



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

January 13, 2020  
7:00 PM

Mayor/Alcaldesa

1. Moment of Silence (Prayer)/ Momento de Silencio (Rezo)
2. Pledge of Allegiance/ Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. Approval of the Minutes of the City Council Meeting on December 9, 2019  
*Aprobación del Acta de la Reunión General del Concejal del 9 de diciembre de 2019*
5. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Presentations/Presentaciones

6. Swearing in of Fire Chief William Horton  
*Juramentación del Jefe de Bomberos William Horton*

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

7. Resolution No. 1 - 2020 - License and Access Agreement with Riverkeeper, Inc. for Dam Removal Activities on the Quassaick Creek  
Resolution authorizing the City Manager to execute a License and Access Agreement with Riverkeeper, Inc. and its contracted agents to allow access to City-owned property in connection with the Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek Project.  
(Jason Morris)

*Una resolución autorizando al Gerente de la Ciudad a ejecutar una Licencia y Acuerdo de Acceso con RiverKeeper, Inc. y sus agentes contratados para permitir acceso a propiedades de la Ciudad en conexión con el Proyecto del Arroyo Quassaick “Restaurando Herring” y Pasaje Eel: Extracción de la Presa Strook Felt”. (Jason Morris)*

8. Resolution No. 2 - 2020 - Strooks Felt Dam Removal SEQRA Declaring Intent to Serve as Lead Agency

Resolution of the City Council of the City of Newburgh declaring its intent to be Lead Agency under State Environmental Quality Review Act (SEQRA) for the Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek Project, declaring the Project to be an Unlisted Action, considering an Environmental Assessment Form (EAF) and referring same to involved and interested agencies. (Jason Morris)

*Una resolución del Ayuntamiento de la Ciudad de Newburgh declarando su intención para ser La Agencia Líder bajo la Ley Estatal de Revisión de la Calidad Ambiental (SEQRA) para el Proyecto “Restaurando Herring” y “Pasaje Eel: Extracción de la Presa Strook Felt en el Arroyo Quassaick, declarando el Proyector para ser una Acción No Listada, considerando un formulario de Evaluación Ambiental (EAF) y refiriéndose al mismo a las agencias involucradas e interesadas. (Jason Morris)*

9. Resolution No. 3 - 2020 - Change Order No. 1G with Doyle Contracting, Inc.

Resolution authorizing Change Order No. 1G with Doyle Contracting, Inc. a net contract reduction in the amount of \$8,800.00 for the construction of the Washington Lake Intake Gatehouse Rehabilitation Project. (Jason Morris)

*Una resolución autorizando la Orden de Cambio No. 1G con Doyle Contracting, Inc. Una reducción neta del contrato en la cantidad de \$8,800.00 para la construcción del Proyecto de Rehabilitación de la Casa de Guardas del Lago Washington. (Jason Morris)*

10. Resolution No. 4 - 2020 - Proposal with Gorick Construction to Haul and Dispose of Contaminated Soil from 82 Clinton Street

A resolution authorizing the execution of a contract with Gorick Construction Co., Inc. for soil hauling and disposal in the emergency demolition of a brick garage located at 82 Clinton Street in the amount of \$18,641.00 and authorizing payment in the amount of \$5,689.00 for soil backfill in excess of per unit amount of 75 cubic yards. (Jason Morris)

*Una resolución que autoriza la ejecución de un contrato con Gorick Construction Co., Inc. para el acarreo y disposición de tierra en la demolición de emergencia de un garaje de ladrillo ubicado en la 82 de la Calle Clinton por la cantidad de \$18,641.00 y autorizando el pago por la cantidad de \$5,689.00 para el relleno de tierra por encima de la cantidad por unidad de 75 yardas cubicas. (Jason Morris)*

11. Resolution No. 5 - 2020 - Amendment#4 with Barton & Loguidice

Resolution authorizing the City Manager to execute Amendment No. 4 to a contract with Barton & Loguidice, D.P.C. for professional engineering services in the amount of \$55,000.00 for additional construction phase administration services in the Liberty Street and Grand Street Sanitary Sewer Improvements Project. (Jason Morris)

*Una resolución autorizando al Gerente de la Ciudad a ejecutar la Enmienda No. 4 a un contrato con Barton & Loguidice, D.P.C. para servicios de ingeniería profesional en el monto de \$55,000.00 para servicios adicionales de administración de fases de construcción en los Proyectos de Mejoras de la Calle Liberty y el Alcantarillado Sanitario de la Calle Grand. (Jason Morris)*

12. Resolution No. 6 - 2020 - Proposal with ARCADIS for Professional Engineering Services

Resolution authorizing the City Manager to accept a proposal and enter into an agreement for professional engineering services with Arcadis of New York Inc. for review of the Town of Newburgh Meadow Hill Parallel Sewer Relief Project in an amount not to exceed \$10,000.00. (Jason Morris)

*Una resolución autorizando al Gerente Municipal a aceptar una propuesta y entrar en un acuerdo para servicios de ingeniería profesional con Arcadis de New York, Inc. para el proyecto de Alivio del Alcantarillado Paralelo de Meadow Hill del Pueblo de Newburgh por un monto que no exceda \$10,000.00. (Jason Morris)*

13. Resolution No. 7 - 2020 - 2020 Refunding Bond Resolution

Refunding Bond Resolution of the City of Newburgh in the County of Orange, New York, authorizing the refunding of all or a portion of certain outstanding serial bonds of said City, stating the plan of refunding, appropriated an amount not to exceed \$19,500,000 therefor, authorizing the issuance of \$19,500,000 Refunding Bonds of said City or so much thereof as may be necessary to finance said appropriation, and making certain determinations all relative thereto. (Todd Venning)

*Una Resolución de Reembolso de Bonos de la Ciudad de Newburgh en el Condado de Orange, Nueva York, autorizando el reembolso total o de una porción de ciertos bonos seriales pendientes de dicha Ciudad, indicando el plan de reembolso, consigno un monto que no exceda \$19,500,000 por ello, autorizar la emisión de bonos de reembolso de \$19,500,000 de dicha Ciudad o tanto que sea necesario para financiar dicha consignación, y hacer ciertas determinaciones relativas a la misma. (Todd Venning)*

