

An Executive Session and Regular Meeting of the City Council of the City of Newburgh was held on Tuesday, November 12, 2013. The Executive Session began at 5:30 p.m.

#### EXECUTIVE SESSION

Councilwoman Lee moved and Councilman Brown seconded that the Council enter Executive Session to discuss matters pertaining to the appointment of a particular person.

All in favor the Council entered Executive Session at 5:45 p.m.

Councilwoman Lee moved and Councilwoman Angelo seconded that the Council exit Executive Session.

All in favor the Council exited Executive Session at 7:15 p.m.

#### REGULAR COUNCIL MEETING

The Prayer was led by Rev. Dustin Trowbridge with St. George's Episcopal Church followed by the Pledge of Allegiance.

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

#### PROCLAMATION

The Council proclaimed November, 2013 as Pancreatic Cancer Awareness Month.

## **PUBLIC HEARING #1**

Mayor Kennedy opened a public hearing that was advertised for this meeting to receive comments concerning the adoption of a local law regarding fines associated with certain parking violations.

Jim McVey, property owner, said that this whole parking issue is one of his pet peeves as it affects the Merchants of Newburgh. It is difficult when you get busy and you are trying to make a living to remember to feed the meter. He asked in the past if he could get a Permit and was told no which doesn't seem fair to him. When he asked why the fees are so high and why we are doing this he was told that it is revenue for the City. He thought that parking enforcement was a public service for public safety but now it has turned into a revenue stream which he doesn't understand. If that's the way it has to be then let's make it fair for the people who are here. Many people working here are not making much money and to feed the meter will be about \$4.00 each day. That is a substantial amount of money for someone who is working for minimum wage. In addition, the Merchants are paying taxes and increasing these fees will chase people out of the City which is why you see so many open storefronts looking for tenants. Why would anyone want to run a business in the City of Newburgh if they can go to the Town and have a nice parking lot where nobody bothers their customers and employees are not required to feed a meter every thirty minutes or so? He thinks that they should find a better way.

Janet Gianopoulos, City of Newburgh, said that it takes a lot of thought to figure out how much to charge on our roadways for compliance in many different ways. We need to be sensitive to our business people so that we don't cut them off at the knees when they are trying to do business and deter customers from patronizing our Newburgh businesses. She is more concerned with things that would cause health and safety hazards such as parking prohibited on alternate day snow emergency which she feels should be a higher fee. The fines should be a lot steeper for the egregious things that will cause safety hazards and will cause some of us to go out of our way because some people are not obeying the law.

Janet Summerville-Daniel, City of Newburgh, said that she believes there are other ways to raise revenue. We should try to keep our downtown enlivened and the fines should not be so severe to support our merchants. She sees a spirit of selfishness with some very prominent violations and she believes that if the fines were severely increased and enforced it might stimulate a return to a society of being more respectful to each other. She sees a violation that creates angry drivers which is stopping, standing or parked more than twelve inches from the curb. She sees drivers that cause congestion

on narrow streets where School Buses can't get around and then the Buses block parking spaces at the curbs and a lot of almost accidents from people trying to turn from the side streets. This contributes to road rage because someone is carelessly parked in the street. Another violation is when a car is not pulled completely into their driveway they block the sidewalk causing pedestrians to walk in the street. She appreciates that our Officers have very serious crimes that they are handling but she thinks that we could change our spirit of humanity here in Newburgh if we start being more considerate of each other.

Jeffrey Link, 119 Broadway, asked everyone to check their pockets to see how many quarters they have on them because if they don't have one and they go to shop in the City of Newburgh on Broadway they risk a \$15.00 or more fine. People will not shop and eat where they might get fined because they can shop and eat outside the City where they have off street parking. They shouldn't be talking about additional fines. They should be talking about free parking. He counted six months ago on Broadway from Robinson Avenue East thirty-nine vacant storefronts and today there are forty-five. There is no business on lower Broadway so why would be talking about fining people and punishing them when there is no business here to begin with? We are trying to revitalize our City and if we are thinking about punishing people every time they come to shop on Broadway because they don't have a quarter then there is something wrong. There is nothing wrong with having free parking for two hours and spots with fifteen minute parking. As long as you are enforcing that there will be cars going in and out because there are many businesses today that require five minutes or less to get some food. The only area right now that has free parking is the Waterfront. Why should we punish the people here and benefit the Waterfront? We are talking about adding fines to areas where there is no business so his proposal is to forget raising the fines and talk about a solution of free parking that can be enforced. The reason we have parking meters is to make sure that people are not staying in that spot forever. If we do this then maybe we could get more businesses to come down on lower Broadway and it might increase the value of the buildings that are currently dropping because they have no businesses that are renting. If we raise the value of the building, the assessments go up and for that whopping \$4,000.00 a month that we are getting in revenue from these meters we could end up seeing multiples of that if in fact the value of these buildings rise and become rented again. He hopes the Council will consider doing nothing today with the fines and at a future point implement a solution that will encourage business to come down here.

Tammie Hollins, City of Newburgh, said that she received some tickets a few months ago and found out that tickets do not come here to City Hall because they have to be mailed off. When you mail it they have to receive it

within fourteen days or you will be charged a late fee. We are talking about raising fines but she thinks they need to revise what is already in place. Something has to be done about how the tickets are turned in because she has seen a lot of people that were upset by that because they mailed their tickets in on time. They should be able to bring the tickets in person so that they know they brought it in on time.

Brenda McPhail, City of Newburgh, said that there are more places than just the Waterfront that are getting free parking and the majority of those people don't even live here. They come to support the restaurants and park free for four, five even six hours which is not right. There is also free parking behind the DSS building on Broadway which needs parking meters. They are parking free at the Library and in front of the Post Office it used to be fifteen minute parking but she doesn't see that taking place. She feels that we do need fines but they need to make sure they are done all the way around because everyone needs to be paying their fair share. We haven't put parking meters down on the Waterfront because we are scared but how can you make some people pay but not all.

Interim City Manager, James Slaughter, explained that a lot of the parking lots at the Waterfront are not owned by the City. On our major lots such as the Ann Street lot they will be going to a Permit Muni-Meter System so people are going to be paying for the use of that lot. Part of our approach is to basically increase circulation throughout not only Broadway but our business districts. We are establishing a commercial permit that is going to go from 6:00 a.m. to 8:00 p.m. for the business owners and employees with a residential night permit which is free for Newburgh residents to park overnight. In addition, we are establishing the Muni-Meters at the Courthouse and Ann Street lots which will take different methods of payment to be used. Part of our strategy is to increase circulation. Many of the businesses owners and workers are feeding the meters, which doesn't allow for circulation and doesn't allow for some of their customers to access those meters. They will be able to use the various City owned lots with our permit system and use the meters to enhance and encourage circulation. We are taking a comprehensive approach to parking.

There being no further comments, this public hearing was closed.

