



CITY OF NEWBURGH  
COUNCIL MEETING AGENDA  
*SESION GENERAL DEL CONSEJAL*

January 28, 2019  
7:00 PM

Mayor/Alcaldesa

1. Executive Session

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

*Temas con respecto al historial médico, financiero, crediticio o empleo de una persona en particular o corporación, o temas llevando al nombramiento, empleo, ascenso, descenso, disciplina, suspensión, despido o destitución de una persona en particular o corporación.*

2. Moment of Silence/ Momento de Silencio

3. Pledge of Allegiance/Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

4. Roll Call / Lista de Asistencia

Communications/Comunicaciones

5. Approval of the minutes of the City Council meeting of January 14, 2019

6. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Presentations/Presentaciones

7. Presentation by Danskammer Energy LLC

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

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

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

8. Resolution No. 16 - 2019 - To Oppose the Proposed Danskammer fracked gas plant expansion.

A Resolution of the City Council of the City of Newburgh to oppose the

proposed Danskammer fracked gas plant expansion. (As per Karen Mejia)

*Una resolución del Consejo Municipal de la Ciudad de Newburgh para oponerse a la propuesta de expansión de la planta de fractura hidráulica de gas Danskammer. (De acuerdo a la Concejala Karen Mejia)*

9. Resolution No. 17 - 2019 to amending terms and conditions of sale - 60 Hasbrouck Street

Resolution amending the terms and conditions of sale for the property known as 60 Hasbrouck Street (Section 38, Block 3, Lot 56) at private sale to Michael Lavan. (Michelle Kelson)

*Una resolución enmendando los términos y condiciones de venta de la propiedad conocida como la 60 de la Calle Hasbrouck (Sección 38, Bloque 3, Lote 56) en una venta privada a Michael Lavan. (Michelle Kelson)*

10. Resolution No. 18 - 2019 Surplus Materials at 123 Grand Street

Resolution declaring paper and other art supplies as surplus and authorizing disposition to the Newburgh Enlarged City School District. (Ali Church)

*Resolución declarando papel y otras provisiones de arte como excedentes y autorizando la disposición al Distrito Escolar de la Ciudad de Newburgh. (Ali Church)*

11. Resolution No. 19 - 2019 Amend the 2019 Personnel Book to Add a Full Time, 8-month Neighborhood Stabilization Coordinator

Resolution amending the 2019 Personnel Analysis Book to add one (1) Neighborhood Stabilization Coordinator on a temporary basis in the City of Newburgh Department of Planning and Development. (Ali Church)

*Una resolución enmendando el Libro de Análisis del Personal del 2019 para agregar un (1) Coordinador de Estabilización Vecinal de forma temporal en el Departamento de Planificación y Desarrollo de la Ciudad de Newburgh. (Ali Church)*

12. Resolution No. 20 - 2019 Amend Resolution 228-2018 to accept a Cities RISE Phase II Grant from Enterprise Community Partners, Inc. for an additional \$30,000

Resolution amending Resolution No. 228-2018 to accept an additional \$30,000.00 for a total of \$80,000.00 from a Cities for Responsible Investment and Strategic Enforcement Phase II grant from Enterprise Community Partners, Inc. for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General. (Ali Church)

*Una resolución enmendando Resolución No. 228-2018 para aceptar \$30,000.00 adicional para un total de \$80,000.00 de la subvención de Ciudades para Inversiones Responsables y Aplicación Estratégica Fase II de "Enterprise Community Partners, Inc." Para asistencia técnica para facilitar capacidad construcción en estrategias de aplicación de código a través de la Oficina del Procurador General del Estado de Nueva York. (Ali Church)*

Church)

13. Resolution No. 21 - 2019 Apply for Art Works Grant on Behalf of the NACC

Resolution authorizing the Interim City Manager to apply for an Art Works grant from the National Endowment of the Arts in the amount of \$35,000.00 with a \$35,000.00 match to conduct a Newburgh arts and cultural survey.