14. Resolution No. 8 - 2020 - Amend 2020 Budget for PD Personnel

Resolution amending the 2020 Personnel Services Book for the City of Newburgh, New York to reflect a total of twelve sergeant positions in the City of Newburgh Police Department. (Todd Venning)

*Una resolución enmendando el Libro de Servicios de Personal de la Ciudad de Newburgh, Nueva York para reflejar un total de doce posiciones de Sargento en el Departamento de Policía de la Ciudad de Newburgh. (Todd Venning)*

15. Resolution No. 9 - 2020 - Amending 2020 Homestead Rate (Decrease)

Resolution amending Resolution No. 288-2019 adopting an amended budget for the fiscal year 2020. (Todd Venning)

*Una Resolución enmendando la Resolución No. 288-2019 adoptando un presupuesto enmendado para el año fiscal 2020. (Todd Venning)*

16. Resolution No. 10 - 2020 - Re-open the 20 year retirement plan for S. Kenan

Resolution reopening Section 384-d of the Retirement and Social Security Law for Samuel B. Kenan as set forth in Chapter 636 of the Laws of 2019. (Michelle Kelson)

*Una resolución el cual reabre Sección 384-d del Retiro y Ley de Seguro Social para Samuel B. Kenan como se expone en el Capítulo 636 de las Leyes del 2019. (Michelle Kelson)*

17. Resolution No. 11 - 2020 - NS North Plank Road - Purchase Agreement

Resolution to authorize the conveyance of vacant real property known as NS North Plank Road (Section 3, Block 6, Lot 2) at private sale to Joanne Majewski and Alan Axelrod for the amount of \$100.00. (Ali Church)

*Una resolución para autorizar el traspaso de bienes raíces vacantes conocidas como la NS Calle North Plank (Sección 3, Bloque 6, Lote 2) en una venta privada a Joanne Majewski y Alan Axelrod por el monto de \$100.00. (Ali Church)*

18. Resolution No. 12 - 2020 - 2 Liberty Street - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to John Bonhomme to the premises known as 2 Liberty Street (Section 46, Block 1, Lot 18). (Michelle Kelson)

*Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título de propiedad emitido a John Bonhomme a las instalaciones conocidas como la 2 de la Calle Liberty (Sección 46, Bloque 1, Lote 18) (Michelle Kelson)*

19. Resolution No. 13 - 2020 - 235 Carpenter Avenue - Release of Covenants  
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Ajaayswindell Inc. to the premises known as 235 Carpenter Avenue (Section 7, Block 8, Lot 13). (Michelle Kelson)

*Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título de propiedad emitido a Ajaayswindell Inc. para las instalaciones conocidas como la 235 de la Avenida Carpenter (Sección 7, Bloque 8, Lote 13) (Michelle Kelson)*

20. Resolution No. 14 - 2020 - 141 Johnston Street - Releases of Restrictive Covenants

Resolution authorizing the execution of two (2) releases of restrictive covenants and right of re-entry from deeds related to the premises known as 141 Johnston Street (Section 18, Block 2, Lot 14). (Michelle Kelson)

*Una resolución autorizando la ejecución de la liberación de dos (2) cláusulas restrictivas y derecho de reingreso de títulos de propiedad relacionado con las instalaciones conocidas como la 141 de la Calle Johnston (Sección 18, Bloque 2, Lote 14) (Michelle Kelson)*

21. Resolution No. 15 - 2020 - DCJS 2020-2021 Livescan Equipment Program

Resolution authorizing the City Manager to apply for and accept if awarded a SFY 2020-2021 New York State Division of Criminal Justice Services Livescan equipment grant in the amount of \$10,000.00 with a fifty percent City match. (Chief Douglas Solomon)

*Una resolución autorizando al Gerente de la Ciudad a solicitar y aceptar si es otorgado una subvención para equipos de escanerización directa de la División de Servicios de Justicia Criminal del Estado de Nueva York por el monto de \$10,000.00 el cual requiere que la Ciudad iguale el cincuenta por ciento de los fondos. (Jefe Douglas Solomon)*

22. Resolution No. 16 - 2020 - CAC Application for TD Bank-Green Space Grants Program

Resolution authorizing the Conservation Advisory Council and the City Manager to apply for and accept if awarded an Arbor Day Foundation TD Green Space Program grant in the amount of \$20,000.00 to support the Newburgh Tree Inventory, new tree planting, City-wide tree maintenance and tree stewardship campaign. (Michelle Kelson)

*Una resolución autorizando al Consejo Consultivo de Conservación y al Gerente de la Ciudad a solicitar y aceptar si es otorgado una subvención del Programa Zona Verde de TD de la Fundación del Día del Árbol por el monto de \$20,000.00 para apoyar el Inventario de Árboles de Newburgh, nuevas plantaciones de árboles, mantenimiento de árboles en la Ciudad, y*

*campaña de administración de arboles. (Michelle Kelson)*

23. Resolution No. 17- 2020 - Payment of Claim with Donna Boykins-Jones

A resolution authorizing the City Manager to execute a payment of claim with Donna Boykins-Jones in the amount of \$2,552.80.

*Una resolución autorizando al Gerente Municipal a ejecutar un pago de reclamo con Donna Boykins-Jones por el monto de \$2,552.80.*

24. Resolution No. 18 - 2020 - Payment of Claim with Tina Romaine

A resolution authorizing the City Manager to execute a payment of claim with Tina Romaine in the amount of \$3,148.48.

*Una resolución autorizando al Gerente Municipal a ejecutar un pago de reclamo con Tina Romaine por el monto de \$3,148.48.*

25. Resolution No. 19 - 2020 - Payment of Claim with Alh Construction, LLC

A resolution authorizing the City Manager to execute a payment of claim with Alh Construction, LLC in the amount of \$3,580.11.

*Una resolución autorizando al Gerente Municipal a ejecutar un pago de reclamo con Alh Construction, LLC por el monto de \$3,580.11.*

26. Resolution No. 20 - 2020 - Agreement between the City of Newburgh and the Newburgh Armory for Reimbursement of Utilities Costs

A resolution authorizing the City Manager to execute an agreement between the City of Newburgh and the Newburgh Armory Unity Center, Inc. for reimbursement of utilities costs.

