



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
November 13, 2017
7:00 PM

Mayor/Alcaldesa

1. Prayer/Rezo
2. Pledge of Allegiance/ Juramento a la Alianza

City Clerk/Secretaria de la Ciudad

3. Roll Call/Lista de Asistencia

Communications/Comunicaciones

4. Approval of the minutes of the meeting of October 23, 2017/ Aprobación del acta de la reunión del 23 de Octubre de 2017

Presentations/Presentaciones

5. Public Hearing to receive comments on the 2018 budget
Resolution scheduling a public hearing for November 13, 2017 to receive comments concerning the adoption of the 2018 Budget for the City of Newburgh. (Katie Mack & Michelle Kelson)

Una resolución programando una audiencia pública para el 13 de noviembre de 2017 para recibir comentarios con respecto a la adopción del Presupuesto para el 2018 de la Ciudad de Newburgh. (Katie Mack)

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

Comments from the Council regarding the agenda/Comentarios del Consejo con respecto a la agenda

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

6. Resolution No. 308-2017 Extension of Temporary Sanitation Worker
Resolution amending the 2017 Personnel Analysis Book to continue one temporary position in the Sanitation Division in the Department of Public Works through December 31, 2017. (Katie Mack)

Una resolución enmendando el Libro de Análisis del Personal del 2017 para continuar con un puesto temporal en la División de Saneamiento en

el Departamento de Obras Publicas has el 31 de diciembre de 2017. (Katie Mack)

7. Resolution No. 309-2017 Self Insurance Budget Reallocation

Resolution amending Resolution No: 310A-2016, the 2017 Budget for the City of Newburgh, New York to transfer \$344,858.67 within the Self Insurance Fund. (Katie Mack)

Una resolución enmendando Resolución No. 310ª-2016, el Presupuesto del 2017 para la Ciudad de Newburgh, Nueva York para transferir \$344,858.67 dentro de los fondos de auto seguridad. (Katie Mack)

8. Resolution No. 310-2017 Creation of temporary Sergeant through 12-31-17

Resolution amending the 2017 Personnel Analysis Book to add one (1) Sergeant position on a temporary basis in the City of Newburgh Police Department. (Katie Mack)

Una resolución enmendando el Libro de Análisis del Personal del 2017 para agregar un (1) puesto de Sargento sobre una base temporal en el Departamento de Policía de la Ciudad de Newburgh. (Katie Mack)

9. Resolution No. 311-2017 Release of covenants for 32 Benkard Avenue

Resolution authorizing the execution of a Release of Restrictive Covenants and Right of Re-entry from a deed issued to A. Contreras Property Management, Inc. to the premises known as 32 Benkard Avenue (Section 45, Block 4, Lot 16) (Michelle Kelson)

Una resolución autorizando la ejecución de la Liberación de Clausulas Restrictivas y Derecho de reingreso de acuerdo a una escritura emitida a A. Contreras Property Management, Inc. A las instalaciones conocidas como la 32 de la Avenida Benkard (Sección 45, Bloque 4, Lote 16) (Michelle Kelson)

10. Resolution No. 312-2017 Satisfaction of Mortgage for 30 Benkard Avenue

Resolution authorizing the City Manager to execute a Satisfaction in connection with a mortgage issued to Aldo R. Ocompo for premises located at 30 Benkard Avenue (Section 45, Block 4, Lot 15) (Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a ejecutar una satisfacción en conexión con una hipoteca emitida a Aldo R. Ocompo para las instalaciones en la 30 de la Avenida Benkard. (Sección 45, Bloque 4, Lote 5) (Michelle Kelson)

11. Resolution No. 313- 2017 Satisfaction of Mortgage for 158 & 160 Washington Street

Resolution authorizing the City Manager to execute a satisfaction in

connection with a mortgage issued to Courtyard Estates, Inc. for premises located at 158 Washington Street and 160 Washington Street (Section 36, Block 5, Lots 11 and 12) (Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a ejecutar una satisfacción en conexión con una hipoteca emitida a "Courtyard Estates, Inc." Por las instalaciones ubicadas en la 158 de la Calle Washington y 160 de la Calle Washington (Sección 36, Bloque 5, Lotes 11y 12) (Michelle Kelson)