*Una resolución autorizando al Gerente Interino de la Ciudad a solicitar para una subvención de Trabajos de Arte del Fondo Nacional de las Artes por la cantidad de \$35,000.00 siendo igualados con \$35,000.00 para realizar una encuesta de arte y cultural en Newburgh.*

14. Resolution No. 22 - 2019 Best Resource Center - workforce development agreement

Resolution authorizing an agreement with Best Resource Center, Inc.. to provide workforce development employment opportunities for City youth in the Department of Public Works and Water Department from January 1, 2019 to June 30, 2019. (Michelle Kelson)

*Una resolución autorizando un acuerdo con "Best Resource Center, Inc. Para proporcionar oportunidades de empleo para el desarrollo de la fuerza laboral a los jóvenes de la ciudad en el Departamento de Obras Publicas y Departamento de Agua desde el 1 de enero de 2019 al 30 de junio de 2019. (Michelle Kelson)*

15. Ordinance No. 1 - 2019 to change the name of the Parking and Transportation Advisory Committee to the Transportation Advisory Committee

Ordinance amending Chapter 71 of the Code of Ordinances to rename the "Transportation, Traffic and Parking Advisory Committee" as the "Transportation Advisory Committee". (Michelle Kelson)

*Una Ordenanza enmendando el Capítulo 71 del Código de Ordenanzas para renombrar el "Comité Consultivo de Transportación, Trafico, y Estacionamiento" como el "Comité Consultivo de Transportación". (Michelle Kelson)*

16. Resolution No. 23 - 2019

A Resolution authorizing the Interim City Manager to enter into an agreement with Kleinschmidt Associates PA, PC for Professional Engineering Services in connection with the Tax Certiorari proceedings against the Town of New Windsor in the Orange County Supreme Court Bearing Orange County Index Nos. EF005922-2017 and EF007932-2018 involving City of Newburgh Water Supply Properties.

*Una resolución autorizando al Gerente Interino de la Ciudad a entrar en un acuerdo con Kleinschmidt Associates PA, PC para servicios profesionales de ingeniería en conexión con los procedimientos de Impuestos Certiorari en contra del pueblo de New Windsor en la Corte Suprema del Condado de Orange el cual lleva los números de índice del Condado de Orange*

- EF005922-2017 y EF007932-2018 el cual involucra las propiedades que proporcionan agua en la Ciudad de Newburgh*
17. Resolution No. 24 - 2019
- A Resolution authorizing the Interim City Manager to enter into an agreement with Thomas F. Zimmie, PHD, P.E., D.GE for Professional Engineering Services in connection with the Tax Certiorari proceedings against the Town of New Windsor in the Orange County Supreme Court Bearing Orange County Index Nos. EF005922-2017 and EF007932-2018 involving City of Newburgh Water Supply Properties.
- Una resolución autorizando al Gerente Interino de la Ciudad a entrar en un acuerdo con Thomas F. Zimmie, PHD, P.E., D.GE para servicios Profesionales de Ingeniería en conexión con los procedimientos de Impuestos Ceritiorari en contra del Pueblo de New Windsor en la Corte Suprema del Condado de Orange el cual lleva los números de índice del Condado de Orange EF005922-2017 y EF007932-2018 el cual involucra propiedades que proporcionan agua en la Ciudad de Newburgh.*
18. Resolution No. 25 - 2019
- A Resolution to Fill a Vacancy in the Office of Council in Ward 3 of the City of Newburgh.
- Una resolución para llenar una vacancia en la oficina del consejo en el tercer distrito electoral de la Ciudad de Newburgh.*
19. Resolution No. 26 - 2019
- a resolution of the City Council of the City of Newburgh Amending Resolution No. 381-2018 and authorizing an amendment to the employment agreement with Joseph P. Donat as Interim City Manager of the City of Newburgh.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: 16 - 2019

OF

JANUARY 28, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH  
TO OPPOSE THE  
PROPOSED DANSKAMMER FRACKED GAS PLANT EXPANSION

