



CITY COUNCIL AGENDA

February 28, 2012

7:00 pm

Mayor:

Prayer

Pledge of Allegiance

City Clerk:

1. Roll Call
2. Approval of the minutes of February 9, 2012 Work Session and the February 14, 2012 City Council meeting.

Presentations:

3. Performance to celebrate Black History Month - Horizons on Hudson 21st Century Community Learning Center Drama Program

Communications:

4. Notice of Claim: Leroy and Evelyn Walden v. City of Newburgh
5. Summons & Complaint: Miguel Rodriguez v. Kurt Ames, Robert Vasta, John Doe 1 and John Doe 2

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

6. Resolution No. 27 - 2012
A resolution authorizing the application to New York State Archives for a Local Government Records Management Improvement Fund (LGRMIF) grant in the amount of \$36,259.52 with no required match for the purpose of converting the Code Compliance property files currently in the Records Center to electronic format.
7. Resolution No. 28 - 2012
A resolution authorizing the sale of real property known as 45 Chambers Street (Section 30, Block 4, Lot 12) and 47 Chambers Street (Section 30, Block 4, Lot 11) 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 in connection with a joint rehabilitation project with the Newburgh Community Land Bank.

8. Resolution No. 29 – 2012

A resolution appointing members to the Community Development Block Grant Advisory Committee.

9. Resolution No. 30 – 2012

A resolution to authorize the commencement of litigation against Johnson Controls, Inc., regarding its performance contract with the City of Newburgh.

Old Business:

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

City of Newburgh, Newburgh New York
Work Session of the City Council

Thursday, February 9, 2012

Members Present: Mayor Judy Kennedy
Councilwoman Regina Angelo
Councilman Cedric Brown
Councilman Curlie Dillard
Councilwoman Gay Lee

Also Present: Richard F. Herbek, Acting City Manager
Michelle Kelson, Corporation Counsel

Call to Order: The meeting was called to order by Acting City Manager Richard F. Herbek at 6:00 pm.

Executive Session: At 8:35 p.m. a motion was made by Mayor Kennedy and seconded by Councilman Brown to enter into executive session regarding matters of pending litigation.

YES: 5 NO: 0 CARRIED

Adjournment: Upon consensus the Council adjourned the meeting noting the time as 9:40 p.m.

A regular meeting of the City Council of the City of Newburgh was held on Tuesday, February 14, 2012 at 7:00 P.M. in the Council Chambers at City Hall, 3rd Floor, 83 Broadway, Newburgh, New York 12550.

The Prayer was led by Rev. Deborah Dresser of the Greater Newburgh Ministerial Association. The Pledge of Allegiance was performed in unison.

Present: Mayor Kennedy, presiding; Councilwoman Angelo, Councilman Brown, Councilwoman Lee-4

Absent- Councilman Dillard-1

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the regular meeting of January 23, 2012 be approved.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy- 4

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the City Clerk's Report, Registrar of Vital Statistics Report and Civil Service Administrator's Report for the month of January, 2012 be received, filed and made available to the Press.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

CARRIED

PRESENTATIONS

Mayor Kennedy proclaimed *Black History Month* in the City of Newburgh for the month of February. She pointed out the theme for this year: *Black Women in American Culture and History*.

Second, the 21st Century Community Learning Centers Step Team, who are also students at Heritage Middle School, performed this evening.

Also Mayor Kennedy proclaimed *National Salute to Veteran Patients* in the City of Newburgh for the week of February 12-18, 2012. She has contact names and phone numbers for anyone interested in visiting any of the VA campuses to help encourage volunteerism.

**City of Newburgh
Proclamation**

February 14, 2012

Black History Month 2012

Theme: "Black Women in American Culture and History."

Since our Nation began, African-American women have overcome overwhelming odds to make their names and stories known. In spite of all barriers, the deeds of numerous leaders from Harriet Tubman to Rosa Parks grace the pages of our history books.

This month we remember those leaders, as well as the singers, writers, and artists who left their mark on our culture, and the countless African-American women from all walks of life who helped make our country great.

In the City of Newburgh, we bear witness every day to the courage, the talents, the leadership, and the community involvement of African-American women. We urge our residents to recognize their efforts and struggles and celebrate their contributions.

Therefore, I, Mayor Judy Kennedy, and the City Council of the City of Newburgh
Do Hereby Proclaim "Black History Month 2012" in the City of Newburgh

Mayor Judy Kennedy

Deputy Mayor Regina Angelo

Councilman Cedric Brown

Councilman Curlie Dillard

Councilwoman Gay Lee

City of Newburgh

Proclamation

February 14, 2012

National Salute to Veteran Patients Week

February 12-18, 2012

Since 1978, the National Salute to Veteran Patients Week has presented Americans another opportunity to say "thank you" to our veterans and to those who give them care.

The purpose of the national salute is threefold: to pay tribute and express appreciation to veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers.

In the Hudson Valley, we are fortunate to have the Hudson Valley Health Care System, Castle Point Campus and FDR Campus in Montrose to care for our hospitalized veterans - many of whom will never quite go home.

During this week, and throughout the year, let us take time to honor those who served and sacrificed for freedom.

Therefore, I, Mayor Judy Kennedy do hereby proclaim
February 12-18, 2012 as
National Salute to Veteran Patients Week
In the City of Newburgh.

Judy Kennedy
Mayor, City of Newburgh

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the Notices of Claim and the Notice of Summons and Verified Complaint be referred to Corporation Counsel with power to act.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

CARRIED

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Jane Johnston questioned agenda item #13. She thought at the last work session the council decided to hold off on the resolution until the IDA received certification.

City Manager Richard Herbek pointed out that the resolution Ms. Johnston is referring to has been tabled. This is the resolution whereby reimbursement is made back to the City for certain personnel services provided to the IDA.

Brenda McPhail questioned Resolution #23-2012. She asked the council why it is re-appointing and appointing members to the Citizens Advisory Committee. Also she questioned what the term limit is for members.

Corporation Counsel Michelle Kelson explained that the resolution is to appoint new members who have not previously been appointed, and to re-appoint those members who have served terms that have ended.

Mayor Kennedy responded that the term is for three years.

McPhail further commented that she attended one of the committee meetings. She submitted her Letter of Interest. She stated that she knows, for a fact, that there are some committee members that do not live in the City of Newburgh. She asked if the residency requirement stands in effect for all city boards and committees.

Mayor Kennedy responded on behalf of the council, they would look into the matter.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Lee agreed with previous remarks made about the IDA resolution. She understood the confusion the public may be having with this. Lee agreed that it was confusing to her. She pointed out that the original Resolution #19-2012 was taken off the table, and the one before them tonight is a new Resolution #19-2012.

Herbek pointed out that both resolutions were included in the board packet at the work session, even though we spent most of the time discussing the second resolution.

Kelson explained that both agreements were in the packet. Only the CDBG agreement had resolutions. When the council decided it wanted to leave the CDBG resolution off tonight's agenda, then we just applied that number to the resolution for the agreement with the IDA. She apologized for the confusion.

Councilman Brown commented on Resolution #23-2012. He asked for verity in the statement that a person must be a city resident in order to sit on city boards and committees.

Kelson explained that under Public Officers Law, in order to sit on most of the boards a person must be a resident of the municipality in which he or she serves, unless there is a local law provided otherwise. We have not established a local law allowing members to reside outside of the City of Newburgh, with the exception of the ARC. The historian and the architect of the ARC do not necessarily have to reside in the City of Newburgh. They can consider individuals who reside outside of City limits from the larger pool of qualified applicants.

CITY MANAGER REMARKS

The City Manager pointed out an interesting newspaper article entitled *Certified Substance Abuse Counselor School Opens* [Times Herald-Record, Feb. 14, 2012, pg. 5D] He announced that the new school has opened in Newburgh at 136 First Street, 2nd Floor. The article mentioned that two veterans in the addictions field, and who have almost 50 years combined experience, have pooled their professional resources. The school provides 350 credit hours to eligible participants.

There is open enrollment on each Saturday to accommodate those individuals who are unable to attend classes on weekdays. Continental breakfast is served and financial assistance is available. There is a contact telephone available for persons who would like more information.

