



City of Newburgh
Work Session and Council Meeting
6:00 pm
August 1, 2013

AGENDA

1. Work Session:

- a. Presentation of the Police Assessment Report by Matrix Consulting Group
- b. (Res. 155) Satisfaction of Mortgage issued to Liberty Street, L.P. c/o Liberty Square Corporation, G.P. related to the premises located at 497 Liberty Street
- c. (Res. 156) Authorization to apply for and to accept if awarded a grant from NYS Office of Parks, Recreation and Historic Preservation under the EPA Municipal Grant Program and Recreational Trails Program in an amount not to exceed \$550,000.00 for the Quassaick Creek Trail Project.
- d. (Res. 157) Support for the Ritz Theatre-Newburgh, Inc. for the Urban Initiatives Program funding through the NYS Office of Homes and Community Renewal.
- e. (Res. 158) Support for the Newburgh Community Land Bank for the Urban Initiatives Program funding through the NYS Office of Homes and Community Renewal.
- f. (Res. 159) Authorization to apply for and accept if awarded a grant under the New York State Main Street Program for façade upgrades and streetscape improvements in an amount not to exceed \$200,000.00.
- g. (Res. 160) Authorization to apply for priority project status under the Consolidated Funding Application process in an amount not to exceed \$675,000.00 in support of the development of 5 Scobie Drive.
- h. (Res. 161) Authorization to apply for and accept if awarded a grant under the New York State Main Street Program-Technical Assistance Program in an amount not to exceed \$20,000.00 to develop design guidelines for the Broadway Corridor.
- i. (Res. 162) A resolution supporting the Consolidated Funding Application of Mill Street Partners, LLC through the Cleaner, Greener Communities program of the NYS Energy Research and Development Authority (NYSERDA).



CITY OF NEWBURGH
SPECIAL COUNCIL MEETING AGENDA
August 1, 2013
Approximately 7:00 p.m.

Mayor:

1. Prayer
2. Pledge of Allegiance

City Clerk:

3. Roll Call

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

4. Resolution No. 155 - 2013
A resolution authorizing the interim City Manager to execute a satisfaction in connection with a mortgage issued to Liberty Street, L.P. c/o Liberty Square Corporation, G.P. for the premises known as 497 Liberty Street.
5. Resolution No. 156-2013
A resolution authorizing the Interim City Manager to apply for and to accept if awarded a State grant for funding from the New York State Office of Parks, Recreation and Historic Preservation under the Environmental Protection Fund Municipal Grant Program and Recreational Trails Program in an amount not to exceed \$550,000 for the Quassaick Creek Trail Project.
6. Resolution No. 157 - 2013
A resolution of the City Council of the City of Newburgh, New York supporting the Consolidated Funding Application of the Ritz Theatre-Newburgh, Inc. for the Urban Initiatives Program funding through the New York State Office of Homes and Community Renewal.
7. Resolution No. 158 - 2013
A resolution of the City Council of the City of Newburgh, New York supporting the Consolidated Funding Application of the Newburgh Community Land Bank through the Urban Initiatives Program of New York State Office of Homes and Community Renewal.

8. Resolution No. 159 - 2013
A resolution authorizing the interim City Manager to apply for and accept if awarded New York State grant funds under the New York Main Street Program for façade upgrades and streetscape improvements in an amount not to exceed \$200,000.00.

9. Resolution No. 160 - 2013
A resolution authorizing the interim City Manager to apply for Priority Project Status under the Consolidated Funding Application process in an amount not to exceed \$675,000.00 in support of the development of 5 Scobie Drive.

10. Resolution No. 161 - 2013
A resolution authorizing the interim City Manager to apply for and accept a State grant for funding under the New York State Main Street Program – Technical Assistance Program in an amount not to exceed \$20,000.00 to develop design guidelines for the Broadway corridor.

