



City of Newburgh Council Work Session

6:00 pm

July 12, 2012

AGENDA

1. Procedural Items Related to the City Council Meeting of July 16:
 - a. Minutes of the work session meeting of June 14, 2012
 - b. Minutes of the City Council meeting of June 18, 2012
 - c. Departmental Reports
2. Presentation:
 - a. City-owned property disposition plan
3. Community Development:
 - a. Schumer grant contract for services for the property analysis
 - b. (Res. 110) Schedule public hearing for August 13 to receive comment on 2013 housing and community development needs
 - c. CDBG program update
4. Finance Department:
 - a. Monthly cash report for May
5. Discussion:
 - a. (Res. 111) Schedule a public hearing for August 13 to receive comment on a local law establishing a tax exemption for owner occupied dwellings
 - b. (Res. 112) Support for the CFA of IL Strategy Group, Inc. (sister corporation of Independent Living, Inc.)
 - c. (Res. 113) 7-11 Johnes Street – Request to reject all bids
 - d. (Res. 114) Authorization to apply for and accept the NYS Dept. of Education 21st Century Learning Center Grant
 - e. (Res. 115) Authorization to apply for and accept a \$5,000 grant from the Hudson River Estuary Program 2012 Mini-Grant program for the South Street Park project.
 - f. Human Rights Commission – appointments
 - g. Peddlers and Vendors
 - h. Auxiliary Police – possible methods for improvement of program

- i. Vendor contract for carnival services for the International Festival (info provided at work session)

- 6. Engineering:
 - a. Muchattoes Dam continued

- 7. Executive Session:
 - a. Pending Litigation



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

JULY 5, 2012

KATRINA COTTEN
LISETTE ACOSTA-RAMIREZ
DEPUTY CLERKS

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: REGISTRAR OF VITAL STATISTICS

I RESPECTFULLY REPORT THAT THERE HAS BEEN
RECEIVED IN THE OFFICE OF VITAL STATISTICS DURING THE MONTH
OF JUNE 2012 THE SUM OF \$4,790.00 AS FOLLOWS:

232 CERTIFIED COPIES OF BIRTH CERTIFICATES	\$2,322.00
246 CERTIFIED COPIES OF DEATH CERTIFICATES	<u>\$2,468.00</u>
TOTAL	\$4,790.00

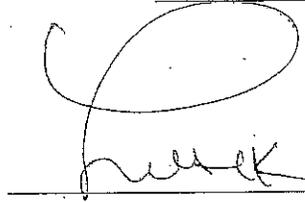
IN ADDITION:

441 BIRTHS HAVE BEEN FILED IN THIS OFFICE TO DATE,
301 DEATHS HAVE BEEN FILED IN THIS OFFICE TO DATE,

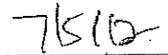
LORENE VITEK

Account#	Account Description	Fee Description	Qty	Local Share
	Marriage License	Marriage License	33	577.50
	Season Boat Launch Permit	Season Boat Launch Permit	12	1,200.00
		Sub-Total:		\$1,777.50
1550	Bordatella Booster	Bordatella Booster	1	38.00
		Sub-Total:		\$38.00
A1255	Conservation	Conservation	8	10.72
		Sub-Total:		\$10.72
A12550003	Misc. Fees	Certified Copies - Marriage	29	290.00
		Sub-Total:		\$290.00
A12550008	Misc. Fees	Copies	54	13.50
		Sub-Total:		\$13.50
A12550012	Thumbprint Fee	Thumbprint Fee	1	5.00
		Sub-Total:		\$5.00
A12550013	Private Trash Collector	Private Trash Collector	28	5,600.00
		Sub-Total:		\$5,600.00
A15200001	False Alarms	False Alarms	3	500.00
		Sub-Total:		\$500.00
A1550	Public Pound	Public Pound	1	10.00
		Sub-Total:		\$10.00
A15500004	Dog Redemption	Redemptions	1	35.00
		Sub-Total:		\$35.00
A15500010	Vet Bill (rabies)	Vet Bill (Rabies)	1	28.00
		Sub-Total:		\$28.00
A25010001	Liquor Tax	Liquor Tax	1	224.00
		Sub-Total:		\$224.00
A2544	Dog Licensing	Female, Spayed	12	90.00
		Female, Unspayed	2	25.00
		Male, Neutered	7	52.50
		Male, Unneutered	7	87.50
		Sub-Total:		\$255.00
A25900004.0001	ALARM PERMIT PENALTY	ALARM PERMIT PENALTY	2	300.00
		Sub-Total:		\$300.00
A25900008	Alarm Permit	Alarm Permit	1	100.00
		Sub-Total:		\$100.00
A25900011	Petroleum Dispensers	Petroleum Dispensers	23	5,000.00
		Sub-Total:		\$5,000.00
A25900012	Peddlers Permit	Application Fee	1	75.00
		On Foot - Per Week	1	10.00
		On Foot - Per Yr.	1	100.00
		With Vehicle - Per Month	1	50.00

