



City of Newburgh Council Work Session

6:00 pm

April 21, 2011

AGENDA

1. Procedural Items related to the City Council meeting on April 25, 2011:
 - a. Minutes of the meeting of April 11, 2011
 - b. Notices of Claim
 - c. Public hearing regarding three pieces of legislation amending the Code with regard to the way in which sewer and water facilities charges are computed.
 - (Local Law No. 3) Amending Section 248-1(1) entitled "Imposition; Method of Determination".
 - (Ord. No. 10) Amending Chapter 248-38 entitled "Water Rates; Service"
 - (Ord. No. 11) Amending Chapter 163 entitled "Fees"
 - d. (Res. No. 76) May is Community Pride Month
 - e. Mayor to proclaim Arbor Day in the City of Newburgh
2. Presentation:
 - a. Land Use Plan – Sarah Yackel, BFJ
3. Finance Department:
 - a. Cash report (Report provided)
 - b. 2011 First Quarter Report to the State Comptroller
 - c. Deficit Financing update
 - d. Property Tax Cap (see fact sheet)
 - e. Crystal Lake loan repayment - (see memo from Ed Lynch and Courtney Kain)
 - f. Varick Homes – expired PILOT
 - g. (Res. No. 77) Amendment to the 2011 Analysis Book to provide for a change in title from Rehabilitation Inspector to Code Compliance Officer (see memo from Ed Lynch and Courtney Kain)
4. Discussion Items:
 - a. School Speed Limits – Chief Ferrara (see two proposed ordinances)
5. Planning and Development/Real Estate
 - a. (Res. 78) Release of restrictive covenants to property located at 190 W. Parmenter
 - b. Confirmation of Auction Sales

- c. Consolidated Iron site update
- d. Provan site update
- e. Brownfields Conference update

6. Executive Session:

- a. Settlement of Litigation
- b. Pending Litigation

LOCAL LAW NO.: 3 - 2011

OF

APRIL 25, 2011

A LOCAL LAW AMENDING SECTION 248-1
ENTITLED "IMPOSITION; METHOD OF DETERMINATION"
WITHIN THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

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

§ 248-1. Imposition; method of determination.

There is hereby established and imposed sewerage facilities rents and sewer use rents, which rents are to be imposed upon the owners of real property and which rents are to be determined as follows:

A. Sewer Facility Unit Charge.

- (1) The sum of all units derived in the manner set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the sewer facility unit charge.
- (2) The owner of each property in the City shall pay a sewer facility unit charge equal to the number of units assigned to that property multiplied by the sewer facility unit charge determined in Subsection A(1) above.
- (3) The minimum sewer facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

This Local Law shall take effect on January 1, 2012.

Matter deleted.

Matter underlined added

Track Changes

LOCAL LAW NO.: _____ - 2011

OF

APRIL 25, 2011

A LOCAL LAW AMENDING SECTION 248-1
ENTITLED "IMPOSITION; METHOD OF DETERMINATION"
WITHIN THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

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

§ 248-1. Imposition; method of determination.

There is hereby established and imposed sewerage facilities rents and sewer use rents, which rents are to be imposed upon the owners of real property and which rents are to be determined as follows:

A. ~~Sewerage facilities rents.~~ Sewer Facility Unit Charge.

~~(1) Each single family dwelling will be assigned a value of one unit.~~

~~(2) Each multiple family housing structure and apartment house will be assigned a value of one unit for the first dwelling unit and 3/4 of a unit for each additional dwelling unit contained within the housing structure or apartment house. A "dwelling unit" shall be defined as a room or group of rooms occupied or intended for occupancy as separate living quarters and having direct access from the outside or through a common hall.~~

~~(3) All other properties within the city, other than single family dwellings, multiple family housing structures and apartment houses, will be assigned one unit for every \$30,000 of their total assessed value (approved prior to applying exceptions, abatements, etc.).~~

~~(4)~~ (1) The sum of all units derived in the manner described in Subsection A(1), (2) and (3) above set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the sewerage facilitiesy unit charge.

~~(5)~~ (2) The owner of each property in the City shall pay a sewerage facility unit charge equal to the number of units assigned to that property multiplied by the sewerage facilitiesy unit charge determined in Subsection A(4) A(1) above.

| ~~(6)~~ (3) The minimum sewer facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

This Local Law shall take effect on January 1, 2012.

| Matter ~~stricken~~ deleted.
Matter underlined added

ORDINANCE NO.: 10... 2011

OF

APRIL 25, 2011

AN ORDINANCE AMENDING CHAPTER 248-38
ENTITLED "WATER RATES; SERVICE"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 248-38, entitled "Water rates; service" of the Code of the City of Newburgh be and is hereby amended as follows:

Section 1. § 248-38. Water rates; service.

C. Water Facility Unit Charge. The sum of all units derived in the manner set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the water facility unit charge. The owner of each property in the City shall pay a water facility unit charge equal to the number of units assigned to that property multiplied by the water facility unit charge. The minimum water facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

Section 2. This Ordinance shall take effect on January 1, 2012

Matter ~~stricken~~ deleted.
Matter underlined added.

