

A regular meeting of the City Council of the City of Newburgh was held on Monday, February 8, 2010 at 7:00 P.M. in the Council Chambers, City Hall, 83 Broadway, Newburgh, NY 12550

The Prayer was led by Rev. Jones and the Pledge of Allegiance was led by Councilwoman Bell.

Present: Mayor Valentine, presiding; Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard-5

Councilwoman Angelo moved and Councilwoman Bello seconded that the minutes of the regular meeting of January 25, 2010 be approved.

Ayes-Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5

CARRIED

## PRESENTATIONS

Mayor Valentine proclaimed Black History Month in the City of Newburgh. The theme of this year's Black History Month is that of black economic empowerment commemorating individuals of African-American descent from all walks of life, and who have inspired others with their success.

Second, as part of the 17<sup>th</sup> Annual Celebrating the Dream ceremonies, three of the six finalists of the essay writing contest were present to read their works. Mayor Valentine pointed out that the young people never really get the chance to read their works at the celebration, because the program is very full of activities. So keeping in tune with Black History Month, the council gives the students the opportunity to read their essays at the February council meetings. Jessica Barr, Amanda Chen and Alania Relaford were present tonight to read their works.

Mayor Valentine presented a Certificate of Recognition to Carl Hamilton, Chairman of the Celebrating the Dream organization for the successful 17<sup>th</sup> annual community-wide celebration of the life and ideas of Rev. Dr. Martin Luther King, Jr.

Councilwoman Bell presented the members of the Newburgh Free Academy Step and Dance Team. They were present to showcase their talents. Stepping, a style of dance, has evolved into a form of art. Traditionally, it was a form of communication between African-American slaves.

**Mr. Wallace of the Newburgh Enlarged City School District's Violence Prevention program remarked that this is a true representation of Newburgh youth. The recent acts of violence that have occurred amongst young people are isolated. Tonight's performance is what it is really all about. The youth are good. They just need positive things out there to help bring out the best in themselves.**

## COMMUNICATIONS

**Councilwoman Angelo moved and Councilwoman Bello seconded that the Notices of Claim and the Summonses & Verified Complaints be referred to Corporation Counsel with power to act.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**CARRIED**

## PUBLIC HEARING

Mayor Valentine called a public hearing to receive comment concerning an amendment to City Code Section 270-18(A)(1) Article II, Senior Citizen Tax Exemption.

Denise Ribble, Montgomery Street, remarked that she is in favor of this. But she questioned whether due diligence has been performed in calculating the amount of anticipated tax revenues. She heard the estimated amount at the last work session. She cautioned the council that such estimates in the past have been erroneous. She would like to know who is going to bear the costs of the lost revenues, if such error occurs. More importantly, who is going to save the seniors from imminent tax foreclosure?

Richard Peterson, Broadway, commented that it is time we start talking about tax alleviation for senior citizens. One thing that he has learned is that when you get rid of these taxes, a portion of the tax usually ends up being higher than anything it ever was. This is a big plus for the seniors.

There being no further comments for or against this public hearing, this portion of the meeting was closed.

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

A resident on Carpenter Avenue asked what the actual costs of the water and sewer facility charges are going to be. She contacted the Water Department. The figure she was given is actually less than what she was previously paying, which seems reasonable to her.

Kippy Boyle, Grand St, wanted to know how much is owed on the delinquent water bills. Also she questioned what the departments are doing to collect the outstanding fees.

Denise Ribble mentioned that one of the council members had requested a listing of the water scofflaws. She said that Mr. Platt had estimated the amount of past due water charges at roughly \$500,000. Since the past due is rolled into the city taxes anyway, if we go ahead and raise fees tonight and all the collection of the past due is successful, could the taxpayers then be able to get a rollback once the water department gets flushed in its operating expenses. Second, she asked the council who is responsible for collecting the fees. Also how does it plan to collect them? Mr. Platt has said that his department does not get involved in the collection process. Third, she did not see a collection fee component in Chapter 163 entitled "Fees." Last, she wanted to know how many of the water scofflaws are providing housing to the sex offenders and parolees. How many of them have code violations? And how many of them have seen a decrease in their tax assessments?

Maryann Prokosch, Galloway Ave., pointed out that when the Charter Review Commission came before the council they encountered problems. She suggested that it be put on the ballot for the people to choose its system of government rather than worry about the details right now. First, you have to see if the people even want it. She hopes that the City continues to negotiate with the school district in securing police officers in our schools.

Barbara Smith, Powell Ave., asked if we ever find ourselves in the black, are the taxpayers going to be able to reap the benefits of a rollback. Also what are the checks and balances in place to stop the city from using the excesses of collected fees elsewhere?

Judy Kennedy, Grand St, suggested that the council consider an alternate process for answering a lot of the questions that continue to be addressed at these meetings. She is concerned about all of the feedback that is brought up at the meetings that just falls flat. She urged the council to use its

**creative thinking and create a feedback group to help address some of these questions.**

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

## CITY MANAGER FEEDBACK

Richard Herbek commented that he thought the total amount of the uncollected water fees was a little less than \$500,000.

Mr. Platt confirmed that at the close of the October 2009 water bill the city re-levied \$1,000,000. Roughly \$800,000 of that is water and sewer.

Mr. Herbek continued that with the re-levy in process, the city will ultimately receive those revenues at some point in time. The water fund needs to operate in the black; it can not operate in the red. Any extra revenue that is received can not be utilized to offset the general fund. Everything associated with these fees needs to be related to water expenses. A rollback, a lowering of the water rate, would have to be entertained by the council, as it would not be up to him to decide. Also he met with a representative from the State Comptroller's Office earlier today. The 2010 budget, even though approved, is in trouble. They knew it would be. It is not known if the fund balance will exist at the time it is needed.

Councilwoman Bell is concerned about the water scofflaws that owe \$30,000-\$80,000 in water bills. Other municipalities have enacted programs in which they work to get that money back. It does not make sense that we should have to re-levy things. We need our money and we need it now. She has recommended to her colleagues that they institute a program to address this situation. Once word gets around people are going to start paying their bills. We need to work with agencies, such as DSS, to help people currently housed in those buildings find alternate housing. The water needs to be shut off at these places. All we seem to do is charge more fees to the people who are paying, and who are already stressed to the max.

Mr. Platt remarked that we have to sit down with the City Manager, the Corporation Counsel, the Collector's Office and Water Department and come up with a plan together. He agrees with Councilwoman Bell that we do not have to slap the hands of too many people before they realize what is going on. It will make people start to come forward and pay their bills. We have to start at the top and work our way down. But there are legalities too. Yet it should not prohibit the City from taking action. The money that the city is owed is not going to offset the increase. Yet at the end of the year, whatever is outstanding and owed to any of the enterprise funds, the city has to make whole. The last few years we have always had an unexpended fund balance that the city could utilize for unexpected hardships. Unfortunately we do not have a fund balance now. We have to increase water fees and now we have a

water facility charge to try to make it a little more palatable to little people. He mentioned that if people want a reduction in their water bills, he has the ability to sell water. We should change the agreement with the Town of New Windsor so that we are compensated for the water it uses. The Town of Newburgh has been a good partner with us because it pays 40% of all of our sewer bills. Mr. Platt said he has the ability to raise anywhere between \$3-4 Million each year by selling water.

Councilman Dillard stated that is something we can look at ahead. According to the State Comptroller's report we need money now. We need the lists of the water scofflaws. Let's start holding people accountable for their actions. We need to actively pursue to get these much needed revenues.

Mr. Herbek mentioned that he met with students of the Pace Law School Land-Use committee this afternoon. The committee offered strategies and new stuff to get the distressed properties much needed attention. This will help get us moving in the right direction. Fire Chief Vatter and Courtney Kain did a terrific job leading the students around on a tour of the city. Also Mr. Herbek met with the County Executive. They discussed recreational opportunities in our city and the Gross Receipt tax. In addition to meeting with the County Executive, he met with David Jolly, Commissioner of Social Services, to discuss the large number of sex offenders and parolees that are relocated to our city.

Mr. Herbek commented that he has requested reports from each department prior to each council meeting. There is a lot of work that gets done out of DPW especially. It is essentially the operations department for the city. It handles routine maintenance of the 141 city-owned properties, in addition to maintaining parks, parking lots, bridges etc. throughout the city. The workers replace the signs and cover manholes. Last year they repaired 250 potholes citywide. The city vehicles are repaired by DPW. We are anticipating more snow later this week. The department will be even busier. During the winter months snow removal is a major activity.

Mr. Herbek noted the Fire Department report. The department is now responsible for code enforcement. He has discussed with Chief Vatter all of the work that is taking place in the department. Code Compliance is down to four officers, from six. In the month of December there were 314 code violations recorded; 338 re-inspections, 347 general inspections; 214 complaint inspections and 25 court inspections.

Councilman Dillard asked for a report of the amount of fees that the Codes department collects. It is imperative that the council looks at all the collected fees reports because it deals with funding.

