

A regular meeting of the City Council of the City of Newburgh was held on Tuesday, October 12, 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 asked for a Moment of Silence followed by the Pledge of Allegiance.

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

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

COMMUNICATIONS

Approval of the minutes from the City Council meeting of September 27, 2021 / Aprobacion del Acta de la Reunion General del Consejo del 27 de Septiembre de 2021

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Carried

PRESENTATIONS

Hook Elite Boxing Club - Certificates of Recognition

The City Council presented Certificates of Recognition to the following from the Hook Elite Boxing Club:

- **Coach German Zempoaltecatl**
- **Coach Leonard Lee**
- **Coach Elijah Williams**

USA boxing 2020 National Championship

- **Natalie Zempoaltecatl**
- **Ja'sir Juniors**

North Carolina 2020 Gloves

- **Chris Ruiz**
- **Jocelyn Zempoaltecatl**
- **Ka'nayharae Pascual**
- **Ryan Zempoaltecatl**

- Sammie Faut
- Wilmer Busoe

USA Jr Olympic National Champions

- Ka'nayharae Pascual
- Ja'sir Junior
- Jocelyn Zempoaltecatl
- Kimberly Zempoaltecatl
- Natalie Zempoaltecatl
- Ryan Zempoaltecatl

USA boxing 2020 National Championship

- Ka'nayharae Pascual
- Kimberly Zempoaltecatl
- Jocelyn Zempoaltecatl

They thanked Leonard Lee for his Leadership and all that he has done and is still doing with the youth in the City of Newburgh.

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

Daniel Gayle, City of Newburgh and owner of Cream Puff Smoke Shop at 140 South Street said he was responsible for the Juneteenth Event which he hopes to hold annually. Anyone who wants to help or be part of it for next year can contact him at Danielagayle1234@gmail.com or stop by the shop.

Michael, 111 Broadway said his is in favor of Good Cause Eviction because it looks fair for both sides and is a better way of getting things resolved than the present way. There was mention of curbing for the handicapped and he hopes it's not like what they did on Broadway and Liberty because that's a mess and the snowplows are going to have a problem. In regard to the changes in the Charter he voted by mail already and he voted no on that because he doesn't think it was delineated enough and it was too broad and vague.

Carla Johnson, S. Miller Street said she will vote no on the Charter change because she feels that the City Council is trying to take her vote away. On Good Cause Eviction she said that the good landlords are being hurt by the slumlords because they are taking over. She noted that last week she was walking on Broadway near a park where kids were playing that is blocked by bushes where people are using Heroin. She is requesting that those bushes be cut down and the area secured so they have nowhere to hide. She asked Councilwoman Sofokles about the plaque for 24 Lutheran Street for Mr. Youngblood.

Sheree, organizer with Community Voices Heard said that she has been researching the American Rescue Plan and Newburgh is supposed to get around twenty two million dollars so she has been researching ways to strategize how to put that money back into our community. There are bi-weekly meetings held at the Newburgh Library with Newburgh community members to further discuss how to use that money for our community.

Mayor Harvey noted that on October 27th we will be having a meeting on those funds and it comes in two payments.

Kippy Boyle, 400 Grand Street asked about community aggregation. Did we choose an Administrator? Are parking meters in at the Waterfront? What's happening with the Waterfront Trail and the Newburgh Landing? Albany just passed their Good Cause Eviction legislation and one of the things they put on it was that in order to start an eviction the landlord has to present a current residential permit to the Court. Since we already have a registration we should make sure all of that is up to date with Codes and it should be part of the Good Cause. On the State version in Albany they put a cap on how much you can raise the rent and we should discuss that too.

Mark Sanchez Potter, City of Newburgh said that he is in support of Good Cause Eviction and is glad we are having a public hearing. He encouraged the community to come out for this public hearing to show the Council that the majority of renters are in support of it. Housing is a human right and we need to move this forward.

Deborah Danzy said she is in support of Good Cause Eviction but she is not in favor of the Charter change at this time. She thanked Mr. Garrison and his staff for the work done on repaving Lake Street but noted that they need some lights there because they are all out. She thanked everyone involved in the After School Special held on Wednesday, October 6, 2021 and Councilmembers Grice, Sklarz, Mejia and Shakur for attending and talking with the community residents. She also thanked the Police Department for supporting over the summer seven main events here in the City and protecting our community. She thanked the City Manager for allowing the permits to do these programs and all of the vendors who came out and supported Community Day.

Renee, City of Newburgh said he is in support of Good Cause Eviction. Everyone who has spoken is in favor of Good Cause Eviction and with the Public Hearing on October 25th Newburgh will lead the way for the Hudson Valley. This is something that will help the people and we are on the right path so he urged everyone in attendance to come out and show our City Council that this is a piece of legislation that we really care about.

Jewel Martin thanked the Mayor and City Council for the education on being homeless but she is still homeless. There are reasons why she didn't choose a particular residence because it is not safe for her. She is the unpopular person here and she knows that but she is not going away and certain things are happening in the City of Newburgh that are not correct and need to be addressed. At the first Council meeting she went to someone said that they all are all accountable but no one has really helped her with her situation. She thanked Bishop Woody for the communication work that he does here on the streets by feeding a lot of people along with other Churches. We have leaders we can learn from so we need to tap into our spiritual leaders because they know what it's like to be on public assistance. She wanted to make it clear that she is not going away.

Ms. Vaughn, Newburgh said she is representing New York Project Hope and Independent Living. Mental Health has been devastated since COVID as we all have experienced COVID in some way. Their purpose is to help educate residents, provide resources and connect them with agencies to meet their needs. In addition they are providing crises

counseling to help many residents but there are still limitations because since emerging back into the community they have noticed that teens have been suffering significantly. Numbers from the CDC have indicated enormous amounts of suicide, stress and depression so she emphasized the need to be in the school district but because of regulations they have been unable to. This is free confidential and anonymous counseling for the students so she asked the Council to consider providing a facility to meet the needs of our young people. FEMA has funded this through March and we need to help them now. She added that they would like to have a toy and coat drive because there are so many needs here.

Mayor Harvey told Ms. Vaughn that she could apply for a permit to use the Recreation Center.

Tammy Hollins, Code Compliance Officer said she is speaking on the Good Cause Legislation and noted that she has been to properties and spoken with residents where the rents are being paid but they are still having issues. Not long ago the City of Newburgh did a mass mailing and sent out a letter stating that if someone is having problems with their rental unit to call the Codes office and someone will come. Ever since those tenants started calling in response to that letter there have been more evictions now than before. She is in favor of the Good Cause Eviction legislation and hopes it passes because we want landlords not slumlords.

Bishop Woody, City of Newburgh commended the Council for recognizing all of the wonderful things that are happening in the City of Newburgh and Leonard Lee for encouraging his students and keeping them off the streets. He also thanked again George Garrison and his crew for the new sidewalk by Lander and Johnston which has really enhanced our Farmers Market tremendously this year. Lastly he thanked the City Manager, Mayor and Council on behalf of the family of Terry L. Williams for acknowledging him. We have a lot of unsung heroes in our community and this is a way for them to be acknowledged for years to come so keep doing what you're doing.

Ray Harvey, Carpenter Avenue said that Good Cause Eviction is a no brainer and it will make sure that the tenants and landlords are both protected. There is a Lawyer here in the City of Newburgh who is willing to work with the NAACP to get felons off some young men and women's records so they can get jobs which would give them life again and they can vote. He thanked the City Council, Mayor and City Manager for all of the work they do because it's not easy.

Brahvan Ranga, Hyde Park thanked the City Council for taking the steps needed to pass the Good Cause Eviction law. As you can see by the comments tonight there is strong public support for this desperately needed legislation. The City of Newburgh is poised to make history by being one of the first cities in the State to affirm fundamental tenants' rights so he urged the City Council to continue moving this process forward as this legislation will serve this community well.

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

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

Councilman Grice thanked the public for coming out tonight. He congratulated Hook Elite and encouraged everyone to support them when they have events especially with our first professional boxer. He asked Mr. Garrison to look into the tree situation on Johnson Street that was mentioned earlier. Juneteenth is going to be a City sponsored event so we are in support of that and he looks forward to planning that. One piece of legislation that he brought forward was community choice aggregation so if we could get an update for the community that would be great. On the American Rescue Plan Councilmember Mejia said it best that social infrastructure is just as important as physical infrastructure so he looks forward to whatever social programs we can bring in. They have been working diligently on Good Cause Eviction and he thanked Corporation Counsel, Michelle Kelson for giving it that fine tuning that it needed. He also thanked the Mayor and Council for being in support of it so he looks forward to passing it. Elections matter and we need more representation at the County level so absentee ballots are due on October 18th and early voting starts on October 23rd so please come out and vote.

Councilwoman Mejia thanked Mr. Gayle for stepping up this year with the Juneteenth Event so she looks forward to next year's Event and would love to participate. At our last Work Session we discussed city sponsored events and some new events were added that need a leader to make those events fruitful. If anyone is interested please reach out to your elected official because it has to be community led and spearheaded. On the Good Cause Eviction she looks forward to the public hearing and encouraged a nomination right after the public hearing is closed to take a vote on it so we don't prolong the process any further. There has been a community impact because of recent shootings and she wanted everyone to know that community members are gathering to get a handle on that. She offered her condolences to everyone afflicted with violence in our community as well as the the family of Jorge Arbayza and noted that there is finally movement and justice for Peter.

Councilwoman Monteverde thanked everyone for coming out tonight and for their comments. She is in full support of Good Cause Eviction and she is curious about Ms. Hollins comments that people are being evicted because there is an eviction moratorium right now so it's difficult to get a case in Court. Councilman Grice mentioned the community aggregation and she would also like to hear an update on that. She added that Trunk or Treat is coming up which is always a nice community event and she is glad to see everyone here in the Council Chambers again and hopes we can continue meeting this way.

Councilman Shakur thanked Councilmembers Mejia and Monteverde for the Town Hall. He also agrees that we should vote on Good Cause right after the public hearing. Someone mentioned the Rental Registration for apartments and Good Cause because landlords need tenants and tenants need landlords. It doesn't matter who is good or who is bad because we have a Code Compliance Office and a Court that is supposed to take care of that. Codes is not doing their job if you have bad landlords so we have to make sure that Codes and the Courts are doing their jobs. We have to make sure we get a place for the kids to get therapy because they are going through a lot. If we don't there are going to be more problems down the line with our children and their future. On the Juneteenth Committee we will make sure to get the word out so our community has a way to get ready for the next event.

