

A regular meeting of the City Council of the City of Newburgh was held on Monday May 9, 2015 at 7:00 P.M. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

The Prayer was led by Pastor Nelson Polanco of Street Rock Ministries followed by the Pledge of Allegiance.

Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Harvey (arrived after roll call at 7:20 p.m.), Councilwoman Holmes, Councilwoman Mejia-6

Absent: Councilwoman Rayford- 1

Councilwoman Abrams moved and Councilwoman Angelo seconded that the April 25, 2016 Council Minutes be approved.

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy – 5

CARRIED

MAYOR'S UPDATE

Mayor Kennedy gave an update regarding the water issues and said that they are continuing to work directly with the State Department of Health, the DEC and the Governor's Office. She left copies of a document on a table at the back of the room that was just released and read it out loud for the Minutes. (copy attached)

She added that this document includes test results and noted that ppt means parts per trillion. As they get additional information they will make sure that everyone is updated. As of right now we are using water from Brown's Pond and looking diligently for the source of the PFOS with the help of the DEC and other state agencies. The water is safe and has always been under the EPA regulations for safe drinking. This is an emerging contaminate and comes under the heading of unregulated substances so they will keep everyone posted as they know anything more. Our DPW and our Health Department are working diligently with other people to keep things under control.



**Department
of Health**



**Department of
Environmental Conservation**

May 9, 2016

Honorable Mayor Judy Kennedy
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Genie Abrams
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Regina Angelo
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Torrance Harvey
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Cindy Holmes
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Karen Mejia
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Honorable City Council Member Hillary Rayford
City of Newburgh
City Hall – 83 Broadway
Newburgh, New York 12550

Dear Mayor Kennedy and City Council Members Abrams, Angelo, Harvey, Holmes, Mejia, and Rayford:

As part of the work of Governor Cuomo's Water Quality Rapid Response Task Force, the Department of Health (DOH) and Department of Environmental Conservation (DEC) are reviewing drinking water sampling results across the state. Specifically, the state is reviewing samples conducted under the federal Environmental Protection Agency (EPA) Unregulated Contaminant Monitoring Rule (UCMR). According to UCMR data, perfluorooctane sulfonate (PFOS) was first detected in a drinking water sample collected by the City of Newburgh (the "City") in December of 2013. That result, and three additional samples collected by the City and analyzed by an EPA-



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certified laboratory in 2014, showed PFOS at levels below the current provisional health advisory level set by the EPA. These results were reported to the EPA as well as to City residents in your 2014 Annual Water Quality Report.

Recent re-testing of the drinking water by the state yielded results consistent with the earlier sampling reported to the EPA, i.e., results were below the current EPA provisional health advisory level. Environmental samples were also collected and analyzed. Although levels of PFOS remain below the EPA's provisional health advisory level, both DEC and DOH are assisting the City with investigation of potential sources of PFOS contamination. DEC and DOH are also assisting the City with investigating alternative drinking water and treatment options and performing additional testing of the City's supplies of both drinking and non-drinking water. Please find results to date enclosed.

We look forward to continuing to work with the City of Newburgh on this matter.

Sincerely,

Robert Schick
Director, Division of Environmental Remediation
Department of Environmental Conservation

Nathan Graber, MD, MPH
Director, Center for Environmental Health
Department of Health

cc: Steven M. Neuhaus, Orange County Executive
Eli N. Avila, Orange County Health Commissioner



Department of Health



Department of Environmental Conservation

Drinking Water Samples:

City of Newburgh Water Treatment Plant Samples:

Sampling Location	Date	PFOS Result (ppt)	Current EPA provisional health advisory Level for PFOS = 200 ppt
Raw Water Tap in Water Treatment Plant Laboratory	3/31/2016	152	Below
Raw Water Tap in Water Treatment Plant Laboratory, Duplicate	3/31/2016	155	Below
Entry Point to Distribution System: Water Treatment Plant Cold Water Tap #1	3/31/2016	146	Below
Entry Point to Distribution System: Water Treatment Plant Cold Water Tap #1, Duplicate	3/31/2016	148	Below
Raw Water Tap in Water Treatment Plant Laboratory	5/04/2016	2.5*	Below
Raw Water Tap in Water Treatment Plant Laboratory, Duplicate	5/04/2016	2.4*	Below
Alternate Entry Point Sample at Water Treatment Plant: Cold Water Tap #2	5/04/2016	8.4*	Below
Alternate Entry Point Sample at Water Treatment Plant: Cold Water Tap #2, Duplicate	5/04/2016	7.2*	Below

Notes:

All results in ppt = ng/L.

Additional analysis was conducted for PFOA, PFBS, PFHxS, PFOHpA, and PFNA and all were detected in the samples and generally consistent with previous UCMR3 sampling.

Water was being drawn entirely from Lake Washington at the time of sampling.

Powdered activated carbon was in use during sampling.

**Water being drawn from Brown's Pond at time of sampling. Detections likely represent residual PFOS within sample tap lines. Additional sampling pending to confirm hypothesis.*



Non-Drinking Water Samples:

NOTE: There is no applicable EPA health advisory level for PFOS in non-drinking water. Non-drinking water samples are being collected solely for investigatory purposes with respect to remediation.

Sampling Location	Date	PFOS Result (ppt)
Murphy's Ditch, located north of Lake Washington	3/16/2016	28
Silver Stream Diversion Basin	3/16/2016	290
Silver Stream located east of intersection of Route 207 and I87	3/16/2016	290
Stream location collected adjacent to Weather Oak Hill Road	3/16/2016	62
Stream location collected adjacent to Weather Oak Hill Road	3/16/2016	55
Silver Stream, adjacent to Moore's Hill Road (outlet to Brown's Pond)	3/16/2016	Non-detect
Outfall-A of Air National Guard Base retention pond during high flow event	3/16/2016	790
Outfall-2 of Air National Guard Base retention pond during high flow event	3/16/2016	560
Outfall-3 of Air National Guard Base retention pond during high flow event	3/16/2016	5900
Outfall-10 of Air National Guard Base retention pond during high flow event	3/16/2016	660
Outfall-17K of Air National Guard Base retention pond during high flow event	3/16/2016	480
Silver Stream Diversion Basin	3/31/2016	286
Silver Stream located east of intersection of Route 207 and I87	3/31/2016	233
Lake Washington Intake	3/31/2016	170
Lake Washington Intake	3/31/2016	177
Lake Washington, off of Route 207 Bridge	3/31/2016	165
Lake Washington, where Silver Stream discharges into lake	3/31/2016	243
Lake Washington northwest side	3/31/2016	217

CITY MANAGER'S REPORT

City Manager, Michael Claravino said that he appreciates the information from the New York State Department of Health. It took him a few weeks to understand how the studies are done. When he met with Department of Health at both the State and County he was under the impression that we were measuring something that was at a higher than expected level and could hear a sense of urgency in everyone's voice. The following Friday there were approximately fifteen people from both the State and County who met with him, our Water Superintendent and City Engineer at the Water Department to discuss the future of our watershed and doing additional tests. He asked the question, "What should we be doing about this?" The answer was that ideally this should be at zero with no levels in the water so not wanting to cause a panic he directed DPW, our Water Department and our City Engineer to begin evaluating our water capacity at Browns Pond as well as the Catskill's Aqueduct. In the event that he determined there needed to be a switch. There were a lot of maintenance issues and concerns about our ability to do this and he learned that we were within three to four days of being able to switch from Washington Lake over to Brown's Pond. At that time, many Department Heads and certain Council representatives with Officials from Albany on the telephone met in his office which is when some of the locations that we now see in the written Report, which he thanked Mr. Schick and Mr. Graber for, confirmed what they had told them. The one area that was particularly problematic to him was the primary source measured at 5900 parts per trillion for PFOS. In that conversation we learned that at this point there have been no measures for PFOA and that there is some correlation between the two so the numbers stood out for him as odd. He noted that in our Capital Plan we have money dedicated to DEC mandates and a lot of them involved emergency work required with storm sewer connections and concerns for public health hazards. Where do we go from here with emergency interdiction when these levels are off the charts? 5900 is roughly twenty five hundred times of what is the current number of a known emerging contaminate. He has heard that there has been discussion that the new Nationwide threshold will be 100 parts per trillion or even possibly as low as 70 or 60 parts per trillion. He has heard a tremendous amount of support from Council in regard to making the switch and announcing that we have gone to the cleanest source that we are aware of at this time. He takes the criticism constructively concerning the method in which he made the announcement. He probably should have called an emergency meeting that Friday night but he made the decision to do it immediately. He then learned on that Monday that with the teams working on an emergency basis we were ready to go live on Brown's Pond and shut off Lake Washington as a source of water for the City of Newburgh. Lake Washington is one of the greatest assets that this community has and switching it off was both an emotional decision for him and one that was based on legal considerations and liability that the City Manager might know something but didn't act on it. He also felt morally that he should not delay any longer than was necessary to do so. There is still a tremendous amount of work that needs to be addressed. How do we restore Lake Washington back to its original condition? He does not have the answer but it might involve dredging of the Lake or a complete clean out. Is there a way that we can cut off these contaminates and stop them from further pouring into lake Washington? We have heard from the Town of New Windsor and the opportunity that we may have to cooperate with them to allocate this scarce resource of water which may involve an analysis on how much it will cost for us to draw water through the Catskill's Aqueduct or will it be cheaper for us to drill into Brown's Pond at a less expensive rate. At the end of the day when declaring an emergency it also comes with

the request that all available resources throughout the State be brought in on this urgency. The only reason that he made the decision to lift the emergency was because we have a clean water source but make no mistake that we still have a tremendous amount of work to be done. We need to talk about Emergency Funding for us to do the possible drilling to draw water at the least expensive rate possible. If we are required to draw from the Catskill's, given where the source of this is coming from, we would respectfully request and expect emergency assistance under the Disaster Relief State Super Fund to assist us with the needs in our community. As was expressed in the Friday meeting and telephone conversation with State Officials, there is a cash flow challenge that we are required to manage in our community. It is reflected not only in the quality of services we are able to deliver but in a precise emergency like this, when he declared the emergency, we need assistance and we need to be able to articulate what our critical path is going forward. Number one is to draw from Brown's Pond. Number two is preliminary planning by drilling into Brown's Pond and number three is to look into drawing from the Catskill's and have rate relief for the taxpayers who are using this water. Number four is to clean up Lake Washington and establish it to levels we can be confident in as well as have regular testing with the funding for us to conduct some of our own testing so that we can continue monitoring what is going on. As we begin to scour and dredge the bottom of Lake Washington we have to be careful not to disturb the dam. There are a lot of items on the plate for us as we move forward but at the end of the day we as the leaders of your community have done the absolute best to bring you the purest drinking water possible. His family is cooking and drinking the water as well as utilizing it in their household needs. His promise is that as they know something they will bring it to the City Council, Mayor and the public as quickly as possible.

The Fire Department responded to two hundred and twenty two emergency calls in the month of April with seven of those being building fires and following investigations these were all thankfully ruled as accidental. Results of an investigation from a fire in 2015 on Broadway resulted in a conviction for arson. Our Fire Academy is beginning week number eight and all of the recruits are progressing and training in the community as well as participating in more pressurized work situations on a daily basis. Our Fire Prevention Bureau has been inspecting and updating the Vacant Property Registry. There are nine hundred forty eight buildings on the list and they have discovered that one hundred and eighty of them have been occupied so this information has been forwarded to the appropriate agencies to get these properties back on our tax rolls. Over four hundred violations have been issued on these properties and sent to Court for follow up. Many of our single room occupancies have also been inspected and are currently being compared against Certificate of Occupancies to see if they are in compliance. At our Recreation Department there are seasonal opportunities for employment posted on the Website for the Aquatic Center, Summer Camp, Brown's Pond, the Boat Launch and Delano Hitch Park. The registration for Day Camp is currently open and the rate is \$350.00 for City residents and \$450.00 for non-residents and there is no online registration for this program. All applications and medical forms must be completed in order to register and there is a limit of one hundred applicants for this year. Our Spring Soccer is in its third week and participation has been high. Registration for the Summer Basketball League for children ages six to eighteen is ongoing so visit the Website at cityofnewburgh.recdesk.com for more information. The City of Newburgh and New Life Ministries Youth Program (HYPE) just completed its first week and they have a total of eighteen members so far with a cap of thirty participants. If anyone is interested, they should contact Malinda Ware at (845)527-5156. This program is for children in the sixth through eighth grades and provides homework help and

recreational activities daily from 2:30 p.m. to 6:00 p.m. He added that thanks to the City of Newburgh's IT Department our Activity Center now has Wi-Fi.

Mayor Kennedy wished to add to the water issue. Many people saw a video on Monday with Time Warner Cable where she lost her cool. She was very upset and angry at the time because she was also part of a meeting that took place on Friday concerning this water issue with the Governor's Office, The Department of Health and the DEC. Our State partners have been working diligently with us on this issue and they had already committed and decided that they were going to help us which we understood. As State partners they had decided that they were coming on Tuesday to present this information to the City Council and stand as partners with us so that everyone would know that we were all in this together. She was shocked and surprised when she received a call from one of the State partners on Monday afternoon asking what our City Manager was doing by declaring a State of Emergency when by all of the state guidelines there was not an emergency. Of his own accord, with his own data and Internet researching he declared this emergency. She has spent four years repairing the relationship with our state partners to bring health and support to this City and to move forward which is why she lost her cool. She apologized for that but she was really upset. Our state partners will still work with us in spite of that and they want to help us financially but the biggest issue is that if we have to get water from the Aqueduct it could cost a lot of money which is a cash flow problem. This City Council has said that it will be fiscally responsible to our taxpayers and have worked extremely hard to do that. All things considered we have to balance all of it. Everyone on this Council is committed to clean water. On Monday when the cut over happened to Brown's Pond there was no water quality emergency. There was no need to call an emergency because the State was already committed to helping us with this. It's out there and you can call it what it is but there has been a serious problem with communication. We must get clear with our City Manager in terms of how we communicate on a whole list of things and we have put together a plan to address some of these issues. We might not always agree but it is mandatory that we straighten out this communication issue between the City Council and our City Manager so we can work as a team. We cannot have one person deciding on their own, without all of the partners involved, to do something that will cost the taxpayers a huge amount of money. She looks forward to working on this plan and discussing it with the City Manager to get this problem solved so that we can move forward because this City needs a team to work together.

