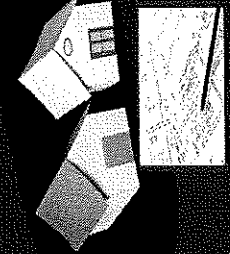
Art Class
Mon., Aug. 2 & 9
12 p.m. - 1 p.m.
Newburgh Free Library Plaza
This art workshop will be taught by instructor Mekhil Boykin.

Poetry and Creative Writing
Thurs., Aug. 5
6 p.m. - 7 p.m.
Newburgh Free Library Plaza
This writing and poetry workshop will be taught by instructor Golden Diamond.



Bulk Item Pickup Program

EMERGENCY ASSISTANCE

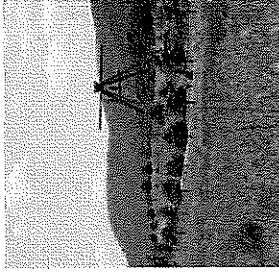


Mondays from 10 a.m. to 12 p.m.

The Emergency Rental Assistance Program is available to COVID-19 and economic hardship assistance and assistance and assistance.

Newburgh Free Library
1000 NEWBURGH AVENUE • NEWBURGH, NY 12551

STORM KING ART CENTER



Free Admission

Service to Storm King

On select days this summer, at the Storm King Art Center, we will include shuttle service from Newburgh to the center and family and spend the day.

PRESENTATIONS

NFA Varsity Boys Track Team - Certificates of Recognition

Mayor Harvey remarked that this presentation is long overdue. He introduced Coach Malcolm Burks of the Newburgh Free Academy Boys Track Team. Burks is a product of this city and environment, as he is part of a big family in this community. He has worked tirelessly as a mentor to the youth. It is very important that we continue to support our role models and leaders. In addition to being a coach and mentor, he is an Army Veteran. Harvey thanked him for his service to our country.

Certificates of Recognition were presented to the NFA Boys Track Team. The team finished the season undefeated. The certificates were issued to the following athletes: James Onwuka, John Fermpong, Jean Origene, Esteban Lopez and Matthew Worrell.

A representative from Assemblyman Jacobson's office also presented Certificates of Merit to Coach Burks and the teammates. She thanked them for bringing much pride to our community.

Coach Burks thanked the mayor and council for reaching out to him and the team. It would not be possible without everyone's support. He thanked the parents for entrusting their children with him. He thanked his wife for putting many of the photos onto the team's Facebook page to highlight their achievements. It has been a tough year; but, he looks at it from the perspective of being a part of Retired Army personnel. They don't take no for an answer. Not only did the team win one national championship, but, they won two national championships.

Mayor Harvey wished the team good luck, and stated that we are proud of them. We have watched some portion of the Tokyo 2020 Summer Olympics. The closing ceremony was last night, and we have seen some of the most amazing athletes in that showcasing. Harvey stated that he sees these young men from Newburgh sitting in that same seat one day, and he knows that the dream is possible, even more so than ever. He pointed out that Coach Burks took a young man under his wings by the name of Samir Lang. Lang was a triple jumper for Haiti (his parents' home country), who competed in the 2012 Olympic games in London. Harvey thanked the NFA team for putting Newburgh on the national and international map.

Presentation by Willie Carley - Newburgh Consolidated Charter School

Dr. Willie K. Carley, a pastor in Newburgh presented a proposal for a Charter School in Newburgh. He read the executive summary of the charter school and stated that he helped put together an exploratory committee to make sure that it is being in alignment with the New York State Department of Education. He pointed out that the goal of the charter school is such that it is not to be in competition with the school board. Carley commented that he had a good conversation with Superintendent Dr. Padilla too. As we saw with the young men on the track team and the coach, this is a community effort. His vision for the charter school is to be community-oriented, and one of the schools niches is going to be a focus on business. Anything and everything that drives and moves in this world is centered around business. The charter school is going to help provide an opportunity for each and every child to be able to walk into any door they desire with that focus underneath his or her belt. The charter school is going to further its efforts by dedicating the resources and personnel to the children, not only while they are in school, but, also as they leave and enter into the workforce.

Mayor Harvey thanked him for his presentation. He and Carley have spoken about it on multiple occasions, and Harvey has made his recommendations to the Superintendent and the school board about it, because it is important that the Newburgh School District, the public entity, be on board and in support of it. There won't be a vote on it tonight, but for future reference he believes that once we have that coalition, the council will be in a position to either vote it up or down. Harvey gave a shout out to the group Melanin Unchained, as the group has been very vocal on its educational agenda. Perhaps Carley could speak with them and get to know the various community groups that are centered on this particular topic.

Councilwoman Sofokles thanked Carley for putting this together, and she is looking forward to more information about it, because it is very important.

Carley remarked that one of the pillars of the proposed charter school is going to be family engagement. Even though he realizes that the council won't be voting on it tonight, it is his intention to bring it into awareness, because he does not believe in operating in the dark. He believes in collaboration, and some people will object, and some people will support it; but, we can all work together as a community regardless of our different directions. It is not to take away from the community, but, to add to the community. That is what he sees as a benefit for the City of Newburgh and all of the children that are authorized to attend the Newburgh Enlarged City School District. He plans to update the council and school board on where he is in the process periodically.

Councilman Shakur thanked him for his presentation. He stated that if he has any pamphlets or leaflets concerning his proposal to feel free to bring them by anytime, to give him a better understanding of what he is trying to do in the community.

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

Thomas Verdad commented about the historic property that was sold to him. He is disappointed that he does not have the city's full support. The reconstruction has taken far longer than he preferred. He has been very transparent about his inexperience with preservation when he bought it, and he has been transparent about the difficulty he has had in finding reliable and qualified contractors. What history will remember is that the city tried to take a property that no one wanted for decades, and from a family that fell hopelessly in love with it; especially during one of the worst pandemics ever confronted by Man. He invested hundreds of thousands of dollars, and although he thanks the city for the extension, he is saddened by the insistence of the reverter clause. It means that he will lose his entire investment if he does not finish the project by November 2022. He does not have the energy to fight the city in court. He has support letters from politicians, professionals, the community, his suppliers and the NYS Office of Parks, Recreation and Historic Preservation. He hopes that we can focus on the challenges facing Newburgh together, and he thanks everyone for their patience. He hopes for everyone's support moving forward.

Cynthia Gilchisten questioned the community policing practices in Newburgh. Why do we need State Troopers in the city when we have an adequate police force? What are they doing here and who authorized them to be here? Also can we 'de-authorize' them to leave or are we just stuck with a barrage of policing in this community? We seem to have a reduction in crime, a thriving SNUG Program, and other things for kids to do so that they are not hanging out.

Jewel Martin commented. She is currently homeless, and she applied for housing at RUPCO. When she did a Google search, it stated that it was for mixed-income use. She has been a tenant at her former property for twenty-seven years. RUPCO wanted either a rental history or personal references. She indicated she was homeless, which is box on the application. Yet, by checking the box for 'homeless' means that you either have a record or you are a re-entry person, or you have a mental health diagnosis, none of which she has. She finds it discriminatory because she is currently homeless and has been through the local DSS office already. She stated that Mr. Green needs to be investigated. She does not know why he is still in office. Newburgh is so small, yet there is a lot of money generated in the surrounding area for mental health and re-entry persons. Some of these agencies are not doing anything. She does not get assistance, and she wants decent housing just like anybody else. She stated that she was denied housing because she is not on public assistance. She is living in and out of a corner bus stop, and now she can't even be at the bus stop anymore due to all of the construction going on in the area.

Councilman Shakur remarked that he gets way too many complaints about Mr. Green. The issue needs to be looked into further, because Mr. Green is not here for the community.

Carla Johnston, South Miller Street, remarked that we hired a new supervisor in the codes department. How many violations does her landlord have to receive before he actually has to fix the problem? The skylights in her apartment have leaked for thirty three months. The violations were closed because the landlord put some paint on the ceiling. When codes came to inspect, it appeared to be fixed, but then the problem came right back. Is there an expiration date on the rental license agreements? It seems like it would be cheaper for a landlord to put the tenant out rather than go through the process of applying for, and providing documentation, to receive State/Federal rental assistance funds. She respects the police department when they are doing what they are supposed to be doing. She does not like the fact that the State Troopers pick and choose who they harass. She has seen them harass people that look like her, while turning a blind eye to other people.

Mayor Harvey pointed out that the State Police has jurisdiction over the entire of the State of New York.

Gabrielle Hill, Leroy Pl., commended DPW for looking into the corridor between Lander Street and Johnston Street. She has mentioned the tree stump on First Street, which is a foot and a half off the ground. When she researched the issue she learned that the tree roots are looking for water and that is why they are uprooting. If they don't have water the cycle is going to continue and then we are going to have to spend more money on the sidewalks. Perhaps homeowners need to be educated about it as a preventative measure. Is the City's Open Container Law still on books? It is hot outside and people like to socialize. She does not know if this causes a serious threat to the community, as she is sure that the officers have more important things to do with their time. The issue with the State Police has already been addressed. It is worth looking into. She stated that for anyone who contacts the water department, they do provide you with another link to call. Someone then calls you back, and you receive your water testing kit. The 2nd Annual Frederick Douglass Day is scheduled for Wednesday August 11th from 6-8 PM at Tyrone Crabb Park this year. She is looking forward to a positive and uplifting event. She encouraged Mr. Carley to contact the Newburgh Armory Unity Center also, as another great way to meet children and families for what he is trying to do.

Jean Claude Francois, Beacon St., has lived in Newburgh for seventeen years. He is a landlord that has been providing low income housing to people in the community. His concerns arose from an issue on or around March 17th, 2020 when he tried to pay the taxes on one of his properties. He had the money in-hand right before the pandemic, but, then when he came to City Hall he was told that the office was closed to the public. When the building reopened in August, he was told that the Office of Corporation Counsel had sent his paperwork to Goshen. He had his lawyer send a letter, in which the city never responded. He stated that the city does not want you to pay your taxes so that they can take your property.

Mayor Harvey commented that he knows for certain that the city government does not take a property due to lack of payment of taxes, unless eighteen to twenty months has lapsed due to non-payment.

Tom Roberts, Newburgh, commented that it is good to see everyone. He wants to know if we have a functioning police department in the City of Newburgh. Last week he witnessed a motorcycle going up Broadway at 60 MPH. On another day he saw a truck burning rubber on Liberty Street. A young police officer had come into his coffee shop and totally ignored him when he greeted him and said "Good Morning." So much for community-police relationships, and it bothered him a lot. The electric motor vehicles going up and down our sidewalks are problematic. You don't even hear them coming before you have to jump out of the way.

Cetera Boyd, Newburgh, thanked Councilman Grice for getting the endorsement from Senator Schumer. She thanked everyone for coming out and showing support at the 'Giving is Caring' event on July 24, 2021. She thanked everyone, including the Mayor and city council for always supporting the PCRAB. She has received a number of calls, day and night, from the homeless population. Even though the PCRAB is there to assist in every way that it can, that is not its job. Boyd stated that Mr. Green does not even live in the area. She feels that he is bullying people because of the landlord housing board. This board needs to be replaced with one that understands the needs of the community. The residents are complaining about drivers blowing traffic lights. It is a serious issue. She is waiting for Aly Church to give her an update on the light at the intersection of South Street and Prospect Street.

Jeff Woody, 131 Broadway, commented that he knows marijuana is legal in New York State now. While there are specific places that are designated to dispense it, he does not know if it is legal for the local bodegas to dispense it. Also they are dispensing the small bottles of alcohol. He thanked the city council and staff who have allowed the Cathedral at the House to operate the Healthy Orange Farmers Market on the city lot. It has been extremely successful, and he publicly thanked DPW for repairing that portion of the sidewalk. Woody thanked Sam Sutton and his staff for National Night Out. We need more of these types of events in the city, where people can come out and have a good time. Woody stated that he sees the progress in the city.

Daniel Cronin, Washington Pl., commented that a lot of the issues he hears people bringing up falls on accountability. He stated he was defamed on social media, and just like Mr. Shakur, he is being harassed by the police department. Mr. Shakur is a public official, so do you mean to tell him that they don't already know who he is? Where are the misallocated funds? We are painting lines on roads that need to be paved, and it is a waste of money. Also instead of giving support to SNUG, we are giving support to the Rough Riders, who have been obsolete in this community. Cronin does not understand what is going on, and everybody in here needs to be investigated, not just Mr. Green. He urged us to get the State Troopers out of here and get our police department in order. Also get police officers that care about community relations and stop all of the nonsense.

Margaret Scalzo, Oak St., stated that she has called the codes office on several occasions, and when she finally went down to the office they were very helpful. She was told by the supervisor that the office is short staffed. We need to help that office since there are a lot of issues that deal with code compliance. A woman bought a one-family home on her street and now she wants to turn it into a two-family home. It is like a rooming house, with a basement apartment that has a window that nobody could fit in if there was ever a fire. This is her city too and she hates to see what is going on.

Sue Young, Liberty St., commented that she has lived and had a business on Liberty Street for forty years. The hell that the businesses have been put through in the last three months is unacceptable. The City of Newburgh does not really seem to care about businesses. She knows the poor need help too, but, if you support your businesses then your poor will have jobs. With the construction on Liberty Street you are hurting your businesses. There is no parking due to all of the construction. Is alternate side parking still a thing, because you can't even find parking? There is no support or help. She would love to see some of the council members come into her business and say 'Hello'. She urged them to come in and see what they are dealing with. She can't get her customers inside her business, and she won't even discuss lost revenue. Find out what is going on there. It was supposed to be a three month project, yet it is going on and on and on.

Michelle Basch, Broad St., commented that she is sure that the streetscape is going to be gorgeous once it is done. But with that said, with all of the construction on that block, and having gone through Covid-19, the businesses are still here. She said, "It ain't easy." A lot of dust is being kicked up from the construction site, and while you can't do much about it now, in the future it would be easier if one side of the street was finished before you move onto the other side. We need the city to help advertise its businesses. We have some of the greatest bodegas and amazing businesses here, and the city needs to showcase that fact. We all work hard together and we need the city's support. She implored all of the council persons to represent everyone in this city with the due respect and decorum that is necessary to represent the city in front of its residents, politicians, the County, State and Nationally.