Councilman Sklarz said he has been hearing a lot of good comments about the recently paved Lake Drive thanks to the DPW staff for a job well done. In September we had Budget Hearings and heard requests from the Department Heads and tonight we will look at the City Manager's Proposed Budget and begin to review. He looks forward to public comments on the Proposed Budget in the very near future and he also looks forward to comments both from tenants and landlords on the proposed law concerning Good Cause Evictions. He added his thanks to Corporation Counsel for the hard work done on this as they were provided with excellent background information to help us all understand this issue better. He added that the Town Hall at the Ritz last week was wonderful for Wards one and two so Councilmembers Mejia and Monteverde need to be commended on a job well done. He looks forward to having one in Wards three and four in the very near future.

Councilwoman Sofokles told Carla Johnson to send her a text because they are working on it and Mr. Youngblood will hopefully be in the near future. She agrees with Mr. Harvey that Good Cause Eviction is a no brainer. She thanked Deborah Danzy because she is out there all the time and everything we ask her to do she does. She told Ray Harvey that she has always supported the NAACP and told Bishop Woody that he is the best. She told Daniel Gayle that Juneteenth has been added to our City sponsored events so it's definitely going to happen and reminded everyone not to forget about Trunk or Treat. She always supports Leonard Lee any way she can so she was glad to see the awards tonight because he does a lot for the kids in the City.

Mayor Harvey thanked everyone who came out tonight and congratulated everyone in the City of Newburgh because we are on fire even though we have challenges that we are continuously dealing with. He thanked DPW for their amazing work with paving because we had the worst roads for decades but we are getting it done. He thanked Mr. Gayle for spearheading the first annual Juneteenth and now that it is a City sponsored event he will continue to work with Mr. Gayle on that. He is in support of Good Cause Eviction. He thanked everyone who came out to speak about these important matters and told the woman who is homeless that he will continue to work on this until it is resolved and we get her a place to live that she will be happy with. He said that justice shall be served and gave a shout out to the Police Department with regard to little Peter who touched us all. To the family of Jorge Arbayza we will continue to pray for them and do all we can do to support them in this time of bereavement.

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

CITY MANAGER'S REPORT

Resolution No. 235 - 2021 - Proposal with Creighton Manning for Land Surveying Services in Connection with 2022 Paving ADA Curb Ramps

Jason Morris, City Engineer explained that this is a proposal for land surveying services for required work necessary to design the ADA curb ramps to comply with the 2022 paving schedule.

Mayor Harvey said that he was at a Conference in Las Vegas where he was pulled out of the room by someone from the Town of Newburgh congratulating him on the City of Newburgh revitalization that's been happening so they see the work that's being done.

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Resolution No. 236 - 2021 - Budget Transfer to Human Rights Commission

Councilman Sklarz moved and Councilwoman Sofokles seconded.

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

Resolution No. 237 - 2021 - Surplus Equipment from Police & Recreation Departments

Councilwoman Sofokles moved and Councilman Shakur seconded.

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

Resolution No. 238 - 2021 - Scheduling the Public Hearing for the 2022 Budget

Councilwoman Sofokles moved and Councilman Shakur seconded.

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

Resolution No. 239 - 2021 - Release of Restrictive Covenants for 51 & 53 City Terrace

Councilman Grice moved and Councilman Shakur seconded.

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

Resolution No. 240 - 2021 - Partial Release of Restrictive Covenants for 376 Liberty Street Rear

Councilman Grice moved and Councilwoman Monteverde seconded.

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

Resolution No. 241 - 2021 - Release of Restrictive Covenants for 144 West Parmenter Street

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Resolution No. 242 - 2021 - Release of Restrictive Covenants for 357 Liberty Street

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 243 - 2021 - Halloween curfew

Councilman Shakur wants to make sure that everyone understands this starts on October 30th so it's for two days.

Mayor Harvey said that is correct. The curfew will start on October 30th at 9:00 p.m. to 6:00 a.m. and then on October 31st the same thing so it will end on November 1st at 6:00 a.m.

Councilman Shakur said he thought it was for one day but it's for two days.

Michelle Kelson, Corporation Counsel said it's for two evenings. Depending on when Halloween falls sometimes on a weekend we get early activity so we find that sometimes we need to have that extra night.

Mayor Harvey noted that Halloween is on a Sunday this year so this will start on Saturday night.

Councilwoman Mejia said that at a Work Session they asked for some data associated with previous years.

City Manager, Todd Venning said they are still looking to see if the data is available so he will circle back with the Police Department.

Mayor Harvey said he is a little concerned about the community and what this looks like in terms of enforcement. If we are going to create legislation where the Police Department will have to interact with the community, what does the enforcement look like?

City Manager, Todd Venning said it was discussed at the Thursday night Work Session that part of it will be the honor system and the rest Officers will approach people who might clearly be under age. He believes someone mentioned possibly contacting parents if they find young people outside after curfew and the Council asked that this be posted on the City Website and Social Media channel so people know the curfew exists.

Mayor Harvey said that we may need to do a Robocall as well because some people are not text savvy or on social media and some don't have computers or Wi-Fi.

Councilman Shakur agreed that the community needs to know which is why he wants everyone to know that it's for two days.

Councilwoman Mejia said that this is one of those resolutions that she is torn about every year because she is not a big supporter of curfews. Without the data they asked for she will be voting no on this. There is still time to maybe table this until the data becomes

available before our next meeting on October 25th. After the conversations we've had in 2020 and 2021 about the scenarios we put our Police Department and community members in to still be engaged in conversations on this type of rule does not sit well with her.

Councilman Grice agrees that we requested that information and most of our decisions should be databased but if we wait to pass this on the 25th will we have enough time to notify the community?

Michelle Kelson, Corporation Counsel said that if they table it tonight and revisit the vote on the 25th then they will only have four business days to get their message out.

Councilwoman Monteverde and Mayor Harvey both said that's not enough time.

Councilman Sklarz said he shares Councilwoman Mejia's feelings about curfews as he has never been crazy about them himself but he can see how it makes sense here. We all want data but this curfew generally just gives Police the opportunity to send young kids home and clear the streets after a certain hour.

Commissioner Gomez said there is no substantial data that documents any interaction during the Halloween curfew. If they move forward with this it will be on a merit system and the Police are not to engage in any confrontations. If they speak to someone who is under the age of sixteen then they will be escorted to their home.

Councilman Grice said that if this is not going to be tabled then he will vote yes out of caution but strongly recommends that we have the data to prove this. They have to make sure that this enforcement is not just focused on in certain neighborhoods and that it is city-wide. When it is enforced it should be with the intent of being kind to those people it might impact.

Mayor Harvey noted that a number of years ago we had a very tragic situation on Halloween where two young women lost their lives. That is something that he thinks about in terms of this curfew.

Councilman Shakur wants to make sure that we know this is for two days and noted that he also lost his son on that date so he wants to make sure we are in the right place with this and that it is enforced properly.

Commissioner Gomez said that if they choose to move forward with this they will try their best to comply with it and follow through. Again, there is no existing data documenting any interaction from the curfew in the past.

Mayor Harvey said that when a request was made for data he didn't think there was any so being that there is none if this vote carries and a curfew gets put in place, is the Police Department equipped to gather data for decisions moving forward?

City Manager, Todd Venning said that the answer to that for other reasons is no. There were issues with Police Offices collecting data on people that they stopped and this would be a similar issue. They will follow the merit system and make notes then once that other issue is resolved we will have an answer for how the Council would like us to collect data

moving forward.

Mayor Harvey said then there won't be any data collection on these two days if this resolution carries.

City Manager, Todd Venning said that is correct.

Councilwoman Mejia asked Corporation Counsel if this curfew was passed in 2016.

Michelle Kelson, Corporation Counsel said her recollection is that this has been on the agenda and adopted every year for at the least the twenty years that she has been here. She added it to the agenda because her concern was not whether they adopted it or not but that they at least wanted to discuss it. It is entirely up to the legislative body how to proceed.

Councilwoman Mejia said that we brought up the memory of two of our young residents and having the curfew did not prevent that either.

Councilman Shakur moved and Councilwoman Monteverde seconded.

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

Nays: Mejia, Shakur-2

Adopted

Resolution No. 244 - 2021 - Handle With Care MOU

Mayor Harvey said that this is an MOU with the Newburgh Enlarged City School District and since he and Councilman Grice are employees in the school district he wants to make sure there is no impropriety or reason that they should recuse themselves from this vote.

Michelle Kelson, Corporation Counsel said that in this regard there is no conflict of interest so there is nothing legally prohibiting either the Mayor or a Councilmember from voting on this particular resolution.

Mayor Harvey asked what the steps will be moving forward to implement this MOU.

Ms. Kelson said it's an agreement that will be mostly affected in the Police Department as they will have access to data about trauma and events that may result in traumatic experiences for students who may be enrolled in the school district. They can share that data with specific members of school administration so they can be aware of the implications and the impact that kind of experience has on the student and to do it in a way that protects identity so that most students can get the attention and services they so desperately need.

Councilman Grice wanted to clarify that he had nothing to do with this MOU. He has been trained in Handle with Care and recommends anyone dealing with our students or children in that way should get this training also. It talks about adverse childhood experiences and how that leads to post traumatic stress disorder which is very similar to what our Military goes through as well as how to handle those students with care so it's very intense training. He thinks that as we are reimagining our Police force it is important for them to have this

training. There are many other organizations out there that are also dealing with our youth but there is more than enough need to go around so he will be voting in support of this.

Councilwoman Mejia thinks it's important that not just Police Officers but any first responders should be trained on how to handle traumatic situations and be able to identify and share that information. She trusts that because it's in partnership with the Newburgh Enlarged City School District that there are mechanisms in place for the protection of identity and she hopes that next time the MOU gets presented closer to when it starts.

Councilman Sklarz said that Handle with Care has been going on in the district for a number of years so perhaps the Commissioner may want to talk to the public in terms of why the Police are entering into this MOU just to formalize the understanding.

Councilman Shakur said that trauma is a real thing that needs to be addressed because if it's not it leads into more problems in our community. For years we have had things going on in our community and never had any therapy, counseling or any type of reprieve.

Councilwoman Mejia said that at the Town Hall meeting a lot of the residents expressed concern about police tension and involvement in the school district. Our Police Commissioner and Police Chief made an excellent proposal of their version so this is our community taking a leap of faith and any of the residents that have concerns should also attend the School District meetings because they are the other half of this coin that makes the decision on whether to allow the police to enter.