RESOLUTION NO.: 18 - 2012

OF

FEBRUARY 14, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN EXTENSION OF A CONTRACT
WITH WORKFORCE DEVELOPMENT INSTITUTE
TO PROVIDE SERVICES IN CONNECTION WITH
NEWBURGH BUILDS NEWBURGH PROGRAMS TO SERVE
LOW INCOME FAMILIES AND PERSONS WITH IDENTIFIED
BARRIERS TO EMPLOYMENT
AT NO EXTRA COST TO THE CITY

WHEREAS, the City Council has by Resolution No. 185-2011 of September 12, 2011 authorized contract with Workforce Development Institute ("WDI") to provide services in connection with Newburgh Builds Newburgh Programs to serve low income families and persons with identified barriers to employment; and

WHEREAS, the term of the contract for such services was effective through December of 2011; and

WHEREAS, WDI has requested an extension to complete the work of the contract until April 30, 2012; and

WHEREAS, such services shall be provided at no additional cost to the City of Newburgh; and

WHEREAS, this Council has determined that extending such an agreement is in the best interests of the City of Newburgh and its residents and citizens alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an extension of a contract with Workforce Development Institute to provide services in connection with Newburgh Builds Newburgh Programs to serve low income families and persons with identified barriers to employment.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 19 - 2012

OF

FEBRUARY 14, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE
CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
AUTHORIZING THE MUTUAL COOPERATIVE EXERCISE OF THEIR
RESPECTIVE MUNICIPAL AND LAWFUL POWERS FOR PROJECTS
AND PURPOSES IN THE BEST INTERESTS OF THE CITY OF NEWBURGH**

WHEREAS, the City of Newburgh ("CITY") is a municipal corporation duly created and chartered under the laws of the State of New York; and

WHEREAS, the City of Newburgh Industrial Development Agency is a corporate governmental agency constituting a body corporate and a public benefit corporation duly organized and existing under the laws of the State of New York; and

WHEREAS, frequently and from time-to-time the CITY and NIDA cooperate and collaborate on economic development, community development and other projects with the purposes and goals of bringing employment opportunities to and fostering investment of capital in the properties and businesses of the City of Newburgh; and

WHEREAS, such collaboration often calls for the sharing and coordination of resources, finances, staff and other assets of the CITY and NIDA in the interests of both entities and of the citizens they serve; and it is therefore appropriate and necessary for them to enter into an Agreement in substantially the same form attached hereto, for the advancement of such projects and purposes; and

WHEREAS, this Council has reviewed such agreement annexed hereto and made a part hereof; and has determined that entering into such agreement is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement with the City of Newburgh Industrial Development Agency to authorize the cooperation and collaboration of the CITY with NIDA for the advancement of economic and community development and other projects and initiatives, including the sharing of resources, finances, staff and other assets, same as being in the best interests of the City of Newburgh and its citizens.

Councilwoman Lee commented that she had a problem with the way this was worded. It does not imply that it is for reimbursement until page 3 of the materials. She did not understand it until the City Manager pointed out that it was for reimbursement. She wanted to clarify that this is for reimbursement of services rendered, not for future services.

Herbek responded in the affirmative and it should be noted as such on the record. He apologized for the confusion.

Mayor Kennedy agreed that it was not clear to her as to where this was going, until after she read the second page of the materials. Perhaps we may want to do it differently in the future.

Councilwoman Angelo asked the City Manager if the council could meet with members of the IDA.

Herbek felt the council should indeed meet with the IDA. It is a matter of getting it scheduled. This is a good time for them to discuss where the IDA is at, and what its goals are with respect to the city as we move into more of an economic development type of role.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee,
Mayor Kennedy-4

ADOPTED

THIS AGREEMENT made this _____ day of February, 2012 by and between:

The City of Newburgh, a municipal corporation of the State of New York, having an office and place of business at 83 Broadway, Newburgh, New York 12550 (hereinafter the 'City')

And

The City of Newburgh Industrial Development Agency, a corporate governmental agency constituting a body corporate and a public benefit corporation of the State of New York, duly organized and existing under the laws of the State of New York, having its principal office in the City Hall of the City of Newburgh, 83 Broadway, Newburgh, New York 12550, (hereinafter the 'Agency')

WITNESSETH

WHEREAS, the Agency was created pursuant to Chapter 314 of the Laws of 1971 of the state of New York as amended by Chapter 913 of the Laws of 1983, because of the changing economic conditions of the City and region and as a means to maintain the economic vitality of the City through the creation and retention of jobs, and

WHEREAS, the City and Agency are committed to cooperation in implementing programs and services for economic revitalization.

WHEREAS, the Agency, since its inception, operated an integral part of the City's economic development programs, using supplies, space, equipment and personnel of the City, and has been paying the City through an informal arrangement,

WHEREAS, the Agency is an independent authority whose mission is dedicated to economic revitalization through business development and job creation, and serves as adjunct to City economic revitalization efforts.

WHEREAS, the Agency seeks to formalize its relationship with the City in revitalizing the city as well as comply with mandated requirements for expanded audit control, transparency of its actions and compliance with New York State Law and reporting requirements.

NOW, THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, the parties agree to as follows:

FIRST: The term of this Agreement between the City and Agency shall commence on January 1, 2012 and shall terminate on December 31, 2012. The parties currently intend to enter into annual renewals on financial terms to be negotiated each year, as approved by the Council of the City of Newburgh and approved by the members of the City of Newburgh Industrial Development Agency.

SECOND: The Agency shall pay the City quarterly payments for the personnel, equipment, supplies, rental of space and any other goods or services under the terms outlined in Schedule "A" attached hereto and made a part hereof.

THIRD: The City, subject to approval of the Agency, will provide certain services of City employees as described in Schedule "A". In providing these services, said employees will be acting in their capacities as City employees subject to personnel policies and benefits, liability coverage, defense and indemnity and other coverages and privileges that would ordinarily be afforded to its employees.

FOURTH: The City will provide for approximately 180 +/- square feet of office space, maintenance of same, including heat and electricity, use of bathrooms, to be maintained as the legal offices of the Agency for its operations, and filing space in the Office of Planning and Development as required by the Agency to maintain Agency files now stored in the Office of Planning and Development. In addition the City will provide telephonic and information technology communications including email, GIS and internet.

FIFTH: The City, acting through its departments, will provide resources to further the mission of the Agency by carrying out programs and activities to include

- Services of Assessor and Director of Planning and Development to generate data on existing commercial and industrial real estate, City and Agency owned parcels, and existing businesses for the purposes of attracting new businesses to the city.
- Technical Services of its City Planner and Director of Planning and Development with regard to coordination of brownfield remediation of Agency owned property at Scobie Drive, to include preparation of grant applications, attendance at meetings, and coordination with the Agency engineers, and undertake appropriate redevelopment planning for the Scobie Drive and West Street properties that are owned separately by the City and Agency.
- Additional business expansion and attraction services as approved by the City and Agency
- Maintenance of the Agency Website
- Use of specific archive space and assistance in accessing records therein.

SIXTH: Payment to the City

All requests for reimbursement will be submitted on a quarterly basis. Personnel and contractor fees will be based on hours worked. All requests for reimbursement will be documented to the IDA's satisfaction.

SEVENTH: The Agency agrees to procure and maintain general casualty and liability insurance on its properties and space.

Notices of any nature referred to in this agreement shall be in writing by certified mail or delivery by hand, or sent by facsimile. Notices shall be effective on the date of receipt

To the City: City Manager
Executive Office
83 Broadway,
Newburgh, NY 12550

With a copy to the Corporation Counsel

To the Agency: Executive Director
City of Newburgh IDA
83 Broadway,
Newburgh, NY 12550

With a copy to: Thomas Whyatt
Oxman Tulis Kirkpatrick Whyatt
120 Bloomingdale Road
Suite 100
White Plains, NY 10605

EIGHTH: This agreement shall not be enforceable until signed by both parties and approved by the City of Newburgh Council.

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the City of Newburgh and the Agency have caused this agreement to be executed and effective as of the date first set forth above.

CITY OF NEWBURGH

BY _____

RICHARD F. HERBEK, City Manager

CITY OF NEWBURGH INDUSTRIAL
DEVELOPMENT AGENCY

BY _____

JOSHUA L. SMITH, Chair

Schedule A

Contract Budget

Personnel Services: (includes base salary and benefits)

Personal services will be billed quarterly, based on time sheets.

Director/Planning & Development 15% of time	\$16,168.00
Assessor - 40 hours @ \$50. per hour	\$ 2,000.00
Office Assistant 1 hour per week	\$ 1,150.00
<u>(SubTotal \$19,318)</u>	

Non Personnel Services:

Space, Archive and Information Technology will be billed quarterly

Phone and mail will be based on usage.

