

A regular meeting of the City Council of the City of Newburgh was held on Monday, October 24, 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, Councilmember Monteverde, Councilmember Shakur, Councilmember Sklarz, Councilmember Sofokles - 7

COMMUNICATIONS

Approval of the minutes from the City Council meeting of October 11, 2022 / Aprobacion del Acta de la Reunion General del Consejo del 11 de octubre de 2022

Councilman Grice moved and Councilman Shakur seconded.

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

CARRIED

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



City Manager's Update

Newburgh City Council Meeting

Monday, October 24, 2022

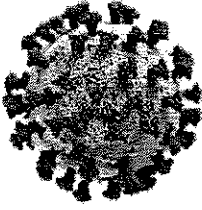


Novel Coronavirus (COVID-19)

For more information

Hotline: 1-888-364-3065

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



New York State Department of Health COVID-19 Tracker

Testing data as of: 10/21/2022 2 PM
Testing data last updated on: 10/22/2022

Statewide

Tested Positive (10/21)
3,948

Total Results Received (10/21)
77,162

Tested Positive (Cumulative)
6,130,551

Total Results Received (Cumulative)
121,073,225

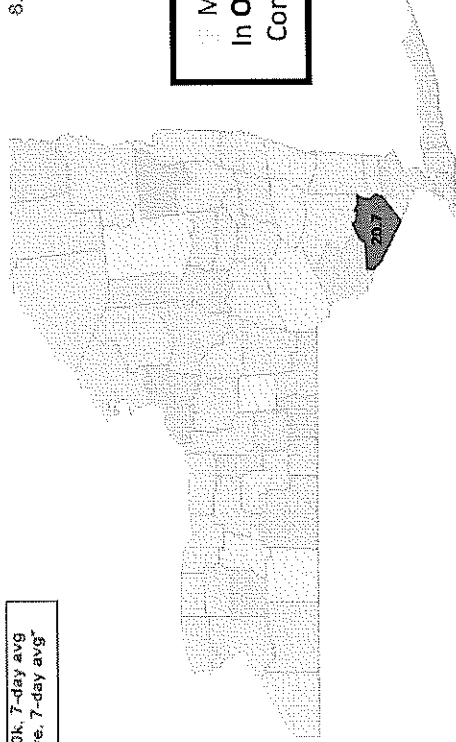
Tested Positive by Sex (Cumulative)

Female 52.5% Male 45.9% Unknown 1.6%

Positive Tests by County

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

8.7 29.6



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

Click County to
See Detail
Click Again for
Statewide

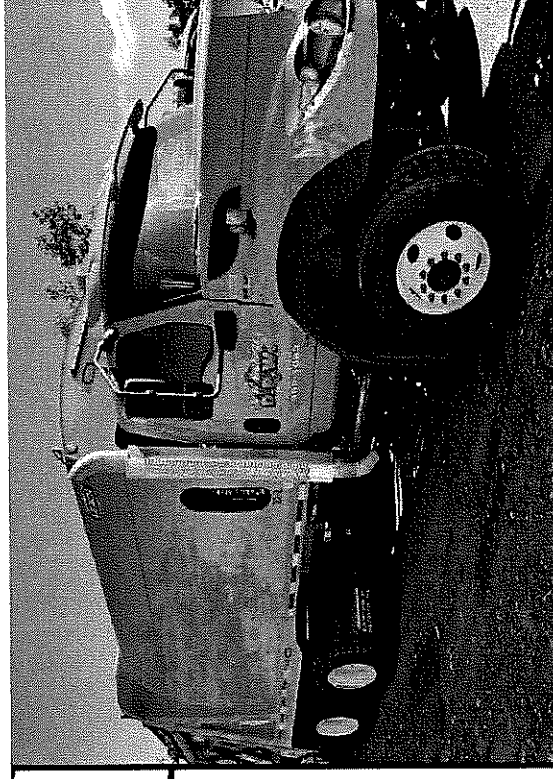
Onondaga
Ontario
Orange
Orleans
Oswego
Otsego
Putnam
Queens
Rensselaer
Richmond
Rockland
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
St. Lawrence
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Ulster
Warren
Washington
Wayne
Westchester
Wyoming
Yates

County Testing Details: Orange (10/21)

Tested Positive (Prior Day)	Total Results Received (Prior Day)	Cases per 100k (Prior day)	Test % Positive (Prior Day)*	Tested Positive (Cumulative)	Total Results Received (Cumulative)
68	2,963	17.8	1.7%	128,775	1,923,540

SANITATION TOTALS FOR THE MONTH OF SEPTEMBER

- 928 tons of solid waste
- 94 tons of recyclable material

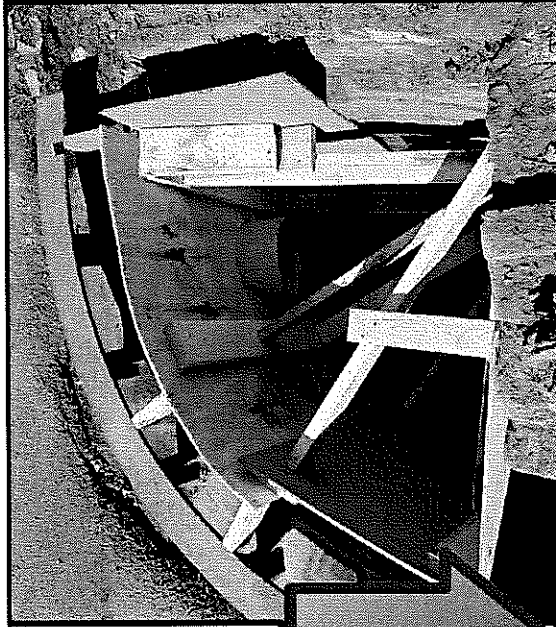


SANITATION ENFORCEMENT TOTALS FOR SEPTEMBER

- 139 Warning letters written
- 85 Violation letters issued
- 4 Court appearance letters issued



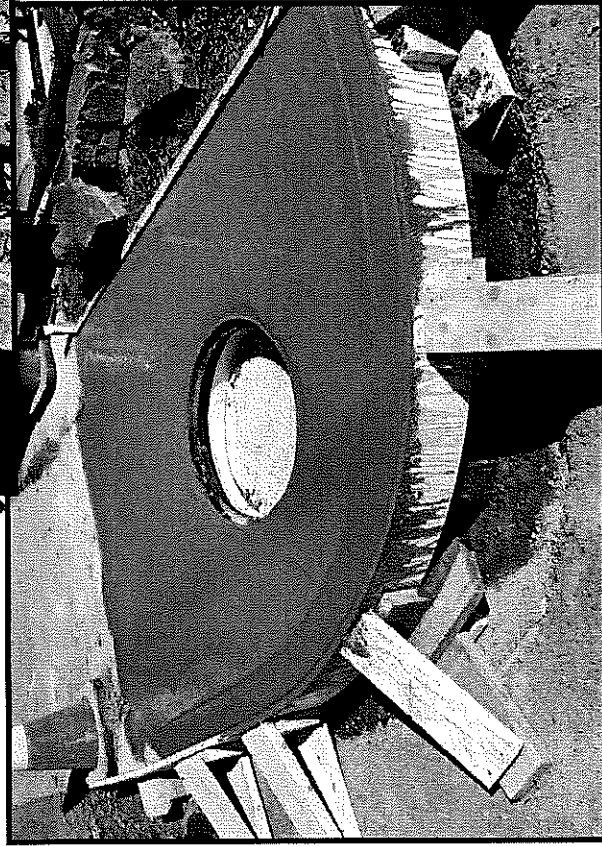
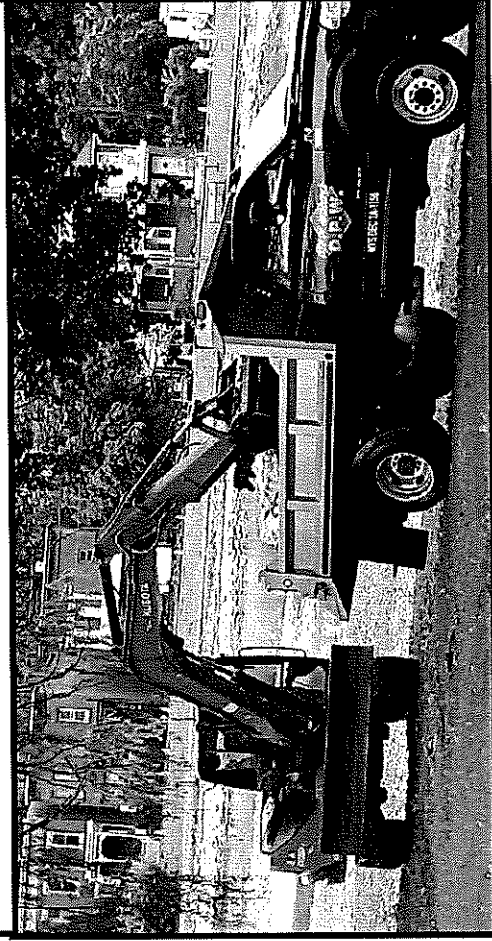
REBUILT CATCH
BASIN ON
BROADWAY AND
PROSPECT
STREET



