

A regular meeting of the City Council of the City of Newburgh was held on Monday, September 26, 2022 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence / Momento de Silencio

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

Pledge of Allegiance / Juramento a la Alianza

Roll Call / Lista de Asistencia

Present: Mayor Harvey, presiding, Councilmember Grice, Councilmember Martinez, (Arrived after Roll Call at 7:10 pm), Councilmember Shakur, Councilmember Sklarz, Councilmember Sofokles - 6

Absent: Councilmember Monteverde - 1

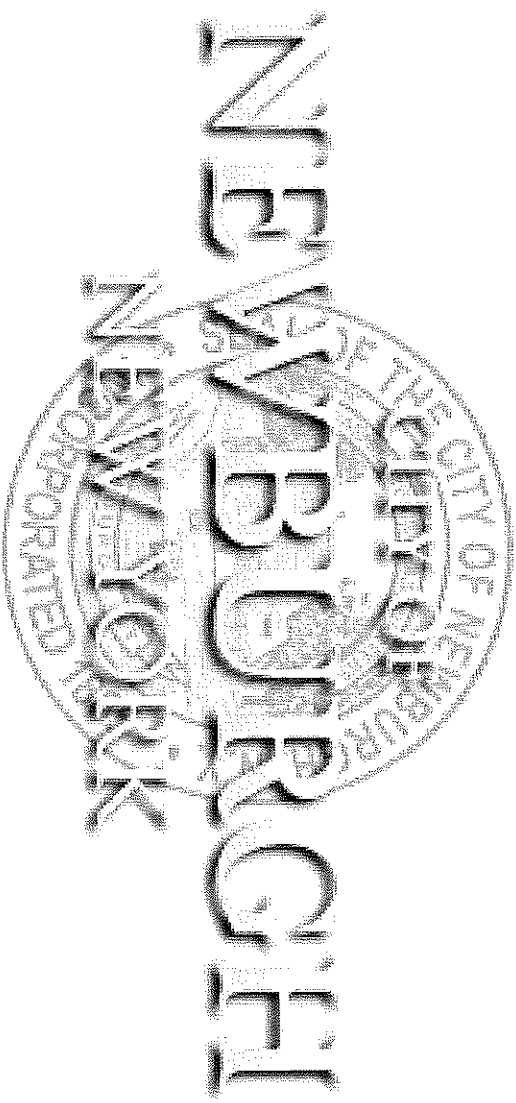
COMMUNICATIONS

Approval of the minutes from the City Council meeting of September 12, 2022 / Aprobacion del Acta de la Reunion General del Consejo del 12 de septiembre de 2022

Councilmember Shakur moved and Councilmember Sklarz seconded.

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

CARRIED



City Manager's Update

Newburgh City Council Meeting

Monday, September 26, 2022

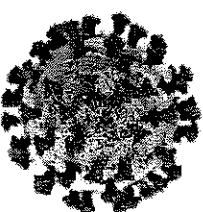


Novel Coronavirus (COVID-19)

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: 9/24/2022 2 PM
Testing data last updated on: 9/25/2022

Statewide

Tested Positive (9/24)
3,966

Total Results Received (9/24)
59,302

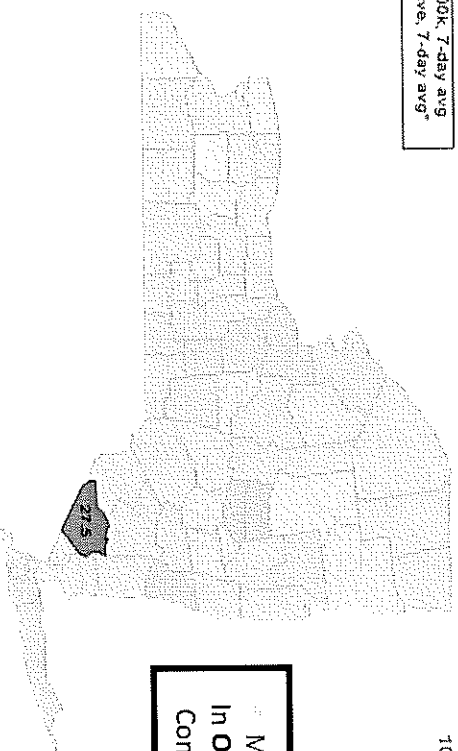
Tested Positive (Cumulative)
6,023,133

Total Results Received (Cumulative)
119,538,403

Tested Positive by Sex (Cumulative)
Female 52.5% Male 45.9% Unknown 1.6%

Positive Tests by County

☒ Cases per 100k, 7-day avg
☐ Test % Positive, 7-day avg*



Medium
In Orange County, New York,
Community level is Medium

10.7 43.7

Click County to
See Detail
Click Again for
Statewide

County Testing Details: Orange (9/24)				
Tested Positive (Prior Day)	Total Results Received (Prior Day)	Cases per 100k (Prior day)	Test % Positive (Prior Day)*	Tested Positive (Cumulative)
70	911	18.3	6.5%	126,284

Total Results Received (Cumulative)
1,888,949

Click County to See Detail
Click Again for Statewide

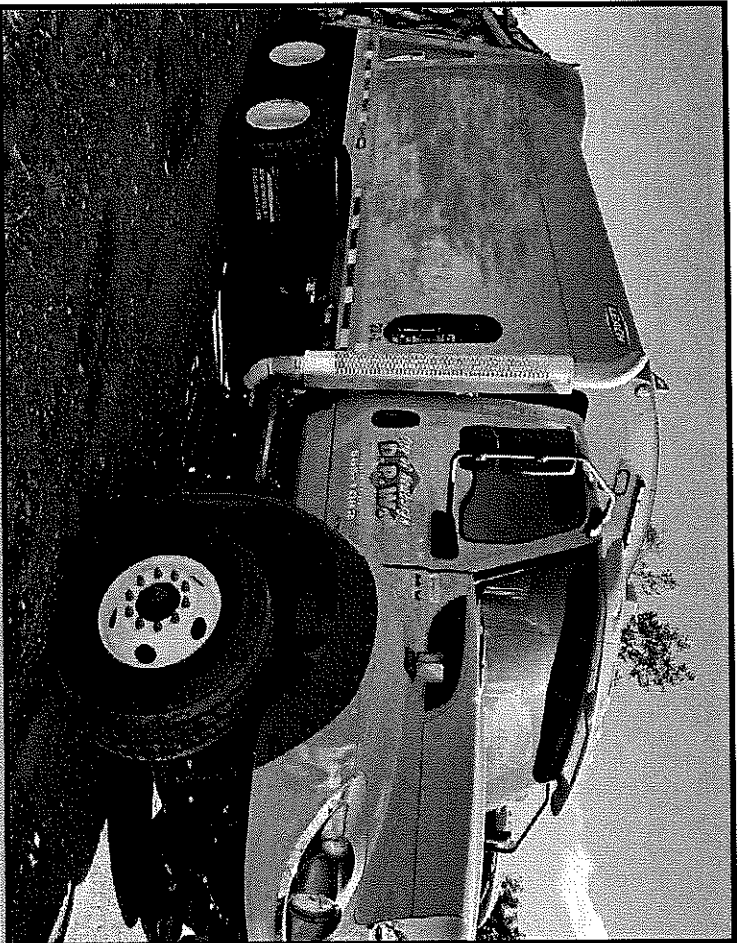


SANITATION TOTALS FOR THE MONTH OF AUGUST

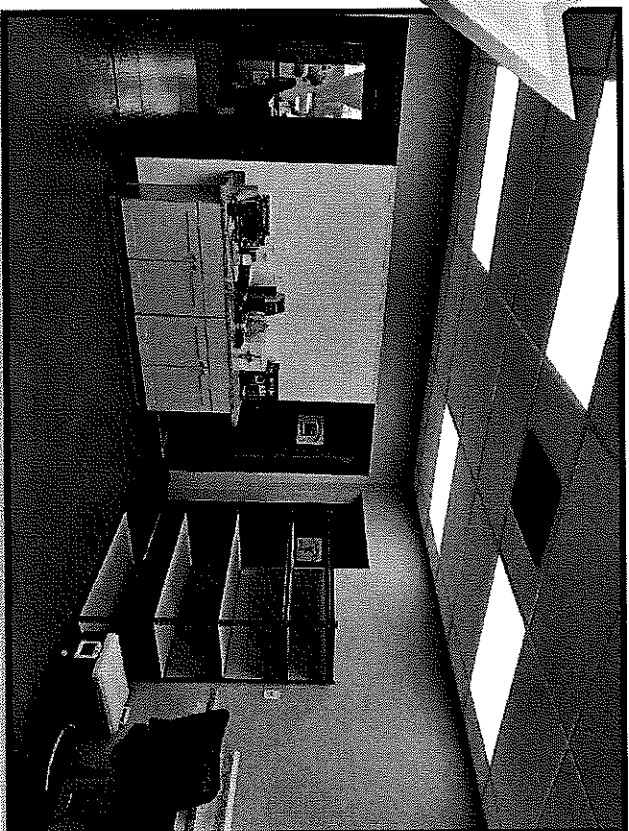
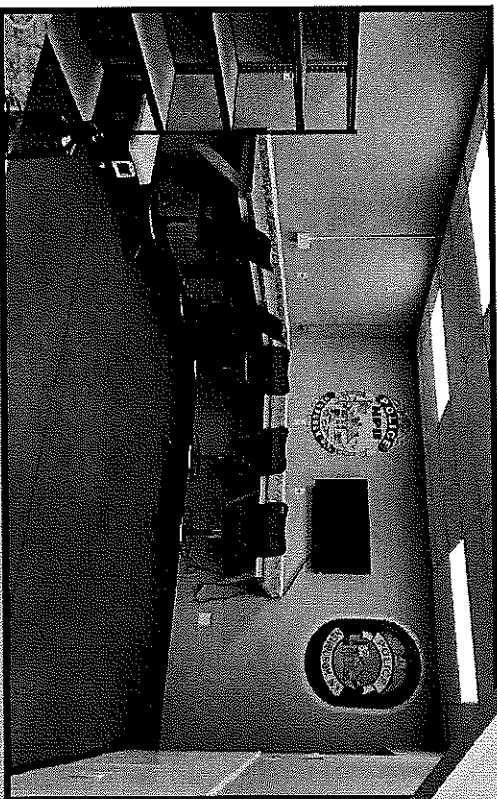
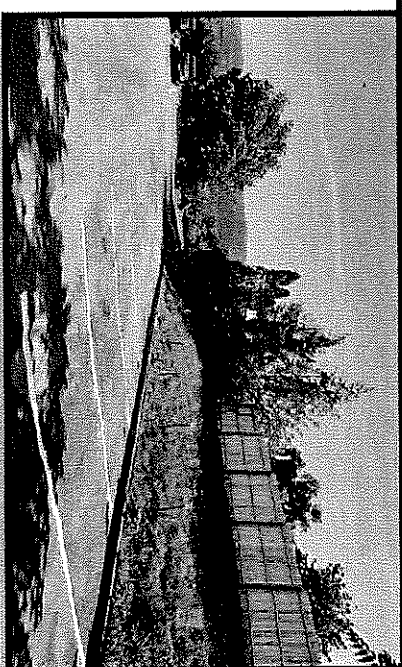
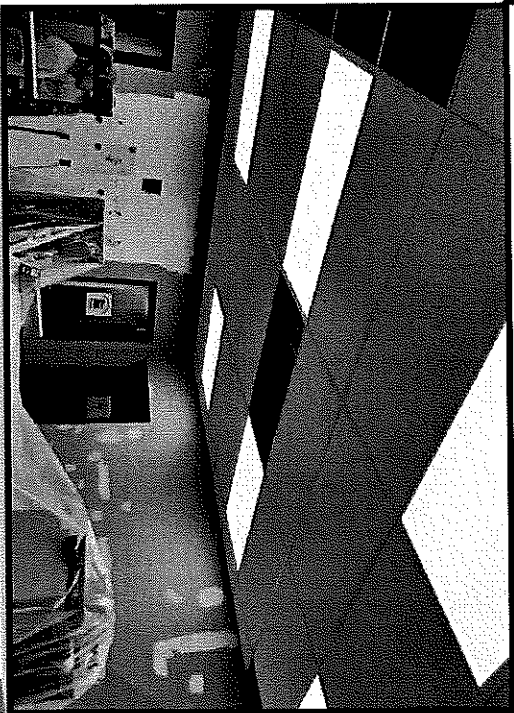
- 986 tons of solid waste
- 86 tons of recycle material

