



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
October 26, 2020
7:00 PM

Mayor/Alcaldesa

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

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento
5. Approval of the Minutes of the City Council Meeting on October 13, 2020

Presentations/Presentaciones

6. Public Hearing - proposed local law amending Chapter 93 Repurchase of in rem properties

There will be a public hearing held on Monday, October 26, 2020 to hear public comment concerning a proposed local law amending Chapter 93 entitled "Repurchase of In Rem Properties" to remove requirement of annual authorization.

Se llevara a cabo una audiencia pública el lunes 26 de octubre de 2020 para escuchar comentarios públicos sobre una ley local propuesta para enmendar el Capítulo 93 titulado "Readquisición de Propiedades In Rem" para retirar el requerimiento de autorización anual.

7. Public Hearing - local law to override the property tax cap

There will be a public hearing on Monday, October 26, 2020, to hear public comment concerning a proposed local law authorizing a property tax levy in excess of the limit established by General Municipal Law Section 3-c.

Se llevara a cabo una audiencia pública el lunes 26 de octubre de 2020 para escuchar comentarios públicos sobre una ley local propuesta para autorizar un gravamen de impuesto en exceso del límite establecido por la Ley Municipal General Sección 3-c.

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

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

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

8. Resolution No. 257 - 2020 - Award of RFP 11.20 for Professional Land Surveying Services for the 2021 ADA Curb Ramp Project

Resolution authorizing the City Manager to accept a proposal and execute a contract with Creighton Manning Engineering, LLP for professional land surveying services for the 2021 ADA Curb Ramp Project in the amount of \$50,800.00.

Una resolución autorizando al Gerente de la Ciudad a aceptar una propuesta y ejecutar un contrato con Creighton Manning Engineering, LLP para servicios profesionales de agrimensura para el Proyecto de Rampas de Acera 2021 por el monto de \$50,800.00.

9. Resolution No. 258 - 2020 - Orange County Exemption for City Reservoir and Filter Plant Properties for 2022

Resolution requesting an exemption from County taxes for the City's Reservoir and Filter Plant Properties for the year 2022.

Una resolución solicitando una exención de los impuestos del Condado para las propiedades de Reserva y Planta de Filtración de la Ciudad para el año 2022.

10. Resolution No. 259 - 2020 - Ricoh Copier Lease Renewal

Resolution authorizing the City Manager to execute a copier lease agreement renewal with RICOH USA, Inc. for City Hall, Department of Public Works, Recreation Department, Historian and Department of Planning and Development at a cost of \$1,318.35 per month for a period of 36 months.

Una resolución autorizando al Gerente de la Ciudad a ejecutar una renovación del contrato de arrendamiento de fotocopadoras con RICOH USA, Inc. Para la Municipalidad, Departamento de Obras Públicas, Departamento de Recreación, Historiadora y Departamento de Planificación y Desarrollo a un costo de \$1,318.35 cada mes por un periodo de 36 meses.

11. Resolution No. 260 - 2020 - 82 Carson Avenue - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to 82 Carson Realty Partners, LLC to the

premises known as 82 Carson Avenue (Section 45, Block 12, Lot 17).

Una resolución autorizando la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a 82 Carson Realty Partners, LLC para las instalaciones conocidas como la 82 de la Avenida Carson (Sección 45, Bloque 12, Lote 17).

12. Resolution No. 261 - 2020 - 156 William 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 William Goodman to the premises known as 156-158 William Street (Section 44, Block 4, Lot 13.1) n/k/a 156 William Street (Section 44, Block 4, Lot 13.12).

Una resolución autorizando la ejecución de Clausulas restrictivas y Derecho de Reingreso de un título emitido a William Goodman a las instalaciones conocidas como la 156-158 de la Calle William (Sección 44, Bloque 4, Lote 13.1) n/k/a 156 Calle William (Sección 44, Bloque 4, Lote 13.12)

13. Resolution No. 262 - 2020 - Accept a tree donation from the Greater Newburgh Parks Conservancy

Resolution authorizing the City Manager to accept a donation of a tree from the Greater Newburgh Parks Conservancy.

Una resolución autorizando al Gerente de la Ciudad a aceptar la donación de un árbol por parte de la Conservación de Parques de Newburgh

14. Resolution No. 263 - 2020 - DEC Municipal Waste Reduction & Recycling program

Resolution authorizing the City Manager to apply for a New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling State Assistance Program grant in the amount of \$100,000.00 with a fifty percent City match.

Una resolución autorizando al Gerente de la Ciudad a solicitar una Subvención del Programa de Asistencia del Departamento de Conservación Ambiental de Reducción de Desecho Municipal y Reciclaje del Estado de Nueva York en un monto de \$100,00.00 el cual requiere que la Ciudad iguale el cincuenta por ciento de los fondos.

