



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
September 22, 2022
6:00 PM

Council Meeting Presentations

1. 2nd Public Hearing - FY2023 Community Development Block Grant (CDBG) Annual Action Plan (AAP)

The second public hearing to receive comments from the public concerning the City of Newburgh FY2023 CDBG Annual Action Plan will be held on Monday, September 26, 2022

La segunda audiencia pública para recibir comentarios del público sobre el Plan de Acción Anual del CDBG de la Ciudad de Newburgh FY2023 se llevará a cabo el lunes 26 de septiembre de 2022

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

A public hearing will be held on Monday, September 26, 2022 to receive public comment concerning the City of Newburgh's NY Restore Communities Initiative grant applications for the rehabilitation of 72, 76 and 78 Lander Street and the Dutch Reformed Church

Una audiencia pública se llevará a cabo el lunes 26 de septiembre de 2022 para recibir comentarios públicos sobre las solicitudes de subvención de la Iniciativa para la Restauración de Comunidades de Nueva York de la Ciudad de Newburgh para la rehabilitación de 72, 76 y 78 de la calle Lander y la Iglesia Reformada Holandesa

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

A public hearing will be held on Monday, September 26, 2022 to receive public comment concerning the proposed "Local Law repealing and replacing Article IX of the Charter of the City of Newburgh entitled 'Department of Public Works'"

Una audiencia pública se llevará a cabo el lunes 26 de septiembre de 2022 para recibir comentarios públicos sobre la propuesta "Ley local que deroga y reemplaza el artículo IX de los Estatutos de la Ciudad de Newburgh titulado 'Departamento de Obras Públicas'"

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

A public hearing will be held on Monday, September 26, 2022 to receive public comment concerning the proposed "Local Law amending Chapter 183 of the City of Newburgh Code of Ordinances entitled 'Waste Management, Handling and Disposal'"

Una audiencia pública se llevará a cabo el lunes 26 de septiembre de 2022 para recibir comentarios públicos sobre la propuesta "Ley local que enmienda el Capítulo 183 del Código de Ordenanzas de la Ciudad de Newburgh titulado "Gestión, Manejo y Eliminación de Residuos"

Work Session Presentations

5. 2022 Environmental Justice Fellows Presentation

Presentación de los becarios de Justicia Ambiental 2022

6. City of Newburgh Marketing Services Proposal Presentation by Setroc Group

Propuesta de servicios de publicidad para la Ciudad de Newburgh por el Grupo Setroc

Engineering/Ingeniería

7. Contract Amendment with ARCADIS for Additional Construction Inspection

Resolution authorizing the City Manager to accept a proposal and execute an agreement amendment for professional construction engineering services with Arcadis of New York, Inc. for the Downing Pond Drain Outlet and Third Street Storm Sewer Project in an amount not to exceed \$138,000.00

Resolución que autoriza al Gerente de la Ciudad a aceptar una propuesta y ejecutar una enmienda de acuerdo para servicios profesionales de ingeniería de construcción con Arcadis of New York, Inc. para la nueva salida de drenaje en el Estanque Downing y el Proyecto de Alcantarilla de Tormentas de Third Street en una cantidad que no exceda \$138,000.00

8. PIN#8761.40 Walsh Road Bridge Replacement Over Quassaick Creek Supplemental Agreement#2

Resolution authorizing the City Manager to execute Supplemental Agreement #2 with the New York State Department of Transportation to fund in the first instance 100% of the Federal-Aid and Non-Federal Aid eligible costs for the right-of-way acquisition and construction/construction inspection work for the Walsh Road over Quassaick Creek Bridge Replacement Project (PIN 8761.40/ BIN 2223620)

Resolución que autoriza al Gerente de la Ciudad a ejecutar el Acuerdo Suplementario #2 con el Departamento de Transportación del Estado de Nueva York para financiar en primera instancia el 100% de los costos

elegibles de ayuda federal y no federal para la adquisición del derecho de vía y los trabajos de construcción/inspección de la construcción para el Proyecto de Reemplazo del Puente de Walsh Road sobre Quassaick Creek (PIN 8761.40/ BIN 2223620)

Planning and Economic Development/Planificación y Desarrollo Económico

9. 330 First Street - Satisfaction of Mortgage

Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a mortgage issued to Peter Hopper and Anna Hopper for the premises located at 330 First Street (Section 21, Block 7, Lot 21)

Resolución que autoriza al Gerente de la Ciudad a ejecutar una Satisfacción de Hipoteca en conexión con una hipoteca emitida a favor de Peter Hopper y Anna Hopper para las instalaciones ubicadas en 330 First Street (Sección 21, Bloque 7, Lote 21)

10. 394 Liberty Street - Extension of Time to Rehabilitate

Resolution authorizing an extension of time to rehabilitate the premises known as 394 Liberty Street (Section 10, Block 1, Lot 41) in the City of Newburgh until April 28, 2023

Resolución que autoriza una prórroga de tiempo para rehabilitar las instalaciones conocidas como 394 Liberty Street (Sección 10, Bloque 1, Lote 41) en la Ciudad de Newburgh hasta el 28 de abril de 2023

11. 73 Prospect Street - Satisfaction of Mortgage

Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a mortgage issued to Lorraine Skurnik for the premises located at 73 Prospect Street (Section 21, Block 2, Lot 14) (f/k/a 67-69 Prospect Street and f/k/a 73-75 Prospect Street)

Resolución que autoriza al Gerente de la Ciudad a ejecutar una Satisfacción de Hipoteca en conexión con una hipoteca emitida a favor de Lorraine Skumik para las instalaciones ubicadas en el 73 Prospect Street (Sección 21, Bloque 2, Lote 14) (f/k/a 67-69 Prospect Street y f/k/a 73-75 Prospect Street)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

12. Apply and Accept if Awarded a Restore NY Grant for the rehabilitation of three City-owned properties on Lander Street (72 Lander, 76 Lander and 78 Lander); and for the rehabilitation of the Dutch Reformed Church (DRC)

Resolution to apply and accept if awarded Round 6 NY Restore Communities Initiative grants for rehabilitating three properties located on Lander Street and rehabilitating the Dutch Reformed Church

Resolución para solicitar y aceptar si es otorgada las subvenciones de la Ronda 6 de la Iniciativa para la Restauración de las Comunidades de Nueva York para la rehabilitación de tres propiedades ubicadas en la calle Lander y la rehabilitación de la Iglesia Reformada Holandesa

Local Laws/Leys Locales

13. Scheduling a Public Hearing - Local Law amending City Charter, Article IX-A, "Water Department"

Resolution scheduling a public hearing for October 11, 2022 to hear public comment concerning "A Local Law amending City Charter, Article IX-A, entitled 'Water Department'"

Resolución que programa una audiencia pública para el 11 de octubre de 2022 para escuchar comentarios públicos sobre "Una ley local que enmienda el Estatuto de la Ciudad, Artículo IX-A, titulado 'Departamento de Aguas'"

14. Scheduling a Public Hearing - Local Law amending City Charter, Article II, "Municipal Powers"

Resolution scheduling a public hearing for October 11, 2022 to hear public comment concerning "A Local Law amending City Charter, Article II, entitled 'Municipal Powers'"

Resolución que programa una audiencia pública para el 11 de octubre de 2022 para escuchar comentarios públicos sobre "Una ley local que enmienda el Estatuto de la Ciudad, Artículo II, titulado 'Poderes Municipales'"

