

RESOLUTION NO.: 170 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT AID TO LOCALITIES FUNDING FROM
SENATOR WILLIAM LARKIN IN THE AMOUNT OF
\$75,000.00 TO BE UTILIZED BY THE CITY OF NEWBURGH
POLICE DEPARTMENT FOR LAW ENFORCEMENT PURPOSES

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 aid to localities funding from Senator William Larkin in the amount of Seventy Five Thousand and 00/100 (\$75,000.00) Dollars to be utilized by the City of Newburgh Police Department for law enforcement purposes, with the appreciation and thanks of the City of Newburgh.

RESOLUTION NO.: 171 -2014

OF

JULY 14, 2014

A RESOLUTION ACCEPTING A PROPOSAL AND AUTHORIZING
THE CITY MANAGER TO EXECUTE A CONTRACT WITH
ARCADIS OF NEW YORK, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN
CONNECTION WITH THE SOUTH WATER STREET SEWER SEPARATION PROJECT
IN AN AMOUNT NOT TO EXCEED \$86,250.00

WHEREAS, the City of Newburgh recently has identified certain sewer connections which discharge directly to the City's combined sewer overflows rather than to the City's waste water treatment plant; and

WHEREAS, the City is obligated to further investigate such illicit sewer discharges and implement permanent solutions to remediate such discharges; and

WHEREAS, the City of Newburgh through a competitive process in which proposals for professional services were solicited, reviewed and evaluated to provide Engineering Services for the remediation of illicit sewer discharges in the area of South Water Street and Washington Street; and

WHEREAS, the City has received a proposal from Arcadis of New York, Inc. which has been identified as the most qualified firm to provide said services;

WHEREAS, such engineering services shall include project management, data collection, evaluating alternative solutions, permitting, bid document preparation and management; and

WHEREAS, the cost of such proposal shall not exceed Eighty-two thousand Two Hundred Fifty (\$82,250.00) Dollars and the funds shall be derived from HG1.8130.0205.8101.2013, the 2013 BAN;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to accept a proposal and execute a contract with Arcadis of New York, Inc. for professional engineering services in connection with the South Water Street Sewer Separation Project in an amount not to exceed Eighty-two thousand Two Hundred Fifty (\$82,250.00).



Infrastructure · Water · Environment · Buildings

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-us.com

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

Water

Subject:
South Water Street Sewer Separation Project
Proposal for Professional Engineering Services

Date:
June 5, 2014

Dear Mr. Morris:

Contact:
Robert Ostapczuk

ARCADIS of New York, Inc. (ARCADIS) is pleased to provide the City of Newburgh with this letter proposal for the South Water Street Sewer Separation Project. It is our understanding that the City would like this project fast-tracked due to the illicit discharge of sanitary sewage from the storm sewer running south between South Williams Street and Washington Street to the Combined Sewer Outfall (CSO) No. 4.

Phone:
518.250.7300

ARCADIS has extensive experience in the vicinity of the City's wastewater treatment facility (WWTF) for both infrastructure and contaminated soils. We will put this knowledge to work for the City of Newburgh. Our proposed scope of services is presented below:

Email:
robert.ostapczuk@arcadis-us.com

Task 1 Project Management

Our ref:
66004883.0000

ARCADIS will prepare a health and safety plan and monthly invoices for the project
ARCADIS will prepare meeting minutes and distribute minutes of the meetings to the City of Newburgh.

Task 2 Data Collection

ARCADIS will subcontract with a local surveying firm to complete a topographical and boundary survey of the route of the proposed sanitary sewer, railroad crossing, pump station location, and forcemain route to the WWTF. The field survey will include 1-foot contours elevations, surface improvements and underground utilities that can be identified by surface evidence as marked out by Dig Safe NY or as contained in the City's GIS that was prepared by ARCADIS originally. ARCADIS does not see the need for borings or geoprobes along the new sanitary sewer route.

Imagine the result

ARCADIS has included two days for field activities associated with investigating the existing buildings with illicit discharges. It may be necessary to dye test the existing flow drains, roof leaders, sinks and toilets of the buildings to determine if the building owner will need to complete additional separation activities to complete the work. We will assume that the building owner or City will provide hoses for water and the City will provide a person to assist our engineer.

ARCADIS will request three years of water meter data from the properties along the route of the new sanitary sewer. ARCADIS will request any development options and/or zoning information pertaining to the property to the north of the WWTF for future development considerations. ARCADIS will develop a flow projection and discuss the project with the City to develop consensus.