Space rental (office, meeting space)	\$ 3,000.00
Archive Space in Armory	\$ 2,500.00
Information Technology services	\$ 2,500.00
Communications, phone, mail	\$ 550.00

TOTAL	\$27,868.00
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RESOLUTION NO.: 20-2012

OF

FEBRUARY 14, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT WITH IKON OFFICE SOLUTIONS
TO LEASE A COPIER FOR CITY HALL
AT THE COST OF \$286.65 FOR 60 MONTHS**

WHEREAS, the City of Newburgh is in need of updating their copier in City Hall to perform their statutory duties, assigned tasks and day-to-day operations; and

WHEREAS, a review of available equipment and systems has identified a RICOH AFICIO MP7001SP Copier to be the most appropriate and cost-effective alternative; and

WHEREAS, the cost of the copier is \$286.65 per month for a period of 60 months; and

WHEREAS, a copy of the new contract is attached hereto and made a part of this resolution; and

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

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 attached contract with IKON Office Solutions to provide a new RICOH AFICIO MP7001SP copier for City Hall at the cost of \$286.65 a month for 60 months, such funds to be derived from Budget Line A.1670.400.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 21 - 2012

OF

FEBRUARY 14, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
BETWEEN THE COUNTY OF ORANGE AND THE CITY OF NEWBURGH
IN CONNECTION WITH THE DIGITAL SIGNAGE PROGRAM**

WHEREAS, the County of Orange collaborated with local municipalities to establish the Digital Signage Program; and

WHEREAS, the City of Newburgh joined with the County of Orange and other local law enforcement agencies to establish a system to improve and enhance important law enforcement functions as provided by the terms of the agreement including, but not limited to communications, database compilation and access, technology and equipment, record-keeping, inter-agency coordination and other important police functions; and

WHEREAS, the City of Newburgh wishes to enter into the annexed inter-municipal agreement to facilitate the program to share police related information and intelligence through a video network that links the City of Newburgh and the County of Orange with the other local law enforcement agencies; and

WHEREAS, this Council has determined that the City's participation in such program is in the best interests of the City of Newburgh and will enhance law enforcement in the City of Newburgh and in surrounding local municipalities, in cooperation with the County of Orange and other law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an inter-municipal agreement between the County of Orange and the City of Newburgh to facilitate the Digital Signage Program in order to enhance important law enforcement functions for the City of Newburgh and other local law enforcement agencies.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee,
Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 22-2012

OF

FEBRUARY 14, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE
NEW YORK STATE GEOGRAPHIC INFORMATION SYSTEMS (GIS)
COOPERATIVE DATA SHARING AGREEMENT
FOR USE WITH LOCAL GOVERNMENTS OF NEW YORK STATE
AND NOT-FOR-PROFIT ENTITIES

WHEREAS, New York State, under Technology Policy 96-18, established an initiative to create a framework and criteria for the development of a statewide New York State Geographic Information Systems ("GIS") Program; and

WHEREAS, this initiative includes a structure to implement the GIS program and obtain broad representation among the State's varied GIS user community, which includes a Coordinating Body charged with providing policy recommendations to the Office of Cyber Security (OCS) and establishing a framework for the easy dissemination of GIS Data between agencies at minimal cost and without delay, and the Coordinating Body recommended creating the New York State GIS Data Sharing Cooperative as a mechanism to accomplish this data sharing; and

WHEREAS, New York State wishes to encourage agencies of the State of New York and its political subdivisions and other non-profit corporations or other non-commercial entities to join and participate in the Cooperative and share GIS Data and also wishes to encourage agencies of the Federal government, other states, and other sovereigns to join and become Members of the Cooperative and participate in sharing of GIS Data; and

WHEREAS, the City of Newburgh wishes to join and participate in the Cooperative and share GIS Data;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with the Office of Cyber Security to join and participate in the New York State Geographic Information Systems Cooperative Data Sharing Agreement, in substantially the form attached hereto with such other terms as may be deemed appropriate and necessary by Corporation Counsel to protect the interests of the City of Newburgh.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 23-2012

OF

FEBRUARY 14, 2012

A RESOLUTION RE-APPOINTING MEMBERS
AND APPOINTING NEW MEMBERS
OF THE CITIZENS ADVISORY COMMITTEE

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that pursuant to Section 12-2 of the Code of Ordinances, the following individuals be and hereby are re-appointed retroactively to the Citizens Advisory Committee for a term of three (3) years commencing on January 1, 2012; and

Ward 1:

District 1 Frances Cott
District 2 George Stylians

Ward 2

District 1 Booker T. Simmons III

Ward 4

District 1 Pauline Dillard
District 3 Mary Verdegaal

Ward 5

District 1 Susan Turner
District 2 Brian S. Denniston

Ward 6

District 1 Jose Raminez
District 3 Maryin & Joyce Susskind

Ward 7

District 1 Mary Keller

Ward 8

District 1 Adele Esposito
District 2 Katy O'Dea

Ward 9

District 1 Mabel Frost

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that pursuant to Section 12-2 of the Code of Ordinances, the following individuals be and hereby are appointed to the Citizens Advisory Committee for a term of three (3) years commencing on January 1, 2012;

Ward 1:

District 1 Jeff Wallace
District 3 Amanda Hickey
District 4 Michael James

Ward 2

District 1 Susan Smith
District 2 Nora Confresi

Ward 3

District 1 Brenda McPhail
 Tammi Hollins
District 2 Betsy Sharpe

Ward 4

District 1 Mary Elin Korchinsky
 Mark Carnes
District 3 Janet Gianopoulos

Ward 6

District 2 Stacey Burks

Ward 7

District 3 George Bowles

Ward 8

District 1 Jason Nordlund

Ward 9

District 1 Edwin Gotay
District 2 Alexandra Medina
 Deborah Danzy

BE IT FURTHER RESOLVED, that Regina Angelo be and hereby is re-appointed as Council liaison of the Citizens Advisory Committee.

Councilwoman Angelo questioned the reference that was made about members not residing in the City of Newburgh. She wanted to clarify whether the statement was made toward members of the Citizens Advisory Committee or members serving on the Redistricting Committee. As far as she knows, all of the members on the Citizens Advisory Committee are residents of the City of Newburgh.

[McPhail insisted that her earlier comment that she made is correct. She stated that we should be ensuring that all of the city committees are in compliance with the residency requirements]

Chairman of the Citizens Advisory Committee Brian Denniston confirmed that each member listed is a resident of the City of Newburgh.

Councilwoman Lee remarked that she thinks she knows specifically who McPhail is referring to. Lee does not believe that particular individual is a member of either committee. She stated that if there is indeed a problem, then they want to fix it.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 24-2012

OF

FEBRUARY 14, 2012

**A RESOLUTION AUTHORIZING THE SUBMISSION
OF A HOME RULE REQUEST TO THE LEGISLATURE OF THE STATE OF
NEW YORK REQUESTING THE ENACTMENT INTO LAW OF
SENATE BILL S03959 AND ASSEMBLY BILL A07299
AUTHORIZING THE CITY OF NEWBURGH TO ESTABLISH AN
ADMINISTRATIVE TRIBUNAL TO HEAR AND DETERMINE
PARKING, STANDING AND STOPPING VIOLATIONS**

WHEREAS, the establishment of an administrative tribunal to hear and decide parking, standing and stopping violations in the City of Newburgh would be of great benefit to the administration of justice and to the enforcement of traffic laws and enhance urban commerce; and

WHEREAS, pursuant to Municipal Home Rule Law it is necessary for the New York State Senate and Assembly to enact respectively bills which would establish such a tribunal in the City of Newburgh; and

WHEREAS, pursuant to Municipal Home Rule Law Section 30 it is necessary and appropriate to send this Home Rule Request asking that the subject legislation be enacted and said tribunal be thus created;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby authorize the submission of this Home Rule Request to the Senate and Assembly of the State of New York requesting the adoption into law of Bills S 03959 and A 07299, to authorize the City of Newburgh to establish an administrative tribunal to hear and determine parking, standing and stopping violations.

Councilwoman Angelo asked Mr. Herbek how long he thought it would take to go through. We have asked for this so many times before.

Herbek commented that hopefully this is the year. He and Mayor Kennedy are scheduled to meet with Assemblyman Gantt when they go to Albany in two weeks. We certainly want the assemblyman to understand what this means in terms of the projected revenues that can be generated as a result of establishing the administrative tribunal. He feels that we should keep pushing ahead and lobbying as much as we can for this legislation.

He thanked Barbara Smith for taking this and making the calls to Assemblyman Gantt. It is not going to be a problem in the Senate. It has been held up in the Assembly. Information about it is located on the City's website for residents who are interested in using this as a model so that we can continue the letters to Albany.