12. Resolution No. 314-2017 Satisfaction of Mortgage for 119 South Clark Street

Resolution authorizing the City Manager to execute a satisfaction in connection with a mortgage issued to Manny Pereira for premises located at 119 South Clark Street (Section 45, Block 14, Lot 17) (Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a ejecutar una satisfacción en conexión con una hipoteca emitida a Manny Pereira Por las instalaciones ubicadas en la 119 de la Calle South Clark (Sección 45, Bloque 14, Lotes 17) (Michelle Kelson)

13. Resolution No. 315-2017 Release of covenants for 40 Hasbrouck Street

Resolution authorizing the execution of a Release of Restrictive Covenants and Right of Re-entry from a deed issued to Edwin Tolentino to the premises known as 40 Hasbrouck Street (Section 38, Block 3, Lot 48) (Michelle Kelson)

Una resolución autorizando la ejecución de la libración de cláusulas restrictivas y derecho de reingreso de una escritura emitida a Edwin Tolentino a las instalaciones conocidas como la 40 de la Calle Hasbrouck (Sección 38, Bloque 3, Lote 48) (Michelle Kelson)

14. Resolution No. 316-2017 Purchase of 40 Flemming Drive

Resolution to authorize the conveyance of real property known as 40 Flemming Drive (Section 2, Block 9, Lot 1) at private sale to Alberta Brown for the amount of \$35,000.00. (Deirdre Glenn)

Una resolución para autorizar el traspaso de bienes raíces conocidas como la 40 de Flemming Drive (Sección 2, Bloque 9, Lote 1) en una venta privada a Alberta Brown por la cantidad de \$35,000.00. (Deirdre Glenn)

15. Resolution No. 317-2017 Purchase of 110 Johnston Street

Resolution to authorize the conveyance of real property known as 110 Johnston Street (Section 18, Block 10, Lot 11) at private sale to Juan Galaviz for the amount of \$25,000.00. (Deirdre Glenn)

Una resolución para autorizar el traspaso de bienes raíces conocidas como la 110 de la Calle Johnston (Sección 18, Bloque 10, Lote 11) en una

venta privada a Juan Galaviz por el monto de \$25,000.00. (Deirdre Glenn)

16. Resolution No. 318-2017 Purchase of 120 West Parmenter Street and 15 Sequestered Road

Resolution to authorize the conveyance of real property known as 120 West Parmenter Street (Section 38, Block 2, Lot 42) and 15 Sequestered Road (Section 7, Block 1, Lot 14) at private sale to Aamir Mumtaz for the amount of \$22,830.00. (Deirdre Glenn)

Una resolución para autorizar el traspaso de bienes raíces conocidas como la 120 de la Calle West Parmenter (Sección 38, Bloque 2, Lote 42) y la 15 de Sequestered Road (Sección 7, Bloque 1, Lote 14) en una venta privada a Aamir Mumtaz por la cantidad de \$22,830.00. (Deirdre Glenn)

17. Resolution No. 319-2017 Skartados Grant for \$125,000 for Restoring Downing Park & Local Roads

Resolution authorizing the City Manager to apply for and accept a DASNY State and Municipal Facilities Capital Program Grant from Assemblyman Frank Skartados in an amount not to exceed \$125,000.00 for Downing Park and local road improvements (Deirdre Glenn & Katie Mack)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar una subvención del Programa Capital de Facilidades Municipales y Estatales DASNY del Asambleísta Frank Skartados por un monto que no exceda \$125,000.00 para los mejoramientos del Parque Downing y Carreteras Locales. (Deirdre Glenn y Katie Mack)

18. Resolution No. 320-2017 Support for a Main Street Technical Assistance Grant

Resolution of the City Council of the City of Newburgh, New York supporting Best Resources Incorporated in its application to New York State Homes and Community Renewal for funding under the New York Main Street Technical Assistance Grant Program. (Michelle Kelson & Deirdre Glenn)

Una resolución del Consejo Municipal de la Ciudad de Newburgh, Nueva York apoyando a "Best Resources Incorporated" en su solicitud a "New York State Better Homes" y "Community Renewal" para financiamiento bajo el Programa de Subvención de Asistencia Técnica de Calles Principales de Nueva York. (Michelle Kelson y Deirdre Glenn)

19. Resolution No. 321-2017 for Municipal Certificate of Need for the Provision of Ambulance Service

Resolution of the City Council of the City of Newburgh for a municipal certificate of need from the New York State Department of Health for the provision of ambulance service. (Acting Chief Ahlers & Assistant Chief Horton)