Task 3 Evaluate Alternatives

ARCADIS will evaluate the technical, economic, and permitting feasibility of the following options:

1. Installing a gravity sewer along the western side of South Water Street running to the City owned Right-of-Way (ROW) across the CSX railroad to a pump station to be located on the southwest corner of the property owned by the City within the adjacent ROW and a forcemain to the WWTF. This configuration will require a boring across the CSR railroad. Placing the pump station on the north side of the existing 60-inch RCP outfall will minimize the number of potential utility conflicts, reduce risk during construction, and reduce construction costs. The construction cost for this alternative is anticipated to be between \$1M and \$1.5M.
2. Install a pressure sewer along the western side of South Water Street running to the City owned ROW across the CSX railroad and then to the WWTF. Two small positive displacement pump stations (such as an E-One unit) will be placed to serve each of the buildings along South Water Street. The forcemain could be upsized in the ROW to the WWTF to account for future flows from the property to the immediate north of the WWTF, or a second future forcemain could be installed in the same trench if the current flows are insufficient to provide scouring velocities in the forcemain. This approach could reduce conventional open excavation with the forcemain being installed predominately by directional drilling HPDE pipe. This approach also would significantly reduce construction costs and disturbances along South Water Street. The construction cost for this alternative is anticipated to be between \$0.5M and \$1.0M.

ARCADIS will prepare a technical memorandum outlining the findings of the evaluation and make a recommendation to eliminate the illicit dischargers to the storm sewer. ARCADIS will prepare an opinion of probable construction cost and an annual operation and maintenance (O&M) cost for each option.

Task 4 Permitting

On behalf of the City, ARCADIS will file for permit applications and construction approvals to the New York State Department of Environmental Conservation (NYS DEC), Central Hudson Gas & Electric (CHG&E) and CSX Railroad. ARCADIS will complete a Short Environmental Assessment Form (EAF) for action by the City Council. We assume this will be concluded by the City Council passing a negative declaration on the Project.

ARCADIS will interface with the NYS DEC on a routine basis providing updates on the progress of the work and compliance with any potential Order on Consent by the NYS DEC. ARCADIS will review any potential Order on Consent by the NYS DEC on behalf of the City for technical and schedule compliance feasibility.

Task 5 Preparation of Bid Documents

ARCADIS will prepare a single prime contract in accordance with Wicks Law for Bidding and regulatory approval purposes. The Bid Documents will consist of a Project Manual and Drawings. Drawings will include plans, profiles and details of the proposed sewers and/or forcemains and pump stations. ARCADIS will submit 60 percent and 90 percent Bid Documents to the City for review and comment.

Task 6 Bidding

ARCADIS will assist the City with Bidding Assistance by retaining Constructive Copy to distribute the Bid Documents and potential addenda to prospective bidders. ARCADIS will maintain a plan holder list, issue addendums if required to clarify the Bid Documents, attend a Pre Bid Meeting, attend the Bid Opening, and make a recommendation of award to the City.

Allowances:

Allowance 1: Includes costs for CSX fees for a ROW Entry Permit, Insurance Waiver and Flagman.

June 5, 2014

Fees

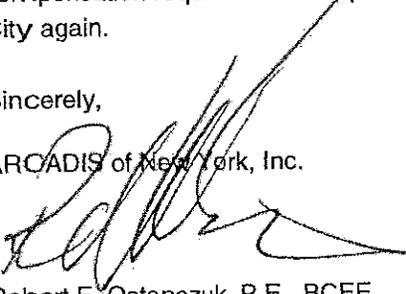
ARCADIS is prepared to complete the scope of work presented herein on a time and material basis for a not to exceed fee of \$86,250. A detailed breakdown of the costs is presented on the Project Budget matrix attached. ARCADIS will be reimbursed at a rate of 3.1 times the direct labor rate and all expenses have a 10 percent fee added.

As an allowance, we have included \$2,900 in costs that may be required from CSX to complete the survey within their ROW. This includes \$900 for a ROW Entry Permit, \$500 for an Insurance Waiver and \$1,500 for Flagman to accompany the survey crew during the field work as required by the Entry Permit.

Please call me if you have any questions regarding the scope of work or the compensation requested to complete the work. We look forward to working with the City again.

Sincerely,

ARCADIS of New York, Inc.



Robert E. Ostapczuk, P.E., BCEE
Principal Engineer

Copies:

D. Loewenstein (ARCADIS)

Attachment

~~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
South Water Street Sewer Separation**

DESCRIPTION	11	7	6	5	Hours Per Task	Labor Cost per Task
Task 1 - Project Management	8	2	12	8	30	\$3,453.65
Task 2 - Data Collection	2	8	24	16	50	\$4,651.61
Task 3 - Evaluate Alternatives	4	32	80	12	128	\$12,254.42
Task 4 - Permitting	4	40	60	24	128	\$12,378.42
Task 5 - Preparation of Bid Documents	8	80	140	80	308	\$29,072.05
Task 6 - Bidding Assistance	8	24	40	8	80	\$8,339.25
TOTAL LABOR HOURS	34	186	356	148	724	
TOTAL DIRECT LABOR COSTS	\$2,117	\$6,696	\$9,968	\$3,848	\$22,629	