WHEREAS, Danskammer Energy, LLC, seeks a permit through the State's Article 10 power plant siting process to build and operate a gas power plant with a generating capacity of 525 - 575 megawatts on the shores of the Hudson River in the Town of Newburgh, adjacent to the City of Newburgh; and

WHEREAS, the current power plant located at the site operates only when electric generation demand reaches a peak so that it operates only about 5% of the time; and

WHEREAS, a new power plant would be planned to operate for decades to come as a year-round facility that would operate continuously for an estimated 60 - 70% of the time, burning far more fossil fuel and producing considerably more air pollution than the current plant; and

WHEREAS, gas-powered plants produce pollution that harms air quality locally and the public's health through release of contaminants including the chemical precursors that form smog; and

WHEREAS, children, the elderly and anyone with a pre-existing health conditions affecting their lungs, such as asthma or emphysema, is especially harmful; and

WHEREAS, air quality in the Hudson Valley already violates federal air quality standards on some days; and

WHEREAS, everyone has a right to clean air and a safe and healthy environment; and

WHEREAS, the City of Newburgh includes communities and census blocks that qualify as environmental justice communities under state law and therefore are entitled to extra protection to minimize additional harms through public policy decisions affecting their environmental quality; and

WHEREAS, climate change is causing sea level rise, extreme weather, massive forest fires, flooding and greater precipitation which necessitates shifting critical infrastructure from areas that will flood in the future such as the proposed location for this facility; and

**WHEREAS**, a large, new gas-powered plant operating at close to baseload capacity will produce millions of metric tons of climate-heating pollution that would fuel the growing climate crisis, contrary to the interests of the City of Newburgh and in contradiction to the State's Energy Plan and Clean Energy Standard of 50% renewable energy generation to be available on the electric grid by 2030, which Governor Cuomo more recently increased to 100% by 2040, as well as contrary to the strong advice of the world's scientists as relayed by the most recent report from the United Nations Intergovernmental Panel on Climate Change (UN IPCC); and

**WHEREAS**, New York State banned fracking to protect our health and protect the climate, but this facility would use fracked gas, which is especially dangerous to air and water quality of the communities outside of New York from which it is extracted, and the City of Newburgh does not seek increased harms on any community, including outside of New York State, and

**WHEREAS**, the Wall Street investors in this project, primarily the private equity firm Tiger Infrastructure and its backers, will enjoy profits from the facility but will not provide any benefits to the City or its residents, and

**WHEREAS**, under Article 10 of the State's Public Service Law, the State's Power Plan Siting Board, a majority of whose members are appointed by Governor Cuomo, will consider Danskammer Energy's application;

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Newburgh urges Governor Cuomo and the Power Plant Siting Board convened under Article 10 of the State Public Service Law to reject Danskammer Energy's proposal to build and operate this large, new polluting facility; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Newburgh urges other nearby municipalities, Orange County, and other state-level elected officials including the City's representatives in the State Senate and Assembly to also oppose Danskammer Energy's proposal; and

**BE IT FURTHER RESOLVED** that the City Clerk of the City of Newburgh, New York forward copies of this resolution to Governor Andrew Cuomo, N.Y. Public Service Commission Chairman John B. Rhodes for entry into the record of public comments of the consideration under state law of Danskammer Energy's application, and to N.Y. Assembly Member Jonathan Jacobson, and N.Y. Senator James Skoufis; and

**BE IT FURTHER RESOLVED** that the City of Newburgh municipal government, including the City Manager and Corporation Counsel, shall take any and all actions necessary and proper to oppose the proposed application to expand the Danskammer Energy Facility.

