



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
January 8, 2018
5:30 PM

Council Meeting Presentations

1. A Proclamation of 44 Years of Service to the City of Newburgh and a Certificate of Appreciation for outstanding service to our Special Events will be presented to Regina Angelo
Se presentara una Proclamación por los 44 años de servicio a la Ciudad de Newburgh y un Certificado de Apreciación por el servicio excepcional a nuestros Eventos Especiales a Regina Angelo.

2. Department of Environmental Conservation and the Department of Health will give Update on the roll- out of the of the new water filtration system
El Departamento de Conservación Ambiental y el Departamento de Salud darán una actualización sobre el despliegue del nuevo sistema de filtración del agua.

3. Public Hearing will be held on January 8, 2018 to hear public comment concerning a local law amending Chapter 270 to eliminate a 10 year limitation to the Cold War Veterans Tax Exemption
Se llevara a cabo una audiencia pública el 8 de enero de 2018 para escuchar comentarios públicos sobre una ley local que modifica el capítulo 270 para eliminar una limitación de 10 años a la Exención de Impuesto de Veteranos de la Guerra Fría.

Finance/Finanza

4. Orange County Urban Renewal Funding Agreement
Resolution authorizing the City Manager to execute an agreement with the County of Orange for reimbursement of funds to the City of Newburgh in the amount of \$10,000.00 for an urban renewal project consisting of repairs and improvements to the municipal building located at 104 South Lander Street (Katie Mack)

Una resolución autorizando al Gerente de la Ciudad a ejecutar un acuerdo con el Condado de Orange para el reembolso de fondos a la Ciudad de Newburgh por un monto de \$10,000.00 para un proyecto de renovación

urbana que consiste en reparaciones y mejoras en el edificio municipal localizado en la 104 de la Calle South Lander. (Katie Mack)

5. Amending Resolution No. 263-2017 to include grant funds in the total project cost

Bond Resolution of the City of Newburgh, New York, adopted January 8, 2018, amending Resolution No. 263-2017 adopted September 25, 2017 in relation to financing for the Liberty and Grand Street Sewer Improvements Project in the City, at the estimated total cost of \$4,200,375.

Una resolución con respecto a los bonos de la Ciudad de Newburgh, Nueva York, adoptada el 8 de enero de 2018, enmendando la resolución No. 263-2017 adoptada el 25 de setiembre de 2017 en relación con la financiación del proyecto de mejoras en la alcantarilla de las Calles Liberty y Grand en la Ciudad, al costo total estimado de \$4,200,375.

6. Resolution to extend Temp Sgt position

Resolution amending the 2018 Personnel Analysis Book to add one (1) sergeant position on a temporary basis in the City of Newburgh Police Department. (Lt. in Charge Aaron Weaver & Katie Mack)

Una resolución que modifica el libro de análisis del personal del 2018 para agregar un (1) puesto de Sargento en una base temporal en el Departamento de Policía de la Ciudad de Newburgh. (Teniente al Mando Aaron Weaver y Katie Mack)

Planning and Economic Development/Planificación y Desarrollo Económico

7. Request For Proposal(RFP)/Request for Qualification (RFQ) Update for Realtor Professional Service, RFP 109 S. William St., RFP DRC Alembic RFP by Deirdre Glenn

RFQ Realtor, RFP 109 S. William St., DRC Alembic RFP (Deirdre Glenn)

Agente inmobiliario del RFQ, RFP 109 S. William St., DRC Alembic RFP (Deirdre Glenn)

8. 326 Liberty Street - Extension of time to rehabilitate

Resolution authorizing a one year extension of time to rehabilitate premises owned by RIPRAP, LLC known as 326 Liberty Street (Section 12, Block 1, Lot 14) (Michelle Kelson)

Una resolución autorizando una extensión de tiempo de un (1) año para

rehabilitar las instalaciones pertenecientes a RIPRAP, LLC conocidas como la 326 de la Calle Liberty (Sección 12, Bloque 1, Lote 14) (Michelle Kelson)

9. 378 Liberty Street - Extension of time to rehabilitate

Resolution authorizing a one year extension of time to rehabilitate premises owned by RIPRAP, LLC known as 378 Liberty Street (Section 10, Block 1, Lot 35) (Michelle Kelson)

Una resolución autorizando una extensión de tiempo de un (1) año para rehabilitar las instalaciones pertenecientes a RIPRAP, LLC conocidas como la 378 de la Calle Liberty (Sección 10, Bloque 1, Lote 35) (Michelle Kelson)

10. Execution of Release of Restrictive Covenants & Right of Re-entry from a Deed for 129 Third Street

A resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Letitia Meyers and Hefla Meyers to the premises known as 129 Third Street (Section 23, Block 3, Lot 6) (Michelle Kelson)

Una resolución autorizando la ejecución de la liberación d clausulas restrictivas y derecho de reingreso de un título emitido a Letitia Meyers y Hefla Meyers para las instalaciones conocidas como la 129 de la Calle Tercera (Sección 23, Bloque 3, Lote 6) (Michelle Kelson)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

11. Lead Service Line Replacement Program Grant

Resolution authorizing the City Manager to accept a New York State Department of Health Lead Service Line Replacement Program Grant in an amount not to exceed \$544,745.00 requiring no City match. (Wayne Vradenburgh & Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a aceptar una subvención del programa de reemplazo de la línea del servicio de plomo del Departamento de Salud del Estado de Nueva York por un monto que no exceda \$544,745.00 el cual no requiere que la Ciudad iguale los fondos. (Wayne Vradenburgh y Michelle Kelson)

12. Electronic Waste Assistance Grant

Resolution authorizing the City Manager to apply for and accept if awarded a

New York State Department of Environmental Conservation Electronic Waste Assistance Grant for Municipal E-Waste Assistance. (George Garrison & Michelle Kelson)

Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar si es otorgada una subvención para Asistencia para Desechos Electrónicos Municipales del Departamento de Conservación Ambiental de Desechos Electrónicos de Nueva York. (George Garrison y Michelle Kelson)

Resolutions of Support/ Resoluciones de Apoyo

13. Hudson River Tanker-Avoidance Zones -- Agency Rulemaking

Resolution of the City Council of the City of Newburgh supporting immediate state agency rule-making for Tanker-Avoidance Zones in the Hudson River. (Michelle Kelson)

Una resolución del Consejo Municipal de la Ciudad de Newburgh apoyando la elaboración de reglas inmediatas de la agencia estatal para las zonas de evasión de petróleo en el Río Hudson. (Michelle Kelson)

Discussion Items/Temas de Discusión

14. Council Rules and Order of Procedure

(Michelle Kelson)

Reglas del Consejo y Orden de Procedimiento. (Michelle Kelson)

15. President Pro Tem

Resolution appointing Karen Mejia as the President Pro-Tem to serve in the absence of the Mayor as the presiding official at City Council meetings. (Mayor Kennedy)

Una resolución nombrando a Karen Mejia como Presidente Pro-Tem para servir en la ausencia de la Alcaldesa como presidente oficial en las reuniones del Consejo Municipal. (Alcaldeza Kennedy)

16. Orientation for New Council Members

(Councilwoman Ramona Monteverde)

Orientación para los nuevos miembros del Concejo (Concejal Ramona Monteverde)

Executive Session/ Sesión Ejecutiva

17. Proposed, pending or anticipated litigation
Litigación propuesta, pendiente o anticipada

RESOLUTION NO.: 339 - 2017

OF

DECEMBER 11, 2017

A RESOLUTION SCHEDULING A PUBLIC HEARING
FOR JANUARY 8, 2018 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING CHAPTER 270 ENTITLED "TAXATION"
TO REMOVE A TEN YEAR LIMITATION TO THE COLD WAR VETERANS TAX
EXEMPTION AUTHORIZED BY
NEW YORK STATE REAL PROPERTY TAX LAW SECTION 458-b

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 an Local Law amending Chapter 270 entitled "Taxation," to remove the ten year limitation to the Cold War Veterans Tax Exemption authorized by Real Property Tax Law Section 458-b; 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 8th day of January, 2018, in the 3rd Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

I, Lorane Vitok, 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 12/11/17
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 Dec 2017

Lorane Vitok
City Clerk

LOCAL LAW NO.: _____ - 2018

OF

_____, 2018

A LOCAL LAW AMENDING CHAPTER 270, ARTICLE VIII ENTITLED
"EXEMPTION FOR COLD WAR VETERANS"
TO REMOVE THE TEN YEAR LIMITATION

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 270, Article VIII entitled 'Exemption for Cold War Veterans' of the Code of the City of Newburgh to remove the ten year limitation".

