

A regular meeting of the City Council of the City of Newburgh was held on Monday, September 23, 2013 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Marylou Baumgartner from King of Kings Church followed by the Pledge of Allegiance.

Present: Mayor Kennedy, presiding; Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee- 5

### COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the September 12, 2013 City Council meeting be approved.

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

CARRIED

Mayor Kennedy noted that sixteen young men just graduated tonight from the Youth Police Initiative at the Boys and Girls Club. She believes that this was the fourth graduation and she wanted to commend the Police Department and everyone who worked on this. This is an effort to have the Police and the youth work together and it is a delight to see what happened. She asked one young man what he learned and his response was, *"I learned that the Police are just like me. They grew up in hard times and they became a Policeman"*. There was a connection there and it was a great connection so we need to keep up on this.

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Omari Shakur, New Voters Movement, said in regard to resolution #200-13 that at the last meeting they were going to give this \$59,000.00 to NCAC so now who is Wallace, Roberts and Todd and how did they find them so quick?

Mayor Kennedy said that they will comment on that when they get to that resolution.

Michael Sussman, Attorney for NCAC, said that the resolution before the Council tonight, which he hopes they support, would provide funds to the consulting organization which was employed by NCAC to complete the BOA Project in 2012 and 2013. These funds are needed in order to access a final study which is required to allow the City to bid for a second level of about \$600,000.00 of funding. This funding will project the design for the clean up of both a City and IDA owned site on Pierces Road. This study is not now available due to shortfalls in funds from NCAC and the money that you are allocating is not going to NCAC or passing through NCAC. It is going directly to the consulting company that has been working on the Project for about three and a half years. Those funds once provided will be for the release of the study to the Department of State which in turn will allow the City or a City agency to apply for the second phase of funds.

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.: 195 - 2013  
OF  
SEPTEMBER 23, 2013**

**A RESOLUTION REJECTING ALL BIDS RECEIVED  
IN CONNECTION WITH THE CITY OF NEWBURGH  
CONSTRUCTION OF TYRONE H. CRABB MEMORIAL PARK**

**WHEREAS**, the City of Newburgh has duly advertised for bids in connection with the construction of Tyrone H. Crabb Memorial Park (“the Project”); and

**WHEREAS**, three (3) bids were received and opened; and

**WHEREAS**, upon review of the bids it has been determined that the cost of all bids received exceed the funding available for the Project; and

**WHEREAS**, in order to continue with the project, the City requires an extension to the Environmental Protection Fund Grant from the New York State Office of Parks, Recreation & Historic Preservation, to re-allocate Community Development Block Grant funds and allocate additional funds for the Project in the City’s 2014 annual budget; and

**WHEREAS**, this Council has determined that rejecting all bids, obtaining an extension to the grant, re-allocating the CDBG funds and allocating additional funds for the Project in the 2014 budget is in the best interests of the City of Newburgh and the Project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that all bids received in connection with the City of Newburgh Tyrone H. Crabb Memorial Park Construction Project be and are hereby rejected; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh to address the funding gap in the costs of the Project by obtaining an extension to the grant, re-allocating the CDBG funds and allocating additional funds for the Project in the 2014 budget and re-bidding the construction of the Project upon the adoption of the City’s 2014 budget.

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

**RESOLUTION NO.: 196 - 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE CONTRACT WORK IN CONNECTION WITH THE WATER POLLUTION CONTROL PLANT IMPROVEMENTS PROJECT WITH BLUE HERON CONSTRUCTION CO., LLC FOR GENERAL CONSTRUCTION SERVICES, HUDSON VALLEY ELECTRICAL C&M, INC. FOR ELECTRICAL SERVICES AND DJ HEATING & AIR CONDITIONING, INC FOR HVAC CONSTRUCTION SERVICES AND THE EXECUTION OF A NO-COST CHANGE ORDER**

**WHEREAS**, by Resolution No. 167-2012 of September 24, 2012, the City Council of the City of Newburgh accepted bids and awarded contracts to Blue Heron Construction Co., LLC for general construction services, Hudson Valley Electrical C&M Inc. for electrical services and DJ Heating & Air Conditioning, Inc. for HVAC construction services (collectively referred to as “the construction contracts”) in connection with the Water Pollution Control Plant Improvements Project (“the Project”); and

**WHEREAS**, substantial completion of the construction phase of the Project was scheduled for September 26, 2013 and final completion of the construction phase of the Project was scheduled for October 21, 2013; and

**WHEREAS**, there is a manufacturing delay in the delivery of the sludge mixer which will affect the schedule of the installation of the equipment; and

**WHEREAS**, Malcolm Pirnie, Inc./ARCADIS, the City’s project manager, is recommending that the City grant an eight (8) week time extension to the construction contracts for the delivery and installation of the sludge mixer which will extend the substantial completion of the construction phase to November 21, 2013 and final completion of the construction phase of the Project to December 16, 2013; and

**WHEREAS**, the extension of time for completion of the Project will be a no cost to the City; require a change order to the construction contracts; and will not affect the City’s compliance with the NYS Department of Environmental Conservation Consent;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he hereby is authorized to execute a no-cost change order to the construction contracts for the Water Pollution Control Plant Improvements Project and that the completion time for the construction contracts is extended eight weeks for substantial completion of the construction phase by November 21, 2013 and final completion of the construction phase of the Project by December 16, 2013.

