

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 24, 2022 at 7:00 PM at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Moment of Silence / Momento de Silencio

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

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

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

COMMUNICATIONS

Approval of the minutes from the City Council meeting of January 10, 2022 / Aprobación del Acta de la Reunion General del Consejo del 10 de enero de 2022

Councilman Shakur moved and Councilman Grice seconded.

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

Carried

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



City Manager's Update

Newburgh City Council Meeting

Monday, January 24, 2022

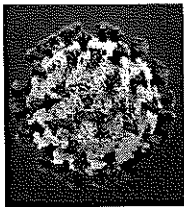


Novel Coronavirus (COVID-19)

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: 1/17/2022 2 PM
Testing data last updated on: 1/18/2022

Statewide

Tested Positive (1/17)

22,312

Total Tested (1/17)

178,771

Tested Positive
(Cumulative)

4,556,428

Total Tested
(Cumulative)

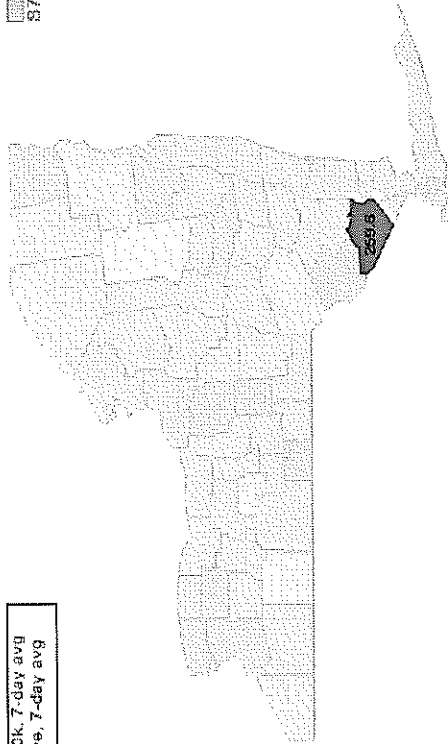
94,185,939

Tested Positive by Sex
(Cumulative)

Female 51.8% Male 46.7% Unknown 1.6%

Positive Tests by County

● Cases per 100k, 7-day avg
○ Test % Positive, 7-day avg



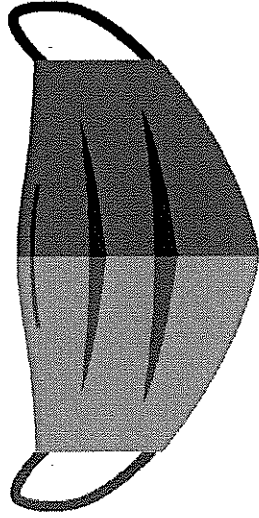
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Click County to
See Detail
Click Again for
Statewide

Lewis
Livingston
Madison
Montgomery
Nassau
New York
Niagara
Oneida
Onondaga
Ontario
Orange
Orleans
Oswego
Otsego
Putnam
Queens
Rensselaer
Richmond
Rockland
Saratoga
Schenectady
Scholarie
Schuyler
Seneca
St. Lawrence
Steuben
Suffolk
Sullivan

County Testing Details: Orange (1/17)

Tested Positive (Prior Day)	Total Tested (Prior Day)	Cases per 100k (Prior Day)	Test % Positive (Prior Day)	Tested Positive (Cumulative)	Total Tested (Cumulative)
516	2,877	135.1	17.9%	98,247	1,420,704



NEW YORK STATE REQUIRES THAT

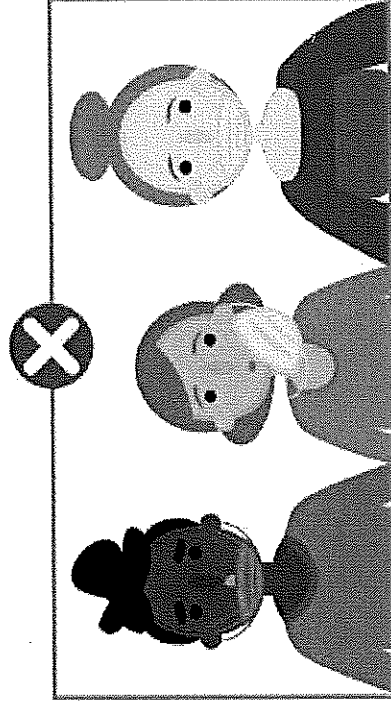
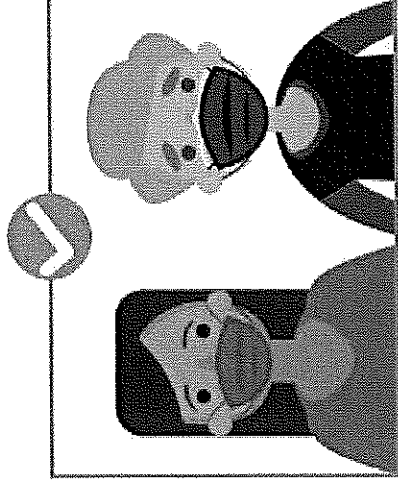
**ALL PEOPLE
MUST BE MASKED
TO ENTER**

REGARDLESS OF VACCINATION STATUS

Effective Dec. 13, masks must be worn in all indoor public places unless businesses or venues implement a full-course vaccination requirement.

WE ARE ALL IN THIS TOGETHER. WE ARE NY

Statewide Indoor Mask Mandate



NEW VACCINE UPDATE

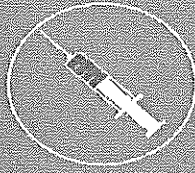
CDC Updated Recommendations for those who received a Pfizer-BioNTech Vaccine

Age	How long after initial COVID-19 vaccination series?	Which shot to get
5-11	With a weakened immune system: 28 days	Pfizer-BioNTech (ADDITIONAL DOSE)
12-15	5 months	Pfizer-BioNTech (BOOSTER DOSE)
16+	5 months	Pfizer-BioNTech (BOOSTER DOSE)



FIND OUT MORE AT [CDC.GOV/CORONAVIRUS](https://www.cdc.gov/coronavirus)

375842



**COMPLIMENTARY RIDES
TO VACCINE SITES**

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

CALL: 845-569-7420



Get free at-home COVID-19 tests

Every home in the U.S. is eligible to order 4 free at-home COVID-19 tests. The tests are completely free. Orders will usually ship in 7-12 days.

Order your tests now so you have them when you need them.

Order Free At-Home Tests

If you need a COVID-19 test now, please see other testing resources for free testing locations in your area.

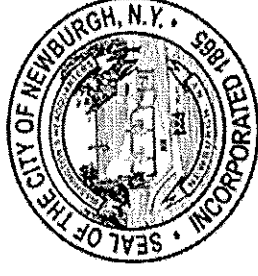
Obtenga pruebas caseras gratuitas de COVID-19

Todos los hogares de EE.UU. son elegibles para ordenar 4 pruebas caseras gratuitas de COVID-19. Las pruebas son gratuitas. Las pruebas serán enviadas en un plazo de 7 a 12 días a partir del pedido.

Pida sus pruebas ahora para tenerlas cuando las necesite.

Ordene pruebas caseras gratuitas

Si necesita una prueba de inmediato, consulte otros lugares donde puede realizarse pruebas de forma gratuita en su área.



COVID-19 Testing

- Monday - Thursday: 9:00 a.m. - 6:00 p.m.
- Friday: 9:00 a.m. - 1:00 p.m.
- Saturday: CLOSED
- Sunday: 9:00 a.m. - 6:00 p.m.

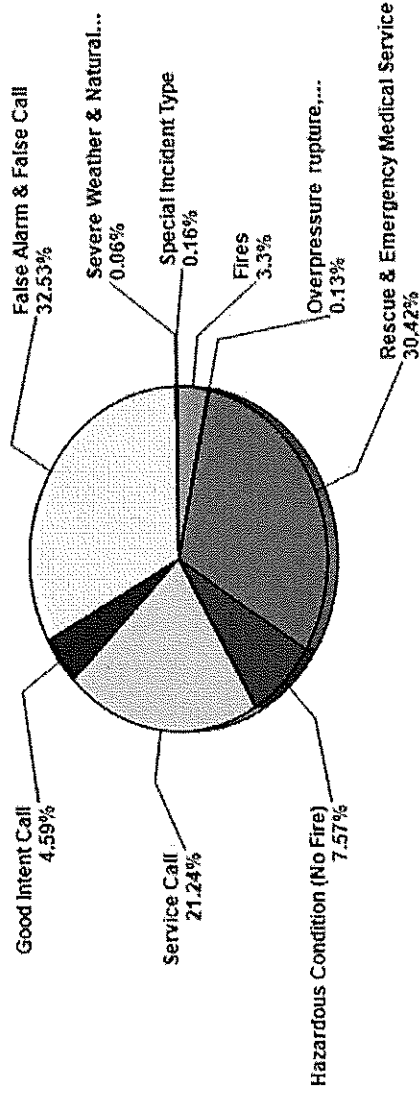


Fire Department

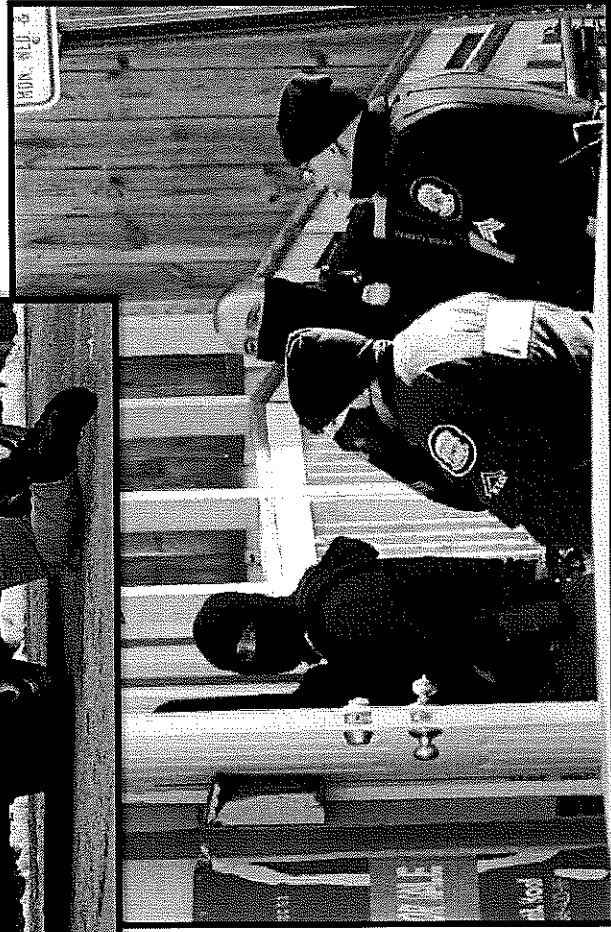
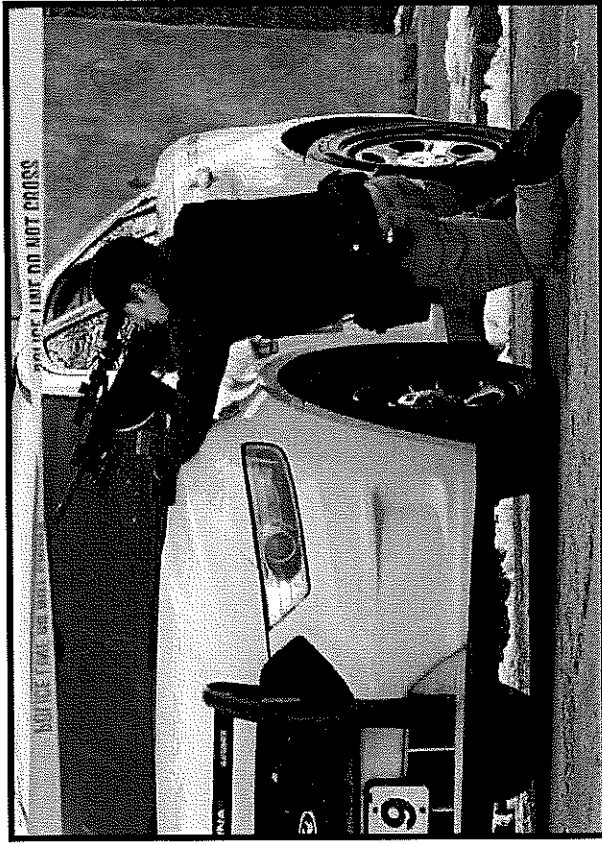




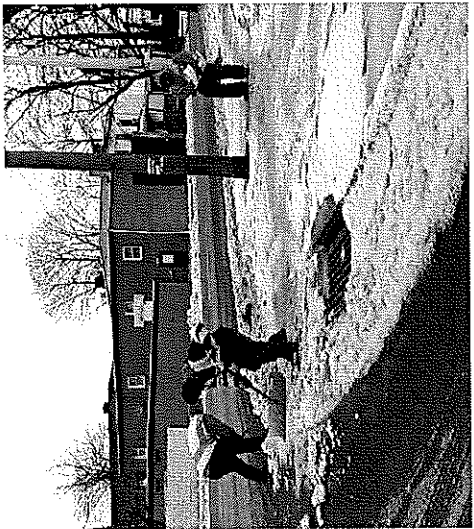
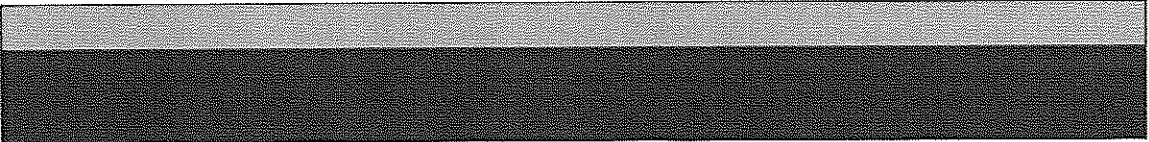
Fire Department



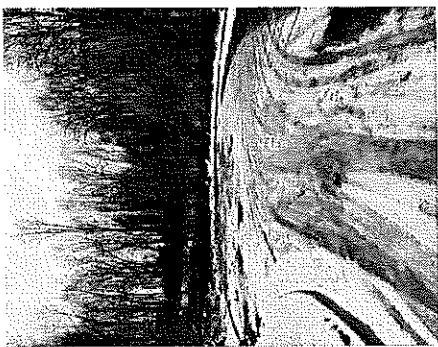
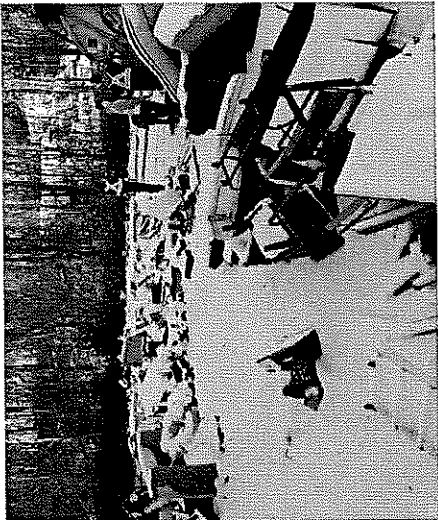
MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	102	3.3%
Overpressure rupture, explosion, overhear - no fire	4	0.13%
Rescue & Emergency Medical Service	941	30.42%
Hazardous Condition (No Fire)	234	7.57%
Service Call	657	21.24%
Good Intent Call	142	4.59%
False Alarm & False Call	1006	32.53%
Severe Weather & Natural Disaster	2	0.06%
Special Incident Type	5	0.16%
TOTAL	3093	100%



Police Department



Department of Public Works





CITY OF NEWBURGH

WATER DEPARTMENT
Newburgh, New York 12550
(845) 565-3356

NOTICE TO RESIDENTIAL AND SMALL BUSINESS WATER CUSTOMERS Moratorium on Water Service Termination, Moratorium on Water Reforest, and Opportunity for Deferred Payment Agreements

Consistent with recent "Updated Department of Public Services Guidance to Municipal Water Providers Concerning Service Disconnections, Liens, and Deferred Payment Agreements" dated December 17, 2021, the City of Newburgh Water Department ("Water Department") **must notify residential and small business customers of the protections afforded under the law.**

Please be advised that for the period from December 22, 2021, until June 30, 2022, the Water Department may not terminate or disconnect the service of, or place, sell or enforce any lien on the real property of a residential customer, a non-residential customer whose account serves residential neighbors, or a qualified small business customer unless, at least 30 days prior to the disconnection or lien action, the Water Department sends the customer a notice of its intention to take such action.

If you are a resident or small business that has experienced a change in financial circumstances due to the COVID-19 state of emergency and would like to request relief from service disconnection or further collection action after June 30, 2022, you must contact the Water Department either in person, by phone at (845) 565-3356, or electronically at (<https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/V4ac-Department-Contact-Form-50>) by no later than June 30, 2022.

Please be further advised that the law **does not eliminate a customer's obligation to pay accrued charges.** However, customers who have experienced a change in financial circumstances due to the COVID-19 state of emergency must be provided with the opportunity to enter into a deferred payment agreement without the imposition of deposits, late fees, or penalties.

If you are a residential or small business customer who has experienced such a change in financial circumstances and wish to enter into a deferred payment agreement to address any outstanding or accrued payments, you must contact the Water Department either in person, by phone at (845) 565-3356, or electronically at (<https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/V4ac-Department-Contact-Form-50>) by no later than June 30, 2022. Additional information and supporting documentation from customers seeking to enter into a deferred payment agreement may be required.

Customers that do not request protection from service termination, or relieving, or do not enter into a deferred payment agreement, will be subject to the enforcement and lien provisions authorized by State and local law upon the expiration of the Public Service Law's protections.



CITY OF NEWBURGH

WATER DEPARTMENT
Newburgh, New York 12550
(845) 565-3356

AVISO A CLIENTES DE AGUA RESIDENCIAL Y DE PEQUEÑAS EMPRESAS Moratoria sobre la terminación del servicio de agua, moratoria sobre el relevo del agua y oportunidad para acuerdos de pago diferido

De acuerdo con la reciente "Guía actualizada del Departamento de Servicios Públicos para los proveedores municipales de agua con respecto a las desconexiones de servicio, gravámenes y acuerdos de pago diferido" con fecha del 17 de diciembre de 2021, el Departamento de Agua de la Ciudad de Newburgh ("Departamento de Agua") **debe notificar a los clientes residenciales y de pequeñas empresas de las protecciones otorgadas por la ley.**

Tenga en cuenta que durante el período comprendido entre el 22 de diciembre de 2021 y el 30 de junio de 2022, el Departamento de Agua no puede terminar o desconectar el servicio de, o colocar, vender o hacer cumplir cualquier gravamen sobre la propiedad real de un cliente residencial, un cliente no residencial cuya cuenta sirve a las instalaciones residenciales, o un cliente calificado de la pequeña empresa a menos que, por lo menos 30 días antes de la desconexión o acción de embargo preventivo, el Departamento de Agua envíe al cliente una notificación de su intención de tomar tal acción.

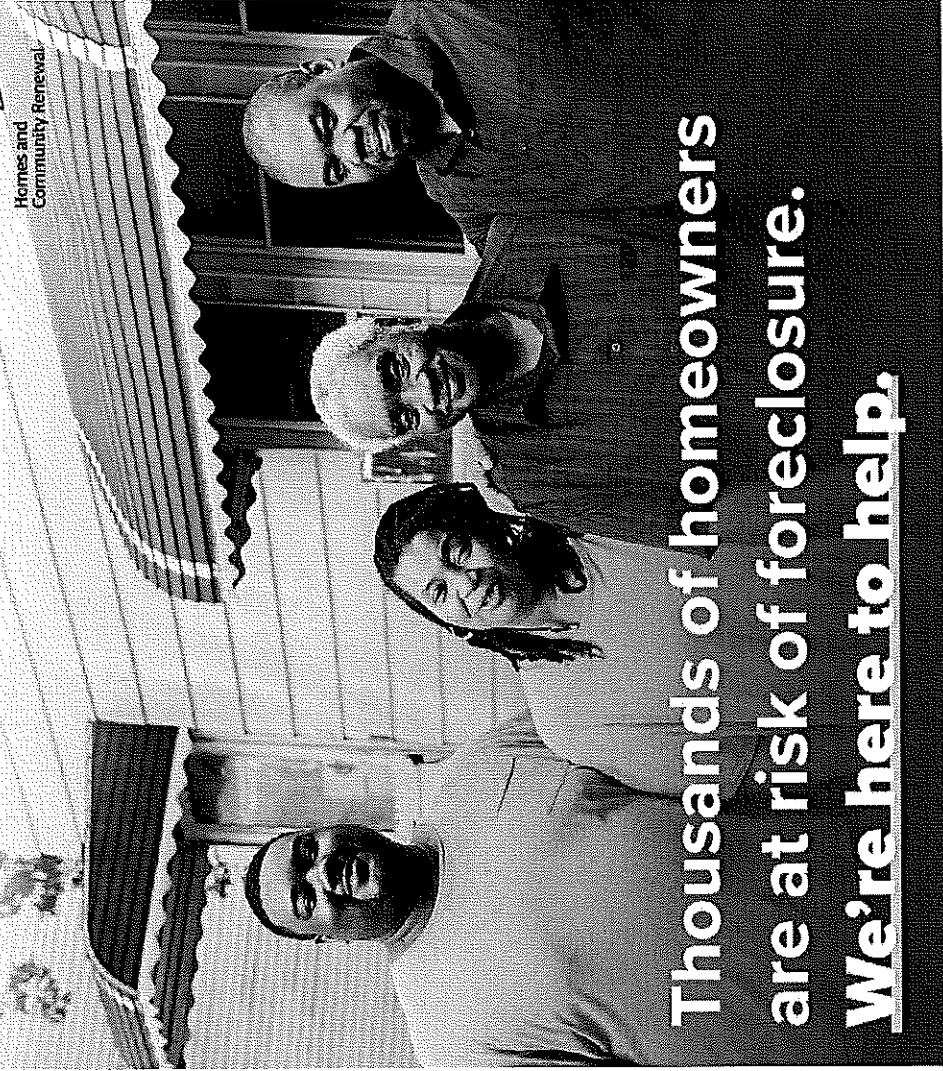
Si usted es un residente o una pequeña empresa que ha experimentado un cambio en las circunstancias financieras debido al estado de emergencia de COVID-19 y desea solicitar alivio de la desconexión del servicio o una acción adicional de cobro después del 30 de junio de 2022, debe comunicarse con el Departamento de Agua en persona, por teléfono al (845) 565-3356, o electrónicamente en (<https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/V4ac-Department-Contact-Form-50>) a más tardar el 30 de junio de 2022.

Tenga en cuenta además que la ley **no elimina la obligación de un cliente de pagar los cargos acumulados.** Sin embargo, los clientes que han experimentado un cambio en las circunstancias financieras debido al estado de emergencia COVID-19 deben tener la oportunidad de entrar en un acuerdo de pago diferido sin la imposición de depósitos, cargos atrasados o multas.

Si usted es un cliente residencial o de pequeña empresa que ha experimentado tal cambio en las circunstancias financieras y desea entrar en un acuerdo de pago diferido para tratar cualquier pago pendiente o acumulado, usted debe comunicarse con el Departamento de Agua en persona, por teléfono al (845) 565-3356, o electrónicamente en (<https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/V4ac-Department-Contact-Form-50>) a más tardar el 30 de junio de 2022. Se puede requerir información adicional y documentación de apoyo de los clientes que deseen suscribir un acuerdo de pago diferido.

Los clientes que no soliciten protección contra la terminación del servicio, a la releveación, o no entren en un acuerdo de pago diferido, estarán sujetos a las

**New York State
Homeowner Assistance Fund**



**Thousands of homeowners
are at risk of foreclosure.
We're here to help.**

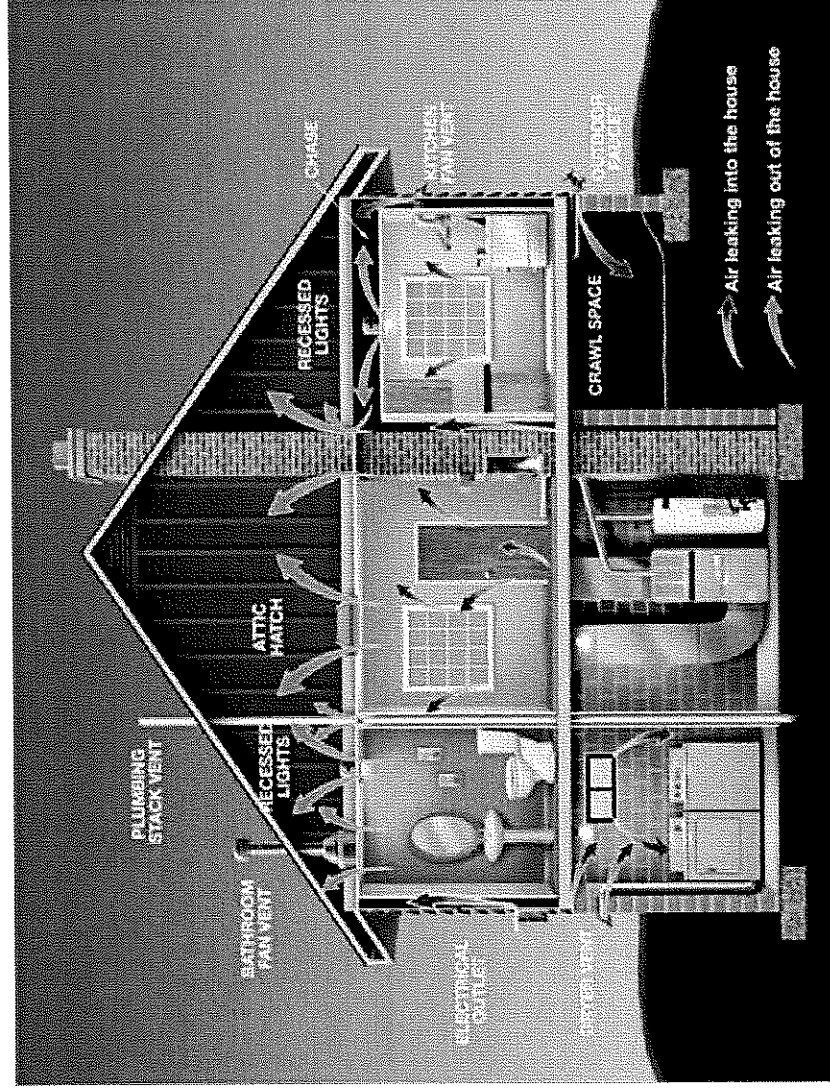


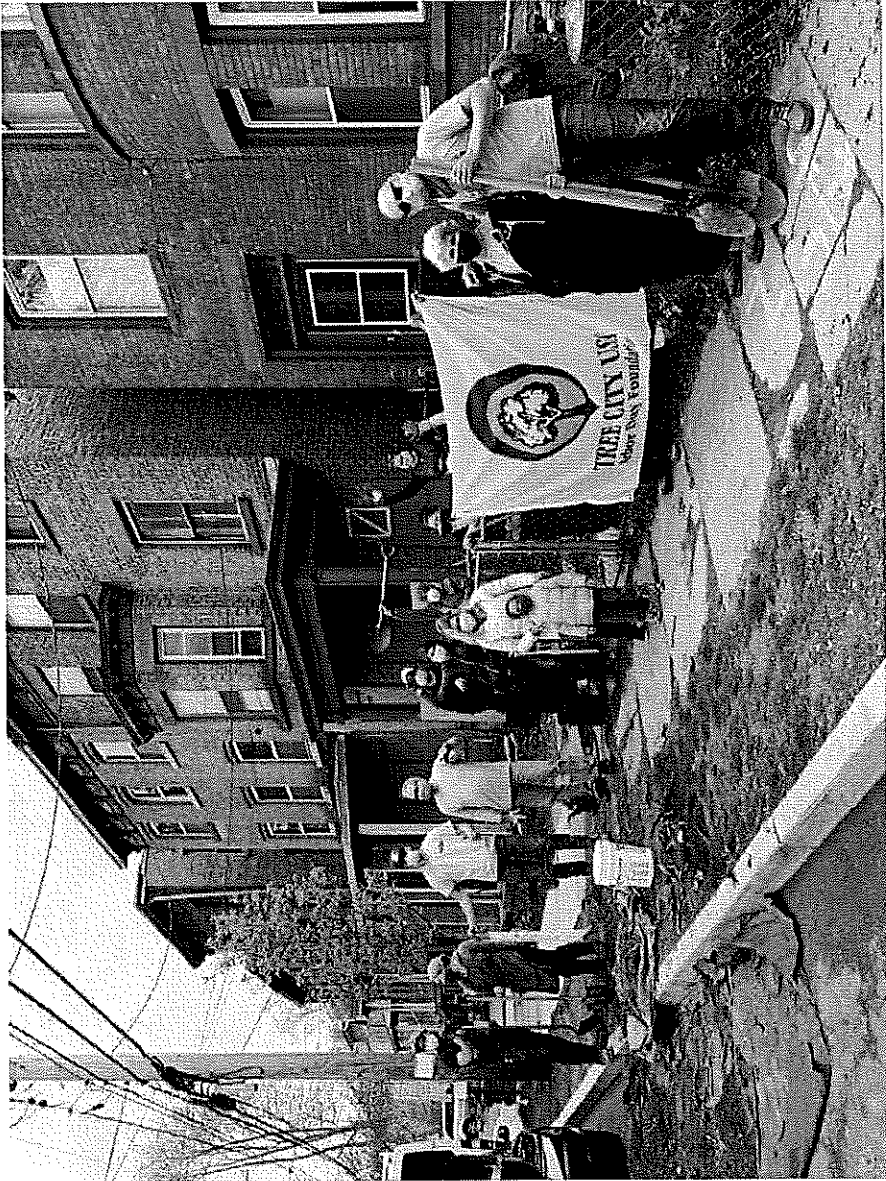
**New York State
Homeowner Assistance
Fund**



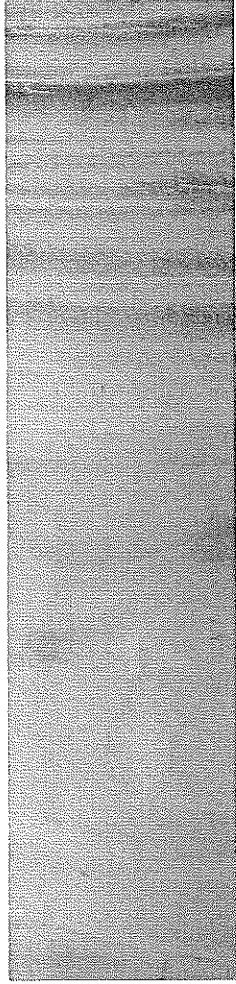
Weatherization Assistance Program

845-421-6266



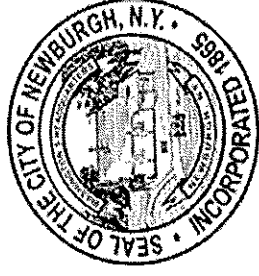
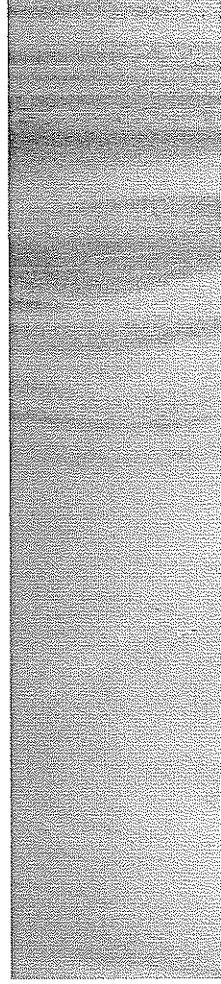


Donations



Apply today to serve on the

Board of Assessment Review



Vacancies

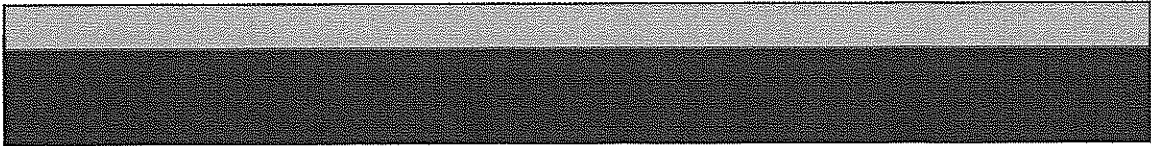


NEWBURGH
NEW YORK

Warming Center

Activities Center

401 Washington Street



PRESENTATIONS

Police Chaplaincy Swearing In

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

Kenyatta, Town of Newburgh said she owns a business at 184 Broadway and was supposed to attend a meeting regarding putting up a sign on the outside of her store. It is her understanding that those meetings are held on the second Tuesday of each month and she planned on being there this past Tuesday but ended up in the Hospital. She would like to know if she has to wait until next month or if there is anything that can be done to get her sign up.