Total Direct Labor: \$22,629
 Overhead and Fee (2.1) \$47,521
 Subtotal \$70,149

Expenses:
 Bid Distribution \$1,500
 Misc Expenses: \$401
 Survey \$11,300
 CSX Allowance \$2,900
TOTAL \$86,250

RESOLUTION NO.: 172 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT UNDER THE EMERGENCY PROCUREMENT POLICY WITH TAM ENTERPRISES AND AMENDING RESOLUTION NO: 247-2013, THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK FOR EMERGENCY SEWER MAIN REPAIR IN THE AREA OF THIRD STREET BETWEEN GRAND STREET AND LIBERTY STREET

WHEREAS, a sewer main obstruction and deterioration was identified along Third Street between Grand Street and Liberty Street which if left unresolved would have resulted in an immediate threat to the public health and safety; and

WHEREAS, the City Engineer made a request through the City's Emergency Procurement Policy to retain the services of TAM Enterprises to identify and remove the obstruction, as well as to install 320ft of Cured In-Place Pipe (CIPP) liner within the existing 15" sewer main, and install an access manhole at the intersection of Liberty Street and Third Street to facilitate the CIPP lining; and

WHEREAS, the cost for the sewer main remediation and repair is Seventy Thousand and 00/100 (\$70,000.00) Dollars; and

WHEREAS, this Council has determined that entering into an agreement with TAM Enterprises under the City's Emergency Procurement Policy for the sewer main repair and remediation services is in the best interests of the City of Newburgh and the public health and safety of its residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby declares that the sewer main failure along Third Street between Grand Street and Liberty Street created an emergency condition within the meaning of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to enter into a contract with TAM Enterprises for the sewer main remediation and repair pursuant to the City's Emergency Procurement Policy in the amount of \$70,000.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 247-2013, the 2014 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
Sewer Fund		
Contingency Emergency		
G.1900.1990	\$70,000.00	
Sewer Fund		
Sanitary Sewers Other Services		
G.8120.0448		\$70,000.00

RESOLUTION NO.: 173 - 2014

OF

JULY 14, 2014

**A RESOLUTION SUPPORTING THE QUASSAICK CREEK
WATERSHED MANAGEMENT PLAN**

WHEREAS, the Quassaick Creek Watershed is composed of the Quassaick Creek, its tributary streams; lakes, reservoirs and wetlands that feed into the Creek; and the 56 square mile landscape through which it flows; and

WHEREAS, the Quassaick Creek is on New York State's Priority Waterbodies List as having water quality impairments and the water quality of many stream sections throughout the Watershed is moderately or slightly impacted, as documented by routine stream biomonitoring work underway since 1987. Water quality is a concern within the Watershed, especially for drinking water supplies such as Washington Lake; and

WHEREAS, in the late 1990s, a group of advocates came together to form the Quassaick Creek Coalition with the goal of developing an estuary preserve in this lower corridor, which included representatives from a broad range of interests including the City of Newburgh, land conservation groups, various state and regional agencies, citizens, and many others; and

WHEREAS, interest in the Quassaick Creek continued, with some members of the Quassaick Creek Coalition deciding to expand their efforts to a larger geographic area, to take a watershed approach to cleaning up and enhancing the Creek and formed a group called the Quassaick Creek Watershed Alliance (QCWA), whose mission is to involve individuals and entities, both public and private, as advocates for the development and implementation of a Quassaick Creek Watershed Plan focusing on the protection and restoration of water quality and quantity, recreational values and biodiversity of the Quassaick Creek and its tributaries to promote the health, safety and welfare of our communities by making recommendations for sustainable land use, flood and erosion control practices and relevant regulations in this watershed; and

WHEREAS, since 2009, the QCWA, the Orange County Planning Department, and the Orange County Water Authority (OCWA) and an advisory group of stakeholders have been developing a watershed plan; and

WHEREAS, the QCWA, the Orange County Planning Department, the OCWA, its advisory group and consultants have completed The Quassaick Creek Watershed Plan which is a non-regulatory guidance document that recommends strategies for enhancing the Watershed, with a focus on water quality protection, meant to be a tool to be used to further enrich the quality of

life within the Watershed through thoughtful planning, outreach, education, and science-based enhancement and restoration projects; the primary purposes of which are to heighten public awareness of the Quassaick Creek - thus creating a sense of united stewardship among watershed stakeholders - and to create a "checklist" of best management practices for guiding future development and growth in order to protect and improve the health of the Watershed; and

WHEREAS, the City of Newburgh recognizes and appreciates the need to protect and improve the health of the Quassaick Creek Watershed both now and for the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports the Quassaick Creek Watershed Management Plan dated June 2014.

RESOLUTION NO.: 174 - 2014

OF

JULY 14, 2014

A RESOLUTION ADOPTING THE CITY OF NEWBURGH
SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Surplus Property Disposition Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Policy shall take effect immediately upon adoption by the City Council.

