City of Newburgh Council Work Session
Sesion de trabajo del Concejal de la Ciudad de Newburgh
September 21, 2017
6:00 PM

Council Meeting Presentations

1. Comptroller Report - August Financials
   Reporte financiero del mes de agosto

2. Public Hearing - Local Law proposing amendments to First Time Homebuyers of Newly Constructed Homes Tax Exemption

   A public hearing will be held on Monday, September 25, 2017 to hear comments concerning proposed amendments to the income levels and exemption term of the First Time Homebuyers of Newly Constructed Homes Tax Exemption.

   Una audiencia pública se llevara a cabo el lunes, 25 de septiembre de 2017 para escuchar los Comentarios Públicos con respecto a las enmiendas propuestas a los niveles de ingresos económicos y términos de exención de la exención de impuestos para compradores de viviendas por primera vez de casas recién construidas.

Work Session Presentations

3. Police Chief Candidates

4. Liberty & Grand Street Sewer Separation Project Update Presentation

   A presentation on the pending Liberty & Grand Street sewer separation project. (Jason Morris)

   Una presentación sobre el proyecto pendiente de la separación de alcantarillado en la Calle Liberty y Grand. (Jason Morris)

Finance/Finanza

5. Additional Funding Needed for Liberty/Grand St Project

   Bond Resolution of the City of Newburgh, New York, adopted September 11, 2017, authorizing additional financing for the Liberty and Grand Street Sewer Improvements Project in the City, stating the estimated total cost thereof is $3,600,000, appropriating $1,100,000 for such purpose, in addition to the $2,500,000 previously appropriated therefor; and authorizing the issuance of $1,100,000 bonds to finance said additional appropriation. (Katie Mack)

   Una resolución de bonos de la Ciudad de Newburgh, Nueva York, adoptada el 11 de septiembre de 2017, autorizando financiamiento

adicional para el proyecto de mejoramiento de alcantarillado de las calles Liberty y Grand en la Ciudad, declarando que el costo total estimado es de $3,600,000, apropiando $1,100,000 para tales fines, además de $2,500,000 consignados previamente; y autorizando la emisión de $1,100,000 en bonos para financiar dicha apropiación adicional. (Katie Mack)

6. Four Year Cyclical Reassessment Plan and Financial Aid Application

   Resolution supporting a four year cyclical reassessment plan and authorizing the City Manager and City Assessor to apply for and accept if awarded aid for cyclical assessments from the New York State Department of Taxation and Finance Office of Real Property Tax Services. (Katie Mack)

   Una resolución apoyando el plan de revaloración cíclica de cuatro años y autorizando al Gerente de la Ciudad y al Asesor de la Ciudad a solicitar y aceptar si ayuda para evaluaciones cíclicas es otorgada por el Departamento del Estado de Nueva York la Oficina de Finanzas e Impuestos de Servicios Fiscales de Bienes Raíces. (Katie Mack)

Planning and Economic Development/Planificación y Desarrollo Económico

7. Release of restrictive covenants - 38 Hasbrouck Street

   Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Frank Lippolis to the premises known as 38 Hasbrouck Street (Section 38, Block 3, Lot 47). (Jeremy Kaufman)

   Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso por medio de una escritura proporcionada a Frank Lippolis a las instalaciones conocidas como la 38 de la Calle Hasbrouck (Sección 38, Bloque 3, Lote 47). (Jeremy Kaufman)

8. Release of Restrictive Covenants - 39 City Terrace

   Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Alejandrino Florentino to the premises known as 39 City Terrace (Section 29, Block 4, Lot 13). (Jeremy Kaufman)

   Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso por medio de una escritura proporcionad a Alejandrino Florentino a las instalaciones conocidas como la 39 de City Terrace (Sección 29, Bloque 4, Lote 13). (Jeremy Kaufman)

9. Release of Restrictive Covenants - 61 Henry Avenue

   Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Yvette Sims to the premises known as 61 Henry Avenue f/k/a 59-63 Henry Avenue (Section 48, Block 10, Lot 4.1) (Jeremy Kaufman)

Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso por medio de una escritura proporcionada a Yvette Sims a las instalaciones conocidas como la 61 de la Avenida Henry formalmente conocido como la 59-63 de la Avenida Henry (Sección 48, Bloque 10, Lote 4.1) (Jeremy Kaufman)

10. Extension of Time to Rehabilitate 2 Liberty Street

    Resolution authorizing a one year extension of time to rehabilitate premises owned by John Bonhomme known as 2 Liberty Street (Section 46, Block 1, Lot 18) (Jeremy Kaufman)

    Una resolución autorizando una extensión por el periodo de un año para rehabilitar las instalaciones conocidas como la 2 de la Calle Liberty (Sección 46, Bloque 1, Lote 18) las cuales son propiedad de John Bonhomme. (Jeremy Kaufman)

11. Orange Ulster BOCES Letter of Agreement for Storage of Archival Materials

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

    Una resolución autorizando al Gerente de la Ciudad a entrar en un acuerdo con Orange-Ulster BOCES por el almacenamiento de registros municipales archivados. (Deirdre Glenn)

12. Commencement of SEQRA for a Developer Agreement with Alembic Community Development for Stabilization and Redevelopment of the Dutch Reformed Church, City Club, & 2 Mont. St

    Resolution of the City Council of the City of Newburgh declaring its intent to be lead agency under State Environmental Quality Review Act (SEQRA) for the purpose of approving a development agreement with Alembic Community Development, declaring the project to be a Type I Action, considering a Full Environmental Assessment form (EAF) and referring same to involved and interested agencies. (Jeremy Kaufman & Deirdre Glenn)

    Una resolución del Concejo Municipal de la Ciudad de Newburgh declarando su intención para ser la agencia líder bajo el Acta Estatal de Revisión de Calidad Ambiental conocido por sus siglas en inglés (SEQRA) con el propósito de aprobar un acuerdo de desarrollo con "Alembic Community Development", declarando el proyecto como una Acción Tipo I, considerando un Formulario Completo de Evaluación Ambiental conocido por sus siglas en inglés (EAF) y refiriendo el mismo a las agencias envueltas e interesadas. (Jeremy Kaufman y Deirdre Glenn)

13. Purchase of 139 William Street

    Resolution to authorize the conveyance of real property known as 139

William Street (Section 45, Block 10, Lot 26) at private sale to Michael Moscati for the amount of $4,000.00. (Deirdre Glenn)

Una resolución para autorizar el traspaso de bienes raíces conocidas como la 139 de la Calle William (Sección 45, Bloque 10, Lote 26) en una venta privada a Michael Moscati por la cantidad de $4,000.00. (Deirdre Glenn)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

14. $50,000 Larkin Grant for Fire Department Vehicles

Resolution authorizing the City Manager to apply for and accept if awarded a SFY 2017-2018 New York State Senate Initiative Grant from Senator William Larkin in an amount not to exceed $50,000.00 with no City match to purchase two sport utility vehicles for the City of Newburgh Fire Department. (Acting Chief Terry Ahlers & Katie Mack)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar si es otorgado una subvención de Iniciativa del Senado del Estado de Nueva York SFY 2017-2018 del Senador William Larkin por una cantidad que no exceda $50,000.00 sin necesidad que la Ciudad iguale los fondos para comprar dos vehículos deportivos de utilidad para el Departamento de Bomberos de la Ciudad de Newburgh. (Jefe Interino Terry Ahlers y Katie Mack)

15. $125,000 Skartados SAM Grant for Fire Department Vehicles

Resolution authorizing the City Manager to apply for and accept if awarded a DASNY State and Municipal Facilities Program Grant
from Assemblyman Frank Skartados in an amount not to exceed $125,000.00 with no City match to purchase two sport utility vehicles and one pick-up truck for the City of Newburgh Fire Department. (Acting Chief Terry Ahlers & Katie Mack)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar si es otorgado una Subvención del Programa de Instalaciones Estatales y Municipales DASNY del Asambleísta Frank Skartados por una cantidad que no exceda $125,000.00 sin necesidad que la Ciudad iguale los fondos para comprar dos vehículos deportivos de utilidad y una camioneta para el Departamento de Bomberos de la Ciudad de Newburgh. (Jefe Interino Terry Ahlers y Katie Mack)

Recreation/Recreacion

16. Re-purpose of Delano-Hitch Tennis Courts

Resolution authorizing the City Manager to re-purpose the tennis courts located in Delano-Hitch Recreation Park into a youth soccer field. (Derrick Stanton)

Una resolución autorizando al Gerente de la Ciudad para reutilizar las canchas de tenis ubicadas en el Parque de Recreación Delano-Hitch en una cancha de futbol juvenil. (Derrick Stanton)

Local Laws/Leys Locales

17. Proposed amendments to Local Law No. 1-2015 - Residency

    Local Law amending Section C3.12 entitled “Residency Requirements” of the Code of the City of Newburgh. (Jeremy Kaufman)

    Una Ley Local enmendando Sección C3.12 titulada “Requerimientos Residenciales” del Código de la Ciudad de Newburgh. (Jeremy Kaufman)

Executive Session/ Sesión Ejecutiva

18. Pending litigation

    Litigación Pendiente

RESOLUTION NO.: 258 - 2017

OF

SEPTEMBER 11, 2017

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 25, 2017 TO HEAR PUBLIC COMMENT CONCERNING FURTHER AMENDMENT TO THE INCOME LEVELS AND EXEMPTION TERM OF CHAPTER 270 "TAXATION" ARTICLE V "EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES" OF THE CODE 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 further amendment to the income levels and the exemption term of Article V entitled "Exemption for First-time Homebuyers of Newly Constructed Homes" to Chapter 270 "Taxation" of the Code 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 25th day of September, 2017, in the 3rd Floor Council Chambers, 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 9/11/17 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 12 day of Sept 2017

City Clerk

LOCAL LAW NO.: _____ - 2017

OF

_____, 2017

A LOCAL LAW TO FURTHER AMEND THE INCOME LEVELS AND THE EXEMPTION TERM OF CHAPTER 270 "TAXATION" ARTICLE V "EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES" OF THE CODE 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 to further amend the Income Levels and the Exemption Term of Chapter 270 'Taxation', Article V 'Exemption for First-Time Homebuyers of Newly Constructed Homes' of the Code 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

Chapter 270 entitled "Taxation" of the Code of the City of Newburgh is hereby amended by the following amendment to Article V entitled "Exemption for First-Time Homebuyers of Newly Constructed Homes" which is now to read as follows:

~~Strikethrough~~ denotes deletions
Underlining denotes additions

§ 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.