Account#	Account Description	Fee Description	Qty	Local Share
			Sub-Total:	\$235.00
A25900019	Taxi Application Fee	Taxi Application Fee	2	200.00
			Sub-Total:	\$200.00
A25900020	Taxi Drivers License	Taxi Drivers License	3	300.00
			Sub-Total:	\$300.00
Total Local Shares Remitted:				\$14,921.72
Amount paid to:	NYS Ag. & Markets for spay/neuter program			46.00
Amount paid to:	NYS Environmental Conservation			183.28
Amount paid to:	State Health Dept. For Marr. Licenses			742.50
Total State, County & Local Revenues:		\$15,893.50	Total Non-Local Revenues:	
				\$971.78



City Clerk



Date

PERSONNEL REPORT
CIVIL SERVICE COMMISSION
JUNE 2012

POLICE:

John Staton 106 Shaker Court North New Windsor, NY	Police Detective Suspended w/o pay 6/6/12 \$71,253
--	--

Robert Carroll 38 Wendy Drive Poughkeepsie, NY	Police Officer Resigned 6/23/12 \$61,281
--	--

DPW:

Ricardo Rivera 195 Lake Drive Newburgh, NY	Motor Equip Operator Promoted 6/1/12 \$44,140
--	---

Edwin Gotay 13 VanAmees Street Newburgh, NY	Sanitation Worker From Temp to Permanent 6/1/12 \$38,748
---	--

Vincent Morgan 5 Anderson Street Newburgh, NY	Seasonal Laborer Appt. Temporary 6/1/12 \$11/hr.
---	--

Alander Melvin 222 City Terrace Newburgh, NY	Sanitation Worker Suspended w/o Pay 6/13/12 \$45,230
--	--

Tammie Hollins 55 Varick Homes Newburgh, NY	Waterfront Attendant Resigned 6/14/12 \$10/hr.
---	--

Thomas Cinnante 6 Max Way Newburgh, NY	Working Supervisor Removal 6/15/12 \$47,697
--	---

**Planning &
Development:**

Courtney Kain
73 Bay View Terrace
Newburgh, NY

Director of Community Development
Return from MLOA
6/4/12 \$72,440



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: Notice of Claim:
Tanya Rhode vs City of Newburgh

DATE: June 18, 2012

Please find attached Notice of Claim regarding the above, which was received via Certified Mail on this date.

Attachment

Cc City Manager
Mayor & Council

In the Matter of the Claim of

TANYA RHODE

RECEIVED

JUN 18 2012

CITY CLERK

NOTICE OF CLAIM

TO:

City of Newburgh
Department of Public Works
88 Pierces Road
Newburgh, NY 12550

City of Newburgh Clerk's Office
83 Broadway
Newburgh, NY 12550

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against you as follows:

1. The name and post-office address of such claimant and claimant's attorney is:

Tanya Rhode
347 Liberty Street
Newburgh, NY 12550

Foulke Law Offices
25 Main Street, 3rd Floor
Goshen, NY 10924

2. The nature of the claim:

This is a claim to recover for personal injuries sustained in a trip and fall on an unstable cobblestone portion of Clinton Street, Newburgh, New York where the cobblestones adjoin a higher elevation asphalt roadway surface.

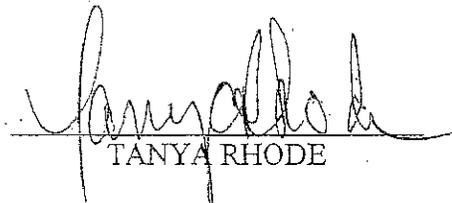
3. The time when, the place where and the manner in which the claim arose:

The accident occurred on May 12, 2012 at approximately 4:00 p.m. The incident occurred when plaintiff's right foot became ensnared where the cobblestone portion of Clinton adjoins a raised asphalt roadway surface. The accident occurred on Clinton Street near its intersection with Liberty Street as one would approach Liberty Street walking in a westbound direction near 88 Clinton Street.

4. The items of damage or injuries claimed are (do not state dollar amounts):

Plaintiff seeks to recover for past and future emotional and physical pain and suffering, lost earnings, medical expenses, and any other damages to which she may be entitled. Among other things, plaintiff suffered multiple metacarpal fractures to her right foot.