## **PUBLIC HEARING #2**

**Mayor Kennedy called a public hearing that was advertised for this meeting to receive comments concerning the CDBG 2014 Budget.**

**Courtney Kain, Director of Community Development explained the Community Development Block Grant.**

**Sheila Monk, City of Newburgh, said she received a copy of the Budget at the Library and the Budget she is seeing tonight is nothing like the one she picked up. This is supposed to benefit low and moderate incomes which is not being done in the City of Newburgh. She read the proposed expenditures for the Action Plan and asked where they got these amounts from. Workforce Development is showing \$40,000.00 and she used to make that at a part time job so if they are going to create jobs how can ten or twenty individuals live off of \$40,000.00? She added that she is going to bring this to Washington because they just get bits and pieces and it sounds good on paper but they are not actually doing it. Newburgh should look better than it does and they need to think about the youth, job training and the sidewalks. The sidewalks that were done on Chambers street were done by people who don't live in the City of Newburgh. There were Mexicans, Latinos and Caucasians but there were no African Americans or anyone from the City of Newburgh worked on those sidewalks. The picture they have was deceitful because the people in the picture were not the ones that worked on the sidewalks on Chambers Street. She told the Council she is going to hold them accountable for this Budget.**

**Janet Gianopoulos, City of Newburgh, thinks that we have to work on precision and terminology. The taxpayers are not sure where we are. They hear news that the City is doing better but the CDBG Report is not clear on what was expended in 2012 or so far in 2013. It was observed previously that a high amount was drawn for Administration and yet not so much was invested in the City. When we look at the precision of the wording it says that these are projected expenditures for 2014. She thinks that the projected projects for 2014 are very interesting and that there is some substance but she remembers a meeting where Council members, especially one, was actually yelling at a citizen regarding the CDBG plans. They would like more information and more data.**

**Jim McVey, property owner, said that all of these plans sound very nice with a grant for facades but they are only facades. We are throwing money at a problem instead of addressing the fundamental needs of the people who are the foundation here such as the merchants and residents. Paint is just paint. You need people who care about the buildings and who are going to be living**

and working there. Just throwing money at something isn't going to make much of a difference in this City.

Pastor Austin, City of Newburgh, thanked the Council for what they have done to help the youth of this City. She is the Executive Director of The Youth Empowerment Center and one day one of the children mentioned to the Mayor that they were hungry so the following week she showed up with a tray full of hamburgers for the children. After telling Councilwoman Angelo about this situation, she brought a bag of fruit because she cares. She heard some interesting information claiming that she is making \$18.00 an hour for what she is doing but since September 12th, when the program opened, she has made exactly \$150.00. That comes to about \$10.00 a day working very hard at taking care of sixty-eight youths who are currently enrolled. Eighty four percent are African American and sixteen percent are Latino and they attend for tutoring, literary training and life skills which are all documented. She humbly appealed to the Council to come and be a part of it and she hopes that they will be considered in the next funding cycle.

Mr. Kelly, City of Newburgh, said that he just recently started volunteering for this program along with about ten to twelve other volunteers and there are a lot of kids which is a lot of work. He helps kids with their homework and makes sure that they have a snack. He is there from about 4:00 p.m. to 9:00 p.m. and Pastor Austin puts in many hours and even cooks for the kids there. There is no reward for all of the volunteers that go in and spend all of their free time helping these young children. He knows that it is not all about money but sometimes it is a necessity when there is no money to feed and take care of all of these kids. He also invited everyone to stop by and see for themselves what is going on.

A City of Newburgh property owner said that she just moved back to this area and when she looked at this Budget she asked herself what choices were made in terms where we are allotting and placing our bets on the future. When you look at it, less than \$10,000.00 is being allotted towards neighborhood services and only \$40,000.00 is being allotted to workforce development those are two of the lowest line items in the entire Budget. She doesn't see a considerable change from years ago but what she does see is more opportunity. She hopes that when they look at this Budget they are looking at what can be moved to increase what is happening on a neighborhood and workforce development level and investing in terms of innovation. Everyone has to look deeper into this Budget and what needs to happen as it relates to the future of Newburgh and thinks about where innovation needs to take place. Sitting here and complaining about a Budget without looking at the strategic action that needs to be taken and enrolling more people and inventing what is possible is the only way we are going to

get there. This Budget isn't the end all be all; it is a conversation that she looks forward to having.

Tammie Hollins, City of Newburgh, said that when she talked about salaries or stipends at the Youth Empowerment Center she was correct. When they came up with YEC, it wasn't supposed to be an afterschool program. It was supposed to be a program that would keep people off the streets for a certain age group by staying open until Midnight. The question isn't how many young kids they have because there are a number of programs in the City of Newburgh that have the young kids. The question should be how many young adults go there on Thursday, Friday and Saturday nights. She told everyone to do their own homework and don't believe something just because someone told you. Check to see what the figures are. Stop there at 10:00 p.m. or 11:00 p.m. and see who is there. Monday, Tuesday and Wednesday at that same location on South Lander Street there is another program that takes care of the young children but on Thursday and Friday they still need somewhere to go which is where YEC picked them up. She suggested everyone look at what the mission and the goal was for YEC.

Courtney Kain, Community Development Director, reminded everyone that this public hearing is regarding the Budget and not any particular vendor or organization.

LaToya Parker with the Youth Empowerment Center said that first and foremost they are newly started and they are still canvassing the City and the neighborhood building a rapport with the families and children. She asked how much does everyone expect them to do right out of the gate with the money they are limited to. They are working on getting finances in place where they can offer all that they said they will bring. Even with the limited resources that YEC has they are still coming through the door. They just started and have been there for less than three months so they have to get their name out and let it be known that they are there.

Mayor Kennedy asked that she stick to the Budget.

Ms. Parker said that was her comment about the Budget. She asked them how much everyone expects them to do with their limited resources. They are working hard night and day to get the funding they need to supply the youth with what they need. She has been doing this from her heart for months without a stipend and she doesn't intend to quit because it is not about the salary for her.

Matt Barns, City of Newburgh, said he finds it interesting to be at the mercy of other people's choices and decisions. We have a program like YEC that only wanted to be an additive to what is already going on in the City of Newburgh. They didn't want to take from anyone else they just wanted to add. If every child wanted to go to a program at the same time could every center hold them? All they are trying to do is be an additive to the solution so that they can help the children. He sees the immaturity from leadership and it is interesting how they are always at the mercy of everybody else's decision whether they get money or not. They just want to make sure that everyone gets their chance to be able to make a difference and an impact because it is not about them it's about the people of Newburgh and making a difference in them so that they can have a change. Like Ms. Parker said he does this from the heart too and asked the Council to please consider them in the Budget.

Barbara Smith, City of Newburgh, said that the CDBG public hearing is for people to speak to the Council and the CDBG Committee about what it is that they believe should be included. They will listen and review and take into heart everything that has been said. With regard to the Youth Empowerment Center, they came upon as a benefactor from the City for \$5,000.00 on a fund. In order for them to prove themselves, they now must show the CDBG Committee and the City Council what they have done from the time of inception to the time that they are now reapplying for additional funds for the future. That way they can look at it and see exactly where they have gone, how they have grown and what they have done. At that time, because they did received that \$5,000.00, it is up to them to submit whatever reports are necessary so that they can prove their worthiness to be funded again by the City for services that they wish to perform for the City.

There being no further comments this public hearing was closed.

### **PUBLIC HEARING #3**

Mayor Kennedy called a public hearing that was advertised for this meeting to receive comments on the proposed City of Newburgh Budget for 2014.

