

A regular meeting of the City Council of the City of Newburgh was held on Monday, November 28, 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 Pastor Burks and the Pledge of Allegiance was led by Councilwoman Bell.

Mayor Valentine led us in a moment of silence in memory of the late Assemblyman Thomas Kirwan. Not only did he represent the City of Newburgh and New York State; but he was a lifelong resident. Mayor Valentine urged us to keep the family in our prayers.

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 November 14, 2011 be approved.

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 and the Summons and Complaint Notice be referred to Corporation Counsel with power to act.

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

CARRIED

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Denise Ribble, Montgomery Street, desired to know the cost and the extent and nature of the uncompleted work regarding the Robinson Avenue Reconstruction Project [RES. #235-2011]. Also she mentioned that the public should have more information about Resolution #237-2011.

Judy Kennedy, Grand Street, stated she is looking forward to the budget being passed tonight, given that we were successful in our BAN and TAN sales. Passing the budget is paramount to the city improving its ratings in the bond market. Second, she asked the council how many times it has already extended the time to close on those properties [RES. #232-2011 and RES. #233-2011]

Pastor Burks of the Newburgh Christian Worship Center spoke on behalf of his family. They are thankful they are able to reach a solution with the council. [RES. #232-2011]

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.: 231 - 2011

OF

NOVEMBER 28, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$2,302.19 FROM CONTINGENCY TO
PUBLIC WORKS, PARKS, OTHER SERVICES
TO PROVIDE FUNDING FOR A CHIPPER FROM UNITED RENTAL
IN CONNECTION WITH EXPENSES DUE TO INCLEMENT WEATHER**

BE IT RESOLVED, by the Council of the City of Newburgh, New York, 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	\$2,302.19
Public Works; Parks Other Services	A.7110.0448	
\$2,302.19		

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: 232- 2011

OF

NOVEMBER 28, 2011

**A RESOLUTION AUTHORIZING THE EXTENSION OF TIME
TO CLOSE TITLE ON 34 CARTER STREET (SECTION 22, BLOCK 2, LOT 26)
SOLD AT THE APRIL 14, 2011 PROPERTY AUCTION
AND AUTHORIZING AN AMENDMENT TO THE GRANTEE**

WHEREAS, this Council, by Resolution No.: 80-2011 of April 25, 2011, confirmed the sale of 34 Carter Street (Section 22, Block 2, Lot 26) and authorized the execution of a deed to Julius Beckwith; and

WHEREAS, Julius Beckwith submitted a request for an extension of time to close title; and

WHEREAS, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before August 16, 2011; and

WHEREAS, this Council, by Resolution No.: 181-2011 of September 12, 2011, authorized an additional three (3) month extension to close title on said premises on or before November 16, 2011; and

WHEREAS, the purchaser has submitted an additional request for an extension of time to close and an amendment to the grantee to allow conveyance to Stacey Burke in place and stead of Julius Beckwith; 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 34 Carter Street (Section 22, Block 2, Lot 26) from Julius Beckwith to Stacey Burke be and is hereby granted until January 16, 2012, that date being sixty (60) days from November 16, 2011, that being the date allowed by Resolution No.: 181-2011; and

BE IT FURTHER RESOLVED, that should a closing of title not take place on or before January 16, 2012, all fees and deposits will be immediately forfeited to the City of Newburgh.

Corporation Counsel Michelle Kelson explained that this is a second extension. The City Manager had granted a 60-day extension from the original time to close, which was by August 16, 2011. Then the council had passed an additional extension of time to close that would have required a closing by November 16, 2011. Subsequently the council received a request for a transfer of the grantee, and if approved tonight, additional time to close title.

Councilwoman Bello commented that anytime we can keep a family in their home is a good thing, even if we have to grant an extension of time.

Councilman Dillard pointed out that this home has been in the family for a long time. He knows the family. And he remembers when the father purchased the home when he was still a student in college. So Councilman Dillard is very committed to keeping the family in this home.