Mayor Harvey thanked Councilmembers Monteverde and Mejia for hosting the Town Hall meeting that many people in attended and he is looking forward to the other Wards doing the same thing soon. A lot of people come to the City Council to resolve matters like this but don't equally show up for the School Board meetings. They are the other half of this resolution and their education and how they are being nurtured and supported in school and our community so he encouraged the public to show up and speak out at the School Board meetings like they do here. He thinks about seven year old Peter and what could have been done in terms of the community, social services and the school district. Hopefully we will learn from those experiences because trauma and post-traumatic stress disorder does not only happen in the military as it also happens in our community with gun violence, homicides and other forms of violence that may happen in our City.

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Local Law No. 5 - 2021 - Amending Chapter 276 "Tobacco" to change Chapter title to "Tobacco and Marihuana" and amend Article II "Outdoor Smoking"

Councilwoman Monteverde supports this but is concerned about enforcement. There already is no smoking in City Parks and she is not sure that is being enforced but she hopes it is. She was walking on Broadway recently and people were just sitting there smoking Pot which is legal now but just hanging out in public with a beer and smoking Pot is not OK to her. Again she is concerned about the enforcement and that people will not respect

that they are in a Park where kids might be so they should go someplace more private.

Councilman Grice worked with Power Against Tobacco for that legislation and had concerns at that time with the enforcement. When it comes to marihuana, he guesses that some people smoke it secretly and some openly which he has no issue with so this is just stating that in areas where you already can't smoke cigarettes or vaping you also shouldn't be smoking marihuana. He has no issue with people sitting on their porch relaxing or using it for medicinal purposes but he is concerned about the enforcement. He has seen groups of people hanging out in one part of Town where they were left alone and other groups of a different skin tone hanging out and being bothered so he doesn't want that to happen but he does think this is the right thing to do.

Councilman Shakur said he doesn't smoke tobacco so he doesn't know where you can and can't smoke it so we have to let people know where they can and can't smoke.

Mayor Harvey said there is signage prohibiting smoking in certain City owned properties and Parks. He is asthmatic so he doesn't smoke at all but knows that tobacco and marihuana are legal so this resolution goes down a slippery slope and he doesn't support it. If tobacco and marihuana are legal in the State of New York then we get into issues where it's not reasonable for law enforcement to enforce this resolution. He agrees with his colleagues that people should choose to be private and use discretion around our youth and places of worship but this is going to be a challenge for law enforcement and for the black and brown communities so he does not support it.

Councilman Grice noted that the smoking of cigarettes is already banned in some places and they enforce it. For example, up the street there is a building where smoking is not allowed within twenty feet of that property so people go down the street most of the time to smoke.

Councilwoman Sofokles said she does support this because she had six or seven people call her that there is a group of youths smoking Pot in the Park. It's illegal to smoke in the Park so if we don't enforce this along with tobacco and have it on the books then we have no cause tell them they can't smoke in the Park.

Councilman Shakur asked if vaping is part of this.

Michelle Kelson, Corporation Counsel said when the Council adopted Outdoor Smoking, tobacco and vaping were included. Just to be clear you have to be twenty-one years old to partake so if they are teenagers it's illegal for them to possess marihuana as it is for them to possess alcohol.

Mayor Harvey said again it goes to the question of enforcement. Whenever we pass a prohibitive local law then law enforcement has an issue or challenge enforcing these laws and for him that's a problem. He respects his colleagues on this but at the same time if it's going to create a challenge for the police department to enforce and potentially create confrontational circumstances between those who are indulging and our police department then he would rather not support that. If they do enforce it and it's on a targeted group in our community which escalates into a conflict then it will put us in a slippery situation.

Councilman Sklarz said to remember that all this is doing is mirroring what we are already doing for tobacco and vaping. Hopefully most of the enforcement will be self-enforcement

but it makes perfect sense to include marihuana along with tobacco smoking.

Councilman Grice moved and Councilman Shakur seconded.

Ayes: Grice, Mejia, Monteverde, Sklarz, Sofokles - 5

Nays: Shakur, Harvey-2

Adopted

Resolution No. 245 - 2021 - Scheduling a Public Hearing on Local Law adding Article III "Prohibition of Eviction without Good Cause" to Chapter 240 "Rental Properties"

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Adopted

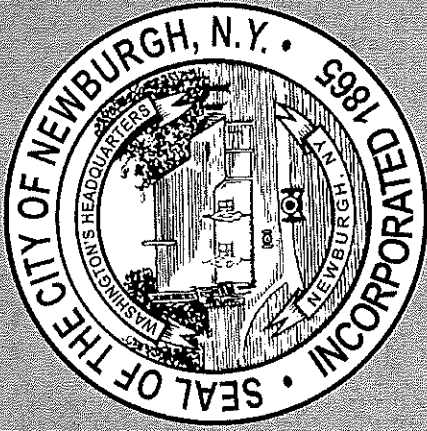
Resolution No. 246 - 2021 - Scheduling a Public Hearing on Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

City Manager, Todd Venning explained that this is a local law authorizing a property tax levy in excess of the limit established by General Municipal Law Section 3-c and what that means is that we are required to pass a local law in the event we exceed the tax cap to avoid losing our state aid. We have no intention to exceed the cap so this is just a precautionary method because if you go over the cap by one penny and you haven't passed this local law then you get into trouble which includes potentially losing state aide.

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Adopted



CITY OF NEWBURGH

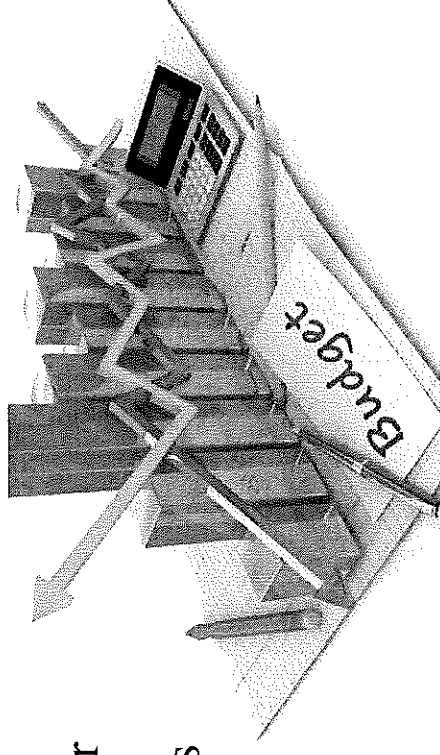
2022- CITY MANAGER'S PROPOSED BUDGET

CITY OF NEWBURGH

2022 MANAGER'S PROPOSED BUDGET

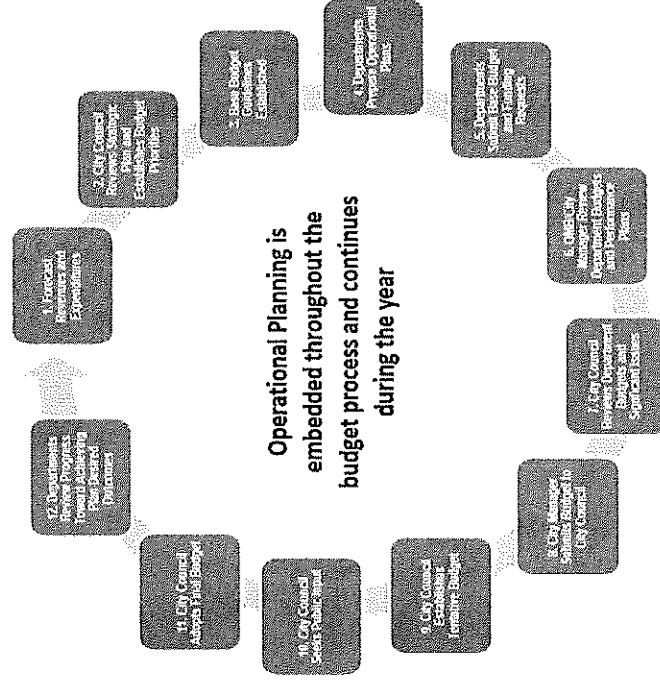
Goals for the 2022 Budget Include the following:

- Capture all expenditure needs for upcoming fiscal year
- Improve project management of infrastructure projects
- Utilize fund balance and strengthen revenue sources
- Enhance quality of life within the City



Budget Building Process

1. Department requests are submitted to the Office of the Comptroller in August.
2. Workbooks detailing department request are submitted to the City Council and City Manager in September.
3. 2022 Budget work sessions were held September 20th - 30th.
4. City Manager and City Comptroller present 2022 Manager's Proposed Budget – October 12, 2021.
5. Subsequent/Further meetings as needed to review revenues and expenditures.
6. Public Hearing on 2022 Budget - November 8, 2021.
7. Council meeting to adopt 2022 Budget - November 22, 2021.



General Fund

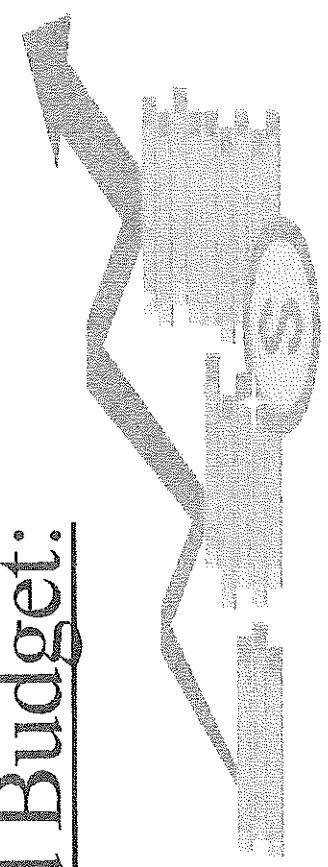
CITY MANAGER'S PROPOSED BUDGET 2022



City Manager's Proposed Budget: Revenue

General Fund - \$54,545,455

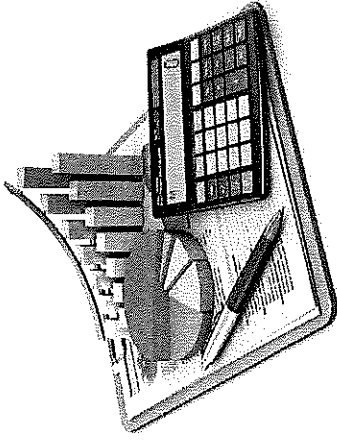
Revenue Groups	Budget Amount	% of 2022 MP Budget	Increase/(Decrease)	To 2021 Budget
Real Property Tax	\$23,023,561	42%	Increase	\$1,919,135
Non Property Tax	\$13,798,408	25%	Increase	\$1,803,077
State Aid	\$7,952,930	15%	Increase	\$3,411,579
Inter-fund Revenue	\$2,811,687	5%	Increase	\$304,353
Inter-fund Transfer	\$54,832	0%	Decrease	(\$2,233,111)
Real Property Taxes (other)	\$1,683,996	3%	Increase	\$119,433
Department Income	\$922,577	2%	Increase	\$96,325
Fines and Forfeitures	\$740,025	1%	Increase	\$111,729
Other	\$957,439	2%	Increase	\$1,659
Appropriated Fund Balance	\$2,600,000	5%	Decrease	(\$200,000)