Ray Harvey, Carpenter Ave., thanked the Recreation Department for National Night Out. He has received calls regarding the speeding on Liberty Street, specifically from South Street to Broadway. He witnessed at least six cars driving by doing 50-60 MPH. Stop signs need to be erected. Although he is glad that the road is black topped, it is like the vehicles are drag racing, and it is getting out of hand. We need money in the budget for next year's Juneteenth celebration. We want it to be big, as it is a celebration for the city. Other cities are celebrating big. He asked Ms. Boyd about the scholarships.

Ms. Boyd stated that she sits on the scholarship board, and they gave two NFA students scholarships last year. This year they are going to reevaluate to hand out two more scholarships because there is a need.

Eartha Agustin, City Terrace North, remarked that she is landlord. She received two violations for the same issue, and from two different codes officers. She called the first

one and set up an appointment, but, when she arrived he was a no show. When she asked if anyone else could help her she was told she was not on the calendar. In the meantime she received another violation for the same thing. She spoke with the other officer, the issue was explained, and Agustin fixed the issue. She then received a summons for the first violation that she received. You don't send her to court for something that she tried to resolve. The city police department does need help and she can see the State stepping in to assist. Yet perhaps they would be of better service if they assisted in an area where the young people were congregating on the one-wheeled motorcycles. One day she felt as if she was going to hit one of them if she had moved her car just the slightest. She has also witnessed cars running red lights. In these cases, police services could be better served in these areas instead of engaging in what seems to be the harassment of Councilman Shakur.

Judy Thomas, Benkard Ave, announced that the Newburgh Open Studios is going to be held the last weekend in September from 12 PM until 6 PM. She hopes there is a way that the city can help support the event, and help get the word out to residents. She would like a follow up on the cat discussion from the last time. Everyone is talking about traffic, but, the motor bikes are also parking on the sidewalks so that people can't get through. What is the progress in getting stop signs at some of these hot corners? She would like to see more attention given to broken streets and potholes, which are mostly in underserved neighborhoods. City-sponsored trash receptacles on some of the corners would be nice. On July 29, 2021 she witnessed State Troopers from her balcony porch, interrogating a nicely dressed young man for about fifteen minutes. When they left she called him over and introduced herself. He said he did not know what he did, but he ended up getting a citation for walking in the middle of the street. When she asked him how he felt about the incident, he told her that it felt like he was being terrorized. While she knows that the State Police have jurisdiction, silently terrorizing our neighborhoods is not the way to go.

Ann Sullivan, Ellenville, supports the call to get the State Police out of the City of Newburgh. Other communities have stated their position that they don't want them to come here, and Newburgh can put the word out publicly. Previously supervisors of the State Police informed her that they only go into communities where they are invited. Sullivan stated that she witnessed an incident in July, in which the young man was not handed a card by the State Police after he and his person and property were searched. The State Police are not actually being good actors in this community. They don't wear body cameras, they don't issue cards, and they are making things worse rather than better. Why not pull out of the joint task force, or cease all operations until the new commissioner and police chief have a chance to come onboard. We haven't had a 203 Meeting in a while, it is essential, and it is needed. A week ago on July 31st, three police cars followed her into the gas station after she returned from a long cross country road trip. Once she got out and transferred her luggage and took over the driving of another vehicle, the three police cars doing the traffic stops left. It makes her wonder what type of targeting and harassment is being directed at Mr. Shakur. She is just making sure that our city police department is not playing into that harassment in any shape or form.

Dr. Chhabra, Bridge St., has resided here for the last twenty years. He saw that his name appeared on agenda item #15 regarding 185 Broadway. He did not understand the technical term 'restrictive covenant', so he did some research. Two years back he appeared before the city council about an issue concerning this property. He is disturbed that the city has not done anything with the property in last five years. It is subject to vandalism, and it is situated next to his property at 187 Broadway. He bought the property twenty years back, and put \$200K into it to fix everything, including the plumbing and electric. He stated that he witnessed a city official coming in to off load all of the contents of the property, including some laundromat machines he was storing in the building. He was referred to the Corporation Counsel. Chhabra stated that all of the laws and bylaws have not been followed by the city. The property is under a legal entanglement, as it is encroaching upon his property at 187 Broadway.

Megan Celeste Napier, Grand St., wished she could have her family and community from South Africa to be here to represent her. She realizes that corruption exists everywhere, and the greatest gift to work against corruption is Love. She was a victim of corruption before she even arrived here. Her pastor wrote a statement about her character, including her concerns for the homeless and the destitute. We can attain more in life if we make people feel like they are stars. When people do the wrong thing, it should be discussed in privacy, so as not to humiliate anyone publicly. She does not want to become a member in this town who becomes hurt because she speaks up because she has no one to defend her. She wants to become a teacher in this community to help the children. They are innocent and we can learn a lot from them. She would like to meet with the police chief, so that he can instruct his staff not to listen to lies, and to follow the law. If you follow the Law of God and the law of this great country, then you will be a great human being.

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. This is one of our largest attended meetings since Covid-19. It is very important that if someone asks the council a question you stay for the council's reply. He does not like to mention people's names publicly; but, to the gentleman that said he reached out to the council members and the mayor, Grice stated that is not accurate. Once the man did reach out to him, and he gave him his number and an opportunity to meet with him face-to-face about his concerns. The request for stop signs and the like should be brought before the city's Transportation Advisory Committee too. The committee does a lot of research, and it is the recommendations of that board that the council follows. The codes department does need support, along with training and additional staffing. The council looked into the Housing Authority before, and they certainly can look into it again. The trees do need proper

care. He pointed out that he and Shakur have been looking at ways to support the businesses on Liberty Street. There is an upcoming hearing on the law on dirt bikes. His family loves to ride them, but that is different from people who are riding them dangerously on sidewalks and going against the traffic. Our police department is not as well staffed as it should be. The city is getting new leadership soon and the department is looking forward to it. The State Troopers are here; but, we can certainly look into how they are operating in the city, as part of the GIVE program. Grice has made it known that he is in favor of an Olympic size pool so that the children can learn how to swim and have swimming competitions. Hopefully we can do more roof stabilizations in the future.

Councilman Shakur remarked that he attended a meeting after National Night Out. In speaking with someone from the CDC, they wondered why our community, especially a minority community, was not getting vaccinated. National Night Out would have been a prime opportunity to have a vaccination drive. Moving forward we need to make sure we cover these things. There was a bad accident on Liberty Street. We definitely need to put something in place to stop the speeding. He asked for a timeline on the swimming pool. The Juneteenth committee is being put together, and hopefully it can be an annual event, just like Frederick Douglass Day, in which we can drop some of the event permit procedures. There is an overwhelming State Police presence in our community. Shakur stated that he was arrested recently. He won't speak on it publicly until after his court date in two weeks; but he has witnesses and video footage. Although we need a police force here, during a pandemic and with all of the work that we have going on in our city, we don't need a police force that overwhelms our community with insensitive training practices and procedures. He encouraged everyone to come out to his court date on August 26th and see for oneself what happened during his arrest. He stated that he would make a statement about it then. He received a phone call about boarded up property in the city. It turns out that somebody overdosed at 152 Johnston Street. Thankfully nobody died, but, there was a number of people living at the property. He mentioned this to the Codes department. Shakur stated he has discovered many permits that are no longer valid. In the last two weeks he has been out in the community doing code compliance work, and he hasn't really seen the supervisor in the community doing his work.

Councilman Sklarz remarked that tonight's meeting has a wonderful turnout. His fellow council person has issues with the police, and he gets it. But his refusal to follow a simple police directive of providing his license and registration, while directing vulgar language at the officer, reflects poorly on him, his position as a council person at-large, and it sets a very dangerous example for our young people. It makes Newburgh look bad. Sklarz stated that his colleague has been censured by this council for similar behavior in the past, and perhaps the council should consider a censure for this latest incident. Should the council fail to do so, would reflect poorly on them, and it will fail to represent the citizens that they serve. Our vaccination rate for in the State has lapsed nationally, as it has reached 70 %. The rate is not accurate though, and the result of that has been a spike in the infection rate. Sklarz received information from the CDC and County Health Department that the rate for the 12550 zip code is actually at 50%. We are trying to get Newburgh's rate up, and he encouraged everyone to get vaccinated. He thanked

Recreation and DPW for bringing water parks to the neighborhoods. It is a great treat for the kids. Hopefully over the next few years, we can transform the swimming pool. A positive outcome of the 203 Committee was the creation of Chaplaincy Unit. It will provide an opportunity for officers to discuss issues with someone outside of the chain of command. The new unit will also help to bridge the gap between the community and the police. He is looking forward to the unit providing a great benefit for the city.

Councilwoman Sofokles concurred with everything that Sklarz said. She commended the police department and PCRAB for the event they had in Downing Park a couple of weeks ago. We are going to have a public hearing on the dirt bikes, as it has been one of her pet peeves for a couple of years now. She thanked everyone for coming out. She is aware of the concerns that Mrs. Scalzo brought up tonight, and she is sure that Sklarz will look into the issue on Oak Street. We have to work on our codes department. The other day she and her daughter couldn't get down on Liberty Street to have lunch, and it really disturbed her. Being a business owner herself, she understands the problems that the businesses are facing, and it is a real disruption to their businesses. Hopefully something will be remediated soon so that everyone can come back and enjoy the shopping and dining on Liberty Street. She pointed out that the Newburgh Urban Farm will be at the Shelter House on September 25th, and she hopes that everyone can come out and support the organization.

Mayor Harvey thanked everyone for coming out. Even though the State Troopers have jurisdiction anywhere in New York State, we do have an opportunity to speak to the rank and file, and he also has a new friend in Albany by the name of Leticia James. She is the Attorney General, and she is the 'Top Cop' in New York State. If there is ever a problem with the Troopers in Newburgh then he will be speaking with her on the matter. We have some exciting and historical news in our police department. On August 23, 2021 the swearing-in ceremony for the new police chief and the new police commissioner is scheduled. There has been some significant work going on behind the scenes to support the police department to get the proper leadership in place, so that we can adhere to the 203 Executive Order. Our 1st Muslim Woman of Color Anika Mohammad will be presiding over the ceremony. Once the new leadership is in place it will help us reimagine and rebuild the community-police relationship in our city. Getting the new leadership roles in place will help us interact better with the State Police in our community. We are addressing the dirt bikes, and there will be a public hearing on it. He believes that if we are going to take something away, then we have to provide an alternative, and that is what we are working on. There are serious traffic issues on South Street, Marine Drive, River Road, Broadway and some of the other intersections in our city. He gets calls about them every day. It is going to be a top priority once the police commissioner and police chief take their positions. In September the second half of our road pavement plan will occur. He pointed out that when you mill and pave in an urban city, by Federal Law you have to do the ADA-complaint curbs and curb ramps. We are walkable city, and there is extra \$2-\$3 Million added to the tab. We are required to do this unlike the towns, which are not walkable cities. The Street Sweeper program has finally kicked off, and he thanked Mr. Garrison and staff and everyone in the legal

department for helping to get it off the ground. The program is made possible by working in conjunction with RECAP, the DA's office and the GIVE program.

This portion of the meeting was closed.

CITY MANAGER'S REPORT

Resolution No. 186 - 2021 - PIN No. 8761.91 Change Order No. 3 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project

Councilman Shakur stated that we just had residents come up and talk about a project that is long overdue, and we are not even helping the businesses that are already damaged by it. He is appalled that we are even considering giving them extra money. They need to finish the job. This entire weekend the street was blocked off and closed so that you could not even get to your house. He stated that he would make sure that the company never gets another contract in this city again, because he will make sure that the people come out to protest it.

Councilman Grice moved and Councilman Shakur seconded.

Ayes: Grice, Sklarz, Sofokles, Harvey - 4

Nays: Shakur-1

Adopted

Resolution No. 187 - 2021 - PIN No. 8761.91 Change Order No. 4 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project

Councilman Sklarz moved and Councilman Shakur seconded.

Ayes: Grice, Sklarz, Sofokles, Harvey - 4

Nays: Shakur-1

Adopted

Resolution No. 188 - 2021 - PIN No. 8761.91 Change Order No. 5 with Consorti Bros. Paving & Sealcoating Inc. for the Liberty Street Streetscape Project

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Sklarz, Sofokles, Harvey - 4

Nays: Shakur-1

Adopted

Resolution No. 189 - 2021 - SEQRA Long Term CSO Control Plan Phase III and IV Projects

Councilman Shakur moved and Councilwoman Sofokles seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 190 - 2021 -2021 PKFOD Engagement Letter (Audit)

Mayor Harvey supported an audit so that we can continue to strengthen our fiscal house. Our City Manager has done an excellent job when he worked in the role of City Comptroller. The audit that was approved is to continue that effort, especially when you get someone that comes up to the microphone and states that there is corruption in the city. He said, "Men lie, women lie; but the numbers don't lie."

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 191 - 2021 - Agreement with CMA for Financial Advisory Services

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 192 - 2021 - 81 Henry Avenue - Partial Release of Restrictive Covenants

Corporation Counsel explained that we have had several partial releases of covenants in the past. In this regard, there is an owner occupancy restriction in which the property

owner has satisfied all of the requirements for the rehabilitation of the property. The property has been brought up to code and it is habitable. The owner now has a five-year obligation to live in the property. When that time is complete he can then ask the council for a release of the final covenant.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 193 -2021 - 185 Broadway - Release of Restrictive Covenants

Corporation Counsel explained that the City currently owns the property. It was reacquired in 2017. When we reacquired it all of its interests should have merged into one *fee simple title*. The title company is asking for the city to file an instrument with the Real Property Records of Orange County that cancel out the deed covenants from the 2003 deed. It is a housekeeping item, and she pointed out that they have a purchaser, who is planning to do a mixed-use project Under the city's disposition policy the local purchaser has the bonus, which allows them to be the successful bidder on this property.