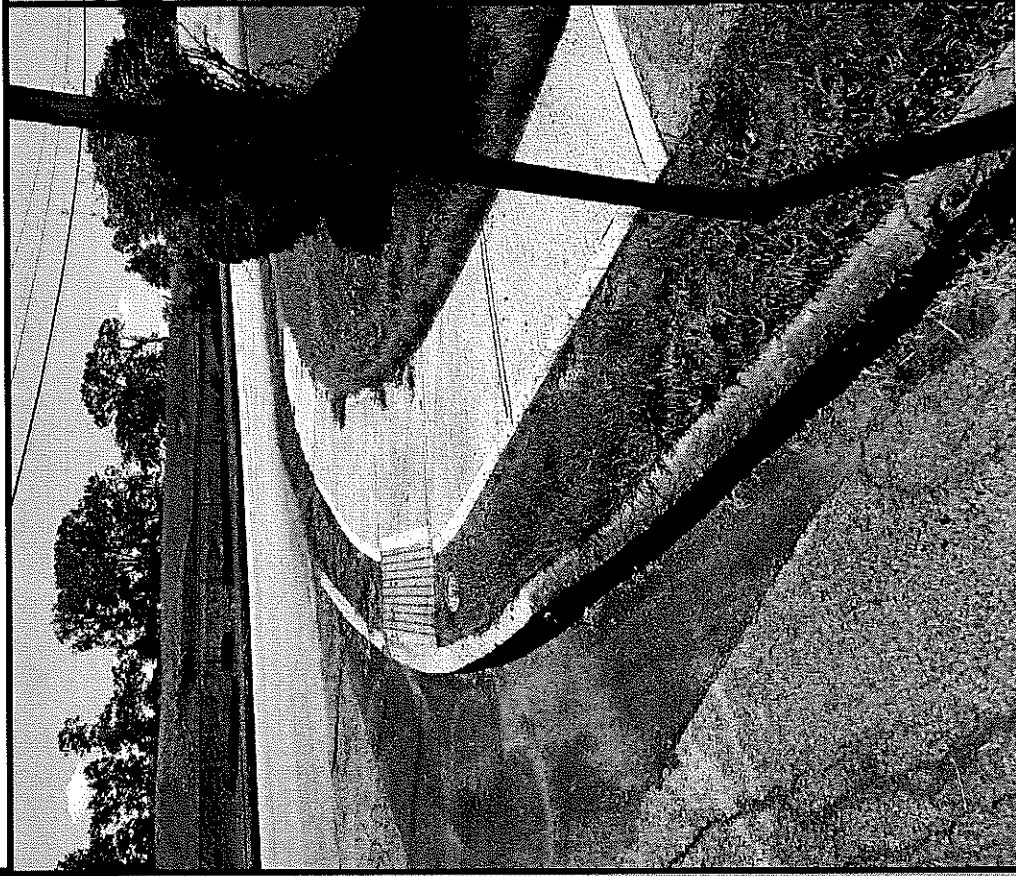
REBUILT CATCH BASIN ON CITY TERRACE
AND VAN NESS STREET

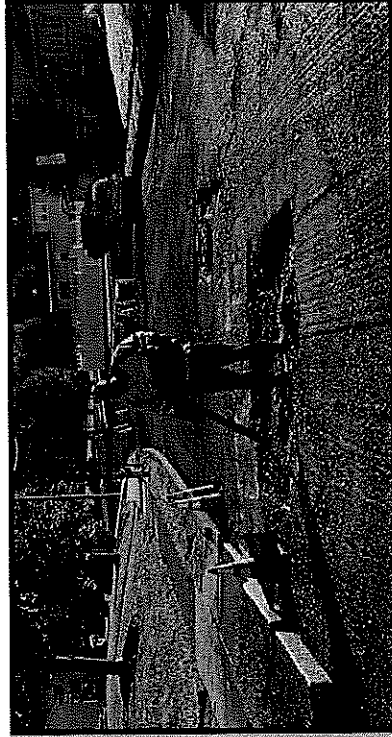


CLEANED UP DOWNING PARK

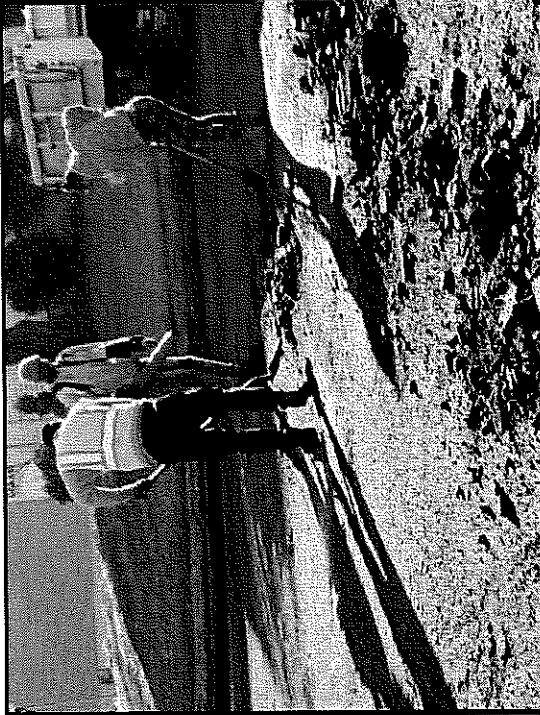


**NEW ADA SIDEWALKS ON DEFOREST AVENUE AND WEST STREET
& ON MCCORD DRIVE AND WEST STREET**





2022 PAVING



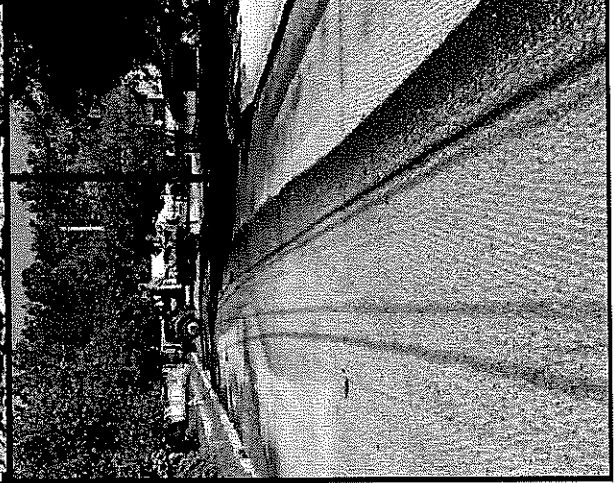
STREETS BEING PAVED

Odell Street
Memorial Drive
Ellis Avenue
Temple Avenue
Beach Street
Wisner Avenue
McCord Drive
Pleasant Valley Way
Kingsley Place
Deforest Avenue
Fullerton Avenue

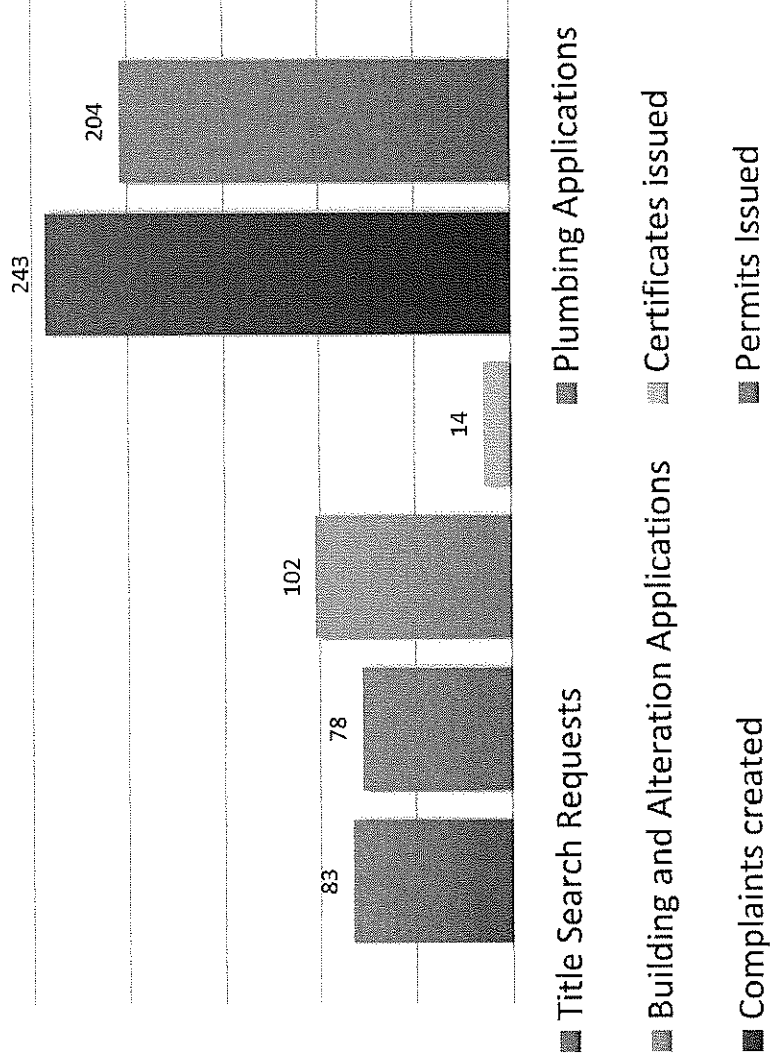
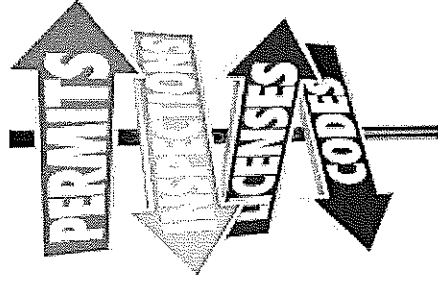


MUNICIPAL LOTS BEING PAVED

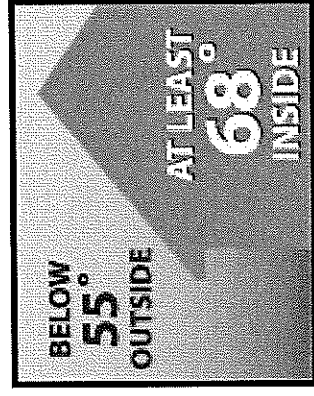
Delano-Hitch
172 Van Ness Street
110 Grand Street

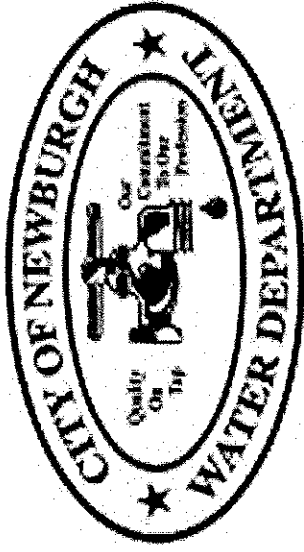


CODE COMPLIANCE UPDATE SEPTEMBER

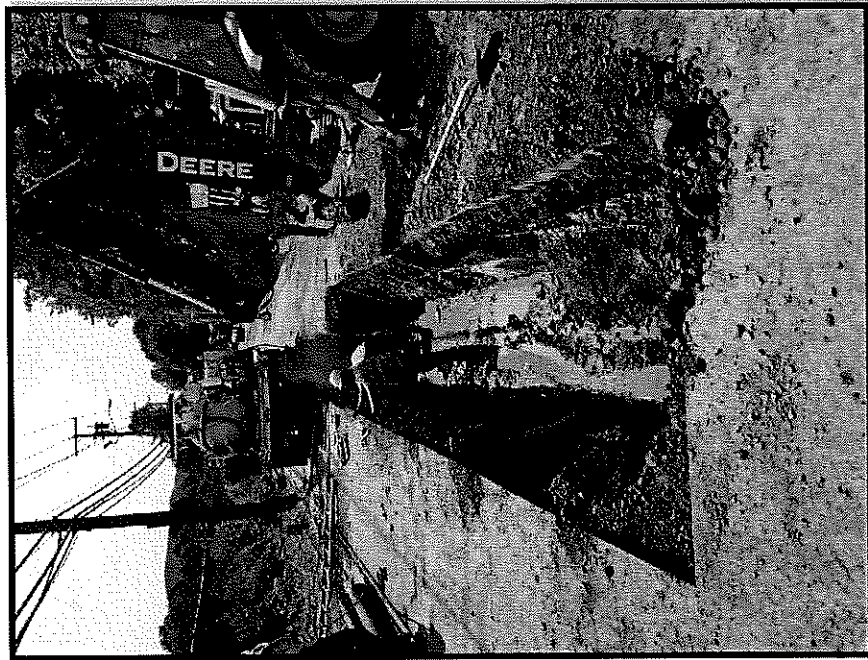
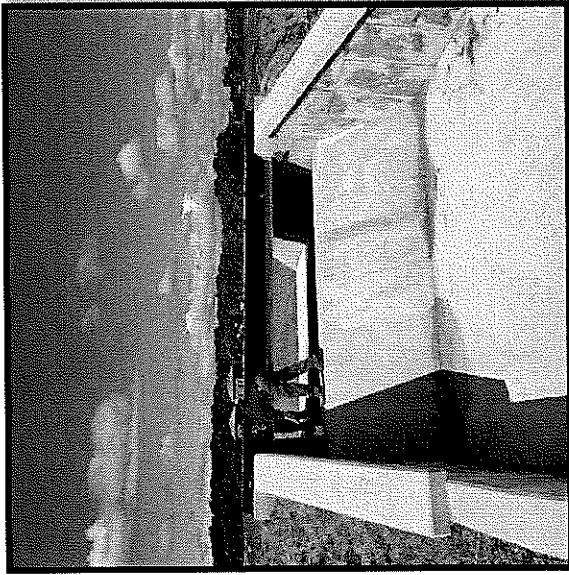
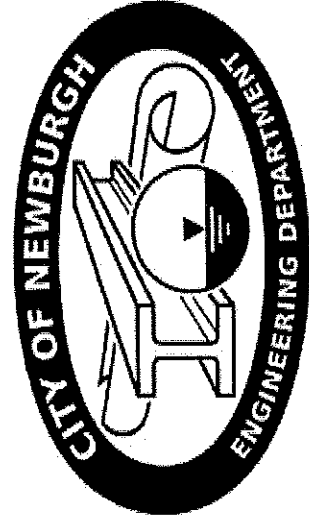