TO:

FROM:

DATE:

SUBJECT: Surplus Property Disposition Policy and Procedure

I: PURPOSE

The purpose of this memorandum is to set forth the policy and procedures for the disposal of surplus property of the City.

II: GENERAL

The Office of the Comptroller will be responsible for ensuring compliance with this memorandum.

III: POLICY

It is the policy of the City of Newburgh that surplus personal property of the City shall be disposed of in an orderly, equitable and efficient manner and in accordance with Chapter 97 of the Code of Ordinances of the City of Newburgh.

IV: PROCEDURE

The following procedure shall be utilized by the City of Newburgh for the disposal of surplus personal property of the City:

A. The head of each department shall perform a quarterly review of personal property of the department to determine whether there is any property which is no longer needed for City purposes.

B. The head of each department shall submit a report to the Comptroller on a quarterly basis identifying any such property as surplus. The report shall include a recommendation as to whether such property should be disposed of by the City or should be used as a trade-in to acquire new property.

1. Where there is a recommendation that surplus property be used as trade-in, the City Manager and the Comptroller shall review the recommendation and make a determination of whether the property may be used as trade-in. The review shall include a determination by the City Manager that fair value is being received by the City for the trade-in.
2. If the City Manager determines that fair value is not being received for the trade-in, he shall request a recommendation from the Comptroller for an alternative disposition of the property.

3. Where there is a recommendation that surplus property is no longer needed by a particular department, the Comptroller shall review the recommendation and offer the property for use by any other City department. If another department can use the property, such property shall be transferred to that department. If the Comptroller determines that no other City department can use the property, the Comptroller shall request a declaration of surplus property by resolution of the City Council. The Comptroller shall provide the list of property to be sold and the terms of sale to the Corporation Counsel, who shall prepare the Resolution for the City Council's consideration.

C. All property declared to be surplus property shall be offered for sale at public auction on a quarterly basis. The following procedures are to be followed for such sale:

1. Notice of the public auction shall be published by the Comptroller at least once per week for two weeks in advance of the sale. Publication on the City's website shall satisfy the publication requirement.
2. The public auction shall be held through a website that specializes in online auctions for government surplus property. The Comptroller shall determine which website will be used.
3. All property will be listed to be sold in "as-is" condition; and
4. The property shall be sold to the highest bidder.

D. Any surplus property not sold at public auction shall be disposed of in accordance with the direction of the City Manager. Such property shall be sold at private sale, held and re-auctioned at a later date, or junked.

V. **POLICE DOGS**

A. Surplus police dogs shall be sold at private sale as set forth in Section 97-3(B) of the Code of Ordinances of the City of Newburgh.

RESOLUTION NO.: 175 - 2014

OF

JULY 14, 2014

A RESOLUTION AMENDING THE 2014 PERSONNEL ANALYSIS BOOK
AND AMENDING RESOLUTION NO.: 247-2013,
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$38,902.00 FROM TRAFFIC VIOLATIONS BUREAU PERSONAL
SERVICES AND EMPLOYEE BENEFITS TO POLICE DEPARTMENT PERSONAL
SERVICES AND EMPLOYEE BENEFITS TO HIRE ONE ADDITIONAL POLICE OFFICER

WHEREAS, the City of Newburgh finds it necessary to reallocate funds for the hiring of one (1) additional police officer in the Police Department which requires an amendment to the 2014 Personnel Analysis Book; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to make said adjustment to the 2014 Budget for the City of Newburgh and the 2014 Personnel Analysis Book;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, that 2014 Personnel Analysis Book be and hereby is amended in connection with funding one police officer and that the 2014 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1130.0101: Traffic Violations Bureau Salary	\$ 22,417.00	
A.1130.0810: Retirement	\$ 5,604.00	
A.1130.0830: Social Security	\$ 1,715.00	
A.1130.0860: Health Insurance	\$ 9,166.00	
A.3120.0101: Police Department Salary		\$ 22,417.00
A.3120.0810: Retirement		\$ 5,604.00
A.3120.0830: Social Security		\$ 1,715.00
A.3120.0860: Health Insurance		\$ 9,166.00
TOTAL:	<u>Decrease</u>	<u>Increase</u>
	\$ 38,902.00	\$ 38,902.00

RESOLUTION NO.: 176 - 2014

OF

JULY 14, 2014

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR AUGUST 11, 2014 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW ADDING CHAPTER 276 ENTITLED
"TOBACCO" TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Adding Chapter 276 entitled 'Tobacco' and Enacting Article I entitled 'Tobacco Retail License' to the Code of Ordinances of 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 11th day of August, 2014, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

RESOLUTION NO.: 177 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO REQUEST THAT THE NEW YORK STATE DEPARTMENT
OF TRANSPORTATION COMMENCE EMERGENCY WORK
TO REHABILITATE THE LAKE STREET BRIDGE (BIN#2022260) OVER THE
QUASSAICK CREEK