SECTION 2 - PURPOSE AND INTENT

The purpose of this local law is to amend the real property tax exemption in the City of Newburgh for cold war veterans authorized by Real Property Tax Law Section 458-b to remove the ten year limitation on the exemption as authorized by Chapter 290 of the 2017 Session Laws of New York effective September 12, 2017.

SECTION 3 - AMENDMENT

Chapter 270 Article VIII entitled "Exemption for Cold War Veterans" of the Code of the City of Newburgh is hereby amended to read as follows:

ARTICLE VIII

Exemption for Cold War Veterans

§270-53 Purpose.

The City of Newburgh hereby elects to provide for a Cold War Veterans Exemption pursuant to Section 458-b of the Real Property Tax Law of the State of New York.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

§270-54 Exemption.

- A. "Qualifying residential real property" shall be exempt from taxation to the extent provided for in Real Property Tax Law Section 2(a)(ii), being fifteen (15%) percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand (\$12,000.00) dollars or the product of twelve thousand (\$12,000.00) dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. The exemption authorized by this Chapter shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to a ten year limitation.

§270-55 Disability Exemption.

In addition to the exemption provided by Real Property Tax Law Section 458-b subdivision (a), the City of Newburgh hereby adopts the following disability exemption as provided in subdivision (b) of said law: where the Cold War Veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty (50%) percent of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed forty thousand (\$40,000.00) dollars, or the product of forth thousand (\$40,000.00) dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 4 - EFFECTIVE DATE.

This Local Law shall take effect immediately, in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE COUNTY OF ORANGE
FOR REIMBURSEMENT OF FUNDS TO THE CITY OF NEWBURGH
IN THE AMOUNT OF \$10,000.00 FOR AN URBAN RENEWAL PROJECT
CONSISTING OF REPAIRS AND IMPROVEMENTS TO THE MUNICIPAL BUILDING
LOCATED AT 104 SOUTH LANDER STREET**

WHEREAS, the Orange County Department of Public Works (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an agreement, a copy of which is attached hereto and made a part hereof, to provide for funding a certain urban renewal project consisting of repairs and improvements to the municipal building located at 104 South Lander Street within the City; and

WHEREAS, the County shall provide the City a total sum of Ten Thousand (\$10,000.00) Dollars for the completion of this urban renewal project; and

WHEREAS, such funds shall be used exclusively for the repair and improvements of the municipal building located at 104 South Lander Street, Newburgh, New York; and

WHEREAS, this Council has reviewed the attached agreement and has determined that entering into such agreement would be 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 Manager be and he is hereby authorized to execute the attached agreement with the County of Orange to provide for a total sum of Ten Thousand (\$10,000.00) Dollars in order to obtain the available funding for an urban renewal project consisting of repairs and improvements to the municipal building located at 104 South Lander Street, Newburgh, New York.



**INTER-MUNICIPAL AGREEMENT -
FUNDING FOR URBAN RENEWAL PROJECT**

THIS AGREEMENT is entered into on _____, 2017, by and between the **County of Orange** (the “County”), a municipal corporation of the State of New York, with its principal offices located at 255-275 Main Street, Goshen, New York 10924, and the **City of Newburgh** (the “City”), a municipal corporation of the State of New York, with its principal offices located at 83 Broadway, Newburgh, New York 12550 (collectively, the “Parties”).

WHEREAS, the Parties agree that entering into this Inter-Municipal Agreement (the “Agreement”) will be in the best interest of both the County and the City; and

WHEREAS, entering into this Agreement is voluntary and will not be construed so as to interfere with or diminish the power or authority of the County or the City.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt, existence and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The County shall provide to the City ten thousand dollars (\$10,000.00) for expenditures to be made by, or on behalf of, the City for an urban renewal project.
2. The urban renewal project to be funding by this Agreement, whole or in part, shall consist of repairs to the municipal building located at 104 South Lander Street, Newburgh, New York. It is anticipated that the work will include, but will not necessarily be limited to, repairs to the electrical system, repairs to the plumbing system, installation of new sheetrock, window

replacement, and repairs to the existing elevator to bring it into compliance with the applicable provisions of the building code.

3. Within 150 days of the City's receipt of the ten thousand dollars (\$10,000), the City shall provide to the County receipts, invoices, bills and/or other documentation evidencing the expenditure of the ten thousand dollars (\$10,000) on repairs to the municipal building located at 104 South Lander Street, Newburgh, New York. The County may request additional documentation in support of the expenditure(s) made by the City, and all such requests shall be reasonable in both time and scope.

4. The City shall reimburse the County any portion of the ten thousand dollars (\$10,000) if the documentation required by paragraph 3 herein is not received by the County within 150 days of the City's receipt of the ten thousand dollars (\$10,000).

5. The City shall reimburse to the County any portion of the ten thousand dollars (\$10,000) that is not expended on repairs to the municipal building located at 104 South Lander Street, Newburgh, New York, within 150 days of the City's receipt of the ten thousand dollars (\$10,000).

6. The County shall have no obligation to the City beyond the payment of funds in accordance with the terms and conditions of this Agreement.

7. This Agreement constitutes the complete and final expression of the terms of the Agreement between the Parties, and supersedes any prior agreement or understanding relating to the subject matter of this Agreement. Any prior agreement or understanding, whether expressed verbally or in writing, shall be deemed to be null and void and of no further effect.

8. No modification or amendment to this Agreement shall be effective unless it is in writing and signed by the duly authorized representatives of the Parties. Unless otherwise

specifically provided for therein, the provisions of this Agreement shall apply with all force and effect to the terms and conditions contained in any such modification or amendment of this Agreement.

9. This Agreement shall be governed by, and construed in accordance with, the laws of the State of New York.

10. To the fullest extent permitted by law, the City shall defend, indemnify and hold harmless the County, County officials, employees and agents against all claims, losses, damages, liabilities, costs or expenses (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement), arising out of any negligent, reckless, intentional or otherwise wrongful act or omission of the City that relates to the subject-matter of this Agreement.

11. The City shall provide proof of Workers' Compensation and Disability Coverage's as required by the New York State Worker's Compensation Board and such proof shall be attached to this Agreement.

12. All provisions of Federal, State and local laws, rules, regulations and ordinances governing non-discriminatory practices; warranties against collusion; solicitation or procurement; warranties against conflicts of interest; ethics laws; confidentiality; fair practices and any other legally imposed safeguard, shall apply to this Agreement, and all acts performed by the City relating to this Agreement.