Dated: Goshen, New York
June 8, 2012

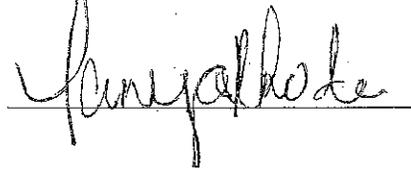

TANYA RHODE

FOULKE LAW OFFICES
Attorneys for Claimant
25 Main Street, 3rd Floor
Goshen, NY 10924
845-294-4308

Individual Verification

State of New York, County of Orange) ss.:

TANYA RHODE, being duly sworn, deposes and says that deponent is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's 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.



Sworn to before me this
13th day of June, 2012



Notary Public

EVAN M. FOULKE
Notary Public, State of New York
No. 02F05075259
Qualified in Orange County 2015
Commission Expires March 31, 2015



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: Lisette Acosta-Ramirez, Deputy City Clerk

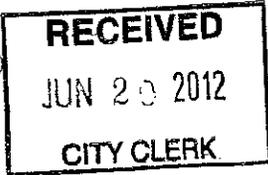
RE: Notice of Claim:
Marinez & Ernesto Garcia vs City of Newburgh

DATE: June 25, 2012

Please find attached Notice of Claim regarding the above, which was received in the City Clerks Office on June 20, 2012.

Attachment

Cc City Manager
Mayor & Council



Date Claim Received by Entity _____

CITY OF RIVERTON

NOTICE OF CLAIM

The following claim is submitted as an itemized written claim in accordance with the Wyoming Governmental Claims Act (W.S. 1-39-113 (a)(b)). This claim is submitted to:

Entity Name and Address: CITY OF RIVERTON
RIVERTON, WY 82501

(PLEASE PRINT OR TYPE)

1. Name, Address and residence of claimant:

Claimant Name: Marinez Garcia / Ernesto Garcia
Claimant Address: 75 Lake Dr. Section 13
Newburgh NY, 12550

Claimant Residence (if different than address):

Claimant Telephone Number: Home: (845) 787-6946
Business: _____

2. Date and time of alleged loss or injury: 6/11/12 @ 9:30 pm

3. Place of the alleged loss or injury: lower liberty / big pot hole.

4. Circumstances of the alleged loss or injury: I was drive down liberty around 9:30 when my car fell in pot hole. I didn't think anything of until I got home and realize there was smell. when I went to look at my back passenger tire my rim was out of place and sitting on top of the tire.

5. Name of the public employee involved, if one and if known: Construction work

6. Name of Claimant's representative or attorney, if any:
Claimant's Representative: _____
Claimant's Attorney: _____

7. Amount of compensation or other relief demanded: \$ See attached estimate from sears.
(Provide documentation to support your demand)

This "Notice of Claim" form is provided only for the information and convenience of the claimant, who is responsible for completing the form properly and accurately in accordance with the statutory requirements and for presenting it to

the proper entity. The governmental entity, which provided this form, makes no representations as to the sufficiency of the form or accuracy of the information provided.

The governmental entity expressly reserves the right to deny the claim on any basis, including the insufficiency or timeliness of the claim and that the claimant should consult with legal counsel if he/she has any questions.

It is the claimant's responsibility to fully comply with all the requirements of the Wyoming Governmental Claims Act (W.S. 1-39-101 through 1-39-120) including the applicable statutory time limits for the filing of your claim and commencement of a suit. Your failure to follow the requirements of the Wyoming Governmental Claims Act may result in your claim being forever barred.

I Ernesto Garcia certify under penalty of perjury and subject to the (Print Claimant Name) provisions of W.S. 6-5-303 and its penalties, that the foregoing claim is a true and just record of necessary expenses paid by me or is an accurate claim for expenses incurred by me. I do further certify that no part of the foregoing claims has been paid or incurred by any other source.

Ernesto Garcia / Manager Garcia 6/20/12
Claimant Signature Date

If additional space is needed, please attach an additional sheet to this claim form. If there are multiple claimants arising out of one occurrence, each claimant needs to complete a separate "Notice of Claim" form.

Lisette Acosta-Ramirez 6-20-2012

LISETTE ACOSTA-RAMIREZ
NOTARY PUBLIC STATE OF NEW YORK
ORANGE COUNTY
NO. #01AC6214806
COMMISSION EXPIRES 12/14/13 not



6977 - Sears, Roebuck and Co. 1401 Route 300
 Newburgh, NY 12550 (845) 566-2393
 EPA Number: Facility Number 2360746

ESTIMATE

NAME: GARCIA, MARINEZ ADD: 76 LAKE DR NEWBURGH, NY 12550 PRI: (845) 787-8946 SEC:	YEAR/MAKE/MODEL NO VEHICLE LICENSE # Y.L.N.	COLOR LOCATION ODOMETER IN ODOMETER OUT	TAG #	INITIAL ESTIMATE PARTS \$127.95 LABOR \$29.87 OTHER \$0.00 TAX \$12.82 TOTAL \$173.14	REVISED ESTIMATE	PHONE AUTHORIZATION APPROVED BY: CONTACTED BY:	REF. NUM. ESST08750 CREATED BY: 92825 INVOICED BY:
---	--	--	-------	--	------------------	--	--

