

A regular meeting of the City Council of the City of Newburgh was held on Monday, April 12, 2010 at 7:00 P.M. in the Council Chambers, City Hall, 83 Broadway, Newburgh, NY 12550

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

A meeting of the Newburgh Community Development Agency was called to order (SEE MINUTES UNDER SEPARATE COVER).

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 March 22, 2010 be approved.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Bello seconded that the City Clerk's Report and the Registrar of Vital Statistics Report for the month of March; and the Civil Service Administrator's Report for the months of February and March be received, filed and made available to the Press.

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

CARRIED

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Bello seconded that the Notices of Claim, the Notice of Pendency Action and the Summonses and Verified Complaints be referred to Corporation Counsel with power to act.

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

CARRIED

PROCLAMATION

Mayor Valentine proclaimed April 23, 2010 as the official Arbor Day celebration in the City of Newburgh.

*Planting the
Tomorrow*

City of
Arbor Day
Proclamation
2010



*Seeds of
Today*

Newburgh

In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees,

This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world.

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and wherever they are planted, are a source of joy and spiritual renewal.; therefore

I, Nicholas J. Valentine,
Mayor of the City of Newburgh
Proclaim April 23, 2010 as the
City of Newburgh's official Arbor Day Celebration.

Nicholas J. Valentine, Mayor

ANNOUNCEMENTS

Mayor Valentine announced that Pace University Land Use Law Center and the Center for Community Progress are going to host two open meetings at the Activity Center to explore solutions to vacant and abandoned buildings. The sessions are going to be held on Wednesday, April 14, 2010 and Thursday, April 15, 2010 at 6:30 P.M.

RESOLUTION NO.: 79 - 2010

OF

APRIL 12, 2010

**A RESOLUTION SCHEDULING A PUBLIC HEARING
FOR APRIL 26, 2010 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING ARTICLE IX OF THE CITY
CHARTER ENTITLED "DEPARTMENT OF PUBLIC WORKS" SECTION
C9.30, "DUTY OF ABUTTING OWNER TO REPAIR AND MAINTAIN
SIDEWALK AND FOR REMOVAL OF SNOW AND ICE"
WITHIN THE CODE OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a local law amending Article IX of the City Charter entitled "Department of Public Works" Section C9.30, "Duty of abutting owner to repair and maintain sidewalk and for removal of snow and ice" within the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of April, 2010, in the City Council Chambers, 3rd Floor, City Hall, 83 Broadway, Newburgh, New York.

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.: 84-2010

OF

APRIL 12, 2010

**RESOLUTION SCHEDULING A PUBLIC HEARING
FOR APRIL 26, 2010 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW TO AMEND
FEES SET FORTH IN SECTION 163-8 ENTITLED
“PARKS AND RECREATION ACTIVITIES” OF THE
CODE OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a local law to amend fees set forth in Section 163-8 entitled “Parks and Recreation Activities” , of the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 26th day of April, 2010, in the 3rd Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York; and

BE IT FURTHER RESOLVED, that the proposed local law shall be available for public review on the City of Newburgh website and in the Offices of the City Clerk and Corporation Counsel.

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

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

John Ledwith, Chairman of the Shade Tree Commission thanked the council for proclaiming Arbor Day in the City. The committee is preparing to plant three trees on the day of the celebration. One tree will be planted on First Street. Another will be planted on Renwick Street. And the third one will be planted on Front Street.

Denise Ribble, Montgomery Street, commented that although she is familiar with Resolution No. 87-2010, she is unclear about the execution of a non-exclusive license agreement for use of the dock. Second, she is concerned that the owner of Joemark Enterprises, LLC explicitly stated to the council body that his vehicle would not be parked at the dock. Yet it has been parked there practically night and day.

Corporation Counsel Bernis Nelson remarked that there have been issues over the last couple of months regarding the agreement and lease which was authorized by the council back in 2004 and subsequently amended in January 2009. This involves both the River Rose boat, as well as the dock which was constructed in 2003-2004. Ms. Nelson has met with the owner on several occasions. Also the matter was discussed in executive session at the last Council Work Session. One of the issues at hand is that municipalities can not convey an interest in lease or deed of waterfront property under New York State law. Because of this we have an overlay referendum procedure prescribed by our City Charter. Yet without the O.K. from the State legislature, and without having that referendum in place, we can not validly enter into leases or any kind of deeds to waterfront property without the approval first.

Councilwoman Bell asked if there is any language in this resolution prohibiting the owner from parking his boat at the dock indefinitely. She recalled that when the dock was created and the council at that time was in negotiation, it was absolutely stated that the boat would not be parked there. And the owner agreed.

Ms. Nelson stated that unfortunately the original written record does not reflect that stipulation about parking the boat at the dock. The language in this agreement clarifies that problem. She pointed out that perhaps further discussions could occur in executive session and the City and the owner could possibly reach a compromise to try to alleviate these concerns.

Mayor Valentine pointed out that this resolution gives the City Manager an opportunity to further negotiate.

Timothy "Hazell" Hayes, First Street, remarked that it is stupid to talk about all of these contracts. He has not seen anything by this council to directly affect the citizens in a positive way. It is outrageous to charge the kids to swim at the Rec. It is ironic that the council can cut deals with millionaires, but is unable to help the children that live in this City. Something is not right with this picture.

Barbara Smith, Powell Avenue, asked if the council is going to address the original construction of the dock. Or is the City going to take on the burden of rebuilding the dock? As she recalled, the dock did not pass inspection originally.

The City Manager has been informed that the dock has met all construction standards and has been given the go by the City Engineer.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments at this time.

CITY MANAGER'S UPDATE

Richard Herbek gave an update on the monthly reports that he has been receiving from the various departments. The reports indicate what is going on in the City and show where property tax dollars are going.

PUBLIC WORKS covers all of the areas and functions that occur in the department. Some recent accomplishments are the wiring of two rebuilt pumps for the pump station on Walsh's Road; the assistance and removal of fallen trees during the last major snow storm; the rebuilding and painting of seven parking meters. The filling of potholes is a continuing effort. They are repairing potholes citywide, one street at a time.

POLICE department reports are prepared by Chief Paolilli and Deputy Chief Ferrara. They are statistical in nature. In the month of February the department received 2,348 calls (an average of 81 calls per day). 192 arrests were made. That is a lot of activity for a police department. It is a comprehensive report. Some of the information is going to be put up on the City's website.

DEFICIT FINANCING legislation is being prepared by Senator Larkin's Office. As we all know the City is in dire straits. We are going to need deficit financing in order to get us through the year and offset the City's financial picture to set it back to zero. A hiring freeze has been implemented for full-time employment. Part-time positions still have to be filled to get us through the summer activities at the day-camp and the pool. Also department head voids have to be filled.

PLANNING & DEVELOPMENT is going to interview six applicants. They received a total of 130 applications. The interviews are going to begin in the next month or so.

Mr. Herbek announced that the *HMS Bounty* is coming to Newburgh. The ship has been featured in motion pictures, such as *Pirates of the Caribbean*, *Treasure Island* and *Mutiny on the Bounty*. It will bring positive publicity to the City.

RESOLUTION NO.: 75-2010

OF

APRIL 12, 2010

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO JAVIER FISCAL
TO THE PREMISES KNOWN AS 27-31 HASBROUCK STREET
(SECTION 38, BLOCK 4, LOT 19.1)**

WHEREAS, on June 17, 2005, the City of Newburgh conveyed property located at 27-31 Hasbrouck Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 4, Lot 19.1, to Javier Fiscal; and

WHEREAS, Javier Fiscal, by his attorney, has requested a release of the restrictive covenants contained in said deed; and

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

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

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

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.: 76-2010

OF

APRIL 12, 2010

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO
HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC.
TO THE PREMISES KNOWN AS 56 COURTNEY AVENUE
(SECTION 48, BLOCK 2, LOT 20)**

WHEREAS, on December 11, 2008, the City of Newburgh conveyed property located at 56 Courtney Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 48, Block 2, Lot 20, to Habitat for Humanity of Greater Newburgh, Inc.; and

WHEREAS, in preparation for the sale of 56 Courtney Avenue to the homeowner Habitat for Humanity has requested a release of the restrictive covenants contained in said deed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, 6 and 7 of the aforementioned deed.