15. Resolution No. 264 - 2020 - Resolution of Support for OCTC Unified Planning Work Program for Sidewalk Improvement District Study

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a sidewalk improvement district study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de distrito para mejoras de aceras.

16. Resolution No. 265 - 2020 - to Support OCTC Unified Planning Work Program for Lake Street Wayfinding

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a Lake Street wayfinding study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de señalización en Lake Street.

17. Resolution No. 266 - 2020 - to support OCTC Unified Planning Work Program for Microtransit Study

Resolution of the City Council of the City of Newburgh supporting the Transportation Advisory Committee application to the Orange County Transportation Council FY 2021-2022 Unified Planning Work Program Cooperative Community Program for a microtransit feasibility study.

Una resolución del Ayuntamiento de la Ciudad de Newburgh apoyando la solicitud del Comité Consultivo de Transportación al Consejo de Transportación del Condado de Orange SFY 2021-2022 Programa de Trabajo de Planificación Unido Programa Comunitario Cooperativo para un estudio de viabilidad de microtransito.

18. Ordinance 9 - 2020 - Amending Chapter 249, Sidewalk Cafes

Ordinance amending Chapter 249, Sidewalk Cafes, of the Code of Ordinances of the City of Newburgh to permit temporary sidewalk café operations in designated parking areas.

Una ordenanza enmendando el Capítulo 249, Restaurantes en las Aceras, del Código de Ordenanzas de la Ciudad de Newburgh para permitir operaciones temporales de restaurantes en áreas de estacionamiento designadas.

19. Resolution No. 267 - 2020 - Term Limits - proposed revisions

Resolution scheduling a public hearing for November 9, 2020 to hear public comment concerning "A Local Law amending City Charter Section C3.10

entitled 'Terms of Office' of the City Charter of the City of Newburgh to establish term limits for elected officials".

Una resolución programando una audiencia pública para el 9 de noviembre de 2020, para escuchar comentarios públicos sobre “Una Ley Local enmendando los Estatutos de la Ciudad Sección C3.10 titulado ‘Mandatos’ del Estatuto de la Ciudad de Newburgh para establecer límites en los mandatos de los oficiales electos”.

20. Resolution No. 268 - 2020 - Local Law amending City Charter Section C4.00

Resolution scheduling a public hearing for November 9, 2020 to hear public comment concerning "A Local Law amending Section C4.00 entitled 'Legislative Powers Fixed in Council' of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members".

Una resolución programando una audiencia pública para el 9 de noviembre de 2020 para escuchar comentarios públicos con respecto a “Una Ley Local enmendando Sección C4.00 titulado ‘Poderes Legislativos Fijados en el Ayuntamiento’ del Estatuto de la Ciudad de Newburgh para incrementar el salario anual del Alcalde y Miembros del Consejo.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

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

Adjournment/ Aplazamiento:

Agenda Item 4.

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

RESOLUTION NO.: 254 - 2020

OF

OCTOBER 13, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING FOR OCTOBER 26, 2020
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING
CHAPTER 93 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO REMOVE THE REQUIREMENT FOR ANNUAL AUTHORIZATION

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a Local Law amending Chapter 93 of the Code of Ordinances of the City of Newburgh to remove the requirement for annual authorization; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of October, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the October 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_tgUnaJ-UQ0yGJodb46Jq9g. Please note that there is an underscore between the "N" and "t").

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_tgUnaJ-UQ0yGJodb46Jq9g. Please note that there is an underscore between the "N" and "t"). Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 12:00 p.m. on Monday, October 26, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Lorene Vitak, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 10/13/20
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of Oct - 20

City Clerk

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

A LOCAL LAW AMENDING CHAPTER 93 ENTITLED “REPURCHASE OF IN REM PROPERTIES” OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH TO REMOVE THE REQUIREMENT FOR ANNUAL AUTHORIZATION

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

SECTION 1. Title

This Local Law shall be referred to as “A Local Law amending Chapter 93 entitled ‘Repurchase of In Rem Properties’ of the Code of Ordinances of the City of Newburgh to remove the requirement for annual authorization”.

SECTION 2. Amendment

Chapter 93 of the City Code of Ordinances is hereby amended as follows:

~~§ 93-3. Annual Authorization by Resolution.~~

~~Annually, as soon after the last day set for redemption in the City of Newburgh's proceeding for the foreclosure of taxes in rem, pursuant to Article 11, Title 3, of the Real Property Tax Law of the State of New York, as may be practicable, the Council shall consider a resolution to authorize the repurchase process established by this chapter to commence. Said resolution shall be adopted upon a majority vote of the total membership of the Council. If said resolution is not enacted, the repurchase procedure set forth herein shall not be in effect.~~

§ 93-10. Exceptions.

