City of Newburgh Council Work Session

6:00 pm

June 13, 2013

AGENDA

1. Review of Tentative Agenda for Monday night:

   a. Approval of the minutes of the City Council meetings of May 28, May 30, and June 5, 2013
   b. Approval of the minutes of the Work Session of May 23, 2013
   c. Departmental Reports

2. Presentations:

   a. AKRF introduction to ReZone Project
   b. Planning & Development Property Disposition / Economic Development Strategy
   c. Team Newburgh – Drug Paraphernalia Out of View Proposal

3. Economic and Community Development/Real Estate:

   a. (Res. 115) CDBG Change of Title: Sanitation Code Enforcement Officer
   b. (Res. 116) Chamber Street Sidewalk Project – Selection of Contractor
   c. Creation of Conservation Advisory Council
      - (Res. 117) SEQRA requirements and scheduling a public hearing for July 15, 2013. See related proposed ordinance and local law
   d. (Res. 118) Release of Restrictive Covenants to 10 Lutheran Street
   e. Broadway Storefront/façade Improvement Program (application enclosed)

4. Grants/Contracts:

   a. (Res. 119) Varick Peterson HDFC – amendment to PILOT agreement

5. Fire Department:

   a. Rental Registry

- (Ord. 7) Ordinance amending Chapter 240 to establish registration requirements and levying a registration fee on owners of rental properties
- (Ord. 8) Ordinance amending Chapter 163 as it relates to the fees associated with the rental registration amendments

6. Engineering:

   a. (Res. 120) Agreement with Conklin Services & Construction, Inc. for professional services related to the City's compliance with the DEC consent order regarding petroleum bulk storage tanks located at the public works site.
   b. First Street Fishing Pier update

7. Discussion:

   a. (Res. 121) Amendment to Grand Street Courthouse budget line to establish budget lines for the newly created Parking Violations Dept.

8. Executive Session:

   a. Pending Litigation:
   b. Collective Negotiations
   c. Discuss matters regarding the appointment, employment, promotion, compensation, discipline, suspension, dismissal or removal of a particular person or corporation.

MEMORANDUM

June 7, 2013

To: James Slaughter, Acting City Manager

From: Courtney Kain, Community Development Director

Cc: Michelle Kelson, Corporation Counsel
Michelle Mills, Civil Service Administrator

Re: Change of Title: Sanitation Enforcement Officer Res 115

This memorandum is to request a change of title from Code Enforcement Officer to Sanitation Enforcement Officer. The CDBG program established a strategic code enforcement program as a part of the 2013 budget which was be administered by Mr. Medina. In May 2013, the City Council funded an additional Code Enforcement Officer to be located within the Code Enforcement Office. Mr. Medina has been transferred to the Building Department, as approved by the council.

After assessing the position for the remainder of 2013 the strategic code enforcement program requires a minimum of a Sanitation Enforcement Officer. Changing the Title from Code Enforcement Officer, funded as a temporary position, would be a more efficient use of CDBG funds.

The goal of the strategic enforcement program is to assess neighborhood quality of life violations see corrective actions taking place within the neighborhood. The position would work as a member of the Planning & Development staff and help educate homeowners and property owners of violations and refer them to CDBG programs and other resources which could help owners make corrective actions.

Attached is the Sanitation Enforcement Officer Job description. It is a CSEA position with a part-time salary of $18,854.

I recommend piloting this position and process through the fall and determine next steps as a part of the 2014 annual planning process.

City of Newburgh
Date Adopted: April 13, 2005

SANITATION ENFORCEMENT OFFICER

GENERAL STATEMENT OF DUITES:

Performs investigations of complaints and routine inspections of property to determine compliance with the City's Sanitation Ordinances and the New York State Property Maintenance Codes. Performs other duties as required.

DISTINGUISHING FEATURES OF THE CIASS:

This work involves the investigation of violations and complaints, made by the public as well as other City departments, of the City Sanitation Ordinance and the NYS Property Maintenance Codes. Issues citations for violations. Maintains records, prepares reports and testifies at court proceedings.