**There being no further updates from the City Manager he moved on to the City Manager's Report portion of the meeting.**

**RESOLUTION NO.: 31 - 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION IN OPPOSITION TO CENTRAL HUDSON GAS  
AND ELECTRIC CORPORATION RATE INCREASE**

**WHEREAS**, the New York State Public Service Commission reports that Central Hudson Gas & Electric Corporation (“Central Hudson”) has requested approval to increase its annual electrical and natural gas delivery charges; and

**WHEREAS**, according to the New York State Public Service Commission, Central Hudson is proposing to increase its annual electric delivery revenues by \$35.4 million and its annual gas delivery revenues by \$14.7 million for the 12 months starting July 1, 2009; and

**WHEREAS**, the staff of the New York State Public Service Commission and other parties have evaluated the facts and circumstances of Central Hudson’s request and presented Central Hudson with a case that would reduce the electric increase to \$16.1 million and the natural gas increase to \$6.4 million; and

**WHEREAS**, according to the New York State Public Service Commission, under the increase, customers in a typical household would experience a 16% increase in electric delivery charges and a 25% increase in natural gas delivery charges; and

**WHEREAS**, Central Hudson’s area of service includes the City of Newburgh and the proposed rate increase will cause unnecessary hardship for numerous residence of the City, particularly those with fixed or limited incomes, as well as place an additional financial burden on the City’s taxpayers as the City’s facilities are served by Central Hudson; and

**WHEREAS**, Central Hudson has failed to demonstrate a need for the proposed rate increase; and

**WHEREAS**, upon consideration, the City Council finds that such rate increases will place an undue financial burden on residents, businesses, and local government.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council of the City of Newburgh, in its capacity as governing body of the City, does hereby oppose the rate

increase for delivery of electricity and natural gas for which Central Hudson Gas & Electric Corporation seeks approval; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby directed to send a certified copies of this Resolution to the Hon. Jaclyn A. Brillling, Secretary, New York State Public Service Commission, and to the Orange County Executive and to the Chairman of the Orange County Legislature, to the Orange County Association of Mayors and Supervisors, and to all State officials whose jurisdiction includes the City of Newburgh, for the purpose of memorializing our opposition to the subject application to them and to request that they join in such opposition to protect the welfare of our citizens and community; and

**BE IT FURTHER RESOLVED**, that the aforesaid resolution shall take effect immediately.

**Councilwoman Bell stated that it is interesting to her that they are voicing opposition to Central Hudson's increases. Yet we have no qualms about increasing our own rates.**

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

LOCAL LAW NO.: 1 - 2010

OF

FEBRUARY 8, 2010

A LOCAL LAW AMENDING CERTAIN SECTIONS OF  
CHAPTER 163 ENTITLED "FEES" 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 Amending Certain Sections of Chapter 163 entitled 'Fees' of the Code of the City of Newburgh".

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend Chapter 163 of the Code of the City of Newburgh to promote proper governmental administration and to provide for a consolidated schedule of fees involving the administration of City ordinances, local laws, rules and regulations. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend Chapter 163. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

**SECTION 3 - AMENDMENT**

Chapter 163 entitled "Fees" of the Code of the City of Newburgh is hereby amended to read as follows:

§ 163-2. Code compliance.

The following code compliance fees shall be charged:

A. Social services:

(1) Pre-rental inspection: [\$50.] \$75.

- (2) Each re-inspection: [~~\$25.~~] \$50.
- B. Certificate of occupancy:
  - (1) Single-family or two-family residence: ~~[\$100]~~ 120.
  - (2) Residential accessory structure/residential addition, alteration or renovation: \$50.
  - (3) Multiple-family residence (three units and above): ~~[\$300]~~ 360.
  - (4) Commercial/industrial: ~~[\$300]~~ 360.
  - (5) Re-inspection: \$200.
  - (6) Copy of certificate of occupancy: \$25.
  - (7) Violation search: [~~\$20]~~ \$100, plus copies at \$0.25 per [copy] page.
  - (8) Street reports: \$20.
- C. Trailers:
  - (1) (Reserved)
  - (2) Temporary (used by contractors as offices during construction):
    - (a) One to 10 days maximum: \$50.
    - (b) Ten to 30 days maximum: \$100.
- D. Blasting permit: [~~\$100.~~] \$250.
- E. Sign permits: ~~[\$100]~~ 120.
- F. Scaffold permit: [~~\$25]~~ \$50 per erection.
- [G. Dumpster permit: \$25.]
- [H] G. Permit for use of crane (See Chapter 139.):
  - (1) Three days maximum: [~~\$100.~~] \$300.
  - (2) After three days: \$50 per day.

[I] H. Wood- or coal-burning stove permit:

(1) Construction: \$25.

(2) After three days: \$50 per day.

[J] I. Boiler permit: \$25.

[K] J. Swimming or bathing pool permit: [~~\$25.~~] \$50.

[L] K. Fence permit: \$25.

[M] L. Place of assembly category buildings, annual inspection: [~~\$100.~~] \$150.

[N] M. Commercial buildings (other than public assembly category), annual inspection:  
[~~\$50.~~] \$75.00

#### § 163-4. Streets and sidewalks.

Fees for the various activities associated with streets and sidewalks shall be as follows:

A. Street opening permit: [~~\$125~~] \$175.

B. Sidewalk permit: [~~\$50~~] 60.

C. Curb cut permit: \$75.

D. Loading zones (See § 288-29.): \$100 per year.

E. Handicapped parking spaces (See § 288-34D.): \$25.

#### § 163-5. Trades, businesses, professions and other activities.

The following fees shall be charged for permits and licenses for the trades, businesses, professions and activities listed below:

A. Electrical (See Chapter 155.):

(1) Electrical licenses:

(a) Master electrician (Class A).

[1] New license: [\$300.] \$350.

[2] Renewal: [\$100.] \$300 every two years.

(b) Master electrician (Class B).

[1] Temporary (one job only): [\$300.] \$750.

(c) Special electrician (Class C).

[1] New license: \$50.

[2] Renewal: [\$25.] \$50.

(2) Plate or sign: \$10.

(3) Manual of rules and regulations for electrical examiners (See Chapter 30.):  
\$5 per copy.

(4) Electrical permit: [\$15] \$25 per permit.

B. Plumbing (See Chapter 230.):

(1) Examinations:

(a) Application: \$300 nonrefundable, including one reexamination.

(2) License (certificate of competency):

(a) Certificate of registration: [\$50.] \$250.

(b) Renewal:

[1] Within 30 days of expiration: [\$50.] \$100.

[2] If renewed after January 1: [\$65.] \$125.

[3] Sticker: \$5 per vehicle per year.

(3) Plumbing Permit

(a) 1-5 fixtures: \$30.

(b) 6 or more fixtures: \$50.

- C. Gasoline and petroleum tanks (See Chapter 263, Article IV.):
- (1) Permit for installation of gasoline tanks: [~~\$250.~~] \$350.
  - (2) Operation of petroleum dispensers: [~~\$50~~] \$100 per year.
  - (3) Gas pump within line of street: \$50 per year.
  - (4) Permit for installation of combustible liquid tank:
    - (a) Tanks of 275 gallons (up to two tanks): no fee.
    - (b) Tanks of 550 gallons: \$50.
    - (c) Tanks of 1,000 gallons and larger: [~~\$100~~] \$250 for tanks of 1,000 gallons and \$15 for each additional 1,000 gallons of tank capacity.
  - (5) Permit for removal of tank: \$25 per tank.

- D. Taxis and vehicles for hire (See Chapter 272.):
- (1) Taxicab license fee: [~~\$150~~] \$400 per year.
  - (2) Taxicab driver's license application: [~~\$50 per year~~] \$100.
  - (3) Taxicab driver's license: \$100 per year.

- E. Peddlers (See Chapter 223.):
- (1) Application fee: [~~\$50~~] \$75, nonrefundable.
  - (2) License fees:

Activity	Per Week	Per Month	Per Year
Peddling on foot	\$10	\$25	\$100
Peddling with handcart or pushcart	\$25	\$50	\$200
Peddling with vehicle (1 person)	\$25	\$50	\$200
Each helper to person peddling with a vehicle	\$5	\$40	\$50

- F. Cabaret license (See Chapter 108.):

- (1) Per year: \$100.
- (2) Per day: \$10.
- G. Bowling alley license: \$25 per year.
- H. Roller-skating rink license (See Chapter 108.): \$75 per year.
- I. Boxing or wrestling match license (See Chapter 108.): \$150 per year.
- J. Motion-picture shows (See Chapter 108.): \$150.
- K. (Reserved)
- L. (Reserved)
- M. Junkyard license (See Chapter 198.): [~~\$100~~] \$250 annually.
- N. Vehicle license for private garbage collectors (See Chapter 183.): [~~\$100.~~] \$200.
- O. Garage sale permit (See Chapter 181.): [~~3~~] 5.
- P. Newsracks (See Chapter 209.):
  - (1) Annual permit fee: \$25.
  - (2) Renewal: \$25.
  - (3) Inspection fee: \$10.
- Q. Wreckers and towers (See Chapter 297.):
  - (1) Annual license fee: \$150 for the first two vehicles.
  - (2) For each truck or vehicle in excess of two: \$25.
- R. Letter and parcel receptacles (See Chapter 207.):
  - (1) Annual permit fee: \$25.
  - (2) Renewal: \$25.
  - (3) Inspection fee: \$10.

S. Public assembly:

- (1) Permit fee: \$[25] 50.

§ 163-6. Planning, zoning and building fees.