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City Manager's Proposed Budget: Expense

General Fund - \$54,545,455

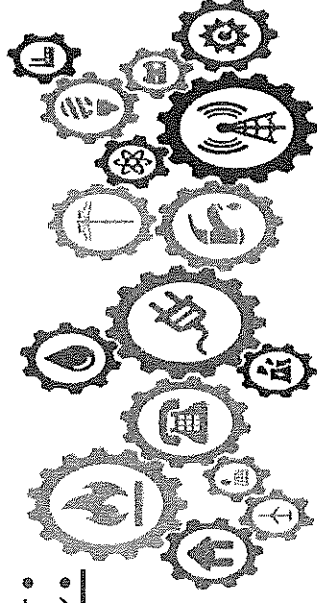


Expenditure Groups

Budget Amount % of 2022 MP Budget

Salary	\$20,945,311	38%
Benefits	\$16,218,259	30%
Contractual	\$6,475,209	12%
Debt Principal	\$3,452,424	6%
Debt Interest	\$1,179,705	2%
Capital Items	\$4,328,563	8%
Contribution to Self-Insurance & OCTC Reserve	\$867,566	2%
Contingency & Other	\$1,078,418	2%

City Manager's Proposed Budget: Expense



General Fund - \$54,545,455

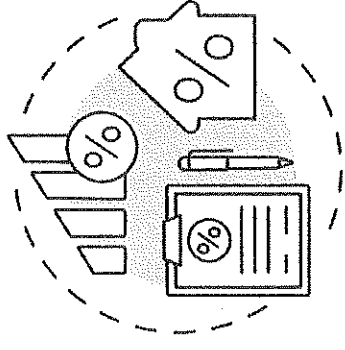
Expenditure Groups

Budget Amount % of 2022 MP Budget

Public Safety	\$29,185,174	53%
General Government Support	\$10,177,850	19%
Debt Service	\$4,632,129	8%
Transportation	\$6,432,198	12%
Interfund Transfer	\$867,566	2%
Culture and Recreation	\$1,752,349	3%
Home and Community Service	\$1,498,189	3%

Taxable Assessed Value

Value of Taxable Properties: Homestead and Non Homestead

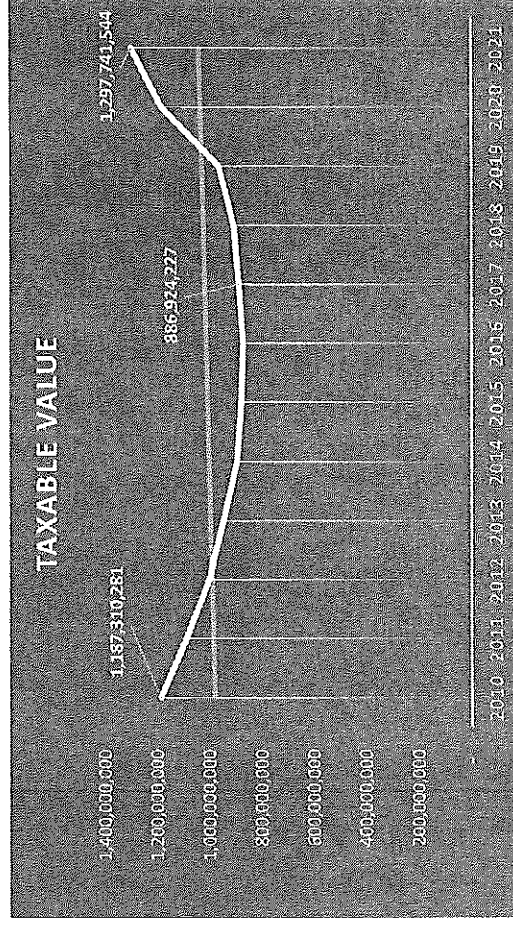


Assessed Values

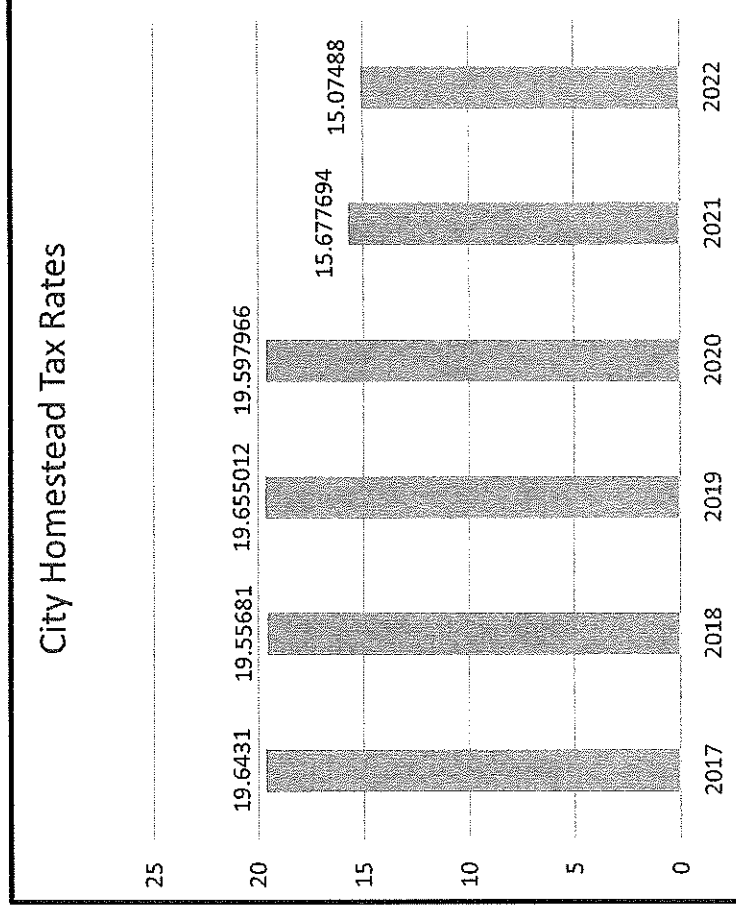
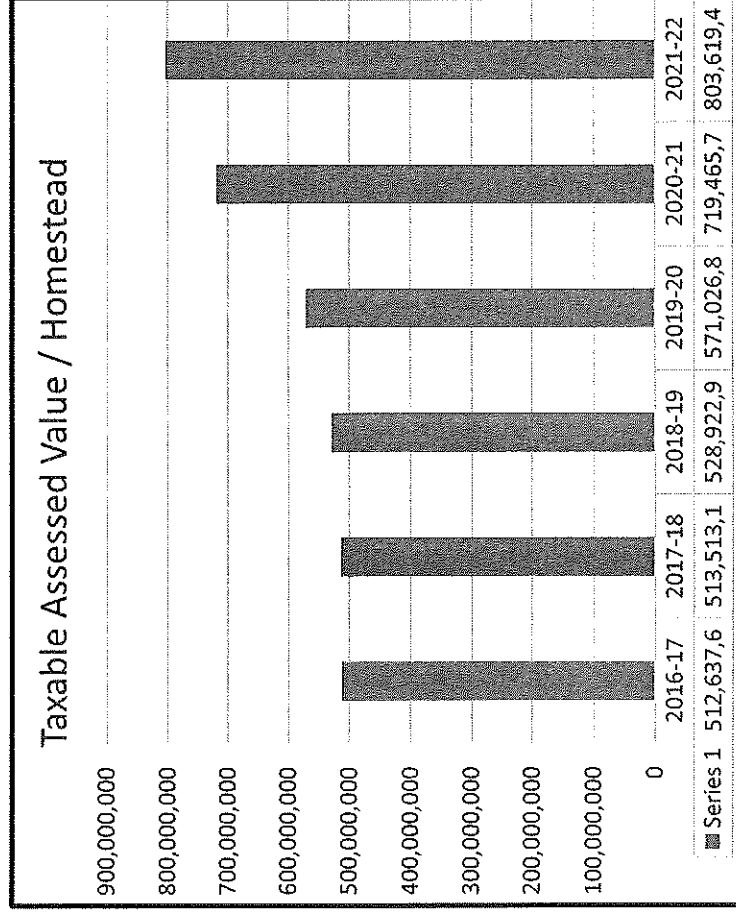
* 2020-2021 Values Overall Increase \$115M 9.73%

2021 Taxable Assessed Value - 1,297,741,544

2019-2020 - Increase	\$218.5m	22.67%
2018-2019 - Increase	\$21.0m	2.37%
2017-2018 - Increase	\$21.0m	2.37%
2016-2017 - Increase	\$15.2m	1.74%
2015-2016 - Decrease	\$6.3m	0.72%
2014-2015 - Decrease	\$16.8m	1.88%
2013-2014 - Decrease	\$52.9m	5.58%
2012-2013 - Decrease	\$54.2m	5.40%
2011-2012 - Decrease	\$87.0m	7.99%
2010-2011 - Decrease	\$98.2m	8.27%



Taxable Assessed Value vs Tax Rates (Homestead)



Tax Levy Implications

	2021 includes Adj. BP	2022	2022	Additional Per Dollar Tax Rate Impact
Tax Levy	\$22,184,692	22,999,692	22,999,692	For Every \$50,000 increase
Homestead TAV	719,315,792	803,619,458	803,619,458	
Non-Homestead TAV	463,390,871	494,122,086	494,122,086	
Total TAV	1,182,706,663	1,297,741,544	1,297,741,544	
Homestead Rate	15.935621	15.074880	15.074880	753.74
Non Homestead Rate	23.138022	22.029425	22.029425	1,101.47



Tax Levy Implications (Continued):

