

A regular meeting of the City Council of the City of Newburgh was held on Monday, October 25, 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 called 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 (arrived after roll call at 7:19 p.m.), Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Approval of the minutes from the City Council meeting of October 12, 2021 / Aprobacion del Acta de la Reunion General del Consejo del 12 de Octubre de 2021

Councilman Sklarz moved and Councilman Shakur seconded.

Ayes: Grice, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 6

Carried

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



City Manager's Update

Newburgh City Council Meeting

Monday, October 25, 2021

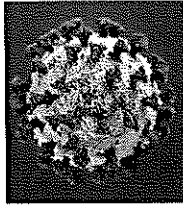


Novel Coronavirus (COVID-19)

For more information

Hotline: 1-888-364-3065

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



New York State Department of Health COVID-19 Tracker

Testing data as of: 10/19/2021 2 PM
Testing data last updated on: 10/20/2021

Statewide

Total Persons Tested
73,919,743

Total Tested 10/19
192,805

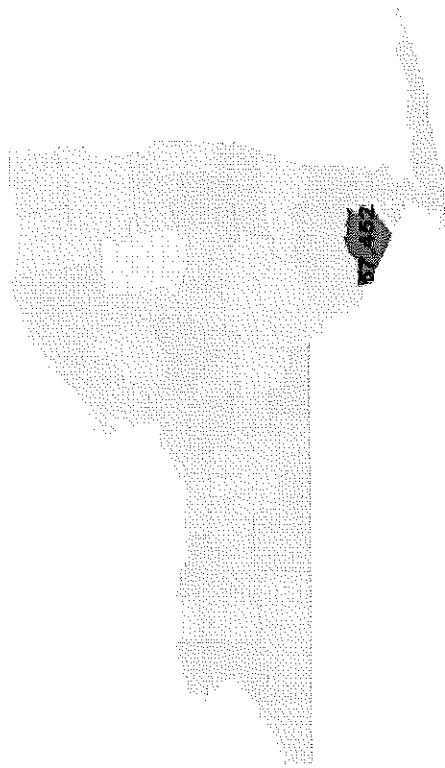
Total Tested Positive
2,495,674

Sex Distribution of Positive Cases
Female 50.9% Male 47.9% Unknown 1.2%

New Positives 10/19
4,668

Persons Tested Positive by County

100-499
1,000-4,999
5,000-9,999
10,000-14,999
15,000-19,999
20,000+



1

Click County to See Detail
Click Again for Statewide

Livingston	5,701
Madison	5,704
Monroe	5,704
Montgomery	5,704
Nassau	5,704
New York	5,704
Niagara	5,704
Oneida	5,704
Onondaga	5,704
Ontario	5,704
Orange	57,452
Orleans	5,704
Oswego	5,704
Otsego	5,704
Pulaski	5,704
Queens	5,704
Rensselaer	5,704
Rockland	5,704
Saratoga	5,704

Click for Daily Trends

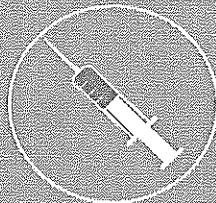
Click for Table View

Click for Fatality Data

FAQs & Helpful Links

County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positives Today
Orange	1,005,358	57,452	5.2%	3,289	100



COMPLIMENTARY RIDES
TO **VACCINE SITES**

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

CALL: 845-569-7420

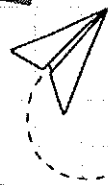
- Must be City of Newburgh Resident
- Must have proof of confirmed vaccination appointment
- Appointment must be <30 miles from Newburgh (SUNY Orange Middletown & Ulster Fairgrounds in New Paltz)
- 24 hours notice required
- Pick-up/ Drop off Newburgh only, no stops allowed
- Ambulette service available

Financed by City of Newburgh CDBG-501 Community Development Block Grant - Capital Aid Funding



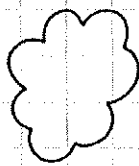
★ **EVERY** ★

**SHOT MAKES
A DIFFERENCE**



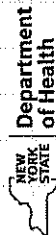
Learn more at

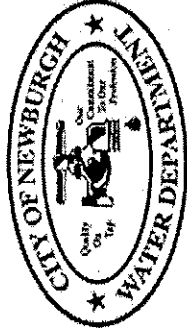
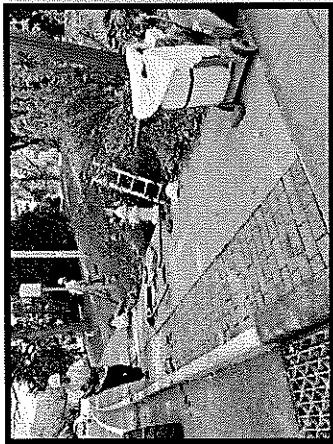
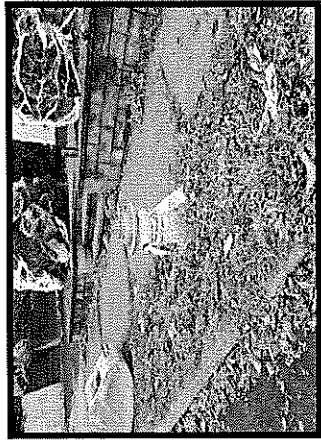
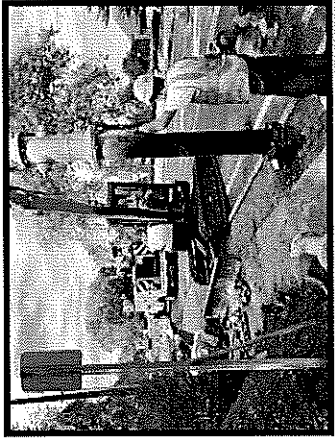
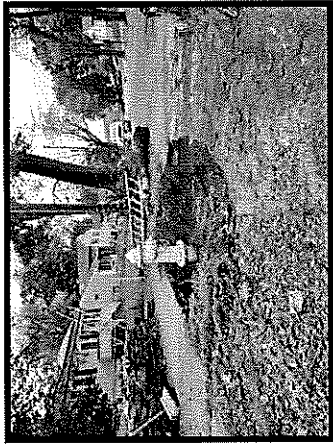
NY.GOV/VACCINE



and talk to a parent or guardian about getting
your COVID-19 vaccine today.

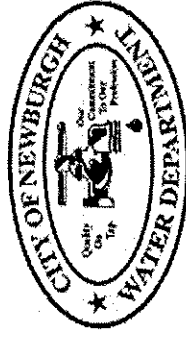
NYS GOES
#VAX
SCHOOL





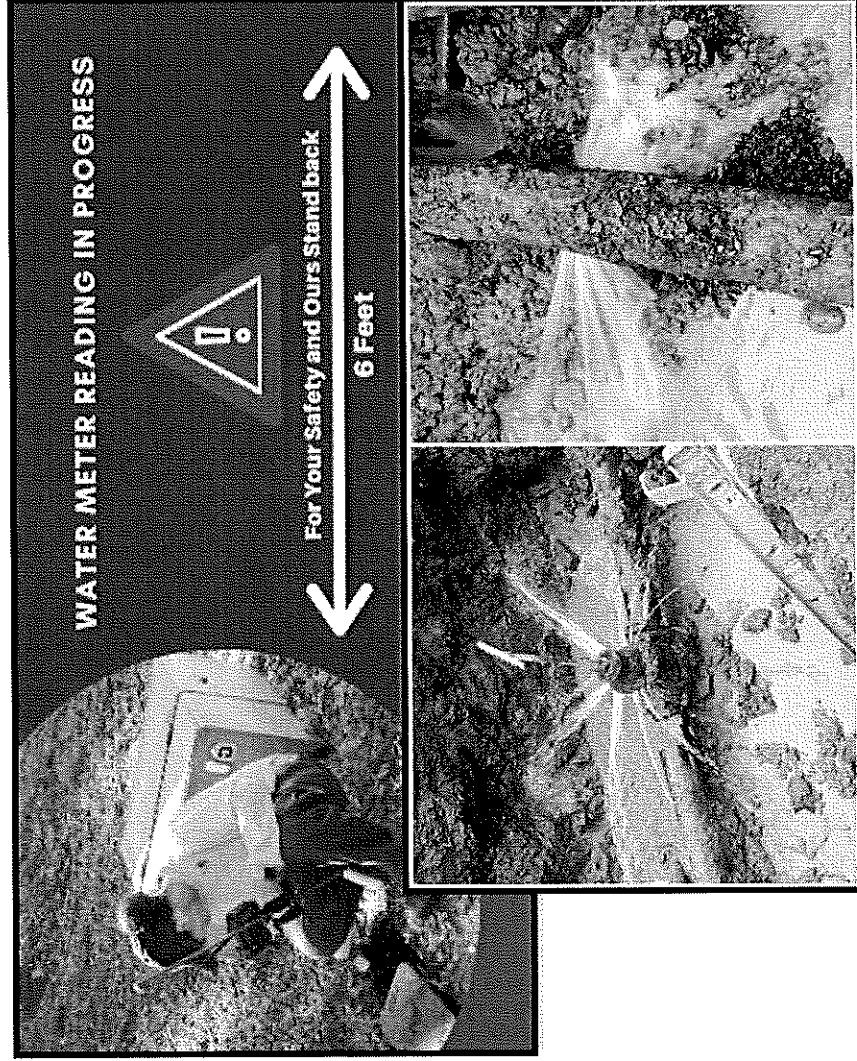
Fall Hydrant Flushing

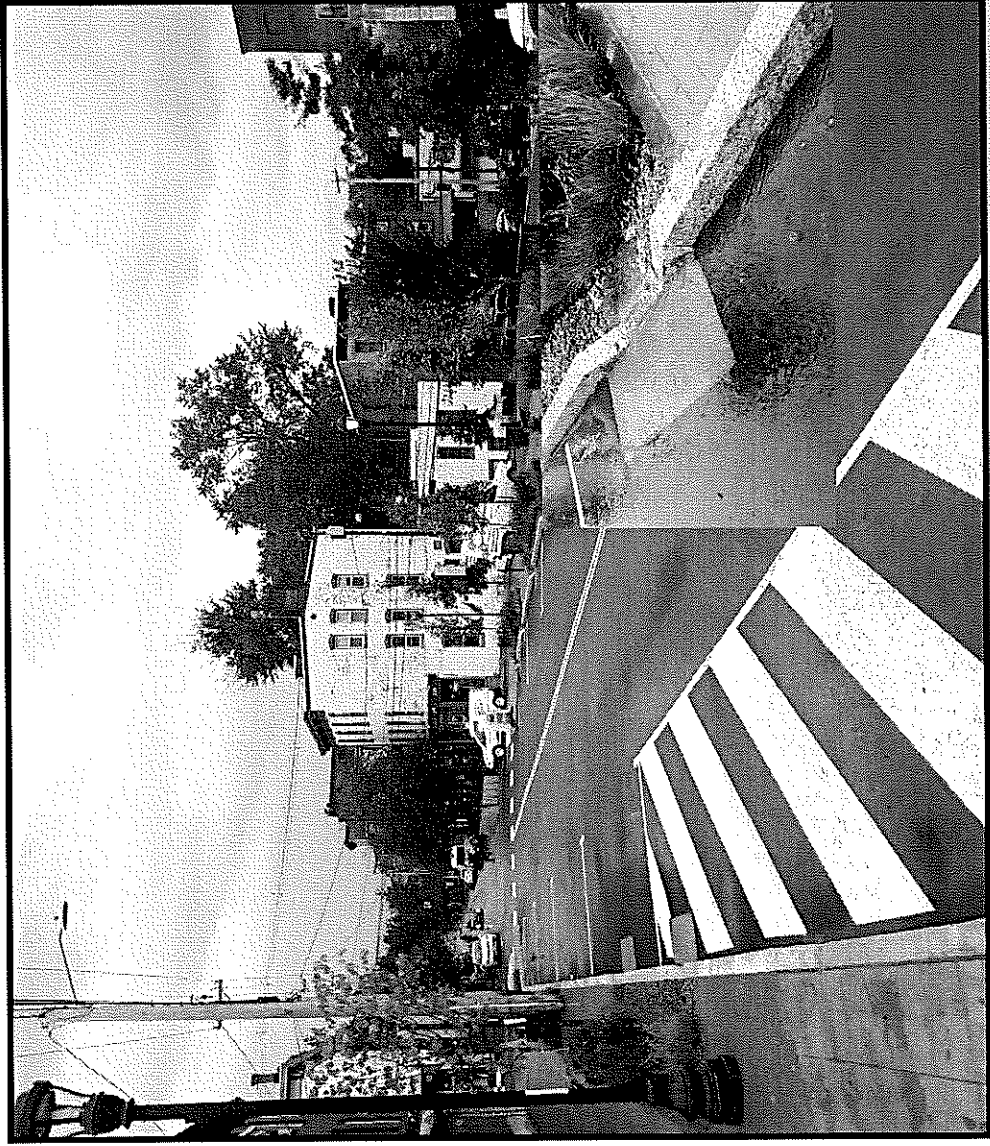
- Over 880 hydrants inspected & flushed
- Repairs & replacements in progress



Water Meter Reading

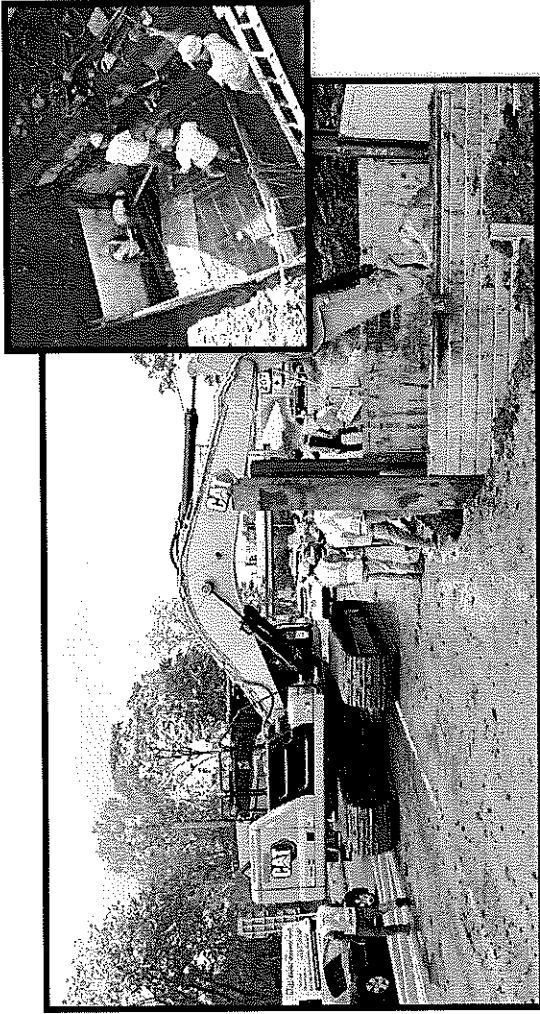
➤ Over 5600 Water Meters read





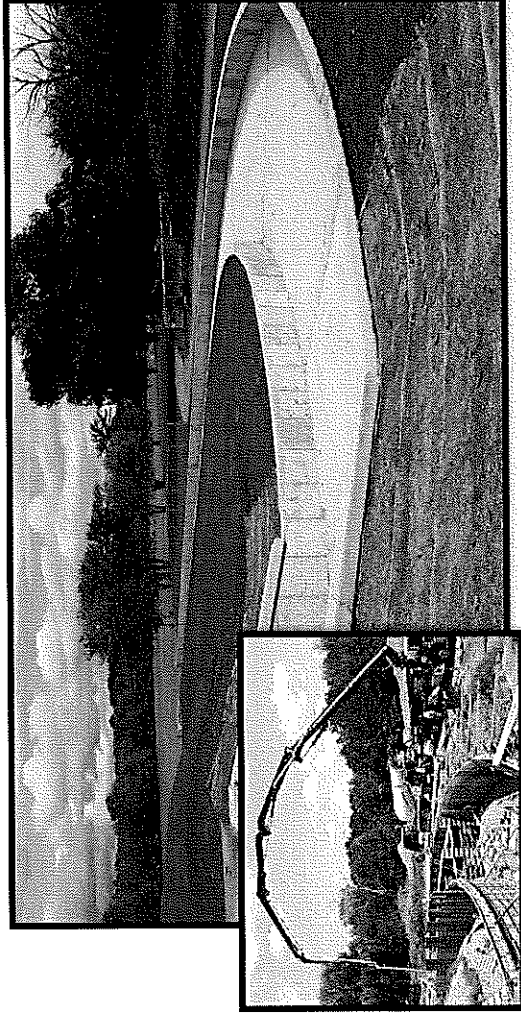
Liberty Street Streetscape Project

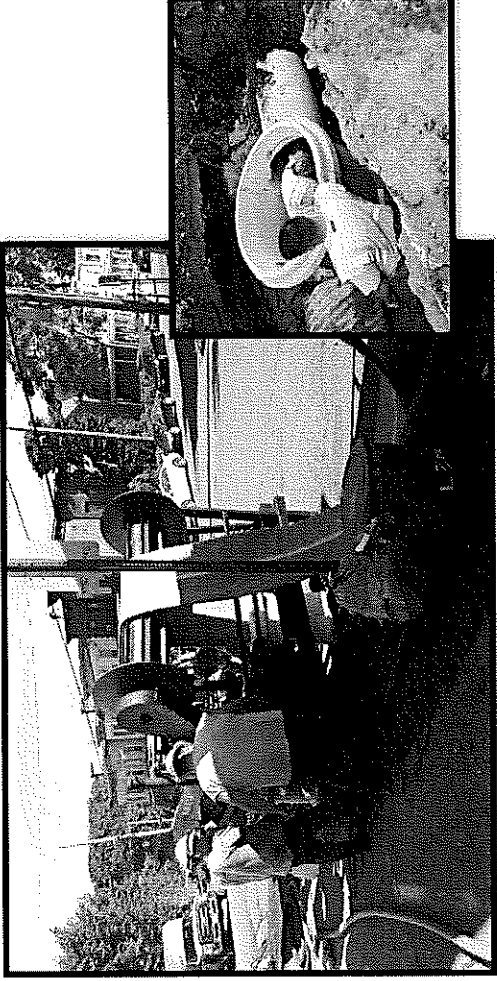
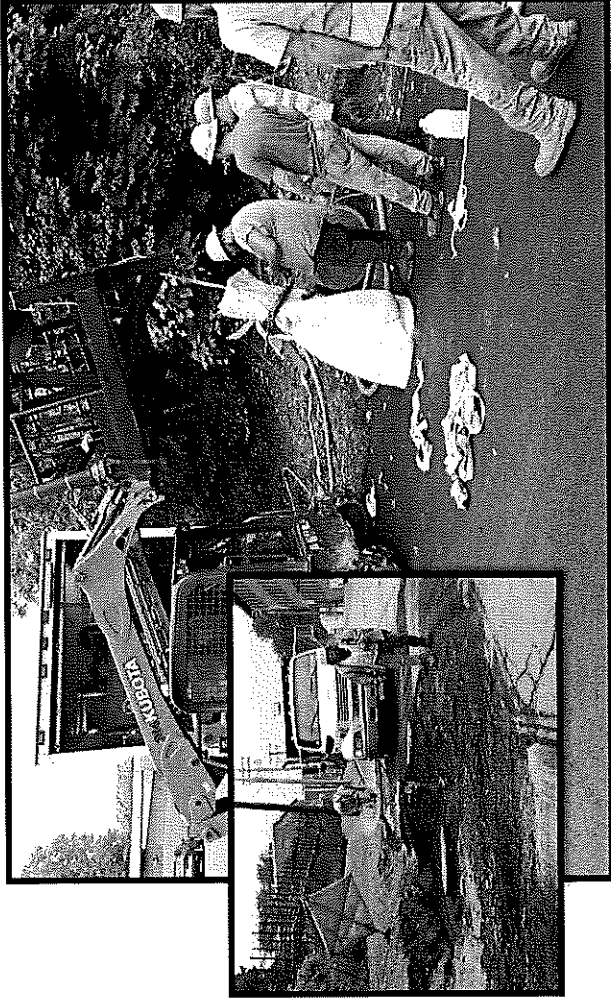
- Project Completed – September 30
- New ADA pedestrian curb ramps
- New sidewalks
- New copper water services
- New bioswales