RESOLUTION NO.: 17 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION AMENDING THE PURCHASE PRICE AND EXTENDING  
THE TIME TO CLOSE FOR THE CONVEYANCE OF REAL PROPERTY  
KNOWN AS 60 HASBROUCK STREET (SECTION 38, BLOCK 3, LOT 56)  
AT PRIVATE SALE TO MICHAEL LAVAN**

**WHEREAS**, by Resolution No. 331-2018, the City of Newburgh authorized the conveyance of real property known as 60 Hasbrouck Street (Section 38, Block 3, Lot 56) to Michael Lavan in the amount of \$50,000.00; and

**WHEREAS**, after authorization and prior to closing, unknown parties vandalized the premises and caused substantial damage inside the premises; and

**WHEREAS**, the prospective buyer, by his attorney, provided an estimate for the repairs and wishes to continue with the purchase at a reduced purchase price based on his cost estimate with a closing date no later than February 28, 2019; and

**WHEREAS**, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, with a closing date no later than February 28, 2019, and upon the remaining terms and conditions as approved in Resolution No. 331-2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the purchase price for the sale of the property known as 60 Hasbrouck Street be amended from \$50,000.00 to \$42,115.00, and the closing date extended to no later than **February 28, 2019**.

RESOLUTION NO.: 18 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION DECLARING PAPER AND OTHER ART SUPPLIES AS SURPLUS  
AND AUTHORIZING DISPOSITION TO  
THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT**

**WHEREAS**, the City of Newburgh Department of Planning and Development has reported that it is in possession of construction paper, rolled colored craft paper, and sheets of craft paper and 1 box of plastic footballs, 1 box of sponge paintbrushes, 1 box of tempera paint, which are of no use by the City of Newburgh; and

**WHEREAS**, the Department of Planning and Development has indicated that the Newburgh Enlarged City School District has expressed interest in the supplies for use in art classes; and

**WHEREAS**, the City Council has determined that declaring the paper and other items as surplus is in the best interests of the City of Newburgh; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the construction paper, rolled colored craft paper, and sheets of craft paper and 1 box of plastic footballs, 1 box of sponge paintbrushes, 1 box of tempera paint are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

**BE IT FURTHER RESOLVED**, that the Interim City Manager be and he is hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus paper and other items to the Newburgh Enlarged City School District.



RESOLUTION NO.: 19-2019

OF

JANUARY 28, 2019

**A RESOLUTION AMENDING THE 2019 PERSONNEL ANALYSIS BOOK  
TO ADD ONE (1) NEIGHBORHOOD STABILIZATION COORDINATOR  
ON A TEMPORARY BASIS IN THE CITY OF NEWBURGH  
DEPARTMENT OF PLANNING AND DEVELOPMENT**

**WHEREAS**, the City of Newburgh was awarded a Cities Rise Phase II grant to work on capacity building and intensive learning process around its code enforcement and distressed property needs and strategies; and

**WHEREAS**, the grant award is \$50,000 to fund staff time to implement the program and the City intends to hire a temporary full-time staff member to support the program; and

**WHEREAS**, the Civil Service Commission has approved the position of Neighborhood Stabilization Coordinator in connection with the implementation of the program; and

**WHEREAS**, the City Council has determined that adding one temporary Neighborhood Stabilization Coordinator in the Department of Planning and Development 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 Personnel Analysis Book for the fiscal year 2019 be amended, and that there be and hereby is added one (1) additional position on a temporary basis in the job title "Neighborhood Stabilization Coordinator" in the Department of Planning and Development.

## **NEIGHBORHOOD STABILIZATION COORDINATOR**

**DISTINGUISHING FEATURES OF THE CLASS:** This is an eight month year grant-funded position, with the potential for an additional three years. Under the general supervision of the Director of the Planning and Development or their designee, the incumbent will actively enter the field to assess the City's vacant buildings stock and organize this information in the vacant building registry. The incumbent will also be expected to develop new systems and processes to make the City of Newburgh's approach to vacant building management and code enforcement more effective, efficient, and equitable. In doing so, the incumbent will be called upon to work closely with stakeholders inside and out of the City government and exercise a great deal of independent judgment. Supervision of others is not normally a responsibility of this class.