11. Resolution No. 162 - 2013
A resolution supporting the Consolidated Funding Application of Mill Street Partners, LLC through the Cleaner, Greener Communities program of the NYS Energy Research and Development Authority (NYSERDA).

Old Business:

12. Resolution No. 147 - 2013
A resolution authorizing the interim City Manager to enter into a license agreement with the Youth Empowerment Center for the first floor of 104 South Lander Street for a term of one year.

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

RESOLUTION NO.: 155 - 2013

OF

AUGUST 1, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO EXECUTE A SATISFACTION IN CONNECTION WITH
A MORTGAGE ISSUED TO LIBERTY STREET, L.P. C/O
LIBERTY SQUARE CORPORATION, G.P.
FOR PREMISES LOCATED AT 497 LIBERTY STREET
(SECTION 4, BLOCK 12, LOT 4)

WHEREAS, by Resolution No.: 105-2010 of May 10, 2010, this Council authorized the acceptance and assumption of all the assets and liabilities of the Newburgh Community Development Agency ("NCDA"), all without consideration, pursuant to Section 554(19) of the General Municipal Law; and

WHEREAS, Resolution No.: 105-2010 of May 20, 2010, further authorized the Acting City Manager to execute and accept delivery of any and all deeds, assignments, instruments, agreements, and any and all other necessary documents to effect such acceptance and assumption by the City; and

WHEREAS, by an Assignment and Assumption of Mortgage Without Covenant between the NCDA f/k/a the Newburgh Urban Renewal Agency to the City of Newburgh, executed on November 15, 2010, and recorded in the Orange County Clerk's Office on November 22, 2010, included a mortgage issued to Liberty Street, L.P. c/o Liberty Square Corporation, G.P. for premises located at 497 Liberty Street (Section 4, Block 12, Lot 4) in the principal sum of Fifty Thousand (\$50,000.00) Dollars; and

WHEREAS, the terms of the mortgage instrument have been satisfied by the mortgagor, and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

WHEREAS, this Council has determined that executing said Satisfaction is 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 Interim City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Liberty Street, L.P. c/o Liberty Square Corporation, G.P. for premises located at 497 Liberty Street (Section 4, Block 12, Lot 4).

RESOLUTION NO.: 156 - 2013

OF

AUGUST 1, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A STATE GRANT FOR FUNDING FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION UNDER THE ENVIRONMENTAL PROTECTION FUND - MUNICIPAL GRANT PROGRAM AND RECREATIONAL TRAILS PROGRAM IN AN AMOUNT NOT TO EXCEED \$550,000.00 FOR THE QUASSAICK CREEK TRAIL PROJECT

WHEREAS, the City of Newburgh desires to develop access to the historic Quassaick Creek Corridor to include trailhead parking, picnic areas, informational kiosks and hiking trail; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation under the Environmental Protection Fund - Municipal Grant Program and Recreational Trails Program has made funding available to municipalities; and

WHEREAS, this project will compliment the ongoing stream corridor and sewer restoration project related to the sewer trunk line failures of 2012; and

WHEREAS, such grant funds shall be in an amount not to exceed Five Hundred Fifty Thousand (\$550,000.00) Dollars, of which Four Hundred Thousand Dollars (\$400,000.00) will come from the Environmental Protection Fund - Municipal Grant Program and One Hundred Fifty Thousand Dollars (\$150,000.00) will come from the Recreational Trails Program; and

WHEREAS, said grant requires a twenty-five (25) percent local match, which can be derived from the City's current contract for the development of plans and specifications for the restoration of approximately 2,000 linear feet of stream restoration and over two (2) miles of sewer investigation and repairs, through a sewer fund loan from New York State Environmental Facilities Corporation (NYSEFC) in excess of eight million dollars (\$8,000,000.00); and