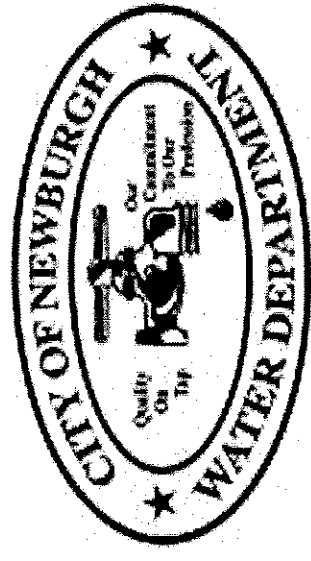
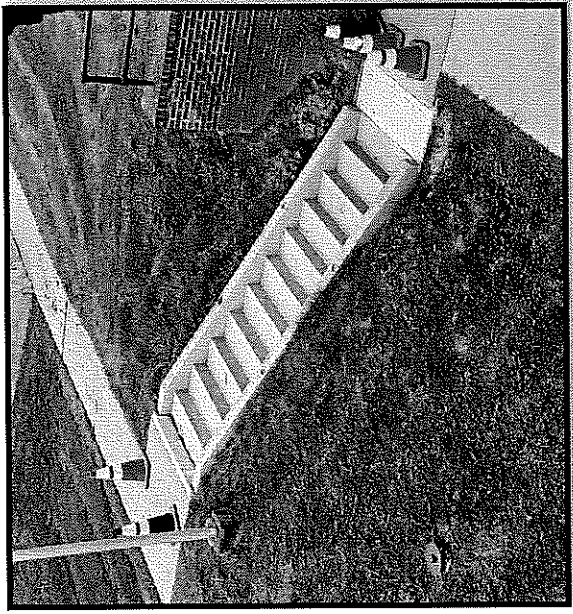
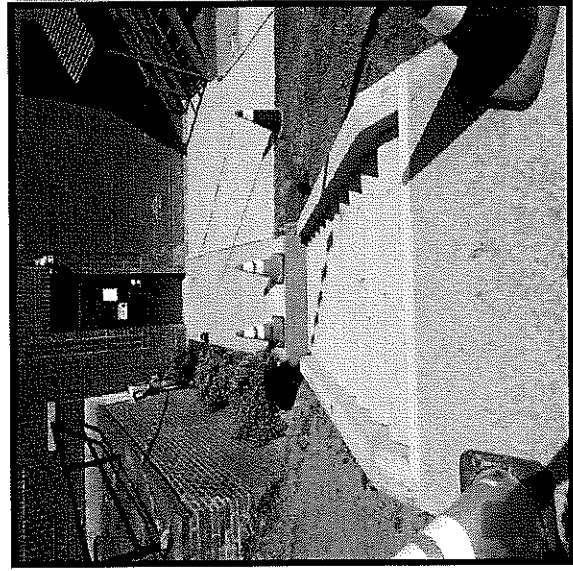
COMPLIANCE REMINDER





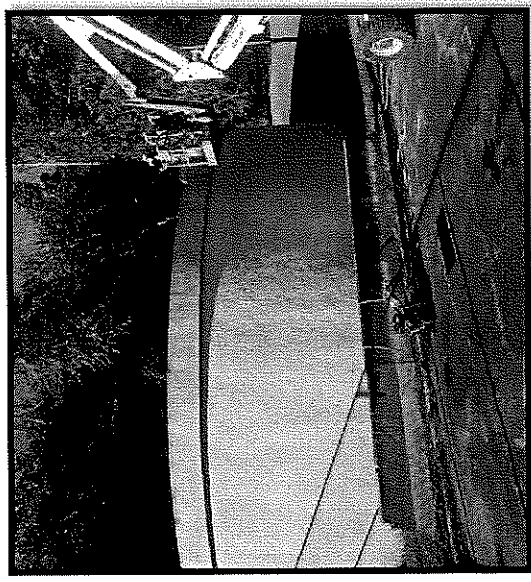
CAPITAL PROJECTS





FILTRATION DIVISION

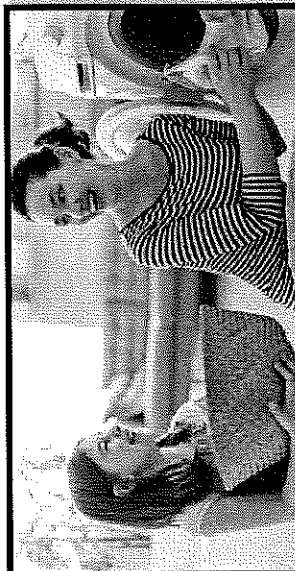
- New Concrete stairs were replaced at the filtration plant
- Filtration Plant Operators power washed the Raw Water Tank before winter
- Annual Health Department inspection took place on October 6 and 7



NOTICE TO RESIDENTIAL AND SMALL BUSINESS WATER CUSTOMERS

REMINDER

MORATORIUM ON UTILITY SHUTOFFS
EXPIRED JUNE 30, 2022
RE-LEVY PROCEDURES BEGIN NOVEMBER 1, 2022

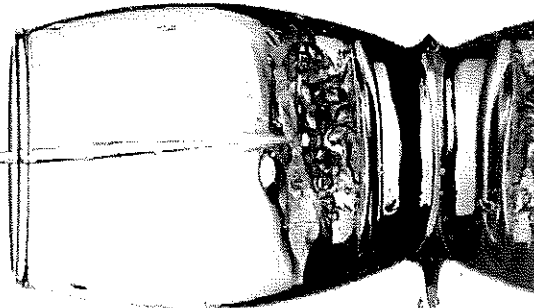


LHWAP
Low Income Household
Water Assistance Program

A Program of the Office of Temporary and Disability Assistance

**Get Help Paying Overdue
Water and Sewer Bills**

**CALL 833-690-0208
TO REQUEST AN
APPLICATION**

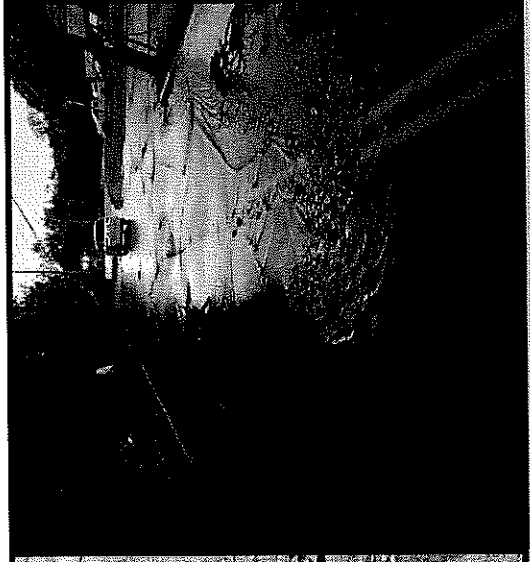
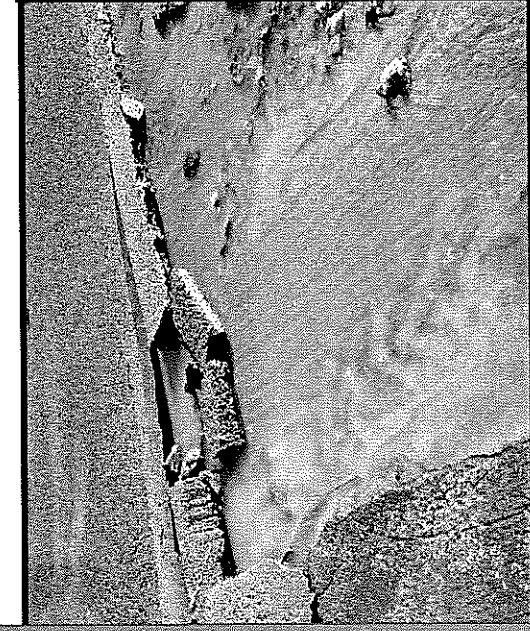