Councilman Harvey added that we have received this document from the New York State Department of Health and according to their data this PFOS was first detected in a drinking water sample collected from the City of Newburgh in December, 2013. This goes back to reiterate what he said at the Work Session that in 2013 this PFOS level was detected and it was publicized in 2014 so if it was a State of Emergency on April 29, 2016, why wasn't it a State of Emergency in 2013 or 2014? Our City Manager was here in 2014 and like the Mayor just said we all need to work on having the communication improved so that everyone is involved.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Janet Gianopoulos, City of Newburgh is glad to have this document. Someone referred to levels taken in 2013 but what was that level?

Mayor Kennedy said it was about the same level that it is today.

Janet Gianopoulos asked at what location?

Mayor Kennedy said it was in the Lake upstream.

Janet Gianopoulos said upstream where it was 5900 at this time? It says provisional health advisory but when is it more than provisional and what are the provisions? The City Manager has been updating us on various water issues for several months so we need to listen carefully. There are some things discussed at meetings that don't have the urgency of fresh water so we need to be on top of things. She asked if the water on the Council's table tonight is tap water.

Councilman Harvey responded, "Yes, it is from Brown's Pond".

Janet Gianopoulos said that was a good decision and to please stay on top of it.

Tammy Hollins, City of Newburgh questioned resolution #121-2016 where members were asked to reconsider sitting on the CDBG Committee. Her concern is that when they were asked to reconsider sitting on that Committee that it would be only until December 2016 but it was always for two years before. If it is not for two years, what happens to the plan that they come up with and put into place because they would like to see the outcome. Everybody's time is valuable so if it is only going to be for a few months then that is not what she would like to focus her time on and would not like to be reconsidered. She would like an update on this to know where she is going.

Lillie Howard, City of Newburgh said if there was no problem with the water then why when the City Manager brought it to the public was it changed over to Brown's pond. If there was no problem then why wasn't it left where it was?

Omari Shakur, City of Newburgh thanked Ms. Bryan of Marvelous Life Entertainment in Poughkeepsie for donating over two and fifty cases of water for the summer programs. His organization donated over one hundred and fifty cases also so the children don't have to worry about water. In regard to resolution #123-2016 for the PSOA Agreement, he keeps hearing about the Police Department and professionalism but there was an article in the paper recently stating that there has been over one hundred and fifty shootings of children in our community but they can't catch anyone because no one in the community will talk. In the past five years, hundreds of our children, if not thousands, have been arrested, convicted and incarcerated for non-violent crimes by this Police Department. Over one thousand have been arrested, convicted and incarcerated for violent crimes which makes them say that they did such a good job. His son was killed; shot in the back of the head by a Police Officer but it was called justifiable homicide and they claimed the Police Department was professional. Michael Lembhard was shot by Police Officers fifteen times, eleven of which were in the back and eight while he was on the ground but our Police Department is so professional. Our Police Department is so professional and good but when it comes time to protect our community they can't do anything because

no one will snitch. If this was one hundred and fifty white people shot with eight killed then we would never have gotten to one hundred and fifty. If it was eight Police killed, we never would have gotten to those numbers. Where is the professionalism when it comes to protecting his children?

Barbara Smith, City of Newburgh, said in regard to the CDBG Committee that she questions the dates of appointments and feels that they should be appointed for the same amount of time. The time that they want to reinstate them for is unfair considering they did restructuring and they did no work. She asked the Council to please relook at this and be fair. If we are going to be asked to come back then let us finish the work that we started.

Charlotte Mountain, City of Newburgh, said that Ordinance #1-2016 is to shorten the time for abatements on private property. There is no time in which a municipality can enter private property without consent of the owner. Mr. Ciaravino has the authority to create a local State of Emergency in which Constitutional Law would be suspended in some cases but she is not sure that trash in someone's yard would actually rise to that level where the City could enter a property without a Warrant. If the City wants to do an abatement, they are required to go to Supreme Court and get an Order that would allow them to enter private property. The City is asking us to sit by and watch them write an Ordinance that would allow them to enter private property to do an abatement without an Order from a Judge. It sounds like a great idea but there is also the Constitution of the United States of America which trumps the City of Newburgh. We have a Building Department, a Department of Public Works and a Sanitation Officer so perhaps we should be spending more time on trying to figure out how to get these issues resolved. She called the DEC recently to look at a location in the City of Newburgh where there were some abandoned vehicles and they were running a motor vehicle repair shop without a license in a building that was not zoned for such a thing in a residential neighborhood. Those people are gone now and that lot is pretty much cleared out so there are ways to do it.

There being no further comments this portion of the meeting was closed.

Resolution No. 115 – 2016 – LTCP Regulator #2 Upgrades Planning Proposal

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution No. 116 – 2016 – Purchase of 74 Benkard Avenue

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #117 – 2016 – Little Free Library Unico Park

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #118 – 2016 – Downtown Revitalization Initiative

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #119 – 2016 – Elks Club Donation

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #120 – 2016 – Port Security Grant

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #121 – 2016 – CDBG Advisory Committee

Councilwoman Angelo moved and there was no second.

Mayor Kennedy motioned to table this resolution because there seems to be some confusion about appointment times so we have to figure out a way to stagger them so they don't all end at the same time. They should meet with the current members and proposed new members to discuss how to get that done.

Mayor Kennedy moved and Councilwoman Abrams seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6
TABLED

Ordinance # 1 – 2016 – Nuisance Abatement Time Frames

Councilwoman Abrams said that as she understands it this refers to just what is on the street. It doesn't allow someone to go into homes.

Councilwoman Mejia said that this Ordinance comes about with a year of experience to get cleanups done at properties. We have had several examples throughout the past year of debris sitting on sidewalks and front lawns and it takes twenty days for the property owners to get them cleaned up. This is ridiculous because it should not take twenty days to get this done. This Ordinance does not change responsibility or the legal rights of the property owner it just shortens the amount of time. That is her understanding on this and it does not trump our Constitutional rights to privacy. It would be so simple and government would not have to be involved if people did what they know they are responsible for and what they need to do. This just shortens the time from twenty to seven days.

Councilman Harvey said that he supports what Councilwoman Mejia is saying. This is just to shorten the time to get debris picked up. We are talking about revitalization of the City of Newburgh and excessive trash and garbage and the responsibilities of the citizens. We make these actions to clean up our City and always get someone to go against those efforts so that Newburgh can't move forward. We are talking about debris outside the home for an extended period of time that is not being picked up.

Corporation Counsel, Michelle Kelson said that this Ordinance is part of a large regulatory scheme that has been upheld by the Courts of the State of New York and the Federal Courts. It is implemented when there is a determination that the property is in such disrepair that it is a public nuisance and the Courts have said that municipalities have the power to protect life, health and safety of their residents and to provide notice to the property owner to make the corrections at their own volition and cost but if they fail to do so then the municipality has every right to go in and make that correction and then bill the property owner for it. All we are doing here is amending the initial notice time frame from twenty days to seven days which has been found to be sufficient in the Courts of New York City and Federal Courts. A Warrant is not required and there are due process procedures within the Ordinance itself. The property owner can request a hearing in front of the Building Inspector when they are issued the abatement notice and all actions can be challenged by the property owner under Article 78 which gives them an opportunity to be heard in the Supreme Court. There is no Constitutional violation by this particular Ordinance and there is no Constitutional violation in the regulatory scheme that has been in the City Code for many years prior to tonight.

Councilwoman Abrams moved and Councilwoman Angelo seconded.
Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6
ADOPTED

Ordinance # 2 – 2016 – Disposition of Property Evicted Tenants

Councilwoman Abrams moved and Councilwoman Mejia seconded.

Ayes: Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #122 – 2016 – Dedication and Naming of South Street Waterfront Park

Councilwoman Abrams said that she is going to vote against this. She knows and loves Father Bill but she feels that naming a Waterfront Park after him would be less appropriate than naming a Square at an intersection near the Church where he worked and was loved for so many years. The place where he supported many programs including Mary's Hope and the Zion Lions Basketball Program which helped so many of our youth over the years. She thinks we could do better than to name a Park after him down there. She is going to vote against the way this particular resolution is worded in hopes that we can bring it back again to have a Father Bill Square near the Church where he worked.

Councilwoman Mejia feels that you should only name things after someone is deceased because if you do so before that then it is bad luck. Everybody loves Father Scafidi as he has been a pillar of our community and she is also concerned that we don't have the funding to build this Park yet. She does see, however, that this resolution will also authorize the receivership of donations to benefit it. She doesn't think that municipalities should name places after the living because that is an honor for someone who has passed on. She agrees that this should be tabled so that they can speak to people in the community to see what their opinion is on this. She would like to know more on how they feel about that. If they move forward with this tonight, she will be voting no.

Councilwoman Angelo said that she is ready to vote yes because Father Bill is so actively involved with the City. This is an honor for him and she knows that he is pleased about it.

Mayor Kennedy added that she has had many members of St. Mary's tell her how excited they are about this Park and that they want to donate money towards it. She has also been told that he is excited about this award. We are now out in the middle of the stream because this has been suggested and he has been informed so to turn around now and not do it to her is like a slap in the face. She plans to vote yes for this and supports it as we have done things like this many times before.

Councilman Harvey said that he has had a number of interactions with Father Bill too and he has definitely been a beacon of light in this community for many years. There were many times when our young people had nowhere to go and he opened the gym so they could play basketball when other areas wouldn't open. He said that he will be supporting this Park.

Councilwoman Abrams added that this is not about how wonderful Father Bill is because we already know that but there is another point to be made. In the early 1920's the City Council voted not to name things after living people and that streets, for example, would be named only after people we had lost in the War. She just thinks that we can do better and honor him more appropriately by naming the intersection near his Church "*Father Bill Square*". He is a worthy person to be recognized she just feels that this Park is in the wrong place and that it would be more appropriate to have something near his Church.

Councilwoman Harvey moved and Councilwoman Angelo seconded.

Ayes: Angelo, Harvey, Holmes, Kennedy – 4

Nays: Abrams, Mejia – 2

ADOPTED

Resolution #123 – 2016 – PSOA MOA

Councilwoman Abrams moved and Councilwoman Angelo seconded.

Ayes – Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #124 – 2016 – Payment of Claim DOT

Councilwoman Angelo moved and Councilwoman Harvey seconded.

Ayes – Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

Resolution #125 – 2016 – Payment of Claim Floyd Lewis

Councilman Harvey moved and Councilwoman Angelo seconded.

Ayes – Abrams, Angelo, Harvey, Holmes, Mejia, Kennedy – 6

ADOPTED

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

GENERAL COMMENTS FROM THE PUBLIC

Omari Shakur, City of Newburgh, said that at the Corner of Liberty and First Street there was almost another bad accident. Kids catch school buses there so we need four way stop signs or a light there. He noted that the statements he made earlier were not to attack our Police Department but he wants them to have some professionalism by solving these cases and stopping the shootings in our community. We have had five shootings in the last eight days so we need to fix our community. It's not just the Police Department, it's everyone. We all have to stop this problem. We need to make sure that we stop it because one hundred and fifty of our children have been shot and that is unacceptable.

Martin, City of Newburgh, agrees with the time frame being shortened for garbage pickup. We all have concerns with the water situation and we want to see everyone united towards a solution but it doesn't seem to be that way. Being a resident he supports the decision that was made because of health issues and it was something that should have been looked at seriously.

Janet Gianopoulos, City of Newburgh, said that the data they received on the water refers to PFOA sampling but we don't see the numbers and she again asked the Council to clarify what is provisional?

Stewart Sachs, 28 Lander Street, expressed his gratitude to the City Manager for declaring a State of Emergency to get the word out to the population. We don't want our children drinking that. Lead is measured in parts per billion but this is measured in parts per trillion and they are calling it an emerging toxin - why? PFOS was first created by Dupont in 1949 and it's as if we are just discovering that this is toxic. A regular Press Release really doesn't get the word out so an emergency was needed.

Councilman Harvey said that this was first discovered in 2014 so why didn't the City Manager declare it an emergency then?

Mr. Sachs continued that a State of Emergency is not an unusual thing. When there is a heavy snowstorm the City declares a State of Emergency and we all have to move our cars from one side of the street to the other. The City is saying that this is an important thing and we require action. The water was changed over to Brown's Pond and he is grateful for that. Oil and gasoline are luxuries but water is not because without clean water we are all dead in a week. We are entitled to knowledge because we, the people, hold the power and if we are denied the knowledge then we are denied the power. We have to know what is going on and how this will be remediated. A State of Emergency is how you leverage State and Federal support so it was notable and the appropriate way to get the knowledge to the people and to leverage that support.