Executive Session/ Sesión Ejecutiva

15. Proposed, pending, or current litigation

Litigio propuesto, pendiente o actual

16. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation

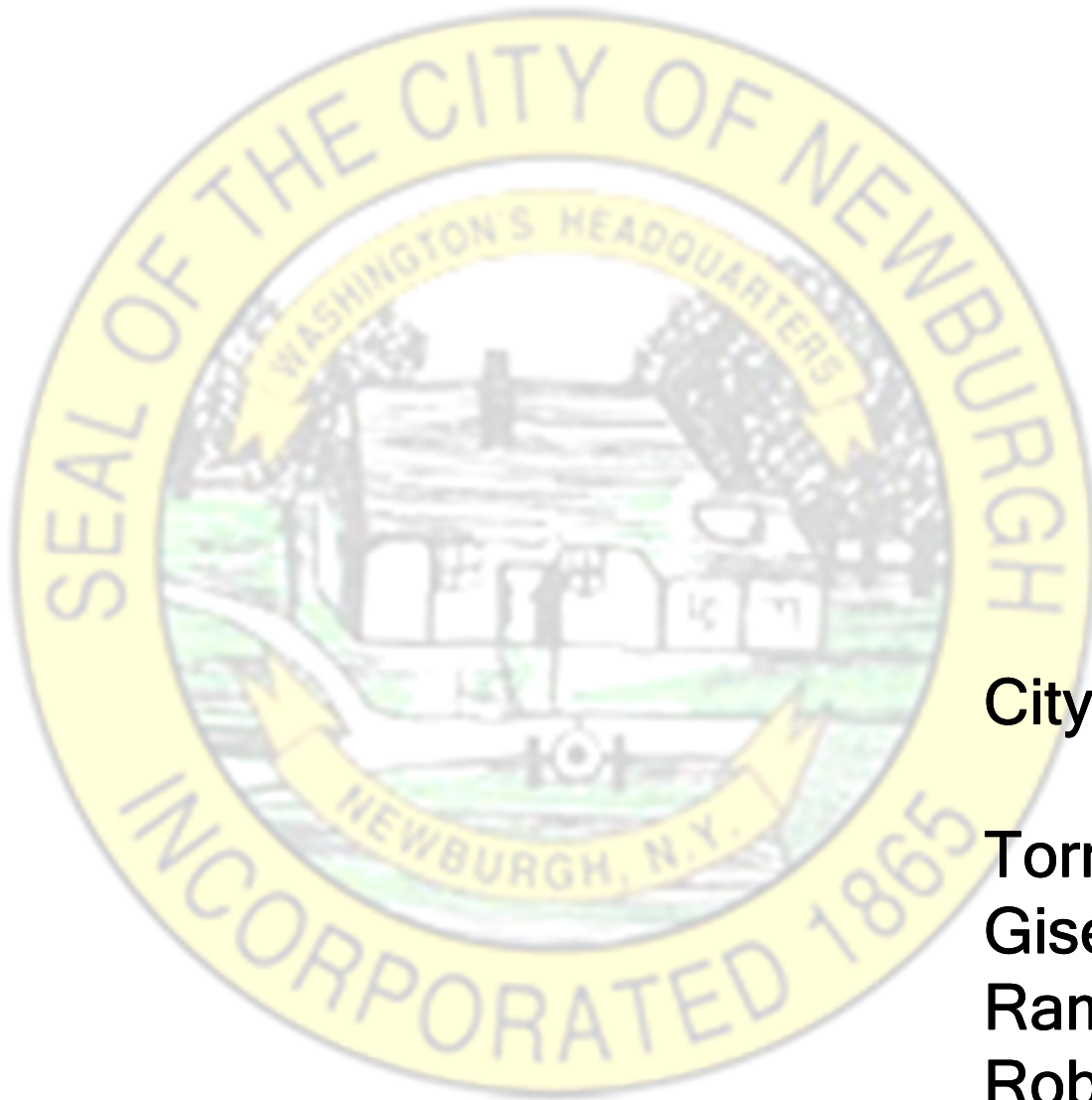
El historial médico, financiero, crediticio o laboral de una persona o corporación en particular, o asuntos que conduzcan al nombramiento, empleo, promoción, degradación, disciplina, suspensión, despido o remoción de una persona o corporación en particular



Community Development Block Grant (“CDBG”) FY2023 Annual Action Plan

Department of Planning &
Development
September, 2022





City of Newburgh City Council:

Torrance Harvey, Mayor

Giselle Martinez, Ward 1

Ramona Monteverde, Ward 2

Robert Sklarz, Ward 3

Patty Sofokles, Ward 4

Anthony Grice, At-Large

Omari Shakur, At-Large



City of Newburgh Community Development Goals - Refresher

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Successful community building requires reestablishing trust, which takes time, patience, outreach and communication.



“CDBG” - Brief Primer



- Community Development Block Grant (CDBG) - Administered by the U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is under the Orange County Consortium (Orange County, City of Newburgh, City of Middletown).
- The City of Newburgh is required to prepare and submit a **Consolidated Plan** that establishes goals for the use of CDBG funds. The current City of Newburgh Consolidated Plan: **FY2020-FY2024**
- Projects **MUST** be consistent with national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.



Proposed FY2023 CDBG Projects/Funding

Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding
Projects Funded through Entitlement Grant	Housing	Housing	\$210,000.00
		In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	
	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient.	\$20,000.00
	Infrastructure Improvements	Infrastructure Improvements	\$275,000.00
		To continue funding Curb Ramp & Sidewalk Improvements project.	
	Infrastructure Improvements	Public Facility Improvements	\$100,000.00
		Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	
	Economic Development	Economic Development	\$20,000.00
	Quality of Life Improvements	Neighborhood Services	\$15,000.00
		Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	
	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Activities Subject to City of Newburgh operational approval).	\$10,000.00
	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the-Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00
	Administration	Administration	\$175,169.00
		Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	
Proposed Total FY2023 Allocation			\$850,169.00



Contingency Funding

If the actual annual allocation amount exceeds the proposed estimate, the project budgets will increase by:

Project Name	Proposed Activities (Examples)	Project Funding	% Project increase, if HUD allocation greater than proposed (approx.)
Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$210,000.00	No Change
Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient.	\$20,000.00	30%
Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$275,000.00	30%
Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$100,000.00	20%
Economic Development	Economic Development Activities	\$20,000.00	No Change
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	5%
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Activities Subject to City of Newburgh operational approval).	\$10,000.00	5%
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%
Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$175,169.00	No Change
Proposed Total FY2023 Allocation		\$850,169.00	



Contingency Funding

If the actual annual allocation amount is less than the proposed estimate, the project budgets will decrease by:

Project Name	Proposed Activities (Examples)	Project Funding	% Project decrease, if HUD allocation less than proposed (approx.)
Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$210,000.00	10%
Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient.	\$20,000.00	10%
Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$275,000.00	20%
Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$100,000.00	10%
Economic Development	Economic Development Activities	\$20,000.00	10%
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	10%
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Activities Subject to City of Newburgh operational approval).	\$10,000.00	10%
Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%
Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$175,169.00	10%
Proposed Total FY2023 Allocation		\$850,169.00	



Project: Housing

Proposed Activities:

- In Rem Property Program
- Homeowner Repair Assistance Program
(Implemented by City of Newburgh
Housing Partner)



Proposed Housing Activity: In Rem Property Program

Budget: \$210,000.00

Description:

- Activity staffed by 2 full-time Department of Public Works employees and 1 employee of the Planning & Development Department dedicated to the in rem program.
- Provides maintenance and security of vacant properties. Keeps properties habitable, neighborhoods looking good, maintains/increases property values.



Proposed Housing Activity: Home Repair Assistance Program

Budget: \$20,000.00

Description:



- Funding for Home Repair Assistance Program for Low/Moderate Income City of Newburgh Homeowners.* Implemented through City of Newburgh Housing Partner.

*Repairs may include: roofs, railings, steps, etc., as identified by City of Newburgh Housing Partner.

Proposed Infrastructure Improvements Activity: Curb Ramp and Sidewalk Upgrades

Budget: \$275,000.00

Description:

- Funding to continue funding Curb Ramp & Sidewalk Improvements project.



Proposed Infrastructure Improvements

Activity: Public Facility Improvements

Budget: \$100,000.00

Description:

- Funding for Public Accessibility
Improvements to City of Newburgh
Buildings, Parks, Other Public Spaces.



Proposed Economic Development Activity:

Business Assistance

Budget: \$20,000.00

Description:

- Funding for business assistance, such as business signage.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$15,000.00

Description (Anticipated Services):

- 2023 Summer Film Festival
- National Night Out

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$10,000.00

Description (Anticipated Services):

- City of Newburgh Community Outreach Activities, such as Community Violence Intervention (CVI) Activities.

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$25,000.00

Description (Anticipated Services):

- Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval)

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Activity: Administration

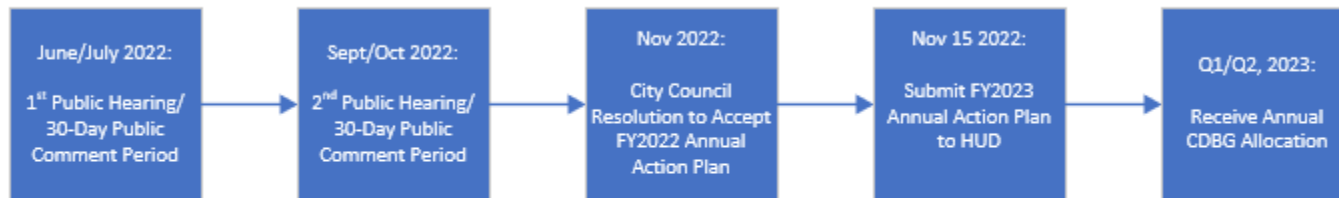
Budget: \$175,169.00

Description:

- Funding for program administration, staff salary and benefits, language translation services, program operating costs (including mailings), program trainings/conference.