Janet Gianopoulos, City of Newburgh, said that she is an inquirer and she likes the fact that the Council endorsed this theme because to her she would like to believe it indicates that when they make an inquiry they will receive a response. Last year the City took the amount of nineteen million eight hundred sixty two thousand five hundred sixty four dollars by charging a certain amount for homestead properties based on value and a certain amount for non homestead properties. She has looked through the current Budget to find where that calculation is but she would presume and hope that since the Council and City Manager are saying that things are getting better that this year they will not be whipped as much as they were in the past by taking less from each individual homeowner or non-homestead property owner. If we are doing better then it needs to show in the Budget by charging everyone less.

Kippy Boyle, Grand Street, questioned the proposed additional staffing with more firemen, policemen and DPW because she did not see any additions to the Codes Department. Since Codes and the looks of the City with garbage and litter is one of the huge issues that we all keep talking about she was surprised that staffing for the Codes Department isn't going to be beefed up. She looked at the CDBG funding and saw \$52,000.00 for code something and she wonders if that is meant to be the salary for someone in the Codes Department. She would like to know how the City is planning on cleaning up the City if they are not hiring more people for Codes. She noted that she saw tax revenue around nineteen million and the water, sewage and sanitation fees combined is around thirteen million. All of those fees are taxes to the residents so if she is paying \$10,000.00 in taxes on the assessed value of her property that doesn't even take into account the four times a year that she is getting billed for garbage pick-up, water and sewer. It is very nice to hear that the taxes aren't going to increase but she hopes that everyone remembers that whether or not they call it a tax those fees are taxes.

Omari Shakur, City of Newburgh, said that there is a group of young people sitting here tonight waiting patiently for a Skateboard Park and he hopes that there is some money in the Budget for them. They have been very patient with the City Council but it seems like they are just being led on. It was mentioned at a past Council Meeting that there are young people riding down Broadway but they have nothing else to do. We should be glad that they are trying to have some fun because our young people are dying in this City.

He asked the Council to please work with them and make sure that they get what they need.

Jim McVey, property owner, said that he hasn't really studied the Budget but they were talking about revenue earlier and it was noted that there would be \$4,000.00 a month from the parking. If you consider all of the other support personnel that are probably budgeted in to maintain that program to get that \$4,000.00 a month, it seems ludicrous to him. He hopes that all cities find a better way to negotiate contracts and projects so that they are not being cheated and to follow up on them. If they need to be sued, then that's what needs to be done.

There being no further comments this public hearing was closed.

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Stuart Sachs, 28-30 Lander Street, submitted and read the attached letter regarding Resolution #234-13. (copy attached)

Drew Kartiganer, Town of Newburgh, submitted and read the attached comments regarding Resolution #234-13. (copy attached)

Sheila Monk, City of Newburgh, said in regard to Resolution #234-13 that first it was said that there was a zoning problem and then OSHA. Why do we have individuals trying to bash this project? Every time something benefits the people in Newburgh they never want to give the City of Newburgh residents anything. This would be a good project with ninety-one units and they stated that they will have parking space and a Supermarket so we don't have to go out to the Town to do our shopping. Some owners don't want that benefit for the community because it will take money out of their pockets. If they put a Supermarket on Broadway, a lot of local stores will be closing but she doesn't care about that because they are charging three to four dollars more. Every time something is tried for the low income residents, people want to bash it but they didn't bash anything when they took the Waterfront, the Projects or the Kenney Apts. She thinks they need to keep this project going because it will benefit the community.

Jeffrey Link, New Jersey, said that he disagrees with the last comment made. He took a poll and called about five Associated Supermarkets to determine how many jobs would be created. It will not create forty to fifty jobs; at best it will be fifteen to twenty for a Supermarket of this size. If the developer has deceived us on how many jobs this will create then what else is he not telling us? He also did comparisons on the cost of food and if you went to Target or Walmart to shop the price difference between what Associates would charge would be twenty to eighty percent greater here in the City of Newburgh. It would be cheaper to take a cab to Walmart to do your shopping. The Associates Supermarket here in Newburgh would not only be a job creator but also a job destructor. Anyone who is paying taxes cares because the value of all of these buildings will drop and as a result the property taxes will have to be raised to support everyone. What this developer is doing is giving a very low subsidized rent to whichever Supermarket he brings in which will then create an unfair advantage for that Supermarket. He added that they want to use wood and sheetrock framing above the first floor and there is a very good likelihood that that will be destroyed. The Building Department is going to have their hands full managing a property of ninety

one units that will not be able to contend with the tenants that are there. He suggested that the Council vote this proposal down.

Omari Shakur, City of Newburgh, said in regard to Ordinance #13-2013 that they would like to know how they could get parking permits on First Street between Grand Street and Liberty Street because with the College it's hard to find a parking space in front of their homes.

Brenda McPhail, City of Newburgh, said in regard to resolution #234-13 that she doesn't know too much about what has been going on with the Mid-Broadway site but she has heard that the rent is supposed to be \$1200.00 for a one bedroom apartment. She asked if other Supermarkets were searched because there are more than just Associates. If these apartments are going to be \$1200.00, then the people who live in this area will not be renting them. She agrees that we need revenue here but they need to put something in that will benefit the community. This is why our community continues to look like a dumping ground because we continue to bring people here who don't belong. We keep saying that we are trying to change Newburgh but there are no businesses downtown. All they have downtown is a whole lot of drug areas. The Bodegas do nothing for the City because when people stand out in front and sell drugs that is not a business. We need to draw business here but we have to get the riff-raff out of here first.

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

Stuart Sachs  
28-30 Lander Street  
Newburgh, NY 11238

Mayor Kennedy and Members of the City Council,

*Resolution 234*  
Regarding Issuing of the Special Permit over the Binding Objections of County Planner David Church.

County Planner, Church, wrote binding objections to this permit. This should give you pause. Stop, read his letter, and consider the important issues that he states may cause "inter-municipal or citywide impacts." Basically he is stating that you have not considered the negative impact that this project will have on our City, and on the region as a whole.

The parking requirements for this project are double promised. You are offering parking that the County already uses for the DMV, and that the County claims is duly leased to them. You cannot offer the same parking to two entities without some Harry Potter magic! Without proper parking you must vote no! This is not a few spaces... it is 50 spaces that will need special intervention from Dumbledore to make it work. Seriously... answer this or you have to vote no.

Church also questions the workability of Tandem parking. This would be fine if cars fly, but since Chitty Chitty Bang Bank is not in Newburgh... it is not a workable system Somebody will always be parking somebody else in, and no one will have access to their car. Again, look at the facts... vote no.

He also raises serious questions about emergency access.

I keep wondering why you guys are so eager to push this forward despite the fact that it violates good planning, and despite the fact that the financing structure will give it a tax exemption that will cost every taxpayer in the City hundreds of dollars every year. This is a bad deal for the City, so why is it so urgent that you force this forward before crucial issues are resolved. Why not clearly state how much the PILOT will cost taxpayers. What will be the cost to those of us who pay taxes in the City. Why not clearly resolve this parking issue? You can't possibly promise the same parking to the County in a lease, and offer it to the developer. Resolve this before moving forward.