Home Non-Homestead Calculation	Homestead	Non-Homestead	Totals
2022 City Council Proposed Tax Levy	22,999,692	22,999,692	
Home Non-Homestead Allocation %age	52.67230	47.32770	100%
Tax Levy Allocated to Each Type	12,114,467	10,885,225	22,999,692
Tax Levy Allocated to Each Type	12,114,467	10,885,225	22,999,692
2022 Taxable Assessed Value	803,619,458	494,122,086	1,297,741,544
2022 Tax Rate per \$1,000 Assessed Value	15.074880	22.029425	
2022 Tax Rate per \$1,000 Assessed Value	15.074880	22.029425	
2021 Tax Rate per \$1,000 Assessed Value	15.694562	23.565915	
2022 Tax Rate Inc/(Dec) Amt per \$1,000	(0.619682)	(1.536490)	
2021 Tax Rate Increase %age per \$1,000	-3.95%	-6.52%	
2022 \$ change for \$150,000 Assessed Value	(92.95)	(230.47)	

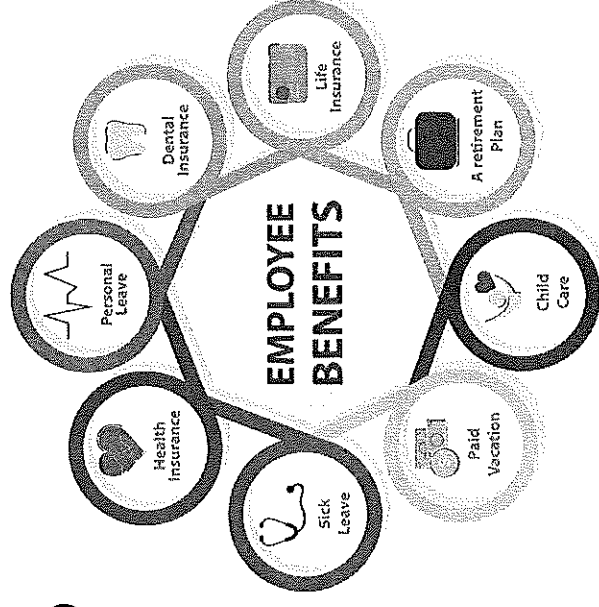
Personnel and Benefits

Includes Salaries, Longevity, Health Benefits, Retirement, and Employer taxes

Total MP Budget \$54,545,455

Personnel & Benefits make up 70 % - \$38,044,749 (vs. 72% of 2021)

<u>Police Department</u>					
MP 2022	27%	\$14,567,634			
2021 Adopted	29%	\$14,076,046			\$491,588
<u>Fire Department</u>					
MP 2022	23%	\$12,358,836			
2021 Adopted	24%	\$11,963,835			\$395,001
<u>Department of Public Works</u>					
MP 2022	5%	\$ 2,902,649			
2021 Adopted	6%	\$ 2,973,095			(\$70,446)



Enterprise Funds

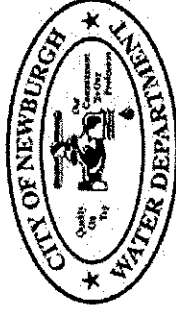
CITY MANAGER'S PROPOSED BUDGET 2022



Enterprise Funds

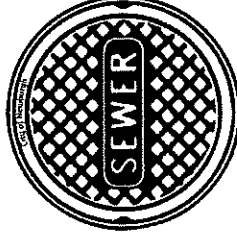
◦ Water Fund:

- City Manager's Proposed recommends 6% increase to metered water rate.
- Appropriation to fund balance of \$106,023 to cover revenue shortfalls for FY 2022.



◦ Sewer Fund:

- Sewer increase 108% of water rate.
- Cover critical capital needs of Sewer through appropriated fund balance.
- Appropriation to fund balance of \$3,488,769 to cover revenue shortfalls for FY 2022 & one-time capital projects.



◦ Sanitation Fund:

- Maintain sanitation rates for 2022 fortifying solvency and operational efficiency

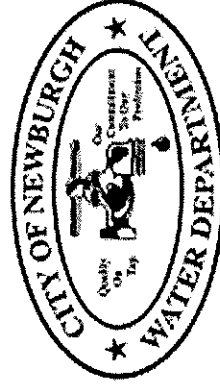


City Manager's Proposed Budget:

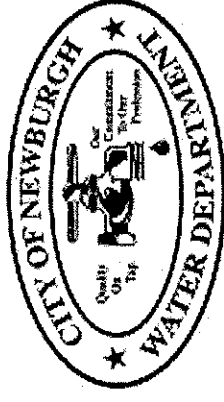
Revenue

Enterprise- \$24,640,309

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% To Budget</u>
Water	\$7,596,140	31%
Sewer	\$11,771,928	48%
Sanitation	\$5,272,241	21%



City Manager's Proposed Budget: Expense



Enterprise Fund - **Water** \$7,596,140

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% To Budget</u>
Salary	\$1,424,537	18%
Benefits	\$1,215,082	16%
Contractual	\$1,341,781	18%
Debt Principal	\$995,154	13%
Debt Interest	\$316,187	4%
Capital Items	\$132,500	2%
Contingency, Transfers & Other	\$2,170,900	29%

City Manager's Proposed Budget: Expense



Enterprise Fund - Sewer \$11,771,928

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% To Budget</u>
Salary	\$591,055	5%
Benefits	\$365,185	3%
Contractual	\$4,003,391	34%
Debt Principal	\$846,128	7%
Debt Interest	\$300,318	3%
Capital Items	\$4,029,500	34%
Contingency, Transfers & Other	\$1,636,351	14%

City Manager's Proposed Budget: Expense



Enterprise Fund - Sanitation \$5,272,241

<u>Expenditure Groups</u>	<u>Budget Amount</u>	<u>% To Budget</u>
Salary	\$1,019,197	19%
Benefits	\$911,400	17%
Contractual	\$1,659,333	31%
Debt Principal	\$85,273	2%
Debt Interest	\$36,948	1%
Capital Items	\$252,000	5%
Contingency, Transfers & Other	\$1,308,090	25%



End of Presentation

2022 - CITY MANAGER'S PROPOSED BUDGET



NEW BUSINESS

Councilwoman Monteverde said that someone is starting to dump garbage again on Colden Street and in some areas of the Heights. She noted that one day they will get caught and that we have bulk pickup coming up on October 27th. If you have bulk items just call DPW and arrange to have them picked up.

Mayor Harvey reiterated that we have bulk pickup on October 27th and cautioned that when we do have this pickup that we need to be more vigilant because he has seen people come from outside the City and illegally dump garbage the night before. We need more cameras and video surveillance to hold people accountable. He saw someone dumping at two in the morning which he videotaped and took a photo of the license plate but nothing was done and no one was held accountable.

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

OLD BUSINESS

Councilman Grice asked if we could update the public on where we are with the community choice aggregation.

Councilman Shakur asked about getting back on track with something for the Track Team at NFA. He spoke to someone who lives on Courtney Avenue who can't find a parking space at night and noted that some of the laws on the books are obsolete. People used to just have one car but now they have three or four so how can we reimagine our parking?

Mayor Harvey said that we have to work with the Transportation Committee and then they will make a proposal to the Council and/or DPW who handles a lot of our traffic and parking matters as well as signage.

Councilman Shakur noted that winter and snow is coming again so how do we make sure that we have adequate parking for our residents.

Mayor Harvey said that they have identified some municipal lots in the city where people can park so we have to make people aware of that.

Mayor Harvey added that he would love an update on the Comprehensive Video Surveillance Program. We have received some funding from Senator Skoufis for additional cameras and he would like to know how many cameras are functional, how many are not and how many we could purchase with that funding. Also we were supposed to purchase some new cameras with the BAN passed in 2019 so did we purchase any and if so, how many?

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Sofokles said she is excited about the Budget. One of the reasons she wanted to be on the Council was to try to get leadership that understands what a budget is

and we have that now. She said that she put a camera up by her house and the dumping has improved over there.

Councilman Sklarz added his thanks for the great job done on the Budget. He recently received information about Newburgh's fiscal progress over the last three years and said that we are heading in the right direction.

Councilman Shakur thanked the City Council, department heads and residents because we are all on a team. We might not all get along but we have the same goal which is to fix the City of Newburgh so he hopes we stay focused on that. We have to move forward and make sure we do what we have to do to fix our City because that's his only goal.

Councilwoman Monteverde said they will continue to review the Budget and she is hopeful. As everyone else has mentioned we are heading in a positive direction so she is thankful to be working on a strong team that is willing to collaborate.

Councilwoman Mejia said that she wishes we could save a little and pay down some of the debt but overall she is going to digest the numbers and encouraged the residents to look at them as well. Also mark the date for the public hearing on the Budget which will be on the first Monday in November and reach out to your elected officials to let them know your perspectives on it.

Councilman Grice said that Councilwoman Sofokles and our Animal Control worked hard on the Rabies Clinic which will be on October 16th from 12:00 p.m. to 3:00 p.m. so please come out and show your support and get your pet vaccinated. He is also looking forward to Trunk or Treat which will be held between Liberty and Grand. He is excited about the Budget and has to look at the numbers and reminded everyone again that October 18th is the last day to send in your absentee ballot for voting, October 23rd starts early voting and then November 2nd is regular voting so please come out to vote.

Mayor Harvey thanked everyone for coming out to the City Council meeting to speak on matters and agenda items. He gave a special thank you to Councilman Shakur because his comments tonight gave him a moment to reflect on what we all signed up for and how we all want to work collaboratively. He congratulated him on his professionalism in recent months because he has been doing a great job. A lot of times people criticize and say things about his colleague, Councilman Shakur, when they don't agree with some of his comments or his passion. He wants to let him know when he is doing great work in the community and when he is working to be collaborative with his colleagues. He thanked the NAACP for some of their ongoing work regarding helping people who were formerly incarcerated expunge their records and put them in a position where they can have some equal opportunities with employment. He thanked George Garrison and his department on this as well because it was not easy working and interviewing people who were formerly incarcerated for the street sweeper program but they are working and doing great work to clean up our City. We have given those folks a second opportunity to earn money and possibly get certified because not only is George guiding them with the street sweeper program he is also putting them on constructions sites and roads so they can learn a craft and hopefully get certified in something when they finish the street sweeper program.