Silver Stream Culvert Collapse & Washington Lake Spillway Reconstruction

- A large metal culvert collapsed at Silver Stream as a result of storm impacts from Hurricane Ida
- the full demolition of the 100 year old concrete spillway and reconstruction of a new concrete spillway at Washington Lake was completed





Renwick & Liberty St. Storm Sewer Pipe Lining

Renwick Street

- Installed a cured in place pipe liner in existing 30-inch stormsewer pipe

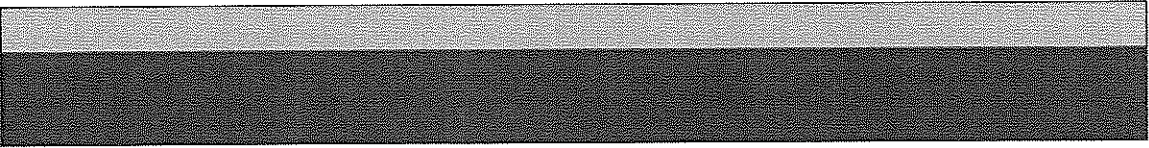
Liberty Street

- Installed a cured in place pipe liner in existing 18-inch stormsewer pipe

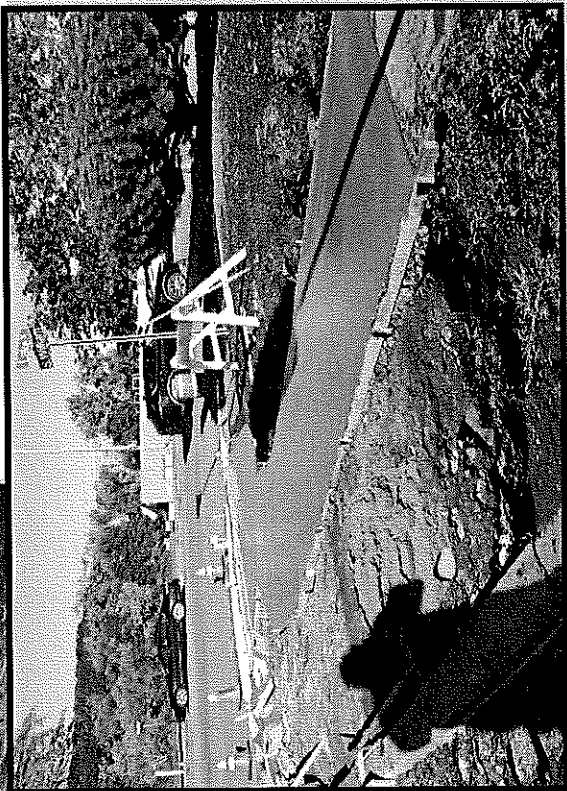
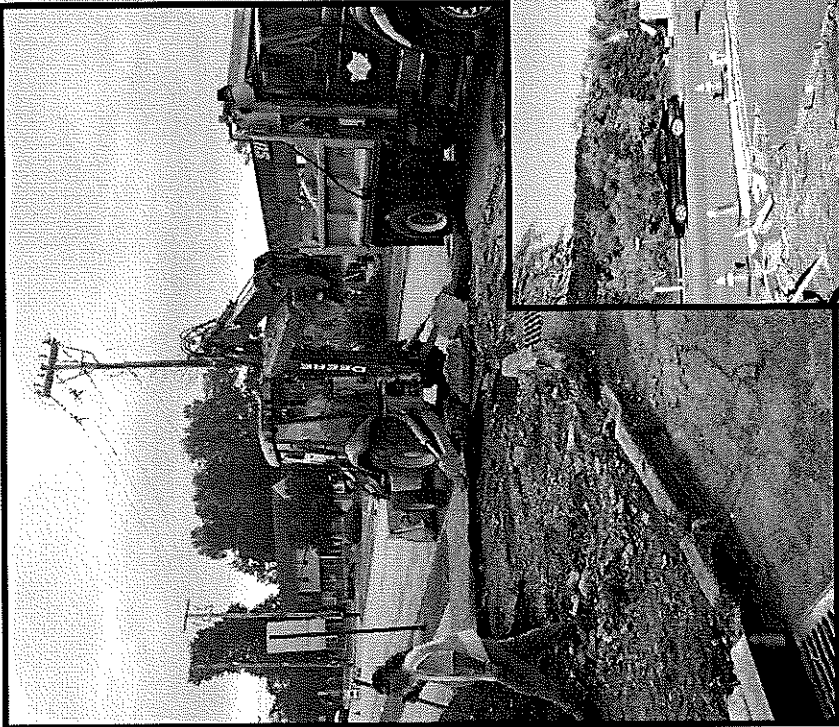


Fall Paving

- Lake Drive North
- South William Street
- Walsh Road
- Dickson Street
- Overlook Place
- Bridge Street

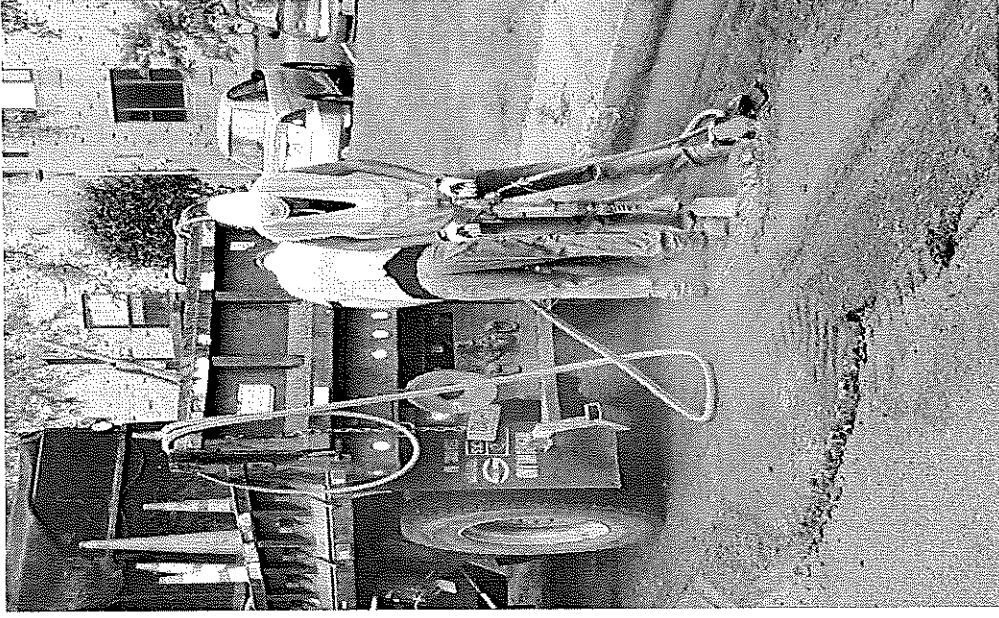


ADA Curb Ramps



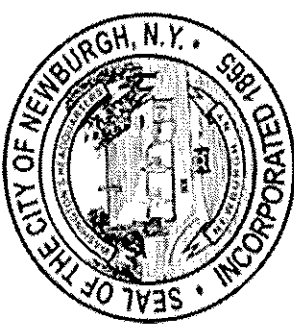


Road Milling & Paving

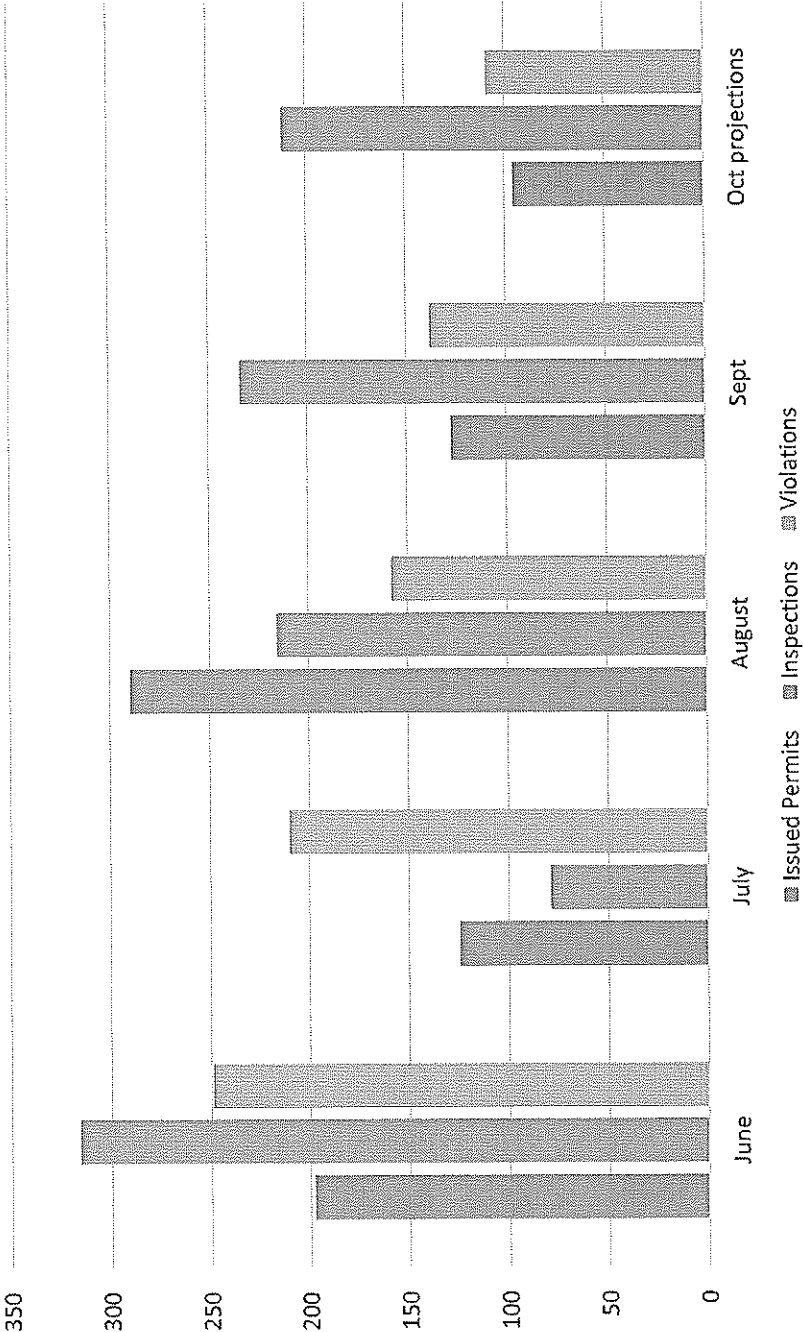




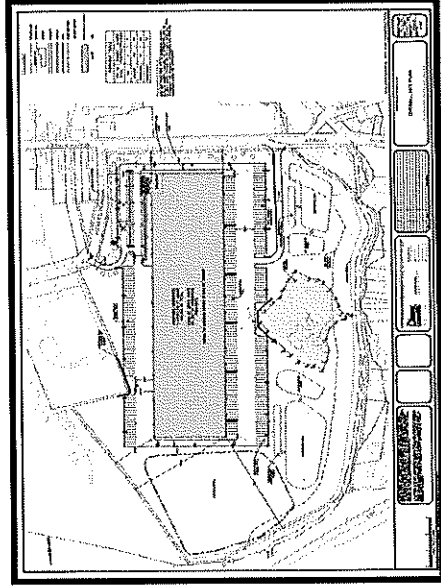
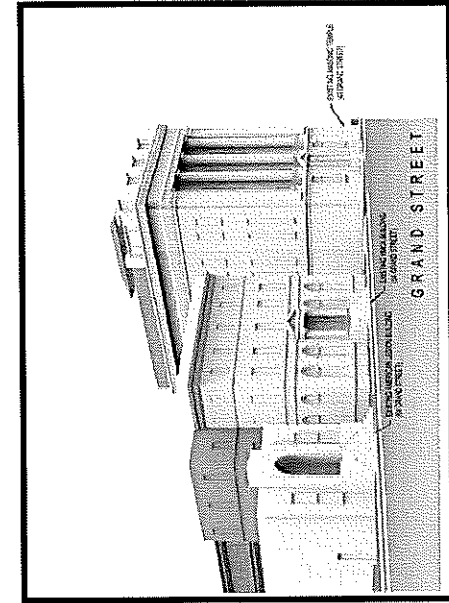
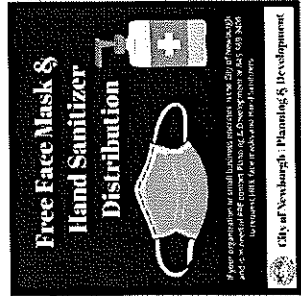
Quantitative Progress on Codes: Permits, Inspections & Violations

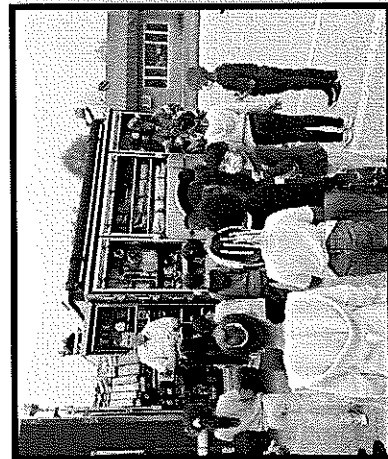
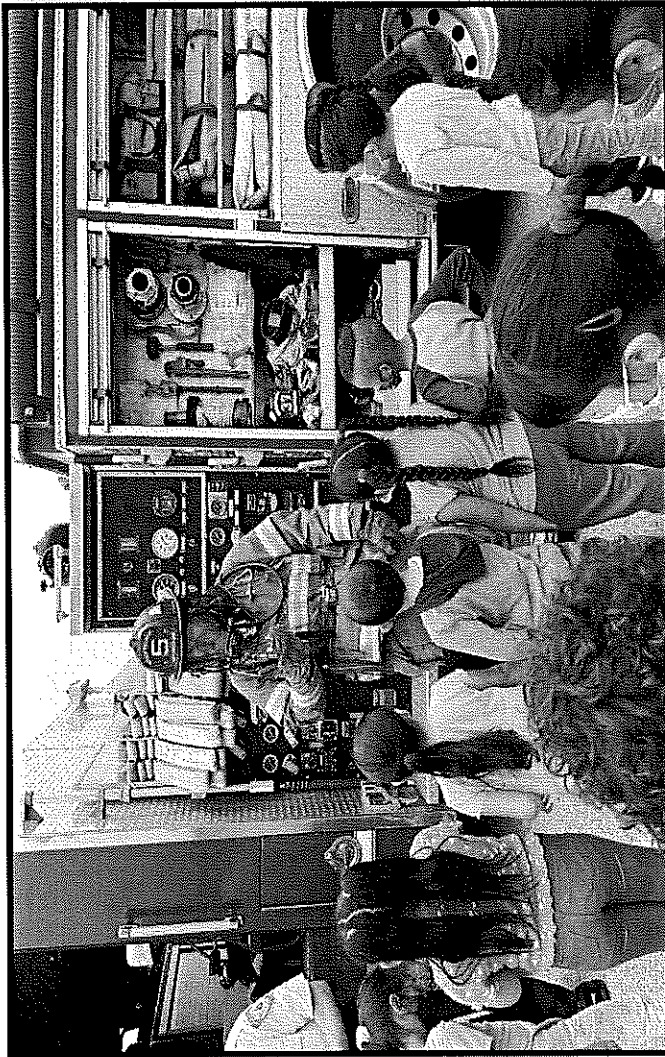