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

**RESOLUTION NO.: 197 - 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER IN THE AMOUNT OF \$23,200.00 TO THE CONTRACT WITH SUN-UP ENTERPRISES, INC. FOR ADDITIONAL WORK IN CONNECTION WITH THE CHAMBERS STREET STREETSCAPING IMPROVEMENTS PROJECT**

**WHEREAS**, by Resolution No. 116-2013 of June 17, 2013, the City Council of the City of Newburgh awarded a bid and authorized the Interim City Manager to execute a contract with Sun-Up Enterprises, Inc. for the Chambers Street Streetscaping Improvements Project; and

**WHEREAS**, due to unforeseen conditions encountered on site including a underground vault and some curb alignment changes requested by the Newburgh Fire Department, certain additional work is required at an additional cost of \$23,200.00 and such additional work will require the execution of a change order to the contract with Sun-Up Enterprises, Inc.; and

**WHEREAS**, funding for such additional work shall be derived from budget code CD1.8686.448.8065.2013; and

**WHEREAS**, this Council has determined that executing the change order for the additional work is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Interim City Manager be and he hereby is authorized to execute a change order to the contract with Sun-Up Enterprises, Inc. for additional work in the amount of \$23,200.00 in connection with the Chambers Street Streetscaping Improvements Project.

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

**RESOLUTION NO.: 198 - 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH,  
NEW YORK SUPPORTING THE ESTABLISHMENT OF A LOCAL  
SATELLITE OFFICE OF IMMIGRATION TO SERVE THE HUDSON  
VALLEY**

**WHEREAS**, The United States of America has indicated support to make our Naturalization process less burdensome to complete; and

**WHEREAS**, many residents in our area are otherwise entitled to become citizens except for mandated trips to New York City, and

**WHEREAS**, the cost is computed to be over \$1.9 million a year in lost wages, lost productivity and actual out of pocket expense to residents and industry in the Hudson Valley; and

**WHEREAS**, these residents have neither the time nor the necessary funds to complete these mandated expeditions; and

**WHEREAS**, our local representatives, Congressman Sean Patrick Maloney, Congressman Chris Gibson, Congresswoman Nita Lowey along with New York State Senator Bill Larkin and Assemblyman Frank Skartados have indicated support for the most manageable, accommodating and economical process for our citizens possible; and

**WHEREAS**, presently thousands of our residents who are waiting to become citizens must endure the hardship of leaving their homes and places of employment plus the expense of traveling to New York City to complete the naturalization process;

**NOW THEREFORE BE IT RESOLVED**, that future citizens of the Hudson Valley in the State of New York have the ability to have their naturalization requirements completed locally at a centrally located establishment in the Hudson Valley rather than force them to travel to New York City; and

**BE IT FURTHER RESOLVED**, that the United States Government will provide the employee support and required equipment to run a satellite office in the Hudson Valley for the Naturalization procedure one to two days per month.

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

**RESOLUTION NO.: 199 - 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO APPLY FOR AND ACCEPT IF AWARDED A SAFE PLACES TO PLAY  
GRANT FROM THE UNITED STATES SOCCER FOUNDATION  
IN THE AMOUNT OF \$65,000.00  
FOR THE INSTALLATION OF SPORT COURT TO RE-SURFACE  
THE TENNIS COURTS AT THE DELANO-HITCH RECREATION PARK**

**WHEREAS**, the United States Soccer Foundation offers a Safe Places to Play Grant Program to install Sport Court, which is a modular, non-turf sports surface for small-sided soccer or futsal; and

**WHEREAS**, the grant can be used to install Sport Court at the tennis courts located at the Delano-Hitch Recreation Park and would provide additional recreational opportunities for the youth of the City of Newburgh; and

**WHEREAS**, such grant is in the form of an in-kind credit with the vendor providing the product and installation of the product and which funding shall be in an amount not to exceed Sixty Five Thousand (\$65,000.00) Dollars; and

**WHEREAS**, this Council has determined that making such application and accepting such funds if awarded is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a Safe Places to Play Grant from the United States Soccer Foundation in an amount not to exceed \$65,000.00 for the installation of Sport Court to re-surface the tennis courts located at the Delano-Hitch Recreation Park.

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

**RESOLUTION NO.: 200- 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH  
AMENDING RESOLUTION NO: 223-2012, THE 2013 BUDGET FOR THE  
CITY OF NEWBURGH, NEW YORK TO TRANSFER FIFTY-NINE  
THOUSAND ONE HUNDRED FIFTY (\$59,150.00) DOLLARS FROM  
AUDITING SERVICES TO PLANNING AND MANAGEMENT  
DEVELOPMENT - OTHER SERVICES TO PAY WALLACE, ROBERTS AND  
TODD FOR THE FINAL NOMINATION STUDY IN CONNECTION WITH  
THE BROWNFIELD OPPORTUNITY AREA PROGRAM GRANT FROM THE  
NEW YORK STATE DEPARTMENT OF STATE FOR THE NORTHERN  
NEWBURGH BROWNFIELD OPPORTUNITY AREA**

**WHEREAS**, the City of Newburgh is eligible to apply to the New York State Department of State Brownfield Opportunity Area Program for a grant to complete an Implementation Strategy for the re-development of a 137 acre area characterized by at least two large brownfield sites that are located within the northern section of the City of Newburgh with the primary objective to return long dormant brownfield sites to productive economic and social use; and