Mayor Kennedy appreciated Smith's effort in all of this. She encourages everyone to start the lobbying process. It is very important for us to get this passed this year. We have tried before, and she believes we are talking to the key person right now to get it out of Committee so that it comes to the Floor. There is a lot of money that is outstanding that can be used in our budget. She stated she and her colleagues are lobbying heavily for this.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 25 - 2012

OF

FEBRUARY 14, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT AN OFFER TO GIFT TO THE CITY
THE PROPERTY KNOWN AS 12 CLARK STREET
(SECTION 36, BLOCK 1, LOT 10)
IN THE CITY OF NEWBURGH

WHEREAS, an offer to gift property located at 12 Clark Street (Section 36, Block 1, Lot 10) has been received from property owner Briar Partners, Inc.; and

WHEREAS, such offer has been reviewed by the involved City departments; and it has been determined to be in the best interests of the City of Newburgh to accept such gift;

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 gift of property located at 12 Clark Street (Section 36, Block 1, Lot 10) in the City of Newburgh from Briar Partners, Inc. to the City of Newburgh.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee,
Mayor Kennedy-4

ADOPTED

RESOLUTION NO.: 26 - 2012

OF

FEBRUARY 14, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT AN OFFER TO GIFT TO THE CITY
THE PROPERTY KNOWN AS 31 LUTHERAN STREET
(SECTION 29, BLOCK 3, LOT 17)
IN THE CITY OF NEWBURGH

WHEREAS, an offer to gift property located at 31 Lutheran Street (Section 29, Block 3, Lot 17) has been received from property owner Mirsada Arnautovic; and

WHEREAS, such offer has been reviewed by the involved City departments; and it has been determined to be in the best interests of the City of Newburgh to accept such gift;

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 gift of property located at 31 Lutheran Street (Section 29, Block 3, Lot 17) in the City of Newburgh from Mirsada Arnautovic to the City of Newburgh.

Councilwoman Angelo moved and Councilwoman Lee seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Mayor Kennedy-4

ADOPTED

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS.

There was no new business to discuss.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY
BUSINESS

Jane Johnston, Farrell St., thanked the council for postponing its decision concerning the \$30,000 in CDBG funding until *after* certification. That's makes a lot of sense. Also she had some concerns about the lawsuit against McGoey & Hauser that was brought in 2010. Johnston stated she tried to contact outside counsel, but her calls were not returned. It appears that the case is adjourned, but future appearance dates are listed. She would like an update on the case. Third, she mentioned that a presentation about the decision-making of the Orange County Government Center is going to be held at the next Citizens Advisory Committee. She encouraged everyone to attend.

Jack Magno, Broadway, spoke on behalf of the Newburgh convenience store owners. They want to be able to operate on a twenty-four hour basis again. If this is not possible then they would like to be able to remain open, on a twenty-four hour basis, Friday through Sunday. They feel their rights have been violated due to people hanging out at all hours of the night. He is not blaming the police department. In fact, he feels the department is doing a fabulous job. But there is no martial law here. And residents should not be expected to hike all the way up Broadway to one of the 24-hour gas stations to get items they need for their families. The store owners pay taxes, rent, Central Hudson, liability insurance, wages and stipends for labor and all expenses necessary to operate. He implored the council to reconsider its decision to allow store owners to remain open through the night. He stated that the store owners would not have a problem installing cameras in front of their buildings, as well as 'No Loitering' signs for deterrence.

Councilwoman Lee pointed out that Mr. Magno discussed his concerns with her earlier. That is when she suggested that he come and speak at the podium this evening. Also she thinks that if Magno speaks to the City Manager and Corporation Counsel, then that would be a step in the right direction.

Mayor Kennedy remarked that this is a matter that is going to require additional discussion.

Sheila Monk, Johnston St., mentioned business from the last work session. She would like a copy of the goals that were discussed by the entire council. In addition to that she would like a copy of the goals that were subsequently discussed between Councilman Brown and Mayor Kennedy. Second, she requested clarification of Resolutions #21-2012, #23-2012 and #25-

2012. Lastly, she commented that we do need our firefighters and police officers. We should work together with them and do whatever needs to be done to enhance our community.

Brian Denniston, Mill St., spoke on behalf of the Citizens Advisory Committee. He encouraged Brenda McPhail to contact him directly if she has any concerns that perhaps he should be made aware. Second, he thanked Mayor Kennedy for her community action teams. He appreciated the list of new names. It is wonderful to see, and it means that we have more people interested in this city. He stated that he would call each person directly, in hopes that the Citizens Advisory Committee may be able to lend a helping hand. Third, he reminded everyone that the deadline for the Redistricting Committee is in two days. He encouraged all interested persons to submit their Letters of Interest to Ann Kuzmik at City Hall. Next, he pointed out we have Deputy Mayor Angelo, who has always been the heart of this city. And now we have Mayor Kennedy and a new permanent City Manager who perhaps may now feel like he is a part of this city. We have new council members. He does not know if it is the leadership, but something seems to be working. The concerns of the Citizens Advisory Committee are being addressed. From an outsider's point of view, dealing with City Hall has become such a pleasure. He knows it is new into the administration, but he thanked the council for what it is doing.

Lastly, he noted concerns of the Citizens Advisory Committee for December and January. Some of the concerns included street lighting and paving, the cleanup of an empty lot and demolitions in the City. He remarked that it is amazing to see things get done.

Barbara Smith commented that one of her previous questions concerning the tribunal has been answered. She would like us to clarify with Senator Larkin as to whether he is going to try to move the matter out of Transportation, which is essentially Gantt's committee. Has it been moved out yet? We may want to discuss it with someone other than Gantt if this is the case. Second, her question concerning council members sitting on boards has not been answered. Even though she realizes a local law has not been passed, she understands that it is within our Ethics that any new person sitting on the city council should read it and understand it. Third, she would like her mayor to dispel any rumors out there that she has asked for a raise. *We do* have a Charter that we need to abide.

Timothy Hayes-el, Johnston St., asked the council who is *Newburgh Builds Newburgh*. He recalls us talking about it. But he does not know when it took off. Second, he questioned Resolution # 19-2012. Is this about funding for the IDA? Third, he mentioned that he sees a lot of names (on the community

action teams list) of people who do not live in the City of Newburgh. We have been having this problem for some time now. When it comes to funding and not-for-profits, the people who live here get the raw end of the stick. Also he pointed out that the community action teams meeting was held at the same time that another important meeting was scheduled. It is unfortunate that we were unable to separate the dates. It is not right that many of these names are of people who do not even live here. It is important for us to work with the people who live in this city first before we call on persons who do not live here.

Mayor Kennedy responded that *Newburgh Builds Newburgh* was a program started about three years ago. It is more of a theme than an actual program.

City Manager Herbek responded that Resolution #19-2012 is for reimbursement back to the City of Newburgh. The City provides certain services. For example, the Planning and Development director does a certain amount of work at the request of the IDA. We are trying to work together as a team. So when taking this into consideration, this is reimbursement back to the city for the amount of time that is spent.

Tammy 'Pebbles' Hollins, Newburgh, stated she learned there was a set of goals the council established at the last work session. The goals were then handed to the city manager. Within the time that the original set of goals was developed, there was another set of goals that was discussed and handed in by Councilman Brown and Mayor Kennedy. Hollins would like to receive a copy of the second set of goals to see what changed. Second, she has heard that the pool at Delano-Hitch may be transitioning into the hands of the YMCA. She does not feel this is good, because when this city was in trouble the organization moved to New Windsor. Now that Newburgh appears to be flourishing again, the YMCA wants to return. Last, she stated that as a resident, she asked the mayor to reschedule the community action teams meeting due to the importance of the other committee meeting. She even quoted a statement from Mayor Kennedy's Message. Hollins feels that the mayor is making conflictive statements.

Brenda McPhail, Newburgh, mentioned that she spoke with Brian and they resolved the issue between themselves, as far as the Citizens Advisory Committee goes. She would like a copy of the original goals that the council did together, as well as a copy of the goals that two members of the council decided to create on their own. Then she spoke directly to the camera:

I need everybody in the City of Newburgh to crowd this place out. Hear me loud and clear. If you live on Chambers Street, Johnston Street [or] Dubois

Street [then] you need to be coming to these city council meetings, because things are getting ready to happen around you.

Next she mentioned Newburgh Greater Partnership. When we first started talking about jobs, it was stated that people would be paid for their labor, because of a hiring need in the community. Now all of a sudden we have these great teams and it has become volunteerism. She has even noticed that the city has gone as far as ticketing vehicles after 6:00 P.M. It is one thing when we talk about raising revenue, but it is another thing for us to put \$5.00 parking tickets on vehicles. How much revenue do we think we are going to generate from parking tickets? We have a lot of other problems to deal with in the City of Newburgh. She expects the members of City Council to get together and discuss legitimate ways to raise money to get Newburgh back on the right track. If that does not occur, then she knows what to do with her council people in the next four years.

J. Gianopolous, Newburgh, was amazed to hear that parking tickets are only \$5.00. In conjunction with the council's stated goals, she suggested that they look at and compare what other municipalities charge for their parking tickets. That amount is extremely low, and she does not feel that is going to get us anywhere. Second, she thinks there are some misunderstandings that need to be cleared up. The council needs to lead the people in clearing up any of those misunderstandings. It all has to do with ethics.