EXAMPLES OF WORK: (ILLUSTRATIVE ONLY)

- Investigates complaints made by the public as well as other City Departments;
- Prepares reports on each investigation and maintains records;
- Issues citations for violations of the City's Sanitation Ordinances and the New York State Property Maintenance Code;
- Re-inspects properties for compliance after violations have been reported;
- Testifies at court proceedings as required;
- Follows prescribed rules and regulations as set forth by the City;
- Works under the general supervision of the Code Compliance Supervisor.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Working knowledge of the City's Sanitation Ordinances;
- Working knowledge of NYS Property Maintenance Codes;
- Ability to read, understand and explain City and State Codes, Laws and Ordinances;
- Ability to establish cooperative relations with the public;
- Ability to communicate effectively both verbally and in writing;
- Ability to prepare reports and court related documents;
- Ability to maintain files and records;
- Tact and courtesy; Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Graduation from high school or possession of a high school equivalency diploma and Either:

A. Certification as a Code Enforcement Technician issued by the NYS Department of Codes, OR;
B. One year of experience which shall have included preparing complaints, Issuing tickets, conducting investigations or preparing court related Documents, OR;
C. Any sufficient combination of training and experience as indicated above.

RESOLUTION NO.: 116 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF A CONTRACT WITH SUN-UP ENTERPRISES, INC. FOR THE CHAMBERS STREET STREETSCAPING IMPROVEMENTS PROJECT AT A BASE BID COST OF $202,925.00 PLUS ADDITIONAL ALTERNATE NUMBER ONE IN THE AMOUNT OF $43,680.00 FOR A TOTAL COST OF $246,605.00

WHEREAS, the City of Newburgh has duly advertised for bids for the Chambers Street Streetscaping Improvements Project; and

WHEREAS, the project involves demolition and removal of sidewalks and curbing; installation of approximately 1,500 LF of new concrete sidewalks, concrete curbing and shrubs, as well as pedestrian curb "bumpouts" and associated storm drainage infrastructure; and

WHEREAS, six (6) bids have been duly received and opened and Sun-up Enterprises is the low bidder; and

WHEREAS, funding for such project shall be derived from the following budget codes

CD1.8686.448.8065.2011 - $173,655.00
CD1.8686.448.8065.2012 - $ 72,950.00; and

WHEREAS, this Council has determined that awarding such bid and entering into a contract with Sun-Up Enterprises, Inc. is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the Chambers Street Streetscaping Improvements Project at a base bid cost of $202,925.00 plus additional alternate number one in the amount of $43,680.00 for a total cost of $246,605.00, and that the Interim City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

RESOLUTION NO.: 117 - 2013

OF

JUNE 17, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) CONCERNING RESCINDING CHAPTER 279, "TREES AND SHRUBS" AND CHAPTER 296, "WATERFRONT CONSISTENCY REVIEW", THE ADOPTION OF CHAPTER 159 CREATING A CONSERVATION ADVISORY COUNCIL AND AN AMENDMENT OF CHAPTER 300, THE ZONING ORDINANCE OF THE CITY OF NEWBURGH, DECLARING THE PROJECT TO BE AN UNLISTED ACTION, CONSIDERING AN ENVIRONMENTAL ASSESSMENT FORM(EAF), REFERRING SAME TO THE ORANGE COUNTY PLANNING DEPARTMENT AS REQUIRED BY SECTION 239 OF THE GENERAL MUNICIPAL LAWS AND SCHEDULING A PUBLIC HEARING

WHEREAS, by Resolution No. 87-2012 of June 18, 2012, the City Council of the City of Newburgh accepted and authorized the City Manager to take other steps necessary and appropriate to implement the recommendations in the Streamlining Newburgh's Land Use Process report and recommendations; and