§ 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, 2022 ~~2016~~. "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.

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§ 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.

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 ~~$81,830.00~~.

§ 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 ~~$399,370.00~~ 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 ~~$459,275.00~~ shall not be allowed any exemption.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

§ 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 ~~$459,275.00~~. 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 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, 2022 ~~30, 2010~~, 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, 2022 ~~2016~~, 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.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

§ 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 - 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 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SECTION 6 - FILING

In addition to the Office of the New York State Secretary of State, copies of this Local Law shall be filed with the State Board of the Office of Real Property Services and the City of Newburgh Assessor.

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Real Property Tax Law (Refs & Annos)
Chapter 50-a. Of the Consolidated Laws
Article 4. Exemptions
Title 2. Private Property

McKinney's RPTL § 457

§ 457. Exemption for first-time homebuyers of newly constructed homes

Effective: December 31, 2016

Currentness

1. Newly constructed primary residential property purchased by one or more persons, each of whom is a first-time homebuyer and has not been married to a homeowner in the three years prior to applying for this first-time homeowners exemption, shall be exempt from taxation levied by or on behalf of any county, city, town, village or school district in which such newly constructed residential property is located, provided the legislative body or governing board of such county, city, town or village, after public hearing, adopts a local law, or a school district, other than a school district to which article fifty-two of the education law applies, adopts a resolution providing therefor. The length of such exemption shall be set forth in such local law or resolution, but in no event shall it exceed five years. Such exemption shall be computed in accordance with the following table:

Year of Exemption	**Percentage assessed** **Valuation exempt from tax**
1	50
2	40
3	30
4	20
5	10
6 or more	0

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A copy of such local laws or resolutions shall be filed with the commissioner and the assessor of such county, city, town, or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Any newly constructed primary residential real property within 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, shall be eligible for the exemption allowed pursuant to this section.

(b) A first-time homebuyer who either as part of the written contract for sale of the primary residential property, or who enters into a written contract within ninety days after closing of the sale of the primary residence for reconstruction, alteration or improvements, the value of which exceeds three thousand dollars, to the primary residential property shall be exempt from taxation to the extent provided by this section. Such exemption shall apply solely to the increase in assessed value thereof attributable to such reconstruction, alteration or improvement provided that the assessed value after reconstruction, alteration, or improvements does not exceed fifteen percent more than the purchase price limits as defined in paragraph (a) of this subdivision. For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

(c) A first-time homebuyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds 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.

(i) The term "household income" as used herein shall mean the total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

(ii) The term "income" as used herein shall mean 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 and an individual retirement annuity; provided that if no such return was filed within the one year period preceding taxable status date, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this subdivision, "latest available return" shall mean the federal or state income tax return for the year immediately preceding the date of making application, provided however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

3. Newly constructed primary residential property purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this section for that portion of the sales price of such newly constructed primary residential property equal to the maximum eligible sales price, provided, however, that any newly constructed primary residential property purchased at a sales price greater than fifteen percent above the

maximum eligible sales price shall not be allowed any exemption.

4. The legislative body or governing board of a county, city, town or village may adopt a local law, or a school district, other than a school district to which article fifty-two of the education law applies may adopt a resolution to provide for an increase not to exceed twenty-five per centum on the purchase price limit used for eligibility for the exemption provided for in this section.

5. No exemption shall be allowed pursuant to this section for any newly constructed primary residential property purchased by a first-time homebuyer on or after December thirty-first, two thousand twenty-two, unless such purchase is pursuant to a binding written contract entered into prior to December thirty-first, two thousand twenty-two. Provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this section prior to such date shall continue to be allowed further exemptions pursuant to subdivision one of this section.

6. (a) No portion of a single family newly constructed primary residential property shall be leased during the period of time when the first-time homeowner exemption shall apply to the residence. If any portion of the single family newly constructed primary residential property is found to be the subject of a lease agreement the assessor shall discontinue any exemption granted pursuant to this section.

(b) In the event that a primary residential property granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall be discontinued.

(c) Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

7. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village and county.

8. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision seven of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

9. For purposes of this section: (a) "first-time homebuyer" means a person who has not owned a primary residential property

and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

(b) "Primary residential property" means any one or two family house, townhouse or condominium located in this state which is owner occupied by such homebuyer.

(c) "Newly constructed" means an improvement to real property which was constructed as a primary residential property, and which has never been occupied and was constructed after the effective date of this section. "Newly constructed" shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

Credits

(Added L.2001, c. 529, § 2, eff. Nov. 28, 2001. Amended L.2003, c. 496, § 1, eff. Sept. 9, 2003; L.2005, c. 657, § 1, eff. Sept. 16, 2005; L.2010, c. 56, pt. W, § 1, subd. (b), eff. June 22, 2010; L.2011, c. 77, § 1, eff. June 8, 2011; L.2017, c. 128, § 1, eff. July 25, 2017, deemed eff. Dec. 31, 2016.)

Notes of Decisions (4)

McKinney's R. P. T. L. § 457, NY RP TAX § 457
Current through L.2017, chapters 1 to 23, 25 to 170.

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New York State Department of Taxation and Finance
Office of Real Property Tax Services

RP-457-Ins
(4/13)

Instructions for Form RP-457

Application for Real Property Tax Exemption for First-Time Homebuyers of Newly Constructed Homes

(Real Property Tax Law, Section 457)

Authorization for exemption

Section 457 of the Real Property Tax Law authorizes a partial exemption from real property taxation for "newly constructed homes" purchased by "first-time homebuyers." Counties, cities, towns, and villages may hold public hearings and then adopt local laws granting the exemption. School districts, other than those in the cities of New York, Buffalo, Rochester, Syracuse, and Yonkers, have the option to hold hearings and pass resolutions providing that the exemption applies to school taxes.

Eligibility for exemption

For purposes of this exemption, a "first-time homebuyer" is any person who has not owned - and whose spouse has not owned - a primary residential property during the previous three years, and who does not own a vacation or investment home. A qualifying "newly constructed home" is a one- or two-family residence, townhouse, or condominium, which was constructed after November 28, 2001, is owner-occupied, and was not previously occupied. The exemption also applies to a renovation or remodeling of an existing home purchased by a first-time homebuyer, provided the renovation or remodeling costs exceed $3,000 and the contract for the work is contracted for within 90 days from the date of purchase.

Eligibility for the exemption also depends, in part, on the homebuyer's income and the purchase price of the home. The "household income" (defined as the total combined incomes of all of the owners and their resident spouses) may not exceed the income limits established by the State of New York Mortgage Agency (SONYMA) and in effect on the contract date for the purchase and sale of the property for its low interest mortgage program in its non-target, one and two person household category for the county where the property is located. The purchase price of the home is similarly limited, with two exceptions: (1) municipalities opting into the program may increase the purchase price limit by up to 25%, and (2) where the purchase price exceeds the applicable limit by 15% or less, the exemption may be granted as if the purchase price equaled the applicable limit (but otherwise no exemption may be granted). The applicable SONYMA limits are available on that agency's Web site *(www.nyhomes.org/home/buyers)*. SONYMA may also be contacted at 641 Lexington Avenue, New York NY 10022 or by telephone (toll free) at 1 800 382-4663.

"Income" for purposes of this exemption is defined as 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 any taxable amounts of distributions from individual retirement accounts or individual retirement annuities (IRAs). A copy of the income tax return(s) must be filed with the application.

Scope and duration of exemption

The exemption, if authorized, lasts for a maximum term of five years, beginning at fifty percent in the first year and declining to ten percent in the fifth and final year. A municipality that opts in to the program may also opt to grant the exemption for a shorter term. Where it is adopted, the exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments. The exemption applies only to homes purchased or contracted for before December 31, 2016.

Filing application

Application should be filed with the city or town assessor. Application for exemption from village taxes in villages should be filed with the assessor who prepares the assessment roll used in levying village taxes. In Nassau County, application for exemption from county, town, or school district taxes should be filed with the Nassau County Board of Assessors. In Tompkins County, application for exemption from county, city, town, village, or school district taxes should be filed with the Tompkins County Division of Assessment.

Time of filing application

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Tax Law, the taxable status date is March 1. In towns in Nassau County, the taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In villages and cities, the taxable status dates vary, and the appropriate assessor should be consulted for the correct date.

Once the exemption has been granted, it is not necessary to reapply for the exemption after the initial year for the exemption to continue. There is no need to reapply in subsequent years, but, if the property ceases to be used primarily for residential purposes, or if the property is a single-family residence and any portion is leased, or if title to the property is transferred to persons other than the heirs or distributees of the owner, the exemption is terminated.