13. This Agreement shall be binding upon, and inure to the benefit of, the Parties, and to their respective successors and/or assigns.

14. Neither party to this Agreement shall assign, transfer or otherwise dispose of any of its rights or obligations under this Agreement without the prior written approval of the other

party. Any assignment without the prior written approval of the other party to this Agreement shall be void.

15. The City shall maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement, or the funds provided to the City pursuant to this Agreement.

16. The City shall retain all books, records and other documents relevant to this Agreement, or the funds provided the City pursuant to this Agreement, for six (6) years after the termination of this Agreement. The County, or any State and/or Federal auditors, and any other person or entity duly authorized by the County, shall have full access and the right to examine any of said materials during said period.

17. Any notice or communication required by this Agreement shall be sent via first class mail to:

For the County:

Erik Denega, P.E., P.M.P.
Commissioner, Department of Public Works
2455-2459 Route 17M, P.O. Box 509
Goshen, New York 10924

For the City:

Michael G. Ciaravino
City Manager, City of Newburgh
83 Broadway
Newburgh, New York 1550

18. The Parties have the right to designate additional or different recipients and/or addresses.

19. The County shall have no liability under this Agreement to the City, or to any other person or entity, beyond funds appropriated and made available for this Agreement.

20. This Agreement is for the sole benefit of the Parties, and is not for the benefit of any other person or entity. No other person or entity shall have standing to require satisfaction of the terms and conditions of this Agreement, or be deemed to be a beneficiary of the terms and conditions of this Agreement.

21. Any legal suit, action or proceeding arising out of, or relating to, this Agreement shall be commenced in the Supreme Court, Orange County, and the parties irrevocably submit to jurisdiction and venue of such court in any such suit, action or proceeding.

22. The parties agree that the terms and conditions of this Agreement are the result of negotiations between the Parties, and that this Agreement shall not be construed in favor of or against any party by reason of the extent to this Agreement was prepared by, or on behalf of, any party.

23. This Agreement does not create a partnership or agency relationship between the Parties.

24. This Agreement may be executed in any number of counterparts, each of which shall be considered an original for all purposes, and all such counterparts shall together constitute one (1) and the same instrument.

25. The failure of either of the Parties to enforce at any time any provision of this Agreement shall not constitute a waiver of any such provision, or a waiver of a remedy that may be available for a breach. No condition of this Agreement shall be considered waived by the parties unless such waiver is explicitly given in writing.

26. Each signatory to this Agreement represents and warrants that he/she is fully authorized to execute this Agreement on behalf of the County and/or the City.

(Remainder of Page Intentionally Left Blank – Signature Page Follows)

IN WITNESS WHEREOF, the County of Orange and the City of Newburgh have entered into this Agreement as of the date above written.

COUNTY OF ORANGE

CITY OF NEWBURGH

Steven M. Neuhaus
County Executive

Michael G. Ciaravino
City Manager

Dated: _____

Dated: _____

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

January 8, 2018

* * *

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 January 8, 2018, 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. ____ - 2018

OF

JANUARY 8, 2018

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED JANUARY 8, 2018, AMENDING RESOLUTION NO. 263-2017 ADOPTED SEPTEMBER 25, 2017 IN RELATION TO FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, AT THE ESTIMATED TOTAL COST OF \$4,200,375.

Recitals

WHEREAS, the City Council of the City of Newburgh, New York, has heretofore duly authorized construction of the Liberty and Grand Street Improvements Project, at the estimated maximum cost of \$3,600,000 (the “Project”), which amount was appropriated therefore pursuant to Bond Resolution No. 290-2014 duly adopted on November 24, 2014 and Bond Resolution No. 263-2017 duly adopted amended on September 25, 2017 (the “2017 Bond Resolution”), and it has now been determined that the City expects to receive financing assistance from the New York State Environmental Facilities Corporation (“EFC”) for the Project, through (i) a grant in the estimated total amount of \$600,375, and (ii) short-term interest-free loan financing and eventual long-term bond financing in an estimated total amount not to exceed \$3,600,000; and

WHEREAS, it is now appropriate to amend the 2017 Bond Resolution to reference the inclusion of such EFC financing assistance in the revised plan of finance for the Project;

Now, therefore,

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 (A). Bond Resolution No. 263-2017 duly adopted by the City Council on September 25, 2017, entitled:

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 25, 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

is hereby amended to read as follows:

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 25, 2017 AND AMENDED JANUARY 8, 2018, AUTHORIZING ADDITIONAL FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,200,375, APPROPRIATING \$1,700,375 FOR SUCH PURPOSE, IN ADDITION TO THE \$2,500,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS TO FINANCE A PORTION OF SAID ADDITIONAL APPROPRIATION AND THE EXPENDITURE OF \$600,375 GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF

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 \$4,200,375 and \$1,700,375 is hereby appropriated therefor, in addition to the \$2,500,000 previously appropriated pursuant to 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, the issuance of bonds in the principal amount of \$1,100,000 bonds of the City in addition to the \$2,500,000 bonds previously authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes, and application of \$600,375 expected to be received from the New York State Environmental Facilities Corporation to be expended towards the cost of the project thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes to be levied and collected for the payment of such principal and interest.

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 a portion of 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.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). This resolution shall take effect immediately.

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 January 8, 2018, 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 January, 2018.

(SEAL)

City Clerk

Error! Unknown document property name.

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

NOTICE

The amending resolution, a summary of which is published herewith, has been adopted on January 8, 2018, 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 2018

BOND RESOLUTION DATED JANUARY 8, 2018

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED JANUARY 8, 2018, AMENDING RESOLUTION NO. 263-2017 ADOPTED SEPTEMBER 25, 2017 IN RELATION TO FINANCING FOR THE LIBERTY AND GRAND STREET SEWER IMPROVEMENTS PROJECT IN THE CITY, AT THE ESTIMATED TOTAL COST OF \$4,200,375.

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 \$4,200,375

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: January 8, 2018
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)


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. 263 -2017

OF

SEPTEMBER 25, 2017

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED SEPTEMBER 25, 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.

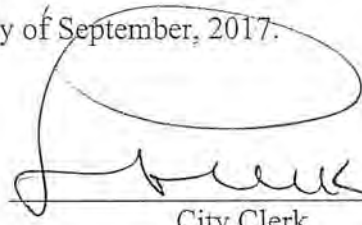
Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Sentinel*," "*The Mid Hudson Times*," 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.

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 25, 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 26th day of September, 2017.