Councilman Shakur mentioned, that for transparency on the matter, he has been speaking with Dr. Chhabra about this property. He also explained to him that the property has already been sold.

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 194 - 2021 - 222 City Terrace - Release of Restrictive Covenants

Councilman Grice moved and Councilman Sklarz seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 195 - 2021 - 25 Liberty Street, WH - Release of Restrictive Covenants

Councilman Sklarz moved and Councilwoman Sofokles seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 196 - 2021 - Letter of Agreement with Orange-Ulster BOCES for Microfilm Storage

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 197 - 2021 - to Award a Community Development Block Grant (CDBG) Subrecipient Agreement to Habitat for Humanity of Greater Newburgh for a Homeowner Roof Repair Program

Mayor Harvey thanked everybody involved in an effort to help homeowners, especially the elderly community, who may be in need of roof repair. The program assists low and fixed income families in our city. He hopes that this program will grow so that we can assist more families at some point. Right now it will help four families in financial need. As a working man he knows what it is to have to have a roof fixed. It is a serious issue. If you don't have a good roof on your home it can be a horrific situation, as there can be health issues when mold sets in.

Councilman Sklarz moved and Councilwoman Sofokles seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 198 - 2021 - to Award a Community Development Block Grant (CDBG) Subrecipient Agreement to Choice Films for a Film and Television Training Program for Youth and Young Adult Residents of the City of Newburgh

Mayor Harvey thanked the council for its unanimous support, and for everybody that came out in the community and stood up when the Media said disparaging things about

the young people in a rap video. The city youth were using their freedom of speech and artistic expression, and the mayor just happened to be coming through, and that is how he ended up in the video. Everybody that came out to speak up for our youth and say that we are not going to stand for the Media painting a negative picture of African-American youth and men; nor men, in general. We got Choice Films involved, and we have a chance to really put some money where our mouth is, for training. These film boot camp training sessions are for both youth and young adults. Harvey stated that he was in the film industry for many years, and he plans to go back into the movie business, in some capacity, when he retires from teaching. There is an influx of film production in the Hudson Valley that you would not believe. There is a serious effort to support that need and want in the film industry in this area.

Councilman Sklarz moved and Councilwoman Sofokles seconded.

Ayes: Shakur, Sklarz, Sofokles, Harvey - 4

Adopted

Resolution No. 199 - 2021 - Agreement with CPL, Inc to undertake Planning and Design work for Repair or Replacement of the Aquatics Center and for the Construction of Splash Pads at Delano Hitch, Tyrone Crabb, and Xavier Lunan Parks

Councilman Shakur requested a timeline for the pool repair.

Director of Recreation Sam Sutton explained that there will be several steps leading up to the repair, and he does not foresee it being completed by next summer. This is why we are looking at separate options, such as the splash pads at the community parks, so that we can bring recreation to the community while the construction is being done. All of the splash pads will be new. They will be ready for next summer for the children and families to enjoy. Also we are looking to expand the summer playground series for next summer.

Mayor Harvey commented that he would be in communication with the Newburgh Enlarged City School District and Mount Saint Mary's College to see if we could partner with them in opening their swimming facilities for city residents, if necessary. We've got a really good plan even if the pool itself won't be open next summer. Harvey stated that he knows some anonymous gifts have been offered from the personal budgets of individuals to help with the repair of the pool. He is only speaking for himself, but he is hopeful that we can get an Olympic-sized pool for, not only the children, but for adults and elderly too, for night swimming. Swimming is a heart healthy activity, and it is a good way to burn calories. We will see what our options are and take a vote.

Councilman Grice moved and Councilman Sklarz seconded.
Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5
Adopted

Resolution No. 200 -2021 - Amendment to Personnel Book

Councilwoman Sofokles moved and Councilman Grice seconded.
Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5
Adopted

Ordinance No. 4 - 2021 - adding Section 21.2 to Chapter 288 to prohibit parking of commercial vehicles, attachments and trailer units

Councilman Sklarz moved and Councilwoman Sofokles seconded.
Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5
Adopted

Resolution No. 201 - 2021 - Scheduling a Public Hearing regarding a Local Law enacting Chapter 287, Vehicles, Off-Road

Councilman Sklarz moved and Councilman Grice seconded.
Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5
Adopted

Resolution No. 202 - 2021 - to Appoint Thomas Foti to the Civil Service Commission

Councilman Shakur does not know who the individual is, yet we are voting on this person. Newburgh is an 80 percent Black and Latino community, and all of the boards

are comprised of 90 percent White people. We need that same diversity that we are seeking in our city to be reflected on our boards too.

Todd Venning explained that Mr. Foti was the lone person to submit a letter of interest. Some boards have a lot of demand, and some boards don't have as much. We fill the boards based on who provides a letter of interest. Mr. Foti meets the requirements, he is a city resident, and being a registered Independent Voter, makes his political party affiliation different from the other candidates.

Michelle Kelson pointed out that the Civil Service Commission is comprised of three members. Vera Best, who has sat on the board for a number of years is a Woman of Color; and the other two members, if approved tonight, will be two White Males. However, we have a number of boards that have vacancies. We have advertised, begged and pleaded for anybody, who is a city resident, and who is interested in getting involved in city government, to please send her his or her name and letter of interest. We will talk to you about finding you a place to help us out. She urged interested persons to contact the City Manager's Office or come talk to her directly. We are always in need of alternate members, so this is not the only opportunity to serve. There are openings on the Ethics Board, PCRAM, Land Use, and the Redistricting Our City for 2023. We will find you a volunteer opportunity.

Councilman Grice reiterated that we have some committees that really need people to fill those positions. He would like it to be advertised on our web page again. Or if you are connected with organizations, then please have people come out. We do need representation that accurately reflects our community. There is no such thing as one committee being more or less important than another, as they are equally important. He encouraged people to apply. The council does listen to the recommendations and input of its committees. They put a lot of hard work into it, especially when they bring up issues before the council.

Kelson stated that we continuously put the word out on the city's website and social media pages, and we advertise the call to serve in the city's local newspapers as well. In the meantime, if someone would like to serve we maintain a repository of application. There is always turnover on the boards, and we are always seeking committed residents that want to help do things in their community.

Mayor Harvey stated to Shakur's point that we definitely want our committees to reflect the diversity our city. There is no resistance to that, but, they are volunteer positions. He will do his best to get digital flyers out. He also maintains a few social media sites and knows some community organizations that do that as well. We will continue to push that for the fall.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

Resolution No. 203 - 2021 - Authorizing a Settlement Agreement

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Shakur, Sklarz, Sofokles, Harvey - 5

Adopted

The City Manager concluded his report.

RESOLUTION NO.: 186 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 3 INCREASING THE CONTRACT AMOUNT
FROM \$664,327.00 TO \$676,536.15 IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, additional work was required to be performed after unanticipated conditions were discovered underneath the existing sidewalk on the east side of the street resulting an increase the total cost of the Project of \$12,209.15 to a total contract price of \$676,536.15 and requires a change order to the contract; and

WHEREAS, funding for the Project in the amount of \$676,536.15 shall be derived from (CDBG) CD1.8686.0400.8030.2020 - 2020 CDBG and TE.8686.0400 - Washing Machine;

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 Change Order No. 3 increasing the total contract price by \$12,209.15 to a total contract price of \$676,536.15 in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 187 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 4 INCREASING THE CONTRACT AMOUNT
FROM \$676,536.15 TO \$698,256.15 IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, additional work was required for the excavation and placement of materials adjacent to the Verizon communications duct bank along the west side of Liberty Street resulting an increase the total cost of the Project of \$21,720.00 to a total contract price of \$698,256.15 and requires a change order to the contract; and

WHEREAS, funding for the Project in the amount of \$698,256.15 shall be derived from (CDBG) CD1.8686.0400.8030.2020 - 2020 CDBG and TE.8686.0400 - Washing Machine;

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 Change Order No. 4 increasing the total contract price by \$21,720.00 to a total contract price of \$698,256.15 in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 188 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 5 FOR A NO-COST TIME EXTENSION IN THE
CONSORTI BROS. PAVING & SEALCOATING, INC. CONSTRUCTION CONTRACT
IN THE LIBERTY STREET STREETScape IMPROVEMENTS PROJECT**

WHEREAS, by Resolution No. 143-2020 of July 13, 2020, the City Council of the City of Newburgh awarded base bid, alternate no. 2 and alternate no. 3 for construction of the Liberty Street Streetscape and Sidewalks Improvements Construction Project (the "Project") to Consorti Bros. Paving & Seal Coating, Inc., in an amount not to exceed \$749,395.00; and

WHEREAS, by Resolution No. 94-2021 of April 26, 2021, the City Council approved Change Order No. 1 which included an extension of time for substantial completion of the contract until July 14, 2021 due to severe winter weather and COVID-19, the Project construction was delayed to the spring; and

WHEREAS, unforeseen additional work was required after commencement of the Project, including unanticipated conditions were discovered underneath the existing sidewalk on the east side of Liberty Street and the excavation and placement of materials adjacent to the Verizon communications duct bank along the west side of Liberty Street, which were addressed in Change Orders No. 3 and No. 4, respectively, resulting in the need for further extension of time substantial completion of the contract until September 30, 2021;

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 Change Order No. 5 to extend the time for substantial completion of the contract until September 30, 2021 and in connection with the Consorti Bros. Paving & Seal Coating, Inc. contract for the Liberty Street Streetscape and Sidewalks Improvements Construction Project

RESOLUTION NO.: 189 - 2021

OF

AUGUST 9, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA) FOR THE LONG TERM CONTROL PLAN
PHASE III NORTH INTERCEPTOR IMPROVEMENTS PROJECT AND
PHASE IV WASTEWATER TREATMENT PLANT DISINFECTION PROJECT,
DECLARING THE PROJECTS TO BE TYPE II ACTIONS, ADOPTING THE
ENVIRONMENTAL ASSESSMENT FORM,
FINDING NO SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AND
AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SEQRA DOCUMENTS

WHEREAS, the City of Newburgh is subject to an Order on Consent with the New York State Department of Environmental Conservation to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan ("LTCP"); and

WHEREAS, pursuant to a Modification Order on Consent approving a Schedule of Compliance for Phase I through V of the LTCP, the City is undertaking Phases III and IV of the LTCP consisting of the North Interceptor Improvements Project (the "Phase III Project") and the Wastewater Treatment Plant Influent Sewer and High Rate Disinfection Project (the "Phase IV Project") and collectively referred to as the "Phase III and Phase IV Projects"; and

WHEREAS, the City of Newburgh intends to prepare documents necessary to complete a funding award through the Environmental Facilities Corporation; and

WHEREAS, the City desires to comply with the New York State Environmental Quality Review Act ("SEQRA") and the regulations contained within 6 NYCRR Part 617 (the "Regulations") with respect to the Phase III and Phase IV Projects; and

WHEREAS, under Section 617.5(c)(35) of the SEQRA Regulations, the Phase III and Phase IV Projects are undertaken in connection with civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion, and under Section 617.5(c)(1) and Section 617.5(c)(2) of the SEQRA Regulations, the Phase IV Project involves the maintenance or repair involving no substantial changes in an existing structure or facility and the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York the Phase III and Phase IV Projects constitute "Type II" Actions, as the quoted term is defined in the SEQRA Regulations and that no further review for SEQRA purposes is required; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary in connection with this SEQRA classification for the Phase III and Phase IV Projects.

Memo

**SUBJECT**

City of Newburgh Long Term Control Plan
Phase III and IV Projects – State Environmental Quality
Review Act (SEQRA) Action Classification

TO

Jason Morris, PE
Newburgh, City Engineer

DATE

July 29, 2021

PROJECT NUMBER

30056038 / 30034738

NAME

Robert Ostapczuk, PE
(518) 250-7300, Robert.Ostapczuk@arcadis.com

Arcadis of New York, Inc. has been retained by the City of Newburgh (City) to complete engineering services for the design and construction of Phase III and Phase IV of the Long Term Control Plan (LTCP) Implementation project to bring the City into compliance with the United States Environmental Protection Agency (EPA) Combined Sewer Overflow (CSO) Control Policy. Phase III of the LTCP project consists of rehabilitation of the City's existing North Interceptor sewer. Phase IV of the LTCP consists of rehabilitation of the City's existing Water Pollution Control Plant (WPCP) Influent Sewer, as well as expansion of the existing WPCP infrastructure to provide screening and high rate disinfection of wet weather flows prior to discharge to the Hudson River. The LTCP project will result in a decrease of untreated discharge to the Hudson River from the City's existing 13 combined sewer outfalls by about 100 overflow events per year, or a decrease of approximately 56 million gallons per year of untreated raw sewage, bringing the City into compliance with the EPA's CSO Control Policy of 85% capture of wet weather flows for treatment. This project is being undertaken in response to a New York State Department of Environmental Conservation Order on Consent dated November 1, 2011 (Case No. R3-20110107-17).