**WHEREAS**, a completed Nomination Study is required in order for the City of Newburgh to make an application to the New York State Department of State for Brownfield Opportunity Area Program grant at the Step 3 Implementation Strategy Phase; and

**WHEREAS**, Wallace, Roberts and Todd has completed a Nomination Study for this 137 acre site and requires a payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars for the completed Nomination Study;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to make a payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars to Wallace, Roberts and Todd for the completed Nomination Study and that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1976 – Auditing Services	\$59,150.00	
A.8684 – Planning and Management Development .0448 – Other Services		\$59,150.00

Mayor Kennedy said that she has been talking with the Governor’s representative and with people at the Department of State. Up until today it was her understanding that if we didn’t pay then it would die in the water. We need to do something with this property and she was told today that we can reapply using the WRT study which we have to have. We as a City and the IDA can reapply when the next round comes up in December. We can reapply for Step Three but we have to have the WRT study to make that work. NCAC has agreed to step aside and out of Step Three but she wants to know if that is in writing anywhere. In order for her to pass this resolution she needs to know of surety that NCAC is willing to step aside for the Step Three process so that we can apply as a City and IDA. She understands the issue and that we have one hundred and thirty seven acres at risk here that need to be cleaned up so we have to get through this process to get it done. The big hurdle that she couldn’t get through was that we had to start all over and there was no time for that. The representative from the Department of State told her today that we can use this as the launching point for us to apply for Step Three. That does not guarantee that we get Step Three but she knows that that State wants to work with the City of Newburgh. She believes that with the right kind of help from the Senator, Assemblyman and others we can get the implementation for the Step Three study.

Councilman Brown wanted to know how this ended up on the Agenda for tonight. He is tired of things ending up on the Council Meeting Agenda that weren’t discussed at the Work Session. That is not supposed to happen. He asked for an explanation as to how this is on the Agenda.

Interim City Manager, James Slaughter, said that in discussion at the last meeting there were three Council members who wanted to move this forward.

Councilman Brown said, *“Absolutely not. Councilman Dillard did not say to move this forward; absolutely not”*.

Councilman Dillard said that he did vote yes to move it forward.

Councilman Brown told Councilman Dillard that neither he nor Councilwoman Lee should be voting on anything to do with NCAC because their ties are too close to that organization to vote fairly. They should both abstain their votes when it comes to anything to do with NCAC in this City.

Councilwoman Lee said that they first have to vote.

Mayor Kennedy said that there is another option here and she wants to make sure that it's on the table. Since learning this new information this afternoon there is no pressure to do this tonight. It was explained to her that there is a contract that they have to work out with WRT and they may need to have something in writing from NCAC.

Councilman Brown said that they don't need to pass this tonight and until they get confirmation that NCAC is stepping away from this it should not be voted on period.

Councilwoman Lee asked if they could vote.

Councilman Brown said they could not vote.

Councilwoman Lee said to memorialize this issue; bring it to life and do something.

Councilman Brown told Councilwoman Lee that if she and Councilman Dillard votes on this he will call the State and the FBI because someone needs to investigate both of them when it comes to NCAC.

Councilwoman Lee said, *"Let's vote"*.

Interim City Manger, James Slaughter, said that he was just handed a Memorandum which he would like to present. The Memorandum is from the Chairperson of NCAC and it says that the contract between NCAC and the Department of State BOA has been terminated. NCAC did not contest the termination and this now allows the State of New York to pay two vendors directly. There is a condition which is that the Nomination Study must be submitted to the State by WRT and NCAC should also receive a copy of the Nomination Study. To clear up any confusion there are no BOA funds programmed to go to or through NCAC. The purpose of the NCAC proposal to the City of Newburgh is to facilitate the release and submission of the Nomination Study to the Department of State BOA. The Nomination Study will be an essential component in the search for a development partner for the

City's site. If developed properly, the reclaimed site will serve as an economic generator for the City of Newburgh. The vote on this important matter is the difference between additional jobs being created in the future and the land remaining underdeveloped. Often in matters of significance like this it requires one person to do the right thing.

Councilman Brown said that he hasn't received a copy of that letter and it's not on letterhead so it could have come from anywhere. This is the deal. We need to table this until they get confirmation that NCAC is out of the way completely.

Councilwoman Lee said, *"No to the table"*.

Councilman Brown told Councilwoman Lee that she could say what she wants because he smells a snake in the grass. NCAC is still in it and if we vote for this they are going to pay this firm that we owe \$59,000.00 to. If we pay this firm then the study goes forward and NCAC gave him nothing to confirm that they are out of it. They had the money and misappropriated it. You can't give them two chances. We are talking about half a million dollars and a development of land that the City desperately needs developed and if we don't have the money to develop it then we can't get it done. He says this should be tabled.

Councilwoman Lee said, *"No"*.

Mayor Kennedy said that there is a win, win in this thing. We know that we want to move forward but she feels rushed. She just got the information at 4:00 today so she feels really rushed and she knows that they can reapply so there is really no rush. The application is the only thing that has a deadline on September 30<sup>th</sup> but the WRT wants to be paid. They could be paid now or in October so there really is no rush as she understands it from the Department of State. She agrees with Councilman Brown that it should be tabled and we can do this exact same thing when we have all of the documents here in October.

Councilman Brown said that since there is no rush, can Councilwoman Lee, Councilwoman Angelo and Councilman Dillard explain to the rest of the Council what the rush is?

Councilwoman Lee told Councilman Brown that she doesn't owe him an explanation.

