



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

October 23, 2023
7:00 PM

Mayor/Alcaldesa

1. Moment of Silence / Momento de Silencio
2. Pledge of Allegiance / Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call / Lista de Asistencia

Communications/Comunicaciones

4. Approval of the minutes from the City Council meeting of October 10, 2023 / Aprobacion del Acta de la Reunion General del Consejo del 10 de octubre de 2023
5. City Manager Update / Gerente de la Ciudad Pone al Dia a la Audiencia de los Planes de Cada Departamento

Presentations/Presentaciones

6. 2023 EJ Fellowship Update
Actualización de los becarios EJ 2023
7. Public Hearing - Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c
There will be a public hearing on Monday, October 23, 2023 to receive public comments concerning a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

Habr  una audiencia p blica el lunes 23 de octubre del 2023 para recibir comentarios sobre una ley local que autoriza un gravamen del impuesto a la propiedad que exceda el l mite establecido en la Secci n 3-c de la Ley Municipal General

Comments from the public regarding agenda and general matters of City Business/Comentarios del p blico con respecto a la agenda y sobre asuntos generales de la Ciudad.

Comments from the Council regarding the agenda and general matters of City Business/Comentarios del Consejo con respecto a la agenda y sobre asuntos generales de la Ciudad

City Manager's Report/ Informe del Gerente de la Ciudad

8. Resolution No. 216 - 2023 - Application to PRISM Program for Spotted Lanternfly Control

Resolution authorizing an application to the Invasive Strike Force Project of the NY/NJ Trail Conference and the Lower Hudson Partnership for Regional Invasive Species Management for the purpose of controlling the spotted lantern fly at Crystal Lake

Resolución que autoriza una solicitud al Proyecto Fuerza de Ataque Invasora de la Conferencia de Senderos de NY/NJ y la Asociación del Bajo Hudson para la Gestión Regional de Especies Invasoras con el fin de controlar la mosca linterna con manchas en Crystal Lake

9. Resolution No. 217 - 2023 - PIN No. 8761.57 Lake Street (Route 32) Bridge Rehabilitation Project Change Order No. 11

Resolution authorizing the City Manager to execute Change Order No. 11 with McNamee Construction Corporation to the construction contract in the Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260)

Resolución que autoriza al Gerente de la Ciudad a ejecutar la Orden de Cambio No. 11 con McNamee Construction Corporation al contrato de construcción en el Puente Ruta 32/Metal Arch Culvert (Puente de Lake Street) Proyecto de Rehabilitación (PIN# 8761.57/BIN# 2022260)

10. Resolution No. 218 - 2023 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2025

Resolution requesting an exemption from County taxes for the City's reservoir and filter plant properties for the year 2025

Resolución que solicita una exención de los impuestos del Condado para las propiedades de deposito y plantas de filtro de la Ciudad para el año 2025

11. Resolution No. 219 - 2023 - Halloween Curfew

Resolution to implement a City-wide curfew for minors 16 years of age and under beginning October 30, 2023 at 9:00 P.M. and ending November 1, 2023 at 6:00 A.M.

Resolución para implementar un toque de queda en toda la Ciudad para menores de 16 años de edad empezando el 30 de octubre de 2023 a las 9:00 p.m. y terminando el 1 de noviembre de 2023 a las 6:00 a.m.

12. Resolution No. 220 - 2023 - Payment of Claim with Nicole Russo

A resolution authorizing the City Manager to execute a payment of claim with Nicole Russo in the amount of \$23,260.30

Una resolución que autoriza al Gerente de la Ciudad a ejecutar un reclamo de pago con Nicole Russo por el monto de \$23,260.30

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 214 - 2023

OF

OCTOBER 10, 2023

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR OCTOBER 23, 2023 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY
IN EXCESS OF THE LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW SECTION 3-c

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A local law authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 23rd day of October, 2023, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

I, Katrina Cotton, Deputy City Clerk of the City of Newburgh
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held Oct. 10, 2023
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 11th day of Oct. 20 23