The potential adverse environmental impacts have been reviewed in accordance with 6 New York Codes, Rules and Regulations (NYCRR) Part 617 – State Environmental Quality Review Act (SEQRA) and the State Environmental Review Process (SERP) in accordance with 40 CFR 35.3140. A Full Environmental Assessment Form was prepared and attached to this memorandum. The proposed action has been classified as a Type II Action because it meets the following item on the Type II Action list (Part 617.5):

- (C) (35) "Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;"

Furthermore, Phase IV of the project is classified as Type II Action because it meets the following items on the Type II Action list (Part 617.5):

- (C)(1) "Maintenance or repair involving no substantial changes in an existing structure or facility;"
- (C)(2) "Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;"

The proposed action does not meet or exceed any of the thresholds established in section 617.4 – Type I Actions. This SEQRA summary has been prepared to support the action classification for the proposed project.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Floatables Control and Disinfection Facility/WPCP Influent Sewer, and North Interceptor Sewer Improvements		
Project Location (describe, and attach a general location map): City of Newburgh, New York. See Attachment 1 for further description and location maps.		
Brief Description of Proposed Action (include purpose or need): See Attachment 1.		
Name of Applicant/Sponsor: Todd Venning, City Manager		Telephone: 845-569-7301
		E-Mail: tvenning@cityofnewburgh-ny.gov
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Jason C. Morris, City Engineer		Telephone: 845-569-7448
		E-Mail: jmorris@cityofnewburgh-ny.gov
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): See Attachment 1.		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City of Newburgh	
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYS EFC, NYS DEC, NYS SHPO, NYS DOT	July 2021
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	☐ Yes ☒ No
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	☒ Yes ☐ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	☐ Yes ☒ No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	☒ Yes ☐ No
If Yes, identify the plan(s): Remediation Sites: 546031, Remediation Sites: 336042, Remediation Sites: 336036 _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	☐ Yes ☒ No
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Planned Waterfront District (PWD), Residential - Low Density (RL), Waterfront Gateway (WG), Park, Downtown Neighborhood, Conservation Development District
- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No
- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Newburgh City School District
- b. What police or other public protection forces serve the project site?
City of Newburgh Police Department, Orange County Sheriff
- c. Which fire protection and emergency medical services serve the project site?
City of Newburgh Fire Department
- d. What parks serve the project site?
Wards Brothers Park

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Industrial
- b. a. Total acreage of the site of the proposed action? 13 acres
b. Total acreage to be physically disturbed? 3 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11 acres
- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____
- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____
- e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
 - Total number of phases anticipated 2
 - Anticipated commencement date of phase 1 (including demolition) 04 month 2022 year
 - Anticipated completion date of final phase 01 month 2025 year
 - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

See Attachment 1.

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>2</u> ii. Dimensions (in feet) of largest proposed structure: <u>25</u> height; <u>50</u> width; and <u>80</u> length iii. Approximate extent of building space to be heated or cooled: <u>1,400</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☒ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? <u>Installation of North Interceptor and Influent Sewers, building foundations, and outfall sewer</u> ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): <u>45,000 Cubic Yards</u> • Over what duration of time? <u>30 months</u> iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. See Attachment 1. _____ iv. Will there be onsite dewatering or processing of excavated materials? ☒ Yes ☐ No If yes, describe. <u>On-site dewatering for saturated excavated material prior to removal from site; will consist of generic drying beds or geo-tubes. This will be determined based on site conditions and available space.</u> v. What is the total area to be dredged or excavated? <u>2.5</u> acres vi. What is the maximum area to be worked at any one time? <u>0.5</u> acres vii. What would be the maximum depth of excavation or dredging? <u>50</u> feet viii. Will the excavation require blasting? ☐ Yes ☒ No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Hudson River (Class B, PWL ID: 1301-0003, Water Index Number: H (portion 3)).</u> _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: Construction of FCF will require a new outfall to the Hudson River adjacent to the existing outfall for the wastewater treatment plant. The shoreline will be disturbed and restored during construction. The current untreated combined sewage discharge to the Hudson River from the City's existing 13 combined sewer outfalls will decrease by approximately 56 million gallons per year improving water quality along the waterfront.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No

If Yes, describe: Temporary disturbance from the construction of the outfall, mitigated by silt curtains, sheet piling or other methods.

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ See Attachment 1. gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No

If Yes:

- Name of district or service area: City of Newburgh
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ See Attachment 1 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh WPCP
- Name of district: City of Newburgh
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☒ Yes ☐ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes:	
• Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
See attachment 1	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel?	
_____ Square feet or _____ acres (impervious surface)	
_____ Square feet or _____ acres (parcel size)	
ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)	
Maintenance vehicles _____	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)	
None _____	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)	
Existing emergency generator at the WPCP will provide backup power to the FCF.	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____	
ii. In addition to emissions as calculated in the application, the project will generate:	
• _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
15,000 kWh/yr

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
Power will be supplied from the existing WPCP.

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 6 a.m. to 6 p.m.
- Saturday: _____ 6 a.m. to 6 p.m.
- Sunday: _____ 6 a.m. to 6 p.m.
- Holidays: _____ 6 a.m. to 6 p.m.

ii. During Operations:

- Monday - Friday: _____ 24 hours
- Saturday: _____ 24 hours
- Sunday: _____ 24 hours
- Holidays: _____ 24 hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: Typical construction activities will exceed normal ambient noise levels during construction. No new sources of noise will be generated during operation.	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: Standard outdoor security lighting for visibility around the FCF.	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☒ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: Debris from combined sewage has the potential to produce odors. The FCF will be washed down automatically after a wet weather event and odor control will operate during the wet weather event.	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☒ Yes ☐ No If Yes: i. Product(s) to be stored Sodium Hypochlorite and Sodium Bisulfite ii. Volume(s) 9500 gal. per unit time _____ month (e.g., month, year) iii. Generally, describe the proposed storage facilities: See Attachment 1.	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The North Interceptor will be routed through a variety of land uses such as a condominium complex, roadways and sidewalks along commercial business-fronts, and industrial facilities. The FCF is located adjacent to the existing WPCP (Industrial).

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	9	9	0
• Forested	2	2	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2	2	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: N/A			

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No
i. If Yes: explain: Rowing club parking

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
If Yes,
i. Identify Facilities:
Mt. Saint Mary College, Bishop Dunn Memorial School, Newburgh School of Excellence, Horizons on the Hudson, St. Patrick's School, Orange County Community College, Newburgh Performing Arts Academy, A&T Healthcare, The Cornerstone Residence, Hudson Pointe Senior Apartments

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☒ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: Institutional knowledge says that an incinerator was on the adjacent site has been closed for decades
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
The solids waste facility was located on the northeastern corner of the the adjacent Water Pollution Control Plant, it is approximately 750 feet from the proposed site. The incinerator did not appear on Environmental Mapper or EDR reports with any open cases.
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☒ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
Consolidated Iron and Metal Site (336055) - Former scrap metal junk yard site bordering the Hudson River. Site was used from 1960 to 1999 to carry out scrap metal processing and storage operations. During operation a smelter was used to melt aluminum and other metallic materials.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): 546031, 336042, 336036
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
N/A

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 336036, B00188, 336042, 336055, 546031, B00189
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
See Attachment 1.

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No																	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____																	
E.2. Natural Resources On or Near Project Site																	
a. What is the average depth to bedrock on the project site? _____ 20 feet																	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																	
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Urban Land (Ur)</td> <td style="width: 20%; text-align: right;">25 %</td> </tr> <tr> <td>Mardin gravelly silt loam (MdD)</td> <td style="text-align: right;">14 %</td> </tr> <tr> <td>Mardin gravelly silt loam (MdC)</td> <td style="text-align: right;">61 %</td> </tr> </table>		Urban Land (Ur)	25 %	Mardin gravelly silt loam (MdD)	14 %	Mardin gravelly silt loam (MdC)	61 %										
Urban Land (Ur)	25 %																
Mardin gravelly silt loam (MdD)	14 %																
Mardin gravelly silt loam (MdC)	61 %																
d. What is the average depth to the water table on the project site? Average: _____ 3 feet																	
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">☐ Well Drained:</td> <td style="width: 60%; text-align: right;">_____ % of site</td> </tr> <tr> <td>☒ Moderately Well Drained:</td> <td style="text-align: right;">75 % of site</td> </tr> <tr> <td>☒ Poorly Drained</td> <td style="text-align: right;">25 % of site</td> </tr> </table>		☐ Well Drained:	_____ % of site	☒ Moderately Well Drained:	75 % of site	☒ Poorly Drained	25 % of site										
☐ Well Drained:	_____ % of site																
☒ Moderately Well Drained:	75 % of site																
☒ Poorly Drained	25 % of site																
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">☒ 0-10%:</td> <td style="width: 60%; text-align: right;">25 % of site</td> </tr> <tr> <td>☒ 10-15%:</td> <td style="text-align: right;">61 % of site</td> </tr> <tr> <td>☒ 15% or greater:</td> <td style="text-align: right;">14 % of site</td> </tr> </table>		☒ 0-10%:	25 % of site	☒ 10-15%:	61 % of site	☒ 15% or greater:	14 % of site										
☒ 0-10%:	25 % of site																
☒ 10-15%:	61 % of site																
☒ 15% or greater:	14 % of site																
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____																	
h. Surface water features. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;">☒ Yes ☐ No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;">☒ Yes ☐ No</td> </tr> </table> If Yes to either i or ii, continue. If No, skip to E.2.i.		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	☒ Yes ☐ No	ii. Do any wetlands or other waterbodies adjoin the project site?	☒ Yes ☐ No												
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	☒ Yes ☐ No																
ii. Do any wetlands or other waterbodies adjoin the project site?	☒ Yes ☐ No																
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No																	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name Hudson River</td> <td style="width: 20%;">Classification B</td> <td style="width: 30%;"></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name</td> <td>Classification</td> <td></td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters, Federal Waters, Federal Waters</td> <td>Approximate Size</td> <td></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="3"></td> </tr> </table>		• Streams:	Name Hudson River	Classification B		• Lakes or Ponds:	Name	Classification		• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters	Approximate Size		• Wetland No. (if regulated by DEC)			
• Streams:	Name Hudson River	Classification B															
• Lakes or Ponds:	Name	Classification															
• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters	Approximate Size															
• Wetland No. (if regulated by DEC)																	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ Name - Pollutants - Uses: Hudson River (Class B) – Priority Organics – Fish Consumption																	
i. Is the project site in a designated Floodway? ☐ Yes ☒ No																	
j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No																	
k. Is the project site in the 500-year Floodplain? ☒ Yes ☐ No																	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Name of aquifer: _____</td> <td style="width: 20%;"></td> </tr> </table>		i. Name of aquifer: _____															
i. Name of aquifer: _____																	

m. Identify the predominant wildlife species that occupy or use the project site:	
Raccoon _____ Rock Pigeon _____ Gray Squirrel _____	American Crow _____ American Robin _____ Striped Skunk _____
n. Does the project site contain a designated significant natural community? ☒ Yes ☐ No	
If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation): _____ Tidal River	
ii. Source(s) of description or evaluation: Environmental Resource Mapper	
iii. Extent of community/habitat:	
• Currently: _____ 0.0 acres • Following completion of project as proposed: _____ 0 acres • Gain or loss (indicate + or -): _____ 0 acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No	
If Yes:	
i. Species and listing (endangered or threatened): _____ Atlantic Sturgeon, Shortnose Sturgeon, Bald Eagle	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No	
If Yes:	
i. Species and listing: _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No	
If yes, give a brief description of how the proposed action may affect that use: _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No	
If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No	
i. If Yes: acreage(s) on project site? _____	
ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No	
If Yes:	
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature	
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No	
If Yes:	
i. CEA name: _____	
ii. Basis for designation: _____	
iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District ii. Name: East End Historic District, Newburgh Steam Mills (Regal Bag Company), Washington's Headquarters, Dutch Reformed Church, Crawford, David, House, Montgomery-Grand-Liberty Streets Historic District iii. Brief description of attributes on which listing is based: _____ The sewer serves these facilities, none of the properties will be altered or construction occur on them.	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

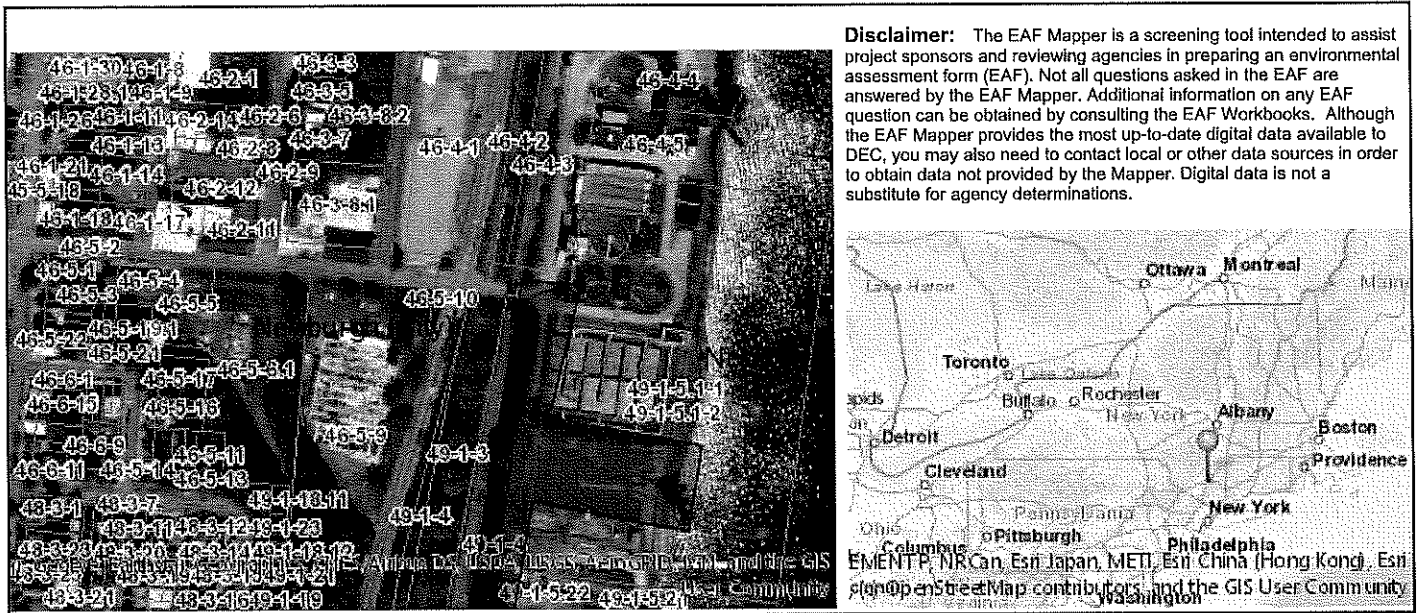
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