WHEREAS, in furtherance of the City's goal to streamline its land use process, the City is proposing to rescind Chapter 279, "Trees and Shrubs" and Chapter 296, "Waterfront Consistency Review" and consolidate the regulatory schemes contained therein into a Conservation Advisory Council created in a new Chapter 159 and adopt conforming amendments to Chapter 300, "Zoning" of the Code of Ordinances; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh wishes to assume Lead Agency status, declare the action to be an Unlisted action, proposes to accept as complete an Environmental Assessment Form ("EAF"), refer the proposed ordinance to the Orange County Planning Department pursuant to General Municipal Law Section 239, and schedule a public hearing in connection with the proposed legislation;

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

1. That the City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. Classifies the action as an Unlisted Action; and

3. Proposes to accept as complete the Environmental Assessment Form ("EAF") attached hereto;

4. Refers the proposed Local Law and Ordinance to the Orange County Planning Department as required by General Municipal Law Section 239; and

1. Schedules a public hearing to receive comments concerning "A Local Law Rescinding Chapter 270 Entitled 'Trees and Shrubs' and Rescinding Chapter 296 Entitled 'Waterfront Consistency Review' and Adding Chapter 159 Entitled 'Conservation Advisory Council' to the Code of Ordinances of the City of Newburgh" and "An Ordinance to Amend Chapter 300 entitled "Zoning" and Chapter 248, entitled 'Property Damage' of the Code of Ordinances of the City of Newburgh to Conform to the Creation of a Conservation Advisory Council in the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 15th day of July, 2013, in the Third Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

RESOLUTION NO.: 118 -2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO
HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC.
TO THE PREMISES KNOWN AS 10 LUTHERAN STREET
(SECTION 29, BLOCK 8, LOT 9)

WHEREAS, on May 19, 2011, the City of Newburgh conveyed property located at 10 Lutheran Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 8, Lot 9, to Habitat for Humanity of Greater Newburgh, Inc.; and

WHEREAS, in preparation for the sale of 10 Lutheran Street to the homeowner Habitat for Humanity of Greater Newburgh Inc. has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

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

RELEASE OF COVENANTS AND RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 10 Lutheran Street, Section 29, Block 8, Lot 9 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated May 19, 2011, from THE CITY OF NEWBURGH to HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., recorded in the Orange County Clerk's Office on June 14, 2011 in Liber 13187 of Deeds at Page 1101 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed

Dated: _____, 2013

THE CITY OF NEWBURGH

By: _____
JAMES SLAUGHTER
Acting City Manager

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

On the ____ day of June in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES SLAUGHTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

City of Newburgh

DEPARTMENT OF PLANNING & DEVELOPMENT
CITY HALL – 83 Broadway
Newburgh, NY 12550

TEL: (845) 569-9400 FAX: (845) 569-9700

CBDG Newburgh Storefront/ Façade Improvement Program

The Storefront/ Façade Improvement Program is available for businesses or mixed-use properties located on Broadway in the City of Newburgh, NY . Residential properties are **NOT** eligible for this program.

Applicants are required to match public funds dollar to dollar and are expected to maintain the facades during a seven-year loan deferment period. Applicants can receive 50% of the total cost of construction up to $15,000. Eligible expenses are storefront windows, entrances, signage, awnings, and lighting. Priority will be given to applicants and projects that are adjacent to one another.

Projects that are within the City of Newburgh's Historic District will require approval from the Architectural Review Commission (ARC) before commencing work. The ARC meets every 2nd Tuesday of the month and applications must be submitted to the ARC Secretary (located at 123 Grand Street) no later than the 3rd Monday of the month.

Once projects are selected, property owners will formalize a scope of work with a City representative. The property owner will be required to procure three (3) bids. Once the scope of work, budget and contractor are approved, property owners will have 10 days to place their matching funds into the City's non-interest-bearing escrow account. Property owners that fail to comply with this requirement will be removed from the program. Property owners are also required to execute a bond and mortgage note - which is filed in the County Clerk's Office.