THE INSTALLATION INSTRUCTIONS	TIME IN	TIME OUT	DATE/TIME OF ESTIMATE 06/19/2012 12:28 PM	DATE/TIME REVISED	NUMBER CALLED: DATE / TIME CALLED:	LOCAL PURCHASE PO NUMBER: 706750
AIR PRESSURE FRONT / REAR / REFER TO TIRE GUIDE - NON O.E. APPLICATION	PROMISED TIME					

WHL. TORQUE SPECIFICATION / REFER TO TIRE GUIDE - NON O.E. APPLICATION	See reverse for important warranty terms and other information.
--	---

COMMENTS/REQUESTS OR ALTERNATE CONTACTS:

QTY	ITEM #	DESCRIPTION OF MERCHANDISE	PRICE EACH	TOTAL	TECH	CSA
@	1 PS 093594615	TIRE 205/45V16 FK ZEP12B	\$123.96	\$123.96 T	92825	92825
	1 AC 189021	LOCAL TIRE DISPOSAL	\$0.00	\$0.00 T	92825	92825
	1 EF 082021	STATE ENVIRONMENTAL FEE	\$2.50	\$2.50	92825	92825
	1 PS 09398734	VALVE CHR SLV 1.25 IN	\$3.99	\$3.99 T	92825	92825
	1 LB 19019505	ROAD HAZARD PLUS AGREEMENT	\$14.85	\$14.85 T	92825	92825
	1 LB 19012007	TIRE BALANCE PERFORMANCE	\$14.99	\$14.99 T	92825	92825

@ - A 15% Restocking Fee may apply on returned merchandise. A 15% Cancellation Fee may apply on Special Ordered merchandise cancelled after 24 hours. See Salesperson for details.

ITEM / WARRANTY INFORMATION / LABOR DETAILS / COMMENTS
 Alternates/TPMS Available. Verify TPMS.
 ALL NEW, NON-OEM PARTS UNLESS OTHERWISE SPECIFIED.

ITEM COMMENTS:
 19019505: ROAD HAZARD PLUS SERVICE AGREEMENT: THIS AGREEMENT PROVIDES ADDED BENEFITS OVER AND ABOVE YOUR TIRE WARRANTY. ASK YOUR SALES ASSOCIATE FOR DETAILS.
 19012007: For the Life of the Tire, to address an uneven or imbalanced tire, we will adjust the pressure, remove old weights, computer spin balance. Priced EACH

ALL LUG NUTS ON CUSTOM AND ALLOY WHEELS MUST BE RE-TORQUED AFTER 25 MILES AND CHECKED PERIODICALLY.

This is an ESTIMATE
 price for the goods and/or
 services you have requested.
 These prices are good for
 21 days, except sale prices, which are
 valid for the duration of the sale.
 Thank you for shopping with us!



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: Summons and Verified Complaint:
Leroy Walden, Jr. and Evelyn Walden vs City of Newburgh,
et al.

DATE: June 27, 2012

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

Attachment

Cc City Manager
Mayor & Council

DATE OF FILING: 6/20/12
INDEX #: 5702/2012

RECEIVED
JUN 27 2012
CITY CLERK

Plaintiff designates
Orange County
as the place of trial.

The basis of venue is:
Principle place of
business of
CITY OF NEWBURGH

Plaintiff resides at:
2328 Route 300
Walkkill, NY 12589
County of Ulster

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

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

Plaintiffs,

SUMMONS

-against-

CITY OF NEWBURGH, PARUL MANAGEMENT, LLC, and
UMBERTO'S BARBER SHOP,

Defendants.

-----X
To the above named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within -20- days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

JACOBY & MEYERS, LLP
Attorneys for Plaintiff(s)
c/o Processing center
1279 Route 300, Box 1111
Newburgh, New York 12551

David Akerib
David Akerib (May 29, 2012)

DAVID AKERIB, ESQ.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORANGE

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

Plaintiffs,

VERIFIED COMPLAINT

-against-

CITY OF NEWBURGH, PARUL MANAGEMENT, LLC and
UMBERTO'S BARBER SHOP,

Defendants,
-----x

Plaintiff, by attorneys, JACOBY & MEYERS, LLP, as and for
the Verified Complaint, herein alleges the following:

1. That at all times hereinafter mentioned, the plaintiffs
were and still are residents of the County of Ulster, State of
New York.

2. That at all times hereinafter mentioned, upon
information and belief, CITY OF NEWBURGH, was and still is a
municipal corporation existing within the State of New York.

3. That at all times hereinafter mentioned, upon
information and belief, the defendant, PARUL MANAGEMENT, LLC,
was and still is a domestic limited liability corporation

authorized under and by virtue of the Laws of the State of New York.

4. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was and still is a foreign limited liability corporation duly organized and existing under and by virtue of the Laws of the State of New York.

5. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was and still is a business entity doing business within the State of New York.

6. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was and still is a domestic corporation organized and existing under and by virtue of the Laws of the State of New York.

7. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was and still is a foreign corporation duly authorized under and by virtue of the Laws of the State of New York.

8. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was and still is a business entity doing business within the State of New York.

9. That at all times hereinafter mentioned, upon information and belief, the defendant, CITY OF NEWBURGH, was in possession and control of a certain sidewalk located in front of 352A Broadway, where the concrete sidewalk meets the brick sidewalk, approximately 33 feet 6 inches west then 7 feet 7 inches north from the CHG&E utility pole #2322, located in front of 350 Broadway, City of New York, County of Orange, State of New York.

10. That at all times hereinafter mentioned, upon information and belief, defendant, CITY OF NEWBURGH, was the owner of a certain sidewalk located in front of 352A Broadway, where the concrete sidewalk meets the brick sidewalk, approximately 33 feet 6 inches west then 7 feet 7 inches north from the CHG&E utility pole #2322, located in front of 350 Broadway, City of New York, County of Orange, State of New York.

11. That at all times hereinafter mentioned, upon information and belief, defendant, CITY OF NEWBURGH, maintained the aforesaid sidewalk.

12. That at all times hereinafter mentioned, upon information and belief, defendant, CITY OF NEWBURGH, controlled the aforesaid sidewalk.

13. That at all times hereinafter mentioned, upon information and belief, defendant, PARUL MANAGEMENT, LLC, was the owner of a certain premises located at 352A Broadway, located in the City of Newburgh, County of Orange, State of New York.

14. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was the managing agent of the aforesaid premises.

15. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was the lessor of the aforesaid premises.

16. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was the lessee of the aforesaid premises.

17. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, maintained the aforesaid premises.

18. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, managed the aforesaid premises.

19. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, controlled the aforesaid premises.

20. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, operated the aforesaid premises.

21. That at all times hereinafter mentioned, upon information and belief, defendant, UMBERTO'S BARBER SHOP, was the owner of a certain premises located at 352A Broadway, located in the City of Newburgh, County of Orange, State of New York.

22. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was the managing agent of the aforesaid premises.

23. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was the lessor of the aforesaid premises.

24. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was the lessee of the aforesaid premises.

25. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, maintained the aforesaid premises.

26. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, managed the aforesaid premises.

27. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, controlled the aforesaid premises.

28. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, operated the aforesaid premises.

29. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, was the owner of a certain sidewalk located in front of 352A Broadway, where the concrete sidewalk meets the brick sidewalk, approximately 33 feet 6 inches west then 7 feet 7 inches north from the CHG&E utility pole #2322, located in front of 350 Broadway, City of New York, County of Orange, State of New York.

30. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, maintained the sidewalk adjacent to the aforesaid premises.

31. That at all times hereinafter mentioned, upon information and belief, the defendant, PARUL MANAGEMENT, LLC, controlled the sidewalk adjacent to the aforesaid premises.

32. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, was the owner of a certain sidewalk located in front of 352A

Broadway, where the concrete sidewalk meets the brick sidewalk, approximately 33 feet 6 inches west then 7 feet 7 inches north from the CHG&E utility pole #2322, located in front of 350 Broadway, City of New York, County of Orange, State of New York.

33. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, maintained the sidewalk adjacent to the aforesaid premises.

34. That at all times hereinafter mentioned, upon information and belief, the defendant, UMBERTO'S BARBER SHOP, controlled the sidewalk adjacent to the aforesaid premises.

35. That at all times hereinafter mentioned, the aforesaid sidewalk located in front of 352A Broadway, where the concrete sidewalk meets the brick sidewalk, approximately 33 feet 6 inches west then 7 feet 7 inches north from the CHG&E utility pole #2322, located in front of 350 Broadway, City of New York, County of Orange, State of New York, was the situs of the accident herein.

36. That on or about the 18th day of November, 2011, this plaintiff was lawfully upon the aforesaid premises.

37. That on or about the 18th day of November, 2011, while the plaintiff was lawfully upon the aforesaid sidewalk

premises, he was caused to be precipitated to the ground, thereby sustaining severe and serious personal injuries.

38. That the accident and resulting injuries were caused by the negligent, wanton, reckless and careless acts of the defendants, their agents, servants and/or employees.

39. That on or about the 10th day of February, 2012, and within ninety (90) days after the claim upon which this action is based, the plaintiff served a Notice of Claim upon the defendant, CITY OF NEWBURGH, in full compliance with the provisions of the General Municipal Law, Section 50E of the Laws of the State of New York.

