



City of Newburgh Council Work Session  
*Sesion de trabajo del Concejal de la  
Ciudad de Newburgh*  
February 23, 2023  
6:00 PM

Council Meeting Presentations/ Presentaciones de la Reunion General

1. Public Hearing - City of Newburgh Community Development Block Grant (CDBG) FY2022 Consolidated Annual Performance and Evaluation Report (CAPER)

A public hearing will be held on Monday, February 27, 2023 to receive public comment concerning the City of Newburgh Community Development Block Grant (CDBG) FY2022 Consolidated Annual Performance and Evaluation Report (CAPER)

*Habr  una audiencia p blica el lunes 27 de febrero de 2023 para recibir comentarios del p blico sobre el a o fiscal 2022 de la Subvenci n en Bloque de Desarrollo Comunitario (CDBG) Informe Anual de Rendimiento y Evaluaci n Consolidado (CAPER) de la Ciudad de Newburgh*

2. Public Hearing - Local Law amending exemption term of Chapter 270 "Taxation" Article V "Exemption for First-Time Homebuyers of Newly Constructed Homes"

A public hearing will be held on Monday, February 27, 2023 to receive public comment concerning the proposed Local Law amending Article V "Exemption for First-Time Homebuyers of Newly Constructed Homes" of Chapter 270 "Taxation" of the Code of Ordinances of the City of Newburgh

*Habr  una audiencia p blica el lunes 27 de febrero de 2023 para recibir comentarios p blicos sobre una propuesta de Ley Local que modifica el Art culo V "Exenci n para Compradores de Vivienda por Primera Vez de Nuevas Construcciones" del Cap tulo 270 "Impuestos" del C digo de Ordenanzas de la Ciudad de Newburgh*

3. Public Hearing - Local Law amending Article XII Department of Fire

A public hearing will be held on Monday, February 27, 2023 to receive public comment concerning the proposed Local Law amending Article XII, entitled "Department of Fire" of the City Charter of the City of Newburgh

*Habr  una audiencia p blica el lunes 27 de febrero de 2023 para recibir comentarios p blicos sobre una propuesta de Ley Local que modifica el Art culo XII, titulado "Departamento de Bomberos" de la Carta Municipal de la Ciudad de Newburgh*

4. Public Hearing - Local Law amending Chapter 42 Fire Department

A public hearing will be held on Monday, February 27, 2023 to receive public comment concerning the proposed Local Law amending Chapter 42 entitled "Fire Department" of the Cod of Ordinances of the City of Newburgh

*Habr  una audiencia p blica el lunes 27 de febrero de 2023 para recibir comentarios p blicos sobre una propuesta de Ley Local que modifica el Cap tulo 42 titulado "Departamento de Bomberos" del C digo de Ordenanzas de la Ciudad de Newburgh*

Work Session Presentations/ Presentaciones de la Session de Trabajo

5. Fourth Quarter Comptroller Update

Presentation to review the fourth quarter revenue and expenses for the approved budget of 2022

*Presentaci n para revisar los ingresos y gastos del cuarto trimestre para el presupuesto aprobado de 2022*

Engineering/Ingenier a

6. Contract with Control Point Associates for Professional Land Surveying Services

Resolution authorizing the City Manager to accept a proposal and execute a contract with Control Point Associates, Inc., P.C. for professional land surveying services of parcels surrounding Crystal Lake in the amount of \$120,000.00

*Resoluci n que autoriza al Gerente de la Ciudad a aceptar una propuesta y ejecutar un contrato con Control Point Associates, Inc., P.C. para servicios profesionales de topograf a de las parcelas que rodean Crystal Lake por el monto de \$120,000.00*

Police Department/ Departamento de Polic a

7. P.D. Vision, Mission & Core Values Statement

Police Commissioner Jose Gomez and Police Chief Anthony Geraci will be delivering a presentation regarding the Police Department's additions to the department's Vision, Mission and Common Purpose statement

*El Comisario de Polic a Jos  Gomez y el Jefe de Polic a Anthony Geraci presentar n las adiciones del Departamento de Polic a a la declaraci n de Visi n, Misi n y Prop sito Com n del departamento*

Local Laws/Leys Locales

8. Local Law amending exemption term of Chapter 270 "Taxation" Article V "Exemption for First-Time Homebuyers of Newly Constructed Homes"

Local Law amending Article V "Exemption for First-Time Homebuyers of Newly Constructed Homes" of Chapter 270 "Taxation" of the Code of Ordinances of the City of Newburgh

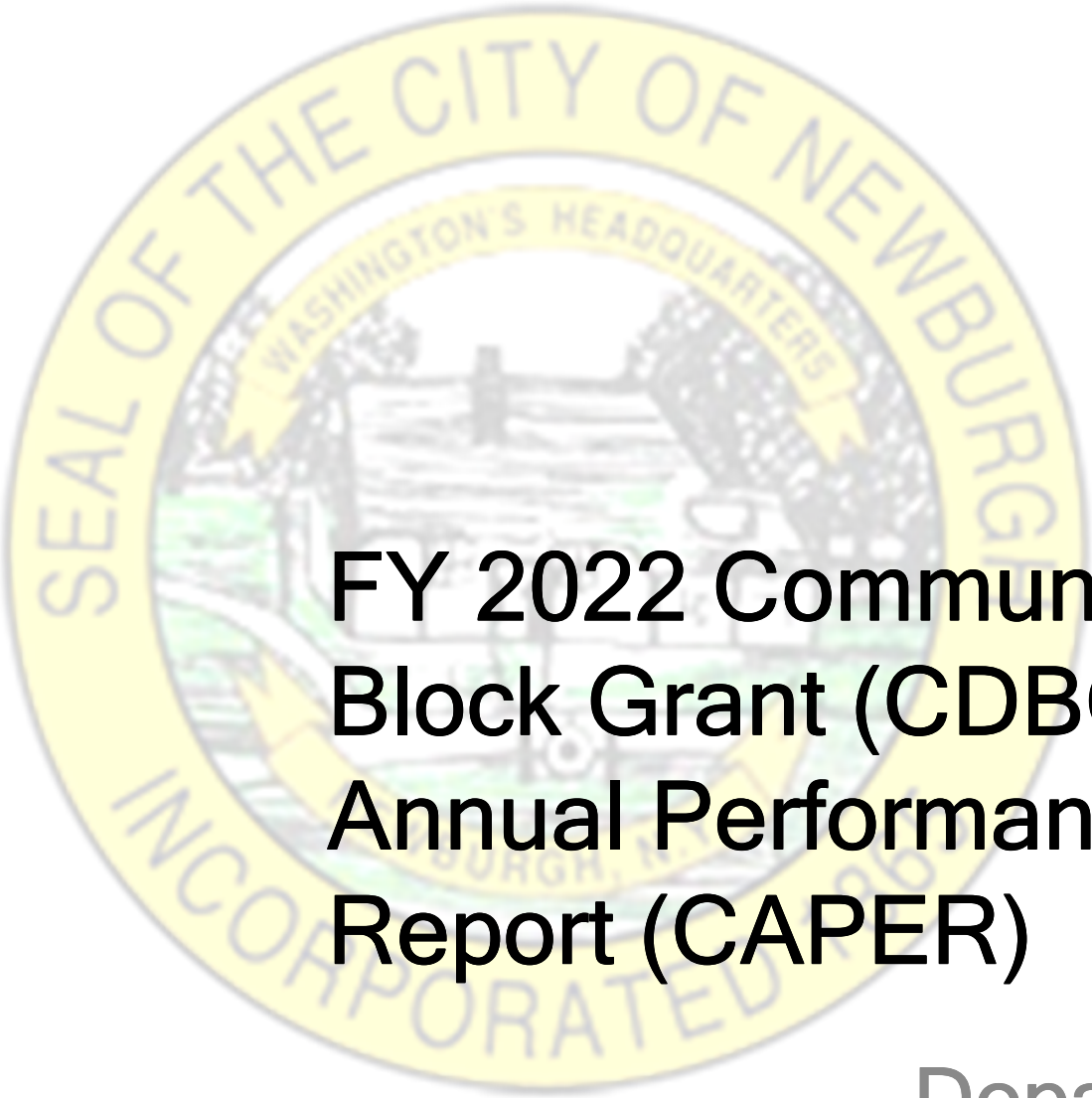
*Ley local que enmienda el Artículo V "Excepción para Compradores de Hogares por Primera Vez de Nuevos Hogares Construidos" del Capítulo 270 "Fiscalidad" del Código de Ordenanzas de la Ciudad de Newburgh*

Discussion Items/Temas de Discusión

9. Council Rules & Order of Procedure

Proposed amendment adding new Rule II-A to incorporate procedures for the use of videoconferencing consistent with Public Officers Law § 103-a and Local Law No. A-2022 of August 8, 2022 and codified as Section 20-1.2 of the City Code of Ordinances

*Propuesta de enmienda que añade la nueva Regla II-A para incorporar procedimientos para el uso de videoconferencias consistentes con la Ley de Oficiales Públicos § 103-a y la ley local No. A-2022 del 8 de agosto de 2022 y codificada como Sección 20-1.2 del Código de Ordenanzas de la Ciudad*

The seal of the City of Newburgh is a circular emblem. The outer ring is yellow with the text "SEAL OF THE CITY OF NEWBURGH" in black. Inside this is a green ring with "INCORPORATED 1784" in yellow. The center features a black and white illustration of a building, with a yellow banner above it reading "WASHINGTON'S HEADQUARTERS".

# **FY 2022 Community Development Block Grant (CDBG): Consolidated Annual Performance and Evaluation Report (CAPER)**

Department of Planning &  
Development  
February 2023



# Consolidated Annual Performance and Evaluation Report (CAPER)

- The Consolidated Annual Performance and Evaluation Report (CAPER) is a report required as part of the Community Development Block Grant (CDBG) program.
- The primary purpose of the CAPER is to report on accomplishments of funded activities within the program year and to evaluate the grantee's progress in meeting one-year goals described in the CDBG Annual Action Plan and long-term goals described in the CDBG Consolidated Plan.
- The CAPER also provides grantees an opportunity to evaluate the effectiveness of their programs.