Una resolución del Consejo Municipal de la Ciudad de Newburgh para obtener un Certificado de Necesidad Municipal del Departamento de Salud del Estado de Nueva York para la provisión de servicio de ambulancias. (Jefe Interino Ahlers y Asistente de Jefe Horton)

20. Resolution No. 322-2017 To Execute a Payment of Claim with Anthony Capson in the Amount of \$24,000.00

A resolution authorizing the City Manager to Execute a Payment of Claim with Anthony Capson in the amount of \$24,000.00. (Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a ejecutar un pago de reclamo con Anthony Capson por el monto de \$24,000.00 (Michelle Kelson)

21. Resolution No. 323-2017 To Authorize the Settlement of Litigation Regarding the Tax Foreclosure of 284 Grand Street

A resolution to authorize the settlement of litigation regarding the tax foreclosure of 284 Grand Street (Section 10, Block 2, Lot 24) (Michelle Kelson)

Una resolución para autorizar el acuerdo de litigación con respecto a la ejecución hipotecaria de impuestos de la 284 de la Calle Grand (Sección 10, Bloque 2, Lote 24) (Michelle Kelson)

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: 308 -2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AMENDING THE 2017 PERSONNEL ANALYSIS BOOK
TO CONTINUE ONE TEMPORARY POSITION IN THE SANITATION DIVISION
IN THE DEPARTMENT OF PUBLIC WORKS THROUGH DECEMBER 31, 2017**

WHEREAS, by Resolution No. 152-2017, the City Council of the City of Newburgh authorized an amendment to the Personnel Analysis Book for 2017 to add 2 seasonal positions in the parks division and 3 temporary sanitation worker positions in the sanitation division in the Department of Public Works from June 2017 through September 2017 to offset an unforeseen shortage of personnel; and

WHEREAS, the Department of Public Works is requesting to continue 1 temporary sanitation worker position in the sanitation division through December 31, 2017; and

WHEREAS, the City Council has determined that continuing 1 temporary sanitation worker position in the sanitation division in the Department of Public Works will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh; and

WHEREAS, the continuation of the temporary position requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2017 and funding for such temporary position will be derived from savings in the salary budget lines;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for 2017 be and is hereby amended to continue 1 temporary sanitation worker position through December 31, 2017 in the sanitation division in the Department of Public Works with funding to be derived from the savings within the salary budget lines.

RESOLUTION NO.: 152 -2017

OF

JUNE 12, 2017

A RESOLUTION AMENDING THE 2017 PERSONNEL ANALYSIS BOOK
TO ADD TWO SEASONAL POSITIONS IN THE PARKS DIVISION AND THREE
TEMPORARY POSITIONS IN THE SANITATION DIVISION
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to unforeseen circumstances, there is a shortage of personnel in the Department of Public Works; and

WHEREAS, the Department of Public Works is requesting 2 seasonal positions for the parks division from June 2017 through September 2017 to assist with various summer maintenance activities and 3 temporary sanitation works positions in the sanitation division; and

WHEREAS, the City Council has determined that adding 2 seasonal positions in the parks division and 3 temporary sanitation worker positions in the sanitation division in the Department of Public Works will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh; and

WHEREAS, the addition of the seasonal and temporary positions requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2017 and funding for such seasonal and temporary positions will be derived from savings in the respective salary budget lines;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for 2017 be and is hereby amended to add 2 seasonal positions in the parks division and 3 temporary sanitation worker positions in the sanitation division in the Department of Public Works with funding to be derived from the savings within the salary budget lines.

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 6/12/17
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 13th day of June 20 17


Deputy City Clerk

RESOLUTION NO.: 309 - 2017

OF

NOVEMBER 13, 2017

**RESOLUTION AMENDING RESOLUTION NO: 310A-2016,
THE 2017 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$344,858.67 WITHIN THE SELF INSURANCE FUND**

WHEREAS, it has become necessary to reallocate available funds in the Self-Insurance Fund from Insurance Recoveries to offset expenses and to pay current bills and provide funding to the end of FY 2017;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No.: 310A-2016, the 2017 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
M.2680.0005 Insurance Recoveries WC	\$326,499.67	
M.1722.0400 Excess Insurance	\$ 8,359.00	
M.9050.0400 Unemployment Insurance	<u>\$ 10,000.00</u>	
M.1420.4100 General Legal Liability		\$ 80,000.00
M.1420.4200 Police Liability		\$ 10,000.00
M.1420.4300 Employment Liability		\$ 10,000.00
M.1930.0400 Judgment and Claims		\$ 15,000.00
M.1710.0004 Administration		\$ 6,793.21
M.9040.0408 Self-Insurance Worker's comp		<u>\$223,065.46</u>
TOTALS:	\$344,858.67	\$344,858.67