Once approved, the contractor will have 90 days to complete the project.

The Deadline for submitting applications is June 28, 2013, by 4pm.

City of Newburgh

DEPARTMENT OF PLANNING & DEVELOPMENT
CITY HALL – 83 Broadway
Newburgh, NY 12550

TEL: (845) 569-9400 FAX: (845) 569-9700

CDBG Storefront/ Façade Process

1. Submit Application
2. Select and Notify Applicants
3. Applicant will develop a scope of work with a City Representative
4. ARC approval, if required.
5. Procure and submit three (3) bids consistent with the scope of work
6. City CDBG loan committee will review projects with Department staff, select contractor, and determine loan amount.
7. Applicant will then execute contract and deposit match into City non-interest-bearing account.
8. Complete all required building permits.
9. Commence Construction (90 days to complete)

2013 FAÇADE/SIGNAGE PROGRAM APPLICATION

Part I – Applicant/Business Information

1. Applicant Name:_____

   Business/Property Address:_____

   Business Telephone: ( ) _____ Fax: ( ) _____

   Type of Business:_____

   Contact Person: _____ Title: _____

   Date Incorporated: _____

   Federal Tax ID Number: _____

   Total Number of Employees: _____ #Full-Time _____ #Part-Time_____

2. Is the Applicant the Property Owner of record: ☐ Yes ☐ No

   If Yes, only one application needs to be submitted.

   If No, please provide Owner information:

   Name:_____

   Address:_____

   Telephone: ( ) _____ Fax: ( ) _____

3. How many years have you been in business?

   ☐ 1-3 ☐ 4-7 ☐ 8-10 ☐ 11 or more

4. Are property taxes, water/ sewer and sanitation bills current on the property?

Part II – Project Information

5. Please indicate the proposed scope of work:

PART III - Applicant Consent Agreement

I commit to complete the above described project ("Façade/Signage/Awnings) in a timely manner and no later than ninety days after the approval of the project. I understand that I am obligated to comply with City and other governmental regulations and to obtain all necessary approvals and permits. I release the City of Newburgh and the U.S Department of Housing and Urban Renewal ("HUD) from any and all claims that evolve from this project. I understand that within ten (10) days of the notice of award, the required match will be deposited in a city-owned non-interest-bearing escrow account. Failure to comply within the timeframe will remove my application from the program.

I understand that the grant award is subject to the completion of the project and the approval of the completed work by the City of Newburgh. Ownership and renovations must be maintained for a period of seven (7) years. I also understand that if the property is not owned or maintained for this period, the City of Newburgh has the right to require a proportional repayment of the grant.

_____ _____

Applicant Signature Print Name

_____

Date

PART IV– DOCUMENT CHECKLIST

The following documents **MUST** be included with the application for project approval:

- Completed and signed application.
- A minimum of two (2) "BEFORE" photographs of storefront including a full-size picture of the building *(photographs will become property of the City of Newburgh and used at its discretion)*;
- Copy of deed for property (for owner applicant) or tenant's lease (for tenant applicant).
- Project feasibility is dependent on the availability of Matching Funds from the applicant. Please attach proof that monies are or will be readily available upon commencement of renovation.

Please return the completed application along with supporting documentation to:

Courtney Kain

Director of Community Development

Department of Planning and Development

City of Newburgh

83 Broadway

Newburgh, New York 12550

RESOLUTION NO.: 119 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR THE PAYMENT IN LIEU OF TAXES BY AND AMONG THE CITY OF NEWBURGH AND VARICK HOMES HOUSING DEVELOPMENT FUND CORP.