# Consolidated Annual Performance and Evaluation Report (CAPER)

- The CAPER is submitted to the United States Department of Housing and Urban Development (HUD) within 90 days after the end of its program year.
- The City of Newburgh program year: January 1 – December 31.
- The CAPER must be submitted by March 31.



# Consolidated Annual Performance and Evaluation Report (CAPER)

- Requires a Public Hearing and a 15-Day Public Comment Period.
- Submitted to HUD on-line through the Integrated Disbursement and Information System or “IDIS.”



# City of Newburgh CDBG Program - Refresher

- Annual CDBG Projects/Activities are driven by Priority Needs identified in the Consolidated Plan.
- Also referred to as the “Con Plan” or “Five-Year Plan.”
- The Consolidated Plan is designed to help states and local jurisdictions assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.



# City of Newburgh CDBG Program - Refresher

Current Consolidated Plan – Priority Needs:

- Infrastructure Improvements
- Economic Development
- Quality of Life
- Housing



# FY2022: Year 3 of the 5 Year Plan 2020 - 2024



# Summary of FY2022 Projects/Activities



# FY2022 Projects/Activities

- Housing
- Park Improvements
- Complete Streets
- Neighborhood Services
- Administration



# FY2022 Projects/Activities

## In Rem Property Project

### Priority Need Supported: Housing

#### Summary:

- Salaries/Benefits for 3 City of Newburgh employees.
- In Rem Property Team maintained the habitability of 28 residential properties returned to the City of Newburgh through the foreclosure process.

#### Activities included:

- Securing properties/Adding New locks
- Light property maintenance such as mowing, snow removal, installation of plywood window covers.

CDBG In Rem Property funds spent in 2022: \$215,637.78



# FY2022 Projects/Activities

## Homeowner Assistance Project

### Priority Need Supported: Housing

Summary: Emergency Lead/Non-Lead Water Service Line Replacement, 2 Homeowners

Activities included:

- Emergency excavation and replacement of water service lines.

CDBG Homeowner Assistance funds spent in 2022: \$18,531.27



# FY2022 Projects/Activities

## Park Improvements Project

### Priority Need Supported: Quality of Life

Summary: Provide improvements to City of Newburgh Parks.

Activities included:

- Splashpad Project
- Development of Delano Hitch Recreation Park “Tot” Lot construction bid specifications.

CDBG Park Improvements funds spent in 2022: \$365,291.47



# FY2022 Projects/Activities

## Complete Streets Project

### Priority Need Supported: Infrastructure

Summary: Projects to support upgrades to safe street access/reconfiguration in the City of Newburgh.

Activities included:

- Provided project match funds for ADA curb upgrade project.

CDBG Complete Streets funds spent in 2022: \$226,926.36



# FY2022 Projects/Activities

## Neighborhood Services Project – “Sum Fun” Recreation Camp Priority Need Supported: Quality of Life

Summary: Neighborhood Services project funding to provide summer camp activities.

- Summer Recreation Camp, 600 City of Newburgh Residents. Basketball, Soccer, Waterslides, Arts & Crafts, Games.

CDBG Neighborhood Services funds for “Sum Fun” camp spent in 2022: \$10,845.56



# FY2022 Projects/Activities

## Neighborhood Services Project – Summer Film Festival Priority Need Supported: Quality of Life

Summary: Neighborhood Services to provide summer movie nights activities in the City of Newburgh.

- Summer Film Festival: Outreach to approximately 1,000 film attendees over 6 weeks.
- Movie night includes crafts/activities, cookout and waterplay.

CDBG Neighborhood Services funds for Summer Film Festival spent in 2022: \$29,312.89



# FY2022 Projects/Activities

## Neighborhood Services Project – Workforce Development Priority Need Supported: Economic Development

Summary: Neighborhood Services activities to provide on-the-job training and hiring for City of Newburgh residents.

- Workforce Development Initiative: “Below the Line Bootcamp” On-the-Job workforce training.

CDBG Neighborhood Services funds spent for workforce development in 2022: \$14,199.39



# FY2022 Projects/Activities

## Administration

Summary: Supports the Administrative activities for the Community Development Block Grant, including salary and benefits for the Director of Community Development, as well as public notice and mail costs, Spanish interpretation and translation.

CDBG Administration funds spent in 2022: \$178,372.77



# FY2022 Projects/Activities

## “CDBG CV”

Additional CDBG allocation received under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to fund the following activities, referred to as “CDBG-CV”:

- Food Security
- Emergency Income Payments (Rent)
- COVID-19 Outreach
- CDBG-CV Administration



# CDBG-CV Projects/Activities

## Food Security

Summary: Funding for the Newburgh Urban Farm and Food Initiative (NUFFI) and Catholic Charities Community Services of Orange & Sullivan to support food security needs for residents of the City of Newburgh.

CDBG-CV Food Security funds spent in 2022: \$11,888.57



# CDBG-CV Projects/Activities

## Infrastructure

Summary: Funding for Emergency-Related Infrastructure Activities, including internet accessibility survey and remote-meeting hardware.

CDBG-CV Infrastructure funds spent in 2022: \$23,588.03



# CDBG-CV Projects/Activities

## Emergency Income Payments (Rent)

Emergency Income Payments (Rent) program managed by Legal Services of the Hudson Valley (LSHV). The program provides up to 3 months rent (emergency income payments) for City of Newburgh residents unable to pay rent due to the coronavirus. Payments are made to the landlord, on behalf of the tenant.

Summary of the Emergency Income Payments (Rent) Program for 2022:

- Number of applications received - 45
- Number of applications approved - 25
- Total Emergency Income Payments Paid - 25
- Total Amount Emergency Income Payments Paid to Landlords - \$81,956.00
- Total Amount Emergency Income Payments Paid to LSHV for Program Delivery - \$63,645.50
- Total CDBG-CV Emergency Income Payments funds spent in 2022: \$145,601.50



# CDBG-CV Projects/Activities

## COVID-19 Outreach

The City of Newburgh purchased Personal Protective Equipment (PPE) including face masks and hand sanitizer and participated in several socially distanced events in order to reach City of Newburgh residents.

CDBG-CV COVID-19 Outreach funds spent in 2022:  
\$46,588.27



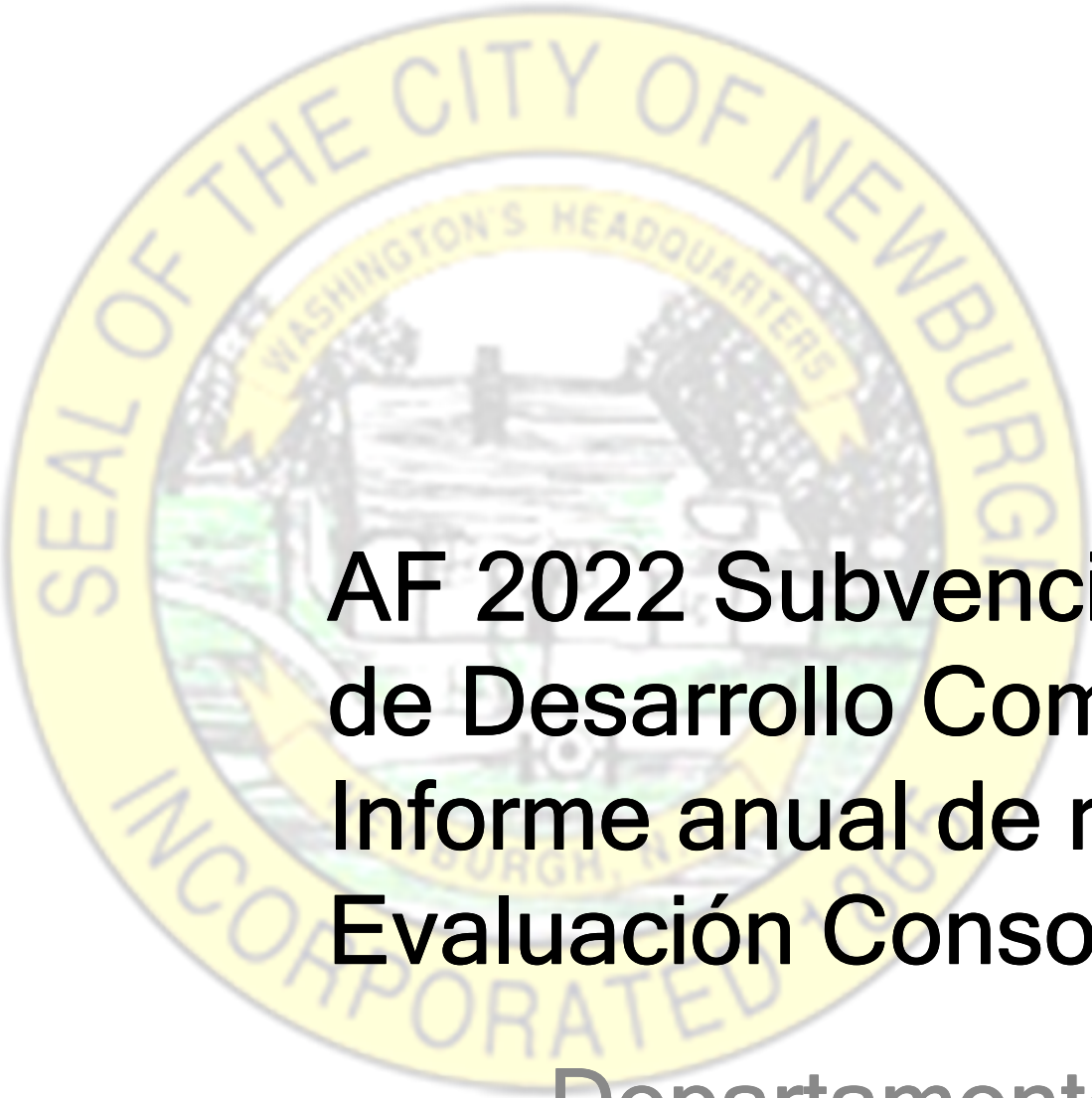
# CDBG-CV Projects/Activities

## CDBG-CV Administration

Summary: Supports the administration of the CDBG-CV grant.