ADJOURNMENT

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

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: 235 - 2021

OF

OCTOBER 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE A CONTRACT WITH CREIGHTON MANNING ENGINEERING, LLP
FOR PROFESSIONAL LAND SURVEYING SERVICES
FOR THE 2022 ADA CURB RAMP PROJECT IN THE AMOUNT OF \$92,250.00**

WHEREAS, Under Title II of the Americans with Disabilities Act (ADA) and clarified in the United States Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing, the City of Newburgh is mandated to construct curb ramps when streets, roads or highways are altered through resurfacing; and

WHEREAS, the City of Newburgh solicited proposals for professional land surveying services for the 2022 ADA Curb Ramp Project (the "Project"); and

WHEREAS, the City received a proposal from Creighton Manning Engineering, LLP which has been identified as the most qualified firm to provide said services; and

WHEREAS, general scope of services includes establishing right-of-way and utility location research of the intersections, field verification, utility research with appropriate Dig Safe survey mark out request, and generation of topographic base mapping for 33 identified intersections; and

WHEREAS, the funding for the land surveying services shall be derived from A.5112.0206 CHIPS; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to accept a proposal and execute a contract for professional land surveying services with the Creighton Manning Engineering, LLP in the amount of \$92,250.00 for the 2022 ADA Curb Ramp Project.

RESOLUTION NO.: 236 - 2021

OF

OCTOBER 12, 2021

RESOLUTION AMENDING RESOLUTION NO: 282-2020, THE 2021 BUDGET FOR
THE CITY OF NEWBURGH, NEW YORK TO TRANSFER \$548.57
FROM LEGISLATIVE BODY-TRAVEL AND CONFERENCE AND
\$137.14 FROM LEGISLATIVE BODY-EDUCATION
TO THE HUMAN RIGHTS COMMISSION

WHEREAS, Councilwoman Karen Mejia proposes to transfer her allocation from the Legislative budget in the amount of \$685.71 to the Human Rights Commission to facilitate training and education; and

WHEREAS, this Council finds that the transfer of funds and 2021 budget amendment is in the best interests of the City of Newburgh;

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

	<u>Decrease</u>	<u>Increase</u>
A.1010.0461 Legislative Body-Travel & Conference	\$548.57	
A.1010.0463 Legislative Body-Education	<u>\$137.14</u>	
A.8039.0448- Human Rights Commission – Other Services		<u>\$685.71</u>
TOTAL:	\$685.71	\$685.71

RESOLUTION NO.: 237 - 2021

OF

OCTOBER 12, 2021

**A RESOLUTION DECLARING POLICE DEPARTMENT AND
RECREATION DEPARTMENT VEHICLES AS SURPLUS**

WHEREAS, the City of Newburgh Police Department possesses one 2008 Dodge Charger, one 2008 Ford Bus, one 2007 Jeep Cherokee, and one 2007 Ford Taurus, which are no longer of use to the City; and

WHEREAS, the City of Newburgh Recreation Department possesses one 2001 GMC Bus, which is no longer of use to the City; and

WHEREAS, the Police Department and Recreation Department have requested that the vehicles be designated as surplus and sold; and

WHEREAS, the City Council has determined that declaring the vehicles as surplus is in the best interests of the City of Newburgh; and

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

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

RESOLUTION NO.: 238 - 2021

OF

OCTOBER 12, 2021

**A RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 8, 2021
TO RECEIVE COMMENTS CONCERNING THE ADOPTION OF THE
2022 BUDGET FOR THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that pursuant to Charter Section C8.15 a public hearing will be held to receive comments concerning the adoption of the 2022 Budget for the City of Newburgh; and that such public hearing be and hereby is duly set for a City Council meeting of the Council to be held at 7:00 p.m. on the 8th day of November, 2021; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the capacity of the City Council Chambers will be limited due to the space available to maintain six (6) feet of social distancing and in-person attendance will be on a first-come, first-serve basis, and therefore, in accordance with Part E of the Chapter 417 of the Laws of 2021, the November 8, 2021 also will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_MmmmTqFoQiCrMwE2bhuAGg. (Please note that there is an underscore between the "N" and "M").

To register in advance for this webinar in order to provide comments during the hearing:
https://us06web.zoom.us/webinar/register/WN_MmmmTqFoQiCrMwE2bhuAGg. (Please note that there is an underscore between the "N" and "M"). Please fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, November 8, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

RESOLUTION NO.: 239-2021

OF

OCTOBER 12, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM DEEDS
ISSUED TO ERNEST ANDERSON AND DOLORES ANDERSON TO THE PREMISES
KNOWN AS 51 CITY TERRACE (SECTION 29, BLOCK 4, LOT 9) AND
53 CITY TERRACE (SECTION 29, BLOCK 4, LOT 8)

WHEREAS, on July 25, 1983, the City of Newburgh conveyed properties located at 51 City Terrace and 53 City Terrace, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 4, Lot 9 and Section 29, Block 4, Lot 8, respectively, to Ernest Anderson and Dolores Anderson; and

WHEREAS, the attorney for the current owners, Clifton Green and Dahlia Green, have requested a release of the restrictive covenants contained in said deeds; and

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

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

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 51 City Terrace (Section 29, Block 4, Lot 9) 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 July 25, 1983, from THE CITY OF NEWBURGH to ERNEST ANDERSON AND DOLORES ANDERSON, recorded in the Orange County Clerk's Office on August 5, 1983, in Liber 2258 of Deeds at Page 601 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

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

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

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

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 53 City Terrace (Section 29, Block 4, Lot 8) 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 July 25, 1983, from THE CITY OF NEWBURGH to ERNEST ANDERSON AND DOLORES ANDERSON, recorded in the Orange County Clerk's Office on August 5, 1983, in Liber 2258 of Deeds at Page 607 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.: 240-2021

OF

OCTOBER 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM
A DEED ISSUED TO EDOUARD PIERRE TO THE PREMISES
KNOWN AS 376 LIBERTY STREET REAR (SECTION 10, BLOCK 1, LOT 34)**

WHEREAS, on October 12, 2018, the City of Newburgh conveyed property located at Liberty Street Rear, being more accurately described on the official Tax Map of the City of Newburgh as Section 10, Block 1, Lot 34, to Edouard Pierre; and

WHEREAS, Mr. Pierre 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 376 Liberty Street Rear, (Section 10, Block 1, Lot 34) 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 October 12, 2018 from THE CITY OF NEWBURGH to EDOUARD PIERRE, recorded in the Orange County Clerk's Office on October 25, 2018, in Liber 14478 of Deeds at Page 242 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.: 241-2021

OF

OCTOBER 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO EDITH RIVERA TO THE PREMISES KNOWN AS
144 WEST PARMENTER STREET (SECTION 38, BLOCK 2, LOT 51)**

WHEREAS, on January 31, 2013, the City of Newburgh conveyed property located at 144 West Parmenter Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 2, Lot 51, to Edith Rivera; and

WHEREAS, the attorney for the current owner, Alandra Price, 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 144 West Parmenter Street, Section 38, Block 2, Lot 51 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 31, 2013, from THE CITY OF NEWBURGH to EDITH RIVERA, recorded in the Orange County Clerk's Office on April 4, 2013, in Liber 13537 of Deeds at Page 1963 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.: 242-2021

OF

OCTOBER 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO 357 LIBERTY CORP. TO THE PREMISES KNOWN AS
357 LIBERTY STREET (SECTION 11, BLOCK 4, LOT 22)**

WHEREAS, on February 28, 2019, the City of Newburgh conveyed property located at 357 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 11, Block 4, Lot 22, to 357 Liberty Corp.; and

WHEREAS, the president of the company, Arleen Perez, 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.

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 357 First Street, Section 11, Block 4, Lot 22 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 February 28, 2019, from THE CITY OF NEWBURGH to 357 LIBERTY CORP., recorded in the Orange County Clerk's Office on June 11, 2019, in Liber 14577 of Deeds at Page 1964 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.

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

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.: 243 - 2021

OF

OCTOBER 12, 2021

**A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
BEGINNING OCTOBER 30, 2021 AT 9:00 P.M. AND
ENDING NOVEMBER 1, 2021 AT 6:00 A.M.**

WHEREAS, the City of Newburgh has a general obligation to ensure the safety and welfare of the general population of the City including minors, along with protection of private property; and

WHEREAS, October 30th and 31st are associated with Halloween related activities, including “Trick or Treating” and other related outdoor activities, some of which might be prejudicial to the safety and welfare of the population and protection of private property; and

WHEREAS, the City of Newburgh determines that the passage of a curfew resolution for Halloween and the preceding night will assist in protecting the welfare of minors by reducing the likelihood of their involvement in inappropriate behavior, while aiding parents or guardians of minors entrusted in their care;

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting at 9:00 p.m. on Saturday, October 30, 2021, and ending at 6:00 a.m. on Monday, November 1, 2021; and

BE IT FURTHER RESOLVED, this Council urges all parents to inform their children and supervise the implementation of this City-wide curfew so that we may avoid problems and promote the safety, health and welfare of our City’s young people and property owners; and

BE IT FURTHER RESOLVED, that it shall be a defense to a violation of this curfew that the minor was accompanied by the minor’s parent or guardian, engaged in an employment activity, or involved in an emergency or other legally justifiable activity.

RESOLUTION NO.: 244 - 2021

OF

OCTOBER 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT
TO IMPLEMENT A HANDLE WITH CARE INITIATIVE
TO ADDRESS CHILDREN'S EXPOSURE TO VIOLENCE AND TRAUMA**

WHEREAS, the City of Newburgh and the Newburgh Enlarged City School District wish to enter into a memorandum of understanding to implement a Handle with Care initiative aimed at addressing children's exposure to violence and trauma; and

WHEREAS, the Handle with Care initiative directly addresses the goal of mitigating the negative impacts of exposure to trauma when it does occur, by providing support and on-site trauma focused interventions by mental health providers, to children identified by local law enforcement and school personnel; and

WHEREAS, this Council has reviewed the attached memorandum of understanding and finds that the execution of the same is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into a Memorandum of Understanding with the Newburgh Enlarged City School District, in substantially the same form as annexed hereto with such other terms and conditions as may be required by the Corporation Counsel, to implement a Handle with Care initiative to address children's exposure to violence and trauma for the 2021-2022 school year.