A City of Newburgh resident said she is troubled by the comment made as to why the City Manager didn't declare an emergency earlier but she feels it is better late than never. It was good that he did it now as she appreciates it and thanks him.

Paula Wright, City of Newburgh, buried her husband last month because of violence in the community and she wants to know what is being done to get these gang members and guns off the streets. She knows that the Police are working hard but people are not talking so we will keep having these murders if no one is willing to talk. How many more families have to go through this?

Peter, 29 Courtney Ave., expressed his support and appreciation for actions of our City Manager to protect our health and safety. He and his neighbors put together an online Petition last week that was signed by two hundred and twenty four people who expressed that same appreciation. As a resident of the City of Newburgh, he depends on his public officials to keep him safe and he feels that is what was done. This idea that if we just keep it quiet and then get help from the State is not how this works. The fact that a State of Emergency was declared and attention was brought to this he feels was the best thing. He thanked the City Manager for that and hopes that the City Council will continue to support him as we go forward in dealing with this issue.

Charlotte Mountain, City of Newburgh likes what the last person just said. In regard to the abatement issues she said that Chapter 226 of the City Code is not limited to only garbage in people's front yards. The resolution that they all just approved means that they can go anywhere in the building. At the Work Session last week they discussed the issue of Plumbing Licenses in the City of Newburgh and she was very excited to think that the City was finally going open up the trade to more people but it's not on the Agenda for tonight. She hopes that they will continue with that at additional meetings. We are required to have a Plumbing Board of five members but there is no listing of who the members are and if they are holding monthly meetings. There is no record of any Minutes or what they are or are not approving. We need to get that Board in order as well as our Electrical Board. If in fact we do not have a legal Plumbing Board right now, are there any valid Plumbing Licenses? They have to get on this quickly.

Barbara Smith, City of Newburgh, said that they all made good points in regard to the water problem and she is concerned with the use of the communication that appears to be drawing a line between the Council and the City Manager. We have to be a unified city and stand together. The Newspapers are coming up with many cities in the Nation that are looking at their water supplies and chemicals. She bought an oven liner and found out that it is loaded with this contaminate so it has been thrown out. The pots and pans with this lining and our carpets and furniture are sprayed with these chemicals. If I take a full pitcher of water and put one drop of something into it then the concentration will be less so she doesn't know what the levels of the Lake were in 2013 or 2014. Were they high or low? When they processed this level was it high or low? Let's all be civil to one another and get the job done.

Michael Gabor, City of Newburgh likes having the meetings here at the Activity Center and feels they should always be here. Water is not the issue. The issue is that we hired a City Manager, a professional, to do his job and this is an attempt to micromanage what he does. If they can't accept what the professional is doing then change the Charter. This is being politically driven. Let the professional do his job and don't micromanage. Read the Charter and follow it.

Lillie Howard, City of Newburgh would like to know if the water was alright then why was it transferred to Brown's Pond? With what happened in Flint, Michigan she can understand why the City Manager did what he did. We forget that the Water Department Head was in agreement with this. Does he not know his job? These are issues that need to be seriously discussed. She added that Jazz starts tomorrow at Billy Joes so let's all go have a good time.

There being no further comments this portion of the meeting was closed.

FINAL COMMENTS FROM THE COUNCIL

Councilwoman Abrams went on vacation and came back last night so she feels a little out of line with the comments. She is glad to be home despite everything going on and will double her efforts to work hard and make up for that time off.

Councilwoman Angelo had pictures of the Little Library and said if anyone would like one in their yard to distribute books they can have one. There will be one at Unico Park and anyone else interested can let her know because we have plenty of books. The School Board Election is coming up so she left some information on the table about that. Kevin Burke, Historian and Author was at Washington's Headquarters to talk about Newburgh's roots and it was a wonderful day. Urban Farm Fair was on Saturday with speakers on Friday night and they are now looking for empty lots to make gardens. The Parade will be on May 30th and applications are still available. She thanked everyone for coming tonight.

Councilwoman Harvey appreciates what Barbara shared about unifying and being role models for the children and we can disagree without being disagreeable. We have to get beyond the disagreement of how, when and where the commination went wrong to remediate this issue. Every single person in this room supported and believed in notifying the public about what was happening with our water. Not one of them would think about covering up a health care issue concerning contamination in the water because we all drink it. We all wanted the public to know as soon as possible but in a unified manner. The Governor's Office said that we needed to make this announcement in a unified manner and noted that there was a superfund that would take care of the costs with remediating this issue and that the taxpayers would not bear the burden for the cost in this process. He heard this himself so nobody wanted to cover anything up. They all just requested that they be informed if a State of Emergency was to be announced and that they would do it as a unit. He was the only other Council person at the Friday meeting and Mayor Kennedy was on a conference call and came in late. When we look at how we function, we need to come together and do things in a united manner. A question was asked why we deferred our water source to Brown's Pond if Washington Lake was safe. Why didn't we defer the water source to Brown's Pond in 2014 when the same level of contaminants were made public in the Newspaper? That is a great question? If we know it's contaminated then we have to divert to a clean source even though it is not at a level that would cause great harm. He is not a scientist but the best choice was to change to Brown's Pond and they all agreed on that at the Friday meeting. He feels, however, that it should have been done in 2014 also when they first found out that these contaminants were in Washington Lake but nobody is asking that question. PFOS was first discovered in 2013 and then in 2014 it was not only still present but it was publicized in the Mid-Hudson Times Newspaper so these contaminants have been here since then but now all of a sudden it is a State of Emergency? Why not then also? Someone said something about micromanagement. He calls it a system of checks and balances. No one is trying to micromanage the City Manager and many of them think he is doing a great job with lot of great things. We need to improve the communication so that we are all on the same page. We all need to focus on the remediation of Washington Lake and we are all in place to make that happen. To address the issue of the shootings in the City of Newburgh there have been an increased amount and as the warm weather heats up so does the activity. There was a shooting last night on Liberty Street and some stray bullets injured some of our residents. The violence that is occurring here

is terrible and scary and it's something that we are all concerned about. To Ms. Wright who lost her husband recently he agrees that people need to communicate with our law enforcement to solve some of these violent crimes. If you are a law abiding citizen and you talk to the Police about what you know that is honorable so he doesn't quite understand this culture. If you know something, you have to say something. The people who are victimized are laying in the Hospital and those victims aren't speaking to the Police. He added that when the City Council makes a resolution where funding has been appropriated to something like paving or cameras or whatever it is, when funding has been earmarked then we have to see these things moving forward. It seems to take forever to move on these things. If we have money approved in the Budget, then there is no reason why these roads aren't getting done right now. He knows many young men and women who would love a temporary job to help with the paving of these roads. The longer we wait it adds to the urban blight in our City and there is data that shows there is a direct correlation between the eyesores of an urban city and human behavior. If the funding has been appropriated for certain actions to take place, then he thinks we should move on them.

Councilwoman Holmes thanked everyone for coming and agrees with everything Councilman Harvey and audience members said tonight. Communication is very important and a lot of constituents in Ward 4 feel that the City Manager did the best thing but he did not communicate with all of the Council members. It is embarrassing that they were all not on the same page. She has the 2013 test results and told Ms. Gianopoulos that she will e-mail them to her if she wants them. Our Water Department has had two other people as Superintendents and now we are on the third person in the past two years. We need to have a permanent Superintendent who is qualified and has taken the test. She agrees with what Mr. Sachs said that if we are denied the knowledge then we are denied the power because they were denied the knowledge that Friday. None of the Council other than Councilman Harvey and the Mayor were invited so we had no knowledge. We have to effectively communicate and she has said this over and over again but we have to get past this. In regard to the shootings, she supports our Police Department and feels that the cameras need to be more effective. We need to have working cameras everywhere which would make our Police Department more effective. Some of her relatives have been shot and it is heartbreaking. She knows we can do better and wished everyone a good evening.

Councilwoman Mejia thanked everyone for coming tonight. They are moving the needle forward with the distressed and vacant properties. As discussed at the Work Session, these have been labeled as *"Evictions Gone Wild"* where belongings are placed on the sidewalk and the owner needs to make arrangements to have their belongings removed. The naming of the Park does not deter from the reputation of Father Bill Scafidi as he is a pillar of our community and she will support this. Around the water issue she is not looking for a hero or a martyr but stability and forward movement for our City. Newburgh had an emergency about communication. When it comes to our water she expects nothing but the best quality water for our City and supported the switch to Brown's Pond which has zero of this PFOS. When we are an educated community we make better decisions together. She has not seen the data for 2015 yet and hopes that they will have that soon. She would love for our Water Superintendent to give an overview and address the community on some of this data. She hopes to have a community discussion and would love to have a work plan with dates and funding allocations attached as soon as possible. Where do we go after Brown's Pond because any tapping into the Aqueduct will have a financial impact on us and that is a collective decision that they need to make together. She supports the Police Department wholeheartedly but her challenge to them is around setting a goal. She would

like at least three of the open homicide investigations to be completed and closed by the end of 2016. She knows that the Chief is working towards that but it is helpful to show a result and have at least one of these homicides solved for our community. We have very talented Officers and Investigators that should be solving them so that is her challenge. In regard to the location of meetings and moving them to the Activity Center there was an effort to improve technology at City Hall and investments were made for cameras to do the Live Streaming. When we move to locations like this there is a cost involved because we have to make arrangements to be recorded and archived.

Mayor Kennedy thanked everyone for coming and the City Council for all of their comments. Many people have asked why we cut over to Brown's Pond and it is because we knew it had zero PFOS. It was also asked why we didn't do it in 2014? In 2013, the first numbers were collected as the State does regular testing and back then this was definitely an emerging contaminate. All kinds of things are tested for in the water and there is a safe zone. If you are in the safe zone, it is viewed as an anomaly but when it kept showing up it raised questions which is why now and not back in 2013 or 2014. We rely on the EPA, DEC and DOH so when they raise a flag that's when we take action. A flag was not raised back then because they did not see any problem. This City Council wants the best water possible for the City so at this point we cut over to Brown's Pond and she thanked the Water Department and DPW for their assistance with this issue and she supports this switch. We already had a commitment from the State when the Emergency was declared and this Council did not want to hide or cover up anything. Now it is time to move forward and she expects our City Manager and Water Department to work closely with the Council to figure out what the next steps are and make some good decisions for our health and financial future. Our form of government with the City Council and City Manager does not work like Congress and the President. They are elected officials. This City Council is elected and we then hire the City Manager. It is more like a Board of Directors with a CEO, who is the City Manager, and he then manages our employees and is directly responsible to this Council. We do not want to micromanage but we must and should know what is going on especially with emergency matters. We need to have clear straight forward communication. She added that she looks forward to managing the trash and is glad that they passed this resolution tonight.

There being no further business to come before the Council the meeting adjourned t 9:15 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: ¹¹⁵_____ - 2016

OF

MAY 9, 2016

**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 THE REGULATOR NO. 2 IMPROVEMENTS PROJECT
AS PART OF THE COMBINED SEWER OVERFLOW LONG TERM CONTROL
PLAN
IN AN AMOUNT NOT TO EXCEED \$72,000.00**

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute an Order on Consent with the New York State Department of Environmental Conservation ("NYS DEC") to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan ("LTCP"); and

WHEREAS, the City has submitted its Phase I LTCP, the requirements for which will be deemed satisfied upon the approval of the NYS DEC and by Resolution No. 303-2015 of November 23, 2015, the City Council of the City of Newburgh authorized the City Manager to execute a Modification Order on Consent approving a Schedule of Compliance for Phase I through V of the LTCP; and

WHEREAS, the Regulator No. 2 Improvements Project is included in the Modification Order Schedule of Compliance for Phase I of the LTCP with a planning phase completion date of September 2, 2016; and

WHEREAS, Arcadis of New York, Inc. has submitted a letter proposal for professional engineering services to complete the planning phase of the Regulator No. 2 Improvements Project by the Schedule of Compliance completion date of September 2, 2016; and

WHEREAS, the scope of services will include Tasks 1 through 4 of the proposal, inclusive of a project kick-off meeting and site visit, site survey, the development of up to three alternatives to correct and improve the hydraulic flow issues previously identified, and a basis of design report for the selected alternative; and

WHEREAS, the cost of said services to be performed is an amount not to exceed \$72,000.00 and funding for such project shall be derived from the 2015 Capital Plan BAN and Sewer Fund; 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 phase of the Regulator No. 2 Improvements Project as part of the Phase I Long Term Control Plan for the City's Combined Sewer Collection System, with other provisions as Corporation Counsel may require, in an amount not to exceed \$72,000.00.

Mr. Jason Morris, P.E.
City Engineer
83 Broadway
Newburgh, New York 12550

Arcadis of New York, Inc.
855 Route 146
Suite 210
Clifton Park
New York 12065
Tel 518 250 7300
Fax 518 250 7301
www.arcadis.com

Subject:

**Proposal for Engineering Services
CSO LTCP Phase I
Regulator No. 2 Improvements**

Water

Date:

March 23, 2016

Contact:

Robert Ostapczuk

Phone:

518.250.7300

Email:

robert.ostapczuk@arcadis.com

Our ref:

660004881.0000

Dear Mr. Morris:

Arcadis is pleased to provide you with this letter proposal for engineering services for the Regulator No. 2 Improvements Projects, as required by the Order on Consent for the combined sewer overflow (CSO) Long Term Control Plan (LTCP).