CDBG-CV Administration funds spent in 2022: \$1,390.83



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# **AF 2022 Subvención en bloque de de Desarrollo Comunitario (CDBG): Informe anual de rendimiento y Evaluación Consolidado (CAPER)**

**Departamento de Planificación y  
Desarrollo  
Febrero 2023**



# Informe Anual de Rendimiento y Evaluación Consolidado(CAPER)



- El Informe Anual de Rendimiento y Evaluación Consolidado (CAPER) es un informe requerido como parte del programa de Subvención en Bloque para el Desarrollo Comunitario (CDBG, por sus siglas en inglés).
- El propósito principal del CAPER es informar sobre los logros de las actividades financiadas dentro del año del programa y evaluar el progreso del concesionario en el cumplimiento de las metas de un año descritas en el Plan de Acción Anual de CDBG y las metas a largo plazo descritas en el Plan Consolidado de CDBG.
- El CAPER también brinda a los concesionarios la oportunidad de evaluar la efectividad de sus programas..



# Informe Anual de Rendimiento y Evaluación Consolidado(CAPER)



- El CAPER se presenta al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) dentro de los 90 días posteriores al final de su año programático.
- Año del programa de la ciudad de Newburgh: 1 de enero - 31 de diciembre.
- El CAPER debe ser presentado antes del 31 de marzo.



# Informe Anual de Rendimiento y Evaluación Consolidado(CAPER)

**COMMUNITY  
DEVELOPMENT  
BLOCK GRANT  
PROGRAM**

- Requires a Requiere una audiencia pública y un período de comentarios públicos de 15 días.
- Presentado a HUD en línea a través del Sistema Integrado de Desembolso e Información o "IDIS".



# Ciudad de Newburgh CDBG Programa - Actualizamiento

**COMMUNITY  
DEVELOPMENT  
BLOCK GRANT  
PROGRAM**

- Los proyectos/actividades anuales del CDBG están impulsados por las Necesidades Prioritarias identificadas en el Plan Consolidado.
- También conocido como el "Plan Con" o "Plan Quinquenal".
- El Plan Consolidado está diseñado para ayudar a los estados y jurisdicciones locales a evaluar sus necesidades de vivienda asequible y desarrollo comunitario y las condiciones del mercado, y para tomar decisiones de inversión basadas en datos y en el lugar.



# Ciudad de Newburgh CDBG Programa - Actualizamiento

**COMMUNITY  
DEVELOPMENT  
BLOCK GRANT  
PROGRAM**

Plan Consolidado Actual – Necesidades Prioritarias:

- Mejoras en la Infraestructura
- Desarrollo Economico
- Calidad de Vida
- Vivienda



# AF2022: Año 3 del Plan de 5 Años 2020 - 2024



# Resumen del AF2022

## Proyectos/Actividades



# AF2022 Proyectos/Actividades

- Vivienda
- Mejoras de Parques
- Calles Completas
- Servicios a Vecindarios
- Administración



# AF2022 Proyectos/Actividades

## Proyecto de Propiedades In Rem Necesidad Prioritaria Apoyada: Vivienda

### Resumen:

- Salarios/beneficios para 3 empleados de la ciudad de Newburgh.
- Equipo de Propiedades In Rem mantuvo la habitabilidad de 28 propiedades residenciales devueltas a la Ciudad de Newburgh a través del proceso de ejecución hipotecaria.

### Actividades incluyeron:

- Protección de Propiedades/Adición de Nuevas Cerraduras
- Mantenimiento de propiedades ligeras como siega, remoción de nieve, instalación de cubiertas de ventanas de madera contrachapada.

CDBG Fondos In Rem Property gastados en 2022: \$215,637.78



# AF2022 Proyectos/Actividades

Proyecto de Asistencia a Propietario de Vivienda

Necesidad Prioritaria Apoyada: Vivienda

Resumen: Reemplazo de la línea de servicio de agua de emergencia con plomo / sin plomo, 2 propietarios

Actividades Incluyeron:

- Excavación de emergencia y reemplazo de líneas de servicio de agua.

CDBG Fondos de Asistencia a Propietario de Vivienda gastados en 2022: \$18,531.27



# AF2022 Proyectos/Actividades

## Proyecto de Mejoras del Parque

### Necesidad Prioritaria Apoyada: Calidad de vida

Resumen: Proporcionar mejoras a los parques de la Ciudad de Newburgh.

Actividades Incluyeron:

- Proyecto de Chapoteo
- Desarrollo de las especificaciones de la licitación de construcción del lote “pequeño” del Parque Recreativo Delano Hitch.

CDBG Fondos de mejoras del parque gastados en 2022: \$365,291.47



# AF2022 Proyectos/Actividades

## Proyecto Calles Completas

### Necesidad Prioritaria Apoyada: Infraestructura

Resumen: Proyectos para apoyar las actualizaciones para el acceso seguro a la calle / reconfiguración en la Ciudad de Newburgh.

#### Actividades Incluyeron:

- Se proporcionaron fondos igualitarios del proyecto para el proyecto de actualización de la acera de la ADA.

CDBG Fondos de Calles Completas gastados en 2022: \$226,926.36



# AF2022 Proyectos/Actividades

## Proyecto de Servicios Vecinales – Campamento Recreativo "Sum Fun"

Necesidad prioritaria apoyada: Calidad de Vida

Resumen: Financiamiento del proyecto de Servicios Vecinales para proporcionar actividades de campamento de verano.

- Campamento de recreación de verano, 600 residentes de la Ciudad de Newburgh. Baloncesto, fútbol, toboganes, artes y manualidades, juegos.

CDBG Fondos de Servicios Vecinales para el campamento "Sum Fun" gastado en 2022: \$10,845.56



# AF2022 Proyectos/Actividades

## Proyecto de Servicios Vecinales – Festival de Cine de Verano Necesidad Prioritaria Apoyada: Calidad de vida

Resumen: Servicios vecinales para proporcionar actividades de noches de cine de verano en la ciudad de Newburgh.

- Festival de Cine de Verano: Alcance a aproximadamente 1,000 asistentes de cine durante 6 semanas.
- La noche de cine incluye manualidades / actividades, comida al aire libre y juegos acuáticos.

CDBG Fondos de Servicios Vecinales para el Festival de Cine de Verano gastados en 2022 : \$29,312.89



# AF2022 Proyectos/Actividades

## Proyecto de Servicios Vecinales – Desarrollo de la Fuerza Laboral Necesidad Prioritaria Apoyada: Desarrollo Económico

Resumen: Actividades de Servicios Vecinales para proporcionar capacitación y contratación en el trabajo para los residentes de la Ciudad de Newburgh.

- Iniciativa de Desarrollo de la Fuerza Laboral: “Entrenamiento Below the Line” Capacitación de la fuerza laboral en el trabajo.

CDBG Fondos de Servicios Vecinales gastados para el desarrollo de la fuerza laboral en 2022: \$14,199.39



# AF2022 Proyectos/Actividades

## Administración

Resumen: Apoya las actividades administrativas para la Subvención en Bloque para el Desarrollo Comunitario, incluido el salario y los beneficios para el Director de Desarrollo Comunitario, así como los costos de aviso público y correo, interpretación y traducción al español.

CDBG Fondos de Administración gastados en 2022: \$178,372.77



# AF2022 Proyectos/Actividades

## “CDBG CV”

Asignación adicional de CDBG recibida en virtud de la Ley de Ayuda, Alivio y Seguridad Económica por Coronavirus (Ley CARES) para financiar las siguientes actividades, denominadas "CDBG-CV":

- Seguridad Alimentaria
- Pagos de Ingresos de Emergencia (Alquiler)
- COVID-19 Servicio de Asistencia Comunitaria
- CDBG-CV Administración



# CDBG-CV Proyectos/Actividades

## Seguridad Alimentaria

Resumen: Financiamiento para la Iniciativa de Alimentos y Granjas Urbanas de Newburgh (NUFFI) y los Servicios Comunitarios de Caridades Católicas de Orange & Sullivan para apoyar las necesidades de seguridad alimentaria de los residentes de la Ciudad de Newburgh.

CDBG-CV Fondos para la Seguridad Alimentaria gastados en 2022: \$11,888.57



# CDBG-CV Proyectos/Actividades

## Infraestructura

Resumen: Financiación de actividades de infraestructura relacionadas con emergencias, incluida la encuesta de accesibilidad a Internet y el soporte para reuniones remotas.

CDBG-CV Fondos de Infraestructura gastados en 2022:  
\$23,588.03



# CDBG-CV Proyectos/Actividades

## Pagos de Ingresos de Emergencia (Alquiler)

Programa de Pagos de Ingresos de Emergencia (Alquiler) administrado por Servicios Legales del Valle de Hudson (LSHV). El programa proporciona hasta 3 meses de alquiler (pagos de ingresos de emergencia) para los residentes de la Ciudad de Newburgh que no pueden pagar el alquiler debido al coronavirus. Los pagos se realizan al propietario, en nombre del inquilino.

Resumen del Programa de Pagos de Ingresos de Emergencia (Alquiler) para 2022:

- Número de Solicitudes Recibidas- 45
- Número de Solicitudes Aprobadas- 25
- Total de Pagos de Ingresos de Emergencia Pagados- 25
- Monto Total de los Pagos de Ingresos de Emergencia Pagados a los Propietarios- \$81,956.00
- Monto Total de los Pagos de Ingresos de Emergencia Pagados a LSHV para la Entrega del Programa - \$63,645.50
- Total de Fondos de Pagos de Ingresos de Emergencia CDBG-CV Gastados en 2022: \$145,601.50



# CDBG-CV Proyectos/Actividades

## Servicio de Asistencia a la Comunidad COVID-19

La Ciudad de Newburgh compró equipo de protección personal (PPE) que incluye máscaras faciales y desinfectante para manos, kits de prueba COVID para el hogar y participó en varios eventos socialmente distanciados para llegar a los residentes de la Ciudad de Newburgh.

CDBG-CV COVID-19 Servicio de Asistencia a la Comunidad  
fondos gastados en 2022: \$46,588.27



# CDBG-CV Proyectos/Actividades

## CDBG-CV Administración

Resumen: Apoya la administración de la subvención CDBG-CV.