SONYMA

SONYMA Low Interest Rate Mortgage Program*

Income and Purchase Price Limits

Effective Date: For Reservations Accepted July 7, 2017 and Until Further Notice

		INCOME LIMITS Household Size				PURCHASE PRICE LIMITS							
						1 Family		2 Family					
		1 & 2 Person**		3 + Person**		New & Existing		New*** & Existing		3 Family Existing		4 Family Existing	
SONYMA REGION	COUNTY	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target
I BUFFALO	Cattaraugus	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Chautauqua	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Erie	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Niagara	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
II ROCHESTER	Genesee	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Livingston	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Monroe	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Ontario	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Orleans	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Seneca	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Wayne	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Wyoming	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Yates	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
III SYRACUSE	Cayuga	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Cortland	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Madison	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Onondaga	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Oswego	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
IV BINGHAMTON	Allegany	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Broome	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Chemung	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Chenango	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Delaware	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Otsego	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Schuyler	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Steuben	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Tioga	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Tompkins	$75,600	$90,720	$86,940	$105,840	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
V MID-HUDSON	Columbia	$74,600	$83,520	$85,790	$104,440	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Dutchess	$107,280	$107,280	$125,160	$125,160	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Greene	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Orange	$107,280	$107,280	$125,160	$125,160	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Putnam	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Sullivan	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Ulster	$78,500	$94,200	$90,275	$109,900	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580

SONYMA

SONYMA Low Interest Rate Mortgage Program*

Income and Purchase Price Limits

Effective Date: For Reservations Accepted July 7, 2017 and Until Further Notice

SONYMA REGION	COUNTY	INCOME LIMITS Household Size 1 & 2 Person** Non-Target	1 & 2 Person** Target	3 + Person** Non-Target	3 + Person** Target	PURCHASE PRICE LIMITS 1 Family New & Existing Non-Target	1 Family New & Existing Target	2 Family New*** & Existing Non-Target	2 Family New*** & Existing Target	3 Family Existing Non-Target	3 Family Existing Target	4 Family Existing Non-Target	4 Family Existing Target
VI CAPITAL	Albany	$83,100	$99,720	$95,565	$116,340	$268,940	$328,700	$344,300	$420,810	$416,160	$508,640	$517,160	$632,090
	Montgomery	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Rensselaer	$83,100	$99,720	$95,565	$116,340	$268,940	$328,700	$344,300	$420,810	$416,160	$508,640	$517,160	$632,090
	Saratoga	$83,100	$99,720	$95,565	$116,340	$268,940	$328,700	$344,300	$420,810	$416,160	$508,640	$517,160	$632,090
	Schenectady	$83,100	$99,720	$95,565	$116,340	$268,940	$328,700	$344,300	$420,810	$416,160	$508,640	$517,160	$632,090
	Schoharie	$83,100	$99,720	$95,565	$116,340	$268,940	$328,700	$344,300	$420,810	$416,160	$508,640	$517,160	$632,090
VII MOHAWK VALLEY	Clinton	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Essex	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Franklin	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Fulton	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Hamilton	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Herkimer	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Jefferson	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Lewis	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Oneida	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	St. Lawrence	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Warren	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
	Washington	$73,400	$88,080	$84,410	$102,760	$253,800	$310,210	$324,960	$397,180	$392,800	$480,080	$488,110	$596,580
VIII DOWNSTATE	Rockland	$124,320	$124,320	$145,040	$145,040	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Westchester	$133,680	$133,680	$155,960	$155,960	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
IX LONG ISLAND	Nassau	$132,960	$132,960	$155,120	$155,120	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Suffolk	$132,960	$132,960	$155,120	$155,120	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
X NEW YORK CITY	Bronx	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Kings	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	New York	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Queens	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800
	Richmond	$114,480	$114,480	$133,560	$133,560	$585,710	$715,870	$749,920	$916,570	$906,460	$1,107,900	$1,126,470	$1,376,800

* Applicants whose incomes are within these limits will receive the Achieving the Dream interest rate when applying for a Homes for Veterans or Graduate to Homeownership loan.

** Household size is determined by the number of persons in the household including children, regardless of age. For example, a married couple with one two-year old child would use the 3+ person household limit.

*** For target areas only. New Two Families are not permitted in non-target areas.

PLEASE POST CONSPICUOUSLY

THE CITY OF NEWBURGH
CIVIL SERVICE COMMISSION ANNOUNCES

OPEN- COMPETITIVE EXAMINATION NO. 60184

FOR

POLICE CHIEF (C)

DATE OF EXAM
MARCH 18, 2017

LAST FILING DATE
FEBRUARY 21, 2017
Extended until March 3, 2017

SALARY RANGE
$104,138 -$116,076

POLICE CHIEF (C) EXAM NO. 60184- City of Newburgh Police Department. Public Safety Building, Newburgh, NY 12550. The resulting eligible list from this exam will be used to fill existing and future vacancies.

There is a $50.00 application filing fee for this examination. The fee is non-refundable even for disapproved applications, therefore, applicants should be sure they meet the minimum qualifications and complete the application in full. NO PERSONAL CHECKS ACCEPTED. CASH OR MONEY ORDER MADE PAYABLE TO THE CITY OF NEWBURGH ONLY.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO SEE THAT HIS/HER APPLICATION IS FILED WITH THE OFFICE OF THE CIVIL SERVICE COMMISSION, CITY HALL, 83 BROADWAY, NEWBURGH, NEW YORK, NOT LATER THAN FEBRUARY 21, 2017. APPLICATIONS RECEIVED BY MAIL WILL NOT BE ACCEPTED AFTER POSTMARK DATE OF FEBRUARY 21, 2017.

DISTINGUISHING FEATURES OF THE CLASS: This position is responsible for planning, organizing, administering, directing and coordinating the activities of the police department; Performs related work as required; Works under the administrative supervision of the City Manager

MINIMUM QUALIFICATIONS TO APPLY FOR EXAM:

A. Graduation from a regionally accredited college or university or one accredited by the NYS Board of Regents to grant degrees with a Bachelor's Degree in Criminal Justice, Police Science, Public Administration or a closely related field AND four years of full-time experience as a Police Officer, two years of which shall have been supervisory experience as a second line supervisor; OR;

B. Graduation from a regionally accredited college or university or one accredited by the NYS Board of Regents to grant degrees with an Associate's Degree in Criminal Justice, Police Science, Public Administration or a closely related field AND six years of full-time experience as a Police Officer, two years of which shall have been supervisory experience as a second line supervisor.

NOTES:

1. New York State Civil Service Law, Section 58 1-b requires that candidates appointed to the rank of Police Chief must have been appointed at one time a Police Officer from an eligible list established in accordance with merit and fitness or have previously served as a member of the New York State Police.
2. Second line supervisor is defined as two ranks above the rank of Police Officer.
3. Copy of Degree must be submitted with application or no later than the last filing date.

RESIDENCY: Preference in appointment may be given to successful candidates who are legal residents of the City of Newburgh. City of Newburgh residency required within 90 days of permanent appointment.

SUBJECT OF WRITTEN EXAMINATION: The written test will be designed to test for knowledge, skills and abilities in the following areas:

1. Knowledge of law enforcement methods, practices and procedures.
2. Knowledge of New York State Laws.
3. Police Administrative Supervision and Administration.
4. Job Simulation Exercises in Police Administration and Command.
5. Understanding and Interpreting Written Material.
6. Preparing written material in a police setting.

An expanded description of the scope of the exam is available at the civil service office upon request. A Guide for the Written Test for Police Chief/Assistant Chief is available at the NYS website: www.cs.ny.gov/testing/localtestguides.cfm . Candidates may also obtain a copy upon request from the office of the Newburgh Civil Service Commission.

VETERAN'S CREDITS: A disabled or non-disabled veteran who wishes to establish eligibility for additional credits, must claim these credits on the application and complete the veteran's credit application form inserted with the application. Candidates must also provide proof of war service (DD214) with the application forms.

NOTICE TO CANDIDATES: The use of calculators is PROHIBITED for this exam.

The passing grade for this examination is 70.0.
This examination is announced and will be rated in accordance with Section 23-2 of the Civil Service Law. The provisions of the New York State Civil Service Law and Rules and Regulations dealing with the rating of examinations will apply to this examination. The passing grade for this exam is 70.0.

PERC STATEMENT:
The final rating key for this examination will be established by the State Civil Service Commission prior to the testing date, upon recommendation of a committee of police experts who will review all the questions for appropriateness and accuracy. There will be no review of the questions by candidates. This committee was selected with the assistance of, and the endorsement by, the Police Conference of New York, Inc., the Metropolitan Police Conference of New York State, Inc., and the New York State Association of Chiefs of Police.

Note to Handicapped or Disabled Candidates and Saturday Sabbath Observes: If special arrangements for testing are required, indicate so on your application form.

Application are available at the Civil Service Commission City Hall, 83 Broadway, Newburgh, NY 12550, or on-line at www.cityofnewburgh-ny.gov.

CITY OF NEWBURGH
AN EQUAL OPPORTUNITY EMPLOYER

Thomas Murphy- Chairman
Vera Best - Commissioner
John Powell- Commissioner
Michelle Mills - Administrator

Issue date: January 17, 2017

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

September 11, 2017

* * *

A regular meeting of the City Council of the City of Newburgh, in the County of Orange, New York, was held at the City Hall, Newburgh, New York, on September 11, 2017, at _____ o'clock P.M. (Prevailing Time).

There were present: Hon. Judy Kennedy, Mayor; and

Councilpersons:

There were absent:

Also present: Lorene Vitek, City Clerk

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____ -2017

OF

SEPTEMBER 11, 2017

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 11, 2017, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $3,600,000, APPROPRIATING $1,100,000 FOR SUCH PURPOSE, IN ADDITION TO THE $2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF $1,100,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. Based upon the review of this action by the City Engineer of the City of Newburgh, in the County of Orange, New York (herein called the "City"), the City Council hereby determines that the specific object or purpose authorized to be financed pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) ("SEQRA") and requires no further proceedings under SEQRA.

Section 2. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is $3,600,000 and $1,100,000 is hereby appropriated therefor, in addition to the $2,500,000 previously appropriated pursuant to the bond resolution no. 290-2014 adopted by the City Council on November 24, 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of $1,100,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable, with the expectation that any grant funds received by the City from the New York State Environmental Facilities Corporation shall be used to pay a part of the cost of the project or to pay debt service on bonds or notes issued to finance the project or shall be budgeted as an offset to such taxes to be levied and collected.

Section 2. Bonds of the City in the aggregate principal amount of $1,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said $1,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing

bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller/Director of Finance, the chief fiscal officer of the City.

Section 7. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

"The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the city during the effective period of this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the city to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged."

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in *"The Sentinel," "The Mid Hudson Times,"* and *"The Hudson Valley Press,"* three newspapers each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

The adoption of the foregoing resolution was seconded by _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on September 11, 2017, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this _____ day of September, 2017.

(SEAL)

_____
City Clerk

(THE FOLLOWING NOTICE IS TO BE ATTACHED TO AND
TO BE PUBLISHED
WITH SUMMARY OF RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, summary of which is published herewith, has been adopted on September 11, 2017, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the CITY OF NEWBURGH, in the County of Orange, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

LORENE VITEK
City Clerk

RESOLUTION NO. _____ OF 2017

BOND RESOLUTION DATED SEPTEMBER 11, 2017

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 11, 2017, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $3,600,000, APPROPRIATING $1,100,000 FOR SUCH PURPOSE, IN ADDITION TO THE $2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF $1,100,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

object or purpose: to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C, at the estimated maximum cost of $3,600,000

period of probable usefulness: forty (40) years

amount of obligations to be issued: $1,100,000

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, in Newburgh, New York.