### **TYPICAL WORK ACTIVITIES:** (Illustrative Only)

- Monitor, record, and evaluate vacant buildings in the City of Newburgh
- Research ownership information of vacant or abandoned building owners
- Facilitate a task force made up of various City departmental representatives to develop a comprehensive, city-wide approach to vacant buildings
- Work closely with the Department of Buildings & Code Compliance, Fire, Police, Corporation Counsel, and others, including members of the public
- Provide vacant building owners with information on resources available through New York State to address abandoned properties
- Evaluate and improve upon the existing City of Newburgh Vacant Building Registry
- Evaluate and improve upon the City's approach to vacant buildings
- Attend community meetings to discuss vacant buildings and the needs of City neighborhoods
- Work with Corporation Counsel to attend and provide testimony at code enforcement proceedings
- Develop a catalogue of actors within the City who are involved with vacant buildings

### **FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:**

- Working knowledge of law and/or urban management and/or city planning;
- Unrestricted access to a reliable automobile;
- Ability to self-manage and think creatively about work processes;
- Working knowledge of personal computers and office equipment;
- Ability to express ideas clearly in oral and written form;
- Ability to organize and maintain accurate records and files;
- Ability to establish and maintain effective working relationships with city officials and members of the public;
- Good communications skills;
- Good judgment;
- Physical condition commensurate with the demands of the position.

### **MINIMUM QUALIFICATIONS:**

- A. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with a post-graduate degree in law, city planning, regional management, environmental planning, geography, or urban management; **OR**
- B. Graduation from a regionally accredited college or university with a **Bachelor's Degree** or one accredited by the New York State Board of Regents to grant degrees with three (3) years' experience working in the areas of law, city planning, regional management, environmental planning, geography, or urban management; **OR**
- C. Graduation from a regionally accredited college or university with an **Associate's Degree** or one accredited by the New York State Board of Regents to grant degrees with five (5) years' experience working in the areas of law, city planning, regional management, environmental planning, geography, or urban management.

RESOLUTION NO.: 228 - 2018

OF

AUGUST 13, 2018

I, Katrina Cotton, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 8/13/18 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 14<sup>th</sup> day of Aug 20 18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR  
AND ACCEPT IF AWARDED A CITIES FOR RESPONSIBLE INVESTMENT AND  
STRATEGIC ENFORCEMENT PHASE II GRANT FROM  
ENTERPRISE COMMUNITY PARTNERS, INC.  
FOR TECHNICAL ASSISTANCE TO FACILITATE CAPACITY BUILDING  
IN CODE ENFORCEMENT STRATEGIES THROUGH  
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL

WHEREAS, by Resolution No. 121-2017 of May 8, 2017, the City of Newburgh was awarded a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase One grant for a comprehensive asset management data platform and technical expertise to facilitate implementation from the Office of the New York State Attorney General through Local Initiatives Support Corporation; and

WHEREAS, the City of Newburgh is eligible to apply for a Cities RISE Phase II grant from Enterprise Community Partners, Inc. for two-year long, intensive organizational development process focused on building the capacity of municipalities to make significant progress in their code enforcement strategies through data-driven innovations, change management, and community engagement support, with \$50,000.00 to support the process; and

WHEREAS, participating cities will develop new practices to address problem properties and code enforcement challenges in the municipality and will work with multiple stakeholders in the community and in their own organization to generate input and feedback to inform the development of a new and better approach; and

WHEREAS, cities will have the opportunity to apply for an innovation grant to develop and implement these changes and throughout the two years of the program, participating cities will receive support to diagnose their code enforcement challenges, identify opportunities for innovation, navigate the obstacles change, and plan, implement and evaluate the effectiveness of the new approach;