- A. The provisions herein authorizing the repurchase of in rem properties shall not apply to any in rem property which the Council determines, in its sole discretion, should be retained for public purposes. Excepted properties may also include properties that are having vacant, boarded up, or buildings ~~or vacant buildings~~ that are required to ~~would~~ be boarded up pursuant to law ~~thereon~~. The Council shall approve a state in the resolution with provided ~~for in § 93-3~~, a list of all properties to be retained by the City.

Underlining denotes additions

~~Strikethrough~~ denote deletions

- B. The provisions herein authorizing the repurchase of in rem properties shall not apply to any in rem property on which an answer was filed in the in rem proceeding.

SECTION 3. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the terms “Local Law” or “Ordinance” shall be changed to “Chapter”, “Section”, or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 5. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6. Effective Date.

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

Underlining denotes additions
~~Strikethrough~~ denote deletions

RESOLUTION NO.: 255 - 2020

OF

OCTOBER 13, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR OCTOBER 26, 2020 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS
OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A local law authorizing a property tax levy in excess of the limits established in General Municipal Law Section 3-c"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of October, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the October 26, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
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To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_tgUnaJ-UQ0yGJodb46Jq9g. Please fill out the required information (First Name, Last Name, E-mail Address) and select the option to comment on the public hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 12:00 p.m. on Monday, October 26, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Lorene Vitak, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 10/13/20
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of Oct, 2020

City Clerk

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO.: 257 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE A CONTRACT WITH CREIGHTON MANNING ENGINEERING, LLP
FOR PROFESSIONAL LAND SURVEYING SERVICES
FOR THE 2021 ADA CURB RAMP PROJECT IN THE AMOUNT OF \$50,800.00**

WHEREAS, Under Title II of the Americans with Disabilities Act (ADA) and clarified in the United States Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing, the City of Newburgh is mandated to construct curb ramps when streets, roads or highways are altered through resurfacing; and

WHEREAS, the City of Newburgh through a competitive process in which proposals for professional land surveying services were solicited, reviewed and evaluated for the 2021 ADA Curb Ramp Project (the "Project"); and

WHEREAS, the City has received a proposal from Creighton Manning Engineering, LLP which has been identified as the most qualified firm to provide said services; and

WHEREAS, general scope of services includes establishing horizontal and vertical control at the intersections, field verification, utility research with appropriate Dig Safe survey mark out request, and generation of topographic base mapping for intersections identified in the RFP; and

WHEREAS, the funding for the land surveying services shall be derived from A.5112.0206 CHIPS; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that accepting the proposal and entering into a contract for such work as proposed 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 is hereby authorized to accept a proposal and execute a contract for professional land surveying services with the Creighton Manning Engineering, LLP in the amount of \$50,800.00 for the 2021 ADA Curb Ramp Project.

RESOLUTION NO.: 258 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2022**

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2022, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38 4 - 1 - 35 4 - 3 - 1.1 4 - 1 - 12.2 4 - 1 - 9.21 4 - 1 - 10 32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17 97 - 3 - 17 97 - 2 - 22.1 97 - 3 - 10 97 - 1 - 44; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute an Agreement, a copy of which is annexed hereto, with the County of Orange to effectuate such exemption.

AGREEMENT, made this ____ day of _____, 20____ by and between

THE CITY OF NEWBURGH, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at City Hall, 83 Broadway, in the City of Newburgh, County of Orange, State of New York; and

THE COUNTY OF ORANGE, a municipal corporation duly organized and existing under the laws of the State of New York and having its principal place of business at the Orange County Government Center, Main Street in the Village of Goshen, County of Orange and State of New York,

WHEREAS, the City of Newburgh is the owner of several parcels of real property located in the Towns of Newburgh and New Windsor, Orange County, New York and designated on the official tax map of said towns as set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, The City of Newburgh uses said property for the operation of a water filtration plant and reservoirs exclusively; and

WHEREAS, The County of Orange has in the past, imposed taxes against said parcels of real property; and

WHEREAS, Section 406(3) of the Real Property Tax Law of the State of New York in essence, inter alia, provides that real property owned by a municipality with a population of less than 100,000 people, which property is located without its corporate limits and is used as a reservoir or water filtration plant may be wholly or partially exempt from taxation, special ad valorem levies, and special assessments, provided that the governing board of the taxing authorities so agree in writing; and

WHEREAS, the aforesaid relief from County taxes was requested by said municipality by Resolution Number ____-2020 of October 26, 2020 of The City of Newburgh, New York; and

WHEREAS, the County of Orange was authorized to enter into this agreement by Resolution Number _____ of _____, dated _____, 20____, of the Orange County Legislature, it appearing that such agreement would be in the best interests of the citizens of Orange County,