Dated: September 11, 2017
Newburgh, New York

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

September 11, 2017

* * *

A regular meeting of the City Council of the City of Newburgh, in the County of Orange, New York, was held at the City Hall, Newburgh, New York, on September 11, 2017, at _____ o'clock P.M. (Prevailing Time).

There were present: Hon. Judy Kennedy, Mayor; and

Councilpersons:

There were absent:

Also present: Lorene Vitek, City Clerk

* * *

_____ offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 11, 2017, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $3,600,000, APPROPRIATING $1,100,000 FOR SUCH PURPOSE, IN ADDITION TO THE $2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF $1,100,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. Based upon the review of this action by the City Engineer of the City of Newburgh, in the County of Orange, New York (herein called the "City"), the City Council hereby determines that the specific object or purpose authorized to be financed pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) ("SEQRA") and requires no further proceedings under SEQRA.

Section 2. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and

separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is $3,600,000 and $1,100,000 is hereby appropriated therefor, in addition to the $2,500,000 previously appropriated pursuant to the bond resolution no. 290-2014 adopted by the City Council on November 24, 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of $1,100,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable, with the expectation that any grant funds received by the City from the New York State Environmental Facilities Corporation shall be used to pay a part of the cost of the project or to pay debt service on bonds or notes issued to finance the project or shall be budgeted as an offset to such taxes to be levied and collected.

Section 2. Bonds of the City in the aggregate principal amount of $1,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said $1,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing

agreements for credit enhancement, are hereby delegated to the Comptroller/Director of Finance, the chief fiscal officer of the City.

Section 7. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

"The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the city during the effective period of this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the city to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged."

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in *"The Sentinel," "The Mid Hudson Times,"* and *"The Hudson Valley Press,"* three newspapers each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

The adoption of the foregoing resolution was seconded by _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on September 11, 2017, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this _____ day of September, 2017.

(SEAL)

_____
City Clerk

(THE FOLLOWING NOTICE IS TO BE ATTACHED TO AND
TO BE PUBLISHED
WITH SUMMARY OF RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, summary of which is published herewith, has been adopted on September 11, 2017, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the CITY OF NEWBURGH, in the County of Orange, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

LORENE VITEK
City Clerk

RESOLUTION NO. _____ OF 2017

BOND RESOLUTION DATED SEPTEMBER 11, 2017

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 11, 2017, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $3,600,000, APPROPRIATING $1,100,000 FOR SUCH PURPOSE, IN ADDITION TO THE $2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF $1,100,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

object or purpose: to finance the additional cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C, at the estimated maximum cost of $3,600,000

period of probable usefulness: forty (40) years

amount of obligations to be issued: $1,100,000

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, in Newburgh, New York.

Dated: September 11, 2017
Newburgh, New York

RESOLUTION NO. 290 -2014

OF

NOVEMBER 24, 2014

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED NOVEMBER 24, 2014, AUTHORIZING THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $2,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. Based upon the review of this action by the City Engineer of the City of Newburgh, in the County of Orange, New York (herein called the "City"), the City Council hereby determines that the specific object or purpose authorized to be financed pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) ("SEQRA") and requires no further proceedings under SEQRA.

Section 2. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to finance the cost of the Liberty and Grand Street Sewer Improvements Project, comprised of repairs, reconstruction, replacement and separation of the sewers tributary to Combined Sewer Overflow Regulator # 008 and located along Liberty Street, Grand Street, Montgomery Street and Clinton Street in between Broad Street and South Street, all as more particularly described in the engineering report dated March 2014 and prepared by Barton & Loguidice, D.P.C. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is $2,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed $2,500,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable, with the expectation that any grant funds received by the City from the New York State Environmental Facilities Corporation shall be used to pay a part of the cost of the project or to pay debt service on bonds or notes issued to finance the project or shall be budgeted as an offset to such taxes to be levied and collected.

Section 2. Bonds of the City in the aggregate principal amount of $2,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said $2,500,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing

agreements for credit enhancement, are hereby delegated to the Comptroller/Director of Finance, the chief fiscal officer of the City.

Section 7. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

"The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the city during the effective period of this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the city to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged."

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in *"The Sentinel,"* *"The Mid Hudson Times,"* and *"The Hudson Valley Press,"* three newspapers each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

CERTIFICATE

I, KATRINA COTTEN, Deputy City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on November 24, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this 25TH day of November, 2014.

(SEAL)

Katrina Cotten
Deputy City Clerk

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

November 24, 2014

* * *

A regular meeting of the City Council of the City of Newburgh, in the County of Orange, New York, was held at the City Hall, Newburgh, New York, on November 24, 2014, at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Judy Kennedy, Mayor; and

Councilpersons: Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy

There were absent: None

Also present: Katrina Cotten, Deputy City Clerk

* * *

Councilwoman Angelo offered the following resolution and moved its adoption:

The adoption of the foregoing resolution was seconded by

Councilwoman Abrams and duly put to a vote on roll call, which resulted as follows:

AYES: Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy- 7

NOES: None

The resolution was declared adopted.

****

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION SUPPORTING A FOUR YEAR CYCLICAL REASSESSMENT PLAN AND AUTHORIZING THE CITY MANAGER AND CITY ASSESSOR TO APPLY FOR AND ACCEPT IF AWARDED AID FOR CYCLICAL ASSESSMENTS FROM THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

WHEREAS, in 2008, the City of Newburgh implemented a cyclical plan to reassess real property at 100% of market value in a 6 year interval; and

WHEREAS, New York State provides financial aid to municipalities that reassess at 100% of market value on a cyclical basis in an amount of up to $5.00 per parcel in reappraisal years and up to $2.00 per parcel in non-reappraisal years to the extent such funding is available; and

WHEREAS, to be eligible for the State Aid for Cyclical Reassessments, the City of Newburgh is required to submit a plan for future reassessments that includes reassessments at 100% of market value and implemented pursuant to an approved plan with a minimum 4 year interval; revaluations or reappraisals at least once every 4 years; reassessments conducted in the first and last years of the plan; inventory collection at least once every 6 years; and provision of a set of supporting valuation documents and files; and

WHEREAS, under the 2008 cyclical reassessment plan, a reappraisal was required in 2014 and the submission of a cyclical assessment plan for future reassessments was required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, by Resolution No. 229-2014 of September 8, 2014, the City Council authorized the City Assessor to implement a 4 year cyclical assessment plan with 2014 being the first year of the plan further authorizing the City Assessor to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services; and

WHEREAS, under the 2014 cyclical reassessment plan, a reappraisal was required in 2017 and the submission of a cyclical assessment plan for future reassessments was required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, the City Assessor proposes to apply for State Aid for Cyclical Reassessments and submit a 4-year cyclical reassessment plan with 2017 being the first year of the plan; and

WHEREAS, the City Council has determined that continuing with cyclical reassessment at 100% of market value and implementing a 4-year cyclical reassessment plan with 2017 as the first year of the plan is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Assessor of the City of Newburgh is hereby authorized to implement a 4-year cyclical assessment plan with 2017 being the first year; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager and the City Assessor are hereby authorized to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services.

RESOLUTION NO.: 229 - 2014

OF

SEPTEMBER 8, 2014

A RESOLUTION SUPPORTING A FOUR YEAR CYCLICAL REASSESSMENT PLAN AND AUTHORIZING THE CITY MANAGER AND CITY ASSESSOR TO APPLY FOR AND ACCEPT IF AWARDED AID FOR CYCLICAL ASSESSMENTS FROM THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

WHEREAS, in 2008, the City of Newburgh implemented a cyclical plan to reassess real property at 100% of market value in a 6 year interval; and

WHEREAS, New York State provides financial aid to municipalities that reassess at 100% of market value on a cyclical basis in an amount of up to $5.00 per parcel in reappraisal years and up to $2.00 per parcel in non-reappraisal years to the extent such funding is available; and

WHEREAS, to be eligible for the State Aid for Cyclical Reassessments, the City of Newburgh is required to submit a plan for future reassessments that includes reassessments at 100% of market value and implemented pursuant to an approved plan with a minimum 4 year interval; revaluations or reappraisals at least once every 4 years; reassessments conducted in the first and last years of the plan; inventory collection at least once every 6 years; and provision of a set of supporting valuation documents and files; and

WHEREAS, under the ~~2008~~ 2014 cyclical reassessment plan, a reappraisal is required in ~~2014~~ 2017 and the submission of a cyclical assessment plan for future reassessments is required to receive future funding under the Aid for Cyclical Reassessments program; and

WHEREAS, the City Assessor proposes to apply for State Aid for Cyclical Reassessments and submit a 4-year cyclical reassessment plan with ~~2014~~ 2017 being the first year of the plan; and

WHEREAS, the City Council has determined that continuing with cyclical reassessment at 100% of market value and implementing a 4-year cyclical reassessment plan with ~~2014~~ 2017 as the first year of the plan is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Assessor of the City of Newburgh is hereby authorized to implement a 4-year cyclical assessment plan with ~~2014~~ 2017 being the first year; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager and the City Assessor are hereby authorized to apply for and accept if awarded State Aid for Cyclical Assessments from the New York State Department of Taxation Office of Real Property Tax Services.

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 9/8/14 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 9th day of Sept 2014

City Clerk

New York State Department of Taxation and Finance
Office of Real Property Tax Services

RP-1573-ACR-A
(2/15)

Application for Review for the Maintenance of a System of Improved Real Property Tax Administration Aid

Aid for Cyclical Reassessments
OFFICE OF REAL PROPERTY TAX SERVICES

Part 1 – Aid application (to be completed by Chief Executive Officer and Assessor)
The application must be submitted by the *Assessor* of the assessing unit, and the CEO of the municipality or constituent municipality of a CAP; if a CAP, please copy and insert the needed numbers of this page.