C. Building permit applications:

- (1) Upon filing of an application for a building permit for a new residential structure, the following fee shall be charged: [~~\$200~~] \$250, plus [~~0.20~~] 0.25 per square foot of floor area.
- (2) Upon filing of an application for a building permit for a new commercial or industrial structure, the following fee shall be charged: [~~\$300~~] 350, plus [~~0.20~~] 0.25 per square foot of floor area.
- (3) Upon filing of an application for a building permit for an addition, alteration, renovation or accessory building, the following fee shall be charged: [~~\$10~~] 12.50 per \$1,000 of construction value. Minimum fee of \$50 for a Building Permit.
- (4) Upon filing of an application for a building permit for demolition, the following fee shall be charged: [~~\$50~~] 75 per story.
- (5) Failing to apply for a building permit prior to the commencement of work, the following fee shall be charged in addition to the amounts charged in Subsection C(1), (2) and (3) of this section: 50% of the application fee for a residential structure or \$200 for a commercial structure.
- (6) Required inspections for building permit applications conducted outside of regular working hours: \$150.
- (7) Informational Report: \$50.

§ 163-8. Parks and recreation activities.

The various park and recreation fees shall be as follows:

D. Assemblies in public places.

(1) Application fee for permit: \$[25] 50.

E. Docking at Newburgh Landing.

(1) One-time permit.

(a) Permit for recreational vessels over 40 feet in length (by length of boat): \$1 per foot.

(b) Permit for all commercial vessels (by length of boat): \$1 per foot.

(2) Monthly or annual permit.

(a) Vessels with a capacity of fewer than 100 persons: \$[75] 125 per week.

(b) Vessels with a capacity of 100 or more persons: \$[100] 200 per week.

§ 163-10. Police and Fire Department fees.

A. Police Department.

(1) Police alarm device permit: \$[25] 50 per alarm.

(2) False alarms:

(a) Any alarm activation to which the Police Department personnel respond which is not the result of an unauthorized entry, fire, smoke or other emergency (i.e., false alarm):

[1] One to three per calendar year: \$0.

[2] Four to 10 per calendar year: \$50 per alarm.

[3] Eleven or more per calendar year: \$125 per alarm.

(b) The above charges shall be paid to the City Clerk by the property owner or lessee upon receipt of an annual billing statement from the City.

(3) Fingerprinting:

- (a) Full set:
  - [1] City residents: \$25.
  - [2] Non-City residents: \$75.
- (b) Thumbprint by Clerk: \$5.

(4) BB gun permit: \$5.

B. Fire Department:

- (1) Nightclub (licensed premises) inspection: [~~\$100~~] \$250.
- (2) Fireworks permit: \$75.
- (3) Fire-suppression system fees: Upon filing of an application for a permit for the installation of a fire-suppression system in accordance with Chapter 107 of the City of Newburgh Code of Ordinances, the following fees shall apply: 2% of the approved estimated costs of the system.

§ 163-11. Dogs and other animals.

The following fees shall be charged pursuant to Chapter 150, Dogs and Other Animals:

A. Euthanization and burial:

- (1) Dogs:
  - (a) Under 40 pounds: \$50.
  - (b) Over 40 pounds: \$65.
- (2) Cats:
  - (a) Cat: \$45.
  - (b) Kitten \$25.

B. Redemption of impounded dog: \$35.

C. License fees. In addition to the fees established by § 110, Subdivision (1), of the Agriculture and Markets Law of the State of New York, the following local fees

shall be charged:

- (1) For each spayed or neutered dog: [~~\$2.50~~] \$5.00.
- (2) For each unspayed or unneutered dog: [~~\$2.50~~] \$5.00.

D. Boarding.

- (1) For each animal which is placed in the care and custody of a private boarding facility: the actual cost of such placement.
- (2) For each animal in the care and custody of the City of Newburgh Animal Control Officer boarded at City facilities: \$25 per day or part thereof.
- (3) In addition to the above, the City of Newburgh will charge the owner of such animal the actual cost of veterinarian services and medication expenses incurred by the City while caring for such animal.

E. Other fees.

- (1) Dogs:
  - (a) Spay: \$77.
  - (b) Neuter: \$77.
  - (c) Rabies shot: [~~\$20~~] \$28.
- (2) Cats:
  - (a) Spay: \$40.
  - (b) Neuter: \$23.
  - (c) Aids/Fiv combo: \$30.

§ 163-12. Miscellaneous.

Miscellaneous department charges shall be as follows:

- A. License pertaining to games of chance: \$50.
- B. Returned check fee: \$20.

- C. Road dedication: \$250 plus the cost of recording and other incidental expenses to process the application; said fee is not returnable.
- D. City Clerk.
  - (1) Issuance of certification of cancellation of tax lien:
    - (a) First certification: free per tax lot;
    - (b) Replacement certification: \$25 per tax lot.
- E. Dumpster permit for construction, demolition or rehabilitation of property.
  - (1) For the first seven days: \$35.
  - (2) Per [day] week after the first seven days: \$[5] 35.
- F. For the removal of wastes from a dumpster pursuant to Charter § C9.03: \$120 per month.
- G. City Collector.
  - (1) Search of tax records and calculation of taxes owed: [\$50] \$75 per tax lot.
- H. Law Department:
  - (1) Preparation and review of documents in connection with the purchase of real property from the City: \$200 per tax lot, payable at closing.
  - (2) Preparation and review of resolutions, documents and related services by the Law Department in connection with requests by private parties to the City for an action, enactment of a resolution or execution of a document in connection with that private party, will be charged an amount equal to the reasonable cost to the City to render such services as established by the Law Department and approved by the City Manager.

§ 163-12.1. Geographic information systems.

- A. Mapping \$40 per hour (length of time to be determined by the GIS Analyst).
- B. Printing (by paper size):
  - (1) The first eight-inch by eleven-inch copy: \$5; each additional copy: \$3.

- (2) The first eleven-inch by seventeen-inch copy: \$10; each additional copy: \$6.
  - (3) The first customized paper size up to 36 inches by 40 inches: \$25; each additional copy: \$15.
  - (4) The first copy larger than thirty-six inches by 40 inches: \$30; each additional copy: \$18.
- C. Data:
- (1) Building footprint data: \$50.
  - (2) Parcel data: \$100.
  - (3) Orthoimagery: \$200.
  - (4) All other data: \$20 per request.
- D. Subscription: \$100 per [war] year for Interactive Mapping Services.
- E. Administrative fee: 15% of the total fee per order.

§ 163-13. Civil service examination fees.

- A. Fees for application for any civil service open competitive exams for the position [for] of police officer or fire fighter for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$40.
- B. Fees for application for all other open competitive exams for civil service positions for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be [\$15] \$20.
- C. Candidates for [such] promotional examinations who are employees of the City of Newburgh or of the Newburgh Enlarged City School District at the time of application for the examination shall [be exempt from the City portion of such fee (\$7.50)] pay to the City of Newburgh a fee of \$15.00 and shall pay that portion of the fee mandated by and payable to the State of New York Department of Civil Service (\$7.50).
- D. Applicants for civil service examination who satisfy any one of the criteria stated

herein shall be entitled to a waiver of the payment of any examination fee(s) upon the provision of certification of their eligibility therefor which is satisfactory to the City as provided hereinbelow in Subsection E hereof:

- (1) Individuals who are unemployed and primarily responsible for the support of a household; or
- (2) Individuals who are eligible for Medicaid, or receiving supplemental security income (SSI) payments; or
- (3) Individuals who are receiving public assistance in the form of temporary assistance for needy families/family assistance or safety net assistance, or are certified eligible for Job Training Partnership Act/Workforce Investment Act programs through a state or local social services agency.

E. Content of waiver form.

- (1) To qualify and be approved for the waiver of examination fees provided herein, applicants must demonstrate to the satisfaction of the City that they qualify. Applicants may do so by submitting a signed and notarized form to the City of Newburgh Civil Service Administrator. The format of such form shall be approved by the Civil Service Commission and shall comply with the legal and regulatory requirements of the state, and shall provide, at a minimum, the following:
  - (a) A reproduction of that portion of Civil Service Law Section 50.5(b) providing the legal authority for the subject waiver;
  - (b) The examination title(s), exam number(s) and examination date(s);
  - (c) Indication of the criteria which qualifies the applicant for the waiver;
  - (d) A certification statement to be signed by the applicant and notarized by a New York State notary public attesting to the applicant's eligibility and stating the possible consequences of false statements;
  - (e) The applicant's name, address, telephone number, social security number, the date of the application, a place for the notary seal, and such other information as the Civil Service Commission may appropriately require.

- (2) All information which is protected by privacy and security laws and other protections shall be kept confidential by the City and not publicly disclosed.

**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 take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

[Brackets] denote deletions

Underlining denotes additions

**Councilwoman Angelo moved and Councilwoman Bello seconded that the local law be enacted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ENACTED**

LOCAL LAW NO.: 2 - 2010

OF

FEBRUARY 8, 2010

A LOCAL LAW AMENDING CHAPTER 163 ENTITLED “FEES”  
SECTION 163-3(B)(3) “INSPECTIONS AND TESTS”  
AND SECTION 163- 3(C)(8) OF THE CODE OF THE CITY OF NEWBURGH  
TO ADD A WATER FACILITY CHARGE TO SUPPORT CAPITAL EXPENSES OF  
THE CITY OF NEWBURGH WATER DEPARTMENT

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 Amending Chapter 163 entitled ‘Fees’ Section 163-3(B)(3) ‘Inspections and Tests’ and Section 163-3(C)(8) of the Code of the City of Newburgh to add a water facility charge to support capital expenses of the City of Newburgh Water Department.”