NOW, THEREFORE, in consideration of the premises and pursuant to Real Property Tax Law, Section 406 (3), it is agreed as follows:

1. The County of Orange, by action of the Legislature thereof, shall wholly exempt the parcels of real property, listed in Schedule "A" annexed hereto, together with the buildings and improvements now existing thereon or hereinafter installed, owned by The City of Newburgh and exclusively used as a water filtration plant and reservoir properties, which properties are located in the Town of Newburgh and Town of New Windsor, County of Orange, State of New York, and which properties are designated by section, block and lot in Schedule "A", annexed hereto on the official tax map of said towns, from all taxation, special ad valorem levies, and special assessments levied by Orange County for the County tax year, January 1, 2022 to December 31, 2022 so long as the subject premises are used for the aforesaid purposes.

2. This agreement shall not be self-renewing and shall not be extended to any County tax year after December 31, 2022, unless the Orange County Legislature specifically renews or extends the same before the applicable taxable status date for any such year.

3. The County of Orange expressly reserves its right to impose, levy and collect with respect to the subject premises, any financial obligation not specifically excluded by the provisions of Real Property Tax Law, Section 406 (3).

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

[SEAL]

THE CITY OF NEWBURGH

By:_____

Joseph Donat, City Manager

Pursuant to Res. No.:

[SEAL]

THE COUNTY OF ORANGE

By:_____

Stefan ("Steven") M. Neuhaus,

County Executive

APPROVED AS TO FORM:

MICHELLE KELSON
Corporation Counsel

TODD VENNING
City Comptroller

SCHEDULE "A"

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44



County Legislature

L. Stephen Brescia, Chairman
Jean M. Ramppen, Clerk

255 Main Street – 2nd Fl
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375



October 1, 2020

Hon. Torrance Harvey
City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

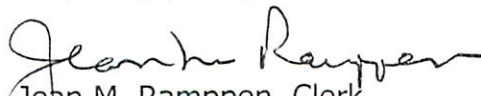
Dear Mayor Harvey:

Your agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Towns of New Windsor and Newburgh for use of your city water system will expire on December 31, 2021.

If you wish the County Legislature to exempt these properties for the year 2022, please notify this office with a copy of a resolution (which states the exemption year) adopted by your city council by December 18, 2020.

A schedule of the properties that were exempt for 2021 is enclosed for your information. Please compare it to the resolution you will be adopting this year.

Very truly yours,


Jean M. Ramppen, Clerk
Orange County Legislature

cc: City Clerk

RESOLUTION NO.: ____259____ - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A COPIER LEASE AGREEMENT RENEWAL WITH RICOH USA, INC.
FOR CITY HALL, DEPARTMENT OF PUBLIC WORKS, RECREATION DEPARTMENT,
HISTORIAN AND DEPARTMENT OF PLANNING AND DEVELOPMENT
AT A COST OF \$1,318.35 PER MONTH FOR A PERIOD OF 36 MONTHS**

WHEREAS, several departments in City Hall and Department of Public Works, Recreation Department, Historian and Department of Planning and Development are in need of new lease agreements for copiers to perform their statutory duties, assigned tasks and day-to-day operations; and

WHEREAS, a review of available equipment and systems has determined that a renewal agreement with RICOH USA, Inc. is the most appropriate and cost-effective alternative; and

WHEREAS, the total cost of the copiers and related equipment is \$1,318.35 per month for a period of 36 months, representing a monthly savings of \$793.26 from current costs; and

WHEREAS, such funds are established and shall be derived from Budget Line A.1670.0400—Central Printing and Mailing; and

WHEREAS, a copy of said Lease Agreement is attached hereto; and

WHEREAS, this Council has reviewed such agreement and has determined that it is in the best interests of the City of Newburgh to enter into such agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to execute a Lease Agreement with RICOH USA, Inc. in substantially the same form as annexed hereto for copiers and related services according to the terms therein stated at the cost of \$1,318.35 per month for 36 months.

RESOLUTION NO.: 260 -2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO 82 CARSON REALTY PARTNERS, LLC TO THE PREMISES
KNOWN AS 82 CARSON AVENUE (SECTION 45, BLOCK 12, LOT 17)**

WHEREAS, on January 8, 2019, the City of Newburgh conveyed property located at 82 Carson Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 45, Block 12, Lot 17, to 82 Carson Realty Partners LLC; and

WHEREAS, the managing member of the company 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 82 Carson Avenue, Section 45, Block 12, Lot 17 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 January 8, 2019, from **THE CITY OF NEWBURGH** to 82 CARSON REALTY PARTNERS, LLC, recorded in the Orange County Clerk's Office on February 6, 2019, in Liber 14523 of Deeds at Page 243 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 P. 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 P. 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.: 261 -2020