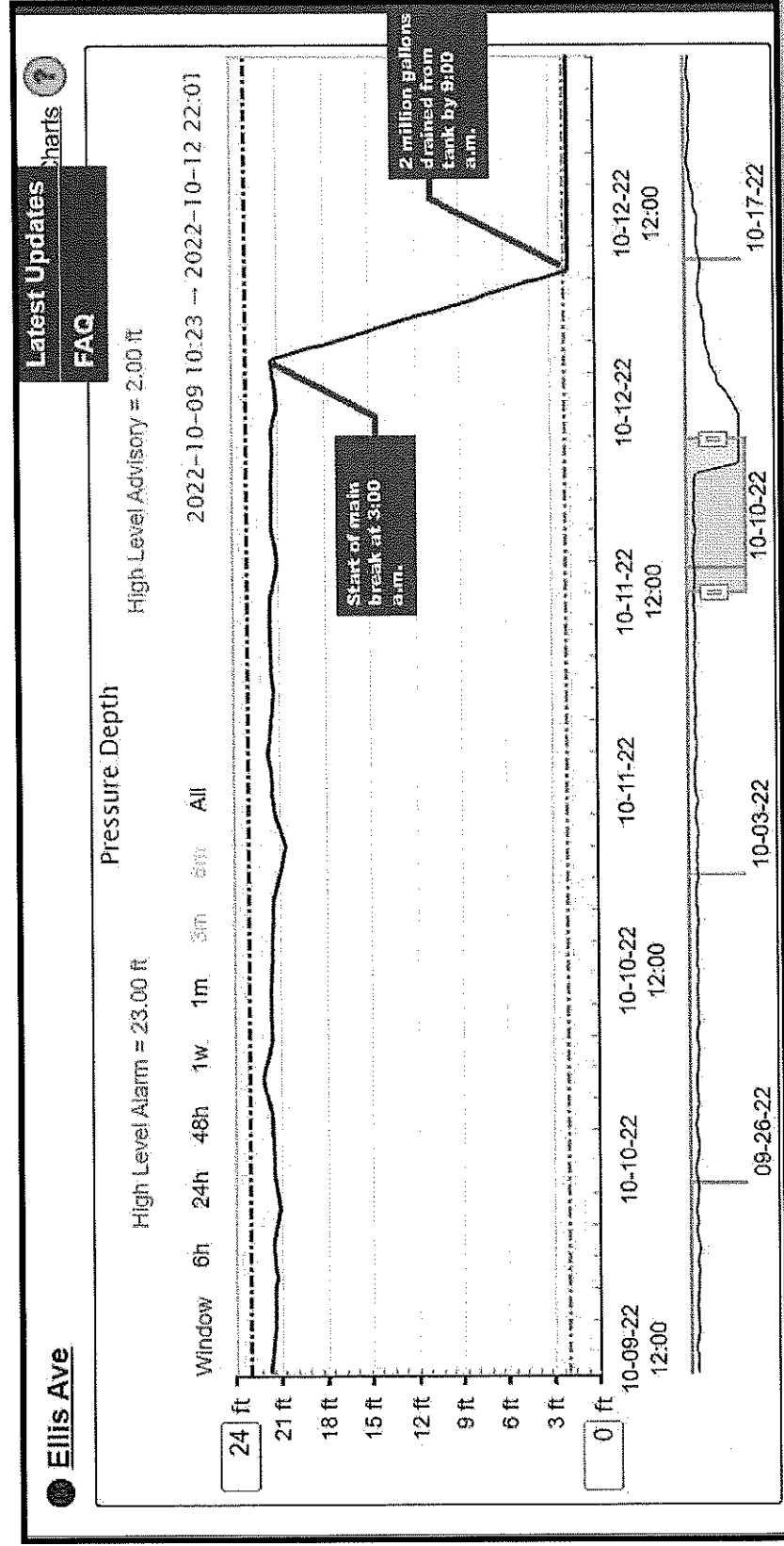
SUMMARY OF 20-INCH WATER MAIN BREAK

October 12th - 13th, 2022

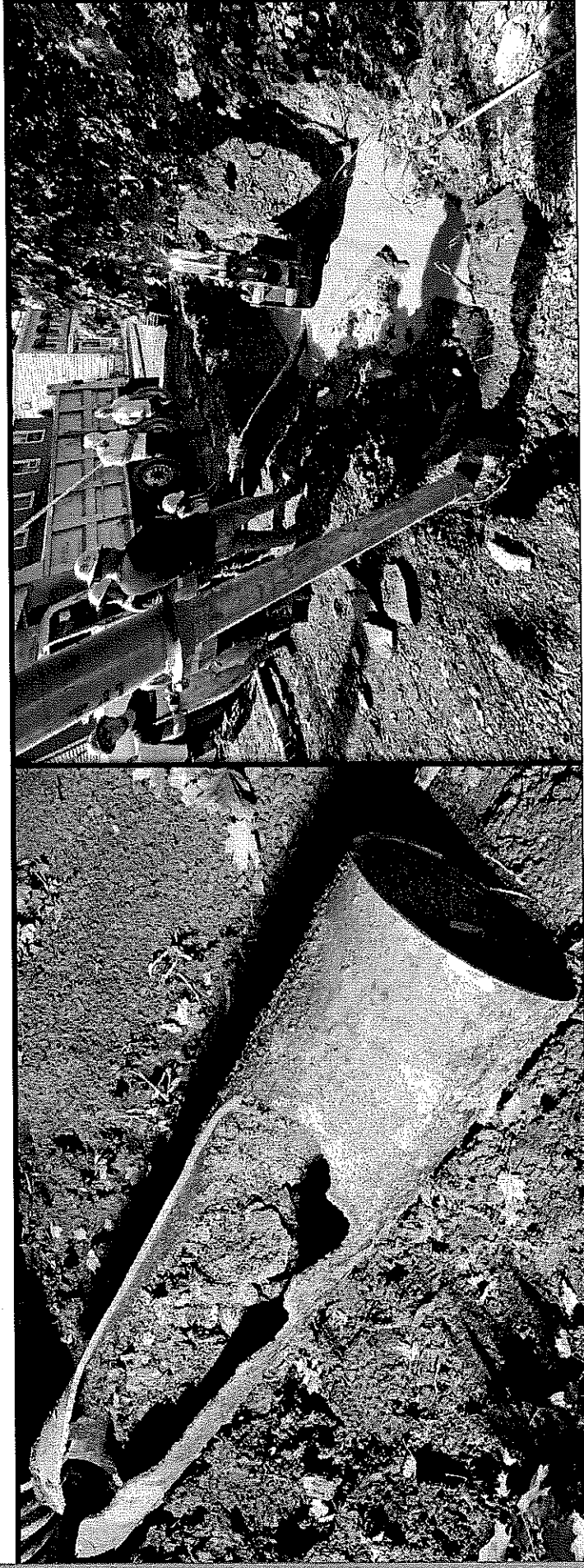
- At approximately 3:00am Wednesday October 12th, alarms alerted treatment plant operators of low/dropping tank levels, loss of pressure in the distribution system and excessive flows.
- Water Department and Engineering teams immediately mobilized to try and identify the location of the suspected water main break.
- Field investigations discovered a large water main break at the intersection of Little Britain Road and Ellis Avenue. The force from the main break had lifted the asphalt roadway and caused multiple sinkholes in the area. Large amounts of flowing water caused flooding of the area. Crews immediately shut down the road due to unsafe conditions. The Water Superintendent immediately notified the Orange County Department of Health about the situation. A precautionary City-wide boil water issue was published.
- Water and Engineering Department staff then began the complex task of determining which water main had broken and identified the valves that must be operated to shut down the flowing water. Remote access to computer based mapping was disabled due to a network failure. Staff had to rely on old paper maps to identify main and valve locations.



- The Water Superintendent and City Engineer called in Emergency Contractor support from TAM Enterprises due to the extent of the damage to the roadway and suspected main break of a large transmission main which would likely affect a large portion of the City. An emergency contractor specializing in the installation of line stops from Northern New Jersey was also called in to mobilize equipment and materials necessary to shut down both a 20 inch and 30 inch main.
- Crews were able to stop the flow of water at approximately 9:00am. By this time, the 2 million gallon Ellis Avenue water storage tank had completed drained empty.



- Water Department and the City's Emergency contractor both began to excavate the break at two separate locations to maximize the speed of repair.
- During excavation of the 20-inch cast iron water main, a second adjacent high pressure 12-inch cast iron water main broke inside the trench. Water Department staff reprioritized staff and efforts to identify valves on this 12-inch cast iron water main to shut down the flow of water. Emergency contractor crews stopped excavation and set up a diesel bypass pump to remove the excess water flowing into the open excavation.



- A successful repair was made to the broken 12 inch cast iron main. Once this repair was completed, crews reprioritized the further excavation and repair of the 20 inch cast iron main.
- The broken 20 inch cast iron main was successfully excavated and repaired by 4:00am on October 13 and the low pressure zone started to rebuild pressure by 6:00am almost 24 hours after the initial alert.
- The previously drained 2 million gallon Ellis Avenue water storage tank began refilling and was refilled to normal operating levels within 48 hours.
- The Water Department subsequently conducted 40 samples in the distribution system over 48 hours.
- All samples came back absent for bacteria contamination and on October 15th the precautionary boil water notice was lifted by the City.



* 3600 Gallons per minute loss = 27,266 water bottles



Per Minute

* Over 30 hours of working time for Water Department and Engineering Department staff without sleep

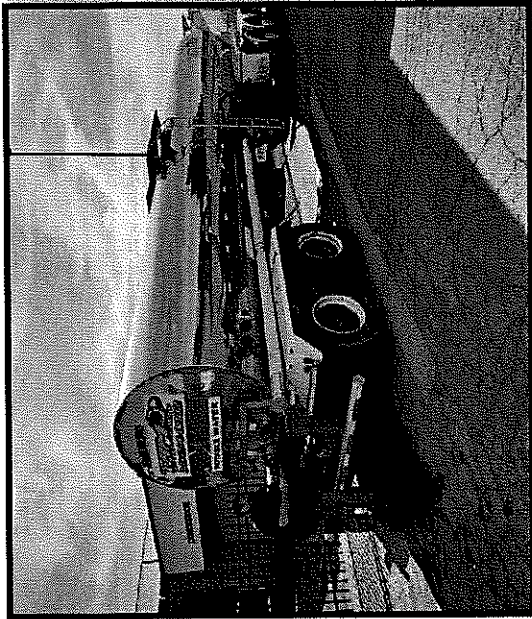
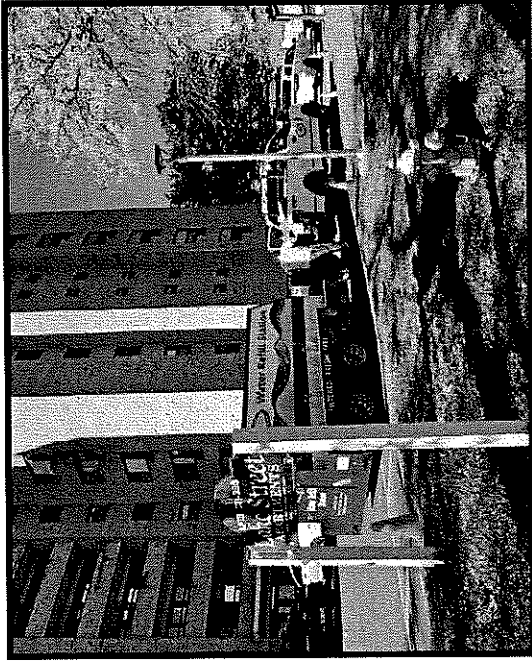
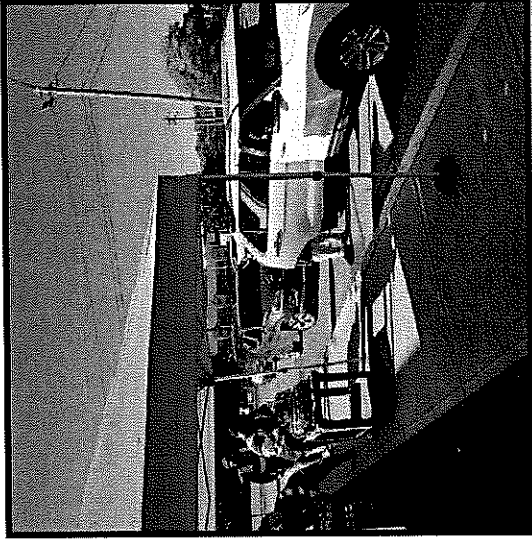
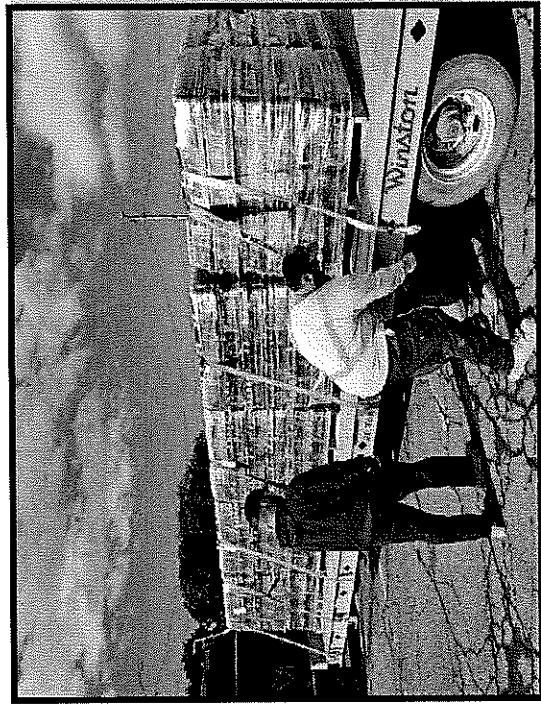
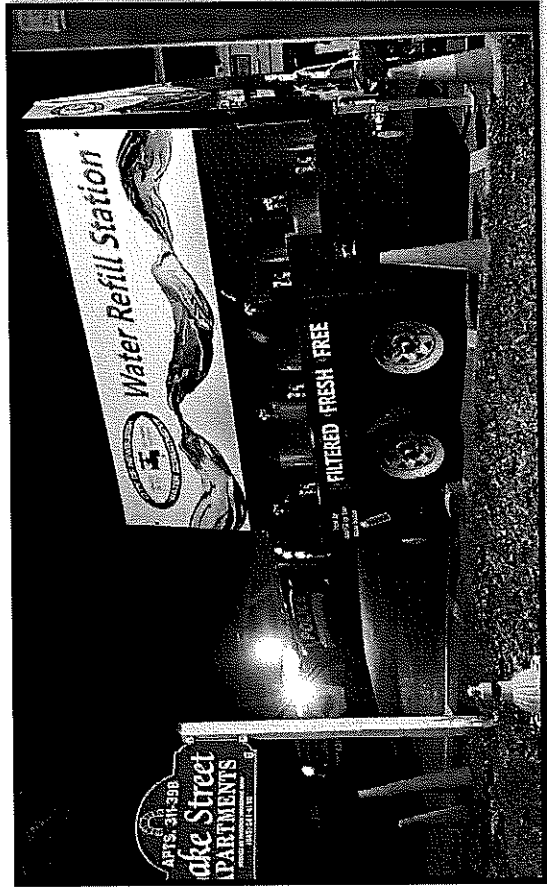
* DPW and the Recreation Department handed out 51,840 Bottles of Water to Residents

* No additional water main breaks after restoration of service. This demonstrates good planning and precautionary methods for reactivation of the City's water system

* Over 338 Phones calls to the Water Department office

20" WATER MAIN BREAK

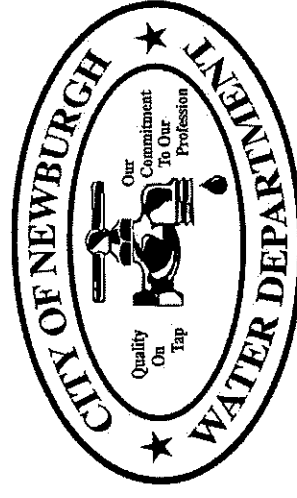
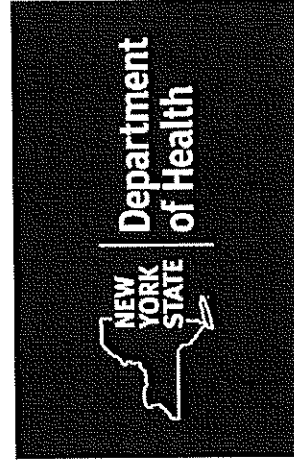
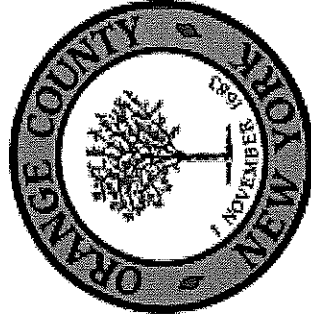




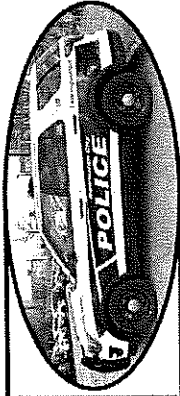


Special Thanks goes out to the following: Executive Office, Elected Officials, Legal Team, Planning Department, IT Department, Police Department, Fire Department, DPW , Recreation Department, Orange County Department of Health, NYS Department of Health and the dedicated staff at the
Water Department

A Big Thank you goes out to the Residents of the City of Newburgh for your patience as the team worked to restore service!