Issued Permits, Inspections, Violations



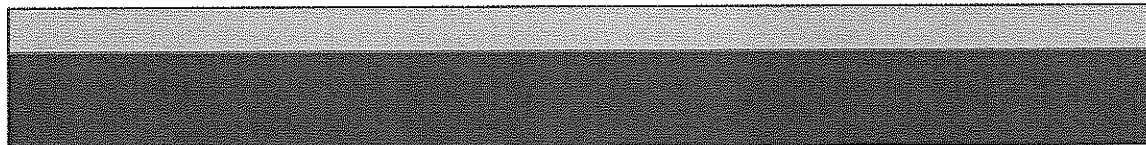
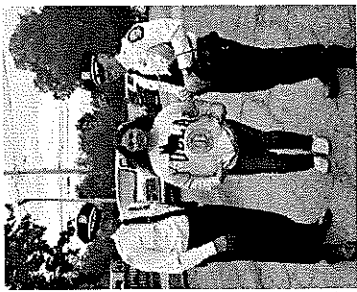
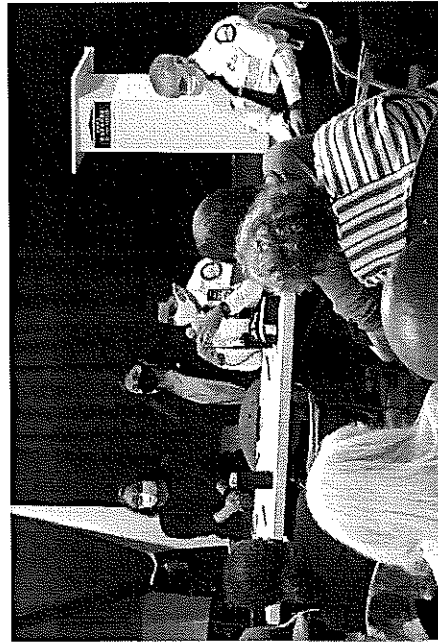
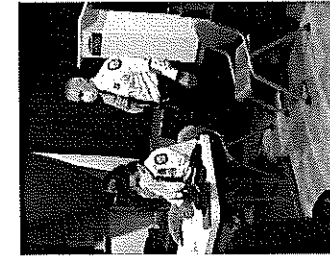
- 96 Permits
- 212 Inspections
- 109 Violations

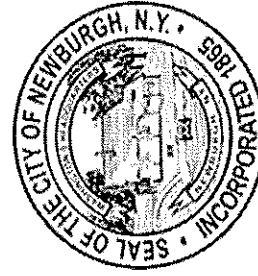




INCIDENT TYPE		# INCIDENTS
111 - Building fire		3
113 - Cooking fire, confined to container		1
131 - Passenger vehicle fire		1
142 - Brush or brush-and-grass mixture fire		1
311 - Medical assist, assist EMS crew		2
321 - EMS call, excluding vehicle accident with injury		1
322 - Motor vehicle accident with injuries		7
324 - Motor vehicle accident with no injuries		34
359 - Removal of victim(s) from stalled elevator		2
365 - Watercraft rescue		1
400 - Hazardous condition, other		5
412 - Gas leak (natural gas or LPG)		5
424 - Carbon monoxide incident		5
440 - Electrical wiring/equipment problem, other		3
500 - Service Call, other		30
511 - Lock-out		1
522 - Water or steam leak		4
531 - Smoke or odor removal		2
551 - Assist police or other governmental agency		3
553 - Public service		5
561 - Unauthorized burning		1
500 - Good intent call, other		3
622 - No incident found on arrival at dispatch address		1
711 - Municipal alarm system, malicious false alarm		17
712 - Direct tie to FD, malicious false alarm		1
714 - Central station, malicious false alarm		2
733 - Smoke detector activation due to malfunction		3
735 - Alarm system sounded due to malfunction		3
736 - CO detector activation due to malfunction		1
741 - Sprinkler activation, no fire - unintentional		1
743 - Smoke detector activation, no fire - unintentional		18
745 - Alarm system activation, no fire - unintentional		12
Total Incidents		182

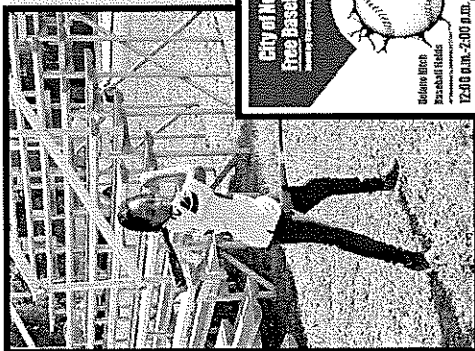






CITY OF
NEWBURGH

RECREATION



**City of Newburgh
Free Baseball Clinic**
Learn to play or improve your skills

**Senior Walk
Baseball Clinic**
12:00 p.m. - 2:00 p.m.
From 50+ years old

**Summer Day, 1P
2022**

Cost:
Free

Location:
Newburgh High School
1000 Newburgh Turnpike
Newburgh, NY 12550

Registration:
Call 845-539-5775



City of Newburgh Recreation
Summer Day, 1P
2022

Cost:
Free

Location:
Newburgh High School
1000 Newburgh Turnpike
Newburgh, NY 12550

Registration:
Call 845-539-5775

**RECEIVE OUR RECIPE
CALL AT 845-539-5775**

CITY OF NEWBURGH
POLICE CHAPLAINCY UNIT
ACCEPTING APPLICATIONS



**HALLOWEEN
CURFEW
FOR MINORS
(16 Years & Under)**

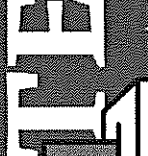
THE CITY OF NEW BURGHN, N.Y.

October 30 & 31
9:00 p.m. - 6:00 a.m.
(Each Day)

SEAL OF THE CITY OF NEW BURGHN, N.Y. 1800

**Early Voting for
General Elections**

VOTE



Bulk Item Pickup Program

PRESENTATIONS

Public Hearing - Local Law adding Article III "Prohibition of Eviction without Good Cause" to Chapter 240 "Rental Properties"

Mayor Harvey called for a public hearing that was advertised for this meeting to receive 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.

A City of Newburgh resident and home owner on Prospect Street said they want landlords not slumlords. She is in favor of Good Cause because some people are living in bad conditions but they are human beings and they need to live properly. We cannot have landlords/slumlords getting away with things because they think the law is on their side. People need to live freely and equally.

Richie, City of Newburgh feels that by now the Council has looked into Good Cause Eviction as much as he has and he is in favor of passing this legislation to protect our tenants. It is not a radical legislation. It is just checks and balances of the judicial branch of our government that is involved in our lives.

Crystal, City of Newburgh said she enjoys where she lives because the area is nice, the price is ideal and her rent increase each year is not breaking the bank. When she contacts her landlord about her apartment he responds immediately and handles her concerns. Other people renting from bigger companies wait weeks before issues are resolved and have to call many times to make sure that their concerns aren't forgotten. They are also splitting the rent at least three ways to afford the apartment because these companies are charging \$2000.00 for half of a house or a third of a house. She sees how the City may think that this Bill is helpful but it will cause landlords like hers to sell their properties to those bigger companies. The Good Cause Eviction Bill might even compromise renter safety in the long run having landlords jump through hoops to get a tenant evicted instead of allowing the landlord to decide if they want to renew at the end of a lease which could cause safety issues. It's unfair to both renters and landlords to have to endure tenants who are cutting corners and are a nuisance. Right now she and her husband are able to afford their lifestyle on one income but if this Bill is passed it will likely push mom and pop landlords, like hers, to sell to bigger companies. This Bill also includes rent control and according to the basic theory of supply and demand rent control causes housing shortages that reduce the number of well incomeed people who can live in a city. Even worse rent control will raise the demand for housing and, therefore, rents. Please consider other avenues such as smaller tax increases on rental properties and do not pass this Bill.

Carla Johnson, 52 S. Miller Street said the reason why they should pass the Bill is because gentrification has come. Not all landlords are bad but there are a lot who are slumlords and they have people living in terrible housing conditions. She has moved nine times since 2012 and just found a good landlord in 2019 so she feels this Bill needs to be passed because people are suffering and students in school are living with mold, bed bugs and horrible living conditions. She thinks that Codes needs to step up their game because there

are a lot of landlords coming into our city breaking down units that went for \$800.00 and are now charging \$1800.00. Many of these landlords aren't even paying for the vouchers to do demolition to these buildings. A lot of the Newburgh school students are living in Middletown at a shelter so they have to get up at 4:00 in the morning just to come to school here and this is unfair to them. The slumlords should have no say on Good Cause because they are not doing their job so someone needs to step up and make it right. Please pass the Good Cause Bill.

Michael, 111 Broadway thinks it's time for a change and that we need to end what's going on so this is written out nice and it's easy to understand. He lives in a place he likes because it's neat and clean and if you have any problems you can sit down and talk. They follow the rent increase laws to the letter which is fair to everyone but we need to get rid of the slumlords. It's a shame people have to be forced to live like that because someone doesn't want to hold up to their end of the bargain. If you buy a building it's not there just for you to suck money out of. You are supposed to put money back into it so it's like a business and you fix it up. This is a good step in the right direction and it can always be tweaked later.

Mark Sanchez Potter, City of Newburgh, said he is proud of this city and the people that live here and he is speaking on behalf of those who couldn't make it here tonight. Sixty-eight percent of City of Newburgh residents are renters and fifty-three percent are rent burdened which means that they spend more than thirty percent of their income on rent. Tenants are the majority in the City of Newburgh so a delay on this vote goes against the majority of the residents here. He is an educator and noted that students who don't have secure housing are more likely to fall behind in school and that is a fact. He appealed to the compassion of the City Council as educators and caregivers to put this Bill to a vote. He thanked the Council for affirming that housing is as a human right and Good Cause protects tenants from unreasonable eviction. He noted that this legislation is the result of the Leviticus Study and this Council recognizes the worth and dignity of the human person so to allow individuals to be priced out of their community is immoral and in his opinion sinful. He would like the Council to think of their own moral and ethical convictions when they decide this vote because it must happen.

Giselle Martinez, Catherine Street thanked the Council for taking the time to listen to everyone tonight. Some facts from the Leviticus Housing Study are that over seventy-five percent of the households here are black and brown and thirty percent of Newburgh falls under the federal poverty line. Nearly sixty percent of Newburgh renters pay between \$1000.00 and \$2000.00 and the Leviticus Study mentioned that a solution to put an end to this would be to enact the Good Cause Eviction Law. Good Cause does not protect tenants who break the terms of their lease or commit crimes. Good Cause does not create a never ending lease to remove a landlord's property or rights. Good Cause does not make rental units unprofitable for landlords. Landlords will continue to collect rent under this law and they will be free to raise rents that meet rising costs. The law specifically mentions that a Judge, not a tenant will decide if a rent increase is unconscionable. We are not saying that all landlords are bad because some are good such as her own but because she is not in that situation she cannot speak for someone who is afraid of showing up tonight because of retaliation. She is here to speak on the Good Cause Eviction Law for those who can't be here because people work day and night living paycheck to paycheck so we need to protect our most vulnerable.

Peter Frase, Courtney Avenue urged the City Council to pass Good Cause Eviction. He is a homeowner and he supports Good Cause Eviction because he wants to live in a city where his neighborhood has housing stability and his friends and neighbors don't have to worry and live in fear of eviction or outrageous rent increases. He has heard many times that we all want growth and development in the City but we want it to happen in a way that is just and equitable for everyone that lives here and that's not going to happen automatically. This is modest protection for renters and puts some basic protections in place to make sure that people are being treated decently by their landlords. It's a contentious and divisive issue but making those hard calls is when any politician proves what they are really worth. He urged the Council not to be swayed by the landlords claiming that this is going to be ruinous or impossible or claim that the City is not legally allowed to do this. Landlords are in a business and their buildings are an investment so they don't want this law because it will somewhat reduce the value and the lucrativeness of that investment. That investment is someone else's life, home and basic needs so if the landlords have to make a little less money so those basic needs can be protected then there is no question that they should pass Good Cause Eviction in the City of Newburgh.

Jewel Martin, homeless, said she wishes Good Cause Eviction was in place over two years ago because then she wouldn't be homeless right now. We have enough buildings that could be renovated for all types of income so she doesn't understand why the not-for-profits don't step up to the plate because there are State regulations that would permit them with State and Federal funding and Grants. Safe Harbor is an example of that being done. They took a building got the grants and renovated the building so she doesn't understand why these not-for-profits do not serve their demographic because shelters are not the answer. Shelters are temporary they are not permanent and if you write a grievance you are out on the street. Please pass this Bill and get on top of these not-for-profits. Be mindful of what she is saying because she is committed to bringing this to the forefront and it needs to be done.

Julie Lindell, City of Newburgh wonders if it's wise to pass a new resolution that has been turned down in Beacon because it could be another City lawsuit. She urged the City Council to be very careful and look into this because we have a perfectly good system of weeding out the bad landlords which is called the Rental Registry. Why can't we use this as a way to get out the bad landlords? She would like to see the Council focus on bringing in some business because we need jobs and a bigger tax base and she would like to see the Rental Registry permits work that rule. If she sends in a complaint about a house nothing is done about it so she suggested they do some more research.

Edwin, City of Newburgh said that not everyone owns a home so they have to rent or go to a shelter. Where he lives the rent is not bad but the Council should consider passing this. He has lived here for twenty three years and they had to move to several apartments because they were in bad condition so the Council should pass Good Cause.

Schnekwa McNeill, City of Newburgh, said she has seen a lot of changes through the years and feels this is urgent. January is right around the corner and she has no room for people who don't have a place to live. She has a good landlord and her rent is reasonable but she always helps out others who are in worse situations. It's all about profit and noted that there is at least one slumlord here tonight who thinks this is funny. When you run a drug house and you are not concerned about loitering and people outside your home and you can't get your tenants to take their trash to the sidewalk then that tells her a lot about

someone as a landlord. They should be enforcing the small things and stop trying to enforce things that are not going to help our City. You are helping our City to be an eyesore and to have crime. Not all landlords are slumlords but they know who they are and she thinks that the Council should pass this tonight. If not, come January we don't need another homeless crisis. She told the Council to think about the power these landlords feel they have to do whatever they want whenever they want to whomever they want and how they use that power and control to keep our City down and not up.

Ann Sullivan, Ellenville said she knows how precarious that situation is because when she lived here she had a lovely landlord but her bedroom was in the basement and when she had the smell of sewage in her room for weeks it didn't get fixed. Tenants in this City have pipes running from their basements that are funneling live sewage into backyards with families, children and pets. She has knocked on hundreds of doors in this City and has seen hallways with massive holes and windows missing in the middle of January. She has talked with tenants living with no heat or hot water and Codes comes and says that the landlord is in the process of fixing it but six months to a year later they still don't have it. When she had the sewage in her basement she didn't call Codes because she had no protection against getting evicted. She was fortunate enough to find another place to live but not everyone is as fortunate as she has been. She hopes and prays that the Council passed Good Cause Eviction tonight because it cannot wait another minute. If it does not pass tonight, then it is a real betrayal of the tenants in this community and could literally result in death for tenants.

Jerry Maldonado, City of Newburgh said we heard a lot from the tenants tonight but he is a resident and owner of a small family owned multi-family building and as a landlord he enthusiastically supports Good Cause Eviction. It is important to know that landlords are not all against this and the responsible landlords recognize that we have a responsibility to the people in our community by providing good housing at affordable rates and to make sure they have stable housing. Good Cause provides security, stability and predictability for both tenants and landlords and makes sure that their tenant has a good place to live that is secure and safe. It insures that the rights and responsibilities of both parties are fully protected. It does not substitute the Rental and Vacant Registry because it compliments it as all three tools are essential for promoting what we all say we want which is development without displacement. This requires public policy that abides by a set of rules and values and makes development predictable, fair, equitable and inclusive for everyone in the City of Newburgh. It was mentioned earlier that Good Cause was one of the main recommendations in the Leviticus Study that the City Council unanimously endorsed several months ago and nothing has changed. He really hopes that tonight the Council lives up to the courage of their convictions and values and actually votes for Good Cause.

John Schmidt, Chamber Street said that every issue we talk about has consequences. During COVID we had a lot of landlords who never got paid and we need to be conscious of that as well because this is not a one sided issue. We talk about mortgages and taxes but as a landlord we don't hear about relief for that. We get burdened with taxes which is a burden on the landlord too. Tenants need to understand that it's a business and costs get passed down to the tenants. Those costs are insurance, taxes, water and utilities and his taxes went up forty percent. We have sanitation and utilities that went up about twenty-five percent and as an owner we have to pass that on to the tenants as rent increases. A good business man who knows how to manage his business doesn't necessarily have to increase

rent to a point where a tenant cannot afford it so we have to be fair about this and look at everything. Good Cause won't resolve all of the issues and he is not saying we shouldn't have it but we need to be mindful that there are two sides to think about.

David Lionheart, City of Newburgh said he runs a non-profit at the Armory for Veterans and families so he sees both sides of this and how severe displacement and not having a home can impact someone's livelihood. He thinks there are steps to be taken prior to someone becoming homeless such as education, support and care at that time of need before finding themselves homeless. He has been a home owner in the City of Newburgh since 2009 and noted it's not cheap to do work on the buildings but he is lucky to be able to do most of the work by himself. He is listed on the Rental Landlord Agreements that he files every year and he has never failed an inspection. It is important to have tenants who are happy and some of his tenants are here tonight which he appreciates. A lot of the hurt he hears from the audience is coming from poor conditions and if there is a hole in the Rental Registration then that's where it has to be targeted. He is doing it by the book and it's not cheap so that money has to go towards getting the bad landlords out because he is not against people having a better life and a better place to go but he can't wrap his head around someone telling him how to run his business when the cost of building materials are going up. Eventually it's going to push someone like him out and leave those tenants in the hands of bigger companies. Just because it says non-profit doesn't mean someone isn't making money and Leviticus gets very high salaries but with his non-profit not a single person gets paid. A true non-profit is when everyone is one hundred percent volunteer and they are there because they want to be there. He wants to be here in the City of Newburgh and he wants to help so we have to find a way to get everyone working together as a community and not dividing us further apart. Those increases are true and the numbers are staggering where just in 2019 to 2020 alone the water cost per gallon increased eight percent and sanitation, which should have been included in our taxes, increased by twenty-four percent. One of his personal buildings increased by almost thirty percent and after COVID you are not going to find the materials at the same cost as it was prior. He has a hard time keeping up every day and he is handy and dedicated so he can imagine how someone with less motivation would just let it slip by the wayside. If you have a good business plan maybe take some of the vacant properties and make a rent controlled space that would be affordable. It sounds like you have a good inventory, a good team of people and a good business plan and with all of those things combine and our motivation why don't we turn some of those shells into places where people can find shelter with a step to renting and taking care of themselves. Help them get jobs and in the community as a respected member so we have to help the people who are hurting so everyone can do it together.