(SEAL)



City Clerk

Liberty Grand Street Sewer Project
Breakdown of Council Approved Financing, EFC Grant and EFC
Financing
Council Work Session 1/4/2018

Total Estimated Project Costs - Liberty St/Grand St Sewer Project	\$ 4,200,375.00
--	------------------------

Original Spending Authorization - Resolution 290-2014	\$ 2,500,000.00
Additional Spending Resolution 263-2017	\$ 1,100,000.00
<hr/>	
Total Council Authorized Borrowing	\$ 3,600,000.00

Total Grant Allocation from EFC	\$ 600,375.00
---------------------------------	---------------

Total Council Approved Funding for Liberty/Grant St Sewer Project	\$ 4,200,375.00
--	------------------------

Current Financing

EFC Finance C3-7332-09-75	\$ 286,000.00
EFC Finance C3-7332-09-76	\$ 1,494,625.00
<hr/>	
Total Current Financing	\$ 1,780,625.00

EFC Grant C3-7332-09-76	\$ 600,375.00
--------------------------------	----------------------

Current Secured funding for project	\$ 2,381,000.00
--	------------------------

Available authorization for additional low interest borrowing through EFC	\$ 1,819,375.00
--	------------------------



Engineers • Environmental Scientists • Planners • Landscape Architects

NYSEFC C3-7332-09-75/76
 UPDATED OPINION OF PROBABLE PROJECT COST
 LIBERTY AND GRAND STREETS SEWER REHABILITATION PROJECT
 CITY OF NEWBURGH, ORANGE COUNTY, NEW YORK

Total of the Lowest Responsive/Responsible Bidders Unit Bid Price		\$	3,248,115
Administration and Legal	2.5%	\$	81,300
Engineering			
Original Engineering Agreement		\$	256,600
Engineering Amendment #1 - Add EFC Bid Packet		\$	-
Engineering Amendment #2 - Add CDBG Program Requirements		\$	15,000
Proposed Engineering Amendment #3 - Additional CA/CO		\$	195,500
Non-Construction Subtotal:		\$	548,400
Project Contingencies	10%	\$	379,652
Opinion of Probable Total Project Cost:		\$	4,176,167

Current NYSEFC IUP Listing/Funding	C3-7332-09-75	SMLP Loan	\$	286,600
	C3-7332-09-76	SMLP Loan	\$	1,494,625
	C3-7332-09-76	SMLP Grant	\$	600,375
			\$	2,381,600
	Shortfall		\$	1,794,567
	Say			\$1.8 Million

RESOLUTION NO.: _____-2018

OF

JANUARY 8, 2018

**A RESOLUTION AMENDING THE 2018 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) SERGEANT POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

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

WHEREAS, by Resolution No. 310-2017 of November 13, 2017, the City Council authorized the amendment of the 2017 Personnel Analysis Book to create one additional Sergeant position in the Police Department Sergeant position on a temporary basis; and

WHEREAS, the Police Department has advised the City Manager that the temporary Sergeant position will be needed until February 28, 2018; and

WHEREAS, the City Council has determined that adding one temporary Sergeant position in the Police Department through February 28, 2018 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 2018 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 through February 28, 2018.

RESOLUTION NO.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION
OF TIME TO REHABILITATE PREMISES OWNED BY RIPRAP, LLC
KNOWN AS 326 LIBERTY STREET (SECTION 12, BLOCK 1, LOT 14)**

WHEREAS, the City of Newburgh did convey the premises located at 326 Liberty Street, more accurately described as Section 12, Block 1, Lot 14 on the official Tax Map of the City of Newburgh by deed dated June 20, 2016; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about December 20, 2017; and

WHEREAS, Thomas Dodd d/b/a RipRap, LLC, the owner of property located at 326 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and requests a 1 year extension to complete the rehabilitation; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Dodd d/b/a RipRap, LLC be granted a one (1) year extension to rehabilitate the premises known as 326 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before January 7, 2019, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING A ONE YEAR EXTENSION
OF TIME TO REHABILITATE PREMISES OWNED BY RIPRAP, LLC
KNOWN AS 378 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 35)**

WHEREAS, the City of Newburgh did convey the premises located at 378 Liberty Street, more accurately described as Section 10, Block 1, Lot 35 on the official Tax Map of the City of Newburgh by deed dated June 20, 2016; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about December 20, 2017; and

WHEREAS, Thomas Dodd d/b/a RipRap, LLC, the owner of property located at 378 Liberty Street in the City of Newburgh has been unable to comply with the deadline, but has made a good faith effort and requests a 1 year extension to complete the rehabilitation; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas Dodd d/b/a RipRap, LLC be granted a one (1) year extension to rehabilitate the premises known as 378 Liberty Street in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before January 7, 2019, that being one (1) year from the date of this Resolution.

RESOLUTION NO.: _____-2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO LETITIA MEYERS AND HEFLA MEYERS
TO THE PREMISES KNOWN AS 129 THIRD STREET
(SECTION 23, BLOCK 3, LOT 6)**

WHEREAS, on March 1, 2001, the City of Newburgh conveyed property located at 129 Third Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 23, Block 3, Lot 6, to Letitia Meyers and Hefla Meyers; and

WHEREAS, the owners, by their attorney, have 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.

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 129 Third Street, Section 23, Block 3, Lot 6, 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 March 1, 2001, from the CITY OF NEWBURGH to LETITIA MEYERS and HEFLA MEYERS, recorded in the Orange County Clerk's Office on March 21, 2001, in Liber 5482 of Deeds at Page 299 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.: _____-2018

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

On the _____ day of _____ in the year 2018, 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.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A NEW YORK STATE DEPARTMENT OF HEALTH
LEAD SERVICE LINE REPLACEMENT PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$544,745.00 REQUIRING NO CITY MATCH**

WHEREAS, New York State's Clean Water Infrastructure Act of 2017 amended the Public Health Law to require the New York State Department of Health (NYSDOH) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines; and

WHEREAS, the LSLRP covers the full replacement of residential water service lines from the public water main to the residence and included typical project costs such as engineering fees, legal fees, municipal administration fees, construction costs of materials, equipment and labor, and site and property restoration; and

WHEREAS, the City of Newburgh wishes to accept a NYSDOH LSLRP Grant in an amount not to exceed \$544,745.00 with no City matching funds required; and

WHEREAS, the City Council finds that accepting a NYSDOH LSLRP Grant is in the best interests of the City of Newburgh and its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a New York State Department of Health Lead Service Line Replacement Program Grant in an amount not to exceed \$544,745.00 requiring no City match; 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.



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

December 11, 2017

The Honorable Judy Kennedy
Mayor, City of Newburgh
83 Broadway
Newburgh, NY 12550

Re: Lead Service Line Replacement Program
Grant Award Notification
(C) Newburgh, Orange Co.

Dear Mayor Kennedy:

On behalf of the New York State (NYS) Department of Health, I am pleased to inform you that your municipality has been awarded a NYS Lead Service Line Replacement Program (LSLRP) Grant. The LSLRP was created by the NYS Clean Water Infrastructure Act of 2017 to provide municipalities with grant funds to assist in the replacement of lead service lines.

Your LSLRP grant has been awarded in an amount not to exceed \$544,745. The final amount of your grant will be determined in accordance with program requirements and is contingent upon the review and approval of the Office of the State Comptroller.

In order to begin the contract negotiation process, please send your finance contact person's name, phone number and e-mail address to LSLRP@health.ny.gov. Also, if you wish to designate a municipal contact to receive LSLRP related information, please provide that contact information as well.

Additional details about the LSLRP can be found on the program web site: <https://health.ny.gov/environmental/water/drinking/lslrp/index.htm>. You may also contact Mr. Stephen Marshall (stephen.marshall@health.ny.gov) or Mr. Dan MacElrath (richard.macelrath@health.ny.gov) at (518) 402-7650 with any questions you may have regarding the LSLRP.

We look forward to working with you on your water quality improvement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd R. Wilson".

Lloyd R. Wilson, Ph.D.
Director
Bureau of Water Supply Protection
NYS Department of Health

cc.: NYSDOH - Metropolitan Region, Attn: Ms. Westerman, Ms. Pan
Orange County Health Department, Attn: Mr. Avila

Lead Service Line Replacement Frequently Asked Questions

- [LSLRP home](#)
- [Awards](#)
- [Program eligibility](#)
- [Lead in drinking water](#)

General Information

What is the Lead Service Line Replacement Program?

New York's Clean Water Infrastructure Act of 2017 (Act) amended the Public Health Law to require the Department of Health (Department) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines.