*Una resolución autorizando al Gerente Municipal a ejecutar un acuerdo entre la Ciudad de Newburgh y el Centro de Unidad de la Armería de Newburgh, Inc. para el reembolso de costos de utilidades.*

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

RESOLUTION NO.: \_\_\_\_\_1\_\_\_\_\_ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
LICENSE AND ACCESS AGREEMENT WITH RIVERKEEPER, INC. AND ITS  
CONTRACTED AGENTS TO ALLOW ACCESS  
TO CITY OWNED PROPERTY IN CONNECTION WITH  
THE RESTORING HERRING AND EEL PASSAGE:  
REMOVING THE STROOKS FELT DAM ON QUASSAICK CREEK PROJECT**

**WHEREAS**, by Resolution Nos. 85-2019 and 86-2019 of April 9, 2019, the City Council of the City of Newburgh declared its support for the project to remove the Strooks Felt Dam partially located within the municipal boundary of the City of Newburgh and authorized and endorsed the application of Riverkeeper for a grant under the Round 23 Hudson River Estuary Program Tributary Restoration and Resiliency program for a project known as “Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek” (the “Project”); and

**WHEREAS**, Riverkeeper was awarded the grant and intends to proceed with the Project in cooperation with the City of Newburgh and other interested and involved agencies; and

**WHEREAS**, the Project requires access to and permission to work on City-owned real property known as tax parcel 47-2-10.2 on the official tax map of Orange County (“the City Property”); and

**WHEREAS**, the City agrees to provide access to Riverkeeper to the City Property for the purpose of the dam removal in connection with the Project, subject to the conditions provided within the attached agreement; and

**WHEREAS**, this Council has reviewed the attached agreement and has determined that entering into the same is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the License and Access Agreement, the same form annexed hereto, with Riverkeeper, Inc. and its contracted agents to allow them access to City owned property in connection with the Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek Project.

RESOLUTION NO.: 2 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH  
DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL  
QUALITY REVIEW ACT (SEQRA) FOR THE RESTORING HERRING AND EEL  
PASSAGE: REMOVING THE STROOKS FELT DAM ON QUASSAICK CREEK PROJECT,  
DECLARING THE PROJECT TO BE AN UNLISTED ACTION, CONSIDERING AN  
ENVIRONMENTAL ASSESSMENT FORM (EAF) AND  
REFERRING SAME TO INVOLVED AND INTERESTED AGENCIES**

**WHEREAS**, by Resolution Nos. 85-2019 and 86-2019 of April 9, 2019, the City Council of the City of Newburgh declared its support for the project to remove the Strooks Felt Dam partially located within the municipal boundary of the City of Newburgh and authorized and endorsed the application of Riverkeeper for a grant under the Round 23 Hudson River Estuary Program Tributary Restoration and Resiliency program for a project known as “Restoring Herring and Eel Passage: Removing the Strooks Felt Dam on Quassaick Creek” (the “Project”); and

**WHEREAS**, Riverkeeper was awarded the grant and intends to proceed with the Project in cooperation with the City of Newburgh and other interested and involved agencies; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), the City Council of the City of Newburgh wishes to declare its intent to assume Lead Agency status for the Project, classify the Project as an Unlisted Action, proposes a coordinated review and to accept an Environmental Assessment Form (“EAF”); and refer same to the involved and interested agencies;

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

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and
2. That this Council classifies the action as an Unlisted Action; and
3. That this Council proposes to a coordinated review and accept the Environmental Assessment Form (“EAF”) attached hereto; and
4. That this Council authorizes the City Manager to circulate said Environmental Assessment Form to other “Involved Agencies” and “Interested Agencies”.



RESOLUTION NO.: 3 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1G  
WITH DOYLE CONTRACTING, INC. A NET CONTRACT REDUCTION  
IN THE AMOUNT OF \$8,800.00 FOR THE CONSTRUCTION OF  
THE WASHINGTON LAKE INTAKE GATEHOUSE REHABILITATION PROJECT**

**WHEREAS**, by Resolution No. 182-2015 of July 13, 2015, the City Council of the City of Newburgh approved the 2015 Capital Plan as proposed and further authorized the City Manager and the City Comptroller to take appropriate action to secure financing and to implement the 2015 Capital Plan; and

**WHEREAS**, by Resolution No. 38-2016 of February 22, 2016, the City Council of the City of Newburgh approved the financing of Water System Improvements including the Washington Lake Intake Gatehouse Rehabilitation Project (the "Project"); and

**WHEREAS**, by Resolution No. 336-2017 of December 11, 2017, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with Weston & Sampson, PE, LS, LA, PC, for professional engineering services in connection with the Washington Lake Intake Gatehouse Rehabilitation Project; and

**WHEREAS**, by Resolution No. 65-2019 of March 25, 2019, the City Council of the City of Newburgh awarded a bid for construction of the Washington Lake Intake Gatehouse Rehabilitation Project to Doyle Contracting, Inc. for a lump sum project cost of \$365,700.00 with an additional Add Alternate No. 1 in an amount of \$54,000.00 for a total Project cost of \$419,700.00; and

**WHEREAS**, contract modifications to delete the motorization of new Crane Trolley due to exterior conditions in the building, limited space and maintenance concerns for a \$10,000.00 contract price deduction, and to add mortar repairs and trim around new FRP door for a contract price increase of \$1,200.00 are necessary; and

**WHEREAS**, Doyle Contracting, Inc. has submitted Change Order No. 1G which includes a net contract decrease in the amount of \$8,800.00 with funding for the change order derived from HF1.8320.0200.8113.2016; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to execute Change Order No. 1G with Doyle Contracting, Inc. for a net contract decrease in the amount of \$8,800.00 in the Washington Lake Intake Gatehouse Rehabilitation Project.