SANITATION ENFORCEMENT TOTALS FOR AUGUST

- 81 warning letters mailed
- 59 violation letters issued
- 4 court appearances



POLICE DEPARTMENT RADIO ROOM REBUILD & PARKING LOT RESTRIPE

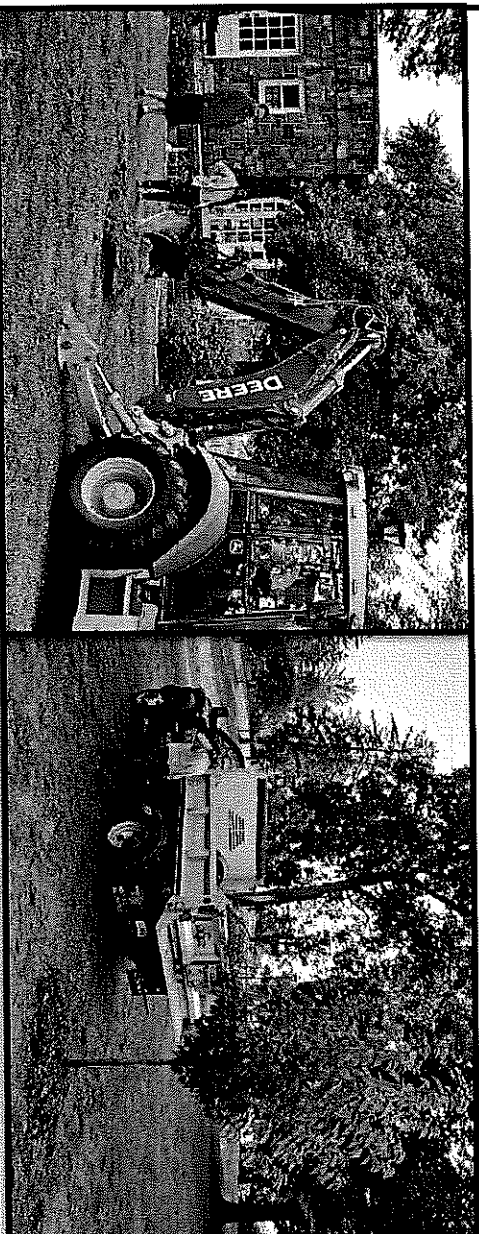




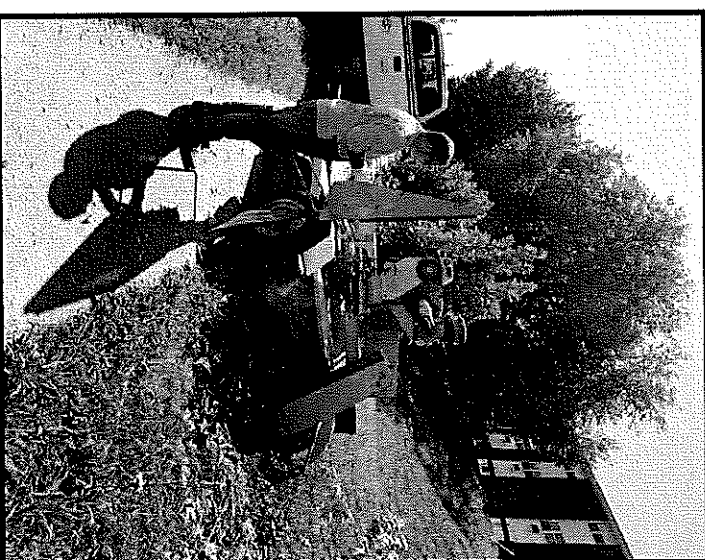
109 CHAMBERS STREET CLEAN UP



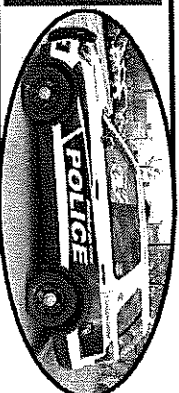
DOWNING PARK TREE PLANTING



COLDEN STREET
STUMP REMOVAL



Police Department Monthly Operations Report



Date: September 16, 2022

Table 1.

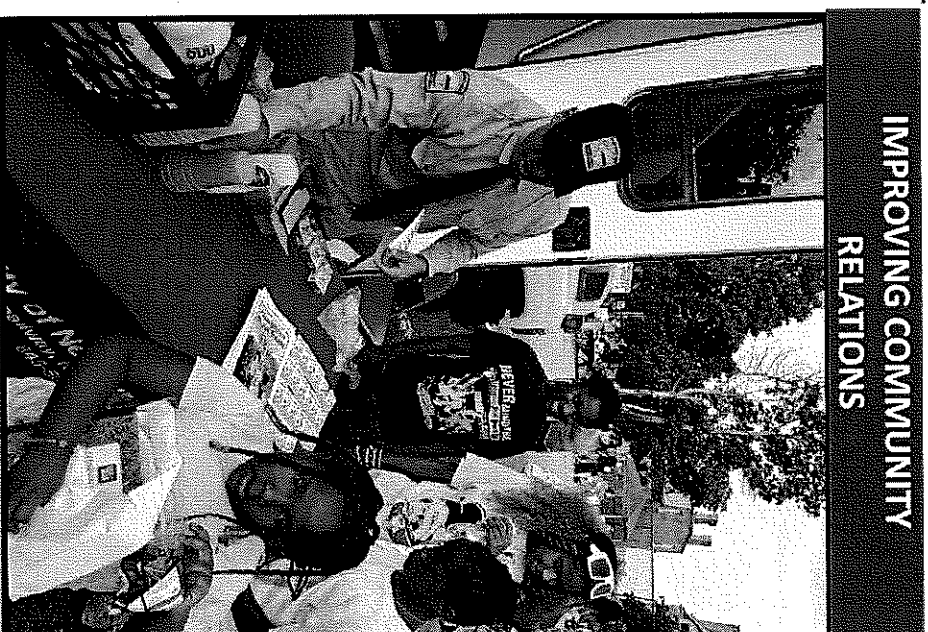
CALL TYPE	PLATOON PLATOON PLATOON				TOTAL
	ONE	TWO	THREE		
ALARM - AUDIBLE/SILENT	399	348	339		1,086
DISORDERLY ADULT	171	374	356		901
MVA - PROPERTY DAMAGE	82	385	315		782
DOMESTIC DISPUTE	191	298	300		749
NOISE COMPLAINT	287	40	381		708
WELFARE CHECK	138	267	264		669
THEFT / LARCENY	72	318	227		617
DISTURBANCE	109	135	281		525
SICK / INJURED PERSON	94	146	148		388
UNWANTED PERSON	89	146	111		346

Table 2.

Part One Crime				
Jan 1 - Aug 31	2021	2022	Raw Change	% Change
Murder	1	2	1	100%
Rape	11	15	4	36%
Robbery	53	49	-4	-8%
Agg. Assault	153	142	-11	-7%
Res. Burglary	31	35	4	13%
Comm. Burglary	15	31	16	107%
Larceny - Theft	268	385	117	44%
Auto Theft	28	53	25	89%
Total	560	712	152	27%
Violent Crime	218	208	-10	-5%
Property Crime	342	504	162	47%

Table 3.

Arrests	
# of People Arrested	186
Gender	
Female	47
Male	139
Cause of Arrest	
Arrest Warrant	42
Bench Warrant	18
Complaint	17
Court Summons	6
Crime in Progress	100
Order of Protection	3

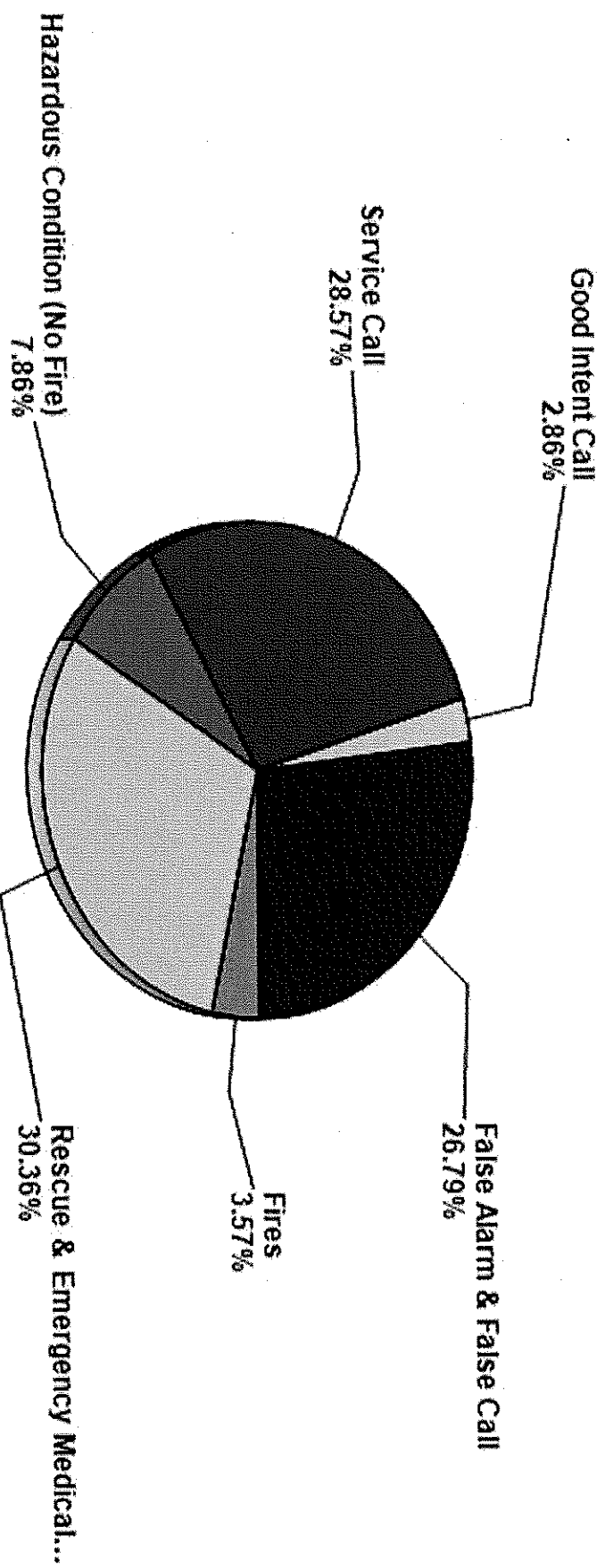


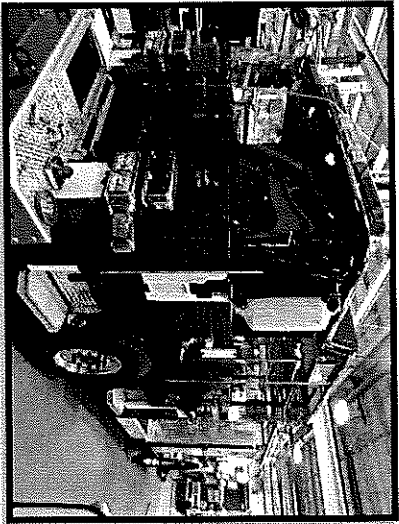


REPORTING PERIOD BREAKDOWN

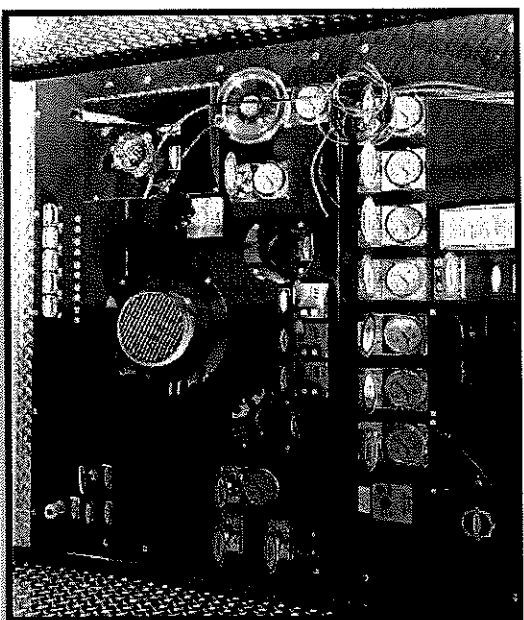
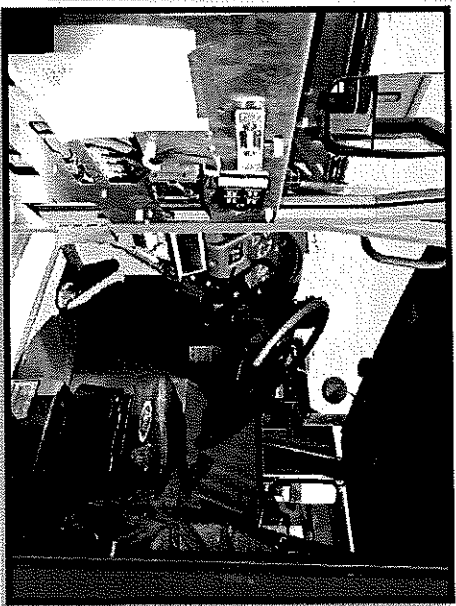
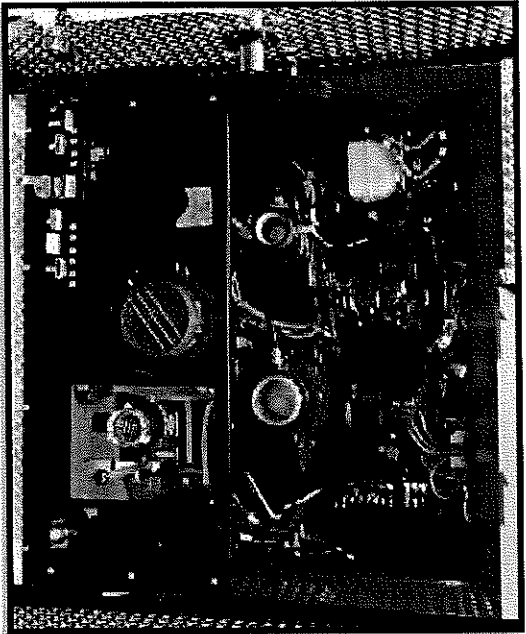
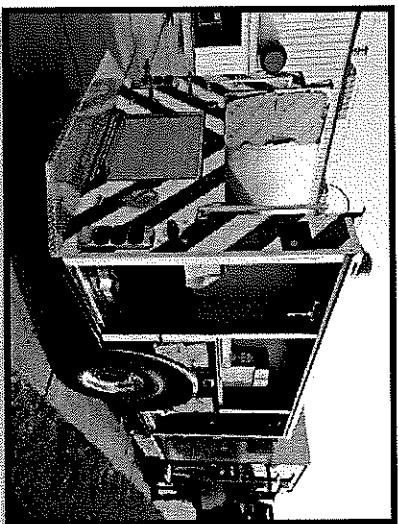
AUGUST 1 – AUGUST 31