CDBG-CV Fondos de Administración  
gastados en 2022: \$1,390.83



RESOLUTION NO.: 27 - 2023

OF

FEBRUARY 13, 2023

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 27, 2023  
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING  
ARTICLE V "EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY  
CONSTRUCTED HOMES" OF CHAPTER 270 "TAXATION"  
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Article V, entitled 'Exemption for First-Time Homebuyers of Newly Constructed Homes' of Chapter 270 entitled 'Taxation' of the Code of Ordinances of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 27th day of February, 2023 in the Council Chambers, Third Floor, City Hall, 83 Broadway, Newburgh, New York.

I, Lorene Vitek, 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 Feb 13 2023  
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of  
Newburgh this 14 day of Feb 2023

Lorene Vitek  
City Clerk

LOCAL LAW NO.: \_\_\_\_\_ - 2023

OF

\_\_\_\_\_, 2023

**A LOCAL LAW AMENDING ARTICLE V “EXEMPTION FOR FIRST-TIME  
HOMEBUYERS OF NEWLY CONSTRUCTED HOMES” OF CHAPTER 270 “TAXATION”  
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law amending Article V ‘Exemption for First-Time Homebuyers of Newly Constructed Homes’ of Chapter 270 ‘Taxation’, of the Code of Ordinances of the City of Newburgh”.

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend the Code of the City of Newburgh to afford first-time homebuyers of newly constructed homes a partial exemption from real property taxes levied by the City as permitted under New York State Real Property Tax Law Section 457 as same has been amended by the New York State Legislature and to lengthen the exemption term as allowed by law.

**SECTION 3 - AMENDMENT**

Article V entitled “Exemption for First-Time Homebuyers of Newly Constructed Homes” of Chapter 270 entitled “Taxation” of the Code of Ordinances of the City of Newburgh is hereby amended to read as follows:

§ 270-26. Purpose.

The purpose of this article is to provide partial exemption from taxation and special ad valorem levies for owner-occupied, primary residential property that is newly constructed or reconstructed under certain conditions set forth below.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

§ 270-27. Definitions.

As used in this article, the following terms, phrases, words and their derivations shall have the following meanings:

FIRST-TIME HOMEBUYER ~ An individual or individuals who have not owned, and are not married to a person who has owned, a primary residential property during the three-year period prior to their purchase of the primary residential property for which this exemption is sought, and do not own a vacation or investment home.

INCOME ~ The adjusted gross income for federal income tax purposes as reported on the applicant's latest available federal or state income tax return, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account or an individual retirement annuity; provided that if no such return was filed within the one-year period preceding taxable status date, "income" means the adjusted gross income that would have been so reported if such a return had been filed.

LATEST AVAILABLE RETURN ~ The federal or state income tax return for the tax year immediately preceding the date of making application for the exemption; provided however, that if the tax return for such year has not been filed, then the income tax return for the tax year two years preceding the date of making application will be considered the latest available return.

NEWLY CONSTRUCTED ~ An improvement to real property which was constructed as a one- or two-family house, townhouse or condominium, which has never been occupied and was constructed after November 28, 2001, but on or before December 31, 2028 ~~2022~~. "Newly constructed" shall also mean that portion of a one- or two-family house, townhouse or condominium that is altered, improved or reconstructed.

PRIMARY RESIDENTIAL PROPERTY ~ Any one- or two-family house, townhouse, or condominium located in this state which is owner-occupied by such homeowner.

§ 270-28. Ownership eligibility requirements.

The following ownership eligibility requirements must be met in order to qualify for the first-time homebuyer exemption:

A. The property must be owned by a first-time homebuyer or homebuyers and used as their primary residence. If title to the property is transferred to someone other than the heirs or distributees of the homebuyer(s) during the term of the exemption, the exemption will be discontinued.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

B. The combined income of all the owners, and of any of the owners' spouses residing on the property, for the income tax year immediately preceding the date of application for exemption may not exceed the income limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one and two person household category for the county where such property is located and in effect on the contract date for the purchase and sale of such property.

#### § 270-29. Property use requirements.

The following property use requirements must be met in order to qualify for the first-time homebuyer exemption:

A. The property must be a newly constructed or reconstructed one- or two-family house, townhouse or condominium that is owner-occupied.

B. Other than for reconstruction projects, the home must never have been occupied previously.

C. No portion of an otherwise eligible single-family home may be leased for any purpose, or used primarily for nonresidential purposes, during the time the exemption applies. In either case, the exemption shall be discontinued.

#### § 270-30. Sales price and exemption limits.

The maximum sales price of an eligible newly constructed residence must not exceed the purchase price limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one family new category for the county where such property is located and in effect on the contract date for the purchase and sale of such property to qualify for exemption. Newly constructed residences purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for exemption for that portion of the sales price equal to the maximum eligible sales price; provided, however, that any newly constructed residence purchased at a sales price greater than fifteen percent above the maximum eligible sales price shall not be allowed any exemption.

#### § 270-31. Reconstruction exemption.

The exemption for reconstructed, altered or improved residential property is limited solely to the increase in assessed value attributable to such reconstruction, alteration or improvement, provided that the total market value of the property after the project completion does not exceed fifteen percent above the maximum eligible sales price. To be eligible for this exemption on existing homes, the first-time homebuyer must have provided for such reconstruction, alteration or improvement as part of the sale contract of the home or entered into a written contract for such work within 90 days of the purchase of the property. The value of such reconstruction, alteration

~~Strikethrough~~ denotes deletions

Underlining denotes additions

or improvement must be greater than \$3,000.00 and cannot include the value of ordinary maintenance and repairs.

§ 270-32. Required construction start date and other time requirements.

Property must be constructed or reconstructed by a first-time homebuyer on or before December 31, ~~2028~~ 2022, unless such purchase is made pursuant to a binding written contract entered into on or before such date, and after November 28, 2001. First-time homebuyers who first received this exemption prior to December 31, ~~2028~~ 2022, will continue to receive the exemption according to the established schedule below. First-time homebuyers of existing homes seeking the exemption on the basis of reconstruction, alteration or improvement of the property must either have provided for such work in their purchase contract or enter into a written contract for such work within 90 days after the purchase of the home.

§ 270-33. Calculation of exemption.

A. City of Newburgh taxes and special ad valorem levies. The following is the exemption schedule:

Years of Exemption	Percentage of Assessed Valuation Exempt From Taxation
1	50%
2	40%
3	30%
4	20%
5	10%
6 or more	0%

B. City of Newburgh special assessments. No exemption allowed.

§ 270-34. Applications for exemption.

Such exemption shall be granted only upon application by the owner on a form prescribed by the State Board of the Office of Real Property Services to the City of Newburgh Assessor, submitted on or before the appropriate taxable status date and approval of such application by the Assessor.

**SECTION 4 - 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

~~Strikethrough~~ denotes deletions

Underlining denotes additions

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 5 - 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 6 - 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 7 - EFFECTIVE DATE**

This Local Law and shall be effective 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.

~~Strikethrough~~ denotes deletions  
Underlining denotes additions

RESOLUTION NO.: 28 - 2023

OF

FEBRUARY 13, 2023

RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 27, 2023  
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING  
ARTICLE XII, ENTITLED "DEPARTMENT OF FIRE"  
OF THE CITY CHARTER OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Article XII, entitled 'Department of Fire' of the City Charter of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 27th day of February, 2023 in the Council Chambers, 83 Broadway, City Hall, 3<sup>rd</sup> Floor, Newburgh, New York.

I, Lorene Vitek, 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 Feb. 13, 2023  
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of  
Newburgh this 13 day of Feb 2023

  
City Clerk

LOCAL LAW NO.: \_\_\_\_\_ - 2023

OF

\_\_\_\_\_, 2023

A LOCAL LAW AMENDING ARTICLE XII ENTITLED “DEPARTMENT OF FIRE”  
OF THE CITY CHARTER OF THE CITY OF NEWBURGH

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Article XII entitled ‘Department of Fire’ of the City Charter of the City of Newburgh”.

**SECTION 2 - AMENDMENT**

Article XII of the City Charter is hereby amended as follows:

Article XII. Department of Fire

**§ C12.00. Department established; head; bureaus.**

There shall be a Department of Fire, which shall consist of a Fire Commissioner, Fire Chief, and such other ranks and members within the Department as the City Manager may hereafter create with the approval of the Council and consistent with the New York State Civil Service Law, headed by the Fire Chief and including the Bureau of Fire, the Bureau of Fire Prevention and the Bureau of Code Compliance.

**§ C12.01. Fire Commissioner Chief.**

The Fire Commissioner shall be appointed by the City Manager and Chief as the head of the Department of Fire shall have supervision and control of the Bureau of Fire, the Bureau of Fire Prevention and the Bureau of Code Compliance, the officers, members and employees applicable laws, ordinances, regulations, policies and procedures, and. ~~He shall also have~~ such other functions and duties as may be assigned by the City Manager.

**§ C12.02. Fire Chief.**

The Fire Chief shall be appointed by the City Manager and shall have administrative responsibility for fire fighting and fire prevention activities including code enforcement as directed by the City

Manager and the Fire Commissioner consistent with applicable laws, ordinances, regulations, policies and procedures.

**§ C12.0302. Bureau of Code Compliance.**

There shall be a Bureau of Code Compliance headed by the Code Compliance Supervisor, who shall be under the direct supervision of the Fire Commissioner ~~Chief~~. The offices of the Building Inspector and the Plumbing Inspector shall be within the Bureau of Code Compliance.

**§ C12.09. Compensation of Fire Department personnel.**

- A. The Council shall, by ordinance, determine and regulate the compensation of all personnel of the Fire Department, except as otherwise provided by law.
- B. Any member of the Fire Department shall, while serving in an acting capacity in a grade or position above that regularly held by such a member, be entitled to receive the same minimum compensation as that provided for the position or grade in which he is so acting.