Katrina Cotton
Deputy City Clerk

LOCAL LAW NO.: _____ - 2023

OF

_____, 2023

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

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

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

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

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

RESOLUTION NO.: 216 - 2023

OF

OCTOBER 23, 2023

**A RESOLUTION AUTHORIZING AN APPLICATION TO
THE INVASIVE STRIKE FORCE PROJECT OF THE NY/NJ TRAIL CONFERENCE AND
THE LOWER HUDSON PARTNERSHIP FOR REGIONAL INVASIVE SPECIES
MANAGEMENT FOR THE PURPOSE OF CONTROLLING
THE SPOTTED LANTERN FLY AT CRYSTAL LAKE**

WHEREAS, Invasive Strike Force Project, as part of the NY/NJ Trail Conference and funded through the Lower Hudson Partnership for Regional Invasive Species Management (“PRISM”), is a conservation-based crew devoted to eradicate, contain, and prevent the establishment of emerging terrestrial invasive species within the Lower Hudson Valley in order to protect our high value habitat through the use of skilled labor within the region; and

WHEREAS, the spotted lantern fly is an invasive species, the control of which would be beneficial to and protective of Crystal Lake and the surrounding City of Newburgh property; and

WHEREAS, the City proposes to make an application to the Invasive Strike Force Project for assistance in controlling the proliferation of the spotted lantern fly in and around Crystal Lake; the same being in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and she is hereby authorized submit an application to the Invasive Strike Force Project of the NY/NJ Trail Conference and the Lower Hudson Partnership for Regional Invasive Species Management for financial and operational assistance to control the proliferation of the spotted lantern fly in and around Crystal Lake and the surrounding City of Newburgh property; and to execute all such further contracts and documents and take such further actions as may be appropriate and necessary to administer the program and project agreement.

Invasives Strike Force

Project Proposal

Organization/Individual Requesting Service:	Contact Information: (Name, phone, email, and mailing address)
Project Narrative: (Big picture, why this infestation should be managed. Additional information can be sent in a Word Document)	

Permissions

Please attach map showing surrounding context for proposed site

Has the Landowner given permission to perform control?

Yes

No

Are herbicides permitted to be used during control?

Yes

No

Please attach a copy of the Landowner Permission form or an equivalent with proposal. If permissions are not yet obtained, please explain the next steps in obtaining permissions (contact information of land owner, plan for obtaining permissions).

Target Species

What is/are the species being targeted in this proposal? Note that the ISF prioritizes managing Tier 2 species and protecting conservation targets.

Please review the LH PRISM Tier List as it changes yearly. If not on the LH PRISM Tier list, please contact us.

LH PRISM Tier list can be accessed at: <https://www.lhprism.org/document/lower-hudson-species-categorization>

Primary Species

Secondary Species

Tertiary Species

Quaternary Species

Species

Gross Area of
Infestation (sq ft)

Abundance/Density
Estimated # of Plants

Latitude (decimal
Longitude degrees)

iMap ID

Near Standing Water?

Yes

No

Yes

No

Yes

No

Yes

No

*In Wetlands?

Yes

No

Yes

No

Yes

No

Yes

No

**If Yes, is it a DEC
Regulated Wetland?

Yes

No

Yes

No

Yes

No

Yes

No

LH PRISM Tier

-1

-2

-3

-4

-5

-N/A

-1

-2

-3

-4

-5

-N/A

-1

-2

-3

-4

-5

-N/A

-1

-2

-3

-4

-5

-N/A

*The ISF is a terrestrial based team that does not do aquatic management.

**See instructions on page 5 for how to use the DEC's Environmental Resource Mapper to determine if the project site is in a Regulated Wetland.



Partnership for Regional Invasive Species Management

Nearby Populations of Primary Species

Are there any nearby populations of the primary target species separated by more than 100 ft or a geological feature within the landowner parcel jurisdiction or a 1 mile radius (whichever is smaller)? If yes, describe any survey or management activities that have been performed on those secondary sites and fill the below metrics for the secondary sites if available.

