



City of Newburgh Council Work Session  
*Sesion de trabajo del Concejal de la  
Ciudad de Newburgh*

July 8, 2021  
6:00 PM

Council Meeting Presentations

1. P.A.C.E Financing Program Presentation

*Presentación por el Programa de Financiamiento P.A.C.E*

2. Public Hearing - Local Law amending City Charter Article XI "Police Department"

There will be a public hearing on Monday, July 12, 2021, to receive comments from the public concerning a local law amending City Charter Chapter XI, "Police Department", which proposes a Police Commissioner for the City of Newburgh.

*Habrà una audiencia pública el lunes 12 de julio de 2021 para recibir comentarios del público acerca de una Ley Local que enmienda el Capítulo XI del Estatuto de la Ciudad, "Departamento de Policía", que propone un Comisionado de Policía para la Ciudad de Newburgh.*

3. CFA Brownsfield Opportunity Area Grant - Public Comment

*Subvención CFA Área de Oportunidad Brownsfield - Comentario Publico*

Engineering/Ingeniería

4. PERM 1 Undertaking Agreement with New York State Department of Transportation

Resolution authorizing the City Manager to execute an Undertaking (PERM 1) with the New York State Department of Transportation to conduct activities and perform work on the highways and in the rights-of-way controlled by the State of New York.

*Resolución autorizando al Gerente Municipal a ejecutar un Compromiso (PERM 1) con el Departamento de Transporte del Estado de Nueva York para realizar actividades y realizar trabajos en las carreteras y en los derechos de via controlados por el Estado de Nueva York*

5. 2021 CFA North Interceptor Sewer Improvements and High Rate Disinfection/Floatables Control Facility Projects

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a New York

State Department of Environmental Conservation Water Quality Improvement Project Program Grant not to exceed \$10,000,000.00 with a City match for the North Interceptor Sewer Improvements and High Rate Disinfection/Floatables Control Facility Projects.

*Resolución del Concejo Municipal autorizando la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y aceptar si se le otorga una subvención para el Programa del Proyecto de Mejoramiento de la Calidad del Agua del Departamento de Conservación Ambiental del Estado de Nueva York que no exceda de \$10.000.000,00 con el cual requiere que la Ciudad iguale las mejoras de alcantarillado para el Interceptor norte y Proyectos de Instalaciones de Control de Desinfección / Floatables de Alta Tasa.*

6. 2021 CFA GIGP Drinking Water Meter Upgrade Grant Application

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a grant from the New York State Environmental Facilities Corporation Green Innovation Grant Program not to exceed \$2,700,000.00 with a 50% match for a Drinking Water Meter Upgrade Project.

*Resolución del Concejo Municipal autorizando la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y aceptar si se le otorga una subvención del Programa de Subsidio de Innovación Verde de la Corporación de Instalaciones Ambientales del Estado de Nueva York que no exceda \$2.700.000,00 el cual requiere que se igualen los fondos en un 50% para un Proyecto de Actualización de Medidores de Agua Potable.*

7. Proposal with The Chazen Companies for Site Monitoring at the Former Consolidated Iron Site

Resolution authorizing the City Manager to accept a proposal with the Chazen Companies to perform additional groundwater, sampling, reporting and periodic review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$6,100.00

*Resolución autorizando al Gerente Municipal a aceptar una propuesta con las Compañías Chazen para realizar muestreo de aguas subterráneas adicionales, reportes y revisiones periódicas de la maquinaria e controles institucionales en el Sitio Consolidado de Superfondo de Hierro deslistado a un costo de \$6.100,00.*

8. Proposal with QUEST for Material Testing at the Downing Park Shelter House

Resolution authorizing the execution of a contract with Quality Environmental Solutions & Technologies, Inc. (QUES&T) in an amount of \$3,101.00 for pre-renovation environmental testing services for the Downing Park Shelter House

*Resolución que autoriza la ejecución de un contrato con Quality Environmental Solutions & Technologies, Inc. (QUES&T) por un monto de \$3,101.00 para servicios de pruebas ambientales previas a la renovación de la Casa de Refugio del Parque Downing.*

9. Award of Bid 8.21 - Route 32 TAP: Lake Street (Route 32) Bridge Rehabilitation - PIN 8761.57 (Rebid)

Resolution authorizing the award of a bid and the execution of a contract with McNamee Construction Corporation for the construction of the Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260) in an amount not to exceed \$1,678,560.00.

*Resolución que autoriza la adjudicación de una oferta y la ejecución de un contrato con McNamee Construction Corporation para la construcción del Proyecto de Rehabilitación Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) (PIN# 8761,57/BIN# 2022260) en una cantidad que no exceda de \$1.678.560,00.*

10. 2021 CFA Engineering Planning Grant (EPG) Application

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a grant from the New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant Program not to exceed \$100,000.00 with a 20% match for sewer inspection and inflow and infiltration investigation activities.

*Resolución del Concejo Municipal que autoriza la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y a aceptar si se le otorga una subvención del Programa de Subvenciones de Planificación de Ingeniería de Infraestructura de Aguas Residuales de la Corporación de Instalaciones Ambientales del Estado de Nueva York que no exceda los \$ 100,000.00 con un 20% de los fondos igualados para la inspección de alcantarillado y las actividades de investigación de flujo e infiltración.*

Finance/Finanza

11. Budget Amendment to 2021 City of Newburgh Budget

Resolution amending Resolution No: 282-2020, the 2021 Budget for the City of Newburgh, New York to correct the OCTC reporting from General Fund Transfers to General Appropriated Fund Balance.

*Resolución que modifica la Resolución No: 282-2020, el Presupuesto 2021 para la Ciudad de Newburgh, Nueva York para corregir los informes de OCTC de transferencias de fondos generales a saldo de fondos generales apropiados.*

12. 2021 Budget Amendment - NYSDOT Touring Funds and CHIPS Funds  
Resolution amending Resolution No: 282-2020, the 2021 Budget for the City of Newburgh, New York to adjust for CHIPS funding and to include DOT Touring Funds in revenue and expense.

*Resolución que modifica la Resolución No: 282-2020, el Presupuesto 2021 para la Ciudad de Newburgh, Nueva York para ajustar los fondos de CHIPS e incluir los Fondos de Turismo DOT en ingresos y gastos.*

13. Surplus Vehicles DPW, Water & Police Dept.  
Resolution declaring Police Department, Department of Public Works and Water Department vehicles as surplus.

*Resolución declarando los vehículos del Departamento de Policía, Departamento de Obras Públicas y Departamento de Agua como excedentes.*

#### Planning and Economic Development/Planificación y Desarrollo Económico

14. 41 Roe Street - Satisfaction of Mortgage  
Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a Bond and Mortgage issued to Jenny Upayacu for the premises located at 41 Roe Street (Section 7, Block 10, Lot 2).

*Resolución autorizando al Gerente Municipal a ejecutar una Satisfacción de Hipoteca en conexión con un Bono e Hipoteca emitidos a Jenny Upayacu para las instalaciones ubicadas en 41 Roe Street (Sección 7, Bloque 10, Lote 2).*

15. 104 Benkard Avenue - Release of Restrictive Covenants  
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Leonor Machuca to the premises known as 104 Benkard Avenue (f/k/a 118 Benkard Avenue) (Section 44, Block 2, Lot 19).

*Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de una escritura emitida a Leonor Machuca a las instalaciones conocidas como 104 Benkard Avenue (f/k/a 118 Benkard Avenue) (Sección 44, Bloque 2, Lote 19).*

16. 140 Third Street - Release of Restrictive Covenants  
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to A.F.N. Corporation, and from a deed issued to Sandra Hawkins, both to the premises known as 140 Third Street (f/k/a 138 Third Street) (Section 18, Block 9, Lot 17).

*Resolución que autoriza la ejecución de una liberación de cláusulas*

*restrictivas y derecho de reingreso de una escritura emitida a A.F.N. Corporation, y de una escritura emitida a Sandra Hawkins, ambas a las instalaciones conocidas como 140 Calle Third (f/k/a 138 Calle Third) (Sección 18, Bloque 9, Lote 17).*

17. 103 Liberty Street - Satisfaction of Mortgage

Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a Mortgage issued to Liberty Works L.L.C. for the premises located at 103 Liberty Street (Section 36, Block 4, Lot 14).

*Resolución que autoriza al Administrador de la Ciudad a ejecutar una Satisfacción de Hipoteca en relación con una Hipoteca emitida a Liberty Works L.L.C. para las instalaciones ubicadas en 103 Calle Liberty (Sección 36, Bloque 4, Lote 14).*

18. License Agreement with Black Rock Forest to Install 7 Wildlife Cameras to monitor Gray Fox in Newburgh

Resolution authorizing the City Manager to enter into a license agreement with Black Rock Forest Consortium, Inc. to allow use and access of up to seven City-owned property sites for environmental observation of gray fox wildlife.

*Resolución autorizando al Gerente de la Ciudad a celebrar un acuerdo de licencia con Black Rock Forest Consortium, Inc. Para permitir el uso y acceso de hasta siete sitios de propiedad de la Ciudad para la observación ambiental de la fauna y flora del zorro gris.*

19. Apply for and Accept if Awarded a Recreational Trails Program Grant for \$100,000 to Purchase Land to construct a Quassaick Creek Trail

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Recreational Trails Program Grant in an amount not to exceed \$100,000.00 with a 20% match for land acquisition to construct a Quassaick Creek Trail.