Councilwoman Angelo wished the family the best of luck with the home.

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: 233 - 2011

OF

NOVEMBER 22, 2011

A RESOLUTION AUTHORIZING THE EXTENSION OF TIME
TO CLOSE TITLE ON 251 THIRD STREET
(SECTION 22, BLOCK 1, LOT 17)
SOLD AT THE APRIL 14, 2011 PROPERTY AUCTION

WHEREAS, this Council, by Resolution No.: 81-2011 of April 25, 2011, confirmed the sale of 251 Third Street and authorized the execution of a deed to Walden Wireless Communications, LLC; and

WHEREAS, Walden Wireless Communications, LLC submitted a request for an extension of time to close title; and

WHEREAS, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before August 16, 2011; and

WHEREAS, this Council, by Resolution No.: 171-2011 of September 12, 2011, authorized an additional three (3) month extension to close title on said premises on or before November 16, 2011; and

WHEREAS, in order to secure financing, the purchaser has submitted an additional request for an extension of time to close; and

WHEREAS, this Council has determined that granting the requested extension 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 an extension of time to close title on the property located at 251 Third Street (Section 22, Block 1, Lot 17) be and is hereby granted until January 16, 2012, that date being sixty (60) days from November 16, 2011, that being the date allowed by Resolution No.: 171-2011; and

BE IT FURTHER RESOLVED, that should a closing of title not take place on or before January 16, 2012, all fees and deposits will be immediately forfeited to the City of Newburgh.

Kelson explained the reason for the extension. The purchaser is trying to secure additional financing for the rehabilitation of the building. We have advised the grantee that the terms of the sale don't make that representation. Since the amount needed to close on the building is relatively small, we are hoping a closing will take place soon.

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.: 234 - 2011

OF

NOVEMBER 28, 2011

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM
WITH PROGRESSIVE INSURANCE A/S/O JORGE PACHECO
FOR PROPERTY DAMAGE IN THE AMOUNT OF \$2,612.26

WHEREAS, Progressive Insurance has made a subrogation claim on behalf of its insured, Jorge Pacheco, against the City of Newburgh for property damage; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Two Thousand Six Hundred Twelve and 26/100 Dollars (\$2,612.26) in exchange for a release to resolve property damage 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 subrogation claim of Progressive Insurance a/s/o Jorge Pacheco for property damage in the total amount of Two Thousand Six Hundred Twelve and 26/100 Dollars (\$2,612.26) 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.: 235 - 2011

OF

NOVEMBER 28, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH ARGENIO
BROTHERS INC. FOR UNCOMPLETED WORK IN CONNECTION WITH
THE ROBINSON AVENUE RECONSTRUCTION PROJECT**

WHEREAS, the City of Newburgh has been under contract with Argenio Brothers Inc. in connection with the Robinson Avenue Reconstruction Project in the original amount of \$9,616,616.00; and

WHEREAS, the City Engineer has certified that the essential items in the contract have been completed in accordance with the terms of the contract and has projected that the final contract amount will be \$9,601,500.00; and

WHEREAS, there are three categories of “uncompleted work” which remain relating to the planting of trees, installing grass and turf and installing traffic signal interconnect wire; and

WHEREAS, the substantial completion of the essential items in the original contract requires that the contract be closed out procedurally on or about December 1, 2011 in order for the City to be reimbursed for the cost of the contract and requires that the City enter into a supplemental agreement with Argenio Brothers Inc. for the remaining uncompleted work; and

WHEREAS, entering into a supplemental agreement for the uncompleted work will not cause the City to exceed the projected final contract amount; and

WHEREAS, this Council has determined that entering into the attached agreement for the uncompleted work with Argenio Brothers Inc. is the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the supplemental agreement for uncompleted work with Argenio Brothers Inc. in connection with the Robinson Avenue Reconstruction Project in substantially the same form as annexed hereto with other documents as Corporation Counsel may require.