Daniel said he was a tenant at the corner of City Terrace and Broadway until his family was forced out by the high cost of housing. He lived in a slumlord owned building with rats and roaches so he supports Good Cause Eviction. He has been all over Ward one and the voters he talked to are worried about the rising costs of rent and threats of eviction. They told him about one bedroom apartments that cost \$1700.00 a month and two bedroom apartments that cost \$2200.00 which is way too much. That is gentrification in action and that is pushing people of color out of Newburgh. Good Cause is not a radical Bill it is just meant to protect tenants from predatory landlords who use large rent increases as a means of eviction. He has been homeless following an eviction and it is horrible because housing is a human right. He asked the City Council to pass Good Cause tonight to protect working class tenants from being pushed out of the City like he was. He noted that the Good Cause Bill in Beacon is only being held up because the Mayor there is a landlord so

he is a little biased.

Bill Conye, Town of Newburgh asked the Council to hold off on voting tonight. We are hearing that there are good landlords and bad landlords and we are all being judgmental but we are not getting to the issues of what that constitutes. If you are a good landlord you probably have good relationships with your tenants. He thinks we need to do more than just say this doesn't hurt good landlords and we know that good landlords don't care because what we haven't done yet is solve our financial problems. The main cost of housing whether you rent or own is the property and school taxes and they keep going up. Yes mill rates have come down but it's a myth that that means taxes will come down. If you have a building that was assessed twice of what it was last year and the mill rate comes down not by the same amount then you pay more taxes.

Mayor Harvey noted that the real estate market is up in our City.

Mr. Conye said that it is but should people be penalized for that with higher taxes? Even though we may not agree the reality is that money is in the cost of owning a building. We are talking about abhorrent conditions and how they should be addressed and we are trying to solve it by creating what effectively is a tenant for life with a five percent cap but it's not just a five percent cap because now we need a Judge to determine what is unconscionable. If you have to raise your rents by seven percent to stay even and you raise it three percent you might be in a long line to get into Housing Court to have a Judge decide whether that is unconscionable or not. That's not how a good landlord should be treated so why can't we take a step back and get some more dialogue with the good landlords to see their numbers and then the myth of how much money is being made in this business might go away a little bit. It's been a really tough time during the Pandemic with no COVID relief for the landlords and the State has been sitting on money that the Federal Government gave for rent relief so it's not being distributed. He thinks we are ahead of ourselves with this and we should take a step back and work together because we don't want this divide and everyone wants the same thing. What is unconscionable in his view is the runaway costs and then expecting a cap of 5% how can that work? The result is going to be that we are going to engineer gentrification because when you talk to people who are going to build new they will say they don't care and they will build at \$3200.00 to \$3700.00 per unit.

Mayor Harvey said he wanted to state for the record that fifty-five percent of your tax liability is at the school district and about forty-one percent of your tax liability is with the City government and about four percent of your taxes goes to the County. He never sees this kind of energy at the School Board meetings.

Martha, City of Newburgh noted that the forms handed out by For the Many group has an error. It reads that it exempts housing that has fewer than four units so it's actually fewer than four units that are also owner occupied which is a pretty big error. She heard from some homeowners that might think that does not apply to them but that's wrong. She is not a landlord she owns a condo and maybe someone like her might want to move someplace warmer and rent it out for a few months every year but if you rent it to someone who doesn't want to leave, you have no legal recourse. She received a message about organizing at the State Level to reintroduce this Bill which failed to pass at the State level with a super majority in Albany. The newsletter she received addresses renters and says that Good Cause Eviction Protection gives you the right to continue to live in your home regardless of the lease status. If your tenants won't leave, even if they are paying rent, you

take a gamble that whatever they are paying plus five percent will equal the increases in your taxes and fees. When the rent doesn't cover your costs anymore you can burn through your retirement savings and hope they eventually move out, lose your house to the bank or have it seized for taxes. That sounds like it should be theft but it would be one hundred percent legal under this Good Cause Eviction. On this Housing Report done by Leviticus others have covered the non-profit and that doesn't mean that plenty of people aren't still making money. Writing these housing reports are like sales presentations for Leviticus. They did a similar report for Yonkers in 2019 and by the following year they were closing on millions of dollars' worth of loans for new subsidized development in Yonkers. They make their money from lending it and their current rate is between five and a half and six percent interest which is crazy in this economy. Commercial loans right now start out at about half that amount. When a company with this business model tells us that our City needs more housing projects they should probably ask them who benefits and who pays? Nothing changes because for them the poor people aren't the customers they are the product.

Michelle Basch, 87 Broad Street said that her family always rented so she believed in rentals and that everyone has the right to live in a safe environment but they also have to keep it safe and make sure they don't do things to render it unsafe. Landlords should not be penalized because the tenant is not taking care of the property. On the agenda tonight the City requests to increase the property tax levy and at same the same time they are asking for authorization to cap rents. The landlords are asked with this law to keep their rent increases to a small percentage but with the runaway taxes on property, school, water and sewer how can the landlord upkeep the house? She rents space for her restaurant and she has a triple net rent which means the rent is much lower but the tenant is responsible for their portion of the taxes, insurance, etc. The landlords could essentially say they will go up the small percentage but to save them from going bankrupt the tenant has to pay their portion of all of the expenses.

Helena Lionheart, City of Newburgh said they bought a four-family home in 2009 that they renovated when they could afford to do so and they still own that home today. She wished to address the rent control portion of the Bill because we all want to keep Newburgh affordable. She pointed out that the Housing Study shows that Newburgh's rents are less than that of all of Orange County and when Orange County rents increased by almost six percent, Newburgh's increased by only one percent and Newburgh has twice the percentage of rents under \$500.00 than all of Orange County. Stated in the purpose and intent by the City Council to pass this Bill the housing needs assessment found housing costs burdened rates for renter occupied homes at significantly higher rates for City of Newburgh renters than for those in Orange County. Thirteen percent is what was being said is significantly higher than the rest of Orange County, however, the same study found that cost burdened owner occupied homes is thirty three percent higher in Newburgh than the rest of Orange County. Why not focus on initiatives that keep the costs of home ownership lower? If we had lower taxes that would certainly trickle down to the cost of rent and the ability for renters to become home owners. The most recent action in the Housing Study regarding this Bill says to evaluate the potential of a Good Cause Eviction Law. Was an evaluation done? The Bill also states that its primary purpose is to protect tenants from exorbitant and predatory rent increases that could result in a significant increase in homelessness in the City of Newburgh. She contacted Leviticus to ask what numbers they came up with and was told that they were unable to collect that data she was looking for so they did not have an answer on how many instances of homelessness

occurred due to a landlord significantly raising rents. She told Mayor Harvey that she has heard him say: men lie, women lie, numbers don't lie but we don't have any numbers that address our homelessness issue which is the primary purpose that this Bill is supposed to address. How do we know that homelessness in Newburgh isn't caused by other reasons? Shouldn't we do a study to determine the cause so we can address it appropriately? How are we going to evaluate if this law did what it was supposed to do? What if it actually renders fewer units available to rent or higher rents which is what happens in other cities that impose rent control. We need numbers because they don't lie.

Andrew Schriever, developer and landlord said that to date he has done one project and is currently working on a larger project now for the Foundry, Phase III. The first project he completed was on Liberty Street and to date he has worked on vacant buildings only so he has never taken over a building that was owner occupied and sought to renovate it with the intent of displacing the existing tenants. He thinks it's important to understand some of the potential factors that may result from a Bill like this. One potential effect could be that you have a lot of existing buildings with rentals and with a Bill like this you may not see a lot of changeover as a result in the tenant composition of those buildings. Essentially what that will do is lock out that market so there will be a lot more demand for new units that come on line. What may happen is that while existing base rents will remain low, new units will come to market for significantly more and what you will be doing is carving out the middle. As new residents potentially select the City as a place to live there will be more competition for fewer units. People have talked about taxes and assessments tonight and this is not an isolated issue as there are many factors that play into this. When it comes to taxes, he doesn't know how many have inspected the assessment rolls but they are not done evenly and when you have discrepancies across an entire market then you have some owners paying more and some paying less. A way to directly address that issue is to inspect and review the way that assessments are being carried out in this City.

Mayor Harvey noted that all properties are assessed at one hundred percent valuation and we have confirmed that with our Assessor.

Mr. Schriever continued by saying that he thinks the market might move quicker than the Assessor is able to move because there are many discrepancies in the assessments. This is mostly a demand side oriented approach because you are making it harder for new entrants to engage in the market. The City has lots of developable land but it's hard to net out a successful business plan when taxes change so much because it creates fear for developers to engage in risky situations where they might lose money. He believes they should think about how new development can be encouraged. There are many buildings here that are in poor condition and if you freeze rents or reduce a landlord's ability to increase rents in a commensurate way with costs associated with rehabbing old buildings they are only going to deteriorate further. The City Planner should be focusing on a city wide plan to encourage more development and plan for various income bandwidths. New production should be increased to create options for existing residents and that new opportunities are available for those existing tenants that only qualify and who could not necessarily compete in a rising market. A multi factor approach is needed here and he believes that if they pass this Bill without addressing these other issues they will inadvertently potentially cause a situation in which rents and new units that come to market are going to be much higher and they will block the middle out.

Mr. Restivo said he works in the City Newburgh but lives in Fishkill and he feels that this

is a predatory legislation against small property owners and puts an undo financial hardship on them. He evaluated three specific properties where the assessments have gone up and the taxes have consistently risen over the past three years about fourteen percent. When you add up all the costs of services for the property such as taxes, water and sewer, garbage and rental registry the total cost comes to about \$275.00 per unit and the total gross rental income might be \$1400.00 so when you add in that \$550.00 the property owner will have less than \$900.00 for debt service, insurance, vacancy and repairs. When you start adding up these numbers the landlords are forced to raise the rent every year and are unable to reward those good tenants that stay long term. This is rent control and it takes away the ability for a landlord to enforce or have a lease because if you are going to Court for non-payment the Judge has to determine what is deemed to be unconscionable and in the City's law there is no formula, income parameters or mathematics. This could be subject to abuse in the legal system and it puts an undo financial burden on the small property owners and what will eventually happen is that the large corporations will take over the housing market which will give you no local control. When you look at Good Cause Eviction the theory is that someone is being evicted for no good reason but when you add in rent control and give tenancy for life then you have an overconsumption of housing. He thinks this is a bad law.

Tamsen Hollow, 120 First Street said that to her Good Cause Eviction makes good common sense. Everyone participating in the rental market here realizes that rents are skyrocketing. When she moved here in 2016 a one bedroom apartment was about \$1000.00 and now in whatever condition they are about \$1600.00 but she has never seen any places that are \$500.00 to rent. She thinks that we are all in agreement that we want to see development and improvement in our housing as well as protection for our long term residents. She feels this law would put the brakes on unscrupulous developers from targeting Newburgh and evicting our longest term residents. Winter is coming and some people spoke about what real life is and sharing apartments so let's not have that happen again and put some protections in for both landlords and renters with this law. She urged the Council to vote on this tonight.

Michael, City of Newburgh said he has worked very hard to build a business here and he manages some units where he has great relationships with his tenants. He is trying to be objective about Good Cause Eviction and thinks there are good and bad things about it so it should be improved. A good thing is that it will definitely help stop rapid displacement and speculators buying buildings here to charge high rents. He thinks the Law needs to be improved and that there are a lot of other solutions to stop homelessness and crazy rent increases. As someone who manages multiple buildings, when he needs to renovate an apartment that tenant is moved and he figures out a creative solution without displacing them. Incentives to build new affordable housing and development can also definitely be a help. The taxes, insurance, water and sewer have been increasing rapidly so capping rents at five percent per year might be fair some years but some years it's not so it has to be less black and white and tied to yearly inflation and the yearly rise in building costs. This needs to be thought through more and everyone needs to come together to come up with a way to make this law better and more thoughtful.

Brahvan Ranga political coordinator of For the Many said they speak to tenants and residents every day and represent their interests. He applauded the members of this community and the Council for holding this public hearing because having an open discussion represents the very best of what local government can and ought to be which we

all should take pride in. To clear up a few misconceptions he said that this legislation does not constitute rent control or a cap on rent. This legislation specifically mentioned that a five percent increase is a rebuttable presumption which means that the landlord must justify that rent increase to a Judge and the Judge, not the tenant, determines whether that rent increase is unconscionable. The Judge can consider among other factors improvements made to that unit and other factors which can include increased costs, increased taxes and increased utility costs. This legislation does not seek in any way to marginalize ethical responsible landlords and does not create a perpetual lease and gives landlords multiple avenues to evict tenants and reclaim their property. They already abide by what is in the legislation and this law seeks to protect them and give them a leg up over predatory landlords and their exploitive practices. In regard to the legal issues raised by the City Attorney in Beacon to be clear this memo was released in Beacon for political purposes. It was released by a City Attorney deeply aligned with real estate and development interests and by a landlord Mayor who throughout his career has used his position to protect his own financial interests so much so that there was an investigation into his behavior when he was a State official. This legislation is supported by housing attorneys across the State who attest that this legislation is not preempted and the original template used to develop this law was drafted by one of those attorneys. We have spoken to our partners who have connections with the Attorney General's Office and they have said that they will either refuse to issue a ruling on this or state that Good Cause not preempted by State Law. He prays this Council does not allow that corrupt tactic that was used in Beacon to derail their protection of tenants' rights. Every time government chooses to expand basic rights to a new class of people it faces severe backlash. Such was the case when rights were extended to Black and Brown folks and our LGBTQ fellow Americans so he asked that this Council move past that fierce backlash and act courageously to pass Good Cause Eviction tonight and affirm tenants' rights tonight because tenants in this City cannot wait any longer. The eviction moratorium expires in January and this Council now has an opportunity to expand rights to tenants once and for all.

Mary Carmen, First Street said that after hearing these stories she believes that Good Cause should be passed. She asked the Council why it is taking them so long to pass this because the public has consistently been saying that they want this. The Council can make a change just by passing this law.

Aura Lopez Zarate, City of Newburgh said that the rental moratorium is about to end and we have to remember that we are still living through the COVID19 Pandemic and the affects it had on many communities. She wants Good Cause to be passed tonight and she hopes they do the right thing to protect the City of Newburgh residents. We know that the landlords want to make money and there is no way around that so the only ones who do not want Good Cause to pass are the people who are profiting off of renters so she urged the Council to pass Good Cause tonight.

Tammie Hollins, City of Newburgh said there is and still remains to be people coming to the City of Newburgh on what they consider to be a trodden down City that hasn't had new housing since the 60's and 70's and they state to her constantly that they are doing the City of Newburgh a favor when she rights violations. If it's a house that these people are preparing to move into for themselves and live in as a homeowner then their house is done correctly. If it's a rental never mind that you have a tub without a stopper, a bathroom without a heater, the house floods every time it rains and if they give you new windows never mind if they don't work properly because it's a rental. Property owners are being

told not to worry because management companies are going to take care of it with cheap labor and materials and when the rehab is done they will charge big amounts. When you look around tonight where are all those good tenants and good landlords? Then again, why would they be here?

Renee Mejia, City of Newburgh said he would not share his address because he is fearful of retaliation but he loves this City and proves that with the work that he does. He is someone who has been evicted from his home several times and he has lived in at least fifteen apartments which none of them, including where he lives now, has been clean. He grew up with rats, roaches, mold in his bathroom and probably lead because the apartments were not being taken care of. He urged the City Council to listen to the tenants and the people who are here. There are more who would like to speak but they fear the repercussions because they don't have anything like Good Cause Eviction and there is nothing stopping their landlords from coming to their homes tomorrow and kicking them out. We can't keep pushing this because the moratorium ends in January and he knows so many people who are afraid they are going to get evicted. There is no reason why we should be looking at our people as a business and a commodity. The only just thing to do is pass Good Cause Eviction and not wait. Why can't we be the first and show them that in the Hudson Valley we are not just going to wait around for someone else to do it. Why can't we go down in history for passing Good Cause Eviction first? Our lives are not a business and we are not dollar signs. We love this City and we want to keep making it a great City but we can't do that when we have landlords prepared to kick us out because we stand up for our rights.

Melzina, City of Newburgh said this is her home and her heart and she feels that Good Cause Eviction is necessary. She thinks it's important to clarify for the residents what it means to be a community because we stick together. We are the many so it's very important to listen to all of us. Her parents were great landlords and they took care of their tenants. She hopefully will be a homeowner soon and when she rents she will be happy to back that with Good Cause.

David Cordero, South Miller Street said he is not a homeowner and he doesn't rent out properties but we all pay taxes. For the past few years he has talked about gentrification happening in this city and it's happening now. If we oppose this Bill, he feels it's a step forward toward more gentrification so we need to pass this Bill tonight. He comes from an undocumented family so he knows how it is to have a slumlord where they don't fix things or raise the rent. They have admitted that this is a business and they want to make a buck so they should invest their money into their business and treat people how they should be treated. Housing is a human right.

Charlotte, Washington Street said a lady came to the Council tonight and told them that she is homeless and this will not solve that for her. When she gets ready to look for a place to live she will probably be faced with a \$1200.00 a month rent. There is nothing we can do about the market rents here for people who will become tenants which will include our homeless and people living on someone's couch so this will not help them get into housing. Salt Lake City, Utah announced a few years ago that they eliminated homelessness by taking City owned properties, which we know the City of Newburgh has many of, and converted them into studio apartments that the homeless could live in. They were allowed to stay for as long as they need to be there and pay thirty percent of their income. As they were able to increase their incomes with stability they were paying better rents. Providing

housing for the homeless on a permanent basis is not always a long range losing proposition so the City needs to look at converting some of its stock of housing into public housing for these people who have nowhere to go right now. She has noticed here in the City over the years that there seems to be a group of landlords who have a contest to see who can pull the most money out of people while providing the least amount of services. Those are the people who need to be controlled. Good Cause Eviction has been mischaracterized by a lot of people because a Judge can give you a higher rent increase if you are in fact providing services. Don't increase the rent when there is lead paint on the walls, sewage in the basement, broken windows, no heat or hot water. When you have provided the things that you are supposed to provide and show that building materials are expensive then the Judge can say you get a higher rent. This is a good proposition but she feels we have to anchor it with some other things so the people who are at the bottom have places they can go.