As part of the LTCP Arcadis developed a hydraulic model which was utilized to identify a hydraulic bottleneck in Regulator No. 2 that was a factor in the failure of the West Trunk Sewer. The bottleneck results in flows not being able to enter the CSO outfall sewer and a resulting hydraulic grade line formed upstream. We will utilize the model develop to assess alternatives to correct this hydraulic issues for the City and provide more flow control. We have proposed the following scope of work:

SCOPE OF WORK

Task 1 Kick Off Meeting and Site Visit

Arcadis will conduct a kickoff meeting to discuss the project scope of work, schedule, and deliverables. Arcadis will prepare an agenda and develop meeting minutes. Arcadis will conduct a site visit to visually observe the structure and field check existing drawings

Mr. Jason Morris
March 23, 2016

Task 2 Site Survey

Arcadis will subcontract with a local surveyor to complete a site survey that includes topographical features, surface improvements, utilities marked out by the City of Newburgh, property boundaries and/or ROWs, rims and inverts of sewer manholes, overhead utilities and stream boundaries. Based on the alternatives evaluated in Task 3, Arcadis will subcontract with a geotechnical driller to either perform two soil borings to 40 depth or refusal and/or to perform 12 foot deep geoprobes. Final geotechnical evaluations will be dependent on the feasibility of alternatives. Arcadis will subcontract with a NYS certified Minority or Women Owned Business (M/WBE) to complete the site survey and geotechnical drilling.

Task 3 Planning and Preliminary Engineering

Arcadis will utilize the hydraulic model developed for the CSO LTCP to assess corrective measures to improve flows to the CSO overflow sewer. We will evaluate existing system performance of Regulator No. 2, surrounding interceptors, and overflow pipe for the typical five year period (2000 - 2004). Using this five year simulation, determine the cause (regulator weir undersized suspected) and extents of surcharged interceptors impacted by backwater conditions. In consultation with the City, Arcadis will develop up to three improvement alternatives to eliminate hydraulic bottleneck at Regulator No. 2. We will assess the addition of real-time controls by integrating WWTP Influent flows into the control systems of a modulating sluice gate. Arcadis will perform constructability and operability reviews on each alternative and assess long term options for regulator maintenance and bypassing.

Each alternative's system performance and ability to eliminate surcharging in surrounding interceptors for the typical five year period (2000 - 2004) will be evaluated. Arcadis will develop budgetary cost estimates for each alternative. Budgetary estimates will be prepared in accordance with the American Association of Cost Estimators (AACE) Class 4 Estimate with an expected accuracy range of +50% to -30%. Arcadis will summarize hydraulic findings of alternative analysis and select a preferred alternative during a workshop. Modeling staff will be included via skype.

After an alternative is selected during consultations with the City, Arcadis will optimize the alternative configuration for typical year (2002) and assess the impacts during 100 and 500 year storm events. We will summarize the analysis and conclusions in a 1-2 page technical memorandum with supporting graphics.

Task 4 Basis of Design Report

Based on the selected alternative outlined under Task 3, Arcadis will develop a Basis of Design Report to concisely summarize the improvements recommended at Regulator No. 2. The basis of design report will be prepared in accordance with NYS EFC guidance if the City elects to pursue CW SRF funding or financing and includes the preliminary engineering technical memorandum as a section on alternatives. Arcadis will outline permitting requirements including SEQR, including SHPO and endangered species, NYS DEC wastewater facilities approval, Joint ACE and NYS DEC stream disturbance (based on the proximity to the Quassaick Creek), and NYS EFC (if required). The Basis of

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Mr. Jason Morris
March 23, 2016

Design Report will include conceptual site layouts, arrangement drawings, hydraulic profiles, P&IDs, and equipment and material selections.

Task 5 Prepare Bid Documents

Arcadis will prepare Bid Documents for regulatory approval and bidding purposes for the Regulator No. 2 improvements. The Bid Documents will be comprised of both Drawings and a Project Manual. They will be developed as a single prime contract in accordance with Wick's Law. Arcadis will provide the City with review submittals at 60% and 90% design development phases for review and comment.

Due to the unknown nature of the extent of structural improvements required to be completed at Regulator No. 2, we have included an allowance for structural engineering to be included if required. The extent of structural engineering efforts will be determined upon the finalization of Task 3.

Arcadis will update the cost estimate at the 60% (AACE Class 4) and 90% (ACEE Class 3) submittals.

Task 6 Regulatory Approval and Permitting

Pirnie/ARCADIS will submit three sets of half sized Bid Documents and Basis of Design Report to the NYS DEC and/or NYS EFC on behalf of the City. We will submit the 90% Bid Documents and upon receipt of comments from both the City and regulatory agencies, Arcadis will finalize the Bid Documents and prepare comment response correspondence. Only one comment response letter has been included in the budget. Arcadis will solicit a determination letter from the SHPO on cultural resources and the USFWS for endangered species in support of the preparation of a Short Form EAF for City Council action. If required, Arcadis will prepare and submit a Joint Application for Stream Bank Disturbance.

Task 7 Bidding Assistance

Arcadis will assist the City with bidding the project. We will prepare Bid Documents on CD-ROM media for electronic bidding. We will prepare an advertisement of bids for the City to advertise for their legal notification. We will submit the Bid Documents up to three construction plan rooms for advertisement. We will conduct a pre-bid meeting with prospective bidders. Arcadis will accept prospective bidders' requests for clarifications and prepare and distribute addenda as required. Arcadis will attend the bid opening, tabulate bids and make a recommendation of award.

Task 8 Construction Administration

Arcadis will consult with and advise City and act as City's representative throughout the construction of the Regulator No. 2 Improvements. All of City's Instructions to Contractor will be issued through Arcadis who will have authority to act on behalf of City.

We will prepare agreements for the Contract for the City's execution with the Contractor. Arcadis will issue Notices to Proceed to the Contractor in accordance with the Contract Documents. We will schedule and conduct a pre-construction conference with the Contractor, representatives of the City, and any

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Mr. Jason Morris
March 23, 2016

regulatory and/or funding agency representatives as required. We will prepare and distribute meeting minutes.

Arcadis will issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare Change Orders for execution by City, if appropriate.

Arcadis will review and approve (or take other appropriate action) Shop Drawings, samples, and other data which the Contractor is required to submit. Such reviews shall be for conformance with the design concept of the Project as a functioning whole and compliance with the information given in the Contract Documents. Any approvals or other actions associated with the reviews shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. Arcadis limits reviews of shop drawings to two reviews for all shop drawings in total. We will evaluate and determine the acceptability of substitute or 'equivalent' materials and equipment proposed by Contractor.

Based on on-site observations and on review of applications for payment and the accompanying data and schedules, Arcadis will:

- Recommend in writing payments to Contractor. Such recommendations of payment will constitute a representation to City that the Work has progressed to the point indicated and that, to the best of our knowledge, information and belief, the quality of the Work is generally in accordance with the Contract Documents subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendations.
- In the case of unit price Work, include final determinations of quantities and classifications of the Work in the recommendations of payment, subject to any subsequent adjustments allowed by the Contract Documents.

Arcadis shall not be responsible for the acts or omissions of the Contractor, or of any subcontractor or supplier, or any of the Contractor's or subcontractor's or supplier's agents or employees or any other persons (except Arcadis' own employees and agents) at the site or otherwise furnishing or performing any of the Work. However, nothing contained herein shall be construed to release Arcadis from liability for failure to properly perform the duties and responsibilities assumed by Arcadis in the Contract Documents.

Task 9 Progress Meetings and Periodic Site Visits

Arcadis will schedule and attend biweekly progress meetings at the site to facilitate coordination between Contractors, update construction schedules, discuss progress of the work, requests for information, and any proposed field or change orders. We will make visits to the site at intervals appropriate to the various stages of construction, as Arcadis deems necessary to observe, as an experienced and qualified design professional, the progress and quality of the Contractors' work.

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Mr. Jason Morris
March 23, 2016

We will conduct an inspection to determine if the work is substantially complete, for each milestone, and a final inspection to determine if the completed Work is acceptable so that Arcadis may recommend, in writing, final payment to Contractor. We will prepare and distribute a punch list prior to the final inspection.

Task 10 Construction Inspection

Arcadis will perform part time inspection services on behalf of the City. The construction inspector will be our agent or employee and under our supervision. The purpose of representation by the Construction Inspector at the site will be to provide for City a greater degree of confidence that the completed Work will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor.

Arcadis shall not, during such visits or as a result of observations or inspections of the Work in progress, supervise, direct or have control over the Work nor shall Arcadis have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor furnishing and performing the Work. Arcadis can neither guarantee the performance of the Work by the Contractor nor assume responsibility for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

During its visits, we may disapprove of or reject the Work while it is in progress if Arcadis believes that the Work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected in the Contract Documents.

We will have a Construction Inspector on site a minimum of one day a week depending on construction activities. The level of part time inspection will depend on the Contractor and the methods they employ. Arcadis will subcontract with an M/WBE subcontractor to complete the inspections if requested by the City.

Task 11 Contractor's Completion Documents

Arcadis will receive and review maintenance and operating instructions, schedules, guarantees, bonds and certificates of inspection, tests, approvals, and record documents, which are to be assembled by Contractor in accordance with the Contract Documents. Such review is limited to determining that their content complies with the requirements of the Contract Documents. We will transmit the documents to City with written comments and certification of the work in the general accordance of the Contract Documents

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Mr. Jason Morris
March 23, 2016

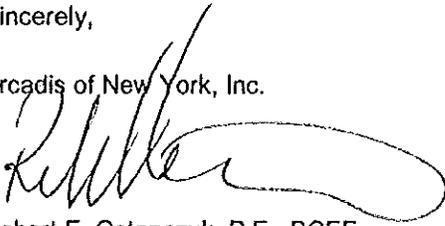
FEES

In order to fully develop budget costs for the engineer and construction administration of this project, Arcadis has developed a budget for Tasks 1 through 4, which will advance the design to a 30% level of effort in order to fully assess the alternatives available to the City. Arcadis proposes to complete the scope of work for Task 1 through 4 on a not to exceed time and material basis for a total budget of \$72,000. Please see the attached breakdown of effort by task. Upon completion of Task 4, Arcadis can provide a budget for the remaining tasks once the level of engineering design and construction duration can be defined. Upon execution of an agreement, Arcadis will complete Tasks 1 through 4 prior accordance with the schedule of compliance included in the Order on Consent requiring planning to be complete on or before September 2, 2016.

If you have questions, please do not hesitate to call me 518.250.7305 at your earliest convenience so that I can be of further assistance.

Sincerely,

Arcadis of New York, Inc.



Robert E. Ostapczuk, P.E., BCEE

Associate Vice President

This proposal and its contents shall not be duplicated, used or disclosed — in whole or in part — for any purpose other than to evaluate the proposal. This proposal is not intended to be binding or form the terms of a contract. The scope and price of this proposal will be superseded by the contract. If this proposal is accepted and a contract is awarded to Arcadis as a result of — or in connection with — the submission of this proposal, Arcadis and/or the client shall have the right to make appropriate revisions of its terms, including scope and price, for purposes of the contract. Further, client shall have the right to duplicate, use or disclose the data contained in this proposal only to the extent provided in the resulting contract.

PROJECT BUDGET

City of Newburgh
Newburgh, New York
Regulator No. 2 Improvements Project

DESCRIPTION	12	11	9	8	7	6	5	CADD	Hours Per Task	Labor Cost per Task
Task 1 - Kick Off Meeting and Site Visit	0	4	0	12	0	20	0	0	36	\$4,327.60
Task 2 - Site Survey and Geotechnical Investigation	0	2	0	12	12	0	0	24	50	\$3,961.80
Task 3 - Preliminary Engineering	2	12	20	40	60	12	0	0	146	\$19,319.20
Task 4 - Basis of Design Report	2	12	16	24	20	40	24	60	198	\$19,034.00
TOTAL LABOR HOURS	4	30	36	88	92	72	24	84	430	
TOTAL DIRECT LABOR COSTS	\$1,364	\$6,417	\$6,138	\$10,912	\$9,982	\$7,142	\$2,083	\$2,604	\$46,643	

Subtotal Labor \$46,643
 Survey Allowance \$15,000
 Geotechnical Allowance: \$10,000
 Misc Expenses: \$357
TOTAL \$72,000

RESOLUTION NO.: 116 - 2016

OF

MAY 9, 2016

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 74 BENKARD AVENUE (SECTION 45, BLOCK 2, LOT 12)
AT PRIVATE SALE TO JESSICA ARIAS FOR THE AMOUNT OF \$5,000.00**

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

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

WHEREAS, the City of Newburgh desires to sell 74 Benkard Avenue, being more accurately described as Section 45, Block 2, Lot 12 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before August 8, 2016, being 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>
74 Benkard Avenue	45 - 2 - 12	Jessica Arias	\$5,000.00

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

Terms and Conditions Sale

74 Benkard Avenue, City of Newburgh (45-2-12)

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 property is sold subject to unpaid school taxes for the tax year of 2015-2016, 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 2015-2016, and subsequent levies up to the date of the closing. Upon the closing, the property shall become subject to taxation and apportionment of the 2016 City and County taxes shall be made as of the date of closing. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. Notice is hereby given that the property lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance with same.
7. Notice is hereby given that the properties are vacant and unoccupied. These parcels are being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the properties and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.

8. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
9. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
10. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
11. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before August 8, 2016. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least ten (10) days in advance of closing title and approved by the City's Engineer.

17. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 117 - 2016

OF

MAY 9, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH THE FRIENDS OF THE NEWBURGH FREE LIBRARY, INC. TO ESTABLISH A LITTLE FREE LIBRARY SITE IN UNICO PARK

WHEREAS, The City of Newburgh owns certain property known as Unico Park within the larger Newburgh Landing Park located at 70 Front Street along the Newburgh waterfront and identified on the City tax map as Section 51, Block 1, Lot 3; and

WHEREAS, The Friends of the Newburgh Free Library, Inc. has requested access to Unico Park for the purpose of establishing a Little Free Library site at Unico Park which would be a small lending library, dedicated to promoting literacy and a love of reading based on the concept "take a book, leave a book" in which users are encouraged to take a book, read it and return it to choose another; and

WHEREAS, Friends of the Newburgh Free Library, Inc. will undertake the cost of construction and installation and will visit the site periodically to monitor and restock books and the City of Newburgh will not incur any financial or staffing costs associated with the proposal; and

WHEREAS, the City Council of the City of Newburgh finds that permitting such access for the purpose of establishing a Little Free Library at Unico Park 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 enter into a license agreement, in substantially the same form annexed hereto with such other terms and conditions acceptable to the Corporation Counsel, with The Friends of the Newburgh Free Library, Inc. to allow access to City owned property known as Unico Park located within Newburgh Landing Park for the purpose of establishing a Little Free Library.

LICENSE AGREEMENT

This Agreement, made this _____ day of _____, two thousand and sixteen, by and between the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR," and THE FRIENDS OF THE NEWBURGH FREE LIBRARY, a not-for-profit corporation, organized under the laws of the State of New York and having its principal office for the transaction of business at 124 Grand Street, Newburgh, New York 12550 as "LICENSEE";

WITNESSETH THAT:

Section 1. Grant and Term of License. Licensor hereby gives to Licensee and Licensee's employees, agents, volunteers and contractors, upon the conditions hereinafter stated, a revocable non-exclusive license or privilege of gaining access to, performing work and constructing a structure upon Licensor's property located at Unico Park within Newburgh Landing Park, 70 Front Street, in the City of Newburgh, New York, and more accurately described as Section 51, Block 1, Lot 3 on the official tax map of the City of Newburgh and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary, in connection with constructing a structure to sit on a post which will be set inside a concrete footing with rough dimensions of approximately 20 inches wide, 12 inches deep, and 20 inches long and will be weatherproof and landscaped, for the purposes of establishing a Little Free Library; to perform maintenance and repairs to said structure on property owned by Licensor; to maintain landscaping and any and all other work appurtenant thereto; and to monitor said structure for use as a lending library by the general public. The Term of said license will be five (5) years from the date of execution of this License Agreement through December 31, 2021.

Section 2. Purpose. Licensee shall construct the structure for use as a lending library known as a Little Free Library solely for the purpose of borrowing and returning library books by the general public and for no other purposes whatsoever.

Section 3. Construction, maintenance, repair, and replacement of Little Free Library; compliance with laws, rules and regulations.

- a. Licensee shall install, repair and maintain said improvements on said premises in such location and position and as to any such work upon or under property of Licensor in such manner as will be satisfactory to Licensor.
- b. The Licensee shall be responsible for all costs of construction, maintenance, repair and replacement (if required) of the structure to be known as the Little Free Library and to keep it in good, safe, and working condition throughout the term of this License.
- c. The Licensee shall be responsible for keeping the Little Free Library in compliance with all applicable Federal, State, County, and City laws, ordinances, rules, and regulations throughout the term of this License, including but not limited to obtaining all necessary permits and licenses.

Section 4. Insurance; defense and indemnity. Licensee will throughout the term of this License Agreement annually produce evidence of and maintain public liability and property damage insurance coverage per occurrence in amount of \$1,000,000, naming Licensor as additional insured. Licensee shall defend, indemnify, and hold Licensor, its officers, employees, and agents harmless against any and all claims, actions, proceedings, and lawsuits brought against one or more of them in connection with or related to Licensee's, its officers', employees', volunteer' and agents' use of the Little Free Library and adjoining property owned by Licensor.

Section 5. Assignment of License; no sub-licensing. In accordance with the provisions of Section 109 of the General Municipal Law, the Licensee is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement or of its right, title or interest in this agreement or its power to execute this agreement to any other person or corporation without the previous consent in writing of the Licensor. Licensee may not sub-license this License to any other party.

Section 6. Termination of License. Either party may terminate this License prior to December 31, 2021, with or without cause, on at least thirty (30) days prior written notice to the other party. In the event of such termination by either party, Licensee shall not be entitled to reimbursement of any of its costs including but not limited to those for construction, maintenance, repair, and replacement of the structure. Upon termination, Licensee and its agents, volunteers, employees and contractors, will restore the property to a clean and orderly state and in the same condition as existed prior to the granting of this license, normal wear and tear excepted.

Section 7. New York law. This License Agreement shall be construed under New York law and any and all proceedings brought by either party arising out of or related to this License shall be brought in the New York State Supreme Court, Orange County.

Section 8. No Vested Rights to Land. It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this license.

Section 9. Bind and Enure. This License shall bind and enure to the benefit of the parties' respective successors and assigns. Licensor acknowledges that the enhancements, improvements and repairs to the subject property shall inure to the benefit of both parties, and shall be satisfactory, adequate and sufficient consideration for the License granted hereunder

Section 10. Modification of License Agreement. This License Agreement may not be modified except by a writing subscribed by both parties to this Agreement.

IN WITNESS WHEREOF, the parties have caused this License Agreement to be executed as of the day and year first above written, pursuant to City of Newburgh Resolution No. _____ of _____

CITY OF NEWBURGH

By: _____
MICHAEL G. CIARAVINO
City Manager
Per Resolution No. _____

FRIENDS OF THE NEWBURGH FREE LIBRARY, INC.

By: _____

Approved as to Form:

JOHN J. ABER
City Comptroller

Approved as to Form:

MICHELLE KELSON
Corporation Counsel

The Newburgh Friends of the Library is interested in establishing a Little Free Library site at Unico Park on the waterfront. These small lending libraries, numbering over 36,000 worldwide, are dedicated to promoting literacy and a love of reading. The concept is simple—"Take a book, leave a book." Users are, we hope, encouraged to take a book, read it, and return it to choose another. Our group will be certain to choose appropriate titles and subjects.

The Friends of the Library is willing to pay for the cost of construction and installation and will visit the site periodically (perhaps weekly) to monitor and restock books. The City of Newburgh will not incur any costs, either in financial terms or in manpower.

The basic structure will sit on a post which will be set inside a concrete footing. Its rough dimensions will be approximately 20 inches wide, 12 inches deep, and 20 inches long. The post will be at a height which can be easily accessed by children. The structure itself will be weatherproof and can be landscaped with a small flowerbed around it. Some examples of existing ones can be seen at the littlefreelibrary.org Website.

We would like, with your approval, to get this project started for the spring of this year. The return of warm weather brings thousands of people to the Newburgh waterfront and we hope that our project will attract and further enhance this scenic location. If this project should prove successful, we envision other spots throughout the city strengthening our sense of a shared community.

Thomas Franco,

Friends of the Newburgh Library

124 Grand Street

Newburgh, NY 12550

RESOLUTION NO.: 118 - 2016

OF

MAY 9, 2016

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND
ACCEPT IF AWARDED A NEW YORK STATE DOWNTOWN REVITALIZATION
INITIATIVE GRANT IN AN AMOUNT NOT TO EXCEED \$10 MILLION
THROUGH
THE HUDSON VALLEY REGIONAL ECONOMIC DEVELOPMENT COUNCIL**

WHEREAS, The Downtown Revitalization Initiative (DRI) will invest \$10 million in each of 10 communities ripe for development to transform them into vibrant communities where tomorrow's workforce will want to live, work and raise families and the program emphasizes using investments to reinforce and secure additional public and private investments proximal to, and within, downtown neighborhoods, and in doing so will build upon growth spurred by the Governor's Regional Economic Development Councils (REDCs); and

WHEREAS, each REDC will nominate one downtown in their region best positioned to take advantage of the DRI using a template to nominate downtowns by June 30, 2016; and

WHEREAS, the City of Newburgh proposes to submit a joint application with the Newburgh Community Land Bank, Safe Harbors of the Hudson Valley, the Boys and Girls Club of Newburgh, Inc. and SUNY Orange; and

WHEREAS, the downtown, for the purposes of this grant, will be defined as generally along Broadway from Lander Street to Colden Street; and

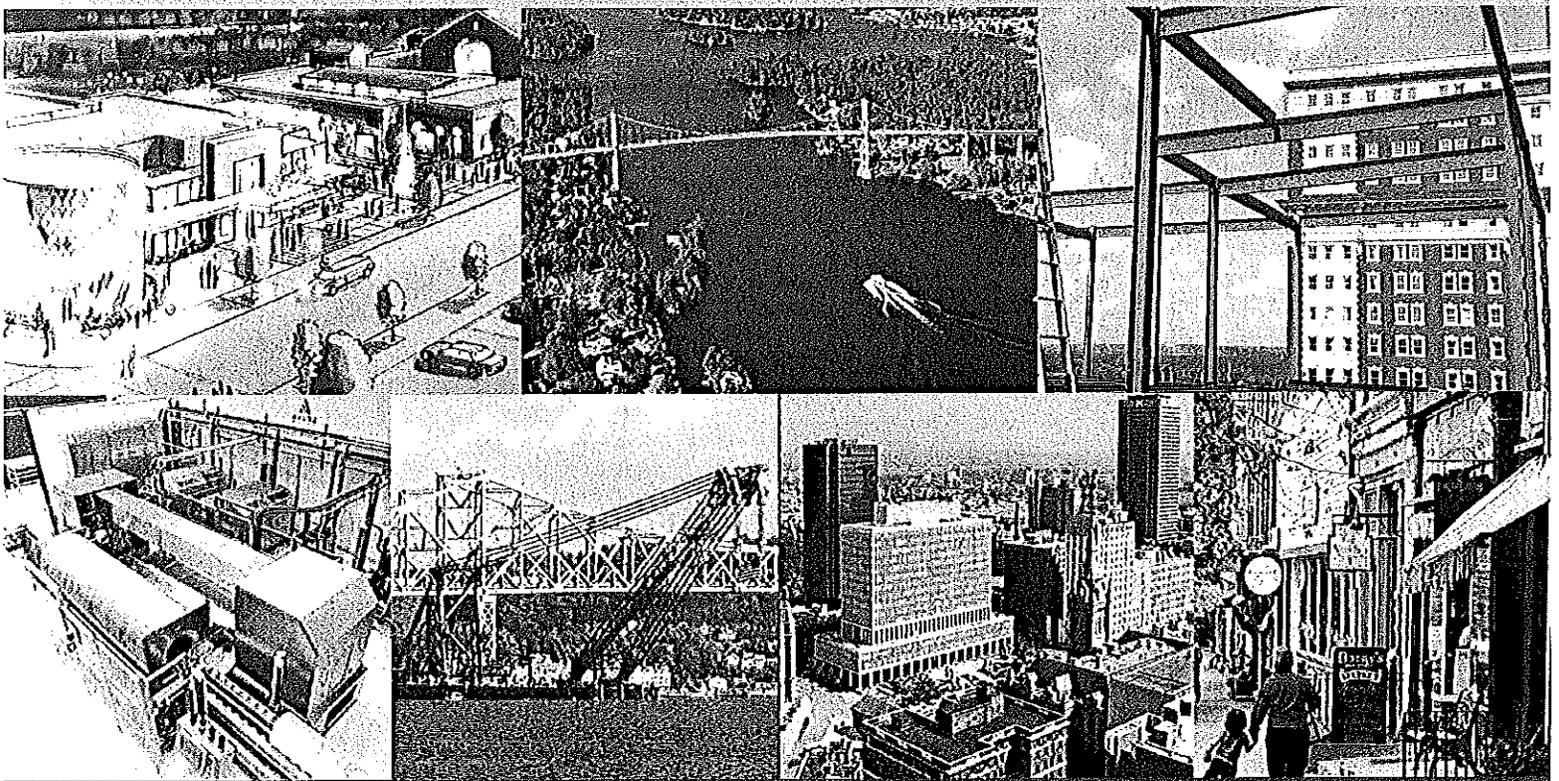
WHEREAS, the goal of the Initiative is to provide technical support to the selected downtown from State and private sector planning experts and a locally established committee to create and implement a strategic investment plan utilizing local assets and opportunities to build a vision for a revitalization unique to each downtown and to include economic development, transportation, housing and community projects that align with the vision and can be leveraged for additional investment; and

WHEREAS, the Council has determined that applying for and, if awarded, accepting such grant funds is in the best interest of the City of Newburgh residents and local businesses;

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 grant from the Downtown Revitalization Initiative through the Hudson Valley Regional Economic Development Council in an amount not to exceed ten million (\$10,000,000) Dollars.



**Regional Economic
Development Councils**



Downtown Revitalization Initiative



**Office of Planning
and Development**



**Homes and
Community Renewal**

Governor Andrew M. Cuomo



DOWNTOWN REVITALIZATION INITIATIVE

Description

The Downtown Revitalization Initiative (DRI) will invest \$10 million in each of 10 communities ripe for development to transform them into vibrant communities where tomorrow's workforce will want to live, work and raise families. The program emphasizes using investments to reinforce and secure additional public and private investments proximal to, and within, downtown neighborhoods, and in doing so will build upon growth spurred by the Governor's Regional Economic Development Councils (REDCs).

Cesar A. Perales has been designated Chairman to lead the initiative. Private sector experts and planners from the Department of State (DOS), with support from other state agencies, will assist selected municipalities in building strategic investment plans and identifying key projects consistent with the DRI's program goals.