40. That the one year and ninety (90) day requirement with respect to the service of pleadings has been complied. That a 50-H hearing was held on May 16, 2012.

41. That a Notice of Claim was properly served on the defendant, CITY OF NEWBURGH, and that thirty (30) days has passed since the service of the Notice of Claim and the defendant, CITY OF NEWBURGH, has failed to make adjustment thereon.

42. That the defendants, their agents, servants and/or employees were negligent, wanton, reckless and careless in, among other things, 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 plaintiff 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 disregard for the safety of others; in hiring

inept, incompetent and unskilled agents, servants and/or employees, and the defendants, their agents, servants and/or employees, were in other ways negligent, wanton, reckless and careless.

43. The limited liability provisions of C.P.L.R. 1601 do not apply pursuant to C.P.L.R. 1602(7) on the grounds that the defendant acted with reckless disregard for the safety of others including the plaintiff herein.

44. That the defendants, their agents, servants and/or employees had actual and/or constructive notice of the dangerous and defective conditions in that the conditions existed for a sufficient length of time prior to the happening of the within accident and in the exercise of reasonable care, the defendants could have and should have had knowledge and notice thereof, and further, the defendants, their agents, servants and/or employees created said conditions.

45. That by reason of the foregoing, this plaintiff was caused to sustain severe and serious personal injuries to his mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money as a result of this accident; the plaintiff

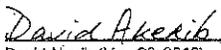
further was caused to lose substantial periods of time from his normal vocation, and upon information and belief, may continue in that way into the future and suffer similar losses.

46. That by reason of the foregoing, this plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would have jurisdiction of this matter.

WHEREFORE, plaintiff demand judgment against the defendants and each of them in a sum which exceeds the jurisdictional limits of all lower courts which the jury would find to be fair, adequate and just, together with the costs and disbursements of this Action.

Yours, etc.,

JACOBY & MEYERS, LLP
Attorneys for Plaintiff
Office & P.O. Address
c/o Processing Center
1279 Route 300, Box 1111
Newburgh, New York 12551


BY: David Akerib (May 28, 2012)
DAVID AKERIB, ESQ.

TO: CITY OF NEWBURGH
Defendant
c/o City Clerk
83 Broadway
Newburgh, NY 12550

PARUL MANAGEMENT, LLC
Defendant
c/o Secretary of State
1 Commerce Plaza
Albany, NY 12231

UMBERTO'S BARBER SHOP
Defendant
352A Broadway
Newburgh, NY 12550

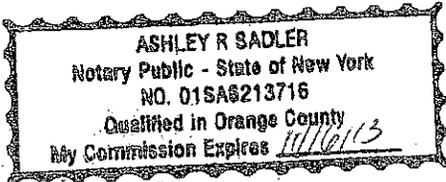
STATE OF NEW YORK : COUNTY OF ULSTER ss:

EVELYN WALDEN, being duly sworn says; I am one of the plaintiffs in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Evelyn Walden
EVELYN WALDEN

Sworn to before me on
~~May~~ June 7th, 2012

Ashley R Sadler
NOTARY PUBLIC



RESOLUTION NO.: 110 - 2012

OF

JULY 16, 2012

A RESOLUTION SCHEDULING A PUBLIC HEARING
FOR AUGUST 13, 2012 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING
CHAPTER 270 ENTITLED "TAXATION" TO PROVIDE FOR THE ADDITION OF
ARTICLE XII ENTITLED
"EXEMPTION FOR CONVERSION OF CERTAIN MULTIPLE DWELLINGS"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning an Local Law amending Chapter 270 entitled "Taxation," to provide for the addition of Article XII, entitled "Exemption for Conversion of Certain Multiple Dwellings"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day of August, 2012, in the 3rd Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

LOCAL LAW NO.: _____ - 2012

OF

A LOCAL LAW ADDING ARTICLE XII ENTITLED
"EXEMPTION FOR CONVERSION OF CERTAIN MULTIPLE DWELLINGS"
TO CHAPTER 270 "TAXATION" OF THE CODE OF THE CITY OF NEWBURGH

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding Article XII entitled 'Exemption for Conversion of Certain Multiple Dwellings' to Chapter 270 of the Code of the City of Newburgh".

SECTION 2 - PURPOSE AND INTENT

The purpose of this local law is to adopt a real property tax exemption from general municipal taxes in the City of Newburgh for owners of multiple dwelling buildings which are reconstructed, altered or converted to owner-occupied one-family or two-family residential buildings as authorized by Real Property Tax Law Section 421-k.

SECTION 3 - AMENDMENT

Chapter 270 entitled "Taxation" of the Code of the City of Newburgh is hereby amended by the addition of Article XII entitled "Exemption for Conversion of Certain Multiple Dwellings" to read as follows:

"ARTICLE XII

Exemption for Conversion of Certain Multiple Dwellings

§270-71. Purpose.