*Resolución del Concejo Municipal que autoriza la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y aceptar si se le otorga una Subvención del Programa de Senderos Recreativos de la Oficina de Parques, Recreación y Preservación Histórica del Estado de Nueva York en una cantidad que no exceda los \$ 100,000.00 con fondos igulados en un 20% para la adquisición de tierras para construir un Sendero Quassaick Creek.*

20. Orange-Ulster BOCES agreement - Storage of Archival Municipal Records

Resolution authorizing the City Manager to enter into an agreement with Orange-Ulster BOCES for the storage of archived municipal records.

*Resolución por la que se autoriza al Administrador de la Ciudad a celebrar un acuerdo con Orange-Ulster BOCES para el almacenamiento de registros municipales archivados.*

21. Purchase of "Parcel B," Water Street

Resolution to authorize the conveyance of vacant real property at private sale to West Shore Hudson LLC for the amount of \$21,500.00.

*Resolución para autorizar el traspaso de bienes raíces vacantes en venta privada a West Shore Hudson LLC por la cantidad de \$21,500.00.*

Grants/Contracts/Agreements / Becas /Contratos/Convenios

22. Advancing Health Literacy to Enhance Equitable Community Responses to COVID-19

Resolution to accept if awarded a U.S. Department of Health and Human Services Advancing Health Literacy to Enhance Equitable Community Responses to COVID-19 program grant in the amount of \$2,701,350.00.

*Resolución para aceptar si es otorgada una subvención del Departamento de Salud y Servicios Humanos de los Estados Unidos para promover la Información en Salud para mejorar las Respuestas Equitativas de la Comunidad al programa COVID-19 por la cantidad de \$2,701,350.00.*

23. US DOJ 2021 Edward Byrne Memorial Justice Assistance Program Grant for \$28,976

Resolution authorizing the City Manager to apply for and accept if awarded a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Program Grant in the amount of \$28,976.00 to purchase computers and related equipment for the City of Newburgh Police Department.

*Resolución que autoriza al Administrador de la Ciudad a solicitar y aceptar si se le otorga una Subvención del Programa de Asistencia de Justicia Conmemorativa Edward Byrne del Departamento de Justicia de EE. UU. por la cantidad de \$28,976.00 para comprar computadoras y equipos relacionados para el Departamento de Policía de la Ciudad de Newburgh.*

24. Apply for and Accept if Awarded a Brownfield Opportunity Area Grant for \$180,000

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a New York State Department of State Brownfield Opportunity Area Program Grant in the amount of \$180,000.00 with a 10% City match for a nomination study of the "Newburgh, NY Hillside".

*Resolución del Concejo Municipal autorizando la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y*

*aceptar si se le otorga una Subvención del Programa de Oportunidades Brownfield del Departamento de Estado de Nueva York por la cantidad de \$180,000.00 el cual requiere que la Ciudad iguale 10% de los fondos para un estudio de nominación de la "Newburgh, NY Hillside".*

25. Apply for a Smart Growth Comprehensive Planning Grant from the Department of State for Lake St. Corridor Enhancements

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application to the Department of State for a Smart Growth Comprehensive Planning Grant in an amount not to exceed \$100,000.00 with a 10% City match for Lake Street Corridor Enhancements.

*Resolución del Concejo Municipal que autoriza la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York al Departamento de Estado para una Subvención de Planificación Integral de Crecimiento Inteligente en una cantidad que no exceda los \$ 100,000.00 el cual requiere que la Ciudad iguale el 10% de los fondos para mejoras del Corredor de Lake Street.*

26. Apply for and Accept if Awarded a \$200,000 Environmental Protection Fund Grant for a Master Plan and Design Drawings for Delano Hitch Recreation Park

Resolution of the City Council authorizing the submission of a New York State Consolidated Funding Application and to accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grant in an amount not to exceed \$200,000.00 with a City match to develop the Delano-Hitch Recreation Park Master Plan.

*Resolución del Concejo Municipal que autoriza la presentación de una Solicitud de Financiamiento Consolidado del Estado de Nueva York y aceptar si se le otorga una Subvención del Fondo de Protección Ambiental de la Oficina de Parques, Recreación y Preservación Histórica del Estado de Nueva York por una cantidad que no exceda los \$ 200,000.00 con fondos igualados por la Ciudad para desarrollar el Plan Maestro del Parque Recreativo Delano-Hitch.*

Police Department

27. Canine Lee Retirement

Resolution authorizing the sale of a police dog to Police Officer Roman Scudroni.

*Resolución por la que se autoriza la venta de un perro policía al policía Román Scudroni*

28. Chaplaincy Unit

Resolution of the City Council of the City of Newburgh supporting the creation

of the Chaplaincy Unit within the City of Newburgh Police Department.

*Resolución del Concejo Municipal de la Ciudad de Newburgh apoyando la creación de la Unidad de Capellanía dentro del Departamento de Policía de la Ciudad de Newburgh.*

29. Amend 2021 Personnel Book - Police Department

Resolution amending the 2021 Personnel Analysis Book deleting one Full Time Deputy Chief position and adding one Full Time Police Commissioner position in the City of Newburgh Police Department

*Resolución que modifica el Libro de Análisis de Personal de 2021 eliminando un puesto de Subjefe a Tiempo Completo y agregando un puesto de Comisionado de Policía a Tiempo Completo en el Departamento de Policía de la Ciudad de Newburgh.*

Fire Department / Departamento de Bomberos

30. Orange County Fire Mutual Aid Plan

Resolution authorizing participation in the Orange County Fire Mutual Aid Plan.

*Resolución que autoriza la participación en el Plan de Ayuda Mutua de Bomberos del Condado de Orange*

Resolutions of Support/ Resoluciones de Apoyo

31. Resolution of Support for Foster Supply Hospitality CFA Application for Grand Street Redevelopment Project

Resolution of the City Council of the City of Newburgh, New York supporting the 2021 Consolidated Funding Application of Foster Supply Hospitality for Empire State Development Capital Grant Funding for the FSH Grand Street Redevelopment Project.

*Resolución del Concejo Municipal de la Ciudad de Newburgh, Nueva York Apoyando la Aplicación Consolidada de Financiamiento de Hospitalidad de Suministro de Crianza para el Financiamiento de Capital de Desarrollo del Empire State en 2021 para el Proyecto de Redesarrollo de la Calle Grand de FSH.*

Discussion Items/Temas de Discusión

32. American Rescue Plan Local Fiscal Recovery Funds

*Plan de Rescate Americano Fondos Locales de Recuperacion Fiscal*

33. Kennel Discussion

*Discusion sobre guarderia para animales*

Executive Session/ Sesión Ejecutiva



34. proposed, pending or current litigation  
*Litigacion propuesta, pendiente o acutal*

OF

JUNE 14, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 12, 2021  
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW  
REPEALING AND REPLACING ARTICLE XI ENTITLED 'POLICE DEPARTMENT'  
OF THE CHARTER OF THE CITY OF NEWBURGH

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 repealing and replacing Article XI entitled 'Police Department' of the Charter of the City of Newburgh"; 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 12<sup>th</sup> day of July, 2021 in the City Council Chambers, 83 Broadway, City Hall, 3<sup>rd</sup> Floor, Newburgh, New York; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the capacity of the City Council Chambers will be limited due to the space available to maintain six (6) feet of social distancing and in-person attendance will be on a first-come, first-served basis, and therefore, in accordance with the Governor's Executive Order 202.1, as amended, the July 12, 2021 City Council meeting also will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:  
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:

[https://zoom.us/webinar/register/WN\\_r0dWGmAkR-CFh-oPR8vfYg](https://zoom.us/webinar/register/WN_r0dWGmAkR-CFh-oPR8vfYg). Please note that there is an underscore between the "N" and "r").

To register in advance for this webinar in order to provide comments during the hearing:  
[https://zoom.us/webinar/register/WN\\_r0dWGmAkR-CFh-oPR8vfYg](https://zoom.us/webinar/register/WN_r0dWGmAkR-CFh-oPR8vfYg). Please note that there is an underscore between the "N" and "r"). Please fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to [comments@cityofnewburgh-ny.gov](mailto:comments@cityofnewburgh-ny.gov) with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, July 12, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Lorena Vitak, 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 June 14, 2021  
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of  
Newburgh this 14 day of June 2021

City Clerk

LOCAL LAW NO.: \_\_\_\_\_ - 2021

OF

\_\_\_\_\_, 2021

**A LOCAL LAW REPEALING AND REPLACING ARTICLE XI ENTITLED “POLICE DEPARTMENT” OF THE CHARTER OF THE CITY OF NEWBURGH**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Repealing and Replacing Article XI entitled ‘Police Department’ of the Charter of the City of Newburgh”.

**SECTION 2 - AMENDMENT**

**Article XI of the City Charter is hereby repealed and replaced as follows:**

Article XI. Department of Police

**§ C11.01. Department created.**

There is hereby created a Department of Police for the City, which shall consist of a Police Commissioner, Police Chief, and such other ranks and members within the Department as the City Manager, in consultation with the Police Commissioner, may hereafter create with the approval of the Council and consistent with the New York State Civil Service Law.