Councilman Brown said he thinks that she owes the taxpayers of the City of Newburgh an explanation.

Councilwoman Lee told Councilman Brown to stop trying to brow beat her. She asked if they could vote. *"We are not going to table it so let's vote."*

Mayor Kennedy said if there is no rush then why are we rushing this?

Councilwoman Lee said, *"You cannot beat us into submission. We already said no"*.

Councilman Brown told Councilwoman Lee that the FBI could be her into submission.

Councilwoman Lee said then let them try.

Mayor Kennedy said that there is something amiss here.

Councilman Dillard said that he would welcome the FBI to investigate him.

Councilwoman Lee said that they already said no so move on.

Councilman Brown said that Councilman Dillard says that he had nothing to do with this organization for several years but he is running for County Legislator and on his palm card it says that he worked with NCAC,

Councilman Dillard said it says that he was a Board Member of NCAC.

Councilman Brown said that he is too close.

Councilwoman Lee told Mayor Kennedy that they already voted no to tabling so let us vote.

Interim City Manager, James Slaughter said that the Department of State has told them that the current application will sunset on September 30<sup>th</sup>. We will not submit this application before September 30<sup>th</sup> because we have to enter into a new agreement first with Wallace, Roberts and Todd. What this does is empower the City staff to move forward with getting the study paid for and then we will submit an application in December. We will be able to go directly to Step Three versus starting from the beginning. He thinks that it is important to realize that the new application will be prepared by City staff and the IDA for Step Three. The Department was not going to let us participate or take over the study which they made very clear but what they have changed is that we are able to submit an application directly for Step Three versus starting from the beginning. That is the advantage of what they

have agreed to do so that we can move the process forward. If this is approved, we still have to enter into a contract with Wallace, Roberts and Todd and we still will review the Nomination Study to make sure that it suffices so that we can send it out. Once it goes out it will go out with the application so that we can move on to Step Three.

Councilman Brown told the City Manager that he said something very interesting. He said that it dies September 30<sup>th</sup> so we should be voting on this after September 30<sup>th</sup>. We need to let it die first.

Councilwoman Lee said that they need to vote. She asked Mayor Kennedy to let them vote.

Councilman Brown said that they need to let it die first and then we vote because there is a snake in the grass. This needs to be on the Agenda for the next October meeting which is the Agenda it was supposed to be on. It shouldn't be on this Agenda so it shouldn't be voted on in the first place. We need to let this die on September 30<sup>th</sup> and after that it should go back on the Agenda and he will vote yes to it. Right now we need to table this.

Councilwoman Lee said that she would like to vote.

Mayor Kennedy said that everyone needs to know that there is no rush yet they are being rushed for a reason.

Councilman Brown moved and Mayor Kennedy seconded that the resolution be tabled.

Ayes - Councilman Brown, Mayor Kennedy - 2  
Nays - Councilwoman Angelo, Councilman Dillard,  
Councilwoman Lee - 3  
DEFEATED

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

Ayes - Councilwoman Angelo, Councilman Dillard,  
Councilwoman Lee - 3  
Nays - Councilman Brown, Mayor Kennedy - 2  
ADOPTED

**RESOLUTION NO.: 201 - 2013**

**OF**

**SEPTEMBER 23, 2013**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES CONTRACT EXTENSION WITH STANTEC CONSULTING SERVICES, INC. FOR THE STABILIZATION AND REPAIR OF THE COMBINED SEWER OVERFLOW OUTFALL NO. 12 AND AMENDING RESOLUTION NO. 223-2012, THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK**

**WHEREAS**, by Resolution No. 154-2013 of July 15, 2013, the City Council of the City of Newburgh, New York authorized the Interim City Manager to retain the services of a qualified engineering firm and contractor to investigate and evaluate the immediate problems with Combined Sewer Overflow ("CSO") Outfall No. 12 and to determine the necessary work to stabilize and repair the CSO Outfall No. 12.

**WHEREAS**, Stantec Consulting Services, Inc. was retained by the City and has investigated the problem and provided an Engineering Opinion of Probable Cause of CSO Outfall No. 12, as well as Recommendations and Opinion of Probable Costs for the design, permitting and construction costs of the necessary stabilization and repairs for a total estimated project cost of \$282,000.00; and

**WHEREAS**, this Council finds that it is in the best interests of the City of Newburgh to enter into a contract extension with Stantec to complete the design and permitting phase of the repair project at a cost of \$80,266.00;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newburgh, that the Interim City Manager be and he hereby is authorized to execute a contract extension with Stantec Consulting Services, Inc. for professional services in connection with the design and permitting phase of the repair to the CSO Outfall No. 12; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh that Resolution No. 223-2012, the 2013 Budget of the City of Newburgh is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
G.8120.494 Bond Issuance Expense	\$45,360.00	
G.8130.200 Equipment/Infrastructure	\$40,000.00	
G.8120.448 Other Services		\$85,360.00

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5**

**ADOPTED**

## **OLD BUSINESS**

**There was no old business to discuss.**

## **NEW BUSINESS**

**There was no new business to discuss.**

## PUBLIC COMMENTS

Omari Shakur, New Voters Movement, said that we have five unsolved deaths in our community and he sees why we can't move forward. He told Councilman Brown that this needs to go to the FBI because there are too many people that are too close to NCAC and NCAC does nothing for our community. This was given to NCAC through the back door. Who are Wallace, Roberts and Todd? How did you go from not giving it to them last week and who found these three people? It was probably from someone connected with NCAC and they just took \$60,000.00 out of our pockets. Look at the connections because they are stealing money right in front of your faces. This needs to go to the FBI and they are sending a letter to the Federal District Attorney about the deal. He is tired of these people stealing money out of our City. He added that our young people are dying and we have five unsolved murders in our City.