The City Council of the City of Newburgh encourages property owners of single and two-family residential dwelling to invest in improvements to one- and two-family buildings used solely

for residential purposes by providing an exemption from general municipal taxes pursuant to Section 421-K of the Real Property Tax Law of the State of New York.

§270-72. Definitions.

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

OWNER-OCCUPIED MULTIPLE DWELLING BUILDING - any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

§270-73. Exemption granted; amount.

Multiple dwelling buildings that are reconstructed, altered, improved and/or converted back to an owner-occupied single-family or any owner-occupied multiple dwelling that is reduced to at most two units by such reconstruction shall be exempt from taxation levied by the City of Newburgh on the increase in assessed value attributable to such conversion to the extent provided hereinafter pursuant to Section 421-k of the New York State Real Property Tax Law. The length of said exemption shall be eight years and shall be computed in accordance with the following table:

Year of Exemption	Percent of Exemption
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

§270-74. Exemption base and market value defined.

A. Such buildings within the City of Newburgh shall be exempt for a period of one year to the extent of one hundred (100%) per centum of the increase in assessed value thereof attributable to such reconstruction alteration or improvement and for an additional period of seven years, as shown in the table set forth in Section 270-73, subject to the following:

1. The extent of such exemption shall be decreased by twelve and one-half (12.5%) per centum of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined by the initial year of the term of the exemption, except as provided in subsection 2 of this section.

2. In any year in which a change in level of assessment of fifteen (15%) per centum or more is certified for a final assessment roll pursuant to the rules of the State Board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base, notwithstanding the fact that the Assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the Assessor does not have custody of the roll when such certification is received, the Assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll. The Assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title 3 of Article 5 of the New York State Real Property Tax Law.

3. Such exemption shall be limited to \$100,000.00 in increased market value, but not less than \$10,000.00, of the property attributable to such reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the Class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five (95%) per centum in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

§270-75. Exclusions from exemption.

A. No such exemption shall be granted for reconstruction, alterations or improvements unless:

1. Such reconstruction, alteration or improvement was commenced subsequent to the date on which this Local Law takes effect;
2. The value of such reconstruction, alteration or improvement exceeds five thousand (\$5,000.00) Dollars; and

3. The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

B. For purposes of this section, the terms “reconstruction,” “alteration” and “improvement” shall not include ordinary maintenance and repairs.

§270-76. Time to File Application.

A. Any exemption pursuant to this Article shall be granted only upon application by the property owner on a form prescribed by the State Board of the Office of Real Property Services. The application shall be filed with the Assessor of the City of Newburgh on or before the taxable status date of March 1 to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

B. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this article commencing with the assessment roll prepared on the basis of the taxable status date referred to in Section 270-76 of this article. The assessed value of any exemption granted pursuant to this article shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§270-77. Exemption discontinuance.

In the event that a building granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

SECTION 4 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 5 - EFFECTIVE DATE

This Local Law shall be effective when it is filed in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law and shall apply to assessment rolls on the basis of taxable status dates occurring on and after January 1, 2013.

SECTION 6 - FILING

In addition to the Office of the New York State Secretary of State, copies of this Local Law shall be filed with the State Board of the Office of Real Property Services and the City of Newburgh Assessor.

RESOLUTION NO.: 111 - 2012

OF

JULY 16, 2012

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR AUGUST 13, 2012 TO HEAR PUBLIC COMMENT
REGARDING THE HOUSING AND COMMUNITY DEVELOPMENT
NEEDS OF THE CITY OF NEWBURGH IN ORDER TO ASSIST
IN THE PREPARATION OF ITS HOUSING AND COMMUNITY
DEVELOPMENT PLAN FOR FISCAL YEAR 2013

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments regarding the housing and community development needs of the City of Newburgh in order to assist in the preparation of its Housing and Community Development Plan for fiscal year 2013; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day August 2012 in the third floor Council Chambers located at 83 Broadway, City Hall, Newburgh, New York

RESOLUTION NO.: 112 - 2012

OF

JULY 16, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NEWBURGH, NEW YORK SUPPORTING THE
CONSOLIDATED FUNDING APPLICATION OF IL STRATEGY GROUP INC.
A SISTER CORPORATION OF INDEPENDENT LIVING, INC.
FOR URBAN INITIATIVES PROGRAM FUNDING THROUGH
THE OFFICE OF COMMUNITY RENEWAL

WHEREAS, the purpose of the Urban Initiatives Program is to provide funding to New York communities for the restoration and improvement of housing, commercial areas and public facilities in urban neighborhoods; and

WHEREAS, Urban Initiatives Program funding will be awarded to organizations with a direct interest in improving the health, safety and economic viability of a distressed urban neighborhood; and

WHEREAS, IL Strategy Group, Inc., a sister-corporation of Independent Living, Inc. is requesting funding for the purpose of constructing a multi-story, mixed tenancy, fully accessible apartment building on the vacant parcel of land located at 11 Washington Terrace in Newburgh; and

WHEREAS, monies granted will be used to complete environmental assessments, soil testing, traffic and market studies, preliminary architectural drawings and other activities necessary to seek planning and zoning approvals; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the Consolidated Funding Application of IL Strategy Group, Inc., a sister-corporation of Independent Living, Inc. for Urban Initiatives Program funding through the Office of Community Renewal.