WHEREAS, over 800 feet of sewer repairs have already been completed under an emergency contract in 2012 and a maintenance access way has already been developed along this length;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for and accept if awarded a funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and/or the Recreational Trails Program in an amount not to exceed Five Hundred Fifty Thousand (\$550,000.00) Dollars and enter into and execute a project or agreement with the State for such financial assistance to the City of Newburgh for the Quassaick Creek Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

RESOLUTION NO.: 157 - 2013

OF

AUGUST 1, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NEWBURGH, NEW YORK SUPPORTING THE
CONSOLIDATED FUNDING APPLICATION OF
THE RITZ THEATER-NEWBURGH, INC. FOR URBAN INITIATIVES
PROGRAM FUNDING THROUGH THE NEW YORK STATE OFFICE OF
HOMES AND 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, The Ritz Theater-Newburgh, Inc is requesting funding for the restoration of the Ritz Theater which will help to create a viable cultural and tourist destination, providing education and employment opportunities and enhancing and revitalizing the City of Newburgh through the creation of density and vitality; and

WHEREAS, monies granted will be used to create a vibrant professional performing arts venue in the City of Newburgh that revitalizes the local economy, enriches the education of youth, and enhances community pride;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the Consolidated Funding Application of The Ritz Theater-Newburgh, Inc for Urban Initiatives Program funding through the New York State Office of Homes and Community Renewal.

RESOLUTION NO.: 158 - 2013

OF

AUGUST 1, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK
SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF
THE NEWBURGH COMMUNITY LAND BANK THROUGH THE
URBAN INITIATIVES PROGRAM OF NEW YORK STATE
OFFICE OF HOMES AND 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, the Newburgh Community Land Bank is requesting funding to complete the west side of Chambers Street between Broadway and First Street, provide for commercial units and affordable, workforce residential units and significant private investment on both sides of the block, and provide funding for redeveloping the last disinvested property on the west side of Chambers Street, which results in the improvement of the overall development of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the New York State Consolidated Funding Application of the Newburgh Community Land Bank through the Urban Initiatives Program of New York State Office of Homes and Community Renewal.

RESOLUTION NO.: 159 -2013

OF

AUGUST 1, 2013

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED STATE GRANT FOR FUNDING
UNDER THE NEW YORK MAIN STREET PROGRAM
FOR FAÇADE UPGRADES AND STREETScape IMPROVEMENTS
IN AN AMOUNT NOT TO EXCEED \$200,000.00

WHEREAS, the City of Newburgh is committed to complimenting the efforts of the private sector in promoting community revitalization efforts; and

WHEREAS, the State of New York has made funding available under the New York Main Street Program to assist in upgrading their Downtown Core Commercial Areas; and

WHEREAS, such grant requires no City match; and

WHEREAS, the City of Newburgh is a qualified applicant under this program; and

WHEREAS, the City of Newburgh has a successful history in delivering development programs throughout the City;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for and accept if awarded a grant for funding under the New York Main Street program for façade upgrades and streetscape improvements in an amount not to exceed \$200,000.00.

RESOLUTION NO.: 160 - 2013

OF

AUGUST 1, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR
A PRIORITY PROJECT STATUS UNDER THE CONSOLIDATED FUNDING
APPLICATION PROCESS IN AN AMOUNT NOT TO EXCEED \$675,000.00 IN SUPPORT
OF THE DEVELOPMENT OF 5 SCOBIE DRIVE

WHEREAS, the Consolidated Funding Application process selects Priority Projects that demonstrate positive economic impact for a community; and

WHEREAS, the City of Newburgh has submitted an application in support of the development of 5 Scobie Drive; and

WHEREAS, this project will compliment the development by providing infrastructure expansion and upgrades; and

WHEREAS, such grant funds shall be in an amount not to exceed Six Hundred and Seventy Five Thousand (\$675,000.00) Dollars; and

WHEREAS, said grant requires a 20% (\$135,000.00) match to be derived from a combination of public and private funds;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for and accept if awarded the Priority Project status for a grant in support of the development of 5 Scobie Drive in an amount not to exceed Six Hundred and Seventy Five Thousand (\$675,000.00) Dollars.