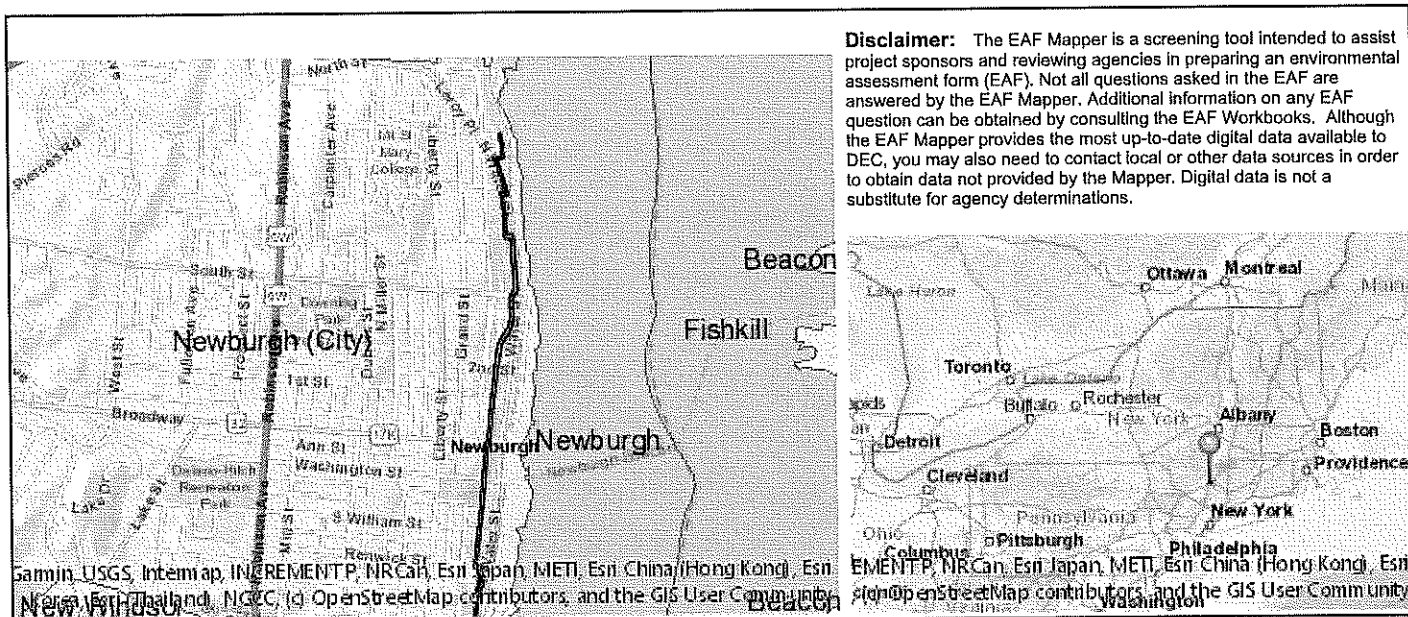


B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336036, B00188, 336042, 336055, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Hudson River (Class B) – Priority Organics – Fish Consumption

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Tidal River
E.2.n.i [Natural Communities - Acres]	0.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EAF Mapper Summary Report

Monday, June 7, 2021 12:13 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336036, B00188, 336042, 336055, B00189, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:NEWBURGH STEAM MILLS (REGAL BAG COMPANY), Washington's Headquarters, East End Historic District, Dutch Reformed Church, Crawford, David, House, Montgomery–Grand–Liberty Streets Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

SECTION A. PROJECT AND APPLICANT/SPONSOR INFORMATION

Project Location

Response to FEAF Part A. Project Location

The project location is in Newburgh, Orange County, New York. The project area spans from Nicoll Street in the City of Newburgh, south approximately 1.5 miles to the existing Water Pollution Control Plant (WPCP) located on River Street. The proposed site for the Floatables Control Facility (FCF) is located in a vacant lot on River Street, on the west bank of the Hudson River adjacent to the WPCP. See Project Area Maps as Figures 1a and 1b.

Brief Description of Proposed Action

Response to FEAF Part A. Brief Description of Proposed Action

The City of Newburgh (City) has executed an Order on Consent (Case No. R3-20110107-17) with the New York State Department of Environmental Conservation (NYS DEC) for the implementation of a Long Term Control Plan (LTCP) to address the City's compliance with the United States Environmental Protection Agency's (US EPA) Combined Sewer Overflow (CSO) Control Policy. The presumptive approach of CSO Control Policy requires 85 percent capture of wet weather flows; at the time that the LTCP was developed, the City captured approximately 73.8 percent of wet weather flows. It was determined that the most cost-effective option in meeting the 85 percent capture requirement of the US EPA Control Policy was to capture wet weather flows by upgrading both the North and South Interceptors. Wet weather flows will be screened and disinfected at a satellite facility prior to discharge to the Hudson River, while dry weather flows to the WPCP will be maximized. A relocated and upgraded WPCP Influent Sewer will convey flows from the tee intersection of the North and South Interceptors, downstream to the Floatables Control Facility (FCF) and WPCP.

The City of Newburgh Water Pollution Control Plant (WPCP) receives flow from the North Interceptor and South Interceptor, which combine into one 36-inch to 42-inch diameter Influent sewer into the WPCP. The North Interceptor, a combined sewer that is between 12-inch and 30-inch diameter, was originally constructed in the 1960's and is located along the east side of the City.

The size and shallow slope of the existing North Interceptor creates maintenance problems for the City with solids deposition. When the City was originally planning and negotiating the terms of the LTCP Consent Order, the City included a project consisting of reconstructing and relocating



Figure 1a. North Interceptor Sewer Improvements Project Area Overview

the North Interceptor to increase wet weather capacity, eliminate maintenance issues and relocate the interceptor to City owned right of ways while providing a reduction in untreated combined sewer overflows. A new, relocated North Interceptor will deliver more combined sewage to the future FCF to be constructed in the area immediately adjacent to the WPCP. The proposed North Interceptor route includes replacing portions of the North Interceptor in the same location as the existing route and relocating portions to provide better access for maintenance and reduce environmental impact. The current untreated discharge to the Hudson River from the City's existing 13 combined sewer outfalls will decrease by about 100 overflow events per year, or approximately 56 million gallons per year of untreated raw sewage when all components of the LTCP are implemented as demonstrated by the current modeling.

The proposed site for the FCF is in a vacant lot on the west bank of the Hudson River adjacent to the Water Pollution Control Plant (WPCP). A private recreational rowing club facility exists immediately south of the project site. The FCF will provide screening and disinfection to wet weather flow volumes over 18 MGD, which is the capacity of the existing WPCP. The WPCP influent sewer will begin where the North Interceptor and South Interceptor join at a tee intersection, at the downstream extent of the North Interceptor Sewer Improvements. The WPCP Influent Sewer will be upgraded in diameter to maximize flow capacity and relocated onto the City's property. The WPCP influent sewer will be elevated approximately 20-feet above grade and supported by structural concrete piers.

The FCF will be a two-story building of approximately 1,400 SF, and will contain screening on the second level, chemical storage, handling, and other necessary equipment on the first level, and a concrete CCT of approximately 4,200 SF, located between the Hudson River and the FCF building described. The WPCP influent sewer will enter the second story of the FCF building and will continue downstream to the north of the FCF building to connect into the existing WPCP influent sewer just upstream of the WPCP headworks building.



Figure 2b. FCF and WPCP Influent Sewer Project Area Overview

Property Owner Information

Response to FEAF Part A. Property Owner Information:

The majority of the North Interceptor will lie in the City of Newburgh's property, roadway or adjacent right of way. Owners of properties the North Interceptor will pass through in addition to the City of Newburgh are listed below.

Property Owner:	Telephone: (845) 565-6863
Ferry Crossing Condominium Association Inc.	E-Mail: N/A
Address: 350 Water Street	

City/PO: Newburgh	State: NY	Zip Code: 12550
-------------------	-----------	-----------------

Property Owner:	Telephone: (845) 562-2980	
Varick Homes Housing Development Fund Company Inc.	E-Mail: N/A	
Address: 69 South St		
City/PO: Newburgh	State: NY	Zip Code: 12550

Property Owner:	Telephone: (845) 562-9255	
Renwick Holding, LLC	E-Mail: N/A	
Address: 25 Renwick St		
City/PO: Newburgh	State: NY	Zip Code: 12550

Property Owner:	Telephone: 1 (877) 744-7279	
CSX Transportation Inc.	E-Mail: N/A	
Address: 500 Water Street		
City/PO: Jacksonville	State: FL	Zip Code: 32202

SECTION D. PROJECT DETAILS

D.1 Proposed and Potential Development

Response to FEAF Question D.1.e.ii:

Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The North Interceptor Sewer Improvements construction (Phase I) will overlap with FCF construction (Phase II); anticipated construction completion date for Phase I is April 2024 while notice to proceed for construction of Phase II is April 2023. The Phase I construction consists of North Interceptor Sewer relocation and upgrades from Nicoll Street through the tee intersection with the South Interceptor. The Phase II construction consists of FCF construction, and WPCP Influent Sewer relocation and upgrades from the tee intersection of the North and South Interceptors to the connection to the existing WPCP Influent Sewer just upstream of the WPCP. The Phase II construction also consists of Regulator structure modifications which regulate flows through the North Interceptor.

D.2 Project Operations

Response to FEAF Question D.2.a.iii.

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Materials to be excavated include earth, soils, and asphalt along the proposed north interceptor route to install the upgraded north interceptor, generally 5-10 feet below grade. Additionally, the WPCP influent sewer and FCF will require excavation for installation of foundations of pier supports for the elevated sewer, and for the proposed facility buildings. Trench excavation will be filled and restored to the original land cover.

A qualified environmental professional or person under their supervision will oversee excavation and load-out of all excavated material. Loaded vehicles leaving the site will be appropriately lined, tarped, securely covered, manifested, and placarded in accordance with the appropriate Federal, State, local and NYSDOT requirements. The locations where vehicles enter or exit the site will be inspected daily for evidence of off-site soil tracking. Cleaning will be performed as needed to maintain a soil-free condition with respect to site derived materials. Transport of excavated materials off site will be performed by licensed haulers in accordance with appropriate local, State, and Federal regulations.

If uncontaminated excavated material is determined to be suitable for reuse on site, stockpiles will be kept covered at all times with appropriately anchored tarps. Stockpiles will be routinely inspected, and damaged tarp covers will be promptly replaced. Soil used for the soil cover system (i.e. above the demarcation layer) may be reused on site or off site without restriction as long as it has not been contaminated by site activity. This material may be used to fill excavations around the facility buildings or foundations, or for miscellaneous site work.

Response to FEAF Question D.2.c.i:

i. Total anticipated water usage/demand per day:

The FCF will require potable water for miscellaneous washdown of equipment/facilities, flushing of the chlorine contact tank (CCT), and chemical building eyewash/shower stations. The demand for potable water will be dependent on wet weather event frequency.

Response to FEAF Question D.2.d.i and D.2.d.vi:

ii. Total anticipated liquid waste generation per day:

After a storm event the FCF will be automatically washed down to mitigate odors with potable water, collected and pumped in the sewer for treatment at the WPCP. The amount of liquid waste will be dependent on wet weather event frequency.

Response to FEAF Question D.2.p.iii.:

iii. Generally, describe the proposed storage facilities:

The sodium hypochlorite storage tanks will be located on the first level of the FCF building and are sized to allow the sodium hypochlorite to be stored as a 5% dilute solution, to reduce chemical degradation.

Two back-to-back 7.5 MG design storms require a total volume of approximately 7,000 gallons of 5% dilute sodium hypochlorite solution to meet the disinfection requirements. The working volume of each sodium hypochlorite tank will be 4,000 gallons, for a total of 8,000 gallons of storage. The sodium hypochlorite tanks will be designed in general conformance with the design criteria shown in the table below.

Sodium Hypochlorite Storage Design Criteria

Criteria	
Stored Solution Concentration (%)	5
Delivered Solution Concentration (%)	12.5
Numbers of tanks	2
Working Tank Capacity (gal)	4,000
Total Working Capacity (gal)	8,000
Diameter (ft)	8.5
Nominal Working Height (ft)	10.5

Sodium hypochlorite is a strong oxidizer and is corrosive, therefore the recommended tank materials is fiberglass reinforced plastic (FRP). Each storage tank will have a dedicated recirculation pump to facilitate keeping the sodium hypochlorite solution well mixed. Peristaltic metering pumps will be used to deliver sodium hypochlorite to the CCT and sized to deliver the chemical over the flow range the Facility is required to handle, and the dose range necessary to achieve the bacteria reduction.

The sodium bisulfite storage tanks will be sized based upon neutralizing a chlorine dose of 25 mg/L to treat the volume of two 7.5 MG back-to-back design storms. The minimum amount of sodium bisulfite needed to dechlorinate one pound of chlorine is 1.465 pounds. This results in a dose of approximately 40 mg/l of 38% sodium bisulfite and requires a total storage volume of 1,200 gallons. There will be two tanks each with a working capacity of 750 gallons, for a total storage capacity of 1,500 gallons. The sodium bisulfite tanks will be designed in general conformance with the design criteria shown in the table below.

Sodium Bisulfite Storage Design Criteria

Criteria	
Stored Solution Concentration (%)	38
Delivered Solution Concentration (%)	38
# of tanks	2
Working Tank Capacity (gal)	750
Total Working Capacity (gal)	1,500
Diameter (ft)	4
Height (ft)	8.5

FRP tanks will be utilized in this application. Peristaltic metering pumps will be used to deliver sodium bisulfite to the CCT and sized to deliver the chemical over the flow range the Facility is required to handle, and the dose range necessary to achieve dechlorination.

Secondary containment will be provided for both chemicals.