WHEREAS, by Resolution No. 85-2012 of May 29, 2012, the City Council of the City of Newburgh granted to Varick Homes Housing Development Fund Corp. (the "HDFC"), a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law ("PHFL") and Section 402 of the NYS Not-for-Profit Corporation Law, a real property tax exemption to the extent authorized by Section 577 of the Private Housing Finance Law for Varick Homes Apartments, certain improved real property located at 69 South Street, City of Newburgh, Orange County, New York, Tax Map No. Section 19, Block 2, Lot 1 (the "Land"), consisting of approximately one hundred twenty-two (122) residential units for families and senior citizens of low income (the "Project") and approved an Agreement for the Payment in Lieu of Taxes ("PILOT Agreement"), providing for annual payments as set forth in such Agreement; and

WHEREAS, the HDFC's fiscal year does not end until February 28th and does not provide sufficient time for the parties to calculate, invoice and make the annual payment by the due date of June 30th as set forth in the PILOT Agreement; and

WHEREAS, the parties agree that amending the PILOT Agreement to change the payment due date to July 31st be sufficient to allow the parties to complete the tasks necessary to calculate, invoice and make the annual payment;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Interim City Manager be and he hereby is authorized to execute and deliver the foregoing Amendment to the PILOT Agreement, in substantially the same form with other documents as Corporation Counsel may require, on behalf of the City.

ORDINANCE NO.: 7 - 2013

OF

JUNE 17, 2013

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN CHAPTER 240, ENTITLED "RENTAL PROPERTIES"OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND AMENDING CHAPTER 240 ENTITLED "RENTAL PROPERTIES" TO REQUIRE THE REGISTRATION OF RENTAL PROPERTIES IN THE CITY OF NEWBURGH, ESTABLISHING REGISTRATION REQUIREMENTS, AND LEVYING A REGISTRATION FEE ON OWNERS OF RENTAL PROPERTIES

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Section 240, Rental Properties be and is hereby repealed in its entirety and that the same is hereby amended to read as follows:

§ 240-1. Findings and purpose. The City Council has determined that there exists in the City of Newburgh a significant number of non-owner-occupied rental units. Non-owner occupants are less able to maintain daily oversight of their properties to ensure compliance with applicable laws, rules, and regulations. The City Council finds that the registration of rental properties is intended to and will ensure the protection of persons and property in all existing rental structures and on all premises required to be registered under this chapter. Further, the registration of rental properties will ensure that rental property owners adhere to applicable code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental property can be certified. It is the purpose of this chapter to protect the health, safety, and welfare of the residents of the City of Newburgh, as well as to protect the City's housing stock from deterioration by establishing a program for registering and identifying residential rental properties and for determining the responsibilities of owners of residential rental properties.

§ 240-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT - Any person who has charge, care, or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

BUILDING - A combination of materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.

DWELLING - A building used in whole or part for residential uses.

DWELLING UNIT - Any room or contiguous group of rooms within a building and forming a single, habitable living space for one family.

MUNICIPAL OFFICER - The Fire Chief, Director of the Code Compliance Bureau, and the Building Inspector or such official within that department as may be designated by the Director in writing.

OWNER - Any individual or individuals, partnership, or corporation or any similar type of business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of the property. Each, any, and all such persons shall have a joint and severable obligation for compliance with the provisions of this chapter.

OWNER-OCCUPIED DWELLING - A dwelling occupied by an individual owner or by members of his or her family on a nonrental basis. For the purposes of this chapter, "owner-occupied" shall not include any building owned by a partnership, corporation, or any similar type of business organization, including but not limited to a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or agent.

RENTAL PROPERTY - All buildings that contain a dwelling unit or a rooming unit that is rented, leased, let, or hired out to be occupied for residential or mixed use (commercial-residential) and are not owner-occupied.

ROOMING UNIT - Any furnished room for rent within a building and forming a single sleeping space.