Where in law can I find the Lead Service Line Replacement Program?

The LSLRP is located in section 1114 of the New York State Public Health Law.

How much money is available?

The LSLRP received a \$20 million allocation from the 2017 New York State budget.

How will the money be distributed?

In 2011, Governor Cuomo established 10 Regional Economic Development Councils (REDC) to provide a local focus for state investment. The LSLRP will utilize these 10 REDC Region boundaries for the purpose of distributing funds. Each region is guaranteed a minimum allocation of \$1 million, with the remaining funds distributed across the 10 REDC Regions based on the regional population as a percentage of the total state population, utilizing 2016 U.S. Census data.

How much money can my municipality receive?

Based on the legislative requirement to equitably distribute available funds, the LSLRP will offer funding of at least \$500,000 to at least two municipalities per region (the exception being the NYC Region, which contains one municipality).

How were municipalities chosen to participate in the LSLRP?

Municipal eligibility has been pre-determined by the Department based on criteria contained in the Act: *"Within each region, the department shall give priority to municipalities that have a high percentage of elevated childhood blood lead levels, based on the most recent available data. In*

...distributing the awards allocated for each region to such priority municipalities; the department shall also consider whether the community is low income and the number of lead service lines in need of replacement."

To meet this directive, the following three data categories were chosen to evaluate and target potentially eligible municipalities: percentage of children with elevated blood lead levels (BLL), median household income (MHI), and the number of houses built before 1939 (<1939) - published reports indicate homes constructed before 1939 have a higher probability of containing lead service lines. Eligibility thresholds were chosen by the Department after a review of available data. Municipalities that met all three of the eligibility thresholds were deemed eligible to potentially receive LSLRP funding.

Why was my municipality chosen to receive a LSLRP award offer?

Municipalities that met the eligibility thresholds were listed with other municipalities in their region, in order based on the data from the three eligibility categories (municipalities with a combination of high BLL, low MHI and large number of old houses placed higher on the regional list). LSLRP award offers were extended to the municipalities at the top of their regional list.

Does my municipality have to accept the award offer?

No. If your municipality chooses not to participate in the LSLRP, your award offer will be rescinded and offered to the next eligible municipality in your region.

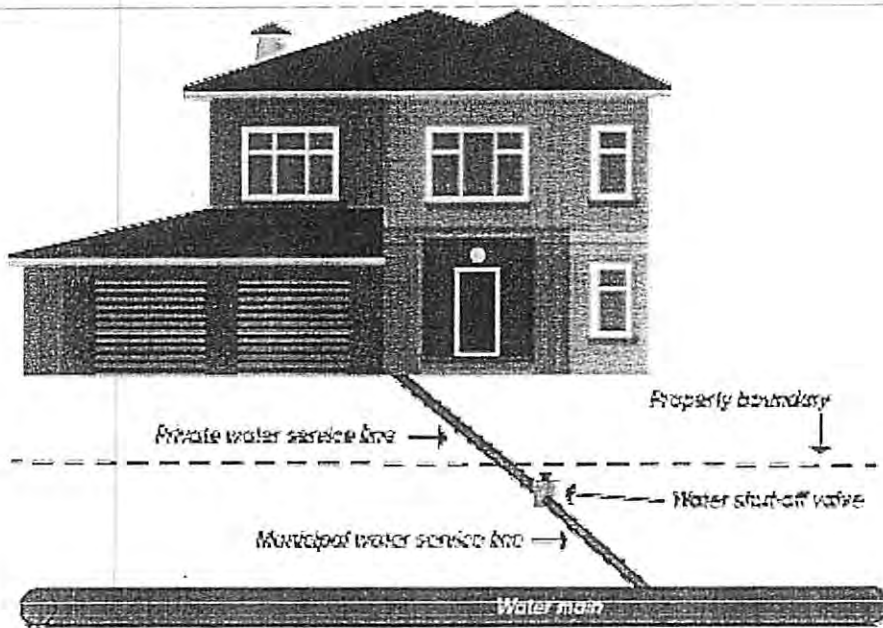
What other funding sources are available if my municipality was not selected, or if additional funds are needed?

The Drinking Water State Revolving Fund (DWSRF) and Water Infrastructure Improvement Act (WIIA) are two New York State funding programs which may be able to provide financial assistance for the replacement of lead service lines.

Program Guidelines

What kind of service lines are covered under the LSLRP?

The LSLRP covers the full replacement of residential water service lines from the public water main to the residence.



What costs are covered under the LSLRP?

Typical project costs such as engineering fees, legal fees, municipal administration fees, construction (materials, equipment, labor) and site/property restoration are included.

How does my municipality choose which lead service lines to replace?

Each municipality will be responsible for contacting homeowners to confirm the presence of a lead service line (full or partial) and whether or not the homeowner is interested in having it replaced.

Who performs the work to replace the lead service line?

Municipalities can utilize their own work force, hire external contractors or allow homeowners to hire their own contractor. Regardless of the method chosen, LSLRP and New York State contract requirements (M/WBE, wage rates, reporting, etc.) will need to be met.

What is the mechanism for receiving funding from the Lead Service Line Replacement Program?

In order to receive the funding, the municipality will enter into a contract with the New York State Department of Health. The contract will be submitted and approved electronically through the [New York State Grants Gateway](#), which also offers [training webinars](#) and [other information for grantees](#).

What requirements does a contract with New York State contain?

A copy of a sample Master Grant Contract can be found at the [New York State Grants Gateway](#). All contract language found within the contract must be adhered to for this program. Included in the contract will be budget and workplan documents that will be developed in negotiations with Bureau of Water Supply Protection program staff.

What is the method for receiving payment for expenses under this contract?

The municipality will submit quarterly vouchers to the program contact identified in the contract document. In order to submit a voucher and receive the payment via check or electronic ACH payment, the municipality must be registered within the New York Statewide Financial System (SFS). Information regarding SFS can be found there or by emailing LSLRP@health.ny.gov.

How does the municipality report on work as it gets completed?

Along with the voucher, the municipality will submit a quarterly progress report which will outline the work that has been completed to date.

Additional Information

Where can I find more information about lead?

- More information about lead can be found on the New York State Department of Health's lead website.
- If you have additional questions about lead in drinking water, please contact your local health department.

FREQUENTLY ASKED QUESTIONS

New York State Department of Health Lead Service Line Replacement Program (Updated December 21, 2017)

Background

Drinking water can be a source of lead exposure. Lead can enter drinking water when service pipes that contain lead corrode, especially where the water has characteristics that corrode pipes and fixtures, such as high acidity or low mineral content. Corrosion is found to occur often in brass or chrome-plated brass faucets and fixtures with lead solder, from which significant amounts of lead can leach into the water, especially hot water. The U.S. Environmental Protection Agency (EPA) estimates that drinking water contaminated with lead can contribute to 20 percent or more of a person's total exposure to lead. Infants who consume mostly mixed formula can receive 40 to 60 percent of their total exposure to lead from drinking water.

General Information

Q1. What is the Lead Service Line Replacement Program?

A1. New York's Clean Water Infrastructure Act of 2017 (Act) amended the Public Health Law to require the Department of Health (Department) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines.

Q2. Where in law can I find the Lead Service Line Replacement Program?

A2. The Lead Service Line Replacement Program is located in section 1114 of the New York State Public Health Law.

Q3. How much money is available?

A3. The LSLRP received a \$20 Million allocation from the 2017 New York State budget.

Q4. How will the money be distributed?