Mayor Harvey said that the Architectural Review Committee has to agree on that so this Council can't give the authority to do that.

Kenaytta said that she will have to wait for the next meeting then.

Carla Johnson, 52 S. Miller St., said that it has been five years since she came to the City Council because she lived in a condemned building and she has seen many different department heads come and go in that department. There is a new person working in Codes and we have to give them a chance to do the work but she thinks there is a bigger problem. She did a FOIL request and found out that the rental licenses are behind from 2012 and this is 2022. She suggested having someone that is already in that department start with the registries. It would bring money into the City because if no one is up to date on their rental licenses then they can't get building permits. They should come up with a team and start working with the in-house people because we keep hiring these big people. Steve Hunter retired with no charges and no one got in trouble. You keep hiring high people for that department and it's just going further in the hole. She has been studying that department for five years and nothing has changed. Why do we keep wasting our money hiring these people when there are people in-house who could get those rental licenses up? We need to start looking at the people in that office to bring the office back up.

Jewel Martin, homeless, said she housed herself and was told by Mr. Green to show receipts but she is tired of showing receipts and going through the same thing. She called 211 before coming here and was told to either go to Honor or the Warming Station in Newburgh but she doesn't want to go either one of those. She has written grievances because she has had problems with Mr. Collins and Debbie Daniels who heads the Warming Station and then she was sent somewhere else which is not fair. She wants to continue being housed in the Motel that she currently spent her money in. There is no reason she should have to go to a Warming Station where people are not vaccinated and she knows they are unvaccinated because she caught COVID. She keeps to herself and she wants to be quarantined so she is asking the City Council to at least house her for the night at the Hudson Valley Inn. She paid to be there overnight but has very little in the Bank right now and she doesn't want to go to the Warming Station or Middletown so she is asking for tonight to please help her get a room at the Hudson Valley Inn.

Nick Bedetti, President of the Firefighters Union congratulated all of the members who were sworn in tonight. He thanked the City Manager for making the temporary Lieutenant spot a permanent spot and for finally taking the Union's advice on creating this extra permanent spot to help curb the overtime. The Union has proposed this for years and it's finally happening so thank you. To clarify from the last Council meeting we work twenty-four shifts and get to go home to our families for seventy-two hours and we do that twice a week. That's forty-eight hours a week that we work. A normal work week is forty hours and we work forty-eight hours a week. That is just shy of twenty-two hundred hours for the year. For a normal nine to five job you would work two thousand and eighty hours and we are working just shy of twenty two hundred hours in a year. According to the Newburgh School Teachers Contract there are one hundred and eighty nine school days with no more than seven hours and fifteen minutes a day. If you round that up to eight hours a day at one hundred and eighty nine school days that's fifteen hundred hours a year. *"To the citizens of this wonderful City please make sure your smoke detectors, CO detectors and your heating appliances are all working correctly. Since the staffing change took effect the Engine One at 22 Grand Street has not been staffed. We are one engine company less in this City every single day. We are going to continue to do our best with less so please, to the citizens of this City, be safe. Do not hesitate to call us because time is of the essence. Please be safe".*

Marcus Taylor, City of Newburgh resident and fireman in the City of Newburgh said that they would like to work in a department where their personal safety is taken into account as well as the safety of the public they serve but these latest policy changes have been the opposite of this dream. Firefighting is a dangerous job whether we are fighting a fire, assisting Mobile Life or on a CO call we do all of these things to the best of our ability and with care for every individual we help. We are forced to see and do things on a regular basis because it's our job when we would much rather be spending precious time with our families but due to staffing cuts for 2020 with COVID which drove up overtime a lot of us ended up working hours in overtime due to the Department already being short staffed.

As of today we have eight guys on long term disability from when we had enough manpower to do the everyday necessary tasks that the public relies on us to do. When these guys got hurt we had a minimum of nine guys and as many as twelve guys on a shift so what do you think is going to happen when we have citizens relying on us to perform with four working guys?

Mayor Harvey said he thought it was ten.

Mr. Taylor continued that the minimum now is seven and there are more guys than that on the back of one garbage truck. Did the City Manager know that we were already short of the staffing level in every group to have Engine One in service the day he implemented these changes? He understands that overtime is a problem but guys getting hurt on the job will add to this liability. Do you know what it's like to give your life and mobility to a city that could give two craps about you and will offer no support when you are injured in service? He has been fortunate so far but this policy is pretty much a sure in so please talk to us for ways to end this policy and the overtime problem. Safety is also a problem but he has go to work every day and he has a family that would like to see him come home at the end of the day.

Scott Miles, Beacon Street said he is the most senior member of the Fire Department and he has a son currently on the job so he is here to state the facts of the danger that this Body has put him in and his son in. *"I'm not going to sit back and allow you guys to kill my son"* This decision to cut back one of our engines is evil, immoral and demonic. When we show up at a fire now we show up with seven guys when before we showed up with ten and that was a skeleton crew. Out of the seven that we have now three of them are in the street and you have four guys fighting a fire at two in the morning in places that don't have a smoke detector. If there are two or more rooms on fire, there are dead people from either our side or the public. If someone dies this is unjustifiable homicide. *"You can't justify this financially because the 1.7 million dollars you talked about that it cost the City in overtime that wasn't really so much City money because they got reimbursed from the Federal Government for COVID."*

Mayor Harvey said, *"Not true."*

Mr. Miles continued, *"It's unjustifiable that our Chief and our Union has been trying to reach out to the City Council to no avail and you're not willing to even sit down and see our side. Not so much for us but for the public. This decision only works for the City. You guys need to sit down with the Fire Department and work out something that works for everybody. They have sent you text messages that you have refused so this is crazy. This will not be a thirteen moon sacrifice where you sacrifice our lives."*

Daniel, Town of Montgomery said he is here representing Mid-Hudson DSA. They had a successful coat drive yesterday at the vacant lot next to the DMV on Broadway with help from Councilwoman Martinez, Newburgh SNUG and Melanin Unchained. He wanted to say thank you to those organizations for coming together and to the City for allowing them to use that spot because they were able to distribute coats and food to dozens of people so he looks forward to similar events soon.

Orenzo Charles representing the SNUG outreach program said he gave the Council members some points of strategy for the remainder of the year. Since he has been leading SNUG he sees that there is a culture differential between the Armory and the Boys and Girls Club so we are trying to establish levels of care with activities and we want them in both facilities. Right now the Boys and Girls Club is understaffed so his staff is trying to support their night shift and he was hoping that the City of Newburgh could help as well. The Armory and the Boys and Girls Club have both opened their facilities to them and if the City of Newburgh Recreation was also open then we could have activities in multiple places. If we could get this established now before going into the summer then we will always have this level of activities going on in both downtown and uptown Newburgh so no one will miss out and they can't say there is nothing going on. He hopes the City of Newburgh can collaborate ideas and resources to keep things going on.

Ann Sullivan, Ellenville, commends the Chaplains who stepped up but wonders who wrote their Oath. When they promised to respect the Officer that they work with but they didn't promise to respect the community and they have to promise to turn in the Officers that they work with when the Officers are corrupt, steal from people, lie to people, cheat people or sexually harass people. She has experienced the childish and crooked behavior of some of the Officers who continue to do that today even if they are not on the Force to continue their awful activities. While it's nice that the Police Department spends a lot of money on a

fancy sign, a big flag and a glossy color brochure the real issue is that Police Department needs to step up and publicly reign in their own Police Officers who are corrupt and doing illegal things.

Ray Harvey wants to bug in ears about finding out who is building this new tech school with our tax dollars because that could be a lot of jobs. To him the City should have some representation there when it's time to start building that building because that's a three project which could feed a family very well. We need to have the School Board and the City Council come together so the residents of the City of Newburgh don't get overlooked for a project they could walk to. He is more than willing to work with them on this because most of the people who live here when they go to that school so they should be part of building this new Technical Career Center.

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

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

Councilman Grice thanked the people who stayed to listen to their responses because they try not to interrupt the public while they are speaking. He also thanked the people who came up with criticisms and noted that they listen to those as well because the City of Newburgh is tough so they have to be tough also. They are keen on the issues in the City of Newburgh and know them very well so they have plans to address them. With our Codes, he sent Ms. Mountain an e-mail about some things and said we need to support her without crossing the line but the City Manager is the point of authority for all department leaders. We have some great things in the pipeline and it will be her call to utilize the staff that is there in the best way possible. With our Fire Department there were no cuts in staff from his understanding and the Fire Chief was included on this study. There is a chain of order that seems to not have been followed so he urged them to follow that chain of speaking to their Chief who will then speak with the City Manager. As for outreach, it's hard for him to say let's build that relationship when we are being called names on social media so let's settle down with that rhetoric and figure out a way to come together.

Councilwoman Martinez thanked all who spoke tonight. She said she is in full support of SNUG and helping with any initiative to reduce gun violence in our City that will help empower the youth and our community. Violence is not the answer. She was a member of the Boys and Girls Club so she would be happy to help to volunteer and she is free every evening and weekend. She is also in the Armory a lot and they are having a lot of programs which can be shared on social media as well. She wants to chat with SNUG as well because she thinks we should have open conversations about reimagining what public safety looks like and to continue that on the side. In response to Mr. Harvey's comment regarding the School District she would love to have our City Council collaborate with the School Board and feels that is something they should continue to push for because there are a lot of topics we have to collaborate on. The youth are very important and anything that has to do with taxpayer's money is important also. In terms of our Fire Department she thanked them for everything that they have done in terms of helping put out fires and

responding to emergencies in our City. She would love to revisit that conversation of having a better relationship with the Fire Department but would like to see some of the tension settle down first. To Jewel Martin she said they have spoken in the past regarding her situation and she would be happy to chat with her on the side privately.

Councilwoman Monteverde thanked everyone for staying after the crowd left. On the dumping that continues she hopes we can find out who these people are because that was a lot of garbage on the West Street site and in the area of Colden she noticed that people have been dumping bags of garbage so we are working on it. She acknowledged Orenzo for coming out tonight and for giving them great presentation. She wants to stop by the Armory to check out their programs and she is sorry to hear that the Boys and Girls Club has a staff shortage so she hopes they can get volunteers to keep that program open because it's very important for our kids. As for the Codes Department she supports Mr. Venning's choice in hiring Ms. Mountain and asked the public to please give her a chance because she is walking into a big department and there are a lot of issues to iron out. She is going to stand back and give her a chance to do her job and hopefully we will see some good results in the next coming weeks. To the Fire Department she said she didn't get that text and calling them names like clowns and demonic is not going to work. She respects the Fire Department and the work that they do so she is asking them to be patient because the plan that the City Manager has worked out with the Fire Department is going to work. She understands that there have already been positive results and that change is difficult but it is going to work out. Coming up with these scare tactics is not going to work with her. She said she is here if they want to talk after the meeting but there is no need to call them names because they are not getting their way or things just didn't work out. She thanked them for doing a great and difficult job because they put their lives on the line every day but if we stick to the plan she believes it's going to work out.

Councilman Shakur thanked everyone for the presentation with the Pastors for the Police Department and he will definitely be reaching out to SNUG outreach. He said he had two brothers on the Fire Department and his grandson is trying to get on now so the rest of the City Council was nice but he is not going to be nice. We have a Fire Department and a Police Department that has historically been living off fifty percent of our budget for the last thirty years so they have been living well fighting a fire every three days. He knows what this Fire Department does so don't say that we don't care because he talks to them every day. *"Don't come in here talking about we are going to do and what we don't do and that we are putting your lives in danger. Our kids are dying in the City every day and we have housing problems but I don't ever see the Fire Department come to any meetings about nothing except for their paychecks."* We are trying to work with our Fire Department and like he said he has two brothers there and his grandson is trying to get in so don't come here and say that the Council doesn't care about the lives of our firefighters. "We respect our Police and our Fire Departments because we need them and we are trying to make sure what is best for the residents of this City. *"Don't come here talking about your problems that we don't care about you. We work with you every day and we give you your paycheck."*

Councilman Sklarz said that at the Work Session this past Thursday we received a presentation on the feasibility of establishing wireless Internet throughout the City. It has been illustrated throughout the Pandemic that there is clearly lack of equity and the ability to access the Internet for school and work. It is the same equity issue that challenges our

secondary education system as more affluent communities have better school facilities than those urban areas who raise less taxes because of relatively lower property values. Establishing and operating a wireless Internet system is very expensive and that burden cannot be absorbed solely by local tax payers. It's well known that more Federal tax revenues leave New York State than we receive back in services. Cities like us need significant support from the Federal Government to establish and maintain a wireless system and transform this dream into reality. The creation of a Chaplaincy Unit is a wonderful addition to our City as they provide much needed support for our first responders and they work directly with the community in stressful situations and provide guidance often in difficult times. We thank them for their service and congratulate those sworn in this evening.

Councilwoman Sofokles said she agrees with Councilman Sklarz and she wanted to comment on Performing Arts Academy because it's very important. She spent eight years on the Board at Glenn Hines Boys and Girls Club and she realizes how important that is and that they need our support. We need to support SNUG also so she plans on getting to know them better because they are going to play a key part in what's going on in this City right now. She congratulated all the Chaplains and feels it's a really great thing. She said that she is not going to address the Fire Department issue because it's really between the City Manager, the Fire Chief and the Union. It's not something the Council can address so she doesn't know why we are even addressing it. Of course we support our Firefighters and our Police Department but we also have to think about our fiduciary responsibility to the citizens of the City of Newburgh.

Mayor Harvey thanked everyone for coming out tonight and his colleagues on the City Council and City staff. He told the Firefighters that we really appreciate the hard work they do every day. They are the best and well trained firefighters in Orange County if not in the State of New York or beyond. As his colleagues have noted the point of authority on staffing, hiring and firing is our City Manager. Too often people want to publicize these matters. Yes we will make recommendations and have conversations with our City Manager but look at the City Code and City Bylaws. He noted that his door is open twenty four seven to any firefighter or their Chief to have a respectful civilized conversation if they have a better idea on how to resolve the 1.7 million dollars in overtime. At the end of the day people want to keep dragging the City Council into staffing matters and politicize everything. As was noted by his colleagues, it doesn't help the firefighters when you start calling us names and attacking us personally because we are elected officials which means we can be the punching bag for everyone's political agenda but it doesn't work like that. Men lie, women lie but the numbers don't lie. If you want to have a conversation that is respectful and you figure out a way to get those numbers down then money talks. At the end of the day there are ten people on your crew and if three people call out then the City Manager has communicated to us that if you go below seven then that's when you can call people in for overtime. This is not a cut and no one is being laid off so he is just managing the overtime people calling in. Right now if four people call out and you have a ten person crew on that twenty-four rotating shift then he has given authority to the Chief to call in one person which brings you to seven because eighty to eighty five percent of first alarms are false alarms. If there is a second and third alarm which means there is really a fire then the City Manager has given the Fire Chief and the Assistant the go ahead to call in extra men that are needed to deal with that. We are not talking about functioning with a four man crew and all of this fear mongering talking about they are not safe. Men lie, women lie but the numbers don't lie so there is no reason to go to social media disrespecting the

Mayor and City Council when we don't make those decisions. The Mayor and City Council does not manage the City. The City Manager manages the City but everyone wants to come at the City Council and politicize and it doesn't work that way and we are not having it. He can't speak to previous Councils when they got involved in staffing matters and who was going to get hired or fired because we call that corruption. That's not our lane so stay in your lane. If they are having a staffing issue, he received several calls from single African-American and Hispanic mothers who have sons who would love to be a volunteer firefighter and to train with the City of Newburgh Fire Department. We had three cycles of SAFER Grants that gave us nine extra firefighters so if you are really having a staffing issue then tell your Chief and your President to negotiate for some volunteers so we can get some of these young African-American and Hispanic men and women who live in this City to volunteer like the Town of Newburgh Town of New Windsor and Cornwall where they are all volunteers. Every municipality in in Orange County has volunteers or mixed with paid and volunteer so if we want to increase our staffing and have real conversations, we have men and women at Newburgh Free Academy who are willing to volunteer. SNUG is doing a great job in our City and that might be an option for them to get some of these young men and put them on a path to firefighting careers. With volunteers we could get those staffing levels up and have twenty people on a shift. Beacon and Poughkeepsie have a mix of volunteers and full time firefighters. When our men went into that New Windsor explosion at the Verla Cosmetics Factory a few years ago, several of our guys went out on a 207a but how much money did the Town New Windsor put up for their workers comp? None because of mutual aid. When we have fires we call in West Point and the Stewart National Guard, which are a full-paid firehouses for mutual aid but when the surrounding towns have a fire they call our rapid response team because they are amazing. They are very well trained and he respects them but all of the surrounding towns are volunteers so maybe we could get some volunteers in our firehouse to help these guys.

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

CITY MANAGER'S REPORT

Resolution No. 14 - 2022 - Agreement with INFRAMARK Contract Operator Services at the Water Treatment Plant

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 15 - 2022 - Resolution of Support for Removal of the Walsh Road Dam in New Windsor Dam

Giselle Martinez moved and Councilman Grice seconded.

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

Adopted

Resolution No. 16 - 2022 - 2022 Liability and Municipal Property Insurance Renewal

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 17 - 2022 - Updated Take-Home Vehicle Policy

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

Resolution No. 18 - 2022 - To Apply for and Accept if Awarded a Hudson River Valley Greenway Grant for \$10,000 for Trail Planning & Design

Giselle Martinez moved and Councilwoman Monteverde seconded.

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

Adopted

Resolution No. 19 - 2022 - Personnel Book Amendment

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 20 - 2022 - Resolution Authorizing a Payment of Claim

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 21 - 2022 - Resolution Authorizing a Payment of Claim

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 22 - 2022 - Resolution Authorizing an Extension of Time

Councilwoman Monteverde moved and Councilman Grice seconded.

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

Adopted

Resolution No. 23 - 2022 - Resolution Authorizing a Consent Judgement with Bridge Newburgh, LLC

Councilman Grice moved and Giselle Martinez seconded.

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

Adopted

Resolution No. 24 - 2022 - Resolution to Undertake a Stadium Feasibility Study

Councilman Grice said this was already discussed at the Work Session and he supports it. He believes they are all in support of transforming our baseball field into something for a minor league team and we understand that it is a huge undertaking. We have had some other minor league teams come here that were unsuccessful so we want the community

input. We also understand the land designation for this area and that we need programs for the kids so he thinks this is a win, win situation and it helps to insure that we are doing our due diligence. Senator Skoufis has been a tremendous help to the City of Newburgh as well as Assemblyman Jacobson and others. He feels this is a win for the City of Newburgh and we will be able to finally fix this area and have it as an attraction for the residents, give them something to do and generate some income so we can make sure that the programs we issue for our youth are at a minimal cost.

Councilwoman Monteverde said that during the Work Session she was pretty vocal because for her it wasn't clear what this study was going to include. She spoke with Senator Skoufis and Assemblyman Jacobsen and understands it will include the entire recreation area transforming it into a place for everyone in the City of Newburgh to access to play soccer or volleyball or to go to the pool and hopefully we will be able to offer other programs. For her this is not just about baseball but this entire area.

Councilman Sklarz said that the Stadium and grounds at Delano-Hitch are long overdue for a facelift. A minor league team has expressed an interest so a feasibility study is the first step to determine whether or not our area can support a minor league team. Significant funding by New York State would help transform Delano-Hitch into a revenue generator for the City and it's a way to revitalize it without placing the burden on the taxpayers of our City.

Councilwoman Sofokles thanked Senator Skoufis and Assemblyman Jacobsen. As she asked the other night, if not now, when? This is something that has to be done because it's been twenty years since it's been rehabilitated so she is glad the Council is in support of this.

Councilwoman Martinez also thanked our State representatives Senator Skoufis and Assemblyman Jacobson for always fighting for the City of Newburgh. She thinks that the funding that would come from this feasibility study would benefit the residents of this City as well as the Recreation Center so we can take pride and have nice things for everyone to enjoy.

Mayor Harvey thanked our City Manager, our City Council, our Legal Department, Michelle Kelson and Jeremy Kaufman as well as Allie Church and her team because we have been in discussion about this and public input will be significant. He thanked Senator Skoufis and Assemblyman Jacobson for bringing this to us and saying there is a possibility of getting some significant funding from the State Government if and when we decide as a whole that we can host a minor league baseball team. What will that look like with community benefits and economic impact? What kind of financial resources and jobs could potentially come into this City? Ray Harvey mentioned the possibility of jobs with the School District and what they are building but we don't have a say in that. We do collaborate with the Newburgh Enlarged City School District and some of us on the Council are employed in the School District but we don't make the ultimate decision. We can make suggestions and recommendations that our City residents get hired to do the construction work but if this study shows and proves that we can host a minor league baseball team at our Delano-Hitch Stadium we will definitely have a direct say in who gets hired with that. There is also a question of how much access the public will have so there is a lot of different moving parts to this but the main things are employment, economic impact and public access to other areas of the facility. This study is the first step and will hopefully

get us on the path to seeing this come to a reality.

Councilman Grice moved and Councilman Sklarz seconded.

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

Adopted

NEW BUSINESS

Councilman Sklarz said he has been getting a lot of complaints from the west end recently about people parking on lawns. Our City is densely populated so parking on lawns looks shabby and may suggest that the building is being occupied by more people than coding provides for. He has been working with Jeremy in the Law Department who is going to research the idea of coming up with an Ordinance for this because we don't have one in place right now.

Councilwoman Monteverde asked if we have a schedule for 2022 bulk pick up yet and is it on the website.

Mayor Harvey responded, "Not yet".

George Garrison, Department of Public Works said it will start in February and will be on the last Wednesday of the month every other month.

Councilwoman Sofokles said she hopes that Newburgh Illuminated will happen this year. They had their first fundraiser at the Newburgh Brewery last Friday and it will be on June 4th. This is very exciting for the City with the amount of people that come to this Event so she wants to make sure it's on everyone's mind.

Councilman Shakur said that on February 1st we are going to raise the flag again for Black History Month at 2:00 on lower Broadway and anyone in the community who is interested can attend.

Mayor Harvey made a special request to the City Manager asking if on Friday we could have our American flag fly at half-staff in respect and honor of the New York City Police Officers who were shot.

Todd Venning, City Manager said he will look at the City's protocol and if we can't do that we will find a way to honor those fallen Officers.

Police Commissioner, Jose Gomez said they are continuing their efforts to comply with the 203 Order and a survey for the community was one of the recommendations so today we pushed out a survey to help us gauge how the community views their relationship with the police. It will give us a perspective for now and in the future on how to engage and tackle the best plan for our community relations. The link is active so please participate. There is a code to access it on your cell phone and it is posted on social media as well as the City's website. Please help us get the word out to our citizens to participate because we need to know how you feel and what is going on in order for us to be able to become the

police department you want us to be. It is provided in both English and Spanish so the link is live.

Councilwoman Martinez asked how long the survey will be live.

Commissioner Gomerez said they are thinking about thirty days. It is handled by the Police Foundation so we never get access to the data or control the data we just get the results. It is anonymous so you don't have to give your personal information just tell us how you feel and how we can do better. This is put together by an outside independent agency.

Mayor Harvey said it should be on the Police Department's Facebook site and hopefully tomorrow it will be on the City's website.

Michelle Kelson, Corporation Counsel noted that we received an e-mail from one of our staff members who volunteered to make hard copies available in City Hall.

Mayor Harvey continued that at the next Work Session he would like the Planning Department, Allie Church, to give an update on where we are with the survey for the American Rescue Act. He asked Mr. Vradenburgh to speak to the great work he and the Water Department are doing. We had an impressive Press Conference today with Sean Patrick Maloney and he thinks we are anticipating somewhere in the neighborhood of twenty-five to fifty-five million dollars to be allocated from the 1.2 or 1.3 trillion dollar infrastructure bill that was signed by the President. That is going to be a major project for lead water line replacement.

Wayne Vradenburgh, Water Superintendent said that in 2022 we already have very large infrastructure projects ready to rock and roll. Congressman Maloney had a Press Conference today for one hundred and fifty million dollars for lead service line replacement in the State of New York so we will be pushing for a good chunk of that money. We have about one hundred and ten people on a list waiting for money to get their lines replaced and we are building that list out every day. We have a lot of work going on and a lot of push to get state and federal funding. We received almost seven hundred thousand dollars from the Department of Health and we received some money from Senator Larkin before he passed so we were able to replace about one hundred lines throughout the City and we have some people on a waiting list to be reimbursed because they had their lines replaced but paid out of their own pocket.

Mayor Harvey continued that we had decided that at least one million dollars of the American Rescue Act Funds will be put into this program as well for more lead line replacement. He thanked Wayne Vradenburgh for the great work he and his department have done so far.