<u>§ 240-3. Rental License Process.</u>

A. Effective June 1, 2013, the owner of any rental property as defined herein shall, within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later; or within 10 days of receipt of notice by the municipality, submit a rental license application for such rental property with the municipal officer on forms provided for that purpose by the municipal officer along with any fees required by Chapter 163. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.
B. Each rental property having a separate section block and lot number shall be registered separately.
C. The license rental application shall include the information required under § 240-4, as well as any additional information that the municipal officer may reasonably require.
D. It shall be unlawful for any owner to offer any unit for rent or to rent any dwelling unit or to allow any dwelling unit to be occupied without having first received a rental license pursuant to this chapter as required herein within the time prescribed for such registration. Failure to

receive notice of the rental license deadline will not excuse failure to receive a rental license for a rental property. It is the responsibility of the owner to fulfill the requirements of this chapter.

E. No application for an initial rental license or a rental license renewal shall be issued until the municipal officer has conducted an inspection as described in § 240-6 and determined that all life, health, and safety violations or discrepancies have been corrected.

F. If the rental license application is incomplete or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.

G. The rental license shall remain valid for one year from the date of issue. The owner shall be required to renew the rental license annually and shall pay a fee in the amount prescribed in Chapter 163.

H. The municipal officer may establish for purposes of efficient administration that all rental licenses shall be renewed by a single date in each year. The municipal officer shall establish this date in which case the initial rental license fee shall be pro-rated for applications received less than 10 months prior to that date.

I. The completed rental license application shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

<u>§ 240-4. Rental License Application.</u>

A. A rental license application shall be made by the owner of rental units or the owner's legally constituted agent on a form approved and supplied by the City of Newburgh Office of Code Compliance. This form shall be known as a "rental property statement" and shall be signed by the owner under oath. The statement shall include:

    1. The name(s), residence and business addresses, e-mail addresses, telephone numbers, and birth date(s) of the principal officers if the applicant is an individual, partnership, or firm, or the names, residence and business addresses, e-mail addresses, telephone numbers, and birth dates of the principal officers if the applicant is an association or corporation. Where more than one natural person has an ownership interest, the required information shall be included for each owner.
    2. If the owner is not a natural person, the employer identification number of the owner.
    3. The name, street address, e-mail address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code. The agent for service of process must maintain offices or reside in the State of New York.
    4. The name, street address, e-mail address, and telephone numbers of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property must maintain offices within 45 miles of the City and shall be available by telephone or in person on a 24-hour-per-day, seven-day-per-week basis.
    5. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.

6. A description of the premises, including street address, section block and lot, and type of building;
7. Number of dwelling units within the dwelling
8. Description of procedure through which tenant inquiries and complaints are to be processed
9. Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
10. The number of tenants.
11. Any other information as requested by the City.

B. The owner shall notify the municipal officer within 10 days of any change in the rental license information by filing an amended rental property statement on a form provided by the municipal officer for such purpose. Depending on the nature of changes, the City may require consent to a new property inspection. Notice of transfer of ownership shall be as described in § 240-8.

§ 240-5. License Fees; exemptions.

A. License fees as set forth in Chapter 163 of this Code shall be due 90 days prior to the license expiration date; in the cases of a new unlicensed dwelling, a change in a previously filed rental license application, or a new license that is required due to a change in ownership as set forth in § 240-8 below, rental license fees shall be due at the time of application.
B. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth in Chapter 163 of this Code but still must submit a rental license application as described in § 240-3 and § 240-4 above.
C. A delinquency penalty of 5% of the rental license fee for each day of operation without a valid rental license shall be charged operators of rental properties. Once issued, a rental license is nontransferable, and the rental licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension, application withdrawal, an incomplete application or process, or application cancellation, the fee is nonrefundable.
D. All inspection fees are set in Chapter 163. If the inspection is being performed as part of the rental licensing process, fees must be paid prior to the time of rental license issuance or renewal for the property.
E. If any fee or any portion is not paid within 60 days after billing, the Comptroller may certify the unpaid cost against the property, and the unpaid cost shall be added to and collected with the subsequent City tax levy and shall bear interest and be enforced as provided by law for City taxes.
F. All funds collected from rental license fees under this section shall be deposited in a dedicated trust fund to be used exclusively for municipal activities with respect to vacant and problem properties in the municipality, including but not limited to inspection, nuisance abatement, securing and boarding, maintaining property information systems, general code enforcement activities, and reasonable administrative and legal costs associated with any of the foregoing.