A4. In 2011, Governor Cuomo established 10 Regional Economic Development Councils (REDC) to provide a local focus for state investment. The LSLRP will utilize these 10 REDC Region boundaries for the purpose of distributing funds. Each region is guaranteed a minimum allocation of \$1 Million, with the remaining funds distributed across the 10 REDC Regions based on the regional population as a percentage of the total state population, utilizing 2016 U.S. Census data.

Q5. How much money can my municipality receive?

A5. Based on the legislative requirement to equitably distribute available funds, the LSLRP will offer funding of at least \$500,000 to at least two municipalities per region (the exception being the NYC Region, which contains one municipality).

Q6. What is the anticipated cost to replace a lead service line?

A6. Based on the length of the service line and other site-specific variables, the replacement cost could be between \$5,000 and \$10,000 per lead service line.

Q7. How were municipalities chosen to participate in the LSLRP?

A7. Municipal eligibility has been pre-determined by the Department based on criteria contained in the Act: *“Within each region, the department shall give priority to municipalities that have a high percentage of elevated childhood blood lead levels, based on the most recent available data. In distributing the awards allocated for each region to such priority municipalities, the department shall also consider whether the community is low income and the number of lead service lines in need of replacement.”.*

To meet this directive, the following three data categories were chosen to evaluate and target potentially eligible municipalities: percentage of children with elevated blood lead levels (BLL), median household income (MHI), and the number of houses built before 1939 (<1939) - published reports indicate homes constructed before 1939 have a higher probability of containing lead service lines. Eligibility thresholds were chosen by the Department after a review of available data. Municipalities that met all three of the eligibility thresholds were deemed eligible to potentially receive LSLRP funding.

Q8. Why was my municipality chosen to receive a LSLRP award offer?

A8. Municipalities that met the eligibility thresholds were listed with other municipalities in their region, in order based on the data from the three eligibility categories (municipalities with a combination of high BLL, low MHI and large number of old houses placed higher on the regional list). LSLRP award offers were extended to the municipalities at the top of their regional list.

Q9. Does my municipality have to accept the award offer?

A9. No. If your municipality chooses not to participate in the LSLRP, your award offer will be rescinded and offered to the next eligible municipality in your region.

Q10. What other funding sources are available if my municipality was not selected, or if additional funds are needed?

A10. The Drinking Water State Revolving Fund (DWSRF) and Water Infrastructure Improvement Act (WIIA) are two New York State funding programs which may be able to provide financial assistance for the replacement of lead service lines. Additional information on each program can be found here:

DWSRF - <https://www.efc.ny.gov/drinkingwater>

WIIA - <https://www.efc.ny.gov/WIIA>

Program Guidelines

Q11. What kind of service lines are covered under the LSLRP?

A11. The LSLRP covers the full replacement of residential water service lines from the public water main to the residence.

Q12. Can Lead Service Line Replacement Program grant funds be used to replace lead service lines for buildings other than residential structures?

A12. Yes. However, priority should be given to replacing lead lines serving residential properties.

Q13. What costs are covered under the LSLRP?

A13. Typical project costs such as engineering fees, legal fees, municipal administration fees, construction (materials, equipment, labor) and site/property restoration are included.

Q14. My municipality dug up portions of a road to replace lead “goosenecks”. Can Lead Service Line Replacement Program grant funds be used to refinish the entire road?

A14. No. Only the portion of the road related to the “gooseneck” replacement will be eligible for reimbursement under the LSLRP.

Q15. My municipality doesn’t know where lead service lines are located. How can we find them?

A15. The Department recommends looking at older homes (those constructed before 1940), older areas of the municipality, or areas near where lead service lines have been found in the past. Property owners can also provide information if they suspect their water service line contains lead.

Q16. How can a homeowner test if they have a lead service line?

A16. The easiest way to test if a water service line might contain lead is via a “scratch test”. After locating where the water service line enters the building, typically in a basement or near a water meter, identify a test area on the pipe between the point where it enters the building and the inlet valve before the water meter. Using the flat edge of a screwdriver, gently scratch the outside of the pipe. If the scratched area is shiny and silver, it is likely a lead service line (a magnet will not stick to lead pipe). If the scratched area is copper in color, like a penny, the service line is copper (a magnet will not stick to copper pipe). If the scratched area remains a dull gray color, and a magnet sticks to the surface, the service line is galvanized steel.

Q17. How does my municipality choose which lead service lines to replace?

A17. Each municipality will be responsible for contacting homeowners to confirm the presence of a lead service line (full or partial) and whether or not the homeowner is interested in having it replaced.

Q18. What requirements are there for choosing a service line to be replaced?

A18. The only requirement is that some portion of the service line must contain lead. This includes the “gooseneck” connecting the municipal watermain to the service line, the service line from the curb stop to the building, or both.

Q19. Do the service lines chosen for replacement need to serve a residence with children?

A19. No. Children do not need to live at the residence having the service line replaced.

Q20. Who performs the work to replace the lead service line?

A20. Municipalities can utilize their own work force, hire external contractors or allow homeowners to hire their own contractor. Regardless of the method chosen, LSLRP and New York State contract requirements (M/WBE, wage rates, reporting, etc.) will need to be met.

Q21. What is the mechanism for receiving funding from the Lead Service Line Replacement Program?

A21. In order to receive the funding, the municipality will enter into a contract with the New York State Department of Health. The contract will be submitted and approved electronically through the New York State Grants Gateway. Municipalities can find information and training webinars regarding the Grants Gateway at: <https://grantsreform.ny.gov/Grantees>.

Q22. What requirements does a contract with New York State contain?

A22. A copy of a sample Master Grant Contract can be found at the following website: <https://grantsreform.ny.gov/>. All contract language found within the contract must be adhered to for this program. Included in the contract will be budget and workplan documents that will be developed in negotiations with Bureau of Water Supply Protection program staff.

Q23. Are MWBE requirements included in the Lead Service Line Replacement Program? If so, what are the goals?

A23. The New York State certified MWBE participation goal for the LSLRP is 30%. If a municipality is unable to meet that goal, a waiver request process is available.

Q24. How long will my municipality have to spend the money?

A24. The LSLRP contract length will be two years. If a municipality is unable to spend all of its grant award in that time, a contract extension request process is available.

Q25. What is the method for receiving payment for expenses under this contract?

A25. The municipality will submit quarterly vouchers to the program contact identified in the contract document. In order to submit a voucher and receive the payment via check or electronic ACH payment, the municipality must be registered within the New York Statewide Financial System (SFS). Information regarding SFS can be found at the following website: <http://www.sfs.ny.gov/> or by e-mailing LSLRP@health.ny.gov.

Q26. What is the turnaround time for reimbursement?

A26. The Department estimates that program eligible costs submitted by a municipality can be reimbursed within 30 to 60 days of receipt by the State.

Q27. How does the municipality report on work as it gets completed?

A27. Along with the voucher, the municipality will submit a quarterly progress report, which will outline the work that has been completed to date.

Additional Information

Q28. Where can more information about lead be found?