RESOLUTION NO.: 4 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
WITH GORICK CONSTRUCTION CO., INC.  
FOR SOIL HAULING AND DISPOSAL IN THE EMERGENCY DEMOLITION OF A  
BRICK GARAGE LOCATED AT 82 CLINTON STREET IN THE AMOUNT OF \$18,641.00  
AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,689.00  
FOR SOIL BACKFILL IN EXCESS OF PER UNIT AMOUNT OF 75 CUBIC YARDS**

**WHEREAS**, the City of Newburgh determined that the collapsing two-story brick garage located at 82 Clinton Street represented an immediate threat to the public health and safety to the neighborhood; and

**WHEREAS**, pursuant to the City of Newburgh's Emergency Procurement Policy, it was determined that Gorick Construction Co., Inc. was fully qualified and provided the lowest price to complete the demolition of the collapsing garage located at 82 Clinton Street; and

**WHEREAS**, by Resolution No. 304-2019 of December 9, 2019, the City Council authorized the City Manager to execute a contract with Gorick Construction Co., Inc. for the demolition of the garage and the removal of an underground storage tank located at 82 Clinton Street which included a unit cost for additional soil backfill in excess of 75 cubic yards; and

**WHEREAS**, following the demolition of the structure and removal of the underground storage tank, imported soil back fill exceeded the original per unit amount of 75 cubic yards and the contaminated soil must be removed from the site and properly disposed; and

**WHEREAS**, Gorick Construction Co., Inc. has provided an invoice for the excess soil back fill in the amount of \$5,689.00 and a contract for removing, hauling and properly disposing of the contaminated soil in the amount of \$18,641.00; and

**WHEREAS**, funding for such excess soil back fill and soil disposal work will be derived from A.1440.0200; and

**WHEREAS**, this Council has determined that it is in the best interests of the City of Newburgh and its further development to approve payment of the soil back fill invoice and enter into a contract for such soil disposal services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to approve payment of the excess soil back fill invoice submitted by Gorick Construction Co., Inc. in the amount of \$5,689.00 and execute a contract with Gorick Construction Co., Inc. in the amount of \$18,641.00 for the removal and disposal of soil in connection with the demolition of the garage and removal of an underground storage tank located at 82 Clinton Street.

RESOLUTION NO.: 5 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AMENDMENT NO. 4 TO A CONTRACT WITH BARTON & LOGUIDICE, D.P.C. FOR  
PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$55,000.00  
FOR ADDITIONAL CONSTRUCTION PHASE ADMINISTRATION SERVICES  
IN THE LIBERTY STREET AND GRAND STREET  
SANITARY SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Newburgh has experienced failures in the combined sanitary sewer system in the vicinity of Liberty Street and Grand Streets which has resulted in repeated sewer backups to residences, and deteriorated sewer mains on Liberty and Grand Streets; and

**WHEREAS**, Liberty Street and Grand Street Sanitary Sewer Improvements Project (“the Project”) was listed on the New York State Environmental Facilities Corporation (“EFC”) multi-year intended use plan as Project No. C3-7332-09-00 with a score sufficient to qualify for Project financing through EFC’s traditional loan programs; and

**WHEREAS**, the EFC’s Storm Mitigation Loan Program (“SMLP”) offers a financing option for the Project consisting of a combination of 25% grant funding and 75% zero-interest loans which provide a potential Project savings to the City of 25% of the total project cost of approximately \$300,000.00, and by Resolution No.: 28-2014 of February 10, 2014, this Council authorized the Interim City Manager to execute a contract with Barton & Loguidice, D.P.C. for professional engineering services necessary to complete the application for the grant funding at a cost not to exceed \$19,900.00; and

**WHEREAS**, by Resolution No.: 29-2014 of February 10, 2014, the Council authorized the Interim City Manager to apply for and accept if awarded a grant and zero interest loan financing from the EFC SMLP in an estimated Project cost of \$1,150,800.00, and upon the award of such funding to enter into and execute a documents and contracts with the EFC for said purposes and further, to carry out and comply with the terms of such project agreement(s); and

**WHEREAS**, by Resolution No. 289-2014 of November 24, 2014, the Council authorized the City Manager to execute an agreement for professional engineering services with Barton & Loguidice, D.P.C. in an amount not to exceed \$256,600.00 for the design and construction inspection services of new sewer and stormsewers for Liberty, Grand, Clinton and Montgomery Streets and assistance to secure funding awarded under the EFC SMLP for the Liberty Street and Grand Street Sanitary Sewer Improvements Project; and

**WHEREAS**, by Resolution No. 48-2015 of March 23, 2015, the City Council authorized the City Manager to execute an amendment to the agreement for professional engineering services

with Barton & Loguidice, D.P.C. for the administration of CDBG-DR program funds in connection with funding awarded under the EFC SMLP for the Project; and

**WHEREAS**, by Resolution No. 195-2018 of August 13, 2018, the Council authorized the City Manager to execute an amendment to the agreement for professional engineering services with Barton & Loguidice due to the discovery of unknown existing underground utilities encountered during construction design changes were required for the Project resulting in the need for an extension of time of 36 days to complete the Project as well as additional construction phase professional engineering services for the Project in an amount not to exceed \$254,000.00; and

**WHEREAS**, due to the size and scope of the Project, the Project completion extended until August 7, 2019 and required additional submissions to EFC, construction administration services and construction observation services at a cost of \$55,000.00; and

**WHEREAS**, funding for the additional professional engineering services shall be derived from New York State Environmental Facilities Project# C3-7332-09-75 & C3-7332-09-76; and

**WHEREAS**, this Council has determined that amending the professional engineering services contract with Barton & Loguidice to include the additional construction phase professional engineering services for the Project under the terms of the proposal and contract amendment as attached hereto is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an amendment to the agreement for professional engineering services with Barton & Loguidice, D.P.C. for the scope of work outlined in the proposal dated September 12, 2019 in the amount of \$55,000.00 for the additional construction phase professional engineering services for the Project for the Liberty Street and Grand Street Sanitary Sewer Improvements Project.

RESOLUTION NO.: 6 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL  
AND ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES  
WITH ARCADIS OF NEW YORK INC. FOR REVIEW OF  
THE TOWN OF NEWBURGH MEADOW HILL PARALLEL SEWER RELIEF PROJECT  
IN AN AMOUNT NOT TO EXCEED \$10,000.00**

**WHEREAS**, the City of Newburgh and the Town of Newburgh are parties to an Inter-Municipal Sewer Agreement governing sewage treatment service and the construction of additional sewage treatment plant capacity dated May 6, 2004; and

**WHEREAS**, the Town of Newburgh proposes to undertake the Meadow Hill Parallel Relief Sewer Project; and

**WHEREAS**, the City of Newburgh is subject to an Order on Consent with the New York State Department of Environmental Conservation to resolve violations at the Wastewater Treatment Plant and for the development of the Combined Sewer Overflow Long Term Control Plan; and

**WHEREAS**, Arcadis of New York, Inc. has submitted a letter proposal for professional engineering services for review of the Town of Newburgh's Meadow Hill Parallel Relief Sewer Project to assess possible impacts to the City of Newburgh's Combined Sewer Overflow Long Term Control Plan; and

**WHEREAS**, the cost of said services to be performed is an amount not to exceed \$10,000.00 and funding for such project shall be derived from an escrow account funded by the Town of Newburgh; and

**WHEREAS**, this Council determines that accepting the proposal and executing a contract with Arcadis of New York, Inc. 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 accept the letter proposal and execute an agreement with Arcadis of New York, Inc. for professional services to complete the planning and preliminary engineering for review of the Town of Newburgh's Meadow Hill Parallel Relief Sewer Project to assess possible impacts to the City of Newburgh's Combined Sewer Overflow Long Term Control Plan in an amount not to exceed \$10,000.00.