OF

OCTOBER 26, 2020

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO WILLIAM GOODMAN TO THE PREMISES KNOWN AS
156-158 WILLIAM STREET (SECTION 44, BLOCK 4, LOT 13.1)
N/K/A 156 WILLIAM STREET (SECTION 44, BLOCK 4, LOT 13.12)

WHEREAS, on October 30, 2000, the City of Newburgh conveyed property located at 156-158 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 4, Lot 13.1, to William Goodman; and

WHEREAS, subsequent to conveyance, several lots were combined and the property is now known as 156 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 44, Block 4, Lot 13.12; and

WHEREAS, the current owners, by their attorney, have 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, 5 and 6 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 156-158 William Street, Section 44, Block 4, Lot 13.1 n/k/a 156 William Street, Section 44, Block 4, Lot 13.12 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5 and 6 in a deed dated October 30, 2000, from THE CITY OF NEWBURGH to LAWRENCE D. SMITH, recorded in the Orange County Clerk's Office on October 29, 2001, in Liber 5667 of Deeds at Page 264 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 P. 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 P. 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.: 262 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION
OF A TREE FROM THE GREATER NEWBURGH PARKS CONSERVANCY**

WHEREAS, the Greater Newburgh Parks Conservancy (“Conservancy”), a 501(c)(3) organization, applied for and was awarded New York State Department of Environmental Conservation Urban Forestry Council program grant in the amount of \$1,000.00 for the planting of a large specimen tree this autumn on Liberty Street near the intersection with First Street; and

WHEREAS, the Conservancy intends to donate this tree to the City of Newburgh specifically to improve the health of the air, water, and soil in that area while simultaneously providing shade and thereby mitigating the Urban Heat Island effect in our City; and

WHEREAS, the value of this donation, including the tree and its delivery, plus topsoil, mulch, and “gator” (watering bag) and the time of the volunteers needed to plant it, is exactly \$1,000.00; and

WHEREAS, such a tree will be a beautiful and psychologically calming addition to that important area for generations to come; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager of the City of Newburgh be and he is hereby authorized to accept the donation of the tree and related services with sincere gratitude to the Greater Newburgh Parks Conservancy; and

BE IT FURTHER RESOLVED, that City Council members and staff, if available, will happily celebrate and participate in the planting of said tree at a mutually agreeable time and date this fall and will help publicize this event throughout the City and beyond.

RESOLUTION NO.: 263 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
A NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
MUNICIPAL WASTE REDUCTION AND RECYCLING
STATE ASSISTANCE PROGRAM GRANT
IN THE AMOUNT OF \$100,000.00 WITH A FIFTY PERCENT CITY MATCH**

WHEREAS, the New York State Department of Environmental Conservation is offering funding to assist New York State municipalities meet environmental goals and mandates through the Environmental Protection Fund and the Municipal Waste Reduction and Recycling State Assistance Grant program to expand local waste reduction and recycling programs and increase participation in those programs; and

WHEREAS, the City of Newburgh proposes to apply for funding in the amount of \$100,000.00 to fund a part-time employee, recycling education materials and to purchase 95 gallon or larger recycling containers during 2021; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for a New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling State Assistance Program grant in the amount of \$100,000.00 with a fifty percent City match.

RESOLUTION NO. 264 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A SIDEWALK IMPROVEMENT DISTRICT STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a study to determine the feasibility of implementing sidewalk improvement districts in the City of Newburgh to determine if creating such districts will improve sidewalk repairs and improvement to promote public health and safety by reducing risks and increasing walkability; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a City-wide sidewalk improvement district study; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.

RESOLUTION NO. 265 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A LAKE STREET WAYFINDING STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a wayfinding study in the Lake Street corridor to increase the number of walking and biking trips, reduce confusion on the streets, reduce greenhouse emissions in the City of Newburgh to promote public health and safety by reducing risks and increasing walkability and bicycling; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a wayfinding study in the Lake Street corridor; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.

RESOLUTION NO. 266 - 2020

OF

OCTOBER 26, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING THE TRANSPORTATION ADVISORY COMMITTEE APPLICATION
TO THE ORANGE COUNTY TRANSPORTATION COUNCIL
SFY 2021-2022 UNIFIED PLANNING WORK PROGRAM
COOPERATIVE COMMUNITY PROGRAM
FOR A MICROTRANSIT FEASIBILITY STUDY**

WHEREAS, the Orange County Transportation Council (“OCTC”) issued a Call for Projects as part of the preparation for the SFY 2021-2022 Unified Planning Work Program for the purpose of implementing the adopted goals and objectives of the OCTC Long Range Transportation Plan by working with member municipalities to identify planning projects that will maximize the value and performance of the surface transportation system throughout Orange County and the region; and