OLD BUSINESS

There was no old business.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice thanked everyone who stayed because it is appreciated and noted. We have some great departments and leaders and while there is some work to do he thinks when compared to previous years we are winning on a lot of fronts. Sometimes the Media doesn't cover all the positive things we are doing but they are happening so he tries to remind the Media and elected officials from outside of the City of Newburgh to please check in with us for the most current and updated information when discussing the City of Newburgh. He supports our Police and is happy about the Chaplaincy Unit because it's very exciting and he is also very supportive of SNUG. Gun violence is a problem and we are addressing it but we do not have a gun shop here in the City of Newburgh so this is a County and a State problem. These guns are getting into our community somehow so we can't just say it's a City of Newburgh problem.

Councilwoman Martinez thanked the Water Department and said she was at the Press Conference where everyone was fighting for this funding. She is very big on environmental justice issues and keeping our residents safe. When our water was contaminated some residents weren't even aware so having this money means we are finally able to do something about this and having some of the best people in our Water Department means we are in good hands making sure the City of Newburgh residents are getting clean water. That is a basic right and something that she is grateful to be working on with her colleagues. She is excited for the community survey with the Police Department because it's a great way to gather data on how our community feels and what we can do to improve those relations. She will be working with different organizations to make sure that those in our community who aren't as engaged fill that out.

Councilwoman Monteverde said she was also present at today's Press Conference and feels it would be a game changer for our community and understands we are in a good position because we have a plan and we're ready to go. This is very exciting news and she thanked Congressman Maloney for this Press Conference. She is on the Board of the Land Bank and last week they voted to sell a property to a City member who was born and raised here so it was extremely exciting to be able to do that. This is what the Land Bank is all about so hopefully more homes will be sold to residents in the future and we will continue to rehabilitate these houses. She agrees with Councilman Grice that the gun violence is a nationwide issue not just here in the City of Newburgh so hopefully we will be able to come up with some solutions on how to get to our young people at an early age and collaborate with our school district as well.

Councilwoman Shakur thanked everyone for coming out. We show up for our agendas and personal problems but he tries to show up for everything because he is from the City of Newburgh and that's how we get things gone. He noted one of the reasons he was angry is that today is his daughters 40th Birthday and he can't be there because he has to work.

Councilman Sklarz said that these federal dollars are handed out to communities that have shovel ready projects so he wanted to thank Congressman Maloney also because Wayne, his staff and contractors are poised and ready to put in a lot of new water lines and get the lead out of the City. He thanked everyone for coming out tonight.

Councilwoman Sofokles agrees with all of her colleagues about Mr. Vradenburgh and his team because they work very hard and it's very important for this City. She thanked SNUG also and noted that she wants to be more involved with that.

Mayor Harvey thanked everyone for coming out as well as our executive staff members who are still here because it's very important that we show up to these meetings and show some solidarity. He was invited to Temple Beth Jacob on Friday night for a wonderful celebration and the Rabbi said that there is solidarity in unity. When we are united and supportive with one another there is solidarity in that which is super important. We may have disagreements but he respects and appreciates the Fire Department and what they do for our City because public safety is our number one priority. We can disagree without being disrespectful and we can disagree with civility and respect for one another. We may have differences and disagreements but he believes our Firefighters are the best trained in the State of New York and the Country. He told Jason Morris and Wayne that they do an amazing job in zero degree weather fighting water main breaks that happen this time of year and he has seen them out there for hours in freezing temperatures as well as George Garrison and his guys with snow removal. We have strong and amazing teams of winners throughout all of the departments in the City of Newburgh so he personally wanted to say, *"Thank you for your service and your hard work"*. Shout out to Nick too who is doing some great work with our technology and Zoom during this Pandemic as well as with our comprehensive video surveillance. He added to please watch the Newburgh Free Academy Relay Team at Armory.com this Saturday, the 29th at 11:25 a.m. to support our young men women on that team.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:20 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 14 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A PROFESSIONAL SERVICES AGREEMENT WITH INFRAMARK, LLC
TO PROVIDE EMERGENCY SERVICES AT
THE CITY OF NEWBURGH WATER TREATMENT PLANT**

WHEREAS, to avoid staffing shortages and to ensure the continuous provision of City services during the COVID-19 pandemic, the City of Newburgh proposes engage Inframark, LLC, the operator of the City's Wastewater Treatment Plant, to provide water and infrastructure services at the City of Newburgh Water Treatment Plant on an emergency basis; and

WHEREAS, Inframark, LLC has submitted a professional services agreement to provide such water and infrastructure services on an emergency basis with the funding derived from F.8330.0448; and

WHEREAS, the City Council finds that entering into a professional services agreement with Inframark, LLC 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 City Manager is hereby authorized to execute a professional services agreement with Inframark, LLC to provide water and infrastructure services at the City of Newburgh Water Treatment Plant on an emergency basis.

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (the "Agreement") is made this ____ day of _____ 2022, between:

- 1) **City of Newburgh**, a municipal corporation with its principal place of business at 83 Broadway, Newburgh, New York 12550 (hereinafter the "Client"); and
- 2) **Inframark, LLC**, a Texas limited liability company with its principal place of business at 2002 West Grand Parkway North, Suite 100, Katy, Texas 77449 (hereinafter the "Operator" or "Contractor").

BACKGROUND

The Client desires to procure operation and maintenance services for its water treatment facility, which is located at _____ ("Facilities") and the Operator desires to provide said operation and maintenance services to the Client.

In consideration of the mutual promises in this Agreement, the parties agree as follows:

1) TERM

- 1.1 This Agreement shall commence on _____, 2022 ("Commencement Date") and shall remain in full force and effect until terminated under Section 5 below.

2) OPERATOR'S SERVICES

- 2.1. Operator shall provide the services as set forth in Schedule 2, which is attached hereto (the "Services").
- 2.2. Operator may perform additional services beyond the Services outlined herein with the mutual consent of both parties. The parties shall separately negotiate the costs of any such additional services.
- 2.3. Operator may recommend Capital Improvements or operational changes to the Client as are necessary or recommended to perform the Services in compliance with the terms of this Agreement and Applicable Law. In the event the Client does not approve and make a Capital Improvement or operational change recommended by Operator, Operator will not be liable for any loss, damage or liability arising from or related to the Client's rejection of or refusal to implement the recommended Capital Improvement or operational changes, including any loss, damage, or liability for (a) failure of the Facilities, (b) failure to comply with Applicable Law, (c) failure to meet the requirements of this Agreement or (d) claims for indemnification.
- 2.4. Operator shall:
 - 2.4.1. Perform the Services in accordance with the provisions of this Agreement, Applicable Law, Client's existing Permits as defined in Schedule 3 of this Agreement, licenses, and specifications applicable to the Services; exercising the degree of skill and care ordinarily exercised by members of Operator's profession in the geographic region;
 - 2.4.2. Use qualified (and where required, certified) personnel to provide the Services in accordance with Applicable Law and the Client's Permits and Discharge Permits; and

-
- 2.4.3. Provide response services for an Emergency Event at the Facilities twenty-four hours a day, seven days a week.

3) CLIENT OBLIGATIONS

3.1 Client shall:

- 3.1.1. Obtain and maintain all state, federal, and local permits and licenses required for ownership, operation and maintenance of the Facilities, including without limitation, the Client's Permits and Discharge Permits;
 - 3.1.2. Comply with Applicable Law relating to the management, ownership, operation, maintenance, repair and replacement of the Facilities (to the extent that the responsibility of complying with those laws is not specifically assumed by the Operator under this Agreement). The Operator shall not be responsible for Client's failure to comply with any provision of Applicable Law that is not otherwise specifically assumed by the Operator hereunder;
 - 3.1.3. During visits to the Facilities, comply and shall require its agents, licensees of invitees to comply with all reasonable safety rules and regulations adopted by the Operator;
 - 3.1.4. Perform (or contract with a laboratory certified by the appropriate regulatory body to perform) all sampling and laboratory analysis required by Applicable Law, the Client's Permits. Laboratory procedures and analysis shall conform to the then current edition of Standard Methods for the Examination of Water and Wastewater, or shall be in accordance with testing requirements of Applicable Law and the Client's Permits;
 - 3.1.5. Maintain necessary records of operations, maintenance, repair and improvement activities at the Facilities and shall prepare and submit data required for monthly reporting to local, state and federal agencies;
 - 3.1.6. Dispose of Process Residue;
 - 3.1.7. Perform all duties and discharge all responsibilities and obligations relating to the operation and maintenance of the Facilities not expressly assumed by the Operator pursuant to the terms of this Agreement; and
 - 3.1.8. Grant the Operator, free of charge, a license to use the Facilities, including all equipment, structures, facilities and vehicles under Client's ownership and which have been assigned by Client to the Facilities.
- 3.2. Client shall be responsible for all equipment, materials, supplies, parts, tools, rental equipment, and chemicals related to the operation and maintenance of the Facilities. If Client does not provide any such equipment, materials, supplies, parts, tools, rental equipment, and chemicals, Operator will not be liable for any loss, damage or liability arising from or related to the Client's work, including any loss, damage, or liability for (a) failure of the Facilities, (b) failure to comply with Applicable Law, (c) failure to meet the requirements of this Agreement or (d) claims for indemnification. If Client does not provide any such equipment, materials, supplies, parts, tools, rental equipment, and chemicals, Operator may incur said equipment, materials, supplies, parts, tools, rental equipment, and chemicals and Client shall reimburse or compensate the Operator for the costs of such plus an administrative fee of 15%

of the cost thereof.

4) FEES AND PAYMENT

- 4.1 Client shall pay Operator \$150.00 per hour for the Services provided from 7:00 AM to 5:00 PM on Mondays through Fridays that are not holidays ("Regular Hours"). If Operator performs any Services outside the Regular Hours, Client shall pay Operator \$200.00 per hour for the Services. If Operator provides any Services that are subject to prevailing wage rates pursuant to New York Labor Law, Client shall pay Operator the hourly prevailing wage rate plus sixty percent (60%). Operator shall charge Client in four (4) hour increments for the work performed. All payments shall be due within thirty (30) days of the date of invoice.
- 4.2 Any disputes regarding invoices shall be raised, in writing setting forth sufficient detail regarding the nature of the dispute, within ten (10) business days from the date of said invoice. If Client does not properly raise a dispute with an invoice within ten (10) business days from the date of said invoice, any such disputes will be waived.
- 4.3 Any and all late payments due to either party from the other party shall accrue interest at a rate of one and one-half percent (1½ %) per month from the original due date and until payment is received, unless waived by agreement.
- 4.4 In the event of a change in the Services or Applicable Law or other factor which causes an increase in the Operator's cost of providing the Services, the Operator may provide notice to the Client and the parties shall negotiate in good faith to adjust the Compensation to account for such change in Operator's costs. If the parties are unable to reach a negotiated agreement within thirty (30) days of the date of notice, then the contract may be terminated immediately by the Operator.

5) TERMINATION

- 5.1 Either party may terminate this Agreement with or without cause upon seven (7) days' written notice to the other party.
- 5.2 Either party may terminate this Agreement by immediate written notice if the other has failed to comply with a material term, provided that the non-defaulting party has first given the defaulting party written notice to cure their default within forty-five (45) days, or thirty (30) days for failure to pay an undisputed invoice when due (such applicable period, "Cure Period") and the defaulting party has not done so. If a default cannot be cured within the Cure Period days, the parties may agree to an extension of the time to cure provided the defaulting party provides reasonable evidence within the Cure Period that it has identified a means to cure and is pursuing it diligently. Should Client pay an unpaid, undisputed invoice within the Cure Period, the termination notice under this provision will be deemed automatically withdrawn.
- 5.3 In the event of the termination of this Agreement under Sections 5.1 or 5.2 above, Client shall pay Operator for the Services provided and invoiced by Operator up to the effective date of termination, plus the balance of unamortized costs incurred by Operator as reflected on Operator's financial statements, and the effectiveness of such termination by Client will be conditioned upon receipt by Operator of such payment. If Client incurs costs for damages due to a default of the Operator that results in termination of this Agreement, Client may deduct such costs or damages from the final payment due to Operator under this Section 5.2. Such deduction will not exceed the final payment owed to Operator and will constitute a full and final settlement between Client and Operator for any and all claims against Operator by Client and a release by Client of any and all further claims against Operator. Client shall

make payment within thirty (30) days of the date of termination.

- 5.4 Client shall notify Operator of any dispute with an invoice within ten (10) business days from receipt of said invoice. In the event that Client has a dispute with any charges, all undisputed charges on said invoice(s) will be due in accordance with the above times and the Parties shall negotiate in good faith to resolve any such dispute in a timely manner.

6) FINES, INDEMNIFICATION AND LIMITATION

- 6.1 Contractor is only liable for environmental regulatory fines and penalties imposed by environmental regulatory bodies that result after the Contract Effective Date and only to the extent said violations are directly attributable to Contractor's breach of its contractual obligations hereunder. Prior to settlement or payment of any such fines or penalties, Contractor reserves the right to contest any actions, suits or proceedings for violations through administrative procedures or otherwise. If the Facility loading exceed its design parameters or if influent contains: i) abnormal, toxic or other substances which cannot be removed or treated by the existing Facility; or ii) discharges which violate applicable ordinances, Contractor will use its best efforts to maximize performance of the Facility but shall not be responsible for associated effluent characteristics or damages, fines or penalties which result.
- 6.2 If the Facilities loading exceed its design parameters or if influent contains: i) Abnormal or Biologically Toxic Materials, Non-Processible Water, or other substances which cannot be removed or treated by the existing Facilities; or ii) discharges which violate applicable sewage ordinances, the Operator will use its best reasonable efforts to maximize performance of the Facilities but shall not be responsible for associated effluent characteristics or damages, fines penalties, damages, or other liabilities which result. Operator shall provide Client with prompt notice of such conditions identified in this Section 7.2.
- 6.3 TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE CLIENT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE OPERATOR AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS (EACH IS REFERRED TO HEREIN AS AN "INDEMNIFIED PARTY") AGAINST ANY AND ALL CLAIMS, LIABILITIES, DAMAGES, COSTS, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OR RESULTING FROM OR RELATED TO OPERATOR'S PERFORMANCE OF THE SERVICES HEREUNDER, BREACH OF THIS AGREEMENT BY THE CLIENT, AND ANY CLAIM ASSERTED BY A THIRD PARTY AGAINST THE INDEMNIFIED PARTY FOR WRONGFUL DEATH, BODILY INJURY AND/OR PROPERTY DAMAGE, UNLESS AND TO THE EXTENT CAUSED BY THE NEGLIGENCE OR MISCONDUCT OF OPERATOR.
- 6.4 Operator is not liable for any liabilities resulting from the collection system for the Facilities unless such liabilities are the result of Operator's negligent direct actions.
- 6.5 Operator shall not be liable for any damages, fines, penalties, or other liabilities of any kind resulting from following the instructions, directions, or policies of the Client or authorized representative.
- 6.6 Operator is not liable for any liabilities, losses, damages, expenses, fines, or penalties incurred by Client or any third party as a result of a data security breach or other cyber security breach to the Facilities or Client's computer systems, operating systems, and all other technological or information systems related to the Facilities and Services provided hereunder, except to

the extent such liability, loss, damage, expense, fine, or penalty is the direct result of Operator's willful or negligent acts or omissions.

- 6.7 Notwithstanding any provision to the contrary contained in this Agreement, in no event shall either party be liable, either directly or indirectly, for any special, punitive, indirect and/or consequential damages, including damages attributable to loss of use, loss of income or loss of profit, even if such party has been advised of the possibility of such damages.
- 6.8 In the event that claims(s) raised by Client against the Operator on account of this Agreement, or on account of the Services performed hereunder, is/are covered under Operator's insurance policies required of the Operator hereunder, Operator shall not be responsible to Client for any loss, damage or liability beyond the amounts contractually required hereunder and actually paid pursuant to the limits and conditions of such insurance policies. With respect to any causes of action and/or claims raised against the Operator by Client that are not covered by the insurance policies required hereunder, Operator's liability to Client shall not exceed an aggregate amount equal to the compensation paid to Operator in the Agreement Year in which such cause of action and/or claim is raised.
- 6.9 FOR EQUIPMENT OR PARTS PURCHASED BY OPERATOR, OPERATOR SHALL PASS ON ANY MANUFACTURERS WARRANTIES OR GUARANTEES TO THE CLIENT AND PROVIDE THE CLIENT REASONABLE ASSISTANCE IN ENFORCING THE MANUFACTURER'S WARRANTIES AND GUARANTEES. OPERATOR SHALL NOT BE RESPONSIBLE TO THE CLIENT FOR ANY GUARANTEES OR WARRANTIES OFFERED BY OTHERS IN CONNECTION WITH ANY EQUIPMENT, MATERIALS, AND SUPPLIES PROVIDED IN CONNECTION WITH THE SERVICES HEREUNDER AND OPERATOR SHALL NOT BE LIABLE FOR ANY DAMAGES ARISING OUT OF ANY BREACH OF GUARANTEE OR WARRANTY, EXPRESS OR IMPLIED, BY ANY MANUFACTURER OR SUPPLIER OF EQUIPMENT OR MATERIALS PURCHASED FOR THE CLIENT UNDER THIS AGREEMENT. OPERATOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WARRANTIES REGARDING ANY EQUIPMENT, MATERIALS, AND SUPPLIES, IF ANY, OR ANY WARRANTIES THAT MIGHT ARISE FROM COURSE OF DEALING OR USAGE OF TRADE.
- 6.10 If any information, opinions, recommendations, advice, or other work product or any data, information, procedures, charts, spreadsheets, logs, instruments, documents, plans, designs, specifications, operating manuals and specifications, customer data, billing information, regulatory filings, permits, authorizations, licenses, operation and maintenance records, or other records are provided by the Client or any third party acting on behalf the Client are provide to and used or relied on by Operator, the Client will be liable for any damages resulting directly or indirectly from such use and reliance.

7) INSURANCE

- 7.1 Operator shall provide and maintain the following levels of insurance coverage at all times during the Term.
- 7.1.1. Commercial General Liability Insurance, including contractual liability, with a limit of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate;
- 7.1.2. Workers Compensation Insurance in compliance with the statutes of the State that has jurisdiction over Operator's employees engaged in the performance of Services

hereunder, to the required statutory amount; and

- 7.1.3. Automobile Liability Insurance with a combined single limit of one million dollars (\$1,000,000).
- 7.2 Operator shall name Client as an additional insured on the general liability policy and automobile liability policy with respect to the Services during the term of this Agreement, except for any claim against or loss suffered by Client arising as a result of Client's negligence or fault and, in circumstances of joint fault or negligence, except to the extent of the loss attributable to Client's proportionate degree of negligence or fault.
- 7.3 Operator shall provide Client with thirty (30) days' notice prior to cancellation of any policy hereunder.
- 7.4 Operator shall provide Client with insurance certificates confirming the levels of coverage in Section 7.1 and that Client is named as an additional insured.
- 7.5 Client warrants that it maintains and will continue to maintain, during the term of this Agreement, appropriate property insurance in relation to the Facilities.

8) DISPUTES

- 8.1 In the event of any disputes, the parties shall first attempt to resolve the situation by good faith discussions which shall take place in a timely manner. If the dispute cannot be resolved within sixty (60) days, the parties shall mediate their dispute before a mediator acceptable to both parties, if they cannot agree, they shall ask the Director of the Federal Mediation and Conciliation Service to nominate a mediator. The parties shall bear their own costs of the mediation but the parties shall share equally the costs of the mediator and the mediation facilities.
- 8.2 If the parties are unable to resolve any disputes in accordance with 8.1 above, either party may request that such dispute be submitted for binding arbitration, which shall be governed by the rules of the American Arbitration Association or such other rules as the parties may agree. The parties agree that any judgment issued as a result of arbitration may be entered in the court having jurisdiction thereof. The parties agree that arbitration shall be the exclusive means to settle any dispute, controversy or claim arising out of this Agreement.

9) MISCELLANEOUS

- 9.1 The relationship of Operator to Client is that of independent contractor for all purposes under this Agreement. This Agreement is not intended to create, and shall not be construed as creating, between Operator and Client, the relationship of principal and agent, joint ventures, co-partners or any other similar relationship, the existence of which is hereby expressly denied
- 9.2 This Agreement contains the entire agreement between Client and Operator and supersedes all prior or contemporaneous communications, representations, understandings or agreements that are not consistent with any material provision of this Agreement.
- 9.3 The parties may only modify this Agreement by a written amendment signed by both parties.
- 9.4 The failure on the part of either party to enforce its rights as to any provision of this Agreement shall not be construed as a waiver of its rights to enforce such provisions in the future.

- 9.5 Neither party may actively solicit, for hire, the employees of the other party during the term of this Agreement or for one year following the termination of this Agreement.
- 9.6 This Agreement shall not be assigned by either party without the prior written consent of the other party unless such assignment shall be to a parent, subsidiary, affiliate, or successor of either Party. When written consent of a party is required, such consent shall not be unreasonably withheld.
- 9.7 A party's performance of any obligation under this Agreement shall be excused if, and to the extent that, the party is unable to perform because of any event of Force Majeure, as defined in Schedule 1. In any such event, the party unable to perform shall be required to resume performance of its obligations under this Agreement upon the termination of the event or cause that excused performance hereunder.
- 9.8 The Agreement shall be governed by and construed in accordance with the laws of the State of New York.
- 9.9 In the event that Client receives notice of or undertakes the defense or prosecution of any legal or administrative action or proceeding in connection with the ownership, operation and/or maintenance of the Facilities and/or this Agreement, Client shall give Operator prompt notice of such proceedings and shall inform Operator in advance of all hearings. In the event Operator receives notice of any action, claim, suit, administrative or arbitration proceeding or investigation in connection with the ownership, operation and/or maintenance of the Facilities and/or this Agreement, Operator shall give Client prompt notice of such proceedings.
- 9.10 All notices will be in writing and shall be deemed given when mailed by first class mail or delivered in person. Notices required to be given to the parties by each other will be addressed to:
- | | |
|--|---|
| Inframark, LLC
2 Renwick Street
Newburgh, New York 12550
Attn: Michael Batz | City of Newburgh
83 Broadway, First Floor
Newburgh, New York 12550
Attn: Jason C. Morris, P.E. |
| With copy to: | With a copy to: |
| Inframark, LLC
220 Gibraltar Road, Suite 200
Horsham, Pennsylvania 19044
Attn: Legal Department | City of Newburgh
83 Broadway, Second Floor
Newburgh, New York 12550
Attn: Corporation Counsel |
- 9.11 All records compiled by Operator with information and material gathered when performing this Agreement are the property of Client.
- 9.12 Defined terms in this Agreement are set out in Schedule 1 or within the main body of this Agreement, capitalized or within quotation marks.
- 9.13 Should any part of this Agreement for any reason be declared invalid or void, such declaration will not affect the remaining parts of this Agreement, which will remain in full force and effect as if the Agreement had been executed with the invalid portion eliminated.
- 9.14 This Agreement may be executed in more than one counterpart, each of which shall be deemed an original.

9.15 Both parties warrant and represent to the other that they have full power and authority to enter into and perform this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective as of the date at the top of this Agreement.

CITY OF NEWBURGH

INFRAMARK, LLC

By:
Title:
Date:

By:
Title:
Date:

Draft

Schedule 1: Definitions

"Abnormal or Biologically Toxic Materials" may include, but are not limited to, concentrations of heavy metals, phenols, cyanides, pesticides, herbicides, priority pollutants as listed by USEPA, any substance that violates the local or USEPA standards for finished water after the routine processing of the raw water, or any substance or material for which the Facilities and routine procedures are not designed to receive or treat.

"Applicable Law" means laws, rules, regulations, codes, administrative and judicial orders, directives, guidelines, judgments, rulings, interpretations or similar requirements or actions of any federal, state, local government, agency or executive or administrative body of any of the above, in each case that relate to the (a) parties' respective responsibilities under this Agreement; (b) operation or maintenance of the Facilities; (c) health and welfare of individuals working at or visiting the Facilities; and (d) the collection, delivery and treatment of the Client's raw and finished water.

"Capital Improvements" means any modifications, additions or upgrades to the Facilities made by or on behalf of the Client or with its prior approval and funded from Client's capital proceeds.

"Client's Permit(s)" and/or *"Permit(s)"* means all permits and licenses issued to Client and required for the treatment of potable water from the Facilities. Copies of all Permits are attached as Schedule 3 of this Agreement.

"Commencement Date" is defined in Section 1.1.

"Compensation" is defined as Operator's compensation for the Services rendered under this Agreement.

"Emergency Event" means an event which threatens the immediate shutdown of, or the substantial reduction in the operational capacity of, any of the Facilities, or the life, health or property of Client and/or Operator, their employees and/or agents or others

"Force Majeure" means an event which is beyond the reasonable control of a party, including without limitation: (a) acts of God; (b) flood, fire, earthquake, hurricane or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) government order or law; (e) actions, embargoes or blockades in effect on or after the date of this Agreement; (f) action by any governmental authority; (g) national or regional emergency; (h) strikes, labor stoppages or slowdowns or other industrial disturbances, other than those involving the affected parties employees; (i) shortage of adequate power or transportation facilities.

"Non-Processible Water" is defined as influent raw water (i) which contains Abnormal or Biologically Toxic Materials; or (ii) which is otherwise detrimental to the operation and performance of the Facilities; or (iii) which exceeds the design capabilities of the Facilities as defined by the Operations and Maintenance Manual for the Facilities or as provided in submissions made to regulatory agencies in connection with the construction and/or the permitting of the Facilities.

"Process Residue" means grit, screenings, water treatment residuals, and wastewater sludge and biosolids generated by or through the operation of the Facilities.

Schedule 2: Scope of Services

Operator shall provide labor to assist the Client in operating and maintaining the Facilities. Upon twenty-four (24) hours' notice from Client, except in the case on an Emergency Event, Operator shall provide personnel to provide operational assistance for the Facilities under the direction, instruction, and supervision of the Client's City Engineer and Water Superintendent. Operator shall abide by all Client's manuals, specifications, and policies and procedures for providing such operational services.

Operator shall not be responsible for all regulatory compliance and reporting required by Applicable Law.

Draft

Schedule 3: Client's Permits

Draft

RESOLUTION NO.: 15 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK
SUPPORTING OF THE REMOVAL OF
THE WALSH ROAD DAM IN THE TOWN OF NEW WINDSOR
NYS ID# STATE ID: 195-0535C**

WHEREAS, Riverkeeper proposes to remove the Walsh Road Dam (NYS ID# State ID: 195-0535C), located in the Town of New Windsor on Quassaick Creek, as part of a project entitled "Undamming the Quassaick Creek in New York State: site assessment and design for Walsh Road Dam removal to improve community resilience, increase aquatic connectivity, and reduce flooding risks," (the "Project") in response to the National Fish and Wildlife Foundation's 2021 Emergency Coastal Resilience Fund RFP; and

WHEREAS, Riverkeeper's Project to remove the Walsh Road Dam would reduce the flood potential in a high-risk area and provide a strong measure of flood resilience to an environmental justice community; and

WHEREAS, as a requirement of the application, Riverkeeper must obtain a resolution by the municipality supporting the Project; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby supports the Riverkeeper's project to remove the Walsh Road Dam (NYS ID# State ID: 195-0535C) located in the Town of New Windsor.

<On City Manager Letterhead>

January 24, 2022

Lynn Dwyer
Program Director, Northeast, Coastal
National Fish and Wildlife Foundation

RE: Undamming the Quassaick Creek in New York State: site assessment and design for Walsh Road Dam removal to improve community resilience, increase aquatic connectivity, and reduce flooding risks

Dear Ms. Dwyer:

The City of Newburgh is pleased to provide this letter in support of the proposal submitted by Riverkeeper entitled, "Undamming the Quassaick Creek in New York State: site assessment and design for Walsh Road Dam removal to improve community resilience, increase aquatic connectivity, and reduce flooding risks," in response to the National Fish and Wildlife Foundation's 2021 Emergency Coastal Resilience Fund RFP.

The Quassaick Creek is a tributary to the Hudson River that has numerous obsolete mill dams that no longer serve any useful purpose. These dams block critical spawning and nursery habitat for several imperiled aquatic species. Some of these dams also contribute to localized flooding risks for adjacent communities. The Walsh Road Dam (NYS ID# State ID: 195-0535C) is one of these large legacy dams, threatening residents and impairing habitat connectivity for wildlife. The dam is located just downstream of the Mullins Courtyard Apartments, a public housing complex in the City of Newburgh, identified by USEPA EJScreen as an environmental justice community. The apartment complex lies wholly within a flood-prone location, and is surrounded by impermeable soils. FEMA mapping shows the apartment complex to be located in a flood zone that is susceptible to 100-year floods or intense rainfall events that are becoming increasingly more frequent with climate change. Additionally, the Walsh Road Dam is directly adjacent to a sewage pump station owned by the Town of New Windsor, which forms critical infrastructure and serves the Town of New Windsor in the area south of the dam site. Removal of the dam will not only improve fish passage and help restore river flow regimes, it will also reduce the risk of flooding, protect community assets and residents, and improve resilience to critical infrastructure.