FY2023 CDBG AAP Timeline



FY 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS TIMELINE

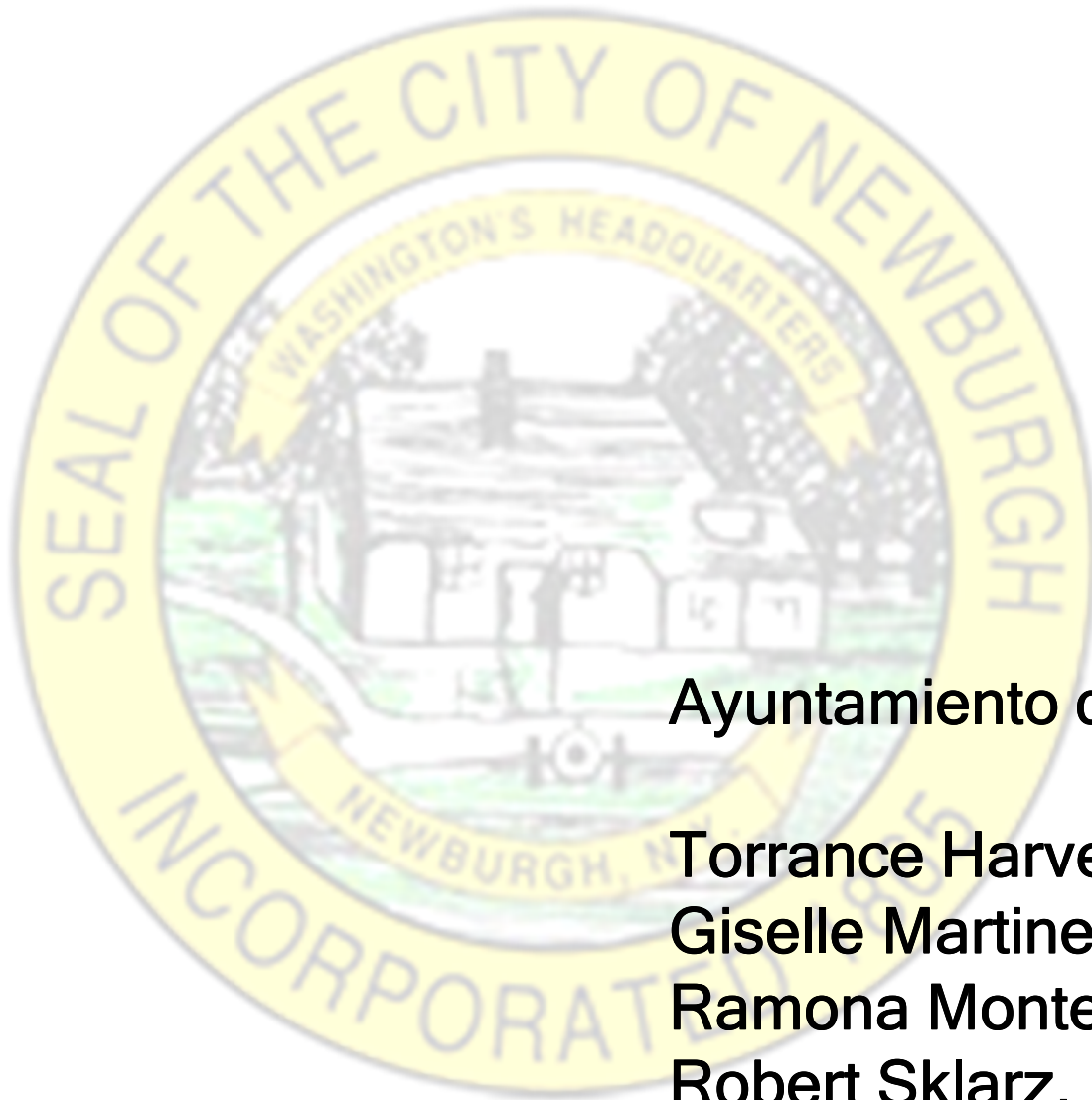


Subvención de Desarrollo de los Bloques Comunitarios(“CDBG”) Plan de Acción Anual del Año Fiscal 2023

**Departamento de Planificación y
Desarrollo
Septiembre, 2022**



EQUAL HOUSING
OPPORTUNITY



Ayuntamiento de la Ciudad de Newburgh:

Torrance Harvey, Alcalde

Giselle Martinez, Distrito Electoral 1

Ramona Monteverde, Distrito Electoral 2

Robert Sklarz, Distrito Electoral 3

Patty Sofokles, Distrito Electoral 4

Anthony Grice, En-General

Omari Shakur, En-General



Metas del Desarrollo Comunitario de la Ciudad de Newburgh - Actualización

- Desarrollo Económico sin Desplazamiento.
- Mejorar el alcance y Comunicaciones con la comunidad.
- Apoyar un ambiente que valore la diversidad, recompense la independencia, alimente la creatividad, y nos reúna a todos.

El éxito de la construcción de una comunidad requiere reestablecer la confianza; lo cual lleva tiempo, paciencia, comunicación y la inclusión de todos.



“CDBG” – Introducción Breve



- Subvención para Desarrollo de los Bloques Comunitarios (CDBG) – Administrado por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD).
- Asignados a los gobiernos locales y estatales sobre la base de una fórmula.
- La Ciudad de Newburgh está bajo el Consorcio del Condado de Orange, (Condado de Orange, Ciudad de Newburgh, Ciudad de Middletown).
- La Ciudad de Newburgh está obligada a preparar y presentar un **Plan Consolidado** que establece metas para el uso de los fondos del CDBG. El Plan Consolidado Actual de la Ciudad de Newburgh: **AF2020-AF2024**
- Los proyectos DEBEN ser consistentes con las prioridades nacionales del CDBG:
 - Actividades que beneficien a personas de ingresos bajos-o-moderados;
 - La prevención o eliminación de suburbios o deterioros; o
 - Actividades de desarrollo comunitario para hacer frente a una amenaza urgente a la salud o a la seguridad.



Proyectos/Financiación Propuestos CDBG AF2023

	Necesidad Prioritaria Ptendida	Nombre del Proyecto	Actividades Propuestas (Ejemplos)	Financiación de proyectos
Proyectos Financiados a Traves de la Subvencion de Subcidios	Vivienda	Vivenda		\$210,000.00
			Programa de Propiedad In Rem: Para continuar financiando los salarios / beneficios de 3 empleados de la Ciudad de Newburgh. También fondos para materiales necesarios para mantener propiedades hipotecadas, como palas de nieve, malezas, cerraduras/llaves.	
	Vivienda	Vivienda	Programa de asistencia de Reparacion para Propietarios Administrado por Subreceptor de la Ciudad de Newburgh.	\$20,000.00
	Mejoras de infraestructura	Mejoras de infraestructura	Continuar financiando el proyecto de mejoras de Rampas y aceras.	\$275,000.00
	Mejoras de infraestructura	Mejoras en las InstalacionPúblicas	Mejoras de Accesibilidad Pública a los Edificios, Parques y otros Espacios Públicos de la Ciudad de Newburgh.	\$100,000.00
	Desarrollo Economico	Desarrollo Economico	Actividades de Desarrollo Economico	\$20,000.00
	Mejoras de Calidad de Vida	Servicios a los Vecindarios	actividad de servicio público, sujeta a un límite de asignación anual del 15%. ejemplos de actividades: festival de cine de verano (actividades sujetas a la aprobación operativa de la ciudad de Newburgh).	\$15,000.00
		Servicios a los Vecindarios	Actividad de Servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Actividades de Alcance Comunitario de la Ciudad de Newburgh (actividades sujetas a la aprobación operacional de la Ciudad de Newburgh).	\$10,000.00
		Servicios a los Vecindarios	Actividad de servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Capacitación de la fuerza laboral en el trabajo (actividades sujetas a la aprobación operativa de la Ciudad de Newburgh).	\$25,000.00
	Administración	Administración	Administración Sujeta al 20% del límite de asignación anual. Las actividades incluyen: Administración del Programa, Salario y Beneficios del Personal, servicios de traducción de idiomas, costos de operación del programa (incluyendo envíos por correo), capacitación/conferencias del programa.	\$175,169.00
Asignación Total Propuesta para el Año Fiscal 2023				\$850,169.00

Financiación de Contingencias

Si el monto real de la asignación anual excede la estimación propuesta, los presupuestos del proyecto aumentarán en:

	Necesidad Prioritaria Ptendida	Nombre del Proyecto	Actividades Propuestas (Ejemplos)	Financiación de proyectos	% De aumento del proyecto, si la asignación de HUD es mayor que la propuesta (aprox.
Proyectos Financiados a Traves de la Subvencion de Subcidios	Vivienda	Vivienda	Programa de Propiedad In Rem: Para continuar financiando los salarios / beneficios de 3 empleados de la Ciudad de Newburgh. También fondos para materiales necesarios para mantener propiedades hipotecadas, como palas de nieve, malezas, cerraduras/llaves.	\$210,000.00	No Cambio
	Vivienda	Vivienda	Programa de asistencia de Reparacion para Propietarios Administrado por Subreceptor de la Ciudad de Newburgh.	\$20,000.00	30%
	Mejoras de infraestructura	Mejoras de infraestructura	Continuar financiando el proyecto de mejoras de Rampas y aceras.	\$275,000.00	30%
	Mejoras de infraestructura	Mejoras en las InstalacionPúblicas	Mejoras de Accesibilidad Pública a los Edificios, Parques y otros Espacios Públicos de la Ciudad de Newburgh.	\$100,000.00	20%
	Desarrollo Economico	Desarrollo Economico	Actividades de Desarrollo Economico	\$20,000.00	No Change
	Mejoras de Calidad de Vida	Servicios a los Vecindarios	actividad de servicio público, sujeta a un límite de asignación anual del 15%. ejemplos de actividades: festival de cine de verano (actividades sujetas a la aprobación operativa de la ciudad de Newburgh).	\$15,000.00	5%
		Servicios a los Vecindarios	Actividad de Servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Actividades de Alcance Comunitario de la Ciudad de Newburgh (actividades sujetas a la aprobación operacional de la Ciudad de Newburgh).	\$10,000.00	5%
		Servicios a los Vecindarios	Actividad de servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Capacitación de la fuerza laboral en el trabajo (actividades sujetas a la aprobación operativa de la Ciudad de Newburgh).	\$25,000.00	10%
	Administración	Administración	Administración Sujeta al 20% del límite de asignación anual. Las actividades incluyen: Administración del Programa, Salario y Beneficios del Personal, servicios de traducción de idiomas, costos de operación del programa (incluyendo envíos por correo), capacitación/conferencias del programa.	\$175,169.00	No Cambio
	Asignación Total Propuesta para el Año Fiscal 2023			\$850,169.00	

Financiación de Contingencias

Si el monto real de la asignación anual es menor que la estimación propuesta, los presupuestos del proyecto disminuirán en:

			Financiación de proyectos	% Disminución del proyecto, si la asignación de HUD es inferior a la propuesta (aprox.)
Necesidad Prioritaria Ptendida	Nombre del Proyecto	Actividades Propuestas (Ejemplos)		
Proyectos Financiados a Traves de la Subvencion de Subcidios	Vivienda	Vivenda	\$210,000.00	10%
		Programa de Propiedad In Rem: Para continuar financiando los salarios / beneficios de 3 empleados de la Ciudad de Newburgh. También fondos para materiales necesarios para mantener propiedades hipotecadas, como palas de nieve, malezas, cerraduras/llaves.		
	Vivienda	Vivienda	\$20,000.00	10%
		Programa de asistencia de Reparacion para Propietarios Administrado por Subreceptor de la Ciudad de Newburgh.		
	Mejoras de infraestructura	Mejoras de infraestructura	\$275,000.00	20%
		Continuar financiando el proyecto de mejoras de Rampas y aceras.		
	Mejoras de infraestructura	Mejoras en las InstalacionPúblicas	\$100,000.00	10%
		Mejoras de Accesibilidad Pública a los Edificios, Parques y otros Espacios Públicos de la Ciudad de Newburgh.		
	Desarrollo Economico	Desarrollo Economico	\$20,000.00	10%
Mejoras de Calidad de Vida	Servicios a los Vecindarios	actividad de servicio público, sujeta a un límite de asignación anual del 15%. ejemplos de actividades: festival de cine de verano (actividades sujetas a la aprobación operativa de la ciudad de Newburgh).	\$15,000.00	10%
	Servicios a los Vecindarios	Actividad de Servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Actividades de Alcance Comunitario de la Ciudad de Newburgh (actividades sujetas a la aprobación operacional de la Ciudad de Newburgh).	\$10,000.00	10%
	Servicios a los Vecindarios	Actividad de servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Capacitación de la fuerza laboral en el trabajo (actividades sujetas a la aprobación operativa de la Ciudad de Newburgh).	\$25,000.00	10%
	Administración	Administración	\$175,169.00	10%
Asignación Total Propuesta para el Año Fiscal 2023			\$850,169.00	

Proyecto: Vivienda

Actividades Propuestas:

- Programa de Propiedades In Rem
- Programa de Asistencia de Reparación para Propietarios de Vivienda (Implementado Socios de Vivienda de la Ciudad de Newburgh)



Actividad de Vivienda Propuesta: Programa de Propiedad In Rem

Presupuesto: \$210,000.00

Descripción:

- Actividad compuesta por 2 empleados a tiempo completo del Departamento de Obras Públicas y 1 empleado del Departamento de Planificación y Desarrollo dedicados al programa in rem.
- Proporciona mantenimiento y seguridad de propiedades vacantes. Mantiene las propiedades habitables, vecindarios con buen aspecto, mantiene/aumenta los valores de propiedad.



Actividad de Vivienda Propuesta: Programa de Asistencia de Reparación en el Hogar

Presupuesto: \$20,000.00

Descripción :



- Financiamiento para el Programa de Asistencia de Reparación del Hogar para Propietarios de Viviendas de la Ciudad de Newburgh de Ingresos Bajos/Moderados.* Implementado a través de Socios de Vivienda de la Ciudad de Newburgh.

*Las reparaciones pueden incluir: Techos, barandillas, escalones, etc., según lo identificado por el Socio de Vivienda de la Ciudad de Newburgh.

Actividad de Mejoras de Infraestructura

Propuesta: Mejoras en Rampas y Aceras

Presupuesto: \$275,000.00

Descripción:

- Financiamiento para continuar financiando el proyecto de Mejoras en Rampas y Aceras.



Actividad de Mejoras de Infraestructura

Propuesta: Mejoras en las Instalaciones Públicas

Presupuesto: \$100,000.00

Descripción:

- Financiamiento para mejoras de accesibilidad pública a edificios, parques y otros espacios públicos de la Ciudad de Newburgh.



Actividad de Desarrollo Económico Propuesta:

Asistencia a Negocios

Presupuesto: \$20,000.00

Descripción:

- Financiación de asistencia para negocios, como carteles para negocios.

Actividad de Calidad de Vida Propuesta:

Servicios para Vecindario

Presupuesto: \$15,000.00

Descripción (Servicios Anticipados):

- Festival de Cine de Verano2023
- Noche Nacional

**Importante: Actividad de servicio público,
sujeta a un Límite de Asignación Anual del 15%.**



Actividad de Calidad de Vida Propuesta:

Servicios para Vecindario

Presupuesto: \$10,000.00

Descripción (Servicios Anticipados):

- Actividades de alcance comunitario de la Ciudad de Newburgh, como las actividades Comunitarias de Intervención de Violencia (CVI).

Importante: Actividad de servicio público, sujeta a un Límite de Asignación Anual del 15%.



Actividad de Calidad de Vida Propuesta :

Servicios para Vecindario

Presupuesto: \$25,000.00

Descripción (Servicios Anticipados):

- Capacitación de fuerza laboral en el trabajo (actividades sujetas a la aprobación operativa de la Ciudad de Newburgh)

Importante: Actividad de servicio público, sujeta a un Límite de Asignación Anual del 15%.



Actividad Propuesta: Administración

Presupuesto: \$175,169.00

Descripción:

- Financiamiento para la administración del programa, salario y beneficios del personal, servicios de traducción de idiomas, costos operativos del programa (incluyendo envíos por correo), capacitaciones / conferencias del programa.