RESOLUTION NO.: ____310_-2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AMENDING THE 2017 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) SERGEANT POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, the Police Department has advised the City Manager that the department is in need of an additional individual to perform the duties of “Sergeant;” and

WHEREAS, the creation of the additional Police Department Sergeant position will be on a temporary basis; and

WHEREAS, the City Council has determined that adding one temporary Sergeant position in the Police Department will promote economy and efficiency within the Department; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2017 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title “Sergeant” in the Police Department.

RESOLUTION NO.: _____311____-2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO A. CONTRERAS PROPERTY MANAGEMENT, INC.
TO THE PREMISES KNOWN AS 32 BENKARD AVENUE
(SECTION 45, BLOCK 4, LOT 16)**

WHEREAS, on July 22, 1999, the City of Newburgh conveyed property located at 32 Benkard Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 45, Block 4, Lot 16, to A. Contreras Property Management, Inc.; and

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

WHEREAS, Fannie Mae ultimately acquired title to said real property through foreclosure; and

WHEREAS, Fannie Mae, by its attorney, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh to A. Contreras Property Management, Inc.; 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.

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 32 Benkard Avenue, Section 45, Block 4, Lot 16, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3 and 4 in a deed dated July 22, 1999, from the CITY OF NEWBURGH to A. CONTRERAS PROPERTY MANAGEMENT, INC., recorded in the Orange County Clerk's Office on July 27, 1999, in Liber 5112 of Deeds at Page 24 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.

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.: _____ 312 _____ - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A SATISFACTION IN CONNECTION WITH
A MORTGAGE ISSUED TO ALDO R. OCOMPO
FOR PREMISES LOCATED AT 30 BENKARD AVENUE
(SECTION 45, BLOCK 4, LOT 15)**

WHEREAS, by Resolution No.: 234-2015 of September 14, 2015, this Council authorized the conveyance of real property known as 30 Benkard Avenue, more accurately described as Section 45, Block 4, Lot 15 on the official tax map of the City of Newburgh, to Aldo R. Ocompo, subject to certain terms and conditions; and

WHEREAS, Paragraph 5 of said Terms and Conditions of Sale provided that the City, as seller, hold a Purchase Money First Mortgage and Note for the balance of the purchase price; and

WHEREAS, said Note and Mortgage were executed by the mortgagor on October 29, 2015; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Aldo R. Ocompo for premises located at 30 Benkard Avenue (Section 45, Block 4, Lot 15).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

Does hereby certify that the following mortgage is paid, and does hereby consent that the same be discharged of record:

MORTGAGE bearing the date of October 29, 2015, made by Aldo R. Ocompo to the City of Newburgh, given to secure payment of the principal sum of Thirty-Three Thousand Two Hundred Three and 34/100 (\$33,203.34) Dollars, and duly recorded in the Orange County Clerk's Office on February 29, 2016 in Liber 14015 at page 38;

which mortgage has not been further assigned of record.

Dated: November _____, 2017

CITY OF NEWBURGH

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

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

On the _____ day of _____, 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 person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: _____ 313 _____ - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION IN CONNECTION WITH A MORTGAGE
ISSUED TO COURTYARD ESTATES, INC. FOR PREMISES LOCATED AT
158 WASHINGTON STREET AND 160 WASHINGTON STREET
(SECTION 36, BLOCK 5, LOTS 11 AND 12)**

WHEREAS, by Resolution No.: 105-2010 of May 10, 2010, this Council authorized the acceptance and assumption of all the assets and liabilities of the Newburgh Community Development Agency ("NCDA"), all without consideration, pursuant to Section 554(19) of the General Municipal Law; and

WHEREAS, Resolution No.: 105-2010 of May 20, 2010, further authorized the Acting City Manager to execute and accept delivery of any and all deeds, assignments, instruments, agreements, and any and all other necessary documents to effect such acceptance and assumption by the City; and