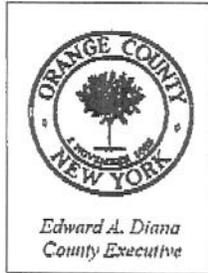
The City's Master Plan calls for commercial property in this corridor, come up with a realistic plan for commercial property, not some made up nonsense that Associated will move from the mall with lots of parking to Broadway with none.

Finally, there is the issue of conflict of interest. There are a lot of rumors on the street regarding conflict of interest. Rather than repeat them, I ask you all to go on the record and state what your connection to the developer or the various partners is:

Please state if you have received any political contributions or other financial benefit from the developer, or any of the various partners including RECAP. Have any of you ever had a financial relationship with any of the partners (including RECAP). Including working for, consulting, pensions, etc. Before voting on this, the public has a right to know what might influence you.

Respectfully Submitted,

Stuart Sachs  
28-30 Lander Street.  
Taxpayer, Voter



## ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP  
COMMISSIONER

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### County Reply -- Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, &n

**Local Referring Board:** *Newburgh City Council* **County ID #:** *NBC07-13M*  
**Applicant:** *City of Newburgh* **Tax Map #:** *30-3-21 → 38*  
**Project Name:** *Mid Broadway Housing Project* **Local File #:** *N/A*  
**Proposed Action:** *Site plan and special use permit*  
**Reason for County Review:** *Located within 500' of State Highway 17K/Broadway*  
**Date of Full Statement:** *October 1, 2013*

**Comments:** The Department has reviewed the above referenced site plan and special use permit and has determined that the proposed action has the potential to cause inter-municipal or countywide impacts. We therefore recommend that the local referring board address the binding comments outlined below. The local referring board may not act contrary to such recommendations except by a vote of a majority plus one of all the members thereof or by disapproving the action.

1. It is the opinion of this Department that a majority of the off-site parking (50 spaces) at the neighboring municipal parking lot is unavailable due to prior commitments to Orange County for adjoining public facilities. As such, the parking analysis and the site plan must be recalculated. Additional information and documentation about these prior commitments can be obtained from this Department or from John McCarey, Director of OC Real Property Tax Service Agency.
2. Tandem parking is a relatively new concept that should be used cautiously. With such a parking arrangement, motorists will utilize the first available parking space unless the parking spaces are assigned and there is some type of private enforcement. Therefore, a parking and enforcement plan needs to be provided that ensures residents will be guaranteed their allotted parking spaces.
3. The emergency entrance should be a third entrance/exit for the project. Opening a third exit/entrance will reduce congestion by allowing residents unobstructed access and egress during peak shopping times.

Additionally, this Department offers the following advisory comments for your consideration.

4. Due to tight space limitations, it is essential to have Fire Department personnel review and approve the proposed design.
5. A left hand turning lane or dedicated signal should be considered from Broadway (eastbound) onto Johnston Street.

6. Rear entrances from the parking lot into the supermarket do not appear on the site plan but are necessary for off-street motorists to conveniently access the market. In order to be competitive and successful, this market should offer plenty of free, unobstructed parking and safe, accessible entrances as the many existing markets do just a mile down Broadway.
7. Urban markets typically install bollards in an effort to keep stray carts on the premises. Such a plan should be examined and approved during this review period as limited space restrictions will hinder future pedestrian and vehicular circulation patterns.

**County Recommendation: Approval subject to binding conditions 1 through 3**

**Date:** October 31, 2013  
**Prepared by:** Kate Schmidt

  
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**David Church, AICP**  
**Commissioner of Planning**

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).

CC: John McCarey, Commissioner of Real Property

Way Edge

Jeffrey Duke \$ for Section

11/12/13

Comment on City Council passing / Mid Broadway Site proposal /

\* 17 - MID BROADWAY SITE

#234

If will have

In the City Council passing this proposal for the Mid Broadway Site the City Council has failed to act in a responsible manner to protect the best interest of the citizens of Newburgh, the people who believe in Newburgh and the people who have invested their time, money and honorable efforts in Newburgh to protect it, support it and rebuild it.

This failure of this City Council is a result, in part, of your have pre emptied the normal Planning Board and Zoning Board procedures and have allowed the Developers of this site to take excessive advantage of your lack of expertise and understanding of the issues to such an extreme that is difficult for any person familiar with this type of work to imagine. .

It is worth noting, for the record, that not one of you have ever served on a Planning Board or Zoning Board which means that not one of you have any idea of what you have done in approving this project in its current form;

Specifically, you have allowed a developer to dictate every component of this project without ever checking or confirming the viability, credibility or accuracy of what they have proposed or promised; You have failed to get any of these promises established in any form that the developer can be held accountable for it if gets built; and, for the record, City technical staff have that has ignored and/ or minimized credible issues raised on this project and have failed to establish and/ or demand credible requirements and documentation in response to those concerns; shares that responsibility and blame for the processing of this poorly conceived project.

# that for

For the record, if you approve this Mid Broadway site plan you will be approving a parking variance that is so excessive as to be unimaginable ~~to anyone who has~~ <sup>FOR</sup> ever attempted <sup>FOR A</sup> project of this nature. It is a parking variance that will be so far less than what this site needs given the number of units being approved combined with the other <sup>PROMISED</sup> wished for uses, that no one who understands these issues will give serious consideration of developing in this immediate area because of the lack of parking as a result of ~~your actions today~~. The end result is you have taken the major commercial center of this city and damaged its development for decades if this project is built.

And, for the record, <sup>W/O A VARIANCE</sup> there is not a single municipality in this area who has approves workforce or Low Income housing without sufficient parking for a project such as this. These developers could have solved the parking problem and built it into the budgets given the funding mechanism; they could solve the problem by building decked parking if they wanted this extreme level of density in the City or they could build fewer units and meet the parking requirements in accordance with the zoning. Anyone with planning or zoning board experience would know these things.

This City Council's lack of experience, knowledge and competent consultant review in this process has allowed this excessive abuse of and approval <sup>for this project</sup> and you all bear the responsibility and blame if you approve it tonight and if it is built.

As to claiming this is “work force housing,” you are kidding your selves if you believe that. No one in this area can, with any degree of viability, hold a job without a car. Your parking variance, and this wacko parking layout that you have allowed to be set up, make sure the vast majority of people in this project will not have a car. In point of fact, if they do have a car, they will be here only so long as it takes them to become stable and then will move out to a place where they can park their car without fear of it being damaged.

They will also move out because you have approved a site plan with no open space for them to be in; there are no recreational facilities for residents to use or to relax in.

As a result, this will never be, or remain, workforce housing. It will be low income housing no matter what is promised or claimed. And, because of the housing mix, dominated by one and two bedroom units, it will be low income housing of the most difficult kind and of the kind Newburgh does not need. *Newburgh's need family housing.*

Given the overwhelming vast majority of one and two bedroom apartments in this project, it is set up for the type of occupancy of the people that no other city or town wants and that Newburgh carries far too much of. Mr. Dillard, in your campaign you stated you were going to fight Orange County from Dumping in Newburgh, those are your words..Dumping... ~~You sir,~~ in approving this project, *you* have given them the perfect place to dump. *212*

In addition to all the above, this City Council has ~~have~~ given and accepted this developer as being credible and professional in their work.