A City of Newburgh resident said she has a lot of mixed feelings. There is so much opportunity to take what is happening now in Newburgh and create something far more positive for people who have been here for many years and newcomers. She came to Newburgh and brought buildings that were vacant and put her life savings into them. They live where they rent and their tenants are like family to them. It saddens her that she feels like the outsider and thinks maybe they should sell and go somewhere else where tensions are not as high. A lot of people don't understand this document and the implications so it's important that everyone is on the same page. There are many creative solutions that can emerge from all of this and she spent thirty years of her life doing outreach so she knows the plight of people living in difficult situations. She doesn't know what it feels like to live here all her life but it's no different than living with a terrible landlord in any city. She doesn't see a document that addresses some of the underlying systemic problems that lead to this. While it can take care of the problem that exists the underlying issues are going to remain and what you are going to see is an us and them dynamic that leaves out landlords like her and her family.

Councilman Grice thanked everyone for coming out tonight and noticed some of the diverse landlords here. He considers owning a property to be like a small business and a large majority of our residents don't have a choice on where they go. For the past two years we have stabilized our taxes so that misconception needs to be corrected. We have also been taking a diverse approach to development for the whole City, our Rental Registry does need to be better and he feels that our Codes Department is working as hard as they can. He questions the leadership in that department and thinks that leadership needs some development because a lot of the issues we have in the City of Newburgh are from Codes enforcement so it needs to be revamped. We can walk and chew gum at the same time so we can pass this legislation tonight and take care of the other things that the community is saying needs to be done. There were some numbers being thrown around and what ifs so he wanted to clarify that this doesn't protect tenants who break the terms of their lease for non-payment or crime. For personal use by the landlord it is considered good cause for eviction so a landlord is able to reclaim apartments covered by Good Cause for their own use on households with less than twelve units so if you wanted to rent an apartment to family that is there. It doesn't protect tenants from rent increases based on other things besides rent so landlords would be able to pass capital repair costs on to their

tenants. It is not on the agenda tonight for a vote so he will get clarification on that but if we are able to put it on for tonight he will vote yes for it. It is his full intention to vote yes on it.

Councilwoman Mejia said that the role of an elected official is to take hard positions that won't please everyone but are the right thing to do because it protects the most vulnerable amongst us. She is no stranger to that sentiment and her record speaks for itself. One of the values this elected body has committed to is around development without displacement which you manifest through policy. She is here to support this and is ready to vote on this tonight, tomorrow or whenever. People have stated that housing shortages is one of the things plaguing the City of Newburgh and one of the things the continuing Council should put on their radar is that housing shortages in Wards one and two are being impacted heavily by Air B & B's. There was mention that private sector doesn't want regulations because it tells them what to do and how to run their business but that's what regulations are. Regulations are also what got us the forty hour work week, the weekend and no child labor. She noted that if the Council is ready this could be a motion made from the floor.

Councilwoman Monteverde said she makes that motion. This is good common sense and the proposed legislation is a good starting point that will help us find a balance with the current housing crisis in the City of Newburgh. We did the Leviticus Study and talked about it so this should not be a surprise to anyone. This is our commitment as a Council to do something about the current housing crisis in the City of Newburgh. She supports this legislation because it will help to protect the tenants and the landlords believe it or not. All of the landlords here tonight are afraid because they don't understand and they don't want change but change is good. Good Cause will help to further stabilize this community and the people have been asking this Council to do something with the housing because people are being displaced left and right. She is a landlord too and she has no problem investing in her building so she is not threatened by this legislation. She is ready to vote on it tonight and she thanked everyone for coming out. If you are a good landlord to begin with then you should have nothing to worry about.

Councilman Shakur said we have been here for two and a half hours and at the last meeting we said that as soon as this was over we were going to vote on it so he agrees we need to vote on this tonight and get it over with. We had a study done and this was one of the suggestions so he suggested that we do it right now and get it done.

Councilman Sklarz thanked everyone for their comments made tonight and through emails. He has a listing of the pros and cons and he has heard both sides tonight. As we have done with many other issues brought before us is that we follow a process of holding a public hearing to hear from both sides and then vote on it at the subsequent meeting. To vote on it tonight, in his view, shows that the decision was cooked and we didn't consider both sides carefully and it's very disappointing to rush this to judgement tonight. We have not done it in the past for issues this complicated in nature and we shouldn't be taking this step here tonight just because you want to favor a large audience.

Councilwoman Sofokles agrees with Councilman Sklarz but also agrees with and respects her fellow Council members as she was not thinking they had to vote tonight. They have been listening to both sides of the story and the Leviticus Study clearly states to support this measure. She has been in Newburgh all of her life and has watched things happen over and over again and to the tax returns she knows that the landlords get a good tax write off. After hearing both sides of the story she has decided that she is prepared to vote for this

tonight.

Mayor Harvey asked Corporation Counsel to weigh in in terms of any legal liability if this vote takes place tonight.

Corporation Counsel, Michelle Kelson said that is a really loaded question. Anytime the City passes a local law there is the option for someone to challenge that local law. She can't say that there will be no challenges or no consequences because that is inappropriate and she can't make that guarantee. This is a policy decision and the local law has been adopted in at least one other jurisdiction in New York State. A local law was adopted by a local legislative body of another jurisdiction but with a strong Mayor that local legislation was vetoed. The legislation is being considered in other localities within the State of New York and they will all face potential challenges by those who believe or wish to challenge. She has done some research of landlord tenant law and she doesn't find any definitive answers as to whether this would withstand any single or particular legal challenge. There have been other attempts at local jurisdictions to add on to the requirements for landlord tenant proceedings in the State of New York and some lower Courts have said that those additional regulations are not legal but some Courts have found other add ons and other local regulations are appropriate. Sometimes you have to push the envelope to find out whether or not a particular policy or procedure regulation will withstand scrutiny under a variety of circumstances. That being said, you are in a position once you have convened and completed your public hearing to vote on whether or not to adopt the local law. There may be those out there who will challenge this local law and they might be successful or they might not be successful. They might not challenge the local law at all. The Attorney General's office may issue an opinion that might give us different guidance. She wishes she could give a clear and direct answer but she can't do that sitting here.

Mayor Harvey said he is very torn by this for many different reason. He has heard some compelling arguments on both sides and he feels that the debate was appropriate. As Mayor of the City of Newburgh he had to hear the legal perspective because we have to protect the City in all facets especially when it comes to legal liability. To Councilman Sklarz point he understands that we need to make an informed decision and do our due diligence but he also understands the urgency of the folks living in squalor being charged thousands of dollars a month who are living in fear without a stove or a hot plate. He has seen those horrific conditions and he has seen some really great apartments in our City with some wonderful landlords but unfortunately all it takes is one horrible landlord to ruin it for everyone. Decent housing is a human right and he agrees with a statement made that every time government extends this right to the disenfranchised citizens it will face severe backlash. He also agrees with another statement made that there are many creative solutions that can emerge from this if it's properly vetted and we work together cohesively instead of in a divisive manner. There were some compelling arguments. One reiterated one of his favorite quotes, "Men lie, women lie, numbers don't lie". There is room to do some more research and more vetting but it looks like the Council has made up their mind and once he is done speaking there is going to be a motion on the table.

Councilman Sklarz said that he knows we have done this before and from a legal standpoint are we at more risk or jeopardy in terms of an appeal if we don't wait to have a vote.

Corporation Counsel, Michelle Kelson said to answer the Councilmember's more specific

question, the Council has adopted legislation following the conclusion of a public hearing. She believes the last time that was done was for the local law that adopted Municipal Identification which was adopted immediately following the public hearing. Prior to this Council there were instances where other local laws were adopted on the same night as the public hearing. The Council at various times has made a decision to vote at a subsequent meeting for a variety of reasons but that's been more of a choice than legal requirement. She doesn't believe that taking a vote tonight or November 8th will change the potential argument for challenging this particular law if someone chooses to do so.

There being no further discussion this public hearing was closed.

From: Christine Bello
Sent: Saturday, October 23, 2021 7:26 PM
To: Diaz, Eliana
Subject: Good Cause Eviction Law comments for the public hearing

Follow Up Flag: Follow up
Flag Status: Flagged

I want to express my concerns regarding the Good Cause Eviction Law now being considered by the city council. I would ask that the council consider the ripple effect this will have on small businesses and small landlords (1-4 units).

The city codes and the NYS law already have stringent protections for tenants. If these were upheld there would be no need for consideration of this Good Cause Eviction Law. The Urban Institute condemned this law; when speaking of the hardship of Covid 19 they stated, "Covid 19 has disproportionately affected minority households, and their greater representation both as tenants and landlords in 2 to 4 unit buildings. This law would further exacerbate wealth inequality if no action is taken to protect 2 to 4 unit landlords from losing their property because of the decline in rental income." We have all suffered through Covid 19 and continue to do so. Landlords were not exempt from this hardship and most of us are struggling to get back on our feet. It is very unfair to now take the hardship of the tenants and place it squarely on the shoulders of the landlords.

Then the senior citizens must be considered. Many in the city of Newburgh own 2 family homes which they live in and use the tenancy in the apartment to supplement their social security and pay the expenses of the home. One bad tenant that cannot be evicted for several months could cause them to lose their property for no other reason except that this law would prolong the hardship of not taking in a rent, yet the taxes, water, sanitation, insurance, and heating costs would still have to be paid. I'm certain the city is not going to give extensions to people without stiff late penalties. The same applies to water, sewer, sanitation and Central Hudson.

This bill has been blocked at the State level for several years and currently languishes in committee. I ask myself why would they block this, what do they know that we don't? Well, possibly the fact that other communities are challenging the constitutionality of this law. It basically is the wrongful taking of private property by the government. Yes, people still own their property but all the decisions regarding the generation of income for that property are now being dictated by the government. This is completely unfair. Is the City of Newburgh really in the position to incur more legal expense in defending this? I'd much rather see our taxpayer dollars used more effectively.

Additionally, most of the landlords I know operate with contracts. By what authority can the council pass a law that supersedes previously signed contracts? Again, this may also be a constitutional issue. It's not hyperbole to say that passage of this law will create "tenancy for life" situations. For hundreds of years, leases have been contracts entered into by consenting adults for the right to use someone else's property, with the understanding that upon expiration of that contract, either party had the mutual right to discontinue the agreement. With this law leases are no longer mutual agreements, and to rent a property to a tenant is to effectively hand every property right over to that tenant, potentially forever, in exchange for nothing more than one month's rent as security. You will find that Landlords, who in the past were willing to take a chance on a tenant whose background wasn't stellar, will undoubtedly use much more selective criteria in choosing a tenant in the future.

I urge the council to vote no on this resolution. The ripple effect of such a restrictive law will ultimately cause many who have worked all their life to secure a home or a business to fall delinquent in taxes and possibly lose their properties.

I believe that much of the discussion surrounding this issue was generated by landlords who are remiss in their responsibilities to their tenants and buildings. (In it solely for the money) However, we can't paint all landlords with the same brush by passing this legislation that will hurt all landlords. There needs to be much more accountability to our existing codes and laws both on the part of the landlords and tenants.

Thank you for your consideration of this matter.

Christine Bello

Public Hearing - Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

Mayor Harvey called for a public hearing to receive public comment concerning a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

Corporation Counsel, Michelle Kelson explained that there is a provision in the General Municipal Law that allows municipalities to exceed whatever the tax cap number might be in their annual Budget if they adopt a local law by a vote of sixty percent of the legislative body. In subsequent years the City Council has not contemplated or considered a Budget that raised the property taxes above whatever the tax cap number is for the City in that particular year and the Manager's Proposed Budget does not propose a levy that exceeds the tax cap. However, out of caution and good government practice, most local governments in the State of New York annually adopted a local law that authorizes that levy in excess of their property tax cap just to be safe so there are no consequences later on from the State. Just to reiterate, the Manager's Proposed Budget for 2022 does not contain a levy that would exceed the City of Newburgh's tax cap for the fiscal year 2022. This is a good government, due diligence proposal to protect the City in the event of some unforeseen circumstance that affects the Budget.

Charlotte, City of Newburgh said that if there were unforeseen circumstance and they had to go above that number would there be an additional vote at that point?

Ms. Kelson said this is just a local law that allows the Council to do this. There will be a public hearing on the Manager's Proposed Budget on November 8th and the final Budget will be voted on by the Council no later than November 22nd which is the fourth Monday in November. When that final Budget is proposed that's when we will know what the final numbers are.

A City of Newburgh resident said she is for it because it's been working for us these past several years. The only thing she would ask is that sometimes things are late getting into our mortgages where they tell us what the taxes are for the next year so if that could be expedited going forward that would be good.

Councilman Grice said he is in favor of this and for the past few years we have stabilized our taxes. He thanked our Comptroller and our City Manager for doing a great job.

Councilwoman Mejia said that this is procedural and it is nowhere near the intention of anyone on this Council to go above it.

Councilwoman Monteverde said we do this every year and we are all committed to keeping taxes down so have patience and we will continue to work towards that.

Councilman Shakur said he has been speaking with our City Manager about this and he has confidence in his judgement.

Councilman Sklarz said thanks for all the hard work done by the Comptroller's office and

the City Manager. This is procedural and it seems to work out every year.

Councilwoman Sofokles said it's procedural, we do it every year and Corporation Counsel explained it perfectly.

Mayor Harvey said this is procedural and as Ms. Kelson said it's our due diligence and good government on behalf of the City Council. People come up with all kinds of theories about the taxes but everyone is evaluated at one hundred percent valuation. He was told that some buildings have different rates which is not true because it's equal across the board. Some people don't understand that this City Council has decreased the tax rate two years in a row which they fought for. As far as the assessment, look at the real estate dockets in the last few years and they will show you that the property values of all of our properties have gone up. We have had people coming from New York City to invest their money in our area so our housing stock is almost empty. Look at how many abandoned buildings we got on the tax rolls in the last year or two? We expanded the tax base and the property values went up so that is why the taxes have gone up and you have an increase in your equity.

There being no further discussion this public hearing was closed.

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

Edwin, City of Newburgh said there are several resolutions on for tonight regarding Stop Signs and he lives on Fullerton Avenue between South and Third Street by the High School. He knows they can't put a Stop Sign there but what about Speed Bumps? Three of his cars have been hit by drunk drivers because people speed there so they have to be slowed down.

Mayor Harvey said that they can't do speed bumps on the City streets because in the winter there is no way for the plow to get through properly. Perhaps they could put down some temporary speed bumps but we can't do permanent.

Otis Jones, City of Newburgh resident and business owner said he is concerned about an incident that happened. On the 20th of this month he was arrested along with his mechanic and worker and charged with burglary, assault and robbery. When the Officers came to his location he told them that he was the business owner but he was taken downtown with no phone call for two hours. He did not understand why he was there and when he asked to talk to his lawyer he was told that they would contact his lawyer. Eventually it came out that an individual was robbed and come to find out it was his stuff that was robbed. When he asked the Officers where they found his stuff they did not tell him. When he asked the Officer if he could make a complaint because stuff is still missing, they did not allow him to make a complaint. He is asking the City Council to look into this situation. His mechanic and helper quit and the Police went into his location without a Search Warrant and he is just trying to get some answers. He is frustrated and would like some help with this situation.

Mayor Harvey asked for his name and contact information and also introduced him to Sertaira Boyd who is the Chairperson of the Police Community Relations and Review Board. They will show him how to file an official complaint against the Police and will walk him through protocol with getting answers to his concerns.

Mr. Jones said he asked the Police where they found his items but they won't say where they were found so he wants to know how to get his property back and make a formal complaint pertaining to this.

Councilman Shakur said he came to him as he was riding past his place of business where the police stayed for hours and ordered pizza. He was the victim and look how he was treated.

Michelle Basch, City of Newburgh, said that when she worked corporately for thirty-five years if she did not dress the part and speak the part then she would have been fired. You represent the company and your actions represent the company and she feels that is even more important when people put their trust in you because you represent all of us. She doesn't think anyone, especially someone who represents him, has the right to degrade anybody of a religion, color, sexual persuasion or economic status. She thinks it is unconscionable and if she had done that she would have been fired.

Jewell Martin, homeless, said her heart goes out to the Police because she is homeless and she wouldn't be here if an Officer hadn't taken an interest in her when she couldn't get to a shelter. An Officer told her she has to use the help to get where she needs to go. We complain about the Police and tell them how to do their job but every day they put their lives on the line and if there is just cause then we have a Commissioner and Police Chief so let them do their jobs. If disciplinary actions are needed, let them do their jobs. She doesn't understand why when we had a person who was from the community who could have been a liaison so what happened to the position that Robert McLymore, Sr. had?

A City of Newburgh resident removed her mask to show the Council her bruised face from when she was assaulted Wednesday night near the Ritz on Broadway. She is a sixty five year old woman with no arrest record. A young woman attacked her after a verbal exchange when she was blindsided, knocked down and repeatedly punched in the face. She called the Police three times before this occurred telling them that she was being harassed on the street but they told her they were busy and could not respond. She was arrested following the incident because the other person told the Police that she spit on her. She was not given a phone call and she was held overnight in shackles and handcuffs with no food. She was also never read her rights so something is very wrong here. The Taxi Drivers are here tonight too because of similar issues regarding response time from the Police.

Mayor Harvey said he will take her name and contact information and also put her in touch with Ms. Boyd to file a formal complaint.

Ann Sullivan, Ellenville, said that the Police Community Relations and Review Board is ineffective. She filed a complaint with video documentation and followed up regularly for months and finally one year later it went to the review board. At that point she found out that the disciplinary actions that your own legal counsel recommended were not taken by

the former City Manager or Police Chief. Nothing was done. By the time her complaint was dealt with at the Police Community Relations and Review Board both Officers were allowed to retire. That is not justice. This Council is responsible for what is going on in this City and they need to do their due diligence. She also noted that our Police are giving out multiple tickets to go to Court when the Court isn't open. Where is the communication?