Fred Kehoe spoke about the future of the Auxiliary Police Officer Program. He said that he works for the New York City Transit Authority on Emergency Response and he wanted to mention how important the Auxiliary Officers are down in the City. They aid the regular Police Officers in directing traffic, crowd control and whatever the regular Officers need. They are the eyes and ears of the City and they are able to observe, report and instill a sense of calm. There is a great future and need for Auxiliary Police Officers here in Newburgh and he would like to join.

Captain Beveer, City of Newburgh Auxiliary Police, said that he has been doing this for forty-two years and he has been involved in many things. One thing that they are very concerned about is liability insurance. This came up once before and they haven't heard anything so they are very concerned about the liability.

Jessie Howard, Lieutenant, Newburgh Auxiliary Police, added that they would like to know where they stand with the liability issue. They have approached several times but have not received an answer.

Councilman Brown asked Corporation Counsel, Michelle Kelson, if they figured out how that was going to work. We can't keep putting this off because we need to support the Auxiliary Police in this community. This is what happens all the time. The issue comes to the table and we put it off. We need to get on this now because they were all on board with having these guys protected. They need to know what they need to do and what has to happen to get them some protection. He knows that Corporation Counsel is very busy so he asked if they could have that information by the next Council Meeting.

Pastor Austin, City of Newburgh, complimented Mr. Slaughter who is a professional. He helped them at the Youth Empowerment Center to negotiate a very tough and difficult situation. He diffused a situation that could have been a lot worse than it was so she wanted to compliment him publicly. She thanked Councilman Dillard for supporting the Youth Empowerment Center. She told Councilman Brown that they appreciate his spirit and to Councilwoman Lee and Councilwoman Angelo who stepped up to the plate in the eleventh hour and supported the Youth Empowerment Center. The Center is now open and she wanted to thank the Mayor and the Council for their support.

Justin Juarez thanked Mayor Kennedy and Councilman Dillard for backing the Preparatory School in Newburgh. His problem is that there are discussions going on about building a seventy unit building here in Newburgh. We are going to allow a seventy unit building but we don't have money to fix up the buildings that already exist? We don't have money to start an internship for children who are out on the streets all times of the day and night to help them start rebuilding some of these buildings and learn responsibility. He told the Council that they need to get their priorities in order and start working together. They need to stop fighting each other on every single little thing because that is what's making this City bad. He grew up here and watched this City go from a beautiful place to a very bad place. They can hire fifteen Fire Fighters but they can't hire more Police Officers. They fight with the Auxiliary Police instead of letting them get on board and help us walk the streets. We could have Beat Cops on the streets so people wouldn't be walking around with guns in their pockets and selling drugs on street corners when kids are going to school in the morning. Like he said earlier the Council needs to get their priorities in order and get together.

Ileana Arlequin, City of Newburgh, said that she is fifty-nine years old and she lives in a very hostile community. For the last five years between Farrington Street and South Street she has been physically threatened and verbally abused. She said that since she has called the Police many times this past year she feels that the Police have been retaliating against her so she and her daughter are in danger. She needs for this to be looked into. She has documentation, she has spoken with Internal Affairs and she has done everything possible to resolve this. She has spoken with the landlord next door but he lives in Staten Island and he doesn't want to do anything about this problem. This is a really bad problem because she lives in an environment with so many uncivilized and hostile people that there is not much else she can do except rely on the Police. There have been times that she has called and they don't show up. She doesn't understand why she has to call them so many times and nobody comes to help. She knows that it is because she has complained about certain Officers and they have her on their black

list. All she can do is continue to call the Police and try to resolve this issue with them. She has talked to the Police Chief who referred her to Internal Affairs but he has done nothing for her except form his own ugly opinion about her. She needs something to be done because she doesn't want her life to end in the middle of the street and this is a real problem.

Margarita Nox, City of Newburgh, thanked Tammie, Ms. Lee and Karen Mejia for getting involved in politics. As a young black woman it is very inspiring and encouraging to see women and women of color actively trying to do something in communities like the City of Newburgh. She added that she would like to find out more about the transportation issues because every month it is costing her close to \$300.00 to take a taxi back and forth to work. Lastly, she agrees with the young man who commented that the community leaders need to step up but in their defense it is not just on their backs. She was out a few weeks ago during the Elections and some of the people in Newburgh had a bunch of lame excuses as to why they couldn't or didn't want to vote. She thinks that it's going to take a community effort as well as a political effort to try to bring Newburgh back.

Loretta Manning, Liberty Street, said that she received a notice that there are going to be ninety-one apartments built and she has a problem with that. She feels that it should not be only one to two bedroom apartments. She is glad that the City Council is now seeing that we need low income affordable apartments but as everyone knows a lot of the Newburgh area is families that are displaced so why would they come up with the idea to build ninety-one single and double apartments versus a mix.

Councilwoman Lee told Ms. Manning that there are three family apartments planned as well.