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

January \_\_, 2020

\* \* \*

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 \_\_, 2020, at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Torrance Harvey, Mayor; and

Councilpersons:

There were absent:

Also present: Lorene Vitek, City Clerk

\* \* \*

\_\_\_\_\_ offered the following resolution and moved its adoption:

**Error! Unknown document property name.**

RESOLUTION NO. 7 - 2020

REFUNDING BOND RESOLUTION DATED \_\_\_\_\_, 2020

REFUNDING BOND RESOLUTION OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID CITY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$19,500,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$19,500,000 REFUNDING BONDS OF SAID CITY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Adopted) \_\_\_\_\_, 2020

Recitals

Whereas, the City of Newburgh in the County of Orange, New York (herein called “City”), has heretofore issued on June 27, 2012, its \$20,825,000 General Obligation Serial Bonds, Series 2012A (herein called the “2012A Bonds”), now outstanding in the principal amount of \$17,210,000 and on June 27, 2012, its \$6,090,000 General Obligation Deficit Liquidation Serial Bonds, Series 2012B (herein called the “2012B Bonds”), now outstanding in the principal amount of \$3,380,000; (the respective outstanding amounts of each of the 2012A Bonds and the 2012B Bonds shall be hereinafter collectively referred to as the “Outstanding Bonds”); such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), permits the City to

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refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City;

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 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. “Bond To Be Refunded” or “Bonds To Be Refunded” means all or a portion of the Outstanding Bonds of the City.
- b. “Escrow Contract” means the contract to be entered into by and between the City and the Escrow Holder pursuant to Section 9 hereof.
- c. “Escrow Holder” means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. “Present Value Savings” means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service

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payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

- e. “Redemption Date” means, as applicable: June 15, 2022 for the Outstanding Bonds maturing on or after June 15, 2023, or such later date as may be determined by the Comptroller/Director of Finance in the final refunding financial plan.
- f. “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$19,500,000 bonds of the City of Newburgh in the County of Orange, authorized pursuant to Section 2 hereof.
- g. “Refunding Bond Amount Limitation” means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

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Section 2. The City Council of the City (herein called “City Council”), hereby authorizes the refunding of the Bonds To Be Refunded of the City, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$19,500,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$19,500,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the City to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$19,500,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the “refunding financial plan”) prepared for the City by Capital Markets Advisors, LLC and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the City in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of two consolidated issues of bonds originally issued pursuant to various bond resolutions of the City, adopted on their respective dates and

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authorizing various capital improvements and deficit liquidation for the City and the bond determinations certificates of the Comptroller/Director of Finance for each issue dated their respective dates (the “Refunded Bonds Determination Certificates”). In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$19,500,000 have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller/Director of Finance, the chief fiscal officer of the City, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness (“PPU”) of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is as specified in the Refunded Bonds Determination Certificates which are incorporated herein by reference.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A.

Section 6. Said \$19,500,000 Refunding Bonds may be sold at public or private sale.

(a) If the Refunding Bonds are sold at private sale, the Comptroller/Director of Finance, as the chief fiscal officer of the City, is hereby authorized to execute a purchase contract on behalf of the City for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

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(b) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Comptroller/Director of Finance is hereby authorized and direct to prepare or have prepared a Notice of Sale, which shall be published at least once in "THE BOND BUYER," published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale.

(c) Prior to the issuance of the Refunding Bonds, the Comptroller/Director of Finance shall have filed with the City Council a certificate approved by the State Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds.

(d) In connection with such sale, the City Council hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution.

(e) The Comptroller/Director of Finance is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the City in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City payable as to both principal and interest by a general tax upon all the taxable real property within the City. The faith and credit of the City are hereby

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irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the City Council relative to (i) prescribing the terms, form and contents of the Refunding Bonds, (ii) the sale and issuance of the Refunding Bonds, (iii) the making of determinations to issue Refunding Bonds and provide for substantially level or declining debt service, (iv) authorizing and executing agreements for credit enhancement of the Refunding Bonds, and (v) executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller/Director of Finance as the chief fiscal officer of the City.

Section 9. Prior to the issuance of the Refunding Bonds the City shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the City, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To

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Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the City the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the City and shall be applied by the City only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance

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with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the City Council hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the City by mailing or transmitting such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be

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amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. 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 14. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution 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 15. This Refunding Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary,

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in the “*The Sentinel*,” “*The Mid Hudson Times*,” and “*The Hudson Valley Press*,” three newspapers each of said newspapers having been designated the official newspapers of the City for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

\* \* \*

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.

## Exhibit A

### Proposed Refunding Financial Plan

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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 \_\_, 2020, 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, 2020.