Roxie Royal, Farrington St, mentioned that the Citizens Advisory Committee had been given the task of choosing persons that would sit on the redistricting committee for the next election.

[Michelle Kelson pointed out that the above is not a true statement.]

Royal stated that this is how she understood it to be when she attended the Citizens Advisory Committee. She would like to know what the requirements are to be on the committee. Also what are the plans to educate city residents about the process? If this is not done satisfactorily, then there are going to be problems. Furthermore, many of the residents do not understand what redistricting entails. She has been talking to people on the streets and in the churches. Many people do not really know what is going on. If it is done right in the first place, then we will not have to contemplate trouble at a later time. We need to make certain that we get the information to the residents.

Lillian Harris, Hasbrouck St., stated that it appears that the council is really coming together. She does not know how much work is getting done. But she encouraged the council to keep up the good work. Second, she announced that Masonic Lodge #115 will hold its annual breakfast on March

11th, 2012 at the Eldridge Restaurant/Bar and Grill at 101 No. Plank Rd. at 8:00 AM. Tickets are \$20, and if anyone is interested they can see her for more information.

Susan Smith, Newburgh, commented that she has seen police officers doing more than just issuing tickets. Officers are walking around and placing themselves in those areas that are really bad with drugs and crime. And that is a plus. She is happy about some of the things that are beginning to happen in the City. She stated that not all of us are seeing the same thing at the same time. She does not expect anyone to go along with what she is saying. A person has to see it for himself. Second, she commented that business owners on Broadway need to be able to pay for parking permits. She recalled discussion about the possibility of permit parking for the lot adjacent to the DMV building. This could help generate revenue and alleviate the issue of parking tickets on Broadway. Last, she remarked that the Citizens Advisory Committee is going to have to do its job and choose the very best persons to sit on the redistricting commission. It is also important to inform the public thoroughly, which is Roxie's main concern. Smith certainly hopes the public is going to be invited to sit down at those meetings and hear what is going on.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo wished everyone a Happy Valentine's Day. She brought in a box of chocolates to share. She announced some upcoming events in the community. The Newburgh Free Library is offering free income tax assistance every Tuesday through April 10th. You must register at the library. The phone number is (845) 563-3624. She pointed out that the library is always going all out for the community. Second, there will be a fundraiser for Trestle. It is a bus trip to Mohegan Sun on Saturday, March 24th. Tickets are \$40. Trestle is very important to our city. The murals were damaged because they were not properly coated to withstand the elements. It is estimated that we need to raise \$100,000 to restore them. Third, the Nora Cronin School is going to host a Spaghetti Dinner fundraiser. The dinner is going to be held on Saturday, March 24th at St. Mary's Church.

Councilman Brown discussed the goals and objectives that a few people mentioned this evening. He stated that initially the goals and objectives were the ones that the council wanted to see completed within the next year. Subsequently he and Mayor Kennedy came up with their own set of goals and objectives to measure Mr. Herbek over the next year. He stated that they did not take the liberty to share those second set of goals with the rest of the council. At the work session, he apologized to his colleagues. Brown stated that he informed them that they could take a look at that second set of goals, and then add, subtract or do whatever they saw fit to do with them. He felt it was important though that the rest of the council members had a chance to look at the goals and make their own decisions about them. The two sets of goals and objectives are very similar, except the ones that he and the mayor came up with were more detailed. Brown remarked that if anyone wants to receive a copy of the second set of goals and objectives, then he certainly does not have a problem with that.

Lastly, he pointed out that he feels it is extremely important that he and his colleagues answer questions that the residents have. Questions should be answered preferably in the same evening they are asked, or at least at future council meetings. He has noticed that people come up to the podium and ask questions, for which there is no answer given. Then someone else comes up to the microphone and ends up asking the same question. We need to stop this. All questions are valid to him, and he would like to see them answered. He thanked everyone for coming out tonight.

Councilwoman Lee answered concerns regarding her position on the Housing Authority. She stated just as she stated the previous time, that anyone

who has a question or concern can speak with Mr. Herbek about it. She mentioned that they have been working out an arrangement concerning this. Lee does not know that an actual conflict exists with her sitting on the Housing board, or on any other board for that matter. Some of the programs here really require specialized assistance. And just because she sits on the council does not mean that she is not going to pitch in and help out, when needed; even if that means she should sit on that particular board. She pointed out that everyone should know that even if she is not checking it out directly with the audience members, the Ethics Board or Friends and Family in the City of Newburgh, we *do* have a Corporation Counsel. Lee stated that she does check and she will continue to check with Michelle Kelson, who then also checks with the Office of the Attorney General. She appreciates all of the efforts to ensure that she is in good standing, but the Attorney General is doing that as well.

Next, she commented that we still have to come together and help organizations that need help. Most notably, the programs that need help are those that are helping people who may not otherwise be able to get the help or who may not reach out to organizations such as Community Voices Heard. There are a lot of people here who need help. And they vote too! Lee stated that she plans to help them as well. Lee commented that she does a lot of work with the AIDS programs in our city. Mr. Visconti has come through by offering transportation to Albany for World AIDS Day. Lee remarked that she would be sending him a letter thanking him for his generosity. This is the kind of working together that we need to continue to do. There is nothing illegal about it and he is not seeking her vote for anything. He is pitching in simply because there is a great need in the community.

Furthermore, in terms of the goals and objectives that were developed by Judy and Cedric, she mentioned that she said what she had to say about it, and they have apologized. Cedric apologized and he spoke at length about it. Lee commented that all of council members work with Mr. Herbek. They have discussed it and the audience has discussed it. She hopes that at the next council meeting we can move forward, because looking back in this city is not going to do anything but cause us to walk into a wall. We have to make some changes. She personally can not think of anything that has occurred within the past six weeks that is as unethical as some of the things she has looked at over her years in this city. There are going to be some bumps, bruises and mistakes made along the way, but we are going to move forward anyway to turn this city around. She feels confident that her colleagues are onboard with that. She thanked Ms. Gianopolous for the Mt. St. Mary's College mug with the depiction of Newburgh on it, and she thanked everyone for coming tonight.

Mayor Kennedy remarked that there were a lot of things that have come up tonight. She echoed Councilwoman Lee's statement in that there have indeed been some bumps along the way. They are working them out though. But the city can not do everything all at once. You have to know that when you go through a goal planning session, some brainstorming is done. They came up with some additional ideas, and now they are trying to combine those ideas to come up with the top things they have to work on to move this city forward. We will see how it all comes out when we get there. She assured the audience that she and her colleagues have not forgotten about the goals. They are working on them and they are working at prioritizing them.

Second, she congratulated Jackson Galati, a 6th grader at South Middle School in Newburgh. Galati placed 7th in the National History Bee, which is sponsored by the History Channel. Kennedy pointed out that this is the second time in which one of our children has placed in either a statewide or a national competition. The last one was a statewide Spelling Bee. Also she announced the George Washington's birthday celebration next weekend. She encouraged everyone to stop by Washington Headquarters. There are going to be happenings on Saturday, Sunday and Monday. She encouraged us to bring our children to help them understand the heritage of this city. No one has a Washington Headquarters situated in their city. We need to take advantage of this great asset that we have.

Third, she mentioned the certified training for the drug and alcohol school. She attended the Open House and it is a great opportunity. It is right here, and Heaven knows that we need that resource in our city. She encouraged the people to check it out. Also she stated that she would check with Senator Larkin as to whether the bill has been moved out of the Transportation Committee to another committee. In addition to this, she announced that Community Voices Heard is going to host an Open House tomorrow evening at 6:30 P.M., at the Ritz Theatre.

Next, she discussed the community action teams. She stated that if this city could have reinvented itself without outside help, it would have done so already. The community action teams are not like the boards and commissions. These are committees of citizens who are interested in this city. She reminded the audience that we have business people all over Newburgh. They are very interested in seeing this city make progress. They have a stake just like the residents do. If we do not support our businesses, then there are not going to be any jobs. We have people from the State Legislature helping, we have people from the businesses and we even have people who have lived, grown up and gone to school here. *Would you really say that if a person has marketing expertise, then you would not want that expertise from that person?* This is an effort to bring this city together, not divide it. We have got to come

together and find solutions. We have to get out of our way of thinking about how it has been in the past. We have to let go of the past if we are to move forward. We have people who are willing to help and who have never participated on anything, all because they have a passion to help. Mayor Kennedy is asking everyone to reserve their judgment. And this is exactly what she means when she says *driving change*. She mentioned that there are a lot of individuals who want the change, but don't want to do anything differently. We have to look at a new way to get there.