Yet this is contradicted by their very first construction ~~type~~<sup>type</sup> action they performed on the site.. That action was a subsurface investigation on the building site, and was a demonstration of every single thing a developer who is not competent or capable of following the standards or rules of this City could show.

It was performed on a Saturday, with no city oversight; it did not follow normal safety precautions for the people working on the site or the people living in the area of the work; and, what is perhaps the most concerning, it did not even seem to have created ~~any sort of~~<sup>serious</sup> concern in the City despite the failure of this developer to follow standard construction regulations for trenching on City Owned property. In point of fact, it took the city over two weeks to file a OSHA complaint for trenches over 5' deep without protections. Less than 6 years ago people died in Middletown under such conditions and this work was performed on CITY OWNED PROPERTY. And yet this City Council and administration have accepted this developer's credibility and claims at face value and not established any significant protections given their promises for the City or its people in your approvals.

And to those from the City who demand or pray for jobs on this site; the construction work that was performed on the site on that Saturday and, since that Saturday given they are correcting the questionable fill work they did that day even now, is a clear indication of what he considers be local labor. The site work contractor was, and is, from Poughkeepsie. Not a single person, as far as I have seen, has been hired for this work from Newburgh. So if you think this developer will hire local people to do this work, think again.

And to the developers who have taken incredible excessive advantage of this inexperienced City Council;

to the developers who have demonstrated an excessive abuse of this Cities Council desire to achieve anything at any cost to the City;

to those same developers who have failed to proposed a reasonable project for this type of use and site but have, instead abused the opportunity and are seeking to try to put what, in my opinion is a far too dense and, as result, incredibly destructive project that will damage my community for years, if not decades,

I hope your developer fees are big enough to justify the effort you have just begun...

Because

I will continece to fight it for one simple reason...

This is a bad project.

A handwritten signature in black ink, appearing to read "Dan Kautz". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Thank you..

Mid Broadway site notes. 11 12 13. City Council approval night.

## COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Lee said in regard to Resolution #234-13 that she had a very long talk with one of the business owners and two or three days later she went into his store and the workers there told her that she was trying to shut them down. She thinks that they need to clean up Broadway. She specifically said that she wants the drug paraphernalia and beer signs out of the windows because she wants our children to see signs that help them in their development and does not promote alcoholism and drug abuse. When this got back to the workers they assumed that she was saying they should be shut down so she corrected them by saying, "*Get on board or get out*". The stores are a mess and we are not going to do this anymore. The City needs to be cleaned up.

Mayor Kennedy said that she has asked to have something put together to have regular bulk pick-up once a month in the City. They have to get back to that to clean up the garbage here. She feels they have a commitment to do that and she believes that Michelle Kelson is working on legislation right now to deal with the drug paraphernalia in our various businesses. People don't always know what is going on but they need to know that a lot of different projects are going on so they are working on it.

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

**RESOLUTION NO.: 228 - 2013**

**OF**

**NOVEMBER 12, 2013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR A STORMWATER SEWER EASEMENT AND SANITARY SEWER EASEMENT IN CONNECTION WITH SITE PLAN APPROVAL FOR THE CONSTRUCTION OF THE INDEPENDENCE SQUARE APARTMENTS NEWBURGH, NEW YORK, DECLARING THE EASEMENTS TO BE AN UNLISTED ACTION, ADOPTING THE ENVIRONMENTAL ASSESSMENT FORM, ISSUING A NEGATIVE DECLARATION AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL SEQRA DOCUMENTS AND THE AMENDED AND RESTATED STORMWATER SEWER EASEMENT AND SANITARY SEWER EASEMENT**

**WHEREAS**, The City of Newburgh, as the Grantee, is the holder of a Stormwater Sewer Easement (the "Stormwater Sewer Easement") which was originally conveyed by agreement from Bard Chevrolet, Inc. to the City of Newburgh dated October 14, 1957, and recorded in the Orange County Clerk's Office on November 22, 1957 in Liber 1447 at page 136; and

**WHEREAS**, The City of Newburgh, as the Grantee, is the holder of a Sanitary Sewer Easement (the "Sanitary Sewer Easement") which was originally conveyed by deed from the Muchattoes Lake Ice Company to the City of Newburgh dated May 1, 1894, and recorded in the Orange County Clerk's Office on May 2, 1894 in Liber 407 at page 251, as amended by a deed from Harry R. Lydecker and Minnie A. Lydecker to the City of Newburgh dated April 27, 1896, and recorded in the Orange County Clerk's Office on April 30, 1896 in Liber 422 at page 521; and

**WHEREAS**, Independent Living, Inc. applied for and received a conditional site plan approval for the construction of the Independence Square Apartments on property located at 70 Lake Street, Newburgh, New York; and

**WHEREAS**, the site plan approval requires amendments and revisions to both the Stormwater Sewer Easement and Sanitary Sewer Easement (collectively referred to as "the Easements"); and

**WHEREAS**, Independent Living Inc., as the Grantor, and Grantee wish to amend and restate the terms and conditions of the Easements, as provided in the instruments, copies of which are attached hereto, and review preceding execution of the Easements must comply with New York State Environmental Quality Review Act ("SEQRA") and the regulations contained within 6 NYCRR Part 617 (the "Regulations") with respect to the Easements; and

**WHEREAS**, pursuant to the SEQRA Regulations, the City has considered the significance of the potential environmental impacts of accepting the Easements by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the EAF for the Easements, including the facts and conclusions in Parts 1 and 2 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern and wishes to establish itself as Lead Agency for accepting the Easements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York as follows:

1. The City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the action pursuant to 6 NYCRR 617.6;
2. the Easements constitute an "Unlisted" action, as that term is defined in the SEQRA Regulations;
3. The Council hereby adopts Part 1 of the Environmental Assessment Form;
4. The Council hereby determines, based upon an examination of the EAF and other available supporting information and considering the magnitude and importance of each area of environmental concern, and based on the City's knowledge of the area surrounding the Easements, that the granting of the Easements will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement;
5. Having determined that there are no areas of potentially large impact of environmental concern, the City Council hereby issues a Negative Declaration pursuant to SEQRA with respect to the impact of the Easements upon the environment; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and hereby is authorized to sign and file any/and all other documents that may be necessary to complete the SEQRA process for the Easements and execute the Easement instruments.

**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**

LOCAL LAW NO.: 2 - 2013

OF

NOVEMBER 12, 2013

A LOCAL LAW AMENDING CHAPTER 70 ENTITLED "PARKING VIOLATIONS BUREAU" OF THE CODE OF THE CITY OF NEWBURGH TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Amending Chapter 70 Entitled 'Parking Violations Bureau' of the Code of Ordinances of the City of Newburgh to Increase Fines for Certain Parking Violations ."

**SECTION 2 - AMENDMENT**

Chapter 70 entitled "Parking Violations Bureau" is hereby amended to read as follows:

**§ 70-17. Schedule of fines and penalties.**

The schedule of fines and penalties shall be as follows:

Violation	Fine
Failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation	<del>\$15.00</del> <u>20.00</u>

NOTE: Notwithstanding any other provision of this Section 70-17 of this Chapter, the penalty for a failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation shall be satisfied by the payment of the sum of \$15.00 if such payment is made within 48 hours of the time of the issuance of such notice/summons, exclusive of Saturday, Sundays or legal holidays.