Police Department Monthly Operations Report



Date: October 17, 2022



Table 1. Arrests

# of People Arrested	147
Gender	
Female	32
Male	115
Cause of Arrest	
Arrest Warrant	24
Bench Warrant	20
Complaint	21
Court Summons	6
Crime in Progress	75
Order of Protection	1

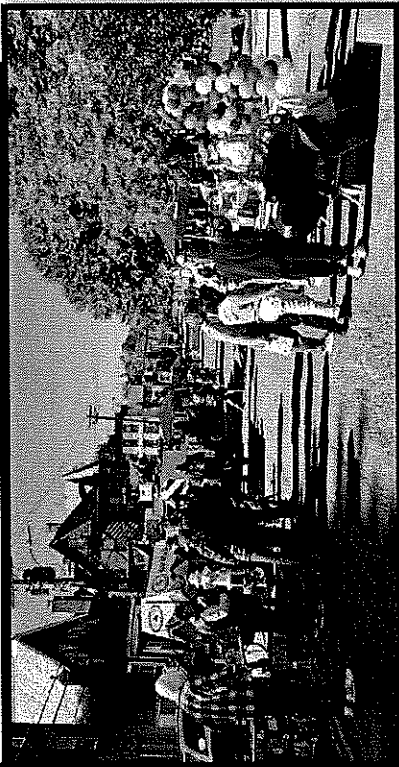
Table 1.

CALL TYPE	PLATOON PLATOON PLATOON			TOTAL
	ONE	TWO	THREE	
ALARM - AUDIBLE/SILENT	448	393	376	1,217
DISORDERLY ADULT	189	441	395	1,025
MVA - PROPERTY DAMAGE	91	435	350	876
NOISE COMPLAINT	332	49	456	837
DOMESTIC DISPUTE	213	278	345	836
WELFARE CHECK	151	294	300	745
THEFT / LARCENY	75	351	260	686
DISTURBANCE	131	165	321	617
SICK / INJURED PERSON	130	168	167	465
UNWANTED PERSON	108	158	127	393

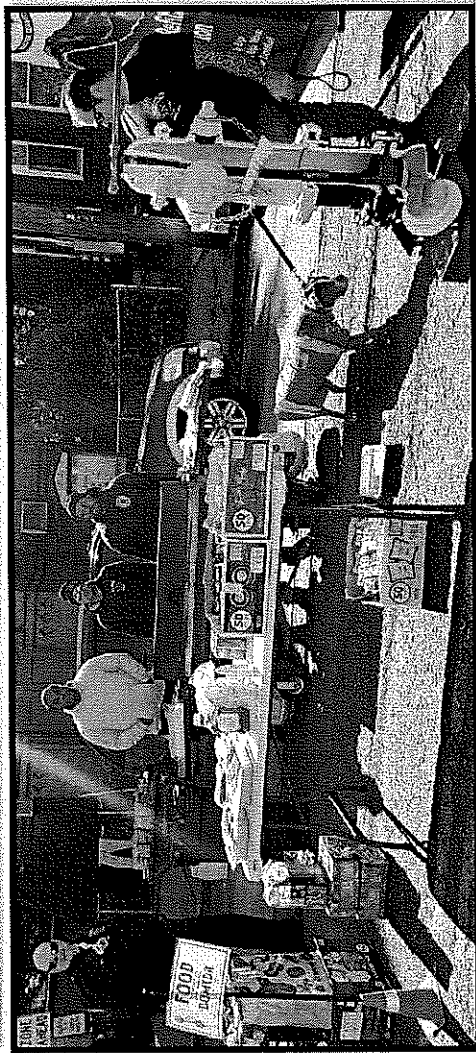
Table 2.

Part One Crime				
	Jan 1 - Sept 30	2021	2022	% Change
Murder		2	3	50%
Rape		11	16	45%
Robbery		64	54	-16%
Agg. Assault		181	163	-10%
Res. Burglary		33	38	15%
Comm. Burglary		19	32	68%
Larceny - Theft		315	435	38%
Auto Theft		33	56	70%
Total		658	797	21%
Violent Crime		258	236	-9%
Property Crime		400	561	40%

NEWBURGH COMMUNITY FIRE PREVENTION AND SAFETY FAIR



NATIONAL FIRE PREVENTION WEEK



CITY OF
NEWBURGH

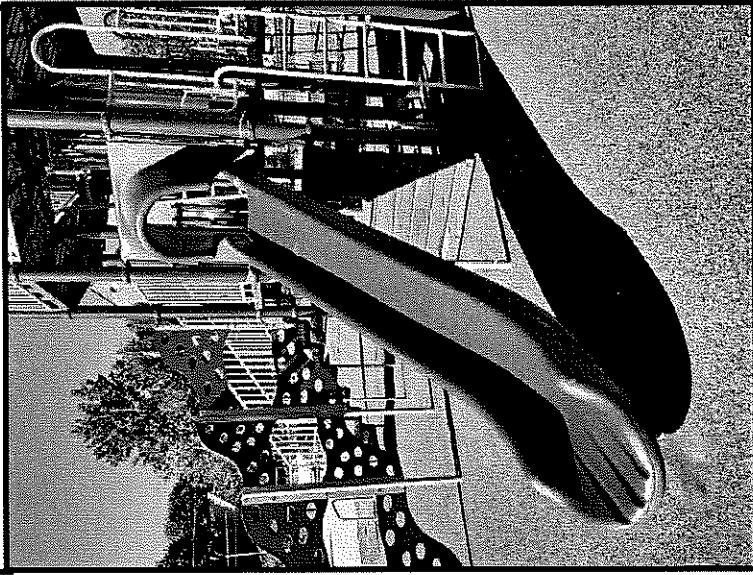


RECREATION

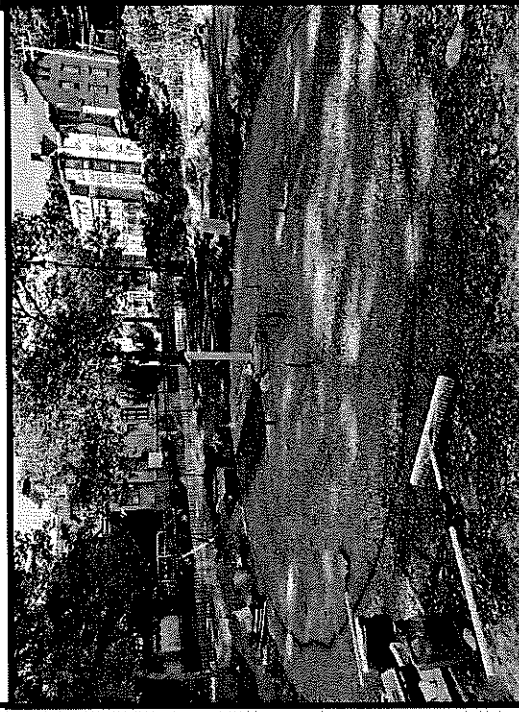
**DELANO-HITCH BASEBALL
STADIUM PAINTED**



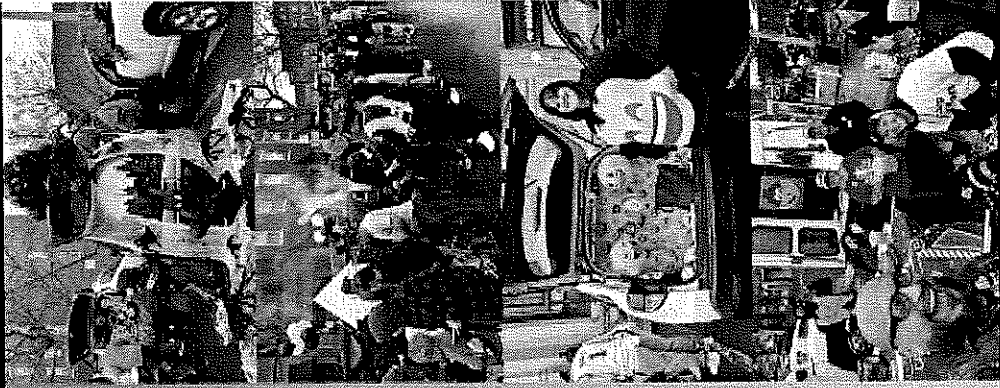
**NEW SLIDE AT TYRONE
CRAB PARK**



SPLASH PAD UPDATE



**SPLASH PADS AT TYRONE
CRABB PARK AND XAVIER
LUNAN PARK SCHEDULED FOR
OPENING MAY OF 2023**



CHURCH AT THE BRIDGE & THE CITY OF NEWBURGH RECREATION DEPT.
PRESENTS

TRUNK OR TREAT

SAFE • FAMILY-FRIENDLY • FUN

OCTOBER 31ST, 2022

LOTS OF CANDY • FUN ZONE • BOUNCY HOUSE
LIVE DJ • PHOTO BOOTH & MORE

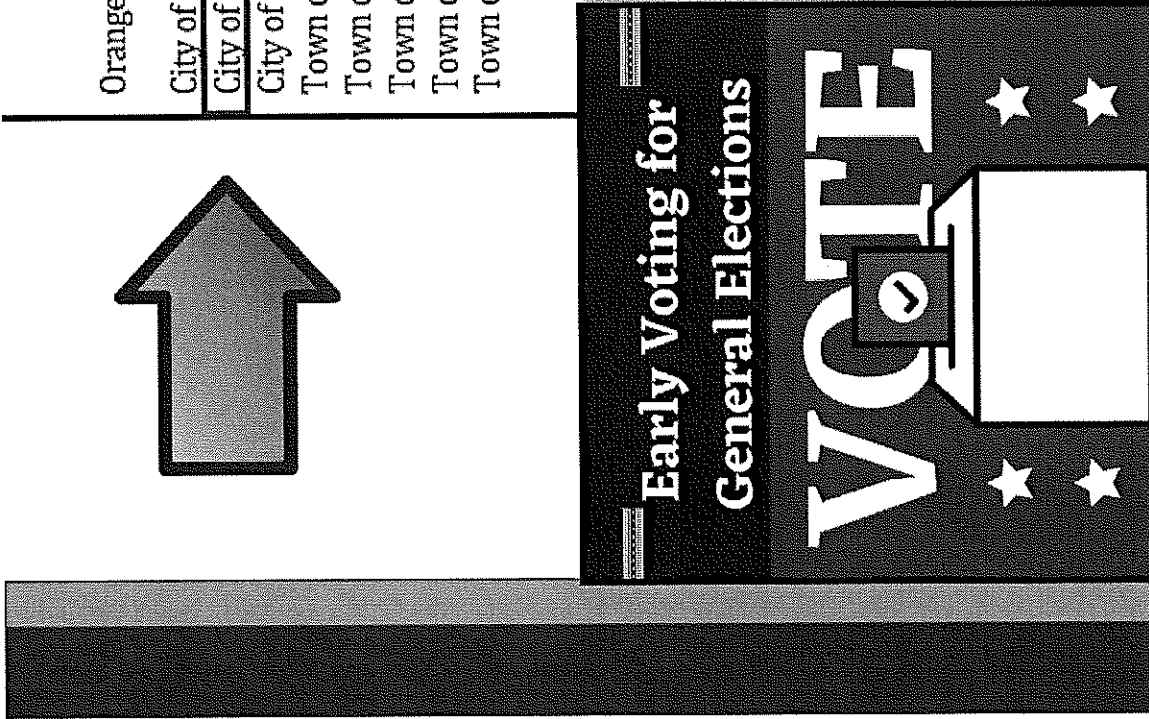
FREE TO ATTEND

FROM
6:00pm to 8:00pm ON BROADWAY BETWEEN
Liberty St. & Golden St.