(SEAL)

\_\_\_\_\_  
City Clerk

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

NOTICE

The refunding bond resolution, a summary of which is published herewith, has been adopted by the City Council on the \_\_\_\_ day of January, 2020, 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, 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. \_\_\_\_\_ - 2020

BOND RESOLUTION DATED JANUARY \_\_, 2020

REFUNDING BOND RESOLUTION OF THE CITY OF NEWBURGH IN THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID CITY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$19,500,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$19,500,000 REFUNDING BONDS OF SAID CITY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

object or purpose:      to finance the cost of refunding all or a portion of the outstanding unredeemed maturities of the City's General Obligation Serial Bonds, Series 2012A and General Obligation Deficit Liquidation Serial Bonds, Series 2012B by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City, all as more particularly described in the refunding financial plan prepared for the City by Capital Markets Advisors, LLC

amount of obligations to be issued:    not to exceed \$19,500,000

A complete copy of the Refunding Bond Resolution and the refunding financial plan 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 \_\_, 2020  
Newburgh, New York

RESOLUTION NO.: \_\_\_\_ 8 \_\_\_\_ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AMENDING THE 2020 PERSONNEL SERVICES BOOK FOR THE  
CITY OF NEWBURGH, NEW YORK  
TO REFLECT A TOTAL OF TWELVE SERGEANT POSITIONS  
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

**WHEREAS**, the 2020 Budget for the City of Newburgh Police Department provided for the elimination of 19 positions and provided for nine sergeant positions; and

**WHEREAS**, the Police Department proposes to restore three sergeant positions to promote the economy and efficiency of the department; and

**WHEREAS**, the restoration of the 3 sergeant positions will result in 3 vacant police officer positions which will be eliminated; and

**WHEREAS**, the restoration of the 3 sergeant positions and the elimination of the 3 police officer positions will not change the net number of positions in the Police Department but requires an amendment to the 2020 Personnel Book to reflect the reallocation of positions within the Police Department;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2020 be amended to restore 3 sergeant positions and eliminate 3 police officer positions as those positions become vacant.

RESOLUTION NO.: 9 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AMENDING RESOLUTION NO. 288-2019 ADOPTING  
AN AMENDED BUDGET FOR THE FISCAL YEAR 2020**

**WHEREAS**, the City Manager, on October 15, 2019, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the “Manager’s Proposed Fiscal Year 2020 Budget” and the “Manager’s Proposed Personnel Analysis Book” of same date, of revenues and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2020; and

**WHEREAS**, such detailed estimates have been filed in the City Clerk’s Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 12, 2019 in reference to said estimates for any item thereof; and

**WHEREAS**, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller’s budget review report #B19-6-11 dated November 15, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2020 as appears in the annexed “City Council Fiscal Year 2020 Budget” on November 21, 2019; and

**BE IT FURTHER RESOLVED**, that the sum of \$22,184,692 be levied and raised on account of City taxes for the year 2020 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being ~~\$570,726,881~~ 570,969.181 for Homestead Properties and \$393,605,603 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and

**BE IT FURTHER RESOLVED**, that the City Collector is authorized and directed to cause said amount of \$22,184,692 to be extended and apportioned and adjusted on said assessment roll at ~~\$19.606286~~ 19.597966 for Homestead Properties and \$27.933692 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and

**BE IT FURTHER RESOLVED**, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2020 is as set forth in Section 163-1 of the City Code of Ordinances; and

**BE IT FURTHER RESOLVED**, that the City Collector is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and

**BE IT FURTHER RESOLVED**, that said City tax roll shall be delivered to the City Collector on the 2nd day of January 2020, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 2nd day of January 2020, and collect up to and including the 5th day of February 2020, without fees, and to add 5% from the 6th day of February 2020, up to and including the 31st day of March 2020.

The second installment commencing on the 1st day of March 2020, and collect up to and including the 6th day of April 2020, without fees, and to add 5% from the 7th day of April 2020, up to and including the 30th day of May 2020.

The third installment commencing on the 1st day of May 2020, and collect up to and including the 5th day of June 2020, without fees, and to add 5% from the 6th day of June 2020, up to and including the 30th day of July, 2020.

The fourth installment commencing on the 1st day of July 2019, and collect up to and including the 5th day of August 2020, without fees, and to add 5% from the 6th day of August 2020, up to and including the 1st day of October, 2020.

In addition, thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

**BE IT FURTHER RESOLVED**, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Chase, TD Bank, Sterling National Bank, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.



RESOLUTION NO.: \_\_\_\_10\_\_\_\_ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION REOPENING SECTION 384-d OF THE RETIREMENT  
AND SOCIAL SECURITY LAW FOR SAMUEL B. KENAN AS SET FORTH  
IN CHAPTER 636 OF THE LAWS OF 2019**

**WHEREAS**, by Resolution No. 136-2019 of June 6, 2019, the City Council of the City of Newburgh made make a Home Rule Request pursuant to the Municipal Home Rule Law of the State of New York that the Senate and Assembly of New York enact Senate Bill S4135-A and Assembly Bill A7014-A, a copy of which is annexed hereto, to authorize the City of Newburgh to offer an optional Twenty (20) Year Retirement Plan to Police Officer Samuel Kenan, Jr. pursuant to Section 384-d of the Retirement and Social Security Law; and

**WHEREAS**, the Senate and Assembly Bills were enacted in Chapter 636 of the Laws of 2019 which authorizes the City of Newburgh to reopen the twenty-year retirement plan, Section 384-d of the Retirement and Social Security Law, for Samuel B. Kenan; and

**WHEREAS**, the City Council finds that that electing to provide the benefits of Chapter 636 and file said election with the New York State Local Retirement System on or before December 12, 2020 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 this governing board of the City of Newburgh does hereby assume the additional cost required to provide the reopening of Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 636 of the Laws of 2019.

RESOLUTION NO.: 11 - 2020

OF

JANUARY 13, 2020

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF VACANT REAL PROPERTY  
KNOWN AS NS NORTH PLANK ROAD (SECTION 3, BLOCK 6, LOT 2)  
AT PRIVATE SALE TO JOANNE MAJEWSKI AND ALAN AXELROD  
FOR THE AMOUNT OF \$100.00

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

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

**WHEREAS**, the City of Newburgh desires to sell a vacant parcel of real property identified as NS North Plank Road, being more accurately described as Section 3, Block 6, Lot 2 on the official tax map of the City of Newburgh; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before April 17, 2020, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
NS North Plank Road	3 - 6 - 2	Joanne Majewski Alan Axelrod	\$100.00

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

# Terms and Conditions Sale

## NS North Plank Road, City of Newburgh (SBL: 3-6-2)

### STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of **2019-2020**, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year **2019-2020**, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.
6. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
7. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
8. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
9. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments

as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.

10. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
14. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
15. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
16. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.