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend Chapter 163 of the Code of the City of Newburgh to increase certain fees to cover the costs of water and sewer inspections and to add a water facility charge to support the capital expenses of the City of Newburgh Water Department. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend Chapter 163. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

**SECTION 3 - AMENDMENT**

Chapter 163 entitled “Fees” of the Code of the City of Newburgh is hereby amended to read as follows:

§ 163-3. Sewer and water.

The following sewer and water fees shall be charged:

- B. Sewer fees (see Chapter 248):
  - (3) Inspections and tests (See Chapter 293.):
    - (a) Water: [~~\$5.~~] \$25.
    - (b) Sewer: [~~\$5.~~] \$25.
    - (c) Sewer and water: [~~\$10.~~] \$50.
    - (d) Performance of dye or peppermint test: [~~\$15]~~ \$50 plus the cost of the dye or peppermint up to [~~\$14]~~ \$20 per pound.

C. Water service fees (See Chapter 293.):

- (8) Water Facility Charge:
  - (a) Each single-family dwelling will be assigned one unit.
  - (b) Each two-family dwelling will be assigned 1.75 units.
  - (c) Each three-family dwelling will be assigned 2.5 units.
  - (d) All other properties 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, abatements, etc.)
  - (e) Quarterly water facility charge: \$7.30 per unit as determined by subsection 8(a), (b), (c) and (d) above.
  - (f) Minimum water facility charge: \$1 per quarter.

[(8)] (9) Hydrant charge, outside City: \$64 per hydrant per year.

[(9)] (10) Private sprinkler charge for connection to City mains.

Size of Lateral (inches)	Charge Per Year
2	\$36
3	\$54
4	\$72

6	\$135
8 and larger	\$180

**SECTION 4 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the local law be enacted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ENACTED**

LOCAL LAW NO.:  3  - 2010

OF

FEBRUARY 8, 2010

A LOCAL LAW AMENDING CHAPTER 163  
ENTITLED "FEES" SECTION 163-3 (C)(7)  
OF THE CODE OF THE CITY OF NEWBURGH

TO INCREASE THE QUARTERLY METERED WATER RATES AND  
REDUCE THE MINIMUM QUARTERLY CHARGE FOR 5/8 METER SIZE

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 Amending Chapter 163 entitled 'Fees' Section 163-3 (C) (7) of the Code of the City of Newburgh to increase the quarterly metered water rates and reduce the minimum quarterly charge for 5/8 meter size."

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend Chapter 163 of the Code of the City of Newburgh to increase metered water rates to cover the cost of providing municipal water service and to promote water conservation by reducing the minimum quantity of water allowed per quarter from 9,000 gallons allowed to 6,000 gallons allowed. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend Chapter 163. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

**SECTION 3 - AMENDMENT**

Chapter 163 entitled "Fees" of the Code of the City of Newburgh is hereby amended to read as follows:

**§ 163-3. Sewer and water.**

C. Water service fees (See Chapter 293.):

(7) Quarterly metered rates.

(a) Quarterly metered rates per 1,000 gallons:

[1] First 1,000 gallons:

[a] Inside City: \$[3.970.] 5.570.

[b] Outside City: \$[5.901.] 8.360.

[2] Additional usage will be charged at a flat rate of \$[3.970] 5.570 (\$[5.901] 8.36 outside City) per 1,000 gallons.

(b) Minimum quarterly charge.

Meter Size (inches)	Gallons Allowed	New Inside City	Outside City
+5/8	[9,000] <u>6,000</u>	\$(35.73] <u>33.42</u>	\$(53.11] <u>50.16</u>
3/4	14,000	\$(55.58] <u>77.98</u>	\$(82.61]
<u>117.04</u>			
1	24,000	\$(95.28] <u>133.68</u>	\$(141.62]
<u>200.64</u>			
1 1/2	42,000	\$(166.74] <u>233.94</u>	\$(247.84]
<u>351.12</u>			
2	83,000	\$(329.51] <u>462.31</u>	\$(489.78]
<u>693.88</u>			
3	120,000	\$(476.40] <u>668.40</u>	\$(708.12]
<u>1,003.20</u>			
4	180,000	\$(714.60] <u>1,002.60</u>	
<u>\$[1,062.18]1,504.80</u>			
6	315,000	\$(1,250.55] <u>1,754.55</u>	
<u>\$[1,858.82]2,633.40</u>			
8	675,000	\$(2,679.75] <u>3,759.75</u>	
<u>\$[3,983.18]5,643.00</u>			

(c) Surcharge. A surcharge shall be added to the above charges for water services in the amount of 14%. This extra charge is made for the purpose of financing the cost of obtaining water from the New York City Aqueduct. Such surcharge shall be effective on October 1, 1981, and shall continue to be made in every quarterly billing period in which any water is taken from the Aqueduct tap.

#### SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Councilwoman Bell asked if this is the water rate increase. She stated the irony in lowering the minimum charge by \$2.00 and adding \$100. She understands that we need the money, yet in the last few months we have been suffering from huge tax rate increases. All of this is coming at her like a knock-out punch. She owns a building. She can not raise her tenants' rent because they are having difficulty paying things now. She wanted to defer this to give people a chance to catch up on all of the other increases. As a social worker in the school district she has visited homes where there are two full families living in one apartment. You walk in the apartment and the mattresses start at the front door and go all the way back. There are so many empty apartments now because people can not afford to live decently. The city is broke. Yet she still wants us to have some compassion on the situation. If anything, fees should be raised incrementally.**

**Councilwoman Bello remarked that there have been excessive fees lately. The non-homestead properties are really being hammered. While Councilwoman Bell does not think she can legitimately raise rents, the fact is most landlords will quickly raise rents. Actions like these cause big rental increases. When you start hammering your businesses and flooding them with fees layoffs begin. We don't have enough jobs now. She thinks this is going to be counterproductive. We never had to raise fees before. We had surplus. It was misappropriated and that is why we have to go back to the taxpayers now.**

**Mayor Valentine said we are trying to balance the books. The money-grubbing is a bit of a stretch. We are not going out to dinner on this. The water rate has not been raised in ten years. If it had been raised a little at a time then we would not be talking about this tonight. Because we have reached the point where we are in the red, it must be corrected. The NYS Comptroller's Office has already told us that the city can not go out of business-legally it can't. If we are forced into State deficit financing, which is the next step if this current year does not work out then we are really going to feel the punch. They are not**

going to come down from Albany on a white horse and just give us a check. What the State is going to say is raise taxes, cut services, raise fees and collect every dime that we can. Only after everything has been exhausted will the State give us what we need to keep our doors open and to keep essential services working, such as police and fire.

Councilman Dillard pointed out that there will be some pain before there is some gain. We, the citizens, let this happen because we did not instill oversight on our government. Now we have to do what is right for the entire city. That means we have to begin to raise some revenue. If we don't do it now, next year the taxes will be raised 80%. Come September we won't even be able to pay the city employees. We've got to begin now. We can not hold back. We are strong, we are Newburgh. We have made it through the storm all of these years.

Councilwoman Angelo moved and Councilman Dillard seconded that the local law be enacted.

Ayes- Councilwoman Angelo, Councilman Dillard, Mayor Valentine-3

Noes- Councilwoman Bell, Councilwoman Bello-2

ENACTED

RESOLUTION NO.: 32 - 2010

OF

FEBRUARY 8, 2010

A RESOLUTION AUTHORIZING THE  
EXTENSION OF TIME TO CLOSE TITLE ON THE PROPERTY  
LOCATED AT 33 ELLIS AVENUE  
(SECTION 33, BLOCK 2, LOT 3)  
TO JAVIER SAENZDEVITERI  
UNTIL MARCH 31, 2010

WHEREAS, the Council of the City of Newburgh, New York, by Resolution No. 203-2009 of December 14, 2009, authorized the re-purchase of 33 Ellis Avenue (Section 33, Block 2, Lot 3) to Javier Saenzdeviteri; and

WHEREAS, Mr. Saenzdeviteri, the former owner has requested an additional amount of time to close title; and

WHEREAS, this Council has determined that granting the requested extension 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 an extension of time to close title for the property located at 33 Ellis Avenue (Section 33, Block 2, Lot 3) be and is hereby granted to Javier Saenzdeviteri until March 31, 2010.