CALL US (845) 522-8046 | WWW.CTBNY.COM





EARLY VOTING SITES

Orange County will have eight sites available for Early Voting:

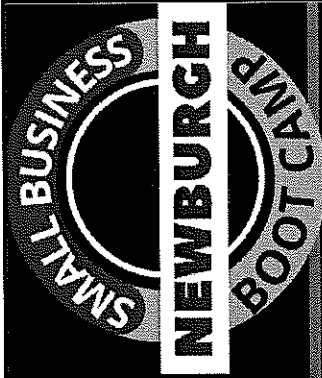
- City of Middletown - Middletown Senior Center - 62-80 W Main St., Middletown, NY
- City of Newburgh - Newburgh Activity Center - 401 Washington St, Newburgh, NY
- City of Port Jervis - Delaware Engine #2 - 22 Hammond St, Port Jervis, NY
- Town of Cornwall - Cornwall Ambulance Building - 1 Clinton St., Cornwall, NY
- Town of Goshen - Caroline Building, 23 Hatfield Lane, Goshen, NY
- Town of Montgomery - Village of Montgomery Senior Center - 36 Bridge St., Montgomery, NY
- Town of Monroe - Monroe Town Hall - 1465 Orange Tpke., Monroe, NY
- Town of Warwick - Warwick Town Hall - 132 Kings Hwy, Warwick, NY

DATES AND HOURS OF VOTING DURING EARLY VOTING

The dates and hours for early voting are uniform for all eight sites during the general election:

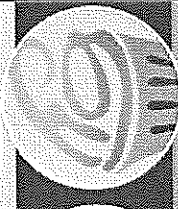
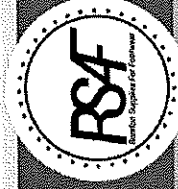
Saturday, October 29, 2022	10am to 6pm
Sunday, October 30, 2022	9am to 5pm
Monday, October 31, 2022	7am to 3pm
Tuesday, November 1, 2022	12 noon to 8pm
Wednesday, November 2, 2022	12 noon to 8pm
Thursday, November 3, 2022	9am to 5pm
Friday, November 4, 2022	7am to 3pm
Saturday, November 5, 2022	9am to 5pm
Sunday, November 6, 2022	9am to 5pm

Newburgh Business Stories



Panel Discussion

Learn about how these local businesses got their start:



Newburgh
Art Supply

APG Pilates
Angela

Rondon Supplies
For Footwear

Perfect
Sweets

Michael Gabor

Paul-Gaito

Mackie Rondon

Hasina Grice



Blacc Vanilla
Jerrold Lang

Wed., Nov. 2

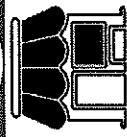
6:30 p.m. - 7:45 p.m.

In Person Panel

124 Grand ST, Newburgh



Or watch
live on
Zoom



Newburgh Free Library
Address • Register • Connect



For a complete schedule
of monthly events and programs,
visit our website and click on the
"Community Events" tab.

MAIN LIBRARY | 124 Grand Street | TEL: 563-3800 | NEWBURGH | NEWBURGH LIBRARY | 563-3800 | newburghlibrary.org



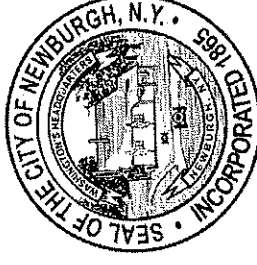
LAST SESSION BEGINS NOVEMBER 2 AT 6:30 PM

Learn the importance of storytelling
and communicating what the
purpose of your business is, where
it's been and where its going. The
session features a panel of local
business owners who will share how
they got started



Register at: rebrand.ly/startbusiness

BOARD & COMMISSION VACANCIES

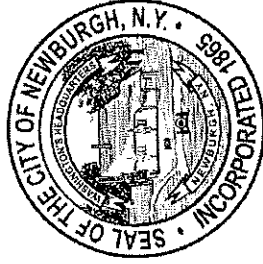


ARTS AND CULTURAL COMMISSION
BOARD OF ASSESSMENT REVIEW
BOARD OF ELECTRICAL EXAMINERS
CONSERVATION ADVISORY COUNCIL
CITIZENS ADVISORY COMMITTEE

- APPLY ONLINE ON THE CITY WEBSITE
- SEND COMPLETED APPLICATION VIA E-MAIL TO BOARDS@CITYOFNEWBURGH-NY.GOV
- MAIL OR HAND-DELIVER APPLICATION TO CITY HALL (83 BROADWAY)

Residency requirements may apply

**NEXT PICKUP IS ON
OCTOBER 26**



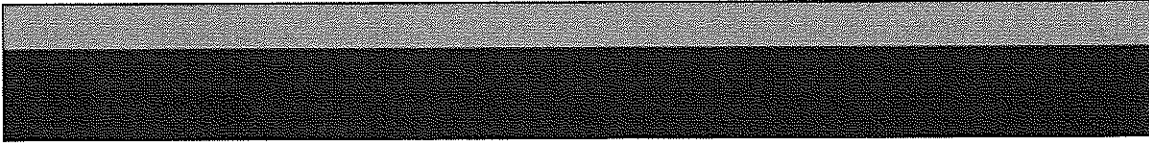
Bulk Item Pickup Program

**CALL BY 3:00 PM ON
OCTOBER 25**

**TO SCHEDULE A PICK UP
CALL 845-565-3297**

Sanitation Collection Changes

**ELECTION DAY (NOVEMBER 8)
VETERANS DAY (NOVEMBER 11)**



PRESENTATIONS

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

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments concerning a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

Michelle Kelson, Corporation Counsel said that most everyone is aware that New York State enacted a property tax cap on the property tax levy. It's a little different for each municipality and it limits the increase in the levy that can be adopted in the annual Budget from year to year. There is also an authorization process by which the local governing body can exceed that property tax levy cap if it is necessary to do so which is by adopting a local law. It is a best practice for most local government bodies to adopt this local law out of an abundance of caution. There is no indication in the City Manager's Proposed Budget and no intention expressed by the City Council to exceed the City of Newburgh's property tax levy cap for 2023 but at the recommendation of the City Manager, Comptroller and Corporation Counsel we are proposing the local law to override that cap. As part of the adoption process for a Local Law, the City Council must convene and complete a public hearing, which is the action item for tonight.

Sertaira Boyd, City of Newburgh asked the City Manager if he thinks it is necessary to move forward with this. How far could we be at a raise? We are going into a recession and at some point it will be on the backs of the property owners once again.

Jewell Martin, homeless, said if we have more wealthy people that can pay the taxes it will help the community. Sometimes people are against Airbnb's but they can help with taxes if we can attract more wealthy people who can take the blunt of the taxes. She wishes she had more information on this but it's not good to put it on the backs of the poor and the middle class.

Michelle Basch, City of Newburgh said she believes that over the last three years we have requested this but the rate per thousand has actually gone down. This is just procedural.

Mayor Harvey noted that this is something we have done for the past few years as a precautionary measure. He believes the tax levy limit is around 2% so as a precaution it is recommended that after this public hearing we vote on this.

There being no further comments this public hearing was closed.

Public Hearing - Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications Inc. cable franchise agreement renewal

Mayor Harvey called a public hearing that was advertised for this meeting to receive comments on the cable franchise renewal agreement between Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. and the City of Newburgh.

Michelle Kelson, Corporation Counsel said that businesses that provide cable TV services and need to install equipment in the City's rights of way do so by applying to the local government for a franchise and the rights and responsibilities of the parties are outlined in a franchise renewal agreement. This agreement is the latest in a series of agreements from the original, which was Paragon who came to the City in the 1980's. Paragon became Time Warner Cable, which became Charter Communications, which is now known as Spectrum to most of their subscribers. They are seeking to renew their franchise agreement with the City and this agreement contains those terms and conditions including the term, which will be for fifteen years, which is the maximum allowable under the statute. The City will be able to collect a fee of 5% of the defined revenues of the company in return for being able to utilize the City's rights of way and provide their equipment. They will provide insurance and remove their equipment if it becomes obsolete or no longer necessary at our request. They will notify us in advance when they are going to be doing routine maintenance such as tree trimming and they will pay our franchise fee twice a year and continue as they have been for the last several decades from which this franchise was initially granted. Please be advised that cable companies are regulated by the New York State Public Service Commission and the terms and conditions of each franchise renewal agreement is limited by state and federal law as to what the parties may negotiate and what terms are in there pursuant to the statute. One of the requirements of the adoption or approval process is to hold a public hearing which is your action step this evening.

Mayor Harvey asked if this renewal will include a public access station.

Ms. Kelson said that is correct. The Franchisee will make a channel capacity available for public educational and governmental access use in accordance with the Public Service Commission's rules and regulations. We will have the option to develop that during the term of this agreement

Jewel Martin, homeless, said she believes we should renew this because they are cheaper and it would help those who are poor. You can't afford Verizon so she believes that Spectrum should be renewed for the fifteen years because it's a good deal.

There being no further comments this public hearing was closed.

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

Tracy Wallace said she resides in the Varick's, she has four kids and they are very involved in the City of Newburgh. They have been to every activity the City has including the Newburgh Performing Arts, the Newburgh Armory and the Library. Her kids love it here, they have close friends and many of the residents at the Varick's are like family. Many of the tenants are having maintenance issues and she would like to have a Park in the middle of the Varick's for the children because they have nothing to do. She has been on a waiting list for seven years to get her apartment painted and to get to her apartment she has to go up and down the stairs with a wheelchair. She added that the Newburgh Steelers had a game on Saturday and the State Troopers and City Police were there which she feels made the parents look bad. There are hypodermic needles and Modelo cans on the ground and

only one bathroom was working in the female bathrooms which was not handicapped so she could not use it. On Sunday, she went there with her husband and kids to play soccer and they were approached by a drunk man. There are homeless people laying on the benches where children are playing at the Park while they are trying to play. Saturday will be the Newburgh Steelers homecoming so please come out to show your support.

Jewel Martin, homeless, said she stated at the last meeting that she is staying at the Police Station and no one told her about the 2019 rule about a problem with the homeless being in the lobby. She went to the Police Station because it was safe and she didn't have to worry about being kicked out. She has been in various shelters in Newburgh and gets kicked out because someone else lies. When she went to the Commissioner to see if she could be in the lobby, it was for her safety and she didn't know she was going to stay there as long as she did. Someone suggested she should go to Poughkeepsie but why go there when she doesn't know Poughkeepsie. She is not trying to abuse the system or the area but please consider her behavior versus the troublemakers.

Ms. McCleod, 55 Farrington Street said she worked at Ecclesia House, which is a Homeless Shelter for fourteen years and now has rented a spot near Ann and Mill to open a restaurant. She invited the Mayor and everyone else to come for the Grand opening on Saturday. She is planning to do a day to feed the homeless people but is not sure how to go about it.

Ms. Garcia, City of Newburgh said she is as a member of For the Many. She was recently in Court facing an eviction notice due to miscommunication with a new landlord and there are many people there facing evictions every day. Many people were facing evictions based on a one-month late payment for less than fifteen hundred dollars and she believes this is a strategy by the landlords to get more money for their rentals. She saw one person who was not able to get any help so she was being evicted and it broke her heart. People are being displaced so the Council should work with For the Many to pass the Homes are Not Hotels Bill and the Emergency Tenant Protection Act and do anything in their power to combat the housing crisis please.

Rene Mejia, City of Newburgh said he is suffering as well. His landlord threatens almost every day that he is going to put his house up for sale and even though he has lived there for more than twelve years is not even considering him an opportunity to own the home. Even if he did it's very difficult right now for people to be able to afford a home so we must take every step we can to make things easier. We know that we are not going to save everyone with every piece of legislation that we pass but if we take the steps needed, we can do a lot. As a City of Newburgh resident, it angers him when the response to negative comments is that our City has faced sixty years of destruction and there are good people coming into our City to fix it. His City is beautiful. It might not be the greatest but it's beautiful and wonderful so it's time to take the steps toward what regulations we can or cannot pass. It's better that we try than sit idly by and people are forced to leave our beautiful City.