WHEREAS, McLaren Engineering Group was contracted by the City of Newburgh to perform an emergency inspection of the Lake Street Bridge located on Route 32 in the City of Newburgh; and

WHEREAS, such inspection concluded that the metal arch culvert is in critical condition due to severe corrosion in the plate joints, particularly those aligned with the sewer line supported by the structure; and

WHEREAS, severe corrosion with perforations were reported in the New York State Department of Transportation Diving Inspection Report dated September 30, 2013 and red flagged at that time, and has advanced to the point of failure with up to a 56 foot length of the end wall exhibiting this condition; and

WHEREAS, McLaren Engineering Group has recommended that the bridge be rehabilitated on a priority basis; and

WHEREAS, this Council has determined that rehabilitation of the Lake Street Bridge on a priority basis is in the best interests of the City of Newburgh, the surrounding communities and the safety of its travelers;

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 request that the New York State Department of Transportation commence emergency work to rehabilitate the Lake Street Bridge over the Quassaick Creek.

RESOLUTION NO.: 178 - 2014

OF

JULY 14, 2014

**A RESOLUTION TO REQUIRE DISCLOSURE AND TRACKING OF SERVICE
CONTRACTS AWARDED BY THE CITY OF NEWBURGH**

WHEREAS, transparency is part of good government and providing access to information is a duty and responsibility of good government; and

WHEREAS, service contracts approved by the City of Newburgh impact the annual budget, services delivered, and taxes; and

WHEREAS, the public has a right to know how much the City of Newburgh is spending on service contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh hereby establishes a policy to promote the tracking and disclosure, via a publicly available website (the City's) all contracts approved that are valued in excess of \$5,000 as of January 1, 2014 and continuing until such time as this resolution is amended; and

BE IT FURTHER RESOLVED, that this means among other things the City of Newburgh should disclose, via a publicly available website (the City's own) all contracts issued by and executed by the City. Such disclosure shall contain a copy of the entire contract posted once fully executed along with the corresponding bid package; and

BE IT FURTHER RESOLVED, that the governing jurisdiction shall establish and maintain an online excel database of all contracts that is accessible, searchable, sortable and downloadable to the general public. The database shall include, but is not limited to, the following: a) description of the contract and services being purchased; b) name of agency, department, or division contracting for the service; c) a scanned copy of resolution approving contract; d) a scanned copy of the entire contract and bid package; and

BE IT FURTHER RESOLVED, that no less than annually the amounts of money paid on account of each such service contract shall be presented to City Council detailing the total spending on total service contracts.

RESOLUTION NO.: 179 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2012 RELATIVE TO
184 LIBERTY STREET (SECTION 31, BLOCK 1, LOT 23)

WHEREAS, The City of Newburgh commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-010220; and

WHEREAS, the National Association for The Advancement of Colored People ("NAACP") has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter without the need for litigation;

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 withdraw the lien on the property located at 184 Liberty Street (Section 31, Block 1, Lot 23), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Fifty Thousand Four Hundred Thirty Three and 93/100 (\$50,433.93) Dollars representing the past due tax lien, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

RESOLUTION NO.: 180 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2012 RELATIVE TO
1 MEMORIAL DRIVE (SECTION 6, BLOCK 4, LOT 8)

WHEREAS, The City of Newburgh commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-010220; and

WHEREAS, the daughter of property owner Emma Muenze has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter without the need for litigation;

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 withdraw the lien on the property located at 1 Memorial Drive (Section 6, Block 4, Lot 8), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty One Thousand One Hundred Fifty Two and 31/100 (\$21,152.31) Dollars representing the past due tax lien, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

RESOLUTION NO.: 181 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2011 RELATIVE TO
67 MAPLE STREET (SECTION 25, BLOCK 1, LOT 67)

WHEREAS, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-001071; and

WHEREAS, property owners Richard and Anthony Suraci served an Answer to such action in regard to the foreclosure of 67 Maple Street (Section 25, Block 1, Lot 67); and

WHEREAS, the owners have advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter without the need for litigation;

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 withdraw the liens on the property located at 67 Maple Street (Section 25, Block 1, Lot 67), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Sixteen Thousand Seven Hundred Thirty Nine And 04/100 (\$16,739.04) Dollars representing substantially all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

RESOLUTION NO.: 182 - 2014

OF

JULY 14, 2014

A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 66 CARSON AVENUE
(SECTION 45, BLOCK 6, LOT 30) AND
72 WILLIAM STREET (SECTION 38, BLOCK 4, LOT 31)
AT PRIVATE SALE TO SERGIO MURILLO

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, Sergio Murillo, the former owner of 66 Carson Avenue and 72 William Street, being more accurately described as Section 45, Block 6, Lot 30 and Section 38, Block 4, Lot 31, respectively, on the official tax map of the City of Newburgh, has requested to re-purchase the properties at private sale; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 66 Carson Avenue, Section 45, Block 6, Lot 30 and 72 William Street, Section 38, Block 4, Lot 31, to Sergio Murillo be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Thirty Three Thousand Five Hundred Forty Nine and 86/100 (\$33,549.86) Dollars, no later than July 31, 2014; and