Primary Species	Population #2		Population #3		Population #4		Population #5	
Gross Area of Infestation (sq ft)								
Abundance/Density Estimated # of Plants								
Latitude (decimal)								
Longitude (degrees)								
iMap ID								
Near Standing Water?	Yes	No	Yes	No	Yes	No	Yes	No
In Wetlands?	Yes	No	Yes	No	Yes	No	Yes	No
If Yes, is it a DEC Regulated Wetland?	Yes	No	Yes	No	Yes	No	Yes	No

Vector Pathways

How close is the primary target population to the following (in feet):

Trails	Roads	Camp Grounds
Water Bodies	Trailhead	Parking Area
Streams		

Site Logistics

What are the site characteristics? (check all that apply)

- Steep Slopes
- Very Rocky Terrain
- Iconic Landscape
- Native Plants Intermixed

List dominant native species nearby threatened by target species:

Plants Located Along Trail/Road
State or Local Permit Required for Treatment
Other:

Other Invasives Intermixed

List other known invasive species at the proposed project site:

Please describe site address/coordinates, parking address/coordinates, and general description to access to project site:



**LOWER
HUDSON
PRISM**

Partnership for Regional Invasive Species Management

Conservation Targets

Are target species encroaching on rare/endangered species or unique habitat? Yes No

***In order to determine the above answer on impacts to rare/endangered species or unique habitat, see instructions on page 5 for how to use the DEC's Environmental Resource Mapper.

Species/Habitat Type

Proximity

Are there additional conservation known targets not listed on the DEC's Environmental Resources Mapper? Lists of rare/threatened species can be found here: <https://www.nynhp.org/> under "New York's Biodiversity"
Last time surveyed?

Project Goals

What is the goal for the primary target species?

Suppression / Containment

Eradication

Park or Region

Is restoration for the site planned beyond invasive removal? Yes No

Please describe timeframe, planned native species, who is conducting restoration, and resources needed. If passive restoration, please provide justification:

On-Going Projects

Is this proposal part of an On-Going Project (by ISF or otherwise)? Yes No

Please describe how long work has been taking place, what methods of control have been used, and results of management:

Social Landscapes

Is this project intended to protect a landscape of social value? Yes No

Please describe: (can include trail corridors with significant value for public access, connectivity, and recreation.)

Resource Contributions

Will funding be provided for materials? (eg. herbicide, plants, etc.) Yes No

Will someone be available to direct the crew to these populations? Yes No

Will volunteers or staff be taking part in control work? Yes No

Please describe materials and/or staff time provided:

Is a contingency plan in place if the ISF does not return in subsequent years? Yes No

Please describe: Because projects are evaluated on a yearly basis, the ISF cannot ensure continued visitation. Please describe continued management and monitoring plans if the ISF does not return in subsequent years.



ISF Mission Statement

ISF Crew, as part of the NY/NJ Trail Conference and funded through the Lower Hudson PRISM, is a conservation-based crew devoted to eradicate, contain, and prevent the establishment of emerging terrestrial invasive species within the Lower Hudson Valley in order to protect our high value habitat through the use of skilled labor within the region.

FAQ

Project Narrative

Big picture project information, why this infestation should be managed. Include history of the infestation, impact of the invasive, project goals, and planned management.

Map Attachment

This assists us with planning as well as getting the landowner more familiar with their property. The map should show the target population's context to the surrounding landscape. Some items include vector pathways, nearby populations along with unique habitat and rare or endangered species. This can be as simple as a GoogleEarth aerial marked up with pen/pencil or as detailed as an ArcGIS document.

Permissions

Very important to have the landowner's permission before proposing a site. Submission of a signed copy of the Landowner Permission Form is highly encouraged. An equivalent form used by your organization is acceptable also.

Target Species

The species which are the highest priority. Typically would be species ranked high on the LH PRISM Tiers. This will be a key component to the project evaluation. The ISF prioritizes Tier 2 Emerging invasives for best chance of regional eradication.

The LH PRISM Tier lists can be found at:

<https://www.lhprism.org/document/lower-hudson-species-categorization>

Gross Area of Infestation

Population size for the primary target species will be used to determine treatment methods, amount of resources required for the project (crew days, herbicide amounts and equipment to be used), and estimated number of seasons for complete treatment. Unit of measure should be in square feet.

Abundance

Will be used to help determine control methods along with site priorities. Will also be used for entering population into iMapInvasives. Possible choices include: trace, sparse, dense plants/clumps, and monoculture.

Latitude / Longitude

Please use decimal degrees. Used to pin-point location of population, for mapping the site and determining proximities to key aspects of the site, like vector pathways and other populations.