Downtown Identification

Each REDC will nominate one downtown in their region best positioned to take advantage of the DRI. The REDCs will use a template to nominate downtowns by June 30, 2016. The REDC may utilize an existing subcommittee or form a specific subcommittee to advance this project. The REDC may gather public input on downtowns under consideration.

REDCs will weigh, at a minimum, the criteria below when nominating downtowns:

- 1) Downtowns should be compact, with well-defined boundaries. There is no minimum or maximum size for downtowns. Downtowns can range from a corridor or block(s) of a neighborhood to the municipality's traditional central business district. However, core neighborhoods beyond the central business district are also eligible. For example, an arts or entertainment district could be the focus of the DRI, however, it should be shown how these areas complement existing downtowns.
- 2) The municipality, or the downtown's catchment area, should be of a size sufficient to support a vibrant, year-round downtown. In analyzing this, REDCs should consider whether there is a sizeable existing or increasing population within easy reach for whom this would be the primary downtown destination.
- 3) Downtowns should be selected that are able to capitalize on prior, or catalyze future, private and public investment in the neighborhood and its surrounding areas. When evaluating a downtown for nomination, the REDCs should consider:
 - o The presence of nearby investments planned or undertaken through the REDCs or with other public or private funding;
 - o Continuity with the REDC's previously articulated vision for the area/region and consistency with recent planning efforts for the area;
 - o The existence of developable properties within the downtown, including properties that can be utilized for affordable housing;



- The growth potential and community involvement of anchor institutions in or near the downtown;
 - The municipality's current investment commitment to the downtown, including through business improvement districts or partnerships with non-profits;
 - The ability of existing infrastructure to support development of the downtown, and the potential to maximize recent infrastructure upgrades;
 - Application of Smart Growth principles; and
 - Investments in arts and cultural institutions and activities.
- 4) A crucial part of the selection of a downtown is the recent or impending job growth within, or in close proximity to, the downtown. The attraction of professionals to an active life in the downtown will support redevelopment and make growth sustainable in the long-term. In evaluating job growth near the downtown, REDCs should consider:
- The presence of major job-creating projects and initiatives near the downtown;
 - The existence of new and expanding employers;
 - Whether new and existing jobs are accessible from the downtown by foot or via public transit; and
 - The diversity in area job opportunities, with different salaries/entry levels and potential for mobility between jobs.
- 5) The downtown must be an attractive and livable community for diverse populations of all ages, including millennials and skilled workers. In evaluating this, REDCs should consider whether the downtown contains, or could contain, the following physical properties and characteristics:
- Developable mixed-use spaces;
 - Housing at different levels of affordability and type;
 - Commercial and retail main street businesses, including healthy and affordable food markets;
 - Multi-modal transit;
 - Walkability and bikeability, within the downtown and connecting the downtown to surrounding open space networks and regional destinations;
 - Accessible recreation amenities, parks and gathering spaces;
 - Access to health care facilities;
 - Cultural and entertainment amenities; and
 - Broadband accessibility.
- 6) The downtown should already embrace or have the ability to create and implement policies that increase livability and quality of life, including through:
- Downtown plans;
 - Modern zoning and parking standards;
 - Management structure, such as a Downtown Manager or Downtown Business Improvement District;
 - Complete Streets plans and laws;
 - Transit-oriented development;
 - Land banks;
 - Energy-efficiency;
 - Smart Cities innovation; and
 - An inclusive environment for New Americans.

- 7) Downtowns must have sufficient local community and public official support in order to develop and implement their strategic investment plan. Local leaders and stakeholders who are committed to working together on a plan and the initial local lead should be identified.

Strategic Investment Plans

DOS will rapidly launch the DRI Fast Track Planning Initiative in July 2016 following certification of 10 downtowns. The communities will enjoy technical support from both state and private sector planning experts and a locally established committee. Private sector planning experts will be paid out of the \$10 million awards (up to \$300,000 per community), with the remainder of the award utilized to implement the plan. For downtowns that identify a need for healthy and affordable food markets, up to \$500,000 of implementation funding will be available statewide for projects that are consistent with the Healthy Food/Healthy Communities Initiative.

The strategic investment plans will examine local assets and opportunities to build a vision for revitalization unique to that downtown. The plans will include identification of economic development, transportation, housing, and community projects that align with that vision and can be leveraged for additional investment.

Work on the strategic investment plans will be overseen by a local DRI Planning Committee. This committee should include representatives from a number of the following interest groups and organizations:

- The REDC for the municipality's region;
- Local and regional government officials;
- Neighborhood associations, homeowners, and renters;
- Property owners, local developers, and realtors;
- Chambers of commerce, local business associations, and business owners;
- Community foundations and community loan funds;
- Local development corporations, housing corporations, Industrial Development Agencies, and business improvement districts;
- Cultural institutions, including museums, historic sites, theaters, etc.;
- Educational institutions, including administrative and student leadership of area universities and colleges;
- Local non-profit and advocacy organizations that address quality of life (i.e. bicycle coalitions, park conservancies, arts organizations, YMCA, etc.);
- Social and public service organizations (local police, health care providers, etc.); and
- Faith-based organizations.

While strategic investment plans will be individualized to ensure sustainable growth in each unique downtown, fundamental goals include:

- 1) Creation of an active, desirable downtown with a strong sense of place;
- 2) Attraction of new businesses (including "Main Street" businesses), high-paying jobs, and skilled workers;
- 3) Arts and cultural attractions;
- 4) A diverse population, with residents and workers supported by complementary housing and employment opportunities;
- 5) An enhanced local property tax base; and
- 6) Amenities to support and enhance downtown living and quality of life.



Strategic investment plans will also consider, as appropriate for each community, the municipality's ability to create or improve these elements of the selected downtown, through policies as well as specific projects:

- Proximity and accessibility to daily destinations - particularly jobs and different housing types;
- Density in the downtown - compact zoning and building;
- Diversity in land uses and a zoning code enabling a mix of uses;
- Transit-oriented development with access to reliable public transit (within ½ mile of the downtown);
- Walkability/bikeability;
- Sustainable, energy-efficient development that aligns with the goals of the State Energy Plan;
- Smart Cities innovations that lower local government costs while improving municipal service delivery;
- Presence of and collaboration with anchor institutions in or near the downtown;
- Existence of healthy and affordable food markets;
- Accessible parks, public gathering spaces, and entertainment amenities;
- Inclusiveness of New Americans; and
- Demonstrations of support from key stakeholders and local capacity for implementation.

RESOLUTION NO.: 119 - 2016

OF

MAY 9, 2016

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION
FROM THE ELKS CLUB OF NEWBURGH LOCAL LODGE 247
IN AN AMOUNT NOT TO EXCEED \$2,000.00 TO PROVIDE FUNDING
FOR CITY OF NEWBURGH RECREATION DEPARTMENT SPONSORED ACTIVITIES**

WHEREAS, the Elks Club of Newburgh Local Lodge 247 is a fraternal organization composed of a group of dedicated persons who invest in their communities through programs that help children grow up healthy and drug-free, by undertaking projects that address unmet need and by honoring the service and sacrifice of our veterans by providing charitable services that help build stronger communities and to improve the quality of life of the citizens of the City of Newburgh; and

WHEREAS, the Elks Club of Newburgh wishes to make a donation in an amount not to exceed \$2,000.00 to provide funding for City of Newburgh Recreation Department Sponsored Activities; and

WHEREAS, this Council has determined that accepting such donation is in the best interests of the City of Newburgh and its youth;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a donation from the Elks Club of Newburgh Local Lodge 247 in an amount not to exceed \$2,000.00 to provide funding for City of Newburgh Recreation Department Sponsored Activities with the thanks of this Council on behalf of itself and of the children and families of the City of Newburgh.

RESOLUTION NO.: 120 - 2016

OF

MAY 9, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
IF AWARDED A FISCAL YEAR 2016 FEMA PORT SECURITY PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$25,000.00
TO FUND A TRAINING PROGRAM AND PURCHASE EQUIPMENT
FOR THE FIRE RESCUE BOAT FOR THE CITY OF NEWBURGH FIRE DEPARTMENT

WHEREAS, the City of Newburgh Fire Department has expressed an interest in applying for funds available under the Fiscal Year 2016 Federal Emergency Management Agency ("FEMA") Port Security Grant Program to fund a training program and purchase equipment for the new fire rescue boat; and

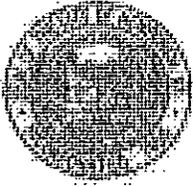
WHEREAS, said grant, if awarded, will support the well-being and safety of our community by funding equipment procurement and training to enhance community protection from fire; and

WHEREAS, if awarded, such funding will provide for a training program and the purchase of training equipment; and

WHEREAS, if awarded, said grant will provide funding in an amount not to exceed \$25,000.00 with no City match; and

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

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 such documents and to take any necessary and appropriate actions to apply for and to accept if awarded a grant made available under the Fiscal Year 2016 FEMA Port Security Program Grant in an amount not to exceed \$25,000.00 with no City match required to fund a training program and purchase equipment for the new fire rescue boat for the City of Newburgh Fire Department.



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:
 Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grant Coordinator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL"

SECTION A - COMPLETED BY GRANT REQUESTOR		
NAME OF PROJECT FOR GRANT: Fire Boat	NAME OF DEPARTMENT REQUESTING GRANT: Fire Department	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Acting Chief Terry Ahlers
NAME OF GRANT/NAME OF AWARDING AGENCY: Port Security	GRANT SUBMITTAL DATE: May 25 th 2016	AMOUNT OF AWARD: \$25,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) No match this amount	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:
<p>PROJECT PLAN:</p> <p>Scope of Project: _____ To purchase a equipment and training for new fire boat Key Stakeholders: _____ Fire Department _____</p> <p>Project Timeline: (ex. Dates) ____ Award can be used up to three years Starting September 1, 2016 awarding until August 31, 2019 announcement website below. The funds would be used for a training program as well as a tracking program and maintenance for boat.</p> <p>http://www.fema.gov/media-library-data/1455573875236-07ce03a778118ecc2ead8e1aae84185e/FY_2016_PSGP_NOFO_FINAL.pdf</p>		



City of Newburgh

GRANT APPLICATION FORM

SECTION B FOR REVIEW BY CITY COMPTROLLER
GRANT MATCH REQUIREMENT REVIEWED? YES/NO: COMMENTS:
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO COMMENTS:
STAFFING ISSUES REVIEWED? YES/NO: COMMENTS:
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO CITY COMPTROLLER SIGNATURE: _____ DATE: _____
NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO CITY MANAGER SIGNATURE: _____ DATE: _____
SECTION D FOR REVIEW BY CORPORATION COUNSEL
→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO



City of Newburgh

GRANT APPLICATION FORM

CORPORATION COUNSEL SIGNATURE: _____
DATE: _____
DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING: _____

ORDINANCE NO.: 1 - 2016

OF

MAY 9, 2016

AN ORDINANCE AMENDING CHAPTER 226 OF THE CODE OF ORDINANCES ENTITLED "PERFORMANCE OF WORK BY CITY; ABATEMENT" REDUCING THE TIME FRAME IN ABATEMENT NOTICES

BE IT ORDAINED by the City Council of the City of Newburgh, New York that Chapter 226, "Performance of Work by City; Abatement", be and is hereby amended as follows:

SECTION 1. Chapter 226. Performance of Work by City; Abatement

§226-1. Abatement Notice.

B. The abatement notice shall contain a description of the premises, specify the provisions of the City Code deemed to have been violated, require the owner to correct the condition within ~~twenty (20)~~ seven (7) days of the date of such notice, and provide that if the owner fails to do so, the City or the City's contractor may undertake or cause to be undertaken the required work, repair, or demolition and the City shall assess a lien against the property for the cost of the work, repair, or demolition together with an additional fifteen (15%) percent administrative fee for costs of inspection and other incidental costs associated with abating the condition, to be added to the total costs of the work, repair, or demolition. The notice shall also contain, pursuant to § 226-2 of this Chapter, a hearing date and location, at which time and place the owner may be heard in regard to the matter contained in the notice. If the City determines that an emergency exists, the City may undertake or cause to be undertaken such work, repair, or demolition prior to the expiration of the specified period of time and/or prior to the hearing date, provided the notice identifies the violations as constituting such an emergency.

§226-2. Hearing to appeal notice.

A. Any person affected by an abatement notice issued pursuant to § 226-1 of this Chapter shall be entitled to a hearing before the City Manager or the City Manager's designee, except in the case of an emergency. The City Manager or the City Manager's designee shall set the time and place for such hearing. The hearing shall be scheduled ~~for at least ten (10) days but not more than fifteen (15) days from the date of the notice.~~ before the expiration of the seven (7)-day period set

~~Strikethrough~~ denotes deletions

Underlining denotes additions

forth in §226-1B. At such hearing, the owner shall be given an opportunity to show cause why such notice of abatement should be modified or withdrawn.