RESOLUTION NO.: \_\_\_\_12\_\_-2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF  
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED  
ISSUED TO JOHN BONHOMME TO THE PREMISES KNOWN AS  
2 LIBERTY STREET (SECTION 46, BLOCK 1, LOT 18)**

**WHEREAS**, on December 11, 2015, the City of Newburgh conveyed property located at 2 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 46, Block 1, Lot 18, to John Bonhomme; and

**WHEREAS**, Mr. Bonhomme has requested a release of the restrictive covenants contained in said deed; and

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

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

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 2 Liberty Street, Section 46, Block 1, Lot 18 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 December 11, 2015, from THE CITY OF NEWBURGH to JOHN BONHOMME, recorded in the Orange County Clerk's Office on February 22, 2016, in Liber 14011 of Deeds at Page 663 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2020

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Joseph Donat, City Manager  
Pursuant to Res. No.: \_\_\_\_-2020

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.

\_\_\_\_\_

RESOLUTION NO.: \_\_\_\_13\_\_\_\_-2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF  
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED  
ISSUED TO AJAAYSWINDELL INC. TO THE PREMISES KNOWN AS  
235 CARPENTER AVENUE (SECTION 7, BLOCK 8, LOT 13)**

**WHEREAS**, on October 31, 2018, the City of Newburgh conveyed property located at 235 Carpenter Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 7, Block 8, Lot 13, to Ajaayswindell Inc.; and

**WHEREAS**, an officer of Ajaayswindell Inc., Arbia Swindell, has requested a release of the restrictive covenants contained in said deed; and

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

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

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 235 Carpenter Avenue, Section 7, Block 8, Lot 13 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 October 31, 2018, from THE CITY OF NEWBURGH to AJAAYSWINDELL INC., recorded in the Orange County Clerk's Office on December 10, 2018, in Liber 14498 of Deeds at Page 841 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2019

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Joseph Donat, City Manager  
Pursuant to Res. No.: \_\_\_\_-2019

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.

\_\_\_\_\_



RESOLUTION NO.: \_\_\_\_\_14\_\_\_\_\_ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF TWO (2) RELEASES OF  
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM DEEDS RELATED TO  
THE PREMISES KNOWN AS 141 JOHNSTON STREET (SECTION 18, BLOCK 2, LOT 14)**

**WHEREAS**, by Resolution No.: 207-2019, the City Council of the City of Newburgh ("City") authorized the conveyance of title to two (2) parcels of real property located at 139 Johnston Street (Section 18, Block 2, Lot 15) and 141 Johnston Street (Section 18, Block 2, Lot 14) to the Newburgh Community Land Bank ("NCLB"); and

**WHEREAS**, a title search revealed reference to two (2) deeds in the chain of title with respect to the parcel at 141 Johnston Street, both of which contained rights of re-entry and reverter to the benefit of the City, which rights the NCLB has requested the City release so as to provide clear title to the Parcels for re-development; and

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

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

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 141 Johnston Street, Section 18, Block 2, Lot 14 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 February 22, 1982, from THE CITY OF NEWBURGH to JOHN W. BROWN AND HELEN PRICE BROWN, recorded in the Orange County Clerk's Office on April 5, 1982, in Liber 2219 of Deeds at Page 589 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2019

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Joseph Donat, City Manager  
Pursuant to Res. No.: \_\_\_\_-2019

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.

\_\_\_\_\_

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 141 Johnston Street, Section 18, Block 2, Lot 14 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 December 10, 2002, from THE CITY OF NEWBURGH to BARBARA LAPOLT, recorded in the Orange County Clerk's Office on March 28, 2003, in Liber 11004 of Deeds at Page 1043 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2019

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
Joseph Donat, City Manager  
Pursuant to Res. No.: \_\_\_\_-2019

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH DONAT, 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.

\_\_\_\_\_

RESOLUTION NO.: 15 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR  
AND ACCEPT IF AWARDED A SFY 2020-2021 NEW YORK STATE DIVISION OF  
CRIMINAL JUSTICE SERVICES LIVESCAN EQUIPMENT GRANT  
IN THE AMOUNT OF \$10,000.00 WITH A FIFTY PERCENT CITY MATCH**

**WHEREAS**, the City of Newburgh Police Department proposes to apply for a SFY 2020-2021 New York State Division of Criminal Justice Services LIVESCAN Equipment program grant in order to purchase and install new LIVESCAN equipment to replace existing and outdated equipment; and

**WHEREAS**, such funding requires a 50% City match which will be derived from the General Fund Police Department budget; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a SFY 2020-2021 New York State Division of Criminal Justice Services LIVESCAN Equipment program grant in the amount of \$10,000.00 with a 50% City match for the purchase of equipment by the City of Newburgh Police Department; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: \_\_\_\_\_ 16 \_\_\_\_\_ - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CONSERVATION ADVISORY COUNCIL AND  
THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED AN  
ARBOR DAY FOUNDATION TD GREEN SPACE PROGRAM GRANT IN THE  
AMOUNT OF \$20,000.00 TO SUPPORT THE NEWBURGH TREE INVENTORY,  
NEW TREE PLANTING, CITY-WIDE TREE MAINTENANCE AND  
TREE STEWARDSHIP CAMPAIGN**

**WHEREAS**, the City of Newburgh Conservation Advisory Council has requested that the City of Newburgh authorize its application to the Arbor Day Foundation TD Green Space Grant program to support an update to the City of Newburgh Tree Inventory, to continue new tree planting and tree maintenance, and to engage the community and raise awareness for a tree stewardship program; and

**WHEREAS**, the City of Newburgh Conservation Advisory Council will partner with the Greater Newburgh Parks Conservancy and coordinate with the City of Newburgh Department of Public Works to improve and enhance the City of Newburgh's tree inventory and maintenance programs and promote the City's urban forestry; and

**WHEREAS**, preference will be given to projects in areas that primarily serve low- to moderate-income residents, such as the City of Newburgh, New York; and

**WHEREAS**, such grant funding shall be in an amount not to exceed \$20,000.00 and requiring no match from the City; and

**WHEREAS**, this Council has determined that making such application and accepting such grant funds if awarded is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City of Newburgh Conservation Advisory Council and the City Manager be and they are hereby authorized to apply for and accept if awarded an Arbor Day Foundation TD Green Space Program grant in the amount of \$20,000.00 to support an update to the City of Newburgh Tree Inventory, to continue new tree planting and tree maintenance, and to engage the community and raise awareness for a tree stewardship program; and

**BE IT FURTHER RESOLVED**, that the City Manager be and he is hereby further authorized to execute any documents in connection with such grant and to take all measures as may be appropriate and necessary to carry out such program.