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

RESOLUTION NO.: 183 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 135 CHAMBERS STREET
(SECTION 18, BLOCK 4, LOT 22)
AT PRIVATE SALE TO MOM HAVEN 12 LP

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 former owner of 135 Chambers Street, being more accurately described as Section 18, Block 4, Lot 22 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

WHEREAS, the City Council, by Resolution No.: 75-2014 of March 24, 2014, approved the former owners request to re-purchase 135 Chambers Street (Section 18, Block 4, Lot 22) on or before April 30, 2014; and

WHEREAS, a closing of title has not taken place and the property is still owned by the City of Newburgh; and

WHEREAS, the City Council of the City of Newburgh, New York, has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 135 Chambers Street, Section 18, Block 4, Lot 22, to Mom Haven 12 LP be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Nine Thousand One Hundred Forty Nine and 59/100 (\$9,149.59) Dollars, no later than July 31, 2014; and

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

RESOLUTION NO.: 184 - 2014

OF

JULY 14, 2014

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF
REAL PROPERTY KNOWN AS 62 CAMPBELL STREET
(SECTION 23, BLOCK 2, LOT 13)
AT PRIVATE SALE TO CHAMPION MORTGAGE**

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, Champion Mortgage, the holder of a reverse mortgage for 62 Campbell Street, being more accurately described as Section 23, Block 2, Lot 13 on the official tax map of the City of Newburgh, has requested to purchase the property at private sale; and

WHEREAS, the City Council, by Resolution No.: 260-2013 of December 9, 2013, approved the request to purchase 62 Campbell Street (Section 23, Block 2, Lot 13) on or before December 31, 2013; and

WHEREAS, a closing of title has not taken place and the property is still owned by the City of Newburgh; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the bank to purchase this property provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 62 Campbell Street, Section 23, Block 2, Lot 13, to Champion Mortgage, or any affiliated lending institution, be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Twenty Eight Thousand Five Hundred Six and 47/100 (\$28,506.47) Dollars, no later than July 31, 2014; and

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

RESOLUTION NO.: 185 - 2014

OF

JULY 14, 2014

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF
SATA, LLC AGAINST THE CITY OF NEWBURGH
AND MESH REALTY WITH RESPECT TO PROPERTY LOCATED AT
194 LANDER STREET (SECTION 11, BLOCK 2, LOT 11)

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 former owner has brought a claim against the City of Newburgh seeking to vacate the tax foreclosure of 194 Lander Street, being more accurately described as Section 11, Block 2, Lot 11 on the official tax map of the City of Newburgh; and

WHEREAS, the former property owner has advised the City that they are prepared to settle the claim; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for further litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 194 Lander Street, Section 11, Block 2, Lot 11, to SATA, LLC be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Twenty Two Thousand Seven Hundred Thirty Five and 37/100 (\$22,735.37) Dollars, no later than July 31, 2014; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to settle such claim.

RESOLUTION NO.: 186 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS
16 WILKIN STREET (SECTION 26, BLOCK 3, LOT 21)
TO HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC. AT PRIVATE SALE
AND AUTHORIZING THE CITY MANAGER
TO EXECUTE A LICENSE AGREEMENT WITH HABITAT FOR HUMANITY OF
GREATER NEWBURGH, INC. TO PERMIT ACCESS TO CITY OWNED PROPERTY
FOR THE REHABILITATION PROJECT

WHEREAS, by Resolution No.: 80-2014 of April 14, 2014, the City Council of the City of Newburgh, New York authorized the execution of a License Agreement with Habitat for Humanity of Greater Newburgh, Inc. to allow them access to 21 City-owned properties, including 16 Wilkin Street more accurately described as Section 26, Block 3, Lot 21 on the official tax map of the City of Newburgh, for the purposes of continuing for performing certain predevelopment activities to determine whether to purchase such properties; and

WHEREAS, Habitat for Humanity of Greater Newburgh, Inc. (hereinafter referred to as "Habitat") is a well-recognized nonprofit organization whose goal is to strengthen communities by helping to build houses with families in need; and

WHEREAS, the mission of Habitat is to eliminate poverty housing and make simple, decent houses available through volunteer labor and tax-deductible donations of money and materials; and

WHEREAS, Habitat requested to purchase 16 Wilkin Street (Section 26, Block 3, Lot 21) in the City of Newburgh for the purpose of renovating and rehabilitating the property; and

WHEREAS, Habitat seeks no federal, state or City funding for the restoration of such premises and, therefore, requests that the City sell such property for a nominal consideration; and

WHEREAS, Habitat further requests a License Agreement for access to the property by Habitat and its employees, agents, volunteers and contractors for renovation and construction activity prior to the closing of title; and