SECTION 2. This ordinance shall take immediately.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

ORDINANCE NO.: 2 - 2016

OF

MAY 9, 2016

AN ORDINANCE AMENDING SECTION 263-38 OF THE CODE OF ORDINANCES ENTITLED "PETITIONER OF DISPOSSESS WARRANT TO BE RESPONSIBLE" TO PROVIDE FOR THE IMMEDIATE REMOVAL OF EVICTED TENANTS' PROPERTY FROM THE SIDEWALK OR HIGHWAY

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 263, entitled "Streets and Sidewalks", Article VIII, entitled "Disposition of Property of Evicted Tenants", Section 263-38, entitled "Petitioner of Dispossession Warrant to be Responsible" of the Code of the City of Newburgh be and is hereby amended to read as follows:

SECTION 1. Chapter 263. Streets and Sidewalks

Article VIII. Disposition of Property of Evicted Tenants

§263-38. Petitioner of Dispossession Warrant to be Responsible

Whenever any property is placed upon a public sidewalk or highway by a court officer executing a dispossession warrant or similar process, it shall be the responsibility of the petitioner in the proceeding which resulted in the issuance of the dispossession warrant or similar process to immediately remove ~~arrange for the removal and storage or other suitable disposition of all such~~ property. If such petitioner shall not immediately remove ~~arrange for the removal and storage or other suitable disposition of all such~~ property, he shall be guilty of an offense and shall be liable for the penalties provided for in §1-12 of this Code.

SECTION 2. This ordinance shall take immediately.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

***TABLED**

RESOLUTION NO.: 121 - 2016

OF

MAY 9, 2016

**A RESOLUTION APPOINTING MEMBERS
TO THE COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE**

WHEREAS, the City of Newburgh is awarded Community Development Block Grant ("CDBG") funds by the Department of Housing and Urban Development ("HUD") to support community development projects; and

WHEREAS, the rules and regulations of HUD require the City to appoint a committee to give guidance and advice with respect to the expenditure of CDBG funds for community development projects; and

WHEREAS, pursuant to Resolution No. 278-2010 of December 13, 2010 the membership of the CDBG Advisory Committee shall consist of the following nine (9) members who will serve two year staggering terms:

- Four (4) members, at least two (2) of whom represent the low income community, on the basis of their knowledge and interest in housing, homeless needs, disability rights, youth services, seniors and social services.
- Three (3) professional practitioners on the basis of their expertise in the areas of housing, homeless needs, disability rights, youth services, seniors and social services.
- One (1) Member of the City Council.
- One (1) City employee who is a staff member of the Department of Planning and Development.

WHEREAS, it is necessary to appoint members to such CDBG Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individuals be and are hereby appointed as members to the CDBG Advisory Committee, effective immediately, to serve the terms indicated as follows:

1. Community Member for a term commencing May 10, 2016 and ending December 31, 2016
 - a. Roxy Royal
 - b. Tammie Hollins
 - c. Barbara Smith
2. Community Member for a term commencing May 10, 2016 and ending December 31, 2017
 - a. Lizzette Martinez - Community Member

3. Professional Practitioner for a term commencing May 10, 2016 and ending December 31, 2016
 - a. Lisa Silverstone - Professional Practitioner
4. Community Member for a term commencing May 10, 2016 and ending December 31, 2017
 - a. Leslie Hoffman
 - b. Regina Cieslak
5. City Council Member for a term commencing May 10, 2016 and ending December 31, 2016
 - a. Judy Kennedy - City Mayor
6. City Employee who is a staff member of the Department of Planning and Development for a term commencing May 10, 2016 and ending December 31, 2017
 - a. Deirdre Glenn - Director of Planning and Development

RESOLUTION NO.: 122 - 2016

OF

MAY 9, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
FOR THE DEDICATION OF THE SOUTH STREET WATERFRONT PARK
AS FATHER WILLIAM "BILL" SCAFIDI PARK
AND AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS TO BENEFIT THE PARK

WHEREAS, the City of Newburgh proposes to develop South Street Waterfront Park located at the terminus of Front Street in the City of Newburgh known as 180 Water Street and identified as Section 12, Block 6, Lot 5.2 on the official Tax Map of the City of Newburgh; and

WHEREAS, many have offered the City donations to be used for the development and benefit of the public park; and

WHEREAS, Father William Scafidi, affectionately known as "Father Bill," pastor of St. Mary's Roman Catholic Church at 180 South Street in Newburgh for 17 years, established and supported many important community programs in our City; and

WHEREAS, notable among these are the Mary's Hope Food Pantry, providing the poor and homeless with nourishing food; and the Zion Lions Basketball Program, providing recreation, guidance and mentorship for boys and girls from ages 5 through 17; and

WHEREAS, Father Bill was a pillar of the Newburgh community as well as of his church, attending many civic and interfaith gatherings and offering invocations and benedictions at innumerable religious and secular events and meetings; and

WHEREAS, Father Bill served church and City with grace, humor and distinction throughout his assignment here, offering special care for the children, the poor, the infirm and the elderly; and

WHEREAS, Father Bill was assigned by the Archdiocese of New York in the summer of 2015 to St. Peter's Roman Catholic Church in Liberty, New York after what was universally regarded as too short a tenure here; and

WHEREAS, the City Council therefore determines that it is in the best interests of the City of Newburgh to dedicate the parcel of land located at the terminus of Front Street in the City of Newburgh known as 180 Water Street and identified as Section 12, Block 6, Lot 5.2 on the

official Tax Map of the City of Newburgh as a public park and honor Father Bill's service and dedication to the City of Newburgh; and

WHEREAS, this Council further finds it to be in the best interests of the City of Newburgh to accept donations for the development and benefit of the public park;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York, that the parcel of land the parcel of land located at the terminus of Front Street in the City of Newburgh known as 180 Water Street and identified as Section 12, Block 6, Lot 5.2 on the official Tax Map of the City of Newburgh shall be dedicated as a public park; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh, New York that the public park be named and forever known with reverence, affection and gratitude as "Father William 'Bill' Scafidi Park" and that an appropriate marker be erected within said public park stating "To The Youth of The City of Newburgh - Fr. William (Bill) Scafidi Park"; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized and directed to accept donations to be used for a municipal or public purpose in furtherance of the development and for the benefit of Father William 'Bill' Scafidi Park with the thanks of this Council on behalf of itself and of the children and families of the City of Newburgh.

RESOLUTION NO. 123 - 2016

OF

MAY 9, 2016

**A RESOLUTION RATIFYING A MEMORANDUM OF AGREEMENT
AND APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE
POLICE SUPERIOR OFFICERS ASSOCIATION OF NEWBURGH, NEW YORK**

WHEREAS, City of Newburgh and the Police Superior Officers Association of Newburgh, New York, Inc. ("PSOA") are parties to a collective bargaining agreement which expired on December 31, 2008; and

WHEREAS, the City Manager and negotiators representing the City of Newburgh and the PSOA have engaged in collective negotiations for a successor agreement pursuant to the requirement of the Taylor Law; and

WHEREAS, the City Council has reviewed the terms negotiated as set forth in the attached Memorandum of Agreement between the City of Newburgh and the PSOA, which sets forth the terms and conditions of employment for the term January 1, 2009 through December 31, 2021, and has consulted with the representatives of the City, who have recommended that the City Council approve the negotiated changes and new collective bargaining agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the terms of the attached Memorandum of Agreement are ratified; and

BE IT FURTHER RESOLVED, that the City Manager is directed and authorized to enter into a complete collective bargaining agreement incorporating the terms of the Memorandum of Agreement into a complete collective bargaining agreement with the Police Superior Officers Association of Newburgh, New York, Inc. for the term January 1, 2009 through December 31, 2021.

STIPULATION OF AGREEMENT made and entered into this 29th day of April 2016 by and between the negotiating committees for the City of Newburgh and the Police Superior Officers Association of Newburgh, New York, Inc. ("the Association").

WHEREAS, the parties have engaged in negotiations in good faith in an effort to arrive at the terms of a new collective negotiations agreement to succeed the one that expired on December 31, 2008; and

WHEREAS, the parties have arrived at a tentative agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties stipulate and agree as follows:

1. The provisions of this Agreement are subject to ratification by the Association's membership, and ratification and approval by the City Council.
2. The signatories agree to recommend this Agreement for ratification/approval.
3. A copy of this original document has been furnished to representatives of the City and the Association.
4. All proposals made by either party during the course of negotiations that are not covered by this Agreement will be deemed dropped.
5. Housekeeping: Clean-up contract for non-substantive grammatical and spelling errors and delete expired and unnecessary language.
6. Duration (Article XXVII(B)): 13 years, from January 1, 2009 to December 31, 2021.
7. Salary (Article II(D)).
 - (a) For each employee on the payroll upon the date of the complete ratification and approval of the 2009-2021 Agreement, the salary index will be implemented

effective and retroactive to July 1, 2013, consistent with the 2013-2014 PBA interest arbitration award.

(b) For each employee on the payroll upon the date of the complete ratification and approval of the 2009-2021 Agreement, the salary index will be implemented effective and retroactive to July 1, 2014 consistent with the 2013-2014 PBA interest arbitration award.

(c) For each employee on the payroll upon the date of the complete ratification and approval of the 2009-2021 Agreement, the salary index will be implemented effective and retroactive to December 31, 2015 consistent with the 2013-2014 PBA interest arbitration award.

(d) For each employee on the payroll upon the date of the complete ratification and approval of the 2009-2021 Agreement, the salary index will be implemented effective and retroactive to January 1, 2016 consistent with the 2015-2021 PBA memorandum of agreement ("PBA MOA").

(e) Effective upon the complete ratification and approval of the 2009-2021 Agreement, the annual salary rate for employees in the Sergeant position will be 15.25% above the annual salary rate for the position "Detective Second Year."

(f) Effective January 1, 2017, the annual salary rate for employees in the Sergeant position will be 15.5% above the annual salary rate for the position "Detective Second Year."

(g) The salary index will be implemented effective January 1, 2017 consistent with the PBA MOA.

(h) Effective January 1, 2018, the annual salary rate for employees in the Sergeant position will be 15.75% above the annual salary rate for the position "Detective Second Year."

(i) The salary index will be implemented effective January 1, 2018 consistent with the PBA MOA.

(j) Effective January 1, 2019, the annual salary rate for employees in the Sergeant position will be 16% above the annual salary rate for the position "Detective Second Year."

(k) The salary index will be implemented effective January 1, 2019 consistent with the PBA MOA.

(l) Effective January 1, 2020, the annual salary rate for employees in the Sergeant position will be 16.25% above the annual salary rate for the position "Detective Second Year."

(m) The salary index will be implemented effective January 1, 2020 consistent with the PBA MOA.

(n) Effective January 1, 2021, the annual salary rate for employees in the Sergeant position will be 16.5% above the annual salary rate for the position "Detective Second Year."

(o) The salary index will be implemented effective January 1, 2021 consistent with the PBA MOA.

8: Longevity (Article II(E)): Effective December 31, 2014, for each employee on the payroll upon the date of the complete ratification and approval of the 2009-2021 Agreement, the longevity payment will increase by \$300.

9. Holidays (Article IV(C)). Effective January 1, 2017, Lincoln's Birthday and Washington's Birthday will be replaced by Presidents' Day.
10. Holidays (Article IV(C)). Employees promoted into the bargaining unit on or after January 1, 2017, will continue to have Election Day as a holiday only if it was a holiday for them in the year immediately prior to their promotion.
11. Deferred Compensation (Article VI). Add: "Effective upon the complete ratification and approval of the 2009-2021 Agreement, the City will provide a one-time \$500 sign up bonus to new enrollees. Effective upon the complete ratification and approval of the 2009-2021 Agreement, the City will also provide a one-time \$500 bonus to each employee who is already enrolled in the Deferred Compensation Plan. If the City is not permitted by the Plan Rules to pay the bonus for existing Plan members, then the City will provide a one-time dollar-for-dollar matching contribution of up to \$500 to each employee who is already enrolled in the Deferred Compensation Plan. The monies will be paid as set forth above to all employees eligible therefor within 21 days of the date on which the employee(s) qualify for same."
12. Hospitalization (Article IX(A, B)). Add: "Employees promoted into the bargaining unit on or after the date on which the 2009-2021 Agreement is fully ratified and approved will contribute the same percentage towards their health insurance premiums as if they had remained in the PBA unit."
13. Hospitalization (Article IX(A)). Add: "All employees promoted into the bargaining unit on or after the date on which the 2009-2021 Agreement is fully ratified and approved will continue to have the same eligibility requirement regarding the years of service necessary to receive retiree health insurance benefits as if they had remained in the PBA unit."

14. Hospitalization (Article IX(A)). Add: "Effective upon the complete ratification and approval of the 2009-2021 Agreement, employees who add family coverage at or after retirement will pay 65% of the cost of the family premium."

15. Hospitalization (Article IX(A)). Add: "Effective upon the date on which the 2009-2021 Agreement is fully ratified and approved, employees who opt for the health insurance waiver and then join the City's health insurance plan in the two years prior to retirement will contribute 15% of the cost of the premium for single coverage and 65% of the cost of the premium for family coverage."

16. Hospitalization (Article IX(D) (New)). Add: "This Section will be implemented in accordance with NYSHIP Policy Memorandum I22r3 unless and until it is invalidated by the New York Court of Appeals."

17. Hospitalization (Article IX(F) (New)). Add: "Effective upon the complete ratification and approval of the 2009-2021 Agreement, where an employee is eligible for health insurance coverage through another City employee's plan, the employee and the other City employee must choose either one family plan or two individual plans."

18. Sick Leave Reduction Incentive (Article XIII(B) (New)). Add: "Effective January 1, 2017, an employee who is on the payroll throughout the period January 1 through December 31, and has used no sick leave days during the period January 1 through December 31, shall receive a \$1,000 bonus for the fiscal year. An employee who used between one and three sick days during the period January 1 through December 31 shall receive a \$500 bonus for the fiscal year. The bonus shall be paid in a lump sum by separate check in the second pay period in January of the next fiscal year. In order to be eligible for the bonus, the employee must have been actually working and not on any type of leave(s) exceeding a total of three hundred sixty (360) hours' duration during the fiscal year including, but not limited to, a 207-c, workers'

compensation, FMLA, military leave and/or any other type of extended leave-related time. Jury duty and bereavement leave shall not be considered leave for purposes of the preceding sentence.”