Nearby Populations

Locating nearby populations helps guide our planning process so that we approach the project in the most effective way. What we are looking to see is if the Primary Target Species Populations are being fed by other populations which may need to be addressed first. Nearby populations should include those located on properties in close proximity.

Vector Pathways

Having locations for known entry points for invasion will help guide our planning process. This information will be used to determine likelihood of the Primary Target Species moving to other locations as well as the site being re-invaded.

Site Logistics

This will be used to determine control methods, control effectiveness, and time required for treatment.

Rare/Endangered Species + Unique Habitat

This will be used in prioritizing project time-lines. Species rate of spread, along with proximity to target populations will determine a window of opportunity before Rare/Endangered or Unique Habitat is invaded. See page 5 for instructions on how to use the DEC's Environmental Resource Mapper to determine this information.

Unique Habitat Description

Examples of unique habitats would be Pitch Pine or Hemlock Grove. This can also include Invasive Species Prevention Zones (ISPZ) or areas with little to no existing invasive species.

Site Restoration

Sites which are planned for additional restoration efforts, like re-vegetation, are encouraged.

Site Monitoring

There is a need for site monitoring beyond the initial treatment. Seed banks can persist long after work has been completed. Our rule of thumb for a site to be considered eradicated is that it has no plants present for 3 consecutive years. Those that have trained staff or volunteers who take on this monitoring will be given additional points

On-going Projects

On-going projects will be evaluated for past results in order to determine whether to, or how to continue control. The data we are looking for is previous control types and timing, starting population size, current population size and number of years under control.

Social Landscapes

Places that provide significant value for public access, connectivity, and recreation.

Resource Contributions

Proposals which have resource contributions attached to them, like funding for supplies or providing additional work by trained staff/volunteers, will receive additional points.

Submit Form to: RMcClean@nynjtc.org

Submission Deadline: 5pm February 3, 2023

Project Notification by: 5pm February 24, 2023



**LOWER
HUDSON
PRISM**

Partnership for Regional Invasive Species Management

Invasives Strike Force

Instructions for using the DEC Environmental Resource Mapper:

- Visit the DEC Environmental Resource Mapper (<https://www.dec.ny.gov/animals/38801.html>) or (<https://giservices.dec.ny.gov/gis/erm/>)
- Your popup blocker must be disabled to use this interactive resource.
- On the left, under "Search by Location," type in the project address or GPS coordinates (long, lat) and adjust zoom to encapsulate project site.
- If helpful or necessary, the basemap may be changed in the top right next to "Base Map"
- On the left, under "Layers and Legend," select "All Layers"
- On the left, under "Tools," click the "Identify" tool (which is an italicized 'I').
- There may be overlapping colors/shapes/map features. Click on the map within your project area where there is the most overlap/where the color is darkest. This will produce the results of the highest number of conservation targets within the project site.
- Once map is clicked, a new tab will open. Scroll down to view relevant information: "State Regulated Freshwater Wetlands," "Significant Natural Communities," and "Rare Plants and Rare Animals."
- Save a copy of this page as a PDF (Ctrl + p or "print" in browser "... menu).
- If you are unable to encapsulate all relevant information within the project area with one click using the "Identify" tool, please repeat previous steps and save multiple PDFs with all relevant information.
- Attach this/these PDF(s) in email when submitting proposal.

Evaluation Rubric

Target Species 25 points max

The ISF prioritizes management of Tier 2 species with low regional abundance and high or very high ecological or socio-economic invasiveness ranking.

Conservation Targets/Cultural & Recreational Resource Protection 25 points max

The ISF prioritizes management of invasive species that are threatening rare/endangered habitat/species as determined by the DEC Environmental Resource Mapper and local knowledge, as well as trail corridors with significant value for public access, connectivity, and recreation.

Control Effectiveness 23 points max

The ISF prioritizes managing species that has a known and effective Best Management Practice.

On-Going Project 12 points max

The ISF prioritizes managing projects that are on-going pre- or post-ISF management by ISF Crew or others.

Site Logistics 5 points max

The ISF prioritizes managing projects management will not be impeded by terrain, difficult access, or lack of permissions.

Resource Contribution 10 points max

The ISF prioritizes managing projects where the partner provides funding, time, or other resources, and commits to post-ISF management.