**§ C11.02. Police Commissioner.**

The Police Commissioner shall be responsible for the overall operation, supervision, and administration of the Police Department and its officers in accordance with the City Charter. It shall be the duty of the Police Commissioner to ensure that the Police Department preserves peace and good order; enforces the laws, ordinances, rules, regulations of the City of Newburgh, New York State; and performs other duties as the City Council may proscribe by ordinance or local law. The Police Commissioner shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. The Police Commissioner shall be responsible for the City jail, shall have custody of all persons incarcerated therein, and shall keep such records and make such reports concerning the activities of the Department as may be required by statute or by the City Council. She or he shall have authority to administer oaths and take evidence, affidavits and acknowledgments in all matters as proceedings pertaining to the Police Department.

**§ C11.03. Police Chief.**

The Chief of Police shall be appointed by the City Manager and shall have immediate direction and control of the Police Department, subject to the policies, rules, regulations and orders established by the City Manager and Police Commissioner.

**§ C11.04. Appointments, promotions and changes in status of members.**

- A. No person shall be appointed to membership in the Police Department or continue to hold membership therein who is not a citizen of good moral character or who has ever been convicted of a felony or who cannot understandingly read and write the English language.
- B. The City Manager shall make all appointments, promotions and changes of status of the officers and members of the Police Department in accordance with the provisions of the New York State Civil Service Law, except as otherwise herein provided. In making promotions, seniority and meritorious service in the Department, as well as superior capacity, as shown by competitive examination or otherwise, shall be taken into account. Individual acts of bravery may be treated as acts of meritorious service, and the relative weight therefor shall be fixed by the Municipal Civil Service Commission.
- C. No member of the Police Department shall hold office or be employed in any other department of the City government.

**§ C11.05. Police Officers powers, duties, authority.**

- A. Police officers of the City of Newburgh shall have all the powers, authority, and duties conferred on them by the laws of the State of New York. It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the City, state and federal laws and all statutes applicable therein and to preserve order and prevent infractions of the law and arrest violators thereof.
- B. No member of the Police Department shall serve any process except by order of the Police Commissioner or his designated representative.
- C. Every member of the Police Department shall appear as a witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; any fees paid for such services shall be turned over to the Police Chief, who shall deposit the same with the City Comptroller.
- D. The members of the Police Department shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the Police Commissioners or his designee. Police officers shall also have in every other part of the state in criminal matters all the powers of constables; and any warrant for search or arrest issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof as provided in the Criminal Procedure Law. They shall possess such other powers and perform such other duties as may be provided by law or ordinance of the Council.

**§ C11.06. Conduct of members.**

It shall be the duty of all members of the Police Department to conduct themselves in a proper and law abiding manner at all times and to avoid the use of unnecessary force. All members of the

Department shall obey the orders and directions of their superior and any rules, regulations and general orders promulgated by the Police Commissioner.

**§ C11.07. Organizational structure; rules and regulations.**

The organizational structure of the Police Department shall be determined by the City Manager and shall be as promulgated in the rules and regulations of the Police Department. The City Manager may make or prescribe such rules and regulations, including general orders, as he shall deem advisable, and they shall be binding on all members of the Department. Such rules, regulations and general orders may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the discipline and efficiency of the Department.

**§ C11.08. Auxiliary police officers.**

- A. Pursuant to the New York State Defense Emergency Act, any person of good character, having duties which require it, may be appointed an auxiliary police officer by the City Manager, provided that, except upon authorization by the Council, no such auxiliary officer shall be entitled to any compensation from the City, nor shall such auxiliary police officer be considered an employee of the City by reason of such appointment.
- B. Auxiliary police officers shall obey all rules of the Police Department applicable to them and may be deprived of their appointment by the City Manager at any time.
- C. The City Manager or his designated representative may authorize said auxiliary police officers to perform duty, including any defense drill or training exercise, while armed with a loaded firearm; provided, however, that all such officers have a valid permit to carry a firearm.
- D. The City Manager has absolute discretion in determining which, if any, auxiliary police officers may perform duty while armed and may withhold permission from any auxiliary police officer at any time. Said auxiliary police officer must undergo and satisfactorily complete a firearms training program under the auspices of the Police Chief or his designated representative prior to performing any duty while armed.
- E. Said auxiliary police officers must obey all laws pertaining to the use of firearms and deadly physical force and all rules, regulations and general orders of the Police Department.
- F. Auxiliary police officers of the City of Newburgh in criminal matters shall have all the powers of peace officers under the general laws of the state and shall also have the power to arrest any person found by them violating any penal ordinances of the City or laws of the state and to take such person before the proper magistrate, where such person shall be dealt with in the same manner as if he had been arrested upon a warrant theretofore duly issued by such magistrate. Auxiliary police officers shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the Police Commissioner or his designee and shall have peace officer status and powers only within the Newburgh City limits and only during periods while such members are actually performing duty prescribed or ordered by the Police Chief during an attack or defense drill or training exercise.

**§ C11.09. Custody of stolen property.**

The Police Commissioner shall have the custody of all lost, abandoned or stolen property recovered in the City, except as otherwise provided in the City Charter or the Code of the City of Newburgh.

**§ C11.10. Parking enforcement.**

Parking Enforcement Officers are members of the Police Department and as such are public servants. It shall be their duty and they shall have the power to enforce all the laws and ordinances of the City and laws of the state pertaining to parking violations. For this purpose, they are authorized to issue and serve legal process as defined by the laws of the state for violations of parking laws and ordinances, including the authority to issue and serve appearance tickets, as defined by the Criminal Procedure Law.

**§ C11.11. Service of criminal process by police.**

All criminal process for any offense committed within the City and all process to recover or to enforce any penalty for the violation of any City ordinance issued out of any court or by any magistrate within the a City and every process or subpoena issued by the District Attorney of the county in which the City is situated, relating to any offense committed within the City, and every process, subpoena or warrant issued by any Coroner of such county in any inquest held in the City relative to the death of any person may be served by any member of the Police Department.

**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**

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 on \_\_\_\_\_ and 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.

DRAFT

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AN UNDERTAKING (PERM 1) WITH  
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
TO CONDUCT ACTIVITIES AND PERFORM WORK ON THE HIGHWAYS AND  
IN THE RIGHTS-OF-WAY CONTROLLED BY THE STATE OF NEW YORK**

**WHEREAS**, the City of Newburgh, from time to time, receives permits from the New York State Department of Transportation to conduct activities and perform work on the highways and within rights-of-way owned or controlled by New York State; and

**WHEREAS**, the City's access to the State's highways and rights-of-way requires compliance with the New York State Highway Law and other terms and conditions, which are set forth in a standard form Undertaking, identified by New York State Department of Transportation as PERM 1; and

**WHEREAS**, the City Council has reviewed the Undertaking form PERM 1 and finds that signing such Undertaking is in the best interest of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh the attached Undertaking (PERM 1) with the New York State Department of Transportation.





## UNDERTAKING

For the benefit of

### The New York State Department of Transportation

In connection with work affecting state highways

(For use by Municipalities)

WHEREAS, the undersigned \_\_\_\_\_ ( Municipality, County, Town City or Village, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

**1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

**2. Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

**3. Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent

condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

**4. Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to improvements in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all claims for the value of public improvements.

**5. Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's, activities or operations, no matter how caused.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, \_\_\_\_\_ (Municipality-County, Town, City or Village) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name/Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
( )

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Address

\_\_\_\_\_  
e-mail

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF  
A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED  
A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WATER QUALITY IMPROVEMENT PROJECT PROGRAM GRANT  
NOT TO EXCEED \$10,000,000.00 WITH A CITY MATCH  
FOR THE NORTH INTERCEPTOR SEWER IMPROVEMENTS AND  
HIGH RATE DISINFECTION/FLOATABLES CONTROL FACILITY PROJECTS**

**WHEREAS**, the New York State Department of Environmental Conservation Water Quality Improvement Project Program (DEC WQIP) is a competitive state-wide reimbursement grant program for construction and implementation projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source; and

**WHEREAS**, the City wishes to apply for and accept if awarded a DEC WQIP Program grant through the Consolidated Funding Application process to fund the North Interceptor Sewer Improvements and High Rate Disinfection Facility Projects; and

**WHEREAS**, such grant funds shall be in an amount not to exceed \$10,000,000.00 with a City match to be provided through the Clean Water State Revolving Fund (CWSRF) Program, Sewer Fund Balance and/or City issued Ban/Bonds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Department of Environmental Conservation Water Quality Improvement Project Program grant through the 2021 Consolidated Funding Application in an amount not to exceed \$10,000,000.00 with a City match to be provided by the Clean Water State Revolving Fund (CWSRF) Program, Sewer Fund Balance and/or City issued Ban/Bonds to fund North Interceptor Sewer Improvements and High Rate Disinfection Facility Projects; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A  
NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED A GRANT FROM  
THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION  
GREEN INNOVATION GRANT PROGRAM  
NOT TO EXCEED \$2,700,000.00 WITH A 50% MATCH FOR  
A DRINKING WATER METER UPGRADE PROJECT**

**WHEREAS**, the New York State Environmental Facilities Corporation Green Innovation Grant Program (EFC GIGP) is a competitive program for projects that improve water quality and mitigate the effects of climate change through the implementation of green practices, including water efficiency; and

**WHEREAS**, the City wishes to apply for and accept if awarded an EFC GIGP grant through the Consolidated Funding Application process to fund a drinking water meter upgrade project that will replace all City of Newburgh drinking water supply customer meters with new smart meters with leak detection and remote read capability; will alert customers and the City of leaks in household plumbing; decrease the time and work hours associated with driving around the City to obtain meter readings; and increase the frequency of meter reading to alert customers of plumbing leaks in a more timely manner; and