LOCAL LAW NO.: 5 - 2021

OF

OCTOBER 12, 2021

A LOCAL LAW AMENDING CHAPTER 276 ENTITLED "TOBACCO"
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO AMEND THE CHAPTER TITLE TO "TOBACCO AND MARIHUANA",
AND TO AMEND ARTICLE II ENTITLED "OUTDOOR SMOKING"

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 276 "Tobacco" be and is hereby amended to amend the chapter title to "Tobacco and Marihuana" and to amend Article II entitled "Outdoor Smoking" as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law amending Chapter 276 entitled 'Tobacco' of the Code of Ordinances of the City of Newburgh to amend the chapter title to 'Tobacco and Marihuana' and to amend Article II entitled 'Outdoor Smoking'".

SECTION 2 - PURPOSE AND INTENT

On March 31, 2021, Governor Cuomo signed into law Chapter 92 of the Laws of 2021, known as "The Marihuana Regulation and Taxation Act" (MRTA). Nothing in the MRTA is intended to limit the authority of local government to allow smoking cannabis/marihuana in any location where smoking tobacco is prohibited. The primary purpose of this local law is to amend Article II of Chapter 276 to add cannabis/marihuana to the prohibition of smoking and vaping in outdoor and other public spaces to reduce exposure to second-hand smoke to the general public and youth in locations where they are likely to be present.

SECTION 3 - AMENDMENT

Chapter 276 of the Code of Ordinances of the City of Newburgh is hereby amended to amend the chapter title to "Tobacco and Marihuana" and to amend Article II entitled "Outdoor Smoking" to read as follows:

CHAPTER 276 TOBACCO AND MARIHUANA

ARTICLE II. Outdoor Smoking

§ 276-11. Legislative authority.

- A. Pursuant to the New York State Constitution, the City Council of the City of Newburgh may adopt and amend laws pertaining to the protection, conduct, safety, health and well-being of the persons and property in the City.
- B. The Clean Indoor Air Act, adopted by the New York State Legislature as Public Health Law, Article 13-E, §1399-n et seq., addresses indoor smoking only and specifically provides that “nothing herein shall be construed to restrict the right of any county, city, town, or village to adopt and enforce additional local law, ordinances or regulations which comply with at least the minimum applicable standards set forth in this article.”
- C. The Marihuana Regulation and Taxation Act (“MRTA”), adopted by the New York State Legislature as Cannabis Law, Chapter 7-A, provides that nothing in the MRTA is intended to limit the authority of any government agency to allow smoking cannabis in any location where smoking tobacco is prohibited.

§ 276-12. Definitions.

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

CANNABIS PRODUCT or CANNABIS-RELATED PRODUCT means any product containing cannabis or hemp, as those terms are defined in the MRTA, that are used or intended for the purpose of smoking or inhaling. “Cannabis Product” or “Cannabis-Related Product” does not include any product that has been excluded from the definition of cannabis or hemp by the MRTA or approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a drug product or for other medical purposes and is being marketed and sold solely for that approved purpose.

CHILDREN means persons under the age of 18 years.

CITY-OWNED BUILDING means any structure owned by the City of Newburgh, except for any vacant structure not used for municipal purposes and any such structure that is subject to a written lease to another party, provided such lease was entered into prior to the effective date of this chapter and provided such lease does not give the City the authority to regulate outdoor smoking on the leased premises.

E-CIGARETTE means any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine, cannabis product, or cannabis-related product, and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

ENTRANCE means the location by which persons may enter a building, typically consisting of a door or doorway, which may be associated with a stoop or steps and/or a ramp and for the purposes of this chapter, “entrance” includes the stoop, steps or ramp leading from the sidewalk or pavement to such a door or doorway.

Underlining denotes additions

~~Strikethrough~~ denote deletions

EXIT means the location by which persons may leave a building, typically consisting of a door or doorway, which may be associated with a stoop or steps and/or a ramp and for the purposes of this chapter, "exit" includes the stoop, steps or ramp leading from the sidewalk or pavement to such a door or doorway.

FACILITY means the structures and activity areas, which may be partially enclosed or unenclosed, associated with an operation (which operation may be governmental, recreational, educational, commercial or of another type).

MASS TRANSIT SHELTER means a structure that has a roof and intended for use by persons waiting for a bus or other mass transit vehicle.

MOBILE VENDING means an activity consisting of the offering of goods and/or services for sale from a nonpermanent base of operations, including but not necessarily limited to a cart, kiosk, table or vehicle.

OUTDOOR DINING means an activity consisting of the provision of facilities that are available to members of the public (with or without payment) for eating and/or drinking in an area that is not fully enclosed by a permanent structure (walls, roof, etc.).

OUTDOOR RECREATION AREA means an area that is not fully enclosed and that is designated for recreational purposes or activities.

PAVILION means a structure that is at least partially unenclosed (for example, with open sides) and that is intended for public use.

PERMIT means written permission for an activity proposed to be conducted on property of the City of Newburgh, including any conditions placed upon such permission, issued and signed by the appropriate regulatory authority of the City.

PLAYGROUND means an outdoor recreation area that is designed and intended for use by children and for the purposes of this chapter, a playground that is fenced or otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation; a playground that is not fenced or otherwise demarcated shall be deemed to include all open space that is associated with or adjacent to it.

PLAYING FIELD means that portion of an outdoor recreation area that is set up and marked in some way for the playing of one or more specific games (such as baseball, football or soccer) and for the purposes of this chapter, a playing field that is fenced or the outside perimeter of which is otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation, together with any bleachers or other, designated viewing area; a playing field that is not fenced or otherwise demarcated (as to its outside perimeter) shall be deemed to include all of

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the area customarily required for playing the game for which it is being used, together with any bleachers or other designated viewing area.

SMOKE means the emission produced by the burning of a tobacco product or tobacco-related product, cannabis product or cannabis-related product, or the heating of an e-cigarette which creates a vapor.

SMOKING means the burning of a tobacco product or tobacco-related product, cannabis product or cannabis-related product, or the heating or ignition of an e-cigarette which creates a vapor.

TOBACCO PRODUCT or TOBACCO-RELATED PRODUCT means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, liquid nicotine and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. ~~However~~, "Tobacco Product" or "Tobacco-Related Product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

§ 276-13. Outdoor smoking prohibited in certain public places.

Smoking shall not be permitted and no person shall smoke in the following outdoor areas:

A. Smoking shall be prohibited in the following City parks:

Downing Park (the area between and bounded on the north by South Street; on the east by Dubois Street; on the south by Third Street and on the west by Robinson Avenue; as shown on the Tax Map of the City of Newburgh as Section 17, Block 9, Lot 1 and Section 17, Block 10, Lot 1)

Delano-Hitch Recreation Park, including the Activity Center, Stadium, Skateboard Park, Aquatic Center and Athletic Fields, (the area between and bounded on the north by Washington Street; on the east by Robinson Avenue; on the south by South William Street and on the west by Lake Street; as shown on the Tax Map of the City of Newburgh as Section 34, Block 4, Lot 1.22)

Newburgh Landing Park (the area between and bounded on the north by Fourth Street, on the west by Front Street, on the east by the Hudson River and on the south by Third Street)

Underlining denotes additions

~~Strikethrough~~ denote deletions

Clinton Square Park (the area between and bounded on the south by Third Street, on the east by Bush Avenue, on the north by Bush Avenue and on the west by Fullerton Avenue)

Ward Brothers Memorial Rowing Park (the area beginning at the intersection of Renwick Street and River Street, along the former line of the Newburgh-New Windsor Turnpike, along the westerly boundary of the Wastewater Treatment Plant property, as shown on the Tax Map of the City of Newburgh as Section 49, Block 1, Lot 5.1)

Hasbrouck Street Park (10-14 Hasbrouck Street, as shown on the Tax Map of the City of Newburgh as Section 38, Block 3, Lot 35.1)

Tyrone H. Crabb Memorial Park (Grand Street and South Street, as shown on the Tax Map of the City of Newburgh as Section 12, Block 2, Lot 6)

Audrey L. Carey Family Park (Liberty Street, as shown on the Tax Map of the City of Newburgh as Section 18, Block 8, Lot 1.2)

B. Smoking shall be prohibited in the following outdoor recreation areas:

Lily Street Tennis Courts (Lily Street, as shown on the Tax Map of the City of Newburgh as Section 16, Block 2, Lot 1)

Gidney Avenue Basketball Court (Gidney Avenue, as shown on the Tax Map of the City of Newburgh as Section 11, Block 4, Lot 34.1)

Washington Street Boat Launching Ramp (foot of Washington Street)

Frank Masterson Recreation Area

C. Smoking shall be prohibited in other areas or at events where persons cannot readily escape nearby second-hand smoke, as follows:

1. Within any outdoor dining area, whether covered or not, located on City-owned property as follows:
 - a. Within any seating area for outdoor dining and/or drinking associated with a bar or restaurant that is on City property and subject to a City license and that is in use for that purpose; and
 - b. Within any seating area for outdoor dining and/or drinking, established or maintained by the City or its agent, that is in use for that purpose.

Underlining denotes additions
~~Strikethrough~~ denote deletions

2. On any public property that is within 25 feet of the area occupied by a mobile vending cart or other mobile vendor operating on City-owned or City-leased property.
3. At outdoor events on City-owned property, as follows:
 - a. Within the outdoor seating and viewing areas for open-air concerts, dances, parades, other performances, lectures, motion-picture or video presentations or similar open-air presentations for which a permit from the City is required and when in use for that purpose.
 - b. Within the outdoor seating and viewing areas associated with unenclosed or partially enclosed sports areas or similar open-air recreational facilities.
 - c. During outdoor festivals, block parties and similar events on public property, for which a permit from the City is required, that will involve the concentration of persons in small or constrained spaces. For such an event, smoking is prohibited within the area covered by the City permit, except within a designated smoking area as described in subsection C(3)(d), below.
 - d. If the sponsor of an outdoor event (per subsection C(3)(a), (b) or (c) above) wishes to allow smoking at the event, the sponsor must propose and request from the City a designated smoking area associated with the event, which must be so marked, may not be in a permanently smoke-free area and would result in little or no direct exposure of nonsmokers to second-hand smoke; if no such exception is requested and granted, the event must be entirely smoke free.
4. Any licensee or permit holder for an outdoor dining area, vending or outdoor event on City-owned property shall be required to inform members of the public of applicable restrictions on outdoor smoking (for example, through signs posted on a mobile vending cart, at the perimeter of an outdoor dining area or outdoor event and/or in the publicity for an event).

