



City of Newburgh Council Work Session

6:00 pm

October 20, 2011

AGENDA

1. Presentation:
 - a. Amory Unity Center Agreement and Phase II update Deirdre Glenn
2. Procedural Items related to the City Council meeting on October 24, 2011:
 - a. Minutes of the meeting of October 11, 2011
 - b. There will be a public hearing regarding the CDBG program for the Consolidated Plan for Housing and Community Development for 2012
3. Finance Department:
 - a. (Res. 208) Agreement with Orange County for the Stop DWI Program for the period of October 7, 2011 through January 1, 2012. County will reimburse the City of Newburgh in an amount not to exceed \$2,828.00 to be used for increased police patrols and associated court appearances.
 - b. (Res. 209) Request for a County tax exemption for the City's reservoir and filter plant properties for the year 2013.
 - c. Cash Report
 - d. 2012 Budget Update – Richard Herbek
4. Planning and Development/Real Estate:
 - a. Development of lower Broadway - Ian MacDougal
 - b. Land Bank – Courtney Kain and Mike Vatter
 - license agreement with the Greater Newburgh Partnership to clean and green the lower Broadway site
 - Schumer grant (marketing and planning)
 - c. (Res. 210) Amendment to a resolution expressing Council's support for the application of Mountco and Safe Harbors for the project known as Liberty House
 - d. (Res. 211) Release of restrictive covenants – 201 South Street
 - e. Consolidated funding application for the NYS Development Council grant program
 - f. Habitat for Humanity request to return property to the City because of extensive remediation costs.

5. Engineering:
 - a. Central Hudson Energy Conservation program
6. Discussion Items:
 - a. (Res. 212) Halloween Curfew
7. Executive Session:
 - a. Pending Litigation
 - b. Collective Bargaining

RESOLUTION NO.: 208 - 2011

OF

OCTOBER 24, 2011

A RESOLUTION AUTHORIZING THE CITY MANAGER OR
THE CHIEF OF POLICE AS MANAGER'S DESIGNEE
TO EXECUTE AN AGREEMENT WITH THE COUNTY OF ORANGE
CONFIRMING CITY OF NEWBURGH PARTICIPATION
IN THE STOP-DWI PROGRAM
FOR THE PERIOD OF OCTOBER 7, 2011 TO JANUARY 1, 2012 PROVIDING
THE CITY WITH AN AMOUNT NOT TO EXCEED \$2,828.00

WHEREAS, the County of Orange (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an agreement, to provide for the funding of the STOP-DWI Program within the City of Newburgh for the period of October 7, 2011 and ending January 1, 2012, which includes the holidays of Thanksgiving, Christmas and New Year's enforcement campaigns; and

WHEREAS, the County shall reimburse the City of Newburgh for increased patrol and court time in connection with enhanced enforcement of laws prohibiting driving while intoxicated; and

WHEREAS, this Council has determined that entering into such agreement would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manger or the Chief of Police as Manager's designee be and he is hereby authorized to execute an agreement with the County of Orange confirming the City's participation in the STOP-DWI Program in order to fund the additional cost of stepped-up police patrols and related court appearances for the period of October 7, 2011 through January 1, 2012, not to exceed \$2,828.00

RESOLUTION NO.: 209 - 2011

OF

OCTOBER 24, 2011

A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2013

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2013, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44

RESOLUTION NO.: 210 - 2011

OF

OCTOBER 24, 2011

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH AMENDING
RESOLUTION NO. 28-2011 OF JANUARY 24, 2011 EXPRESSING CONCEPTUAL
SUPPORT FOR THE APPLICATION OF MOUNTCO CONSTRUCTION AND
DEVELOPMENT CORP. AND SAFE HARBORS OF THE HUDSON HOUSING
DEVELOPMENT FUND COMPANY, INC., TO NEW YORK STATE HOMES AND
COMMUNITY RENEWAL FOR FEDERAL, STATE, AND LOCAL FINANCIAL
ASSISTANCE TO DEVELOP AND CONSTRUCT A PROPOSED MIXED-USE
AFFORDABLE HOUSING PROJECT KNOWN AS LIBERTY HOUSE TO BE SITUATED
ON NOW VACANT LANDS LOCATED ON THE WESTERLY SIDE OF LIBERTY STREET
BETWEEN BROADWAY AND ANN STREET (Section 36, Block 3, Lots 12 and 14.1) IN
THE CITY OF NEWBURGH