Furthermore, she stated that when it comes to the community action teams and the redistricting committee she has an absolute passion for both committees. It just so happened by accident, two meetings were set up for the same day. She tried to work it out by making adjustments. But it did not work out. So she sent out an email to get new people involved, and the letter seemed to work. Last week they had 4 names, and now 13 people have signed up. Nevertheless more people are coming on board. The goal is for the Citizens Advisory group to collect the names. This is the committee that is charged with checking the eligibility requirements. Ultimately those names will be turned over to City Council. Each council member will then choose one person from the list to sit on the Redistricting Commission. That group of five persons will then choose the other two persons. This is the process and it was voted in the Charter. She stated she is helping the Citizens Advisory Committee because she wants to support it. She stated that this is as important to her as anything else she is doing.

Also she wanted to clarify concerns about the mayor's wages. She has no idea where this came from. This is an example of rumors that start from whole cloth. There are local chat lines and websites that start these rumors out of nowhere. People jump on them and start spreading them all over. She assured everyone that the idea of a pay increase never came out of her mouth. There is no raise on the horizon for her. She hopes that her statement clears up the matter immediately.

Lastly, she discussed concerns about the City Pool. One of the goals she discussed with her colleagues was that they need to utilize the city's assets to the best of their ability. The YMCA that exists in the City of Newburgh today is not the same YMCA that left the city years ago. It is not the same board and it is not the same management or staff that left. What she does know is that the YMCA has been known nationally for managing pools and for providing swimming program excellence. The YMCA is simply presenting a proposal to the city to give our children swimming lessons and to run the pool.

Mayor Kennedy reminded the audience that tonight's meeting is not a work session, and the meeting is not an opportunity for debate. She stated that information was asked for and her goal tonight is to provide that information.

There being no further business to come before the council, the meeting adjourned at 8:30 P.M.

Respectfully Submitted,

KATRINA COTTEN
DEPUTY CITY CLERK



CITY OF NEWBURGH

CITY CLERK'S OFFICE
83 BROADWAY
NEWBURGH, NEW YORK 12550
PHONE (845)569-7311
FAX (845)569-7314

LORENE VITEK
CITY CLERK

KATRINA COTTEN
LISETTE ACOSTA-RAMIREZ
DEPUTY CLERKS

MEMORANDUM

TO: Michelle Kelson, Corporation Counsel

FROM: Katrina Cotten, Deputy City Clerk

RE: Notice of Claim:
Leroy & Evelyn Walden vs. City of Newburgh

DATE: February 10, 2012

Please find attached Notice of Claim regarding above, which was personally served on our office on this date.

Attachment

Cc City Manager
Mayor & Council

RIDER TO NOTICE OF CLAIM IN THE MATTER OF

-----x
LEROY WALDEN, JR. and EVELYN WALDEN,

Claimants,

-against-

CITY OF NEWBURGH,

Respondent.
-----x

3. (continued)

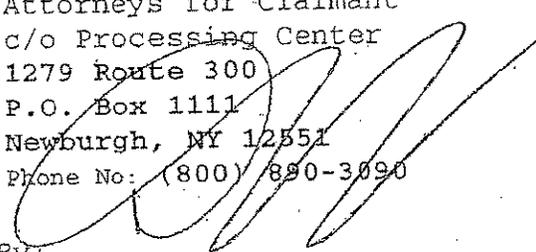
the claimant was lawfully walking on said sidewalk, he was caused to be precipitated to the ground, thereby sustaining severe and serious personal injuries as a result of the negligence, wantonness, recklessness and carelessness of the respondent, CITY OF NEWBURGH, its agents, servants and/or employees in, among other things, as follows: allowing, causing and/or permitting the aforesaid sidewalk to be, become and remain in a hazardous, unsafe and dangerous condition to persons lawfully thereon; in failing to provide a safe and level place to walk; in allowing, causing and/or permitting portions of said sidewalk to be raised, uneven and not level; in allowing, causing and/or permitting raised areas to be, become and/or remain in said sidewalk; in allowing, causing and/or permitting the sidewalk to be in a dilapidated condition and in a state of disrepair; in failing to properly repair and/or provide for the proper repair of said sidewalk; in failing to fence off, barricade and/or by some other means block off the area of the dangerous, hazardous and unsafe conditions; in failing to see that the brick sidewalk had sunk down below the level of the concrete sidewalk; in allowing, causing and/or permitting the concrete sidewalk to be raised above the level of the brick sidewalk; in failing to warn this claimant of the aforementioned conditions; in failing to check, inspect and/or maintain the aforesaid sidewalk; in failing to remedy or take precautionary steps in reference to the aforementioned conditions; in creating a trap; in failing to use that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances; in failing to take those steps necessary to avoid the contingency which occurred; in acting with a reckless

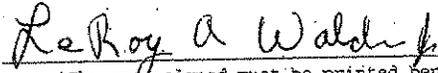
SEE ATTACHED RIDER

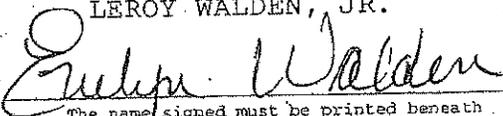
The undersigned claimant(s) therefore present this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant(s) intend(s) to commence an action on this claim.

Dated: December 9, 2011

JACOBY & MEYERS, LLP
Attorneys for Claimant
c/o Processing Center
1279 Route 300
P.O. Box 1111
Newburgh, NY 12551
Phone No: (800) 890-3090

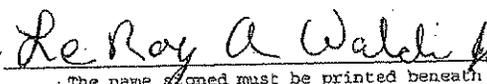
By: 
DAVID AKERIB, ESQ.

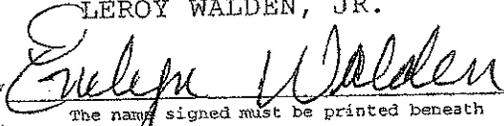
"X" 
The name signed must be printed beneath
LEROY WALDEN, JR.

"X" 
The name signed must be printed beneath
EVELYN WALDEN

INDIVIDUAL VERIFICATION

State of New York, County of Ulster ss.:
LEROY WALDEN, JR. and EVELYN WALDEN,
being duly sworn, deposes and says that deponent is
the claimant in the within action; that he/she has read the
foregoing Notice of Claim and knows the contents thereof;
that the same is true to deponents own knowledge, except
as to the matters therein stated to be alleged on information
and belief, and that as to those matters deponent believes it
to be true.

"X" 
The name signed must be printed beneath
LEROY WALDEN, JR.

"X" 
The name signed must be printed beneath
EVELYN WALDEN

Sworn to before me, this
9th Day of December, 2011


NOTARY PUBLIC

DOUGLAS K. RASMUSSEN
Notary Public, State of New York
No. 01RA6035731
Qualified in Orange County
Commission Expires January 3, 2014



CITY OF NEWBURGH

CITY CLERK'S OFFICE
83 BROADWAY
NEWBURGH, NEW YORK 12550
PHONE (845)569-7311
FAX (845)569-7314

LORENE VITEK
CITY CLERK

KATRINA COTTEN
LISETTE ACOSTA-RAMIREZ
DEPUTY CLERKS

MEMORANDUM

TO: Michelle Kelson, Corporation Counsel

FROM: Lorene Vitek, City Clerk

RE: Summons & Complaint:
Miguel Rodriguez vs. Kurt Ames, Robert Vasta,
John Doe 1 and John Doe 2

DATE: February 16, 2012

Please find attached Summons & Complaint regarding above, which was personally served on our office on this date.

Attachment

Cc City Manager ✓
Mayor & Council

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Miguel Rodriguez

Plaintiff

v.

Kurt Ames, Robert Vasta, John Doe 1 and John Doe2

Defendant

12 CV 0323

Civil Action No.

JUDGE BRICCETTI

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Robert Vasta
Newburgh Police Dept.
55 Broadway
Newburgh, NY 12550

RECEIVED
FEB 16 2012
CITY CLERK

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Sussman
PO Box 1005
Goshen, NY 10924
(845) 294-3991

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Handwritten signature of Ruby J. Krajick

Signature of Clerk or Deputy Clerk

Date: JAN 26 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

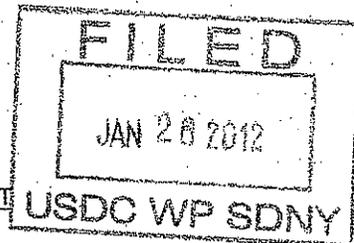
-----x
MIGUEL RODRIGUEZ,

Plaintiff,

vs.

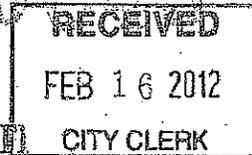
KURT AMES, ROBERT VASTA, JOHN
DOE 1 AND JOHN DOE 2,

Defendants.
-----x



12 CV

0249



By and through his counsel, Michael H. Sussman, plaintiff complains of defendants, known and unknown as follows:

I. PARTIES

1. Plaintiff is a male of legal age, a citizen of the United States and a resident of the City of Newburgh within this judicial district.
2. At all relevant times, defendants Ames and Vasta served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.
3. At all relevant times, defendants John Doe 1 and John Doe 2 served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.