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.: 77 - 2010

OF

APRIL 12, 2010

A RESOLUTION SUPPORTING AND AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL FOR FUNDING UNDER THE NEW YORK MAIN STREET PROGRAM FOR FAÇADE UPGRADES, COMMERCIAL INTERIOR RENOVATIONS AND RECONSTRUCTION FOR THE RITZ THEATER AS A BROADWAY ANCHOR AND FOR THE AREA OF BROADWAY FROM GRAND STREET TO DUBOIS STREET IN AN AMOUNT NOT TO EXCEED \$500,000.00 WITH NO MUNICIPAL MATCH REQUIRED

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports and authorizes the City Manager to submit an application for funding to the New York State Division of Housing and Community Renewal under the New York Main Street program, which will result in Façade upgrades, commercial interior renovations and reconstruction for the Ritz Theater as a Broadway anchor and for the area of Broadway from Grand Street to Dubois Street in an amount not to exceed \$500,000.00 with no municipal match required.

Richard Herbek pointed out the distribution of funding: \$250,000 for the façade storefront rehabilitation; \$212,500 for the anchor and \$37,000 in administrative fees.

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.:78 - 2010

OF

APRIL12, 2010

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
WITH THE LOCAL 589 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
TO PROVIDE CERTAIN ADDITIONAL BENEFITS
TO MEMBERS WHO HAVE BEEN CALLED TO ACTIVE MILITARY DUTY**

WHEREAS, the City of Newburgh and the Local 589 International Association of Fire Fighters (hereafter "Local 589"), are parties to a collective bargaining agreement; and

WHEREAS, Firefighter David Roach of the Local 589 has been called to active duty in support of Operation Enduring Freedom and will be required to interrupt his regular City employment; and

WHEREAS, the City Council of the City of Newburgh wishes to grant certain additional benefits to such employee; and

WHEREAS, the City Council has reviewed the terms of the Memorandum of Understanding, a copy of which is annexed hereto, and has consulted with the representatives of the City, who have recommended that the City Council approve the agreement;

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 on behalf of the City of Newburgh, the Memorandum of Understanding annexed hereto, or in substantially the same form; and be it further

RESOLVED, that the Council of the City of Newburgh hereby extends its pride, gratitude, appreciation and admiration to every member of the Local 589 called to active duty on behalf of this Country.

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

MEMORANDUM OF UNDERSTANDING

**BETWEEN
THE LOCAL 589
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
AND
THE CITY OF NEWBURGH**

WHEREAS, the **CITY OF NEWBURGH (CITY)** and **THE LOCAL 589 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (LOCAL 589)**, are desirous of entering into an agreement between the parties to provide for extended military benefits for Firefighter David Roach who is a military reservist and has been federally activated to military duty in support of Operation Enduring Freedom mandated by New York State Military Law.

IT IS HEREBY UNDERSTOOD AND AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Members of the Local 589 IAFF ordered to active military duty (including ordered service in the reserve force) in support of Operation Enduring Freedom, shall be entitled to receive the following benefits:
 - a) Members who have exhausted their entitlement to paid military leave under Section 242 of the Military Law shall be entitled to an additional thirty (30) calendar days or twenty-two (22) working days of supplemental military leave at full pay, whichever is greater, in any one calendar year, not exceeding in total sixty (60) calendar days for any one continuous period of absence;
 - b) Members who have exhausted their entitlement to the paid leave set forth in paragraph (a) above shall be entitled to military leave at reduced pay, which shall be the difference between the employee's rate of pay prior to their date of activation and compensation they receive as a result of active duty;
 - c) Members shall receive the same individual or family health insurance benefits provide pursuant to the Collective Bargaining Agreement, as received by such members prior to their date of activation;
 - d) Members shall accrue vacation leave during the period they receive benefits pursuant to this Memorandum.

2. The benefits provide in paragraph 1 of this Memorandum shall be in effect from April 19, 2010 to and including November 1, 2010, unless the employee receives subsequent orders from the Department of Defense extending his period of activation.

3. The parties agree and acknowledge that this agreement shall not establish any past practice or precedent for members called for active military duty for any reason other than the events of September 11, 2001, the currently ongoing overseas conflicts in Iraq, Afghanistan and related areas and in support of Operation Enduring Freedom.

Dated: April , 2010
Newburgh, New York

AGREED TO:

CITY OF NEWBURGH

By: _____
RICHARD F. HERBEK, ACTING CITY MANAGER

LOCAL 589 INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS

By: _____
EDWARD DILLER, PRESIDENT

RESOLUTION #79-2010

(SEE HEADING PROPOSED PUBLIC HEARINGS)

RESOLUTION NO.: 80- 2010

OF

APRIL 12, 2010

**A RESOLUTION APPOINTING AMANDA O'NEILL
AND REAPPOINTING DENISE RIBBLE
AS MEMBERS TO THE WATERFRONT ADVISORY COMMITTEE**

WHEREAS, the Code of Ordinances of the City of Newburgh, § 296-4, provides for the appointment of members, all of whom shall be residents of the City of Newburgh, to the Waterfront Advisory Committee; and

WHEREAS, the Waterfront Advisory Committee currently has two vacancies as two terms have expired on March 31, 2010; and

WHEREAS, Amanda O'Neill has expressed her interest in donating her time and efforts to this Committee, and

WHEREAS, it is necessary to re-appoint one member whose term of office is expiring and who is willing to serve a new term,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual, Amanda O'Neill, be and is hereby appointed to the Waterfront Advisory Committee for a term of three (3) years commencing on April 1, 2010; and

BE IT FURTHER RESOLVED, that the following individual, Denise Ribble, be and is hereby re-appointed to the Waterfront Advisory Committee for the term of three years commencing on April 1, 2010.

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

**Ayes- Councilwoman Angelo, Councilwoman Bello, Councilman Dillard,
Mayor Valentine-4**

**Abstention- Councilwoman Bell-1
ADOPTED**

RESOLUTION NO. 81- 2010

OF

APRIL 12, 2010

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF
LAWRENCE BURLEY AND FRANKLYN JACKSON AGAINST
THE CITY OF NEWBURGH, POLICE OFFICER ROBERT VASTA, POLICE
OFFICER NICHOLAS CARDINALE AND UNKNOWN POLICE OFFICERS 1-5
IN THE AMOUNT OF THIRTY NINE THOUSAND DOLLARS

WHEREAS, Lawrence Burley and Franklyn Jackson brought an action against the City of Newburgh, Police Officer Robert Vasta, Police Officer Nicholas Cardinale and unknown police officers 1-5; and

WHEREAS, the attorneys for the parties have reached an agreement for the payment of the settlement in the amount of \$39,000.00 in exchange for a release to resolve all claims among them to be dispersed as follows; and

Lawrence Burley	\$34,000.00
Franklyn Jackson	\$ 5,000.00

WHEREAS, such releases have been executed by Lawrence Burley and Franklyn Jackson for said amounts; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the attorneys for the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Lawrence Burley and Franklyn Jackson in the total amount of \$39,000.00, and that City Manager be and he hereby is authorized to execute a written settlement agreement and general release, and any other documents as the City's attorneys may require, to effectuate the settlement as herein described.

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.: 82 - 2010

OF

APRIL 12, 2010

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ISSUE A
WARRANT TO THE CITY COLLECTOR FOR THE COLLECTION
OF SEWER USE RENTS AND SEWER FACILITIES RENTS**

WHEREAS, the Water Department has prepared bills for the quarter ending March 31, 2010, and roll of the same has been filed with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the said roll be and the same is hereby confirmed by the Interim City Manager and he is authorized and directed to issue a warrant to the City Collector of the City of Newburgh bearing the date of April 1, 2010 and directing said City Collector to receive payments on the First day of April, 2010, and to collect up to and including the Seventh day of May, 2010, without fees, and to add five percent (5%) on all sums paid to her on and after the Eighth day of June, 2010, up to and including the 30th day of June, 2010, after which date, two and one half percent (2 ½%) is added for each quarter thereafter, and

BE IT FURTHER RESOLVED, that the sums of money collected be transmitted daily to and deposited with the City Comptroller to be credited by her and to be applied to the Sewer Fund Account.