**WHEREAS**, such grant funds shall be in an amount not to exceed \$2,700,000.00 with a 50% match to be provided through Drinking Water State Revolving Fund (DWSRF) Program, Water Fund balance and City issued BAN/Bonds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the New York State Environmental Facilities Corporation Green Innovation Grant Program through the 2021 Consolidated Funding Application in an amount not to exceed \$2,700,000.00 with a 50% match to be provided through Drinking Water State Revolving Fund (DWSRF) Program, Water Fund balance and City issued BAN/Bonds to fund a Drinking Water Meter Upgrade Project; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT A PROPOSAL WITH THE CHAZEN COMPANIES TO  
PERFORM ADDITIONAL GROUNDWATER SAMPLING, REPORTING AND  
PERIODIC REVIEW OF THE ENGINEERING AND INSTITUTIONAL CONTROLS AT  
THE DELISTED CONSOLIDATED IRON SUPERFUND SITE AT A COST OF \$6,100.00**

**WHEREAS**, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation approved the Site Management Plan for the Consolidated Iron Superfund Site, and subsequently delisted the site in December of 2014; and

**WHEREAS**, provisions in Site Management Plan requires the City of Newburgh to conduct groundwater sampling and periodic review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site; and

**WHEREAS**, by Resolution No. 267-2015 of October 26, 2015, Resolution No. 125-2017 of May 22, 2017, Resolution No. 192-2018 of August 13, 2018 and Resolution No. 106-2020 of May 1, 2020, the City Council approved contracts with The Chazen Companies to conduct groundwater sampling, reporting services and periodic reviews of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site; and

**WHEREAS**, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation have requested additional groundwater sampling for certain emerging contaminants at the delisted Consolidated Iron Superfund Site; and

**WHEREAS**, The Chazen Companies has submitted a proposal to conduct such groundwater sampling, reporting services and periodic review of the engineering and, institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$6,100.00 with funding to be derived from A.1440.0448.0003; and

**WHEREAS**, this Council has determined that accepting such proposal and entering into a contract for such work is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and enter into a contract with The Chazen Companies to conduct groundwater sampling, reporting services and review of the engineering and institutional controls at the delisted Consolidated Iron Superfund Site at a cost of \$6,100.00.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH  
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)  
IN AN AMOUNT OF \$3,101.00  
FOR PRE-RENOVATION ENVIRONMENTAL TESTING SERVICES  
FOR THE DOWNING PARK SHELTER HOUSE**

**WHEREAS**, the City of Newburgh is evaluating the Downing Park Shelter House for anticipated repairs and renovations; and

**WHEREAS**, the Downing Park Shelter House must be evaluated for the presence of asbestos and/or lead containing material before undertaking any renovations; and

**WHEREAS**, Quality Environmental Solutions & Technologies, Inc. (QUES&T) is a qualified environmental remediation consultant and has submitted a proposal for pre-renovation environmental testing services; and

**WHEREAS**, the services will cost \$3,101.00 and funding shall be derived from an existing DASNY Grant under Budget Line CG.7114.0400.3026.2020; and

**WHEREAS**, the City Council has reviewed the annexed proposal and has determined that such work would be 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 a contract with Quality Environmental Solutions & Technologies, Inc. for pre-renovation environmental testing services at the Downing Park Shelter House at a cost of \$3,101.00.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF  
A CONTRACT WITH MCNAMEE CONSTRUCTION CORPORATION  
FOR THE CONSTRUCTION OF  
THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE)  
REHABILITATION PROJECT (PIN# 8761.57/BIN# 2022260)  
IN AN AMOUNT NOT TO EXCEED \$1,678,560.00**

**WHEREAS**, the City of Newburgh duly re-advertised for bids in connection with the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260"); and

**WHEREAS**, four (4) bids were duly received and opened and McNamee Construction Corporation is the most responsible low bidder; and

**WHEREAS**, funding for the Project shall be derived from the OCTC TIP Reserve Fund, the Bridge NY 2016 Program A.1918.0400 - Grant Match; and Federal Earmark Funds; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the bid for construction of the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (PIN# 8761.57/BIN# 2022260") for the City of Newburgh be and it hereby is awarded to McNamee Construction Corporation in an amount not to exceed \$1,678,560.00; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A  
NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED A GRANT FROM  
THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION  
WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT PROGRAM  
NOT TO EXCEED \$100,000.00 WITH A 20% MATCH FOR  
SEWER INSPECTION AND INFLOW AND INFILTRATION  
INVESTIGATION ACTIVITIES**

**WHEREAS**, the New York State Environmental Facilities Corporation (EFC) offers grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects through the Wastewater Infrastructure Engineering Planning Grant program to fund engineering and planning to produce an engineering report to advance water quality projects to design and ultimately construction; and

**WHEREAS**, the City wishes to apply for and accept if awarded an EFC Wastewater Infrastructure Engineering Planning grant through the Consolidated Funding Application process to fund sewer inspection and inflow and infiltration investigation activities; and

**WHEREAS**, such grant funds shall be in an amount not to exceed \$100,000.00 with a 20% match to be provided through in kind services from the Engineering Department and/or from the 2021-2022 engineering sewer budget;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant program through the 2021 Consolidated Funding Application in an amount not to exceed \$100,000.00 with a 20% match to be provided through in kind services from the Engineering Department and/or from the 2021-2022 engineering sewer budget to fund sewer inspection and inflow and infiltration investigation activities; and that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.



RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**RESOLUTION AMENDING RESOLUTION NO: 282-2020,  
THE 2021 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO CORRECT THE OCTC REPORTING FROM GENERAL FUND TRANSFERS  
TO GENERAL APPROPRIATED FUND BALANCE**

**WHEREAS**, it is necessary to adjust the 2021 Budget to correct the OCTC Reserve Fund reporting; the same being in the best interest of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newburgh that Resolution No.: 282-2020, the 2021 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>
Expense	
A 9901 Transfers	
.0925 Transfer Out	
.0001 OCTC- Transfer Out to Reserve	\$480,500.00
Revenue	
A 0000	
.0599 Appropriated Fund Balance	
.2000 Funding OTCT Reserve	\$480,500.00

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**RESOLUTION AMENDING RESOLUTION NO: 282-2020,  
THE 2021 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO ADJUST FOR CHIPS FUNDING AND TO INCLUDE DOT TOURING FUNDS  
IN REVENUE AND EXPENSE**

**WHEREAS**, it is necessary to adjust the 2021 Budget to reflect the revenue and expense for Consolidated Highway Aid (CHIPS) funding and to include Department of Transportation touring route program funds; the same being in the best interest of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newburgh that Resolution No.: 282-2020, the 2021 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Increase</u>
Revenue	
A.0000.3501 Consolidated Highway Aid (CHIPS)	\$1,024,968.78
A.0000.3589.0001 NYS Touring Route Program	\$1,111,306.22
Expense	
A.5112.0206 Consolidated Highway Aid (CHIPS)	\$1,024,968.78
A.5680.206.0000 NYS Touring Route Program	\$1,111,306.22

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION DECLARING POLICE DEPARTMENT,  
DEPARTMENT OF PUBLIC WORKS AND WATER DEPARTMENT  
VEHICLES AS SURPLUS**

**WHEREAS**, the City of Newburgh Department of Public Works possesses one 2004 International VacCon #04-1; seven garbage trucks identified as 1999 International #99-9, 1997 International #97-8, 1996 International #96-1, 1990 Diamond Rio #90-6, 1989 Diamond Rio #89-1, 1989 Diamond Reo #89-3 and 1989 International #89-4; and one recycling truck identified as 1990 International #90-7; which are no longer of use to the City; and

**WHEREAS**, the City of Newburgh Police Department possesses one 2014 Ford Taurus and one 2010 Dodge Charger which are no longer of use to the City; and

**WHEREAS**, the City of Newburgh Water Department possesses one 2009 Ford F150 pick-up truck, which is no longer of use to the City; and

**WHEREAS**, the Department of Public Works, the Police Department, and Water Department have requested that the vehicles be designated as surplus and sold; and

**WHEREAS**, the City Council has determined that declaring the vehicles as surplus is in the best interests of the City of Newburgh; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the vehicles identified on the schedule attached hereto and made part hereof are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

**BE IT FURTHER RESOLVED**, that the City Manager and/or City Comptroller be and they are hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus vehicles in accordance with the City of Newburgh's Surplus Property Disposition Policy and Procedure adopted by Resolution No. 174-2014 of July 14, 2014.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SATISFACTION OF MORTGAGE IN CONNECTION WITH A  
BOND AND MORTGAGE ISSUED TO JENNY UPAYACU FOR THE PREMISES  
LOCATED AT 41 ROE STREET (SECTION 7, BLOCK 10, LOT 2)**

**WHEREAS**, the City of Newburgh issued a Bond and Mortgage to Jenny Upayacu in the principal sum of \$20,000.00 for premises located at 41 Roe Street (Section 7, Block 10, Lot 2) ("Premises"), dated August 20, 2010, and recorded in the Orange County Clerk's Office on March 30, 2011, in Liber 13156 of Deeds at Page 1313; and

**WHEREAS**, the terms of the Bond and Mortgage instrument have been satisfied by the mortgagor and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

**WHEREAS**, this Council has determined that executing said Satisfaction is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a Bond and Mortgage issued to Jenny Upayacu for the premises located at 41 Roe Street (Section 7, Block 10, Lot 2).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

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

BOND AND MORTGAGE bearing the date of August 20, 2010, made by Jenny Upayacu to the City of Newburgh, given to secure payment of the principal sum of \$20,000.00, and duly recorded in the office of the Orange County Clerk's Office on March 30, 2011, in Liber 13156 of Deeds at Page 1313; and

which Mortgage has not been further assigned of record.