WHEREAS, the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency issued a mortgage to Courtyard Estates, Inc. in the principal sum of \$50,000.00 for premises located at 158 Washington Street and 160 Washington Street (Section 36, Block 5, Lots 11 and 12, respectively), dated September 9, 1998, and recorded in the Orange County Clerk's Office on November 6, 1998, in Liber 6891 of Deeds at Page 262; and

WHEREAS, such amount was paid in full, and a Satisfaction of Mortgage was issued on November 23, 1999 but the original instrument was lost and never recorded; and

WHEREAS, this Council has determined that executing a new Satisfaction, a copy of which is annexed hereto, as successor in interest to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency is necessary and appropriate and in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Courtyard Estates, Inc. for premises located at 158 Washington Street and 160 Washington Street (Section 36, Block 5, Lots 11 and 12, respectively).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

Does hereby certify that the following mortgage is paid, and does hereby consent that the same be discharged of record:

MORTGAGE bearing the date of September 9, 1998, made by Courtyard Estates, Inc. to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency, given to secure payment of the principal sum of \$50,000.00, and duly recorded in the office of the Orange County Clerk's Office on November 6, 1998, in Liber 6891 of Deeds at Page 262; and

further described in Assignment and Assumption of Mortgage Without Covenant from the Newburgh Community Development Agency formerly known as the Newburgh Urban Renewal Agency to the City of Newburgh, dated November 15, 2010, and recorded on November 22, 2010, in Liber 13085 Page 0839.

Dated: November _____, 2017

CITY OF NEWBURGH

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

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

On the _____ day of November, 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 person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: _____ 314 _____ - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION IN CONNECTION WITH A MORTGAGE ISSUED TO
MANNY PEREIRA FOR PREMISES LOCATED AT 119 SOUTH CLARK STREET
(SECTION 45, BLOCK 14, LOT 17)**

WHEREAS, the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency issued a mortgage to Manny Pereira in the principal sum of \$26,250.00 for premises located at 119 South Clark Street (Section 45, Block 14, Lot 17), dated November 3, 1988, and recorded in the Orange County Clerk's Office on November 16, 1988, in Liber 3251 of Deeds at Page 176; and

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

WHEREAS, this Council has determined that executing said Satisfaction as successor in interest to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Manny Pereira for premises located at 119 South Clark Street (Section 45, Block 14, Lot 17).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

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

Does hereby certify that the following mortgage is paid, and does hereby consent that the same be discharged of record:

MORTGAGE bearing the date of November 3, 1988, made by Manny Pereira to the Newburgh Community Development Agency f/k/a the Newburgh Urban Renewal Agency, given to secure payment of the principal sum of \$26,250.00, and duly recorded in the office of the Orange County Clerk's Office on November 16, 1988, in Liber 3251 of Deeds at Page 176;

which mortgage has not been further assigned of record.

Dated: November _____, 2017

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 November, 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 person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: _____315____-2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO EDWIN TOLENTINO
TO THE PREMISES KNOWN AS 40 HASBROUCK STREET
(SECTION 38, BLOCK 3, LOT 48)**

WHEREAS, on September 4, 2001, the City of Newburgh conveyed property located at 40 Hasbrouck Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 48, to Edwin Tolentino; and

WHEREAS, Mr. Tolentino, by an attorney, has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

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

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

RECORD & RETURN TO:

RESOLUTION NO.: 316 -2017

OF

NOVEMBER 13, 2017

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 40 FLEMMING DRIVE (SECTION 2, BLOCK 9, LOT 1)
AT PRIVATE SALE TO ALBERTA BROWN FOR THE AMOUNT OF \$35,000.00**

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 40 Flemming Drive, being more accurately described as Section 2, Block 9, Lot 1 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has 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 February 16, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
40 Flemming Drive	2 - 9 - 1	Alberta Brown	\$35,000.00

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

40 Flemming Drive, City of Newburgh (2-9-1)

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. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.