CITY OF NEWBURGH	ORANGE	331100
City/town/CAP name	County	SWIS Code/CAP Code
MICHAEL G. CIARAVINO		
Chief Executive officer's name (print)	Municipality name if in CAP	
Signature	Date	
JOANNE M. MAJEWSKI, IAO		
Assessor's name (print)	Signature	Date

The above signatories do hereby make application for financial aid for the maintenance of a system of improved real property tax administration pursuant to Real Property Tax Law section 1573 and acknowledge that the failure to implement a reassessment pursuant to an approved *plan for cyclical reappraisals* will result in the repayment of the full amount of financial aid received for the assessment rolls following the roll for which the most recent reassessment (reappraisal) was implemented.

Please enter an ***X*** in one box below:

Assessment roll year 2017

Year number of cyclical plan 4

Reappraisal year aid ☒

Non-reappraisal year aid ☐

Assessor: Complete and sign *Part 2 – Aid Verification* on the following page.

Part 2 – Aid verification (to be completed by Assessor)

In filing this application for the assessment roll, I do hereby verify that:

1 Parcels on the data file have complete and accurate inventories as of taxable status date.
2 Pertinent sales data on the data file is complete and accurate.
3 Parcels on the assessment roll filed pursuant to Article 15-C of the RPTL have valid property tax exemption codes.
4 The final assessment roll meets the requirements of Part 8190 of 20 NYCRR.
5 The assessor's report meets the requirements of Part 8193 20 NYCRR.
6 Data files required pursuant to Article 15-C of the RPTL and Part 8190 of 20 NYCRR are filed in accordance with Section 1590 of the RPTL.
7 Sales corrections required by Part 8191 of 20 NYCRR are received in an ORPTS approved computerized format. Transactions are received on a timely basis.
8 Notice of assessment inventory was published as required by section 501 of the RPTL.
9 Notice of tentative assessment roll was published as required by section 506 of the RPTL.
10 Assessment change notices were sent as required by section 510 of the RPTL.
11 Assessment disclosure notices as required by section 511 of the RPTL are sent and required meetings have been held.
12 The tentative and final assessment rolls were posted on the Internet as required by section 1590 of the RPTL.
13 Notice of final assessment roll was published as required by section 516 of the RPTL.
14 Renewal forms for the senior citizens' exemptions were sent as required by section 467 of the RPTL.
15 Notices of denial for the STAR exemptions were sent as required by section 425 of the RPTL.
16 The uniform percentage appears on the tentative assessment roll or in instances where a tentative assessment roll is not printed, a sign that contains the uniform percentage is posted in a conspicuous location.
17 In a reassessment year, all parcels were reappraised and reviewed in accordance with Subpart 8210-3.2(b) of 20 NYCRR.
18 In accordance with the Assessing Unit's plan to ensure that all parcels are re-inspected at least once every six years, the Assessing Unit has performed the activities as described below:

Collection of inventory data requirement	Residential	Commercial	Vacant	Utility
Percentage of parcels physically inspected during this year	34 %	46 %	30 %	13 %
Cumulative percentage of parcels that have been physically inspected within the last six (6) years	100 %	100 %	100 %	100 %

Assessor's signature _____ Date _____

Instructions – Submit this Application to your State Aid Representative:

NYSDTF/ORPTS Western Region Genesee County Building 2 3837 West Main Street Road Batavia NY 14020	NYSDTF/ORPTS Central Region 333 East Washington Street Syracuse NY 13202	NYSDTF/ORPTS Northern Region W A Harriman Campus Building 8A Albany NY 12227-0801	NYSDTF/ORPTS Southern Region 44 south Broadway, 6th Floor White Plains NY 10601

New York State Department of Taxation and Finance
Office of Real Property Tax Services

Plan for Cyclical Reassessments

RP-1573-ACR-P
(2/15)

Aid for Cyclical Reassessments
OFFICE OF REAL PROPERTY TAX SERVICES

Assessing unit City of Newburgh

SWIS/CAP code 331100

County Orange

Date plan submitted:

Original _____

Amended _____

This Plan covers final assessment roll years: Years **must** correspond to first and last reappraisal years in the chart on page 3.

From 2017 To 2020

The plan must be submitted by the *Assessor* of the assessing unit, and the CEO of the municipality or constituent municipality of a CAP; if a CAP, please copy and insert the needed numbers of this page.

1 Plan development & commitment

Plan submitted by:

Michael G. Ciaravino City Manager
Chief Executive Officer's name (print)

Municipality name if in CAP

Signature

Joanne M. Majewski, IAO
Assessor's name (print)

Signature

The above signatories acknowledge that the failure to implement a reappraisal pursuant to an approved Plan for Cyclical Reassessments will result in the repayment of the full amount of financial aid received for the assessment rolls following the roll for which the most recent reappraisal was implemented.

3 Current status of data collection/re-inspection requirement

Assessment roll year of last assessing unit-wide data collection or re-collection, if done	2017
Is an assessing unit-wide data collection project currently underway? (Yes/No)	Yes

Complete the chart below **only** if data collection/re-inspection was performed over several years

	Residential	Commercial	Vacant	Utility
Cumulative percentage of parcels that have been physically inspected within the last six (6) years	100%	100%	100%	100%

4 Plan length and reassessment timetable

The statute and rules require:

- Plan not less than four years
- Reappraisal in the **first** and **last** years of the plan
- A reappraisal at least every **four** years
- Inventory collection at least once every **six** years (all parcels **must** have been physically inspected at least once within the preceding six years of each assessment roll year in the plan)

Rules require that a *revaluation* in any year be a complete reappraisal in order to be eligible for State aid of up to $5 per parcel (see *Guidelines* for details).

Complete each row in the table below, entering the following information for each year of the plan:

- **Assessment roll year for each year of plan only**
- **Reappraisal Cycle: Reappraisal or blank**
- **Inventory Collection** (physical re-inspection)**: Assessing Unit-wide, Partial, or blank**

If there is intent to conduct a reassessment using methods other than a complete reappraisal in the *non-reappraisal* years, the assessor **must** notify ORPTS in writing no later than 180 days prior to the tentative roll (typically by November 1) - do **not** enter on chart.

Plan year	1	2	3	4	5	6
Assessment roll year	2017	2018	2019	2020		
Reappraisal cycle	Reappraisal			Reappraisal		
Inventory collection	partial	partial	partial	partial		

Instructions – Submit this Application to your State Aid Representative:

NYSDTF/ORPTS Western Region Genesee County Building 2 3837 West Main Street Road Batavia NY 14020	NYSDTF/ORPTS Central Region 333 East Washington Street Syracuse NY 13202	NYSDTF/ORPTS Northern Region W A Harriman Campus Building 8A Albany NY 12227-0801	NYSDTF/ORPTS Southern Region 44 south Broadway, 6th Floor White Plains NY 10601

Please see the example on the following page

RESOLUTION NO.: _____-2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO FRANK LIPPOLIS TO THE PREMISES KNOWN AS 38 HASBROUCK STREET (SECTION 38, BLOCK 3, LOT 47)

WHEREAS, on August 30, 2001, the City of Newburgh conveyed property located at 38 Hasbrouck Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 47, to Frank Lippolis; and

WHEREAS, the owner, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh; and

WHEREAS, it has been determined that such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 38 Hasbrouck Street, Section 38, Block 3, Lot 47, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated August 30, 2001, from the CITY OF NEWBURGH to FRANK LIPPOLIS, recorded in the Orange County Clerk's Office on September 13, 2001, in Liber 5627 of Deeds at Page 88 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2017

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

On the _____ day of _____ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RECORD & RETURN TO:

RESOLUTION NO.: _____-2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO ALEJANDRINO FLORENTINO TO THE PREMISES KNOWN AS 39 CITY TERRACE (SECTION 29, BLOCK 4, LOT 13)

WHEREAS, on November 12, 1993, the City of Newburgh conveyed property located at 39 City Terrace, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 4, Lot 13, to Alejandrino Florentino; and

WHEREAS, the property has subsequently been conveyed to various other parties; and

WHEREAS, the City of Newburgh ultimately re-acquired title to said real property through the foreclosure of tax liens; and

WHEREAS, by Resolution No.: 225-2017 the City Council authorized the sale of 39 City Terrace (Section 29, Block 4, Lot 13) to Cairi Johnson; and

WHEREAS, Mr. Johnson, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh to Alejandrino Florentino; and

WHEREAS, it has been determined that such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 39 City Terrace, Section 29, Block 4, Lot 13, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a deed dated November 12, 1993, from the CITY OF NEWBURGH to ALEJANDRINO FLORENTINO, recorded in the Orange County Clerk's Office on December 20, 1993, in Liber 3951 of Deeds at Page 203 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2017

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

On the _____ day of _____ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RECORD & RETURN TO:

RESOLUTION NO.: _____-2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO YVETTE SIMS TO THE PREMISES KNOWN AS 61 HENRY AVENUE F/K/A 59-63 HENRY AVENUE (SECTION 48, BLOCK 10, LOT 4.1)

WHEREAS, on August 12, 1996, the City of Newburgh conveyed property located at 61 Henry Avenue f/k/a 59-63 Henry Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 48, Block 1, Lot 4.1, to Yvette Sims; and

WHEREAS, Yvette Sims subsequently conveyed said premises to Anthony D. Bruce; and

WHEREAS, Mr. Bruce, by his attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh to Yvette Sims; and

WHEREAS, it has been determined that such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 61 Henry Avenue f/k/a 59-63 Henry Avenue, Section 48, Block 10, Lot 4.1, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a deed dated August 12, 1996, from the CITY OF NEWBURGH to YVETTE SIMS, recorded in the Orange County Clerk's Office on August 23, 1996, in Liber 4436 of Deeds at Page 134 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2017

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per Resolution No.: _____-2017

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

On the _____ day of _____ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RECORD & RETURN TO:

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION OF TIME TO REHABILITATE PREMISES OWNED BY JOHN BONHOMME KNOWN AS 2 LIBERTY STREET (SECTION 46, BLOCK 1, LOT 18)

WHEREAS, the City of Newburgh did convey the premises located at 2 Liberty Street, more accurately described as Section 46, Block 1, Lot 18 on the official Tax Map of the City of Newburgh by deed dated December 11, 2015; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about June 11, 2017; and

WHEREAS, John Bonhomme, the owner of property located at 2 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and expects to complete the rehabilitation in the Spring of 2018; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its continued development to grant the requested extension;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that John Bonhomme be granted a one (1) year extension to rehabilitate the premises known as 2 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before September 25, 2018, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

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

WHEREAS, the City of Newburgh wishes to enter into the attached agreement with Orange-Ulster BOCES; and

WHEREAS, the agreement provides for the pick-up, delivery, retrieval and storage of the City's archived municipal records; and

WHEREAS, the annual cost for these services is approximately $3,000.00 and shall be derived from Records Management—Other Services; and

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

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the agreement with Orange-Ulster BOCES, in substantially the same form as annexed hereto with any other provision that Counsel may require, at an annual cost of $3,000.00 for pick-up, delivery, retrieval and storage of the City's archived municipal records.