D. Smoking shall be prohibited in certain other areas, as follows:

1. Outside City-owned buildings, as follows: at all times, on any public property within 25 feet of any entrance or exit or window or ventilation intake for any building owned by the City of Newburgh.
2. Inside, or on any public property within 25 feet of, any mass transit shelter.
3. At facilities leased or licensed to others, as follows:
 - a. Whenever the City is negotiating a new or renewed lease or license for use of City land or buildings, the City shall include in such lease or license a provision that will apply outdoor smoking rules comparable to those for other, comparable City property (as set forth herein)
 - b. As for existing leases, where this chapter would not apply automatically, the City shall ask such lessees to agree (voluntarily) to operate the outdoor areas of the leased premises in a manner that is consistent with City regulation of smoking in comparable outdoor areas.

Underlining denotes additions

~~Strikethrough~~ denote deletions

§ 276-14. Penalties for offenses.

Any person found to be in violation of any provision of this Article by smoking in an area where outdoor smoking is hereby prohibited shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$50.00 for the first violation; not more than \$100.00 for a second violation; and not more than \$250.00 for the third and each subsequent violation. Each day on which a violation occurs shall be considered a separate and distinct violation.

§ 276-15. Severability.

The provisions of this Local Law are declared to be severable, and if any section or subsection of this Article is held to be invalid, such invalidity shall not affect the other provisions of this Article that can be given effect without the invalidated provision.

SECTION 4 – SEVERABILITY

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

SECTION 5 – CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the 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 6 – VALIDITY

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

SECTION 7 – EFFECTIVE DATE

This Local Law and shall be effective 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.

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 245-2021

OF

OCTOBER 12, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 25, 2021
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING CHAPTER
240 ENTITLED "RENTAL PROPERTIES" ADDING ARTICLE III ENTITLED
"PROHIBITION OF EVICTION WITHOUT GOOD CAUSE"
TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Chapter 240 entitled 'Rental Properties' and adding Article III entitled 'Prohibition of Eviction Without Good Cause' to the Code of Ordinances of the City of Newburgh"; 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 25th day of October, 2021, in the Activity Center, 401 Washington Street, Newburgh, New York;

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19 and in accordance with Part E of Chapter 417 of the Laws of 2021, the October 25, 2021 City Council meeting also will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed Local Law amending Chapter 240 entitled "Rental Properties" and adding Article III entitled "Prohibition of Eviction Without Good Cause" to the Code of Ordinances of the City of Newburgh as follows:

To view the livestream of the City Council Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: https://us06web.zoom.us/webinar/register/WN_gBgFZ_YPSz-5nma9a5GBDQ. Please note that there is an underscore between the "N" and "g" and between the "Z" and "Y").

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, October 25, 2021 through the Zoom App: https://us06web.zoom.us/webinar/register/WN_gBgFZ_YPSz-5nma9a5GBDQ. Please note that there is an underscore between the "N" and "g" and between the "Z" and "Y"). Please fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, October 25, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

**A LOCAL LAW AMENDING CHAPTER 240 ENTITLED “RENTAL PROPERTIES”
TO ADD ARTICLE III ENTITLED
“PROHIBITION OF EVICTION WITHOUT GOOD CAUSE”
TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 240 “Rental Properties” be and is hereby amended to add Article III, “Prohibition of Eviction Without Good Cause” as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Chapter 240 entitled ‘Rental Properties’ and to add Article III entitled ‘Prohibition of Eviction Without Good Cause’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - PURPOSE AND INTENT

The Council of the City of Newburgh commissioned and completed a Housing Needs Assessment to evaluate current housing needs in the City of Newburgh and to promote the development of long-term housing policies. The Housing Needs Assessment found housing cost burden rates for renter-occupied homes at significantly higher rates for City of Newburgh renters than for those in Orange County and all City of Newburgh census tracts had cost burden rates for renters over 50%. Renters in the City of Newburgh, especially, low- and moderate-income renters increasingly are faced with the refusal of landlords to continue to rent to otherwise credit-worthy tenants and tenants who are otherwise following all applicable laws. Increased real estate prices in the City is leading to gentrification and the displacement of tenants who cannot afford increasing rents. The Housing Needs Assessment produced the Newburgh Housing Report which outlined policy themes, goals and actions that could assist the City in developing a long-term strategy for meeting local housing needs. Strengthening and expanding eviction prevention programs, including adopting a “just cause” eviction law was identified as an action item to reduce incidents of eviction leading to homelessness. The primary purpose of this Article is to implement a policy recommendation of the City of Newburgh Housing Needs Assessment and Newburgh Housing Report intended to protect tenants from exorbitant and predatory rent increases that could result in a significant increase in homelessness in the City of Newburgh.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Article III entitled "Prohibition of Eviction Without Good Cause" to Chapter 240 entitled "Rental Properties" to read as follows:

ARTICLE III. PROHIBITION OF EVICTION WITHOUT GOOD CAUSE

§ 240-30. Legislative authority.

- A. Pursuant to the New York State Constitution, the City Council of the City of Newburgh may adopt and amend laws pertaining to the protection, conduct, safety, health and well-being of the persons and property in the City.
- B. This local law is authorized by the Municipal Home Rule Law, adopted as chapter 36-a of the Consolidated Laws of the State of New York, and the General City Law, adopted as chapter 21 of the Consolidated Laws of the State of New York.

§ 240-31. Definitions.

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

DISABLED PERSON means as applied according to the definition set forth in the New York State Public Housing Law §14(4)(c)(iii).

HOUSING ACCOMMODATION means residential premises, including a dwelling, dwelling unit, or rooming unit as defined in this Chapter, located in the City of Newburgh.

LANDLORD means any owner, lessor, sub-lessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any housing accommodation or the agent of any the foregoing.

RENT means any consideration, including any bonus, benefit, or gratuity, demanded or received for or in consideration with the possession, use, or occupancy of housing accommodations or the execution or transfer of a lease for such housing accommodations.

TENANT means a tenant, sub-tenant, lessee, sub-lessee, assignee, manufactured home tenant as defined in paragraph one of subsection (A) of section two hundred thirty-three of the New York State Real Property Law, an occupant of a rooming house or hotel as defined in section seven hundred eleven of the New York State Real Property Actions and Proceedings Law, or any other person entitled to the possession, use or occupancy of any housing accommodation.

§ 240-32. Applicability.

This article shall apply to all housing accommodations except:

- A. Owner-occupied premises with less than four units.

- B. Premises where the possession, use or occupancy of which is solely incident to employment and such employment is being lawfully terminated.
- C. Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires "good cause" for termination or non-renewal of such tenancies.
- D. Premises sublet pursuant to section two hundred twenty-six-b of the New York State Real Property Law or otherwise, where the sub-lessor seeks in good faith to recover possession of such housing accommodation for personal use and occupancy.

§ 240-33. Necessity for good cause.

No landlord shall, by action to evict or to recover possession, by exclusion from possession, by failure to renew any lease, or otherwise, remove any tenant from housing accommodation except for good cause as defined in Section 240-34 of this article.

§ 240-34. Grounds for removal of tenants.

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the plaintiff or petitioner has established one of the following grounds as good cause for removal or eviction:
 - 1. The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases, the court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c)) of the New York State Real Property Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;
 - 2. The tenant is violating a substantial obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
 - 3. The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation; or the tenant's conduct, including but not limited to, smoking inside the dwelling unit where smoking inside the dwelling unit has been prohibited by the landlord and such prohibition has been

communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the dwelling unit is located in accordance with relevant laws, and causing the accumulation of excessive rubbish and/or garbage in the dwelling unit and common areas, is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures;

4. Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefore; provided however that the City of Newburgh or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;
5. The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
6. The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
7. The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;
8. The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
9. The owner-landlord has in good faith entered into a contract for the sale of the housing accommodation and such contract requires that the housing accommodation be transferred free and clear of any and all residential tenancy obligations as a condition of such sale where the owner-landlord has no shared financial or other interest with the potential buyer other

than the sale of the housing accommodation in question and submitted sufficient proof to the court thereof.

10. Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord subject to the following:

- a. The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, which such written offer to include:
 - i. An original and one copy of the proposed written lease, executed by the landlord or the landlord's designee;
 - ii. Notice of the landlord's intention to pursue eviction within 120 days pursuant to this article if the tenant rejects the proposed written lease and/or does not enter into said lease within forty-five days of the initial offer;
 - iii. Clear instructions to the tenant concerning the matter in which the tenant is to communicate to the landlord acceptance or rejection of the written lease; and
 - iv. Notice of any proposed increase equal to or greater than 5% shall be provided in compliance with New York State Real Property Law Section 226-C
- b. The proposed written lease shall not supersede an existing, active lease to which the landlord and tenant are parties;
- c. The terms of the proposed lease may not:
 - i. Be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities which would create a nuisance at the property or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures as described in Section 240-34(A)(3) above; or
 - ii. Substantially alter the terms of any existing lease;
- d. The proposed written lease shall not be offered for the purposes of circumventing this article;
- e. The tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if:
 - i. The tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the execution of the warrant of eviction regardless of landlord's willingness to accept said consent at the time it is communicated; and/or
 - ii. Prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease and that the landlord refused in bad faith to engage in such negotiation; and/or
 - iii. The tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease; and/or
 - iv. The tenant is a victim of domestic violence as defined by New York State Social Service Law Section 459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or

- v. The proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy which is unconscionable or imposed for the purposes of circumventing this article per Section 240-34(A)(1) above;
 - f. That any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant.
 - B. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (7), (8), or (9) of Section 240-24(A) of this Article shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this provision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.
 - C. Nothing in this section shall abrogate or limit the tenant's right, pursuant to section seven hundred fifty-one of the New York State Real Property Actions and Proceedings Law, to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section seven hundred fifty-one of the New York State Real Property Actions and Proceedings Law.

SECTION 4 – SEVERABILITY

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

SECTION 5 – CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the 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 6 - VALIDITY

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

SECTION 7 - EFFECTIVE DATE

This Local Law and shall be effective on January 1, 2022 after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: 246 - 2021

OF

OCTOBER 12, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR OCTOBER 25, 2021 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS
OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c

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 authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c"; 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 25th day of October, 2021 in the Activity Center, 401 Washington Street, Newburgh, New York; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19 and in accordance with Part E of Chapter 417 of the Laws of 2021, the October 25, 2021 City Council meeting also will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed local law authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_gBgFZYPSz5nma9a5GBDQ. Please note that there is an underscore between the "N" and "g" and between the "Z" and "Y".

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, October 25, 2021 through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_gBgFZYPSz5nma9a5GBDQ. Please note that there is an underscore between the "N" and "g" and between the "Z" and "Y". Please fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, October 25, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.