Dated: \_\_\_\_\_, 2021

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Todd Venning, City Manager  
Pursuant to Res. No.: \_\_\_\_\_-2021

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

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

\_\_\_\_\_  
Notary Public

RESOLUTION NO.: \_\_\_\_\_-2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF  
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED  
ISSUED TO LEONOR MACHUCA TO THE PREMISES KNOWN AS  
104 BENKARD AVENUE (F/K/A 118 BENKARD AVENUE)  
(SECTION 44, BLOCK 2, LOT 19)**

**WHEREAS**, on November 15, 2000, the City of Newburgh conveyed property located at 104 Benkard Avenue (f/k/a 118 Benkard Avenue), being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 2, Lot 19, to Leonor Machuca; and

**WHEREAS**, the attorney for Ms. Machuca has requested a release of the restrictive covenants contained in said deed; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh to grant such request;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 of the aforementioned deed.

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 104 Benkard Avenue (f/k/a 118 Benkard Avenue), Section 44, Block 2, Lot 19 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated November 15, 2000, from THE CITY OF NEWBURGH to LEONOR MACHUCA, recorded in the Orange County Clerk's Office on November 27, 2000, in Liber 5410 of Deeds at Page 336 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2021

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Todd Venning, City Manager  
Pursuant to Res. No.: \_\_\_\_-2021

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

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

\_\_\_\_\_

RESOLUTION NO.: \_\_\_\_\_-2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF  
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED  
ISSUED TO A.F.N. CORPORATION, AND FROM A DEED ISSUED TO  
SANDRA HAWKINS, BOTH TO THE PREMISES KNOWN AS  
140 THIRD STREET (F/K/A 138 THIRD STREET) (SECTION 18, BLOCK 9, LOT 17)**

**WHEREAS**, on February 14, 1997, the City of Newburgh conveyed property located at 140 Third Street (f/k/a 138 Third Street), being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 9, Lot 17, to A.F.N. Corporation (by William Brinnier); and

**WHEREAS**, the City of Newburgh regained title to the property in a deed dated March 30, 1998 and recorded in the Orange County Clerk's Office on April 28, 1998 in Liber 4772, Page 209; and

**WHEREAS**, on January 22, 2001, the City of Newburgh conveyed the property Sandra Hawkins; and

**WHEREAS**, the City of Newburgh again regained title to the property in a deed dated August 2, 2010 and recorded in the Orange County Clerk's Office on August 5, 2010 in Liber 13038, Page 1904; and

**WHEREAS**, by Resolution No. 78-2021, the City of Newburgh approved the sale of the property to Bunny Escava, Michael Mamiye, and Hyman Mamiye (d/b/a Nutopia Development LLC), and the attorney for the purchaser has requested releases of the restrictive covenants contained in the aforementioned deeds; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh to grant such request;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, and 4 in the deed from the City of Newburgh to A.F.N. Corporation, and of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in the deed from the City of Newburgh to Sandra Hawkins.



**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 140 Third Street (f/k/a 138 Third Street), Section 18, Block 9, Lot 17 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, and 4 in a deed dated February 14, 1997, from THE CITY OF NEWBURGH to A.F.N. CORPORATION, recorded in the Orange County Clerk's Office on February 14, 1997, in Liber 4540 of Deeds at Page 10 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2021

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Todd Venning, City Manager  
Pursuant to Res. No.: \_\_\_\_-2021

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

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

\_\_\_\_\_

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 140 Third Street (f/k/a 138 Third Street), Section 18, Block 9, Lot 17 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated January 22, 2001, from THE CITY OF NEWBURGH to SANDRA HAWKINS, recorded in the Orange County Clerk's Office on January 30, 2001, in Liber 5452 of Deeds at Page 142 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2021

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Todd Venning, City Manager  
Pursuant to Res. No.: \_\_\_\_-2021

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

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

\_\_\_\_\_

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE  
ISSUED TO LIBERTY WORKS L.L.C. FOR THE PREMISES LOCATED AT  
103 LIBERTY STREET (SECTION 36, BLOCK 4, LOT 14)**

**WHEREAS**, the Newburgh Community Development Agency (“NCDA”) issued a mortgage to Liberty Works L.L.C. (by Drew Kartiganer, Member) in the principal sum of \$25,000.00 for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14), dated September 8, 1995, and recorded in the Orange County Clerk’s Office on September 19, 1995, in Liber 5519 of Deeds at Page 119; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Liberty Works L.L.C. for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14).

## SATISFACTION OF MORTGAGE

### KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

**MORTGAGE** bearing the date of September 8, 1995, made by Liberty Works L.L.C. to the Newburgh Community Development Agency, given to secure payment of the principal sum of \$7,500.00, and duly recorded in the office of the Orange County Clerk's Office on September 19, 1995, in Liber 5519 of Deeds at Page 119; and

which mortgage has not been further assigned of record.

Dated: July \_\_\_\_, 2021

CITY OF NEWBURGH

By: \_\_\_\_\_  
Todd Venning, City Manager  
Pursuant to Resolution No.: \_\_\_\_-2021

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

On the\_\_\_\_\_ day of July, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO  
A LICENSE AGREEMENT WITH BLACK ROCK FOREST CONSORTIUM, INC.  
TO ALLOW USE AND ACCESS OF UP TO SEVEN CITY-OWNED PROPERTY SITES  
FOR ENVIRONMENTAL OBSERVATION OF GRAY FOX WILDLIFE**

**WHEREAS**, Anna Soccorsi, a graduate student at Columbia University, and Scott LaPoint, a research scientist at Black Rock Forest Consortium, Inc., seek to conduct an environmental research study related to gray fox wildlife; and

**WHEREAS**, Ms. Soccorsi and Mr. LaPoint propose have requested access of up to 7 parcels of City-owned property sites for purposes of creating observation sites for gray fox wildlife during the summer and fall of 2021; and

**WHEREAS**, access to the parcels requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

**WHEREAS**, this Council has reviewed such license and has determined that entering into the same would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached license agreement with Black Rock Forest Consortium, Inc., to allow access of up to 7 City-owned property sites for environmental observation of gray fox wildlife.

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated as of \_\_\_\_\_, 2021, by and between:

THE CITY OF NEWBURGH, a New York municipal corporation with offices at 83 Broadway, City Hall, Newburgh, New York 12550 (“City” or “Licensor”); and

BLACK ROCK FOREST CONSORTIUM, INC., with an address of 65 Reservoir Road, Cornwall, New York 12518 (“Licensee”).

WHEREAS, the City is the owner of various parcels of land located within the City of Newburgh and the Town of New Windsor, and more specifically described in **Schedule A**, annexed hereto and made a part hereof (all parcels collectively hereinafter referred to as “the Property”); and

WHEREAS, the Licensee has requested access to the Property for the purpose of conducting an environmental research study related to gray fox wildlife;

NOW, THEREFORE, it is hereby agreed between the parties as follows:

Section 1. Grant of License. The City hereby represents that it owns the Property, and that it has duly authorized this License Agreement. The City hereby grants Licensee a revocable license for Licensee and Licensee’s employees, apprentices, volunteers, agents, invited guests, and contractors, upon the conditions hereinafter stated, the license or privilege of entering upon the Property, and taking thereupon such equipment, tools, machinery and other materials as may be necessary, for the purpose of conducting an environmental research study related to gray fox wildlife.

Section 2. Use of and Access to the Property. Entry to the Property is limited to the use and access necessary to conducting an environmental research study related to gray fox wildlife, administered by the Licensee. In addition to Property access, Licensee shall be permitted to install one camera trap per parcel, hidden from view, away from trails, locked to a tree, and labeled with study purpose and contact information. Licensee shall perform its research tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, in the sole discretion of the City. Subject only to the terms in this paragraph, Licensee shall not disturb any of the Property, and shall perform clean-up and maintenance of the Property related to the research project.

Section 3. Insurance. Licensee shall not commence or perform work nor operate machinery under this License Agreement until it has obtained all insurance required under this Section 3 and such insurance has been approved by the City.

A. Workers’ Compensation Insurance - The Licensee shall take out and maintain during the life of this agreement such Workers’ Compensation Insurance for its employees or members to be assigned to the work hereunder as may be required by New York State Law.

B. General Liability and Property Damage Insurance - The Licensee shall take out and maintain during the life of this agreement such general liability and property damage insurance as shall protect it and the City which shall be named as additional insured on all such policies from claims for damages for personal injury including accidental death, as well as from claims for property damage which may arise from operations under this agreement. The amounts of such insurance shall be as follows:

1. General Liability Insurance in an amount not less than \$1,000,000.00 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than \$3,000,000.00 on account of any one occurrence.

2. Property Damage Insurance in an amount not less than \$50,000.00 for damage on account of all occurrences. The Licensee shall furnish the above insurance to the City and shall also name the City as an additional named insured in said policies. Such insurance shall be maintained in force during the entire term of this License Agreement.