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.: 83 - 2010

OF

APRIL 12, 2010

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ISSUE A
WARRANT TO THE CITY COLLECTOR FOR THE
COLLECTION OF WATER RENTS**

WHEREAS, the Water Department has prepared bills for quarter ending March 31, 2010, and a roll of the same has been filed with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the said roll be and the same is hereby confirmed by the Interim City Manager and he is authorized and directed to issue a warrant to the City Collector of the City of Newburgh bearing the date April 1, 2010, and directing said City Collector to receive payments on the First day of April, 2010, and to collect up to and including the Seventh day of May, 2010, without fees, and to add five percent (5%) on all sums paid to her on and after the Eighth day of May, 2010, up to and including the 30th day of June, 2010, after which date two and one half percent (2 ½%) is added for each quarter thereafter, and

BE IT FURTHER RESOLVED, that the sums of money collected be transmitted daily to and deposited with the Comptroller to be credited by her and to be applied to the Water Fund Account.

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 #84-2010

(SEE HEADING PROPOSED PUBLIC HEARING)

RESOLUTION NO: 85 - 2010

OF

APRIL 12, 2010

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME
TO CLOSE TITLE ON THE PROPERTY LOCATED AT 7 FORSYTHE PLACE
(SECTION 9, BLOCK 2, LOT 15) SOLD AT THE OCTOBER 1, 2009 AUCTION
AND AUTHORIZING AN AMENDMENT TO THE GRANTEE**

WHEREAS, this Council, by Resolution No.: 201-2009 of December 14, 2009, confirmed the sale of 7 Forsythe Place (Section 9, Block 2, Lot 15) to Yasmin Azhar and amended the terms of sale to allow a closing of title on or before April 9, 2010; and

WHEREAS, the purchaser has submitted a request for an extension of time to close and an amendment to the grantee to allow conveyance to her brother Khalid Mehmood, as an owner occupant, in place and in stead of Yasmin Azhar; and

WHEREAS, this Council has determined that granting the requested extension and authorizing the amendment to the grantee 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 and the amendment of the grantee for the property located at 7 Forsythe Place (Section 9, Block 2, Lot 15) from Yasmin Azhar to Khalid Mehmood be and is hereby granted until May 12, 2010, that date being sixty (30) days from the date of this Resolution.

BE IT FURTHER RESOLVED, that should a closing of title not take place on or before May 12, 2010, all fees and deposits will be immediately forfeited to the City of Newburgh.

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

ORDINANCE NO.: 3- 2010

OF

APRIL 12, 2010

**AN ORDINANCE AMENDING CHAPTER 220, ARTICLE II
OF THE CODE OF ORDINANCES
ENTITLED “DELANO-HITCH RECREATION PARK”**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that:

Section 1. Chapter 220, Article II of the City Code of Ordinances entitled “Delano-Hitch Recreation Park” be and is hereby amended as follows:

§ 220-15. Hours.

No person shall be allowed in the Recreation Park between the hours of 10:00 p.m. and 6:00 a.m., except for attendance at and going to and from bona fide City of Newburgh sanctioned activities an City employees on official business.

§ 220-16. Management and use of Multi-Purpose Building.

- A. The Multi-Purpose Building shall be under the management of the [Recreation Director] City Manager or the City Manager’s designee under the general supervision of the City Manager.
- B. The Multi-Purpose Building may be used by all City departments, boards and agencies and also by noncity groups and organizations, including but not limited to Club 60, provided that all events and programs sponsored by noncity groups and organizations must be cosponsored by and approved by the [Recreation Department] City Manager or the City Manager’s designee.

§ 220-17. Scheduling of use of building.

A. Written requests for use; fees.

- (1) All requests to use the facility, except by City departments, boards or agencies, shall be submitted in writing to the [Recreation Director] City Manager or the City Manager’s designee no less than 30 days prior to the date requested and shall be accompanied by:
 - (a) A nonrefundable permit application fee of \$50;

- (b) Usage fees.
- [1] Usage fees for organizations whose membership is more than 50% residents.
- [a] A usage fee of \$200 for four hours or less of use by organizations in which residents of the City of Newburgh comprise 50% or more of such organization's membership;
- [b] A usage fee of \$50 for each additional hour, or part thereof, of use requested in excess of four hours by organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership;
- [2] Usage fees for organizations whose membership is less than 50% residents.
- [a] A usage fee of \$400 for four hours or less of use by organizations in which residents of the City of Newburgh comprise less than 50% of such organization's membership;
- [b] A usage fee of \$100 for each additional hour, or part thereof, of use requested in excess of four hours by organizations in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership;
- [3] The above usage fees shall be reduced by 25% for any group or organization sponsoring 10 or more events in any calendar year.
- [4] An additional usage fee of \$100 in the event a request for use of the facility's kitchen is made part of the application;
- (c) A refundable damage fee of \$500 to be used for any necessary replacement and/or repair costs of the building and its equipment beyond normal wear and tear. Within a reasonable time after completion of an event and/or program, the [Recreation Director] City Manager or the City Manager's designee shall provide to the applicant an invoice of hours, supplies and equipment expended in the cleaning and repair of the building necessitated by such event and/or program. In the event such invoice demonstrates costs in excess of the security deposit paid, the applicant shall pay the total cost of such excess within 30 days of the presentment of the invoice. In the event such invoice demonstrates costs less than the security deposit paid, the City shall refund the overage within 30 days of the presentment of the invoice.
- (2) Any organization requesting to pay the usage fees, set forth in Subsection A(1)(a)[1] above shall, at the time of their request to use the facility, submit to the [Recreation Director] City Manager or the City Manager's designee, in a form acceptable to him/her, proof that the organization is one in which residents of the City of Newburgh comprise 50% or more of such organization's membership. The [Recreation Director] City Manager or the City Managers designee's written findings on such issue shall be included in the permit issued by him for use of the facility. Any person aggrieved by the decision of the [Recreation Director] City Manager or the

City Manager's designee on this issue may appeal such decision, in writing, to the City Manager within 10 days of the issuance of the permit. All decisions of the City Manager shall be final.

- (3) The fees listed in Subsections A(1)(a)[1], [2], [4] and A(1)(c) above shall be refunded if the request for use is denied, but shall not be refunded if the request for use is granted but the facility is not used for the period of time requested.
- B. (Reserved)
- C. All groups requesting use of the facility, except City departments, boards or agencies shall agree to indemnify the City for any liability to persons or property or damage to the facility resulting from the group's use of the facility.
- D. Any group or organization applying to use the building must present to the City before the application is approved a certificate of insurance with an insurance company which is authorized to do business in the State of New York written on an occurrence basis and approval of the City Manager. The certificate must indicate that the City of Newburgh is named on the policy as a named insured. The certificate must also indicate that the policy may not be canceled without at least 10 days' notice to the City Manager who shall be specified as the representative of the city. The required insurance coverage shall be in the form of a general liability insurance policy for bodily injury and property damage in the amount of at least \$500,000 for each occurrence and \$1,000,000 aggregate for bodily injury and \$50,000 each occurrence \$100,000 aggregate for property damage.
- E. In the event that several groups request the use of the facility on the same date, the City Manager shall decide which group's request shall have priority.

§ 220-18. Conditions and rules for use of facility.

- A. The facility may be used only for events benefiting the public and not for private purposes.
- B. Rules for use of the facility:
- (1) The facility must be left in a clean condition after use. The group using the building is responsible for cleanup of the facility to the satisfaction of the [Recreation Director] City Manager or the City Manager's designee.
 - (2) No City equipment or property is to be removed from the facility or damaged.
 - (3) No alcoholic beverages may be served, distributed or used in the facility or on City property.

- (4) The number of persons occupying the facility shall not exceed the maximum legal occupancy established by the Fire Department.
- (5) No group using the facility shall discriminate against persons seeking access to an event open to the public on the basis of race, sex, creed, color or national origin.
- (6) City employees shall have access to the facility at the time and during any meeting or event. The City reserves the right to eject individual attendees or to cancel an event for violation of this article or other City ordinances.
- (7) The facility may be used during the hours of operation of Delano-Hitch Recreation Park as established by § 220-15 and also during hours when the park is closed, upon approval of the request by the City Manager.