Juana, sister of Jorge who passed away a few weeks ago regarding an incident asked for more street lights in the City. It's also getting dark with winter coming so perhaps the City could cut down some trees or add more lights to avoid situations like what happened to her brother. There are many posts that don't have any lights. She would also like to see more Police patrolling on foot especially now with Halloween coming and teenagers throwing rocks at windows. Also, at the pedestrian sidewalks there should be more signs because cars don't stop and it's very dangerous for the residents. Lastly she spoke about the prices for the taxis going up.

Alex Mendoza said he owns a Taxi Company here and represents the Taxi Association so he read the following letter: The Taxi Association of the City of Newburgh writes to inform you that for a long period we have been seriously affected with increases such as high taxi insurance prices, policies that cost between six thousand and seven thousand per year. Gasoline increases, cost of living, inspections, high licenses required by Newburgh City Code, competition with Uber, Transport and Lyft, unfair competition by pirate taxis that are not legally recognized. In ordinance number 272-23 we don't have increases in our rates even though they have raised minimum wage on different occasions and this affects us especially with the cost of living. Since many of us are heads of household we need to support our families with dignity. After thirteen years prices for services are *not* commensurate with our income. We also have the complaint of Uber and Lyft since they don't have that cost required by the City of Newburgh for transportation services. Another complaint is that of unrecognized pirate taxis being unfair competition since they are transporting customers in the Newburgh area with regular license plates. We sincerely ask with great respect to take into account our petitions and consider the increase of local rates in the City of Newburgh area. We the Taxi Association in a common agreement believe ask and trust that you will listen to us and request and request that the local fair in Newburgh is \$7.00 as soon as possible since we contribute a public service to the entire community in the Newburgh area. In advance we thank you for your time and fully trust your decision.

Theodore, City of Newburgh said he is here tonight representing the people living at Cornerstone. There are not enough police in this City and the biggest problem here is the drug, Crack and Cornerstone needs to be investigated because the Security there is not doing anything. They are selling Crack in Cornerstone and there is prostitution going on. The building is falling apart and there are people making Crack there. He has to park in the back at Cornerstone because his life is in danger and his friend went outside to smoke a cigarette when a Crack dealer put a knife to his throat and almost killed him. They had a meeting with the Police and were told they were going to teach them how to protect themselves because they are afraid to be there. His friend is the one who was punched and beaten because she stuck up for herself. That's how dangerous it is. He knows there is some corruption in the Police force so he just hopes this is taken seriously and something is done.

A resident of the City of Newburgh said that she is in favor of the four way stops on the agenda for tonight, however, she has spoken with Councilwoman Sofokles and sent a letter to Albany because South Street is a State street and to get a traffic light there we had to do some data collecting. To this date we still haven't gotten anywhere since 2017 and we need a Stop Sign there. We had a fatality in January, cars are still getting damaged and we are getting tickets for parking on the sidewalk because they don't want to get sideswiped and are trying to protect their cars. They would like a traffic light or a four way stop because the flashing lights are not working.

Tammie Hollins, City of Newburgh spoke about resolution #255-2021, censuring Omari Shakur, City Councilmember At-Large. She told Councilman Shakur that she doesn't agree with how he expresses his frustration but she understands it. The owner did not have active building permits. There is a war and a frustration even with Code Compliance employees in her department. We have to chase these people down and she gets calls all day and night about people working in vacant buildings. When you catch them and write the violation then she has another war with them coming to the office and having a fit about getting that violation. They don't have any respect for the legislation in the City which means they don't have any respect for the Councilmembers and the Mayor who created it. It's a war every day and we are all frustrated. On top of that they go to Court and literally pay nothing. They then still need to register and she has to chase them down some more even though they have gone to Court. You can censor him, and that's fine, but just understand there is a frustration. She was out on medical leave for almost a year and the work they did going forward she felt great about but when she returned it was as if we went ten years back all over again.

A gentleman said in regard to resolution #255-2021 that we have been here before. Something very similar happened twice since then which he feels it is unacceptable for a Councilmember who represents this City. It is also embarrassing and it was insulting concerning a certain religious group so the City needs to take action. Enough of this censorship. When this first happened the City did nothing but give excuses and this is unacceptable. If he was out there as a Councilmember doing the same thing the City would have been up in arms and people would be using the race card. We know that would have happened if someone else was out there but yet somehow this City Council member is exempt. Nothing is done. There is no protest. Nothing is said and here we are again two years later doing a censorship which is nonsense and embarrassing. We have six other members here who just sit around and act like nothing ever happened.

Mayor Harvey asked this speaker if he is not aware that this City Council and the City Code does not have the authority to remove an elected official. Are you aware that it is the jurisdiction of the Governor and the State elected officials to remove a Council person by way of recall? A Proposition after a public hearing has already taken place for the voters who voted for all of the Council members to vote yes or no on Proposition No. 6 on the Ballot starting this Saturday all the way to November 2nd. It is a Proposition so don't stand here and berate anyone especially the Council and himself that they have done nothing when there is a vote on the Ballot. He asked this person if he lived here in the City.

The gentleman replied, "No".

The Mayor said then that's probably why you don't know. City residents have a chance to vote on a Proposition that gives this Council the authority to punish, sanction or possibly remove someone for gross misconduct.

The speaker continued by asking if the City ever went to the Governor to ask him to dismiss this individual.

Mayor Harvey said that several Councilmembers called the State Governor.

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

Vitek, Lorene

From: Aja Jeffries <jajagabor10@gmail.com>
Sent: Thursday, October 21, 2021 4:55 AM
To: Diaz, Eliana
Subject: PUBLIC COMMENT ITEM

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, I am a new homeowner in the city of Newburgh and I have concerns regarding the exorbitant price we are forced to pay for sanitation. Not only is the price double that if we went with a private company, we are FORCED to use City Sanitation. I live in a newly developed neighborhood and everyone over here agrees and is upset we do not have a CHOICE.

Signed,

A. Jeffries

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

It was the will of the Council to wait and make their comments at the end of the meeting.

CITY MANAGER'S REPORT

Resolution No. 247 - 2021 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2023

Councilman Grice moved and Councilwoman Mejia seconded.

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

Adopted

Resolution No. 248 - 2021 - Ferry Parking Lot Lease Extension

Councilman Sklarz moved and Councilwoman Mejia seconded.

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

Adopted

Resolution No. 249 - 2021 - Eighth MOU with Metro-North Railroad

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Adopted

Resolution No. 250 - 2021 - To apply for and Accept if Awarded a Grant from the DEC Municipal Waste Reduction and Recycling Program

Councilman Sklarz moved and Councilman Grice seconded.

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

Adopted

Resolution No. 251 - 2021 - Apply for and Accept if Awarded \$250,000 from the NYSDEC ERP Grant Program

Councilman Shakur moved and Councilwoman Mejia seconded.

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

Adopted

Resolution No. 252 - 2021 - Approval for renting the Jewish Community Center Gymnasium

Councilman Sklarz moved and Councilman Shakur seconded.

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

Adopted

Resolution No. 253 - 2021 - Power DMS agreement

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Adopted

Ordinance No. 6 - 2021 - 4-way stop at First Street and Liberty Street

Councilwoman Mejia moved and Councilwoman Monteverde seconded.

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

Adopted

Ordinance No. 7 - 2021 - 4-way stop at Renwick Street and South Lander Street

Councilwoman Monteverde moved and Councilman Shakur seconded.

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

Adopted

Ordinance No. 8 - 2021 - 4-way stop at Dupont Avenue and Thompson Street

Councilman Sklarz moved and Councilwoman Sofokles seconded.

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

Adopted

Resolution No. 254 - 2021 - Authorizing the Execution of a Settlement Agreement

Councilman Grice moved and Councilwoman Mejia seconded.

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

Adopted

Resolution No. 255 - 2021 - Censuring Omari Shakur, City Councilmember At-Large

Councilman Sklarz moved and Councilman Grice seconded.

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

Adopted

Local Law No. 6 - 2021 Amending Chapter 240 Entitled "Rental Properties"

Councilwoman Monteverde moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sofokles, Harvey - 6

Adopted

NEW BUSINESS

Councilwoman Monteverde said someone asked her what happened to the crosswalk that was on Broadway and Chambers. She thinks there was something there that was taken away but a lot of people cross there and it's a dangerous section so if we could get that crosswalk back that would be fantastic. She understands that the Rec Department is responsible for the People's Park and for the past three weeks the garbage down there has been really bad. She told people if they are going to use our Park then they should pick up their garbage and put it in the garbage can. The Rec Department also has to do a better job by going down there every week or every day to pick up the garbage.

Mayor Harvey said that he the City Manager, Police Commissioner, Police Chief and Council members Monteverde, Shakur and Sklarz all went to meet with the taxi companies and drivers about their grievances. He also sat with the City Manager and they went over the numbers for the licensing fees so he is making some recommendations on decreasing some of those fees as well as increasing the rates they can charge with the understanding that all of the taxi companies are going to get registered. He recommends that we finalize

some of that data and get this on a work session by the end of the year to bring that resolution forward with those changes in 2022.

City Manager, Todd Venning said that none of this has been finalized yet and we have a follow up meeting scheduled with the Commissioner and Chief to discuss an appropriate time to give everyone notice to get back into compliance. He believes it was brought to our attention at the taxi meeting that there are only six driver's licenses and maybe four car licenses throughout the City where in prior years we had well above that number somewhere in the one hundreds. We also have to determine in what instances certain fees could be reduced to offset the cost of registering but there are some other issues we need to address to make sure our costs are covered before we can consider reducing those fees. Lastly, we will have follow up meetings on increasing the City fare from \$5.00 to the suggested \$7.00 within the City since that hasn't been raised since 2008 but we are not finalized yet.

Mayor Harvey said that between now and the fiscal year can we prep this for the beginning of 2022?

City Manager, Todd Venning said again that we are not finalized but the idea is to prep it and have the Commissioner and Chief give a ninety day leeway for everyone to be registered before strict enforcement. If that doesn't happen until December then it won't go into effect until February or March so he can't give a solid date because we are not there yet.

Mayor Harvey said he understood and just wants everyone to know that we are moving on this.

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

OLD BUSINESS

Councilwoman Monteverde thanked George and his team for paving Renwick Street because it really does make a difference.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice wished everyone a good night.

Councilwoman Mejia said good night.

Councilwoman Monteverde said good night.

Councilman Shakur said chow.

Councilman Sklarz said thanks for coming out tonight and good night.

Councilwoman Sofokles said she wanted to address Ms. Boyd. Since she was a kid she was taught to avoid Prospect Street and South Street because it was dangerous. It has been a problem for a long time but South Street is County owned so we have to really start working on that.

Mayor Harvey thanked everyone for coming out tonight. He always dreads when the City Manager says we are going to relocate to the Activity Center because it's always a long night. He urged everyone to please pay attention to what this Council has been through and he publicly thanked all of the Council members and City staff. All of the departments and Department Heads, our City Manager and Corporation Counsel. He thanked everyone for what they have done and what they have endured. He doesn't want to leave anyone out because we have been through some difficult times. We are supposed to put aside that we endured a worldwide health care crisis and Pandemic and that we have cleaned up City Hall and did some amazing work to get the City fiscally fixed and where we need to be. He thanked everyone for their service.

ADJOURNMENT

There being no further business to discuss the meeting adjourned at 11:15 p.m.

**LORENE VITEK
CITY CLERK**

LOCAL LAW NO.: 6 - 2021

OF

OCTOBER 25, 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.: 247 - 2021

OF

OCTOBER 25, 2021

A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2023

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2023, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38 4 - 1 - 35 4 - 3 - 1.1 4 - 1 - 12.2 4 - 1 - 9.21 4 - 1 - 10 32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17 97 - 3 - 17 97 - 2 - 22.1 97 - 3 - 10 97 - 1 - 44; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute an Agreement, a copy of which is annexed hereto, with the County of Orange to effectuate such exemption.

AGREEMENT, made this ____ day of _____, 20____ by and between

THE CITY OF NEWBURGH, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at City Hall, 83 Broadway, in the City of Newburgh, County of Orange, State of New York; and

THE COUNTY OF ORANGE, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at the Orange County Government Center, Main Street in the Village of Goshen, County of Orange and State of New York,

WHEREAS, the City of Newburgh is the owner of several parcels of real property located in the Towns of Newburgh and New Windsor, Orange County, New York and designated on the official tax map of said towns as set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, The City of Newburgh uses said property for the operation of a water filtration plant and reservoirs exclusively; and

WHEREAS, The County of Orange has in the past, imposed taxes against said parcels of real property; and

WHEREAS, Section 406(3) of the Real Property Tax Law of the State of New York in essence, inter alia, provides that real property owned by a municipality with a population of less than 100,000 people, which property is located without its corporate limits and is used as a reservoir or water filtration plant may be wholly or partially exempt from taxation, special ad valorem levies, and special assessments, provided that the governing board of the taxing authorities so agree in writing; and

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number ____-2021 of October 25, 2021 of The City of Newburgh, New York; and

WHEREAS, the County of Orange was authorized to enter into this agreement by Resolution Number _____ of _____, dated _____, 20____, of the Orange County Legislature, it appearing that such agreement would be in the best interests of the citizens of Orange County,

NOW, THEREFORE, in consideration of the premises and pursuant to Real Property Tax Law, Section 406 (3), it is agreed as follows:

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorem levies, and special assessments levied by Orange County for the County tax year, January 1, 2023 to December 31, 2023 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2023, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

3. The County of Orange expressly reserves its right to impose, levy and collect with respect to the subject premises, any financial obligation not specifically excluded by the provisions of Real Property Tax Law, Section 406 (3).

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

[SEAL]

THE CITY OF NEWBURGH

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

[SEAL]

THE COUNTY OF ORANGE

By: _____
Stefan ("Steven") M. Neuhaus,
County Executive

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

JANICE GASTON
City Comptroller

SCHEDULE "A"

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44



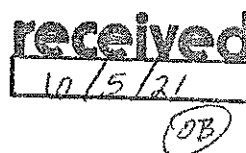
County Legislature

Katherine E. Bonelli, Chairwoman
Jean M. Ramppen, Clerk

255 Main Street – 2nd Fl
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375

October 1, 2021



Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2022.

If you wish the County Legislature to exempt these properties for the year 2023, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 17, 2021.

A schedule of the properties that were exempt for 2022 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,

Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

SCHEDULE A

<u>MUNICIPALITY</u>	<u>LOCATION</u>	<u>TAX PARCEL NO.</u>
City of Middletown	Town of Wallkill	999 - 1 - 21
		999 - 1 - 22
		999 - 1 - 23
		999 - 1 - 24
		999 - 1 - 25
		999 - 1 - 26
		999 - 1 - 27
		999 - 1 - 28
		999 - 1 - 29
		999 - 1 - 19
		999 - 1 - 20
		48 - 1 - 5.1
		48-1-5.2
		48 - 1 - 6.1
		64 - 1 - 2
		69 - 1 - 15
		999 - 1 - 20.1
		49 - 1 - 32
		49 - 1 - 62.2
		64 - 1 - 4.1
City of Middletown	Town of Mount Hope	12 - 1 - 23
		4 - 1 - 44.1
		14 - 1 - 76
		14 - 1 - 95
		14 - 1 - 127
		17 - 1 - 19
City of Newburgh	Town of New Windsor	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
City of Newburgh	Town of Newburgh	32 - 2 - 53
		75 - 1 - 17
		97 - 3 - 17
		7 - 2 - 22.1
		97 - 3 - 10
City of Port Jervis	Town of Deerpark	97 - 1 - 44
		54 - 1 - 35.1
		52 - 1 - 2
		52 - 1 - 54.1
		35 - 1 - 8.2
Village of Chester	Town of Monroe	57 - 1 - 40
		18 - 5 - 11
		13 - 1 - 28
		8 - 1 - 78
		8 - 1 - 35
		8 - 1 - 77

8 - 1 - 24
 8 - 1 - 23
 8 - 1 - 22
 8 - 1 - 21
 8 - 1 - 16
 8 - 1 - 14
 8 - 1 - 13
 8 - 1 - 12
 8 - 1 - 11
 8 - 1 - 10
 8 - 1 - 9
 8 - 1 - 8
 8 - 1 - 54
 8 - 1 - 53
 8 - 1 - 42
 8 - 1 - 44
 8 - 1 - 45
 8 - 1 - 46

Village of Cornwall-on-Hudson

Town of Cornwall

31 - 1 - 15
 29 - 1 - 54
 29 - 1 - 50
 4 - 2 - 56
 32 - 1 - 17
 32 - 1 - 8.1

Village of Cornwall-on-Hudson

Town of New Windsor

65 - 1 - 20

Village of Goshen

Town of Goshen

13 - 1 - 32.61
 15 - 1 - 8
 15 - 1 - 48
 15 - 1 - 50

Town of Wallkill

61 - 1 - 43

Village of Highland Falls

Town of Highlands

1 - 1 - 2

Village of Kiryas Joel

Town & Village of Woodbury
 Town & Village of Woodbury
 Town & Village of Woodbury
 Town & Village of Woodbury
 Town & Village of Woodbury
 Town of Monroe
 Town of Monroe
 Town of Monroe
 Village of Monroe
 Town of Cornwall
 Town of Cornwall
 Town of Cornwall
 Town of Cornwall
 Town of Cornwall
 Town of Cornwall
 Town of New Windsor

213 - 1 - 64.1
 213 - 1 - 49
 02 - 1 - 19
 999 - 7 - 2
 999 - 7 - 1
 2 - 1 - 20
 2 - 1 - 22
 2 - 1 - 23
 216 - 1 - 46.21
 36 - 1 - 56
 4 - 1 - 83
 5 - 3 - 4.2
 4 - 2 - 55
 4 - 2 - 54
 7-5-1
 12-1-1.32
 35 - 1 - 79.22

Town of New Windsor	35 - 1 - 86.1
Town of New Windsor	36 - 1 - 30
Town of New Windsor	36 - 1 - 14
Town of New Windsor	65 - 1 - 22.2
Town of New Windsor	36-1-11
Town of New Windsor	67-5-15
Town of New Windsor	67-5-16

Village of Maybrook	Town of Hamptonburgh	3 - 1 - 6
---------------------	----------------------	-----------

Village of Montgomery	Town of Montgomery	28 - 1 - 63
-----------------------	--------------------	-------------

Village of Tuxedo Park	Town of Tuxedo	13 - 3 - 12
------------------------	----------------	-------------

Village of Walden	Town of Montgomery	10 - 1 - 4.21
		2 - 1 - 24.1
		2 - 1 - 24.21
		2 - 1 - 25.11

The City of Newburgh Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

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

Jeremy Kaufman
Assistant Corporation Counsel

October 7, 2021

Jean Ramppen, Clerk
Orange County Legislature
Orange County Government Center
255-275 Main Street
Goshen, NY 10924

Re: Orange County Tax Exemption for
City of Newburgh Reservoir Lands for 2023

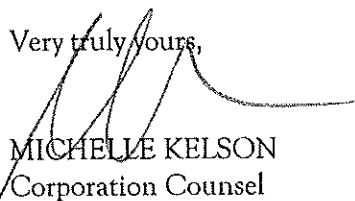
Dear Ms. Ramppen:

Thank you for your October 1, 2021 letter to Mayor Harvey advising that it is time to request that the Orange County Legislature exempt reservoir and filter plant properties owned by the City of Newburgh in the Towns of New Windsor and Newburgh for the year 2023.