100 points total

+5 for PRISM Partners



Partnership for Regional Invasive Species Management



LANDOWNER PERMISSION AND WAIVER OF LIABILITY
to the
NEW YORK-NEW JERSEY TRAIL CONFERENCE (NYNJTC)
FOR THE CONTROL OF



LOWER
HUDSON
PRISM

_____ (species)

Landowner Name: _____

Date: _____

Email: _____

Phone: _____

Mailing Address: _____

Town, State, Zip: _____

Site Address: _____ (attach map or list of coordinates if appropriate)

New York-New Jersey Trail Conference (NYNJTC)
600 Ramapo Valley Road
Mahwah, NJ 07430

NY DEC Business Registration #: 16166
NYS Applicator: Ryan Goolic, ID# C0837377
201-512-9348 x833

Check one: ☐ PERMISSION FOR MANUAL CONTROL ONLY ☐ PERMISSION FOR MANUAL AND HERBICIDAL CONTROL

I/we hereby agree to allow the NYNJTC to access our property and make treatments to the designated areas and species for a period of 3 years. Multiple treatments may be necessary in a single year and all treatments will be scheduled with advance notice. We also understand that the Dept. of Environmental Conservation may need to enter our property only for the purpose of inspecting any herbicide work performed by NYNJTC. Herbicide treatments will be made only during appropriate weather conditions as determined by NYNJTC's licensed applicator, or someone working under their license. I/we understand that there will **be no cost to the landowner** for the service I/we are allowing in order to support the efforts of controlling invasive species.

For herbicide treatments, I/we understand the NYNJTC will provide me/us with product labels regarding any product warnings and explain the method of management that will be used for this species with enough time for discussion. I/we further understand that it is my/our responsibility to read the product label in full and that the discussed management methods are acceptable to me/us. I/we understand that the NYNJTC will notify me/us at least 48 hours in advance of performing treatment.

I/we hereby agree for myself/ourselves, my/our heirs and assigns, to release the NYNJTC, its officers, directors, employees and agents, from any liability for personal or property damage which may occur in connection with management on our property. I/we agree that NYNJTC will act as the landowner's agent on this project in matters pertaining to the application of herbicides.

Landowner (print name)

Landowner (signature)

Restrictions and Notes:

RESOLUTION NO.: 217 - 2023

OF

OCTOBER 23, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 11 WITH MCNAMEE CONSTRUCTION CORPORATION
TO THE CONSTRUCTION CONTRACT IN
THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE)
REHABILITATION PROJECT (PIN# 8761.57/BIN# 2022260)**

WHEREAS, by Resolution No. 162-2021 of July 12, 2021, the City Council of the City of Newburgh awarded a bid for the construction of the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260) to McNamee Construction Corporation in an amount not to exceed \$1,678,560.00; and

WHEREAS, adjustments for variation in quantity and cost of various items will net an additional \$10,079.02 to the total contract price with funding to be derived from an existing NYSDOT Local Project Agreement in the amount of 80% grant reimbursement (H1.8761.0200.8761.2022) and the 20% match coming from the City's allocation of the NYSDOT Touring Route Funds (A.5680.0206.0000.0000); the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 11 with McNamee Construction Corporation for contract increase in the amount of \$10,079.02 in the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260).



HVEA Engineers

Change Order Details

PIN 8761.57 Route 32 Lake Street Bridge Rehabilitation

Description	Lake Street/Route 32 over Quassaick Creek bridge rehabilitation. Project will rehabilitate the existing bridge that carries Lake Street (Route 32) over the Quassaick Creek located in the City of Newburgh, Orange County, BIN 2022260.
Prime Contractor	McNamee Construction Corp 154 Route 202, PO Box 182 Lincolndale, NY 10540
Change Order	11
Status	Draft
Date Created	09/26/2023
Type	Minor Overrun & New Items
Summary	Balancing of Final Item Quantities
Awarded Project Amount	\$1,678,560.00
Authorized Project Amount	\$1,978,122.86
Change Order Amount	\$10,079.02
Revised Project Amount	\$1,988,201.88