City Engineer Craig Marti pointed out that this is a supplemental agreement which holds the contract open to address three uncompleted work items within the original contract. One of those items is the grass seed that was planted this fall for landscaping the grass areas. The second item involves tree plantings. And the third item is the traffic signal-interconnect wire, which requires some work to be done by Central Hudson and Verizon first.

The value of the uncompleted work is in the neighborhood of \$125,000 to \$150,000. The process requires that Argenio Brothers post a cash security payment in the form of a certified check. The payments are going to be released incrementally.

Councilwoman Bell asked Marti what was the original source of funding.

Marti explained that \$8.6 Million of the project comprises of Federal Highway Administration monies contributed through the ERA and the stimulus in 2009. Also there is a local component which is comprised mainly of water and sewer funds for water system and sewer improvements. And then there is a smaller component of roughly \$100,000, which is going to be a general fund obligation for the construction portion of the project. There will be an anticipated difference between federal funding and our general funding obligations. Those numbers are being calculated.

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.: 236- 2011

OF

NOVEMBER 28, 2011

A RESOLUTION TO AUTHORIZE THE COMMENCEMENT OF
LITIGATION REGARDING TITLE TO 46 SOUTH MILLER STREET
SECTION 30, BLOCK 2, LOT 50

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York, hereby authorizes the commencement of an action regarding title to the property known as 46 South Miller Street, Section 30, Block 2, Lot 50, under Article 15 of the New York State Real Property Actions and Proceedings Law.

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.: 237 - 2011

OF

NOVEMBER 28, 2011

**A RESOLUTION RATIFYING A MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF NEWBURGH AND THE
PATROLMAN'S BENEVOLENT ASSOCIATION OF NEWBURGH, NEW YORK
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME**

WHEREAS, a member of the Patrolman's Benevolent Association of Newburgh, New York ("PBA") has advised the City that he is prepared to assist the City by retiring no later than December 31, 2011; and

WHEREAS, in exchange the City will offer a retirement incentive of one lump sum payment of \$40,000.00 to the PBA member, who is eligible and actually retires on or before December 31, 2011; and

WHEREAS, the foregoing terms have been reduced to a Memorandum of Agreement ("MOA"), a copy of which is annexed hereto;

WHEREAS, the City Council has reviewed the terms of the MOA, and has consulted with the representatives of the City, who have recommended that the City Council approve the agreement and find that ratifying the MOA is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that this Council of the City of Newburgh, New York hereby ratifies the Memorandum of Agreement attached hereto; and

BE IT FURTHER RESOLVED, that the City Manager be and he hereby is authorized to execute the attached Memorandum of Agreement between the City of Newburgh and the Patrolman's Benevolent Association of Newburgh, New York regarding the retirement and buyout incentive.

Herbek explained that this is strictly limited to the offer of a retirement incentive very similar to what was done with the PSOA. There is one member of the PBA who is eligible to take advantage of the offer. The effect of this is that it will reduce the number of tentative layoffs in the police department from eight to seven.

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

AGREEMENT, by and between the City of Newburgh and the Newburgh PBA

WHEREAS, the City and the PBA are parties to a now expired collective bargaining agreement (CBA) covering the period January 1, 2006 through December 31, 2008; and

WHEREAS, the City and the PBA continue to negotiate regarding a successor agreement to the expired CBA; and

WHEREAS, the City is experiencing an unprecedented fiscal crisis; and

WHEREAS, the City and the PBA have negotiated in good faith and reached an agreement regarding the terms of a retirement incentive.