ADMINISTRATION
William J. Hecht
District Superintendent/CEO

Deborah McBride Heppes
Assistant Superintendent for Finance

Theresa A. Reynolds
Assistant Superintendent for Instruction

Sharleen Depew
Clerk of the Board

ORANGE·ULSTER BOCES
Learning for Life

BOARD MEMBERS
Dorothy A. Slattery, President
Eugenia S. Pavek, Vice-President
Michael Bello
Lawrence E. Berger
Martha Bogart
William M. Boss
David Eaton

Orange-Ulster BOCES Letter of Agreement
2017-2018

Description of Service: Archival/Inactive Storage
Co-Ser: 643-7012-643.220

Client: City of Newburgh	**Orange-Ulster BOCES** (OUB)
Contact/Title: Deirdre Glenn Director of Business & Industrial Development	**Contact/Title:** Sheila Almond Information Processing Manager
Address/Telephone/E-mail: City Hall 83 Broadway Newburgh, NY 12550 dglenn@cityofnewburgh-ny.gov	**Address/Telephone/E-mail:** 4 Harriman Drive Goshen, NY 10924 845-781-4363 x 10746 Sheila.almond@ouboces.org

Orange-Ulster BOCES (OUB) will perform the services described on schedules annexed to this Agreement, either physically or by reference (each a "Schedule"), and Client will pay OUB for such services according to the rates and provisions in the Schedules. All services will be provided subject to this Agreement, which consists of this page, the Basic Terms and Conditions and Schedules.

Client:	**OUB:**
Print Name:	**Print Name:**
Signature:	**Signature:**
Title:	**Title:**
Signing Date:	**Signing Date:**

BASIC TERMS AND CONDITIONS

(Based on terms and conditions promulgated by Professional Records & Information Services Management)

The following terms and conditions shall apply to this Agreement:

1. **Term**. The term of this Agreement shall commence on the date of Client's signature or, if later, the Effective Date set forth on the first page of this Agreement. The initial term of this Agreement shall continue for one (1) year after commencement. Upon expiration of the initial term, the term will continue with automatic renewals for additional one (1) year terms, unless written notice of non-renewal is delivered by either party to the other not less than thirty (30) days prior to the expiration date. In the event that OUB continues to hold Deposits (which are defined as inactive paper records in labeled cubic foot boxes or transfiles) after the expiration or termination of this Agreement, the terms of this Agreement shall continue to apply until all Deposits have been removed from OUB facility, except that OUB may adjust rates upon thirty (30) days' written notice.

2. **Charges**. Rates and charges shall be as specified in the Pricing Schedule (Schedule A) and/or other Schedules. Rates and charges for storage and services shall remain fixed for the first year of this Agreement, and may thereafter be changed at any time by OUB upon thirty (30) days' written notice.

3. **Storage Volume**. Client acknowledges that the rates and charges on Schedule A have been offered by OUB on the basis of Client's agreement to maintain its storage levels with OUB at no less than eighty percent (80%) of the storage levels maintained by Client during the immediately preceding three (3) month period, excluding any Deposits destroyed by OUB at Client's request.

4. **Client Instructions**. Client warrants that it is the owner or legal custodian of the Deposits and has full authority to store the Deposits and direct their disposition in accordance with their Agreement. OUB will perform services pursuant to the reasonable direction of Client's agent(s) identified pursuant to OUB standards. Authority granted to any persons on standard authorization forms shall constitute Client's representation that the identified persons have full authority to order any service, including disposal or removal of Deposits. Such orders may be given in person, by telephone, or in writing (fax, email, or hard-copy). Client releases OUB from all losses, damages and liability by reason of the destruction of materials pursuant to Client's authorization.

5. **Operational Procedures**. Client shall comply with OUB reasonable operational requirements, as modified from time to time, regarding cartons, carton integrity, delivery/pickup/account closing volumes, preparation for pickup, security, secure shredding protocols, access and similar matters. Extraordinary volume requests (defined as 125% of the average volume over the immediately preceding three month period) may involve additional costs, such as overtime, which Client will pay at OUB overtime rates, provided Client consents to such costs in advance.

6. **Force Majeure**. Neither party shall be liable for delay or inability to perform caused by acts of God, governmental actions, labor unrest, acts of terrorism, riots, unusual traffic delays, or other causes beyond its reasonable control.

7. **Governmental Orders**. OUB is authorized to comply with any subpoena or similar order related to the Deposits, at Client's expense, provided that OUB notifies Client promptly upon receipt thereof, unless such notice is prohibited by law. OUB will cooperate with Client's efforts to quash or limit any subpoena, at Client's expense.

8. **Confidentiality**. "Confidential Information" means any information (i) contained in the Deposits, (ii) concerning or relating to the property, business and affairs of the party disclosing such information that is furnished to the receiving party, and (iii) regarding this Agreement, its Schedules, and OUB processes and procedures; except for information that was previously known to the receiving party free of any obligation to keep it confidential, is subsequently made public by the disclosing party or is disclosed by a third party having a legal right to make such disclosure. Confidential Information shall be used only in the manner contemplated by this Agreement and shall not be intentionally disclosed to third parties without the disclosing party's written consent. OUB shall not implement and maintain reasonable safeguards designed to protect Client's Confidential Information.

9. **Limitation of Liability**.
    a. Liability for Loss or Damage to Deposits. OUB shall not be liable for any loss or destruction of, or damage to, Deposits, including costs resulting from a loss of a Deposit constituting a breach of data security or confidentiality, unless such loss or damage resulted from OUB negligence. If liable, the amount of OUB liability is limited as provided on the first page hereof. Deposits are not insured by OUB against loss or damage, however caused. Client may insure Deposits through third-party insurers for any amount. Client shall cause its insurers of Deposits to waive any right of subrogation against OUB. If Deposits are placed in the custody of a third-party carrier for transportation, the carrier shall be solely responsible for any loss or destruction of, or damage to, such Deposits while in the custody of the carrier.
    b. Liability for Non-Storage Services. With respect to services not related to the storage of Deposits, OUB shall not be liable for any loss or default unless such loss or default is due to the negligence of OUB. If liable, the amount of OUB liability is limited as provided on the first page hereof. OUB shall not be liable for the loss of contents of shredding bins unless and until the contents are in the custody and control of OUB.
    c. No Consequential Damages. In no event shall either party be liable for any consequential, incidental, special or punitive damages, or for the loss of profits or loss of data, regardless of whether an action is brought in tort, contract or under any other theory.

10. **ITAR/EAR Compliance**. Client represents that none of the Deposits stored by OUB pursuant to this Agreement require protection from access by foreign persons because they contain technical information regarding defense articles or defense services within the meaning of the International Traffic in Arms Regulations (22 CFR 120) or technical data within the meaning of the Export Administration Regulations (15 CFR 730-774). If any of Client's Deposits do contain such information, Client shall notify OUB of the specific Deposits that contain such information and acknowledges that special storage and service rates shall apply thereto.

11. **Non-Custodial Status**. Unless OUB shall have explicitly agreed in writing, OUB performance of services shall not cause OUB to be deemed a "custodian" of the records or "designee" of Client under state or federal law with respect to such records.

12. **Notice of Loss**. When Deposits have been lost, damaged, or destroyed, OUB shall, upon confirmation of the event, report the matter in writing to the Client.

13. **Client Default**. If Client fails to pay OUB charges (other than disputed charges) within sixty (60) days after the date of an invoice, OUB may suspend service. If Client fails to pay OUB charges (other than disputed charges) for six (6) months or longer, OUB may securely destroy Deposits, provided OUB shall have provided ninety (90) days' written notice to Client, Client shall pay OUB standard price for such secure destruction. A final notice will be sent to Client ten (10) days prior to secure destruction of the Deposits. OUB shall have other rights and remedies as may be provided by law. In the event OUB takes any actions pursuant to this Section, it shall have no liability to Client or anyone claiming by or through Client.

14. **Termination**. Either party may terminate this Agreement upon written notice to the other party in the event that the other party shall have breached any of its material obligations hereunder and shall not have cured such default within thirty (30) days after written notice of such default, subject to the fees set forth in the applicable Schedule(s).

15. **Safe materials and Premises**. Client shall not store with OUB or place in shredding bins any material that is highly flammable, may attract vermin or insects, or is otherwise dangerous or unsafe to store or handle, or any material that is regulated by federal or state law or regulation relating to the environment or hazardous materials. Client shall not store negotiable instruments, jewelry, check stock or other items that have intrinsic value. Client warrants that it shall only place paper-based materials in the shredding bins. Client shall reimburse OUB for damage to equipment or injury to personnel resulting from Client's breach of this warranty.

16. **Purchase Orders**. OUB will accept the P.O. in advance for yearly service.

17. **Miscellaneous**. Client will box documents in cubic foot cartons and label appropriately prior to being picked up by the OUB Records Management Specialists. The content index will be included with the prepared boxes for transportation. The Client will provide the labor for loading the documents into the transport vehicle.