ORDINANCE NO.: 11 - 2011

OF

APRIL 25, 2011

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

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

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

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following schedule of fees is hereby established with respect to licenses, permits, registrations, applications, subscriptions and activities required or regulated under the provisions of the Code of the City of Newburgh. Specific requirements and regulations shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall remain in effect until rescinded or amended.

Code Section	Type of Fee	Amount
§ 248-1	Minimum sewer charge	\$1.00 per quarter
§ 248-1.A	<u>Sewer Facility Unit Charge</u>	<u>Each single-family dwelling will be assigned one unit</u> <u>Each two-family dwelling will Be assigned 2.5 units</u> <u>All other properties with improvements within the City, other than one, two, and three family dwellings, will be assigned one unit for every \$30,000 in their total assessed value (approved prior to</u>

Each three-family dwelling will be assigned 2.5 units

All other properties with improvement within the City, other than one, two and three family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying exceptions, exemptions abatements, etc.)

All other properties without improvements within the City will be assigned one unit.

Quarterly water facility charge	\$7.30 per unit as determined above
Minimum water facility charge	\$1.00 per quarter
Hydrant charge, outside City	\$64 per hydrant per year

Section 2. This Ordinance shall take effect of January 1, 2012

Matter ~~stricken~~ deleted.
Matter underlined added.

RESOLUTION NO.: 76-2010

OF

APRIL 25, 2011

A RESOLUTION DECLARING THE MONTH OF MAY 2011
TO BE "COMMUNITY PRIDE MONTH" IN THE CITY OF NEWBURGH

WHEREAS, the history of the City of Newburgh predates the founding of the United States; and

WHEREAS, from the time of the Revolutionary War, the City of Newburgh has played an important role in the politics and commerce of the nation; and

WHEREAS, from the Hudson River style of painting to the architectural insights of Andrew Jackson Downing, the City of Newburgh has been an integral part of the cultural life of the nation; and

WHEREAS, the citizens of the City of Newburgh are and should be justly proud of their City and its heritage; and

WHEREAS, the citizens of the City of Newburgh have always worked to preserve and protect the natural and man-made beauty of their City; and

WHEREAS, the City Council of the City of Newburgh has instituted numerous projects in the last year to restore and preserve the City's beauty and resources; and

WHEREAS, the City Council of the City of Newburgh, in this, the beginning of Spring, 2011, wishes to encourage the citizens to show their pride in their City by helping the City government in such restoration and preservation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the month of May, 2011, is hereby declared to be "Community Pride Month", and that all citizens of the City of Newburgh are encouraged to show their pride in their City by participating, in that month, in an effort to clean the City of Newburgh and restore it to its former beauty by cleaning and repairing all properties which they own or in which they reside and joining together in a united effort for the restoration of the City.

RESOLUTION NO.: 77 - 2011

OF

APRIL 25, 2011

A RESOLUTION AMENDING THE CITY OF NEWBURGH
PERSONNEL ANALYSIS BOOK FOR 2011 TO PROVIDE FOR
A CHANGE IN TITLE FROM REHABILITATION INSPECTOR TO
CODE COMPLIANCE OFFICER IN THE DEPARTMENT OF
PLANNING AND DEVELOPMENT.

WHEREAS, the Department of Planning and Development wishes to fill a vacancy and has requested a change in title from Rehabilitation Inspector to Code Compliance Officer within their department; and

WHEREAS, no monetary amendment to the 2011 Budget is required as both titles are classified as Grade 12, Step 1 in the current Collective Bargaining Agreement between the City of Newburgh and the Civil Service Employees Association ("CSEA");

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh that the Personnel Analysis Book for 2011 be and is hereby amended to provide for a change in title from Rehabilitation Inspector to Code Compliance Officer in the Department of Planning and Development.

RESOLUTION NO.: 78-2011

OF

APRIL 25, 2011

A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO BRIAN REILLY
TO THE PREMISES KNOWN AS 109 W. PARMENTER STREET
(SECTION 38, BLOCK 3, LOT 29.1
f/k/a SECTION 38, BLOCK 3, LOT 27)

WHEREAS, on October 10, 1984, the City of Newburgh conveyed property located at 109 West Parmenter Street (n/k/a 105-109 W. Parmenter Street), being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 27 (n/k/a Section 38, Block 3, Lot 27), to Brian Reilly; and

WHEREAS, the City of Newburgh is in receipt of a request for a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

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

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

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 109 West Parmenter Street, Section 38, Block 3, Lot 27 (n/k/a 105-109 W. Parmenter Street, Section 38, Block 3, Lot 29.1), on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated October 10, 1984, from the CITY OF NEWBURGH to BRIAN REILLY, recorded in the Orange County Clerk's Office on November 16, 1984 in Liber 2305 of Deeds at Page 614 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2011

THE CITY OF NEWBURGH

By:

RICHARD F. HERBEK,
Acting City Manager

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

On the ____ day of April in the year 2011, before me, the undersigned, a Commissioner of Deeds in and for said State, personally appeared RICHARD F. HERBEK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

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