A28. More information about lead can be found on the Department's website at:

https://www.health.ny.gov/environmental/lead/education_materials/index.htm

If you have any additional questions about lead in drinking water, please contact your local health department. Contact information is available at:

http://health.ny.gov/environmental/water/drinking/doh_pub_contacts_map.htm

RESOLUTION NO.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION ELECTRONIC WASTE ASSISTANCE GRANT
FOR MUNICIPAL E-WASTE ASSISTANCE**

WHEREAS, the New York State Department of Environmental Conservation has funding available in FY 2016/2017 to assist New York State municipalities with the unanticipated costs of collecting and recycling eligible electronic wastes; and

WHEREAS, the Household Hazardous Waste State Assistance Program will reimburse up to 50% of actual expenses incurred during the period April 1, 2017 to December 31, 2017 for collection/recycling of covered e-waste such as computers, computer peripherals, televisions, small scale servers, and small electronic equipment, pursuant to the New York State's Electronic Equipment Recycling and Reuse Act; and

WHEREAS, the City of Newburgh expects to spend \$3,787.40 during the grant period and has requested reimbursement in the amount of \$1,893.70 to partially defray costs paid to an e-waste recycling firm (recycler) for covered e-waste recycling; and

WHEREAS, this Council has determined that applying for and accepting such grant 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 he is hereby authorized to apply for and accept if awarded a New York State Department of Environmental Conservation Electronic Waste Assistance Grant for Municipal E-Waste Assistance for the period April 1, 2017 through December 31, 2017; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and participate in and administer the programs funded thereby.

RESOLUTION NO.: _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING IMMEDIATE STATE AGENCY RULE-MAKING FOR
TANKER-AVOIDANCE ZONES IN THE HUDSON RIVER**

WHEREAS, in 2016 the U.S. Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/ S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce, New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the City of Newburgh to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the City of Newburgh is home to a rapidly developing Hudson River waterfront, as well as a large historic district listed on the National Register of Historic Places and Washington's Headquarters Historic Site, both having majestic Hudson River views, the integrity of which would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the City of Newburgh has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river as described in Resolution No. 244-2016 of September 12, 2016, Resolution No. 72-2017 of March 13, 2017 and Resolution No. 166 -2017 of June 12, 2017; and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Tappan Zee Bridge and the Port of Albany, and a recommendation to establish new anchorage grounds was discussed and could be part of the USCG's PAWSA report; and

WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among these many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Newburgh requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and

BE IT FURTHER RESOLVED that the City Clerk of the City of Newburgh, New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. William J. Larkin, Jr., New York State Senator, the Hon. Frank Skartados, New York State Assemblyman, and to such other persons as the City Council, in its discretion, may deem proper in order to effectuate the purpose of this resolution.

Proposed Hudson River Anchorages

Simulation



These floating parking lots jeopardize:

- Great strides communities have made in revitalizing their riverfronts.
- The region's scenic splendor, foundation of its \$5.3-billion tourism economy.
- Drinking water supplies drawn from the Hudson.
- Prime habitats for sturgeon and other imperiled fish species.
- Safe river access for paddlers and other boaters.

Background

The U.S. Coast Guard (USCG) proposal to establish 10 new sites for 43 commercial vessels to anchor along the Hudson River between Yonkers, Westchester County, and Kingston, Ulster County, was temporarily suspended pending a Ports and Waterways Safety Assessment (PAWSA). This proposal could turn over 2,400 acres of the river into huge "parking lots" for barges—in 42 out of the 43 berths, vessels could sit for 30 days or more, letting companies store flammable crude oil awaiting shipment to East Coast refineries. Allowing these containers to anchor on the Hudson puts our natural resources, aquatic habitats and scenic views at risk. These vessels, which can hold up to 4 million gallons of volatile cargo, would increase the risk of spills, leaks or explosions and jeopardize all of the progress Hudson River communities have made in revitalizing their waterfronts.

The USCG has not demonstrated that new anchorages are needed for navigational safety. And there are other measures that can enhance navigational safety without compromising environmental and community interests.

What has been done?

- In 2016 over 10,000 comments were submitted to the USCG, with over 96% expressing negative concerns over the proposal.
- In 2017 the USCG temporarily suspended the rulemaking pending a PAWSA.
- In November 2017 Scenic Hudson participated in two PAWSA workshops hosted by the USCG where we reiterated our continued opposition to any official designation of new anchorages and offered alternative mitigation measures to improve navigational safety.
- Gov. Cuomo signed Senate Bill 5197b and Assembly Bill 6825 into law, authorizing the Department of Environmental Conservation to issue enforceable regulations that would designate Tanker Avoidance Zones on the Hudson River based on environmental considerations and waterfront communities.

What you can do

- Contact the NY Department of Environmental Conservation and urge it to issue strict regulations that will prohibit new anchorage grounds from being sited where they pose a clear and direct threat to the environment, quality of life and regional economic development goals.

DEC's Bureau of Public Outreach: public@dec.ny.gov or 518 402 8044

- Ask your Representative to support bill number H.R. 2619, which would prevent the Coast Guard from establishing any new anchorage grounds on the Hudson River without submitting a report to Congress detailing their potential impacts on critical habitats and sites listed on the National Priorities List. Also ask your Representative to support the amendment to division E of Rules to bar expenditures for new anchorages sites in the specified area prior to October 1, 2018.