C. Licensee may retain certain employees, agents, contractors and consultants to perform the subject work. In the contract by which Licensee retains such agents, Licensee and such agents shall provide and maintain insurances as required by this Section 3 and name Licensor as additional insured under insurance coverage concerning Licensee's performance of the work referenced herein.

Section 4. Damages. The relation of the Licensee to the City as to the work to be performed by it under this agreement shall be that of an independent contractor. As an independent contractor, it will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said performances arising out of the negligent performance, other than those wholly caused by Acts of God or hidden defects under the City's or a previous licensee's prior care. The Licensee shall make good any damages that may occur in consequence of the performances or any part of it. The Licensee shall assume blame, loss and responsibility of any nature to the extent of the Licensee's neglect or violation of any federal, state, county or local laws, regulations or ordinances applicable to the Licensee and/or the nature of its performance or arising out of its activities licensed hereby. Licensee will not be liable for damages in excess of Licensee's insurance coverage per occurrence, except such limitations will not apply to claims based on Licensee's intentional breach of this agreement or willful misconduct.

Section 5. Defense and Indemnity. Licensee shall defend, indemnify and hold the City harmless against any and all claims, actions, proceedings, and lawsuits arising out of or relating to the access and use of the Property under this License Agreement, excepting gross negligence, intentional breach of this agreement or misconduct by the Licensor.

Section 6. Term of License. The license or privilege hereby given shall commence upon the signing of this License Agreement and shall expire without further notice to either party to the other at 11:59 p.m. on October 29, 2021 ("Expiration Date"), subject to Section 8 below. The license may be renewed thereafter by the mutual consent of both parties on such terms and conditions as the parties shall agree at that time.

Section 7. Assignment of License; No Sub-Licensing. This License may not be assigned or sub-let to any other party.

Section 8. Termination of License. Either party may terminate this license prior to the Expiration Date, with or without cause, on at least thirty (30) days prior written notice to the other party. Upon termination by either party, Licensee shall not be entitled to reimbursement of any of its costs, and Licensee and its agents, employees and contractors will restore of the property to a clean and orderly state and in substantially the same condition as existed prior to the granting of this license. Licensors written notice of termination for cause will include a list of deficiencies and opportunity for Licensee to cure deficiencies within the thirty (30) day period. If Licensee does not cure the deficiencies within the thirty (30) day period, Licensee may terminate this License immediately.

The City may terminate this license agreement by ten (10) days' written notice when and if in its sole judgment it deems such termination is necessary by operation of law in the City's sole reasonable discretion.

Section 9. New York Law. This License Agreement shall be construed under New York law and any and all proceedings brought by either party arising out of or related to this License shall be brought in the New York Supreme Court, Orange County.

Section 10. Modification of License Agreement. This License Agreement may not be modified except by a writing subscribed by both parties to this Agreement.

Section 11. No Vested Right. It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this license.

*Remainder of this page intentionally left blank/Signature page to follow*



WITNESSETH:

THE CITY OF NEWBURGH  
LICENSOR

By: \_\_\_\_\_  
Todd Venning, City Manager  
Per Resolution No.: \_\_\_\_-2021

BLACK ROCK FOREST  
LICENSEE

By: \_\_\_\_\_  
Scott LaPoint

Approved as to form:

\_\_\_\_\_  
MICHELLE KELSON, Corporation Counsel

\_\_\_\_\_  
MARCIA ESPINOSA, Acting City Comptroller

*Remainder of this page intentionally left blank/Schedule A to follow*

### SCHEDULE A – List of Properties for Access

<u>Property Address</u>	<u>Section/Block/Lot</u>
1. Lake Washington (New Windsor)	4-1-12.2
2. Crystal Lake	41-2-11.2
3. Harrison Pond	50-1-1.12
4. Muchattoes Lake	33-7-29.2
5. Quassaick Creek, Site #1	43-1-35
6. Browns Pond (New Windsor)	32-2-53
7. Newburgh Center (West Med Tech)	14-3-54.2

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A  
NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED A NEW YORK STATE  
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION  
RECREATIONAL TRAILS PROGRAM GRANT  
IN AN AMOUNT NOT TO EXCEED \$100,000.00 WITH A 20% MATCH  
FOR LAND ACQUISITION TO CONSTRUCT A QUASSAICK CREEK TRAIL**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Recreational Trails Programs provides funds to develop and maintain recreational trails for motorized and non-motorized use; and

**WHEREAS**, the City of Newburgh intends to apply for a grant in the amount of \$100,000.00 with matching funds from the Orange County Land Trust for the purpose of acquiring three parcels of land to include in the construction of the Quassaick Creek Trail; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Recreational Trails Program grant through the 2021 Consolidated Funding Application process in an amount not to exceed \$100,000.00 with a 20% match to acquire three parcels of vacant land for the construction of the Quassaick Creek Trail; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO  
AN AGREEMENT WITH ORANGE-ULSTER BOCES  
FOR THE STORAGE OF ARCHIVED MUNICIPAL RECORDS**

**WHEREAS**, by Resolution No. 271-2017 of September 25, 2017, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with Orange-Ulster BOCES, at a cost of approximately \$3,000.00 for pick-up, delivery, retrieval and storage of the City's archived municipal records; and

**WHEREAS**, by Resolution No. 45-2019 of February 25, 2019, by Resolution No. 170-2019 of July 8, 2019, and by Resolution No. 208-2020 of September 14, 2020, the City Council authorized one-year renewal agreements for the periods June 2018 to June 2019, June 2019 to June 2020, and June 2020 to June 2021, respectively, with Orange-Ulster BOCES at a cost of \$306.00 per month for pick-up, delivery, retrieval and storage of the City's archived municipal records; and

**WHEREAS**, the City of Newburgh wishes to renew the agreement with Orange-Ulster BOCES for another year; and

**WHEREAS**, the cost for these services is approximately \$306.00 per month and shall be derived from A.1460.0448 Records Management—Other Services; and

**WHEREAS**, this Council has determined that entering into this agreement is in the best interests of the City of Newburgh;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into a one-year renewal agreement with Orange-Ulster BOCES for the period June 2021 through June 2022, in substantially the same form as annexed hereto with any other provision that Counsel may require, at a cost of \$306.00 per month for pick-up, delivery, retrieval and storage of the City's archived municipal records.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF VACANT REAL PROPERTY  
AT PRIVATE SALE TO WEST SHORE HUDSON LLC  
FOR THE AMOUNT OF \$21,500.00**

**WHEREAS**, the City of Newburgh desires to sell a parcel of vacant real property unidentified on the official tax map of the City of Newburgh, said parcel being adjacent to a parcel of real property known as 27 South Water Street, being more accurately described as Section 31, Block 5, Lot 8.1 on the official tax map of the City of Newburgh; and

**WHEREAS**, the owners of 27 South Water Street, West Shore Hudson LLC (by Nicolas DiBrizzi and Nick Citera), have offered to purchase the vacant real property adjacent to 27 South Water Street; 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 buyers 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 West Shore Hudson LLC be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of the amount of \$21,500.00 in money order, good certified or bank check, made payable to the City of Newburgh, such sum to be paid on or before October 12, 2021, being approximately ninety (90) days from the date of this resolution; and

**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 Vacant Real Property Adjacent to 27 South Water Street (No SBL)

## STANDARD TERMS:

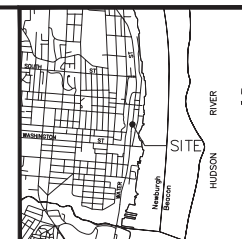
1. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building 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.
2. The properties are sold subject to any unpaid school taxes for the tax year of 2020-2021, 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 2020-2021, and subsequent levies up to the date of the closing. Upon the closing, the property shall become subject to taxation. Any applicable water and sewer charges and sanitation fees will be paid by the City to the date of closing.
3. **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 merge the subject property with the property known as 27 South Water Street (Section 31-5-8.1) into one (1) tax lot within one (1) year of taking title to the subject property. The deed shall include this provision as a Restrictive Covenant. If the purchaser has not complied with this provision, then title to the property shall revert to the City of Newburgh.
4. 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.
5. 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.
6. 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 receipt 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.**
12. 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.
13. The purchaser shall provide a survey description to the City's Corporation Counsel at least thirty (30) days in advance of closing title and approved by the City's Engineer.





