

A Special meeting of the City Council of the City of Newburgh was held on Tuesday, December 21, 2010, at 6:30 P.M. in the City Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

The Pledge of Allegiance was led by Councilman Dillard.

Present: Mayor Valentine presiding; Councilwoman Angelo, Councilwoman Bello, Councilman Dillard - 4

Absent: Councilwoman Bell - 1

Councilwoman Bello moved and Councilwoman Angelo seconded to enter Executive Session to discuss ongoing litigation with Newburgh Community Action Committee and Collective Bargaining.

All in favor, the Council entered Executive Session at 6:35 p.m.

Councilwoman Bello moved and Councilwoman Angelo seconded to exit Executive Session.

All in favor, the Council exited Executive Session at 7:10 p.m.

RESOLUTION NO.:279 - 2010

OF

DECEMBER 21, 2010

**RESOLUTION AUTHORIZING THE CITY MANAGER,
CORPORATION COUNSEL'S OFFICE, AND THE CITY COMPTROLLER'S
OFFICE TO EXECUTE A STIPULATION OF SETTLEMENT
WITH THE NEWBURGH COMMUNITY ACTION COMMITTEE**

WHEREAS, from September 2004 through October 2010 ("Leasehold Period"), the Newburgh Community Action Committee ("NCAC") occupied and used certain commercial space consisting of the entire third floor office area, and the first floor storage room "13B," in a building owned by the City, with the street address of 123 Grand Street, Newburgh, New York ("Demised Premises") pursuant to a written lease agreement ("Lease Agreement"); and

WHEREAS, NCAC failed to make timely payments in accordance with the Lease Agreement from a point during the Leasehold Period commencing on or about August 2008; and

WHEREAS, on or about May 21, 2010, the City commenced a Special Proceeding seeking a Warrant of Eviction to eject NCAC from the Demised Premises and a Judgment in favor of the City for money owed by NCAC under the Lease Agreement; and

WHEREAS, NCAC has agreed to tender, and the City has agreed to accept, a payment of Ninety-Thousand Dollars (\$90,000.00) ("Settlement Amount"), as well as a Confession of Judgment in the same amount to be held in escrow by the City unless NCAC fails to pay the Settlement Amount in full, as consideration for the City's agreement to discontinue and settle the eviction Proceeding; and

WHEREAS, NCAC has agreed to pay the Settlement Amount in installments, and the City has agreed to accept the same in installments beginning with a first payment of Fifteen-Thousand Dollars (\$15,000.00) by no later than February 8, 2011, the Second Payment of Fifteen-Thousand Dollars (\$15,000.00) by no later than April 8, 2011, the Third Payment of Thirty-Thousand Dollars (\$30,000.00) by no later than October 8, 2011, and a final payment of Thirty-Thousand Dollars (\$30,00.00) by no later than December 1, 2011; and

WHEREAS, the parties have agreed to a stipulation of settlement to be "So-Ordered" by the City Court of the City of Newburgh reflecting the above terms ("Settlement Agreement"), a copy of which is attached hereto, and made a part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York, that the City Manager, Corporation Counsel's Office and the City Comptroller's Office are hereby authorized to execute the Settlement Agreement attached hereto, provided that NCAC executes the Settlement Agreement simultaneously with City officials or after NCAC delivers a fully executed Settlement Agreement to the City, and present the same to the City Court to settle and resolve this matter.

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

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

ADOPTED

RESOLUTION NO.: 280 - 2010

OF

DECEMBER 21, 2010

**A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT
WITH LOCAL 589
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

WHEREAS, the City of Newburgh and Local 589 International Association of Fire Fighters ("Local 589") are parties to a collective bargaining agreement which term expired on December 31, 2009; and

WHEREAS, the City Manager and negotiators representing the City of Newburgh and Local 589 have engaged in collective negotiations for a successor agreement pursuant to the requirement of the Taylor Law and such negotiations are expected to continue after December 31, 2011; and

WHEREAS, certain bargaining unit positions and members are scheduled to be abolished/laid-off effective January 1, 2011 and the City is willing to extend the deadline for the implementation of the employees' removal from the payroll until the City Council meeting on January 10, 2011; and

WHEREAS, the City Council has reviewed the terms negotiated between the City and Local 589, which sets forth the terms and conditions under which the deadline for the removal of such employees from payroll will be extended, a copy of which is annexed hereto, and has consulted with the representatives of the City, who have recommended that the City Council ratify and approve the MOA.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the terms of the attached Memorandum of Agreement are ratified and the City Manager is directed and authorized to execute such agreement.

Councilwoman Bello asked how much this will cost and how will it be paid for since it wasn't already budgeted in.

Acting City Manager, Richard Herbek said that the cost will be \$31,535.00. This will not add cost it will be a change within the Fire Department.

Councilwoman Bello asked from where in the Budget will it be coming from.

Acting City Manager said that it will be coming from overtime.

Councilwoman Bello asked if the Chief is alright with that.

Fire Chief, Michael Vatter responded with a "yes".

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

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

ADOPTED

There being no further business to come before the Council, the meeting adjourned at 7:20 p.m.

**LORENE VITEK
CITY CLERK**