WHEREAS, by Resolution No. 28-2011 of January 24, 2011, the City Council of the City of Newburgh expressed its conceptual support for the application of Mountco Construction and Development Corp. and Safe Harbors of the Hudson Housing Development Fund Company, Inc. (collectively the "Applicant") to New York State Homes and Community Renewal for federal, state and local financial assistance for the development and construction of a proposed mixed-use affordable housing project known as Liberty House under proposed terms and conditions, including the payments in lieu of taxes (PILOT), the payment of a municipal impact fee and an expedited coordinated review under the New York Environmental Quality Review Act; and

WHEREAS, the Applicant has informed the City Council of a modification of the Proposed Project to consist of approximately seventy-one (71) affordable rental housing units and approximately ten thousand (10,000) square feet of day care and related community facility space, to be situated on now vacant lands located on the westerly side of Liberty Street between Broadway and Ann Street (Section 36, Block 3, Lots 12 and 14.1) in the City of Newburgh (the "Proposed Project"); and

WHEREAS, the Applicant has requested that this City Council express its support for the modified Proposed Project under the same proposed general terms and conditions as the Project originally was proposed;

WHEREAS, the City Council believes that it is in the best interests of the City of Newburgh to express its support for the Proposed Project as modified under the same proposed general terms and conditions;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh, New York, expresses its conceptual support for the application of Mountco Construction and Development Corp. and Safe Harbors of the Hudson Housing Development Fund Company, Inc., to New York State Homes and Community Renewal for Federal, State, and local financial assistance to develop and construct the Proposed Project as modified; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh expresses its willingness to consider the proposed general terms and conditions of a Proposed PILOT Agreement and the Proposed Municipal Impact Fee, if the Applicant is successful in obtaining construction financing for the project, and to expedite coordinated review of the Proposed Project under the State Environmental Quality Review Act ("SEQRA"), as lead agency in coordination with the Planning Board, Zoning Board, Architectural Review Commission, and any other involved agencies, so as to fully review the environmental impacts of the Proposed Project including but not limited to its fiscal and economic impacts on the City of Newburgh.

RESOLUTION NO.: 211-2011

OF

OCTOBER 24, 2011

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO WILLIAM CAPPELLETTI
TO THE PREMISES KNOWN AS 201 SOUTH STREET
(SECTION 18, BLOCK 1, LOT 2)**

WHEREAS, on January 11, 2010, the City of Newburgh conveyed property located at 201 South Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 1, Lot 2, to William Cappelletti; and

WHEREAS, Mr. Cappelletti has requested 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 201 South Street, Section 18, Block 1, Lot 2, 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 January 11, 2010, from the CITY OF NEWBURGH to WILLIAM CAPPELLETTI, recorded in the Orange County Clerk's Office on January 21, 2010, in Liber 12956 of Deeds at Page 1101 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2011

THE CITY OF NEWBURGH

By:

RICHARD F. HERBEK,
Acting City Manager

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

On the _____ day of October 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.

RESOLUTION NO.: 212 - 2011

OF

OCTOBER 24, 2011

A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
ON OCTOBER 28TH, 29TH, 30TH AND 31ST
FROM 9:00 P.M. TILL 6:00 A.M.

WHEREAS, the City of Newburgh has a general obligation to ensure the safety and welfare of the general population of the City including minors, along with protection of private property; and

WHEREAS, October 28th, 29th, 30th and 31st are associated with Halloween related activities, including "Trick or Treating" and other related outdoor activities, some of which might be prejudicial to the safety and welfare of the population and protection of private property; and

WHEREAS, the City of Newburgh determines that the passage of a curfew resolution for Halloween and the preceding night will assist in protecting the welfare of minors by reducing the likelihood of their involvement in inappropriate behavior, while aiding parents or guardians of minors entrusted in their care;

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting Friday, October 28, 2011, and ending Monday, October 31, 2011; and

BE IT FURTHER RESOLVED, this Council urges all parents to inform their children and supervise the implementation of this City-wide curfew so that we may avoid problems and promote the safety, health and welfare of our City's young people and property owners; and

BE IT FURTHER RESOLVED, that it shall be a defense to a violation of this curfew that the minor was accompanied by the minor's parent or guardian, engaged in an employment activity, or involved in an emergency or other legally justifiable activity.