The Walsh Road Dam will soon be the first barrier to the Hudson River on the Quassaick Creek. In October 2020, Riverkeeper, NYSDEC, The City of Newburgh, and Orange County partnered to remove the Strooks Felts Dam, which was the first barrier to the Hudson River. Newburgh is currently in the process of removing the Holden Dam, which lies just downstream of the Walsh Road Dam. Once the Holden and Walsh Road Dams are removed, approximately 1.5 river miles will be opened, restoring critical habitat for American eel, river herring, blue crab, brown trout, and both species of black bass.

This project furthers the goals of Riverkeeper's dam removal and habitat restoration program. Riverkeeper has been building a groundswell of community support for dam removal to restore aquatic life to the Hudson River and its watershed by increasing habitat connectivity and protecting communities from threats associated with climate change. In addition to the Strooks Felt Dam removal, Riverkeeper successfully brokered a deal that resulted in the removal of the Wynants Kill Dam in Troy in 2016, removed the first barrier on Furnace Brook in Cortlandt in 2020, and created design plans for the removal of Maiden Lane Dam (scheduled to be removed this year by Westchester County). Riverkeeper has agreements to remove additional dams in the watershed.

As a partner of Riverkeeper, we fully support this proposal to create design plans to remove the Walsh Road Dam and engage with the community. The dam's removal would reduce the flood potential in a high-risk area, providing a strong measure of flood resilience to an environmental justice community. We view this project as a high value opportunity to help create a climate resilient community and help foster environmental stewardship for those who live nearby this historic creek.

Sincerely,

Todd Venning
City Manager

RESOLUTION NO.: 16 - 2022

OF

JANUARY 24, 2022

A RESOLUTION AUTHORIZING AN EXTENSION OF THE 2021 GENERAL LIABILITY INSURANCE POLICY FOR THE PERIOD JANUARY 1, 2022 TO JANUARY 31, 2022; CYBER LIABILITY, EQUIPMENT BREAKDOWN AND SITE POLLUTION LIABILITY INSURANCE POLICIES FOR THE PERIOD JANUARY 1, 2022 TO DECEMBER 31, 2022; AND MUNICIPAL PROPERTY, GENERAL AND AUTO LIABILITY, LAW ENFORCEMENT LIABILITY, AND PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY INSURANCE POLICIES FOR THE PERIOD FEBRUARY 1, 2022 TO DECEMBER 31, 2022

WHEREAS, the City of Newburgh has solicited proposals for insurance coverage for the fiscal year 2022; and

WHEREAS, Arthur J. Gallagher of New York, Inc. has obtained an extension of the City's 2021 General Liability Insurance Policy for the period January 1, 2022 to January 31, 2022; and

WHEREAS, Arthur J. Gallagher of New York, Inc. has recommended a package of insurance coverage for cyber liability, equipment breakdown and site pollution liability for the period January 1, 2022 to December 31, 2022; and

WHEREAS, Arthur J. Gallagher of New York, Inc. and Gallagher Bassett Services, Inc. have recommended a package of insurance coverage for municipal property, general and auto liability, law enforcement liability, and public officials and employment practices liability for the period February 1, 2022 to December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby approves the extension of the City's 2021 General Liability Insurance Policy for the period January 1, 2022 to January 31, 2022; the package of insurance coverage for cyber liability, equipment breakdown and site pollution liability for the period January 1, 2022 to December 31, 2022; and the package of insurance coverage for municipal property, general and auto liability, law enforcement liability, and public officials and employment practices liability for the period February 1, 2022 to December 31, 2022; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to execute agreements with Arthur J. Gallagher of New York, Inc. and Gallagher Bassett Services, Inc. to provide for insurance coverage, as described herein, and third-party claims administration services for the applicable time periods.

RESOLUTION NO.: 17 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION ADOPTING A REVISED CITY OF NEWBURGH
VEHICLE USAGE POLICY AND PROCEDURE
FOR COMMUTING WITH A CITY-OWNED TAKE-HOME VEHICLE**

WHEREAS, by Resolution No. 109-2014 of April 28, 2014, the City Council of the City of Newburgh adopted a Vehicle Policy and Procedure for Commuting; and

WHEREAS, by Resolution No. 291-2021 of December 13, 2021, the City Council adopted an amended Vehicle Usage Policy and Procedure for Commuting with a City Owned Take-Home Vehicle; and

WHEREAS, the City Manager and City Comptroller have proposed an additional revision to the most recent Vehicle Usage Policy and Procedure for Commuting with a City Owned Take-Home Vehicle, and the City Council finds that adopting the policy with the additional revision is in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Vehicle Usage Policy and Procedure for Commuting with a City Owned Take-Home Vehicle, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that the City of Newburgh Vehicle Usage Policy and Procedure for Commuting with a City Owned Take-Home Vehicle shall take effect on January 25, 2022.



CITY OF NEWBURGH

Office of the City Manager

83 Broadway, Newburgh, New York 12550

(845) 569-7301/Fax (845) 569-7370

Todd Venning, City Manager

tvenning@cityofnewburgh-ny.gov

TO: Mayor & City Council

FROM: Todd Venning, City Manager
Ryan Ciancanelli, Acting City Comptroller

Date: January 24, 2022

Subject: City Vehicle Usage Policy for Commuting with a City Owned Take-Home Vehicle

I. Purpose

The purpose of this Memorandum is to update the policies and procedures for employees who are issued a city-owned take-home vehicle, and for the City to comply with IRS rules regarding the fringe benefit cost of such use.

II. General

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

III. Vehicle Assignment

The City Manager is responsible for assigning city-owned vehicles to employees for the use of commuting and daily work-related travel. Currently the following positions are authorized to be issued a city-owned vehicle:

1. City Manager
2. Police Commissioner
3. Police Chief
4. Police – Administrative Commander
5. Police – Detective Commander
6. Police – Patrol / Operations Commander
7. Police – Staff Services Supervisor
8. K-9 Unit Members
9. Police - Detective Non-Fatal Shooting Task Force

10. Fire Chief
11. Assistant Fire Chief – Fire Prevention
12. Commissioner of Public Works
13. Superintendent of Public Works
14. Water Superintendent
15. City Engineer

The employees above are deemed on-call for all city of Newburgh related emergencies. Law enforcement officers are authorized to carry a firearm, execute search warrants, and make arrests while commuting in an unmarked police vehicle.

The vehicles are for the exclusive use by the employee assigned the vehicles and driving non-city employees is prohibited. Apart from the City Manager, no personal use is allowed. **Employees are required to commute in the vehicle.**

IV. Notifications

If applicable, the Office of the Comptroller will notify an employee that use of a vehicle is a taxable fringe benefit by memo. The Office of the Comptroller will record the vehicle usage as a taxable fringe benefit on the employee's payroll and W2 form using the method in accordance with IRS regulations.

The City Manager has the authority to take away an employee's commuting vehicle if the employee fails to comply with the policy.

The Office of the Comptroller may require the submission of mileage use forms to ensure proper use of the vehicles is occurring in accordance with this policy.

This policy takes effect January 25, 2022 and replaces all existing policies issued by the City of Newburgh related to city owned commuter vehicles.

Nothing in this policy is intended to conflict with a specific provision in a collective bargaining agreement between the City and the recognized labor organization representing City employees.

RESOLUTION NO.: _____ 18 _____ - 2022

OF

JANUARY 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED**

**A GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY
TRAIL PROGRAM GRANT FROM THE HUDSON RIVER VALLEY GREENWAY
IN AN AMOUNT NOT TO EXCEED \$10,000.00 FOR A BIKE TRAIL
FROM THE NEWBURGH-BEACON BRIDGE TO DOWNTOWN NEWBURGH**

WHEREAS, the City of Newburgh Transportation Advisory Committee has requested that the City of Newburgh apply for a Greenway Conservancy for the Hudson River Valley Trail Program Grant from the Hudson River Valley Greenway to fund the planning and community engagement of a bike trail from the Newburgh-Beacon Bridge to Downtown Newburgh; and

WHEREAS, the grant application requires an approved municipal board resolution authorizing the grant application which may be submitted within 48 hours of the municipal board's meeting date if such meeting date is after the grant application deadline; and

WHEREAS the City is applying for a grant award in the amount of \$10,000.00 with a match to be derived from in-kind City services; and

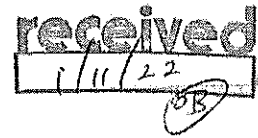
WHEREAS, if awarded, the funding will be used to plan and design a dedicated bike trail from the Newburgh-Beacon Bridge to downtown Newburgh; and

WHEREAS, this Council has determined that making such application is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a Greenway Conservancy for the Hudson River Valley Trail Program Grant from the Hudson River Valley Greenway in the amount of \$10,000.00 with a City-match of in-kind services to fund planning and community engagement of a bike trail from the Newburgh-Beacon Bridge to Downtown Newburgh; 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 administer the project funded thereby.



City of Newburgh



GRANT APPLICATION FORM

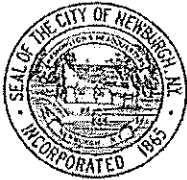


Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Coordinator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR		
NAME OF PROJECT FOR GRANT: Bike Lane to Downtown Newburgh	NAME OF DEPARTMENT REQUESTING GRANT: Dept of Planning on behalf of Transportation Advisory Committee (TAC)	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Ali Church, Director of Planning and Naomi Hersson-Ringskog, Co-Chair of TAC
NAME OF GRANT/NAME OF AWARDING AGENCY: Greenway Conservancy Trail Grant Program	GRANT SUBMITTAL DATE: February 4, 2022	AMOUNT OF AWARD: \$10,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) Yes, \$10,000, IN-KIND	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0.00	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS: N/A
PROJECT PLAN: Scope of Project: To apply and accept the design and public engagement of a bike lane from Newburgh Beacon Bridge to Downtown Newburgh at Broadway. Key Stakeholders: - Newburgh Transportation Advisory Committee - City of Newburgh - Residents on Liberty Street and/or Grand Street and Grand Avenue in Town of Newburgh Project Timeline: (ex. Dates) - One year for planning.		



City of Newburgh

GRANT APPLICATION FORM

SECTION B. FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO: <u>YES</u>
COMMENTS:
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO: <u>YES</u>
COMMENTS:
STAFFING ISSUES REVIEWED? YES/NO: <u>YES</u>
COMMENTS:
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO
CITY COMPTROLLER SIGNATURE: <u><i>Dylan O'Connell</i></u>
DATE: <u>1/11/2022</u>
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO
CITY MANAGER SIGNATURE: <u><i>[Signature]</i></u>
DATE: <u>1-11-22</u>



City of Newburgh

GRANT APPLICATION FORM

SECTION D: FOR REVIEW BY CORPORATION COUNSEL

→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO

CORPORATION COUNSEL
SIGNATURE: _____

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

1/20/22 work session

1/24/22 voting meeting

match
in kind ~~materials~~
of cash + materials
will require separate
resolution to accept

Hudson River Valley Greenway or National Heritage Area Grant Application Budget Request

Fill in all expenses associated with the project using the Funds Requested and Match tabs.
The math is done for you! Numbers entered in any tab will automatically total here. You cannot enter anything on this page.

Project Costs	Funds Requested	Match	Outside Funds	Total
Contractual/Professional*	\$10,000.00	\$2,000.00	N/A	\$12,000.00
Equipment/Supplies/Materials*	\$0.00	\$1,100.00	N/A	\$1,100.00
Construction*	\$0.00	\$0.00	N/A	\$0.00
Land Acquisition*	N/A	\$0.00	N/A	\$0.00
In-Kind Services*	N/A	\$7,380.70	N/A	\$7,380.70
Outside Funding*	N/A	N/A	\$0.00	\$0.00
Totals*	\$10,000.00	\$10,480.70	\$0.00	\$20,480.70
	Total Requested	Total Match	Total Outside Funds	Total Project Cost
		Total Match must equal Total Requested		

*Will automatically total from respective worksheet

Funds Requested

Contractual/Professional Services Vendors

(Your municipal/organization staff salaries not allowed)

Vendor or Service>	Engineering Firm	Amounts	<Fill in
Vendor or Service>		\$10,000.00	<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Sub-Total Contractual/Professional Services*		\$10,000.00	<Will auto-total

Equipment/Supplies/Materials

Amounts

Equipment/Supplies/Materials		
Specify>		<Fill in
Specify>		<Fill in
Specify>		<Fill in
Specify>		<Fill in
Specify>		<Fill in
Sub-Total Equipment/Supplies/Materials*		\$0.00 <Will auto-total

Construction Vendors

(Your municipal/organization staff salaries not allowed)

Vendor or Service>		Amounts	<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Vendor or Service>			<Fill in
Sub-Total Construction*		\$0.00	<Will auto-total

Total Funds Requested*

\$10,000.00 <Will auto-total

*Will automatically transfer to the correct location on Totals tab.

Your Match, Section 1: Cash

Use section 1 and 2 to document amounts used to match Funds Requested.

You must provide at least \$1 in Match (Cash and/or In-Kind) for every \$1 of Funds Requested.

Note: NYS Environmental Protection Fund money cannot be used as match for Greenway Trail Grants.

Note: Federal funds cannot be used as match for Heritage Development Grants.

Contractual/Professional Services Vendors (Your municipal/organization staff salaries not allowed)		
Vendor or Service>	Amounts	
Business Fundraisers raised by Dept of Small Interventions	\$2,000.00	<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Sub-Total Contractual/Professional Services*		\$2,000.00 <Will auto-total

Equipment/Supplies/Materials		
Specify>	Amounts	
Paint, Materials Donated for Demonstration Project	\$1,000.00	<Fill in
Printed Flyers donated by Dept of Small Interventions	\$100.00	<Fill in
Specify>		<Fill in
Specify>		<Fill in
Specify>		<Fill in
Sub-Total Equipment/Supplies/Materials*		\$1,100.00 <Will auto-total

Construction Vendors (Your municipal/organization staff salaries not allowed)		
Vendor or Service>	Amounts	
		<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Vendor or Service>		<Fill in
Sub-Total Construction*		\$0.00 <Will auto-total

Land Acquisition		
Specify>		<Fill in
Sub-Total Land Acquisition*		\$0.00 <Will auto-total

*Will automatically transfer to the correct location on Totals tab.

Your Match, Section 2: In-Kind

In-Kind Services (Your municipal/organization staff salaries allowed)		
Job title>	Director of Planning & Development, Ali Church	<Fill in job title
Rate of Pay>	\$75.00	<Fill in rate of pay
Total Hours>	10.00	<Fill in hours
Total Salary 1		\$750.00 <Will auto-total
Job title>	Engineering Department, Chad Wade	<Fill in job title
Rate of Pay>	\$65.00	<Fill in rate of pay
Total Hours>	8.00	<Fill in hours
Total Salary 2		\$520.00 <Will auto-total
Job title>	Dept of Small Interventions, Naomi Hersson-Ringskog	<Fill in job title
Rate of Pay>	\$80.00	<Fill in rate of pay
Total Hours>	60.00	<Fill in hours
Total Salary 3		\$4,800.00 <Will auto-total
Job title>	George Garrison, Superintendent of Dept. of Public Works	<Fill in job title
Rate of Pay>	\$87.00	<Fill in rate of pay
Total Hours>	5.00	<Fill in hours
Total Salary 4		\$435.00 <Will auto-total
Job title>		<Fill in job title
Rate of Pay>		<Fill in rate of pay
Total Hours>		<Fill in hours
Total Salary 5		\$0.00 <Will auto-total
General Volunteer Hours (New York rate of \$30.18 per IndependentSector.org)		
Total Hours>	30.00	<Fill in general hours
		\$875.70 <Will auto-total
Sub-total In-Kind Services*		\$7,380.70 <Will auto-total
Total Match*		\$10,480.70 <Will auto-total

*Will automatically transfer to the correct location on Totals tab.



Hudson River Valley Greenway

KEVIN M. BURKE
Chairman
Greenway Conservancy

BARNABAS MCHENRY
Chairman
Greenway Council

SCOTT KELLER
Executive Director

Greenway Conservancy for the Hudson River Valley Trail Grant Program Application

Note: You must save this form to your computer before filling it out. Forms must be completed using Adobe Acrobat 7.0 or higher.

PART A—PROJECT CATEGORY

Trail Type (check only one): ☒ On-Land ☐ Water Trail

Check the one category that best fits your project:

☐ Trail Construction

☐ Trail Rehabilitation or Improvement

☒ Trail Planning or Design

☐ Trail Education or Interpretation

PART B—GENERAL PROJECT AND APPLICANT INFORMATION

1. Project Name: Bike Trail to Downtown Newburgh

2. Lead Applicant Organization or Municipality:

City of Newburgh

In County: Orange County

3. Co-Applicant(s) (if any):

Newburgh Transportation Advisory Committee

4. Project Location: County/Countries Orange County

City/Town/Village(s) City of Newburgh & Town of Newburgh

Project Site Address: Grand Avenue, Grand Street and Liberty Street

City/Town/Village: Newburgh State: NY Zip Code: 12550

5. Federal ID#: 14-6002329

Charities Registration (if not-for-profit):

**Applicant Match includes cash, in-kind services and other monies from eligible grants and must match or exceed Greenway Funds Requested.*

***Other Funding includes federal, state, and other grants not reflected in Applicant Match.*

6. Applicant's Interest in Property (e.g. own, lease, easement, etc.): Own

7. Legislative Districts: Senate: 39 Assembly: 104

8. Check category of Lead Applicant: ☒ Municipality ☐ Not-for-Profit Corporation

***All not-for-profits must include a copy of their IRS Determination Letter and latest audit, or their latest financial statement if not audited.**

9. Signatory and Lead Contact Information

Signatory of Lead Applicant Organization

Name: Todd Venning

Title: City Manager/CEO

Mailing Address: 83 Broadway

City: Newburgh State: NY Zip: 12550

Phone: 845-569-7301

Email: tvenning@cityofnewburgh-ny.gov

Lead Contact Person (if different from Signatory):

Name: Naomi Hersson-Ringskog

Title: Co-chair of Transportation Advisory Committee

Mailing Address: 6 Grand Street

City: Newburgh State: NY Zip: 12550

Phone: 2024134262

Email: nringskog@gmail.com

PART C—PROJECT DESCRIPTION

☐ Project connects to New York Empire State Trail (Education/Interpretation projects not eligible)

Project Description

Please provide a brief project description, which addresses all relevant project issues, including how your project fits one of the Project Category priorities in the Trail Grant Program Guidelines page 5, and how it addresses any of the Additional Criteria. Detail how the project connects to the New York Empire State Trail, if applicable. The narrative must also explain how the project will promote at least one or more of the Greenway Criteria. A 1-page narrative is preferred; however, you may attach additional pages. Minimum font size 10 point Narrative must not exceed 3 pages.

Please refer to attached document.

PART D— WORK PROGRAM & TIME LINE

Work Program & Time Line: Briefly list the proposed work program by task or phase, associated with the project to be funded under this grant request. This grant can only cover work performed and completed after the award date. This date also applies to all match counted toward awards.

Project Start Date: March 2022 Expected Project Completion Date: November 2022

	<u>Description</u>	<u>Start Date</u>	<u>Completion Date</u>
Phase/Task 1:	Kick Off Coordination w Team & Consultant	<u>March</u>	<u>April</u>
Phase/Task 2:	Develop Public Engagement Strategy	<u>April</u>	<u>April</u>
Phase/Task 3:	Presentation, Workshop, PopUp Testing/Demo	<u>May</u>	<u>June</u>
Phase/Task 4:	Existing Conditions Analysis & Plan & Review	<u>June</u>	<u>July</u>
Phase/Task 5:	City Council Presentation/Public Dissemination	<u>August</u>	<u>November</u>
Phase/Task 6:		<u> </u>	<u> </u>
Phase/Task 7:		<u> </u>	<u> </u>
Phase/Task 8:		<u> </u>	<u> </u>
Phase/Task 9:		<u> </u>	<u> </u>
Phase/Task 10:		<u> </u>	<u> </u>

Budget: For your application to be considered complete and accepted, you must fill out the Budget Summary Excel file. Please send this Excel file. Do not print out and scan.

Community Risk and Resiliency Act (CRRA)

The Community Risk and Resiliency Act (CRRA) of 2014, along with the Smart Growth Public Infrastructure Policy Act prohibits New York State agencies from approving, undertaking, supporting, or funding public infrastructure projects unless the projects are consistent with mitigation of future physical risk from sea-level rise, storm surges, and flooding. Your participation in this grant program is pursuant to this requirement and you acknowledge that if your project is one that seeks to build physical infrastructure it will be consistent with the criteria listed. Full information on the CRRA can be found at <https://www.dec.ny.gov/energy/102559.html>.



Check here to acknowledge the above.

Environmental/Historic/Coastal Consistency Reviews

Does the project require a permit approval or funding from any other governmental agency (federal, state or local)?

☒ No ☐ Yes If "yes", list the agency(ies) and permit/approvals:

SEQRA Status – Please select the appropriate action type:

Type 1 ☐ Type 2 ☒ Unlisted ☐

For further guidance, see <http://www.dec.ny.gov/permits/6203.html>

If the project is a Type I or Unlisted Action, please attach the Environmental Assessment Form

If a Determination of Significance has been established, what was the determination?

N/A

Regional Economic Development Council Strategic Plans

Please check the Regional Economic Development Council(s) in which the project will take place: (For guidance, please see <http://regionalcouncils.ny.gov>)

Capital Region ☐ Mid-Hudson Region ☒ New York City ☐

Please list the specific numbers of the goals and strategies of the region's strategic plan that your project will help implement:

Efforts in smart growth and transit-oriented development, downtown revitalization, infrastructure

Municipal/Board Grant Request Resolution*:

An approved municipal or non-profit board resolution authorizing and endorsing this grant application must be provided before the application can be considered complete. A sample municipal resolution and not for profit certification/resolution are provided in the guidelines.

*Note: If your Board does not meet until after the application deadline, please complete the following:
The municipal board will be considering a resolution for this project to be voted on the following date:

The resolution will be sent to the Greenway office within 48 hours of this meeting date.

Certification: Please read and sign the following. Digital signatures are acceptable. Unsigned applications will not be considered for funding

"I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal law

Name: Todd Venning Title: City Manager/CEO

Signature: _____ Date: _____

Application Requirements & Checklist

Please note: Applicants must complete or release previously awarded projects through the Greenway Conservancy Trail Grant Program before being eligible to receive funding in this round.

You must submit the following by the deadline. Failure to include any of the required elements may make your application ineligible for consideration.

- ☒ **1) Email Submission:** A complete electronic copy of all application materials (a single PDF document is preferred) should be emailed to grants@hudsongreenway.ny.gov Attach original Excel budget as a separate file.
- ☒ **2) Completed and signed Greenway Conservancy for the Hudson River Valley Trail Grant Application Form including signature by elected official or head of organization. Please note:**
 - * Not-for-profits must include Federal ID #, Charities Registration # and IRS determination letter
 - * Municipalities must include Federal Tax ID#
- ☒ **3) Completed Budget Summary Excel File (Do not print out and scan)**
- ☒ **4) Financial Information:** Not-for-profits must include Federal ID #, Charities Registration #, IRS determination letter, and latest financial audit. Municipalities must include Federal Tax ID#. If your organization is not required to have an audit, please provide a copy of your most recent financial statements.
- ☒ **5) Resolution(s):** All applicants are required to pass a resolution by the governing body authorizing the grant application. The applicant municipality must obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located. Include the signed and dated resolution in your application. Not-for-profit corporations must submit an approved municipal letter(s) of support in addition to their own resolution. *Note: If your Board does not meet until after the application deadline, please complete the related section on page 5.
- ☒ **6) Map(s) of the proposed project area:** Please include a map of the proposed project area, including its location within the county, as well as a more detailed depiction of the project site. Please include any nearby trails. Include GPS coordinates of the planned or existing trailhead where appropriate. If your project involves the installation of signs, please show locations of signs to be installed. Maps must be legible. See Google maps for a simple way to produce a legible map: <https://maps.google.com/>
- ☒ **7) Supporting Information:** Where appropriate, include photos, plans, drawings and other documents that highlight the need for this project. Letters of support from partners and beneficiaries of the proposed project are also recommended.
- ☒ **8) Ownership Interest:** Include documentation of ownership interest in the property (deed) if applicable, and, if the applicant is not the landowner, a written agreement with the landowner.
- ☒ **9) Legal Compliance:** Please indicate that you have applied for all local, state and federal permits. Your project must comply with all local, state and federal laws and requirements. Funds will be contingent on proof of such permits.
- ☒ **10) SEQRA Compliance:** If project is a Type I or Unlisted Action, please attach the completed Environmental Assessment Form.
- ☒ **11) Not-for-profit Corporations** must also submit a copy of their latest financial audit and IRS Determination Letter. If your organization is not required to have an audit, please provide a copy of your most recent financial statements.

**CITY OF NEWBURGH & TRANSPORTATION ADVISORY COMMITTEE
BIKE TRAIL TO DOWNTOWN NEWBURGH
PROPOSAL FOR 2022**

The City of Newburgh in partnership with the Newburgh Transportation Advisory Committee and Town of Newburgh are seeking funding for a feasibility study of the city's first bike lane. The bike lane would connect the Newburgh Beacon Bridge to Broadway in downtown Newburgh. With support from the Greenway Conservancy Trail grant, a feasibility study would formalize our intent to create a non-motorized connection that serves commuters, residents, tourism, recreation and economic development between Beacon and Newburgh and its nearby cultural assets and small businesses. This proposed trail would promote the Hudson River because it utilizes the Newburgh-Beacon Bridge, one of only five bridges connecting the east and the west counties of the Hudson River, as well as expand the reach of many trails in Beacon (Trail of Two Cities, Madame Brett's Mill Park, Dennings Point and more).

We are seeking \$10,000 to hire an engineering firm, Weston & Sampson to review the action plan, determine what kind of bicycle infrastructure would be appropriate for Liberty and Grand Street corridors, and lastly, inform, get feedback and engage the local residents and motorists by staging a demonstration project. This project aligns with local, regional, and state transportation, public health, and climate change mitigation goals.

This bike trail would have a tremendous impact of 1) providing safe bicycling infrastructure on a popular commuter and recreation route 2) connect with downtown businesses 3) promote the George Washington's Headquarters and Frederick Douglass Trail. It would also run past the original Wheelman's Club which was a bicycle club in the late 1940s

Since the inception of the Transportation Advisory Committee (TAC) in 2019, bicycle, pedestrian and all modes of non-motorized transportation advocacy have been a high priority. During our first year, TAC played a critical role in passing Complete Streets legislation and organizing community events including monthly critical mass bike rides and repair cafes for bicycles to raise interest and advocacy around bicycle infrastructure. This advocacy is crucial for Newburgh, considering the demographics of the city. Newburgh's diverse community is young with an average median age of 28, 25% of the population lives below the poverty line with an average median income of just \$35,000 and is heavily dependent on non-motorized modes of mobility because (according to census data) 30% of Newburgh residents live in a household with no vehicles. In 2020, with the support of HGAR Foundation, TAC completed a community-informed Bike Action Plan that identified key routes and key concerns of bicyclists and would-be bicyclists (see Appendix 1). The Bike action Plan specifically identifies the corridor between downtown Newburgh over the inter-county Newburgh Beacon Bridge as a priority connection. TAC has also formed a bicycle taskforce that meets monthly to advocate for infrastructural improvements and to advocate for recommendations made in the Bicycle Action Plan.

Conservancy Trail Grant Criteria, Category 2

This project fulfills 4 of the 5 criteria of the Conservancy Trail Grant Program's Category 2 (Projects to complete design segments that further the goals of the Greenway trail program).

First, the project develops a new bike segment of Greenway Trail that will connect downtown Newburgh to Beacon via the Newburgh Beacon Bridge. This trail will traverse the Hudson River (see Appendix 2, Greenway map context map)

Second, the project will connect to a significant portion of Greenway Trails in Newburgh and Beacon. In Newburgh this trail includes the Trail of Two Cities and The Frederick Douglass Trail. In Beacon, the trail connects via the Newburgh-Beacon bridge to the Trail of Two Cities, Madame Brett's Mill Park, Dennings Point and more. (see Appendix 3, Greenway existing trails map). With the completion of this trail, there is potential for greater connectivity and expansion in Orange County. (See public access criteria.)