**§ C12.10. Organization of Police and Fire Departments; rules of operation of Police, Fire and Health Departments.**

The Police and Fire Departments shall, as to their membership and component parts, remain as now constituted until the same shall be changed by action of the Council. The Council has power at all times by ordinance to determine the number of officers and members of each of said Departments and the classes and grades into which they shall be divided and may pass ordinances not inconsistent with law for the government of Police, Fire and Health Departments and regulating the powers and duties of their officers and members. Members of the Fire Department shall be appointed by the City Manager consistent with New York State Civil Service Law ~~continue to be elected by the several companies composing the Fire Department of said City in the manner provided by the bylaws and rules of said companies and in existing ordinances of the City.~~

**§ C12.13. Issuance of appearance tickets.**

Members of the Fire Department are public servants and as such shall have the power to enforce all the laws, ordinances and regulations of the City and the state pertaining to fire prevention and fire safety, including those sections of the Vehicle and Traffic Law regulating parking in the vicinity of a fire station, parking in the vicinity of a fire hydrant, following or parking in the vicinity of emergency fire vehicles, crossing of a fire hose and parking in a designated fire lane. For this purpose, they are authorized to issue and serve legal process as defined by the laws of the state for violations of the aforesaid laws, ordinances and regulations, including the authority to issue and serve appearance tickets as defined by the Criminal Procedure Law. The City Manager shall designate those members of the Fire Department who shall exercise this function and shall have the authority to make regulations governing its exercise.

**~~§ C12.13. Exemption of police and firemen from military and jury duty or arrest.~~**

~~No member of the Police or Fire Department shall be liable to military or jury duty or to arrest on criminal or civil process while on duty.~~

**§ C12.40. Powers and duties of Building Inspector.**

The Building Inspector shall pass upon all plans and specifications for buildings or other structures to be erected within the City. He shall not approve any such plans or specifications unless they shall comply in all respects with the ordinances of the City relating thereto. He shall generally inspect all buildings and other structures erected in the City during the course of their construction. He shall have power summarily to stop the construction of any building or structure which is not being constructed in accordance with the ordinances of the City relating thereto and shall have the power summarily to cause the removal of any building or other structure or portion thereof which, because of a violation of the ordinances of the City relating thereto, he deems unsafe.

**§ C12.50. Powers and duties of Plumbing Inspector.**

The Plumbing Inspector, when required, shall assist the Building Inspector in the examination and approval of plans and specifications filed with him in relation to the plumbing provided for in such plans and specifications. He shall inspect all plumbing in new buildings before the same is used, and the same shall not be used until his permit therefor is given. He may require the installation of new plumbing in any building or structure within the City, the plumbing of which does not conform to the ordinances of the City relating thereto. He shall have all the powers in relation to plumbing in buildings and structures within the City herein granted to the Building Inspector in relation to buildings and structures therein.

**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 shall be effective on 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.: 29 - 2023

OF


FEBRUARY 13, 2023

RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 27, 2023  
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING  
CHAPTER 42, ENTITLED "FIRE DEPARTMENT"  
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law amending Chapter 42, entitled 'Fire Department' of the Code of Ordinances of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 27th day of February, 2023 in the Council Chambers, 83 Broadway, City Hall, 3<sup>rd</sup> Floor, Newburgh, New York.

I, Lorene Vitek, 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 Feb 13, 2023  
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of  
Newburgh this 14 day of Feb 2023

  
City Clerk

LOCAL LAW NO.: \_\_\_\_\_ - 2023

OF

\_\_\_\_\_, 2023

**A LOCAL LAW AMENDING CHAPTER 42 ENTITLED “FIRE DEPARTMENT” OF  
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law amending Chapter 42 entitled ‘Fire Department’ of the Code of Ordinances of the City of Newburgh”.

**SECTION 2 - AMENDMENT**

Article I of Chapter 42 of the Code of Ordinances of the City of Newburgh entitled “Composition and Organization” hereby is amended to read as follows:

Chapter 42. Fire Department

**Article I. Composition and Organization**

**§ 42-1. Personnel.**

~~The personnel of the Fire Department shall be composed and organized as provided in Article XII of the Charter of the City of Newburgh consist of a Chief of the Fire Department, two Deputy Chiefs and such Assistant Chiefs, Captains, Lieutenants and firemen as the City Manager shall deem advisable, appointed by the City Manager in accordance with the provisions of the Civil Service Law of the State, and such call men as the City Manager may from time to time appoint.~~

**§ 42-2. Reserved Duties of Chief.**

~~It shall be the duty of the Chief of the Fire Department, under the general administrative supervision of the City Manager, to:~~

- ~~A. Plan and direct all fire fighting and fire prevention activities.~~
- ~~B. Be responsible for the instruction and training of recruits.~~
- ~~C. Maintain high standards of performance throughout the Department.~~
- ~~D. Keep such records, make such examinations and reports and perform such related duties as may be required by the City Manager.~~

**§ 42-3. Reserved Duties of Deputy Chiefs.**

It shall be the duty of the Deputy Chiefs of the Fire Department to:

- A. ~~Assist the Chief at all times in the performance of his duties.~~
- B. ~~Exercise, during the absence or disability of the Chief, all the powers and duties of the Chief of the Fire Department as enumerated in § 42-2 of this article, in order of their seniority as Deputy Chief or as otherwise designated by the Chief.~~

**§ 42-4. Reserved Duties of Assistant Chiefs.**

It shall be the duty of each Assistant Chief of the Fire Department to direct the work of the Department on assigned shifts within the limits of departmental policy and instructions of the Chief.

**§ 42-5. Reserved Duties of call men.**

It shall be the duty of each call man of the Fire Department to:

- A. ~~Plan and direct all fire fighting and fire prevention activities.~~
- B. ~~Be responsible for the instruction and training of recruits.~~
- C. ~~Maintain high standards of performance throughout the Department.~~
- D. ~~Keep such records, make such examinations and reports and perform such related duties as may be required by the City Manager.~~

**§ 42-6. Personnel; duties Assignment to duty; hours.**

- A. All officers and firemen shall be assigned to duties at the discretion of the Fire Commissioner Chief of the Fire Department.
- B. The hours of duty of all officers and firemen shall be fixed by the Chief of the Fire Department, such hours of duty to be in conformance with all local and state laws and ordinances, rules and regulations.

**§ 42-7. Compensation.**

All members of the ~~paid~~ Fire Department shall receive such compensation as shall be fixed by local law or by the City Council. The City Council shall not set any compensation lower than any local or state law or ordinance.

**§ 42-8. Supervision and control; charges against firemen.**

- A. ~~Generally. Subject to the authority granted the City Manager by law, all firefighters, paid firemen shall at all times, be under the direct supervision and control of the Fire Commissioner, Fire Chief, and officers of the Department and the ~~paid officers of the unit to which they are attached.~~~~
- B. ~~Charges against firemen. The Captain of each unit, after first presenting the same to the Chief, shall prefer charges to the City Manager against any firemen assigned to his unit who may be guilty of insubordination, disobedience to orders or the violation of any rule, law or ordinance or regulation of the Department or who shall be intoxicated while on duty, and such Captain may, in his discretion, suspend such employee from duty until such charges are heard and a determination made thereon.~~

**§ 42-9. Charges, sSuspension or dismissal.**

Any member or employee of the Fire Department who shall fail to perform his duty or who shall be guilty of disorderly conduct while on duty or of insubordination or disobedience to orders or who shall violate any law or ordinance or any rule or regulation of the Department may be suspended for a definite period or dismissed from the Department by the City Manager consistent with applicable laws, rules, regulations, and procedures.

**§ 42-10. Badges.**

Each member of the Fire Department shall be issued a badge, which shall be worn as directed by the rules and regulations of the Department.

**SECTION 3 - SEVERABILITY**

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

**SECTION 4 - CODIFICATION**

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

**SECTION 5 - VALIDITY**

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

**SECTION 6 - EFFECTIVE DATE**

This Local Law and shall be effective on 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.: \_\_\_\_\_ - 2023

OF

FEBRUARY 27, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL  
AND EXECUTE A CONTRACT WITH CONTROL POINT ASSOCIATES, INC., P.C.  
FOR PROFESSIONAL LAND SURVEYING SERVICES  
OF PARCELS SURROUNDING CRYSTAL LAKE IN THE AMOUNT OF \$120,000.00**

**WHEREAS**, the City of Newburgh intends to undertake a review of the area around Crystal Lake to plan for the potential for future use an open space for public use and recreation; and

**WHEREAS**, the City has solicited and received proposals to provide professional land surveying services as an important first step in the Crystal Lake planning process; and

**WHEREAS**, the City received a proposal from Control Point Associates, Inc., P.C. to provide a boundary and location survey, topographic survey, and hydrographic services; and

**WHEREAS**, the funding for the land surveying services shall be derived from A.1440.0455; and

**WHEREAS**, the City Council has reviewed the annexed proposal and has determined that accepting the proposal and entering into a contract for such work as proposed 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 is hereby authorized to accept a proposal and execute a contract for professional land surveying services with Control Point Associates, Inc., P.C. in the amount of \$120,000.00 in connection with future use planning for Crystal Lake and the surrounding area.



**CONTROL POINT**  
**ASSOCIATES INC P C**  
traditional methods | modern approaches

11 Main Street  
Highland, NY 12528  
Tel: 845.691.7339  
**cpasurvey.com**

**CONTRACT**

February 1, 2023

**VIA ELECTRONIC MAIL**  
**cwade@cutyofnewburgh-ny.gov**

The City of Newburgh  
83 Broadway  
Newburgh, New York 12550

**ATTENTION: Chad Wade**

**RE: Various Section, Block & Lots; See Exhibit A**  
**City of Newburgh**  
**Orange County & State of New York**  
**CPA Project #12-230046-00**

Dear Chad:

It is a pleasure to present our Contract for Professional Land Surveying Services to be rendered in connection with the above referenced project. Our understanding of the work scope at the present time is to prepare a Boundary Survey with Topography and provide Hydrographic Services for the above referenced property.

More specifically identified within the work scope is the following:

**PHASE TS-0071: Boundary & Location Survey +/- 110 ACRES – MULTIPLE SBLs, SEE EXHIBIT A**

This task will include our office obtaining owners' names, tax maps, deeds and filed maps. Upon review of same, our office will then conduct a perimeter field survey which will include the location of property corner evidence along the subject and adjacent property lines. This information will be collectively analyzed to form the boundary lines for the subject parcels. Additionally, substantial site features located on the same will be located and identified on the survey. Visible underground utilities will be located within the project area and a design NYS Dig Safe Ticket will be placed for all roadways within the project area. All located utilities will be identified on the base mapping and Subsurface Utility Engineering (SUE) Quality Level C will be used. Additionally, detailed survey data of the exposed surfaces of the two dams will be collected to allow for future repair or reconstruction design drawings. This information will be collectively compiled into an appropriately scaled AutoCAD drawing document.