RESOLUTION NO.: 161 - 2013

OF

AUGUST 1, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A STATE GRANT FOR FUNDING
UNDER THE NEW YORK MAIN STREET PROGRAM - TECHNICAL ASSISTANCE
PROGRAM IN AN AMOUNT NOT TO EXCEED \$20,000.00 TO DEVELOP DESIGN
GUIDELINES FOR THE BROADWAY CORRIDOR

WHEREAS, the City of Newburgh is committed to complimenting the efforts of the private sector in promoting community revitalization efforts; and

WHEREAS, the State of New York has made funding available under the New York Main Street Program to assist in the development of design guidelines, to help preserve and promote both architectural significance and commercial vibrancy within the corridor; and

WHEREAS, the City of Newburgh is a qualified applicant under this program; and

WHEREAS, the City of Newburgh will provide a minimum of 5% match toward the program; and

WHEREAS, the City of Newburgh has a successful history in delivering development programs throughout the City;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for and accept if awarded a grant for funding under the New York Main Street Program-Technical Assistance Program in an amount not to exceed \$20,000.00 to develop design guidelines for the Broadway Corridor.

RESOLUTION NO.: 162 - 2013

OF

AUGUST 1, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK
SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF
MILL STREET PARTNERS, LLC THROUGH THE CLEANER, GREENER
COMMUNITIES PROGRAM OF THE NEW YORK STATE
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA)

WHEREAS, the purpose of the The New York Cleaner, Greener Communities Program empowers regions to create more sustainable communities by funding smart growth practices; and

WHEREAS, Cleaner, Greener Communities Program funding will be awarded to organizations for projects that are aligned with the goals of the respective Regional Sustainability; reduce greenhouse gas emissions, promote energy efficiency savings and/or which result in sustained community improvement and provides economic development and resiliency benefits and cost effectiveness; and

WHEREAS, Mill Street Partners, LLC is requesting funding for the development of the 1.8 acre principal site that fronts on Broadway (the "Mid-Broadway Site") as capital project for the construction of a fossil fuel free building using solar and geo-thermal technologies for its mixed-use building with commercial use on the ground floor and 91 units of affordable residential housing;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the New York State Consolidated Funding Application of Mill Street Partners, LLC through the Cleaner, Greener Communities Program of the New York State Energy Research and Development Authority.

RESOLUTION NO.: 147 .2013

OF

JULY 15, 2013

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO
A LICENSE AGREEMENT WITH THE YOUTH EMPOWERMENT CENTER FOR THE
FIRST FLOOR OF 104 SOUTH LANDER STREET FOR A TERM OF ONE YEAR**

WHEREAS, the Youth Empowerment Center (YEC) has expressed an interest in using the first floor of the building located at 104 South Lander Street to establish a location for providing youth programs and services; and

WHEREAS, allowing the YEC to use the first floor of the building located at 104 South Lander street will require a license agreement which the term of said license shall be one year and which may automatically renew for successive one year terms unless terminated as set forth in the license agreement, a copy of which is annexed hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such license agreement and finds that entering into the same would be in the best interests of the City of Newburgh and the community alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute the attached license agreement with the Youth Empowerment Center for the use of the first floor of 104 South Lander Street in substantially the same form and on the terms and conditions contained in the attached license agreement, including such other terms and conditions as may be deemed appropriate and necessary by the Interim City Manager and /or the Corporation Counsel in order to carry-out the subject transaction.

LICENSE AGREEMENT

This Agreement made this _____ day of _____ 2013, between the CITY OF NEWBURGH, a municipal corporation having its principal offices at City Hall, 83 Broadway, Newburgh, NY 12550 (hereinafter referred to as "LICENSOR" or "CITY) and YOUTH EMPOWERMENT CENTER, a corporation organized and existing under the laws of the State of New York, having its principal place of business at _____, Newburgh NY 12550 (herein referred to as "LICENSEE" or "YEC").