WHEREAS, the City Council has determined that it would be in the best interest of the City of Newburgh, its residents and future development to sell said property to Habitat for \$1.00 and other valuable consideration subject to the following conditions:

1. That Habitat homes are sold as single family homes, at no profit, constructed in part with sweat equity from the prospective homeowners and financed with affordable no interest mortgages; and
2. That Habitat will rehabilitate and obtain a Certificate of Occupancy for 16 Wilkin Street from the City Building Department within eighteen (18) months from the date of taking title; and
3. A closing will take place on or before October 14, 2014 and upon the re-sale to the owner-occupants, the properties shall become subject to taxation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized and directed to execute and deliver a quitclaim deed to sell the properties described above, to Habitat for Humanity of Greater Newburgh, Inc., for the nominal price of One (\$1.00) Dollar, and in consideration of the above listed conditions of sale; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the attached license agreement with Habitat for Humanity of Greater Newburgh, Inc., and their employees, agents, volunteers and contractors for access to 16 Wilkin Street for renovation and construction activity in connection with the rehabilitation of 16 Wilkin Street; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute a proxy statement allowing Habitat for Humanity of Greater Newburgh, Inc. to apply for all necessary building permits for the rehabilitation of 16 Wilkin Street prior to the closing of title.

LICENSE AGREEMENT

This Agreement, made this _____ day of _____, two thousand and fourteen 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 HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., a private business organization having an address of, 125 Washington Street, Newburgh, New York 12550, and their consultants, agents, volunteers and contractors as "LICENSEE";

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to and performing work upon the premises of Licensor, on behalf of itself and its employees, agents and contractors, known as 16 Wilkin Street, and more accurately described as Section 30, Block 4, Lot 12 and Section 30, Block 4, Lot 11, respectively, on the official tax map of the City of Newburgh.

AND WHEREAS, Licensor is willing to give said license or privilege on the following terms and conditions:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and conditions hereinafter contained, it is hereby agreed as follows:

First: Licensor hereby gives to Licensee and Licensee's employees, agents and contractors, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 16 Wilkin Street in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary; for the purposes of and to perform certain renovation and rehabilitation tasks on said property owned by Licensor, including but not limited to cleaning, excavating, filling, boring, testing, sampling, restoration, construction and any and all other work appurtenant thereto.

Second: Licensee agrees to do such work and perform such tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, obtaining any and all permits required thereby.

Third: During the term of this Agreement, the parties mutually agree to release and indemnify each other for all claims, damages or expenses resulting from said party's own negligence. It is hereby acknowledged that Licensor is a self-insured municipality.

Fourth: Licensee will perform any environmental testing, construction or demolition work in connection with said property, including walk-through inspection, review of City of Newburgh and other records, review of governmental environmental

records and data, and other measures relating to remediation of any potential contamination issues, demolition of structures and construction tasks. In the contract by which Licensee retains consultants and contractors, they shall name City as additional insured under insurance coverage concerning the performance of the tasks referenced herein.

Fifth: This Agreement and the license or privilege hereby given shall expire and terminate upon the earlier of (1) the completion of the work by Licensee and its agents, employees and contractors, and the restoration of 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 or (2) the closing of title to said property.

Sixth: 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.

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By:

Michael G. Ciaravino, City Manager
Per Resolution No. 186-2014 of July 14, 2014

HABITAT FOR HUMANITY OF GREATER
NEWBURGH, INC.

LICENSEE

By:

Cathy Collins, Executive Director

RESOLUTION NO.: 187 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK**

WHEREAS, the Newburgh Community Land Bank was incorporated pursuant to Article 16 and Section 402 of the Not-for-Profit Corporation Law and is a Type C Not-For-Profit corporation as defined in Section 201 of the Not-For-Profit Corporation Law; and

WHEREAS, the mission of the Newburgh Community Land Bank is to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, upon the request of the Newburgh Community Land Bank, this Council has determined that transferring title of the parcels on the attached Schedule "A" is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the properties on the list attached hereto as Schedule "A" to the Newburgh Community Land Bank be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to the Newburgh Community Land Bank; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh the properties are to be transferred to the Newburgh Community Land Bank subject to the Disposition Policies of the Newburgh Community Land Bank annexed hereto and made part hereof as Schedule "B"; and

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

“SCHEDULE B”

**Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank**

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

1. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term "banking" of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

1. Individuals who will own and occupy the residential property.
2. Qualified Landlords or real estate investors.
3. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
4. Businesses that will own and occupy commercial property.
5. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
6. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
2. The transferee must not own any real property that: a) has any unremediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
3. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
4. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
5. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
6. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
7. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
8. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
9. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.

10. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
11. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
12. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
13. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
14. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.