Ms. Manning said that the way it's being put out is that they will only be one and two bedroom apartments. As for the store that is planned for the bottom floor, people are complaining about how it is going to affect the Bodegas but they are going to do the same thing that the Bodegas do. Many of us can't get to WalMart or Shoprite and Price Chopper so will there be something put in place where the fee for groceries will be regulated versus extra surcharges being added?

Councilwoman Lee said that they can't do that because that's illegal.

Ms. Manning asked why they haven't stopped the Bodegas from doing that.

Councilwoman Lee said that we can't but the Supermarket is a franchise.

Mayor Kennedy said that we live in a Democracy and you cannot tell a business what they are going to charge for anything. It's not legal. The law of supply and demand in the marketplace depends on what they price something at so from a perspective of what is legal across the Country you cannot tell a business what they can charge. It is not legal in the United States.

Ms. Manning said if the little businesses are allowed to do it what makes you think that this big business won't do it?

Mayor Kennedy said that's the question some are asking.

Usef Belford, City of Newburgh, said that he is confused. We say that we are here, we care and we are concerned about our City but if two people are both running for Office then the one that loses should have the back of the one that wins because they both want the same thing. He has an issue with the Broadway Project and the Supermarket. Some people want it and some don't but he is tired of spending his money in stores and not getting the value of the product he is buying. It is inconvenient for him to go shopping at Aldi's or Shoprite instead of in his own community and bringing money back to his community. In regard to the Johnston Street Project, there is supposed to be a Park for the children and he is not sure if they are going to have one or not. He noted that homelessness is still growing here in Newburgh and we are still dealing with the Shelter situation so the Council should think about the necessities and what's needed. If there are any hidden agendas in our ranks of Government, then put it aside and deal with the necessary things that we need.

Janet Gianopoulos, City of Newburgh, said that there was quite an argument at the table earlier and she wanted to remind everyone that there is a Board of Ethics in the City of Newburgh. If someone feels that an issue rises to the level of FBI then that is one way to approach. She noted that the Board of Ethics will be meeting regularly the first Monday of every month at 5:15 P.M. at City Hall. If anyone has an issue that they feel the Board of Ethics should look at, she invites them to fill out a complaint form. She encouraged everyone to read the Code of Ethics and any other laws regarding conflicts. If you are aware of an issue that may seem improper whether it's misuse of funds or whatever, it should be brought to the attention of the Board of Ethics and they will look into it.

Roxie Royal, 57 Farrington Street, asked about the Skateboard Park. A group of young people came earlier this summer and asked the City to help

them find a place to skateboard where it would be safe. They were skateboarding behind Dunkin Donuts but they were put out of there so they have no place to go but the streets. It has been pushed back and nothing has been started as of yet although they did have a couple of meetings. She saw here tonight that we have a \$65,000.00 grant to resurface the Soccer Field at Delano Hitch Park but we seem to think that our young people don't do anything but play basketball and soccer. There are young people here who would like to do something else so she would love to see the City put forth an effort. It doesn't have to be state of the art it just has to be safe. Our young people need something else to do besides run the streets, argue and kill each other. It is up to us to help them and give them something else to do. Maybe as a community we could come together and perhaps get a grant to help those children.

Tammie Hollins, City of Newburgh, said that she noticed on Chamber Street that the pavement and the sidewalk project is going well and is almost finished. She also noticed that Dubois Street is also being paved from a certain point to Broadway and she would like to know how that road is being paved. Who is paying for that road and the sidewalks to be done? The City of Newburgh can fix what they want when they want. Chamber Street was fixed in less than two months and there are other streets in this City that are not being done. One is Second Street at the four way intersection between the Library and College where there are some dips that we run across every day that literally tear your car up. On Chamber Street at a certain point where some work was done last year, you literally have to stop and drive around because the company never came back to see if it had settled. She wants to know when we are going to fix our streets, because they are fixing the streets that they want to, and when are we going to make sure that contractors put the roads back to the way they were before they came in.

Silvia St. John, 153 Robinson Avenue, submitted and read the attached letter. (copy attached)

Sterling Ponder, Carpenter Avenue, said that last month he came before the Council about a \$65,000.00 grant and asked about the status of that.

Interim City Manager, James Slaughter, said that they just approved the application tonight.

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

Silvia St. John  
153 Robinson Avenue  
Newburgh NY

Katmarroon, Inc.  
katmarroon@verizon.net

Hello My name is Silvia St. John and I live in the City of Newburgh on Robinson Avenue. I run a non-profit 501c3 animal rescue in the City of Newburgh. We have lived here for seven years and have focused mostly on Trap-Neuter-Return of stray cats in a variety of neighborhoods around the City. During my time of working here I have been consistently troubled by the inadequacy of the City to provide for its animals. The situation is so dysfunctional that it barely meets Dept. of Agriculture and Markets standards. The two largest problems are the lack of a designated City shelter and an only part time animal control officer.

Not providing for its animals is not a new problem for The City of Newburgh. There have been attempts to operate city shelters over the years and plans for shelters that have been rejected by the City government. This is not just a financial issue, can we afford it, or a legal issue, how can we meet New York State Dept. of Ag and Markets rules, it is a quality of life issue, how can a City of 30,000 people and four square miles do so little to assist and improve the rampant neglect and overpopulation issues amongst its animals? What occurs here when a concerned citizen tries to help an animal is they find little or no help available for their situation. The incidences are way too numerous to mention, but a statistic I obtained from Police Chief Michael Ferrara states that in 2012 there were 52 dog bite cases in the City, indicating that out of control animals are a hazard to the public. This is not an issue that can or should be handled by an understaffed Police Dept., rather there should be a full time animal control officer in place with the means to respond to animal needs in a timely, congenial manner with handling experience.