Línea de Tiempo del Plan de Acción Anual CDBG para el Año Fiscal 2023



**CRONOGRAMA DE PROYECTOS DE SUBVENCIÓN DEL
BLOQUE PARA EL DESARROLLO COMUNITARIO (CDBG)
DEL AÑO FISCAL 2023**

**FY2023 Annual Action Plan
Community Development Block Grant (CDBG)**

	Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding	% Project increase, if HUD allocation greater than proposed (approx.)	% Project decrease, if HUD allocation less than proposed (approx.)
Projects Funded through Entitlement Grant	Housing	Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$210,000.00	No Change	10%
	Housing	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient.	\$20,000.00	30%	10%
	Infrastructure Improvements	Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$275,000.00	30%	20%
	Infrastructure Improvements	Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$100,000.00	20%	10%
	Economic Development	Economic Development	Economic Development Activities	\$20,000.00	No Change	10%
	Quality of Life Improvements	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	5%	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Activities Subject to City of Newburgh operational approval).	\$10,000.00	5%	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%	10%
	Administration	Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$175,169.00	No Change	10%
Proposed Total FY2023 Allocation				\$850,169.00		

**FY2023 Annual Action Plan
Community Development Block Grant (CDBG)**

				Financiación de proyectos	% De aumento del proyecto, si la asignación de HUD es mayor que la propuesta (aprox.
Necesidad Prioritaria Ptendida	Nombre del Proyecto	Actividades Propuestas (Ejemplos)			
Proyectos Financiados a Traves de la Subvencion de Subcidios	Vivienda	Vivenda	Programa de Propiedad In Rem: Para continuar financiando los salarios / beneficios de 3 empleados de la Ciudad de Newburgh. También fondos para materiales necesarios para mantener propiedades hipotecadas, como palas de nieve, malezas, cerraduras/llaves.	\$210,000.00	No Cambio
	Vivienda	Vivienda	Programa de asistencia de Reparacion para Propietarios Administrado por Subreceptor de la Ciudad de Newburgh.	\$20,000.00	30%
	Mejoras de infraestructura	Mejoras de infraestructura	Continuar financiando el proyecto de mejoras de Rampas y aceras.	\$275,000.00	30%
	Mejoras de infraestructura	Mejoras en las InstalacionPúblicas	Mejoras de Accesibilidad Pública a los Edificios, Parques y otros Espacios Públicos de la Ciudad de Newburgh.	\$100,000.00	20%
	Desarrollo Economico	Desarrollo Economico	Actividades de Desarrollo Economico	\$20,000.00	No Change
	Mejoras de Calidad de Vida	Servicios a los Vecindarios	actividad de servicio público, sujeta a un límite de asignación anual del 15%. ejemplos de actividades: festival de cine de verano (actividades sujetas a la aprobación operativa de la ciudad de Newbureh).	\$15,000.00	5%
		Servicios a los Vecindarios	Actividad de Servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Actividades de Alcance Comunitario de la Ciudad de Newburgh (actividades sujetas a la aprobación operacional de la Ciudad de Newburgh).	\$10,000.00	5%
		Servicios a los Vecindarios	Actividad de servicio público, sujeta al límite de asignación anual del 15%. Ejemplos de actividades: Capacitación de la fuerza laboral en el trabajo (actividades sujetas a la aprobación operativa de la Ciudad de Newbureh).	\$25,000.00	10%
	Administración	Administración	Administración Sujeta al 20% del límite de asignación anual. Las actividades incluyen: Administración del Programa, Salario y Beneficios del Personal, servicios de traducción de idiomas, costos de operación del programa (incluyendo envíos por correo), capacitación/conferencias del programa.	\$175,169.00	No Cambio
			Asignación Total Propuesta para el Año Fiscal 2023	\$850,169.00	

FY2023 Annual Action Plan
Community Development Block Grant (CDBG)

**% Disminucion del
proyecto, si la
asignación de HUD es
inferior a la propuesta
(aprox.)**

10%

10%

20%

10%

10%

10%

10%

10%

10%

Work Session Talking Points
CDBG FY2023 2nd Public Hearing/Public Comment Period

FY2023 2nd Public Hearing/Public Comment Period - Notes

Updated proposed projects based on comments:

- Received comment from DPW Supervisor to increase salary/benefits of 2 In Rem Property Project personnel.
- Revised proposed In Rem Property Project budget to reflect request. Also adjusted Infrastructure Improvements Project, Homeowner Assistance Project and Public Service Outreach project budgets to reflect this request.

RESOLUTION NO.: 224 - 2022

OF

SEPTEMBER 12, 2022

A RESOLUTION OPENING A SECOND 30-DAY PUBLIC COMMENT PERIOD AND
SCHEDULING A SECOND PUBLIC HEARING FOR SEPTEMBER 26, 2022
TO RECEIVE PUBLIC COMMENT ON THE CITY OF NEWBURGH'S
PROPOSED ACTIONS WITH RESPECT TO
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE
ANNUAL ACTION PLAN FOR FISCAL YEAR 2023

WHEREAS, the City of Newburgh has prepared a five-year Consolidated Housing and Community Development Strategy and Plan in accordance with the planning requirements of the Housing and Community Development Act of 1974 and applicable regulations; and

WHEREAS, the City is now preparing a one-year Annual Action Plan for FY 2023 in order to implement various elements of the strategies identified in its Consolidated Plan and must satisfy all statutory requirements, including those related to citizen participation; and

WHEREAS the City has convened and completed a public hearing and 30-day public comment period on its proposed one-year Annual Action Plan for FY 2023 and continues to solicit citizen participation in the preparation of same;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the time for citizen participation is continued by opening a second 30-day period beginning on September 27, 2022 and closing on October 27, 2022 to receive public comment on the City of Newburgh's proposed actions with respect to the Community Development Block Grant Program for the FY 2023 Annual Action Plan; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that there is scheduled a second public hearing to receive public comment on the City of Newburgh's proposed actions with respect to the Community Development Block Grant Program for the Consolidated Plan for Housing and Community Development for FY 2023; and that such public hearing be and hereby is duly set to be held at 7:00 p.m. on the 26th day of September, 2022 in the City Council Chambers, 83 Broadway, City Hall, 3rd Floor, Newburgh, New York; and

BE IT FURTHER RESOLVED, in the event that due to public health and safety concerns related to COVID-19, the state of emergency as set forth in Governor Hochul's Executive Order 11.1, as amended, is extended, and consistent with Chapter 1 of the Laws of 2022, the September 26, 2022 City Council meeting will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed CDBG FY2023 Annual Action Plan as follows:

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

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q").

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, September 26, 2022 through the Zoom App: https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q"). 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 with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, September 26, 2022. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 9/12/22
and that it is a true and correct copy of such original.
Witness my hand and seal of the City of
Newburgh this 13th day of Sept 20 22
Katrina Cotten
Deputy City Clerk

RESOLUTION NO.: 226 - 2022

OF

SEPTEMBER 12, 2022

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 26, 2022
TO RECEIVE PUBLIC COMMENT ON THE CITY OF NEWBURGH'S
ROUND 6 NY RESTORE COMMUNITIES INITIATIVE GRANT APPLICATIONS FOR
REHABILITATING THREE PROPERTIES LOCATED ON LANDER STREET AND
REHABILITATING THE DUTCH REFORMED CHURCH

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

WHEREAS, the City of Newburgh intends to submit a Round 6 NY Restore Communities Initiative application for a normal project to rehabilitate 72 Lander Street, 76 Lander Street and 78 Lander Street and for a special project to rehabilitate the Dutch Reformed Church; and

WHEREAS, the City of Newburgh must hold a public hearing to receive comment on its Restore NY application and the Property Assessment List that comprises a description of each building, including the location, size and residential or commercial natures of each building, and whether the building is proposed to be demolished, deconstructed, rehabilitated or reconstructed;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that there is scheduled a public hearing to receive public comment on the City of Newburgh's proposed Round 6 NY Restore Communities Initiative application, including the Property Assessment List, for a normal project to rehabilitate 72 Lander Street, 76 Lander Street and 78 Lander Street and for a special project to rehabilitate the Dutch Reformed Church; and that such public hearing be and hereby is duly set to be held at 7:00 p.m. on the 26th day of September, 2022 in the City Council Chambers, 83 Broadway, City Hall, 3rd Floor, Newburgh, New York; and

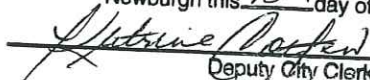
BE IT FURTHER RESOLVED, in the event that due to public health and safety concerns related to COVID-19, the state of emergency as set forth in Governor Hochul's Executive Order 11.1, as amended, is extended, and consistent with Chapter 1 of the Laws of 2022, the September 26, 2022 City Council meeting will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed Round 6 NY Restore Communities Initiative application, including the Property Assessment List, as follows:

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

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q").