19. Sick Leave Conversion (Article XIII(C)): Effective upon the complete ratification and approval of the 2009-2021 Agreement, sick leave conversion will be reduced from 180 days to 150 days.

20. – Sick Leave Conversion (Article XIII(C)(3)): Add: “Effective upon the complete ratification and approval of the 2009-2021 Agreement, as an alternative to cash conversion, upon direct retirement from the City immediately following the submission and implementation of an application for and the commencement of the receipt of benefits from the Police & Fire Retirement System, an employee may convert, at the employee’s then current rate, a maximum of 150 days of accumulated and unused sick leave to be used upon retirement to contribute to the cost of retiree’s share of health insurance premiums. The value of unused sick leave is converted to a monthly credit, which is applied toward paying any contribution the employee makes for health insurance for the rest of his or her life.”

21. Fitness for Duty (Article XXIX) (New): Effective upon the complete ratification and approval of the 2009-2021 Agreement, add:

“A. The public has the absolute right to expect persons employed by the City in its Police Department will be free from the effects of drugs and controlled substances. The City, as the employer, has the right to expect its Employees to report for work fit and able for duty and to set a positive example for the community. There is a special obligation of all Employees to refrain from the illegal use or misuse of controlled substances. The Department has the right to adopt rule(s), regulations(s), policies and/or procedure(s) to implement the terms

of provision, which may include testing of Employees on the basis of reasonable suspicion and/or a random testing basis. City and/or Department management will negotiate with Association representatives pursuant to the requirements of the Taylor Law with respect to development of rule(s), regulation(s), policy(ies) and/or procedure(s) relating to implementation of the terms of this provision.

B. DRUG AND ALCOHOL TESTING - The City will continue to conduct reasonable suspicion testing for drugs and alcohol. In addition, in the event that an employee is in an accident in a City-owned vehicle, or if an employee discharges a weapon, other than as appropriate during training or when shooting an animal consistent with Department guidelines, the City shall have the right to conduct an immediate drug and alcohol test. Effective January 1, 2017, all Employees shall be subject to annual drug and alcohol testing within one month of the employee's anniversary date.

B.1 Policy - It is the policy of the City to detect and deter the abuse of alcohol, the use and possession of illegal drugs and the abuse of prescription drugs in the work place. The use and possession of these substances constitutes a serious threat to the health and safety of all Employees and members of the public. Accordingly, the purpose of this article is to formalize a City policy that prohibits the use, possession, sale, delivery or being under the influence of illegal substances and/or drugs and/or alcohol while on duty.

B.2 Definitions

1. The term "Drug" shall include controlled substances as defined in Penal Law Section 220.00(5), steroids and marijuana, as defined in Section 220.00(6).

2. The term "Drug Abuse" shall include the use of a controlled substance or marihuana, which has not been legally prescribed and/or dispensed, and the improper or excessive use of a legally prescribed drug as determined by the Medical Review Officer designated by the City.

3. The term "Alcohol Abuse" shall be a test result of 0.04 or greater.

4. Random Employee Selection Sheet: A computer-generated list of randomly selected Employees identified by employee I.D. numbers.

5. Computer Control Sheet: A computer generated list of all Employees contained within the random drug/alcohol test data base.

B.3 Procedure

1. Employees shall be subject to random drug testing. The employee(s) picked will report for testing upon notification if on duty, or on their next working shift.

2. Whenever Employees obtain information or suspect that another employee may be abusing drugs or alcohol, they shall immediately notify the Police Chief.

3. Refusal to submit. The refusal by an employee to submit to a drug or alcohol test or the adulteration of the test by the employee pursuant to the provisions of this order may result in immediate suspension and subsequent disciplinary action, which may include dismissal from the City.

4. Testing Procedures

a. Every reasonable effort will be made to maintain employee confidentiality. In order to ensure confidentiality and the integrity of the tests, samples will only be taken at the test location by the authorized medical staff.

Sample taking will not be conducted, or otherwise interfered with by the City or any representative of the employee. Samples will never be handled or tampered with by the City or any representative of the employee. Samples will not be released to anyone, except as authorized in this policy or as required by law, without the written consent of the employee.

b. Each employee being tested shall present his or her shield and identification card at the test location to ensure proper identification.

c. Each employee being tested may consult with and be accompanied by an Association representative, who may confer with and advise the employee before and after the collection process, but shall not participate in or interfere with the process in any way. The representative shall be given reasonable advance notice of when the testing will occur so that he or she may attend. However, the collection process shall not be delayed because the representative is unavailable.

d. Prior to testing, each employee shall list all medications ingested during the preceding 10 days. The employee may also list any supplements, vitamins, herbs, foods or other products ingested during that same period. The list shall be sealed in an envelope and the employee's name and date will be written on the outside. If the test results are negative, the envelope will remain sealed and be destroyed in the presence of the Association President or designee.

e. There shall be no direct observation of the giving of the urine sample, unless there is reason to believe that the sample may be tampered with, in which event direct observation by an authorized individual of the medical staff is

permitted. This individual shall be a person of the same gender as the employee providing the sample.

f. Testing shall be performed by a laboratory licensed or certified by SAMHSA, HHS. Two separate containers supplied by the testing lab shall be prepared by each employee being tested. Each container shall have a code number and date of collection affixed. The specimen shall be divided into two samples at the time of collection and shall be sealed and initialed in the presence of the employee.

g. The laboratory administering the test shall assure that the appropriate chain of custody is established in order to verify the identity of each sample being tested.

h. Initial alcohol screening shall be conducted by a breath alcohol technician using an individually-sealed mouthpiece opened and attached to the evidential breath testing device ("EBT"). The employee will be asked to blow forcefully into the mouthpiece for at least six seconds, or until the EBT indicates that an adequate amount of breath has been obtained. If the employee states that he/she does not have sufficient air capacity, he/she shall be sent immediately for a medical evaluation for verification of the claim. Absence of verification shall be considered a refusal. If the result of the screening is an alcohol concentration of greater than 0.04, a confirmation test will be performed between 15 and 20 minutes after the completion of the screening test. Prior to the confirmation test, the EBT will be cleaned and a new mouthpiece will be used. If the first test result is negative, no further testing will be performed. If the confirmation test is

negative, the entire test will be deemed negative, and a negative test result will be reported. Samples will be destroyed.

i. Initial drug screening will be by the Enzyme Multiple Immunoassay Testing (EMIT). No sample will be further tested upon a negative screening for controlled substances or marijuana. After a negative screening, the sample will be destroyed.

j. Each and every positive EMIT test will be confirmed using Gas Chromatography Mass Spectrometry test (GCMS). Only if confirmed by GCMS will a test result in a positive report. In order to be defined as a "positive" result, the initial and/or confirmatory test levels must be at or above those set forth in the applicable federal D.O.T. guidelines.

k. Any employee whose test results in a positive report may, within five business days of receiving notification of the result, request in writing to the Police Chief that the second sample be made available for retesting at the licensed/certified laboratory from a list of laboratories supplied by the City. The City will be responsible for all costs and expenses in connection with the retesting. If the retesting results in a negative report, the test will be deemed negative and all samples will be destroyed.

l. Selection of Employees to be selected on a random basis shall be performed by a computer program which will randomly select the employee number of those to be tested. The random selection of an employee will not result in that employee's employee number being removed from the selection process.

m. The selection will be made by a laboratory licensed or certified by SAMHSA, HHS and witnessed by a representative designated by the Police

Chief as well as an Association representative. All designated representatives will affix their signatures to the random employee selection sheet and computer control sheet.

n. The selection process shall not be delayed due to the unavailability of the Association representative.

o. An employee selected will be notified and ordered to report for testing. Employees will not be given any advance notice of randomly scheduled tests. The Association President will be permitted to review the list of Employees selected for testing and the computer control sheet after all selected Employees have been tested.

p. Employees will not be recalled to duty for random testing on their regularly scheduled days off or if the employee is on authorized leave.

q. All random employee selection sheets and corresponding computer control sheets will be maintained in the office of the Police Chief.

r. An employee will be exempt from a drug test if at the time of selection for that particular test he or she is unavailable due to (i) vacation, (ii) injury, (iii) sickness, (iv) military leave, (v) bereavement leave, (vi) jury duty, (vii) personal leave, (viii) compensatory time, or (ix) mutual exchange.

5. Results of Tests

Employees who are tested will be notified of the results of all drug/alcohol tests and provided a copy of the corresponding test results, as they become available, at no cost to the employee. If the employee has a drug and alcohol test and intends on introducing the results of that test at his/her disciplinary hearing,

the City will be provided with a copy of the results of the test at no cost and at least thirty (30) days prior to the hearing.

6. Confidentiality

The test results and/or other records released are to be used solely by the City to carry out its obligations under the drug and alcohol testing policy, administering the contractual procedures, taking appropriate disciplinary action, or where the release is authorized or required by law. For the purpose of administering the policy, they may only be accessed by a Council Member if designated for that purpose, the Police Chief, and the Corporation Counsel, and/or their designated medical experts, or others authorized by the Corporation Counsel for the purpose of presenting evidence in disciplinary matters. If release of these records to others is authorized or required by law, the City shall provide written notification to the employee listing the records released and to whom the records were released.

7. Positive Test Results

a. All positive test results will be reviewed and verified by a qualified Medical Review Officer (MRO) designated by the City. The Medical Review Officer shall examine alternate medical explanations for a positive test result. Pursuant to this responsibility, he/she may conduct a medical interview with the employee, who may be accompanied to the interview by an attorney and/or Association representative, review the employee's medical history or review any other relevant biomedical factors. If the MRO objects, the attorney may not sit in during the interview. In this case, the employee may stop the interview at any time for the purpose of consulting the attorney provided that no

unreasonable delay results in conducting or continuing the interview. If the employee provides appropriate documentation and/or the MRO determines that there is a legitimate medical use of the prohibited drug or alcohol, or an alternate medical explanation exists, then the test results are reported as negative. A negative test result is not reviewable by the City.

b. **Positive Alcohol Test:** Employees who test positive for the use of alcohol, after being interviewed by the MRO, shall be relieved of duty. The City retains the right to discipline an employee who tests positive for alcohol with a BAC of .04 or greater up to and including dismissal. In the sole discretion of the City, Employees who test positive for the use of alcohol who do not have a history of alcohol abuse may be referred to the EAP.

c. **Positive Drug Test:** Employees who test positive for the use of drugs, after being interviewed by the MRO, shall be relieved of duty. The City retains the right to discipline an employee who tests positive for drug use up to and including dismissal. In the sole discretion of the City, Employees who test positive for the use of drugs who do not have a history of drug abuse may be referred to the EAP.

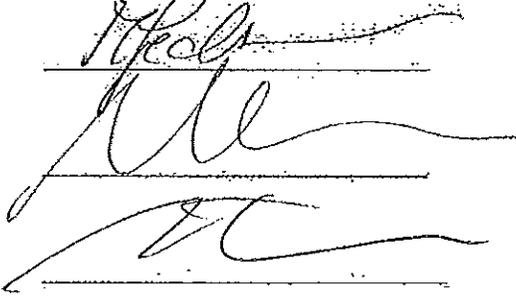
d. **Discipline For Positive Test Results:** Subject to the restrictions of this policy, the City has the right to discipline Employees who test positive for drug and/or alcohol use.

e. **Voluntary Treatment:** An employee may voluntarily seek treatment at any time before he/she reports to the laboratory for testing. Employees who voluntarily seek treatment for substance abuse under the auspices of the EAP shall immediately notify the EAP of their desire to participate in the

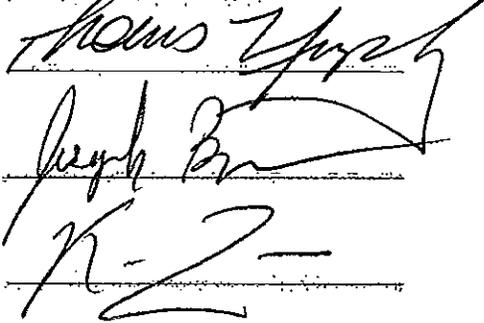
program. The employee and the representative of the EAP shall meet as soon as possible for purposes of discussion on entrance into the program. Any employee who has voluntarily sought treatment shall not be subject to any disciplinary action for that reason.”

22. The Association hereby withdraws its pending index implementation-related grievance upon the complete ratification and approval of the 2009-2021 Agreement.

FOR THE CITY:



FOR THE ASSOCIATION:



RESOLUTION NO.: 124 -2016

OF

MAY 9, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
IN THE AMOUNT OF \$4,505.87

WHEREAS, the New York State Department of Transportation 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 Four Thousand Five Hundred Five and 87/100 Dollars (\$4,505.87) 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 the New York State Department of Transportation in the total amount of Four Thousand Five Hundred Five and 87/100 Dollars (\$4,505.87) 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.: 125 - 2016

OF

MAY 9, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH FLOYD LEWIS IN THE AMOUNT OF \$3,089.66

WHEREAS, Floyd Lewis 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 Eighty-Nine and 66/100 Dollars (\$3,089.66) 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 Floyd Lewis in the total amount of Three Thousand Eighty-Nine and 66/100 Dollars (\$3,089.66) 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.