II. JURISDICTION

4. As plaintiff alleges that each defendant either used excessive force or allowed such force to be used against him when he could reasonably have prevented the same in violation of the Fourth Amendment to the United States Constitution, this Honorable Court has jurisdiction over this matter

pursuant to 42 U.S.C. section 1983 and 1988 and 28 U.S.C. secs. 1331 and 1343(3) & (4).

III. STATEMENT OF FACTS

5. On October 14, 2010, with his brother, plaintiff was standing outside a bar called the Elbow Room.

6. As plaintiff was standing outside the bar, three women began fighting in a manner totally unrelated to the plaintiff.

7. Plaintiff and his brother were not part of the fight, but, rather bystanders.

8. Defendant Kurt Ames arrives at the scene, approached plaintiff and asked for his identification.

9. At the time he did this, Ames knew the plaintiff.

10. Plaintiff advised Ames that he did not have any identification in his possession.

11. With no provocation, defendant Ames then pushed plaintiff towards the street where he, Vasta and defendants John Doe 1 and 2 slammed him to the ground, punched him and tased him repeatedly.

12. After plaintiff was cuffed, the beating persisted by several of the four police officers and none of the officers intervened, as was possible and reasonable, to stop the use of excessive physical force upon plaintiff.

13. After plaintiff was transported to the police station and while he remained cuffed in the booking room, defendant Ames punched plaintiff in the face.

14. When plaintiff asked defendant Ames for medical assistance, it was denied and Ames ordered plaintiff to wash the blood off his face so he could go and see the judge.

15. Once before the City Court Judge, plaintiff explained what had happened and the Judge stated that he would not be surprised if plaintiff's account was true.

CAUSES OF ACTION

16. Plaintiff incorporates paragraphs 1-15 as if fully incorporated herein.

17. As a consequence of the excessive force the committed, each defendant violated plaintiff's Fourth Amendment right to be free from excessive and unreasonable force.

18. As a consequence of each defendant's failure to intervene and prevent the others from using excessive force, as would have been reasonable and possible in context, each facilitated that excessive force against plaintiff in violation of the Fourth Amendment.

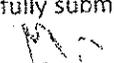
19. By force of defendants' conduct, they caused plaintiff actual injury, bruising, pain, humiliation, mental anguish, which continues, and fear of the police department which serves the city in which plaintiff resides.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court:

- 1) accept jurisdiction in this matter;
- 2) award to plaintiff compensatory damages against plaintiff;
- 3) award to plaintiff punitive damages against each defendant for their malicious and egregious misconduct both to punish them and to deter other like situated persons from engaging in similar conduct;
- 4) award to plaintiff the reasonable attorneys fees and costs of this matter, and
- e) enter any other judgment required or necessary for the interests of justice and equity.

Respectfully submitted,


Michael H. Sussman [3497]

SUSSMAN & WATKINS

PO BOX 1005

GOSHEN, NY 10924

(845)-294-3991

Counsel for Plaintiff

Dated: 1/23/12

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Miguel Rodriguez

Plaintiff

v.

Kurt Ames, Robert Vasta, John Doe 1 and John Doe2

Defendant

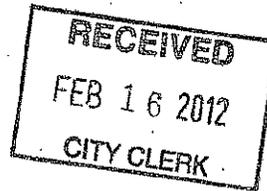
12 CV 0043

Civil Action No.

JUDGE BRICCETTI

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Kurt Ames, Newburgh Police Dept., 55 Broadway, Newburgh, NY 12550



A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Sussman, PO Box 1005, Goshen, NY 10924, (845) 294-3991

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Handwritten signature of Ruby J. Krajick

Signature of Clerk or Deputy Clerk

Date: JAN 26 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL RODRIGUEZ,

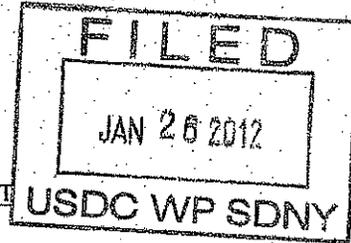
Plaintiff,

vs.

KURT AMES, ROBERT VASTA, JOHN
DOE 1 AND JOHN DOE 2,

Defendants.
_____x

COMPLAINT



12 CV 0343

JUDGE BRICCETTI



By and through his counsel, Michael H. Sussman, plaintiff complains of defendants, known and unknown as follows:

I. PARTIES

1. Plaintiff is a male of legal age, a citizen of the United States and a resident of the City of Newburgh within this judicial district.
2. At all relevant times, defendants Ames and Vasta served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.
3. At all relevant times, defendants John Doe 1 and John Doe 2 served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.

II. JURISDICTION

4. As plaintiff alleges that each defendant either used excessive force or allowed such force to be used against him when he could reasonably have prevented the same in violation of the Fourth Amendment to the United States Constitution, this Honorable Court has jurisdiction over this matter

pursuant to 42 U.S.C. section 1983 and 1988 and 28 U.S.C. secs. 1331 and 1343(3) & (4).

III. STATEMENT OF FACTS

5. On October 14, 2010, with his brother, plaintiff was standing outside a bar called the Elbow Room.

6. As plaintiff was standing outside the bar, three women began fighting in a manner totally unrelated to the plaintiff.

7. Plaintiff and his brother were not part of the fight, but, rather bystanders.

8. Defendant Kurt Ames arrives at the scene, approached plaintiff and asked for his identification.

9. At the time he did this, Ames knew the plaintiff.

10. Plaintiff advised Ames that he did not have any identification in his possession.

11. With no provocation, defendant Ames then pushed plaintiff towards the street where he, Vasta and defendants John Doe 1 and 2 slammed him to the ground, punched him and tased him repeatedly.

12. After plaintiff was cuffed, the beating persisted by several of the four police officers and none of the officers intervened, as was possible and reasonable, to stop the use of excessive physical force upon plaintiff.

13. After plaintiff was transported to the police station and while he remained cuffed in the booking room, defendant Ames punched plaintiff in the face.

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15. Once before the City Court Judge, plaintiff explained what had happened and the Judge stated that he would not be surprised if plaintiff's account was true.

CAUSES OF ACTION

16. Plaintiff incorporates paragraphs 1-15 as if fully incorporated herein.

17. As a consequence of the excessive force the committed, each defendant violated plaintiff's Fourth Amendment right to be free from excessive and unreasonable force.

18. As a consequence of each defendant's failure to intervene and prevent the others from using excessive force, as would have been reasonable and possible in context, each facilitated that excessive force against plaintiff in violation of the Fourth Amendment.

19. By force of defendants' conduct, they caused plaintiff actual injury, bruising, pain, humiliation, mental anguish, which continues, and fear of the police department which serves the city in which plaintiff resides.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court:

- 1) accept jurisdiction in this matter;
- 2) award to plaintiff compensatory damages against plaintiff;
- 3) award to plaintiff punitive damages against each defendant for their malicious and egregious misconduct both to punish them and to deter other like situated persons from engaging in similar conduct;
- 4) award to plaintiff the reasonable attorneys fees and costs of this matter, and
- e) enter any other judgment required or necessary for the interests of justice and equity.

Respectfully submitted,


Michael H. Sussman [3497]

SUSSMAN & WATKINS

PO BOX 1005

GOSHEN, NY 10924

(845)-294-3991

Counsel for Plaintiff

Dated: 1/23/12

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Miguel Rodriguez

Plaintiff

v.

Kurt Ames, Robert Vasta, John Doe 1 and John Doe2

Defendant

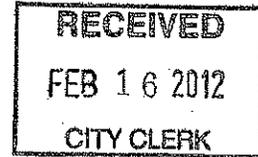
12 CV 0643

Civil Action No.

JUDGE BRICCETTI

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) John Does 1 and 2, Newburgh Police Dept., 55 Broadway, Newburgh, NY 12550



A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Sussman, PO Box 1005, Goshen, NY 10924, (845) 294-3991

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY I. KRÄJICK, CLERK OF COURT

Handwritten signature of Ruby I. Kräjack

Date: 2 6 2012

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

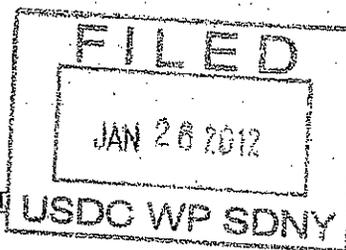
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MIGUEL RODRIGUEZ,

Plaintiff,

vs.