NOW, THEREFORE, IT IS AGREED THAT:

1. A retirement incentive will be offered to those PBA members who (1) are eligible to and actually retire into the New York State and Local Police and Fire Retirement System on or before December 31, 2011; and (2) submit to the City Manager on or before November 30, 2011 an irrevocable letter of resignation for retirement purposes to become effective on or before December 31, 2011 in the form of the attached, which may not be altered in any way. For employees who meet the requirements set forth in (1) and (2), the retirement incentive shall be one lump sum payment of \$40,000, which shall be paid in full prior to December 31, 2011. Submission of the irrevocable letter of resignation for retirement purposes shall not preclude, or in any way negatively impact, the resigning unit member's receipt of any other benefit to which (s)he may be entitled pursuant to the CBA upon retirement or separation from City employment.

2. Nothing contained in this Agreement shall be deemed to be precedent setting. This document, its existence and contents, may not be cited in any other matter, such as, but

not limited to, any grievance, arbitration, PERB conference or hearing or any court-related proceeding, except for an action to enforce its terms.

3. This Agreement constitutes the entirety of the agreement among the parties.

There are no other agreements, oral or otherwise.

4. This Agreement is subject to ratification by the PBA membership and ratification and approval by the City Council.

FOR THE CITY:

Dated: _____

FOR THE PBA:

Dated:

Rick Herbek
Acting City Manager
City of Newburgh
City Hall
83 Broadway
Newburgh, NY 12550

Re: My Retirement

Dear Mr. Herbek:

Please accept this as my letter of resignation for retirement purposes from my position as _____ with the Newburgh Police Department effective at the close of business on _____ **[INSERT DATE NO LATER THAN DECEMBER 31, 2011]** .

I understand, and represent to you, that my decision to submit this letter is irrevocable and that it is made voluntarily and of my own free will.

Sincerely,

RESOLUTION NO.: 238 - 2011

OF

NOVEMBER 28, 2011

**A RESOLUTION ADOPTING THE BUDGET
FOR THE FISCAL YEAR 2012**

WHEREAS, the City Manager, on October 11, 2011, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the “Manager’s Proposed Fiscal Year 2012 Budget” and the “Manager’s Proposed Personnel Analysis Book” of same date, of *revenues* and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2012; and

WHEREAS, such detailed estimates has been filed in the City Clerk’s Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 4, 2011 in reference to said estimates for any item thereof; and

WHEREAS, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller’s budget review report #B6-11-20 dated November 18, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2012 as appears in the annexed “City Council Adopted Fiscal Year 2012 Budget” dated November 2, 2011, and the “City Council Adopted Personnel Analysis Fiscal Year 2012 Budget” of same date; and,

BE IT FURTHER RESOLVED, that the sum of \$19,483,461 be levied and raised on account of City taxes for the year 2012 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being \$680,576,170 for Homestead Properties and \$408,441.911 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and,

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause said amount of \$19,483,461 to be extended and apportioned on said

assessment roll at \$15.6358 for Homestead properties and \$21.6483 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and,

BE IT FURTHER RESOLVED, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2012 is as set forth in Section 163-3 of the City Code of Ordinances; and,

BE IT FURTHER RESOLVED, that the City *Collector* is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and,

BE IT FURTHER RESOLVED, that said City tax roll shall be delivered to the City Collector on the 3rd day of January 2012, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 3rd day of January 2012, and collect up to and including the 7th day of February 2012, without fees, and to add 5% from the 8th day of February 2012, up to and including the 9th day of April 2012.

The second installment commencing on the 1st day of March 2011, and collect up to and including the 6th day of April 2012, without fees, and to add 5% from the 7th day of April 2012, up to and including the 30th day of May 2012.

The third installment commencing on the 1st day of May 2011, and collect up to and including the 7th day of June 2012, without fees, and to add 5% from the 8th day of June 2012, up to and including the 31st day of July, 2012.

The fourth installment commencing on the 1st day of July 2011, and collect up to and including the 8th day of August 2012, without fees, and to add 5% from the 9th day of August 2012, up to and including the 29th day of September, 2012.

In addition thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

BE IT FURTHER RESOLVED, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Bank of America, TD Bank, Citizens, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.

Councilwoman Bello pointed out that our budget had gone to the State Comptroller for review. When the budget was returned, it was discovered that we overestimated expenses by \$536,000. She was excited because she thought this would save the police officers' jobs. At Monday night's work session, the comptroller handed the council a list of ten individuals that could possibly retire in 2012. Six of the ten individuals are firemen.

Firemen are contractually obligated to let us know by July 31st of this year if they are planning to retire next year. She checked with the four police officers. They have no intention of retiring this year. This money should be allocated to keep our police. What you are doing is gambling with public safety. You are putting us in jeopardy of having to repay grants. You threaten the city's ability to secure future grants. And you put the city at risk of incurring the penalty of negotiating in bad faith. In addition to that, you have extracted a code compliance officer, which is a revenue-generating position. The revenue that is generated would most likely pay for the code officer's position.

She directed her remarks toward Richard Herbek. She does not know whether he has ever been mugged, been a victim of an armed robbery or ever witnessed a kid get shot in front of his home. She stated the residents of Newburgh don't have the opportunity to get on the road to travel home to Green Acres.

She continued in that the council only reviewed DPW, Police and Fire budgets. Yet she felt the council was supposed to have every department available for review. Two positions were added in the water department without council approval. All of the take home vehicles for department heads are still in effect, which is above and beyond our contractual obligation. A GIS position that is not even filled has been put in the budget. Cops are more important than a GIS position. It is for these stated reasons that she intends to vote 'No' tonight.

Mayor Valentine asked Chief Vatter if he had in his possession any letters of intent from firemen who could possibly retire next year.

Vatter responded he has six letters. Eligibility criteria could make it as many as ten. He pointed out the language in the contract has been used for more than twenty five years.

Councilwoman Bello asked Vatter when those letters were dated. When he answered July 1st, she stated it is amazing to her how we are constantly changing the rules in the middle of the game. The comptroller had given her a list stating the particular number of officers who were going to retire. Now it is discovered that he has six additional letters that were never presented to the council. She does not buy it though.

Councilwoman Bell stated she intends to abstain from the budget vote for previously stated reasons. By now almost everyone knows that she withdrew from the process based on a lack of any revenue generating strategies on the part of staff. She is very disillusioned by the concept that all we can do is raise taxes and lay-off workers. These are not the strategies that we need to employ.

Councilwoman Angelo stated she intends to vote in favor of the budget. According to City Charter the budget must be approved by the 4th Monday in November. She pointed out that the council is able to continue to meet with the PBA to iron out the problems.

City Manager stated he is still hopeful that we can reach a meeting of the minds with the PBA. A mediation session is scheduled for Dec. 15th. He pointed out that we have been working on this since the 2nd week in September. He has had a lot of discussion with the council. All of the proposed amendments have been incorporated into the final budget. It does not affect the bottom line. The tax levy is still at \$19,483,461. The numbers have not changed since the proposed budget.

Mayor Valentine remarked that he intends to vote in favor of the budget. This budgetary process went incredibly well. We were working with accurate numbers from start to finish. Comments presented to us from the State Comptroller make certain assumptions. It is better to know that we have funds available. If funds are not used next year, then hopefully we can begin to look at a fund balance. This would place our bond rating in a much better position than where we are now. We have time to put officers back into next year's budget if we have good and fair negotiations between now and the end of this year.

He is hopeful that what happened with the firefighters last year can happen with the PBA. We will hold a special meeting in December. If the numbers work out, then positions can be saved. What we can not do, in all fairness, is start to take supposed savings and say it could happen, and then when we don't have the money we have to turn around and lay off people in 2012. It is not fair to a worker in the position nor is it fair to a new administration. In fairness to the three new council persons coming in January, they should be handed a structurally sound budget with numbers that have been carefully reviewed.

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

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

No- Councilwoman Bello-1

Abstention- Councilwoman Bell-1

NEW BUSINESS

There was no new business at this time.

OLD BUSINESS

There was no old business at this time.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Gay Lee stated she is glad the budget passed tonight. If it had not passed, then the city would have gone into default. That would just bring a slew of other problems. She pointed out the property taxes did not '*just*' shoot up. The taxes have been escalating over a period of time. We have been having problems holding on to staff. Passing the budget tonight so that the bonds can be sold will help put us back into decent shape. It would be pretty hard for the new council to sit at the table with nothing. She understood the sentiments of Councilwoman Bell and Councilwoman Bello. Lee hopes that the precedence is set for them to move forward so that they are able to do more. Even though it is not the best budget, it does give them the opportunity to bring in some revenue for the city. Ultimately she shares the goal with her colleagues not to raise property taxes.

Julius Beckwith stated he is grateful to the city for working with him and his family. It has been a difficult time. He has written letters. He thanked the Corporation Counsel for being so lenient in granting the extension. He believes this can be resolved to the benefit of all. The Burks is a great family, one that is moving up in the world in a spiritual sense. He feels the family is very deserving of a beautiful home. Even though he has money tied up in the home, he is willing to give it up. He wants nothing out of this but their happiness.

Paul Weber of the law office of Artrip and Weber remarked that tonight's action shows yet another poor decision made by the council. Decisions have been made without any insight or forethought. Back in April 2011 the city manager handed out his first quarterly report, wherein he stated he needed to cut \$1 Million between three different unions- PSOA, PBA and CSEA. That had not progressed to state that he needed to cut \$1 Million from the PBA only. Like Councilwoman Bello previously stated, everybody seems to continue to change the rules as we try to negotiate. There are six people who are going to retire. According to Dwight Hadley it costs the city \$217,000 per officer. If you do the mathematics, there is your \$1.3 Million in savings. Weber brought this to the table only to be told it did not count.

The police department is down too many guys already. There have been three shootings in four days. We can not do this. There are not enough cops to handle the calls. He went to the department and looked at the monitors. There are more people on the streets now than he has seen in twenty years. Bad guys

pay attention too. It is a tragic mistake if you make lay-offs. We need to think about the big picture. This is wrong on every level.

Jeff J. spoke against the police cuts. He suggested council members give up their benefits. This should be the first order of business. Whenever a person is getting beat up with a 2x4 by a group of thugs, that person is not thinking about benefits. That person is wondering where the heck the police is? He calls at least twice a day. The department knows him. We need to get the crack dealers off the corners. It can not be done with budget cuts. Public safety and order is the basic function of city government. We have got a free-for-all on our streets, and we are talking about giving them the keys to our kingdom.

Mike Curry recalled he noticed a camera at the corner of Liberty and Washington Street. He did not think about it too much until there was an assault that occurred later in the shadow of that camera. Through some discussions, he discovered the camera had been placed there as the result of a grant opportunity, but had not been connected yet. There have been two shootings since. The camera is still not connected. It is a waste of the grant writer's time and the grantor's time and equipment. Another community that could have connected the camera could have made better use of the grant. This is a pure waste, especially at a time when we are sending detectives out for countless hours trying to get witness statements and leads on these crimes. It is just unconscionable.

Second, he suggests that the incoming council look carefully at the boards and commissions. He would like the new council to ensure that the attendance records are acceptable. Good governance dictates that there should be an election of officers for the boards and commissions on an annual basis. He does not believe this has been done on a consistent basis.

Janet Gianopolous commented that this is a tough budget. This poor city is spending roughly \$30 Million on salaries and benefits for employees. Many of the salaries and benefits paid are above and beyond the salaries of the people who pay the taxes that essentially help pay the employees' wages. Additionally, she knows that a number of the people who come here to receive those salaries go and pay taxes in other municipalities. It is a tough concept. She hopes it is a situation that will improve in the future.

Second, she mentioned that it is near that time we should be receiving declarations from the new council members. She searched the Board of Ethics on the website. It does not appear to be updated. There are an insufficient number of people on the board. She requests that the council and city manager

put that board in place so that it is able to review the declarations of the incoming council.

Next, she does not feel that the Office of Planning and Development is executing its primary function, which is *to advance the economic climate of the City of Newburgh through marketing*. And it does not appear that the department is set up to do that as a primary function. One example as a possibility is the selling of billboard space. There are just so many opportunities for marketing out there.

Denise Ribble stated she is looking forward to the New Year. She would like to know what the procedure is going to be for the Charter Referendum. She would like to hear from the council and city staff. She understands that there is an outline of people who will be submitting their names. What is the timeframe for that? Also it is not clear whether it is going to be this council or a new council that will be selecting the five members.

Second, she mentioned she was interested in purchasing a billboard space on the recreation park fence, which is city property. She has been unable to find out how she should go about doing that. She does not know who she should see. She would like to know what the fees are.

Mayor Valentine pointed out that as far as the Charter goes, next year's council should choose the members. And since it goes through the Citizens Advisory Board, it starts in January. The timeframe is 180 days from the adoption.

Judy Kennedy stated it was great to see so much positive energy and good intention at the mid-Broadway site this past Sunday. It was wonderful to see so many people feeling that way about a positive step about something shifting, thus changing. There were a lot of questions concerning who did what. But she pointed out to the audience that it is great to have something positive to focus on.

Second, she announced that the inauguration for the three new council people is January 1st at 4:00 P.M. They would like permission granted for use of the Activities Center. Last, she believes the council has taken a prudent step with the budget. She has learned that it is better to be on the safe side and overestimate expenses than to underestimate expenses. We have been making the mistake on the other side of the fence long enough. The fact that the council has taken a conservative approach this year says that we could be headed in the right direction.

She does realize peoples' jobs are on the line. Yet she is also aware that there are some police officers who have received in excess of \$100,000 in wages when we consider overtime. We always bring the emotional piece to the table when we discuss budgets. There are a lot of discussion points that do not get brought to the table though. All of these points need to be brought to the light, not just the ones that get people fired up. We need to consider the entire story.

Barbara Smith commented that we are always talking about not generating enough revenue. Yet we have never followed through on the tribunal for our parking tickets. She has been in contact with the head of the State Traffic Committee where that bill sits. She is currently awaiting the committee's reply as to whether the bill will be presented in January. She stated that if she does not hear from them, then she is going to start a campaign calling on all city residents to help her save some of these jobs due to lack of revenue. We are tired of begging. We want our city to be self sufficient. Anyone should encourage us to be self-sufficient.

Mayor Valentine pointed out that this is a bill that has been submitted every single year to Albany for as long as he has sat on the city council. We are simply asking for the authority to establish a tribunal so that we can collect monies on the parking tickets that are languishing out there. There have been figures close to \$1 Million that we could potentially receive. It simply can not go through the court system on Broadway. Now if someone decides he is not going to pay his parking fine, then it just sits there dormant until some type of enforcement action takes place. He wished Barbara luck on the success of the tribunal; but he has not seen it happen yet.

Bruce Terwilliger mentioned that after finding out his position is slated for cut, he feels the need to try one more time. He has worked in the code office for ten years. He has observed that we do not collect on all of the revenues that we could. He would like to invite the city manager and fire chief to a conversation. He feels he could point out some things that could help generate revenue. The city needs revenue-generating ideas.

There being no one else wishing to speak, this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo stated she did not want to take away from the excitement of the budget, but she has exciting news. She found a Christmas tree for Broadway. She had a list from last year. The tree is being donated by Dr. Terrizzi, a chiropractor in New Windsor. The next step is for her to meet with DPW for removal and transport.

Councilwoman Bell commented that Sunday was an amazing day. She started off at the Armory. What they are doing there is phenomenal. Next she went to Broadway. The taking down of the fence and the greenery is beautiful. Just to see the rebirth of that gouging and awful eyesore into something beautiful makes her feel so encouraged. After that she spent some time with members of the incoming city council and some of their supporters. She felt like she was floating from all of the positive energy. She stated that when she is no longer sitting in her seat in two meetings, she will absolutely continue to be involved in the community. She has constantly desired for us to be the change we wish to see in Newburgh. It has felt much more positive than it has felt in a long time.

Councilwoman Bello remarked this was an unfortunate budget that was passed. She understands as well as anybody else the need to have a fund balance. Yet the need to look good to other people is not more important the need for public safety. We can only hope that the city manager and the PBA come to an agreement at a later date. For those concerned about the excessive overtime, this will only increase over time. With the firemen we waited until mid January for the negotiation settlement. The city was fortunate there were no fires in between that time. Luckily we do not have fires everyday.

She pointed out that it is very easy to say lay them off when you live in a gated community complete with security guards. But she lives in the '*hood*', and that is no picnic. This was a foolish mistake. When you have the money you need to keep the cops.

Councilman Dillard asked his fellow colleague when has she ever lived in the '*hood*'? He stated he is not poking fun at her. But he asked if she has ever lived on Lander Street or Chambers Street. He asked the police chief to clarify what the most dangerous spots in the city are.

Councilwoman Bello stated that crime has metastasized through the entire city. A kid was shot on the corner of Carpenter Avenue and Carter Street right in front of her home. This whole city is becoming a '*hood*'.

Chief Ferrara affirmed there are quite a few dangerous spots in the City of Newburgh. He keeps statistics on what goes on. He tracks every bit of violent crime that occurs on a daily basis. The department's strategies are to react to the data. It is difficult, and we need more officers than we have right now. He is going to have to reorganize the department. The work is not going to go away. The primary focus in the police department was to make things better this year. 2010 was a tragic year with 11 homicides. We are almost through 2011. The officers work day and night. They cover and watch every neighborhood. There are twenty six entrances into the City of Newburgh. Any corner can become a dangerous corner.

Councilman Dillard wondered whether the crime situation could be alleviated with shift adjustments. And how much money would be saved?

Chief Ferrara explained that he has looked at options, particularly shift adjustments. Anything is possible. It is hard to figure the cost savings, but a 12-hour shift would be savings in overtime.

Mayor Valentine explained that last December the firemen's contract was voted on by the city council first. He recalled that he and his colleagues had to put officers back into the system for January 1st. There was never a time when they were down the twelve individuals. We needed to fund them for the first pay cycle until the contract was ratified by the firemen's union. As a council, they took a bit of a risk. It was agreeable to both sides. The vote was overwhelming. It was in the 90% range of all of the members of the firemen's union to vote in favor of the contract. Not to mention there was a 5% pay cut within the contract. There were veteran officers who took the pay cut because they felt it was the way to save positions.

Now we are in the same position with the PBA. Mayor Valentine stated the city is not looking for the amount of money that was spoken at the microphone tonight. The PBA knows the amount of money the city needs, and the council knows the concessions that are required to get it to work. There is a variety of ways for it to happen. He is hopeful that it is going to happen between now and the end of the year. They would hold a special meeting in December since there is only one regular meeting left. This is negotiations down to the 11th Hour. There is a willingness to have an agreement that is both workable to the officers who risk their lives everyday, and also to keep within the funding the city has available this year. Then moving forward, hopefully the new council has more of a buffer. We pulled ourselves out of where we were- the brink of last year with a 40% property tax increase.

He stated that he and his colleagues could have taken the easy road and just raised taxes 3% or 4%. The money would have been there if they did that. But this council unanimously said 'No' over and over again. They decided to stay within the tax cap. He had even desired to have draft resolutions put in place just in case they decided to change their minds. Those decisions carry weight. This sitting council will do whatever it takes to get it done. By no means is this over. Tonight is simply the legal document that needed to be passed in its form in order for us to survive for tomorrow.

There being no further business to come before the council, the meeting adjourned at 8:15 P.M.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**