WHEREAS, the City of Newburgh Transportation Advisory Committee has submitted an application for a microtransit feasibility study to determine whether microtransit will strengthen the transportation network in Newburgh and its surrounding areas, including Montgomery and Beacon to improve mobility for City of Newburgh residents; and

WHEREAS, no funding is directly provided to the municipality and the OCTC solicits, procures and manages all consultants for approved applicants in accordance with New York State Department of Transportation and Orange County procurement policies; and

WHEREAS, all applicants work with the OCTC staff to finalize the scope of work and select project consultants and comply with a public participation policy; and

WHEREAS, this Council has determined that supporting the TAC application is in the best interests of the City of Newburgh and its further development to promote a walkable, sustainable City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby supports the application of the City of Newburgh Transportation Advisory Committee to the Orange County Transportation Council SFY 2021-2022 Unified Planning Work Program Cooperative Community Program for a microtransit feasibility study; and

BE IT FURTHER RESOLVED, that City Manager be and he is hereby authorized to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept entry, participate in and administer the programs funded thereby.

ORDINANCE NO.: 9 - 2020

OF

OCTOBER 26, 2020

AN ORDINANCE AMENDING CHAPTER 249, SIDEWALK CAFES,
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO PERMIT TEMPORARY SIDEWALK CAFÉ OPERATIONS
IN DESIGNATED PUBLIC PARKING AREAS

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 249 of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 249-2. Application for permit.

Any person, firm or corporation desiring a permit shall make application to the Fire Chief on forms provided therefor. The form shall require a written, signed, and notarized statement of all owner(s) of the property and applicant(s) related to the proposed sidewalk cafe operation that consents to the submission of the application, releases the City of Newburgh and its officers, employees and agents from and against any and all claims, actions, losses, liability or damages of any kind arising out of or resulting from or caused by the license granted pursuant to this Chapter, and indemnifies, defends, and holds harmless the City of Newburgh and its employees and agents from the same. The applicant shall also submit a site plan of the proposed area to the Fire Chief.

§ 249-9. Sidewalk Café Operations in Designated Parking Areas

A. An applicant for a sidewalk café permit may apply to extend the sale of food and beverages as authorized in this Chapter within certain designated public parking areas on a temporary basis, as provided herein.

- (1) No designated public parking area may be wider than the side property lines. The dimensions of the designated public parking area shall be determined by the Fire Chief, based on safety and traffic considerations near the proposed space.
- (2) The applicant may not place or erect any structures or enclosures that accommodate the storage of accumulated garbage in the designated public parking area or any areas adjacent to it. No application may interfere with any public service facility, including but not limited

Underlining denotes additions

~~Strikethrough~~ denote deletions

to, bus stops, lampposts, lighting fixtures, mailboxes, public benches, or telephone booths located on the sidewalk.

- B. The applicant shall comply with all other provisions of this Chapter.
- C. In addition to the application and site plan of the proposed area, the applicant shall also provide additional information as required by the Fire Chief or the Police Chief as deemed necessary to protect the safety and welfare of pedestrians and patrons, including but not limited to:
 - (1) A map showing the design and location of all structures within the designated public parking area, such as security barriers, planters, landscaping, tables, chairs, and umbrellas;
 - (2) The number of proposed tables;
 - (3) The linear square footage of the proposed space;
 - (4) Compliance with all requirements of the Americans with Disabilities Act;
 - (5) Compliance with COVID-19 social distancing guidance issued by either New York State, including but not limited to any agencies thereof, or the Orange County Department of Health;
 - (6) Sufficient barriers, such as planters or railings, that physically separate patrons from both pedestrian and vehicular traffic;
 - (7) Location of signage indicating that food and/or beverages can only be consumed while seated at a table, bar, counter; Proof of submission of compliance with the New York State Food Service Guidelines for Employers & Employees, Interim Guidance for Outdoor and Take Out-Delivery Food Services During the COVID-19 Public Health Emergency, and Interim Guidance for Food Services During the COVID-19 Public Health Emergency.
- D. Upon meeting the requirements of §249-9(C), the Fire Chief shall approve the application. The Fire Chief shall then forward the application to the City Manager, with a copy of the application and the map of the designated parking area. The City Manager is authorized by §288-3 to suspend parking in the proposed designated parking area ~~for a period not to exceed 90 days up to and including November 30, 2020.~~
- E. The Fire Chief may deny the application and state the reasons for the denial in a letter to the applicant. The applicant may appeal the denial to the City Manager.
- F. The Fire Chief shall have authority to execute any forms prescribed by the New York State Liquor Authority ("SLA") granting jurisdiction to the SLA to monitor the conduct of the applicant in any sidewalk café and designated parking areas.
- G. There shall be no fee for a permit pursuant to this Chapter for the year 2020.
- H. This Section 249-9, and any authority granted pursuant thereto, shall automatically expire on ~~October 31, 2020~~ November 30, 2020 or when terminated earlier by State action.