§ 240-6. Inspection.

A. During regular business hours or in an emergency, the municipal officer or his representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his duties, may enter any building or rental unit within a building.
B. At the request of the municipal officer, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The municipal officer may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.

§ 240-7. Conformance to Laws.

No rental license shall be issued or renewed unless the rental property and its premises conform to the Code of Ordinances of Newburgh and the laws of the State of New York.

§ 240-8. License not Transferable.

No rental license shall be transferable to another person or to another rental property. Every person holding a rental license shall give notice in writing to the municipal officer within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental property. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental property.

§ 240-9. Required Postings.

A. Every licensee of a rental property with more than four units shall conspicuously post the current rental license certificate in the main entryway or other conspicuous location. For rental properties of four or fewer units, the licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
B. The City's trash and refuse policies and procedures and alternate-side street parking regulations shall be conspicuously posted in the main entryway or other conspicuous location. For rental properties with only one dwelling unit or with no common entryway, the owner must provide a copy of these policies, procedures, and regulations with the tenant's copy of the executed lease agreement.

§ 240-10. Occupancy Register Required.

A. Every owner of a licensed rental property shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:

1. Dwelling unit address.
2. Number of bedrooms in dwelling unit and the maximum number of occupants.
3. Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
4. Dates renters occupied and vacated dwelling units.
5. A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
6. A similar chronological list of all corrections made in response to such requests and complaints.

B. Such register shall be made available for viewing or copying by the municipal officer at all reasonable times.

C. The property owner may request a pre-rental inspection of a unit prior to placing tenants and obtain a certificate of compliance stating that the apartment is compliance with applicable city and state property maintenance codes. The cost of this inspection shall be included with license fee.

§ 240-11. Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this ordinance.

§ 240-12. Enforcement.

A. The City of Newburgh shall have a choice of enforcing this chapter as provided in § 1-12 of the Code of Ordinances of the City of Newburgh by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.

B. A designated managing agent of an owner may be served with a notice of violation, order to remedy, an appearance ticket, or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.

C. No owner who designates a managing agent pursuant to the provisions of this chapter may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process on his designated agent.

D. Any owner who fails to register a rental property under the provisions of this ordinance shall be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 240-13. Penalties for offenses.

A. If the City of Newburgh chooses to enforce this chapter through a criminal proceeding, any person who violates or fails to comply with any provisions of this ordinance or of the rules and regulations issued hereunder or who violates or fails to comply with any order made thereunder shall be fined up to $500 and/or 30 days in jail.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects.

Each day that prohibited conditions exist shall constitute a separate offense and so subject the owner to an additional fine of up to $500 and/or additional jail sentences of up to 30 days in jail.

E. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

F. For purposes of this section, failure to file a rental property statement within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later, or within 10 days of receipt of notice by the municipality; failure to provide correct information on the rental property statement; and failure to comply with the provisions of §240-3, 4, 5, 9, and 10 of this Chapter or such matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this ordinance.

§ 240-14 Effective Date.

This ordinance shall become effective upon publication as provided by law.