Parking prohibited beyond time limit allowed, other than parking meter	<del>\$10.00</del> <u>25.00</u>
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Parking over lines	<del>\$10.00</del> <u>15.00</u>
Improper Angle Parking	<del>\$10.00</del> <u>15.00</u>
Parking on the sidewalk	<del>\$10.00</del> <u>25.00</u>
Parking prohibited upon publicly or privately owned premises without permission	<del>\$10.00</del> <u>30.00</u>
Parking in City lot without permit	<del>\$10.00</del> <u>25.00</u>
Restricted Parking near Newburgh Free Academy and St. Luke's Cornwall Hospital; <u>Gidney Avenue Parking Lot</u>	<del>\$10.00</del> <u>15.00</u>
Stopped, standing or parked facing wrong direction	<del>\$10.00</del> <u>25.00</u>
Stopped, standing or parked more than 12 inches from curb	<del>\$10.00</del> <u>15.00</u>

*Parking prohibitions:*

Parking prohibited at any time	<del>\$10.00</del> <u>25.00</u>
Parking prohibited during certain hours	<del>\$10.00</del> <u>25.00</u>
Parking prohibited on alternate days	<del>\$25.00</del>
Parking prohibited on alternate days – snow emergency	<del>\$50.00</del>
Parking prohibited on alternate days – street cleaning	<del>\$50.00</del>
Parking prohibited on snow emergency routes	<del>\$50.00</del>
Parking prohibited in a taxi stand	<del>\$10.00</del> <u>25.00</u>
Parking prohibited in a bus stop	<del>\$10.00</del> <u>25.00</u>
Parking prohibited in a loading zone	<del>\$10.00</del> <u>25.00</u>
Parking prohibited in boat trailer parking zone	<del>\$10.00</del> <u>50.00</u>

*Standing prohibitions:*

Standing prohibited at any time	<del>\$10.00</del> <u>25.00</u>
Standing prohibited during certain hours	<del>\$10.00</del> <u>25.00</u>
Standing prohibited from here to corner	<del>\$20.00</del> <u>25.00</u>

*Stopping prohibitions:*

Stopping prohibited at any time	<del>\$10.00</del> <u>25.00</u>
Stopping prohibited during certain hours	<del>\$10.00</del> <u>25.00</u>
Stopping prohibited from here to corner	<del>\$20.00</del> <u>25.00</u>
Stopped, standing or parked on a sidewalk	<del>\$20.00</del> <u>25.00</u>

Standing or parked in front of a public or private driveway	<del>\$25.00</del>
Expired certificate of inspection or registration	<del>\$20.00</del> <u>30.00</u>
Stopped, standing or parked within 15 feet of a fire hydrant	<del>\$25.00</del> <u>100.00</u>

Double parking	<del>\$25.00</del> <u>50.00</u>
Obstructing traffic	<del>\$25.00</del> <u>50.00</u>
Interfering with snow removal	<del>\$50.00</del>
Public Safety Reserved Parking	<del>\$10.00</del> <u>25.00</u>
<u>Abandoned vehicle</u>	<u>\$100.00</u>

Parking/Standing within 50 ft of Firehouse \$10.00 50.00  
Handicapped parking violations per § 1203-c of the Vehicle and  
Traffic Law \$100.00

NOTE: In addition, a surcharge of \$30 has been levied by the state of New York for handicapped parking violations pursuant to § 1809-b of the Vehicle and Traffic Law.

### **SECTION 3 - VALIDITY**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

### **SECTION 4 - EFFECTIVE DATE**

This Local Law shall be effective immediately upon adoption in accordance with the provisions of New York State Municipal Home Rule Law.

**Councilwoman Angelo said that she will be voting, “no”. She made a commitment a few weeks ago against the parking fee and she wants to stick to that commitment for her constituents. If she changed her mind now, it would not be an ethical thing for her to do. She has seen some of the hardship so she is against this.**

**Councilwoman Lee asked if the parking fee was changed.**

**Interim City Manager, James Slaughter, said that it was reduced from \$30.00 to \$20.00 but it would be \$15.00 if paid within the first forty-eight hours. He noted that they also have a new payment system and individuals who want to pay in person can do so at the Parking Violations window at City Hall.**

**Mayor Kennedy feels that they need to do a full return on investment. How much money is being brought in with fines and then how much does it cost for labor and all of the things that go into running this? The City Manager is committed to each area paying for itself so she wants to see that report so we all understand if this is a good or bad thing. As we move down the road, she is going to encourage the Police Department to start focusing in on some other things like people parked in the middle of the street, running red lights and speeding down the streets. These are the places where we need to have the traffic cameras in place for safety in our community. We have to go after some of these other fines that really create value back to our community and create more safety.**

**Councilman Dillard moved and Councilwoman Lee seconded that the local law be enacted.**

**Ayes - Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4**

**Nays - Councilwoman Angelo - 1**

**ENACTED**

ORDINANCE NO.: 14 - 2013

OF

NOVEMBER 12, 2013

AN ORDINANCE AMENDING SECTION 288-85 ENTITLED "SCHEDULE XXVII: CITY PARKING LOTS AND PARKING GARAGES - PARKING PERMIT FEES" OF CHAPTER 288 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF NEWBURGH

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

**Section 1.** Section 288-85 entitled "Schedule XXVII: City Parking Lots And Parking Garages - Parking Permit Fees" of Chapter 288 entitled "Vehicles and Traffic." of the Code of the City of Newburgh be and hereby is amended as follows:

§ 288-85 Schedule XXVII: City Parking Lots and Parking Garages - Parking Permit Fees.

Whenever the City Manager shall, pursuant to the authority delegated to him by § 288-35 of this chapter, have designated all or some of the spaces in parking lots owned or operated by the City of Newburgh as reserved for vehicles displaying a valid parking permit for said parking lot issued by the City of Newburgh, the fee for the purchase of said parking permit shall be as established herein; and no person shall park or stand a vehicle in such space without displaying a valid parking permit issued by the City of Newburgh and without having paid the fee set forth herein. All permits designated in this section shall be issued by the Parking Violations Bureau.

Location of Parking Lot	Day Permit 6am to 6pm Monthly Fee
Ann Street (between Liberty Street and South Johnson Street)	\$50

Ann Street (between William Street and Mill Street)	\$50
Broadway (at Grand Street)	\$50
Chambers Street	\$50
Delano-Hitch Park	\$50
Front Street (east side)	\$50
Front Street (west side)	\$50
Grand Street (Courthouse Square)	<u>\$50</u>
Van Ness Street	\$50
Washington Street Boat Launch Chapter <u>163</u> , Fees	Daily or seasonal permit as set forth in
Water Street	\$50
West End	\$50

**Section 3.** This ordinance shall take effect immediately.

**Mayor Kennedy said that when we put these Muni-Meters in these parking lots we need to figure out a way to protect the citizens who live in that area so that the people who normally park in those lots for free now don't spread out and take up all of the neighborhood parking on the streets. Maybe they could put up signs that would help.**

Interim City Manager, James Slaughter, said that they could address that and to note that our lots will be providing permit overnight parking for the residents at no cost.