WITNESSETH:

WHEREAS, LICENSOR owns property located at 104 South Lander Street, Newburgh, New York, hereinafter referred to as the "PREMISES"; and

WHEREAS, LICENSEE desires the license or privilege of gaining access to the first floor of the Premises for the purpose of establishing a community center for youth programs and services; and

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

NOW THEREFORE, in pursuance of said agreement and in consideration of ONE AND NO/100 (\$1.00) DOLLAR paid by each of said parties to each other, receipt of which is hereby acknowledged and of the mutual covenant, agreements, conditions, and stipulations herein contained, it is mutually covenanted, stipulated and agreed by and between the parties hereto as follows:

1. PREMISES:

LICENSOR does hereby grant unto LICENSEE use and occupancy of the first floor of the Premises for the purpose of establishing a community center for youth programs and services according to the terms and conditions as hereinafter provided.

2. TERM:

The license granted hereunder shall be for a term of one (1) year, commencing upon the date this Agreement shall be properly executed by both parties, unless earlier terminated by either or both parties as provided herein.

3. CONSIDERATION:

The consideration shall be ONE AND No/100 (1.00) DOLLAR payable by each party to the other upon execution of this License Agreement, and all such other covenants, promises and understandings provided herein.

4. LIABILITY/INSURANCE:

A. LICENSOR and LICENSEE each agree to be responsible for the negligent or wrongful acts or omissions of their respective employees arising under this agreement. The parties agree to cooperate in good faith to resolve any claims promptly and wherever appropriate without litigation.

B. LICENSOR and LICENSEE shall at all times during the term of this Agreement maintain and keep in force comprehensive general liability insurance. LICENSEE shall provide to LICENSOR a copy of the certificate of said general liability insurance. LICENSOR shall at all times during the term of this Agreement maintain and keep in force property and casualty insurance covering the Premises.

5. USE AND OCCUPANCY:

LICENSEE shall use and occupy the Premises in a careful, safe and proper manner, and shall not occupy or use said premises or permit the same to be occupied or used for any purpose or business which is unlawful and shall comply with all lawful requirements of all current laws, ordinances, rules and regulations of all governmental authorities pertaining to the use and occupancy of the Premises and according to the following conditions:

- a. Licensee's access to the Premises shall be Thursday, Friday and Saturday each week from 1:00 pm until 1:00 am.
- b. Licensee may provide youth programs on Thursday, Friday and Saturday each week from 3:00 pm to 12:00 am. However, no program for teenage youth may begin before 5:00 pm on Thursday and Friday.
- c. Licensee shall provide its own security.

LICENSOR shall notify LICENSEE when other organizations are scheduled for the approved use of the PREMISES.

With copies to:

Attn:

8. ENFORCEABILITY:

Should any provision of this Agreement be deemed unenforceable for any reason, the remainder of this Agreement shall continue in effect so long as the purpose of this Agreement is not nullified by the absence of such provision.

9. NON-ASSIGNMENT:

LICENSEE shall not have the right to assign this Agreement without prior written approval of LICENSOR.

10. INVALIDITY OF PROVISIONS:

If any term or provision of this Easement Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Easement Agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12. HEADINGS:

It is understood and agreed that the headings are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope or intent of this Agreement, or in any way affect this Agreement.

13. ENTIRE AGREEMENT:

This Agreement contains the entire agreement between the parties and any agreement hereafter made shall be ineffective to change, modify or discharge it in whole or part unless such agreement is in writing and signed by both parties.

IN WITNESS WHEREOF, and intending to be legally bound, the Parties have signed
this Agreement below.

(date)

CITY OF NEWBURGH, LICENSOR

By: _____
JAMES A. SLAUGHTER
Interim City Manager

(date)

YOUTH EMPOWERMENT CENTER,
LICENSEE

By: _____