Please note that there is a typographical error in Schedule "A" affecting one of the City of Newburgh properties located in the Town of Newburgh. The City of Newburgh property located in the Town of Newburgh is incorrectly identified in Schedule "A" as Section 7, Block 2, Lot 22.1 and should be corrected to be identified as Section 97, Block 2, Lot 22.1.

Thank you for your assistance with this matter.

Very truly yours,



MICHELLE KELSON
Corporation Counsel

MK/dt
Enclosure



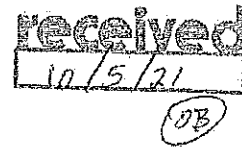
County Legislature

Katherine E. Bonelli, Chairwoman
Jean M. Ramppen, Clerk

255 Main Street – 2nd Fl
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375

October 1, 2021



Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2022.

If you wish the County Legislature to exempt these properties for the year 2023, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 17, 2021.

A schedule of the properties that were exempt for 2022 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,


Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

SCHEDULE A

MUNICIPALITY
City of Middletown

LOCATION
Town of Wallkill

TAX PARCEL NO.

999 - 1 - 21
999 - 1 - 22
999 - 1 - 23
999 - 1 - 24
999 - 1 - 25
999 - 1 - 26
999 - 1 - 27
999 - 1 - 28
999 - 1 - 29
999 - 1 - 19
999 - 1 - 20
48 - 1 - 5.1
48 - 1 - 5.2
48 - 1 - 6.1
64 - 1 - 2
69 - 1 - 15
999 - 1 - 20.1
49 - 1 - 32
49 - 1 - 62.2
64 - 1 - 4.1

City of Middletown

Town of Mount Hope

12 - 1 - 23
4 - 1 - 44.1
14 - 1 - 76
14 - 1 - 95
14 - 1 - 127
17 - 1 - 19

City of Newburgh

Town of New Windsor

4 - 1 - 38
4 - 1 - 35
4 - 3 - 1.1
4 - 1 - 12.2
4 - 1 - 9.21
4 - 1 - 10
32 - 2 - 53

City of Newburgh

Town of Newburgh

75 - 1 - 17
97 - 3 - 17
7 - 2 - 22.1
97 - 3 - 10
97 - 1 - 44

97-2-22.1

City of Port Jervis

Town of Deerpark

54 - 1 - 35.1
52 - 1 - 2
52 - 1 - 54.1
35 - 1 - 8.2
57 - 1 - 40

Village of Chester

Town of Monroe

18 - 5 - 11
13 - 1 - 28
8 - 1 - 78
8 - 1 - 35
8 - 1 - 77

RESOLUTION NO.: 248 - 2021

OF

OCTOBER 25, 2021

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A THIRD EXTENSION UNTIL DECEMBER 31, 2022 TO THE AGREEMENT OF LEASE
WITH RIVERSIDE NEWBURGH REALTY, LLC
FOR THE CONTINUED LEASE OF VACANT REAL PROPERTY KNOWN AS
SECTION 31, BLOCK 5, LOTS 13.2 AND 14 FOR THE PURPOSE OF PROVIDING
PARKING FOR THE NEWBURGH-BEACON FERRY COMMUTERS**

WHEREAS, the City of Newburgh ("City") and Memorare Realty Holding Corp. ("Memorare") executed a Lease on July 30, 2004 for the lease and use of approximately 3.65 acres of vacant real property situated on the Hudson River known as Section 31, Block 5, Lots 13.2 and 14, for the purpose of providing parking for users of the Newburgh-Beacon Ferry and other parkers during non-commuting hours, with the City being reimbursed by New York State for the rental payments and improvements provided under such Lease; and

WHEREAS, by Resolution No. 142-2010 of June 14, 2010, the City Council authorized the City Manager to execute a First Amended Agreement of Lease with Memorare to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, by Resolution No. 169-2014 of July 14, 2014, Resolution No. 308-2014 of December 15, 2014, Resolution No. 75-2015 of April 13, 2015 and Resolution No. 318-2015 of December 15, 2015, the City Council authorized extensions of the renewal term of the First Amended Lease through January 31, 2017; and

WHEREAS, the First Amended Lease was assigned to RBG of Newburgh, LLC ("RBG"), and by Resolution No. 10-2017 of January 10, 2017, the City Council authorized a New Agreement of Lease ("New Lease") with RBG for the period February 1, 2017 through December 31, 2018; and

WHEREAS, the New Lease was assigned to Riverside Newburgh Realty, LLC ("Riverside"), and by Resolution No. 372-2018 of December 10, 2018, the City council authorized an extension of the New Lease through June 30, 2019; and

WHEREAS, by Resolution No. 145-2019 of June 10, 2019, the City Council authorized a Second New Lease between the City and Riverside for the period July 1, 2019 through December 31, 2020; and

WHEREAS, due to the Coronavirus pandemic, by Resolution No. 307-2020 of December 14, 2020 and Resolution No. 117-2021 of May 10, 2021, the City Council authorized a six (6) month extensions of the Second New Lease for the period January 1, 2021 through June 30, 2021 and July 1, 2021 through December 31, 2021; and

WHEREAS, the City and Riverside agree that the Coronavirus pandemic warrants further extension of the Second New Lease for a one year covering the period January 1, 2022 through December 31, 2022 to provide additional time to adequately evaluate renewal options; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager on behalf of the City of Newburgh, be and he is hereby authorized to execute a Third Addendum to the Second New Agreement of Lease providing for a one (1) year extension for a term beginning on January 1, 2022 through December 31, 2022 with Riverside Newburgh Realty, LLC, in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require, for the purpose of providing parking for users of the Newburgh-Beacon Ferry and uses associated therewith.

ADDENDUM TO AGREEMENT OF LEASE

THIS ADDENDUM TO AGREEMENT OF LEASE ("Addendum"), made as of this ____ day of _____, 2021, by and between Riverside Newburgh Realty, LLC., a New York limited liability corporation, having an address of P.O. Box 8, Newburgh, New York 12551, ("Riverside"), and the City of Newburgh, a New York municipal corporation with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550 ("City").

WITNESSETH:

WHEREAS, Riverside and the City executed an Agreement of Lease dated June 21, 2019 for a term commencing on July 1, 2019 and terminating on December 31, 2020 (the "Lease Agreement"), covering certain vacant real property situated along the west bank of the Hudson River and comprised of portions of two contiguous parcels of land (commonly known, respectively, Tax Map Nos.: Section 31, Block 5, Lot 13.2 and; Section 31, Block 5, Lot 14) with an aggregate of approximately 3.65 acres, in the City of Newburgh, in the County of Orange and State of New York (the "Property"); and

WHEREAS, the Lease Agreement was to expire on December 31, 2020 and the parties agreed to extend the term of the Lease Agreement for the period January 1, 2021 through June 30, 2021 ("Addendum to Lease Agreement"); and

WHEREAS, the Addendum to Lease Agreement was set to expire on June 30, 2021 and the parties agreed to extend the term of the Lease Agreement for the period July 1, 2021 through December 31, 2021 ("Second Addendum to Lease Agreement")

WHEREAS, the City desires to continue to lease from Riverside the Property for use in connection with parking to be used for ferry service between the Cities of Newburgh and Beacon and uses associated therewith (the "Project") and Riverside desires to lease to City the Property therefor and the parties agree that it is necessary to extend the term of the Lease Agreement for the period January 1, 2022 through December 31, 2022:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term set forth in Paragraph 1.3 of the Lease Agreement, as amended by paragraph 1 of the Addendum to Lease Agreement and the Second Addendum to Lease Agreement, shall be extended for an additional extension term commencing on January 1, 2022 and terminating on December 31, 2022 ("Third Extension Term").
2. The Renewal Options set forth in Paragraphs 5.1 and 5.2 of the Lease Agreement as amended by paragraph 2 of the Addendum to Lease Agreement and Second Addendum to Lease Agreement, are amended as follows:
 - a. No later than three (3) months prior to the expiration of the Third Extension Term, unless the Lease is sooner terminated, each party shall have the right to notify the other of its intention to terminate the Lease Agreement, or to seek a renewal thereof.
 - b. Upon the mutual agreement of the parties, the Lease may be renewed for one (1) additional term January 1, 2023 and expiring on December 31, 2024.

3. For the Third Extension Term, rent shall be payable monthly in advance in equal monthly installments of Twenty-One Thousand Nine Hundred Sixteen (\$21,916) Dollars, provided however that City shall have the right to terminate this lease if the City has not received reimbursement from state sources, including but not limited to the Metropolitan Transportation Authority, Metro-North Railroad and/or The New York State Department of Transportation, of the full amount of the rent under the Lease Agreement, and in no event shall City's obligation to pay rent to Riverside exceed City's reimbursement from other sources.
4. All other terms and conditions set forth in the Lease Agreement shall remain in full force and effect during the Third Extension Term and Renewal Term.

IN WITNESS WHEREOF, Riverside, as Landlord, and the City, as Tenant have duly executed this Lease Addendum in duplicate as of the day and year first above written.

RIVERSIDE NEWBURGH REALTY, LLC Landlord

CITY OF NEWBURGH, Tenant

By: _____
William Kaplan, Manager

By: _____
Todd Venning
City Manager
Per Res. No.

By: _____
Joseph A. Bonura, Sr., Manager

Remainder of this page intentionally left blank

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 WILLIAM KAPLAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

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

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared 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 her 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.: 249 - 2021

OF

OCTOBER 25, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN EIGHTH MEMORANDUM OF UNDERSTANDING WITH
METRO-NORTH COMMUTER RAILROAD COMPANY TO PROVIDE
REIMBURSEMENT OF PARKING LOT LEASE PAYMENTS RELATED TO
THE NEWBURGH-BEACON FERRY SERVICE**

WHEREAS, the City of Newburgh and Metro-North Commuter Railroad ("MNR") entered into an Agreement, dated August 16, 2004 (the "Agreement"), concerning the mooring, docking and use of facilities in the City in connection with commuter ferry service to be operated by MNR or its contractor between the City of Beacon and the City of Newburgh; and

WHEREAS, in compliance with the terms of the Agreement, the City entered into a lease with the owner of certain premises to provide a docking facility and 250 space parking lot for the ferry service, beginning July 30, 2014, and superseded by a First Amended Lease, effective April 21, 2010 and extended through December 31, 2015, (the "Amended Lease"); and

WHEREAS, by Resolution No. 169 - 2014 of July 14, 2014, Resolution No. 308-2014 of December 15, 2014, Resolution No. 75 -2015 of April 13, 2015, and Resolution No. 318-2015 of December 15, 2015, the City Council authorized extensions of the renewal term of the First Amended Lease through January 31, 2017; and

WHEREAS, the First Amended Lease was assigned to new owner, RBG of Newburgh, LLC ("RBG"), and by Resolution No. 10-2017 of January 10, 2017, the City authorized a New Agreement of Lease with RBG for the period February 1, 2017 through December 31, 2018 (the "New Lease"); and

WHEREAS, the New Lease was assigned to Riverside Newburgh Realty, LLC ("Riverside"), and by Resolution No. 372-2018 of December 10, 2018, the City authorized an extension of the New Lease for the period January 1, 2019 through June 30, 2019; and

WHEREAS, by Resolution No. 145-2019 of June 10, 2019, the City Council authorized a Second New Lease between the City and Riverside for the period July 1, 2019 through December 31, 2020 (the "Second New Lease"); and

WHEREAS, by Resolution No. 111-2015 of May 11, 2015, Resolution No. 11-2017 of January 9, 2017, Resolution No. 373-2018 of December 10, 2018, and Resolution No. 146-2019 of June 10, 2019, the City Council authorized a Second, Third, Fourth, and Fifth Memorandum of Understanding with MNR to provide reimbursement to the City of Newburgh for payments

made under the First Amended Lease, New Lease, and Second New Lease for the purpose of providing parking for users of the Newburgh-Beacon Ferry; and

WHEREAS, due to the Coronavirus pandemic, by Resolution No. 308-2020 of December 14, 2020 and Resolution No. 118-2021 of May 10, 2021, the City Council authorized a Sixth Memorandum of Understanding for the period January 1, 2021 through June 30, 2021 and a Seventh Memorandum of Understanding for the period July 1, 2021 through December 31, 2021 to ensure continuation of ferry service between the Cities of Newburgh and Beacon by providing continued reimbursement to the City for payments under the Second New Lease Extension and Second New Lease Second Extension with Riverside consistent with their terms; and

WHEREAS, the City and MNR agree that the Coronavirus pandemic warrants an Eighth Memorandum of Understanding for the period January 1, 2022 through December 31, 2022 to coterminous with the Second New Lease Third Extension with Riverside ensure continuation of ferry service between the Cities of Newburgh and Beacon by providing continued reimbursement to the City for payments under the Second New Lease Third Extension with Riverside consistent with its term; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager on behalf of the City of Newburgh, be and he is hereby authorized to execute an Eighth Memorandum of Understanding coterminous with the period of the third extension of the Second New Agreement of Lease, with such other terms and conditions as may be recommended by the Corporation Counsel, for Metro-North Commuter Railroad to provide reimbursement to the City of Newburgh for payments made under the Second New Lease Third Extension with Riverside Newburgh Realty, LLC for the purpose of providing parking for users of the Newburgh-Beacon Ferry.

EIGHTH MEMORANDUM OF UNDERSTANDING

EIGHTH MEMORANDUM OF UNDERSTANDING ("EIGHTH MOU") dated _____, 2021, by and between Metro-North Commuter Railroad Company ("Metro-North"), a public benefit corporation of the State of New York and a subsidiary of the Metropolitan Transportation Authority ("MTA"), with its principal offices at 420 Lexington Avenue, 11th floor, New York, New York 10170 and the City of Newburgh ("City"), a municipal corporation with its principal offices located at City Hall, 83 Broadway, Newburgh, New York 12550 (collectively, the "Parties").

WHEREAS, the Parties entered into an Agreement dated August 16, 2004 (the "Agreement"), concerning the mooring, docking and use of facilities in the City in connection with commuter ferry service to be operated by Metro-North or its contractor between the City of Beacon and the City of Newburgh ("Ferry Service"); and

WHEREAS, the Agreement states that the City will enter into a lease with the owner of certain premises ("Premises") to provide a docking facility and 250 space parking lot for the Ferry Service (the "Lease"), and the City did enter into such Lease, beginning July 30, 2004 and superseded by a First Amended Lease effective April 21, 2010 and extended through December 31, 2015 (the "Amended Lease"); and

WHEREAS, the City and the New York State Department of Transportation ("NYSDOT") had entered into a contract dated July 12, 2006, by which NYSDOT reimbursed the City for the rent payments under the Lease, but this contract expired; and

WHEREAS, the City had represented that it lacked funds to make the rent payments under the Amended Lease for the period from May 2015 through December 2015 ("May-December Period") and had requested that Metro-North reimburse the City for the rent payments under the Amended Lease for the May-December Period; and

WHEREAS, NYSDOT had indicated to the City that it will reimburse the City for the rent payments under the Amended Lease up to and including April 2015, and thereafter had committed to provide Congestion Mitigation and Air Quality ("CMAQ") funds to Metro-North, which could be used to reimburse Metro-North for assistance payments made to the City by Metro-North to fund the Amended Lease; and

WHEREAS, the City and Metro-North had entered into a Memorandum of Understanding dated May 26, 2015 ("MOU") whereby Metro-North had agreed to reimburse the City for the rent payments made by the City under the Amended Lease for the May-December Period at the rate of \$21,278 per month; and

WHEREAS, the Amended Lease was further extended for the period January 1, 2016 through January 31, 2017 at the same rate of \$21,278 per month ("January 1, 2016 – January 31, 2017 Period"); and

WHEREAS, the City had represented that it lacked the funds to make the rent payments under the Amended Lease for the January 1, 2016 – January 31, 2017 Period and had requested that Metro-North reimburse the City for the rent payments under the Amended Lease for the January 1, 2016 – January 31, 2017 Period; and

WHEREAS, the City and Metro-North entered into a Second Memorandum of Understanding dated January 26, 2016 (“Second MOU”) whereby Metro-North had agreed to reimburse the City for the rent payments made by the City under the Amended Lease for the January 1, 2016 – January 31, 2017 Period at the rate of \$21,278 per month; and

WHEREAS, the City entered into a new lease with the new owner of the Premises to provide a docking facility and 250 space parking lot for the Ferry Service (the “New Lease”) for a term beginning February 1, 2017 and continuing until December 31, 2018 with rent payments of \$21,278 per month (“February 1, 2017 – December 31, 2018 Period”) and requested that Metro-North reimburse the City for the rent payments under the New Lease for the February 1, 2017 – December 31, 2018 Period; and

WHEREAS, the City and Metro-North entered into a Third Memorandum of Understanding dated January 31, 2017 (“Third MOU”) whereby Metro-North agreed to reimburse the City for the rent payments made by the City under the New Lease for the February 1, 2017 – December 31, 2018 Period at the rate of \$21,278 per month; and