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 February 16, 2018. 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 not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
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.: 317 - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 110 JOHNSTON STREET (SECTION 18, BLOCK 10, LOT 11)
AT PRIVATE SALE TO JUAN GALAVIZ FOR THE AMOUNT OF \$25,000.00**

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 110 Johnston Street, being more accurately described as Section 18, Block 10, Lot 11 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has 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 February 16, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
110 Johnston Street	18 - 10 - 11	Juan Galaviz	\$25,000.00

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

110 Johnston Street, City of Newburgh (18-10-11)

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 February 16, 2018. 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 not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
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.: 318 - 2017

OF

NOVEMBER 13, 2017

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN
AS 120 WEST PARMENTER STREET (SECTION 38, BLOCK 2, LOT 42) AND
15 SEQUESTERED ROAD (SECTION 7, BLOCK 1, LOT 14)
AT PRIVATE SALE TO AAMIR MUMTAZ FOR THE AMOUNT OF \$22,830.00

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 120 West Parmenter Street and 15 Sequestered Road, being more accurately described as Section 38, Block 2, Lot 42 and Section 7, Block 1, Lot 14, respectively, on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase these properties 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 properties 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 purchaser 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 February 16, 2018, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
120 West Parmenter Street	38 - 2 - 42	Aamir Mumtaz	\$ 8,070.00
15 Sequestered Road	7 - 1 - 14		\$15,760.00

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

Terms and Conditions of Sale

120 W. Parmenter Street, City of Newburgh (38-2-42)

15 Sequestered Road, City of Newburgh (7-1-14)

STANDARD TERMS:

1. City of Newburgh acquired title to this property 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 properties are vacant and unoccupied. The parcels are 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 properties and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcels in accordance with same.
7. 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.

8. 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.
9. 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.
10. 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 February 16, 2018. 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.
11. 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 not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. 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.
13. 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.**
14. 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.
15. 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 ten (10) days in advance of closing title and approved by the City's Engineer.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.

17. 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.: 319 - 2017

OF

NOVEMBER 13, 2017

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM GRANT
FROM ASSEMBLYMAN FRANK SKARTADOS IN AN AMOUNT
NOT TO EXCEED \$125,000.00
FOR DOWNING PARK AND LOCAL ROAD IMPROVEMENTS**

WHEREAS, the City of Newburgh 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 for Downing Park and local road improvements; and

WHEREAS, if awarded, the funds will be used to reconstruct the Veterans Memorial located within Downing Park; improvements to the Downing Park Shelter House; to install lighting and benches; for tree removal, pruning and replacement; and for local road improvements in the City's north end, including ADA compliant curb ramps; and

WHEREAS, the grant requires no City match; and

WHEREAS, it is deemed to be in the best interests of the City of Newburgh and its citizens to re-apply for and accept such grant;

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 State and Municipal Facilities Capital Program Grant administered by the Dormitory Authority of the State of New York from Assemblyman Skartados in the amount of \$125,000.00 for Downing Park and local road improvements, with the appreciation and thanks of the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

Capital Project Description and Nomination Form

From the State and Municipal Facilities Program

Please complete the fields below and submit as a digital form to Steve Gold: goldsk@nysa.us

Contact the office of Assemblyman Frank Skartados with any questions. 845-562-0888

Legally Incorporated Name, Address and Telephone Number of Grant Recipient:

Organization Name: City of Newburgh

Mailing Address: 83 Broadway, Newburgh, New York 12550

Phone Number: 845-569-7321

Tax Identification #, (Federal Employer ID# or 501(c) #): 14-6002329

Project Director: Helen Reilly, Grants Administrator

I have read the accompanying document Capital Guidelines (please type in "y/n"): Y

Purpose of Project Funds. Complete this section in general terms – Funds will be used to:

Restore Downing Park and local roads

Project	Cost
Monument	12000
Shelter House	6500
Lighting/benches	47500
Tree removal, pruning, replacing	6000
North End Paving and ADA curb ramps	53000

Total 125000

Total Grant Amount: \$125,000

Date: 10/05/17

STATE AND MUNICIPAL FACILITIES PROGRAM GUIDELINES

GRANTS ARE SUBJECT TO THE ESTABLISHED ELIGIBILITY CRITERIA OF THE RESPECTIVE CAPITAL PROGRAM FROM WHICH THE PROJECT WILL BE FUNDED. IN ADDITION, CAPITAL COMMITMENTS MUST ADHERE TO THE FOLLOWING MINIMUM FUNDING RECOMMENDATION THRESHOLDS:

ELIGIBLE ENTITIES:

- The State of New York and counties, towns, cities and villages located herein;
- water and sewer districts;
- the Metropolitan Transportation Authority;
- colleges and universities;
- public school districts;
- public housing authorities;
- public libraries and library systems;
- public parks and conservancies;
- not for profit fire districts, departments and commissions; and
- volunteer rescue and ambulance squads.