Schedule A

Orange Ulster BOCES Cost for Standard Services

DESCRIPTION	COST
Climate Controlled Storage	$ 3.00 per cubic foot carton per month
Verify Client Created Content List	$ 0.00 (included in cubic foot storage cost)
OUB Records Management Specialist time for retrieval, refile, emailed documents per request	$41.00 per hour (one hour minimum)
Client Approved Document Destruction (Shredding) with certificate provided to client	$50.00 per bin (8 cubic feet per bin)

Orange-Ulster BOCES Cost for Premium Services

DESCRIPTION	COST
OUB Transit Time for pickup & delivery (from OUB and back to OUB)	$41.00 per hour (one hour minimum)
Mileage - pickup and delivery from OUB back to OUB (Rate is IRS 2015 Standard Mileage Rate for Business)	$ .535 per mile (rate 2017)
Tolls if applicable	(current NY State Toll fee)
OUB Verification of Contents against Client Content List upon arrival at OUB and report back to client	$41.00 per hour each OUB Records Management Specialist
OUB Packing and Indexing Contents	$41.00 per hour each OUB Records Management Specialist

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PURPOSE OF APPROVING A DEVELOPMENT AGREEMENT WITH ALEMBIC COMMUNITY DEVELOPMENT, DECLARING THE PROJECT TO BE A TYPE I ACTION, CONSIDERING A FULL ENVIRONMENTAL ASSESSMENT FORM (EAF) AND REFERRING SAME TO INVOLVED AND INTERESTED AGENCIES

WHEREAS, by Resolution No. 246-2017 of August 14, 2017, the City Council of the City of Newburgh authorized the City Manager to execute an agreement to stabilize the Dutch Reformed Church and to negotiate on behalf of the City of Newburgh a land development agreement with Alembic Community Development, and its development partners, in connection with the redevelopment of the Dutch Reformed Church, the City Club and 2 Montgomery Street; and

WHEREAS, the City of Newburgh proposes undertake the approval of a land development agreement in compliance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, in compliance with the SEQRA, the City Council of the City of Newburgh wishes to declare its intent to assume Lead Agency status, classifies the Project as a Type I Action, proposes to accept a Full Environmental Assessment Form ("EAF") and refer same to the involved and interested agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. That this Council classifies the action as a Type I Action; and

3. That this Council proposes to accept the Full Environmental Assessment Form ("EAF") attached hereto; and

4. That this Council authorizes the City Manager to circulate said Full Environmental Assessment Form to other "Involved Agencies" and "Interested Agencies".

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Developer Agreement with Alembic Community Development for Stabilization and Redevelopment of the Dutch Reformed Church, City Club, & 2 Mont. St		
Project Location (describe, and attach a general location map): City of Newburgh parcels 24-10-1.2; 24-2-17; and 19-1-25		
Brief Description of Proposed Action (include purpose or need): The action consists of the approval of a Developer Agreement with Alembic Community Development or its subsidiary, to redevelop the Dutch Reformed Church (19-1-25), the City Club (24-2-17), and 2 Montgomery Street (24-10-1.2). The project will be ongoing, with a large public participatory planning process to determine the end uses, however, for this general EAF, the developer has proposed the following: 168 Units of housing in a variety of unit sizes. Three larger buildings and townhouses. 15,000-25,000 sq ft retail. 18,000 sq ft community facility space 118 parking spaces. Restoration of the DRC to a public use, and the restoration of the City Club to a mixed-use development (3500 sq ft non-res).		
Name of Applicant/Sponsor: City of Newburgh	Telephone: 845-569-7301 E-Mail:	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Alexandra Church, City Planner	Telephone: 845-569-7388 E-Mail: achurch@cityofnewburgh-ny.gov	
Address: Department of Planning and Development, 123 Grand Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): City of Newburgh	Telephone: 845-569-7301 E-Mail:	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees □ Yes □ No	Redevelopment agreement; land sale agreement	October 2017
b. City, Town or Village Planning Board or Commission □ Yes □ No	Site Plan review	TBD
c. City Council, Town or Village Zoning Board of Appeals □ Yes □ No		
d. Other local agencies □ Yes □ No	ARC Certificate of Appropriateness	TBD
e. County agencies □ Yes □ No	County Planning GML 239 Review	TBD
f. Regional agencies □ Yes □ No		
g. State agencies □ Yes □ No	SHPO environmental review; SHPO Historic Tax Credit approval; LIHTC	TBD
h. Federal agencies □ Yes □ No	NPS, Federal Historic Tax Credit approval;	TBD

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? □ Yes □ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? □ Yes □ No

iii. Is the project site within a Coastal Erosion Hazard Area? □ Yes □ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? □ Yes □ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? □ Yes □ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? □ Yes □ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) □ Yes □ No

If Yes, identify the plan(s):

The area is part of the Hudson River Valley Greenway Corridor and the NPS Hudson River Valley National Heritage Area

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? □ Yes □ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
DN Downtown Neighborhood and WG Waterfront Gateway

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Newburgh Enlarged City School District

b. What police or other public protection forces serve the project site?
City of Newburgh, Orange County Sheriff, New York State Police

c. Which fire protection and emergency medical services serve the project site?
City of Newburgh

d. What parks serve the project site?
Audrey Carey Park, Tyronne Crabb Park, UNICO Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential mixed-use, public facilities, retail, professional office.

b. a. Total acreage of the site of the proposed action? 2.69932 acres
b. Total acreage to be physically disturbed? 1.8 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.69932 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				168
At completion of all phases				168

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

i. Total number of structures 5

ii. Dimensions (in feet) of largest proposed structure: 72 height; tbd width; and tbd length

iii. Approximate extent of building space to be heated or cooled: tbd square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 64,780 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: City of Newburgh
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 64,780 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

sanitary wastewater

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh
- Name of district: City of Newburgh
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 2.3 acres (impervious surface)

_____ Square feet or 2.7 acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On-site management of stormwater will be required in accordance with the NYS Stormwater Design Manual. Flows and overflow will be directed to the City's existing seperate stormwater system.

- If to surface waters, identify receiving water bodies or wetlands: _____

Hudson River

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment is expected to be used on site during construction

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

None

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

None

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☑ Morning ☑ Evening ☑ Weekend

☑ Randomly between hours of 6 am to 11 pm.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: 0

iii. Parking spaces: Existing 0 Proposed 118 Net increase/decrease 118

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

Commercial & community space: 743,900 kwh/yr (17.3 kwh/yr/sq ft); Residential units: 1,816,416 kwh/yr (10,812 kwh/yr/du); TOTAL: 2,560,316 kwh/yr

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

Central Hudson Electric and Gas

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☑ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8 a.m. to 8 p.m.
- Saturday: 8 a.m. to 8 p.m.
- Sunday: 10 a.m. to 8 p.m.
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Heavy equipment, power tools, pnuematic compressors, amongst other typical construction equipment. All noises will be in accordance with section 212-5 of the City Code.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

n.. Will the proposed action have outdoor lighting? ☐ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

All lighting shall be reviewed and approved by the City's Planning Board and include dark-sky compliant fixtures with sheild that limit light cast-off to adjacent properties.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 462.09 tons per construction duration (unit of time)
- Operation : 134.90 tons per year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Recycling shall be in accordance with local rules and regulations.
- Operation: Recycling shall be required in ccordance with the City of Newburgh Sanitation rules and regulations.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Contract with a local hauler and disposed off in accordance with local rules and regulations.
- Operation: City of Newburgh Sanitation

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.5	2.3	+1.8
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.19	.37	-1.8
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No

i. If Yes: explain: The lawn of the Dutch Reformed Church is currently used for passive recreation and will continue to be used as such in the future

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No

If Yes,

i. Identify Facilities:

The Newburgh Free Library sits in the middle of this site. It is a community center, an education center, and will continue to serve the entire community during and after this project.

e. Does the project site contain an existing dam? ☐ Yes ☐ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): 336055 , 336042 , 546031

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

336055: Consolidated Iron and Metal State Superfund remediation is complete and has no effect on the project. 336042: CH - Water St. - Newburgh MGP is under remediation and has no effect on the project. 546031: Hudson River PCB Sediments will have no effect on the project.

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 1.67 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: Mardin gravelly silt loam 100 %
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: 1.54 feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☑ Moderately Well Drained: 100 % of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 20 % of site
☑ 10-15%: 80 % of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☐ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☐ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
squirrels chipmunks various birds

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

This threshold is generally triggered by the Hudson River habitat of the Atlantic sturgeon. This action will have no effect on the Hudson River, and therefore is not expected to have an effect on the Atlantic sturgeon population.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: East End Historic District, Dutch Reformed Church

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

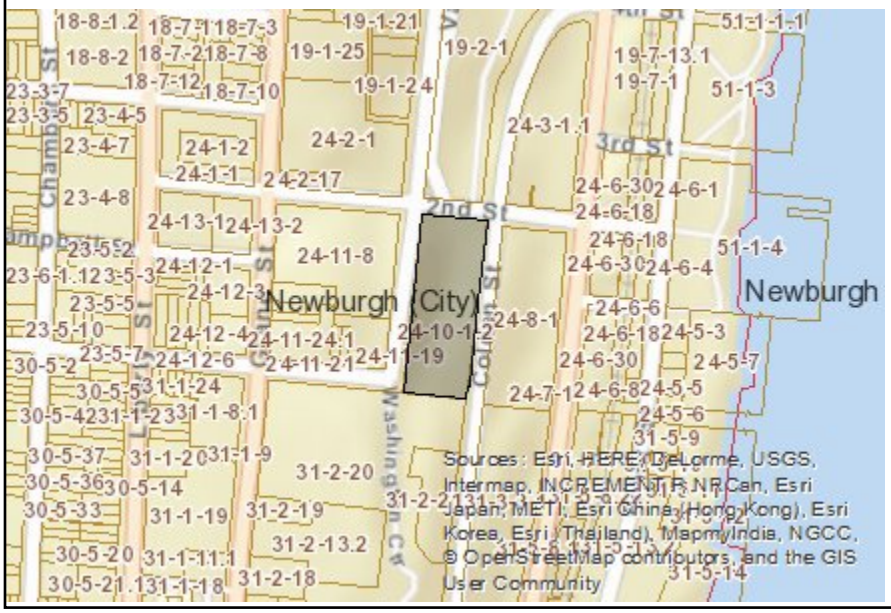
Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

PRINT FORM

EAF Mapper Summary Report

Friday, September 08, 2017 12:32 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336055 , 336042 , 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	East End Historic District, Dutch Reformed Church
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 139 WILLIAM STREET (SECTION 45, BLOCK 10, LOT 26) AT PRIVATE SALE TO MICHAEL MOSCATI FOR THE AMOUNT OF $4,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 139 William Street, being more accurately described as Section 45, Block 10, Lot 26 on the official tax map of the City of Newburgh; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchasers be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH,** such sums are to be paid on or before December 29, 2017, being approximately ninety (90) days from the date of this resolution; and

Property address	Section, Block, Lot	Purchaser	Purchase Price
139 William Street	45 – 10 – 26	Michael Moscati	$4,000.00

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

Terms and Conditions Sale
139 William Street, City of Newburgh (45-10-26)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2017-2018, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2017-2018, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE**. **The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of $250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration**.
6. Notice is hereby given that the property lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance with same.
7. Notice is hereby given that the property is vacant and unoccupied. The parcel is being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.

8. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
9. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
10. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
11. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before December 29, 2017. Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of $250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall <u>not</u> be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed.
18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A SFY 2017-2018 NEW YORK STATE SENATE INITIATIVE GRANT FROM SENATOR WILLIAM LARKIN IN AN AMOUNT NOT TO EXCEED $50,000.00 WITH NO CITY MATCH TO PURCHASE TWO SPORT UTILITY VEHICLES FOR THE CITY OF NEWBURGH FIRE DEPARTMENT

WHEREAS, the City of Newburgh received a Grant Award through the New York State Division of Criminal Justice Services in the amount of $50,000.00 from Senator Larkin under the SFY 2017-2018 New York State Senate Initiative; and

WHEREAS, the City of Newburgh will use the funding to purchase 2 severe duty sport utility vehicles to replace a 2001 SUV and a 1991 SUV;

WHEREAS, such funding requires no City match; and

WHEREAS, this Council has determined that applying for such grant and accepting if awarded is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to accept a SFY 2017-2018 New York State Initiative Grant from Senator William Larkin in the amount of $50,000.00 with no City match required to purchase 2 severe duty sport utility vehicles by the City of Newburgh Fire Department, with the appreciation and thanks of the City of Newburgh; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 25, 2017

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT FROM ASSEMBLYMAN FRANK SKARTADOS IN AN AMOUNT NOT TO EXCEED $125,000.00 WITH NO CITY MATCH TO PURCHASE TWO SPORT UTILITY VEHICLES AND ONE PICK-UP TRUCK FOR THE CITY OF NEWBURGH FIRE DEPARTMENT

WHEREAS, the City of Newburgh Fire Department is requesting to apply for a Dormitory Authority of the State of New York State and Municipal Facilities Program Grant from Assemblyman Skartados in the amount of $125,000.00 to purchase 2 sport utility vehicles and 1 light duty pick-up truck; and

WHEREAS, if awarded, the vehicles will be used to replace a 2008 vehicle and a pair of 2004 Jeeps; and

WHEREAS, the grant requires no City match; and

WHEREAS, it is deemed to be in the best interests of the City of Newburgh to apply for and accept such grant if awarded;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to accept if awarded a Dormitory Authority of the State of New York State and Municipal Facilities Program Grant from Assemblyman Frank Skartados in the amount of $125,000.00 with no City match required to purchase 1 severe duty sport utility vehicle, 1 small severe duty sport utility vehicle and one light duty pick-up truck by the City of Newburgh Fire Department, with the appreciation and thanks of the City of Newburgh; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: _____ - 2017

OF

SEPTEMBER 21, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RE-PURPOSE THE TENNIS COURTS LOCATED IN DELANO-HITCH RECREATION PARK INTO A YOUTH SOCCER FIELD

WHEREAS, the current football/soccer field located within the Delano-Hitch Recreation Park is not sufficient to support the football program and the three soccer programs currently using the existing field; and

WHEREAS, the tennis courts located in the Delano-Hitch Recreation Park are underutilized and in need of major repairs before they could be used for tennis and community members are currently using the tennis courts to play soccer and volleyball; and

WHEREAS, an additional youth soccer field could be used by two of the soccer programs in addition to those community members who wish to continue playing pick-up soccer games and thereby relieving the scheduling pressure for the current soccer/football field; and

WHEREAS, anyone wanting to play tennis can do so on the tennis courts located on South Street; and

WHEREAS, the Recreation Department can convert the Delano-Hitch tennis courts to a youth soccer field with existing staff; and

WHEREAS, this Council finds that the proposal to re-purpose the Delano-Hitch tennis courts for a youth soccer field is in the best interests of the City of Newburgh, its residents and youth alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to re-purpose the tennis courts located in the Delano-Hitch Recreation Park into a youth soccer field.

LOCAL LAW NO.: _____ - 2017

OF

_____, 2017

A LOCAL LAW AMENDING SECTION C3.12 ENTITLED "RESIDENCY REQUIREMENTS" OF THE CODE 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 Section C3.12 entitled entitled 'Residency Requirements' of the Code of the City of Newburgh".

SECTION 2 – AMENDMENT

City Charter Section C3.12 entitled "Residency Requirements" is hereby amended as follows:

A. Purpose. The City Council of the City of Newburgh finds that individuals who are officers and department heads of the City of Newburgh take a greater interest, commitment and involvement in the municipality that employs them by living within that community. The City Council further finds that in order to protect the health safety and welfare of the citizens of the City where emergencies and emergency work arise, it is necessary that the officers and department heads reside in the City. Accordingly, the City Council determines that there is a sufficient public need to require that officers and department heads initially appointed and hired after the effective date of this Section be residents of the City of Newburgh.

B. Application. This section shall apply to the officers of the City of Newburgh enumerated in Subsection C3.00(B) and (C) of this Article and the City Marshal and Acting City Marshal initially appointed after the effective date of this local law ~~on or after January 13, 2015~~. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the City Charter and Code of Ordinances of the City of Newburgh found to be contrary to the provisions herein. City Charter Section C3.00(D) is hereby repealed by this local law.

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

OFFICER – includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the Traffic and Parking Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the City

~~Strikethrough~~ denote deletions
Underlining denotes additions

Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks and Recreation Director, one Planning and Development Director as enumerated in City Charter Section C3.00(B) and (C) initially appointed and hired by the City of Newburgh after the effective date of this local law ~~on or after January 13, 2015~~ and the City Marshal and Acting City Marshal initially appointed after the effective date of this local law ~~on or after January 13, 2015~~.

RESIDENCY – a person's usual and customary place of abode where the individual lives and regularly stays, the place where the family of any person permanently resides and the place where any person having no family generally lodges

D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh after the effective date of this local law ~~on or after January 13, 2015~~ shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial permanent appointment or become a resident within 90 days of permanent appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

E. Verification and documentation.

1. The City Council shall be responsible for verifying the compliance with this residency requirement for the City Manager, Civil Service Commissioners, City Clerk and members of the Traffic and Parking Advisory Committee. The City Manager shall be responsible for verifying the compliance with this residency requirement for the remaining officers, except for the City Marshal and Acting City Marshal. The City Court shall be responsible for verifying compliance with this residency requirement for the City Marshal and Acting City Marshal.

2. All relevant sources of verification or documentation must be considered in determining an officer's residence. Where the officer's family permanently resides is a significant factor in determining the officer's residence. The following sources of verification or documentation also should be considered:

Voter's registration
Driver's license
Motor vehicle registration
Utility bills and receipts
Deed

~~Strikethrough~~ denote deletions
Underlining denotes additions

Tax bills and receipts
Contract for sale
Lease or rental agreement
Landlord's affidavit
Insurance policies
Visual verification

F. Waiver.

1. In the event that after a reasonable recruitment period, a municipal officer position covered by this Section cannot be filled by appointing a qualified City resident or a qualified nonresident who is prepared to become a resident within in 90 days of his or her permanent appointment as provided in ~~the provisions of~~ Subsection D of this Section, a waiver of the residency requirements for said position, in whole or in part, ~~will prevent the City from filling the officer positions, one sixty (60) day extension~~ may be granted as follows:

    a. By the City Council for the Civil Service Commissioners, the City Clerk and the Traffic and Parking Advisory Committee members;

    b. By the City Manager for the remaining officers, except for the City Marshal and Acting City Marshal; and

    c. By the City Court for the City Marshal and Acting City Marshal.

2. The person or body authorized to grant the waiver shall certify in writing to the City Council the facts and circumstances supporting the determination to grant the waiver. Such waiver shall apply to such specific individual appointment for which the certification and waiver was granted.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City or who is an employee of the City as of the effective date of this local law ~~January 12, 2015~~ and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.

2. Nothing herein shall change the residency requirement for any elected City official.

3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.00(C).

SECTION 3 - 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 4 - EFFECTIVE DATE

This Local Law shall take effect on _____, 2017 after it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

DRAFT

~~Strikethrough~~ denote deletions
Underlining denotes additions

RESOLUTION NO.: 245 - 2017

OF

AUGUST 14, 2017

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR SEPTEMBER 11, 2017 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING CITY CHARTER SECTION C3.12
ENTITLED "RESIDENCY REQUIREMENTS"
OF THE CODE 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 City Charter Section C3.12 entitled 'Residency Requirements' of the Code 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 11th day of September, 2017, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

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 Aug. 14, 2017 and that it is a true and correct copy of such original.
Witness my hand and seal of the City of Newburgh this 15th day of Aug 2017

Katrina Cotten
Deputy City Clerk

LOCAL LAW NO.: _____ -2017

OF

_____, 2017

A LOCAL LAW AMENDING SECTION C3.12 ENTITLED "RESIDENCY REQUIREMENTS" OF THE CODE 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 Section C3.12 of entitled "Residency Requirements" of the Code of the City of Newburgh."

SECTION 2- AMENDMENT

§ 3.12 of the City Charter is hereby amended as follows:

D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh on or after January 13, 2015 shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial permanent appointment or become a resident within 90 days of permanent appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City as of January 12, 2015 and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.
2. Nothing herein shall change the residency requirement for any elected City official.
3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.00(C).

DRAFT

Underlining denotes additions
~~Strikethrough~~ denotes deletions

4. Notwithstanding any provisions of this Section to the contrary, any person who is employed by the City on INSERT DATE AFTER DATE OF ADOPTION and who was not a City resident as of that date, shall not be required to comply with the requirements of this Section upon the appointment to an officer position.

SECTION 3 - 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 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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