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

Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5

ADOPTED

RESOLUTION NO.: 33 - 2010

OF

FEBRUARY 8, 2010

A RESOLUTION AUTHORIZING THE  
EXTENSION OF TIME TO CLOSE TITLE ON THE PROPERTY  
LOCATED AT 482 FIRST STREET  
(SECTION 20, BLOCK 1, LOT 29)  
TO JESUS GARCIA AND HERMELINDA GIRON  
UNTIL MARCH 31, 2010

WHEREAS, the Council of the City of Newburgh, New York, by Resolution No. 9-2010 of January 11, 2010, authorized the re-purchase of 482 First Street (Section 20, Block 1, Lot 29) to Jesus Garcia and Hermelinda Giron; and

WHEREAS, the former owners, by their attorney, have requested an additional amount of time to close title; and

WHEREAS, this Council has determined that granting the requested extension 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 an extension of time to close title for the property located at 482 First Street (Section 20, Block 1, Lot 29) be and is hereby granted to Jesus Garcia and Hermelinda Giron until March 31, 2010.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

RESOLUTION NO.: 34 - 2010

OF

FEBRUARY 8, 2010

A RESOLUTION AMENDING THE 2010 BUDGET  
FOR THE CITY OF NEWBURGH, NEW YORK  
FOR THE PURPOSE OF CHANGING THE PART-TIME TYPIST POSITION  
TO A FULL-TIME TYPIST POSITION  
IN THE ENGINEERING DEPARTMENT

**BE IT RESOLVED**, by the Council of the City of Newburgh, New York that upon the recommendations of the City Manager, that the 2010 Budget for the City of Newburgh be amended to change the Part-Time Typist Position to a Full-Time Typist Position in the Engineering Department; and

**BE IT FURTHER RESOLVED**, that the following budget transfers for the fiscal year 2010 be and hereby are made from available funds.

General Fund		From	To
A.1440	Engineering .0448 Other Services	\$30,406.00	
A.1440	Engineering .0102 Part-Time Salary	\$16,244.00	
A.1440	Engineering .0101 Salary		\$32,487.00
A.1440	Engineering .0810 CSEA State Retirement		\$ 1,625.00
A.1440	Engineering .0830 Social Security		\$ 1,243.00
A.1440	Engineering		

**Councilwoman Bell stated that it is important to point out that this is not an increase in expenditure. Technically the City is on a hiring freeze. It was originally in the consulting line and it has been moved to another line.**

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

**RESOLUTION NO.: 35- 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EXECUTE AN AMENDMENT TO AN AGREEMENT WITH FIRST  
ENVIRONMENT FOR  
ENGINEERING SERVICES RELATED TO THE DEMOLITION OF THE  
EXISTING STRUCTURE LOCATED AT 7-11 JOHNES STREET**

**WHEREAS**, by Resolution No. 135-2009 of August 10, 2009, the City of Newburgh authorized the City Manager to enter into a contract with First Environment for engineering services for site investigation and an analysis of the management and remediation of the clean-up and return to beneficial use of 7-11 Johnes Street, as one of several properties under the Environmental Remediation Program (“ERP”) of the New York State Department of Environmental Conservation (“NYSDEC”); and

**WHEREAS**, it has become necessary and appropriate to retain professional consulting engineering services to remove the existing structure located on the property known as 7-11 Johnes Street; and

**WHEREAS**, First Environment has been identified as qualified to provide a design and plan for the demolition and removal of the existing structure and can provide such services at a cost not to exceed \$20,000.00; and

**WHEREAS**, the demolition and removal of such structure will require the solicitation of bids and the award of a contract to perform such demolition and removal of the structure; and

**WHEREAS**, the costs of the demolition and removal will be reimbursed by New York State up to fifty (50%) percent under a New York State Assistance Contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the an amendment to the City’s agreement with First Environment for professional consulting services in the form of a design and plan for the removal of the existing structure located at 7-11 Johnes Street at a cost not to exceed \$20,000.00, with such other terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh, that the City Manager be and he is hereby authorized to execute an amendment to the New York State Assistance Contract in order for the City to be reimbursed for up to fifty (50%) percent of the cost associated with the demolition and removal of the existing structure located at 7-11 Johnes Street.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

**RESOLUTION NO.: 36 - 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION APPOINTING RESIDENT MEMBERS TO  
THE CITY OF NEWBURGH FISCAL ADVISORY BOARD**

**WHEREAS**, this Council, by Resolution No.: 178-2009 of November 16, 2009, established a Fiscal Advisory Board to ensure internal controls in connection with the receipt and disbursal of public funds; and

**WHEREAS**, members of the Advisory Board shall consist of a member of the City Council appointed by the City Manager, the City Manager, the Comptroller, the Corporation Counsel and three residents of the City of Newburgh appointed by this Council; and

**WHEREAS**, the City of Newburgh has solicited resumes and letters of interest from residents of the City to fill the resident member seats on said Board; and

**WHEREAS**, upon review of the resumes and letters of interest received this Council has determined that appointing the following residents to the Fiscal Advisory Board is in the best interests of same:

Cheryl A. Gross  
Stephen Auffredou  
Harry Brown, Jr.; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the following individuals be and are hereby confirmed as appointed resident members to the City of Newburgh Fiscal Advisory Board:

Cheryl A. Gross  
Stephen Auffredou  
Harry Brown, Jr.; and

**BE IT FURTHER RESOLVED**, that these appointments shall take effect immediately.

**Councilwoman Angelo thanked all of the candidates. Each and every one of them was well qualified.**

**Mayor Valentine stated that they are going to follow up on this. The city received some very good candidates. The council is going to hand those names over to the City Manager because there are openings on other boards.**

**The City Manager commented that he would like to get a meeting scheduled relatively soon. Also they are very close to bringing a Comptroller on board, which will be good. Mr. Herbek stated that he intends to appoint Mayor Valentine to the board.**

**Councilwoman Bell commented that she is surprised to hear that. She prays that this board serves the purpose for which it is intended. There have been many instances of evaporation of money in the past. It really needs to stop.**

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

**RESOLUTION NO.: 37- 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION IN SUPPORT OF AN APPLICATION  
TO THE NEW YORK STATE DEPARTMENT OF STATE'S 2009-2010  
LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM  
FOR THE PURPOSES OF SEEKING FUNDING FOR A HIGH PRIORITY  
PLANNING GRANT TO CONDUCT A CITY CHARTER REVISION STUDY  
TO IMPLEMENT FUNCTIONAL CONSOLIDATION, INCREASED SHARED  
SERVICES  
AND MANAGEMENT IMPROVEMENTS TO ACHIEVE SAVINGS**

**WHEREAS**, the current economic crisis at state and local levels makes review of municipal operations, functional consolidation, and shared services a high priority and necessity for improved efficiency, especially when such efforts and initiatives lead to cost savings, economies of scale, and reduced burdens on the taxpayer; and

**WHEREAS**, the City of Newburgh in the County of Orange has a strong interest in taking a hard look at its charter to improve local governance and service delivery that would lead to savings and other efficiencies yet to be demonstrated; and

**WHEREAS**, Pattern for Progress, the regional planning agency, is located in Newburgh and has facilitated meetings in the City to explore opportunities for collaboration among neighboring municipalities on issues such as transportation and economic development, as well as assisting with past charter revision studies; and

**WHEREAS**, the leadership for Pattern for Progress has earned a reputation for expertise on the subject of shared municipal services and municipal management having served on two NYS task forces on the subject and worked on substantial projects for reducing costs through collaborative strategies; and

**WHEREAS**, a respected authority on New York State and municipal governance and a principal author of Ulster County's charter, have expressed interest in working with the City; and

**WHEREAS**, the Council has requested that the City of Newburgh be authorized to submit a grant application to the New York State Department of State's 2009-2010 Local Government Efficiency Grant Program for a High Priority Planning Grant in the amount up to \$50,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Manager, on behalf of the City of Newburgh is hereby authorized to apply for a grant from the New York State Department of State for the Local Government Efficiency Grant program in the High Priority Planning Grant category for the purpose of funding a Charter Revision plan to implement functional consolidation or increased shared services which will achieve savings and management improvements.

Mayor Valentine explained that the last time we did a Charter Review, the city used the services of Pattern For Progress. The organization has the ability to apply for a grant on behalf of the city. The grant is up to \$50,000. It should not be that expensive so we should not need that much. The council can accept the grant. If accepted, there is a 10% match. In order to be able to entertain charter revision for this year we need the grant, because there is no money allocated in the general fund. This is only an application to see if we can get it.

Councilwoman Bello wondered where the city gets money from for a match.

Councilwoman Bello moved and Councilman Dillard seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilwoman Bell, Councilman Dillard, Mayor Valentine-4

No- Councilwoman Bello-1

**ADOPTED**

**RESOLUTION NO.: 38 - 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN AGREEMENT WITH  
CLOUGH HARBOR AND ASSOCIATES, LLP  
TO PROVIDE DESIGN SERVICES NECESSARY FOR THE PREPARATION OF  
CONTRACT DOCUMENTS RELATED TO THE COLD MILL AND OVERLAY  
FROM  
FIRST STREET TO SOUTH CITY LINE IN AN AMOUNT NOT TO EXCEED  
SIXTY THOUSAND DOLLARS**

**WHEREAS**, it is desirous for the City of Newburgh to rehabilitate the pavement surface of Robinson Avenue from First Street to South City Line; and

**WHEREAS**, the City of Newburgh has requested that Clough Harbor Associates, LLP submit a proposal for the design of the Robinson Avenue Cold Mill and Overlay rehabilitation from First Street to South City line; and

**WHEREAS**, the scope of services provided by Clough Harbor Associates has been written to follow the requirements of the New York State Department of Transportations Locally Administered Federal Aid Projects manual in the event that federal funding is used for the construction of the project; and

**WHEREAS**, a copy of said scope of services is attached to this resolution; and

**WHEREAS**, the completion of the Cold Mill and Overlay from First Street to South City Line will complement the Robinson Avenue Route 9W reconstruction project from First Street to North City Line to provide an improved pavement surface of Robinson Avenue throughout the City of Newburgh; and

**WHEREAS**, the maximum cost of the design services shall not exceed Sixty Thousand Dollars, such amount to be derived from the 2009 bond authorization;