WHEREAS, the New Lease was extended for the period January 1, 2019 through June 30, 2019 (“New Lease Extension”) at the same rate of \$21,278 per month (“January 1, 2019 – June 30, 2019 Period”) and the City requested that Metro-North reimburse the City for the rent payments under the New Lease Extension for the January 1, 2019 – June 30, 2019 Period; and

WHEREAS, the City and Metro-North entered into a Fourth Memorandum of Understanding dated February 14, 2019 (“Fourth MOU”) whereby Metro-North agreed to reimburse the City for the rent payments made by the City under the New Lease Extension for the January 1, 2019 – June 30, 2019 Period at the same rate of \$21,278 per month; and

WHEREAS, the City entered into a second new lease with a second new owner of the Premises to provide a docking facility and 250 space parking lot for the Ferry Service (“Second New Lease”) for a term beginning on July 1, 2019 and continuing until December 31, 2020 with rent payments of \$21,916 per month (“July 1, 2019 – December 31, 2020 Period”) and requested that Metro-North reimburse the City for the rent payments under the Second New Lease for the July 1, 2019 – December 31, 2020 Period; and

WHEREAS, the City and Metro-North entered into a Fifth Memorandum of Understanding dated July 30, 2019 (“Fifth MOU”) whereby Metro-North agreed to reimburse the City for the rent payments made by the City under the Second New Lease for the July 1, 2019 – December 31, 2020 Period at the same rate of \$21,916 per month; and

WHEREAS, the Second New Lease was extended for the period January 1, 2021 through June 30, 2021 ("Second New Lease Extension") at the same rate of \$21,916 per month ("January 1, 2021 – June 30, 2021 Period"); and

WHEREAS, the City and Metro-North entered into a Sixth Memorandum of Understanding dated January 1, 2021 ("Sixth MOU") whereby Metro-North agreed to reimburse the City for the rent payments made by the City under the Second New Lease Extension for the January 1, 2021 – June 30, 2021 Period at the same rate of \$21,916 per month; and

WHEREAS, the Second New Lease was extended for the period July 1, 2021 through December 31, 2021 ("Second New Lease Second Extension") at the same rate of \$21,916 per month ("July 1, 2021 – December 31, 2021 Period"); and

WHEREAS, the City and Metro-North entered into a Seventh Memorandum of Understanding dated June 8, 2021 ("Seventh MOU") whereby Metro-North agreed to reimburse the City for the rent payments made by the City under the Second New Lease Second Extension for the July 1, 2021 – December 31, 2021 Period at the same rate of \$21,916 per month; and

WHEREAS, the Second New Lease Second Extension was extended for the period January 1, 2022 through December 31, 2022 ("Second New Lease Third Extension") at the same rate of \$21,916 per month ("January 1, 2022 – December 31, 2022 Period"); and

WHEREAS, the City continues to maintain that it lacks funds to make the rent payments under the Second New Lease Third Extension for the January 1, 2022 – December 31, 2022 Period; and

WHEREAS, unless the rent payments under the Second New Lease Third Extension are made to the landlord for the January 1, 2022 – December 31, 2022 Period, the Ferry Service is in danger of being discontinued; and

WHEREAS, the Ferry Service is important to the City as well as being an important part of Metro-North's provision of commuter service to its ridership, especially for commuters from Orange and Dutchess Counties; and

WHEREAS, the Parties desire to prevent the discontinuance of the Ferry Service.

NOW THEREFORE, in consideration of the benefits accruing to each of the Parties hereto, the Parties agree as follows:

1. Supplement. Unless otherwise stated herein, this Eighth MOU supplements the terms set forth in the Agreement, the MOU, the Second MOU, the Third MOU, the Fourth MOU, the Fifth MOU, the Sixth MOU, and the Seventh MOU.

2. Lease Rent Payments: Metro-North agrees to reimburse the City for the rent payments made by the City under the Second New Lease Third Extension for the January 1, 2022 – December 31, 2022 Period only, at the rate of \$21,916 per month. For the January 1, 2022 –

December 31, 2022 Period, the City will make timely monthly rent payments to the lessor under the Second New Lease Third Extension. The City will submit proof of each timely monthly rent payment along with an invoice for that monthly rent payment to Metro-North within ten (10) days of making the rent payment. Metro-North agrees to pay the City within thirty (30) days of receipt of the City's invoice for the monthly rent payment and proof of timely payment of the monthly rent payment under the Second New Lease Third Extension.

3. During the January 1, 2022 – December 31, 2022 Period, the City agrees to comply with all terms under the Second New Lease Third Extension, not to terminate the Second New Lease Third Extension and not cause the landlord to terminate the Second New Lease Third Extension. If the City or the landlord terminates or cancels the Second New Lease Third Extension, then this Eighth MOU shall automatically terminate at the same time as the termination or cancellation of the Second New Lease Third Extension. Upon termination or cancellation of the Second New Lease Third Extension, Metro-North shall have no further obligations under this Eighth MOU and Metro-North shall have the right to discontinue the Ferry Service.

4. Metro-North is not required to reimburse the City for any late fees, interest or other charges under the Second New Lease Third Extension.

5. This Eighth MOU does not create any obligations for Metro-North in connection with the Second New Lease Third Extension, or create any landlord-tenant relationship between the Parties.

6. The Parties agree to diligently work together in a cooperative and time sensitive manner to identify and make available alternative locations for the Ferry Service, docking facility and parking facility suitable to the needs of each party, and to cooperatively work together to identify other sources of funding for the Ferry Service, docking facility and parking facility.

7. Assignment: Neither party shall assign, transfer or delegate any of its rights or obligations under this Eighth MOU without the written consent of the other party, provided that Metro-North may so assign, transfer or delegate to the MTA any such right or obligation upon written notice to the City.

8. Personal Liability: No officer, director, member or employee of either of the parties hereto shall be liable personally or be sued individually for damages under or by reason of this Eighth MOU.

9. Notices: (a) Any notice, request, approval, demand or other communication under this Eighth MOU shall be in writing and given by (i) hand delivery, (ii) mailing the same by registered or certified mail, return receipt requested, (iii) reputable overnight courier service, or (iv) email transmission with an original sent by any manner above described, addressed in each case as follows:

If to Metro-North:

Metro-North Commuter Railroad Company
420 Lexington Avenue, 11th floor

New York, New York 10170
Attention: General Counsel
Email: sarch@mnr.org

If to the City:

City of Newburgh
City Hall
83 Broadway
Newburgh, New York 12550
Attn: City Manager
Email: jdonat@cityofnewburgh-ny.gov

With a copy to:

City of Newburgh
City Hall
83 Broadway
Newburgh, New York 12550
Attn: Corporation Counsel
Email: mkelson@cityofnewburgh-ny.gov

(b) Any party may by notice to the other change the addresses to which notice to such party or copies of such notices shall thereafter be sent. Notices shall be deemed to have been given (i) immediately upon acknowledgement of receipt when delivered by personal service on the person(s) designated to receive notice, (ii) on the fourth (4th) business day after the same shall have been deposited in the United States mails as aforesaid, (iii) on the next business day after the same shall have been sent by overnight courier service and (iv) upon receipt of the email; provided that no notice shall be deemed to have been given until a copy thereof has been given to each person entitled thereto as set forth above.

10. No Third-Party Rights. No provision of this Eighth MOU shall create or give to third-parties any claim or right of action against the Parties hereto.

11. Miscellaneous:

a) This Eighth MOU contains the entire agreement of the Parties respecting the subject matter hereof.

b) This Eighth MOU may be amended, modified or supplemented only by an instrument in writing signed by the Parties hereto.

c) The headings of the various paragraphs, exhibits and attachments of this Eighth MOU are for the convenience of reference only and do not in any way define or limit the scope of intent of any provision hereof.

d) If any provision of this Eighth MOU is to any extent invalid or unenforceable, the remainder of this Eighth MOU, and the application of such provision to matters as to which it is not invalid or unenforceable, shall not be affected thereby.

e) This Eighth MOU shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective successors and permitted assigns.

f) This Eighth MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

g) This Eighth MOU shall be governed by and construed in accordance with the laws of the State of New York.

h) Either party may terminate this Eighth MOU upon sixty (60) days written notice, provided that any obligations incurred by either party prior to the termination date, shall survive such termination.

IN WITNESS WHEREOF, Metro-North and the City have caused this Eighth Memorandum of Understanding to be duly executed as of the date first above written.

METRO-NORTH COMMUTER RAILROAD COMPANY

BY:

CITY OF NEWBURGH

BY: Todd Venning, City Manager
Per Resolution No.

RESOLUTION NO.: 250 - 2021

OF

OCTOBER 25, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED
A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
MUNICIPAL WASTE REDUCTION AND RECYCLING
STATE ASSISTANCE PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 WITH A HUNDRED PERCENT CITY MATCH**

WHEREAS, the New York State Department of Environmental Conservation is offering funding to assist New York State municipalities meet environmental goals and mandates through the Environmental Protection Fund and the Municipal Waste Reduction and Recycling State Assistance Grant program to expand local waste reduction and recycling programs and increase participation in those programs; and

WHEREAS, by Resolution No. 263-2020 of October 26, 2020 and Resolution No. 81-2021 of April 12, 2021, the City of Newburgh applied for and was awarded funding in the amount of \$41,139.00, with a \$41,139.00 match derived from S.1918.0400, to fund a part-time employee and recycling education materials; and

WHEREAS, the City of Newburgh proposes to apply for and accept if awarded a grant in the amount of \$50,000.00 with a 100% City match to fund the Recycling Coordinator for 2022 and recycling education materials; and

WHEREAS, this Council has determined that accepting such grant is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling State Assistance Program grant in the amount of \$50,000.00 with a \$50,000.00 City match; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

RESOLUTION NO. 251 -2021

OF

OCTOBER 25, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED FUNDING FROM
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ENVIRONMENTAL RESTORATION PROGRAM IN THE AMOUNT OF
\$100,000.00 FOR 7-11 JHONES STREET A/K/A 9 JHONES STREET
(SECTION 46, BLOCK 1, LOT 14) SITE NO: B00188 WITH A 10% CITY MATCH AND
IN THE AMOUNT OF \$150,000.00 FOR 350-352 LIBERTY STREET A/K/A
350 LIBERTY STREET (SECTION 12, BLOCK 1, LOT 25) SITE NO: B00189
WITH A 10% CITY MATCH

WHEREAS, the City of Newburgh, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the enacted Executive Budget for State Fiscal Year 2021-2022 as reflected in Chapter 54 of the Laws of 2013 as amended by Chapter 55, section 1, of the Laws of 2016 ("The Law") provided 2021 Environmental Restoration Program funding for services, expenses, and indirect costs related to various environmental projects including, but not limited to, environmental restoration projects and The Law allows the Department of Environmental Conservation (DEC) to enter into agreements with municipalities to undertake environmental restoration projects on behalf of a municipality upon request, provided that the municipality shall provide at least ten percent of the total project costs (hereinafter referred to as "2021 ERP");

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Newburgh, New York, as follows:

1. That Todd Venning, City Manager and Director of Finance, is the representative authorized to act in behalf of the Municipality's in all matters related to State assistance under ECL Article 56, Title 5. The representative is also authorized to make a request to DEC, by applying for participation in the 2021 ERP, to enter into an agreement to undertake an environmental restoration project on behalf of the Municipality, execute the 2021 ERP Agreement, submit

Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance.

2. That the Municipality agrees that it will fund its portion of the cost of the Project by reimbursing New York State Department of Environmental Conservation at least ten percent (10%) of Project costs and that funds will be available to reimburse New York State Department of Environmental Conservation within ninety (90) days after receipt of an invoice from the Department.

3. That one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.

4. That this Authorization takes effect immediately.

CERTIFICATE OF RECORDING OFFICER

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

I, _____, Clerk of the City of Newburgh, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____ at a meeting duly called and held at the _____ on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Newburgh, New York, this _____ day of _____, 20__.

Clerk, City of Newburgh

RESOLUTION NO.: 252 - 2021

OF

OCTOBER 25, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A CONTRACT FOR THE RENTAL OF THE KOL YISRAEL FACILITIES
AT A COST OF \$3,905.00
FOR CITY OF NEWBURGH RECREATION DEPARTMENT ACTIVITIES**

WHEREAS, City of Newburgh Recreation Department proposes to use the gym facilities of Kol Yisrael located at 290 North Street, Newburgh, New York for City of Newburgh Recreation Department programs and activities; and

WHEREAS, the City of Newburgh will pay \$55.00 per hour for use of the Kol Yisrael facilities on Mondays and Tuesdays from 6:00 to 8:00pm and Sundays from 1:00 to 4:00pm beginning on November 29, 2021 and ending on February 10, 2022 for a total cost of \$3,905.00; and

WHEREAS, the Council has reviewed the attached contract for the use of the Kol Yisrael facilities and determined that entering same is in the best interest of the City of Newburgh and its youth;

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 Kol Yisrael Facilities Rental Contract, in substantially the same form as annexed hereto with other terms and conditions as Corporation Counsel may require, for use by the City of Newburgh Recreation Department at a cost of \$3,905.00.

RESOLUTION NO.: 253 - 2021

OF

OCTOBER 25, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH POWERDMS, INC.
FOR POLICY AND PROCEDURE DOCUMENT MANAGEMENT SERVICES
FOR THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, PowerDMS, Inc. offers subscription cloud-based services to assist law enforcement agencies with management of policy and procedure documents more efficiently and effectively; and

WHEREAS, the cost for the software, services, equipment and training in the initial year is \$10,203.15 and such funding shall be derived from A.3420.0205 Other Equipment; and

WHEREAS, the City Council finds that entering into such a contract with PowerDMS, Inc. for the subscription cloud-based policy and procedure document management and related services and equipment 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 of the City of Newburgh be and he is hereby authorized to enter into an agreement with PowerDMS, Inc., as annexed hereto with such other terms and conditions as may be required by Corporation Counsel, to provide subscription cloud-based policy and procedure document management and related services and equipment to the City of Newburgh Police Department.

ORDINANCE NO.: 6-2021

OF

OCTOBER 25, 2021

AN ORDINANCE AMENDING SECTION 288-66 OF THE CODE OF ORDINANCES
ADDING STOP SIGNS AT THE INTERSECTION FIRST STREET
AND LIBERTY STREET

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 288-66, Schedule VIII: Stop Intersections, be and is hereby amended to add stop signs as follows:

Section 1. § 288-66. Schedule VIII: Stop Intersections.

In accordance with the provisions of § 288-14, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>First Street</u>	<u>Both</u>	<u>Liberty Street</u>
<u>Liberty Street</u>	<u>Both</u>	<u>First Street</u>

Section 2. This Ordinance shall take effect on November 1, 2021.

Underlining denotes additions
~~Strikethrough~~ denote deletions

ORDINANCE NO.: 7-2021

OF

OCTOBER 25, 2021

AN ORDINANCE AMENDING SECTION 288-66 OF THE CODE OF ORDINANCES
ADDING STOP SIGNS AT THE INTERSECTION RENWICK STREET
AND SOUTH LANDER STREET

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 288-66, Schedule VIII: Stop Intersections, be and is hereby amended to add two stop signs as follows:

Section 1. § 288-66. Schedule VIII: Stop Intersections.

In accordance with the provisions of § 288-14, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>Renwick Street</u>	<u>Both</u>	<u>South Lander Street</u>

Section 2. This Ordinance shall take effect on November 1, 2021.

Underlining denotes additions
~~Strikethrough~~ denote deletions

ORDINANCE NO.: 8-2021

OF

OCTOBER 25, 2021

AN ORDINANCE AMENDING SECTION 288-66 OF THE CODE OF ORDINANCES
ADDING STOP SIGNS AT THE INTERSECTION OF DUPONT AVENUE
AND THOMPSON STREET

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 288-66, Schedule VIII: Stop Intersections, be and is hereby amended to add two stop signs as follows:

Section 1. § 288-66. Schedule VIII: Stop Intersections.

In accordance with the provisions of § 288-14, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>Dupont Avenue</u>	<u>Both</u>	<u>Thompson Street</u>

Section 2. This Ordinance shall take effect on November 1, 2021.

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 254 - 2021

OF

OCTOBER 25, 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT
AND RELATED DOCUMENTS IN CONNECTION WITH THE PREMISES
LOCATED AT 72 LANDER STREET (SECTION 23, BLOCK 7, LOT 6),
76 LANDER STREET (SECTION 23, BLOCK 2, LOT 12), 78 LANDER STREET
(SECTION 23, BLOCK 2, LOT 11), 82 LANDER STREET (SECTION 23, BLOCK 2, LOT 9),
AND 84 LANDER STREET (SECTION 23, BLOCK 2, LOT 8)

WHEREAS, the City of Newburgh commenced legal action against defendants 72 Lander Street LLC, 76 Lander Street LLC, 78 Lander Street LLC, 82 Lander Street LLC and 84 Lander Street LLC, current owners of record of the corresponding premises known as 72 Lander Street, 76 Lander Street, 78 Lander Street, 82 Lander Street, and 84 Lander Street, to enforce its reverter and re-entry rights to the premises; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City of Newburgh Office of the Corporation Counsel is hereby authorized to settle the legal action pending against said defendants, and either the City Manager or the Office of the Corporation Counsel is hereby authorized to execute a written settlement agreement in a form substantially similar to the agreement annexed hereto and any other documents to effectuate the settlement as herein described.

RESOLUTION NO. 255 - 2021

OF

OCTOBER 25, 2021

A RESOLUTION CENSURING
OMARI SHAKUR, CITY COUNCIL MEMBER AT-LARGE,
FOR HIS WORDS AND ACTIONS
OF OCTOBER 20, 2021

WHEREAS, Omari Shakur, City Council Member At-Large, was attempting to address the exterior conditions of the building located at 156 Broadway on October 20, 2021; and

WHEREAS, Mr. Shakur engaged in inappropriate interaction with the property owner and representatives; and

WHEREAS, during this interaction, Mr. Shakur used vulgar and abusive language which included anti-semitic references;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Mr. Shakur is censured for his actions and behavior on the above date and time; and

BE IT FURTHER RESOLVED, that Mr. Shakur's actions and behavior do not represent the values of the City Council and the City of Newburgh.