Dogs receive more attention as they can pose potential health threats. The cats of Newburgh are severely neglected and often abused. Many cities around the US have in place very active Trap-Neuter-Return programs to reduce the cat population in humane ways. The City of Newburgh could apply for grants for spay/neuter programs and many other programs that would help animals, educate people and elevate the depressed status of Animal Control. This is not a frivolous item for a budget, nor is it unimportant for the health and stability of City communities. Neighborhoods with ill, dangerous or needy animals prevalent lead to frustration and helplessness in the citizens. Please take the treatment of animals in the City of Newburgh as an issue as serious as any other. Whether you are an 'animal lover' or not, all creatures deserve decent treatment esp. in a society with as many resources as ours. Please help us begin to organize resources and provide a potential location from all unused City property where we can begin to help change the lives of our City animals.

## COUNCIL COMMENTS

Councilwoman Angelo said that she is upset about the skateboarders too because it was a few months ago that they pushed for this. They are still skateboarding in the middle of Broadway and someone is going to get hurt. She asked if they could check with the City Engineer to see where they stand on that. When Mr. Herbek was here he told her that they picked out an area at the Recreation Park where they were playing horseshoes so what is the status?

Mayor Kennedy said that this Skateboard Park is much bigger than anyone thought it would be; around two million dollars.

Interim City Manager, James Slaughter, said that he had some conversations with the skateboard representatives and he has received some correspondence. There are a few sites at Delano-Hitch Park that might make sense and they can look to try to create something. They have substantially less money to really create what these kids have asked for. They are going to get a meeting together to come up with a design that makes sense on a smaller scale with the funding that they have for it.

Mayor Kennedy said that what the children don't understand is that to build anything in the City it takes months of design work and steps that they have to go through. It frustrates her too.

Councilwoman Angelo continued that she saw in the paper the other day that in Port Jervis the skateboarders were racing and she would like to know if they could do something like that here. We did soap box derby's at one time too when they used to have to build the cars. Now you have to get someone to sponsor you and they cost like \$300.00 for something that's made out of plastic. She thinks it would be great if we could have something like that here again. She noted that they had to cancel the Festival that was scheduled for last week because the Carnival backed out so they have planned a Fall Festival down at Unico Park on October 19<sup>th</sup> from 10:00 A.M. to 4:00 P.M. which should be very nice. There will be antiques, collectables and vendors and the money made will go towards the International Festival. She asked the City Engineer what they hear about the Consolidated property on the riverfront which is where they would like to have next year's Festival.

City Engineer, Craig Marti, said that the Site Management Plan is scheduled to be completed by the end of the month and submitted to EPA for their review and their time line is out of his control.

Councilwoman Angelo said that they need to start planning now for that land because the vendors do not like to go to the Armory. She thanked everyone for coming tonight and apologized for their outbursts. Unfortunately it's televised and goes all over the Country which is very bad marketing for the City. We should be promoting not demoting.

Councilman Brown apologized for his part in the maylay earlier but he wanted to explain that he is very passionate about this City and he is in tune with the finances. When he saw resolution #200 on the Agenda and he knows that they told this Interim City Manager that it was not supposed to be there, it only made him think back to the previous City Manager when one, two or three Council members had the right to tell him what to do and when to do it and that is not how this Council is supposed to work. He said that we are a Council form of Government and at the end of the day that is what he was mad about. He was mad that this resolution was even on the Agenda and that there are three Council members pushing it. He asked at the last Council Meeting, *"What is the benefit of them pushing this resolution down our throat? What benefit is it to them?"* Not one of them could answer that question. Our Interim City Manager said that there is no rush and we can do this after September 30<sup>th</sup> but they all still want to push this resolution tonight even after the NCAC Attorney pretty much threatened, *"You better do this tonight or?"* or something to that effect. That is a red light to him. What is the rush? If NCAC is anywhere in this Study after September 30<sup>th</sup>, and if they benefit in any way, then there is definitely a question about what is going on and why this resolution needed to be voted on tonight. Right now they are still in it and they are not out until September 30<sup>th</sup> or October 1<sup>st</sup> so he wants everyone in attendance tonight to keep an eye on Resolution #200 and see exactly it was really about. He smells a snake in the grass and there could be possible legal action if this doesn't go the way it is supposed to go. He added that he wants to encourage everyone in the room who knows anyone who might qualify to take the Police Exam to let them know. The City is giving a Police Exam and they can obtain applications on the second floor. Spread the word because we need a big recruitment for that. He thanked everyone for coming tonight and wished them a good night.

Councilman Dillard thanked everyone for coming and asked the City Manager and the Corporation Counsel to do a background check on him as it relates to NCAC and whatever they discover should be taken to the FBI. That is how he feels about this because he knows that he is and always has been squeaky clean. He noted to Mike Ferrara, Police Chief, that the Police Department should be involved also. He asked Councilman Brown if he could stand up to that.

Councilman Brown responded, *"Absolutely"*.

Councilman Dillard said that the public will not pay for it. If it has to come out of his own pocket, he will pay for it.