Mayor Kennedy said that she is thinking about day time parking.

Interim City Manager said that they will address that with both Parking Violations and Police.

Councilwoman Angelo asked if the staff at the Board of Education and the Newburgh Library will be required to pay to park in the lot there.

Interim City Manager, James Slaughter, said that is certainly a discussion they can have. There are a lot of College students parking there right now for free so we need to do some equalization and fair share because we need to use these dollars to help maintain these lots and make necessary repairs. The Parking Violations Bureau is one of the entities that is self sustaining so we are going to have to use the permit system and meter revenue to continue. They will notify the County, Board of Education and the Library so this will not be a surprise to them.

Councilwoman Angelo said that there was a lease agreement between the Board of Education and the City for that parking lot so maybe that should be looked into.

Mayor Kennedy said that one of the things she would like to see done next spring in preparation for summer is that we have a strip of land down at the Waterfront that we could use as a temporary parking lot. You could park a lot of cars in there as that place never has any parking space anywhere in the summer.

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

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

**ADOPTED**

**RESOLUTION NO.: 229 - 2013**

**OF**

**NOVEMBER 12, 2013**

**A RESOLUTION APPOINTING THOMAS J. MURPHY TO THE  
MUNICIPAL CIVIL SERVICE COMMISSION  
OF THE CITY OF NEWBURGH**

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that Thomas J. Murphy and is hereby appointed to a six (6) year term retroactively commencing on March 30, 2013 and expiring on May 31, 2018.

Councilwoman Lee said that when there is an opening on one of the Boards she would like it discussed at the City Council meeting. She was a little surprised to see that he was being considered. She doesn't think that everyone was given an opportunity to apply.

Councilman Brown said the posting was put on the Website weeks ago and they talked about it in a Work Session. He noted that if anyone is interested in the Boards to check the City Website to see what might be available. There will be another position open on this Board in January.

Mayor Kennedy said that goes out to everyone watching as well. They want diversity on the Boards because it creates better decisions and ideas.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Mayor Kennedy - 4

Nays - Councilwoman Lee - 1

**ADOPTED**

**RESOLUTION NO.: 230 - 2013**

**OF**

**NOVEMBER 12, 2013**

**A RESOLUTION REAPPOINTING CATHERINE LENTZ  
TO THE BOARD OF ASSESSMENT REVIEW**

**BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that Catherine Lentz be and is hereby re-appointed retroactively to the Board of Assessment Review for a new five-year term commencing retroactively on October 1, 2013 and expiring on September 30, 2018.

**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.: 231 - 2013  
OF  
NOVEMBER 12, 2013**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF  
REAL PROPERTY KNOWN AS 170 RENWICK STREET  
(SECTION 45, BLOCK 14, LOT 15)  
AT PRIVATE SALE TO ELIO RODRIGUEZ**

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

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

**WHEREAS**, Elio Rodriguez, the former owner of 170 Renwick Street, being more accurately described as Section 45, Block 14, Lot 15 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

**WHEREAS**, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the sale of 170 Renwick Street, Section 45, Block 14, Lot 15, to Elio Rodriguez be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$29,969.93, no later than November 30, 2013; and

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

**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.: 232 - 2013  
OF  
NOVEMBER 12, 2013**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF  
REAL PROPERTY KNOWN AS 13 S. JOHNSTON STREET  
(SECTION 36, BLOCK 5, LOT 8)  
AT PRIVATE SALE TO OFELIA PEREZ**

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

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

**WHEREAS**, Ofelia Perez, the former owner of 13 S. Johnston Street, being more accurately described as Section 36, Block 5, Lot 8 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

**WHEREAS**, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the sale of 13 S. Johnston Street, Section 36, Block 5, Lot 8, to Ofelia Perez be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$14,358.09, no later than November 30, 2013; and

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

**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.: 233 - 2013  
OF  
NOVEMBER 12, 2013**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM  
TO THE LICENSE AGREEMENT FOR THE USE OF THE STADIUM  
LOCATED AT DELANO-HITCH RECREATION PARK BY THE  
NEWBURGH HOOK ELITE BOXING CLUB AND EBC SPORTS MINISTRY  
FOR THE PURPOSE OF INSTALLATION OF TELEPHONE, INTERNET  
AND CABLE SERVICE**

**WHEREAS**, this Council, by Resolution No.: 176-2013 of August 19, 2013, authorized the execution of a license agreement with the Newburgh Hook Elite Boxing Club and EBC Sports Ministry for the use of the stadium located at Delano-Hitch Recreation Park for a youth boxing program for a term beginning on July 1, 2013 and ending on June 30, 2014; and

**WHEREAS**, Newburgh Hook Elite Boxing Club and EBC Sports Ministry has requested to install telephone, internet and cable service in the boxing gym during the term of the license agreement for the purpose of conducting business, facilitating communication between the participants and their parents and guardians and to provide after-school assistance to participants; and

**WHEREAS**, an addendum to the license agreement permitting the installation of telephone, internet and cable services is annexed hereto and made a part of this resolution; and

**WHEREAS**, the City Council has examined such addendum and determined it to be in the best interests of the City of Newburgh and its youth to enter into such addendum;

**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 execute and enter into the attached addendum to the license agreement, in substantially the same form and with other terms as Corporation Counsel may require, on behalf of the City of Newburgh.

**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.: 234 - 2013**

**OF**

**NOVEMBER 12, 2013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH  
UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)  
ASSUMING LEAD AGENCY, ACCEPTING AS COMPLETE AN  
ENVIRONMENTAL ASSESSMENT FORM (EAF), ISSUING A NEGATIVE  
DECLARATION AND APPROVING THE APPLICATION OF MILL STREET  
PARTNERS, LLC FOR A LARGE-SCALE MIXED-USE DEVELOPMENT  
SPECIAL USE PERMIT FOR THE REDEVELOPMENT OF THE MID-  
BROADWAY SITE**

**WHEREAS**, by Resolution No. 194-2012 of October 22, 2012, the City Council of the City of Newburgh, New York authorized the City Manager to execute a Development and Land Disposition Agreement with Mill Street Partners, LLC (the "Development Agreement") for the redevelopment of the Mid-Broadway site; and

**WHEREAS**, Mill Street Partners, LLC has made an application for a Large-Scale Mixed-Use Development Special Use Permit from the City Council pursuant to Section 300-38 of the Zoning Code of the City of Newburgh to allow for the construction of a new mixed-use building consisting of 91 residential units and 13,000 square feet of retail space with parking for the property located on Broadway between Chamber Street and Johnston Street in the City of Newburgh, Orange County, New York ("the Project"); and

**WHEREAS**, Mill Street Partners, LLC has made an application for Site Plan approval from the City of Newburgh Planning Board pursuant to Section 300-50 of the Zoning Code of the City of Newburgh; and

**WHEREAS**, by Resolution No. 163-2013 of August 19, 2013, this Council declared its intent to assume Lead Agency status for the environmental review of the Project pursuant to 6 NYCRR 617.6; classified the action as a Type I Action; proposed to accept as complete the Environmental Assessment Form ("EAF") attached thereto; referred the proposed Large-Scale Mixed-Use Development Special Use Permit Application to the Orange County Planning Department as

required by General Municipal Law Section 239; and scheduled a joint public hearing with the Planning Board; and