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, September 26, 2022 through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q"). 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 with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, September 26, 2022. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 9/12/22 and that it is a true and correct copy of such original.
Witness my hand and seal of the City of Newburgh this 13th day of Sept. 20 22

Deputy City Clerk

RESOLUTION NO.: 234 - 2022

OF

SEPTEMBER 12, 2022

RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 26, 2022
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW REPEALING
AND REPLACING ARTICLE IX OF THE CHARTER OF THE CITY OF NEWBURGH
ENTITLED 'DEPARTMENT OF PUBLIC WORKS'"

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 IX of the Charter of the City of Newburgh Entitled 'Department of Public Works'"; 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 26th day of September, 2022.

BE IT FURTHER RESOLVED, in the event that due to public health and safety concerns related to COVID-19, the state of emergency as set forth in Governor Hochul's Executive Order 11.1, as amended, is extended, and consistent with Chapter 1 of the Laws of 2022, the September 26, 2022 City Council meeting will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed action as follows:

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

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q").

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, September 26, 2022 through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q"). 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 with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, September 26, 2022. Please check the meeting Agenda posted on the new website for further instructions to access the virtual meeting and for updated information.

Katharine Claffey
Deputy City Clerk
I 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 9/12/22 and that it is a true and correct copy of such original.
Witness my hand and seal of the City of Newburgh this 13th day of Sept, 2022

LOCAL LAW NO.: _____ - 2022

OF

_____, 2022

**A LOCAL LAW REPEALING AND REPLACING ARTICLE IX OF THE CHARTER OF
THE CITY OF NEWBURGH ENTITLED “DEPARTMENT OF PUBLIC WORKS”**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Repealing and Replacing Article IX of the Charter of the City of Newburgh Entitled ‘Department of Public Works’”.

SECTION 2 - AMENDMENT

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

Article IX. Department of Public Works

§ C9.00 Department established; composition.

There shall be a Department of Public Works, which shall consist of the divisions of Engineering, Water, Sewer, Sanitation, and Streets and Bridges. The Department shall have responsibility for all improvement and maintenance projects related to City streets, rights-of-way, parks, rivers, waterworks, sewers, and City-owned real property.

§ C9.01 Commissioner of Public Works.

The Department shall be headed by the Commissioner of Public Works. The Commissioner of Public Works, as the head of the divisions of Engineering, Water, Sewer, Sanitation, and Streets and Bridges, shall have administrative control over the Department and such other functions and duties as may be assigned by the City Manager.

In the absence or disability of the Commissioner of Public Works, the City Manager may designate the head of any division within the Department to act as Commissioner of Public Works. The acting Commissioner of Public Works shall assume all of the powers and duties of the Commissioner of Public Works in addition to the powers and duties required of the division head.

§ C9.02 Responsibilities and duties of Commissioner of Public Works. Powers and authority of Commissioner of Public Works.

The Commissioner of Public Works shall develop, manage, and implement comprehensive public improvement and maintenance plans for the operation of all City utilities and infrastructure. The Commissioner of Public Works shall keep a running inventory of all utilities and infrastructure within the City.

The Commissioner of Public Works shall have authority to require a private property owner to lay and connect utility service line(s) from a private property line to a nearby utility main at a point that extends beyond the private property line and into a public street or right-of-way. The Commissioner of Public Works shall have authority to prohibit or prevent the use of any water or sewer facility not connected to a City system. If a private property owner fails to comply with any such requirement, the Commissioner of Public Works shall have authority to cause performance of the work and, with notice of hearing, assess and levy the associated expenses onto the property taxes of such property, which shall include a fifteen percent (15%) administrative expense charge, all in accordance with §C9.04. The Commissioner of Public Works may designate the head or acting head of any division within the Department to carry out these duties.

§ C9.03 Divisions; organization and duties.

The Engineering division shall perform all of the civil engineering and surveying of the City, prepare specifications for all public works and public buildings, and shall supervise such public works and the construction of such public buildings. The City Engineer shall supervise the operations of the Engineering division under the general supervision of the Commissioner of Public Works. Nothing herein shall restrict or limit the power of the Council to employ consulting engineers in special or difficult cases.

The Water division shall perform all of the duties as set forth in Article IX-A of the City Charter. The Water Superintendent shall supervise the operations of the Water division under the general supervision of the Commissioner of Public Works.

The Sewer division shall perform all of the duties as set forth in Chapter 248 of the Code of Ordinances of the City of Newburgh.

The Sanitation division shall be responsible for the collection and disposal of garbage, trash, refuse and recyclables throughout the City, the sweeping of streets and the enforcement of all ordinances and regulations relating to the collection, carting and disposal of garbage, trash, refuse and recyclables.

The Streets and Bridges division shall be responsible for the maintenance and repair of all streets and other public property within the City.

The Superintendent of Public Works shall supervise the operations of the Sanitation division and the Streets and Bridges division under the general supervision of the Commissioner of Public Works.

Each division shall have all other duties as are currently assigned or may be in the future assigned to it by the City Manager or by the Commissioner of Public Works. The City Manager or the Commissioner of Public Works may name one person to serve as division head of multiple divisions. In the event of a conflict, the City Manager's directives shall prevail.

§ C9.04 Power of City to perform required work and to collect cost thereof.

Where the owner of any premises shall fail or neglect to perform any work required by this charter, by any ordinance of the City, the City Manager or the Commissioner of Public Works may cause such work to be performed. A bill for the expenses incurred by such work shall be mailed via certified mail to such owner at the address where the work is performed and the address of record with the Office of the Comptroller. If the property owner shall fail to pay the same within 20 days after the date of the notice, the City Manager or the Commissioner of Public Works shall file a certificate of the actual cost of the work plus a fifteen percent (15%) administrative expense charge with the Office of the Comptroller. The Office of the Comptroller shall, in the preparation of the next assessment roll of general City taxes, assess said amount with any applicable statutory interest rate to date upon such property, but if no statutory interest rate applies then said interest rate shall be set at eight percent (8%), and the same shall be levied, corrected, enforced and collected in the same manner by the same proceedings, at the same time, under the same penalty and shall constitute the same lien upon the property assessed as the general City tax and shall be considered a part thereof. Said authority shall be in addition to all other powers of the City to seek a civil judgment, prosecute for a violation of law or ordinance or any other authority granted by charter, statute, law, ordinance or regulation of the City.

§ C9.05 Dedication of streets, parks, squares or other land.

Whenever any street, park, square or other land shall have been dedicated to the public use, the Council shall accept such dedication by ordinance. Before any street, park or square shall be so accepted, the Council shall cause a survey, map or description thereof either to be made by the City Engineer or approved by him in writing and by him reported to the Council, stating the exact location, the course, distance, width and boundary of the street, park, square or land so accepted. Such description shall be entered at length in the minutes of the Council, and such map shall be filed in the office of the City Clerk, and copies thereof duly certified by the City Clerk shall be presumptive evidence in any suit or proceedings of the location of such street, park, square or land.

§ C9.06 Designation of public streets.

All streets, avenues, roads, alleys, lanes, concourses and public squares in public use within the City heretofore or hereafter laid out as streets or public highways under any law of this state or under any proceedings authorized by the statutes of this state; all streets, avenues, roads, alleys, lanes, concourses and public squares not laid out or opened under any statute of this state or by proceedings authorized by such statute but which have been worked or improved by the City and used as public streets or highways for 10 years or more; and all streets heretofore dedicated to the

public use in pursuance of law or hereafter dedicated and accepted by the Council as provided in this Act, shall be deemed public streets of the City.

§ C9.07 Streets and public places not sufficiently described.

The Council may, by ordinance, cause all streets, public parks, squares or other public places in said City that have been used for 10 years or more and are not sufficiently described or have not been duly recorded in the public records to be ascertained, described and entered of record in its minutes, and a record thereof and of such as shall hereafter be laid out, or of such as have been dedicated and accepted by the Council, or a copy of such record certified by the City Clerk shall be evidence of the existence and location of such street, park, square and other public places as therein described.

§ C9.08 Change of street grade.

The Council shall not change the grade of any street which has been legally established, except upon compensation for damages done, but nothing herein contained shall be construed to require compensation for damages to be ascertained or paid prior to the making of change in grade.

§ C9.09 Duty of abutting owner to repair and maintain sidewalk and for removal of snow and ice.

It shall be the duty of the owner of property abutting a street, highway, road, public lane, alley or space to maintain and repair the sidewalk adjoining said property and keep such sidewalk and gutter free of snow and ice, obstructions, and tripping hazards. Such owner shall be liable for any injury or damage by reason of commission, failure or negligence to make, maintain or repair such sidewalk, including the defense and indemnification of the City of Newburgh against such claim.