WHEREAS, this Council has determined that making such application and accepting such grant if awarded is in the best interests of the City of Newburgh and its further development; 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 apply for and accept if awarded a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase II grant from Enterprise Community Partners, Inc. for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 20 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION AMENDING RESOLUTION NO. 228-2018 TO ACCEPT AN  
ADDITIONAL \$30,000.00 FOR A TOTAL OF \$80,000.00 FROM A  
CITIES FOR RESPONSIBLE INVESTMENT AND STRATEGIC ENFORCEMENT PHASE  
II GRANT FROM ENTERPRISE COMMUNITY PARTNERS, INC.  
FOR TECHNICAL ASSISTANCE TO FACILITATE CAPACITY BUILDING  
IN CODE ENFORCEMENT STRATEGIES THROUGH  
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL**

**WHEREAS**, by Resolution No. 121-2017 of May 8, 2017, the City of Newburgh was awarded a Cities for Responsible Investment and Strategic Enforcement (“Cities RISE”) Phase One grant for a comprehensive asset management data platform and technical expertise to facilitate implementation from the Office of the New York State Attorney General through Local Initiatives Support Corporation; and

**WHEREAS**, by Resolution No. 228-2018 of August 13, 2018, the City of Newburgh authorized the City Manager to apply for and accept if awarded Cities RISE Phase II grant from Enterprise Community Partners, Inc. for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General in the amount of \$50,000.00 to support the program; and

**WHEREAS**, the City of Newburgh was awarded an additional \$30,000.00 for a total of \$80,000.00 in funding under a Cities RISE Phase II grant; and

**WHEREAS**, this Council has determined that accepting such grant award in the amount of \$80,000.00 is in the best interests of the City of Newburgh and its further development; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept if a Cities for Responsible Investment and Strategic Enforcement (“Cities RISE”) Phase II grant from Enterprise Community Partners, Inc. in the amount of \$80,000.00 for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General; and that the Interim City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 21 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR  
AN ART WORKS GRANT FROM THE NATIONAL ENDOWMENT OF THE ARTS  
IN THE AMOUNT OF \$35,000.00 WITH A \$35,000.00 MATCH  
TO CONDUCT A NEWBURGH ARTS AND CULTURAL SURVEY**

**WHEREAS**, the Newburgh Arts and Cultural Commission has requested that the City of Newburgh apply for and accept if awarded an Art Works grant in the amount of \$35,000.00 from the National Endowment of the Arts to conduct an arts and cultural survey; and

**WHEREAS**, such grant funds will be used to conduct the first comprehensive study that inventories and assesses the diverse arts and culture ecology in Newburgh, NY which will be guided by a group of representative advisors and stakeholders who will gather data and create an inventory of the broad range of arts-and-cultural activities and destinations in the City of Newburgh by conducting focus groups and engaging residents from all neighborhoods and communities and the resultant survey will establish a baseline, and in-depth understanding of the City's cultural assets, how people engage with them, and how they can encourage economic, social, and cultural growth in Newburgh in order to enable informed and coordinated decisions by City government, investors, businesses, organizations, and residents for future investment and growth strategies for the city's cultural infrastructure; and

**WHEREAS**, the grant in the amount of \$35,000.00 requires a match in the amount of \$35,000.00; and

**WHEREAS**, this Council has determined that applying for said grant is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for an Art Works grant in the amount of \$35,000.00 from the National Endowment of the Arts to conduct an arts and cultural survey; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to apply for such grant.

RESOLUTION NO.: 22 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION AUTHORIZING  
AN AGREEMENT WITH BEST RESOURCE CENTER, INC.  
TO PROVIDE WORKFORCE DEVELOPMENT EMPLOYMENT OPPORTUNITIES  
FOR CITY YOUTH IN THE DEPARTMENT OF PUBLIC WORKS  
AND WATER DEPARTMENT FROM JANUARY 1, 2019 TO JUNE 30, 2019**

**WHEREAS**, Best Resource Center, Inc. has been awarded a County of Orange Workforce Development Grant to provide work opportunities for City of Newburgh youth ages 18 to 24; and

**WHEREAS**, the City of Newburgh has expressed an interest in accepting individuals for employment opportunities in the Department of Public Works and the Water Department; and

**WHEREAS**, this Council finds that entering into an agreement with Best Resource Center, Inc. for this purpose 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 Interim City Manager be and he is hereby authorized to execute an agreement and other necessary documents with Best Resource Center in order to provide employment opportunities for City of Newburgh youth ages 18 to 24 in connection with a County of Orange Workforce Development Grant for the period January 1, 2019 to June 30, 2019.