Increases/Decreases

Line Number	Item ID	Unit	Unit Price	Current		Change		Revised	
				Quantity	Amount	Quantity	Amount	Quantity	Amount
Section: 1 - Description									
0300	619.04	EA	\$150.000	36.000	\$5,400.00	-22.000	-\$3,300.00	14.000	\$2,100.00
TYPE III CONSTRUCTION BARRICADES									
Reason: Installed quantity was sufficient for the completion of the work. This is a 61.1% decrease in a Minor item of Work.									
0350	637.11	MO	\$2,000.000	12.000	\$24,000.00	2.000	\$4,000.00	14.000	\$28,000.00
ENGINEERS FIELD OFFICE									
Reason: Due to the need to redesign the tunnel liner, the contract duration was extended. This extended the time needed for the field office. This is a 16.7% increase in a Minor item of work.									
0360	637.34	DC	\$1.000	500.000	\$500.00	-255.830	-\$255.83	244.170	\$244.17
OFFICE TECHNOLOGY AND SUPPLIES									
Reason: The remainder of this item was not needed. This is a 49% decrease in a Minor item of work.									
0440	698.04	DC	\$1.000	1,200.000	\$1,200.00	5,411.710	\$5,411.71	6,611.710	\$6,611.71
ASPHALT PRICE ADJUSTMENT									
Reason: This increase is to allow payment of the final computed quantity of asphalt price adjustment determined in accordance with the specifications.									
0450	698.05	DC	\$1.000	210.000	\$210.00	4,323.140	\$4,323.14	4,533.140	\$4,533.14
FUEL PRICE ADJUSTMENT									

Line Number	Item ID	Unit	Unit Price	Current		Change		Revised	
				Quantity	Amount	Quantity	Amount	Quantity	Amount
Reason: This increase is to allow payment of the final computed quantity of fuel price adjustment determined in accordance with the specifications.									
0460	698.06	DC	\$1.000	100.000	\$100.00	-100.000	-\$100.00	0.000	\$0.00
STEEL/IRON PRICE ADJUSTMENT									
Reason: The contractor elected not to use this item.									
6 items	Totals				\$31,410.00		\$10,079.02		\$41,489.02

(Sponsor) Certificate of Recommended Order on Contract

PIN 8761.57

LD040218

City of Newburgh Purchase Order No.: 29815

Contractor Name: **McNamee Construction Corporation**

Change Order No. _____

I, Peter Teliska, PE, hereby certify that I am the officially designated project manager of the subject project, that the adjustments here within and the material incorporated under the subject contract as stated in this Change Order No. _____ are necessary, and to the best of my knowledge and belief, the said information is correct and in strict compliance with the terms of the said contract.

I further certify that the records from which this order on contract was developed and any other record required by statute, rule or regulation of the New York State Department of Transportation or the Federal Government or prescribed in the contract have been established and will be filed in the Consultant's Office, in accordance with the terms of the contract.

Peter Teliska, PE, HVEA Engineers, Resident Engineer

Date

Todd Venning

Date

City Manager/CEO

City of Newburgh, Sponsor

RESOLUTION NO.: 218 - 2023

OF

OCTOBER 23, 2023

**A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2025**

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, 2025, 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 ____-2023 of October 23, 2023 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, 2025 to December 31, 2025 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, 2025, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

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

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

[SEAL]

THE CITY OF NEWBURGH

By: _____

Todd Venning, City Manager

Pursuant to Res. No.:

[SEAL]

THE COUNTY OF ORANGE

By: _____

Stefan ("Steven") M. Neuhaus,

County Executive

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

JANICE GASTON
City Comptroller

SCHEDULE "A"

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



County Legislature

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

255 Main Street – 2nd Fl
Goshen, NY 10924

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

October 2, 2023

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

Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2024.

If you wish the County Legislature to exempt these properties for the year 2025, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 15, 2023.

A schedule of the properties that were exempt for 2024 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,

Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

SCHEDULE A

<u>MUNICIPALITY</u>	<u>LOCATION</u>	<u>TAX PARCEL NO.</u>
City of Middletown	Town of Wallkill	999-1-21
		999-1-22
		999-1-23
		999-1-24
		999-1-25
		999-1-26
		999-1-27
		999-1-28
		999-1-29
		999-1-19
		999-1-20
		48-1-5.12
		48-1-5.112
		48-1-5.2
		48-1-6.1
		64-1-2
		69-1-15
		999 -1-20.1
		49-1-32
		49-1-62.2
		64 -1-4.1
City of Middletown	Town of Mount Hope	12-1-23
		14-1-44.1
		14-1-76
		14-1-95
		14-1-127.2
		17-1-19
City of Newburgh	Town of New Windsor	4-1-38
		4-1-35
		4-3-1.1
		4-1-12.2
		4-1-9.21
		4-1-10
		32-2-53
City of Newburgh	Town of Newburgh	75-1-17
		97-3-17
		97-2-22.1
		97-3-10
		97-1-44
City of Port Jervis	Town of Deerpark	54-1-35.1
		52-1-2
		52-1-54.1
		35-1-8.2
		57-1-40

Village of Chester	Town of Monroe	18-5-11
		18-5-4
		19-1-3.2
		10-3-9
		13-1-28
		8-1-78
		8-1-35
		8-1-77
		8-1-24
		8-1-23
		8-1-22
		8-1-21
		8-1-16
		8-1-14
		8-1-13
		8-1-12
		8-1-11
		8-1-10
		8-1-9
		8-1-8
		8-1-39
		8-1-40
		8-1-54
		8-1-53
		8-1-42
		8-1-44
		8-1-45
		8-1-46
Village of Cornwall-on-Hudson	Town of Cornwall	31-1-15
		29-1-54
		29-1-50
		4-2-56
		32-1-17
Village of Cornwall-on-Hudson	Town of New Windsor	65-1-20
Village of Goshen	Town of Goshen	13-1-32.61
		15-1-8
		15-1-48
		15-1-50
	Town of Wallkill	61-1-43
Village of Highland Falls	Town of Highlands	1-1-2
Village of Kiryas Joel	Town & Village of Woodbury	213-1-64.1
	Town & Village of Woodbury	213-1-49
	Town & Village of Woodbury	202-1-19
	Town & Village of Woodbury	205-4-8
	Town & Village of Woodbury	999-7-2
	Town & Village of Woodbury	999-7-1

	Town & Village of Woodbury	247-4-16
	Town & Village of Woodbury	207-1-10.2
	Town of Monroe	2-1-20
	Town of Monroe	2-1-22
	Town of Monroe	2-1-23
	Village of Monroe	216-1-46.21
	Town of Cornwall	36-1-56
	Town of Cornwall	34-1-83
	Town of Cornwall	5-3-4.2
	Town of Cornwall	4-2-55
	Town of Cornwall	4-2-54
	Town of Cornwall	7-5-1
	Town of Cornwall	12-1-1.22
	Town of Cornwall	12-1-1.32
	Town of Cornwall	9-1-1.1
	Town of Cornwall	10-1-3
	Town of Cornwall	10-1-4
	Town of Cornwall	10-1-5
	Town of New Windsor	35-1-79.22
	Town of New Windsor	35-1-86.1
	Town of New Windsor	36-1-30
	Town of New Windsor	36-1-14
	Town of New Windsor	65-1-22.2
	Town of New Windsor	36-1-11
	Town of New Windsor	67-5-15
	Town of New Windsor	67-5-16
	Town of New Windsor	67-4-10
	Town of New Windsor	67-4-13.1
Village of Maybrook	Town of Hamptonburgh	3-1-6
Village of Montgomery	Town of Montgomery	28-1-63
Village of Tuxedo Park	Town of Tuxedo	213-3-12
Village of Walden	Town of Montgomery	10-1-4.21
		2-1-24.1
		2-1-24.21
		2-1-25.11

RESOLUTION NO.: 219 - 2023

OF

OCTOBER 23, 2023

**A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
BEGINNING OCTOBER 30, 2023 AT 9:00 P.M. AND
ENDING NOVEMBER 1, 2023 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 Monday, October 30, 2023, and ending at 6:00 a.m. on Wednesday, November 1, 2023; 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.: 220 - 2023

OF

OCTOBER 23, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH NICOLE RUSSO IN THE AMOUNT OF \$23,260.30**

WHEREAS, Nicole Russo 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-Three Thousand Two Hundred Sixty and 30/100 Dollars (\$23,260.30) 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 Nicole Russo in the total amount of Twenty-Three Thousand Two Hundred Sixty and 30/100 Dollars (\$23,260.30) 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.