Tanika, City of Newburgh asked the City to come support her small new initiative called The No Smoke Non-Violent Youth Summit Initiative in answer to all of the violence we have been seeing with the youth in the community. It is a suggestive solution to what Mr. Schumer has laid out to target solutions or preventions for violence, moreover gun violence, in our communities. This event will be at the Glen Hines Center on November

11th from 8:00 am to 11:00 pm and we are inviting all Newburgh residents especially teens from the age of thirteen to twenty-one. Engaging them in a preventative manner and giving them solutions and resources on how to function in their communities prior to the violence and hearing their response to what violence has been going on thus far. We will have a large panel discussion so please put this on your calendar because we need all the help we can get. She added that she is still in opposition to the sixty-seven units and doesn't know if the Council has made a decision but we do not want felons from other areas coming into our neighborhoods and collaborating with our children especially when they are in a vulnerable position with violence and gun violence as it is.

Mayor Harvey noted that on the sixty-seven mini units, they did not vote on having them; we voted on \$50,000.00 for two developers that are going to develop those units and they have not determined a designation on what those qualifiers are going to be. This Body did not make a decision on determining who will fill those sixty-seven mini units when they are developed. We just decided on giving CDBG grant funding to those two organizations to develop affordable housing.

Daniel, Poughkeepsie, said he found an interesting Airbnb listing last night. It's listed as Lady Montgomery on Park Place with two bedrooms for \$150.00 per night and the owner lives in Beacon. There are over one hundred and fifty Airbnb's and Vrbo's in Beacon so now they are coming over here. There are about sixty vacation rentals in Newburgh where the owner does not live on the property which is an obstacle to homeownership for Newburgh's working class Black and Brown residents because you can't buy a home if it has been turned into a Hotel. A recent study from the New York State Comptroller found that New York has the lowest homeownership rate in the Country with only fifty-five percent. Newburgh's homeownership rate is even lower than the State rate at about thirty-two percent or less than a third of the City. The people who own those sixty Airbnb vacation rentals in Newburgh should turn them into long term rentals or sell to people who actually want to live in them. That is what For the Many's Homes Are Not Hotels Bill is all about so he encouraged the Council to work with For the Many to get it passed as soon as possible. He also expressed continued support for the Emergency Tenant Protection Act "ETPA" which is protecting a lot of tenants in Kingston and it would work here in Newburgh as well.

Gabrielle Hill, City of Newburgh said that the Water Department did a great job and noted that World Water Day is March 22nd so maybe we can do a community celebration on that day. On the Halloween Curfew, she is curious about how it will be enforced. It says the Curfew is from 9:00 pm Sunday night until 6:00 am Tuesday morning. If that's correct how can kids go out on Monday for Halloween? We need to think more creatively instead of forcing our kids to stay inside because this is not the way to bridge community relationships. Our children need an opportunity to express the anger, disappointment and frustration that they are feeling and for the adults to listen without judgement or criticism.

Michelle Basch, City of Newburgh believes there are more or less than seven thousand rental units in the City and Newburgh and about one hundred and four Airbnb's or short term rentals so she doesn't see how one impacts on the other at all. She knows people who have stayed in Airbnb's in Newburgh and then bought property in the City of Newburgh and fixed it. Sometimes people who live in the City of Newburgh will buy another building and fix it for Airbnb because they are held to high standards. The biggest problem we have

with people getting kicked out of their homes is because Codes is doing their job and some homes have plumbing and heating issues. The City is looking right now at bringing in other people from outside because you cannot discriminate against where they come from, their sexual identity, their ethnicity or their age. If any property is funded by the State, then it is the State and County that decides. The City of Newburgh cannot say that these sixty-seven apartments are just for the City of Newburgh because by law that is impossible. We are working at the behest of the County and the State to warehouse people they don't want to see and that is not fair to the City of Newburgh.

Sertaira Boyd, City of Newburgh said that a lot of people are talking about housing so she asked the Council if they ever looked into the Mitchell-Lama Program. In the Program, you buy an apartment and live in it by putting down a certain amount of money which is low and affordable and when you move you get the money back that was put down as a deposit. If you buy an apartment for \$15,000.00 and you are paying between \$800.00 and \$1100.00 rent every month, when you decide to move out you will get back that \$15,000.00 back provided there is no damage. She thanked the Water Department and DPW for the great work they did on the water main break. There was an event on fire prevention at Calvary Church, which was a very nice event. We have a lot of apartments here with one way in and one way out which is very scary but she knows that Codes is doing the best they can. It is not an easy job but the work they do is appreciated.

Ann Sullivan, Ellenville said the Ulster County Sheriff recently gave a report about re-training done to make sure his Officers were respecting and listening to the community and respecting women when they come in with domestic violence complaints. She would love to see a report by our new Commissioner and Police Chief on the training that has been done and how they have changed the way our Officers are thinking. Sadly, the things she has heard from the Commissioner is rhetoric against Bail Reform instead of understanding that what it does is level the playing field. A few meetings ago she witnessed a State Trooper with a City Officer in the car pull over a young man and they ran his license and let him go. The City Officer, however, did not offer the victim his card which was a law passed by the City Council so she hopes this changes.

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

Councilmember Grice thanked everyone for coming out. He thanked the Water Department and encouraged everyone to take a tour of that department and talk with them about our wonderful water. He commended DPW for roads being paved because we did not pave from 2010 to 2017 and they are doing a great job. We know it's been a long time but please be patient. There is some confusion about the assessment, the tax levy and the tax rate so hopefully we can keep explaining that and he is proud that we have reduced the tax levy for three years in a row. The way you reduce taxes or lower them is by putting properties back on the tax rolls and limiting the amount of PILOT's we give. He clarified that they want homeownership not rentals. Rentals are fine but we would rather have homeownership. We also look for other revenue sources such as the parking meters, the

Hotel and short-term rental tax and the cannabis retail and such so we can reduce the reliance on property taxes.

Councilmember Martinez wants to talk about the Emergency Tenant Protection Act that Kingston passed already and she supports. We should look at our Ulster County neighbors especially Kingston because they have been passing a lot of housing legislation that is helping their tenants. We have to take care of our most vulnerable so we are here to fight for our residents. She supports the Homes Are Not Hotels Bill even though it is not the only or the biggest issue with the housing crisis but it is part of the problem. When you have absentee owners of Airbnb's in our neighborhood, they are taking up our housing stock making it harder for people who are looking for housing to find housing so just regulating them will help us get more housing. With the constant evictions happening in our City, she wanted to thank the legal teams who are helping our residents and she wanted to thank the Water Department for their work on the water main break and DPW for paving our roads. Thanks to our City staff in general because we have an A Team. She plans on working with Codes in the near future by doing some wellness checks at the units in Ward One so more updates on that will follow.

Councilmember Monteverde thanked everyone for coming tonight and a big thank you to all of the staff because this was a team effort. She was nervous that day when they didn't have water but there was a calm in the City because people understood once the word got out that the situation was being addressed immediately. Water trucks were placed throughout the City and water bottles were being handed out which was amazing. We made it through that crisis and this shows that we are in very good hands. On the property tax cap, we go through this every year so it is just best practice to cover ourselves although it's our intention and goal to bring the tax levy down every year. People don't understand that this Council has nothing to do with the school taxes and the Assessor can explain the assessments and break it down for you.

Councilmember Shakur thanked everyone for coming out tonight and he thanked Wayne and his crew again. On Airbnb's, Newburgh is four square miles and we have about eighty or ninety Airbnb's here so we have a rental and a housing problem here. We are not against Airbnb's if you own a home and you want to make part of your house into an Airbnb but for someone from outside to buy a house is taking it off our market. Housing is not affordable here in the City of Newburgh. On the Curfew, until we get a real Commissioner then we are going to have problems in our City. We don't have a relationship in the Black community with our Police Department because of this Commissioner so he has to go.

Councilmember Sklarz added his thanks to the Water Department for the work they did in repairing the huge water main break in the Third Ward. He is constantly amazed at the work done by City staff. They worked all day and night to get water back to their customers, which is appreciated. Debra Danzy recently reached out to the Food Bank in Cornwall and arranged for the delivery of fifty half-gallon jugs and over eleven hundred bottles of water to her neighbors in the Lake Street Apartments so he wanted to thank Debra for her efforts. This is another example of what happens when City staff and residents all pull together in a time of crisis to get things done. There will be a public hearing on the 2023 Budget at the next meeting so he encouraged everyone to come and provide their comments.

Councilmember Sofokles thanked the Water Department and DPW with the paving. Also Police and Fire because they all came together and worked very hard. The event that's going to be at Glen Hines sounds like a really good event so she would like to find out more about it. She thanked everyone for coming out and she appreciates all of the comments.

Mayor Harvey thanked Mrs. Wallace for coming forward about Varick Homes. He received multiple phone calls and complaints about them but it is a private entity. He and Councilmember Grice know some of the stakeholders so they will be reaching out to them especially about the ADA compliance. It's a Federal Law that they have to provide those accommodations for those who are disabled especially residents. He thanked George Garrison and DPW for the amazing work with the paving being done. It is challenging to get roads milled and paved because the ADA sidewalks and curb ramps cost more than the milling and paving. In 2015, when he was campaigning, several roads were paved and then some were done in 2016, 2017 & 2018 so George has been consistent with the paving plan. On the youth, Governor Hochul called his office and twenty eight million dollars is going to be put into seven cities to fight against gun violence and Newburgh was selected. This will be for workforce development, employment and other opportunities to get our young people certified and trained to combat gun violence. He also received an email from Senator Schumer's Office that they will be sending us money too and a workbook guide on employment and workforce development because we have been appealing to the federal and state government to help us with the gun violence through training programs and workforce development. Because of Mr. Venning and the Comptroller with their work on fiscal responsibility and solvency, the federal and state partners are willing to put this money into our City.

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

CITY MANAGER'S REPORT

Resolution No. 258 - 2022 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2024

Councilwoman Sofokles moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 259 - 2022 - Purchase of 58 William Street

Councilwoman Sofokles moved and Councilwoman Monteverde seconded.

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

Adopted

Resolution No. 260 - 2022 - Halloween Curfew

Mayor Harvey asked Commissioner Gomez how the Curfew will be enforced if this is passed by the Council.

Commissioner Gomez said it will be enforced on a merit basis. This applies to kids that are outside alone and not with a parent. If we see someone out, we will ask their age but we will not engage in a confrontation based on how old they look or where they are supposed to be. If they say they are not sixteen, then we will enforce it.

Mayor Harvey said he has concerns about the police and community relations and Ms. Sullivan brought up some very important points. There should be a report on the training and what is being worked on in terms of justice, equity, diversity and inclusion. Trying to maintain the police community relationships in a healthy way by doing a Curfew he thinks is a good idea but how will it be enforced? If this is passed by the Council, will it improve the police community relationships or will it deteriorate what has been built?

City Manager, Todd Venning pointed out that this is the same Halloween Curfew that we have put in place for the past twenty years. This has nothing to do with changes that the Commissioner and Chief have done but if the Council would like to see something different this year we are more than willing to do that. What is presented tonight is the resolution the Council has done for the last twenty years with no changes. There is no special or additional enforcement happening unless that is something the Council wants to see.

Mayor Harvey said that the change is that we have new leadership in the Police Department and we have witnessed that the police community relationships have been building so the concern is if this will continue to build the relationships or deteriorate it depending on the enforcement.

City Manager, Todd Venning noted that it is the same Curfew we have done for twenty years and it changes nothing. Unless there is something additional that the Council would like to see, this administration will enforce this the same way it has been enforced for the last twenty years.

Councilmember Grice said there was a Trunk or Treat at the Activity Center and even though Ms. Hill had the wrong dates she did have something there but as it is he supports this.

Councilmember Shakur said that when Chief Cameron was here we had this discussion and he said it was a joke because when people have costumes on you can't even tell who is out on the streets so they handed out candy and did things with the community. How are you going to find out who is sixteen when everyone has a costume on?