KURT AMES, ROBERT VASTA, JOHN
DOE 1 AND JOHN DOE 2,

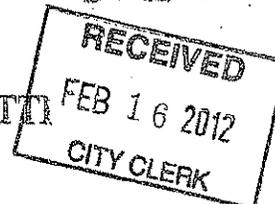
Defendants.
-----X



COMPLAINT

12 CV 0343

JUDGE BRICCETTI



By and through his counsel, Michael H. Sussman, plaintiff complains of defendants, known and unknown as follows:

I. PARTIES

1. Plaintiff is a male of legal age, a citizen of the United States and a resident of the City of Newburgh within this judicial district.
2. At all relevant times, defendants Ames and Vasta served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.
3. At all relevant times, defendants John Doe 1 and John Doe 2 served as police officers employed by the City of Newburgh and assigned to its Police Department and the actions or omissions complained of herein were committed under color of state law.

II. JURISDICTION

4. As plaintiff alleges that each defendant either used excessive force or allowed such force to be used against him when he could reasonably have prevented the same in violation of the Fourth Amendment to the United States Constitution, this Honorable Court has jurisdiction over this matter

pursuant to 42 U.S.C. section 1983 and 1988 and 28 U.S.C. secs. 1331 and 1343(3) & (4).

III. STATEMENT OF FACTS

5. On October 14, 2010, with his brother, plaintiff was standing outside a bar called the Elbow Room.

6. As plaintiff was standing outside the bar, three women began fighting in a manner totally unrelated to the plaintiff.

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CAUSES OF ACTION

16. Plaintiff incorporates paragraphs 1-15 as if fully incorporated herein.

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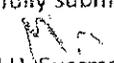
19. By force of defendants' conduct, they caused plaintiff actual injury, bruising, pain, humiliation, mental anguish, which continues, and fear of the police department which serves the city in which plaintiff resides.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court:

- 1) accept jurisdiction in this matter;
- 2) award to plaintiff compensatory damages against plaintiff;
- 3) award to plaintiff punitive damages against each defendant for their malicious and egregious misconduct both to punish them and to deter other like situated persons from engaging in similar conduct;
- 4) award to plaintiff the reasonable attorneys fees and costs of this matter, and
- e) enter any other judgment required or necessary for the interests of justice and equity.

Respectfully submitted,


Michael H. Sussman [3497]

RESOLUTION NO.: 27 -2012

OF

FEBRUARY 28, 2012

A RESOLUTION AUTHORIZING THE APPLICATION TO
NEW YORK STATE ARCHIVES FOR A LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT
IN THE AMOUNT OF \$36,259.52 WITH NO REQUIRED CITY MATCH
FOR THE PURPOSE OF CONVERTING THE CODE COMPLIANCE PROPERTY
FILES CURRENTLY IN THE RECORDS CENTER TO ELECTRONIC FORMAT

WHEREAS, the City has invested in the electronic document scanning and filing system "Laserfiche" through General Code as a result of a prior NYS Local Government Records Improvement Fund (LGRMIF) grant for Code Compliance and the City Clerk; and

WHEREAS, the "Laserfiche" system provides standardization of document and electronic record filing, as well as thorough key-word searching and expedited retrieval; and

WHEREAS, N.Y.S. Archives provides a grant for conversion of paper documents to electronic imaging through the Local Government Records Management Improvement Fund (LGRMIF); and

WHEREAS, the City is interested in the most effective management of its paper documents and electronic records; and

WHEREAS, the cartons holding approximately 1,963 Code Compliance property files currently in the Records Center are files that were culled from the active files due to space constraint, and are requested on an average of 2 or more files per week; and

WHEREAS, three New York State firms that do document conversion and entry into the Laserfiche document management system provided quotes, the lowest responsible of which was \$27,660.52, and the preparation of the files would be done by temporary skilled clerks on site here in Newburgh for an estimated cost of \$8,599; and

WHEREAS, this grant does not require a match;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the application be submitted to the New York State Archives Local Government Records Management Improvement Fund in the amount of \$36,259.52, with no required City match, for the purpose of converting the Code Compliance property files currently in the Records Center to electronic format, and if awarded, the City Manager be hereby authorized to accept said grant if awarded and execute an agreement with New York State Archives.

RESOLUTION NO.: 28 - 2012

OF

FEBRUARY 28, 2012

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS 45 CHAMBERS STREET (SECTION 30, BLOCK 4, LOT 12) AND 47 CHAMBERS STREET (SECTION 30, BLOCK 4, LOT 11) 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 IN CONNECTION WITH A JOINT REHABILITATION PROJECT WITH THE NEWBURGH COMMUNITY LAND BANK

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

WHEREAS, the Newburgh Community Land Bank is a non-profit corporation organized under Article XI of the New York State Private Finance Housing Law and whose mission is to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner through collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in the City of Newburgh; and

WHEREAS, the City of Newburgh, Habitat and the Newburgh Community Land Bank have identified City-owned property known as 45 Chambers Street and 47 Chambers 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, for a joint redevelopment project which involves the demolition of the existing structures and the new construction of two new units for home ownership to qualified Habitat families; and

WHEREAS, this joint redevelopment project requires the transfer of title from the City of Newburgh to Habitat, as well as a License Agreement for access to the property by Habitat, the Newburgh Community Land Bank and their employees, agents, volunteers and contractors for predevelopment 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 the property known 45 Chambers Street and 47 Chambers Street 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 Certificates of Occupancy for 45 Chambers Street and 47 Chambers 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 June 1, 2012 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 enter into the attached license agreement with Habitat for Humanity of Greater Newburgh, Inc., and their employees, agents, volunteers and contractors for access to 45 Chambers Street and 47 Chambers Street for predevelopment and construction activity in connection with the joint rehabilitation project with the Newburgh Community Land Bank.

LICENSE AGREEMENT

This Agreement, made this ____ day of _____, two thousand and twelve 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 45 Chambers Street and 47 Chambers 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 45 Chambers Street and 47 Chambers 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 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 or demolition work in connection with a site assessment and evaluation of an inactive commercial 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 underground tanks, potential contamination issues, demolition of structures and related 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 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.

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:

Richard F. Herbek, City Manager

HABITAT FOR HUMANITY OF GREATER
NEWBURGH, INC.

LICENSEE

By:

Cathy Collins, Executive Director

RESOLUTION NO.: 29 - 2012

OF

FEBRUARY 28, 2012

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

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

WHEREAS, it is appropriate in keeping with the rules and regulations of HUD to appoint a committee to give guidance and advice with respect to the expenditure of CDBG funds for community development projects; and

WHEREAS, pursuant to Resolution No. 278-2010 of December 13, 2010 the membership of the CDBG Advisory Committee shall consist of the following nine (9) members:

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

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

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

Judy Kennedy - City Mayor
Marge Bell - Professional Practitioner
Tamie Hollins - Community Member

BE IT FURTHER RESOLVED, the following members hereby remain to serve as members to the Community Block Grant Advisory Committee

Torrance Harvey - Community Member
Timothy Hayes - Community Member
Jenny Loeb - Professional Practitioner
Ian MacDougall - Employee staff member of Department of Planning
and Development
Brenda McPhail - Community Member

BE IT FURTHER RESOLVED, the City Council shall forthwith appoint one additional (1) Professional Practitioner by further Resolution, to bring the CDBG Committee to its full complement of nine (9) members.

RESOLUTION NO.: 59 - 2012

OF

FEBRUARY 28, 2012

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

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

WHEREAS, it is appropriate in keeping with the rules and regulations of HUD to appoint a committee to give guidance and advice with respect to the expenditure of CDBG funds for community development projects; and

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- One (1) City employee who is a staff member of the Department of Planning and Development.

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BE IT FURTHER RESOLVED, the following members hereby remain to serve as members to the Community Block Grant Advisory Committee

Torrance Harvey - Community Member
Timothy Hayes - Community Member
Jenny Loeb - Professional Practitioner
Ian MacDougall - Employee staff member of Department of Planning
and Development
Brenda McPhail - Community Member

BE IT FURTHER RESOLVED, the City Council shall forthwith appoint one additional (1) Professional Practitioner by further Resolution, to bring the CDBG Committee to its full complement of nine (9) members.

RESOLUTION NO.: 30 - 2012

OF

FEBRUARY 28, 2012

A RESOLUTION TO AUTHORIZE THE COMMENCEMENT OF
LITIGATION AGAINST JOHNSON CONTROLS, INC.,
REGARDING ITS PERFORMANCE CONTRACT WITH THE CITY OF
NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that it hereby authorizes Richard B. Golden, Esq., and his law firm of Burke, Miele & Golden, LLP, to initiate a lawsuit against Johnson Controls, Inc. (and such other defendants as is legally appropriate) for the breach of its contract with the City of Newburgh, and for such other and different legal remedies that may be available and advantageous to the City.