**Fee for TS-0071: \$ 70,800.00**

**( ) Approved**

**PHASE UA-0120: UAV LiDAR - Topographic Survey**

This phase will include our office utilizing a GPS receiver(s) to establish a control network throughout the project area on the New York State Plane Coordinate System NAD83 East Zone and referenced to vertical system NAVD88 datum. Our office will utilize an Unmanned Aerial Vehicle (UAV) with laser imaging, detection and ranging (LiDAR) to perform a flight for the subject property referenced above and shown on the attached Exhibit 'A'. The LiDAR information gathered will be registered to create a 3D point cloud to be used to generate elevations and a 3D surface. This information will be collectively compiled into an AutoCAD drawing. Airspace authorization/waivers in restricted areas will be applied for but cannot be guaranteed. In this event, the client will be informed immediately to discuss possible remedies. **This fee is based upon this section being performed in conjunction with Phase TS-0071 of this Contract.**

**Fee for Phase UA-0120: \$ 20,000.00**

**( ) Approved**

**Control Point Associates, Inc. P.C. is pleased to announce the acquisition  
of Brooks & Brooks Land Surveyors, P.C.**



**PHASE HS-9999: Hydrographic Services – Misc.**

This task will include our office performing a hydrographic survey of the area identified on attached Exhibit A utilizing a Seafloor Systems HydroLite DXF dual-beam sonar unit affixed to a jon boat with an electric motor. Water depth readings will be obtained along grid lines that will be run parallel and perpendicular to the shore at 25 foot intervals throughout the project limits (obtained as close as possible to the shore, based on sonar unit minimum water depth (3' +/-) requirements). Bathymetric survey data will be reduced and points with elevations will be generated for the ponds datum for elevations will be based upon NAVD88. This information will be collectively compiled into the AutoCAD drawing document. **This fee is based upon this section being performed in conjunction with Phase TS-0071 of this Contract.**

**Fee for PHASE HS-9999:**

**\$ 9,200.00**

**( ) Approved**

**PHASE TS-0740: Set Property Corners**

**If requested**, this task will include the stakeout in the field of property corners. Each previously unmarked property corner will be set with a permanent marker such as a ½ inch rebar for soft surfaces, an XCUT for hard surfaces, or other permanent marker. If a corner is inaccessible or the location is not suitable the permanent marker maybe set on an appropriate offset to the corner. Additional points on line may be set at the client's request.

Temporary markers such as wooden stakes, paint marks, etc. may be done in place of permanent markers but Control Point Associates Inc. cannot guarantee their durability or accuracy after installation.

**Fee for PHASE TS-0740:**

**\$200.00 Per Permanent Marker**

**\$150.00 Per Temporary Marker**

**( ) Approved**

**Please note our ability to perform this Phase is based on the completion of Phase TS-0071 in its entirety.**

If during the course of field survey, boundary analysis or deed review, an issue arises concerning the overall property boundary, your office will be notified immediately to discuss resolution. If this issue requires additional field work or research time to clarify, an estimate to identify same will be provided to you at that time. Furthermore, it is assumed that access to the site in question will be coordinated directly by your office. This will be required to fulfill our surveying requirements and must be established 48 hours prior to scheduling of field crews.

Professional Land Surveying Services can be initiated immediately upon acceptance of this Contract **and receipt of retainer**, with our office **anticipating completion approximately 12-14 weeks thereafter**. **If adverse weather conditions encumber the performance of field activities, the time frame will be adjusted accordingly.**

**Please note the accessibility of site features may be impacted by the presence of snow. If the survey is performed during a period when the ground is snow covered, only site features and utility structures visible on the date of field survey will be located. The survey plan will include a note that snow was present and a statement describing this limitation. Removing this note from the survey will require a later site visit after the snow has melted which will be subject to a separate Contract.**

**Please note that due to freedom of information and manpower restrictions, mapping information, when available, from the required agencies may not be received for up to eight (8) weeks from the date of request. We will revise the survey, if necessary, if said information is received after the survey has been provided.**

**Depending on the release of this contract, the survey may be produced during a time of statewide emergency. Research sources may be closed or unavailable due to safety concerns. Online resources will be accessed to the extent possible, but some documents may be unavailable. When previously unavailable research is received, it might uncover additional information needing to be located at the site, and therefore may require additional research and field survey.**

**Invoices will be submitted as specific portions of the work scope identified have been completed or progress, with payment due and payable within Sixty (60) days of receipt of invoice.**

Additionally, attached to this Contract are the standard "Terms and Conditions" of all agreements between our firm and its clients. The attached standard "Terms and Conditions" shall form a part of this Contract and are incorporated herein by reference.

Items **NOT** included in this Contract are: private underground utility markout, individual tree locations and identifications, wetland locations, detail stream/ditch/road cross sections, lot consolidation/subdivision plans, certified property owners list, zoning analysis, filing fees, meeting attendance, title review, flood elevation certificates, surveyor's reports and certificates, return trips to the site to areas where access was previously denied, procuring police details and traffic safety equipment and/or personnel, snow removal, reimbursable expenses or any other items not specifically outlined above.

This document will be valid for forty-five (45) days from the date of execution by Control Point Associates, Inc PC. If not accepted by the Client within this time period, this document shall become null and void. Additionally, the Contract aspect will expire twelve (12) months from the date of Acceptance by the Client. Any work not completed within this time period will be the subject of a new Contract.

This Contract contains proprietary and confidential bid information of Control Point Associates, Inc PC and shall not be used, disclosed or reproduced, in whole or in part, for any purpose other than to evaluate this Contract, without the prior written consent of Control Point Associates, Inc PC

If the terms and conditions of this Contract are acceptable to you, kindly indicate your acceptance by signing below and returning this document as soon as possible.

Should you have any questions pertaining to this matter or if I can provide any further assistance, please do not hesitate to contact me at your earliest convenience.

We at Control Point Associates, Inc PC would like to thank you for this opportunity to present our Contract for Professional Land Surveying Services and look forward to establishing a successful relationship with you.

Very truly yours,

**CONTROL POINT ASSOCIATES, INC PC**

*Patricia P. Brooks*

Patricia Pauli Brooks, L.S.  
Branch Manager

**TERMS & CONDITIONS  
ACCEPTED BY:  
THE CITY OF NEWBURGH**

By: \_\_\_\_\_  
City Manager, Todd Venning  
Per Resolution \_\_\_\_\_ - 2023

Date: \_\_\_\_\_

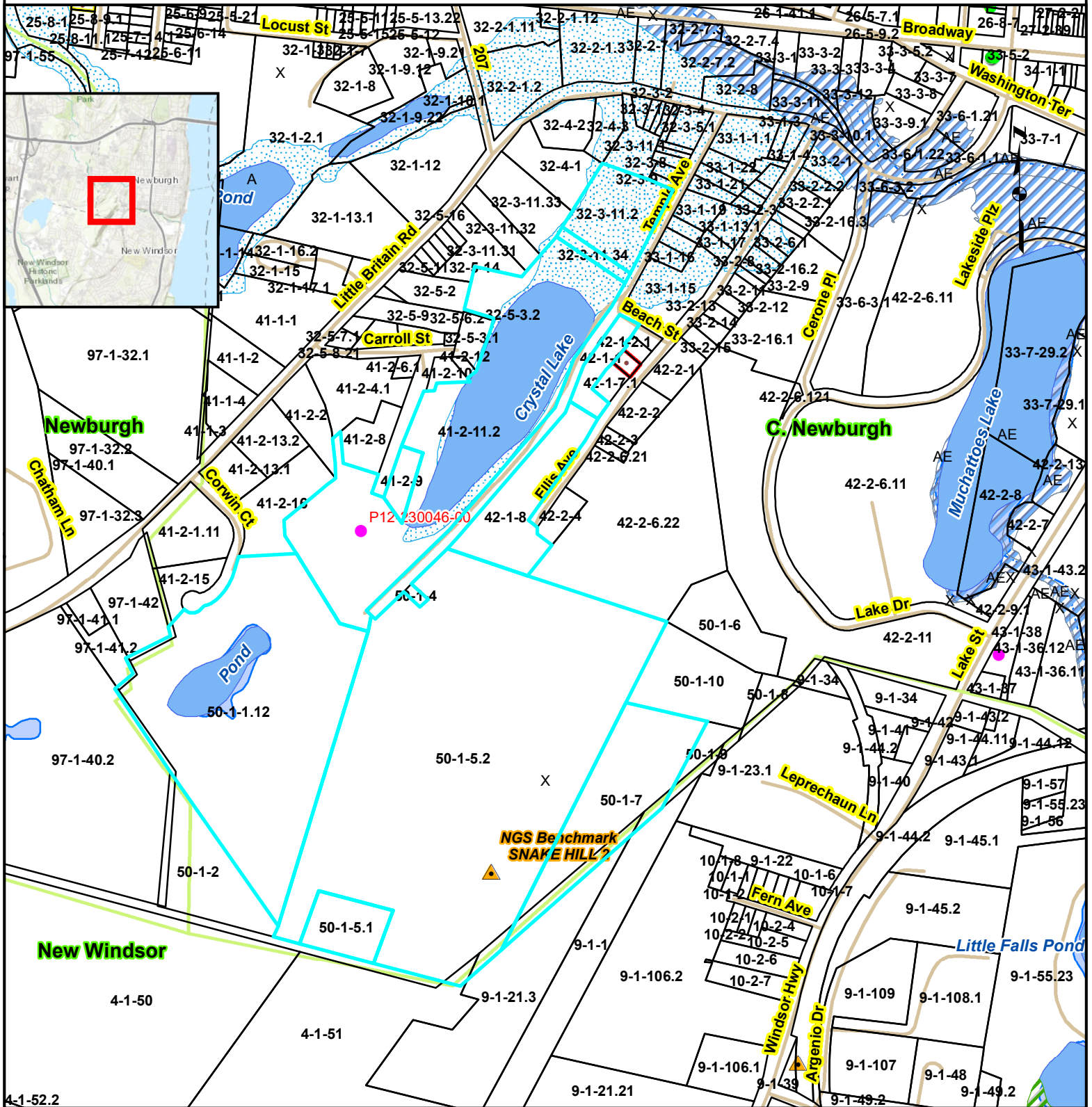
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Reviewed By: \_CG\_\_\_\_\_  
Approved By: \_PPB\_\_\_\_\_