Councilwoman Lee said that she is not going to allow anyone to tell her what to do and it's as simple as that. She has worked for thirty-five years in this Country and she has always had a job. She doesn't manipulate people into coming to this City Council just to tell them about something that she heard or she is wondering about. She thinks that this is a great idea and she votes the way she votes. She thinks that Councilman Brown is getting a dose of his own medicine because for about six months straight he, Mayor Kennedy and Councilman Dillard ignored Councilwoman Angelo and herself. He says, "*I told the City Manager*" but he is only twenty percent of the vote. You don't tell the City Manager anything and when you and the Mayor are together then you are only forty percent of the vote. That's just the way it is. She said that if she looks to do something then she looks to do it because she thinks that it's right. She doesn't look to vote for something because the Mayor, Councilman Brown or anyone else thinks it's a good idea. She thinks that having this Study is a good idea and she has known about it for the past three or four years. She is going to stick to what she thinks is right and she doesn't care about what one person says. If that one person has a vote, they are within their right to vote no. They can't say that she has to vote along with them or to table it and the City Manager responds to all of us. If three of us ask him to do something, then the other two are just outnumbered and that's just the way it is. We went through the same thing when Councilman Brown wanted to raise the parking fines. A few people thought that it was a good idea but those people who actually pay their tickets thought it was lunacy. They watched Councilman Brown say it was a good idea and that this would bring the City into solvency and they listened to Mayor Kennedy not even be able to offer her own opinion. She couldn't say yes or no despite the fact that she did admit at one point that she wanted to say it wasn't a good idea. She can't hold onto the issue on her own because if Councilman Brown finds out he has a tantrum. She said that they have tried to bring jobs in for contractors and who do they get but the drunken tenant of Mayor Kennedy. That's who came in for \$50,000.00. They try to work programs for the children but instead of having a Committee go before the CDBG Committee, Mayor Kennedy brought them to the Council and then tried to bully the Council into giving them money. Right then, anything that that they might have been interested in was lost because this Committee was perceived as the Mayor's Committee and jumped ahead of all of the other groups. At some point somebody has to say no. In terms of people who come here and speak and want to bash her or anybody else on the Council, she told them that they need to get a grip because they have done nothing with their life. If they have been in and out of Jail all of their life then what makes them think that she should listen to them. They come to the microphone with some embarrassing comment to make about her and she is

supposed to be insulted? Quietly they will get on the phone or have their family members get on the phone and say that she is a Social Worker so can she help them. It's time we start telling people what is right and not colluding with them and their nonsense. She watched a whole Election go by with people being bullied into voting for a certain person so when is this going to stop? Then people come to the podium and tell her what she's doing wrong? She has worked for many years and holds a Master's Degree yet she is supposed to listen? She said that she is thankful for one thing that she has heard throughout her tenure here on the City Council. Mr. Hayes-el has said that he is down with Mayor Kennedy and Councilman Brown and Mr. Shakur says that they are all in this together. These are the people that helped them and they are the ones who come to the microphone and abuse them like it's their job. She told Mayor Kennedy that she should be ashamed of herself for allowing that to happen. They can't get her to stop them unless they are talking about her which is when they get put out. If they are talking about the rest of the Council she just sits and listens to them and allows everyone else to listen to them knowing that in any other circumstances she wouldn't think they were worthy of having her spit in their face. She said what she had to say and she voted the way that she had to vote. She wished everyone a good night.

Mayor Kennedy said that there is a team of several organizations working to pull together a Youth Build Program. She said in regard to the soccer field that we apply for grants and the grants are for specific things. The grant for the Fire Department is for Fire Fighters so they don't have a choice. The Fire Department applied for a grant and they received it so you can't just decide that you want to hire Police Officers with that grant. People don't understand that they can't move money around like that. They are now applying for a grant from the soccer organization that is due on October 1<sup>st</sup> and you can't build a Skate Park with a Soccer Grant. People think that just because we get a sum of money that we can put it wherever we want but a grant is specific. If there is an organization that sponsors Skate Parks and they have a grant, then we could apply for that so if anyone is aware of such a grant let them know. She said that she agrees with Councilman Brown about getting the Auxiliary Police Insurance Program. She is one hundred percent behind our Auxiliary Police expanding and participating in this City because they have a lot to offer. A lot of people come with ideas but ideas are a dime a dozen and everybody has one. The real key is who can implement that idea because this City doesn't have the money to implement all of the ideas that people come here with. She knows that people get frustrated but they can't do it all. She would love to see this Skate Park happen. They had \$75,000.00 for some moveable equipment but they didn't really want that so they had to start looking at other alternative ideas. She added that she is very sorry that they had to have a meltdown but just because she has had some accusations thrown at her tonight she is not going to participate in that. She wants everyone to

know that Councilman Brown and she have been conducting their business right at the table so whatever accusations are being thrown out there about her she is happy to talk to anybody about. Just like Councilman Dillard they can investigate her all they want and they will be hard pressed to find anything. She said that she is an open book and she always has been an open book which she is quite happy about. She agrees that we need to get people in here regarding the Police Exam and noted that someone asked about the Dubois Street paving.

Craig Marti, City Engineer, said that the Dubois Street paving projects were handled through the Department of Public Works with City Budget money and with an annual CHIPS allowance which is State money that is passed through the County. Each year they do a certain number of streets and we receive an annual allotment that we budget for.

Mayor Kennedy said that she hopes she answered most of the questions and issues that were raised tonight.

There being no further business to come before the Council the meeting adjourned at 8:30 P.M.

LORENE VITEK  
CITY CLERK