LETTER OF AGREEMENT  
BETWEEN  
BEST RESOURCE CENTER, INC.  
49 GRAND STREET  
AND  
CITY OF NEWBURGH  
83 BROADWAY  
NEWBURGH, NY 12550

Best Resource Center, Inc. and The City of Newburgh will combine their resources to provide summer employment opportunities for City of Newburgh youth aged 18 to 24 funded through an Orange County Workforce Development Grant. The program will begin on or about \_\_\_\_\_, 2019 and will terminate, under the Grant, on or before June 30, 2019.

Best Resources will:

1. Provide City of Newburgh residents between the ages of 18 and 24 capable of performing outside work;
2. Monitor the participants at the worksite;
3. Pay the compensation to the participants and maintain all earnings and taxes records as required; and
4. Maintain workers compensation coverage for the participants;

The City of Newburgh will:

1. Provide jobs for the participants; and
2. Maintain sign-in sheets or other attendance records for the participants

Best Resources and the City of Newburgh will:

1. Comply with the terms of the County of Orange Workforce Development grant;
2. Comply with all Federal and New York State laws, rules and regulations applicable to the Program described in this Agreement.
3. No participants shall be considered employees of the City of Newburgh for the purposes of the Program described in this Agreement.

---

Vera Best  
Best Resource Center, Inc.

---

Joseph P. Donat  
Interim City Manager  
Per Res. No.



ORDINANCE NO.: 1 - 2019

OF

JANUARY 28, 2019

AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF ORDINANCES TO  
RENAME THE “TRANSPORTATION, TRAFFIC AND PARKING ADVISORY  
COMMITTEE” AS THE “TRANSPORATION ADVISORY COMMITTEE”

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 71, entitled “Parking and Traffic Advisory Committee” be and is hereby re-titled and amended to read as follows:

SECTION 1. Chapter 71. ~~PARKING AND TRAFFIC~~ TRANSPORTATION ADVISORY  
COMMITTEE

§ 71-1. Formation; purpose.

- A. A Transportation, ~~Traffic and Parking~~ Advisory Committee is hereby formed. The purpose of the Committee is to advise the City Council on parking and transportation related matters as well as to guide and review the preparation of transportation and parking plans and programs.
- B. Among the functions and duties of the Transportation, ~~Traffic and Parking~~ Advisory Committee shall be to evaluate and make recommendations on various issues including but not limited to parking, traffic and transportation, including alternative transportation modes such as pedestrian and bicycling.
- C. The committee shall develop and/or review needs assessments, transportation planning and policies, studies and projects, as well as ensure that parking, traffic and transportation goals and objectives developed in the 40 year sustainable master plan are met.

§ 71-2. Membership.

Members are appointed by the City Council for two year renewable terms. The Committee shall consist of nine (9) members, comprised as follows:

- 1. Up to six (6) residents of the City of Newburgh on the basis of their knowledge or interest in transportation and/or parking.
- 2. One (1) representative of an agency or organization which represents and/or advocates for persons with disabilities;

~~Strikethrough~~ denotes deletions

Underlining denotes additions

3. Two (2) City employees who are staff members of the City departments of engineering, economic and community development and/or public works.