**Control Point Associates, Inc. P.C. is pleased to announce the acquisition  
of Brooks & Brooks Land Surveyors, P.C.**

# Legend

- NYS Wetlands
- FED Wetland
- Emergent Wetland
- Wetland
- Freshwater Pond
- Lake
- FEMA Ulster2017
- FLD\_ZONE
- AE
- AO
- X
- NGS BM Ulster
- Ag/Ulst Dis



CPA GIS Report

## Exhibit A

Job: 12-230046-

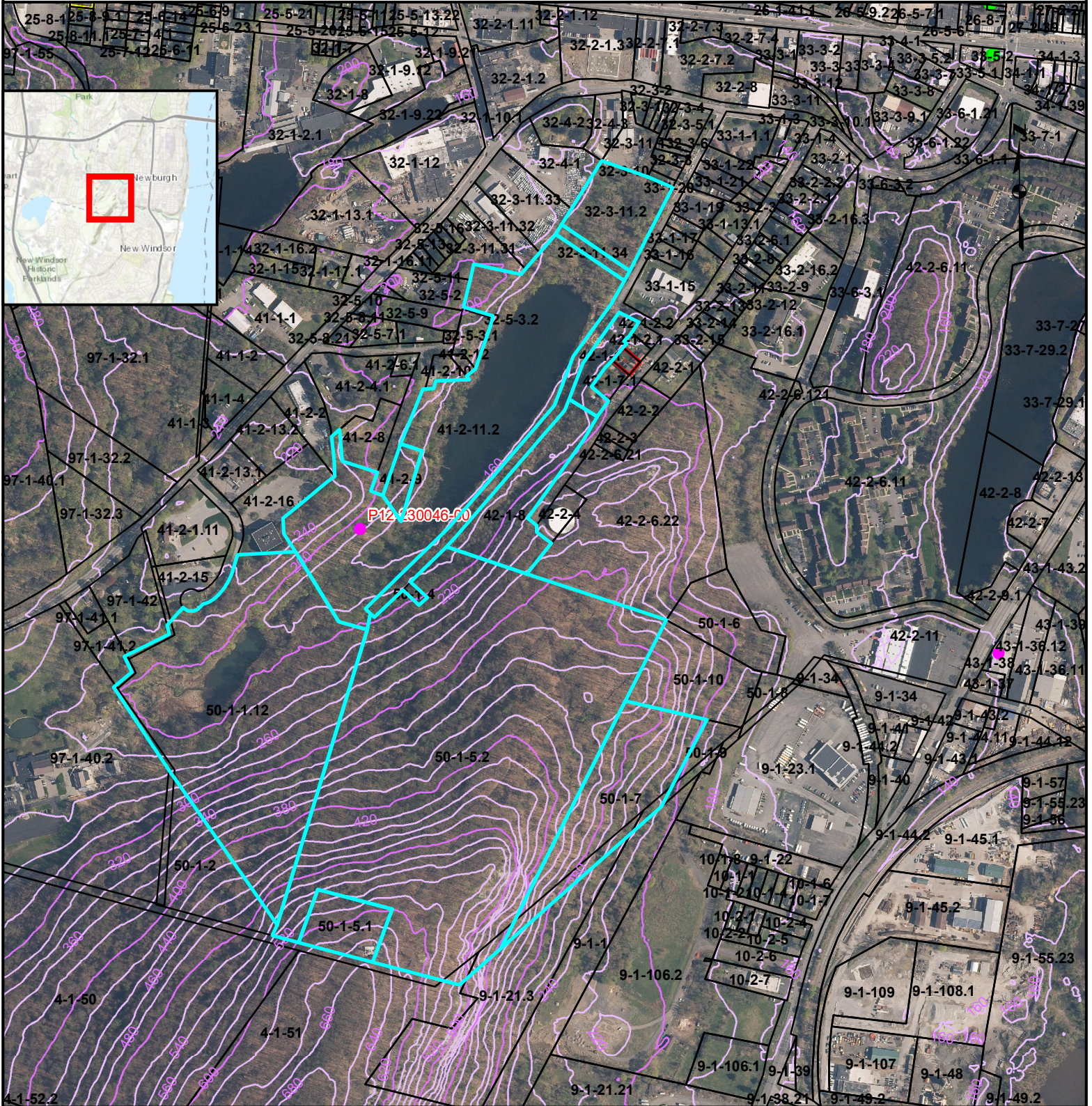
Date: 2/9/2023

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0 350 700  
Feet

This map was prepared for illustrative purposes only and is not suitable for surveying, engineering, or legal purposes.

# Legend



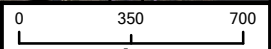
CPA GIS Report

Exhibit A

Job: 12-230046-

Date: 2/9/2023

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This map was prepared for illustrative purposes only and is not suitable for surveying, engineering, or legal purposes.

LOCAL LAW NO.: \_\_\_\_\_ - 2023

OF

FEBRUARY 27, 2023

**A LOCAL LAW AMENDING ARTICLE V “EXEMPTION FOR FIRST-TIME  
HOMEBUYERS OF NEWLY CONSTRUCTED HOMES” OF CHAPTER 270 “TAXATION”  
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law amending Article V ‘Exemption for First-Time Homebuyers of Newly Constructed Homes’ of Chapter 270 ‘Taxation’, of the Code of Ordinances of the City of Newburgh”.

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend the Code of the City of Newburgh to afford first-time homebuyers of newly constructed homes a partial exemption from real property taxes levied by the City as permitted under New York State Real Property Tax Law Section 457 as same has been amended by the New York State Legislature and to lengthen the exemption term as allowed by law.

**SECTION 3 - AMENDMENT**

Article V entitled “Exemption for First-Time Homebuyers of Newly Constructed Homes” of Chapter 270 entitled “Taxation” of the Code of Ordinances of the City of Newburgh is hereby amended to read as follows:

§ 270-26. Purpose.

The purpose of this article is to provide partial exemption from taxation and special ad valorem levies for owner-occupied, primary residential property that is newly constructed or reconstructed under certain conditions set forth below.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

§ 270-27. Definitions.

As used in this article, the following terms, phrases, words and their derivations shall have the following meanings:

FIRST-TIME HOMEBUYER ~ An individual or individuals who have not owned, and are not married to a person who has owned, a primary residential property during the three-year period prior to their purchase of the primary residential property for which this exemption is sought, and do not own a vacation or investment home.

INCOME ~ The adjusted gross income for federal income tax purposes as reported on the applicant's latest available federal or state income tax return, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account or an individual retirement annuity; provided that if no such return was filed within the one-year period preceding taxable status date, "income" means the adjusted gross income that would have been so reported if such a return had been filed.

LATEST AVAILABLE RETURN ~ The federal or state income tax return for the tax year immediately preceding the date of making application for the exemption; provided however, that if the tax return for such year has not been filed, then the income tax return for the tax year two years preceding the date of making application will be considered the latest available return.

NEWLY CONSTRUCTED ~ An improvement to real property which was constructed as a one- or two-family house, townhouse or condominium, which has never been occupied and was constructed after November 28, 2001, but on or before December 31, 2028 ~~2022~~. "Newly constructed" shall also mean that portion of a one- or two-family house, townhouse or condominium that is altered, improved or reconstructed.

PRIMARY RESIDENTIAL PROPERTY ~ Any one- or two-family house, townhouse, or condominium located in this state which is owner-occupied by such homeowner.

§ 270-28. Ownership eligibility requirements.

The following ownership eligibility requirements must be met in order to qualify for the first-time homebuyer exemption:

A. The property must be owned by a first-time homebuyer or homebuyers and used as their primary residence. If title to the property is transferred to someone other than the heirs or distributees of the homebuyer(s) during the term of the exemption, the exemption will be discontinued.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

B. The combined income of all the owners, and of any of the owners' spouses residing on the property, for the income tax year immediately preceding the date of application for exemption may not exceed the income limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one and two person household category for the county where such property is located and in effect on the contract date for the purchase and sale of such property.

#### § 270-29. Property use requirements.

The following property use requirements must be met in order to qualify for the first-time homebuyer exemption:

A. The property must be a newly constructed or reconstructed one- or two-family house, townhouse or condominium that is owner-occupied.

B. Other than for reconstruction projects, the home must never have been occupied previously.

C. No portion of an otherwise eligible single-family home may be leased for any purpose, or used primarily for nonresidential purposes, during the time the exemption applies. In either case, the exemption shall be discontinued.

#### § 270-30. Sales price and exemption limits.

The maximum sales price of an eligible newly constructed residence must not exceed the purchase price limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one family new category for the county where such property is located and in effect on the contract date for the purchase and sale of such property to qualify for exemption. Newly constructed residences purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for exemption for that portion of the sales price equal to the maximum eligible sales price; provided, however, that any newly constructed residence purchased at a sales price greater than fifteen percent above the maximum eligible sales price shall not be allowed any exemption.

#### § 270-31. Reconstruction exemption.

The exemption for reconstructed, altered or improved residential property is limited solely to the increase in assessed value attributable to such reconstruction, alteration or improvement, provided that the total market value of the property after the project completion does not exceed fifteen percent above the maximum eligible sales price. To be eligible for this exemption on existing homes, the first-time homebuyer must have provided for such reconstruction, alteration or improvement as part of the sale contract of the home or entered into a written contract for such work within 90 days of the purchase of the property. The value of such reconstruction, alteration

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Underlining denotes additions

or improvement must be greater than \$3,000.00 and cannot include the value of ordinary maintenance and repairs.

§ 270-32. Required construction start date and other time requirements.