ALLOWABLE USES:

- Construction, improvement, rehabilitation or reconstruction of facilities owned by eligible entities;
- the acquisition of capital facilities and assets by eligible entities, including fixed capital assets; and
- acquisition of certain equipment, including heavy duty road maintenance and construction vehicles pavers, snow plows, street sweepers and heavy duty fire, emergency response and law enforcement vehicles.

RESOLUTION NO.: 320 - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK
SUPPORTING BEST RESOURCES INCORPORATED IN ITS APPLICATION TO
NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR FUNDING UNDER
THE NEW YORK MAIN STREET TECHNICAL ASSISTANCE GRANT PROGRAM**

WHEREAS, the Best Resources Incorporated desires to apply for \$20,000 in financial assistance through the 2018 Consolidated Funding Application (CFA) under the New York Main Street Technical Assistance (NYMS-TA); and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown “main street” buildings on William Street between Washington Street and Renwick Street; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh approves and endorses the 2018 New York Main Street Technical Assistance (NYMS-TA) application for assistance prepared and to be submitted by Best Resources Incorporated.

Passed by the following vote of all City Council Members voting in favor thereof:

Affirmative City Council Members:

Affirmative: #

Negative: #

Abstain: #

I, _____, do hereby certify that Resolution No. ____-2017 was passed at a meeting of the City Council held on November 13, 2017, and is incorporated in the original minutes of said meeting and on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

[Official Seal of Municipality]

RESOLUTION NO.: 321 -2017

OF

NOVEMBER 13, 2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
FOR A MUNICIPAL CERTIFICATE OF NEED FROM
THE NEW YORK STATE DEPARTMENT OF HEALTH FOR
THE PROVISION OF AMBULANCE SERVICE**

WHEREAS, Public Health Law Section 3008(7) permits a city to establish and operate an ambulance service; and

WHEREAS, the City of Newburgh, Orange County, New York (hereinafter "City") has determined that it is in the best interest of the City to establish and operate an ambulance service and/or contract for the operation of the ambulance service pursuant to General Municipal Law Section 122-b; and

WHEREAS, the City Council has determined that all property, property owners and interested persons within the City will be benefited by the establishment and operation of an ambulance service; and

WHEREAS, the City Council has determined that a need for such combined BLS and ALS service exists in the City;

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

The City of Newburgh, finding need for ambulance service in the City of Newburgh, declares that the City establish and operate an ambulance service, or contract with a qualified third party for operation within the City's boundaries, as shown on the attached map; and it is further resolved, that

The boundaries to be reflected upon the ambulance service certificate shall be the entire limits of the City of Newburgh;

Such ambulance service shall be a basic and advanced life support service; and

The Mayor and City Manager of the City of Newburgh shall be empowered to take all steps necessary to obtain ambulance operating authority, including forwarding this resolution to the New York State Department of Health, Bureau of Emergency Medical Services.

This service shall take effect immediately upon approval by the SEMSCO or state.

RESOLUTION NO.: 322 - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH ANTHONY CAPSON IN THE AMOUNT OF \$24,000.00**

WHEREAS, Anthony Capson brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Twenty-four Thousand and 00/100 Dollars (\$24,000.00) in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Anthony Capson in the total amount of Twenty-four Thousand and 00/100 Dollars (\$24,000.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: _____ 323 _____ - 2017

OF

NOVEMBER 13, 2017

**A RESOLUTION TO AUTHORIZE THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE OF
284 GRAND STREET (SECTION 10, BLOCK 2, LOT 24)**

WHEREAS, the City of Newburgh commenced and completed a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2014-8858; and

WHEREAS, by its attorneys Greenberg Traurig, HSBC Bank USA (HSBC), a holder of a mortgage on the property known as 284 Grand Street, being more accurately described as Section 10, Block 2, Lot 24 on the official tax map of the City of Newburgh, has established that it was not properly served in the tax foreclosure action by the City of Newburgh; and

WHEREAS, HSBC's attorneys have asked to settle this matter without litigation; and

WHEREAS, the City Council has determined that it would be in the best interests of the City of Newburgh to settle this matter by accepting all taxes, interest and penalties owed;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 284 Grand Street, Section 10, Block 2, Lot 24, to HSBC Bank USA be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$28,121.13, no later than November 31, 2017 **or** the amount of \$28,332.01, no later than December 31, 2017; and

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