Third, the project would connect Newburgh and Beacon communities to other significant cultural, heritage and recreational sites such as the East End Historic District which is the State's second largest historic district. This

**CITY OF NEWBURGH & TRANSPORTATION ADVISORY COMMITTEE
BIKE TRAIL TO DOWNTOWN NEWBURGH
PROPOSAL FOR 2022**

district includes noteworthy buildings such as the Crawford House, Dutch Reformed Church, City Club, the three fraternal buildings (American Legion, YMCA and the Masonic Temple), and ultimately George Washington's Headquarters and AME Zion Church, where Frederick Douglass spoke in 1870. With views of the scenic viewshed of Mount Beacon. This trail also strengthens Newburgh's two commercial corridors: Broadway and Liberty Street.

Fourth, the resulting trail will be monitored for maintenance by the Newburgh Transportation Advisory Committee and the 8-member Bicycle Taskforce. In this being the first bike trail, TAC will be motivated to expand the network incrementally year by year.

Lastly, Orange County and specifically Newburgh is at a geographic disadvantage as it is located on the western side of the Hudson River and therefore does not make a connection to the New York Empire State Trail.

Promotion of Greenway criteria

This project promotes several Greenway criteria described below.

Natural and Cultural Resources Protection: Preserve and promote scenic views from Dutch Reformed Church that was made famous by the Hudson River School Painters. The corridors' adjacent parks, Tyronne Crab, Audrey Carey and George Washington Headquarters, could see an uptick of users and appreciation. Providing a safe way to engage in non-motorized transportation may reduce pollution from motor vehicles which will contribute to natural resource protection.

Regional Planning: This project focuses on the regional connectivity and coordination between Newburgh and the Town of Newburgh, Beacon, and New Windsor. City Planning and Transportation Committee have been involved with the Quassaick Creek Watershed Alliance's trail efforts. Transportation Committee has worked with the Beacon Hudson River Trail's Chairman on advocacy matters regarding the curfew on the Newburgh-Beacon Bridge. All these efforts contribute to regional planning and connectivity.

Economic Development: This bike trail would stimulate tourism between Newburgh and Beacon. With increased visitors, this would support small businesses along the corridor and downtown area. As a result of this, the city could bolster its fledgling business and visitor attraction strategy. Communities with bicycling and walking often see small businesses supported.

Public Access: The bike trail would increase public access to the scenic view of the Dutch Reformed Church, George Washington's Headquarters, AME Zion Church where Frederick Douglass spoke and also, due its proximity, to the waterfront. This trail could be expanded in the future to connect to Stillman and Howell Greenway Trails, Kowawese State Unique Area and potential Quassaick Creek Trail or Scenic Road Connection in New Windsor. (See Appendix X vision map) The Newburgh-Beacon bridge, built in 1960 is only one of five bridges connecting the east and the west counties of the Hudson River. This trail would promote the Hudson River because it utilizes the Newburgh-Beacon Bridge, and expands the reach of many trails in Beacon (Trail of Two Cities, Madame Brett's Mill Park, Dennings Point and more). Penetrating to the heart of the city, this trail also potential guides bikers to discover the scenic views on the water's edge in New Windsor or Cornwall.

Heritage and Environmental Education: The trail would increase awareness for both residents and tourists of the Hudson River Valley's unique cultural heritage and environmental resources.

Additional: The proposed project is also consistent with a number of the additional criteria prioritized by the Greenway Conservancy Trail grant program.

**CITY OF NEWBURGH & TRANSPORTATION ADVISORY COMMITTEE
BIKE TRAIL TO DOWNTOWN NEWBURGH
PROPOSAL FOR 2022**

Climate Change Adaptation and Mitigation and Alternative Transportation: TAC's focus has been to improve our city's alternative, non-motorized transportation in order to reduce greenhouse emissions and promote a healthy lifestyle. TAC has been instrumental in providing public programming around bicycling as well as facilitating private property owners to incorporate bicycle infrastructure into their development plans and/or procuring bike racks and bike repair stations.

Planning Documentation: This project fits within the purview of local, regional, and statewide plans. *Newburgh Bike Action Plan (2020)*: this project was voted the number one community priority in a grassroots community process which included community presentations, discussions, and voting. *Newburgh Comprehensive Plan (2018)*: included a transportation section outlining more investment in biking and walking, and developing economic development via tourism among other efforts.

Community Participation This project has been entirely developed by volunteer labor to date with the exception of technical assistance provided by Dan Suraci of Urban Cycling Solutions. The community bike action plan was funded by a smart growth grant from National Realtors Association. At the core of the Transportation Committee and the bike action plan was to hear from residents. Our monthly meetings plus monthly bike rides and quarterly bike programs or projects are ways we plan to inform our public.

ADA: One of the Transportation Advisory Committee members is a representative from Independent Living. He will provide feedback on how this bike trail can align with the Americans with Disabilities Act.

Regional Economic Development Councils

The Mid-Hudson Regional Economic Development Council's overall goal of creating "livable," "sustainable" and "vibrant" communities aligns with this proposal. See additional notes in the PDF.

The project is located in a Greenway Compact Community.

Appendices

1. Bike Community Action Plan
2. Past photos of biking- critical mass, speaker, bike rack installed etc.
3. Proposed bike trail map
4. Geographic Context of other Greenway trails
5. Letters of Support



City of Newburgh

Transportation Advisory Committee



Lake Street
Apartment Rentals

Supplemental Materials Hudson River Greenway Grant 2021



TOWN OF NEWBURGH

1496 Route 300 Newburgh New York 12550

GIL PIAQUADIO
Supervisor

845-564-4552
Fax 845-566-9485
e-mail supervisor@townofnewburgh.ny.us

November 5, 2021

Hudson River Valley Greenway
625 Broadway, 4th Floor
Albany, New York 12223

RE: City of Newburgh/Newburgh Transportation Advisory Committee Trail Grant Application
for study of proposed bike trail between Hamilton Fish Newburgh Beacon Bridge and
Broadway, City of Newburgh

Dear Hudson Valley Greenway Grant Program:

The Town of Newburgh endorses the application of the City of Newburgh to your 2021 grant program for an engineering study of a proposed bike trail connecting the Hamilton Fish Newburgh Beacon Bridge to the City's downtown area. A small section of the trail along Grand Avenue between the Bridge and the Town - City boundary would be located in the Town. The bike trail would promote regional connectivity and stimulate area tourism.

Thank you for your consideration.

Very truly yours,

Gilbert J. Piaquadio,
Town Supervisor

GJP/mct

cc: Town Board Members
Joseph P. Prati, Town Clerk

Town of Newburgh Letter of Support

Past Support for Ending the Curfew on the Newburgh Beacon Bridge

Elected Officials

- Representative Sean Patrick Maloney
- Senator Jonathan Jacobson
- Senator Sue Serino
- Senator James Skoufis
- Assemblywoman Sandy Galef
- Dutchess County Executive Marcus Molinaro
- Councilwoman Karen Mejia (Newburgh)

Business / Civic Groups

- Planned Parenthood
- Independent Living
- ADS Warehouse
- Atlas Studios
- Binnacle Books
- Fareground Community + Farm

Transportation Groups

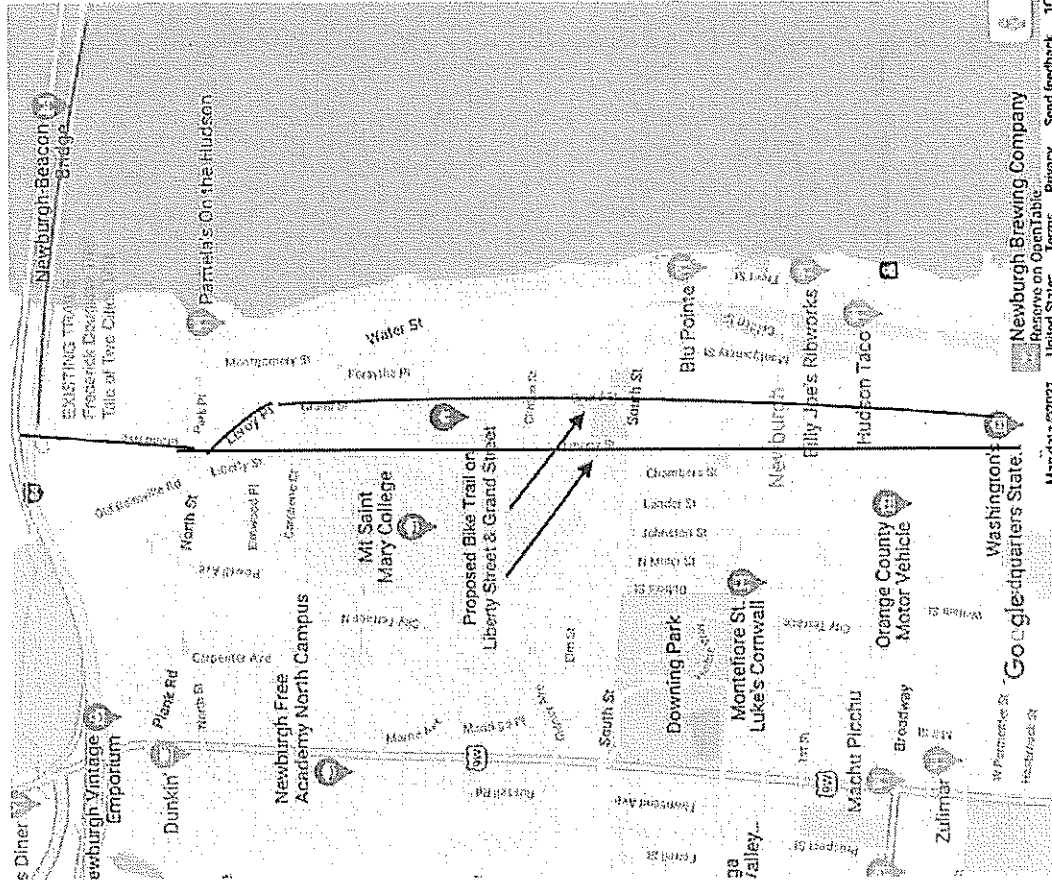
- Newburgh Transportation Advisory Committee
- Dutchess County Transportation Council
- Orange County Advisory Council

Government Agencies

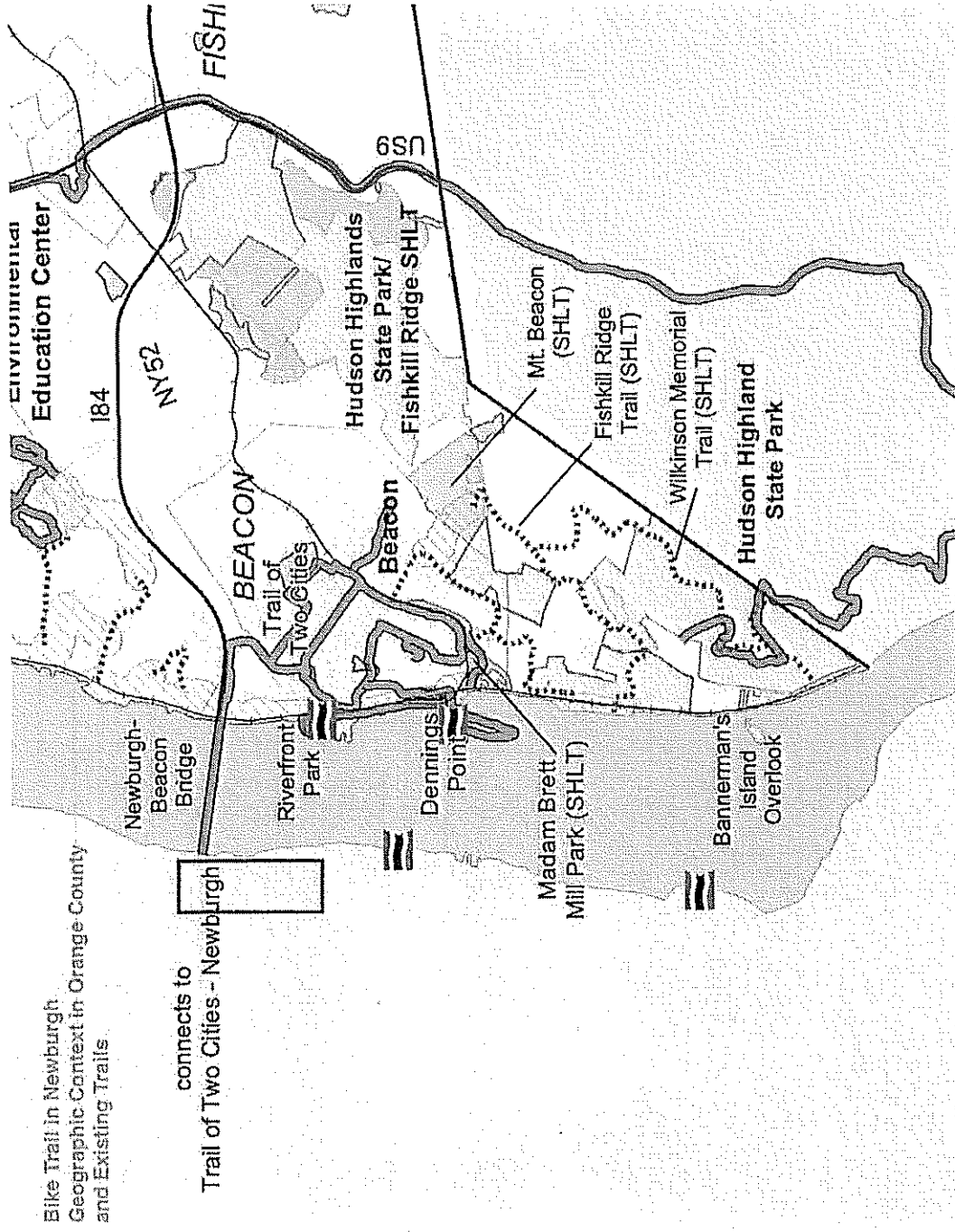
- New York State Police
- Dutchess County Department of Planning
- Orange County Department of Planning

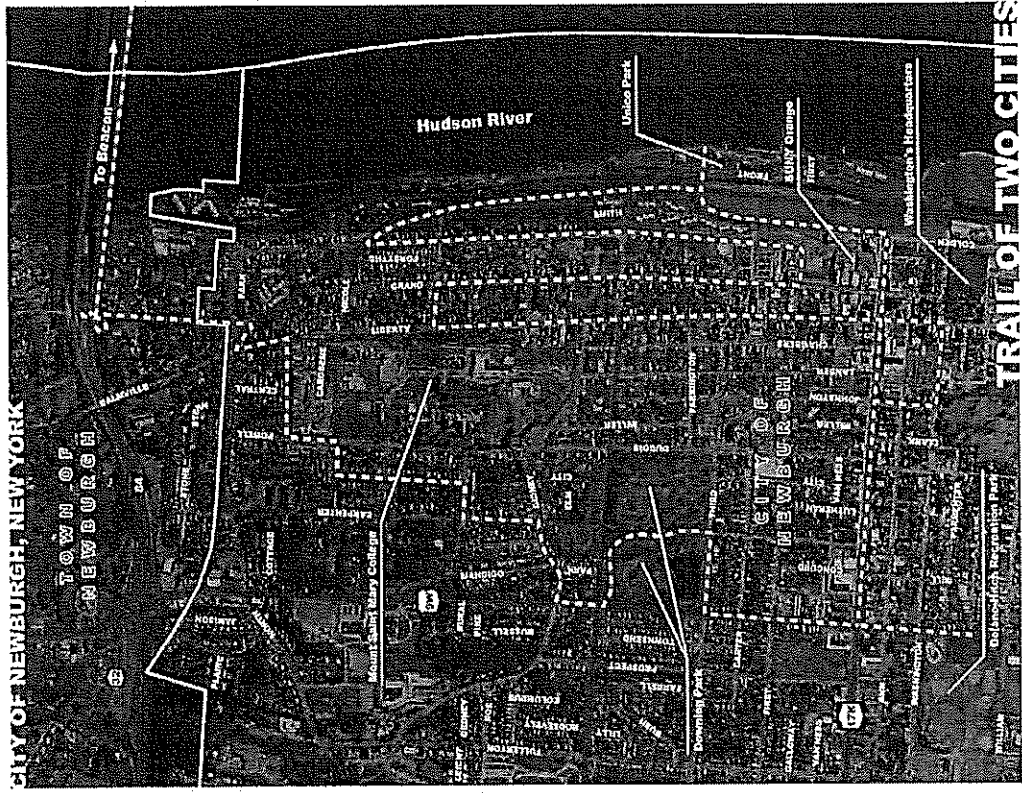
Due to limited time, I was unable to approach additional members for a Letter of Support for the Bike Trail.

Proposed Bike Trail & Area of Study



Connection to Dutchess County Trails

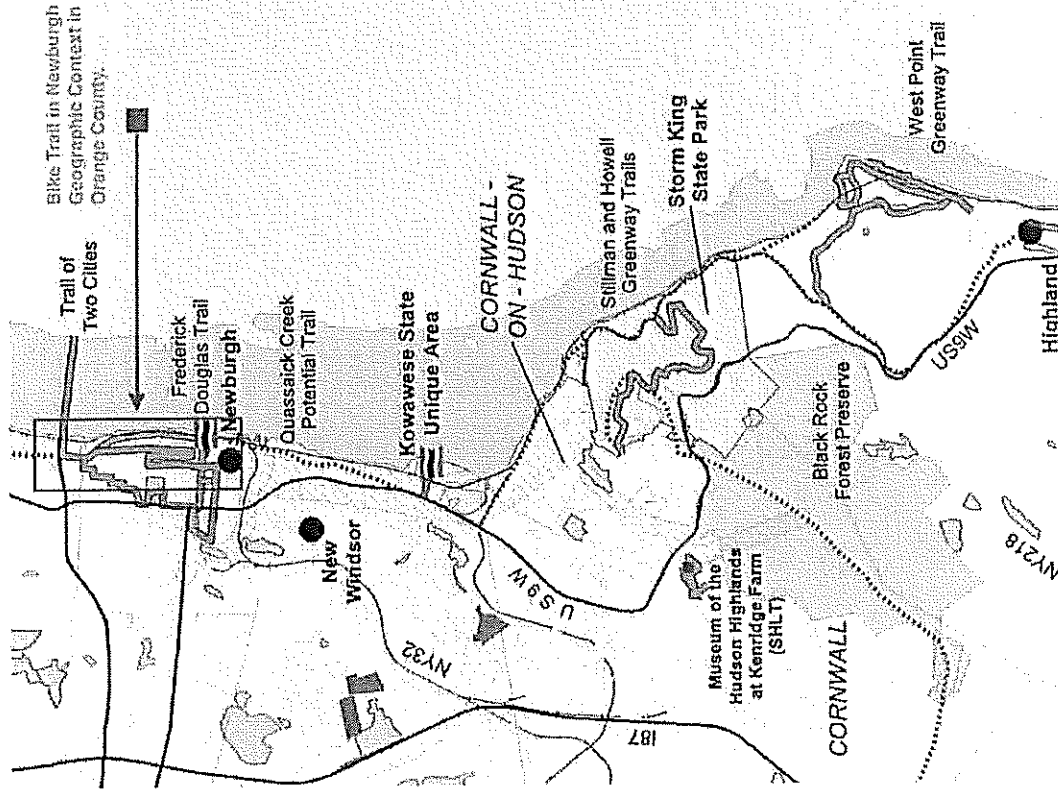




Detailed View of Frederick Douglass Trail



Connection to Orange County Trails





City of Newburgh
Transportation Advisory Committee

Our mission is to advocate for a safe and effective multi-modal transportation network for the city's residents and businesses. Areas of focus include but are not limited to pedestrian, bicycle, strollers, skateboards, cars and trucks, public transit (bus and ferry), and parking management.

Highlighted Accomplishments

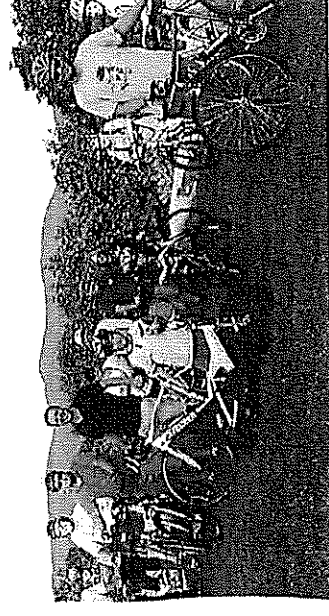
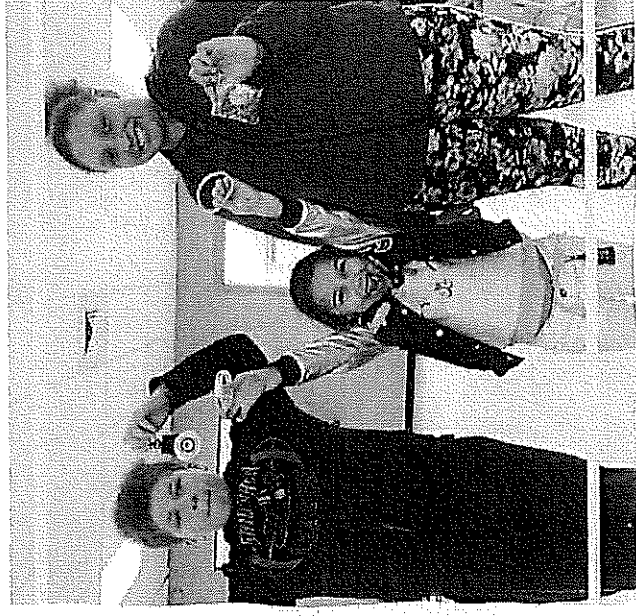
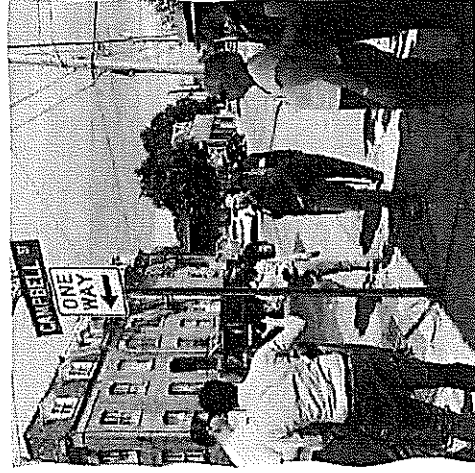
- **Legislation:** Complete Streets legislation passed & integration into planning process.
- **Process:** Streamline resident's traffic concerns followed with appropriate deployment of traffic calming equipment
- **Studies:** Newburgh Bike Action Plan 2020
- **Programs:** Critical Mass Bike Rides, Rise & Ride Brochure, Bike Repair Café with Police Department Surplus Bikes
- **Demonstration projects :** E-Bike, Park(ing) Day

- **Advocacy:** End the curfew on the Newburgh Beacon Bridge

Other efforts like Bus survey and stakeholder outreach, Charrette for Lake Street Corridor, Street Trees, Snow Removal Review, Sidewalk Improvement District Feasibility Study and more.

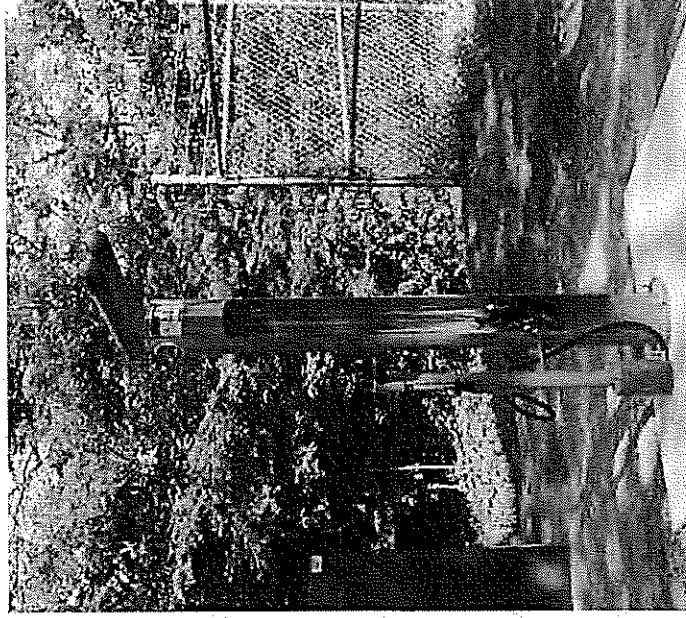
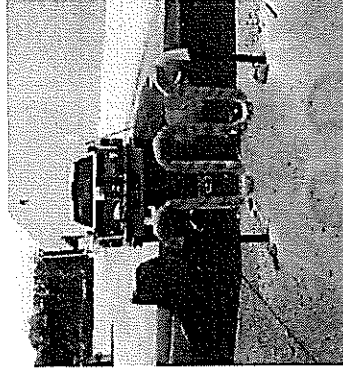
OUTREACH

In addition to monthly public meetings and an active Facebook Group presence, TAC has organized a series of workshops and distribution of information related to bicycling. Pictured above, TAC has partnered with small businesses, service-based organizations, as well as convening different stakeholders for a complete streets workshop. To the right, is the third season of Critical Mass Bike Rides.



INFRASTRUCTURE

Completing our outreach and advocacy, TAC works with Orange County Planning, Department of Public Works as well as private businesses and foundations to secure bike infrastructure. Pictured from top: bike repairs stations at Newburgh Beacon Bridge and Recreation Center, Yield to Pedestrian Signs, Bike Racks at Market 32, Bike Lock at the Ferry crossing at Horizons on the Hudson Elementary School.





EDUCATION

Try the riding a bicycle for you want to know more about bicycling safety and laws. To learn more about bicycling safety and laws, contact the Newburgh Police Department at 845-562-1234 or visit our website at www.newburgh-ny.gov.

BICYCLE LAW, SAFETY AND EDUCATION

Learn more about bicycling safety and laws. Newburgh Police Department, 100 South Broadway, Newburgh, NY 12551. Call 845-562-1234 or visit our website at www.newburgh-ny.gov.

At Rise and Ride we want to build momentum for bicycling in Newburgh. Through supporting many different programs, Rise and Ride wants to help make bicycling safe, fun, social, and accessible for all people. Our city is built for walking and biking, so check out some of the great local programs available and let's Rise and Ride together!

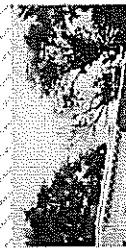
BIKE MATCH

Get a Bicycle
Each month, we receive donations of bicycles from the public. We have a variety of bikes to match your needs. Call 845-562-1234 or visit our website at www.newburgh-ny.gov.

Donate a Bicycle

If you want to donate a bicycle to help someone else get started, please call 845-562-1234 or visit our website at www.newburgh-ny.gov.

Is someone a bike or machine a bike? High up at Newburgh City Hall, the bike is a machine. But down here, it's a friend.



WANT TO HAVE SOME FUN?

Bicycling Together

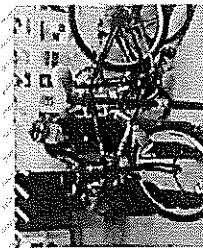
Join the fun! Bicycling together is a great way to get in shape and enjoy the outdoors. Call 845-562-1234 or visit our website at www.newburgh-ny.gov.

Adoptable for Bicycle Infrastructure

Call 845-562-1234 or visit our website at www.newburgh-ny.gov to learn more about the Adoptable for Bicycle Infrastructure program.

Swap and Share

Swap and share your bicycle with someone else. Call 845-562-1234 or visit our website at www.newburgh-ny.gov.

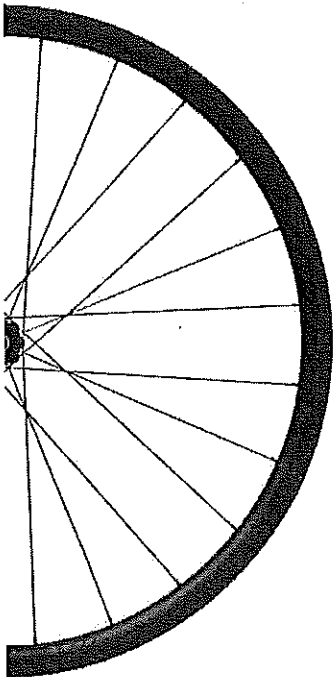
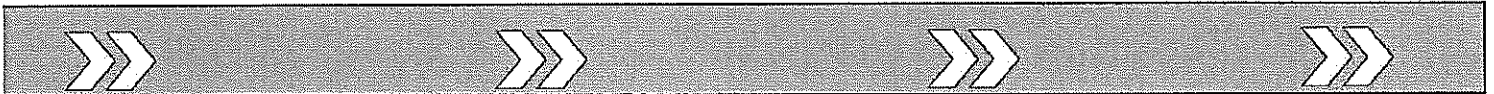


Rise and Ride
Newburgh Brochure



Bicycle Action Plan Newburgh, NY

UCS



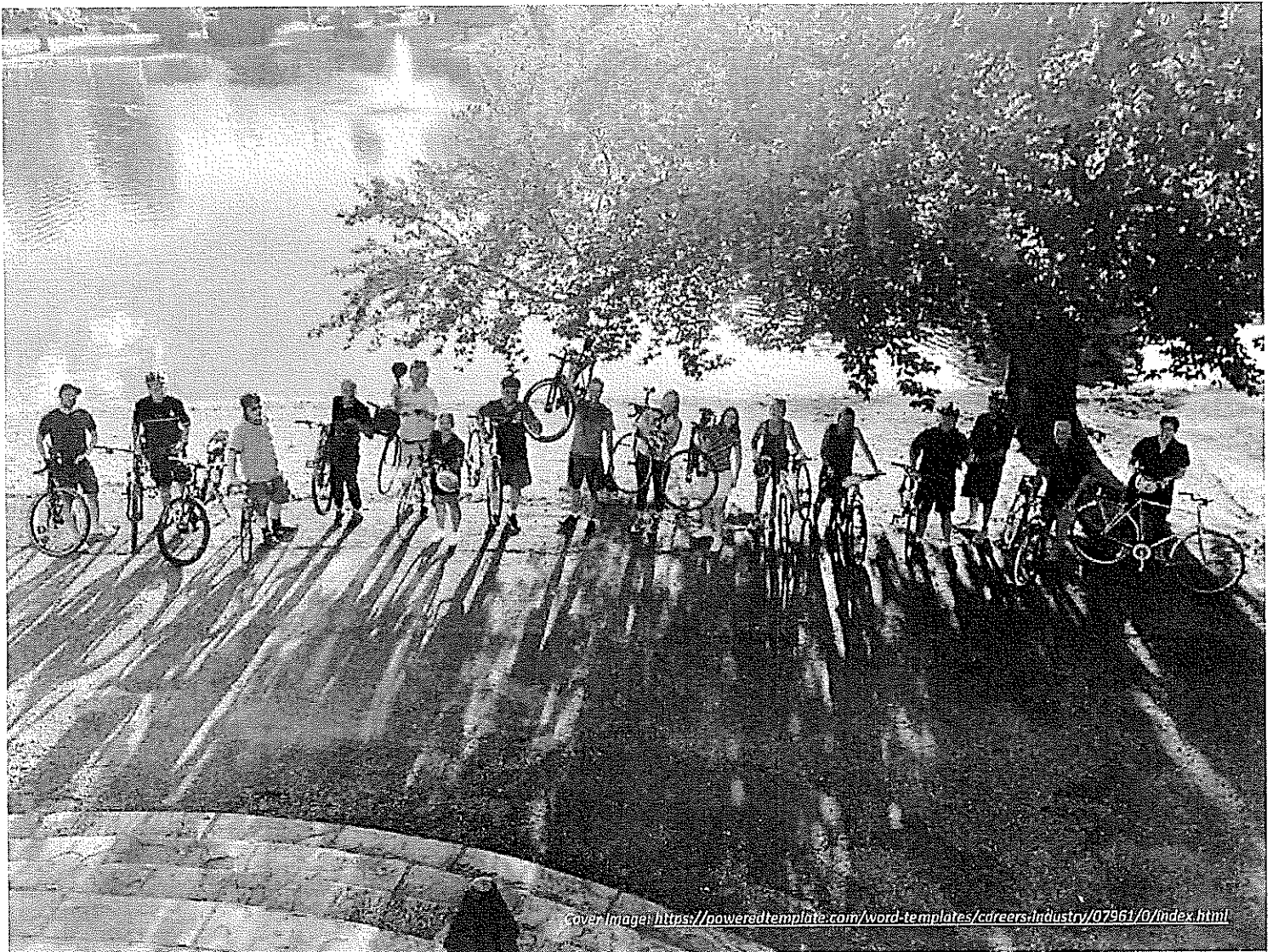
Bicycle Action Plan

Newburgh, NY

UCS | URBAN
CYCLING
SOLUTIONS

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A VISION FOR ACTIVE MOBILITY IN NEWBURGH

The City of Newburgh is poised to become a major bike hub for local residents and a world class bicycle destination for visitors. With a dense city grid, scenic vistas overlooking the Hudson River, access to Metro North (via the Newburgh-Beacon Bridge Shared Use path), proximity to Beacon – an existing destination for tourism in the Hudson Valley – historic sites and a vibrant commercial landscape, the City of Newburgh has many features which represent ideal opportunities for bicycle access.

Improving bicycle infrastructure and encouraging broader usage as a mode of transportation represents a significant opportunity to enhance equitable mobility for Newburgh residents, many of whom have limited access to cars. By bolstering the viability of bicycling as a safe and reliable mode of transportation, and empowering usage, the city would not only enhance connectivity but provide easier access to jobs, education, commuting, recreation and other opportunities.

While elevation, roadway surface conditions and a lack of safe bicycling infrastructure present challenges for current and would be cyclists, Newburgh is also home to a burgeoning bike community and a variety of recreational, commercial, tourism and transportation assets that make it a prime location for biking.

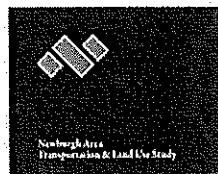
The purpose of this Bicycle Action Plan is to provide a preliminary roadmap for catalyzing a bicycle network including the development of routes, data collection strategies, essential amenities and innovative mobility opportunities.

GOALS & APPROACH

STUDY GOALS

1

Inventory
Existing
Research Data
& Initiatives



3

Identify Essential
Data Points,
Systems &
Evaluation
Frequency



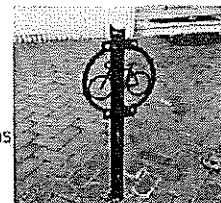
2

Establish
Preliminary
Network Plan &
Implementation
Framework



4

Develop
Additional
Recommendations
to Enhance
Cycling



APPROACH



BUILDING ON PREVIOUS WORK

Building a better bike network in Newburgh is not a new idea. Numerous planning initiatives and studies have addressed elements of cycling in the city. The following section provides a selection and summary of relevant work as it relates to bicycle mobility.

WALK, BIKE, RIDE, HIKE ORANGE COUNTY

In 2012, The Orange County Department of Planning Developed "Walk, Bike, Ride, Hike Orange County: A Framework for Non-Motorized Transportation in the Newburgh Area." The purpose of this report was to serve as a foundation for a larger scale planning effort to facilitate walking, biking and hiking across the county. The report outlines community engagement outcomes and best practices with a focus on the Newburgh area. The study lays out a set of five goals including:

- Encouraging the increase of non motorized activity within the county
- Improved safety for bicyclists, pedestrians and trail users
- Develop integrated bicycle, pedestrian and trail networks in order to link users to major destinations
- Collaborate with local officials and citizens to participate in the planning process
- Identify funding sources for non motorized projects.

Bicycle mobility was an important topic for many participants who provided specific input on roadways that bicyclists use and avoid. Riding in roadway shoulders emerged as a popular practice and potential strategy for expanding accessible bike routes. Bicycle parking was another important topic with many participants indicating an inadequate quantity of bike parking in most communities represented. Lastly participants identified a need for more regular data collection on cycling. Additional topics included a need for more education around bicycle safety and a safe routes to school program as well as a mandate requiring developers to include bicycle facilities in their plans. The study also identifies bicycle facilities in the Newburgh Area and provides an assessment of their condition. This is mostly focused on state bike routes. The study includes specific recommendations for streets in Newburgh that could support bicycling.

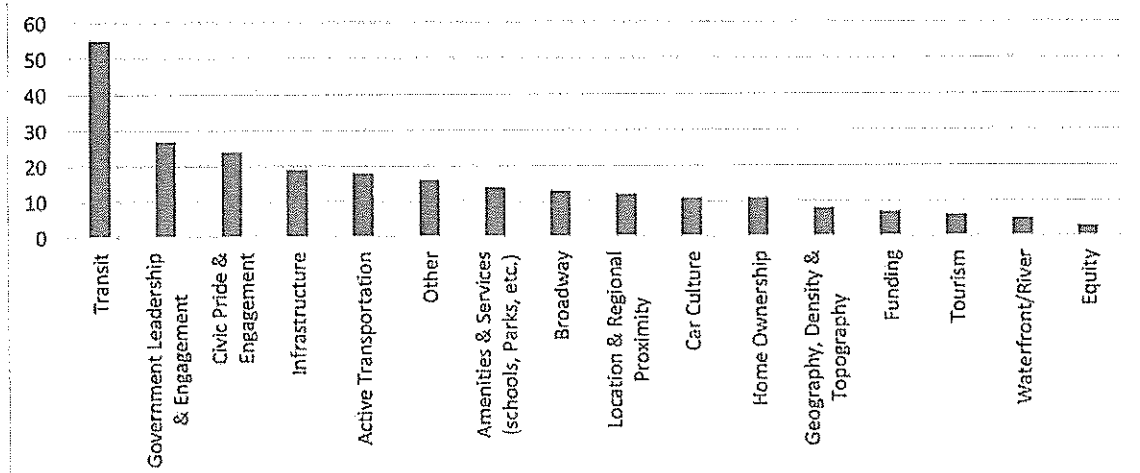
ORANGE COUNTY'S LONG RANGE TRANSPORTATION PLAN (LRTP) 2045

The Orange County Transportation Council's 2019 Long Range Transportation Plan (LRTP) recognizes potential of bike/ped projects to enhance equity and quality of life. The plan refers to Newburgh as part of "priority growth area," which - among many other transportation improvements - prioritizes complete street criteria and specifically includes bike lanes. The LRTP also prioritize opportunities for intermodal connections between transit systems.

The LRTP charges local municipalities with the goal of increasing the number and integrity of "protected bicycle facilities, and trails in areas where walking and biking trips could replace driving trips, facilitate connections to mass transit services, or otherwise enhance access to destinations within cities, villages, hamlets, and crossroads communities."

As part of the plan's transit enhancement strategy, the LRTP recommends exploring the possibility of building multimodal transportation centers which would integrate transit trips with bicycle parking and accessibility enhancements for both bicyclists and pedestrians. The plan goes on to specifically recommend an exploration of a multimodal transportation hub in the city of Newburgh that facilitates bicycle and pedestrian access

Public workshops were held as part of the plan development. Safety for pedestrians and bicyclists was identified as an area of interest, as well as bike lanes.



GETTING TO KNOW NEWBURGH

The purpose of this section is to provide some basic demographic and transportation information about the City of Newburgh. This data provides insight into the community context and enables the development of more focused solutions.

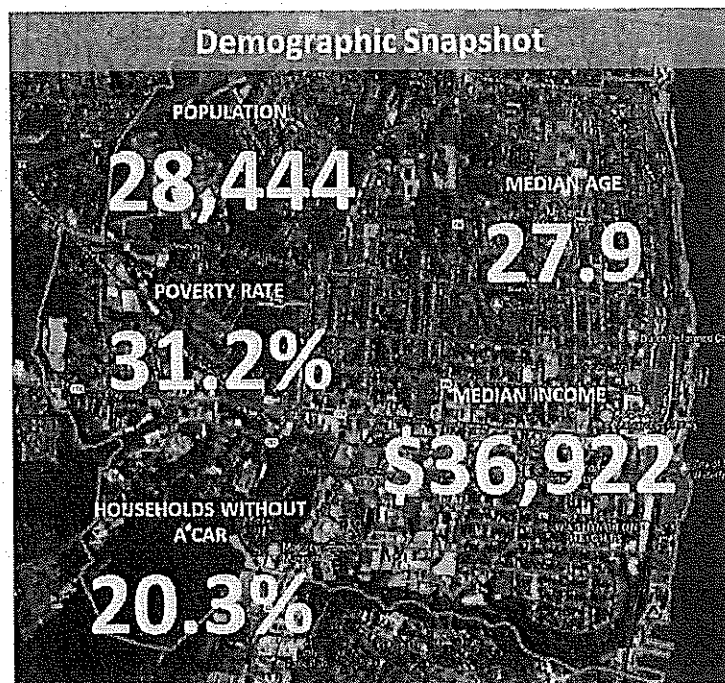
TRANSPORTATION

The City of Newburgh is located on the West Side of the Hudson River in Orange County. The city occupies 3.8 square miles. The Beacon Newburgh Bridge – located just north of the city's boarder with the Town of Newburgh, provides vehicular access to and from Beacon on the opposite side of the river. The bridge also supports bicycle and pedestrian traffic (during daylight hours only). A commuter ferry provides access to the Beacon Metro North commuter rail station across the river (during peak commuting hours only). Newburgh also has a local bus transit service, Orange Transit owned and operated by Orange County. It is available Monday through Saturday providing service on four lines from Newburgh's Northside & Southside, to Downtown Newburgh.¹ The Shortline Bus Station sits just outside the city of Newburgh servicing greyhound and Adirondack Trailways routes.

DEMOGRAPHICS

The information below is based on 2017 data from the US Census Bureau's American Community Survey (ACS). Conducted periodically by the US Census Bureau in between the Decennial census, the ACS gathers a variety of data points which provide key inputs to planners and decision-makers. Age, race, income and household travel information paint picture of how resource distribution can impact various populations and help target both policy and capital interventions. In the context of this study, ACS data, helps us understand mobility outcomes – specifically, how bicycle infrastructure would impact the community based on social and economic conditions. According to 2017 ACS Data:

- Newburgh has a population under 30,000;
- The poverty rate is 31.2% more than 150% higher than the national average;
- Median income
- Car Ownership is lower than most communities in the US;
- Has a younger population with a median age of 27.9;



¹ <https://leprechaunlines.com/newburgh-local-transit-bus-service/>

THE CASE FOR BIKING IN NEWBURGH

OVERVIEW

There are four major factors catalyzing bicycle growth in Newburgh including (1) Upcoming roadway surfacing improvements; (2) A Predisposed population that stands to benefit from access to cycling; (3) A need for enhanced street safety; (4) a downtown scaled for short distanced bicycle access and (5) Grassroots momentum.

ROADWAY RESURFACING

Since 2015, the City has been working to repave roadways through its municipally controlled street grid. The city's current repavement schedule includes resurfacing projects through 2024. This represents an opportunity to identify roadways slated for paving which can support cycling, and develop enhanced designs that support cycling. By simply changing the pavement markings in such a way that enables shared use or provides separate delineation for cyclists – via a bike lane or other on-road facility – the city can start to develop a network of bicycle infrastructure without additional implementation cost. In addition, the multi-year schedule enables the city to engage the community with prospective roadway designs that will be implemented in future projects.

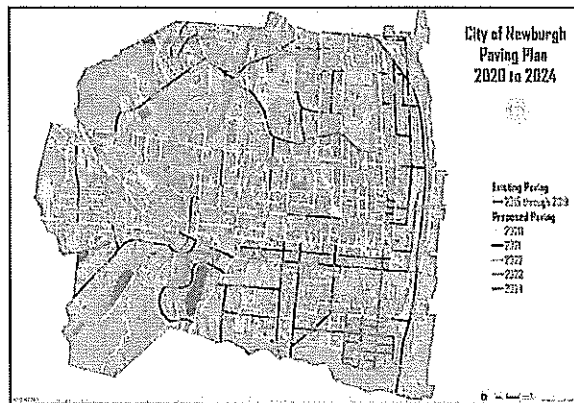


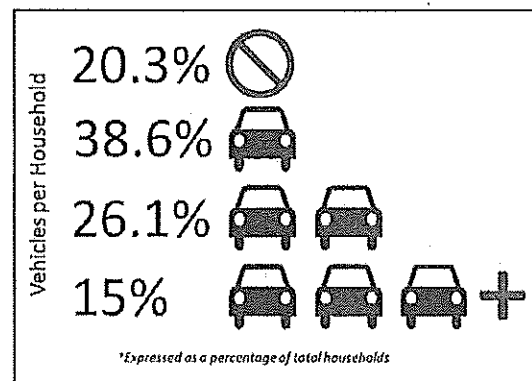
Figure 2. Repavement schedule/map for the city of Newburgh.

PREDISPOSED POPULATION

According to AAA, the annual cost of owning and operating a car is \$8,558 (using 2015 data) including gas, insurance, depreciation, maintenance and other factors. This represents a significant mobility barrier in Newburgh where the median household income is less than \$37,000.

The city of Newburgh is home to a relatively young population with an average age of 27.9. Though studies indicate a marginal difference, younger populations do tend to bike more for transportation purposes; the relatively young population in Newburgh is an indicator that residents could be more likely to accept bicycling a viable mode of transportation.²

Nearly 60% of households in the City of Newburgh own one car or less; more than double the national average (24.91%), meaning that car ownership is significantly lower in Newburgh than it is nationally.



STREET SAFETY

There is a clear need to enhance street safety in Newburgh for all roadway users. Since 2012 more than 450 vehicular crashes have occurred each year, with a peak over 700 in 2016. Despite decreasing numbers of crashes since 2016,

² <https://trec.pdx.edu/blog/are-millennials-really-generation-bikes>

the proportion of crashes resulting in an injury or fatality (in relation to total number of crashes) has grown significantly in that same time period. Bicycle infrastructure has the potential to enhance street safety by slowing down traffic speeds, and alerting drivers to other roadway uses.

**Total Crashes vs Killed or Seriously Injured in the City of Newburgh
2012-2019**

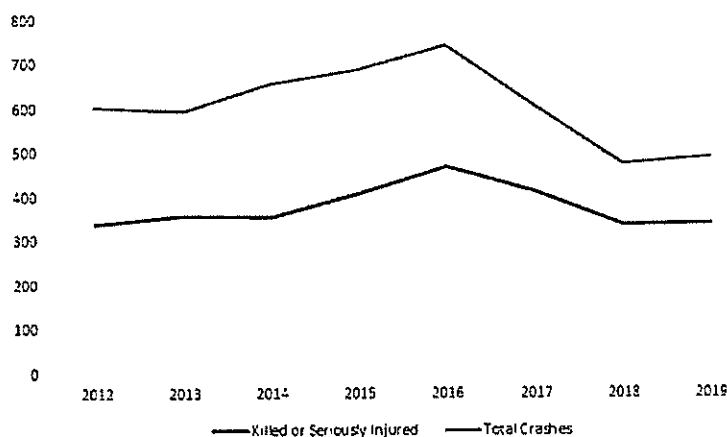


Figure 3. Total Crashes vs Killed or Seriously Injured In the City of Newburgh

SACLED DOWNTOWN

The City of Newburgh encompasses 3.8 square miles of land area.³ While topography – particularly steep elevation changes – may impact individual rider performance, this means the average bike rider can bike from one end of the city to another in 25 miles or less.⁴

GRASSROOTS MOMENTUM

Newburgh is home to a growing “critical mass ride” each month in the spring and summer throughout the city. These are free-form rides open to anyone with no predetermined route or required registration. The purpose of these rides is to advocate for safer inclusive bicycling by riding as a group to increase on-road visibility and call attention to sharing the road with motorists. These rides are also supported by the local police department, which is a notable addition, as many peer critical mass rides in other cities have led to tensions between the police and participants.⁵ In addition to participation in Critical Mass Rides, the local police department has partnered with IMPACT Inc. – A local nonprofit focused on civic engagement and volunteerism to make a positive impact on society – and the local transportation committee by donating 22 abandoned bikes (which would otherwise be thrown out) for refurbishment and distribution to local residents as part of the “Rise to Ride” initiative. The goal of this program is to help Newburgh residents overcome the potential barrier posed by lower car ownership by providing access to

³ <https://www.cityofnewburgh-nv.gov/community-profile>

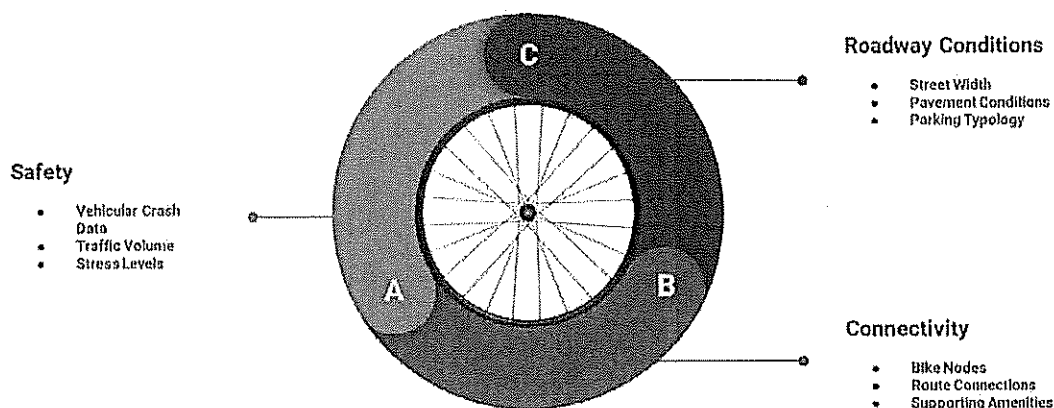
⁴ <https://bicycleuniverse.com/how-long-to-bike-mile/>

⁵ <http://www.timeshudsonvalley.com/mid-hudson-times/stories/critical-mass-bike-rides-promote-safety-in-the-citys-streets,7446>

bicycles.⁶ The City has a number of other grassroots-level bike giveaways, including an annual Youth Bike Giveaway hosted by Blacc Vanilla -a Local Café, and the efforts of Terry Harrigan, a local business owner who refurbishes and recycles used bicycles.⁷

BUILDING THE BIKE NETWORK

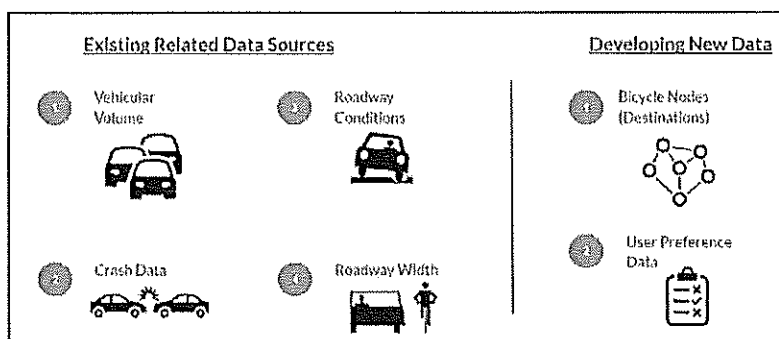
This section provides an overview of new and existing data analysis as well as the application of this information into the development of a bicycle network in Newburgh. To lay the ground work, the process focused on three development priorities including safety, connectivity and current roadway conditions, which – working in tandem – guided data analysis as well as the ultimate location and type of on-road bicycle facilities.



The process began with an analysis of existing datasets, including traffic volume and vehicular crashes and followed with new datasets including key bicycle destinations or “nodes” throughout the city.

NEW VS. EXISTING DATA

Data specifically focused on bicycling in Newburgh is limited. There is no quantitative information specifically focused on bicycling existing information. In the absence of bicycle volume and other relevant information, there are a number of “adjacent” data sets - including traffic volume and general crash data - which paint a picture of roadway conditions and vehicle movement. These include vehicular volume, crashes, roadway surface conditions and roadway width. These factors help formulate a “stress-based”



⁶ <https://www.recordonline.com/story/news/local/newburgh/2020/12/01/newburgh-rise-and-ride-bicycle-donation/6464223002/>

⁷ <https://www.recordonline.com/story/news/2020/03/08/bicycle-movement-growing-in-newburgh/111808938/>

approach to bicycle network development shaping design choices and prioritizing key routes to optimize safety for cyclists.

In addition to these quantitative datasets, UCS worked with community stakeholders – including the local transportation advisory committee – to develop two new datasets including critical biking "nodes" – areas more likely to attract a higher volume of bicycle traffic for a combination of commercial, recreational, commuting, tourism and other purposes – and a qualitative transportation preference database. To establish the most inclusive and expansive dataset possible, UCS developed an online survey tool in consultation with the Orange County Planning Department and Transportation Advisory Committee. This survey was distributed in English and Spanish. In total, the survey garnered 57 responses over a three-week period.

TRAFFIC VOLUME & CRASHES

The New York State Traffic Data Viewer measures traffic volume in Average Annual Daily Traffic (AADT). Streets with the highest traffic volume include Broadway, South Street, Washington Terrace and Water Street/ Martin Luther King Boulevard. Streets with higher vehicular volumes are less likely to comfortably support cyclists, particularly without the presence of a designated bicycle facility such as a bike lane or off-street path.

Similarly, an analysis of bicycle and pedestrian crash data provides a snapshot of specific roadways exhibiting varying degrees of crash volume. When compared paired with traffic volume data, there are clear correlations between roadways supporting more vehicular traffic, and higher numbers of crashes. Roadways exhibiting higher levels of both traffic volume and crashes are more likely to present higher stress interactions between cars and cyclists, and will require bicycle facilities with higher levels of protection. Streets such as Broadway, for example which exhibit high levels of both traffic and crashes, will require a protected bike lane with a buffer as opposed to a bike route or regular bike lane which offer less protection.



Figure 4. A snapshot of the NYS Department of Transportation's Traffic Data Viewer illustrating traffic volume on roadways throughout the City of Newburgh.

Bike/Ped Crashes and Vehicular Volume by Street						
Street	Bike/Ped Crash Volume 2015-2018*			Traffic Volume (AADT) 2019**		
	High (9+ Crashes)	Med (4-8 Crashes)	Low (1-3 Crashes)	High (10,000+ AADT)	Med (5,000-9,999 AADT)	Low (0-4,999 AADT)
1 st Street		Med		No Data Available		
3 rd Street		Med		No Data Available		
Broadway		High		High		
Carpenter Avenue		Low		Low		
Fullerton Avenue		Low		Med		
Gidney Avenue		Low		Low		
Grand Street		Low		Low		
Liberty Street		Med		Low		

South Street	High	High
South William Street	Med	Low
Washington Street	Med	Low
Washington Terrace	None Reported	High
Water Street/Reverend MLK Street	Med	High
West Street	Low	Med
William Street	Med	No Data Available
* Crash data provided by the NYS Department of Transportation's Accident Location Information System.		
** Vehicular volume data is provided by the NYS Department of Transportation's Traffic Data Viewer; Traffic volume data is measured in Annual Average Daily Traffic (AADT).		

USER PREFERENCE DATA

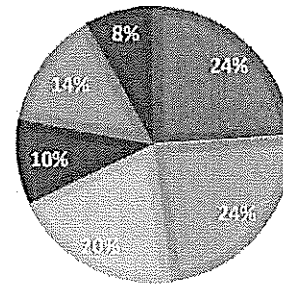
The following section outlines data obtained from the online user survey distributed for this study as described on the previous page.

How often are respondents biking in Newburgh?

32% of respondents indicated that they biked at least once per week or more, with 8% biking every day. The majority of survey respondents represent infrequent riders with the 44% indicating that they only biked 1-3 times per month. Nearly a quarter of respondents indicated that they do not bike in the city of Newburgh.

BIKE TRIP FREQUENCY

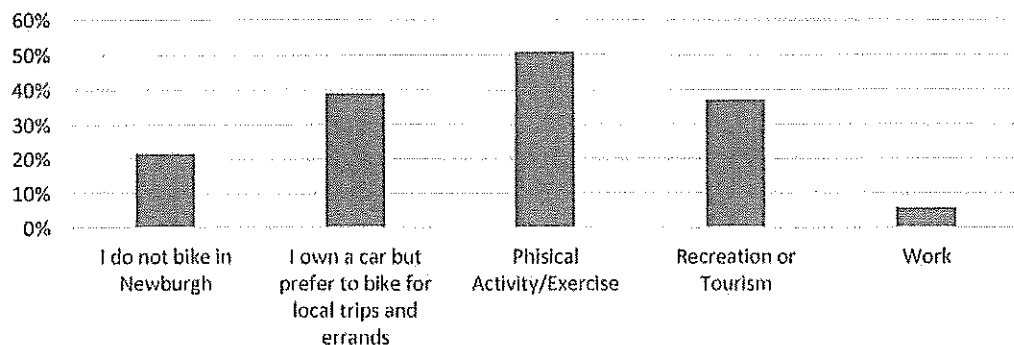
- Never
- One per Month
- 2-3 Times per Month
- Once per Week
- 2-3 Times per Week
- Every Day



Why Do Respondents Bike in Newburgh?

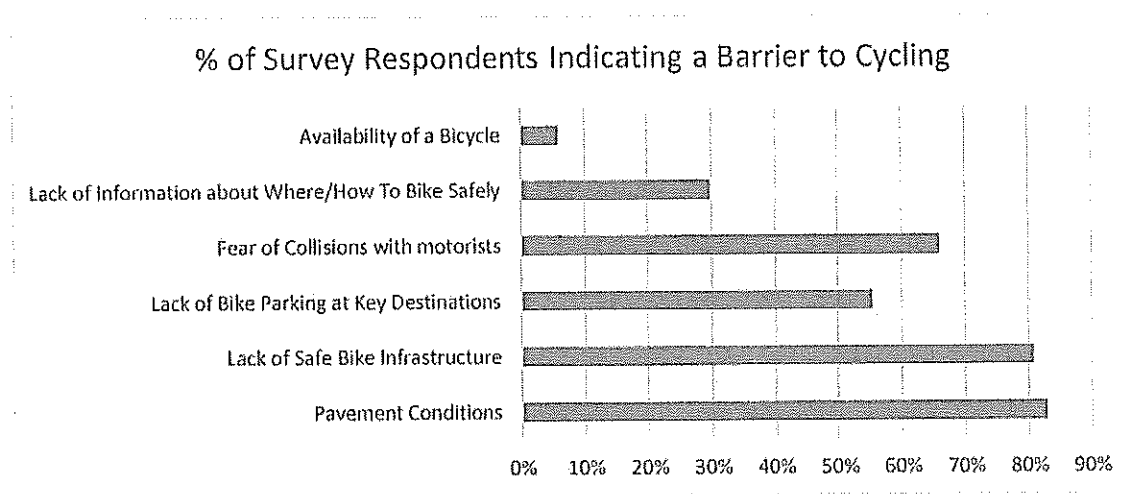
Respondents were asked if they currently bike in Newburgh, and their primary reasons for doing so. 21% of respondents indicated that they do not typically bike in the city. Despite owning a car nearly 40% of respondents indicated that prefer to bike for local trips and errands.

Why Respondents Bike In Newburgh



What are the Biggest Barriers to Biking in Newburgh?

Respondents were asked what factors prevent them from biking in Newburgh. The most commonly identified barriers included poor pavement conditions, lack of bicycle parking at key destinations, fear of collisions with motorists, and lack of information about where/how to ride. Availability of bicycles was also indicated as one factor affecting decisions to ride.



Additional Observations

Respondents were given the opportunity to share additional thoughts as it relates to bicycling in Newburgh. Many indicated a need for more bicycle infrastructure – particularly bike lanes. Bicycle parking was also cited as an important factor in expanding bicycling in the city, as fear of bike theft is a significant barrier. Some respondents specifically indicated that they only bike to locations where bicycles can be brought indoors. Repair stands with air pumps and tools at select locations were cited as another amenity which would serve to facilitate cycling.

BIKE NODES

Twenty-one (21) nodes were identified between the online survey and focused group discussions with transportation stakeholders. These nodes represent key destinations that drive bicycle trips. The initial list of nodes was developed by the project team and vetted by members of the transportation committee. Once finalized, these nodes were presented in the user survey for prioritization. Respondents were asked to rate how likely they would be to bike to each node on a scale of 1 (not very likely) to 5 (very likely). Nodes were scored according using the total sum of all respondent rankings. This data enabled the relative priority of each node. The map below provides a geographic snapshot of the prioritized bicycle nodes. The table and map below provide a breakdown of the top ten highest scoring nodes and the geographic distribution of prioritized nodes respectively.

Top 10 Bicycle Nodes in Newburgh			
Node	Score	Node	Score
Newburgh-Beacon Bridge	235	Washington's Headquarters	197
People's Park on the Waterfront	223	Delano-Hitch Park	193
Downing Park	219	Mount St Mary College	191
Newburgh-Beacon Ferry Landing	213	Post Office on Liberty St	185
Newburgh Free Library	197	Audrey Carey Park	177

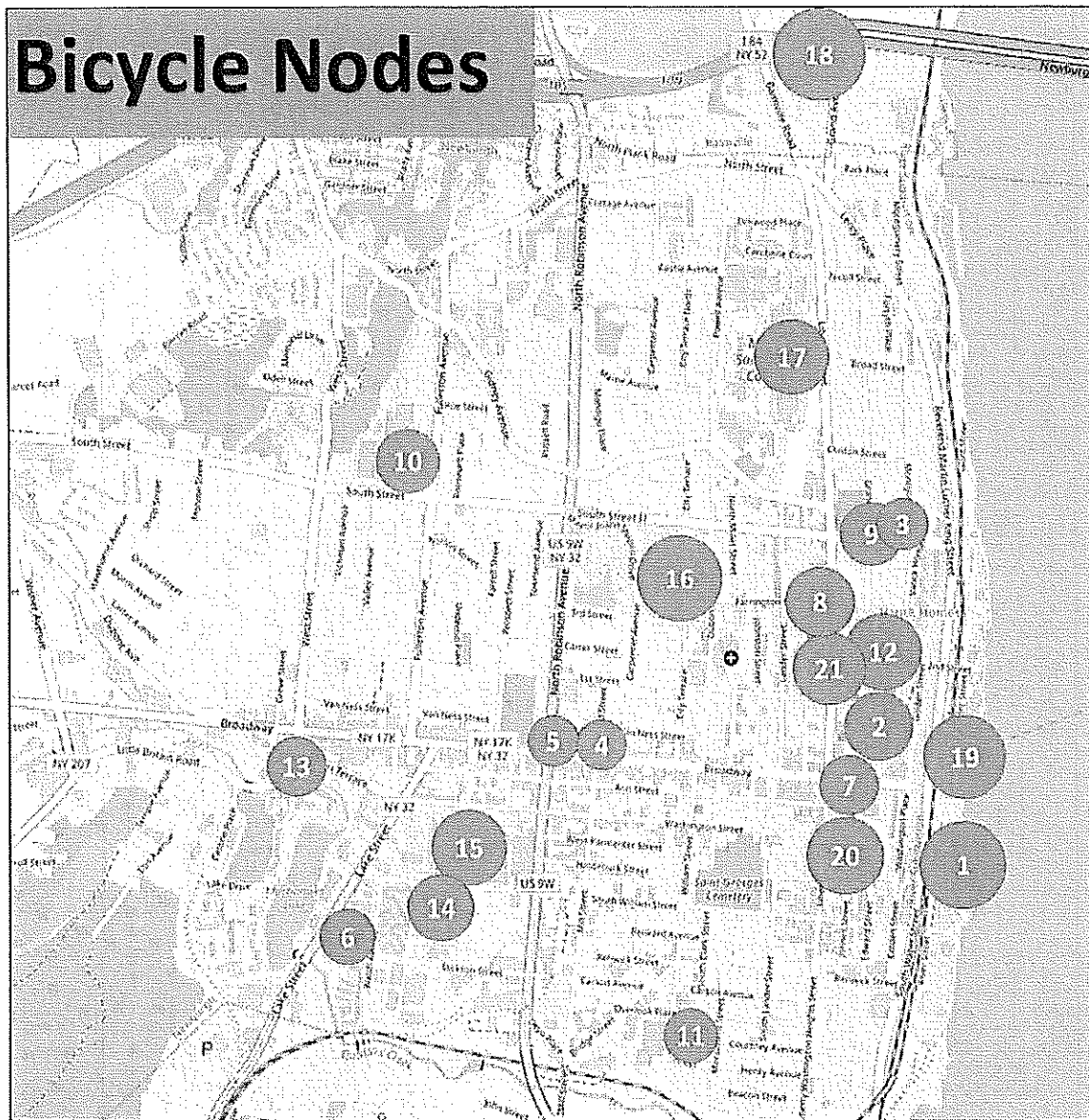


Figure 5. The size of each circle on the map represents the relative importance of a bicycle node as scored by all respondents. Nodes are designated by numbers which correspond to the table in appendix A.

Transportation assets – such as the Newburgh-Beacon Bridge, the ferry – are important biking priorities for respondents. Recreational assets and tourist destinations are also more likely to attract bicyclists. The establishment and prioritization of these nodes enables the development of informed connections throughout the city and provides the foundation for a bike network.

UNDERSTANDING FACILITY TYPOLOGIES



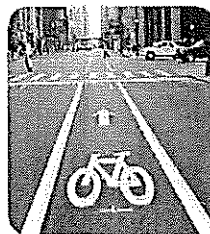
Shared Use Path

- Paved, off-street surfaces that double as walking and bicycling paths.
- Provides the highest level of protection for cyclists.
- Cost can range from \$131-\$218 per linear foot



Protected Bike Lane

- On-street lanes for cyclists that are physically separated from vehicular traffic via bollards or parked vehicles.
- Typically includes a standard five-foot bike lane and a "buffer zone" to prevent dooring from adjacent parked cars.
- Typical cost is \$24.79 per linear foot



Bike Lane

- Painted on-street delineation for cyclists which includes lane lines and bike chevron symbols.
- Bike lanes provide specific space for cyclists, and in turn increase bicycle visibility for drivers without impacting the flow of vehicular traffic.
- Cost can range Range of \$0.83- \$6.35 per linear foot



Shared Route

- Shared lane between cyclists and cars delineated with signage and pavement "sharrows"
- Bicycles are entitled to the full width of the traffic lane.
- Cost can range between \$250-\$339 per sharrow

⁸ https://activelivingresearch.org/sites/activelivingresearch.org/files/Dill_Bicycle_Facility_Cost_June2013.pdf

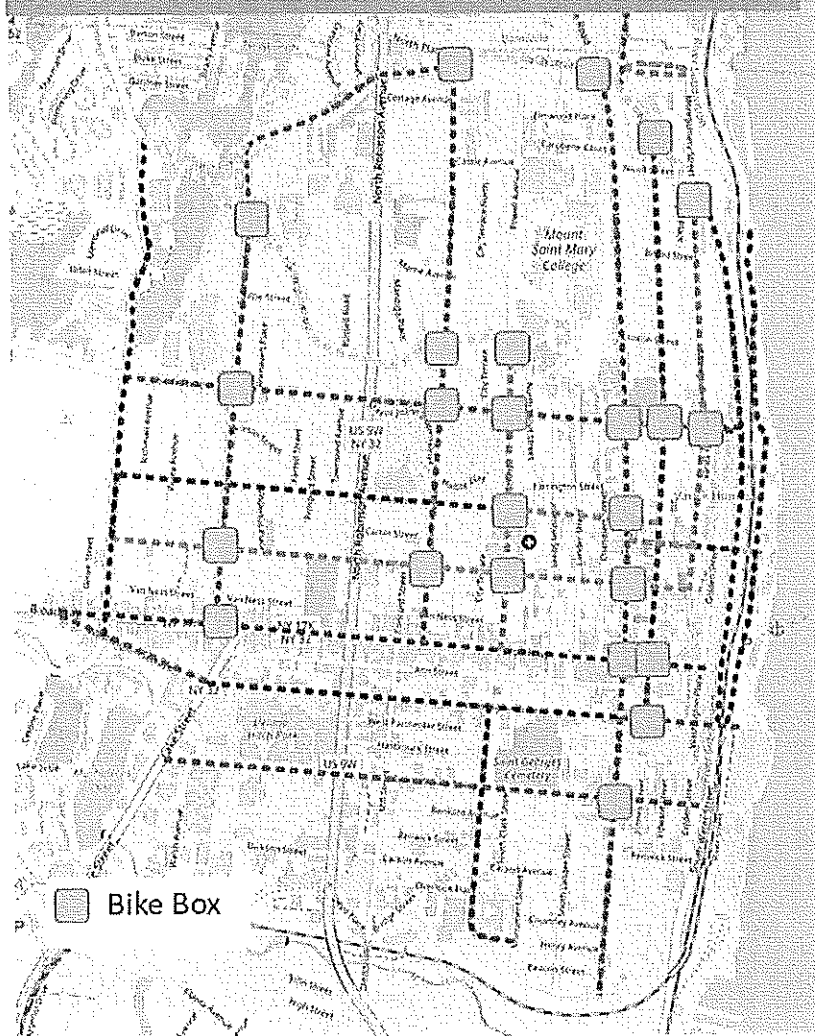
⁹ https://www.ccrpcvt.org/wp-content/uploads/2016/01/20101116_costreport.pdf

In addition to linear bicycle facilities, "bike boxes" are recommended as an additional design feature at intersections supporting perpendicular bike lanes. Bike boxes facilitate turns by giving cyclists a head start in front of vehicular traffic. Specifically bike boxes provide a space for turning cyclists to position themselves ahead of traffic at a stoplight, increasing visibility among motorists traveling in both directions and giving priority to the bicyclist. The exact positioning and quantity of bike boxes at any given intersection in Newburgh will be determined in the design phase; the following map indicates recommended intersections for bike box installation:



Figure 6. A high visibility bike box for turning cyclists.

Recommended Bike Box Locations



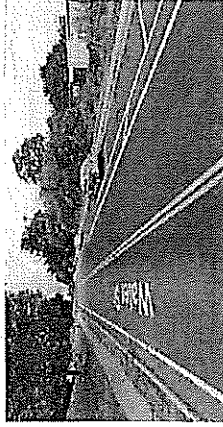
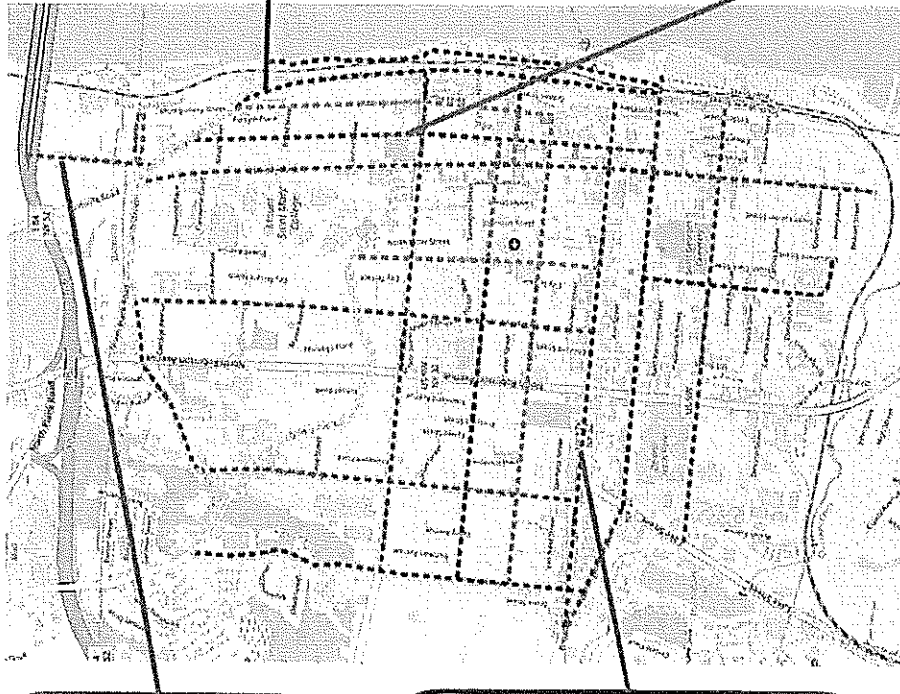
KEY NETWORK FEATURES



While this is technically outside of city limits, the Newburgh-Beacon Bridge is a vital connection for residents and visitors. As such, this plan incorporates on-street bike lanes to and from the bridge.



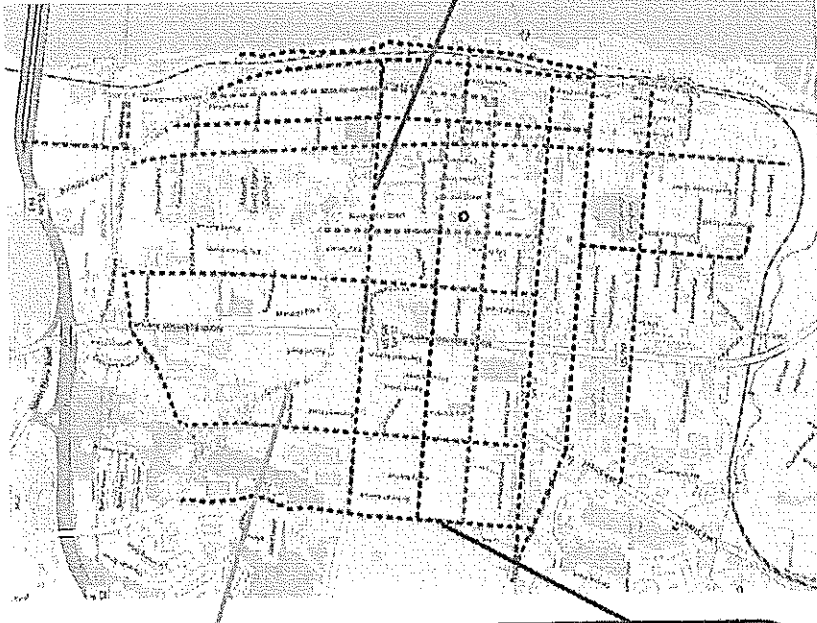
A prime feature of this network is a central bicycle Boulevard on Broadway connecting all of the major North-South Routes. Broadway's high traffic volume and bicycle/pedestrian crash history necessitate a high-level of protection to facilitate more cycling. The wide streetscape provides adequate space to support an on-street parking protected bike lane. By converting existing angled parking to parallel stalls and repositioning it 8-10 feet into the roadway, a bike lane can be placed along the curb with a buffer to protect cyclists from parked car doors.



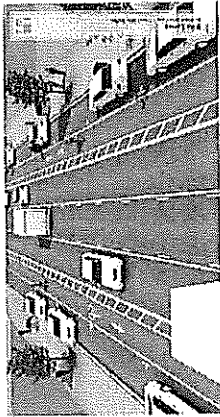
Water Street is a key route connecting the Beacon-Newburgh Bridge bike path with both the Waterfront and downtown city grid. While vehicular speeds and visibility present challenges for cyclists, curb-side parking makes it difficult to support any on-street bicycle facilities with adequate protection for cyclists. Vehicular speed and visibility make. Widening and expansion of the existing sidewalk on the west side of the roadway would provide a safe off-street ROW that can support both bicyclists and pedestrians.



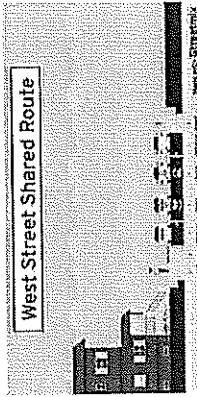
Grand Street is a low-volume roadway which provides a direct connections between the Newburgh-Beacon Bridge and the city's downtown, intersecting many nodes along the way. Another key feature of the proposed bike network is a bidirectional protected bike lane that will provide a convenient, safe route for commuters between the central business district and bridge bike path.



**Actual street widths may vary from cross section depiction as measurements were obtained from aerial observation. This may impact final design.*

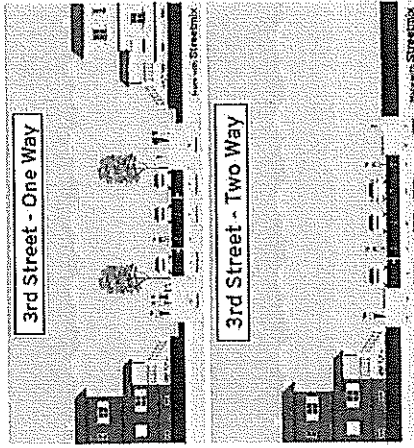


Some moderately high volume streets have adequate width to support a bike lane, but require extra protection. Buffered bike lanes such as that proposed on Gidney Ave offer this protection without a physical barrier.



West Street Shared Route

Street Width limitations prevent the installation of a bike lane on some streets, but low traffic volume enables the designation of a shared route such as this example on West Street.*



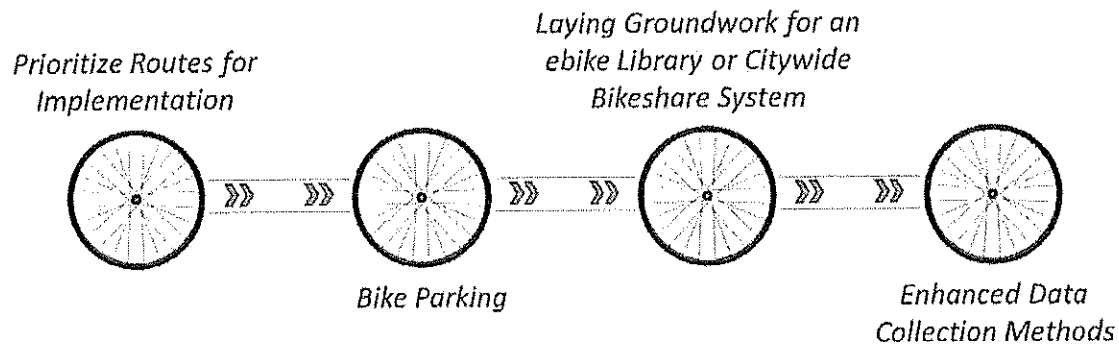
3rd Street - One Way

3rd Street - Two Way

Third Street transitions from one way to a bidirectional street requiring a transition to include eastbound travel and bike lanes at Dubois St.

ADDITIONAL RECOMMENDATIONS

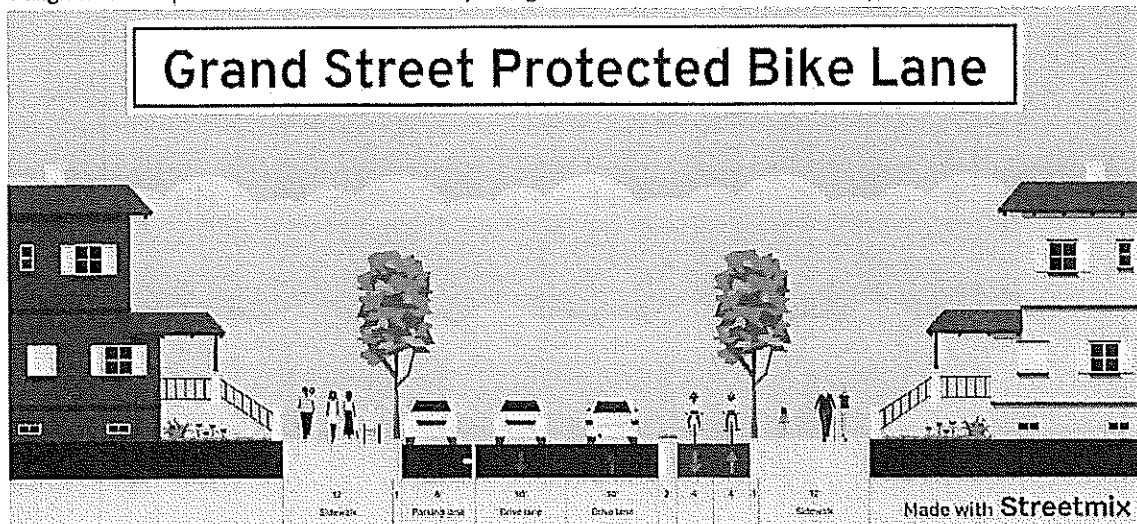
In addition to the development of specific on-road facilities, this bicycle action plan proposes several additional recommendations as outlined below. These include the following categories:



PRIORITIZING ROUTES FOR IMPLEMENTATION

Connecting Downtown with the Bridge

The Newburgh-Beacon Bridge's bicycle and pedestrian path is an important transportation asset, providing connections to the neighboring City of Beacon and the Metro North train station. Building safe, comfortable bicycle connections with the bridge should be a priority, as it would enable more visitors to use bicycles to connect with rail transit to NYC and elsewhere in the Hudson Valley. The proposed Grand Street bicycle facility – a protected bidirectional bike lane – would provide a direct pathway between Broadway and the bridge. As a protected bike lane, this on-road facility would provide optimal protection for cyclists of all skill-levels. As an alternative design, the buffer can be removed to increase bicycle lane width to five feet in either direction. The implementation of this design would require the removal of curbside parking on the east side of Grand Street per the cross section below.



Capitalizing on Roadway Resurfacing

The City's repavement program represents a prime opportunity to expedite the implementation of several of the proposed bicycle routes. In addition to repaving the road surface, this will require the addition of new street markings. Including bicycle markings into the updated roadway designs not only streamlines implementation of bicycle infrastructure, but reduces taxpayer expense by integrating them into an approved capital project. The City of Newburgh would benefit from prioritizing recommended bike routes and approving street designs with bicycle facilities on the following streets:

Street	Scheduled Repavement	Facility Type	Design Notes
William Street	2021/2022	Bike Route	Painted Sharrows
Liberty Street	2020/2022	Bike Route	Painted lane lines
Gidney Ave	2024	Buffered Bike Lane	Painted lane lines & buffer
Fullerton Ave	2022	Bike Route	Painted Sharrows
3 rd Street	2022	Bike Route/Bike Lane	Painted Sharrows/Lane Boarders

In each case, the scope of repavement is either scheduled in sections over multiple years, or does not include the entire roadway. Though the proposed bike network includes street area outside of the repavement schedule, the city should develop complete roadway designs for each street with a bicycle facility. This will enable bicycle facilities to be approved for implementation as funding becomes available outside of the pavement program.

BIKE PARKING AND AMENITIES

Bicycle parking was a key factor influencing bicycle behavior according to the online survey. Ensuring adequate parking at key nodes throughout the city is essential to supporting bicycle mobility, and facilitating ridership to local businesses as well as other destinations. There are many ways to approach bicycle parking; the following approaches would help the City achieve a better bike parking framework:

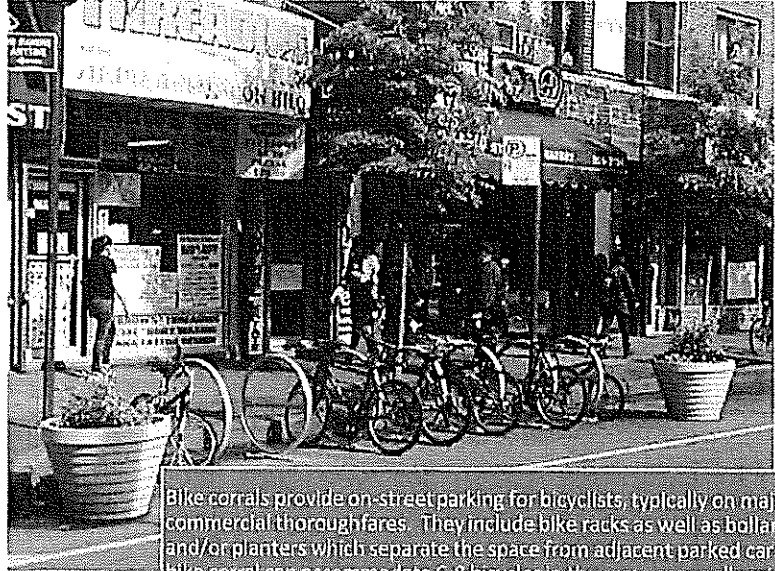
Ensure nodes have bike racks freely available and easily accessible.

The highest priority bike nodes included commuter facilities, tourist destinations and recreational assets such as parks. Providing bike racks at these destinations that are free for public use are essential to providing would-be riders with confidence. Racks should be placed in locations that are easily visible to enhance passive safety and increase accessibility.

Bicycle Amenities by Highest Volume Bike Nodes			
Node ID #	Location	Bike Racks	Repair Station
18	Newburgh-Beacon Bridge	No	Yes
1	People's Park on the Waterfront	Yes	No
16	Downing Park		No
19	Newburgh-Beacon Ferry Landing		No
12	Newburgh Free Library	Yes	No
20	Washington's Headquarters	No	No
15	Delano-Hitch Park		No
17	Mount St Mary College		No
21	Post Office on Liberty St	No	No
8	Audrey Carey Park	No	No

Establish a Pilot bike Corral Pilot program in collaboration with local businesses.

With a number of vibrant commercial corridors, the City of Newburgh would benefit from experimenting with bike corrals in strategic locations along Broadway and/or Liberty Street. Bike corrals are reclaimed car parking stalls that is used for bike parking. A pilot would enable the city to test the concept before considering broader implementation. Bike corrals are most successful when paired with nongovernmental “maintenance partners” or abutting businesses that monitor



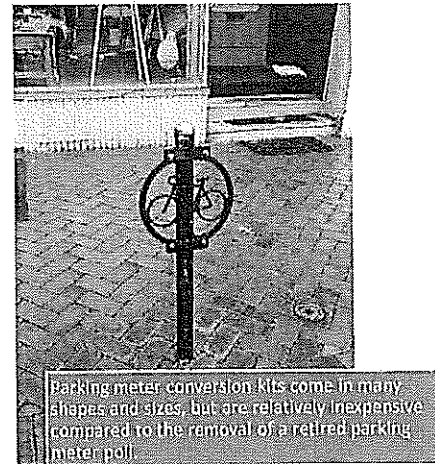
Bike corrals provide on-street parking for bicyclists, typically on major commercial thoroughfares. They include bike racks as well as bollards and/or planters which separate the space from adjacent parked cars. A bike corral can accommodate 6-8 bicycles in the same space allocated for a single occupancy vehicle.

and upkeep the space. This includes trash pickup, seeping, plant care and reporting any major capital issues to the city. These maintenance partners are typically businesses – such as cafes bars, restaurants and grocery stores – or office spaces that attract large numbers of consumers/workers. A successful pilot should be structured as follows:

1. Identify a local business willing to provide maintenance services;
2. Design the corral; specifically determine the size of the space and how many bike racks are appropriate. Designs should ensure that bike racks are secure even if they are not permanently affixed to the asphalt or concrete surface.
3. Develop signage that explaining how the bike corral benefits the community and soliciting feedback via an online survey.
4. Implement the design and signage over a three-month period during spring/summer months and work with the maintenance partner as well as other grassroots stakeholders to promote the corral.
5. Evaluate the results of the pilot.

Adaptive Reuse of Parking Meters For Bicycles.

As the City of begins to replace coin-operated parking meters with Muni Meters, there is an opportunity to expand Newburgh's bike Parking capacity. The expense of removing coin-operated meters is often prohibitive, leaving public works professionals with the option of keeping and capping the metal support polls. Converting them into bike parking not only mitigates the unsightly nature of these abandoned polls, but also gives them new utility and helps create a more inviting and unique sense of place. The typical cost for a single conversion unit or "Meter Hitch" can range from \$100 - \$500 depending on the rack design.



LAY GROUNDWORK FOR THE FORMATION OF AN ELECTRIC BIKE LIBRARY PROGRAM OR BIKESHARE PROGRAM

Newburgh is a prime community for an electric bicycle library or a full-scale bikeshare system. Distinct from a municipal bike share systems, bicycle libraries are grassroots-driven programs with stationary hubs where different types of bicycles are made available to the public. While programmatic structures vary between volunteer-based membership and paid rentals, these systems enable a wide range of individuals to try biking in a variety of context, and provide vital access to alternative transportation systems. The geography of Newburgh is particularly suited for ebikes as challenging hills – particularly those separating the waterfront from the rest of the city – represent a significant barrier to biking for many potential cyclists in the face of geographic challenges such as hills.

In the summer of 2020, Uber donated a large fleet of electric bikes to Buffalo-based Shared Mobility Inc. The company intends to distribute a portion of this fleet to communities to build out bicycle libraries.¹⁰ As a prime location for such a library, the city can further position itself as a candidate for receiving these bikes by addressing a key regulatory question and developing some preliminary operational details. These include:

1. Clarify local regulation of ebikes -New York's 2020 statewide adoption of a three-tiered classification system for different types of ebikes leaves specific regulation to local jurisdictions. Class 1 electric assist ebikes should be officially authorized to operate within the city of Newburgh by local ordinance.
2. Identify grassroots stakeholders to facilitate program - A key tenant if successful bike libraries is a strong grassroots foundation of volunteers and community engagement. This is often organized around a central organization or coalition of partners sharing in operational and promotional requirements.
3. Identify Locations -The size and scope of the bike library will depend largely on the size of the bicycle fleet, and capacity of community partners. Absent of specific details it is recommended that a citywide bike library include at least two centrally located distribution hubs. Based off of the findings of this report optimal locations for these jobs may include the Newburgh Public Library; the Waterfront, and/or Delano Hitch Park.

¹⁰ https://buffalonews.com/news/local/hundreds-of-free-uber-e-bikes-coming-to-wny-for-proposed-transportation-libraries/article_39ed9318-ba22-11ea-837a-13ba39fa4bc9.html

These actions would also serve the launch of a citywide bikeshare program. Bike share programs combine the concepts of public transit with bicycle mobility by deploying a fleet of publicly accessible bicycles for shared use across a municipality. A dockless bikeshare fleet – one with free floating bikes instead of designated docking locations – would provide the City of Newburgh with maximum spatial flexibility. If the city were to pursue a bikeshare system, in addition to the recommendations above, it would be beneficial to identify potential spaces – both on and off-street – for informal bike share parking to help manage bike distribution and user behavior. The city should also consider developing and releasing an RFP from reputable bikeshare vendors to identify the best operator for the city.



Figure 7. A dockless bikeshare parking stall on the sidewalk in the City of Seattle.

DATA DEVELOPMENT RECOMMENDATIONS

The lack of quantitative data related specifically to cycling in Newburgh is a barrier to effective decision-making and potential grant funding for active mobility projects. The city of Newburgh should consider the collection of several key data points to benchmark the current state of cycling and provide a regular analysis of changing dynamics over time. The following data points are recommended:

Data Point	Description	Unit	Frequency
Travel Pattern Metrics			
Newburgh-Beacon Bridge Crossings	The Newburgh-Beacon Bridge is both a key gateway for both tourism and commuting as it provides access to Beacon and the Metro North Train Station. Understanding travel patterns across the bridge – through regular and consistent user counts – will provide a snapshot of behavior across seasons.	Number of Cyclists	Daily (via automatic counter)
Screen line Counts on major Bicycle Thoroughfares	Screen line counts are stationary observations of the total number of cyclist crossing a particular location. These are typically conducted at intersections or bottlenecks of major corridors and can be achieved with manual observation, automatic counters or video analytics.	Number of Cyclists	Seasonally (via manual counts or video analytics)
Bicycles onboard the Beacon Newburgh Commuter Ferry	Bicycles are allowed onboard the Newburgh-Beacon Commuter ferry for a \$1 surcharge. This is an indicator of commuter behavior as it relates to multimodal integration.	Number of Bicycle Passes Issued	Daily (via bicycle surcharge ticket sales)
Bicycle Parking utilization at key bike nodes	Bike parking utilization is a direct indicator of the volume of bike trips to a specific destination.	Percentage of bike rack Occupancy	Seasonally (via manual counts or video analytics)
Students Biking to School	The safety and success of a bicycle network can be judged by its most vulnerable users. The more students [and their parents] feel comfortable with bicycling to school, the higher the level of	# of students biking to school	Seasonally (via manual counts)

	confidence and comfort with the bicycle network. This metric can be measured by manual observation or counts of parked bicycles at school facilities.		
Implementation Metrics			
Bike Network Mileage	As the bicycle network grows with new on and off road facilities, the amount of linear mileage will provide a snapshot of the scope of the bike network.	Miles	Annual
Dollars spent on Bicycle Network Development Projects	The amount of money allocated for bicycle projects is a clear indicator of municipal priority, and a key factor in the design and implementation of bike facilities.	Dollars	Annual
Number of Bike Racks Installed	Bike racks are equally important as on -street bicycle facilities to the development of the bicycle network. The number of bike racks -in tandem with bike network mileage – provide a complete picture of network growth.	Number	Annual
Other Metrics			
Sales Tax Receipts for businesses abutting new bicycle facilities	Sales tax is revenue represents the volume of commercial activity in a given community. At the corridor level, data is an indicator of the city's economic vitality an potential impacts from adjacent bicycle facility or parking installations.	Dollars	Annually
Cyclist Satisfaction	User preferences and attitudes are an important factor in prioritizing bicycle facilities. Periodic surveys of existing cyclists and the broader community can help identify barriers that prevent people from cycling and/or identify specific locations or issues that affect decisions to ride.	Multiple	Biannually (Via Online Survey

APPENDIX A: BICYCLE NODE TABLE

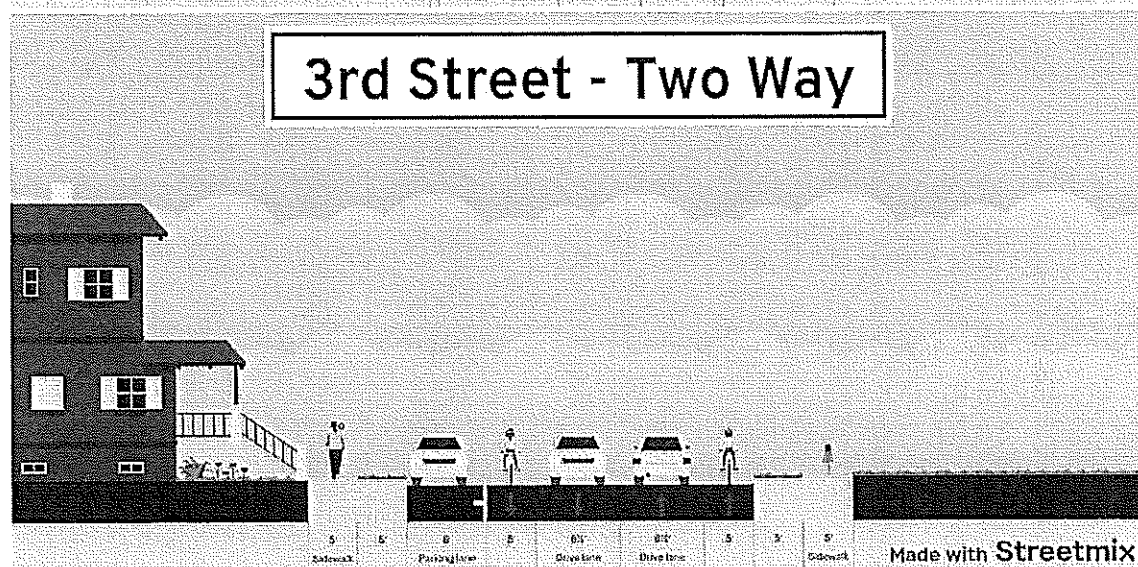
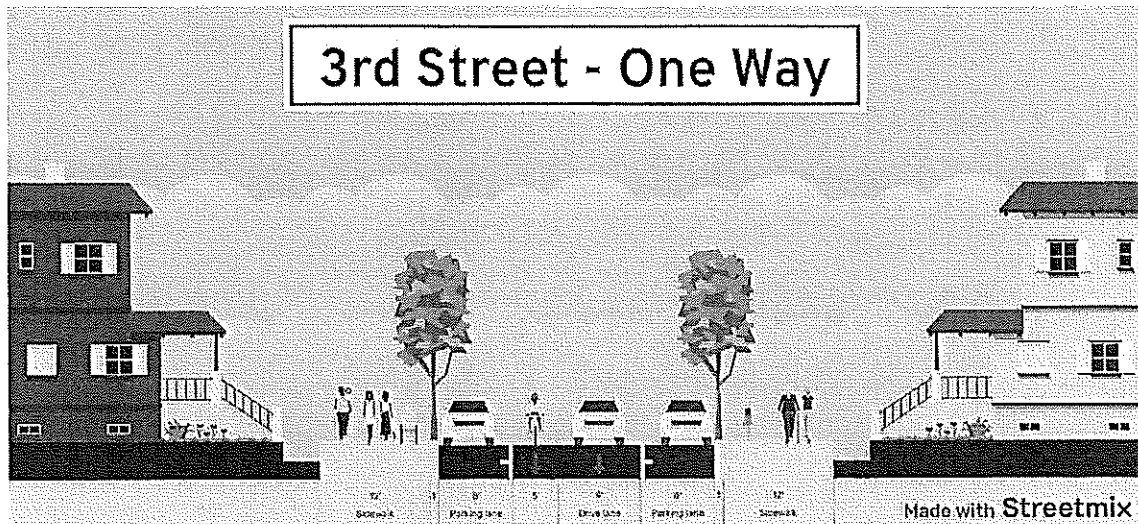
Newburgh Bicycle Nodes and Classification (by Potential Use)			
Key:  = Commute  = Recreation  = Tourism  = Education  = Commercial  = Public Institution/Service			
Map ID #	Location	GPS Coordinates	Use Category
1	People's Park on the Waterfront	41°29'52.28"N 74° 0'19.60"W	 
2	Orange County Community College	41°30'3.16"N 74° 0'33.54"W	
3	Horizons on the Hudson School	41°30'25.51"N 74° 0'27.89"W	
4	280 Broadway Social Services	41°30'3.86"N 74° 1'11.36"W	
5	Court House	41°30'3.98"N 74° 1'14.94"W	
6	Cornerstone Health Center	41°29'43.58"N 74° 1'45.04"W	
7	Newburgh City Hall	41°29'59.17"N 74° 0'36.22"W	

8	Audrey Carey Park	41°30'16.90"N 74° 0'39.64"W	
9	Tyrone Crabb Memorial Park	41°30'25.23"N 74° 0'30.70"W	
10	Newburgh Free Academy	41°30'33.78"N 74° 1'35.06"W	
11	South Middle School	41°29'33.16"N 74° 1'0.53"W	
12	Newburgh Library	41°30'14.24"N 74° 0'30.84"W	
13	Schleiermacher Park	41°29'59.70"N 74° 1'50.46"W	
14	Armory Unity Center	41°29'48.14"N 74° 1'30.51"W	
15	Delano-Hitch Park	41°29'52.45"N 74° 1'28.86"W	
16	Downing Park	41°30'21.93"N 74° 1'3.97"W	
17	Mount St Mary College	41°30'41.91"N 74° 0'49.84"W	
18	Newburgh-Beacon Bridge	41°31'14.09"N 74° 0'37.36"W	  

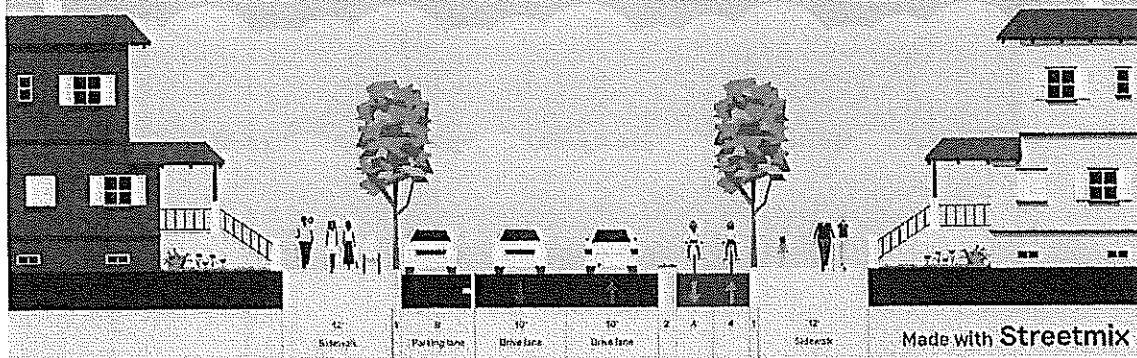
19	Beacon-Newburgh Ferry Landing	41°30'3.11"N 74° 0'18.98"W	
20	Washington's Headquarters	41°29'51.78"N 74° 0'35.73"W	 
#	Liberty Street	[Corridor]	 
#	William Street	[Corridor]	 
#	Lower (Clark Street To Waterfront) Broadway	[Corridor]	 
#	Newburgh Waterfront	[Corridor]	 
#	River Road in Balmville to the Danskammer site		 
#	Great Britain Road South Street	Corridor	
21	Post Office	destination	

APPENDIX B: STREET CROSS SECTIONS

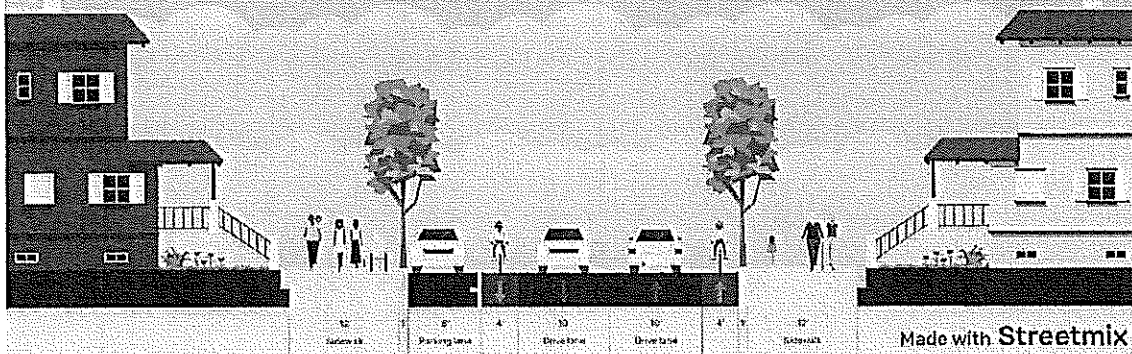
All street cross sections represent conceptual designs. Actual street widths may vary from cross section depiction as measurements were obtained from arial observation. This may impact final design.

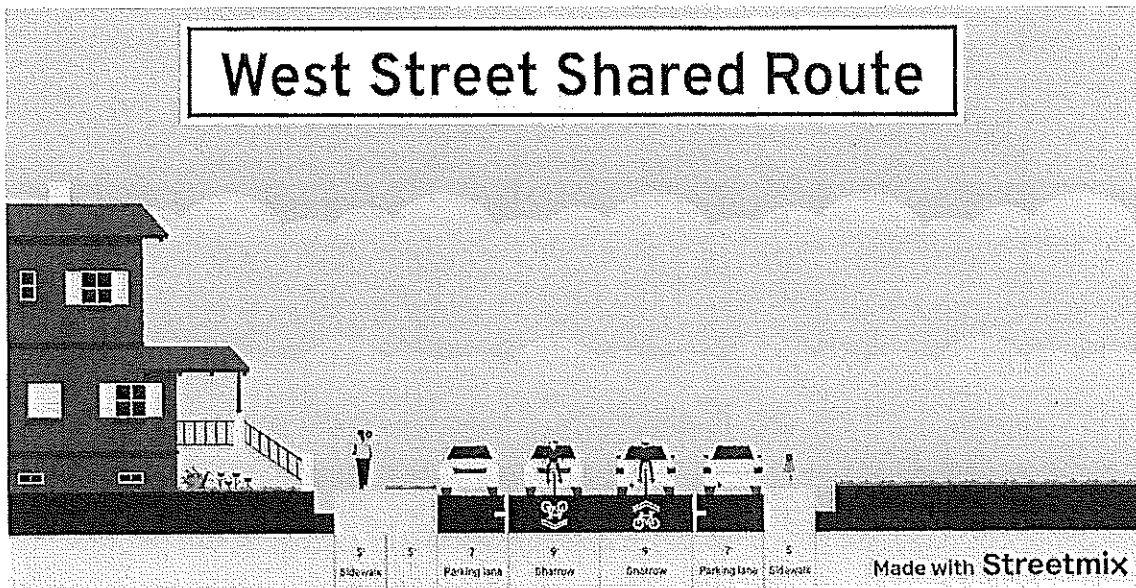


Grand Street Protected Bike Lane



Liberty Street Bike Lane - Newburgh





APPENDIX C: SWOT RESULTS

Category	Strengths	Participant Score
Infrastructure	Street Grid	3
Amenities & Services (schools, Parks, etc.)	Colleges	6
Location & Regional Proximity	Hudson Valley Location	5
Geography, Density & Topography	Population Density	1
Transit	airport proximity	1
Civic Pride & Engagement	Community Engagement	2
Active Transportation	Walkability	12
Geography, Density & Topography	View	2
Transit	Ferry	7
Civic Pride & Engagement	History	5
Waterfront/River	Riverfront	3
Infrastructure	Majority Ownership of Streets	2
Civic Pride & Engagement	Population Diversity	4
	Metro North and New Jersey	
Transit	Transit	8
Amenities & Services (schools, Parks, etc.)	School District	3
Amenities & Services (schools, Parks, etc.)	Parks	2
Government Leadership & Engagement	Engaged Leadership	2
Broadway	Broadway	2
Tourism	Tourism	2
Amenities & Services (schools, Parks, etc.)	Public Services	3
Civic Pride & Engagement	Civic Pride	3
Infrastructure	Streetscape	3
Transit	Local Bus Service	6

Weakness		Participant Score
Category	Weakness	
Home Ownership	Vacant Buildings	3
Funding	High Taxes	3
Equity	Economic Disparity	2
Equity	Lack of jobs/Industry	1
	Poor Condition of	
Infrastructure	Infrastructure	11
Transit	Local Transit	3
Funding	Lack of funding	4
Government Leadership & Engagement	Lack of state/County Support	2
Car Culture	Free Parking	3
Government Leadership & Engagement	Poor Regional Coordination	6
Civic Pride & Engagement	Lack of communication	2
	Lack of Data	3
Geography, Density & Topography	Hilly Terrain	2
Broadway	Broadway Width	11
Active Transportation	Lack of Bike Infrastructure	3
Transit	Limited Ferry Hours	6
Waterfront	Poor Waterfront Connection	2

Opportunities		Participant Score
Category	Opportunities	
Transit	Metro North	6
Location	Becon Proximity	3
Transit	Airport Proximity	6
Transit	Transit Orange	6
Government Leadership & Engagement	RFPs for Development	2
Tourism	Regional Tourism	4
	State Focus on	
Active Transportation	Trails	3
	Water	
Transit	Transportation	6
Location	Proximity to NYC	4
Other	Sustainability	6
Other	County Land Trust	2

Category	Threats	Participant Score
	Threats	
Government Leadership & Engagement	County Government	5
Car Culture	Air Quality	2
Government Leadership & Engagement	Cooperation with Neighboring Municipalities	
Geography, Density & Topography	Sprawl	4
Home Ownership	Absentee Landlords	8
	Perceptions of	
Civic Pride & Engagement	Newburgh	7
Civic Pride & Engagement	Gentrification	1
Car Culture	Car Culture	6
Other	CSX/Freight Rail	5
Government Leadership & Engagement	NYS DOT	9

RESOLUTION NO.: 19-2022

OF

JANUARY 24, 2022

A RESOLUTION AMENDING THE 2022 PERSONNEL ANALYSIS BOOK
TO CHANGE ONE TEMPORARY LIEUTENANT POSITION TO
A PERMANENT LIEUTENANT POSITION AND
TO DELETE ONE VACANT FIREFIGHTER POSITION IN THE FIRE DEPARTMENT

WHEREAS, the 2022 Personnel Analysis Book includes Lieutenant position on a temporary basis in the Police Department; and

WHEREAS, the Fire Department proposes to change the temporary Lieutenant position to a permanent Lieutenant position and to delete vacant and to delete a vacant Firefighter position to improve the efficiency of the Fire Department; and

WHEREAS, the change from temporary Lieutenant to permanent Lieutenant and deletion of a vacant Firefighter position in the Fire Department requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2022 be amended to delete one Lieutenant position on a temporary basis; add one Lieutenant position on a permanent basis; and to delete one vacant Firefighter position in the Fire Department.

RESOLUTION NO.: 20 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A PAYMENT OF CLAIM WITH ARIEL CLARK AND SAMUEL CLARK III
IN THE AMOUNT OF \$10,474.33**

WHEREAS, Ariel Clark and Samuel Clark III brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Ten Thousand Four Hundred Seventy-Four and 33/100 Dollars (\$10,474.33) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Ariel Clark and Samuel Clark III in the total amount of Ten Thousand Four Hundred Seventy-Four and 33/100 Dollars (\$10,474.33) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 21 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A PAYMENT OF CLAIM WITH EDUAR MOLINA VELES
IN THE AMOUNT OF \$5,197.73**

WHEREAS, Eduar Molina Veles brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand One Hundred Ninety-Seven and 73/100 Dollars (\$5,197.73) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Eduar Molina Veles in the total amount of Five Thousand One Hundred Ninety-Seven and 73/100 Dollars (\$5,197.73) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 22 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR CITY MANAGER TODD VENNING
TO ESTABLISH RESIDENCY WITHIN THE CITY OF NEWBURGH**

WHEREAS, by Resolution No.: 123-2021 of May 20, 2021, the City Council appointed Todd Venning as City Manager of the City of Newburgh effective as of 12:00 A.M. on May 23, 2021; and

WHEREAS, City Charter Section C.5.00(C) requires that the City Manager establish residence in the City of Newburgh within 120 days of the commencement date of employment; and

WHEREAS, the COVID-19 pandemic has had a negative impact on the development, redevelopment, and availability of residential housing in the City of Newburgh preventing Mr. Venning from securing suitable housing in order to establish residency; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to maintain continuity and allow a one-year extension of time for Mr. Venning to establish such residency;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that City Manager Todd Venning be and he is hereby granted a one-year extension of time to establish residency within the City of Newburgh; and

BE IT FURTHER RESOLVED, that residency must be established on or before September 20, 2022, that date being one-year from the expiration of the 120 days following the commencement of employment with the City of Newburgh.

RESOLUTION NO.: 23-2022

OF

JANUARY 24, 2022

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDING AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. EF003931-2020 AND EF005179-2021 INVOLVING SECTION 47, BLOCK 2, LOT 16 (BRIDGE NEWBURGH, LLC)

WHEREAS, Bridge Newburgh, LLC has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2020-2021 and 2021-2022 tax years bearing Orange County Index Nos. EF003931-2020 and EF005179-2021; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Kelly M. Naughton, Esq. of Burke, Miele, Golden & Naughton, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Bridge Newburgh, LLC is willing to settle this proceeding without interest, costs or disbursements, in the following manner:

1. That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2020-2021 as tax map number 47-2-16 be reduced to a market value of \$1,208,970.
2. That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2021-2022 as tax map number 47-2-16 be reduced to a market value of \$1,208,970.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Consent Judgment is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Todd Venning, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Kelly M. Naughton, Esq. on behalf of Burke, Miele, Golden & Naughton, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
BRIDGE NEWBURGH LLC,

Petitioner,

-against-

**Index Nos. EF003931-2020
EF005179-2021**

JOANNE MAJEWSKI, CITY ASSESSOR FOR THE
CITY OF NEWBURGH AND THE CITY OF
NEWBURGH,

CONSENT JUDGMENT

Respondents.
-----X

PRESENT: HON. CATHERINE M. BARTLETT

UPON THE CONSENT attached hereto duly executed by the attorneys for all the parties
and by all the parties, it is

ORDERED, that the real property of Petitioner described on the City of Newburgh
assessment rolls for the 202 and 2021 tax years as follows:

Tax Map No. 47-2-16

be reduced in market value from \$1,272,600.00 and \$1,272,600.00 to market values of
\$1,208,970.00 and \$1,208,970.00, respectively, prior to the application of any real property tax
exemptions, if any; and it is further,

ORDERED, that the Petitioners' real property taxes on said parcel above described for the
2020 and 2021 School, County and City taxes be adjusted accordingly and that any overpayment
by Petitioner for the 2020 and 2021 tax years be refunded upon the entering of this Consent
Judgment with the Orange County Clerk's Office; and it is further,

ORDERED, that the officer or officers having custody of the aforesaid City of Newburgh
assessment rolls shall make or cause to be made upon the proper books and records and upon the

assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amount, if any, paid as City taxes and City Special District taxes against the original assessment in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh, the County of Orange, and/or the County Commissioner of Finance, as appropriate and/or required by statute, the amount, if any, paid as County taxes and County Special District taxes against the original assessment in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the Newburgh City School District, the amount, if any, paid as School District taxes against the original assessment in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that all tax refunds hereinabove directed to be made by Respondents and/or any of the various taxing authorities be made by check or draft payable to the order of RONALD S. KOSSAR, ESQ. as attorney for the Petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law § 475; and it is further,

ORDERED, that the provisions of Real Property Tax Law § 727 shall not be applicable to the 2022, 2023 and 2024 assessment years; and it is further,

ORDERED, that in the event that the refunds are made within sixty (60) days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further;

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: February __, 2022
Goshen, New York

ENTER:

HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

HON. TODD VENNING
City Manager
Dated: _____

RONALD S. KOSSAR, ESQ.
Attorney for the Petitioner
Dated: _____

HON. JOANNE MAJEWSKI
Assessor
Dated: _____

KELLY M. NAUGHTON, ESQ.
Burke, Miele, Golden & Naughton, LLP
Attorneys for Respondents
Dated: _____

RESOLUTION NO.: 24 - 2022

OF

JANUARY 24, 2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
TO UNDERTAKE A MARKET AND FINANCIAL FEASIBILITY STUDY TO EVALUATE
THE DEVELOPMENT OF A MULTI-USE BALLPARK STADIUM
IN THE DELANO-HITCH RECREATION PARK**

WHEREAS, the City Council of the City of Newburgh to evaluate the feasibility of developing a multi-use ballpark in the Delano-Hitch Recreation Park that would serve as the home stadium for an Atlantic League baseball or other professional sports franchise; and

WHEREAS, the City of Newburgh will solicit a proposal from a professional consultant to conduct a market and financial feasibility study of stadium improvements and expansion project; and

WHEREAS, the cost of the study will be derived from A.1230.0448.0001; and

WHEREAS, this Council has determined that soliciting a proposal and undertaking a market and financial feasibility study for developing a multi-use ballpark stadium in the Delano-Hitch Recreation Park 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 to undertake a market and financial feasibility study for developing a multi-use ballpark stadium in the Delano-Hitch Recreation Park and the City Manager be and he hereby is authorized to solicit a proposal from a professional consultant to conduct such a market and financial feasibility study of a stadium improvements and expansion project.