RESOLUTION NO.: 17 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT  
OF CLAIM WITH DONNA BOYKINS-JONES IN THE AMOUNT OF \$2,552.80**

**WHEREAS**, Donna Boykins-Jones brought a claim against the City of Newburgh; and

**WHEREAS**, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$2,552.80) in exchange for a release to resolve all claims among them; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Donna Boykins-Jones in the total amount of Two Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$2,552.80) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 18 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT  
OF CLAIM WITH TINA ROMAINE IN THE AMOUNT OF \$3,148.48**

**WHEREAS**, Tina Romaine brought a claim against the City of Newburgh; and

**WHEREAS**, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand One Hundred Forty-Eight and 48/100 Dollars (\$3,148.48) in exchange for a release to resolve all claims among them; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Tina Romaine in the total amount of Three Thousand One Hundred Forty-Eight and 48/100 Dollars (\$3,148.48) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 19 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT  
OF CLAIM WITH ALH CONSTRUCTION, LLC IN THE AMOUNT OF \$3,580.11**

**WHEREAS**, ALH Construction, LLC brought a claim against the City of Newburgh; and

**WHEREAS**, the parties have reached an agreement for the payment of the claim in the amount of Three Thousand Five Hundred Eighty and 11/100 Dollars (\$3,580.11) in exchange for a release to resolve all claims among them; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of ALH Construction, LLC in the total amount of Three Thousand Five Hundred Eighty and 11/100 Dollars (\$3,580.11) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.



RESOLUTION NO.: 20 - 2020

OF

JANUARY 13, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NEWBURGH AND  
THE NEWBURGH ARMORY UNITY CENTER, INC.  
FOR REIMBURSEMENT OF UTILITIES COSTS**

WHEREAS, by Resolution No. 146-2011 of July 11, 2011, the City Council of the City of Newburgh determined that the Newburgh Armory Unity Center, Inc. ("NAUC") was the most capable entity to provide administrative, management, operation, and fundraising services for the Newburgh Armory located at 321 South William Street in the City of Newburgh and authorized the City Manager to execute a Management Agreement with the NAUC; and

WHEREAS, the original term of the Management Agreement was for twenty-five (25) years and has been extended twice now terminating on July 18, 2111; and

WHEREAS, the Management Agreement provides that during its term all maintenance including but not limited to grass mowing, snow removal, repairs, security, capital improvements and utilities costs for the Armory shall be included and paid as designated in the Operating Budget; and

WHEREAS, the City continued to pay utilities costs for the Armory which the NAUC was contractually obligated to pay and the parties have agreed upon the terms for the reimbursement of the utilities costs paid by the City in order to avoid the cost, time and risk of litigation between them; and

WHEREAS, the City recognizes the enormous beneficial impact that the Newburgh Armory has had on the City of Newburgh by providing a home for recreational and educational programs that have greatly benefited the greater Newburgh community; and

WHEREAS, the City wishes to ensure the continued success of the Newburgh Armory and finds that the execution of such agreement is in the best interests of the City of Newburgh and its citizens;

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 an agreement for the reimbursement of the utilities costs with the Newburgh Armory Unity Center, Inc. in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

This AGREEMENT dated \_\_\_\_\_, 2020 by and between the City of Newburgh, a New York municipal corporation (“City”) and Newburgh Armory Unity Center, Inc., a New York not-for-profit corporation (“Manager”)

WHEREAS, on July 19, 2011, the City and the Manager executed a Management Agreement for the administration, operation, marketing and management of the building now known as the Newburgh Armory located at 321-393 S. William St., Newburgh, New York (the “Management Agreement”); and

WHEREAS, the original term of the Management Agreement was for twenty-five (25) years and has been extended twice now terminating on July 18, 2111; and

WHEREAS, the Management Agreement provides that during its term all maintenance including but not limited to grass mowing, snow removal, repairs, security, capital improvements and utilities costs for the Armory shall be included and paid as designated in the Operating Budget; and

WHEREAS, the City continued to pay utilities costs for the Armory which the Manager was contractually obligated to pay; and

WHEREAS, the parties wish to negotiate an agreement for the reimbursement of the utilities costs paid by the City; and

WHEREAS, the parties have agreed upon the terms of a negotiated settlement in order to avoid the cost, time and risk of litigation between them.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and the Recitals set forth above, which are incorporated into this Agreement as though more fully set forth in this Agreement, the parties agree as follows:

1. The Manager shall pay \$125,000.00 to the CITY in full satisfaction of the utilities costs paid by the City from the commencement of the Management Agreement through December 31, 2018.

2. The City will not commence any action, claim, lawsuit or other proceeding against the Manager to recover the utilities costs except as set forth in paragraphs "1" of this Agreement, or to enforce the terms of this Agreement.

3. This Agreement is made and entered into in the State of New York and will be in all respects interpreted, enforced, and governed pursuant to the laws of that State, except for choice of law provisions. The language of all parts of this Agreement will be in all cases construed as a whole, according to its fair meaning and not strictly for or against any of the parties, even though one of the parties may have drafted it.

4. This Agreement constitutes the entire agreement between the City and the Manager. No other promises or agreements, oral or otherwise, have been made.

5. The parties have entered into this Agreement solely for the purpose of avoiding the burdens and expense of potential litigation. The making of this Agreement is not intended, and will not be construed, as an acknowledgement or admission that the City or the Manager violated any law (statutory or decisional), ordinance or regulation, or has committed any wrongdoing.

6. This Agreement, including this paragraph, may only be modified by written agreement executed by the parties.

7. All other terms and conditions set forth in the Management Agreement shall remain in full force and effect during the Renewal Term.

1/10/20

8. This Agreement may be executed in more than one counterpart, each of which will be deemed an original, but all of which will constitute one and the same instrument.

9. This Agreement may be executed with original signatures in counterparts, or by facsimile or PDF-scanned signatures in counterparts, which will be deemed legally binding as fully as an original signature.

IN WITNESS WHEREOF, the City and the Manager have duly executed this Agreement in duplicate as of the day and year first above written.

CITY OF NEWBURGH

NEWBURGH ARMORY UNITY CENTER,  
INC.

By: \_\_\_\_\_  
Name: Joseph P. Donat  
Title: City Manager  
Per Resolution No.:

By: \_\_\_\_\_  
Name:  
Title: