

A regular meeting of the City Council of the City of Newburgh was held on Monday, June 20, 2011 at 7:00 P.M. in the Council Chambers at City Hall, 3rd Floor, 83 Broadway, Newburgh, New York 12550

The Prayer was led by Mayor Valentine. He asked that we keep the young people in our thoughts and prayers as we approach the summer, as we want to keep them as safe as possible. The Pledge of Allegiance was led by Councilwoman Bell.

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

Councilwoman Angelo moved and Councilwoman Bello seconded that the minutes of the regular meeting of May 23, 2011 be approved.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Bello seconded that the Emergency Meeting of June 1, 2011 be approved.

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

Abstain- Councilwoman Bell-1

CARRIED

REPORTS

Councilwoman Angelo moved and Councilwoman Bello seconded that the City Clerk's Report, the Registrar of Vital Statistics Report and the Civil Service Administrator's Report for the month of May 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 Summons and Complaint, the Notice of Petition and the Notices of Claim 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 June 27, 2011 as National HIV Testing Day in the City of Newburgh.

Kristina Hanlon, Program Supervisor of Project Reach Out, announced that in raising further awareness of HIV an event is going to be held on Monday June 27th between 10 AM and 4 PM at Johnston Street and Broadway (outside the Newburgh Ministry). She urged everyone to come out. There will be free on-site testing along with free food.

Councilwoman Bell remarked that everyone should be tested regardless of his or her race, socio-economic status or background. HIV is an epidemic that can be controlled if persons know their HIV status. She pointed out that she has been tested.

Mayor Valentine remarked that he and Councilwoman Angelo attended last year's event, and they both took the test. He pointed out it is a simple procedure that yields results in about twenty minutes.

City of Newburgh

Proclamation

**In Recognition of National HIV Testing Day
June 27, 2011**

National HIV Testing Day is an opportunity to raise further awareness about this global disease and the steps that must be taken to halt its spread and find a cure;

The Centers for Disease Control estimate that in the U.S., someone is infected with HIV every 91/2 minutes, and up to 21% of people living with HIV are unaware they are infected.

**Currently, nearly 40 percent of people with HIV are not diagnosed until they already have developed AIDS, which can be up to 10 years after initial infection.
More than 18,000 people with AIDS still die each year in the US.**

**As in communities around the globe, HIV/AIDS impacts our residents, their families, and our quality of life.
Prevention, treatment and compassionate care supported by open discussion, education and testing are our only defenses against this incurable disease.**

NOW, THEREFORE BE IT RESOLVED, that I, Nicholas J. Valentine, Mayor of the City of Newburgh, N.Y hereby proclaim June 27, 2011 as NATIONAL HIV TESTING DAY in the City of Newburgh.

NICHOLAS J. VALENTINE, MAYOR

PROPOSED PUBLIC HEARING

RESOLUTION NO.: 116-2011

OF

JUNE 20, 2011

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 11, 2011 TO HEAR PUBLIC COMMENT CONCERNING THE RE-ENACTMENT OF LOCAL LAW NO.: 6-2007 OF NOVEMBER 26, 2007 WHICH ADDED ARTICLE V ENTITLED “EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES” TO CHAPTER 270 “TAXATION” OF THE CODE OF THE CITY OF NEWBURGH, BY AMENDING INCOME LEVELS AND THE EXEMPTION TERM

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 the re-enactment of Local Law No. 6-2007 of November 26, 2007 which added Article V entitled “Exemption for First-time Homebuyers of Newly Constructed Homes” to Chapter 270 ‘Taxation’ of the Code of the City of Newburgh, by amending income levels and the exemption term; 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 11th day of July, 2011, in the 3rd Floor Council Chambers, 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

PROPOSED PUBLIC HEARING

RESOLUTION NO.: **128**-2011

OF

JUNE 20, 2011

RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 11, 2011 TO HEAR PUBLIC COMMENT REGARDING THE HOUSING AND COMMUNITY DEVELOPMENT NEEDS OF THE CITY OF NEWBURGH IN ORDER TO ASSIST IN THE PREPARATION OF ITS HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR FISCAL YEAR 2012

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments regarding the housing and community development needs of the City of Newburgh in order to assist in the preparation of its Housing and Community Development Plan for fiscal year 2012; 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 11th day July 2011 in the third floor Council Chambers located at 83 Broadway, City Hall, 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

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Barbara Smith asked why there is no public hearing being conducted prior to any consideration of Resolution #121-2011. There is too much detail in this contract. Also she pointed out the 'Background Scope' section of page 7 of the RFQ. She stated there are so many questions, such as how the County is going to deal with Municipal Solid Waste (MSW), that we are moving much too fast on it.

Judy Kennedy commented it would have been great to see a public hearing regarding Resolution #121-2011. She pointed out that as of last Thursday there was no legal advice on this and no risk analysis performed, yet we are all ready to pull the trigger on a twenty-year contract. Given the state of the economy, what on earth are we thinking? Within five years competitors are going to be springing up along with competitive prices. And we are going to be locked into this contract. She asked if there is an amortization schedule. There are so many issues that have not been evaluated.

Jane Johnston requested that Resolution #121-2011 be tabled tonight. She remarked she did some research and discovered that no other municipality in Orange County has signed this. It is a good idea for us to get legal advice first. Also if there are changes in environmental law, then are we prepared to honor the contract and pay the bill? She urged the council to give it self and the citizens more time to review this before rushing into it. (SEE COMMENTS ATTACHED)

Brian Flannery stated he agreed with all the previous comments so far. He added that if he were on the council he would not allow himself to be pressured into voting to approve this resolution.

Maryann Prokosch urged the council to pick the contract apart and look at it carefully. Second regarding Local Law #4-2011 and Ordinance #11-2011 she understands these conditions are some how written into state law. However, why should the owners who are taking care of their multi-family dwellings be penalized for the ones who are not taking care of their units? It just seems like an unfair way to do this.

Gay Lee acknowledged that she does not know the public risks involved in the sanitation contract. Yet she would like the council to consider the fact that technology utilized during the period of a 20-year contract may become antiquated.

Michael Gabor commented that the council should hold off on this since three new people will be coming into office in November. A 20-year contract is insane and it is scary that we would even consider it. No other municipality has entertained it. Have we even considered the maintenance of DPW trucks and the additional fuel consumption since refuse is going to have to be taken further a field?

Janet Gianopolous stated it appears we are at a disadvantage. She would like to see more data. It seems we are not ready to move on Resolution #121-2011. Second, are the old business items up for a vote tonight? When the water rate changes were previously passed, they represented substantial increases. She stated she did her own research and it seems the rates we are paying are in line with the rates other municipalities are paying. She thought the sewer fund was O.K. So why are we changing that part of it?

Denise Ribble remarked that Resolution #121-2011 commits us to 120% of our initial year of the contract. She pointed out that if there is any gross then we are not going to be able to send extra refuse there. There are no provisions outlining this. She wonders how these revisions will have an effect on the taxpayers. She pointed out that you never hear of the taxpayers' rates decreasing because there is surplus.

Ramona Monteverde stated a 20-year contract is crazy at this time. It seems to benefit the vendor and not the City of Newburgh.

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.

RESOLUTION NO: 117 - 2011

OF

JUNE 20, 2011

A RESOLUTION AUTHORIZING AN AMENDMENT
TO THE GRANTEE ON THE PROPERTY LOCATED AT 61 WILLIAM STREET
(SECTION 39, BLOCK 2, LOT 29) SOLD AT THE APRIL 14, 2011 AUCTION

WHEREAS, this Council, by Resolution No.: 80-2011 of April 25, 2011, confirmed the sale of 61 William Street (Section 39, Block 2, Lot 29) to Manny G. Pereira; and

WHEREAS, the purchaser has submitted a request to amend the grantee to his corporation entitled Newburgh Ventures Corp.; and

WHEREAS, this Council has determined that 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 the grantee for the property located at 61 William Street (Section 39, Block 2, Lot 29) is hereby amended from Manny G. Pereira to Newburgh Ventures Corp.

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.: 118 - 2011

OF

JUNE 20, 2011

**A RESOLUTION REJECTING A
BID RECEIVED AT THE CITY OF NEWBURGH
APRIL 14, 2010 PROPERTY AUCTION**

WHEREAS, this Council did, by Resolution No.: 39-2011, of February 15, 2011, authorize the sale of several properties at public auction; and

WHEREAS, said public auction was duly held on April 14, 2011;

WHEREAS, this Council has reviewed all bids and has determined that the following bid is rejected:

<u>Lot #</u>	<u>Property Address</u>	<u>S-B-L</u>	<u>Purchaser</u>	<u>Purchase Price</u>
#25	39 Lutheran Street	29-3-13	Perrault Jean-Paul	\$6,500.00; and

BE IT FURTHER RESOLVED, that the City Comptroller be and she is hereby authorized to refund the deposit and buyers premium paid by the bidder for the bid herein rejected.

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.: 119 - 2011

OF

JUNE 20, 2011

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF
REAL PROPERTY KNOWN AS
154 WILLIAM STREET (SECTION 44, BLOCK 4, LOT 12) AT PRIVATE SALE
TO STEVE SAUNDERS AND BEVERLY RANSOM
FOR THE TOTAL AMOUNT OF \$7,758.28**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell 154 William Street, being more accurately described as Section 44, Block 4, Lot 12 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyers have offered to purchase this property at private sale for the base purchase price of \$5,000.00 plus \$2,758.28 which represents the total amount of School Taxes for the years 2008-2009, 2009-2010 and 2010-2011; and

WHEREAS, purchasers own adjacent parcel identified as 156 William Street, Section 44, Block 4, Lot 13.1 and will combine both parcels into a single tax lot within 1 year of date of conveyance; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyers for the base purchase price as outlined below and subject to the Terms and Conditions of the Sale annexed hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchasers

be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of the indicated purchase price in cash, money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before August 19, 2011, being sixty (60) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Base Purchase Price</u>
154 William Street	44 - 4 - 12	Steve Saunders & Beverly Ransom	\$5,000.00

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

Mayor Valentine commented that this may not seem like a big deal. But the owners own the cutest little home next to this garage. If they make this property look as nice as their home, then that block will change. Finally he thinks we are doing the right thing.

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

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

ADOPTED

Terms and Conditions of the Sale

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; (e) 2008-2009, 2009-2010 and 2010-2011 school taxes, water rents and assessments, and sewer rents and assessments and any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (f) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.
4. The properties are sold subject to unpaid school taxes for the tax years of 2008-2009, 2009-2010 and 2010-2011, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2008-2009, 2009-2010 and 2010-2011 and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
6. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.

7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE CITY, THE AUCTIONEER, AND THE BROKER MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.
8. The City of Newburgh reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.
9. Notice is hereby given that the premises being sold may lie within a Historic District or Design District as designated upon the zoning or tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.
10. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in her sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
11. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Properties may contain paint or other similar surface coating material

containing lead. Purchasers shall be responsible for the correction of such conditions when required by applicable law. Properties also may contain other environmental hazards. Purchasers shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchasers shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.

12. \$500.00 shall be paid as a down payment no later than two (2) weeks from date of resolution authorizing sale. All recording costs and transfer taxes shall be paid by the purchaser. **All deposits must be in cash or guaranteed funds made payable to the "City of Newburgh Comptroller" and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.**
13. All bids shall be subject to approval by the Newburgh City Council, which shall have the right, in the Council's sole discretion, to reject any bid for any reason whatsoever.
14. The entire balance of the purchase price and all closing costs/fees must be paid by cash or guaranteed funds to the City of Newburgh Comptroller's Office on or before August 19, 2011. **The City is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the purchase price as herein provided, the deposit shall be forfeited.** The City Manager may, in her sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefore, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. In addition, should any bidder fail to close within the time set forth above, the entire deposit shall be forfeited to the City as liquidated damages without further notice to the bidder. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
15. Previously defaulting parties are not allowed to bid. If a purchaser owes any outstanding and delinquent taxes to City of Newburgh, those delinquent taxes must be paid in full prior to closing on any purchases made at this auction. Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid.
16. If the successful bidder fails to tender such amount due by the close of business on August 19, 2011, then, the City may, but is not obligated to offer any unsold property

to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.

17. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchasers agree that they shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
18. All sales shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh and/or Haroff Auction & Realty and Absolute Auction & Realty be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against City of Newburgh and/or Haroff Auction & Realty and Absolute Auction & Realty arising from this sale.
19. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
20. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
21. **The Purchaser is currently the owner of adjacent parcel identified as 156 William Street, Section 44, Block 4, Lot 13.1, and will combine both parcels as one lot of record within one (1) year of the date of conveyance.**
22. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Consulting Engineer.
23. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.

24. The successful purchaser on each auction parcel must remove the auction sign within seven (7) days after the recording of the deed.

25. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 120 - 2011

OF

JUNE 20, 2011

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A CONTRACT WITH GARDEN STATE FIREWORKS, INC.
FOR THE CITY OF NEWBURGH FOURTH OF JULY CELEBRATION
FOR THE DISPLAY OF JULY 4, 2011
AT A COST OF SIX THOUSAND FIVE HUNDRED DOLLARS**

WHEREAS, the City of Newburgh issued Requests for Quotations for Fireworks for the City of Newburgh's 2011 Fourth of July celebration; and

WHEREAS, four quotes were duly received and opened; and

WHEREAS, Garden State Fireworks, Inc. was the low bidder at a cost of Six Thousand Five Hundred (\$6,500.00) Dollars; and

WHEREAS, the City of Newburgh wishes to enter into a contract with Garden State Fireworks, Inc. to conduct fireworks displays at the Newburgh Waterfront on July 4, 2011 at a cost of Six Thousand Five Hundred (\$6,500.00) Dollars; and

WHEREAS; should there be a rain event, or other circumstances beyond the City's control which prevent such fireworks to be launched on July 4, 2011, the rain date will be July 9, 2011; and

WHEREAS, the City Council has determined it to be in the best interests of the City of Newburgh to enter into a contract with Garden State Fireworks, Inc.;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Acting City Manager is hereby authorized to execute and enter into a contract, in a form subject to approval of Corporation Counsel with such other terms and conditions as Counsel may require, on behalf of the City of Newburgh, in the total amount of Six Thousand Five Hundred (\$6,500.00) Dollars.

Councilwoman Angelo pointed out that we already have \$3000 donated for fireworks. We have another \$500 coming.

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.: 121 - 2011

OF

JUNE 20, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH
TBE-MONTGOMERY LLC FOR SOLID WASTE PROCESSING AND
DISPOSAL**

WHEREAS, the City of Newburgh seeks to better manage the disposal of its solid waste; and

WHEREAS, TBE-Montgomery LLC has developed a process for sorting, separating and collection solid waste and using such waste to generate renewable electrical energy; and

WHEREAS, TBE-Montgomery LLC has presented a proposal to collect and dispose of the City's solid waste to use in its renewable electrical energy process; and

WHEREAS, TBE-Montgomery LLC has presented a proposal to collect the City's solid waste at a substantially lower cost than the City currently pays for disposal of solid waste at the Orange County Transfer Station; and

WHEREAS, this Council has reviewed such agreement and finds that the execution of such agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with TBE-Montgomery LLC, in substantially the same form as annexed hereto and subject to such other terms and conditions as may be required by the Corporation Counsel, for the disposal of solid waste.

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

**Ayes- Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard-4
No- Mayor Valentine-1
TABLED**

RESOLUTION NO.: 122 - 2011

OF

JUNE 20, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$10,765.00 FROM CONTINGENCY
TO TAX COLLECTOR TO FUND PAYROLL FOR MARIE GIDA
TO CONTINUE AS PART-TIME CASHIER**

BE IT RESOLVED, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

<u>Increase</u>	<u>Decrease</u>
Contingency A.1900.1990	\$10,765.00
Tax Collector Temporary Employee A.1330.0110	\$10,765.00

Councilman Dillard stated this was discussed at the last work session. He had requested some information as well. He is still concerned as to why we need the former director of the tax office to oversee the new director. He suggested they table this tonight, so that he may receive some clarification.

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

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

TABLED

RESOLUTION NO.: 123 - 2011

OF

JUNE 20, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$8,225.00 FROM CONTINGENCY
TO VARIOUS CITY DEPARTMENTS TO PROVIDE
FOR TELEPHONE MAINTENANCE AGREEMENTS**

BE IT RESOLVED, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

<u>Increase</u>	<u>Decrease</u>
Contingency A.1900.1990	\$8,225.00
Public Works	
Telephone A.5010.0421	
Increase: \$3,600.00	
Historian	
Telephone A.7510.0421	
Increase: \$ 200.00	
Youth Services	
Telephone A.7310.0421	
Increase: \$3,400.00	
Records Management	
Telephone A.1460.0421	
Increase: \$ 400.00	
Recreation	
Telephone A.7140.0421	
Increase: \$ 625.00	
Total Increase:	\$8,225.00

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.: 124 - 2011

OF

JUNE 20, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT WITH IKON OFFICE SOLUTIONS, INC.
TO LEASE A RICOH COPIER
AT THE COST OF \$199.55 PER MONTH FOR 48 MONTHS**

WHEREAS, the Department of Public Works wishes to enter into a lease from IKON Office Solutions, Inc. for a RICOH MP2851SP copier; and

WHEREAS, the cost of the copier is \$199.55 per month for a period of 48 months; and

WHEREAS, a copy of the contract is attached hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such contract and has determined that it is in the best interests of the City of Newburgh to enter into such contract;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached 48-month lease contract with IKON Office Solutions to provide a new RICOH MP2851SP copier for use by the Department of Public Works at the cost of \$199.55 a month for 48 months, such funds to be derived from Department of Public Works Budget Line A.5010.0448.

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.: 125 - 2011

OF

JUNE 20, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$200.00 FROM WATER CONTINGENCY
TO PURIFICATION TO PROVIDE FOR A TELEPHONE MAINTENANCE
AGREEMENT**

BE IT RESOLVED, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

<u>Increase</u>	<u>Decrease</u>
Water Contingency F.1900.1990	\$200.00
Purification Telephone F.8330.0421 \$200.00	

Councilwoman Bell asked why these costs were not included in the original contract. The quoted amount was not correct. Now we keep adding on to it.

City Comptroller Cheryl Gross explained that she would rather take necessary precaution and budget for it now rather than finding out we are in the negative and having to make up for it later.

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.: 126 - 2011

OF

JUNE 20, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$1,300.00 FROM SEWER CONTINGENCY
TO THE WASTE WATER TREATMENT PLANT
TO PROVIDE FOR A TELEPHONE MAINTENANCE AGREEMENT**

BE IT RESOLVED, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
Sewer Contingency G.1900.1990	\$1,300.00	
Waste Water Treatment Plant Telephone G.8130.0421		\$1,300.00

Councilwoman Bell desired to know what period the \$1300 covers. She knows these costs have to be paid. Yet we should be presented with accurate information at the time the items are presented for consideration.

The comptroller explained they are all for 2011.

Acting City Manager Richard Herbek pointed out often times you need to do budget modifications. These amounts would cover actual costs. They need to be covered.

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.: 127 - 2011

OF

JUNE 20, 2011

**A RESOLUTION APPROVING THE CITY OF NEWBURGH'S AMENDED
COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN
FOR FISCAL YEAR 2011**

WHEREAS, the City of Newburgh has prepared a five-year Consolidated Housing and Community Development Strategy and Plan in accordance with the planning requirements of the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, this Consolidated Plan was prepared in accordance with all statutory requirements, including those related to citizen participation; and

WHEREAS, this plan was submitted to and approved by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City has submitted a one-year Action Plan in order to implement various elements of the strategies identified in its Consolidated Plan during the second year it is in effect; and

WHEREAS, the U.S. Department of Housing and Urban Development has reduced the award amount to \$768,205 and requires an amendment of Resolution No. 244-2010 of November 6, 2010; and

WHEREAS, this change in planned activities is considered a "substantial amendment" and will be made public by postings and public notices in the newspaper and on the City website, and the City will receive and consider comments for 30 days prior to implementing the amendment; and

WHEREAS, this one-year Action Plan contains the following amended activities and budget for the City's 2011 Community Development Block Grant Entitlement Program;

2011 Budget	
Administration	\$ 170,866
In Rem Stabilization Program	\$ 153,676
Rental Housing Activities	\$ 165,000
Housing Services	\$ -
A Brush With Kindness	\$ -
Housing Rehabilitation	\$ 200,000
Demolition	\$ 203,205
Scattered Sidewalk/ Street Improvement Project	\$ 200,000
Small Business Rental Subsidy	\$ 30,000
Small Business Loans	\$ 50,000
Youth Violence Reduction/ Promising Neighborhoods Program	\$ 75,000
Section 108 Repayment	\$ 85,000
Total Funding Requests	\$ 1,332,747

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York does hereby approve the Amended Action Plan and associated budget; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby designated the official representative of the City of Newburgh and is hereby authorized to sign the one-year Action Plan contract, and he is further directed and authorized to act in connection with the submission of a one-year Action Plan and to provide such additional information as may be required.

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 #128-2011 (SEE PROPOSED PUBLIC HEARING)

RESOLUTION NO.: 129 - 2011

OF

JUNE 20, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AMENDMENT TO A CONTRACT WITH EQUIFAX, INC.
TO ADD COMMERCIAL CREDIT REPORT SERVICES IN CONNECTION
WITH THE DEPARTMENT OF PLANNING AND DEVELOPMENT
REHABILITATION LOAN PROGRAM**

WHEREAS, by Resolution No. 55-2010 of March 8, 2010, the City Council of the City of Newburgh authorized the City Manager to execute a contract with Equifax, Inc. to perform credit services for the City in connection with the rehabilitation loan program administered by the City's Department of Planning & Development; and

WHEREAS, the Department of Planning & Development would like to amend the contract with Equifax to obtain the additional service of performing commercial credit services; and

WHEREAS, the addition of the commercial credit service will not exceed the amount currently budgeted for the Equifax credit service contract;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an amendment to the contract with Equifax, Inc. to add commercial credit services on the same terms and conditions previously approved and as acceptable to the 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

RESOLUTION NO.: 130 - 2011

OF

JUNE 20, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A UTILITY POLE LICENSE AGREEMENT FOR THE ATTACHMENT OF
TRAFFIC SIGNALS IN CONNECTION WITH
THE ROUTE 9W/ROBINSON AVENUE RECONSTRUCTION PROJECT**

WHEREAS, the Central Hudson Electric & Gas Corporation (“Central Hudson”) and Verizon jointly own certain utility poles within the boundaries of the City of Newburgh; and

WHEREAS, The City of Newburgh, Central Hudson and Verizon are parties to a Standard Pole Attachment Agreement, dated June 12 2007; and

WHEREAS, in connection with the Route 9W/Robinson Avenue Reconstruction Project it is necessary for the contractors working on the Project to attach traffic signal interconnect wires to the utility poles along Route 9W/Robinson Avenue; and

WHEREAS, the attachment of the traffic signal interconnect wire to the utility poles requires a license from the joint owners under the terms of the Standard Pole Attachment Agreement; and

WHEREAS, the total cost of the attachment of the traffic signal interconnect wire to the 34 utility poles is not to exceed \$739.50; and

WHEREAS, this Council has determined that entering into a license agreement for the attachment of the traffic signal interconnect wire 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 hereby is authorized to execute a Utility Pole License Agreement with Central Hudson and Verizon for the attachment of traffic signal interconnect wire to jointly-owned utility poles in connection with the Route 9W/Robinson Avenue Reconstruction Project.

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.: 131 - 2011

OF

JUNE 20, 2011

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM
WITH SHAWN MCLEAN IN THE AMOUNT OF
\$2,802.08

WHEREAS, Shawn McLean brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Eight Hundred Two and 08/100 Dollars (\$2,802.08) in exchange for a release to resolve all claims among them; 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 parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Corporation Counsel is hereby authorized to settle the claim of Shawn McLean in the total amount of Two Thousand Eight Hundred Two and 08/100 Dollars (\$2,802.08) and that City Manager be and he hereby is authorized to execute documents as the Corporation Counsel 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.: 132 - 2010

OF

JUNE 20, 2011

**RESOLUTION AUTHORIZING THE ALLOCATION OF \$5,155.00
FROM COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FOR FISCAL YEAR 2009 TO SUPPORT THE ARTBUS SHUTTLE**

WHEREAS, the City Council funded the Artbus under the Newburgh 20/20 – Liberty Street Business Development Program; and

WHEREAS, the CDBG Advisory Committee at their last meeting discussed supporting the Artbus Shuttle in 2011 as this is an eligible CDBG project activity; and

WHEREAS, the budget for the Artbus for the 2011 Season is an amount not to exceed \$5,155.00 and shall be derived from budget code 09.15;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to take measures appropriate and necessary to implement such program.

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

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

ADOPTED

Councilwoman Bell pointed out after the vote was taken that this year the art bus is going to be a collaboration with Trestle, Inc. It is going to feature a rolling exhibit of the children’s art. There will also be a stipend for four guides for Saturdays, preferably for the individuals who volunteered last year.

RESOLUTION NO.: 133 - 2011

OF

JUNE 20, 2011

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM
WITH LEE PABON IN THE AMOUNT OF
\$2,907.03

WHEREAS, Lee Pabon brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Nine Hundred Seven and 03/100 Dollars (\$2,907.03) in exchange for a release to resolve all claims among them; 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 parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Corporation Counsel is hereby authorized to settle the claim of Lee Pabon in the total amount of Two Thousand Nine Hundred Seven and 03/100 Dollars (\$2,907.03) and that City Manager be and he hereby is authorized to execute documents as the Corporation Counsel 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

OLD BUSINESS

The following three items are part of Old Business discussion.

LOCAL LAW NO.: 4 - 2011

OF

JUNE 20, 2011

A LOCAL LAW AMENDING SECTION 248-1

ENTITLED "IMPOSITION; METHOD OF DETERMINATION"

WITHIN THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

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

§ 248-1. Imposition; method of determination.

There is hereby established and imposed sewerage facilities rents and sewer use rents, which rents are to be imposed upon the owners of real property and which rents are to be determined as follows:

A. ~~Sewerage facilities rents.~~ Sewer Facility Unit Charge.

~~(1) — Each single family dwelling will be assigned a value of one unit.~~

~~(2) — Each multiple family housing structure and apartment house will be assigned a value of one unit for the first dwelling unit and 3/4 of a unit for each additional dwelling unit contained within the housing structure or apartment house. A "dwelling unit" shall be defined as a room or group of rooms occupied or intended for occupancy as separate living quarters and having direct access from the outside or through a common hall.~~

~~(3) — All other properties within the city, other than single family dwellings, multiple family housing structures and apartment houses, will be assigned one unit for every \$30,000 of their total assessed value (approved prior to applying exceptions, abatements, etc.).~~

~~(4)~~ (1) The sum of all units derived in the manner ~~described in Subsection A(1), (2) and (3) above~~ set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the sewerage facilities ~~y~~ unit charge.

~~(5)~~ (2) The owner of each property in the City shall pay a sewerage facility unit charge equal to the number of units assigned to that property multiplied by the sewerage facilities unit charge determined in Subsection ~~A(4)~~ A(1) above.

~~(6)~~ (3) The minimum sewer facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

This Local Law shall take effect on January 1, 2012

Matter ~~stricken~~ deleted.
Matter underlined added

Councilwoman Bell asked Corporation Counsel Michelle Kelson for an explanation since this is old business.

Kelson explained that Local Law #4-2011 and Ordinance #10-2011 should be read together. They establish a formula for calculating the sewer facilities. What this does is standardizes the method for determination. She pointed out the system in place is not mandated by state law. And there are a number of different ways you can calculate water and sewer facility charges. Also she mentioned you are never going to have a perfect system, as inconsistencies are going to occur.

If the council desires to change the entire system, it is able to do so. However, she is not prepared to do that tonight. What we are prepared to do though is make sure we are in compliance with state and federal law. Also we must ensure the formula complies with a standard so that the system we are currently using is rational. It does not change anything that we have been doing in practice already.

Councilwoman Bello asked if it is going to raise the water bills.

Kelson responded the water rates are already in place. These were the rates that the council adopted previously. Those rates did not change in anyway. The facility charge on the other hand is not based on the water usage. It is meant to help pay down the debt the City has already incurred for infrastructure projects. That rate is variable, so it is going to change. She stated the council can substitute a different amount if it feels comfortable.

Councilwoman Bell asked what it would take to go from a unit rate system to an actual rate system. Her four-unit residence probably uses much less water than some single family dwellings.

Corporation Counsel responded she is not prepared to address that question tonight. She pointed out it is illegal to borrow from the two funds though. Tonight we are simply making an attempt to bring the legislation to reflect what we have been doing in practice.

Councilwoman Bello does not understand why we are doing this. And she is uncomfortable with a variable rate, as it has the potential to increase the bill itself.

Corporation Counsel remarked that this is roughly the third version. We are still working from the same model. But we want to try to achieve optimum efficiency by all city departments. The debt service variable is not going to be constant. She stated the whole system can be changed from a unit system to an actual usage system, but that is going to take time. She pointed out that possibility may be beneficial as budget time nears. Yet it is always going to remain a variable rate.

City Assessor Fernando Gonzalez pointed out there are 228 apartment buildings. Therefore the legislation being considered tonight is only going to impact 87 of those properties, which are categorized as 5-family and up. Only the calculation on those properties is being changed. Essentially now the sewer unit is going to be based on the assessed value divided by \$30,000; whereas it was previously calculated at one unit for the first dwelling unit and $\frac{3}{4}$ units for each additional dwelling unit.

Councilwoman Bell is concerned about the impact this is going to have on the 87 properties. She mentioned she owns one of the multi-family dwellings in question.

The assessor responded that it depends on the assessed value. The sewer unit is going to change every year based on the debt. The impact can be pinpointed after the fact. But for most properties the assessed value has been reduced because of the market. When the overall assessed value is reduced the sewer facility charge is going to increase.

City Engineer Craig Marti added another aspect of the benefit unit formula. The benefit unit formula is a method in which The Environmental Facility Corp uses to determine subsidized financing and hardship financing. For past projects we are looking at refinancing under the market rate program. We could qualify for funding at their Grade A-rating, as opposed to our own

bond ratings. For future projects we would like to be in the position of getting subsidized or hardship financing.

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

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

Noes- Councilwoman Angelo, Councilwoman Bello-2

ENACTED

ORDINANCE NO.: 10 - 2011

OF

JUNE 20, 2011

**AN ORDINANCE AMENDING CHAPTER 248-38
ENTITLED "WATER RATES; SERVICE"
OF THE CODE OF THE CITY OF NEWBURGH**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 248-38, entitled "Water rates; service" of the Code of the City of Newburgh be and is hereby amended as follows:

Section 1. § 248-38. Water rates; service.

C. Water Facility Unit Charge. The sum of all units derived in the manner set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the water facility unit charge. The owner of each property in the City shall pay a water facility unit charge equal to the number of units assigned to that property multiplied by the water facility unit charge. The minimum water facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

Section 2. This Ordinance shall take effect on January 1, 2012

Matter ~~stricken~~ deleted.
Matter underlined added.

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

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

Noes- Councilwoman Angelo, Councilwoman Bello-2

ADOPTED

ORDINANCE NO.: 11 - 2011

OF

JUNE 20, 2011

AN ORDINANCE AMENDING CHAPTER 163
ENTITLED "FEES" OF THE CODE
OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following schedule of fees is hereby established with respect to licenses, permits, registrations, applications, subscriptions and activities required or regulated under the provisions of the Code of the City of Newburgh. Specific requirements and regulations shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall remain in effect until rescinded or amended.

Code Section	Type of Fee	Amount
§ 248-1	Minimum sewer charge	\$1.00 per quarter
§ 248-1.A <u>dwelling</u> <u>unit</u>	<u>Sewer Facility Unit Charge</u>	<u>Each single-family</u> <u>will be assigned one</u>
<u>dwelling will</u>		<u>Each two-family</u> <u>be assigned 1.75 units</u>

	+5/8	9,000	\$75.24
	3/4	14,000	\$77.98
\$117.04	1	24,000	\$133.68
\$200.64	1 1/2	42,000	\$233.94
\$351.12	2	83,000	\$462.31
\$693.88	3	120,000	\$668.40
\$1,003.20	4	180,000	\$1,002.60
\$1,504.80	6	315,000	\$1,754.55
\$2,633.40	8	675,000	\$3,759.75
\$5,643.00			

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

Water Facility Unit Charge

Each single-family dwelling will be assigned one unit

Each two-family dwelling will be assigned 1.75 units

Each three-family dwelling will be assigned 2.5 units

Each four-family dwelling will be assigned 3.25 units

All other properties with improvement within the City, other than one, two, three and four family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying , exemptions abatements, etc.)

All other properties without improvements within the City will be assigned one unit.

Minimum water facility charge \$1.00 per quarter

Hydrant charge, outside City \$64 per hydrant per year

Section 2. This Ordinance shall take effect of January 1, 2012

Councilwoman Bello stated she does not understand it. Why aren't people being charged for what they use? When the water rates were increased the people got scorched. She does not want to go through this again.

Corporation Counsel stated it is a unit-based system. The council can choose to move to an actual usage system. That is another scheme that can be done. It is permitted by law. Though it is possible you could end up paying more by using an actual usage system rather than a unit user system. She is not prepared to provide a cost comparison tonight. This is the scheme that has been used even before she came onboard. The user system is a valid method of calculation.

The comptroller cautioned the council to keep in mind that no matter what the costs to the residents are, both the water and sewer funds must be self-sustaining. Right now there is fund balance. If for some reason we start to

lose fund balance, then she will have to come back to the council for it to make a decision. Also keep in mind there have been very little capital improvements at our water and sewer plants.

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

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

Noes- Councilwoman Angelo, Councilman Bello-2

ADOPTED

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Maryann Prokosch joked about giving up her seat on the boards so she can be an art guide. She understands how the water and sewer funds work, yet it does not provide true impact. Again we are penalizing individuals who take care of their properties. She feels this is something that is within our control. We should be moving to a system that is based on actual usage. Second, she stated it is good news, given the financial state of the city, there is a smaller deficit. But we are still in the hole nonetheless. It is just that we are in the hole \$6 million instead of \$12 million. Last, she stated people are at a tipping point in that they can not afford to live here. She pointed out that for three years we had a council that did not demand to see the financial statements. This is similar to working everyday and not being able to balance the checkbook. It is just not acceptable.

Cheryl Gross pointed out the Contingency Fund was budgeted at \$400,000. The balance is now \$318,954.

Omari Shakur announced an upcoming community voter registration drive. He urged young people to pay attention and note that a lot of the new faces are springing up because election time is near. He stated everyone is talking now and they are here for your vote, not because they care.

Gay Lee remarked she is fond of Shakur, but she is offended by his previous comments. She pointed out that people don't come to your community because they want to be a slave. Obviously they come because they desire to bring something to the table. She made it clear that she is not here in anyone's community to make insults.

President of Newburgh Pop Warner Football President Alyson Sweetser mentioned the fees that the city is going to charge the organization this year. She pointed out PW has been in Newburgh for several decades. Many of the coaches are individuals who started out playing for PW themselves, so it truly is a community-helping-community organization. Pop Warner also focuses on education, and teammates must maintain a certain GPA or a waiver in order to participate. Pop Warner's fees are the lowest in the conference. They are keeping the fees at \$85 per player. But PW also offers deep discount and waivers to families that have been hit hard by the economy. She was told that the city is charging \$1000 to use the fields this year. She thought the fields were supposed to be for kids in Newburgh. Last year PW only paid \$1.00. There were problems too. Many times the lights were not on

for practice. Second, are they going to be able to use the concession stands? This is how the organization makes money to pay its fees.

Mayor Valentine asked if the organization could stick around until the end of the meeting. Perhaps some of their questions could be answered.

Susan Young commented she had positive news for a change. The New York State Office of Unclaimed Funds has three separate listings under the city's name. She had no idea who she should turn over this information. Also, she would like to know the amounts in unclaimed funds.

Mayor Valentine responded that the information should be handed over to our comptroller. He pointed out that the website is checked frequently.

Andre Niles asked the council why it feels it does not need oversight by the State in the management of the budget. That was a pretty large error to make, and it lends itself to reason why we do need the oversight. He has heard some people state that a Municipal-Assisted Corporation (MAC) is too expensive. He is not sure we all realize how much money the city is going to save by having the MAC in place. A continuance of cutting services to help generate revenue is just a short term solution, and is not going to help things in the long run. It is similar to putting a tiny Band-Aid on a gunshot wound.

A resident of Newburgh stated that businesses, small and large, homeowners, landlords, tenants and diverse groups of people who have never even spoke to each other in the past, support the creation of a strong financial control board in order to provide more direct oversight for the City's financial operations. A MAC would ensure transparency, accountability and expertise to a government system that is struggling to make ends meet on the backs of the taxpayers. He recalled the council unanimously passing Resolution #103-2010 on May 24, 2010, essentially requesting the same financial control board he is asking for now. Yet residents and business owners have endured double digit tax increases and cuts in the workforce, drastically reducing necessary public services. We have watched our deficit balloon to \$14 million; only to be told later that it is only a \$6 million deficit, which still does not make for good news. Here we have the opportunity to restore the lack of confidence the people have in city government by accepting Albany's help in the form of a control board and a MAC.

Brigidanne Flynn asked why our planning and development office has not tried to reach out to the recycling facility to help it find more space in the city, which would also help city residents to secure employment. Second, she constantly hears city staff tell individuals that information is on the website. That is all fine and well. However, sometimes it is not available in time for the

publications that are being advertised. For example, many residents on her street were not aware that the city has switched to single-stream recycling. Third, she recalled that the entire council was in favor of a control board. So what has changed now?

Mayor Valentine pointed out he does not know if Hudson-Baylor is moving. He knows the company is expanding and opening a facility in Dutchess County. This does not necessarily mean that they are closing the Newburgh site, which is a rather large site. He clarified that even though the resolution with Taylor Bio-Mass has been tabled, we can still take our recyclables there. Only the refuse would be subject to a contract; recyclables is not the same as refuse.

Councilwoman Bell remarked that our economic development office should have already had these conversations. It should not have taken discussions between Mayor Valentine and the Mayor of Beacon to discover that the company was opening a site in Beacon.

Mayor Valentine stated the reason the company is opening in Beacon is to generate Dutchess County business. In the preliminary stage of this he does not think it makes sense for Hudson-Baylor to close its Newburgh site since it is quite successful. But then the follow-up to this would be to find out what its plans are and ask H-B if our city could be of any assistance.

Aquanetta Wright announced the 5th Annual Newburgh Jazz Series, which is going to start in a few weeks. She stated this has been the most difficult year yet. The two most requested genres of music are Jazz and Gospel. So this year they are going to implement a new program. The Newburgh Gospel Series is going to be held on Tuesdays in July. And the Newburgh Doo-Wop Series is going to be held on Tuesdays in August. Second, she acknowledged Dr. Cary Wagner of Smile Works Dental practice. Dr. Wagner was a major sponsor of the series last year and he is back again this year. This year as a thank you for helping to make the series successful, Dr. Wagner has performed over \$30,000 in dental work on the mouths of the volunteers of the Newburgh Jazz Series.

Dr. Wagner commented that the City of Newburgh is a great place. His office is located here. Aquanetta is doing a wonderful job. Our pride and joy is having this beautiful waterfront in our community. He is looking forward to supporting it, as well as going down to the waterfront to enjoy the concerts. He hopes that everyone comes out to support it.

Aquanetta announced that the opening date of the series is July 5th, commencing the Gospel Series, followed by the Jazz Series on July 6th.

Alexander Bolorin stated his questions are not rhetorical. He would like to know what the city's plans are for generating revenue, and have those plans been successful thus far? Second, what partnerships has the economic development office forged, so that we can have 'real' economic development in our city? Third, we always talk about the buzz words: *transparency and accountability*. Yet when the opportunity arises, we turn it away. What is wrong with Albany helping us out and providing oversight if there is nothing for to hide?

Denise Ribble discussed the Sanitation RFP that was presented at the last work session. She also recalled it was mentioned that we should have one day per week pickup for residential family dwellings. This was one of several revenue-generating ideas discussed during last year's budget time. For as long as she has been a resident we've been talking about the commercial properties getting pick up five days a week; whereas residential buildings only get pickup two days per week. And yet *both* commercial and residential pay the same rates. She suggested that we do some homework before we start talking about privatization. We need to look at the inequities in the way that people receive services. Second, she can not help but wonder if we had heeded some of those revenue-saving ideas back in November, then we should have been able to calculate the savings fairly accurately by now.

Mayor Valentine pointed out there is nothing in the guidelines that says our own DPW can't put in an offer under the parameters of that RFP. By providing in detail the costs of our own DPW to do the job versus an outside company, it would give us a comparison and tell us whether the costs vary. Other municipalities have explored this and have their own public works respond to RFPs. He stated it is just an exploration right now. He believes there are inequities. Perhaps this will help shake things out.

Lilliam Harris encouraged everyone to attend the Project Life Cookout on Saturday, June 25th at the Local 17 Laborers Union on Little Britain Road. Tickets are \$20 per person or \$50 for a family pack. It is for a good cause. Second, she has not noticed anyone working in the park. Our city parks need to be taken care of.

Mayor Valentine remarked that he and George Garrison are going to attend the picnic. They are going to help with the cooking.

Joseph Joye commented that he finds it hard to believe people would like to throw out 240 years of democracy, so that we can have appointed public officials from Upstate come in and tell us how to budget our money. The council already has its babysitters through the Newburgh Fiscal Recovery Act,

which is fine. He has run a small business fixing computers since he was 12 years old. He seeks the help of an accountant for advice, as needed. Yet he would never just hand over the reins to his accountant and allow him complete control of his finances.

Barbara Smith discussed the privatization of the garbage. She can not believe that we have released the RFP in the manner that it was presented at the work session. Have we fixed it before submitting it?

Mayor Valentine clarified the RFP has not been released yet. It is going to be released on June 29th. Also he pointed out some changes have been made already.

Smith is concerned that the material in the RFP is not sufficient to support the functioning of this city.

Judy Kennedy discussed the tax issues. If we had raised the taxes 7.2% each year from 2001-2010, then we would have only been short \$866,000 in the 2010 budget, as opposed to the \$5 million we were short. She has even heard the statement that the extreme rate we are paying is due to the fact that the taxes have not been raised consistently during that period of time. While that may be true, it is certainly irrelevant. It only demonstrates short-sighted planning, which has created extreme financial duress for residents. Also, the courthouse project should have been managed professionally from beginning to end. Then we would not have overrun the project by \$9.2 million, and we would have retained money in the general fund. Next, the current administration needs to realize that the extreme tax hikes are causing many citizens to desire to put their homes up for sale and flee. But they are unable to sell them.

Susan Smith stated that Senator Larkin had introduced draft legislation proposing the creation of a MAC. She would like to know why we are opposing it. We have overlooked a number of things to help bring Newburgh back to revitalization. Broadway is the main street of the city. Yet it looks like a tornado. We still have to find ways to eradicate the drugs, crime and prostitution. She knows it is a tall order for our city officials. Poughkeepsie is building up its tourism to attract people to the area and to help generate revenue. They have also expanded their transportation system. The Walkway over the Hudson has also helped to garner business in the region. The prospect of a Green Structure is being explored. Perhaps this might be something we could explore too, as it could help raise property values.

Brenda McPhail commented she is weary and tired. We are able to find money for everything else in this city. Yet has it really come down to having to

charge kids \$1000 to use the football fields? Everyone in this room is accountable. The damage has already been done. Yes, we are in a deficit. But she would like to know what the plans of the council are to get the city fiscally sound. She stated she had planned to run for city council, but she changed her mind. She is not going to announce it when she decides to run. But she wants to run because she cares. Not everyone cares about Newburgh. She reminded us that talk is cheap and you have to be able to walk the walk. We all have to do this together. Next, she commented that if we do not find ways to keep the children engaged in positive outlets, then we are just going to add to the statistics that are already plaguing the community.

Ray Rivera announced he is closing the Newburgh Boxing Club on July 1st. The taxes on the building are too high. The closing is going to put 125 kids in the predicament of not having anything to do for the summer. He encouraged the council to give him a call if it could lend its assistance in helping him find another home.

Janet Gianopolous stated she has heard some really good comments tonight. She feels we need to take a multi-faceted approach to improving things in the city. Education is important. We are failing 42% of our children, because we are not encouraging them to finish school. On the other hand, we should be celebrating the fact that a 5th grader from Newburgh just won a statewide Spelling Bee. Next, she encourages us to seek options when we put out the sanitation RFP. Anytime she gets quotes for her business, she looks at her options to help her reach a decision.

Michael Gabor stated that the water and sewer and the garbage are all urgent issues that need to be addressed. We are fortunate to have our own water system, which has been fairly well managed over the years. The water quality is good too. We would like to keep it that way. He feels we should not be reacting too quickly to propositions. As a city these are the issues that make us more attractive than the suburbs. Instead of looking at things in an individual manner we need to take everything into account, and use it as an incentive to move in the right direction.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo mentioned some of the nuisances of the city. Flyers are strewn throughout the city. The weeds are a problem too. She has seen weeds as high as some parking meters on Broadway. She would like the prescribed fines levied against the property owners that commit these nuisances. Second, the fireworks are going to be shot off from the old Consolidated Iron site on July 4th. She has also been talking about the possibility of having the Waterfront Festival if we get that property back into our hands. She mentioned that Garden State Fireworks, the company that is going to be responsible for the display this year, was the lowest bidder. They promised her a wonderful show this year. The festivities start at noon, and there are going to be vendors and a music band. The fee is \$50 to sign up as a vendor. The fireworks itself will probably start at 9:00 pm. And then it will take about 2 hours to get out of the traffic for the journey home. She urged everyone to plan on spending the entire day at the waterfront on the 4th of July.

Councilwoman Bell remarked she received an email in which federal lawmakers have designated Newburgh as a high drug/high crime area. She is elated that President Obama has approved for us to have this funding to help us eradicate the drugs and the gang problems. She would like to thank our legislators for really working hard to bring some change to our community.

Second, she noted several of the young people who got up and spoke this evening. It is hopeful to see. She would like to be able to pass on the baton. It is phenomenal to see young people who are getting themselves involved and being heard.

Third, she considers the proposed MAC and control board to be a considerable plus for our community. She stated the formula: *a current \$6 million deficit + 2 new union contracts being negotiated + no significant revenue-generating ideas = further financial disaster for our city's residents and taxpayers.* She has asked her colleagues, the ones who are opposed to a control board, how they plan on balancing the budget other than through more layoffs and tax increases. All she continues to hear are comments about the costs being too much. But she would like to discuss the savings involved in state backed bonds at a lower interest rate. We seem to be focused on how much things cost. Yet she has not seen any cost analysis on how much we can actually save. Our city is the home of the disappearing dollar. People are tired of the games. She urges us to do the right thing for our city and accept the offer from the state. It is our chance to turn things around in a positive way. And frankly some help is warranted, because we are not doing a good job.

Councilwoman Bello mentioned that before we put out the RFP for sanitation, she hopes there is a provision for some bulk pick up. What we did a few years back, when we removed bulk pickup, has actually cost us in the unsightly mattresses, tires and other items that we continue to see strewn all over our streets. It would be a good thing if we had a bulk pickup provision. She thanked everyone for coming tonight.

Councilman Dillard stated he is concerned about Pop Warner. He received a call about a month ago concerning the difficulties the organization has been facing. He believes that most of the difficulties have been caused by the City of Newburgh, and he feels it is due to a lack of communication. He hopes that the representatives of Pop Warner are able to stay a while after the meeting to discuss with city officials how they can work together to resolve those issues.

Mayor Valentine remarked that the city has been going back and forth with Ray Rivera, and it is a shame that the building can not be maintained. Rivera does a tremendous amount of work for the community. We have an opportunity for tourism and real revenue-generating, as the guy has world famous boxers who tour around the country. Sports figures of that magnitude attract an audience that is willing to pay. The mayor stated there is no reason why a boxing ring can not be set up at the Armory.

Second, he discussed the garbage. He joked that he got his start in city government fighting the garbage issue, and now he is going to be leaving fighting the same garbage issues. Whether or not the city jumps on board with Taylor Bio-Mass, the county still has this RFP out. The county executive is looking very closely at the multi-million dollar facility in Montgomery. And if the county executive can save some dollars, then that is what he is going to set out to do. The problem is whether the county would be willing to pass along some of that savings to the municipalities. We don't know the answer to that question yet. But we do know the transfer station on Route 17K is going to close. The issue for us is whether or not we get any of the savings. \$500 per ton is the initial amount Taylor Bio-Mass needs to operate. But the fees are definitely going to increase. He still believes we should continue on with an RFP. It needs to be tweaked. He would like to see DPW put forth a proposal. Valentine stated that a shifting of manpower away from garbage services does not mean that personnel is not needed for other necessary services, such as snow removal. We need to look at all of this.

Third, he mentioned he spoke with Senator Larkin about consideration of a control board, which has since been withdrawn. The legislative session is coming to a close in a couple of days. There is not going to be any new

legislation coming up until next year. New council members can pursue the issue if they desire. But for him, it was not so much about the control board itself, as it was the way in which it was proposed. He recalled the council working hard at begging and pleading for a control board to be put in place. We were dealing with an incredibly tough budget at the time. Albany told us "No." What it said it would do though is help us work on our finances; hence what resulted was the Fiscal Recovery Act. He pointed out that a MAC, by the way, does not have the same strength as a control board. In fact, the last time a MAC was used was in 1974 in New York City. It allows us to sell bonds. Yet it is not the most enticing device for investment bankers. And even with a MAC you still have to set up a board and there are costs associated with it.

He clarified that a press conference was held last Monday, not a council meeting. The question was asked: *What makes this year different from last year?* The difference is the financial monitoring and feedback from the State which has resulted from the new legislation. We have asked for financial assistance to help ourselves become stable. But what we don't want is the infusion of another board that could cost us up to \$1 million, with no benefit other than being another layer of government to oversee us. He also pointed out that to go into an election cycle with a control board is senseless. Why would you run for an executive seat if you're going to have a control board above you telling you what to do?

We could have probably used the control board last year. But we do not need it anymore. In fact, Senator Larkin has told them it is a dead issue. By the way, the Assembly never approved it. How do you get legislation approved in Albany if you do not have your Assemblyman on board? So we are going to monitor where we are. We are also going to deal with 2012 in a very responsible way, because we now have the information provided to us in a way that has never been provided in the past. He knows it is not a relief. But it does promote a sense of confidence. It is a lot better knowing where we are than having surprises thrust upon us. Mayor Valentine thanked everyone for coming, and he wished all a Happy 4th of July. He announced the next meeting is going to be held on July 11, 2011.

There being no further business to come before the council, the meeting adjourned at 9:40 P.M.

Respectfully Submitted,

KATRINA COTTEN
DEPUTY CITY CLERK