§ 220-19. (Reserved)

Section 2. This Ordinance shall take effect immediately.

Mayor Valentine explained that the only change in this is that the words *City Manager or the City Manager's designee* are replacing those of *Recreation Director*.

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

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

ADOPTED

Underlining ____ denotes additions.

Brackets [] denote deletions.

ORDINANCE NO.: 4-2010

OF

APRIL 12, 2010

**AN ORDINANCE AMENDING CHAPTER 220, ARTICLE IX
OF THE CODE OF ORDINANCES
ENTITLED “DELANO-HITCH MUNICIPAL STADIUM”**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that:

Section 1. Chapter 220, Article IX of the City Code of Ordinances entitled “Delano-Hitch Memorial Stadium” be and is hereby amended as follows:

§ 220-32. Management and use of stadium.

- A. The stadium shall be under the management of the [Recreation Director] City Manager or the City Manager’s designee under the general supervision of the City Manager.
- B. The stadium may be used by all City departments, boards and agencies and also by other public or private groups and organizations upon the issuance of a permit by the City Manager pursuant to this article, and further provided that all events and/or programs sponsored by groups and organizations not City departments, boards and agencies shall abide by the terms and conditions set forth in this article.

§ 220-33. Conditions and rules for use of stadium.

- A. The stadium may be used only for events and/or programs open to the general public and not for any private purpose.
- B. The stadium must be left in a clean and undamaged (other than usual wear and tear) condition after use. The group or organization using the stadium is responsible for cleaning and repair of the stadium to the satisfaction of the [Recreation Director] City Manager or the City Manager’s designee.
- C. No city-owned equipment or property is to be removed from the stadium or damaged.

- D. No alcoholic beverages may be served, distributed, used or possessed in the stadium or on City property [except under the provisions of a contract entered into pursuant to the provisions of § 220-35C of this chapter].
- E. The number of persons occupying the stadium shall not exceed the maximum legal occupancy established by the Fire Department.
- F. No group or organization using the stadium shall discriminate against persons seeking access to an event and/or program open to the public on the basis of race, sex, creed, color or national origin.
- G. City employees shall have access to the stadium at any time, including during any event and/or program, for performance of their official duties. City employees in the performance of their official duties shall have the right to eject any individual from the stadium or to cancel or terminate, without notice, any event and/or program for violation of this article or any other City ordinance or any other provision of county, state and/or federal law.

§ 220-34. Scheduling of and charges for use of stadium - non-sports events.

- A. All requests to use the stadium shall be submitted in writing to the [Recreation Director] City Manager or the City Manager's designee no less than 30 days prior to the date requested for such use. All such requests shall be on a form to be provided by the [Recreation Director] City Manager or the City Manager's designee and shall be accompanied by:
 - (1) A nonrefundable permit application fee of \$50;
 - (2) A usage fee in the following amounts:
 - (a) For each event and/or program sponsored by New York State, not-for-profit organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership: \$100.
 - (b) For each event and/or program sponsored by New York State, not-for-profit organizations in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership: \$200.
 - (c) For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership: \$250.
 - (d) For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership: \$700.
- B. The above stated usage fees shall be reduced by 25% for any group or organization sponsoring 10 to 20 events in any calendar year.

- C. Any group or organization sponsoring more than 20 events in any calendar year shall pay usage fees set by the City Manager with the approval of the City Council.
- D. In addition to the usage fee set forth above, there shall be a fee for the use of the multi-purpose building as required by § 220-17 of the Code.
- E. All requests by the Greater Newburgh City School District, or the individual schools thereof, shall be approved pursuant to a separate agreement between such school district and the City of Newburgh.
- F. For purposes of such usage fees, each calendar day that an event and/or program is held shall be considered a separate event and/or program requiring a separate usage fee. The usage fee shall be refunded if the request for use is denied, but shall not be refunded if the request for use is approved but the stadium is not used for the period of time requested. City departments, boards and agencies shall be exempt from these fees.
- G. Any organization requesting to pay the usage fees set forth in Subsection A(2)(a) and (b) above shall, at the time of their request to use the facility, submit to the [Recreation Director] City Manager or the City Manager's designee, in a form acceptable to him/her, proof that the organization is one in which residents of the City of Newburgh comprise 50% or more of such organization's membership. The [Recreation Director] City Manager or the City Managers designee's written findings on such issue shall be included in the permit issued for use of the facility. Any person aggrieved by the decision of the [Recreation Director] City Manager or the City Manager's designee on this issue may appeal such decision, in writing, to the City Manager within 10 days of the issuance of such permit. All decisions, of the City Manager shall be final.
- H. Security deposits.
 - (1) All requests to use the stadium, except by City departments, and boards, must also be accompanied by a security deposit:
 - (a) For organizations in which City of Newburgh residents comprise 50% or more of such organization's membership: \$500.
 - (b) For organizations in which City of Newburgh residents comprise less than 50% of such organization's membership: \$,1000.
 - (2) Within a reasonable time after completion of an event and/or program, the [Recreation Director] City Manager or the City Manager's designee shall provide to the applicant an invoice of hours, supplies and equipment expended in the cleaning and repair of the stadium necessitated by such event and/or program. In the event such invoice demonstrates costs in excess of the security deposit paid, the applicant shall pay the total cost of such excess

within 30 days of the presentment of the invoice. In the event such invoice demonstrates costs less than the security deposit paid, the City shall refund the overage within 30 days of the presentment of the invoice.

- I. All groups or organizations using the stadium, except City departments, boards or agencies, shall be deemed to agree, by such use:
 - (1) To provide for the disbursement and collection of all tickets to the event and/or program;
 - (2) To provide necessary security in the stadium during the course of such event and/or program[.], as required by the [Recreation Director] City Manager or the City Manager's designee;
 - (3) To provide necessary supervision of minors participating in and/or attending such event and/or program, as required by the [Recreation Director] City Manager or the City Manager's designee;
 - (4) That it is familiar with and shall comply with all federal, state, county, municipal and departmental laws, rules, ordinances and regulations which may be applicable to the conduct of the event and/or program, including but not limited to the grant of any required permits and/or licenses;
 - (5) That it shall indemnify and hold harmless the City for any liability to any person for any bodily injury, property damage, or other damage caused by the group's or organization's failure to abide by the terms of this section.

- J. All groups or organizations using the stadium, except City departments, boards or agencies, shall be deemed to further agree, by such use, to provide necessary security and supervision of the parking lot of the Delano-Hitch Recreation Stadium and to provide necessary vehicle and traffic control during and for a reasonable time before and after such event and/or program, as required by the [Recreation Director] City Manager or the City Manager's designee.

- K. Any group or organization applying to use the stadium must present to the City before the application is approved a certificate of insurance with an insurance company which is authorized to do business in the State of New York written on an occurrence basis; pursuant to the provisions of Chapter 55, Article I of the Code of Ordinances; which certificate of insurance must be approved by the City Manager. Such certificate must indicate that the City of Newburgh is named on the policy as a named insured. The certificate must also indicate that the policy may not be canceled without at least 10 days' notice to the City Manager, who shall be specified as a representative of the City. The required insurance coverage shall be in the form of a general liability insurance policy for bodily injury and property

damage in the amount of at least \$500,000 for each occurrence and \$1,000,000 aggregate for bodily injury and \$50,000 for each occurrence and \$100,000 aggregate for property damage.

L. All fees and charges referred to Subsection A of this section may, at the discretion of the [Recreation Director] City Manager or the City Manager's designee with the approval of the City Manager, be deemed satisfied, in whole or in part, by any not-for-profit organization, organized under the laws of New York State, by labor performed by the members of such organization in the maintenance, repair or cleaning of the stadium or the Delano-Hitch Recreation Park.

§ 220-35. Approval or denial of permits - non-sports events.