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 immediately after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: 235 - 2022

OF

SEPTEMBER 12, 2022

RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 26, 2022
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW AMENDING
CHAPTER 183 OF THE CITY OF NEWBURGH CODE OF ORDINANCES
ENTITLED "WASTE MANAGEMENT, HANDLING AND DISPOSAL"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Amending Chapter 183 of the City of Newburgh Code of Ordinances Entitled "Waste Management, Handling and Disposal"; 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 26th day of September, 2022.

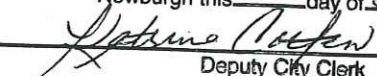
BE IT FURTHER RESOLVED, in the event that due to public health and safety concerns related to COVID-19, the state of emergency as set forth in Governor Hochul's Executive Order 11.1, as amended, is extended, and consistent with Chapter 1 of the Laws of 2022, the September 26, 2022 City Council meeting will be accessible via videoconferencing, and a transcript will be provided at a later date. The public will have the option to see and hear the meeting live and provide comments on the proposed action as follows:

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

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q").

In order to provide comments during the hearing you must register in advance for this webinar no later than 4:00 p.m. on Monday, September 26, 2022 through the Zoom App: https://us06web.zoom.us/webinar/register/WN_qbHQxC8bRfqdRGZwUVR9bA. Please note that there is an underscore between the "N" and "q"). 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 with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, September 26, 2022. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

Karina Cotton, Deputy City Clerk of the City of Newburgh
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 9/12/22
and that it is a true and correct copy of such original.
Witness my hand and seal of the City of
Newburgh this 13th day of Sept. 20 22

Deputy City Clerk

LOCAL LAW NO.: _____ - 2022

OF

_____, 2022

**A LOCAL LAW AMENDING CHAPTER 183 OF THE
CITY OF NEWBURGH CODE OF ORDINANCES ENTITLED
“WASTE MANAGEMENT, HANDLING AND DISPOSAL”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 183 of the City of Newburgh Code of Ordinances entitled “Waste Management, Handling and Disposal” be and is hereby enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 183 of the City of Newburgh Code of Ordinances Entitled “Waste Management, Handling and Disposal”.

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to enact new Chapter 183, Article III entitled “Sanitation User Fees; Dumpster User Fees” to read as follows:

Article III. Sanitation User Fees; Dumpster User Fees

§ 183-24 Definitions.

As used herein, the following terms shall have the meanings indicated:

COMMERCIAL PROPERTY

Any commercial building or portion thereof containing 5,000 square feet or more, devoted in whole or in part to nonresidential purposes. This term shall include, but not be limited to, clubs, retail stores, offices, restaurants, banks, recreational facilities and enterprises involving the sale of goods or services at retail to the general public conducted for profit or not-for-profit, but not including industrial properties.

DWELLING UNIT

One or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one family.

INDUSTRIAL PROPERTY

Any premises or portion thereof devoted to the manufacture, compounding, processing or treatment of goods or to the storage and shipping of goods which do not involve the sale of goods or services at retail to the general public.

OWNER

The person or entity to whom a piece of real property is assessed on the current assessment roll of the City.

RESIDENTIAL PROPERTY

A building or structure containing one or more dwelling units which are intended to serve as permanent places of abode and not transient or emergency accommodations. The term "residential property" shall not include hotels, motels, boarding or rooming houses, hospitals, clubs, schools or dormitories.

SMALL COMMERCIAL PROPERTY

Any commercial building or portion thereof containing 5,000 square feet or less, devoted in whole or in part to nonresidential purposes. This term shall include, but not be limited to, clubs, retail stores, offices, restaurants, banks, recreational facilities and enterprises involving the sale of goods or services at retail to the general public conducted for profit or not-for-profit, but not including industrial properties.

§ 183-25 User fees to be charged for garbage collection.

A. Small commercial properties. The owner of each small commercial property within the City of Newburgh where commercial wastes are removed by the City shall be charged for the removal of commercial wastes generated by such properties at a rate of one stop fee plus two dwelling unit fees per month.

B. Residential properties. The owner of each property within the City of Newburgh in the residential classification where wastes are removed by the City shall be charged per month for the removal of such waste at the rate of one stop fee plus one dwelling unit fee for each dwelling unit in the residential building. The number of dwelling units to be charged fees with regard to any property shall be determined by the number of dwelling units indicated on the certificate of occupancy for said property. A property containing rooming and boarding units shall be charged one dwelling unit fee for each rooming or boarding unit as indicated upon such property's certificate of occupancy.

C. Commercial properties. The owner of each commercial property within the City of Newburgh where wastes are removed by the City shall be charged for the removal of such wastes at

the rate of one stop fee plus four dwelling unit fees for each month.

D. Fees defined and set.

(1) Stop fee. A stop fee is the fee for the garbage truck making a stop in front of a property. The stop fee shall be computed as set forth in Chapter 163, Fees, of this Code.

(2) Dwelling unit fee. A dwelling unit fee is the fee charged for collection of garbage from one dwelling unit for a period of one month. The dwelling unit fee shall be computed as set forth in Chapter 163, Fees, of this Code.

(3) The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund collection operations, all under the Sanitation Fund.

E. Bills for sanitation user fees. Bills for sanitation user fees shall be prepared and sent to each owner on a quarter-annual basis, starting on August 1, 1991, in the same manner as water and sewer charges are now billed and distributed, except that sanitation user fees shall be billed and paid during the first month of the calendar quarter in which sanitation removal services are performed, in the months of January, April, July and October. Bills for user fees shall be payable within the same time limits as may be prescribed in the Charter for the payment of water bills.

§ 183-26 Overdue and unpaid sanitation user fees to become liens; collection; interest and penalties; enforcement.

A. The amounts charged as sanitation user fees shall become liens against the real property to which they relate at the time rendered and in the same manner as water rents become liens and shall be collectible against such real property as provided by law.

B. Overdue and unpaid sanitation user fees shall be subject to the same interest, penalties and fees as provided for the collection of water rents and, in all respects, like proceedings shall be had by the City Collector as are or may be provided by law for the collection of water rents if they remain unpaid. The City Collector shall report to the Council all user fees imposed after January 1, 1993, with the interest and penalties thereon, which remain unpaid as of 30 days prior to the last date prescribed by law for the annexation of tax warrant to the assessment roll, together with a brief description of the property for which said sanitation services were provided and the name and address of the person or corporation liable to pay such amount. The Council shall then, no later than its regular meeting on the fourth Monday in November of each year, levy all amounts remaining unpaid on the date taxes are levied against the real property for which or in connection with which such sanitation service was provided.

C. The amount so charged as a sanitation user fee and all interest, fees and penalties thereon

shall be a lien on the real property on which the charges accrued and shall be collected and enforced as provided by law.

D. In case the City Collector shall return any sanitation user fees uncollected, the City Manager may cut off sanitation service to the property charged until such sanitation user fees and all interest, penalties and fees are fully paid.

§ 183-27 Application for reduction or elimination of service charge.

A. Any person applying to the Superintendent for a reduction or elimination in the service charge imposed on his property by §183-25 of the Code of Ordinances shall do so on an application form to be provided by the Superintendent, which form shall be signed and notarized by the property owner. Upon receipt of such a request, the Superintendent shall investigate the facts of the application and offer the applicant an informal hearing as to why the application should be granted and shall make a written determination granting or denying the application. The Superintendent's determination shall be final.

B. The only grounds for reduction or elimination of such service charge are as follows:

(1) That a mistake was made on the part of the City in classifying the property.

(2) A senior citizen tax exemption shall have been granted pursuant to Chapter 270, Article II, of the Code of Ordinances in regard to the property, in which case a percentage reduction in the service charge shall be granted equal to the percentage exemption of assessed valuation granted by said article for the same property.

C. Residential property with an adjoining vacant lot, owned by the same entity, shall be charged only one stop fee per month, including both parcels. The property owner must request this exemption or the billing shall reflect a separate stop fee.

D. Reductions in the amount of the user charge applying to any particular property shall be for the current billing period only. Applications for reduction must be made for each and every quarter that the unit remains unoccupied. Applications shall only be accepted for a period of 20 days after the billing date indicated on the sanitation bill. Incomplete applications will not be considered.

§ 183-28 Dumpster user fees.

A. The owners of all properties where dumpsters are serviced by the City, within the City of Newburgh, shall be charged for the removal of wastes generated by such properties at a rate as set forth in Chapter 163, Fees, of this Code. A dumpster is defined as having a volume not exceeding two cubic yards. Dumpsters exceeding two cubic yards will not be serviced by the City.

B. The above charges shall be made on all properties where collection of dumpster wastes by the City has been requested. The owner of each such property must file an application or a dumpster

permit for such property.