Property must be constructed or reconstructed by a first-time homebuyer on or before December 31, ~~2028~~ 2022, unless such purchase is made pursuant to a binding written contract entered into on or before such date, and after November 28, 2001. First-time homebuyers who first received this exemption prior to December 31, ~~2028~~ 2022, will continue to receive the exemption according to the established schedule below. First-time homebuyers of existing homes seeking the exemption on the basis of reconstruction, alteration or improvement of the property must either have provided for such work in their purchase contract or enter into a written contract for such work within 90 days after the purchase of the home.

§ 270-33. Calculation of exemption.

A. City of Newburgh taxes and special ad valorem levies. The following is the exemption schedule:

Years of Exemption	Percentage of Assessed Valuation Exempt From Taxation
1	50%
2	40%
3	30%
4	20%
5	10%
6 or more	0%

B. City of Newburgh special assessments. No exemption allowed.

§ 270-34. Applications for exemption.

Such exemption shall be granted only upon application by the owner on a form prescribed by the State Board of the Office of Real Property Services to the City of Newburgh Assessor, submitted on or before the appropriate taxable status date and approval of such application by the Assessor.

**SECTION 4 – 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

~~Strikethrough~~ denotes deletions

Underlining denotes additions

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 5 - 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 6 - 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 7 - EFFECTIVE DATE**

This Local Law and shall be effective 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.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

City of Newburgh City Council  
Rules of Order and Procedure

**Rule I: General Rules of Procedure**

- A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate. The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.
- B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:
  - 1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
  - 2. Recess the session;
  - 3. Lay on table;
  - 4. Postpone to a meeting of a certain date;
  - 5. Refer to work session;
  - 6. Amend;
  - 7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.
- C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.
- D. A motion to adjourn may be made at the conclusion of the City Manager's Report and shall be decided without debate. The Presiding Officer may adjourn a meeting in an emergency which endangers the public health, safety or welfare.
- E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.
- F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.
- G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

- H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess.
- I. As the sergeant-at-arms of the meetings, the Police Chief, or designee, shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.
- J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- K. Council Member absence, violation of rules or disorderly behavior may be addressed by City Charter Section C4.01(A).

## **Rule II. Order of Business**

- A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances. Further comments from the Council shall be limited to 3 minutes for each Council Member.
- B. The Order of Business may be departed from by majority vote of the members present.

### **Rule II-A. Videoconferencing**

- A. Members of the City Council of the City of Newburgh are authorized to participate in meetings by videoconference when a Council Member is unable to be physically present due to extraordinary circumstances consistent with Public Officers Law § 103-a and Local Law No. A-2022 of August 8, 2022 and codified as Section 20-1.2 of the City Code of Ordinances as follows:
  - 1. A quorum of 4 Council Members must be present in the same physical location where the public can attend;
  - 2. All Council Members shall be physically present at any meeting of the City Council unless a Council Member is unable to be physically present due to extraordinary circumstances. Extraordinary circumstances are unexpected, unforeseen and uncommon and may include, but are not limited to:
    - a. disability;
    - b. illness;
    - c. isolation or quarantine order;
    - d. the death of a relative where such term is defined to include a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, domestic partner, or individual for whom the member is the legal or designated guardian;
    - e. caregiving responsibilities for a relative;



- B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.
- C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.
- D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. No resolution, ordinance or local law may be introduced at a meeting if it will result in exceeding the maximum number of work session items set forth in Rule X. Notwithstanding the foregoing, by majority vote, an emergency item concerning the public health, safety or welfare not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

#### **Rule IV. Executive Session**

Whenever the Council shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the New York State Open Meetings Law. All executive sessions shall be commenced at the public meeting. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed. The presiding officer shall direct all persons except members and designated officers and employees of the City to withdraw.

#### **Rule V. Participation of City Manager and Staff**

The City Manager shall be permitted to address the Council and participate in discussions. Heads of Departments shall be permitted to address the Council. Any other City officer or employee shall be permitted to address the Council with permission of the presiding officer, subject to an appeal by motion to the City Council, the appeal to be taken without debate.

#### **Rule VI. Suspension of the Rules**

In order to hear persons other than members of the City Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself/herself to the subject and shall spend not longer than three (3) minutes, unless the time is extended by the presiding officer. This rule shall not apply to public hearings.

## **Rule VII. Guidelines for Public Comment**

- A. The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.
- B. Speakers must adhere to the following guidelines:
  - 1. Speakers must be recognized by the presiding officer.
  - 2. Speakers must step to the designated speaking area in the room.
  - 3. Speakers must give their name, street name without number and organization, if any.
  - 4. Speakers must limit their remarks to 3 minutes. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
  - 5. Speakers may not yield any remaining time they may have to another speaker.
  - 6. Council members may, with the permission of the presiding officer, request to respond to a speaker's remarks after the speaker has concluded remarks or the speaker's time has expired, but only for the purpose of clarification or information.
  - 7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff. All speakers addressing the City Council at a public meeting shall speak from the public microphone with employees and agents of the City having the option to speak from the head table using a microphone. In no circumstances shall any speaker sit in front of the head table with his or her back to the public.
  - 8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
  - 9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.
- C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

## **Rule VIII. Use of Recording Equipment**

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate

in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

### **Rule IX. Rules for Public Hearings**

The following rules shall apply to a legally required public hearing held before the City Council:

- (a) The Presiding Officer shall recognize each speaker when the hearing is commenced. Speakers shall identify themselves, their street name and organization, if any, prior to the remarks.
- (b) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.
- (c) All remarks shall be addressed to the Council as a body and not to any individual member thereof.
- (d) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.
- (e) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.
- (f) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

### **Rule X. Work Sessions**

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the

work session. The number of work session items and presentations shall be limited to 20. Presentations shall be limited to 10 minutes. Priority shall be given to those items which require the action of the City Council before the next regularly scheduled work session. Items considered in Executive Session shall be excluded from the maximum number of work session items.

#### **Rule XI. Robert's Rules of Order**

In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10<sup>th</sup> Edition, shall be followed.

#### **Rule XII. Adoption of Ordinances**

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)

January 10, 2014 (Rule IV)

February 22, 2016

April 24, 2017 (Rule VII(B) amended)

January 22, 2018 (Rule II, Rule VII(B), Rule IX amended)

October 22, 2018 (Rule III(D) and Rule X amended)

February 14, 2022 (Rule I(K) added, Rule 1(D), Rule 1(H), VII(B)(2), VII(b)(6) amended)

February 27, 2023 (Rule II-A added)

Approved: February ~~27~~<sup>14</sup>, 202~~3~~<sup>2</sup>

LOCAL LAW NO.:   A   - 2022

OF

AUGUST 8, 2022

A LOCAL LAW ADDING SECTION 20-1.2 ENTITLED "VIDEOCONFERENCING"  
TO CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

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 adding Section 20-1.2 entitled 'Videoconferencing' to Chapter 20 of the Code of Ordinances of the City of Newburgh".

SECTION 2 - PURPOSE AND INTENT

It is the intent of this Local Law to provide members of the City Council and the public bodies of the City of Newburgh the ability to participate in meetings via videoconference in a manner consistent with the authority granted in Public Officers Law § 103-a.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Section 20-1.2 entitled "Videoconferencing" to Chapter 20 of the Code of Ordinances of the City of Newburgh to read as follows:

§ 20-1. Meetings.

All meetings of the Council will be held in the Council Chambers at City Hall, 83 Broadway ~~the City of Newburgh Activity Center in the Recreation Park at the corner of Washington Street and Lake Street, Newburgh, New York, at 7:00~~<sup>30</sup> p.m. or at such other time and place as the Council may direct. Any meeting so held may be adjourned to a different time and place within the City by vote of a majority of the Council.

§ 20-1.2 Videoconferencing.

- A. All public bodies of the City of Newburgh are authorized to use videoconferencing technology to conduct their meetings in accordance with the provisions of section 103-a of the Public Officers Law, subject to the following conditions:

Underlining denotes additions

~~Strikethrough~~ denote deletions

1. A minimum number of members of the public body sufficient to fulfill the public body's quorum requirement must be present in the same physical location where the public can attend;
2. All members of the public body shall be physically present at any meeting of the public body unless a member is unable to be physically present due to extraordinary circumstances. Extraordinary circumstances include, but are not limited to:
  - a. disability;
  - b. illness;
  - c. isolation or quarantine order;
  - d. the death of a relative where such term is defined to include a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, domestic partner, or individual for whom the member is the legal or designated guardian;
  - e. caregiving responsibilities for a relative;
  - f. responsibilities and/or obligations of the member's primary employment or business;
  - g. or any other significant or unexpected factor that may preclude physical attendance.
3. A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for their absence to the extent possible to the appointed leadership of the public body. For purposes of the Council, such notice shall be provided to the Mayor, or in the Mayor's absence to the President Pro Tem, with a copy to the City Manager and City Clerk.
4. The leadership of a public body may require any member requesting to participate in a meeting by teleconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.
5. Except in the case of executive sessions, the public body shall ensure that members who are participating remotely can be heard, seen, and identified at all times when the meeting is being conducted.
6. The minutes of meetings involving videoconferencing shall state which members, if any, participated by videoconference, and shall be available to the public.
7. If videoconferencing is being used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
8. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation as in person participation.

Underlining denotes additions

~~Strikethrough~~ denote deletions

9. Any and all videoconferencing technology used for public meetings shall be made accessible to members of the body and the public with disabilities in accordance with the Americans with Disabilities Act of 1990, as amended.
  10. Nothing herein shall prohibit a City of Newburgh public body from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of New York pursuant to Executive Law § 28 or by the Orange County Executive or City Manager of the City of Newburgh pursuant to Executive Law § 24 if such public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
- B. These written procedures governing member attendance by videoconference at meetings of public bodies, together with any supplemental, but not contrary, written procedures that public bodies may adopt on the subject of videoconferencing, shall be conspicuously posted on the City of Newburgh's website.

#### SECTION 4 - 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 5 - 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 6 - 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.

Underlining denotes additions

~~Strikethrough~~ denote deletions

SECTION 7 - 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.

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 8/8/22  
and that it is a true and correct copy of such original.  
Witness my hand and seal of the City of  
Newburgh this 9<sup>th</sup> day of Aug. 20 22  
Katrina Cotten  
Deputy City Clerk

Underlining denotes additions  
~~Strikethrough~~ denote deletions