- A. Upon receipt of all items and deposits required in § 220-34 of this article, the Recreation Director shall transmit such application to the City Manager, who shall approve or deny the application and, in the event such application is approved, issue a permit for such use. In the event that two or more groups or organizations request the use of the stadium on the same date, the City Manager shall decide which groups' or organizations' requests shall have priority, giving preference in such decision to those groups or organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership.
- B. The City Manager shall approve or deny the application based upon the following criteria:
 - (1) Timely submission of all items and deposits required in § 220-34 of this article;
 - (2) The failure to comply with any provision of this article or any other provision of law during any past use of the stadium by the applicant or any individual associated with the applicant;
 - (3) Reasonable cause to believe that the proposed use would pose an unreasonable risk of causing bodily injury to the participants in the proposed event and/or program, the spectators thereto, and/or to the general public;
 - (4) Reasonable cause to believe that the proposed use would pose an unreasonable risk of causing property damage to the stadium, the property of the City of Newburgh and/or the property of any other person;
 - (5) Reasonable cause to believe that the applicant is unable or unwilling to comply with one or more provisions of § 220-33G or 220-34 of this article.
- C. No permit granted hereunder shall be deemed to include the right to use the stadium for sale of food, beverages, novelties, souvenirs or any other item by the applicant or any other person. The right to all such uses shall be pursuant

to separate contract(s) entered into with the [Recreation Director] City Manager or the City Manager's designee with the prior approval of the City Manager.

§ 220-36. Scheduling of and charges for use of stadium - sports events.

- A. All requests to use the stadium shall be submitted in writing to the [Recreation Director] City Manager or the City Manager's designee no less than 30 days prior to the date requested for such use. All such requests shall be on a form to be provided by the [Recreation Director] City Manager or the City Manager's designee.
- B. All groups or organizations using the stadium, except City departments, boards or agencies, shall be deemed to agree by such use:
 - (1) To pay its own cost of all personnel, supplies and equipment necessary and proper for the maintenance of the field as is required by their use thereof.
 - (2) To return the field and stadium to the City in a clean condition free of all equipment, garbage and debris and repair all damage incurred to the field and diamonds during the period of use.
 - (3) To maintain general liability and property damage insurance with an insurance company authorized to do business in the State of New York written on an occurrence basis and to present a certificate of insurance approved by the City Manager indicating that the City of Newburgh is named on the policy as a named insured in the amounts of not less than \$1,000,000 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than \$3,000,000 on account of any one occurrence, and in an amount not less than \$500,000 for damage on account of all occurrences related to Property damage.
 - (4) To report any accident to the Office of the City Manager as soon as possible and not later than 24 hours from the time of such accident. A detailed written report must be submitted to the City as soon thereafter as possible and not later than three days after the date of such accident.
 - (5) To be financially solvent and experienced and competent to perform the type of work or to furnish the consideration to be furnished by it.
 - (6) To be familiar with all federal, state, municipal and department laws, ordinances and regulations, which may in any way affect the work or play of those employed or engaged therein but that there is

no right to control the actions of City employees nor any duty to supervise the actions of City employees.

- (7) That the relation of the group to the work to be performed by it under this section shall be that of an independent contractor. As an independent contractor, all groups and organizations will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said performances, whether or not the group or organization, its agents or employees have been negligent; that it shall hold and keep the City free and discharged of and from any and all responsibility and liability of any sort or kind; that it shall assume all responsibility for risks or casualties of every description, for loss, death or injury to persons or property arising out of the nature of the performance, other than those wholly caused by acts of God or preexisting conditions; that it shall make good any damages that may occur in consequence of the performances or any part of it and shall assume all blame, loss and responsibility of any nature by reason of its neglect or violation of any federal, state, county or local laws, regulations or ordinances applicable to the group or organization and/or the nature of its performance.
- (8) To indemnify and save the City, its officers, agents and employees harmless from any liability imposed upon the City, its officers, agents and/or employees arising from its negligence, active or passive.

C. Fees for baseball games shall be as follows:

- (1) City-of-Newburgh-based youth teams, where 50% or more of the team's roster is comprised of City of Newburgh residents: no charge.
- (2) Non-City youth teams: \$100 per day game; \$125 per night game.
- (3) City-of-Newburgh-based adult teams: \$100 per day game; \$150 per night game.
- (4) Non-City-based adult teams: \$125 per day game; \$175 per night game.
- (5) All fees and charges referred to in this subsection may, upon the approval of the City Council, be deemed satisfied, in whole or in part, by labor performed by the members of the group or organization in the maintenance of the field at Delano-Hitch Stadium and the grounds of the Delano-Hitch Recreation Park as may be deemed appropriate by the [Superintendent of Recreation] City Manager or the City Manager's designee.

D. All games played by the City of Newburgh Little League Baseball, Program shall be approved pursuant to a separate license agreement between the program and the City of Newburgh.

E. All groups or organizations using the stadium, except City departments, boards or agencies, may operate concessions in a designated area of this diamond under the following terms and conditions:

- (1) To use and occupy the designated area for no other purposes than for the sale of hot and cold foods, ice cream and ice cream products for public use; prior to beginning use of the designated area, to obtain from the Orange County Department of Health, all permits and licenses necessary to sell food and beverages and provide the City with proof that such permits and licenses have been obtained; at its own cost and expense, furnish all labor, food and non-alcoholic beverage supplies.
- (2) Nothing herein contained shall prohibit City employees or the public from bringing food or nonalcoholic beverages into the diamond for personal consumption.
- (3) The sale of any product which is bottled or otherwise packaged in a glass container is prohibited.
- (4) At all times, to comply with all rules and regulations adopted by the City for the operation of the concession which are now in force or which may be hereafter adopted; to comply with all rules, regulations, laws and ordinances promulgated by the County of Orange, State of New York, including but not limited to the rules and regulations of the Orange County Department of Health; to comply with all laws of the State of New York and the rules and regulations promulgated thereunder.
- (5) That the group or organization is an independent contractor and not an employee of the City and that any persons employed, retained or engaged by the group or organization to perform the services authorized hereunder shall be employees of the group or organization and not of the City. The group or organization shall inform persons so employed, retained or engaged of these facts.
- (6) To assume all risk in the operation of this service and be solely responsible and answerable in damages for all accidents or injuries to persons or property and to indemnify and keep harmless the City and Department of Recreation of the City of Newburgh and its officers and employees from any and all claims, suits, losses, damage or injury to persons or property of whatsoever kind and nature, whether direct or indirect, arising out of the use of the stadium under this section or the carelessness, negligence or improper conduct of the group or organization or any servant, agent or employee, which responsibility shall be limited to the insurance coverage herein provided for.

Section 2. This Ordinance shall take effect immediately.

Mayor Valentine pointed out that this involves the same change as the preceding ordinance.

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

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

ADOPTED

Underlining ___ denotes additions.

Brackets [] denote deletions.

RESOLUTION NO.: 86- 2010

OF

APRIL 12, 2010

**AMENDING AND EXPANDING RESOLUTION NO.: 46 OF 2010
OF MARCH 8, 2010 APPOINTING COMMISSIONERS
TO THE CITY OF NEWBURGH HUMAN RIGHTS COMMISSION**

WHEREAS, the City of Newburgh has created the City Human Rights Commission pursuant to Section 239-q of the General Municipal Law; and

WHEREAS, this City Council deems it to be in the best interests of the City of Newburgh to appoint members to serve as Commissioners to fill vacancies and to carry on the important work of such Commission;

NOW, THEREFORE, BE IT RESOLVED, that the following persons be and are hereby confirmed and appointed to serve as Commissioners of the City of Newburgh Human Rights Commission through the following dates, with all terms thereafter to be three (3) year terms pursuant to Resolution No.: 153-90 of November 13, 1990:

Through April 27, 2011:

Dr. Benilda Armstead-Jones
Ramona L. Burton

Through April 27, 2012

Joyce Hill
Ed McCarthy

Through April 27, 2013

Charlotte Mountain
Tiombe Tallie Carter
A. Jane Johnston

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Mayor Valentine commented that there are three new people being added. It is being done this way because everyone must have a set term, and it makes it very clear about it.

Councilwoman Bell thanked the members for stepping forward to serve on the commission.