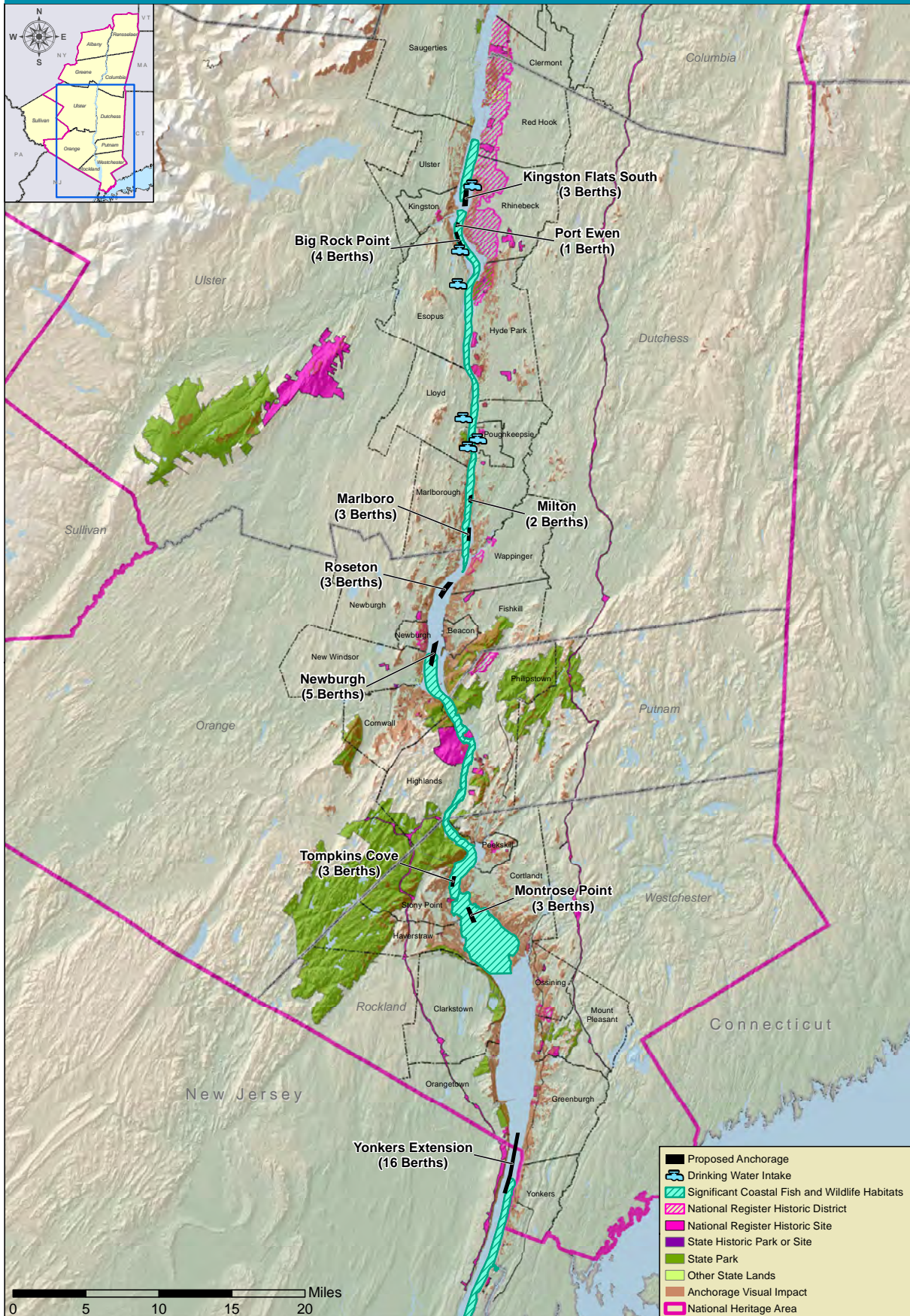
U.S. Capitol switchboard: 202 224 3121



Proposed Hudson River Anchorages

Hudson River Valley National Heritage Area

November 2016



The City of Newburgh

Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Michelle Kelson
Corporation Counsel

Tel. (845) 569-7335
Fax. (845) 569-7338

Jeremy Kaufman
Assistant Corporation Counsel

MEMORANDUM

TO: Councilwoman Genie Abrams
Councilwoman Regina Angelo
Councilman Torrance Harvey
Councilwoman Cindy Holmes
Councilwoman Karen Mejia
Councilwoman Hillary Rayford
Mayor Judy Kennedy

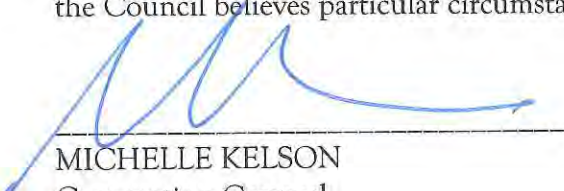
FROM: Michelle Kelson, Corporation Counsel

RE: Resolution No. 109-2017 of April 24, 2017
Amending the 2016 Council Rules and Order of Procedure
Combining public comment periods

CC: Michael G. Ciaravino, City Manager

DATE: April 25, 2017

Attached please find a certified copy of Resolution No. 109-2017 of April 24, 2017 amending Rule VII(B) of the 2016 Council Rules and Order of Procedure to extend the time limit for each speaker during public comment to 5 minutes. The allotted time for each speaker was increased to 5 minutes in connection with the adoption of Ordinance No. 8-2017 of April 24, 2017 amending Section 20-3 of the City Code to create a single public comment period on any matter of City business which will follow public hearings in the Order of Business for City Council meetings. These amendments will take effect at the regular City Council meeting scheduled for Monday, May 8, 2017. As the Council requested, there is no limit on the public comment portion of the agenda. Roberts Rules of Order permit a motion to suspend the rules during a regular meeting if the Council believes particular circumstances require a time limit on the public comment period.



MICHELLE KELSON
Corporation Counsel

MK/bhs

RESOLUTION NO.: 109 2017

OF

APRIL 24, 2017

A RESOLUTION AMENDING RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2016

WHEREAS, by Resolution No. 47-2016 of February 22, 2016, the City Council of the City of Newburgh adopted for use Rules of Order and Procedure for City Council meetings; and

WHEREAS, this Council finds that amending such Rules and Order of Procedure is in the best interests of the City of Newburgh;

NOW, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby amends the 2016 the Rules of Conduct and Procedure as set forth in the copy attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take at the next Council meeting subsequent to its adoption.

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 4/24/17
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 24 day of April 2017


City Clerk

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate. The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
2. Recess the session;
3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.

J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances.

B. The Order of Business may be departed from by majority vote of the members present.

Rule III. Voting

A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.

B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.

D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. Notwithstanding the foregoing, by majority vote, an emergency item concerning the public health, safety or welfare not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

Rule IV. Executive Session

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

Rule V. Participation of City Manager and Staff

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

Rule VI. Suspension of the Rules

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

Rule VII. Guidelines for Public Comment

A. The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.

B. Speakers must adhere to the following guidelines:

1. Speakers must be recognized by the presiding officer.
2. Speakers must step to the front of the room.
3. Speakers must give their name, street name without number and organization, if any.
4. Speakers must limit their remarks to 5 minutes on a given topic. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 5 minutes has expired.
5. Speakers may not yield any remaining time they may have to another speaker.

6. Council members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
 7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff.
 8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
 9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.
- C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

Rule IX. Rules for Public Hearings

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

- (a) Speakers shall sign-in with the Clerk in writing prior to the beginning of the hearing by providing their name, street name without number, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Presiding Officer shall recognize each speaker, in the order listed on the sign-in sheet, when the hearing is commenced. Speakers shall identify themselves, their street name and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

(e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(f) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(g) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the work session. The 2016 Council Meeting schedule is attached to these Rules and Order of Proceedings.

Rule XI. Robert's Rules of Order

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

Rule XII. Adoption of Ordinances

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

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

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)

January 10, 2014 (Rule IV)

February 22, 2016

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

ORDINANCE NO.: 8 - 2017

OF

APRIL 24, 2017

AN ORDINANCE AMENDING SECTION 20-3 ENTITLED "ORDER OF BUSINESS"

BE IT ORDAINED by the City Council of the City of Newburgh that Section 20-3 of the Code of Ordinances is hereby amended to read as follows:

Section 1. Section 20-3. Order of Business.

The business of the Council shall be conducted in the following order:

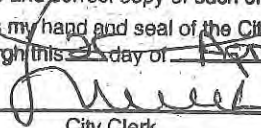
- A. Roll call.
- B. Approval of minutes of previous meeting.
- C. Communications.
- D. Public hearings.
- E. Public comments regarding any matter of City business report of City Manager and items of old business and new business.
- F. Comments from the Council.
- G. Report of City Manager.
- H. Old business.
- I. New business.
- ~~J. Public comments regarding general matters of City business.~~
- ~~K. I.~~ J. Further comments from the Council.

Section 2. This Ordinance shall take effect at the next City Council meeting subsequent to its adoption.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

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 April 24, 2017 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 25 day of April, 2017


City Clerk

RESOLUTION NO. _____ - 2018

OF

JANUARY 8, 2018

**A RESOLUTION APPOINTING KAREN MEJIA AS THE
PRESIDENT PRO-TEM TO SERVE IN THE ABSENCE OF THE MAYOR
AS THE PRESIDING OFFICIAL AT CITY COUNCIL MEETINGS**

WHEREAS, it is the official duty of the Mayor of the City of Newburgh to preside over the Council meetings to ensure that business of the city is performed according to the Rule of Order; and

WHEREAS, it is sometimes necessary for the Mayor to be absent either through illness or must attend another meetings that are essential to the betterment of the affairs of the City; and

WHEREAS, Section C4.11 of the City Charter states that “the Council may appoint one of its members as President Pro Tem, who, in the absence or disability of the Mayor, shall preside over the meetings of the Council and perform the duties, exercise all the functions and have the powers of the Mayor during the continuance of such absence or other disability”;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newburgh that Karen Mejia is appointed as President Pro Tem to serve in the absence of the Mayor; and

BE IT FURTHER RESOLVED by the City Council of the City of Newburgh that this resolution shall supersede Resolution No. 195-2016 of July 28, 2016.