RESOLUTION NO.: 113 - 2012

OF

JULY 16, 2012

**A RESOLUTION REJECTING ALL BIDS RECEIVED
IN CONNECTION WITH THE JOHNES STREET
BUILDING DEMOLITION PROJECT**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the Johnes Street Building Demolition Project; and

WHEREAS, two (2) bids were received and opened; and

WHEREAS, upon review of the bids it has been determined that all bids received far exceeded the pre-bid estimate; and

WHEREAS, this Council has determined that rejecting all bids is in the best interests of the City of Newburgh and the project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that all bids received in connection with the Johnes Street Building Demolition Project be and are hereby rejected; and

BE IT FURTHER RESOLVED, that City staff is hereby authorized to take the necessary and appropriate measures to advertise the Johnes Street Building Demolition Project for re-bid.

RESOLUTION NO: 114 - 2012

OF

JULY 16, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED MONIES
FROM THE NEW YORK STATE DEPARTMENT OF EDUCATION
FOR THE 21ST CENTURY COMMUNITY LEARNING CENTERS GRANT AND
AUTHORIZING ANY AND ALL EXPENDITURES NECESSARY TO FUND
THE PROGRAM THROUGHOUT ITS ENTIRETY THROUGH VENDOR
CONTRACTS AND OTHER PROGRAM RELATED COSTS
AS PER THE STATE APPROVED BUDGET
IN AN AMOUNT NOT TO EXCEED \$899,772

WHEREAS, under the Federal 21st Century Community Learning Centers Program, a key component of the Federal *No Child Left Behind Act*, funds are available to community collaboratives to provide expanded academic enrichment opportunities for children attending low performing schools; and

WHEREAS, the legislation's specific purposes are to: (1) provide opportunities for academic enrichment, including providing tutorial services to help students (particularly students in high-poverty areas and those who attend low-performing schools) meet State and local student performance standards in core academic subjects such as reading and mathematics; (2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and (3) offer families of students served by community learning centers opportunities for literacy and related educational development; and

WHEREAS, the City of Newburgh wishes to apply for and accept if awarded a grant under the Federal 21st Century Community Learning Centers Program in an amount not to exceed \$899,772 for the period of July 1, 2012 through June 30, 2013; and

WHEREAS, this Council has determined that making such application and accepting if awarded is in the best interests of the City of Newburgh and its residents;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is hereby authorized to apply for and accept if awarded the 21st Century Community Learning Centers grant in an amount not to exceed

\$889,772 to support and expand, in collaboration with our valued community partners, quality afterschool services for children and youth in the City of Newburgh; and is authorized to execute such contracts with providers as will enable such programs to be carried out in keeping with the budget for same as approved by New York State.

RESOLUTION NO.: 115 - 2012

OF

JULY 16, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT
FROM THE HUDSON RIVER ESTUARY PROGRAM
2012 MINI-GRANTS PROGRAM, ROUND II, IN THE
AMOUNT OF \$5,000.00 FOR THE
SOUTH STREET PARK WATERFRONT REVITALIZATION PROJECT**

WHEREAS, the Waterfront Advisory Committee, in cooperation with the Shade Tree Commission, has requested that the City of Newburgh apply for funds from the Hudson River Estuary Program 2012 Mini-Grants Program, Round II, in connection with the South Street Park Waterfront Revitalization Project; and

WHEREAS, such funding request shall be in accordance with the provisions of the Request for Applications of the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, such funding shall be in an amount not to exceed Five Thousand (\$5,000.00) Dollars, requiring a fifty percent (50%) match not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars; and

WHEREAS, upon approval of such application the City shall be required to enter into a contract with the NYSDEC for such financial assistance; and

WHEREAS, this Council has determined that making such application and accepting such funds if awarded 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 apply for and accept if awarded a grant from the Hudson River Estuary Program 2012 Mini-Grants Program, Round II, in the amount of \$5,000.00 for the South Street Park Waterfront Revitalization Project; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to enter into a contract with the New York State Department of Environmental Conservation, in a form subject to approval by the Corporation Counsel, to effectuate such financial assistance.