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.: 87- 2010

OF

APRIL 12, 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH RESCINDING RESOLUTION NO.: 58-2004 WHICH AUTHORIZED A PURCHASE AGREEMENT AND LEASE WITH JOEMARK ENTERPRISES, LLC; RESCINDING RESOLUTION NO.: 6-2009 WHICH AUTHORIZED AMENDMENT THERETO; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-EXCLUSIVE LICENSE AGREEMENT WITH JOEMARK ENTERPRISES, LLC FOR USE OF THAT DOCK CONSTRUCTED BY JOEMARK ENTERPRISES, LLC AND LOCATED ON THE HUDSON RIVER AT THE FOOT OF FOURTH STREET IN THE CITY OF NEWBURGH, FOR DOCKING OF THAT VESSEL KNOWN AS THE RIVER ROSE

WHEREAS, this City Council adopted Resolution No. 58-2004 authorizing a Purchase Agreement and 10-year Lease, with additional 10-year option, with Joemark Enterprises, LLC for use of that dock constructed by Joemark Enterprises, LLC and located on the Hudson River at the foot of Fourth Street in the City of Newburgh ("Dock"), for docking of that vessel known as the River Rose, and this City Council adopted Resolution No. 6-2009 authorizing amendment thereto; and

WHEREAS, Joemark Enterprises, LLC submitted documentation in 2007 that it had incurred One Hundred Fifty Thousand (\$150,000) Dollars in cost in constructing the Dock; and

WHEREAS, Subsection 2 of Section 20 of the New York General City Law and Section 16.03 of Article XVI of the City Charter of the City of Newburgh, the latter as originally adopted by the State Legislature as Section 52 of Article III of the 1917 City Charter under Chapter 590 of the Laws of 1917 and as rearranged, regrouped, renumbered and amended by Local Law 6 of 1952, prohibit the sale or other conveyance, such as leasing, of waterfront property by the City of Newburgh, without the approval of the State Legislature and City referendum which were not obtained for the Dock; and

WHEREAS, as such, this Council wishes to rescind Resolutions No. 58-2004 and 6-2009 and to authorize the City Manager to execute a non-exclusive License Agreement with Joemark Enterprises, LLC for non-exclusive use of the Dock through March 2024 on certain terms and conditions;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby rescinds Resolutions Nos. 58-2004 and 6-2009 which authorized a Purchase Agreement and Lease for the Dock with Joemark Enterprises, LLC; and

BE IT FURTHER RESOLVED that this Council hereby authorizes the City Manager to execute a non-exclusive License Agreement with Joemark Enterprises, LLC for non-exclusive use of the Dock for a twenty (20) year term extending from April 1, 2004 through March 31, 2024, on the following general terms and conditions and such other terms and conditions as shall be acceptable to the City Manager and the Corporation Counsel:

1. The License Agreement shall pertain only to docking of that vessel known as the River Rose.
2. The License Agreement shall be non-exclusive meaning that other vessels may dock at the Dock at times and during such periods not to exceed five (5) days each to be determined by the City, each on thirty (30) days prior written notice to Joemark Enterprises, LLC.
3. The License Agreement shall not be assignable to any other person or entity other than an entity controlled by John Panzella.
4. As consideration for the License, Joemark Enterprises, LLC shall be responsible for all costs of maintenance, repair, and replacement of the Dock to keep it in good, safe, and working condition throughout the term of the License Agreement.
5. Joemark Enterprises, LLC shall throughout the terms of the License Agreement produce evidence of and maintain public liability and property damage insurance coverage per occurrence in amount of at least \$2,000,000, naming the City of Newburgh as additional insured. Joemark Enterprises, LLC shall defend, indemnify, and hold the City of Newburgh, its officers, employees, and agents harmless against any and all claims, actions, proceedings, and lawsuits brought against the City in connection with or related to Joemark's and its passengers' use of the Dock and adjoining City properties.
6. The License Agreement may be terminated by Joemark Enterprises, LLC prior to March 31, 2024, with or without cause, on at least thirty (30) days written notice to the City of Newburgh. In the event of such termination, Joemark Enterprises, LLC shall not be entitled to reimbursement of any of the construction, maintenance, repair, and replacement costs for the Dock.
7. The License Agreement may be terminated by the City of Newburgh prior to March 31, 2024, with or without cause, on at least thirty (30) days written notice to Joemark Enterprises, LLC. In the event of such termination prior to March 31,

2014 and only provided that Joemark Enterprises, LLC has theretofore complied with all the terms and conditions of the License Agreement including but not limited to permitting other vessels to dock at the Dock pursuant to Section 2 above, and paying all costs of maintenance, repair, and replacement of the Dock to keep it in good, safe, and working condition through the date of such termination pursuant to Section 4 above, then and only in such event, Joemark Enterprises, LLC shall be entitled to receive payment from the City within thirty (30) days of Joemark vacating the Dock in an amount equal to the following formula:

Number of Years and Months Remaining Until March 31, 2014
Multiplied By
Fifteen Thousand (\$15,000) Dollars

For example, if the City of Newburgh were to terminate the License Agreement on November 30, 2012, and Joemark Enterprises, LLC had theretofore complied with all the terms and conditions of the License Agreement, Joemark would be entitled to payment from the City equal to \$20,000 for the 1 year and 4 months (1.33 year) remaining until March 31, 2014 multiplied by \$15,000.

Councilwoman Bell moved to table this resolution.

Mayor Valentine asked that they hold on the table and break for executive session because of the time constraints involved in this resolution.

EXECUTIVE SESSION

Councilwoman Bello moved and Councilwoman Angelo seconded that the council enter into Executive Session.

The Council unanimously entered into Executive Session at 7:55 P.M.

Councilwoman Angelo moved and Councilman Dillard seconded that the council exit out of Executive Session.

The Council unanimously exited out of Executive Session at 8:00 P.M.

Mayor Valentine asked Councilwoman Bell to rescind her motion tabling the resolution. Councilwoman Bell acquiesced.

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

OLD BUSINESS

RESOLUTION NO.: 41 - 2010 (Amended)

OF

MARCH 22, 2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT \$174,322.29 FROM THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT TO FUND THE SALARY AND BENEFITS OF THREE POLICE OFFICERS TO BE HIRED TO BACKFILL POLICE DEPARTMENT PERSONNEL CURRENTLY SERVING IN THE CITY'S SECONDARY SCHOOLS AS COMMUNITY RESOURCE OFFICERS AND AMENDING RESOLUTION NO.: 185-2009, THE 2010 BUDGET OF THE CITY OF NEWBURGH

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, North Junior High n/k/a NFA Campus North, and South Junior High; and

WHEREAS, the NESCD has offered to reimburse the City for these CROs at the rate of three experienced police officers so as to continue to have the CROs in Newburgh Free Academy and North Junior High n/k/a NFA Campus North, and South Junior High of the NECSD 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 \$174,322.29 Dollars for the assignment of three City of Newburgh Police Officers as CROs in the NESCD; and

BE IT FURTHER RESOLVED, that Resolution No.: 185-2009, the 2010 Budget of the City of Newburgh, is hereby amended as follows:

Mayor Valentine pointed out that the amount, for the terms of September 2009 through December 2009 and April 2010 through June 2010, is for three (3) full-time police officers. Starting this fall a different contract will be negotiated between the City Manager and the school district.

Councilwoman Bell remarked that she is delighted because she questioned whether the City of Newburgh should absorb a portion of the costs. The resolution seems to be fair.

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

COMMUNITY RESOURCE OFFICER AGREEMENT

AGREEMENT MADE THIS _____ DAY OF APRIL, 2010 by and between the Board of Education of the Newburgh Enlarged City School District, having its principal place of business at 124 Grand Street, Newburgh, New York 12550 (hereinafter “the Board of Education”) and The City of Newburgh having its principal place of business at City Hall, 83 Broadway, Newburgh, NY 12550 (hereinafter referred to as “the City”).