The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

1. The owner-occupant must complete renovations and move into the structure with in a time frame negotiated by the Land Bank.
2. The property may not be used solely as rental property.
3. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either:
 - a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or
 - b) repay the land bank the difference between the purchase price and the initial fair market value.

ORDINANCE NO.: 1 - 2014

OF

JULY 14, 2014

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN
CHAPTER 72 OF THE CODE OF THE CITY OF NEWBURGH ENTITLED
"POLICE COMMUNITY RELATIONS ADVISORY COUNCIL" AND AMENDING SAME
BY SUBSTITUTING THEREFOR A NEW CHAPTER 72 ENTITLED
"POLICE COMMUNITY RELATIONS AND REVIEW BOARD"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Chapter 72, entitled "Police Community Relations Advisory Council," of the Code of Ordinances of the City of Newburgh be and is hereby repealed and that the same is hereby amended to read as follows:

SECTION 1. Chapter 72, Police Community Relations and Review Board

§ 72-1 Findings and purpose.

- A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.
- B. The City Council further finds that it is important to have a method by which City residents can make requests for law enforcement related services.
- C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.
- D. The purpose of Chapter 72 of the City Code of Ordinances is to create an independent, non-exclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this Chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meaning described in this section:

CHIEF - The Police Chief of the City of Newburgh Police Department.

COMPLAINT - A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY - spouse, domestic partner, child, step-child, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION - a structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER - sworn member of the City of Newburgh Police Department.

PCRRB - Police Community Relations and Review Board.

PROFESSIONAL STANDARDS - Administrative Lieutenant of the City of Newburgh Police Department

§ 72-3 Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of nine members.

B. Appointment to the PCRRB shall be made as follows:

1. Two members from each of the four wards shall be appointed by the Council member elected from each ward.

2. One member shall be appointed by the City Council and such member shall be designated as the Chair of the PCRRB.

3. If a Council member fails or refuses to appoint a member to the PCRRB under Section 72-3(B)(1) and a vacancy exists for more than sixty days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

4. When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

1. Members shall be appointed for two year terms; provided, however that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
2. No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of non-membership.
3. Members shall continue to serve on the PCRRB until their successors are appointed.

D. Removal.

1. The PCRRB, by a simple majority vote of the entire board, may upon good cause request that the City Council remove a PCRRB member where appropriate.
2. The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.
3. PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.

E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within sixty days in the same manner as the predecessor to fill the unexpired term.

§ 72-4 Members.

A. Qualifications of members:

1. Members of the PCRRB shall reside in the City of Newburgh and be at least eighteen years old at the time of appointment.
2. Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.

3. The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.

4. Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.

5. Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have any financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.

6. No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member Responsibilities: PCRRB members shall:

1. Obey all laws respecting individuals' rights of privacy and confidentiality of records.
2. Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.
3. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5 Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

1. The PCRRB shall adopt and the City Council shall approve, rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
2. The PCRRB shall hold regular monthly business meetings.
3. Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.
4. The PCRRB shall hold its initial meeting within sixty (60) days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.
5. The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the Open Meetings Law.

C. Recommendations, reports.

1. The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.
2. The PCRRB shall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.

D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

F. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.

1. Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh NY or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish

and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.

2. A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.
3. Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.

G. Review of complaints. A review of a complaint shall proceed as provided in this subsection.

1. Investigation of complaints;

a. The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.

b. The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief or his designee fails to conclude the investigation within sixty (60) days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise the PCRRB in writing of the status of the investigation every thirty (30) days until the conclusion of the investigation.

c. Within ten (10) working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

d. After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:

- i. render its findings pursuant to Section 72-5(G)(2); or
- ii. request that the Police Chief or his designee conduct further investigation of the complaint; or
- iii. obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio or video tapes and related documents; or
- iv. refer the complaint to mediation as provided in Section 72-6.

e. In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.

2. Findings of the PCRRB.

a. The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:

- i. Sustained - where the review disclosed sufficient facts to prove the allegations made in the complaint.
- ii. Not Sustained - where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
- iii. Exonerated - where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.
- iv. Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
- v. Ineffective Policy or Training - where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.
- vi. No Finding - where the complaint failed to produce information to further the investigation; where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.
- vii. Mediated - where the complaint is resolved by mediation.

b. If the PCRRB fails to render any finding referenced above within sixty (60) days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding reference above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 72-6 Mediation.

- A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.
- B. Mediation shall be conducted at no cost the complaint or officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.
- C. After a complaint is filed under Section 72-5 of this Chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to Section 72-5(G)(1)(d) of this Chapter. In either case, the mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.
- D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.
- F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.
- G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.
- H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.
- I. The PCRRB and The Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the

dispute, the PCRRB review process referenced in this Chapter shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the PCRRB shall issue a finding of “mediated” and the allegations shall be deleted from the officer’s PCRRB history.

§ 72-7 Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8 Construction of chapter.

No report, finding or determination made pursuant to this Chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9 Severability.

If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. This ordinance shall take effect immediately.