**WHEREAS**, this Council has reviewed such proposal and has determined that entering into an agreement for same 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 is hereby authorized to execute an agreement with Clough Harbor Associates, LLP to provide design services necessary for the preparation of contract documents related to the cold mill and overlay from First Street to South City Line in an amount not to exceed Sixty Thousand Dollars, such amount to be derived from the 2009 bond authorization.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

**RESOLUTION NO.: 39 - 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE SUPPLEMENTAL AGREEMENT NUMBER TWO  
WITH CLOUGH HARBOR AND ASSOCIATES, LLP IN CONNECTION WITH  
THE ROBINSON AVENUE RECONSTRUCTION PROJECT**

**WHEREAS**, the City of Newburgh has been under contract with Clough Harbor and Associates, LLP (“Clough Harbor”) for professional design and construction administration services in connection with the Robinson Avenue Reconstruction Project; and

**WHEREAS**, Clough Harbor has submitted a revised proposal for Supplemental Agreement Number 2; and

**WHEREAS**, this Supplemental Agreement adds extra work items that were not contained in the original Agreement or Supplemental Agreement No. 1 which was executed by the City Manager on December 14, 2007; and

**WHEREAS**, the work associated includes the extra work previously identified by Clough Harbor to modify the plans and Project Manual since that time and additional cost necessary for construction inspection due to the use of American Recovery and Reinvestment Act (“ARRA”); and

**WHEREAS**, entering into such Supplemental Agreement will require amendments to the existing reimbursement agreements with the New York State Department of Transportation; and

**WHEREAS**, this Council has determined that entering into the attached agreement with Clough Harbor and Associates, LLP is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute Supplemental Agreement Number Two with Clough Harbor and Associates, LLP in connection with the Robinson Avenue Reconstruction Project; and

**BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized to enter into amendments to the existing reimbursement agreements by and between the City of Newburgh and the New York State Department of Transportation.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

RESOLUTION NO.: 40 - 2010

OF

FEBRUARY 8, 2010

**A RESOLUTION SUPPORTING THE APPLICATION FOR FUNDING UNDER  
NEW YORK STATE DIVISION OF HOUSING & COMMUNITY RENEWAL  
HOME GRANT TO AJC NOW, LLC TO CONSTRUCT A MIXED USE BUILDING  
ON VACANT LAND LOCATED AT 91-95 BROADWAY**

**WHEREAS**, the State of New York Division of Housing & Community Renewal “DHCR” has established the HOME program. The HOME Program funds a variety of activities to encourage economic development and neighborhood growth by providing municipalities with financial assistance and to low-income residential construction; and

**WHEREAS**, the City Council supports the mixed use development proposed by AJC Now, LLC, principle Andrew Cavaluzzi, at 91-95 Broadway. The project consists of new construction proposed to incorporate green technologies and energy efficient building practices, combined with the aesthetic look of the Broadway Corridor. The development plan proposes 10 affordable units, 10 market rate units and 4 retail spaces in a five story structure with solar panels, on-grade off-street parking, an elevator and sprinkler system; and

**WHEREAS**, support of this project is subject to the receipt of all federal, state, and local approvals including, consistency with the Local Waterfront Revitalization Plan, all zoning variances, architectural review and site plan approvals; and

**WHEREAS**, the project conforms with the following goals of the City of Newburgh Master Plan: Newburgh’s housing landscape supports the city’s vision as a pedestrian friendly, livable, high quality and fully integrated community which is in harmony with the natural and cultural environment; New housing supply will be encouraged through intensification and infill that is consistent with this Plan and architecturally sensitive to the surrounding environs; All residents of Newburgh have safe, energy efficient homes that support preservation and sustainability of public health and the environment; Assure long term availability of affordable housing opportunities; Harmonious uses are permitted within the city to increase efficiency and affordability for people to redevelop property consistent with the intent of this plan; and

**WHEREAS**, the proposed project also addresses impediments to affordable housing as identified in the 2010 to 2014 City of Newburgh Five Year Consolidated Plan

to include a lack of income, shortage of suitable land available for housing development land costs, zoning code and land use, and economic barriers;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Newburgh, New York is in support of the application for funding under New York State Division of Housing & Community Renewal Home Grant to AJC Now, LLC to construct a mixed use building on vacant land located at 91-95 Broadway, subject to the receipt of all federal, state, and local approvals including, consistency with the Local Waterfront Revitalization Plan, all zoning variances, architectural review and site plan approvals.

**Councilwoman Angelo said she is happy to vote 'Yes' on this tonight. The location is right next to City Hall.**

**Councilwoman Bell said that issues, such as parking, would be addressed by the various boards. She insisted that some other community benefits be had in addition to a great need for housing in our community. The construction phase of the project should employ residents from the community. If that is something that could be done, then she is in support of this.**

**Councilman Dillard indicated his concerns to the developer earlier. His biggest concern is site control. The congestion that 20-30 cars would cause in that area is also of concern. He also is concerned that all of the money is being put up by State and the taxpayers, not by the developer himself. He intends to vote "No" tonight. Yet he would vote "Yes" for the letter to give the developer an opportunity to put these things together.**

**Mayor Valentine commented that he had met with the Andrew Cavaluzzi a couple of times. If you look at the workmanship that he has already performed on the building next to City Hall, you would be very proud of what he is doing. Developers come to this table over and over again. They ask for everything under the sun- money, tax breaks, etc. The Mayor pointed out that Mr. Cavaluzzi is simply asking for a resolution for support so that he can go to the State and request money just like anybody else is entitled to do. Yes, he has parking issues amongst other things, but that is ultimately for planning and zoning and the individual boards to decide. The design that he has put in for Broadway and Liberty Street is what was there before, and what was situated across the street in the other vacant lot. The Mayor is encouraged that we have a young developer who has finished one project and wants to move on to a second one. Cavaluzzi is not looking to the city for financing. We should at least give him a chance to get the State funding he is seeking.**

**Councilwoman Bell remarked that those two tacky, empty lots are mars on our city. She knows that in this environment you do not make money on these types of developments. She thanked the developer for coming forward in this climate.**

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Mayor Valentine-4**

**No- Councilman Dillard-1**

**ADOPTED**

**RESOLUTION NO. 41 – 2010**

**OF**

**FEBRUARY 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT  
\$234,679.50 FROM THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT  
TO FUND THE SALARY AND BENEFITS OF THREE ENTRY-LEVEL POLICE  
OFFICERS TO BE HIRED TO BACKFILL POLICE DEPARTMENT  
PERSONNEL CURRENTLY SERVING IN THE CITY’S SECONDARY  
SCHOOLS  
AS COMMUNITY RESOURCE OFFICERS**

**WHEREAS**, the City of Newburgh and the Board of Education of the Newburgh Enlarged City School District have agreed to establish the position of Community Resource Officer (“CRO”) to be filled by police officers from the City of Newburgh Police Department at three schools within the NESCD – Newburgh Free Academy, South Junior High and North Junior High; and

**WHEREAS**, the NESCD has offered to reimburse the City for these CROs at the rate of entry level police officers so as to continue to have the CROs in the two middle schools and secondary school of the NESCD within the City of Newburgh; and

**WHEREAS**, this Council has determined that accepting such funds 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 City Manager be and he is hereby authorized to accept funds from the NESCD in the amount of \$234,679.50 Dollars for the continued assignment of three City of Newburgh Police Officers as CROs in the NESCD.

**The City Manager has been in ongoing discussions with Dr. Saturnelli. This is the offer on the table by the school district. In order to have that changed Dr. Saturnelli would have to go back to the school board, and she does not know what the answer is going to be. However if we accept this amount tonight then she will commit to it for next year’s budget.**

**Councilwoman Bell explained that the school district wants veteran officers, yet they are only willing to pay for rookies. She does not think that the taxpayers should have to pay for private security at the schools. And to do so is an admission that the problem is caused solely by the city school children. If the other municipalities do not want to buy into this, then why should our taxpayers have to foot the bill on it? If the school district wants veterans it should pay salaries commensurate with those of veterans. Otherwise our police officers should be put on our streets so that our taxpaying residents can get a police officer when they call.**

**Mayor Valentine put the matter into perspective. The school district wants three officers. Our Police Chief has said in order for this to be effective they have to be seasoned officers, not rookies. The Mayor said he is willing to accept the \$234,000 if it means keeping our schoolchildren safe. Ultimately the safety of our children and the city is at stake. He would rather accept the money since that is what police officers are going to be doing anyway.**

**Councilman Dillard is concerned that there are insufficient numbers of minority officers in our community. We need more minority officers who can identify with the demographics of our city. By all means we should accept the \$234,000, but we need officers who are African-American and Asian too.**

**Mr. Herbek said that he has already contacted the two towns. He is still awaiting response from the Town of Newburgh Supervisor. The difference between the seasoned officers' salaries and the rookie salaries is \$66,583. He does not see a problem in accepting the money from the school district and then continuing the discussion with the two municipalities. Accepting this money tonight is not going to foreclose on an opportunity to reach some type of settlement between the towns later.**

**Councilwoman Bell remarked that the difference could be made up and split between City of Newburgh and the other municipalities. Our police officers are not just protecting City of Newburgh children they are also protecting schoolchildren from the other areas. If they won't willingly contribute to the cause, we may have to shame them into paying their fair shares. This is how you lobby to get things done. You don't just throw your hands up and say, "Oh well! He said no."**

**Councilwoman Bello remarked that once it is voted through the other towns are not going to have to jump onboard, because the City of Newburgh has taken the entire financial burden on its back. What is the big rush on this? Why don't we let Dr. Saturnelli go back to the school board? We are always too**

quick to put everything on our taxpayers. If it went back to the school board and it resulted in higher taxes, then at least those school taxes would be shared with the Town of New Windsor and Town of Newburgh.