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

WHEREAS, the School Board has agreed that they will reimburse the City for its expense in participating in the CRO Program up to a maximum of One-Hundred Seventy-Four Thousand Three Hundred Twenty Two and 29/100 (\$174,322.29) Dollars for the entirety of the 2009-2010 school year and, the City of Newburgh Police Department will assign three officers, one at each of the three schools specified above, each day that school is open for the hours of 7:00 a.m. - 3:00 p.m. during the school year, on the terms and conditions set forth herein;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The School Board and the City of Newburgh by and through the City of Newburgh Police Department have established the following goals and objectives with regard to the CRO Program in the Schools: (a) to maintain a safe campus environment that will be conducive to learning, (b) to create a relationship based upon cooperation and mutual support between law enforcement and school officials; (c) to improve relationships between law enforcement, school, community and the youth of the school; (d) for Police Department officers and command to serve as consultants to school staff, parents, and youth on safety matters and any other matters which will provide a better environment for the students and the teachers in which to pursue their respective tasks; (e) for police officers to serve as role models to students; (f) to provide a continuum of youth services between the school and the community with the support of the Police Department and other City staff and agencies.
2. The City agrees that with the City of Newburgh Police Department shall provide three officers as CROs during the term of this agreement. The CROs shall be subject to the administration, supervision and control of the City of Newburgh Police Department at all times; unless otherwise provided in this agreement.

3. The officers assigned as the CROs' will be selected by the Chief of Police based upon the Police Chief's judgment and discretion, taking into consideration among other criteria the officer's training, qualifications, experience, interest in the position and the officer's ability to effectuate the goals and objectives set forth in paragraph 1.
4. The Board of Education shall have the right to request the removal of any CRO and have an officer substituted in his or her place by communicating such request to the Chief of Police at any time during the school year, which request will not be unreasonably denied.
5. The City of Newburgh agrees to provide and pay the CROs' salaries and employment benefits in accordance with the current Newburgh PBA contract.
6. It is understood and agreed that the City of Newburgh Police Department, in its sole discretion, shall have the authority to discharge and discipline an officer assigned as a CRO as provided under the terms of any agreement between the City of Newburgh and the applicable collective bargaining unit, and/or by law. The City shall indemnify and hold harmless the Newburgh Enlarged City School District from any claims, suits, or causes of action arising out of allegations of unfair or unlawful employment practice brought by an officer assigned as a CRO.
7. The following named police officers shall be initially assigned by the Chief of Police of the City of Newburgh Police Department to act as CRO's as follows:

Newburgh Free Academy – Officer Andres Arestin
South Junior High – Officer Melanie Mann
North Junior High – Officer Thomas Gleason

It is understood that such assignments may be changed by the Chief of Police or other commanding officers as in their judgment circumstances may require.

8. It is understood and agreed that the Board of Education shall not be responsible for any overtime pay earned by an Officer serving as a CRO in connection with his or her duties as a CRO and that the cost of same shall be borne solely by the City of Newburgh. The entire extent of the obligation of the School District to compensate the City for CRO services as provided herein shall be as provided hereinabove.
9. It is understood and agreed that, should a CRO be unable to perform his or her duties as a result of illness or injury or other reason causing the CRO to be absent from work, the City of Newburgh Police Department shall assign another officer to fill the CRO position at the affected building on

each such day.

10. It is understood and agreed that the CROs to be appointed by the City of Newburgh Police Department shall have the following qualifications:
 - (a) The CRO shall be a full time police officer with a minimum of two (2) years of law enforcement experience;
 - (b) The CRO shall possess sufficient knowledge of applicable Federal, State and County laws and Town ordinances as well as the School Board's policies and regulations;
 - (c) The CRO shall be capable of conducting in depth criminal investigations;
 - (d) The CRO shall possess an even temperament and set a good example for students;
 - (e) The CRO shall possess good communication skills, which would enable the CRO to function effectively within the school environment.

11. The following are the duties of the CRO:
 - (a) Consult with and coordinate activities as requested by a school principal;
 - (b) Abide by School Board policies to the extent that such compliance does not interfere with or impede the CRO in the performance of his or her duties as a law enforcement officer;
 - (c) The CRO shall develop an expertise in presenting various subjects; including in meeting Federal and State mandates in drug abuse prevention education and shall provide these presentations at the request of school personnel in accordance with the established curriculum;
 - (d) Encourage group discussions about law enforcement with students, faculty and parents;
 - (e) Under no circumstances shall a CRO be a school disciplinarian. The CRO will not be involved in the enforcement of disciplinary infractions that do not constitute violations of law;
 - (f) Attend meetings with parents and faculty groups to solicit their support and understanding of the CRO school program and to promote awareness of law enforcement functions;

- (g) Where possible, serve as a member of the school student services committee, familiarizing students with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc. Where necessary, the CRO may make recommendations for referrals;
- (h) To confer with the principal of the school to which the CRO is assigned to develop plans and strategies to prevent and/or minimize dangerous situations on or near campus or involving students at school related activities;
- (i) Perform such duties as determined and requested by a given school principal. However, such duties shall not include things normally assigned to school personnel such as lunchroom or hall duty. Nothing herein shall preclude the CRO from being available in areas where interaction with students is expected;
- (j) The CRO shall familiarize himself/herself with and shall abide by School Board policy and applicable law concerning interviews with students should it become necessary to conduct formal law enforcement interviews with students or staff on school property or at school functions under the jurisdiction of the School Board insofar as same shall be in harmony with standard police practices and standing general orders;
- (k) Initiate law enforcement action as necessary and notify the school principal as soon as possible, and, whenever practicable advise the principal before requesting additional law enforcement assistance on campus and undertake all additional law enforcement responsibilities as required by standard police practices and standing general orders;
- (l) The CRO shall act as a liaison for other law enforcement officers in matters regarding School Board policies while on school grounds;
- (m) The CRO shall affirm the role of law enforcement officer by wearing the City of Newburgh Police uniform, unless doing so would be inappropriate for scheduled school activities. The uniform shall be worn at events where it will enhance the image of the CRO and his/her ability to perform his/her duties;
- (n) The CRO shall patrol and maintain a safe corridor within the ½ mile radius directly surrounding the school to which he or she is assigned, including, but not limited to, other school buildings within that radius. The CRO shall be dispatched, as available, to

calls for service emanating from within such a radius related to juvenile criminal activity.

12. It is understood and agreed that while the CRO will be stationed at one of the schools within the School Board's jurisdiction, the CRO shall remain an employee of the City of Newburgh Police Department, adhering to all policies and procedures of the Police Department.
13. The CRO shall report to the Main Office at the start of each work day and shall sign in on a log provided by the school. The CRO shall sign out at the end of each work day using the same log.
14. It is understood and agreed that the CRO in pursuing the performance of his/her duties shall coordinate and communicate with the school principal or the principal's designee.
15. The City of Newburgh Police Department shall provide the appropriate in-service training for the CRO, to enable the CRO to function efficiently. The School Board may also provide training in school policies, regulations and procedures, or additional training in other matters relating to students and their safety.
16. The City of Newburgh Police Department shall provide a standard marked patrol vehicle for the CRO, which vehicle shall be maintained by the City of Newburgh Police Department, providing among other things, fuel, tires, etc. and all expenses associated with the operation of the vehicle including insurance. The Police Department will also provide the CRO with a service weapon and ammunition and the usual and customary office supplies and forms required in the performance of the CRO's duties as a police officer. The CRO is authorized to carry a service weapon on school grounds.
17. Should the CRO program continue into future school years, it is understood and agreed that the School District shall evaluate annually the CRO Program and the performance of the CRO on forms to be developed jointly by the parties to this Agreement. Such evaluation by the School Board and the City of Newburgh Police Department shall be performed in order to evaluate the performance of the CRO in accordance with the Department rules and regulations and also to ascertain what may be done to improve the CRO Program.
18. The City agrees to maintain at all times during the term of this Agreement a general comprehensive liability insurance policy for a minimum of a \$1,000,000 and agrees to indemnify and hold harmless the School Board

and the Newburgh City School District, its agents and employees from and against any and all claims, suits or causes of actions arising from Newburgh and City of Newburgh Police Department from any injuries or losses occasioned to the CRO by the negligence of the School Board's employees, teachers, students or other District personnel.