Underlining denotes additions

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- I. Any permits previously issued pursuant to Ordinance No. 7-2020 of June 22, 2020 shall be automatically extended and now expire on November 30, 2020.

SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Ordinance" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance that can be given effect without such invalid provision.

SECTION 5. This ordinance shall take effect immediately.

Underlining denotes additions
~~Strikethrough~~ denote deletions

ORDINANCE NO.: 7 - 2020

OF

JUNE 22, 2020

AN ORDINANCE AMENDING CHAPTER 249, SIDEWALK CAFES,
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO PERMIT TEMPORARY SIDEWALK CAFÉ OPERATIONS
IN DESIGNATED PUBLIC PARKING AREAS

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 249 of the Code of the City of Newburgh is hereby amended as follows:

SECTION 1. Amendment

§ 249-2. Application for permit.

Any person, firm or corporation desiring a permit shall make application to the Fire Chief on forms provided therefor. The form shall require a written, signed, and notarized statement of all owner(s) of the property and applicant(s) related to the proposed sidewalk cafe operation that consents to the submission of the application, releases the City of Newburgh and its officers, employees and agents from and against any and all claims, actions, losses, liability or damages of any kind arising out of or resulting from or caused by the license granted pursuant to this Chapter, and indemnifies, defends, and holds harmless the City of Newburgh and its employees and agents from the same. The applicant shall also submit a site plan of the proposed area to the Fire Chief.

§ 249-9. Sidewalk Café Operations in Designated Parking Areas

- A. An applicant for a sidewalk café permit may apply to extend the sale of food and beverages as authorized in this Chapter within certain designated public parking areas on a temporary basis, as provided herein.
- (1) No designated public parking area may be wider than the side property lines. The dimensions of the designated public parking area shall be determined by the Fire Chief, based on safety and traffic considerations near the proposed space.
- (2) The applicant may not place or erect any structures or enclosures that accommodate the storage of accumulated garbage in the designated public parking area or any areas adjacent to it. No application may interfere with any public service facility, including but not limited

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to, bus stops, lampposts, lighting fixtures, mailboxes, public benches, or telephone booths located on the sidewalk.

- B. The applicant shall comply with all other provisions of this Chapter.
- C. In addition to the application and site plan of the proposed area, the applicant shall also provide additional information as required by the Fire Chief or the Police Chief as deemed necessary to protect the safety and welfare of pedestrians and patrons, including but not limited to:
- (1) A map showing the design and location of all structures within the designated public parking area, such as security barriers, planters, landscaping, tables, chairs, and umbrellas;
 - (2) The number of proposed tables;
 - (3) The linear square footage of the proposed space;
 - (4) Compliance with all requirements of the Americans with Disabilities Act;
 - (5) Compliance with COVID-19 social distancing guidance issued by either New York State, including but not limited to any agencies thereof, or the Orange County Department of Health;
 - (6) Sufficient barriers, such as planters or railings, that physically separate patrons from both pedestrian and vehicular traffic;
 - (7) Location of signage indicating that food and/or beverages can only be consumed while seated at a table, bar, counter; Proof of submission of compliance with the New York State Food Service Guidelines for Employers & Employees, Interim Guidance for Outdoor and Take Out-Delivery Food Services During the COVID-19 Public Health Emergency, and Interim Guidance for Food Services During the COVID-19 Public Health Emergency.
- D. Upon meeting the requirements of §249-9(C), the Fire Chief shall approve the application. The Fire Chief shall then forward the application to the City Manager, with a copy of the application and the map of the designated parking area. The City Manager is authorized by §288-3 to suspend parking in the proposed designated parking area for a period not to exceed 90 days.
- E. The Fire Chief may deny the application and state the reasons for the denial in a letter to the applicant. The applicant may appeal the denial to the City Manager.
- F. The Fire Chief shall have authority to execute any forms prescribed by the New York State Liquor Authority ("SLA") granting jurisdiction to the SLA to monitor the conduct of the applicant in any sidewalk café and designated parking areas.
- G. There shall be no fee for a permit pursuant to this Chapter for the year 2020.
- H. This Section 249-9, and any authority granted pursuant thereto, shall automatically expire on October 31, 2020 or when terminated earlier by State action.

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SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 3. Codification.

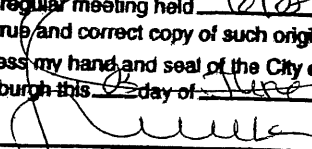
It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Ordinance" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance that can be given effect without such invalid provision.