[illegible]

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT IF AWARDED A  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADVANCING HEALTH LITERACY TO ENHANCE EQUITABLE COMMUNITY  
RESPONSES TO COVID-19 PROGRAM GRANT IN THE AMOUNT OF \$2,701,350.00**

**WHEREAS**, the City of Newburgh, as a locality, is eligible for grant funding under the U.S. Department of Health and Human Services Advancing Health Literacy to Enhance Equitable Community Responses to COVID-19 Grant Program; and

**WHEREAS**, funding is available for projects to demonstrate the effectiveness of local government implementation of evidence-based health literacy strategies that are culturally appropriate to enhance COVID-19 testing, contact tracing and/or other mitigation measures (e.g., public health prevention practices and vaccination) in racial and ethnic minority populations and other socially vulnerable populations, including racial and ethnic minority rural communities for costs related to emergency protective measures conducted to address immediate threats to life, public health, and safety, as a result of the COVID-19 pandemic; and

**WHEREAS**, the City of Newburgh has submitted an application with community partners, Kappa Upsilon Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., St. Luke's Montefiore Hospital's Diversity & Inclusion Team, The Cornerstone Family Health Center, Newburgh Faith Based Organizations, and Orange County Community College Public Health Department, for a grant in the amount of \$2,701,350.00 for a project that increases the proportion of adults in the City of Newburgh whose health care provider checked their understanding; reduces the proportion of adults of color in Newburgh who report poor patient and provider communication; and increases the proportion of people of color in Newburgh with vaccination records in an information system; and

**WHEREAS**, this Council has determined that applying for and accepting such funding is in the best interests and for the safety of City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to accept if awarded a U.S. Department of Health and Human Services Advancing Health Literacy to Enhance Equitable Community Responses to COVID-19 Program Grant in the amount of \$2,701,350.00; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND  
ACCEPT IF AWARDED A U.S. DEPARTMENT OF JUSTICE  
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM GRANT  
IN THE AMOUNT OF \$28,976.00 TO PURCHASE COMPUTERS AND  
RELATED EQUIPMENT FOR THE CITY OF NEWBURGH POLICE DEPARTMENT**

**WHEREAS**, the City of Newburgh wishes to apply for a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Program grant in the amount of \$28,976.00; and

**WHEREAS**, such grant funding will be used to purchase computers and computer-related equipment to be used by the Police Department; and

**WHEREAS**, this Council has determined that applying for and accepting such grant if awarded would be in the best interests of the City of Newburgh and its residents, and the City of Newburgh Police Department;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Program Grant in the amount of \$28,976.00 to purchase computers and computer-related equipment for the City of Newburgh Police Department; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_-2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF  
A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED A  
NEW YORK STATE DEPARTMENT OF STATE  
BROWNFIELD OPPORTUNITY AREA PROGRAM GRANT  
IN THE AMOUNT OF \$180,000.00 WITH A 10% CITY MATCH FOR  
A NOMINATION STUDY OF THE “NEWBURGH, NY HILLSIDE”**

**WHEREAS**, the City of Newburgh, herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

**WHEREAS**, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (the contract); and

**WHEREAS**, the City of Newburgh deems it to be in the public interest and benefit to enter into a contract therewith;

**NOW, THEREFORE, BE IT RESOLVED** by the City of Newburgh, as follows:

1. That the City Manager is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to: sign and submit the application; execute the contract; request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance; and
2. That the Applicant intends to complete a Nomination for an approximate 55-acre area characterized with 22 acres of potential brownfield sites that are located in the City of Newburgh, NY, hereafter to be referred to as Newburgh, NY Hillside; and
3. That the Applicant requests funds in the amount of \$180,000.00, representing no more than 90% of the total Project cost; and
4. That the Applicant agrees that it will fund the Applicant’s 10% share of the Project;

5. That the Applicant agrees to complete the BOA Nomination in a timely manner and to seek official Designation of the Brownfield Opportunity Area by the Secretary of State upon completion of the Nomination; and
6. That this Authorization take effect immediately.

#### CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the City Council of the City of Newburgh duly held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and further that such Resolution has been fully recorded in the \_\_\_\_\_ in my office.

In witness thereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Lorene Vitek, City Clerk

Official Seal:

# BROWNFIELD OPPORTUNITY AREA PROGRAM

*Empowering communities to revitalize distressed areas*

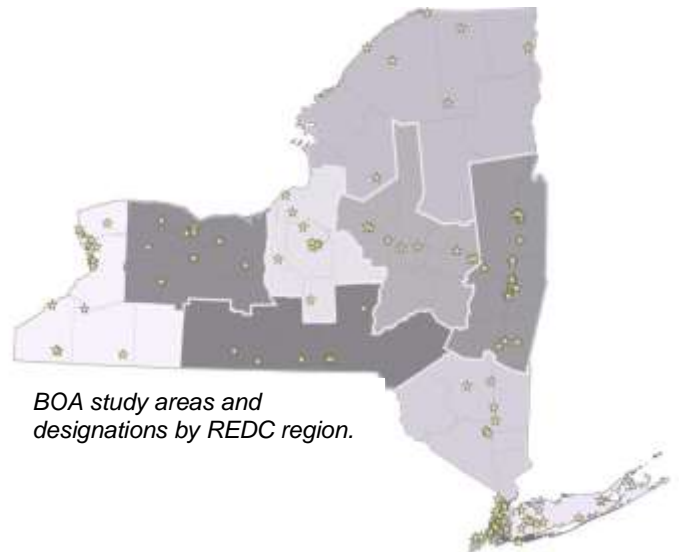
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## What is a Brownfield Opportunity Area (BOA)?

Brownfields are neighborhoods or areas within a community negatively affected by real or perceived environmental conditions. These properties often are underutilized because the contamination (or perception thereof) has impeded investment and redevelopment, making them an economic and aesthetic drain on localities.

The New York State Department of State's (DOS) BOA Program was created by the Superfund Law of 2003. Through this program, brownfields are transformed from liabilities to community assets that generate and support new businesses, jobs, and revenues for local economies, as well as provide new housing and public amenities.

There are presently 122 BOA study areas and 44 designated BOAs across New York State. These areas include former industrial/manufacturing sites, commercial corridors, residential areas, downtowns, and waterfronts.



*BOA study areas and designations by REDC region.*

## Program Goals & Key Outcomes

DOS's BOA Program provides a neighborhood or area-wide approach to the assessment and redevelopment of brownfields and other vacant or abandoned properties. Goals of the program include:

- Assess the full range of community redevelopment opportunities posed by a concentration of brownfields.
- Build a shared community vision for the reuse of strategic sites and actions to achieve community revitalization.
- Coordinate and collaborate with local, state, and federal agencies, community groups, and private-sector partners to identify and implement solutions and leverage investments.

When key sites are remediated and redeveloped, these properties can increase neighboring property values and the local tax base, ameliorate public health risks and environmental justice concerns, address food deserts, and spur additional investment in a community.

## The BOA Process

There is a multi-step process for neighborhoods or areas to be eligible for the benefits associated with having a BOA(s) in their locality, including nomination and subsequent designation by the Secretary of State. The first phase entails a BOA Nomination Study, which charts the roadmap to return dormant brownfield sites to

productive use. These studies identify the opportunities and challenges posed by brownfield sites, present a clear and attainable community vision, and pinpoint key redevelopment opportunities.

When a BOA Nomination Study is complete, a community may request BOA designation by the Secretary of State. This official designation allows developers who are participating in the voluntary Brownfield Cleanup Program to receive a tax credit “bump-up” to redevelop the sites in a manner that is consistent with the community’s vision and Secretary-approved plan. Designated BOAs also receive priority and preference for some state grant programs, including DOS’s Local Waterfront Revitalization Program and the Department of Environmental Conservation’s (DEC) Environmental Restoration Program.

BOA designation demonstrates community support for the goals outlined in the plan. This removes risk and uncertainty ordinarily associated with investment in a transitional or marginal market by assuring potential developers that their investment is part of an overall plan for the revitalization of the area.

## Grant Opportunities

To date, more than \$45 million in BOA grants have been awarded to both urban and rural New York communities. Programs grants support a variety of revitalization activities including:

- Community visioning and public participation processes
- Strategic site identification
- Economic and market studies
- Site contamination assessments
- Environmental impact assessments and statements
- Site-specific redevelopment plans
- Infrastructure improvement studies
- Local law changes, including development standards and design guidelines

The aforementioned activities must be undertaken in pursuit of a state BOA designation.



*The Wyandanch Rising BOA in Nassau County calls for a transit-oriented designed mixed-use downtown with affordable housing, retail, community amenities, and open space. The community has received two BOA grants totaling \$1.7 million.*

## Additional Information

Brownfield Cleanup Program: <https://esd.ny.gov/brownfield-cleanup-program>

Brownfields Legislation (2008 Amendments): <https://www.dec.ny.gov/chemical/45734.html>

Geographic Information Gateway: <http://opdgig.dos.ny.gov/#/home>

### Contact Information:

**New York State Department of State**

**Office of Planning, Development and Community Infrastructure**

99 Washington Avenue, Suite 1010, Albany, NY 12231

Office: (518) 474-6000

[www.dos.ny.gov](http://www.dos.ny.gov)

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A  
NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
TO THE DEPARTMENT OF STATE FOR  
A SMART GROWTH COMPREHENSIVE PLANNING GRANT  
IN AN AMOUNT NOT TO EXCEED \$100,000.00 WITH A 10% CITY MATCH  
FOR LAKE STREET CORRIDOR ENHANCEMENTS**

**WHEREAS**, the New York State Department of State Environmental Protection Fund Smart Growth Program provides funding to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community; and

**WHEREAS**, the City of Newburgh intends to apply for a grant in the amount of \$100,000.00, with a 10% City match to undertake an engineering study and to design and implement a street mural along Lake Street corridor which would provide traffic calming and activate the corridor to bring more foot traffic and accessibility within and to the community; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for a New York State Department of State Environmental Protection Fund Smart Growth Program grant through the 2021 Consolidated Funding Application process in an amount not to exceed \$100,000.00 with a 10% City match to fund Lake Street Corridor Enhancements.



RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A  
NEW YORK STATE CONSOLIDATED FUNDING APPLICATION  
AND TO ACCEPT IF AWARDED A NEW YORK STATE  
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION  
ENVIRONMENTAL PROTECTION FUND GRANT  
IN AN AMOUNT NOT TO EXCEED \$200,000.00 WITH A CITY MATCH  
TO DEVELOP THE DELANO-HITCH RECREATION PARK MASTER PLAN**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Environmental Protection Fund Grant Program provides funding for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within the physical boundaries of the State of New York; and

**WHEREAS**, the City of Newburgh intends to apply for a grant in the amount of \$200,000.00, with a City match to be derived from in-kind services provided by Clark Patterson Lee and cash appropriated in the 2022 City budget to develop a master plan and design drawings for Delano-Hitch Recreation Park; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund grant through the 2021 Consolidated Funding Application process in an amount not to exceed \$200,000.00 for the Delano-Hitch Recreation Park Master Plan; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_-2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING THE SALE OF A POLICE DOG  
TO POLICE OFFICER ROMAN SCUADRONI**

**WHEREAS**, by Resolution No. 174-2014 of July14, 2014, the City Council of the City of Newburgh adopted a Surplus Property Disposition Policy and Procedure; and

**WHEREAS**, Section V of the Surplus Property Disposition Policy and Procedure provides that surplus police dogs shall be sold at private sale as set forth in Section 97-3(B) of the Code of Ordinances of the City of Newburgh; and

**WHEREAS**, a police dog named “Lee” has been retired and are no longer in service to the City of Newburgh Police Department and this Council finds that selling the police dog to the police officer handler is in the best interests of the City of Newburgh; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the attached agreement between the City of Newburgh and Police Officer Roman Scudroni for the purchase of a police dog named “Lee” be and the same is hereby approved and the City Manager is authorized and directed to sign the same.

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, two thousand twenty-one  
BETWEEN:

THE CITY OF NEWBURGH, a municipal corporation of the State of New York,  
hereinafter called the "Seller," and

ROMAN SCUADRONI, residing at \_\_\_\_\_, New York,  
hereinafter called the "Purchaser."

WITNESSETH

WHEREAS, the City of Newburgh has no further use for the dog Lee and is willing to sell,  
assign and transfer ownership of said dog Lee to Police Officer Roman Scudroni, the above-  
named purchaser; and

WHEREAS, Roman Scudroni is willing to purchase and care for and take title to said dog  
Lee.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein  
contained, the parties hereto do hereby agree as follows:

1. That the Seller, the City of Newburgh, hereby transfers the title to the police work dog  
Lee to the Purchaser, Roman Scudroni, for the sum of One (\$1.00) Dollar.
2. That the Purchaser hereby agrees that he will not use the terms police work dog, police  
dog, police canine or the City of Newburgh Police Department in any manner, shape  
or form.
3. The Purchaser hereby further accepts full responsibility for any and all injuries and/or  
damage that said dog Lee may cause or inflict upon any person, persons or property.
4. The Purchaser further agrees that in the event that any claim or action is brought or  
made against the City of Newburgh by reasons of any act of said dog from the effective  
date of this Agreement, he will personally save the City of Newburgh harmless for any  
loss, cost or expense that the City may have, including reasonable attorney's fees, as a  
result of any claim or action brought against the City of Newburgh or any of its  
departments for an injury or damage the said dog Lee may cause.

*Remainder of this page intentionally left blank*

THE CITY OF NEWBURGH

PURCHASER

BY: \_\_\_\_\_

TODD VENNING

City Manager

BY: \_\_\_\_\_

ROMAN SCUADRONI

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHELLE KELSON

Corporation Counsel

\_\_\_\_\_  
MARCIA ESPINOSA-OLIVA

Acting City Comptroller

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

\_\_\_\_\_  
STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

**§ 97-3. Review of disposal recommendation. [Amended  
2-13-1990 by Ord. No. 6-90]**

- A. If it is recommended that surplus property be disposed of, the City Manager and the Purchasing Agent shall review that recommendation and, if they approve, the Purchasing Agent shall determine if any other City department can use the property and, if so, said property shall be transferred to said department. Otherwise, said property shall be declared to be surplus and shall be disposed of in accordance with § 97-4 of this chapter, except as provided in Subsection B of this section.
- B. In the case of surplus police dogs, the City Manager may, in his discretion, direct that they be sold at private sale for such consideration as he may deem advisable. Under normal circumstances, because the dogs might be dangerous in the hands of an untrained person and because it is difficult to change from one dog handler to another, the police officer who had handled the dog during its Police Department service should be given first priority.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH  
SUPPORTING THE CREATION OF THE CHAPLAINCY UNIT  
WITHIN THE CITY OF NEWBURGH POLICE DEPARTMENT**

**WHEREAS**, by Executive Order 203, Governor Andrew M. Cuomo has required each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

**WHEREAS**, pursuant to Executive Order 203 and by Resolution No. 59-2021 of March 22, 2021, the City Council of the City of Newburgh commenced a comprehensive review of current police force deployments, strategies, policies, procedures, and practices and adopted The City of Newburgh Police Reform & Reinvention Collaborative Plan (the “Plan”); and

**WHEREAS**, the Plan provides for the creation and implementation of the Police Chaplaincy Unit which will organize a diverse group of members of the clergy, equally balanced to reflect the current City of Newburgh demographic to work with the police and the community for the purpose of enhancing relationships, responding to critical incidents, and supporting officers, crime victims and families; and

**WHEREAS**, the Police Department has prepared a Chaplaincy Unit Handbook and Department General Order; and

**WHEREAS**, the City Council has reviewed the Chaplaincy Unit Handbook and Department General Order and finds that supporting the creation, implementation and administration of the Chaplaincy Unit within the City Police Department is in the best interests of the City of Newburgh and its residents and stakeholders;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Newburgh, New York, hereby supports the creation, implementation and administration of the Chaplaincy Unit within the City of Newburgh Police Department as part of the City of Newburgh Police Reform & Reinvention Collaborative Plan.

RESOLUTION NO.: \_\_\_\_\_-2021

OF

JULY 12, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK  
DELETING ONE FULL TIME DEPUTY CHIEF POSITION  
AND ADDING ONE FULL TIME POLICE COMMISSIONER POSITION  
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

**WHEREAS**, the City of Newburgh proposes to create the position of Police Commissioner in the City of Newburgh Police Department; and

**WHEREAS**, the City Council has determined that adding one (1) Full-time Police Commissioner position and deleting one (1) Full-time Deputy Police Chief position in the Police Department will promote continuity in leadership and efficiency within the Department; the same being in the best interests of the City of Newburgh; and

**WHEREAS**, the change in the job titles of such positions requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2021;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended to delete one (1) Full-time Deputy Chief position at Grade 7-B in the Non-Bargaining Unit Salary Schedule and add one (1) Full-time Police Commissioner position at Grade 9 in the Non-Bargaining Unit Salary Schedule within the City of Newburgh Police Department.

RESOLUTION NO.: \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE  
ORANGE COUNTY FIRE MUTUAL AID PLAN**

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Council approves the participation by the City of Newburgh Fire Department in the Orange County Fire Mutual Aid Plan as now in effect and as amended from time to time ("Plan"); and

**BE IT FURTHER RESOLVED**, that the City of Newburgh acknowledges and accepts its financial responsibility for such participation pursuant to General Municipal Law Section 209(2)-(4); and

**BE IT FURTHER RESOLVED**, that the City of Newburgh agrees to comply with all provisions of this Plan and will respond to all calls for assistance from another fire company or fire department through the County Division of Emergency Communications; and

**BE IT FURTHER RESOLVED**, that the City of Newburgh, to the best of its knowledge, knows of no resolution or agreement against "outside service" by the City of Newburgh Fire Department that would affect the power of such department to participate in the Plan; and

**BE IT FURTHER RESOLVED**, that the City Manager be and he is hereby authorized to execute on behalf of the City of Newburgh, the Plan; and

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to deliver to the County of Orange Fire Coordinator, an executed copy of the Plan and certified copy of this Resolution upon adoption.

Voted: In Favor \_\_\_\_\_ Opposed \_\_\_\_\_ Abstained \_\_\_\_\_



RESOLUTION NO. \_\_\_\_\_ - 2021

OF

JULY 12, 2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK  
SUPPORTING THE 2021 CONSOLIDATED FUNDING APPLICATION OF  
FOSTER SUPPLY HOSPITALITY  
FOR EMPIRE STATE DEVELOPMENT CAPITAL GRANT FUNDING  
FOR THE FSH GRAND STREET REDEVELOPMENT PROJECT**

**WHEREAS**, Empire State Development Capital Grant Funding Program is for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or Region; and

**WHEREAS**, Foster Supply Hospitality seeks Empire State Development Capital Grant Funding for the redevelopment of 3 contiguous historic Grand Street buildings located in the City of Newburgh and known as the former Masonic Temple, YMCA and American Legion Hall to adaptively restore the buildings to include an 80-room hotel, premier spa, restaurants, rooftop bar, conference space, and a signature event venue in the Masonic Hall's grand ballroom; and

**WHEREAS**, Foster Supply Hospitality's Grand Street Redevelopment Project will bring 61 full-time equivalent jobs and thousands of annual visitors to downtown Newburgh, and engage SUNY Orange as a pipeline for future job and career opportunities by creating a culinary and hospitality training program, all of which will inject new economic vitality into the City of Newburgh and the Hudson Valley; and

**WHEREAS**, the City Council find that supporting Foster Supply Hospitality's Grand Street Redevelopment Project is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Newburgh, New York fully supports the 2021 Consolidated Funding Application of Foster Supply Hospitality to the Empire State Development Capital Grant Funding Program for the development of The Grand Street Redevelopment Project.