§ 240-15 Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

ORDINANCE NO.: 8 - 2013

OF

JUNE 17, 2013

AN ORDINANCE AMENDING CHAPTER 163
ENTITLED "FEES" OF THE CODE
OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

Code Section	Type of Fee	Amount
Chapter 240, Rental Properties		
~~§ 240-9~~	~~Change in rental property registration~~	~~$25~~
§ 240-3	Rental License Application and Renewal	

A non-refundable annual permit application fee shall be paid, upon filing an application for a rental license or for a renewal rental license in accordance with the following schedule of rental dwelling units per structure:

Type of Dwelling	Fee
One dwelling unit	$150.00
Two dwelling units	$250.00
Three dwelling units	$350.00
Four dwelling units	$450.00
Five to ten dwelling units	$750.00
11 to 50 dwelling units	$1,500.00
51 to 100 dwelling units	$2,000.00
101 to 200 dwelling units	$2,500.00
Over 200 dwelling units	$5,000.00

Section 2. This ordinance shall take effect on September 1, 2013.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: 120 - 2013

OF

JUNE 17, 2013

A RESOLUTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CONKLIN SERVICES & CONSTRUCTION INC. FOR PROFESSIONAL SERVICES IN CONNECTION WITH PETROLEUM BULK STORAGE COMPLIANCE AT A COST OF $750.00

WHEREAS, by Resolution No. 195-2009 of December 14, 2009, the City Council of the City of Newburgh authorized the City Manager to enter into a Consent Order with the NYS Department of Environmental Conservation to resolve violations of the Petroleum Bulk Storage regulations issued under Article 17 of the NYS Environmental Conservation Law; and

WHEREAS, to resolve the violations, the City must produce as-built drawings for the underground diesel (2,500 gallon) and underground gasoline (6,000 gallon) storage tanks located at the City of Newburgh's public works garage; and

WHEREAS, Conklin Services & Construction Inc. installed the tanks around the year 1999, and therefore, is the best qualified to produce the required drawings; and

WHEREAS, this Council has determined that entering into the proposed agreement to complete the City's compliance with the Order on Consent is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be, and he hereby is authorized to enter into an agreement with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh with Conklin Services & Construction Inc. to prepare as-built drawings to the underground petroleum storage tanks located at the public works garage at a cost of Seven Hundred Fifty ($750.00) Dollars.

RESOLUTION NO.: 121 - 2013

OF

JUNE 17, 2013

RESOLUTION AMENDING RESOLUTION NO: 223 - 2012,
THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER $96,788.94 FROM GRAND STREET COURTHOUSE
TO ESTABLISH BUDGET LINES FOR THE NEWLY CREATED
PARKING VIOLATIONS BUREAU

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

			Decrease	Increase
A.1120		Grand Street Courthouse		
	.0101	Salary	$ 52,522.06	
A.1130		Parking Violations Bureau		
	.0101	Salary		$31,324.86
	.0448	Hearing Officers		$ 3,300.00
	.0448.0001	Appeals Officers		$ 2,040.00
	.0201.0000	Equipment (Computer, Printer & Supplies)		$ 6,000.00
	.0448.0004	Software		$ 9,857.20
				$52,522.06

A.1120		Grand Street Courthouse		
	.0102	Part Time	$ 2,400.00	
A.1130		Parking Violations Bureau		
	.0448.0004	Software		$ 1,300.00
	.0102	Part Time		$ 1,100.00
				$ 2,400.00

			Decrease	Increase
A.1120		Grand Street Courthouse		
	.0413	Supplies	$ 1,400.00	
A.1130		Parking Violations Bureau		
	.0413	Supplies		$ 1,400.00

A.1120		Grand Street Courthouse		
	.0810	Retirement	$13,349.00	
	.0830	Social Security	$ 4,201.32	
	.0835	MTA Tax	$ 186.56	
	.0860	Health Insurance	$21,320.00	
	.0870	Disability Life Insurance	$ 235.00	
	.0880	Employee Benefit	$ 1,175.00	
			$40,466.88	
A.1130		Parking Violations Bureau		
	.0810	Retirement		$13,349.00
	.0830	Social Security		$ 4,201.32
	.0835	MTA Tax		$ 186.56
	.0860	Health Insurance		$21,320.00
	.0870	Disability Life Insurance		$ 235.00
	.0880	Employee Benefit		$ 1,175.00
				$40,466.88

TOTAL:	Decrease	Increase
	$96,788.94	**$96,788.94**