SECTION 5. This ordinance shall take effect immediately.

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~~Strikethrough~~ denote deletions

I, Lorene Vitak, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 6/2/20
and that it is a true and correct copy of such original.
Witness my hand and seal of the City of
Newburgh this 2 day of June 2020

City Clerk

RESOLUTION NO.: 267 - 2020

OF

OCTOBER 26, 2020

RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 9, 2020
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW
AMENDING CITY CHARTER SECTION C3.10 ENTITLED ‘TERMS OF OFFICE’ OF THE
CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS”

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law amending City Charter Section C3.10 entitled ‘Terms of Office’ of the City Charter of the City of Newburgh to establish term limits for elected officials”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 9th day of November, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the November 9, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please note that there is an underscore between the “N” and “T”).

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 12:00 p.m. on Monday, November 9, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING SECTION C3.10 ENTITLED “TERMS OF OFFICE”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Section C3.10 entitled ‘Terms of Office’ of the City Charter of the City of Newburgh to establish term limits for elected officials”.

SECTION 2 - AMENDMENT

§ C 3.10 of the City Charter is hereby amended as follows:

- A. The terms of office of the elective officers of the City shall be as follows: Mayor, four years; Councilman, four years; and City Judge, six years.
1. Except as otherwise provided in this Section, no person shall be eligible to be elected, appointed, or to otherwise continue to hold the office of Mayor or Councilman after that person has been elected to that office for three (3) complete consecutive four (4) year terms, unless one complete term or more has elapsed since that person last held such office.
 2. In determining the number of consecutive terms a person has served, only terms commencing on or after January 1, 2022, shall be counted.
 3. In no event shall any person hold the office of Mayor or Councilman for more than 12 consecutive years.
 4. If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. If the resignation, vacancy or removal occurs within the first two (2) years of the term, the person appointed or elected to replace him or her shall fill out the unexpired portion of the original term and be eligible to serve two (2) additional four (4) year terms of office. If the resignation, vacancy or removal occurs within the last two (2) years of the term, the person elected or appointed to replace him or her shall be eligible to serve three (3) additional four (4) year terms of office. In no event, shall any person hold the office of Mayor or Councilman for more than fourteen (14) consecutive years.
- B. The terms of office of the Civil Service Commissioner shall be six years.

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Underlining denotes additions

- C. Except as otherwise provided in § C5.00, the terms of office of the City Manager and of the City Clerk shall be at the pleasure of the Council.
- D. The terms of office of all City officers appointed by the City Manager shall be at the pleasure of the City Manager. Any or all such appointive City officers may, by action of the City Manager and with the approval of the Council, be placed in the competitive class of the municipal civil service. No such action shall be taken less than 90 days prior to a general City election.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Charter affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

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

~~Strikethrough~~ denote deletions

Underlining denotes additions

RESOLUTION NO.: 268 - 2020

OF

OCTOBER 26, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 9, 2020
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW AMENDING
SECTION C4.00 ENTITLED ‘LEGISLATIVE POWERS FIXED IN COUNCIL’
OF THE CITY CHARTER OF THE CITY OF NEWBURGH” TO INCREASE
THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS”**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law amending Section C4.00 entitled ‘Legislative Powers fixed in Council’ of the City Charter of the City of Newburgh to Increase the Annual Salary of the Mayor and Council Members”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 9TH day of November, 2020; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the November 9, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please note that there is an underscore between the “N” and “T”).

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_TP060hmCRfW1l5ff55npNg. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov the Subject Line in this format: “PUBLIC HEARING ITEM” by 12:00 p.m. on Monday, November 9, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2020

OF

_____, 2020

**A LOCAL LAW AMENDING SECTION C4.00
ENTITLED “LEGISLATIVE POWERS FIXED IN COUNCIL”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO INCREASE THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Section C4.00 entitled ‘Legislative Powers fixed in Council’ of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members”.

SECTION 2 - AMENDMENT

§ C 4.00 of the City Charter is hereby amended as follows:

All the legislative powers of the City, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the “Council of the City of Newburgh” to be composed of the Mayor and six Council members. It shall be, for all purposes, the Common Council of the City. The Mayor shall receive an annual salary of \$15,000 and the other six members of the Council shall each receive an annual salary of \$12,000 ~~\$9,000~~, payable in equal monthly installments.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

~~Strikethrough~~ denote deletions

Underlining denotes additions

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Charter affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect on January 8, 2021 after being filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and upon expiration of the time period for filing a petition for permissive referendum. In the event that a petition is duly filed and a referendum held, this Local Law shall take effect after said referendum has been duly passed by a majority of voters and has been duly filed in the Office of the New York State Secretary of State.

~~Strikethrough~~ denote deletions
Underlining denotes additions