280 CALLS FOR SERVICE

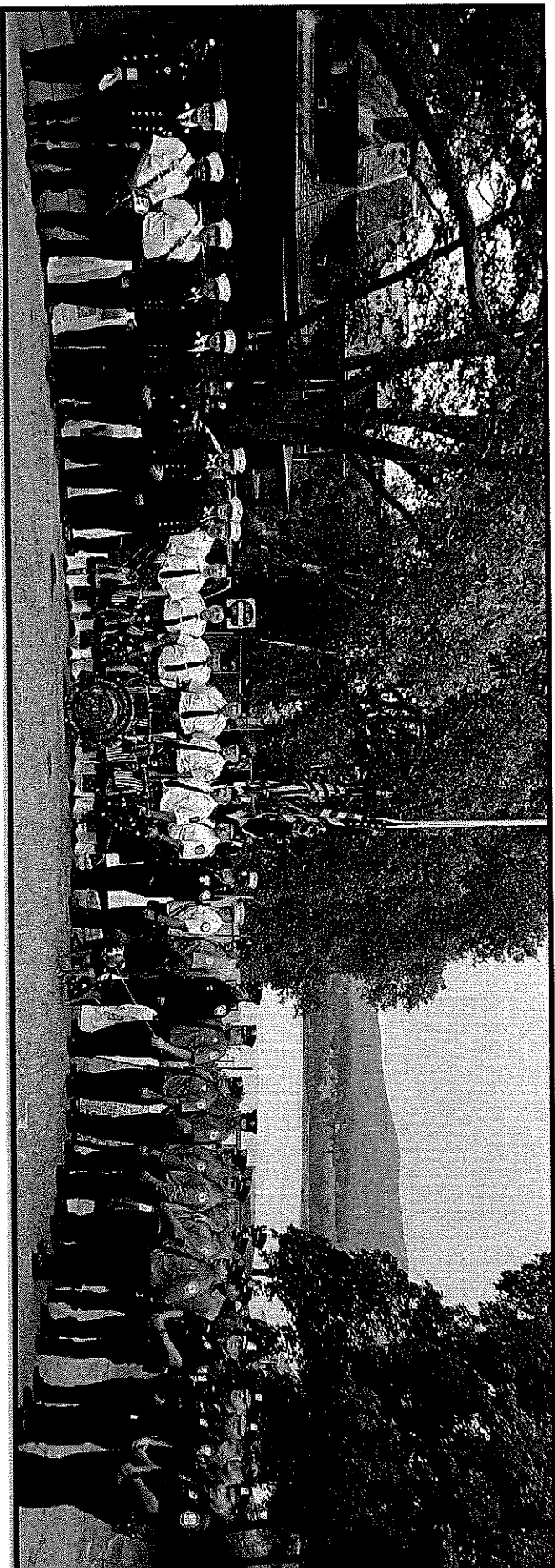




FIRE ENGINE UPDATE



PATRIOT DAY OBSERVANCE SEPTEMBER 11



How to Generate Customer Engagement

Frank Corrao, Digital Marketing
Manager at Active Web Group

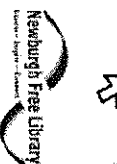


Watch on
Zoom

Wed., Oct. 5
6:30 p.m. - 7:15 p.m.

Learn the ins and outs of developing strong customer relationships through digital marketing, review best practices and tips in creating and fostering user experiences on your website, maximizing ROI, and converting visitors into clients.

Register at: rebrand.ly/startbusiness



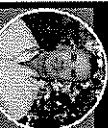
AMERICA'S
NEW YORK
SBA SBDC
For a complete schedule
of monthly events and programs,
visit our website and click on the
"Calendar of Events" tab.
US Small Business
Administration
134 Grand Street | 845-343-3891 | 70 W. Main St. | Newburgh, NY 12551 | www.sba.gov
Facebook Instagram

CLASS BEGINS OCTOBER 5 AT 6:30 PM on **Zoom**

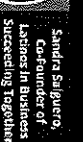
Register at: rebrand.ly/startbusiness

COMING UP NEXT

Being Part of a
Professional
Business
Association



Eric Maldonado
Chairman of the
Board Orange
County Chamber of
Commerce



Sandra Sajnora
Co-founder of
Ladies In Business
Succeeding Together

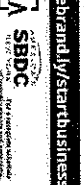


Anita Pierce
Advisory Board
Hudson Valley
Women in Business

Watch on
Zoom
or watch at
the library

Wed., Oct. 19
6:30 p.m. - 7:15 p.m.

Register at: rebrand.ly/startbusiness



AMERICA'S
NEW YORK
SBA SBDC
For a complete schedule
of monthly events and programs,
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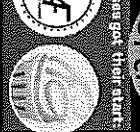
Newburgh
Business
Stories
Panel Discussion



Newburgh Art Supply
Angela



Ronson Supplies
Perfect
Sweet's



Michael Garbo
Paul Gatto
Mackie Ronson
Hanna Grite

Watch on
Zoom
or watch at
the library

Wed., Nov. 2
6:30 p.m. - 7:15 p.m.

Register at: rebrand.ly/startbusiness



AMERICA'S
NEW YORK
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Facebook Instagram

COMMUNITY REMINDERS

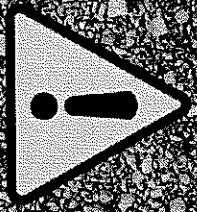
Apply to
Serve on the
**CITIZENS
ADVISORY
COMMITTEE**

SEVEN MEMBERS
- 1 from each ward
- 3 residents At-Large

APPLY ONLINE ON THE CITY WEBSITE
OR SUBMIT A COMPLETED APPLICATION
AT CITY HALL, 83 BROADWAY



**Construction
Notification**



**FISCAL YEAR
2023
BUDGET
WORK SESSIONS**



**Fire Hydrant
Flushing**



**COMMUNITY
VISIONING
WORKSHOP**
newburgh free
library 6pm
03 OCTOBER 2022

**COMMUNITY
DESIGN
WORKSHOP 1**
07 NOVEMBER 2022

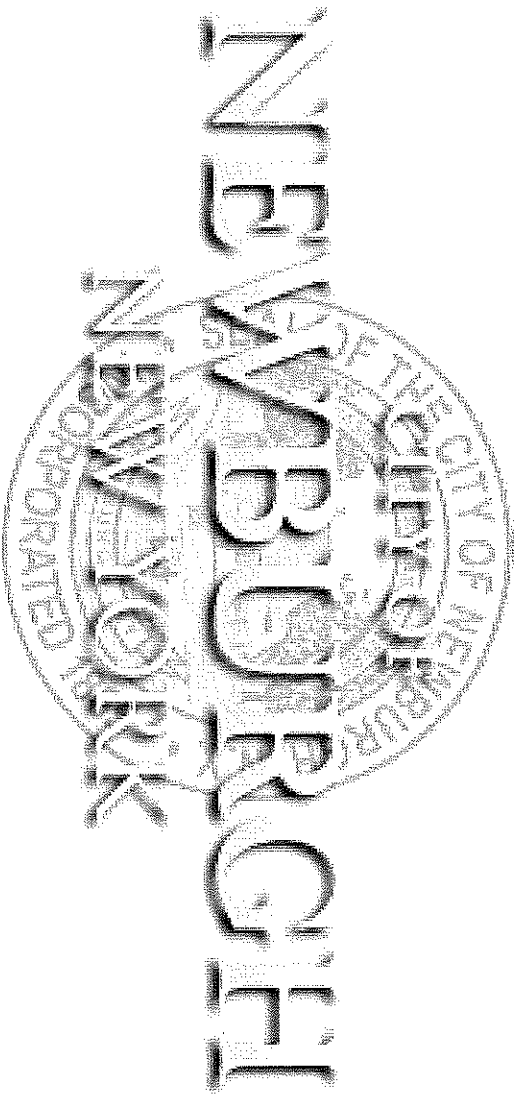
**COMMUNITY
DESIGN
WORKSHOP 2**
10 DECEMBER 2022

Let's plan
a greenway
along
Quassaick Creek.

SHARE YOUR
STORIES,
PERSPECTIVES,
AND IDEAS!



"The Quassaick Creek, as it winds around and through the City of Newburgh, is an extraordinary place that [almost] nobody knows about. It flows through two and a half miles of millponds, over historic dams and under and alongside industrial mill buildings. The middle reach descends through a steep forested gorge. Where it meets the Hudson, it is a tidal estuary."
- Quote from the study, Reclaiming Newburgh's Other Waterfront



PRESENTATIONS

2nd Public Hearing - FY2023 Community Development Block Grant (CDBG) Annual Action Plan (AAP)

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments concerning the City of Newburgh FY2023 CDBG Annual Action Plan.

There being no one wishing to speak this public hearing was closed.

Public Hearing - NY Restore grant project for the rehabilitation of three City-owned properties and for the rehabilitation of the Dutch Reformed Church (DRC)

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments concerning the City of Newburgh's NY Restore Communities Initiative Grant applications for the rehabilitation of 72, 76 and 78 Lander Street and the Dutch Reformed Church.

There being no one wishing to speak this public hearing was closed.

Public Hearing - Local Law to Repeal and Replace Charter, Article IX, Department of Public Works

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments concerning the proposed Local Law repealing and replacing Article IX of the Charter of the City of Newburgh entitled Department of Public Works.

There being no one wishing to speak this public hearing was closed.

Public Hearing - Local Law Amending Chapter 183, Waste Management, Handling and Disposal

Mayor Harvey called for a public hearing that was advertised for this meeting to receive public comment concerning the proposed "Local Law amending chapter 183 of the City of Newburgh Code of Ordinances entitled 'Waste Management, Handling and Disposal'"

Chris Miller, 111 Broadway said that Newburgh could be a great place to live if people respected the ground. There is a lot of garbage on the ground and the kids see this so they do the same thing. People say this was a beautiful town so why can't we come together and make it a beautiful town again. There should be laws to stop the littering and then people will stop doing it. Let's make it a safer place for our kids.

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

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

Cynthia Gilkeson, 11 Grand Street said she is here tonight representing Community Voices Heard because they want to see a transparent process on how the American Rescue Plan money is spent and to make sure this money is spent as it is intended. Community Voices Heard has had conversations with over a thousand people in the community and they identified that the American Rescue Plan money should be spent on funding programs for youth and to ease the rising rents and housing crisis in Newburgh. She attempted many years ago to advocate for a youth center and hasn't seen anything substantial in the past eighteen years except maybe the Boxing Club. If investments like these were made into our youth, her son would probably still be with her today. Housing is not affordable so we need to invest into more affordable housing and in our youth. She told the Council and the City Manager that they want them to commit to meeting with Community Voices Heard in the next two weeks so they can share with them the results of their survey and work together to use the American Rescue Plan dollars to fund youth programs and address the housing crisis.

A City of Newburgh resident, Grand Street said that rents are becoming unaffordable. She is not eligible for affordable housing because her income is too low for it. She has moved twice already because of bad living conditions or the rents being raised. She would like to see a meeting with the Council and Community Voices Heard like they have in other areas where they have open meetings and they invite all residents and business owners to speak on how they want their money spent. Last night on the corner of Chambers and Broadway Chantel died of an overdose. This has to stop because people are drinking and drugging on the streets morning, noon and night and it's allowed to go on in full public view which is very sad and heartbreaking.

Ray Harvey, leader in the community said they want to see a transparent process on how the American Rescue Plan money is spent and make sure it is spent on community priorities. We have had conversations with over a thousand people in the community about this money and how they would like to see that money spent. We need to make sure that money is being spent for our youth. He has seen the decline in housing and his daughter had to move to Middletown to find affordable housing. He wants the Council and the City Manager to commit to a meeting in the next two weeks so they can sit down and talk about what is going on with this money and how it will be spent so they can let community members know.

Julia Davis, Henry Avenue, said that they want to make sure the money is spent on community priorities and COVID recovery as it is intended and they want to see a fully transparent and accountable process for how the American Rescue Plan money is spent. They had over a thousand conversations with people in the community and they identified that the ARP money should be spent on funding programs for the youth and to help ease the rising rents and housing crisis. We need the City Council to allocate resources and set policies and ways that insures people have what they need to fully participate. And she expects that the City Council is responsible to its constituents and will do anything in their power to ensure that the most vulnerable are cared for. In a City where the median

household income is just over \$40,000.00 a year the metrics for affordable housing cannot be set against a County metric where the median income is \$100,000.00 a year. Affordable housing in Newburgh should be affordable to low income residents who make closer to \$18,000.00. She envisions a Newburgh where all residents should thrive which requires that all residents have adequate access to safe, clean and affordable housing.

Debra Danzy, Lake Street, said they are here tonight because they want more transparency on how that American Rescue Plan money is spent and make sure that the community is involved. They had over a thousand conversations with community members. She has seen homelessness on the rise every year and people are being pushed out of their homes. Why were the bus shelters moved without the residents knowing? She works hard for them so they need to work with her. To the Council and City Manager she said they want them to commit to a meeting with Community Voices Heard to go over the results of their survey.

Kate Clark, Third Street, said that Calvary Presbyterian Church on South Street was saved by the Newburgh Fire Department on March 5, 2020. In the wake of the recent Lander Street fatal fire and the Church fire they want to help prevent this from happening to others. Calvary has asked the Newburgh Fire Department to partner with them to hold a Fire Prevention and Safety Fair on South Street between Liberty and Grand Street on Saturday, October 22nd from 10:00 am to 2:00 pm which would also coincide with Fire Prevention Month. It is her understanding that the Lander Street fire started as a cooking fire that spread with water. If we can tell twenty people never to put water on a grease fire that day then our efforts would be worth it. It will be a wonderful day of interactive hands on fire prevention education to benefit our community and help keep them safe. She submitted a street closure permit and is asking if the City of Newburgh would partner with them by sponsoring this event and waive the fee and insurance requirement. She was a recipient of a one thousand dollar grant that will help make this a special day.

Debra Danzy asked if they could find out soon if they are able to do this because she has vendors who want to support this program.

Mayor Harvey told Ms. Danzy that she is out of order, as she has already spoken. He noted that we have rules of order at the Council Meeting. They want to hear everyone's opinions and suggestions but there are rules of order during the public comment section. It is not fair if someone wants to go beyond the three minutes or speak a second time. They will listen to everyone's comments and then the Council will respond.

Nancy Proyect, N. Montgomery Street said she is the Executive Director of the Newburgh Armory Unity Center and she is here tonight because she was informed recently that the City Council is no longer approving Sunday outdoor events past 5:00 pm. The Armory Unity Center rents the facility for outdoor events during the spring and summer months but they always end by 8:00 pm and meet all City requirements and policies. Over the past decade they have served the people of Newburgh at no cost to them and they serve six hundred children and families each week at our free Saturday morning Enrichment Program. Our Basketball League services two hundred and fifty youths each week. Over the years we have held countless events providing food, clothing and household goods for community members. In times of crisis, we have acted as an emergency center and during the Pandemic we were a center for vaccinations, testing and provided food for over seven

hundred families on a weekly basis. We have always provided the use of our facility at no charge to the School District, the City, the Fire Department, the Police Department, the State of New York, Elected Officials, and the County. The income earned from these rental events provides much needed revenue for our programming and offsets expenses which allows us to be a self-sustaining and independent non-profit organization. Without the ability to hold these outdoor events into the evening hours you will be removing our ability to raise the funds needed to keep the programming intact. What was once an empty dilapidated building is now a thriving and successful community and educational center and should you continue this policy it is likely we will be forced to drastically reduce our services. In addition to the financial hardship we face by the implementation of this policy, local establishments that rely on these outdoor events for business will also suffer. Please reconsider this policy. It is not only damaging to the Newburgh Armory Unity Center but it is detrimental to the people of Newburgh. She added that about a third of their income comes from these events and we really do need them to sustain our programming.

Mayor Harvey asked the City Manager about this because he doesn't recall voting on this particular matter.

City Manager, Todd Venning said that this matter wasn't voted on. There were a number of community and Council complaints received so he worked with department heads to implement a time restriction solely for outdoor concert style events on Sundays. Many people were complaining about the noise because we had events ending at 9:00 pm and some that were supposed to end at 9:00 pm but didn't end until 11:00 pm with fireworks. People wanted to be able to enjoy their Sunday evenings so he met with executive staff and notified the Council that going forward we would prohibit permits that exceeded the 5:00 pm timeframe on Sundays. When he heard that some people impacted by these events didn't like this time restriction, instead of changing it again he asked them to come to a Council meeting to express their concerns so the Council can determine if they want to move that Sunday time for outdoor loud style concert events to something later.

Ms. Proyect added that they are not an organization that does fireworks. Our concerts end by 8:00 pm when it's still light out in the summer.

Max Cuacuas, Liberty Street and Director of Operations for the Newburgh Armory Unity Center said he has talked to different Council members and Mr. Venning and noted it's very important that everyone realizes the work we do for the kids and families in the community. When he spoke to Mr. Venning he was told that he could move the events to Saturday but we can't because we have other events happening inside. We have to realize what this is doing to an organization that serves the City of Newburgh and any entity that needs it. He asked the Council to please consider this and noted they have already lost one event for October.

Christie Miller, 111 Broadway said that this summer the pool was closed because there is a crack in it. Newburgh had funds to fix Recreation Park but they did not go to the pool. We have guns, violence and problems in schools and they treat kids like they're in Prison. How can we teach them that there is a new way to live? Violence turns to violence and nothing good comes out of it. If we could come together and find a way to fix this then it can be fixed. There are people homeless on the streets so let's show them there is another way to live so they can do something better with their lives.

Brandon Clark, William Street said there are so many youths in Newburgh that they don't have enough attention. At the Rec there is only one Playground and on Hasbrouck Street there is only one Playground that is shutdown. We have basketball courts that have been shot up by guns and there are so many children that have futures and scholarships that are waiting for them but they don't have that opportunity. We put all of this money into Police but what about the women that have to worry about walking down the street or the kids that have to walk alone because their parents work three jobs? We need affordable housing and we need more for the kids in Newburgh. We need to do more as a community.

Michael Lebron, 34 Liberty Street said until we reckon with compiling moral debts America will never be whole. When he read the Montgomery Smith RFP it said it would provide rental preference to tenants who can demonstrate they had one or more ancestors who owned property that was later acquired through the Urban Renewal Land Disposition Agreement. This language seemed similar to something that was prevalent in Manhattan in the 1980's and early 90's. Back then, landlords traded in cash flow for cashing out by converting their rental units into Condominiums. They offered existing tenants the right to buy the unit at a lower insider price. This was known as the Right of First Refusal. Back then the condominium conversion provided tenants with the opportunity to convert themselves from renters to homeowners but this plan does the reverse. It condemns Newburghers who were formerly homeowners, property owners and business owners into renters and it does not commit the developer to look for them. The burden, as the language now stands, is on the people whose property was seized. Urban Renewal made a promise that something grand was going to rise from what was sacrificed and it didn't happen. With this proposal you are asking victims of Urban Renewal to be happy that one apartment building is being changed for another while giving them no ownership status. He agrees that Newburgh has an opportunity to do something special here but there are better already existing ways to do this.

Daniel Atona, Poughkeepsie said he is here representing For the Many members and wished to speak about the short-term rental problem here in the City of Newburgh. Community Voices Heard is right because there is a housing crisis here and one cause of this is the dozens of Airbnb vacation rentals. The owners of these rentals don't live on the property and many don't even live in Newburgh. They are outside investors who are buying up homes and apartments and turning them into Hotels for tourists. In Ward One there is an Airbnb with four bedrooms listed for \$500.00 a night and the owners live in New Mexico. In Ward Two, there is an apartment with one bedroom listed for \$195.00 a night and the owner lives in Connecticut. In Ward Three, there is a house with three bedrooms listed for \$290.00 a night and the owners live in New York City and in Ward Four, there is a house with three bedrooms listed for \$155.00 night and the owner lives in New York City. These homes and apartments should be going to the people in Newburgh but instead they are being turned into Hotels on Airbnb. The Homes Are Not Hotels Legislation that For the Many helped write is designed to prevent this. It will ban vacation rentals to ensure that the people of Newburgh have more options for housing. He asked the Council to please pass the Homes Are Not Hotels Bill as soon as possible so we can increase the housing supply and decrease housing costs for Newburgh residents.

Mark Sanchez Potter, City of Newburgh said that we are facing a housing crisis as people in the community have stated. We are seeing one-bedroom apartments going for \$1,700.00 or \$1,800.00 that working class people can't afford. This Council has supported legislation in the past that helps working class people but we need more legislation passed

and we need to invest the money that the Council has into affordable housing with a transparent process. We need affordable housing for as many people as possible because it's a human right. People should not be sleeping on the streets. Put this Legislation forward and continue to make housing your priority.

Leanna Rivers, City of Newburgh said she is a member of Community Voices Heard and they want a transparent process on how the American Rescue Plan money is spent and make sure it's spent on community properties. Community Voices Heard had over one thousand conversations with people in the community and they identified that the American Rescue Plan money should be spent on funding programs for youth and to help with the rising rents and housing crises in Newburgh. Her concern is about what is going to happen to those areas they talked about last week. That project is supposed to revamp and renew Newburgh but it's making the citizens of Newburgh renters again. Why not take that property and let the citizens of Newburgh become homeowners once again? Even if it's a sixty unit building why can't it be sixty units of affordable housing for the people who are here? She doesn't understand why over and over again we see these things happening. Listen to the citizens who voted you in. If you want people to stay, invest, respect and love Newburgh then you have to offer them more than just an apartment to live in. Let them be part of Newburgh and be homeowners.

A City of Newburgh resident said she is here with Community Voices Heard and For the Many because she is interested in making sure the money is going to the right places. The Recreation Park has one or two slides so she has to drive twenty minutes to take her daughter to a decent Park. There are many kids in the City of Newburgh and they need places to play. With the housing crisis, how are we supposed to afford the rent? As a single mother living just above the median income, she can't afford to live alone. We have to think about our future generation. How can they live here when we are not investing in them? We need programs for the youth and we need housing so we are holding the Council accountable because they promised to serve the people and our future generations for a better and more affordable future.

Sarah Forbes, Hasbrouck Street said this is the first Council meeting she has attended and she believes the funds should be used for housing and Parks also. She works with the Boys and Girls Club and they are an awesome program but they can't do everything. She lives about five minutes from Recreation Park but her siblings don't play there because there are no swings there, the slides are not good and there is trash and drug bags everywhere. Where she lives there is broken glass bottles in front of her house and fights going on outside. More should be done for the residents.

A resident at 62 Johnston Street said he has moved eight times and the condition of his current apartment is not good. He has roaches, bed bugs and ants which is terrible. The kids need a community center where they can learn a trade such as a Carpenter or Mechanic to get them off the streets and to keep them out of Prison.

A resident of Poughkeepsie said that Community Voices Heard in Poughkeepsie and Newburgh has a common problem because we need money to go for youth programs and affordable housing. People like him are struggling to make ends meet and the youth have to have funding because they have nothing to do which is why crime is so high. We have to work together to find a solution.

Rene, First Street said he is the Community Organizer of For the Many and he agrees one hundred percent with everything that the Community Voices Heard members have said tonight. How long must we wait for our City to use its funds in a way that benefits the community? When he was growing up the only place he saw a proper playground was at School and the only Park was Downing Park. He wants Newburgh to be a place where we all feel comfortable growing up and living in so please have this meeting that CVH is requesting. He asked the Council to consider this Ban on vacation rentals and to come together to address the housing crisis as a whole. We currently have Landlords, or as we say Slumlords, who are trying to take over so tomorrow For the Many will be holding a Press Conference outside of City Hall because Good Cause Eviction is currently at risk of being rescinded.

Betty, 130 Third Street said she moved here a year ago and noticed there is a lack of green spaces for young people to connect with nature and to be engaged. There is a lot of rich history and diversity here but it is overburdened by a dark cloud. People need outdoor spaces so there are many abandoned lots that could be transformed but things are moving too slow. She is honored to be part of Community Voices Heard because they care about this City so please hear their voices. Young people here need more outdoor recreation. She is working on the Sanctuary, which is a beautiful community garden that everyone is welcome to come to but we need more spaces like that. She is here to be part of the change the City needs to see.

Cheryln Brown, Middletown said that the City of Newburgh fired her and gave her no reason. She was hired on January 3rd as Parking Enforcement and by January 7th she was on the job working with no training and there was always a negative vibe. The supervisors she had to deal with, Lahar, Burns had Portillo treated her like gum underneath their shoe and never wanted to talk to her.

Mayor Harvey told Ms. Brown that they are here to hear her out but don't call names or anyone out because this is not the place to do that. They are here to hear her complaint but please don't say names.

Ms. Brown said she didn't want to continue then because that doesn't make any sense.

Alejandro Mendoza, City of Newburgh Taxi Association said they have some issues with the new rules. They are all in compliance but have noticed Taxis picking up people with regular plates, which is hurting us because we can't compete with these Gypsy Cabs.

Juana, Robinson Avenue said in regard to Taxis that there are two companies that are not regulated the way they should be. They are not complying with the ordinances established by the municipality yet they continue to operate. A year ago her brother was murdered and Commissioner Gomez is still working on the case. After they did the march last year, there was commitment to help the taxi community but she hasn't seen anything come out of that.

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

Mayor Harvey asked Alexandra Church, Director of Planning and Development to pull up the survey that was done regarding the American Rescue Act Funds that was referred to tonight and talk about how transparent the process was and the outreach that was done.

Ms. Church said we developed a survey in January when we first got the official rules for the ARPA Funds. She reminded everyone that it is grant funding and there are restrictive rules. We put out two sets of surveys; one that allowed people to fine tune the numbers and one that was simpler and allowed people to pick projects. It was advertised widely and shared by the Council members who have a wide following. We had one thousand one hundred and ninety seven responses and just under half of them were from a Newburgh based computer. Twelve and a half percent of the respondents were from New York City and the others were regional. The major winners were City infrastructure, paving, sidewalk and ADA repairs, lead line replacement, the City Dock and Delano Hitch pool reconstruction. There was some business assistance and the one that stood out was the Newburgh Ministries Homeless Shelter. This presentation was done before the Council and she would be happy to put it back on the Website so people can go through it more.

Mayor Harvey said this was a hot topic tonight but for the record there were two surveys done nine months ago. It was very transparent and the results were put on the Website. Almost twelve hundred people responded and we did a large outreach campaign on this. This information and data will be made available.

Councilmember Grice thanked everyone for coming out tonight. The Armory is actually a City building. We are very appreciative of what Kaplan and his Foundation have done with that building because they have a great program. On Sunday nights, however, he was getting phone calls about noise, trash and parking issues. He was also getting phone calls about public urination that his Niece witnessed. At this point he would not be in favor of extending that time unless some things were put in place for those complaints. On hiring, the City Council does not hire and fire but he will look at the letter. He pushed for the Good Cause Legislation that is now being challenged in Court and he is willing to go to the edge but we have to do so carefully and legally. These things do take time and he knows that we need it yesterday so he will continue to push for those things. He told Community Voices Heard that he hears them.

Councilmember Martinez said in regard to the Armory that she is one hundred percent in favor of extending the time however humanly possible we can. She has family that have had events there and this past Sunday we had a Mexican Independence Day Festival at the People's Park which we were able to extend to 8:00 pm but would have liked it to be longer. There are a lot of community events that happen in Newburgh and we need to make sure we are giving people time. They can't always do it on Saturday so Sunday's are it and she would love to extend that time. On Housing she thanked everyone who spoke tonight because as we have said a thousand times, we are in a housing crisis. She lives paycheck to paycheck and is grateful that she has parents that haven't booted her out but she still pays bills and helps her family. There was an incident at the Library that she is extremely upset about. She met two people who are homeless and have been walking

around Newburgh for probably a week now so she called every single emergency housing organization but they did not care or have room to take them in. She was infuriated and ended up sending them to St. Luke's Hospital because one of them was disabled and in a wheelchair. The fact that nobody was taking them in was absurd. Housing organizations that do not take in people who are homeless should not be receiving funds. When it comes to housing we are super passionate and she wants to make sure that people have different options. Not everyone is ready for homeownership but the people who are we want to make sure that they are getting a pathway to homeownership.

Councilmember Shakur thanked everyone for coming out. We do our best work when we hear from the people. Our children are dying every day and housing is every day but he doesn't see some of these people fighting every day. Fight for your kids every day not just at budget time. If you care about our children in this community, then come every day.

Councilmember Sklarz thanked everyone for coming out and said it's wonderful to hear from so many people. He wanted to thank Jeremy Kaufman for a sale that took place. He thanked him for his effort with getting the sale completed which secured a large amount of back taxes. He also thanked George Garrison and DPW for work done on the same property for cleaning up that neighborhood. On the gas station at 842 Broadway he noted that a lot of work has been done behind that fence although it is not visible from the street. A lot of trash and debris has been removed and demolition will start shortly. Housing is a complicated issue and we all know that we are in a crisis. Regulating Airbnb's is just one small component but he looks forward to further dialogue to see what we have done, what we can do and what we cannot do.

Councilmember Sofokles thanked Community Voices Heard for coming out to speak tonight. She thanked Councilmember Martinez for helping those people the other night, which was very frustrating. She thanked DPW for tree planting at Downing Park. In regard to the Armory, she has been involved in a lot of night time events and the problem is lighting at night. The Armory could go a little past 5:00 but not much more than that so we have to decide because she didn't realize it was an issue.

Mayor Harvey thanked everyone who came and he took notes on everything that was said so he is willing to meet with Community Voices Heard morning, noon or night because his door is always open. On the Emergency Rental Assistance Program, there were people behind in their rent during COVID and we got it to the Legal Services of the Hudson Valley. Some people were three years behind in rent when they only covered two. There is also the Empire State Support of Housing Initiative Program, which we worked with Albany on to give people affordable housing. We know we are in a housing crisis but the real fight is in Albany because there are Federal and State housing regulations that we have to adhere to. Even with development we would love to give the Urban Renewal land to people for homeownership but that's why we work with Habitat for Humanity. There were over one hundred homes built through Habitat for Humanity and they were mostly all people with low income that now have homeownership. We continue work with them and the Land Bank. The other program we have been working with is RUPCO which is moving fast.

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

CITY MANAGER'S REPORT

Resolution No. 238 - 2022 - Contract Amendment with ARCADIS for Additional Construction Inspection

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

Resolution No. 239 - 2022 - PIN#8761.40 Walsh Road Bridge Replacement Over Quassaick Creek Supplemental Agreement#2

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

Resolution No. 240 - 2022 - 330 First Street - Satisfaction of Mortgage

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

Resolution No. 241 - 2022 - 394 Liberty Street - Extension of Time to Rehabilitate

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

Resolution No. 242 - 2022 - 73 Prospect Street - Satisfaction of Mortgage

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

Resolution No. 243 - 2022 - Apply and Accept if Awarded a Restore NY Grant for the rehabilitation of three City-owned properties on Lander Street (72 Lander, 76 Lander and 78 Lander); and for the rehabilitation of the Dutch Reformed Church (DRC)

Councilmember Grice said that he and Councilmember Shakur are looking into homeownership but this Grant does not have homeownership with it so it is for rental units. HUD not the City of Newburgh sets the AMI and we do want homeownership but he supports this resolution.

Mayor Harvey added that the City is committed to affordable housing and dealing with this housing crisis. If you look at the resolutions we are passing they deal directly with it. We cannot get rent control granted to the City of Newburgh unless we get it through Albany and that stipulation is having a vacancy study. We have already done our housing study and we are getting ready in the new fiscal year to do the vacancy study so that we have those numbers to address not only the housing crisis overall but particularly Airbnb and people being displaced. We have to develop and do rehabs of properties in this effort to continue to fight against the housing crisis.

Giselle Martinez moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 244 - 2022 - Scheduling a Public Hearing - Local Law amending City Charter, Article IX-A, "Water Department"

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 245 - 2022 - Scheduling a Public Hearing - Local Law amending City Charter, Article II, "Municipal Powers"

Councilwoman Sofokles moved and Councilman Grice seconded.

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

Adopted

Resolution No. 246 - 2022 - To Authorize the Settlement of Litigation Regarding the Foreclosure of Tax Liens in Rem for 2018 of 26 Blake Street

Councilman Sklarz moved and Councilwoman Sofokles seconded.

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

Adopted

NEW BUSINESS

Councilmember Martinez asked if the Fire Prevention Safety Event that was mentioned tonight could be City sponsored.

Todd Venning, City Manager said that the City Council sponsors events about a year in advance and you have to let us know that you want it to be on a Council resolution for the City Council to consider sponsoring and what that would entail. It could be put on the next work session for consideration for the following Monday but he doesn't know if that gives them enough time or if that is something the City Council is interested in doing. There is a difference between sponsoring versus co-sponsoring so we have to figure that out. He believes they submitted a permit application and the fee was waived but they have to submit the insurance. The Council will have to decide if this is something they want to do because we list all of the City sponsored events around budget time.

Councilmember Grice noted that we still have to pay for the insurance.

Todd Venning, City Manager said that either we pay it as a direct cost or they come under our umbrella, which has certain insurance implications that could raise our insurance the following year.

Councilmember Grice said he said "us" but he meant "taxpayers".

Todd Venning, City Manager said we are working on a policy that will cover City sponsored events and what that entails. He is also trying to cover some of the Council

funds and what they can and should be spent on.

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

OLD BUSINESS

Councilmember Grice asked about the Community Choice Aggregation. We passed a resolution and looked at the RFP's that have come in so he is hoping we can move on that and start gearing up.

Mayor Harvey asked Councilmember Grice to explain to the audience what Community Choice Aggregation is.

Councilmember Grice said it's where we as a municipality decide who our energy supplier will be. We try to look for the lowest price and then the community can opt into that option so we go in as a collective. For some of our older buildings there are exceptions but they lack the insulation and other things needed. When you are on a budget and those costs of Central Hudson fluctuate, it can put a strain on your budget. He recommended people do a Google search on it as well.

Councilmember Shakur asked about the resolution for the street naming for Ms. Royal. We met all the criteria but one as she is not deceased and the family has been reaching out to us.

Jeremy Kaufman, Assistant Corporation Counsel said that the current policy can be amended.

Mayor Harvey said we will put that on for our next agenda.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilmember Grice said that Community Voices Heard asked for all of the Council to meet within two weeks but that might not be possible because coordinating our schedules will be difficult and it is illegal for us to meet without it being an open public meeting. He is open to community meetings and asked that CVH share their survey with us so there is no delay. On Saturday, he spent some time with Habitat volunteers because homeownership is very important to him. We do have some plans but it is just too early in the works to talk about. On Drug use, he supports our Police but tries to reduce the interaction our residents have with the Police. Two other organizations he works closely with are Team Newburgh and Keep It Moving because they do great work. Our Citizens Advisory Committee really needs people. It's a temporary committee and the workload is not too hard. With the ARPA funds, people don't realize how fast that money goes and the procurement process. He wanted to prioritize the pool and our infrastructure because

when we think about the Urban Renewal land, for example, underneath that dirt there is a lot of bad stuff such as lead, asbestos, pipes and electric wiring. If we are able to clear that out it makes it easier for developers to come and it's better for new infrastructure.

Councilmember Martinez thanked those people who spoke for first time tonight. She hears and empathizes with the remarks made about having more youth engagement programs and events.

When it comes to housing, there are a lot of projects that our community may not be aware of. There is a development on Montgomery Street in Ward One and the reason she supports this project is because it will provide a subsidized market place for minority women owned businesses. We need to support our small businesses and more specifically businesses of color that due to the pandemic have experienced a lot of hardship. This building is mixed use and will be providing affordable housing for our residents, however, for future RFP's she would be interested in looking into more home opportunities. The comments made tonight are right and we need to provide a homeownership pathway for our residents so that is their mission and goal. She reminded everyone to come to the Press Conference tomorrow with For The Many because there are some people who just don't want to see our residents stay in our community. She is one hundred percent behind For The Many and defending Good Cause Eviction because this Council worked super hard to pass that Law so we are going to defend it because housing is a human right.

Councilmember Shakur thanked everyone for coming out. This is where we get things done. It's good to have conversations out on the streets but this is where you come to get things done. We are working on housing and balancing our community but he keeps seeing the same things happening over and over so it's time for this generation to fight and put things in place for the next generation or they won't know how to fight, when to fight or who to fight. Make sure you step for your family and your community now.

Councilmember Sklarz said there was a lot of conversation tonight about recreation for our kids and the pool area. We have had a lot of discussions about it over the last few meetings so we need a time frame on what is happening with the pool. It is going to take more time than we wanted so we have to let the public know when we will have an operational pool at Delano-Hitch again.

Councilmember Sofokles said that Habitat was how she got involved and she would counsel people who are now in their Habitat homes. To her that was the key to homeownership in the City of Newburgh. We can't do enough for housing and we are working on it but a lot of things fell to the wayside many years ago so we are trying to pick up on those things like the swimming pool. On projects for the youth, she has spent her Saturdays at Masterson Park where the kids were taught how to fish. This Saturday we will have awards and trophies for the kids at Recreation Park from 12:00 pm to 6:00 pm so she invited everyone to come. We are going to do this again next year only bigger and better. To get those kids outside in the sun at that beautiful Park grilling hamburgers and hot dogs was very rewarding.

Mayor Harvey thanked everyone who came out tonight. He noted that there are twelve existing structures and twenty-two residential apartments in the east end with mixed income housing from homelessness to seventy percent AMI. That's RUPCO who has been doing this for a number of years. They have rentals that range from thirty percent of your income with ten apartments that are funded for the formerly homeless or formerly

incarcerated. Some of these renters pay \$167.00 per month, which is the great work we do partnered with RUPCO. There are thirty-four units that have three bedrooms, sixteen units with two bedrooms and thirteen with one bedroom and they are in Poughkeepsie, Newburgh, Kingston and Middletown. They also just finished buildings on Lander Street and DuBois Street. The City Council and Mr. Garrison worked on a Street Sweeper Program where we specifically hire formerly incarcerated men and women some of which are now working for DPW so we are going to continue to move in that direction. In 2020 during COVID, he received a phone call from the Boys and Girls Club and a private donor in Connecticut who donated half a million dollars because there was no Summer Camp or swimming pool because they were shut down. The money from the ARPA is going to the swimming pool but the work won't be completed until about 2025 due to the cost for supplies but we will have a new Aquatic Center.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:11 p.m.

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: 238 - 2022

OF

SEPTEMBER 26, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE AN AGREEMENT AMENDMENT FOR
PROFESSIONAL CONSTRUCTION MANAGEMENT ENGINEERING SERVICES
WITH ARCADIS OF NEW YORK INC. FOR THE DOWNING POND DRAIN OUTLET
AND THIRD STREET STORM SEWER PROJECT
IN AN AMOUNT NOT TO EXCEED \$138,000.00**

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute a Consent Order with the New York State Department of Environmental Conservation ("NYS DEC") to resolve violations at the Wastewater Treatment Plant and for the development of the Long Term Control Plan ("LTCP"); and

WHEREAS, the City submitted its Phase I LTCP and by Resolution No. 303-2015 of November 23, 2015, the City Council authorized the City Manager to execute a Modification Order on Consent approving a Compliance Schedule for Phase I through V of the LTCP; and

WHEREAS, by Resolution No. 189-2019 of August 12, 2019, the City Council authorized a professional engineering services agreement with Arcadis of New York, Inc. ("Arcadis") to complete the planning and preliminary engineering for projects included as part of Phase II, III, and IV of the LTCP in an amount not to exceed \$880,000.00; and

WHEREAS, by Resolution No. 113-2020 of May 28, 2020, City Council authorized a professional engineering services agreement with Arcadis to complete the designs and bid documents for the Downing Park Drain Outlet and Third Street Storm Sewer Project (the "Project") included as part of Phase II of the LTCP in an amount not to exceed \$542,500.00; and

WHEREAS, by Resolution No. 219-2021 of September 27, 2021, the City Council authorized a professional construction management engineering services for the Project with Arcadis in an amount not to exceed \$222,000.00; and

WHEREAS, Arcadis has submitted a letter proposal for additional professional construction management engineering services for the Project; and

WHEREAS, funding for the cost of the services an amount not to exceed \$138,000.00 shall be derived from an existing grant and loan from the New York State Environmental Facilities Corporation under project CWSRF#C3-7332-11-00; and

WHEREAS, this Council determines that accepting the proposal and executing a contract with Arcadis of New York, Inc. in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept the letter proposal and execute a professional construction management engineering services agreement amendment with Arcadis of New York, Inc. for the construction of the Downing Park Drain Outlet and Third Street Storm Sewer Project included as part of Phase II of the Long Term Control Plan for the City's Combined Sewer Collection System, with other provisions as Corporation Counsel may require, in an amount not to exceed \$138,000.00.



Jason Morris, PE
Commissioner of Public Works & City Engineer
City of Newburgh
83 Broadway
Newburgh, New York 12550

Arcadis of New York, Inc.
855 Route 146
Suite 210
Clifton Park
New York 12065
Phone: 518 250 7300
Fax: 518 371 2757
www.arcadis.com

Date: August 30, 2022

Our Ref: 30129146

Subject: New Drain Outlet at Downing Park and Third Street Storm Sewer
Amendment to Construction Phase Services.

Dear Mr. Morris,

Arcadis included a total of 720 hours of construction observation for construction phase services for the project referenced above. This was based on the Contractor (TAM Enterprises) starting construction in late March or April of 2022. However, TAM began construction in December 2021, with exploratory excavation and started to construct the storm sewer the first week of January 2022. Also, change order work was added to TAM's Contract, most of which has been on a Time and Material basis requiring full time instead of part time construction observation. Through the end of July, a total of 1,482 hours of construction observation has been expended.

Arcadis is seeking reimbursement for the costs associated with the extra full-time construction observation that has occurred through the end of August 2022. Construction is now completed to the point where full-time construction observation is not required. Arcadis will provide an additional 120 hours of part time construction observation from September 1, 2022 through the end of the project to observe the drawdown of Downing Pond, construction of the valve vault and electrical/controls vault, and to observe the remainder of the curb and paving work, which will be completed in the spring / early summer of 2023.

Arcadis proposes to complete the additional services on a not to exceed time and material basis for a total budget of \$138,000 to be added to Task 12 – Construction Observation. It should be noted that approximately \$95,000, or 74% of the amendment budget, was completed by our WBE subcontractor.

Arcadis looks forward to continuing to support the City on this project. If you have any questions, please do not hesitate to contact me at (518) 250-7300. We again thank the City for this opportunity.

Mr. Jason Morris, PE
City of Newburgh
August 30, 2022

Sincerely,
Arcadis of New York, Inc.

A handwritten signature in black ink, appearing to read "Robert Ostapczuk", with a long horizontal flourish extending to the right.

Robert Ostapczuk, PE
Vice President

Email: robert.ostpaczuk@arcadis.com
Direct Line: 518.250.7305
Mobile: 518.810.6872

This proposal and its contents shall not be duplicated, used or disclosed — in whole or in part — for any purpose other than to evaluate the proposal. This proposal is not intended to be binding or form the terms of a contract. The scope and price of this proposal will be superseded by the contract. If this proposal is accepted and a contract is awarded to Arcadis as a result of — or in connection with — the submission of this proposal, Arcadis and/or the client shall have the right to make appropriate revisions of its terms, including scope and price, for purposes of the contract. Further, client shall have the right to duplicate, use or disclose the data contained in this proposal only to the extent provided in the resulting contract.



Jason Morris, PE
Commissioner of Public Works & City Engineer
City of Newburgh
83 Broadway
Newburgh, New York 12550

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Dear Mr. Morris,

Arcadis included a total of 720 hours of construction observation for construction phase services for the project referenced above. This was based on the Contractor (TAM Enterprises) starting construction in late March or April of 2022. However, TAM began construction in December 2021, with exploratory excavation and started to construct the storm sewer the first week of January 2022. Also, change order work was added to TAM's Contract, most of which has been on a Time and Material basis requiring full time instead of part time construction observation. Through the end of July, a total of 1,482 hours of construction observation has been expended.

Arcadis is seeking reimbursement for the costs associated with the extra full-time construction observation that has occurred through the end of August 2022. Construction is now completed to the point where full-time construction observation is not required. Arcadis will provide an additional 120 hours of part time construction observation from September 1, 2022 through the end of the project to observe the drawdown of Downing Pond, construction of the valve vault and electrical/controls vault, and to observe the remainder of the curb and paving work, which will be completed in the spring / early summer of 2023.

Arcadis proposes to complete the additional services on a not to exceed time and material basis for a total budget of \$138,000 to be added to Task 12 – Construction Observation. It should be noted that approximately \$95,000, or 74% of the amendment budget, was completed by our WBE subcontractor.

Arcadis looks forward to continuing to support the City on this project. If you have any questions, please do not hesitate to contact me at (518) 250-7300. We again thank the City for this opportunity.

Mr. Jason Morris, PE
City of Newburgh
August 30, 2022

Sincerely,
Arcadis of New York, Inc.

A handwritten signature in black ink, appearing to read "Robert Ostapczuk", with a long horizontal flourish extending to the right.

Robert Ostapczuk, PE
Vice President

Email: robert.ostpaczuk@arcadis.com
Direct Line: 518.250.7305
Mobile: 518.810.6872

This proposal and its contents shall not be duplicated, used or disclosed — in whole or in part — for any purpose other than to evaluate the proposal. This proposal is not intended to be binding or form the terms of a contract. The scope and price of this proposal will be superseded by the contract. If this proposal is accepted and a contract is awarded to Arcadis as a result of — or in connection with — the submission of this proposal, Arcadis and/or the client shall have the right to make appropriate revisions of its terms, including scope and price, for purposes of the contract. Further, client shall have the right to duplicate, use or disclose the data contained in this proposal only to the extent provided in the resulting contract.

RESOLUTION NO.: 239 - 2022

OF

SEPTEMBER 26, 2022

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE SUPPLEMENTAL AGREEMENT #2
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND NON-FEDERAL
AID ELIGIBLE COSTS FOR THE RIGHT-OF-WAY ACQUISITION AND
CONSTRUCTION/CONSTRUCTION INSPECTION WORK FOR
THE WALSH ROAD OVER QUASSAICK CREEK BRIDGE REPLACEMENT PROJECT
(PIN 8761.40/ BIN 2223620)

WHEREAS, a Project for the Bridge Replacement of Walsh Road over Quassaick Creek (BIN 2223620) in the City of Newburgh, Orange County, identified as PIN 8761.40 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Newburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition and construction/construction inspection work; and

NOW, THEREFORE, the Newburgh City Council duly convened does hereby

RESOLVE, that the Newburgh City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Newburgh City Council hereby authorizes the City of Newburgh to pay in the first instance 100% of the federal and non-federal share of the cost of the right-of-way acquisition and construction/construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$2,881,965.00 (\$3,286,965.00 minus previous \$405,000.00) is hereby appropriated from 2016 BAN and the OCTC TIP Reserve Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newburgh City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager thereof; and it is further

RESOLVED, that the Newburgh City Manager be and he is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Newburgh with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the City Manager the following municipal titles: Commissioner of Public Works, City Engineer, and City Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

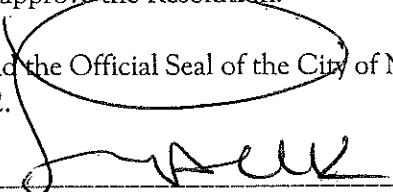
STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

I, **Lorene Vitek**, Clerk of the City of Newburgh, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said **City Council** at a meeting duly called and held at the **83 Broadway** on **Sept. 26, 2022** by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Newburgh, New York, this **27th** day of **September**, 2022.



Clerk, City of Newburgh



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

LANCE MacMILLAN, P.E.
Regional Director

September 6, 2022

Todd Venning, City Manager
83 Broadway,
Newburgh, NY 12550

RE: PIN 8761.40, WALSH ROAD/QUASSAICK CREEK
BRIDGE REPLACEMENT 2223620
CITY OF NEWBURGH, ORANGE COUNTY

SUPPLEMENTAL AGREEMENT #2 – D035743

Dear Todd Venning:

Attached is one (1) Supplemental Agreement to include the right-of-way acquisition, construction, and construction inspection funds for the above-referenced project. One (1) executed copy of the agreement, along with one (1) individually signed signature page, **EACH with original signatures and notarizations**, and one (1) certified seal-stamp resolution should be provided. The complete package should be returned to this office. A sample resolution is included for your use.

As a reminder per Chapter 15, Administering Construction Contracts; Section 15.4.8 Civil Rights Reporting:

The Contractor and all subcontractors and suppliers will utilize New York State Department of Transportation Equal Employment Opportunity reporting software, which is currently "Equitable Business Opportunities" (EBO). The Sponsor will monitor prime's payments to subcontractor and ensure that subcontractors are paid promptly per specifications. In addition, the sponsor is to monitor EEO goals on a monthly basis and take corrective action if goals are not being met; reference NYSDOT Standard Specifications Section 102-11, Equal Employment Opportunity Requirements.

Your assistance in having the agreement approved by the **Newburgh City Council** and signed by yourself and **City Attorney** is appreciated. Of course, if you have any questions, please call me at (845) 431-5731 or e-mail me at giselle.gutierrez@doy.ny.gov

Sincerely,

A handwritten signature in cursive script that reads "Giselle Gutierrez".

Giselle Gutierrez
Transportation Analyst
Region 8 Local Projects Unit

Enclosures

SAMPLE RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER: _____

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Walsh Road/Quassaick Creek Bridge Replacement (BIN 2223620) in the City of Newburgh**, identified as **PIN 8761.40** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Newburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition and construction/construction inspection work.

NOW, THEREFORE, the Newburgh City Council, duly convened does hereby

RESOLVE, that the Newburgh City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Newburgh City Council hereby authorizes the City of Newburgh to pay in the first instance 100% of the federal and non-federal share of the cost of the right-of-way acquisition and construction/construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$2,881,965** (\$3,286,965 minus previous \$405,000) is hereby appropriated from _____ [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newburgh City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager thereof, and it is further

RESOLVED, that the City Manager of the City of Newburgh be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Newburgh with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Manager, the following municipal titles: Commissioner of Public Works, City Engineer, City Comptroller, _____ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

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

WITNESS My Hand and the Official Seal of the City of Newburgh, New York, this _____ day of _____, 2022.

Clerk, City of Newburgh

Sponsor: **City of Newburgh**
 PIN: **8761.40** BIN: **2223620**
 Comptroller's Contract No. **D035743**
 Supplemental Agreement No. **2**
 Date Prepared: **9/6/22** By: **gg**
 Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 2 to D035743 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State")

and

City of Newburgh (the Sponsor)
 Acting by and through the **City Manager**
 with its office at **83 Broadway, Newburgh, NY 12550**.

This amends the existing Agreement between the parties in the following respects only:

Amends a previously adopted Schedule A by (check as applicable):

- ☐ amending a project description
- ☐ amending the contract end date
- ☒ amending the scheduled funding by:
 - ☒ adding additional funding (check and enter the # phase(s) as applicable):
 - ☒ adding phase **ROW-A** which covers eligible costs incurred on/after **8/17/2020**
 - ☒ adding phase **Construction** which covers eligible costs incurred on/after 1/1
 - ☒ increasing funding for a project phase(s)
 - ☒ adding a pin extension
 - ☒ change from Non-Marchiselli to Marchiselli
 - ☐ deleting/reducing funding for a project phase(s)
 - ☐ other ()

☐ Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

☒ Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

☐ Amends the text of the Agreement as follows (insert text below):

Sponsor: City of Newburgh
 PIN: 8761.40 BIN: 2223620
 Comptroller's Contract No. D035743
 Supplemental Agreement No. 2
 Date Prepared: 9/6/22 By: gg
 Initials

Press F1 for instructions in the blank fields:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF ORANGE

On this _____ day of _____, 20____ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

 Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
 STATE OF NEW YORK ATTORNEY GENERAL

BY: _____

For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

By: _____
 Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

By: _____
 For the New York State Comptroller
 Pursuant to State Finance Law '112

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8761.40

OSC Municipal Contract #: D035743	Contract Start Date: 7/12/2017 (mm/dd/yyyy)	Contract End Date: 5/30/2027 (mm/dd/yyyy) ☐ Check, if date changed from the last Schedule A	
Purpose: ☐ Original Standard Agreement ☒ Supplemental Schedule A No. 2			
Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Newburgh Other Municipality/Sponsor (if applicable): _____ ☐ State Administered <i>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</i> ☐ Municipality: ☐ Municipality: ☐ Municipality: % of Cost share % of Cost share % of Cost share			
Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☒ ROW Incidentals ☒ ROW Acquisition ☒ Construction/CI/CS			
Work Type: BR REPLACE	County (If different from Municipality): Orange County		
Marchiselli Eligible ☒ Yes ☐ No (Check, if Project Description has changed from last Schedule A): ☐ Project Description: BIN 2223620 Walsh Road/Quassaick Creek Bridge Replacement in the City of Newburgh			
Marchiselli Allocations Approved FOR ALL PHASES <i>All totals will calculate automatically.</i>			
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase	TOTAL
		PE/Design	ROW (RI & RA)
		Construction/CI/CS	
☐	Cumulative total for all prior SFYs	\$0.00	\$0.00
☐	Current SFY	\$0.00	\$0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.							
PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8761.40.121 122.	Current	STP (80%)	\$375,000.00	\$300,000.00	\$56,250.00 *	\$18,750.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00 *	\$0.00	\$0.00
8761.40.221 .	Current	STP (80%)	\$105,000.00	\$84,000.00	\$15,750.00 *	\$5,250.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
8761.40.321 .	Current	STP (80%)	\$1,980,000.00	\$1,584,000.00	\$297,000.00 *	\$99,000.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$.	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$2,460,000.00	\$1,968,000.00	\$369,000.00	\$123,000.00	\$ 0.00

NYS DOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8761.40.121	Current		\$ 0.00	\$0.00	\$0.00	\$0
	Old	STP	\$375,000.00	\$300,000.00	\$0.00	\$75,000.00
8761.40.221	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old	STP	\$30,000.00	\$24,000.00	\$0.00	\$6,000.00
8761.40.322	Current	HPP	\$826,965.00	\$661,572.00	\$0.00	\$165,393.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$826,965.00	\$661,572.00	\$ 0.00	\$165,393.00

C. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$0
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$2,629,572.00	\$369,000.00	\$ 0.00	\$288,393.00	\$3,286,965.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>Giselle Gutierrez</u> Phone No: <u>845-431-5731</u>
--	---

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A**Footnotes:** (See LPB's website for link to sample footnotes)

- Project Description Continued: The project involves the complete replacement of the existing structure that carries Walsh Road over the Quassaick Creek in the City of Newburgh, Orange County. Design features and standards for the project include bridge substructure and superstructure replacement, surface restoration (asphalt and vegetative), pedestrian sidewalk accommodations, drainage facilities restoration and life cycle cost considerations in selection of replacement bridge.
- Marchiselli funding hereunder is limited by the amount authorized on the Comprehensive List. Additional Marchiselli funding is contingent on appropriate increase(s) to the Comprehensive List and the execution of a Supplemental Schedule A providing such additional funds.
- This Schedule A includes the ROW Acquisition, Construction, and Construction Inspection Phase and Funds.
- xx.121/.122 represents \$150,000 for Preliminary Design and \$225,000 for Detailed Design.
- xx.221 represents \$30,000 for ROW Incidentals and \$75,000 for ROW Acquisition.
- xx.321 represents \$1,500,000 for Construction and \$480,000 for Construction Inspection.
- xx.322 represents \$826,965 for Construction as repurposed Earmark funding DEMO NY 548. The repurposed earmark funds must be obligated on or before September 30, 2023.
-
-
-
- PIN 8761.40; 7/14/2017mg; 9/6/2022 gg

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

**PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.**

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$25,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law § 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this

contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment, nor subject any individual to harassment, because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2 NYCRR § 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, the "Records"). The

Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a," "b," and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and

improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this clause. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State

or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992 (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority- and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwbecertification@esd.ny.gov

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public Authorities Law § 2879(3)(n)-(p)) requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority- and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5)) require that they be denied contracts which they would otherwise obtain. NOTE: As of October 2019, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law § 899-aa and State Technology Law § 208) and commencing March 21, 2020 shall also comply with General Business Law § 899-bb.

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.

If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4)(g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law §§ 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law §§ 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law § 5-a, if the contractor fails to make the certification required by Tax Law § 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law § 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <https://ogs.ny.gov/list-entities-determined-be-non-responsive-biddersofferers-pursuant-nys-iran-divestment-act-2012>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT.

Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

RESOLUTION NO.: 240 - 2022

OF

SEPTEMBER 26, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE
ISSUED TO PETER HOPPER AND ANNA HOPPER FOR THE PREMISES LOCATED AT
330 FIRST STREET (SECTION 21, BLOCK 7, LOT 21)**

WHEREAS, the Newburgh Community Development Agency ("NCDA") issued a mortgage to Peter Hopper and Anna Hopper in the principal sum of \$2,450.00 for premises located at 330 First Street (Section 21, Block 7, Lot 21), dated October 19, 1992, and recorded in the Orange County Clerk's Office on October 29, 1992, in Liber 4483, Page 14; and

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

WHEREAS, this Council has determined that issuing and executing a Satisfaction of Mortgage, a copy of which is annexed hereto, is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Peter Hopper and Anna Hopper for 330 First Street.

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

MORTGAGE bearing the date of October 19, 1992, made by Peter Hopper and Anna Hopper to the Newburgh Community Development Agency, given to secure payment of the principal sum of \$2,450.00, and duly recorded in the office of the Orange County Clerk's Office on October 29, 1992, in Liber 4483, Page 14; and

which mortgage has not been further assigned of record.

Dated: September ____, 2022

CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Resolution No.: ____-2022

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

On the _____ day of September, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO. 241 - 2022

OF

SEPTEMBER 26, 2022

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME
TO REHABILITATE THE PREMISES KNOWN AS 394 LIBERTY STREET
(SECTION 10, BLOCK 1, LOT 41) IN THE CITY OF NEWBURGH
UNTIL APRIL 28, 2023**

WHEREAS, the City of Newburgh did convey the premises located at 394 Liberty Street, more accurately described as Section 10, Block 1, Lot 41 on the Official Tax Map of the City of Newburgh, by deed dated October 28, 2019; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about April 28, 2021; and

WHEREAS, the owners of the property, Alina Preciado, Irene Salazar, and Abel Salazar, stated they would be unable to comply with the April 28, 2021 deadline, but have attempted a good faith effort and intent to complete the rehabilitation; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its future development to grant an extension of time to rehabilitate the premises;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Alina Preciado, Irene Salazar, and Abel Salazar be granted an extension to rehabilitate the premises known as 394 Liberty Street in the City of Newburgh until April 28, 2023.



CITY OF NEWBURGH

Department of Code Compliance

123 Grand Street, Newburgh, New York 12550

Phone: (845) 569-7400 / Fax: (845) 569-0096

TO: Todd Venning, City Manager

CC: Alexandra Church, Director of Planning and Development
Jeremy Kaufman, Assistant Corporation Counsel

FROM: Charlotte Mountain, Code Compliance Supervisor

DATE: September 13, 2021

SUBJECT: 394 Liberty Street, Request for Extension to Rehabilitate

This office received a request for extension of time to rehabilitate the property on August 4, 2022.

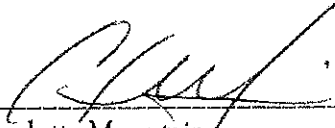
This office reviewed the property file. The property owner has applied for the following permits, with status as follows:

1. RESIDENTIAL REPAIR 2021-00222 :: Application Date 03/02/2021 :: Issued Date 03/22/2021 :: Expiration Date 09/22/2021
2. BUILDING OTHER 2022-00462 :: Application Date 03/07/2022 :: Issued Date 06/23/2022 :: Expiration Date 12/23/2022

This office conducted a site visit of the property on August 18, 2022.

Based upon the site inspection of the property, the project is approximately 30 percent complete. Based upon the site inspection, a review of the property file, and review of the property owner's extension request letter, the property owner's request for a 7 month extension is reasonable provided the property owner continues to keep permits current.

Thank you,


Charlotte Mountain
Code Compliance Supervisor

Newburgh City Council

Request for Extension to Rehabilitation the property:
394 Liberty Street, Newburgh, New York 12550
Section 10 - Block 1- Lot 41
Owner: Alina Preciado



To Whom this may concern,

July 7, 2022

I am the property owner at the above address and would like to request an extension on the work that needs to be done and attaining the COO needed for me to move into the premises.

As you may already know, the property purchased closed at the end of the year 2019, a mere few months before the pandemic hit. That winter my plan was to begin work in the Spring of 2020 however plans changed significantly. Between lockdown, lack of finding professionals to work and then construction being halted it was quite difficult. Once things began to resume it was very slow, very slow. Permitting was hard and as you may know, the office has changed heads in charge a few times since I bought the house. Waits have been very long as well.

Unfortunately, I had also hired a local Newburgh "Contractor" who ended up stealing from my home, lying about the permits and more importantly made some tremendous building errors that all had to be redone completely, he finally disappeared on me. Some parts of his horrible work had to be completely revisited and redone, including plumbing, windows, doors and some structural elements. After waiting for a structural engineer to assess alas we have a plan and I have a new contractor that is moving smoothly, however things are still taking more time than I ever would have expected. We've had to wait for some things for so long due to the pandemic, and there have been shortages of workers from every sector.

Additionally, this past summer 2021, I became very ill, was in and out of the hospital, had surgery, lung collapse etc. It really halted the speed at which I was able to oversee work at the house this past Fall. I did everything I could to stay on top, including having a local friend attend ARC on my behalf after my surgery.

We have now nearly completed the exterior of the house! All new James Hardie plank boards, full exterior Insulation, windows, Doors, roof, porch, back deck, french drains around the house, etc. are all nearly done. Painting will start August 8th. The wait time for the painter has been long. The new revised permit was finally accepted after a 4 month wait, so happy to have posted that last week. We now have structural enforcements in the basement as well as finishing concrete work. Interior has plumbing that had to be completely redone and now about 70% complete as I started with all new plumbing on the house. Electrical is about 70% as well and I did all the new electrical throughout the entire house as well. New HVAC etc. You can visibly see a lot has been done and I am proud of the work that has been completed despite all the set-backs.

Obviously the house was not liveable inside and was abandoned for 10 years. I even had to wait for nearly 9 months just for a gas connection from Central Hudson. The house had been disconnected. We now may have to replace the lead plumbing lines but waiting on confirmation. My home was built

prior to 1835 but when done it will stand another 200 years! Please know I am lovingly restoring it even down to the original floorboards but there is still much to do in this regard. Historical pieces are all being restored by hand when possible or built new when needed. Much needs to be done in the interior as well as new kitchen and bathroom features. New interior trim that will be customized to the house's historical origination.

I anticipate the house to be completed by April - Spring 2023, with COO.

Warmly,

Alina Preciado

RESOLUTION NO.: 242 - 2022

OF

SEPTEMBER 26, 2022

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE
ISSUED TO LORRAINE SKURNIK FOR THE PREMISES LOCATED AT
73 PROSPECT STREET (SECTION 21, BLOCK 2, LOT 14)
(F/K/A 67-69 PROSPECT STREET AND F/K/A 73-75 PROSPECT STREET)

WHEREAS, the Newburgh Community Development Agency ("NCDA") issued a mortgage to Lorraine Skurnik in the principal sum of \$18,713.00 for premises located at 73 Prospect Street (Section 21, Block 2, Lot 14) (f/k/a 67-69 Prospect Street and f/k/a 73-75 Prospect Street), dated June 4, 1997, and recorded in the Orange County Clerk's Office on April 23, 1998, in Liber 6578, Page 167; and

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

WHEREAS, this Council has determined that issuing and executing a Satisfaction of Mortgage, a copy of which is annexed hereto, is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Lorraine Skurnik for 73 Prospect Street.

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

MORTGAGE bearing the date of June 4, 1997, made by Lorraine Skurnik to the Newburgh Community Development Agency, given to secure payment of the principal sum of \$18,713.00, and duly recorded in the office of the Orange County Clerk's Office on April 23, 1998, in Liber 6578, Page 167; and

which mortgage has not been further assigned of record.