**SECTION 3.** This Ordinance shall take effect immediately.

RESOLUTION NO.: 23-2019

OF

JANUARY 28, 2019

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO  
AN AGREEMENT WITH KLEINSCHMIDT ASSOCIATES PA, PC  
FOR PROFESSIONAL ENGINEERING SERVICES  
IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST  
THE TOWN OF NEW WINDSOR IN THE ORANGE COUNTY SUPREME COURT  
BEARING ORANGE COUNTY INDEX NOS. EF005922-2017 AND EF007932-2018  
INVOLVING CITY OF NEWBURGH WATER SUPPLY PROPERTIES**

WHEREAS, it has been determined that the source of the per- and polyfluoralkyl substances ("PFAS") contamination in the City of Newburgh's former primary source water supply in Washington Lake, originates from the New York State Air National Guard Base and Stewart Airport in Newburgh, NY; and

WHEREAS, in May 2016, the City of Newburgh switched its drinking source water from Washington Lake to Brown's Pond and then to the Catskill Aqueduct in response to implementation of increased regulatory standards for PFOS and PFOA contaminants and the City of Newburgh's former primary source water supply has been unavailable and unusable by the City; and

WHEREAS, the City of Newburgh has commenced tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018; and

WHEREAS, by Resolution No.13-2019 of January 14, 2019, the City Council authorized the Interim City Manager to retain Robinson Appraisal Consultants, LLC for professional appraisal services in support of the City's case in the aforesaid proceedings; and

WHEREAS, additional professional engineering services are needed to complete the appraisal and Kleinschmidt Associates PA, PC has been identified and qualified to provide the engineering services required;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and enter into an agreement in substantially the same form as annexed hereto, with such terms and conditions as Special Counsel may require, with Kleinschmidt Associates PA, PC for professional engineering services in connection with tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018.

RESOLUTION NO.: 24-2019

OF

JANUARY 28, 2019

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO  
AN AGREEMENT WITH THOMAS F. ZIMMIE, PHD, P.E., D.GE  
FOR PROFESSIONAL ENGINEERING SERVICES  
IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST  
THE TOWN OF NEW WINDSOR IN THE ORANGE COUNTY SUPREME COURT  
BEARING ORANGE COUNTY INDEX NOS. EF005922-2017 AND EF007932-2018  
INVOLVING CITY OF NEWBURGH WATER SUPPLY PROPERTIES**

WHEREAS, it has been determined that the source of the per- and polyfluoralkyl substances ("PFAS") contamination in the City of Newburgh's former primary source water supply in Washington Lake, originates from the New York State Air National Guard Base and Stewart Airport in Newburgh, NY; and

WHEREAS, in May 2016, the City of Newburgh switched its drinking source water from Washington Lake to Brown's Pond and then to the Catskill Aqueduct in response to implementation of increased regulatory standards for PFOS and PFOA contaminants and the City of Newburgh's former primary source water supply has been unavailable and unusable by the City; and

WHEREAS, the City of Newburgh has commenced tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018; and

WHEREAS, by Resolution No.13-2019 of January 14, 2019, the City Council authorized the Interim City Manager to retain Robinson Appraisal Consultants, LLC for professional appraisal services in support of the City's case in the aforesaid proceedings; and

WHEREAS, additional professional engineering services are needed to complete the appraisal and Thomas F. Zimmie, PhD, P.E., D.GE has been identified and qualified to provide the engineering services required;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and enter into an agreement with such terms and conditions as Special Counsel may require with Thomas F. Zimmie, PhD, P.E., D.GE for professional engineering services in connection with tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018.

RESOLUTION NO. 25 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION TO FILL A VACANCY IN THE OFFICE OF COUNCIL  
IN WARD 3 OF THE CITY OF NEWBURGH**

**WHEREAS**, the resignation of Jonathan Jacobson has created a vacancy in the office of Council in Ward 3; and

**WHEREAS**, Section C3.22(A) of the City Charter states that “[a]ny vacancy in elective office occurring from any cause other than expiration of term shall be temporarily filled by appointment of Council”; and

**WHEREAS**, this Council finds that it is in the best interests of the City of Newburgh to appoint Robert Sklarz to the office of Council in Ward 3 of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Newburgh that Robert Sklarz is hereby appointed to the office of Council in Ward 3 of the City of Newburgh until the first day of January next following the next general election.

.