19. The School Board agrees to compensate the City for services rendered in connection with the CRO Program, in the amount of \$174,322.29. Such compensation shall be paid by the School Board to the City of Newburgh in one lump sum within thirty (30) days of ratification of this agreement by all parties.
20. The terms of this agreement are for the period commencing with the provision of such services and ending on the 30th day of June, 2010.

**BOARD OF EDUCATION OF THE
NEWBURGH ENLARGED CITY SCHOOL
DISTRICT**

**DAWN M. FUCHECK
BOARD OF EDUCATION PRESIDENT**

THE CITY OF NEWBURGH

**RICHARD F. HERBEK
ACTING CITY MANAGER
CITY OF NEWBURGH**

NEW BUSINESS

There were no comments at this time.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Brian Flannery, Norton Street, commented that the Financial Advisory Board is very dear to his heart. Also he is pleased to hear that the City Manager is tapping the board's financial expertise. Though he is aware of the board's limited role described in the resolution which created it, he hopes to see it evolve into a wider fiscal watchdog role. He envisions that the board will help the City come out of its long term financial crisis. Perhaps the language in the resolution could be amended in the future. All power remains with the elected officials and the City Manager, as it always has. The elected officials could chose to accept the board's advice or chose to ignore it.

Judy Kennedy, Grand Street, suggested that we use comparison reports versus monthly data. Month to month data does not make a lot of sense if it is just numbers. Comparative data allows us to see whether things are improving or not. Also she would like to know whether the City of Newburgh is able to sell its water to neighboring municipalities or not.

The City Manager remarked that he has been discussing this matter with both the Town of Newburgh and the Town of New Windsor. Both municipalities are interested in buying water. But there have been no agreements reached yet and the discussions are still ongoing.

James Marley, Hopper Street, asked whether the delay in signing the agreement for use of the Recreation Department was due to the fact that we do not have a Recreation Director. It took a long time and a lot of headaches to get through this.

The Mayor clarified that the two resolutions this evening are only to designate the City Manager as the person in charge.

The City Manager certainly welcomes the Little League's use of the field. There will be a slightly revised license agreement. They are looking to charge outsiders, such as the Newburgh Nuclears. The State Comptroller's Office has advised us that we need to take a look at all of our revenues. Essentially the more monies that can be generated, the lower the tax rates can remain. Once everything is straightened out we will not have to wait this long in the future.

Luis Santana, 18 E. Parmenter Street, is disappointed at the recreation fees that were suggested. They were outrageous in comparison to the amounts that are charged by other areas. For instance it was suggested that \$200 be charged for each team. We have to think about the crime out here. Also the

kids are not getting enough exercise. We need to think about the people here that volunteer and help organize to make Newburgh a better place. He is a combat veteran. This feels like a slap in the face not only to him but for all the veterans who have served in the United States.

Catherine Castillo, Newburgh, commented that her son was shot and killed one month ago today, despite the fact that she had been an active parent advocate for him. She had requested suitable programs for him to attend. All of which had led to no avail. She would like to eradicate the negative image of her son that persons may have of him as a troublemaker. She has requested NFA to try to implement some type of grant for the students based on scholastic merit. She is imploring help from the community. She is looking for something more beneficial to these children to distract them from the violence.

Terry Lesane, Ann Street, asked what the alternatives are for kids in the city. The City should open Brown's Pond. There is nothing for the children to do. And they are dying senselessly for gang colors. When he was growing up there was fishing, basketball and block parties, Boy Scouts and Eagle Scouts, etc. We need more mentorship. He urged the cops not to just speed by in their vehicles. The cops need to park the cars and walk, like Officer Heil did when he worked here. Also the City needs to explore solar-powered lighting. The streets throughout the City are dark and need to be lit. Parents and adults need to keep a careful eye on the children. We all need to get involved.

Niko Jones and Myrtle Williams, Lander Street and Chambers Street, implored the council to stop the summer tournaments from being held at the Gidney Avenue basketball courts. The area is simply not set up to hold that many people. The tournament needs to be held at the Recreation Department. There are too many problems in that area already. People urinate on the sides of the buildings. The homeowners take pride in their neighborhood. They want to stay there, they love Newburgh. Yet they don't feel that they should have to live in fear either.

Jannifer Murchison, Newburgh, had met with several persons at 280 Broadway about turning Gidney Avenue Park into a Safe Zone. If someone is caught urinating there or committing an offense, he will be penalized accordingly. Also she would like to know what channels they can go through to possibly get a commemorative community mural created.

Denise Ribble, Montgomery Street, mentioned that there is a basketball court at the New York State Armory. It should not cost much to renovate it. If we acquire that building, then perhaps we could look at housing a community center there. Second she knows that we have monthly reports, but when are we going to see concrete plans for dealing with a lot of these issues. And what

can we do as citizens to be actively involved besides just coming to speak at a council meeting?

Lillian Harris, Hasbrouck Street, spoke about the park on her street. She would like to see the swings put up again. It is the only park in Newburgh that has swings. Also she thanked Public Works for clearing out the street.

Roxie Royal, Farrington Street, praised the mothers for coming out tonight to speak out against the violence. We are all affected by it. We had community policing here at one time. The police officers rode on bicycles and the officers were able to maneuver a little bit better on bicycle than in a vehicle. Second, we could make extra money if we charged for parking at the waterfront. Beacon makes a killing in parking fees. We could do the same thing here to generate revenue.

The City Manager remarked that as part of the Ferry agreement, we can not charge for parking. We do not own that lot, we lease it.

Timothy 'Hazell' Hayes, First Street, mentioned that the not-for-profits are supposed to add to the quality of life for the community residents that they serve. A lot of the organizations come into our city and reap tax benefits. They receive grant money too. When are they going to come out and help the people who live in this community?

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo pointed out that there are some wonderful programs for the kids at the library. Also Glenn Hines Community Center is open. She thanked everyone for coming tonight.

Councilwoman Bell mentioned that there are certain African countries in which people greet each other by asking how the children are doing. The significance in mentioning this is that we need to ask ourselves that same question right here in our own community. There are so many kids with so many needs. The last thing we need to do is cut services for kids. First Lady Michelle Obama has started to take Green initiatives in the White House. She has started an organic garden in which the kids come to the White House and plant and nurture the growth of healthy foods. Also we need to be mindful that while we are so busy climbing the ladder of success the kids are still at the bottom of the ladder. It has even come to the point where we often continue to reward kids for bad behavior. Councilwoman Bell encouraged all of us to put our hands and hearts together to promote change. She commented on yesterday's Unity in the Community Tea Party hosted by the South Miller Street Neighborhood Association. It was a fabulous event. She mentioned that the community garden meetings are going to be held on Thursday in the new YMCA building at 5:30 P.M.

Councilwoman Bello is thrilled about the contract with the school district. She is so happy that we persevered and did what is best for the people in the City of Newburgh. She thanked everyone for coming out tonight.

Councilman Dillard thanked everyone for attending. He promised the residents of Chamber Street that the cameras are going to be set up soon.

Mayor Valentine remarked that he is pleased with the energy of all of the community groups. He thanked the mothers for coming out to speak against the violence. He pointed out that this effort to stop the violence in our city is going to have to include some initiative by the community too. It is not just going to be about the police department. Habitat for Humanity has five (5) new houses slated for construction. The organization will dedicate its 43rd house on Sunday, April 18, 2010. Because of the efforts of Habitat there are kids living in decent housing versus the substandard housing they used to live in. Over \$100,000 in property taxes is expected to be generated now with these homes slated for the tax rolls. Mayor Valentine commented that he is elated about the opening of the new YMCA on Broadway. The Y has a new director that recognizes that the building needs to be accessible to the inner-city. He commended the Newburgh Head Start Program. It services between 150-175 kids at its site on Gidney Avenue. They are a great bunch of kids. The program

also employs graduates of Mount Saint Mary's College and Orange County Community College. We are not alone in the difficulties we face here. There is a rise in gang violence even in New York City, because the NYPD has faced a substantial labor shortage. A shortage in work force leads to more crime. We are working aggressively on this issue. Also in hard economic times it is extremely difficult for municipalities to stay afloat. The fiscal shortfalls occur cyclically. The council is trying to get through this as best as it can.

There being no further business to come before the council, the meeting adjourned at 9:00 P.M.