Dated: September ____, 2022

CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Resolution No.: ____-2022

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

On the _____ day of September, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: 243 - 2022

OF

SEPTEMBER 26, 2022

**A RESOLUTION TO APPLY AND ACCEPT IF AWARDED
ROUND 6 NY RESTORE COMMUNITIES INITIATIVE GRANTS FOR
REHABILITATING THREE PROPERTIES LOCATED ON LANDER STREET AND
REHABILITATING THE DUTCH REFORMED CHURCH**

WHEREAS, the 2022-23 State Budget provided new funding for the Restore New York's Communities Initiative to be implemented by the Empire State Development Corporation ("ESDC") purpose of revitalizing urban and rural areas, disadvantaged communities, and stabilizing neighborhoods; and

WHEREAS, the City of Newburgh intends to submit a Round 6 NY Restore Communities Initiative grant application in an amount not to exceed \$2,000,000.00 with a minimum 10% City match anticipated to be funded by New York State Department of Homes and Community Renewal's Small Building Loan Participation Program and administered by the Newburgh Community Land Bank for a "normal" project to rehabilitate 72 Lander Street, 76 Lander Street and 78 Lander Street to include 12 affordable rental units defined as permanent housing that is affordable to low- and moderate-income households, such that the new housing achieves income averaging at or below fifty percent of the area median income, with residents' eligibility capped at a maximum of eighty percent of the area median income at the start of their lease; and

WHEREAS, the City of Newburgh intends to submit a Round 6 NY Restore Communities Initiative grant application in an amount not to exceed \$10,000,000.00 with a minimum 10% City match anticipated to be funded by community development partners and existing grants for a "special" project to rehabilitate the Dutch Reformed Church which is defined as a project that results from a severe economic injury to the community, leaving a highly visible and blighted property or properties in the central business district of a distressed community which has a depressing effect on the overall economic development potential of the community; and

WHEREAS, the City of Newburgh duly convened and completed a public hearing to receive comment on its Restore NY applications and Property Assessment List on September 26, 2022; and

WHEREAS, the required \$1,000.00 in application fees (\$500/each) shall be paid from A.8684.0462 and the City Council finds that applying for and accepting such grants if awarded 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 that the City Manager be and he is hereby authorized to apply for and accept if awarded Round 6 NY Restore Communities Initiative Grants in an amount not to exceed \$2,000,000.00 with a 10% City match for a normal project to rehabilitate 72 Lander Street, 76 Lander Street and 78 Lander Street and in an amount not to exceed \$10,000,000.00 with a 10% City match for a special project to rehabilitate the Dutch Reformed Church; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

Section 1 – Intent to Apply for Restore NY Funding

If a Municipality is intending to apply for Restore NY funding, this form must be submitted by the leading municipal official. Mail form to: Empire State Development – Restore NY, Attention Allison Argust, 625 Broadway, Albany, NY 12245; or e-mail a signed PDF copy to RNY6Intent@esd.ny.gov by **August 11th 2022**. A municipality can submit up to two different letters of intent.

Applications from municipalities that do not submit this form will not be accepted.

ESD will acknowledge receipt of the Letter of Intent by sending a confirmation e-mail to the contact person identified below. It is the responsibility of the municipality to ensure that the Letter of Intent has been received by ESD. If an e-mail confirmation notice is not received by August 16th, 2022 the municipality should contact ESD at (518) 292-5200.

Municipality Name:	City of Newburgh
Street Address (not PO Box):	83 Broadway
City, State, Zip:	Newburgh, NY 12550
County:	Orange
Contact Name:	Alexandra Church
Title:	Director of Planning
Phone Number:	845-569-9400
E-Mail Address:	achurch@cityofnewburgh-ny.gov
NYS Unemployment Insurance Tax#:	14-6002329
Type of Municipality:	County ☐ City ☒ Town ☐ Village ☐
Senate District #(s) and Name(s): (If multiple, list all. Attach additional page if necessary.)	# 39 Skoufis
Assembly District #(s) and Name(s): (If multiple, list all. Attach additional page if necessary.)	# 104 Jacobson

In the section below, provide a brief project description that includes how the project meets Restore NY goals (e.g., that the project will demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings). The description should include the size of the project (e.g., number of and square feet of building(s) in the project). It should also include the intended reuse of the properties and other salient information such as its location in a target area of the community, or that it is part of a local revitalization or urban development plan. The description should not exceed 150 words. **You must attach or include a list of the properties you will be using the funding for.** All municipalities are eligible to submit two letters of intent for normal projects. Eligible municipalities can also submit one additional letter of intent for a special project as defined in Section 7 of the guidelines. Please document on the Intent to Apply forms if it is for a special project or not. **You may not submit an application for a project that was not the subject of an approved letter of intent.**

Name of Project:	Lander Street Rehabilitation Project
Number of Properties:	3
Estimated Project Cost:	3,252,900
Estimated Restore NY Request:	2,000,000
Name of Development Company:	Newburgh Community Land Bank
Brief Project Description:	The Lander Street project seeks to rehabilitate three long-abandoned, City-owned buildings – 72 Lander Street, 76, Lander Street, and 78 Lander Street – to productive use. These buildings are in poor condition and located in an area of the City that has experienced a significant amount of renovation work in the past few years. Two of the buildings are adjacent to one another (76 and 78 Lander Street); the other building (72 Lander Street) is separated by one building from the others. (74 Lander Street was recently purchased. The new owner has already submitted a renovation permit application.) The three buildings will contain 12 residential units within approximately 10,843sf. The Newburgh Community Land Bank (NCBL) will act as the developer. The NCBL plans to leverage monies from HCR 's Participatory Loan Program (PLP) to complete the project. Once finished, the NCBL will sell the properties and return the buildings to the tax rolls.

Signature	Alexandra Church	Digitally signed by Alexandra Church DN: cn=Alexandra Church, o=City of Newburgh, ou=Planning Department, email=achurch@cityofnewburgh-ny.gov, c=US Date: 2022.08.11 12:26:57 -04'00'
Title	Director of Planning and Development	Date 8/11/2022

Section 1 – Intent to Apply for Restore NY Funding

If a Municipality is intending to apply for Restore NY funding, this form must be submitted by the leading municipal official. Mail form to: Empire State Development – Restore NY, Attention Allison Argust, 625 Broadway, Albany, NY 12245; or e-mail a signed PDF copy to RNY6Intent@esd.ny.gov by **August 11th, 2022**. A municipality can submit up to two different letters of intent.

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ESD will acknowledge receipt of the Letter of Intent by sending a confirmation e-mail to the contact person identified below. It is the responsibility of the municipality to ensure that the Letter of Intent has been received by ESD. If an e-mail confirmation notice is not received by August 16th, 2022 the municipality should contact ESD at (518) 292-5200.

Municipality Name:	City of Newburgh
Street Address (not PO Box):	83 Broadway
City, State, Zip:	Newburgh, NY 12550
County:	Orange
Contact Name:	Alexandra Church
Title:	Director of Planning and Development
Phone Number:	845-569-9400
E-Mail Address:	achurch@cityofnewburgh-ny.gov
NYS Unemployment Insurance Tax#:	14-6002329
Type of Municipality:	County ☐ City ☒ Town ☐ Village ☐
Senate District #(s) and Name(s): (If multiple, list all. Attach additional page if necessary.)	# 39 Skoufis
Assembly District #(s) and Name(s): (If multiple, list all. Attach additional page if necessary.)	# 104 Jacobson

In the section below, provide a brief project description that includes how the project meets Restore NY goals (e.g., that the project will demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings). The description should include the size of the project (e.g., number of and square feet of building(s) in the project). It should also include the intended reuse of the properties and other salient information such as its location in a target area of the community, or that it is part of a local revitalization or urban development plan. The description should not exceed 150 words. **You must attach or include a list of the properties you will be using the funding for.** All municipalities are eligible to submit two letters of intent for normal projects. Eligible municipalities can also submit one additional letter of intent for a special project as defined in Section 7 of the guidelines. Please document on the Intent to Apply forms if it is for a special project or not. **You may not submit an application for a project that was not the subject of an approved letter of intent.**

Name of Project:	Dutch Reformed Church (DRC)
Number of Properties:	1
Estimated Project Cost:	\$15,000,000
Estimated Restore NY Request:	\$6,202,013
Name of Development Company:	PPP with City of Newburgh
Brief Project Description:	The City of Newburgh intends to apply for funds as a special Restore NY project to rehabilitate the former Dutch Reformed Church (DRC). The DRC (13,480sf), designed by Andrew Jackson Davis in 1835, is a National Historic Landmark. Unfortunately, it has been vacant since the 1980s and has suffered the consequences of long-term abandonment. In its current blighted condition, the City-owned DRC has a negative influence on the surrounding downtown neighborhood. The City is pursuing a commercial reuse of the property; Letters of Interest from potential developers will be included with our application. This project will leverage funding from two existing NYS OPHRP grants. Rehabilitation work is ready to begin; the City has a remediation plan and a structural engineering report outlining the scope of work. The goal is to transform a highly visible eyesore into a commercial enterprise that will increase the City's tax revenue and stimulate further development.

Signature	Alexandra Church	Digitally signed by Alexandra Church DN: cn=Alexandra Church, o=City of Newburgh, ou=Planning Department, email=achurch@cityofnewburgh-ny.gov, c=US Date: 2022.08.11 12:24:48 -0400
Title	Director of Planning and Development	Date 8/11/2022

RESOLUTION NO.: 244 - 2022

OF

SEPTEMBER 26, 2022

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 11, 2022
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW AMENDING
ARTICLE IX-A OF THE CHARTER OF THE CITY OF NEWBURGH
ENTITLED "WATER DEPARTMENT"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Article IX-A of the Charter of the City of Newburgh entitled 'Water Department'"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 11th day of October, 2022.

LOCAL LAW NO.: _____ - 2022

OF

_____, 2022

**A LOCAL LAW AMENDING ARTICLE IX-A OF THE CHARTER OF
THE CITY OF NEWBURGH ENTITLED "WATER DEPARTMENT"**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Article IX-A of the Charter of the City of Newburgh entitled "Water Department" be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law amending Article IX of the Charter of the City of Newburgh entitled "Water Department"".

SECTION 2 - AMENDMENT

Article IX-A of the City Charter of the City of Newburgh entitled "Water Department" is hereby amended to read as follows:

Article IX-A. ~~Water Department~~ Water Division

§ C9-A.50 ~~Division Department~~ established; Superintendent.

~~There shall be a Water Department headed by the Superintendent of Water. The Superintendent shall have administrative control and direction of the Department and such other functions and duties as may be assigned by the City Manager.~~

There shall be a Water division headed by the Superintendent of Water. The Superintendent of Water shall have administrative control and direction of the Water division and such other functions and duties as may be assigned by the City Manager or the Commissioner of Public Works in a manner consistent with Article IX of the City Charter.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts

Underlining denotes additions

~~Strikethrough~~ denote deletions

of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Charter", "Article", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the City Charter affected thereby.

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

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

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 245 - 2022

OF

SEPTEMBER 26, 2022

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 11, 2022
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW AMENDING
ARTICLE II OF THE CHARTER OF THE CITY OF NEWBURGH
ENTITLED 'MUNICIPAL POWERS'"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Article II of the Charter of the City of Newburgh entitled 'Municipal Powers'"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 11th day of October, 2022.

LOCAL LAW NO.: _____ - 2022

OF

_____, 2022

**A LOCAL LAW AMENDING ARTICLE II OF THE CHARTER OF
THE CITY OF NEWBURGH ENTITLED "MUNICIPAL POWERS"**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Article II of the Charter of the City of Newburgh entitled "Municipal Powers" be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law amending Article II of the Charter of the City of Newburgh entitled 'Municipal Powers'".

SECTION 2 - AMENDMENT

Article II of the City Charter of the City of Newburgh entitled "Municipal Powers" is hereby amended to read as follows:

Article II. Municipal Powers

§ C2.02 Further specific powers.

A. In addition to all other powers possessed by the City under this Charter or under any other law, the City shall have the power:

(1) To construct, maintain and clean sidewalks, gutters and curbs in the public streets and to regulate the grade, width, materials and construction thereof; to construct the same either as a public or as a local improvement or to permit the owners of abutting property to construct the same at their own expense under the direction and supervision of the ~~Superintendent of Public Works~~ Commissioner of Public Works.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be

Underlining denotes additions

~~Strikethrough~~ denote deletions

the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Charter", "Article", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the City Charter affected thereby.

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

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

RESOLUTION NO.: 246 - 2022

OF

SEPTEMBER 26, 2022

A RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION
REGARDING THE FORECLOSURE OF TAX LIENS IN REM
FOR THE YEAR 2018 RELATED TO PROPERTY KNOWN AS
26 BLAKE STREET (SECTION 2, BLOCK 18, LOT 11)

WHEREAS, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number EF-011885-2018; and

WHEREAS, Shawn Seeley, by his Guardian-at-Law attorney, caused the filing of an Answer to the tax foreclosure proceeding on March 11, 2022 with respect to the property known as 26 Blake Street (Section 2, Block 18, Lot 11); and

WHEREAS, the property owner, through his Guardian-at-Law, indicated that he is prepared to withdraw his Answer and settle the action as it applies to the subject property; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter without the need for litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Director of Finance and Enforcing Officer is hereby authorized to withdraw the liens on the property located at 26 Blake Street (Section 2, Block 18, Lot 11), City of Newburgh, from the List of Delinquent Taxes and remove the property from the 2018 *In Rem* tax foreclosure action (Index Number EF-011885-2018), as the sum of Ninety Thousand Five Hundred Fifty-Seven and 11/100 dollars (\$90,557.11), representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, water charges, sewer charges, and sanitation charges, have been tendered to the City of Newburgh in full by certified check and is ready for acceptance.