Councilwoman Bell said that we should be realistic about it. When the school board gives more, the taxpayers are going to be the ones who end up paying for it. Let the towns individually pay their fair shares. Then we don't get hit double time for it. The other thing is since the high school has officers right now can't we hold off on this and try to involve the other towns? Can we table this until next month to see what the other towns are going to do?

Chief Paolilli remarked that there is a sense of urgency on this. Right now, policing in the school is on an *ad hoc* basis. It needs to be on a full-time basis. His sense of urgency, as well as Dr. Saturnelli's is to get that program re-instated as soon as possible. Per communication with North Junior High School staff Paolilli received the impression that the police officer housed there is proactive, and an overall asset to the school.

Councilwoman Bell remarked that if being in the building for merely forty-five minutes a day is defined as 'proactive', then the officer is indeed proactive in his duties. She thought a contract was signed that specifically assigned an officer to the building full-time. She will ask her principal to come before the council and make a statement. She knows that the school is really pushing hard to have officers present in the building.

Chief Paolilli stated that is not what the contract says. It appears that there is conflicting information. He reached out to Dr. Saturnelli and asked her to pull those administrators to see if his perception was correct or incorrect. If it proved to be incorrect then the officer would have to be removed.

Councilwoman Bello moved and Councilwoman Angelo seconded that the resolution be tabled.

Ayes- Councilwoman Bell, Councilwoman Bello, Councilman Dillard-3

Noes- Councilwoman Angelo, Mayor Valentine-2

**TABLED**

**OLD BUSINESS**

**RESOLUTION NO.: 201 - 2009**

**OF**

**DECEMBER 14, 2009**

**A RESOLUTION TO AMEND THE TERMS AND CONDITIONS OF THE PUBLIC AUCTION AND TO CONFIRM THE INTERNET AUCTION SALE OF 7 FORSYTHE PLACE (SECTION 9, BLOCK 2, LOT 15) TO YASMIN AZHAR FOR THE PURCHASE PRICE OF \$75,000.00**

**WHEREAS**, this Council did, by Resolution Nos.: 107-2009 and 107(a)-2009, respectively, of July 13, 2009, authorize the sale of several properties at public auction; and

**WHEREAS**, said public auction was duly held on October 1, 2009; and

**WHEREAS**, subsequent to said public auction certain parcels for which no successful bids were received and were offered in an internet auction; and

**WHEREAS**, the Terms and Conditions of the Public Auction required that a closing of title take place on or before December 11, 2009; and

**WHEREAS**, due to the time-frame in which the internet auction was held, it is now necessary to amend the Terms and Conditions of the Auction to provide for additional time to close;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Terms and Conditions of the Auction be and are hereby amended to allow a closing of title on or before February 12, 2010, that date being sixty (60) days from the original date of December 11, 2009; and

**BE IT FURTHER RESOLVED**, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is hereby authorized and directed to execute and deliver a deed to said purchaser upon receipt of the indicated purchase price in cash, money order or bank check, made payable to **THE CITY OF NEWBURGH**, on or before February 12, 2010, subject to the annexed **Terms and Conditions of the Auction**; and

**BE IT FURTHER RESOLVED**, that the following property was sold subject to the owner-occupancy provision set forth in paragraph number eleven (11) of the Terms of Sale and the deed thereto shall contain a restrictive covenant to effectuate such provision of the Terms of Sale.

<u>Property</u>	<u>S - B - L</u>	<u>Purchaser</u>	<u>Purchase Price</u>
7 Forsythe Place	9 - 2 - 15	Yasmin Azhar	\$75,000.00

**Councilwoman Bell mentioned that she discussed this with her colleagues previously. They want to try to afford the current homeowner, who is a senior citizen and disabled, some options for alternate housing. The consensus was that the council did not want to see her homeless.**

**Mayor Valentine conferred that after the sale is completed tonight the council will work with the family members in the transition in passing tonight's resolution to the actual closing of the property.**

**Councilman Dillard asked if this could be held up until March.**

**Mayor Valentine responded that the city would lose the sale if it is delayed until March.**

**Corporation Counsel Bernis Nelson pointed out that there are usually no provisions for relocation in tax foreclosure. As the Assistant Corporation Counsel Michelle Kelson had stated at a work session, she would write letters to agencies that might be able to assist. Nelson explained that she did not think that City officials and staff have the expertise to relocate persons. We certainly will assist by writing letters and trying to find the right persons who are going to be able to offer assistance.**

**Councilwoman Angelo moved and Councilman Dillard seconded that the resolution be adopted.**

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5**

**ADOPTED**

**OLD BUSINESS**

LOCAL LAW NO.:   1   - 2010

OF

JANUARY 25, 2010

A LOCAL LAW AMENDING CHAPTER 163  
ENTITLED "FEES" OF THE CODE  
OF THE CITY OF NEWBURGH

**(THIS HAS BEEN REPLACED BY THE NEW VERSIONS IN THE CITY  
MANAGER'S REPORT)**

## PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Brian Dailey, Carpenter Avenue, commented that he would like us to get away from solely being a complaint bureau, and look more toward the volunteerism aspect of it. Also he is actively conducting a search for members to form a group that has the ability to talk to the city council. He looks forward to that group growing and being empowered.

Judy Kennedy asked the council if they could consider increasing the council to seven persons- four by wards and three at large. It appears to have benefits of both. Also she encouraged the council to sell its water. If we have services to sell that will help raise our revenues then we need to start getting aggressive about it.

Irene Scott-Bethea, Grand Street, spoke about a loan that the office of Planning and Development granted her mother. Ms. Scott-Bethea was the Power of Attorney for her mother, who had since passed away in 2004. She wrote to the Mayor and members of the council requesting settlement of the loan. She explained that she signed for the loan in the amount of \$20,000. Subsequently, she cashed two checks totaling \$12,000 in connection with the loan. There were three checks made out to herself and the general contractor. The general contractor was issued a check for \$4500, which he later signed without her knowledge. She has been trying to contact city staff to no avail. She received a letter from Corporation Counsel in December 2009 requesting repayment of a loan in excess of \$16,000. Ms. Scott-Bethea stated that she only owes \$12,000 (the amount she signed for). She should not be responsible for the additional \$4500 that was signed for by another person.

Karen Mejia, Montgomery Street, commended the city for posting a job announcement seeking a Director of Planning and Development. She suggested some bullet points in which she envisions out of that department. The listing should include detailed job duties and the qualifications should be carefully outlined, including experience in U.S. Department of Housing and Development funding guidelines.

Denise Ribble is also concerned about some job postings that she noticed in the newspaper. She agrees with Karen that there should be a more detailed description of duties involved in the position rather than just a general statement of minimum qualifications. This current system is very inadequate to recruit the kind of qualified person that is desired. Also she submitted some suggestions for the official record. When we accept

applications for positions, RFPs, we should include language that discusses disclosures, requirements and conflicts of interest. On the RFQs and RFPs the only requirement that she has seen in writing is that a person “must disclose a business relationship. Yet our Code of Ethics has a much more extensive list of disclosure. She highly recommends the existence of a community benefits agreement that will look at local and first source hiring in every contract that has to do with development and redevelopment.

Kippy Boyle stated that she would like to see a timetable created so that the city can begin collection on the delinquent water bills. It is great to say, “Let’s get together and have a meeting.” In truth though, without a schedule it is not going to happen. It is a very linear process. Second, she suggested that the council contact Pat Courtney-Strong at NYSERDA and ask for a special presentation to the city. It is almost irrelevant to send people to the State when the State can come down here to us. There are programs that will enable the city to start tracking its own efficiency for every single building. It is absolutely imperative that we get serious about the \$500,000 in energy costs that the city incurred last year.

Maryann Prokosch commented that the water fees from the two entities were used by the city for operating expenses, which basically make them not fees but taxes. Second, she remembered the former Corporation Counsel explaining that the question of charter revision could, indeed, be put on the ballot in the form of a question to the residents essentially asking them if they want a new system of government. Once there is a consensus of the city as to what it wants, then you could look at the grant to see what is required. Third, she knows that we have to have fees in order to bring money into our city. She stood before the council and presented some hard questions about things that have been happening here. And it has come back to haunt us. She remarked facetiously that the way she sees it, we would have a better return on our investment if we played the lottery.

Scott Wilikinson, Town of New Windsor, is hoping for a place of venue in the city to host the Guinness Record for the world’s largest cannoli. He passed out his card in hopes that someone would get back to him. He looks forward to hosting the event sometime this spring.

Charlotte Mountain, Dubois St., does not understand why we need to provide security in the high schools anyway. When she attended school, hall monitors provided the security and they were pretty tough. If the police want to assist they can begin by riding around the neighborhoods and pick up the truant kids hanging out on the streets. But they don’t need to be *in* the schools. There could be a liability involved in police dealings with minors, who generally have varying levels of ability to understand emotional issues

involved. Also we need to look at the services that are coming into our city and the relationship that the city has with other agencies. We need to examine the situation wholeheartedly. If we start looking at the services provided then we would not need to have full-time police officers in our schools.