Mayor Harvey said that in a previous meeting he made a recommendation that the executive staff communicate in some way with the School District and maybe have flyers distributed so the young people would be aware.

City Manager, Todd Venning said that we will make sure the advertisement that goes out every year on social media and our website will be forwarded to the School District.

Mayor Harvey asked Commissioner Gomez if the Police Officers are still handing out business cards when they interact with the public.

Commissioner Gomez said yes they do and those cards are replenished as they need more.

Mayor Harvey said he received a few complaints that was not happening and with this Curfew if Officers are going to be approaching sixteen year olds so we want to make sure they give them their card so the public will know who the Officer is that they are interacting with.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

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

Adopted

Resolution No. 261 - 2022 - Scheduling a Public Hearing - Local Law Amending City Charter, Article III, "Municipal Officers"

Councilman Shakur moved and Councilman Sklarz seconded.

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

Adopted

Local Law No. D - 2022 - Local Law Amending City Charter Article II, "Municipal Powers"

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Adopted

Local Law No. E - 2022 - Local Law Amending City Charter, Article IX-A, "Water Department"

Councilman Grice moved and Councilwoman Monteverde seconded.

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

Adopted

Resolution No. 262 - 2022 - Authorizing a Payment of Claim with UTICA National Assurance Company A/S/O Laura Fanning

Councilwoman Sofokles moved and Councilman Shakur seconded.

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

Adopted

Resolution No. 263 - 2022 - Authorizing a Payment of Claim with Olga Hernandez

Councilman Sklarz moved and Councilman Shakur seconded.

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

Adopted

NEW BUSINESS

Councilmember Martinez wants to see what can be done regarding the Emergency Tenant Protection Act like they passed in Kingston. Should that be added to our priority list?

Corporation Counsel, Michelle Kelson said it should be added to the priority list and one of the first things you have to do is conduct a vacancy study, which she understands is underway.

Councilmember Monteverde said we are working on the legislative list so she will have to look at it because Councilmember Grice added a few things. She emailed it to everyone to take a look at because she would like to get some things on the December agenda if possible.

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

OLD BUSINESS

There was no old business to discuss.

FURTHER COMMENTS FROM THE COUNCIL

Councilmember Grice thanked everyone for coming out tonight. He and Mayor Harvey were there the night of the water main break and said they have heartfelt gratitude to that department. The article he read talked about buildings that are condemned and evictions, which are two different things and Good Cause is still in effect. Hopefully we will win that case and it will be passed at the State level. He is happy we will be putting more resources into our Codes Department. DPW is doing a great job but he is curious on the violation letters and how that equals into enforcement and what the glitches are. At the Recreation Department, we understand the concerns and the Recreation Director is aware of that situation so we have some plans in place to rectify some of those issues. He added that he will try to stop by the football game for a short while on Saturday.

Councilmember Martinez said that she would like to speak with Ms. Wallace after the meeting. As she mentioned earlier, they are planning a small wellness checkup in Ward One to make sure our tenants are safe and she likes the idea of a Park in the middle of the Varick's so she will be looking into what grants might be available to help with that. Housing is a human right and the Council is working hard to make sure our families are able to stay here in Newburgh. It's very difficult because a lot of people don't have an opportunity for housing so it becomes a waiting game. We are very aware of the housing crisis, which is why the City Council is acting fast, and making decisions because we need to help our residents stay in Newburgh.

Councilmember Monteverde said that last week there was a Land Bank Board meeting and we voted to approve the sale of one of our homes on Lander Street to a longtime resident here in the City of Newburgh, which was an exciting and happy moment. The housing crisis is happening all over the United States and for a very long time people in the City of Newburgh lived in housing that was unhealthy and should not have been occupied because our Codes Department for decades either just didn't care or was overwhelmed and couldn't keep track of the violations. There are a lot of landlords that we are aware of who are just collecting rents but now see that day has changed. Many of them have sold their properties but some are still hanging on so she doesn't know how we are going to play catch up because when properties are being condemned it means that people are being displaced. We have the Levitucs Housing Study and we are going to be doing a Vacancy Study also so maybe we should have a task force on housing again to talk about what our

plan is for the next five to ten years because we have to do something. We all have to be aware of what New York State Fair Housing Law means because you cannot just say only people in Newburgh can apply to live here.

Councilmember Shakur thanked everyone for coming out tonight. There are things he wants to say about the housing and the Police right now but he is just going to do his job and help fix the problem because how we fix it is by hearing from our community. He encouraged everyone to come out and make sure we do our job because this is about the City of Newburgh and the people who live here. Stay safe and have fun with the kids on Halloween.

Councilmember Sklarz wished everyone a good night.

Councilmember Sofokles said don't forget your right to vote on Election Day and have a Happy Halloween.

Mayor Harvey thanked everyone for coming out tonight and gave a special thanks to the young lady doing the Youth Summit. He has noted it on his calendar and will be there to support the young people in our community. He was on the phone with the Governor and her team discussing Project Rise, which we have been pushing for with the gun violence. If you put the money on the table, then we can get these young people trained and employed in workforce development. Governor Hochul has finally listened and has allocated twenty eight million dollars to seven cities and we were one of the seven because our financial house is in order. They know we are doing well with finances and we are fighting against the gun violence. There is also two hundred and twenty seven million dollars on the table in her Budget for this effort in 2023. He also noted to look out for the Federal Jobs Act, which will pour millions of dollars into the City of Newburgh for anti-gun violence. It takes time for government to move on money but the time is now between now and 2023 so be on the lookout.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:09 pm.

**LORENE VITEK
CITY CLERK**

RESOLUTION NO.: 258 - 2022

OF

OCTOBER 24, 2022

A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2024

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

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2024, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

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

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

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

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

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

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

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

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

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

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number ____-2022 of October 24, 2022 of The City of Newburgh, New York; and

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

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

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorem levies, and special assessments levied by Orange County for the County tax year, January 1, 2024 to December 31, 2024 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2024, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

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

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

[SEAL]

THE CITY OF NEWBURGH

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

[SEAL]

THE COUNTY OF ORANGE

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

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

JANICE GASTON
City Comptroller

SCHEDULE "A"

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

RESOLUTION NO.: 259 - 2022

OF

OCTOBER 24, 2022

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 58 WILLIAM STREET (SECTION 38, BLOCK 3, LOT 31)
AT PRIVATE SALE TO HERSHY WEINSTOCK FOR THE AMOUNT OF \$11,500.00

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell a parcel of real property identified as 58 William Street, being more accurately described as Section 38, Block 3, Lot 1 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before January 23, 2023, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
58 William Street	38 - 3 - 31	Hershy Weinstock	\$11,500.00

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

Terms and Conditions Sale

58 William Street, City of Newburgh (SBL: 38-3-31)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2022-2023, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2022-2023, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property, and make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. In the alternative to rehabilitation, the purchaser shall have the option to demolish the building on the property and merge it with the property known as 60 William Street into one (1) tax lot within twelve (12) months of the conveyance. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, or with the deed provisions regarding demolition and merger of the property, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of time for the rehabilitation or demolition period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for its consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.
7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
12. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
13. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
14. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
15. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
16. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in

the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

17. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
19. Notice is given that the property lies within either the East End Historic District or the Colonial Terraces Architectural Design District as designated in the City of Newburgh's current zoning map. This parcel is sold subject to all provision of law applicable thereto. It is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance any additional laws, rules or regulations applicable to those districts.
20. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.

ACKNOWLEDGED AND AGREED

Date: _____

Hershy Weinstock

RESOLUTION NO.: 260 - 2022

OF

OCTOBER 24, 2022

**A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
BEGINNING OCTOBER 30, 2022 AT 9:00 P.M. AND
ENDING NOVEMBER 1, 2022 AT 6:00 A.M.**

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

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

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

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting at 9:00 p.m. on Sunday, October 30, 2022, and ending at 6:00 a.m. on Tuesday, November 1, 2022; and

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

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

RESOLUTION NO.: 261 - 2022

OF

OCTOBER 24, 2022

RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 14, 2022
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW AMENDING
ARTICLE III OF THE CHARTER OF THE CITY OF NEWBURGH
ENTITLED 'MUNICIPAL OFFICERS'"

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 III of the Charter of the City of Newburgh entitled 'Municipal Officers'"; 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 14th day of November, 2022.

LOCAL LAW NO.: ____ - 2022

OF

_____, 2022

**A LOCAL LAW AMENDING ARTICLE III OF THE CHARTER OF
THE CITY OF NEWBURGH ENTITLED "MUNICIPAL OFFICERS"**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Article III of the Charter of the City of Newburgh Entitled 'Municipal Officers'".

SECTION 2 - AMENDMENT

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

Article III. Municipal Officers

§ C3.00 Municipal officers enumerated.

The officers of the City or municipality shall be as follows:

A. One Mayor, six Councilmen and one City Judge: the Mayor and two Councilmen elected by the qualified voters of the City and four Councilmen elected by the qualified voters of the wards from which they are elected.

B. One City Manager, three Civil Service Commissioners, one City Clerk and the members of the Transportation~~Traffic and Parking~~ Advisory Committee, appointed by the Council.

C. One Corporation Counsel, one City Comptroller, one City Assessor, one City Collector, one City Purchasing Agent, one Commissioner of Public Works, one City Engineer, one Superintendent of Public Works, one Superintendent of Water, one Police Chief, one Police Commissioner, one Fire Chief, one Building Inspector, one Plumbing Inspector, one Registrar of Vital Statistics, one Deputy Registrar of Vital Statistics, one Planning and Development Director and one Parks and Recreation Director.

Underlining denotes additions

~~Strikethrough~~ denote deletions

§ C3.02 Offices may be combined.

The Council may, by ordinance, combine any two or more appointive offices. The City Manager may, in addition to his duties and powers as the chief administrative and executive officer of the City and without additional compensation, assume the duties and powers of the Director of Finance. The City Manager may direct that the City Comptroller, without additional compensation, assume the duties and powers of Director of Finance ~~and that the City Engineer, without additional compensation, assume the duties and powers of Superintendent of Public Works.~~ The City Manager may direct that the head of any division within the Department of Public Works, without additional compensation, assume the duties and powers of the Commissioner of Public Works. The foregoing shall not be construed to prevent salary increases for the City Manager, for the City Comptroller ~~and or for the City Engineer~~ the head of any division within the Department of Public Works acting in their respective capacities.

§ C3.12 Residency requirements.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFICER

Includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the ~~Transportation Traffic and Parking~~ Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the Commissioner of Public Works, the City Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Police Commissioner, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks and Recreation Director, one Planning and Development Director as enumerated in City Charter Section C3.00B and C initially appointed and hired by the City of Newburgh after the effective date of this local law and the City Marshal and Acting City Marshal initially appointed after the effective date of this local law.

SECTION 3 - SEVERABILITY

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

SECTION 4 - CODIFICATION

Underlining denotes additions

~~Strikethrough~~ denote deletions

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

LOCAL LAW NO.: D - 2022

OF

OCTOBER 24, 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

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~~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.

Underlining denotes additions
~~Strikethrough~~ denote deletions

LOCAL LAW NO.: E - 2022

OF

OCTOBER 24, 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

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RESOLUTION NO.: 262 - 2022

OF

OCTOBER 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH UTICA NATIONAL ASSURANCE COMPANY A/S/O
LAURA FANNING IN THE AMOUNT OF \$20,000.00**

WHEREAS, Utica National Assurance Company a/s/o Laura Fanning brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Twenty Thousand and 00/100 Dollars (\$20,000.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Utica National Assurance Company a/s/o Laura Fanning in the total amount of Twenty Thousand and 00/100 Dollars (\$20,000.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 263 - 2022

OF

OCTOBER 24, 2022

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A PAYMENT OF CLAIM WITH OLGA HERNANDEZ IN THE AMOUNT OF \$20,000.00**

WHEREAS, Olga Hernandez brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Twenty and 00/100 Dollars (\$20,000.00) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Olga Hernandez in the total amount of Twenty and 00/100 Dollars (\$20,000.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.