SECTION E. SITE AND SETTING OF PROPOSED ACTION

E.1 Land uses on and surrounding the project site

Response to FEAF Question E.1.h.iv:

DEC ID	Current Status
336036 – American Felt & Filter Company Inc.	Remediation of TCA was completed in April of 2018 having met the soil cleanup objectives for commercial use. Residual contamination in the soil, groundwater, and soil vapor is being managed under a Site Management Plan.
B00188 – 7-11 Johnes Street	Former dry-cleaning business at which petroleum was stored underground. In August of 2000, three USTs were removed along with 362 tons of impacted soil. A spill was reported due to poor condition of the tanks. The site is currently vacant with the majority covered with one foot of clean stone. There is potential for inhalation of site contaminants due to soil vapor intrusion for any future development.
336042 – CH - Water St. - Newburgh MGP	Remediation at the site is complete having met the soil cleanup objectives for commercial use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan. Site is currently owned by Central Hudson Gas and Electric Corporation and is occupied by a natural gas regulator station and one control building. The entire site is secured by a chain-link fence.
336055 – Consolidated Iron & Metal	Formerly the site of a car and scrap metal junk yard with a smelter in operation between 1975 and 1999. Contaminants of concern included lead and PCB oil. Remediation at this site is complete having met the soil cleanup objectives for restricted residential use. The site is fenced, and a soil cap is in place. Residual contamination in the soil and groundwater is being managed under a Site Management Plan.
546031 – The Hudson River PCB Sediments	Dredging of the Hudson River was completed in 2015 with habitat reconstruction completed in 2016. Facility decommissioning was performed in 2016.
	The site is currently a vacant lot. A former gas station building was demolished as part of an Interim Remedial Measure (IRM) in December 2010. The site contained several underground and one above ground storage tanks (USTs and AST) which were removed

B00189 – 350/352 Liberty Street	from the site as part of an IRM in January 2011. The site is currently vacant and inactive. The site is zoned for commercial use. The site is bordered to the south by an apartment building, to the east and north by an abandoned industrial building and to the west by Liberty Street.
---------------------------------	--

RESOLUTION NO.: 190 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A LETTER AGREEMENT BETWEEN THE CITY OF NEWBURGH
AND THE FIRM OF PKF O'CONNOR DAVIES, LLP FOR AUDITING SERVICES FOR
FISCAL YEAR ENDING DECEMBER 31, 2021 FOR THE PRICE OF \$89,500.00**

WHEREAS, the firm of PKF O'Connor Davies, LLP has worked diligently in connection with the preparation of the City of Newburgh auditing for fiscal years ending December 31, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020; and

WHEREAS, based on experience and work history the Comptroller has recommended that the firm of PKF O'Connor Davies, LLP be retained for fiscal year ending December 31, 2021; and

WHEREAS, this Council has reviewed the letter agreement attached hereto and has determined it to be in the best interests of the City to enter into the same;

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 letter agreement with the firm of PKF O'Connor Davies, LLP for auditing services for the fiscal year ending December 31, 2021 for the price of \$89,500.00.

RESOLUTION NO.: 191 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT WITH CAPITAL MARKETS ADVISORS LLC
TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF NEWBURGH
RELATING TO NEW ISSUE BONDS, BOND ANTICIPATION NOTES,
TAX ANTICIPATION NOTES, DEFICIT NOTES AND BUDGET NOTES**

WHEREAS, the City of Newburgh is authorized under the New York State Local Finance Law to issue bonds, bond anticipation notes, tax anticipation notes, deficit notes, budget notes and other securities; and

WHEREAS, it is necessary and appropriate for the City of Newburgh to retain independent professional services in connection with the planning, marketing and sales associated with such securities and financing; and

WHEREAS, by Resolution No. 164-2016 of July 11, 2016, Resolution No. 149-2017 of June 12, 2017, and Resolution No. 35-2020 of February 10, 2020, the City Council authorized the City Manager to enter into a professional services agreement with Capital Markets Advisors, LLC to provide such securities and financing services; and

WHEREAS, a written professional services agreement between the municipal advisor and its municipal clients is required by the Securities and Exchange Commission and City Council deems it to be in the best interests of the City to continue such professional services agreement with Capital Markets Advisors, LLC for such services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement in substantially the same form as annexed hereto with Capital Markets Advisors, LLC to provide professional services in connection with the planning, marketing and sales associated with the issuance of bonds, bond anticipation notes, tax anticipation notes, deficit notes, budget notes and other securities.

191-21

Capital Markets Advisors, LLC

Independent Financial Advisors

FINANCIAL ADVISORY SERVICES AGREEMENT

This Agreement has been entered into this _____ day of _____, 2021 by and between the City of Newburgh, New York (the "City") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 11 Grace Avenue, Suite 308, Great Neck, New York 11021.

Section 1 Financial Advisory Services

CMA will provide the following services in connection with bond and note financings (the "Issue"), undertaken by City during the term of this Agreement.

- 1.01 Review legal, financial, economic and other information necessary for CMA to advise the City in planning, structuring and otherwise completing each Issue to be undertaken by the City.
- 1.02 Discuss a plan of financing which will include CMA's analysis and recommendations to the City regarding funding requirements, structuring alternatives, marketing, method of sale, security features, call provisions, credit ratings, credit enhancement, term, federal tax implications and such other matters which the City and CMA agree should be included in the plan of financing.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the City, including but not limited to: term sheet, Official Statement, Notice of Sale and bid sheet, request for a credit rating, request for bond insurance, DTC Letter of Representations, and post-sale analysis.
- 1.04 Upon the request of the City, CMA will assist the City in the selection of other service providers necessary to conduct each Issue including but not limited to Bond Counsel, rating agencies, bond insurer, underwriters, trustee and financial printer, if appropriate.
- 1.05 Prepare and maintain a financing schedule, costs of issue, list of participants, and take such other actions requested by the City to efficiently manage each Issue to meet City's objectives.
- 1.06 Participate in the sale of the debt, confirm net interest cost calculation, verify underwriter's compensation and make a recommendation as to award.
- 1.07 Assist the City with the delivery of proceeds of each Issue, payment of issuance costs and other matters related to closing each Issue.
- 1.08 Prepare final debt service schedules.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.

Section 2 Compensation

- 2.01 For CMA's performance of services on behalf of the City as described in sections 1.01 through 1.09 hereof, CMA's compensation, some of which were contingent on an issue closing, will be as follows:

- For bond issues: base fee \$10,000 plus \$0.50 per \$1,000 of bonds issued over \$5 million
- For note issues: base fee of \$5,100 plus \$0.50 per \$1,000 of notes issued for issues over \$5 million
- For note issues with no Official Statement: \$4,000
- For issues through NYS EFC: a fee of \$25,000 which includes both short-term and long-term financing of the loan. Such fee is due upon receipt of funding from EFC in the amount of \$12,500 at

Capital Markets Advisors, LLC

Independent Financial Advisors

the closing of the short term financing and \$12,500 upon the closing of the long term financing. If only a long-term EFC issue is issued: a fee is \$15,000 at the closing of the loan

- For capital leases: a base fee of \$6,500 plus \$0.50 per \$1,000 of lease debt issued
- For Continuing Disclosure services: an annual fee of \$2,500

- 2.02 For advisory services rendered for which the above fees are not applicable, CMA will be compensated on an hourly basis at a rate of \$175 per hour.
- 2.03 The City will pay normal issuance costs such as printing, postage, photocopying, overnight delivery, web posting, Bond Counsel, rating agency fees and other associated expenses.
- 2.04 Payment of CMA's compensation for a financing is due within 30 days of receipt by the City of CMA's invoice.

Section 3 Term of Agreement

The term of this Agreement shall be from the date hereof to December 31, 2022.

Section 4 Disclosure

CMA does not assume the responsibilities of the City, nor the responsibilities of the other professionals and vendors representing the City, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the City. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the City. Information obtained by the CMA, either through its own efforts or provided by the City, included in the financing documents, or otherwise provided to the City, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by the CMA. However, nothing in this paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

Section 5 Binding Effect

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement and any governmental approvals necessary for the performance of this agreement have been obtained.

Section 6 Required Regulatory Disclosure

Municipal Securities Rulemaking Board ("MSRB") Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information once each calendar year: (i) CMA is registered as an independent municipal advisor with the MSRB and the US Securities and Exchange Commission ("SEC"); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is www.msrb.org and the website for the SEC is www.sec.gov and (iv) in addition to having educational materials about the municipal securities

Capital Markets Advisors, LLC

Independent Financial Advisors

market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

MSRB Rule G-42 requires that municipal advisors, including CMA, inform their clients as to any conflicts of interest that may exist that could impact the client. To the best of our knowledge and belief, neither CMA nor any registered associated person has any material undisclosed conflict of interest that would impact CMA's ability to service the City.

Section 7 Independent Contractor

CMA hereby acknowledges and agrees that its status under this Agreement will be that of an independent contractor. CMA and its officers, agents and employees shall not represent themselves as City employees to any third party, nor shall they make any claim to the City, or to any other person or entity, for benefits or privileges granted to City employees, including but not limited to, Unemployment and Workers Compensation benefits. CMA further acknowledges and agrees that the City shall not take any deductions or withholdings from CMA's compensation to pay federal or state taxes, or any other assessment, cost, expense or obligation which CMA or its officers, employees or agents may incur as a result of CMA receiving compensation pursuant to this agreement.

Section 8 Modification

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the day and year first set forth on the first page hereof.

Capital Markets Advisors, LLC

City of Newburgh, New York

Richard Tortora

Richard R. Tortora
President

By: _____

Name: _____

Title: _____

Date: _____

RESOLUTION NO.: 192 -2021

OF

AUGUST 9, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM
A DEED ISSUED TO WILDER ERAZO TO THE PREMISES
KNOWN AS 81 HENRY AVENUE (SECTION 48, BLOCK 9, LOT 7)

WHEREAS, on November 8, 2018, the City of Newburgh conveyed property located at 81 Henry Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 48, Block 9, Lot 7, to Wilder Erazo; and

WHEREAS, Mr. Erazo has requested a partial release of the restrictive covenants contained in said deed; and

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

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

PARTIAL 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 81 Henry Avenue, (Section 48, Block 9, Lot 7) on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated November 8, 2018 from THE CITY OF NEWBURGH to WILDER ERAZO, recorded in the Orange County Clerk's Office on November 20, 2018, in Liber 14488 of Deeds at Page 982 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. The restrictive covenant numbered 6 in said deed remains in effect as of the within date.

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.: 193 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO DEVENDER CHHABRA TO THE PREMISES KNOWN AS
185 BROADWAY (SECTION 36, BLOCK 1, LOT 2)**

WHEREAS, on September 23, 2003, the City of Newburgh conveyed property located at 185 Broadway, being more accurately described on the official Tax Map of the City of Newburgh as Section 36, Block 1, Lot 2, to Devender Chhabra; and

WHEREAS, the City of Newburgh regained title to the property in a deed dated April 12, 2017 and recorded in the Orange County Clerk's Office on April 13, 2017 in Liber 14215, Page 1934; and

WHEREAS, by Resolution No. 127-2021, the City of Newburgh approved the sale of the property to Alberto Martinez, Mark Connell, and Paul Guillaro (d/b/a Hudson Visionary Development, LLC), and the attorney for the purchaser has requested a release of the restrictive covenants contained in the aforementioned 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 a release, annexed hereto and made a part of this resolution, for restrictive covenants numbered 1, 2, 3, 4, and 5 in 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 185 Broadway, Section 36, Block 1, Lot 2 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated September 23, 2003, from THE CITY OF NEWBURGH to DEVENDER CHHABRA, recorded in the Orange County Clerk's Office on December 15, 2003, in Liber 11313 of Deeds at Page 1518 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.: 194 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO CHRISTOPHER GERSHEL TO THE PREMISES KNOWN AS
222 CITY TERRACE (F/K/A 218-220 CITY TERRACE EXTENSION)
(SECTION 17, BLOCK 8, LOT 24)**

WHEREAS, on January 17, 1984, the City of Newburgh conveyed property located at 222 City Terrace (f/k/a 218-220 City Terrace Extension), being more accurately described on the official Tax Map of the City of Newburgh as Section 17, Block 8, Lot 24, to Christopher Gershel; and

WHEREAS, the attorney for the current owner has requested a release of the restrictive covenants contained in said deed; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 222 City Terrace (f/k/a 218-220 City Terrace Extension), Section 17, Block 8, Lot 24 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated January 17, 1984, from THE CITY OF NEWBURGH to CHRISTOPHER GERSHEL, recorded in the Orange County Clerk's Office on January 31, 1984, in Liber 2274 of Deeds at Page 999 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.: 195 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC. TO THE
PREMISES KNOWN AS 25 LIBERTY STREET, W.H. (SECTION 45, BLOCK 7, LOT 18)**

WHEREAS, on January 4, 2000, the City of Newburgh conveyed property located at 25 Liberty Street, W.H., being more accurately described on the official Tax Map of the City of Newburgh as Section 45, Block 7, Lot 18, to Habitat for Humanity of Greater Newburgh, Inc.; and

WHEREAS, the attorney for the current owner 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, 6 and 7 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 25 Liberty Street, W.H., Section 45, Block 7, Lot 18 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, 6 and 7 in a deed dated January 4, 2000, from THE CITY OF NEWBURGH to HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., recorded in the Orange County Clerk's Office on March 1, 2000, in Liber 5252 of Deeds at Page 214 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.: 196 - 2021

OF

AUGUST 9, 2021

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

WHEREAS, the City of Newburgh has 64 rolls of microfilm stored at a climate-controlled facility at Orange-Ulster BOCES, which is separately stored in a climate-controlled facility and not included in the Agreement for the storage of the City's archived municipal records; and

WHEREAS, the annual cost for the microfilm storage services shall be derived from Records Management—Other Services; and

WHEREAS, this Council has determined that entering into the agreement for microfilm storage services 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 the agreement with Orange-Ulster BOCES, in substantially the same form as annexed hereto with any other provision that Counsel may require, for microfilm storage of certain municipal records of the City of Newburgh.