Dr. Bernilda Jones, City of Newburgh, asked if a written breakdown of the fiscal advisory board exists. She questioned the composition of the board.

The Mayor pointed out that the board is composed of (3) community members; the City Manager, the Corporation Counsel, the Comptroller and (1) member of the council, which is appointed by the City Manager.

Dr. Jones stated that it would have been preferable if it was written that the council could select one of their peers rather than the City Manager performing the selection. Second, she is saddened because there were so many persons who came before the council, such as Barbara Smith and others, who were interested. She knows that we have to bite the bullet on this, but she wanted to express her feelings on it.

Richard Peterson disagrees that all of the public input goes unanswered by the council. He called it republicanism at its best. People have every opportunity to vote, organize and picket. He does not like the idea of people who vocalize their complaints, when they have every available opportunity through FOIL and open forums. If someone does not like something they can stand before the podium and voice their concerns just like he is doing tonight. When the firemen were protesting in front of Councilwoman Bello's store he thought to himself that those men have every right to do so. "This is America whether [we] like it or not!"

Acquanetta Wright, No. Miller St., stated that she loves Newburgh, but this is the only city in the world in which a person can negotiate his or her job and salary. What is sadder is that we actually pay for people to do this. Second, she asked what Animal Control does. Once she had a stray cat on her porch. When she called the department she was told that it does not handle cats. Now there is a raccoon scaring the neighbors on North Miller Street. She is scared to call Animal Control because she may go rabid if she calls and the department says that it can not do anything about it. She would like to know what the department can do beyond the realm of handling dogs. Perhaps we should change the department to Dog Control. Third, she would like to get a quarterly listing of the revenues that are drawn from parking meters, codes, etc. She would like to know if the parking meter fees are covering, if nothing else, employees' salaries. It would be interesting to ascertain the bottom line of all of these fees. Last, she mentioned that the U.S. Census Bureau is hiring. It is important that people in this area know about it. It is on a temporary basis,

and the pay is \$11 an hour. Also one of the deck hands at the Newburgh ferry is leaving for the military. There is an opening down at the ferry. The ideal candidate has to be very personable and physically fit. If anyone has any questions they can ask her.

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

## FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo commented that there are applications available from the New York State Division of Housing and Urban Renewal regarding the weatherization program. She wished that she could sign up, because she has had two water breaks at her home already. Second, they had a preliminary meeting on Newburgh Night Out earlier today. Quite a few committees have begun to organize already. Third, next Citizens Advisory Board meeting will be held on 2/25. Someone from the weatherization program will be present to speak at the meeting. First, second and third ward representatives are needed at the meeting. Fourth, she knows that the City Manager is keeping a watchful eye on city spending. She would like to receive a quarterly report regarding the spending. Also, she introduced Richard Peterson as our Artist of the Month at City Hall. Last, they are looking for additional members to volunteer on the Human Rights Commission.

The Mayor suggested that they could look at some of the other names that were given to them for consideration on other boards.

Councilwoman Bell made a strong appeal that the council should refrain from creating more taxes. This should be the last resort. She wants them to think outside of the box. It appears that people do not seem to think proactively. According to Mr. Platt, our city could be making \$100,000's selling water to neighboring municipalities. Yet we have never attempted to do so. Instead, the first thing we do is raise fees. She cautioned the council that it should never again raise taxes as a way to raise revenue. Second, why is it that the city can't get revenue from its traffic violations like everybody else does? At first, she was told that the monies generated from traffic infractions go to the State. Subsequently she learned that if it goes to trial then it goes to the State. But if it is adjudicated in a pre-trial hearing then it goes to the municipality. No one wants speeding indicated on his license. So people cop to the lesser infraction. What is it that prevents the City from being creative about generating income? Next, she has been bombarded with emails and texts from as far as the State of Florida. She wanted to go on record and state that she was never consulted about the idea of these 911 trials coming to our city. She would never advocate that those trials be brought here. Nothing could be more dangerous or more injurious. As she found out later, not many officials are in favor of it to say the least. There are so many people in this area who were directly affected by 911. As a social worker she discusses about trauma and re traumatization, neither of which was considered. Last, she has a big problem when panels and committees for searches are commonplace. He appreciates Mr. Herbek deeply, yet if he is not going to be our permanent city manager, then why should he be the one just seating people in these positions.

She would like to have an open and transparent process to get the most qualified candidate. The council collectively has the ability to make better decisions than one person alone. She concluded, "We will move forward in Newburgh."

Richard Herbek stands firm in the belief that he has appointed an outstanding Fire Chief; he holds a law degree. He stands firm in that he has appointed an outstanding Corporation Counsel. Over the years, he has exhibited high ethical standards. He has been sworn before a Code of Ethics with the International City and County Management Association. He has always used search committees.

Councilwoman Bello does not know whether she should offer her congratulations or her prayers to the new appointees of the fiscal advisory board. It is going to be a tough job. Also it is important that alternates be put in place on committees. Second, she supports Councilwoman Bell's comments regarding hiring practices. She knows that traditionally it has always been the city manager who has hired the department heads. But the fact is, the buck stops with the council. Anything that goes wrong in this city falls on the desks of the council, not on the city manager. The council is here to provide oversight. With one person having the sole authority of appointments and hiring, there is absolutely no safeguard in this community against cronyism or nepotism. She is not making any personal attacks. It is just that historically we had a great deal of that stuff occurring in our city. The more oversight we have, the better off we are. She wants to know that qualified persons are not being cast aside because we are focusing on our friends. In general, this promotes the public trust. This is something we should be working on everyday. Third, she feels that we should only be charged for what is consumed. The minimum water usage charge is unfair. When she first got on the council the city had multi-million dollar surplus in the Water Department. She would like an accounting of all of the money to guard against repeats performances. Last, she believes that some of us are stuck on status quo. It takes a lot of effort to change. It is just easier to do things the same old way. She would like us to tap into those revenue-generating ideas. It is getting more and more difficult to sustain in this city. If she did not know any better, she thinks the city is trying to gentrify by pushing out every low and middle income person who lives here. On one hand the taxpayers get hammered with exorbitant taxes and fees, and then on the other hand we still spend frivolously. You can not have it both ways. All of these taxes and fees are just counterproductive to the growth of our city. It will be a great day when the people in power realize that the taxpayers don't have bottomless pockets.

Councilman Dillard stated that this is the people's government. He appreciates everyone for their participation. But what we need is more people

to come out and voice their opinions to this council body. If we don't get the participation of all of the citizens, then we are going to be knocking our heads against the wall for years to come. His wife has been fighting with City Government for years going back to the days of Harry Porr. The only way to discover where the money went is by putting the pressure on the City Government. The letter that Ms. Scott submitted to the council has credibility. Mr. Dillard recalled a similar case that came out of the Community Development office several years back. As he stated before, this dirt should be investigated. Until we get to the bottom of this mess the city can not and will not grow. This city will continue to be a cesspool. There are auditors at the City Hall now. They are trying to figure out what happened to the money. All of this falls on the backs of the taxpayers. He applauded everyone for coming out and he suggested that everyone bring a friend next time. He urged us to become involved in terms of the direction that we want this city to move.

Mayor Valentine remarked that currently there is no money available through NYSEDA. Our newest developer has applied and the State has already told him don't even bother applying at this time, because there is no money. Even though they talk well and they are trying to do all of these wonderful things at Stewart Airport and other places, when it comes to a project that is literally shovel-ready there are no funds. Second, the City Manager ran off a litany of changes to our 2010 budget. It is only February, and we have taken enormous hits. One problem is that NYS AIM money for the current year has not been trickled down by the State yet. We budgeted for this last year. It is February and we have not received it yet, and the costs are still there. Luckily all of the AIM funds from 2009 have been received- the last 5% recently sent out by Governor Patterson in January. Third, it is not exactly a prize to be placed on the fiscal advisory board. If allotted he will serve. He served on the first one in the 1990s when the city had even less money than it has now. We have a good committee and the three residents that have been appointed tonight come from this community and have expertise in financial matters, which is going to serve very well in looking over these numbers and giving us some direction. But what it is really going to boil down to is bringing a really good Comptroller on board, which brings us to the next point. We have to figure out what type of government we want. Right now we are in the midst of whether we want a city manager form of government or whether we want something else. You can't have it both ways. Otherwise we are going to run into conflict of interest issues on matters of hiring and appointing. The City Manager has a major say in these matters, as he or she becomes part of the search committee. There literally is no separation. So if we decide that we do not want a City Manager form of government then let's step up to the microphone and start having that dialogue. We are wasting an awful lot of money and time; and we are going through a lot of city managers. Before they move forward with the recruitment process, he would like the council to

ask itself those hard questions, such as “Who are we looking for? And what are we asking [him or her] to do?” The Mayor pointed out that he can not, in good faith, ask someone to uproot and come here, and then risk only working here for only 18 months. It does not even matter if he or she does an outstanding job, because, in reality, the majority of this council could change at that time.

There being no further business to come before the council, the meeting adjourned at 10:17 P.M.

**KATRINA COTTEN  
DEP. CITY CLERK**