C. The charges imposed by this local law shall be billed to each owner on a monthly basis. No refunds or proration shall be made for rendering of only a partial month's services. No change in charge or service shall become effective other than as of the first day of a month.

D. The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services, together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund collection operations, all under the Sanitation Fund.

§ 183-29 Overdue and unpaid dumpster user fees to become liens; collection and enforcement.

A. Overdue and unpaid dumpster user fees shall become liens against the real property to which they relate at the same time and in the same manner as uncollected water rents become liens and shall be collectible against such real property in the same manner as is or may be prescribed by law for the collection of taxes for the City of Newburgh for City purposes. Like notices shall be given by the City Collector.

B. Interest, penalties and fees shall be the same as for the collection of water rents, and, in all respects, like proceedings shall be had by the City Collector as is or may be provided by law for the collection of water rents.

C. The amount so charged shall be collected and enforced in the same manner and in the same time as may be provided by law for the collection and enforcement of City taxes and such service charges, interest and penalties thereon shall be a lien on the real property on which the charges accrued.

§ 183-30 Duties of property owner to report changes in occupancy.

Any person being the owner of residential property within the City shall have an affirmative duty to report to the Division of Sanitation, on a form to be provided by the Superintendent, by change in occupancy of that property which would have the effect of increasing the sanitation service charge. Such increases in the amount of the user charge shall become effective immediately, and any portion of a month shall constitute a full month.

§ 183-31 Penalties for offenses.

Any person making a false statement on any application made pursuant to this article, on any report made, or any violation of this article shall be guilty of a violation and, upon conviction, shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

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 immediately after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

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

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

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

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

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

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

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

Date: August 30, 2022

Our Ref: 30129146

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

Dear Mr. Morris,

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

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

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

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

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

Sincerely,
Arcadis of New York, Inc.



Robert Ostapczuk, PE
Vice President

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

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

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

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

Date: August 30, 2022

Our Ref: 30129146

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

Dear Mr. Morris,

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


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

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

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

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

Sincerely,
Arcadis of New York, Inc.



Robert Ostapczuk, PE
Vice President

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

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

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

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

Clerk, City of Newburgh



September 6, 2022

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

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

SUPPLEMENTAL AGREEMENT #2 – D035743

Dear **Todd Venning**:

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

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

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

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

Sincerely,

Giselle Gutierrez
Transportation Analyst
Region 8 Local Projects Unit

Enclosures

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, this Resolution shall take effect immediately.

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

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

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

Clerk, City of Newburgh

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

Press F1 for instructions in the blank fields:

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

This Supplemental Agreement is by and between:

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

and

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

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

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

☐ amending a project description

☐ amending the contract end date

☒ amending the scheduled funding by:

☒ adding additional funding (check and enter the # phase(s) as applicable):

☒ adding phase **ROW-A** which covers eligible costs incurred on/after **8/17/2020**

☒ adding phase **Construction** which covers eligible costs incurred on/after

 / /

☒ increasing funding for a project phase(s)

☒ adding a pin extension

☒ change from Non-Marchiselli to Marchiselli

☐ deleting/reducing funding for a project phase(s)

☐ other (_____)

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

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

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

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

Press F1 for instructions in the blank fields:

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

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF **ORANGE**

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

 Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

BY: _____

 For Commissioner of Transportation

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

By: _____
 Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

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

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

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

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8761.40.121 122.	Current	STP (80%)	\$375,000.00	\$300,000.00	\$56,250.00 *	\$18,750.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00 *	\$0.00	\$0.00
8761.40.221 .	Current	STP (80%)	\$105,000.00	\$84,000.00	\$15,750.00 *	\$5,250.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
8761.40.321 .	Current	STP (80%)	\$1,980,000.00	\$1,584,000.00	\$297,000.00 *	\$99,000.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. . .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. . .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$.	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$2,460,000.00	\$1,968,000.00	\$369,000.00	\$123,000.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

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

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

C. Local Deposit(s) from Section A:

\$ 0.00

Additional Local Deposit(s)

\$0

Total Local Deposit(s)

\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$2,629,572.00	\$369,000.00	\$ 0.00	\$288,393.00	\$3,286,965.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

Name: Giselle Gutierrez
Phone No: 845-431-5731

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

NYSDOT/State-Local Agreement – Schedule A

Footnotes: (See [LPB](#)'s website for link to sample footnotes)

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

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

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

TABLE OF CONTENTS

	Page
1. Executory Clause	3
2. Non-Assignment Clause	3
3. Comptroller's Approval	3
4. Workers' Compensation Benefits	3
5. Non-Discrimination Requirements	3
6. Wage and Hours Provisions	3-4
7. Non-Collusive Bidding Certification	4
8. International Boycott Prohibition	4
9. Set-Off Rights	4
10. Records	4
11. Identifying Information and Privacy Notification	4
12. Equal Employment Opportunities For Minorities and Women	4-5
13. Conflicting Terms	5
14. Governing Law	5
15. Late Payment	5
16. No Arbitration	5
17. Service of Process	5
18. Prohibition on Purchase of Tropical Hardwoods	5-6
19. MacBride Fair Employment Principles	6
20. Omnibus Procurement Act of 1992	6
21. Reciprocity and Sanctions Provisions	6
22. Compliance with Breach Notification and Data Security Laws	6
23. Compliance with Consultant Disclosure Law	6-7
24. Procurement Lobbying	7
25. Certification of Registration to Collect Sales and Compensating Use Tax by Certain State Contractors, Affiliates and Subcontractors	7
26. Iran Divestment Act	7
27. Admissibility of Contract	7

STANDARD CLAUSES FOR NYS CONTRACTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

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

which mortgage has not been further assigned of record.

Dated: September ____, 2022

CITY OF NEWBURGH

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

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

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

Notary Public

RECORD & RETURN TO:

RESOLUTION NO. _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

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



CITY OF NEWBURGH

Department of Code Compliance

123 Grand Street, Newburgh, New York 12550

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

TO: Todd Venning, City Manager

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

FROM: Charlotte Mountain, Code Compliance Supervisor

DATE: September 13, 2021

SUBJECT: 394 Liberty Street, Request for Extension to Rehabilitate

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

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

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

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

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

Thank you,



Charlotte Mountain
Code Compliance Supervisor

Newburgh City Council

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



To Whom this may concern,

July 7, 2022

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

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

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

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

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

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

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

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

Warmly,

Alina Preciado

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

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

which mortgage has not been further assigned of record.

Dated: September ____, 2022

CITY OF NEWBURGH

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

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

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

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

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

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

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

WHEREAS, the required \$1,000.00 in application fees (\$500/each) shall be paid from A.8684.0462 and the City Council finds that applying for and accepting such grants if awarded is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that that the City Manager be and he is hereby authorized to apply for and accept if awarded Round 6 NY Restore Communities Initiative Grants in an amount not to exceed \$2,000,000.00 with a 10% City match for a normal project to rehabilitate 72 Lander Street, 76 Lander Street and 78 Lander Street and in an amount not to exceed \$10,000,000.00 with a 10% City match for a special project to rehabilitate the Dutch Reformed Church; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

Section 1 – Intent to Apply for Restore NY Funding

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

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

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

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

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

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

Signature	Alexandra Church	Digitally signed by Alexandra Church DN: cn=Alexandra Church, o=City of Newburgh, ou=Planning Department, email=achurch@cityofnewburgh-ny.gov, c=US Date: 2022.08.11 12:26:57 -0400
Title	Director of Planning and Development	Date 8/11/2022

Section 1 – Intent to Apply for Restore NY Funding

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

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

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

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

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

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

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

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

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

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

LOCAL LAW NO.: ____ - 2022

OF

_____, 2022

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

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

SECTION 1 - TITLE

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

SECTION 2 - AMENDMENT

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

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

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

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

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

SECTION 3 - SEVERABILITY

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

Underlining denotes additions

~~Strikethrough~~ denote deletions

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

SECTION 4 - CODIFICATION

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

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

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

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: _____ - 2022

OF

SEPTEMBER 26, 2022

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 11, 2022
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW AMENDING
ARTICLE II OF THE CHARTER OF THE CITY OF NEWBURGH
ENTITLED ‘MUNICIPAL POWERS’”**

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

LOCAL LAW NO.: _____ - 2022

OF

_____, 2022

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

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Article II of the Charter of the City of Newburgh entitled ‘Municipal Powers’”.

SECTION 2 - AMENDMENT

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

Article II. Municipal Powers

§ C2.02 Further specific powers.

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

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

SECTION 3 - SEVERABILITY

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

Underlining denotes additions

~~Strikethrough~~ denote deletions

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

SECTION 4 - CODIFICATION

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

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

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