RESOLUTION NO.: 197 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$50,000.00
WITH HABITAT FOR HUMANITY OF GREATER NEWBURGH FOR A
HOMEOWNER ROOF REPAIR PROGRAM FOR LOW/MODERATE
INCOME HOMEOWNERS IN THE CITY OF NEWBURGH**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh approved and adopted the Community Development Block Grant ("CDBG") 5-year Consolidated Plan for FY 2020-2024, and the FY2020 one-year Action Plan; and

WHEREAS, one of the activities included in the CDBG FY2020 annual action was for homeowner assistance programs; and

WHEREAS, Habitat for Humanity of Greater Newburgh shall administer a program to facilitate roof repairs or roof replacements of four low/moderate-income, owner-occupied homes in the City of Newburgh; and

WHEREAS, funding for the cost of the program in the amount of \$50,000.00 will be derived from CD1.8686.0400.8064.2020; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with Habitat for Humanity of Greater Newburgh to provide funding for said program;

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 sub-recipient grant agreement with Habitat for Humanity of Greater Newburgh in the amount of \$50,000.00, with all such terms and conditions as may be required by the Corporation Counsel, for a homeowner roof repair program for low/moderate income homeowners in the City of Newburgh.

RESOLUTION NO.: 198 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$10,000.00
WITH CHOICE FILMS, INC. FOR A FILM AND TELEVISION TRAINING PROGRAM
FOR YOUTH AND YOUNG ADULT RESIDENTS OF THE CITY OF NEWBURGH**

WHEREAS, by Resolution No. 282-2019 of November 12, 2019, the City Council of the City of Newburgh approved and adopted the Community Development Block Grant ("CDBG") 5-year Consolidated Plan for FY 2020-2024, and the FY2020 one-year Action Plan; and

WHEREAS, one of the activities included in the CDBG FY2020 annual action was for economic development and workforce development; and

WHEREAS, Choice Films, Inc. shall administer a program to train local City of Newburgh residents, ages 17 to 30, in "below the line film and television production" and train youth attendees, ages 8 to 16, in "above the line acting and audition protocol"; and

WHEREAS, funding for the cost of the program in the amount of \$10,000.00 will be derived from CD1.8686.0400.8115.2020; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with Choice Films, Inc. to provide funding for said program;

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 sub-recipient grant agreement with Choice Films, Inc. in the amount of \$10,000.00, with all such terms and conditions as may be required by the Corporation Counsel, for a film and television training program for youth and young adult residents of the City of Newburgh.

RESOLUTION NO.: 199 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSALS
AND EXECUTE CONTRACTS WITH CLARK PATTERSON LEE
FOR PROFESSIONAL ENGINEERING DESIGN SERVICES
FOR DELANO-HITCH RECREATION PARK AQUATIC CENTER IMPROVEMENTS
IN THE AMOUNT OF \$55,00.00
AND SPLASH PADS AT TYRONE CRABB AND XAVIER LUNAN PARKS
IN THE AMOUNT OF \$16,000.00**

WHEREAS, the City of Newburgh received a proposal for professional engineering services from Clark Patterson Lee for the design of the Delano-Hitch Recreation Park Aquatic Center Improvements Project (the "DH Project"), which includes repair and/or replacement of the pool and a new stand-alone splash pad; and

WHEREAS, such engineering services shall include preparation of plans for a stand-alone splash pad area adjacent to the existing pool complex; an existing condition survey and 5-year Master Plan including, architectural, structural, site and MEP building and systems review; attendance at up to three Project Advisory Committee meetings; and a final presentation to the public; and

WHEREAS, the City of Newburgh received a proposal for professional engineering services from Clark Patterson Lee for the design and preparation of a Concept Plan for two stand-alone splash pads to be located at Xavier Lunan Park and Tyrone Crabb Park; and

WHEREAS, funding for the design phase of the DH Project in the amount of \$55,000.00 and for the design phase of the two stand-alone splash pads shall be derived from A.7181.0448 (or other) and CDBG: CD1.8686.0400.8125.2020; and

WHEREAS, this Council has reviewed the proposals and determined that entering into a contracts with Clark Patterson Lee is in the best interests of the City of Newburgh and its further development;

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 to execute a contract with Clark Patterson Lee, in the amount of \$55,000.00 for professional design services in the Delano-Hitch Recreation Park Aquatic Center Improvements Project; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and hereby is authorized to accept a proposal and to execute a contract with Clark Patterson Lee, in the amount of \$16,000.00 for professional design services for two stand-alone splash pads to be located at Xavier Lunan Park and Tyrone Crabb Park.

RESOLUTION NO.: 200 -2021

OF

AUGUST 9, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) POLICE OFFICER POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT
FOR THE PERIOD JULY 28, 2021 THROUGH JULY 29, 2021**

WHEREAS, the Police Department has requested to add one temporary police officer position in the department for two days, July 28, 2021 and July 29, 2021, to accommodate the start of the next Policy Academy on August 2, 2021; and

WHEREAS, the City Council has determined that adding one temporary police officer position in the department for two days, July 28, 2021 and July 29, 2021, to accommodate the start of the next Policy Academy on August 2, 2021 will promote economy and efficiency within the Department; the same being 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 Personnel Analysis Book for the fiscal year 2021 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title "Police Officer" in the Police Department for the period July 28, 2021 through July 29, 2021.

RESOLUTION NO.: 201 - 2021

OF

AUGUST 9, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 13, 2021
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW ENACTING
CHAPTER 287 TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
ENTITLED 'VEHICLES, OFF-ROAD'"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law enacting Chapter 287 of the Code of Ordinances of the City of Newburgh entitled 'Vehicles, Off-Road'"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day of September, 2021.

201-21
LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

A LOCAL LAW ENACTING CHAPTER 287 TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED "VEHICLES, OFF-ROAD"

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 287
"Vehicles, Off-road" be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Enacting Chapter 287 entitled 'Vehicles,
Off-road' to the Code of Ordinances of the City of Newburgh".

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to enact new Chapter
287 entitled "Vehicles, Off-road" to read as follows:

§ 287-1. Legislative findings, intent and purpose.

The reckless operation of illegal, unregistered dirt bikes, all-terrain vehicles, also known as ATVs, and other non-street legal vehicles on the streets and in the parks of Newburgh has been a nuisance to City residents and visitors in recent years and particularly during the summer. The operators of these vehicles, usually in groups, ride with abandon over many parts of the City with no regard for traffic laws, their own well-being, or the safety of bystanders, or the considerable noise such off-road vehicles generate, disturbing the peaceful enjoyment of residents and visitors.

The operation of dirt bikes and ATVs is already illegal on public highways under the New York State Vehicle and Traffic Law. The purpose of this local law is to promote the public health, safety and welfare of the City of Newburgh by making it explicitly unlawful to operate such vehicles on the public highways, in the public parks, or on any other private land in the City of Newburgh. It also expressly forbids the operation of these vehicles on private property without the express consent of the owner or occupant of such property.

§ 287-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

OFF-ROAD VEHICLES means all-terrain vehicles (sometimes known as "ATVs") as that term is defined in section 2281(1) of the New York State Vehicle and Traffic Law, off-highway motorcycles as that term is defined in section 125-a of the New York State Vehicle and Traffic Law, motocross or dirt bikes, dune buggies, go-carts and any and all other types of motorized trail bikes, utility terrain vehicles ("UTVs"), or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off-highway competitions and are only incidentally operated on public highways. Nothing contained in this chapter, however, shall be deemed to apply to or prohibit the use of bicycles, including electric powered bicycles operated in compliance with applicable state and local regulations.

OPERATE means to ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle, as defined in this chapter, in any manner, whether or not said off-road vehicle is under way.

PUBLIC HIGHWAY means any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 287-3. Restrictions.

- A. Public Property. No person shall operate an off-road vehicle on a public highway or on any public property in the City of Newburgh.
- B. Private Property. No person shall operate an off-road vehicle off a public highway on private property in the City of Newburgh unless such person has first obtained the express consent of the owner or occupant of the property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the City of Newburgh lacks consent to operate the off-road vehicle on private property.

§ 287-4. Penalties for offenses; impoundment and redemption.

- A. Any person who operates an off-road vehicle in violation of section 287-3(A) or (B) of this chapter shall be guilty of an offense punishable of a fine not to exceed \$250.00 for a first offense, \$400.00 for a second offense, and \$550.00 for a third or each successive offense, or imprisonment not to exceed 15 days, or both.
- B. In addition to the penalties set forth in subsection (A) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of section 287-3(A) or (B) of this chapter. Such impounded off-road vehicle shall be stored by the police department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent a notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. Neither the police department nor the City of Newburgh nor any agent nor

employee thereof shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of section 287-3(A) or (B) of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$1,500.00. The redemption fee shall not be required where an off-road vehicle was stolen or otherwise used without the owner's permission and the owner of the off-road vehicle demonstrates proof of valid ownership and registration with New York State and files a sworn statement about the theft or unauthorized use with the City of Newburgh Police Department. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agency as evidenced by a written, notarized proof of agency, or duly exercised power of attorney. Any off-road vehicles impounded as a result of a violation of section 287-3(A) or (B) of this chapter that remain unclaimed after a period of three months may be destroyed in accordance with applicable laws.

§ 287-5. Enforcement.

The police department is charged with the enforcement of the provisions in this chapter.

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 _____ and 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.

DRAFT

RESOLUTION NO.: 202-2021

OF

AUGUST 9, 2021

A RESOLUTION APPOINTING THOMAS FOTI TO THE
MUNICIPAL CIVIL SERVICE COMMISSION
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Foti be and is hereby appointed to complete the term of former member Thomas J. Murphy commencing immediately and expiring on May 31, 2024.

RESOLUTION NO.: 203 - 2021

OF

AUGUST 9, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SETTLEMENT AGREEMENT IN CONNECTION WITH THE PREMISES
LOCATED AT 326 LIBERTY STREET (SECTION 12, BLOCK 1, LOT 14)**

WHEREAS, the City of Newburgh commenced legal action against RipRap LLC (by Thomas Dodd, member), current owner of record of the premises known as 326 Liberty Street (Section 12, Block 1, Lot 14), to enforce its reverter and re-entry rights to the premises; and

WHEREAS, the parties have reached a settlement agreement in a manner and form substantially similar to the agreement annexed hereto; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to enter into the attached settlement agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Office of the Corporation Counsel is hereby authorized to settle the legal action pending against RipRap LLC, and the City Manager is hereby authorized to execute a written settlement agreement and any other documents as the Office of the Corporation Counsel may require, to effectuate the settlement as herein described.

103-21
STATE OF NEW YORK : COUNTY OF ORANGE
CITY OF NEWBURGH

-----X
In the matter of:

**STIPULATION OF
SETTLEMENT**

Enforcement of the City of Newburgh's Right of
Reverter and Re-Entry against RipRap LLC for
property known as 326 Liberty Street (Section 12,
Block 1, Lot 14) in the City of Newburgh.
-----X

This Stipulation of Settlement ("Stipulation" or "Agreement") is entered into on the ____
day of _____, 2021, by and between the City of Newburgh (hereafter "City"), a
municipal corporation with an address of 83 Broadway, Newburgh, New York 12550 and RipRap
LLC, a domestic limited liability company with an address of 119 Ingraham Street, Suite 202,
Brooklyn, New York 11237 (hereafter "RipRap"), the parties named in this action:

WHEREAS, by deed dated June 20, 2016 (hereafter "Deed"), the City of Newburgh
conveyed to RipRap all of its right, title and interest in the premises identified as 326 Liberty
Street, Newburgh, New York (Section 12, Block 1, Lot 14) (hereafter "Premises") and;

WHEREAS, that conveyance was subject to certain terms and conditions subsequent
including, but not limited to, the obligation within eighteen (18) months of the date of the Deed to
rehabilitate any building on the property and bring it into compliance with all State, County and
local standards and to obtain within such time frame a Certificate of Occupancy for all buildings
on the property, or to make all buildings granted a Certificate of Occupancy before the date of
conveyance fit for the use stated in such Certificate of Occupancy; and

WHEREAS, to date, more than 18 months have passed since the of the date of the Deed to
obtain a Certificate of Occupancy for the building or to make any building granted a Certificate of
Occupancy before the date of the conveyance fit for the use stated in the Certificate of Occupancy;
and

WHEREAS, the City served demand for return of the Premises on April 19, 2021, with RipRap have acknowledged receipt of said demand on or about April 26, 2021; and

WHEREAS, the Parties have engaged in discussions in an effort to resolve the matter without litigation being required by the parties; such that

IT IS HEREBY CONSENTED AND AGREED by the parties to this litigation, that they be bound by the terms and conditions enumerated below, as follows:

1. The "Whereas" paragraphs stated above shall be restated and incorporated herein to give full force and effect to the same.
2. RipRap waives any defenses to service or personal jurisdiction.
3. Within 30 days of the full execution of this Agreement, RipRap shall execute a deed, TP-584, Tax Law §1409 Supplement, and RP-5217 conveying title to the Premises to the City.
4. The City of Newburgh Office of the Corporation Counsel shall hold the documents referenced in paragraph 3 in escrow through 4:00 p.m. on November 1, 2022 (said date and time being referred to herein as the "Deadline").
5. RipRap shall have until the Deadline to comply with all of the covenants contained in the June 20, 2016 referenced in the first "Whereas" paragraph of this Agreement.
6. To avoid any ambiguity, compliance with the covenants referred to in paragraph 5 by the Deadline shall include receipt of a letter from the City of Newburgh Building Inspector or City of Newburgh Code Compliance Supervisor stating that: (a) there are no open code violations on the property; (b) the Building Inspector or Code Compliance Supervisor observed no violations on the property during his most recent inspection of the property; (c) there are no open permits; and (d) there is a valid Certificate of Occupancy with respect to the property.

7. Delays that may be attributable to the City in connection with compliance with the Deed covenants (e.g. inspection delays, City Council approval delays) shall toll RipRap's compliance deadline dates on a day-for-day basis. However, RipRap must notify the City of Newburgh, in writing, when it is ready for a re-inspection, approval, or other City action in order to trigger the time tolling period. In turn, a written decision from the City on the requested City action shall end any applicable time tolling period.
8. Delays that may be attributable to any applications made by RipRap to City land use boards, including but not limited to the City of Newburgh Planning Board, City of Newburgh Zoning Board of Appeals, City of Newburgh Architectural Review Commission, shall not toll RipRap's compliance deadline dates in any manner.
9. Delays that are attributable to a federal, state, or local executive order(s) that suspend construction activities shall toll RipRap's deadlines on a day-for-day basis.
10. By the Deadline, RipRap shall be current on all unpaid City and County taxes, School tax re-levies, Water/Sewer bills, Sanitation bills, plus any applicable penalties and interest.
11. RipRap shall remain current on all City and County taxes, School tax re-levies, Water/Sewer bills, Sanitation bills, plus any applicable penalties and interest, up to and including the Deadline.
12. RipRap shall not mortgage any of the Premises or any part thereof, or cause any liens (including but not limited to UCC filings), to be filed against the Premises or any property located thereon.
13. Should RipRap fail to comply with any of the terms and conditions outlined in this Agreement by the Deadline in any respect, the Office of the Corporation Counsel shall cause to file the Documents with the Orange County Clerk, thereby vesting title with the City and extinguishing

any rights, title, and interest that RipRap might have in the Premises. No further notice shall be required to be delivered to RipRap if it fails to comply with any of its obligations herein by the Deadline.

14. RipRap has had opportunity to consult with its attorneys on this matter and enter into this Agreement in accordance with its solicited legal advice, and in accordance with the rules outlined in its Operating Agreement or any other such agreement that may govern RipRap's behavior.
15. Each party to this Agreement represents and warrants that the execution, delivery and performance of this Agreement and the consummation of the transactions provided in this Agreement have been duly authorized by all necessary action of the respective entity and that the person executing this Agreement on its behalf has the full capacity to bind that entity.
16. The City Council of the City of Newburgh, by resolution number _____, has authorized and consented to the terms of the Agreement.
17. There are no other agreements, written or oral, pending between the Parties.
18. This Agreement is the full understanding between the parties, and any prior understandings or agreements are null and void.
19. If the City determines it necessary to bring any action at law or in equity to enforce or interpret the terms of this Agreement or the terms contained in the Deed, the City shall be entitled to reasonable attorney's fees, costs and necessary disbursements from RipRap, in addition to any other relief to which it may be entitled. Should the City prevail in any action at law or in equity to enforce or interpret the terms of this Agreement or the terms contained in the Deed, RipRap waives any and all of its rights to appeal said determination.

20. The exchange of copies of this Agreement, including executed signature pages, by electronic transmission (including PDF or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) will constitute effective execution and delivery of this Agreement for all purposes.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
[Signature page to follow.]

DRAFT

IN WITNESS WHEREOF, this Agreement is entered into on the date first referenced herein.

CITY OF NEWBURGH

Todd Venning
City Manager

RIPRAP LLC

By: Thomas Dodd
Member, RipRap LLC

By: John C. Cappello, Esq.
Jacobowitz & Gubits LLP
Attorneys for RipRap LLC

ORDINANCE NO.: 4 - 2021

OF

August 9, 2021

AN ORDINANCE AMENDING CHAPTER 288, ENTITLED "VEHICLES AND TRAFFIC"
BY ADDING SECTION 288-21.2 ENTITLED
"PARKING OF COMMERCIAL VEHICLES, COMMERCIAL VEHICLE ATTACHMENTS
AND TRAILER UNITS PROHIBITED"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 288 entitled "Vehicles and Traffic" of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 288-21.2 Parking of commercial vehicles, commercial vehicle attachments and trailer units prohibited.

- A. Commercial vehicles shall not be parked on private property within 100 feet of a residential dwelling, nor shall commercial vehicles be parked on a public road. This section shall not apply while said vehicles are actively loading or unloading material or other goods associated with the business owning or operating the vehicle.
- B. Commercial vehicle attachments shall not be parked or left unattended on any public road or in any public parking lot in the City of Newburgh.
- C. Trailer units shall not be parked or left unattended on any public street or in any public parking lot in the City of Newburgh except as allowed by temporary permit for a special event.
- D. For the purpose of this section, "commercial vehicles" shall include tractor-trailers, tractor-trailer combinations, semitrailers, privately owned military vehicles, backhoes, excavators, rollers, tractor cranes, truck cranes, power shovels, road-building machines, road sweepers, sand spreaders, buses, or any other vehicle being used for a commercial purpose. For the purpose of this section, "commercial vehicles" shall not include pickup trucks or vans used for commercial purposes.
- E. For the purpose of this section, "commercial vehicle attachments" shall include snow plows, tank trailers, towable generators, wood chippers, welders, concrete mixers, portable light towers, water pumps or any other piece of commercially-used equipment that is typically towed behind, or attached to, a vehicle and does not require registration with the New York State Department of Motor Vehicles.

Underlining denotes additions
~~Strikethrough~~ denote deletions

- F. For the purpose of this section "trailer unit" shall include tractor-trailer units, landscape trailers, car dollies, campers, pop-up campers, truck campers, travel trailers, fifth wheels, motorhomes, toy haulers, teardrop trailers, stand-up trailers, airstreams, or any other object customarily drawn by an automobile and equipped for use as temporary dwelling or as storage space during travel.
- G. The provisions of this section shall not apply to commercial vehicles, commercial vehicle attachments, or trailer units owned or operated by:
- (1) The City of Newburgh, its agents, or employees in connection with their respective City-related job duties.
 - (2) The agents or employees of any local, state, or federal agency or municipal corporation in connection with their respective government-related job duties.
 - (3) Contractors or subcontractors actively working on a City-authorized project.
 - (4) Contractors or subcontractors actively working pursuant to a valid permit issued by any department of the City of Newburgh.
 - (5) Contractors or subcontractors of utility owners within the City of Newburgh while actively working on the investigation, repair, maintenance or replacement of the respective utility.
 - (6) Contractors parked on a public road while actively engaged in landscape or tree maintenance activities during daylight hours but for a duration of no more than 4 hours.

SECTION 2. Severability.

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

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Ordinance" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of

Underlining denotes additions

~~Strikethrough~~ denote deletions

the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity.

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

SECTION 5. Effective Date.

This ordinance shall take effect immediately.

Underlining denotes additions
~~Strikethrough~~ denote deletions

OLD BUSINESS

Councilman Shakur requested weekly reports on the Right to Know Act. He has been hearing one thing and seeing another thing. Also he requested weekly reports of the building permits, with dates included. As he continues to do outreach in the city he would like to know which permits are valid and which are not. He stated that Consorti has a workforce, in which no one from the community is working on. We need to put together a resident eligibility list moving forward. He is tired of people getting city contracts and not hiring city residents to work. Also he stated that he is certain that undocumented workers are not being paid competitive wages on these construction sites, and the council needs to stay on top of it.

Mayor Harvey stated that he would speak to the various community and Faith-based organizations in our city. He actually had lunch with an African-American gentleman, who has a company in which he travels throughout New York State to ensure that workers receive all of the training certifications necessary to be able to work on constructions sites. Harvey commented that this individual would be willing to host training classes in Newburgh, and he plans to link him up with some of the non-profit organizations to help get residents properly trained.

Shakur also requested that we have a community seminar for residents to help them attain homeownership.

Harvey stated that he met with three different groups last week, and these are the three things that he has been working on behind the scenes. One of them involves a program, which partners with Bank of America to help families on Section 8 qualify for mortgages. The second is the construction training certification for residents that he mentioned; and the third involves former NFL Safety David Campbell, who wants to do health and wellness seminars for our community, especially in light of the Covid-19 pandemic.

There was no other old business to discuss.

NEW BUSINESS

Mayor Harvey requested that the License Plate Reader (LPR) program be put on the next agenda to further address the traffic and speeding in the city. Statistically the program has been proven to work in dense and populated urban cities. We would be able to pick up the license plate numbers and track down those individuals who continue to speed and run red lights in our city.

Councilman Shakur stated that he was recently arrested for running a red light. He clarified that he made a right on the red light, and put his blinker on to indicate that.

The State Police that are coming into our city need to know the difference between someone running a red light and someone making a right turn on red.

Harvey pointed out that the LPR program would look at various things, particularly the moving violations that the public continues to raise concerns about. He wanted to know where we are with our comprehensive video surveillance, which he hopes will tie into the LPR program. He is convinced that the people who are speeding on our roadways are actually transient motorists that are not even from the city. He believed that most of the motorists are coming from neighboring towns and zipping through the streets at 80 MPH. He has witnessed several car accidents, one recent one being pretty bad.

Councilwoman Sofokles commented that she has lived on Elm Street for twenty-two years. When the residents got together to get a 4-Way Stop Sign established at the intersection of Carpenter Avenue and Gidney Avenue, the crashes seemed to stop. The residents rallied to get a 4-Way Stop Sign at the corner of Fullerton Avenue and First Street for many years before it finally came into fruition. We need one at the intersection of Prospect Street and South Street, because people speed down South Street continuously. There are so many places in the city that need stop signs. It seemed to solve all the problems in her own neighborhood.

The Mayor mentioned the permitting process surrounding some of the events that occurred this weekend, including the Rodeo and the event down at Ward Brothers Park. He commented that Mr. Venning has some ideas on how to enhance the permit process.

Todd Venning stated that he would touch base with the mayor for further clarification.

Councilman Grice wasn't sure if what he had to say fell under new or old business. In the conversation surrounding street naming requests, he apologized to some community members, in that an email that was sent to the council did not receive responses from all of the council persons. Grice requested that the council revisit the discussion.

Michelle Kelson addressed the new policy regarding street naming. She sent an email to the council in mid-July, because of a potential street naming recommendation coming forward. She received no information about it prior to the August meeting. There are procedures and criteria for naming streets, and then there are other honorary designations that the council could look at that don't involve the renaming or the secondary naming of the streets. If someone is nominated, he or she has to have some type of high significance to the City of Newburgh. All of that information needs to be conveyed to the entire council, and then it needs to be agreed upon. Then all of that information needs to be conveyed to the city manager and corporation counsel so that the appropriate resolution can be prepared. If street naming may or may not be the appropriate vehicle, then there are a number of other opportunities in which persons that have made contributions to the City of Newburgh and its community can be honored. It is really important that all of the council agrees on it, and that the information is circulated in a timely manner so that the staff can implement the desire of the council.

Harvey stated that a man he spoke with claimed that his father's name was already put on a sign near one of the intersections on Renwick Street. What do we need to do to put that signage back up since it was already vetted and voted on?

Kelson stated that she would work with the City Clerk and staff to see when that particular resolution was adopted. If it was approved, then we can determine what portions of the street, and from what section to what section is involved, and then we could recreate the sign. She stated that she sent an email on July 13, 2021, and included Resolution #215-2019 outlining the procedures that the council agreed to be followed. She urged the council to review it, coordinate with each other, and get the information back to her so that she can have it by the end of the month.

There was no other new business to discuss.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice stated that he supports the Grand Street project involving the boutique hotel and workforce development. It is a great asset to the city. He wants to wait until we get all of the numbers in front of us before a Payment In Lieu of Taxes (PILOT) agreement is entertained. When we have a PILOT, the cost of city services that we still have to provide, has to be picked up by someone else. He is not for or against the project, but, he just has to wait and see all of the data. He is also concerned about the parking, and wants to be assured that they have local and unionized labor. A presentation before the council would have been appreciated; yet he understands everyone's excitement. Let's be cautious when we start to discuss a PILOT though.

Councilman Shakur commented that it was a good night. He remarked that a fellow council member chose to comment about an incident that involved Shakur. He feels that he was elected to do a job for this city, as opposed to being handpicked. Shakur stated that he is trying to do the job that he was elected to do. Some people just sit there and don't do anything. Shakur stated that during the time on the Zoom meetings, all you saw was this particular council member simply sitting in the house. Shakur feels that instead of talking about what he is doing in the community, he should watch out, because he is just a bench warmer.

Councilman Sklarz thanked the City Manager, DPW and the Police Department for addressing the encampment at the corner of Washington Terrace and Little Britain Road. It was becoming an eyesore for the city. Hopefully we can address the issue with the Orange County Department of Mental Health to help serve the homeless population, as that is at the core of the problem. He thanked the legal department for its work on some of tonight's resolutions. He believed that the prohibited parking of commercial

vehicles on city streets and the scheduling of a public hearing concerning off-road vehicles will help make the city attractive and safer for our residents. It has been a long night, and he wished everyone a good night.

Councilwoman Sofokles remarked that it is always nice to see people that she doesn't get to see often. She feels that everything has already been said this evening. She likes what the organization Melanin Unchained is doing in the community. She wants to offer her phone number to speak with the group further.

Mayor Harvey thanked everyone for coming out. He thanked the executive staff for its ongoing commitment and excellent work in the city. He spoke about the Foster Group project regarding the boutique hotel. The group applied for a grant from New York State to present a PILOT request to the City IDA. He supports the PILOT, as long as it is fair, equitable and reasonable. Harvey stated that he did not sign the letter from one of the State Representatives, because in government things take forever to accomplish. The letter wanted the developer to wait until the grant awards are issued, which is not usually done until December or January. Harvey pointed out that the developer has already purchased the three properties, and has started work on them. He was told that the PILOT proposal does not preclude the developer from paying any taxes. They will pay taxes from Day One once construction is complete; however, they need the PILOT in order to get the financing through Rhinebeck Savings Bank, which is slated to open a branch in Newburgh soon. We should not have to wait until then to know what the PILOT request is. Let's move on it now. We always want to analyze everything, and then two years later shovels are still not in the ground. We can get people working and shovels in the ground now. A similar thing is happening with The Boys and Girls Club of Newburgh. All of the documents that Executive Director Kevin White had previously, in terms of all of the agreements and grants from Albany, have to be redone due to the Covid-19 pandemic. It is already putting the timeline behind a year and a half. We continue to get paralysis in the analysis and things don't get done, and it is for that reason that he supports moving on it now. He encouraged everyone to remain safe.

This portion of the meeting was closed.

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 10:20 P.M.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**