**WHEREAS**, The City Council and the City of Newburgh Planning Board conducted a Joint Public Hearing on September 12, 2013, to hear the application of Mill Street Partners, LLC for a large-scale mixed-use special use permit and site plan for the Project; and

**WHEREAS**, at the public meeting of the City Council on November 12, 2013, upon all the discussion that preceded it, including the public hearing(s), all prior meetings, site visits undertaken by Council Members, and a review of all exhibits and submissions, Regina Angelo made the following motion, seconded by Gay Lee:

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Newburgh, Orange County, New York, as follows:

6. The City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6;
7. The City Council hereby determines, based upon an examination of the EAF and other available supporting information and considering the magnitude and importance of each area of environmental concern, and based on the City's knowledge of the location of the Project, that the granting of the Project will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement; and
8. Having determined that there are no areas of potentially large impact of environmental concern, the City Council hereby issues a Negative Declaration pursuant to SEQRA with respect to the impact of the Project upon the environment; and

**BE IT FURTHER RESOLVED**, by the City Council of the City of Newburgh, New York that the application of Mill Street Partners, LLC FOR A LARGE SCALE MIXED-USE SPECIAL USE PERMIT to construct a new mixed-use building consisting of 13,000 square feet of retail space on the ground floor and 91 residential units on the upper floors with and parking, IS HEREBY GRANTED WITH THE FOLLOWING CONDITIONS, BASED UPON AN EVALUATION OF THE APPLICATION IN LIGHT OF THE STANDARDS AND CONDITIONS ENUMERATED IN THE NEWBURGH ZONING CODE FOR THE ISSUANCE OF SPECIAL USE PERMITS AND FOR THE REASONS

HEREIN STATED, WHICH REASONS ALSO CONSTITUTE THE FINDINGS OF THIS CITY COUNCIL.

THE CONDITIONS OF THE SPECIAL USE PERMIT:

The City Council hereby finds that the following conditions are reasonable and imposed for the purpose of minimizing any adverse impacts on the neighborhood or community:

- A. The special permit is in effect for 1 year pursuant to the terms of the City Zoning Ordinance.

FINDINGS OF FACT:

1. The Applicant, Mill Street Partners, LLC made an application to the City Council of the City of Newburgh for a special use permit. The application was filed with various exhibits all of which were reviewed by the City Council and made available to the public. A composite list of the Exhibits considered by the City Council in reaching a determination is attached as **Exhibit "A"**.
2. The subject property is located in a TC-1 Zone in the City of Newburgh, New York. According to Section 300-38 of the Zoning Ordinance of the City of Newburgh and Schedule A, large scale mixed use is permitted in the TC-1 District subject to the securing of a special use permit from the City Council.
3. The Council first reviewed the application materials for the completeness on August 19, 2013. The Application was deemed substantially complete on August 19, 2013.
4. The action is subject to review pursuant to SEQRA. The City Council has assumed Lead Agency status. The Applicant has completed and filed Part I of the Long Form EAF and the City Council has completed Parts 2 and 3 of the Long Form EAF. The City Council accepts as complete the Long Form EAF and finds that no significant adverse impact will result from the project.
5. A Joint Public Hearing with the City of Newburgh Planning Board was convened and completed on September 19, 2013. Copies of the public hearing notices and the affidavit of mailing are attached as **Exhibit "B"**.
6. The Planning Board has jurisdiction to complete the Site Plan review.

FINDINGS AND CONCLUSIONS IN ACCORDANCE WITH THE STANDARDS AND CONDITIONS ENUMERATED IN SECTIONS 300-35 AND 300-38 OF THE ZONING ORDINANCE OF THE CITY OF NEWBURGH:

The City Council hereby finds that the Applicant has demonstrated compliance with the following standards and conditions:

- (1) The use requested is listed among the special uses in the zone for which application is made.
- (2) The special use is essential or desirable to the public convenience or welfare.
- (3) The special use will not impair the integrity or character of the zone or adjoining zones nor be detrimental to the health, morals or welfare, finding the following:
  - a. The location, type, character and size of the use and any buildings, structures or facilities in connection therewith will be harmonious with the character of the neighborhood, will not detract from the appearance and beauty of the neighborhood, will not hinder or discourage the appropriate and orderly development of the City and the neighborhood.
  - b. The nature and location of the use and of any buildings or structure in connection therewith will be such that there will be adequate access to it for fire and police protection purposes.
  - c. The streets serving the proposed use are adequate to carry prospective traffic that provision is made for the entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided.
  - d. The lot(s) on which the use is to be established is of sufficient size and adequate dimension to permit conduct of the special use and provision of buildings, structures and facilities in a manner that will not be detrimental to the neighborhood or adjacent property.
  - e. The buildings, structures, facilities and site layout will be suitably landscaped and maintained and will have adequate land area, yards and setback area so as to maintain the character of the neighborhood.

- f. The proposed use of the buildings, structures, facilities and site layout will not be detrimental to the public health safety and property values in the neighborhood.
- (4) The special use is in conformity with the Master Plan and the Future Land Use Plan.
- (5) Consistency with policies: The proposed use will be consistent with the following Local Waterfront Revitalization Plan policies as set forth in Section 300-35(a) of the Newburgh Zoning Ordinance.
- (6) This special use permit is subject to the individual special use standards set for in Section 300-38 of the Newburgh Zoning Ordinance since the permit is for large scale mixed-use development and the additional factors in that Section were considered by the City Council, as follows:
  - a. The proposed development meets the minimum lot area, lot depth and building height requirements. The required front yard setback of 15 feet is reduced to 0 feet, which is consistent with the front yard setbacks of the adjacent buildings. The required side yard setbacks of 5 feet are reduced to 0 feet, which is consistent with the footprint of buildings in the district.
  - b. The proposed use does not contain any use which is individually subject to a special permit from the Planning Board under Section 300-37.
  - c. A site plan application was submitted and is pending before the Planning Board.
  - d. The building proposed will be situated so that the front façade faces Broadway. The retail entrance proposed at the corner of Lander Street and Broadway will have entry doors that face both Broadway and Lander Street.
  - e. Off-street parking:
    - 1. The required parking space dimensions of 9 feet by 18 feet are reduced to 8 feet, 6 inches by 17 feet, which is within the scope of the reduction authorized. Such reductions will permit space for additional off-street parking spaces and for additional landscaping and screening of the parking area.

2. The required parking space maneuvering area of 300 square feet per stall is reduced to 286 square feet per stall, which provides 95 percent of the required maneuvering area. The vehicle data supports the configuration shown on the site plan and is sufficient for public safety purposes.
  3. The required number of off-street parking spaces is reduced from 247 to 181. The parking and traffic analysis data demonstrates a need for 165 off-street parking spaces for the Project. The site plan provides 155 parking spaces on the site and the Applicant has a commitment for 26 off-street parking spaces in the municipal parking lot on Lander Street. The Lander Street parking lot is within 300 feet of the subject site and the number of spaces allocated in the Lander Street lot does not exceed 25 percent of the 181 parking spaces required. The parking allocation proposed yields a parking surplus of 16 off-street spaces based on the parking data submitted.
  4. The parking area is located to the rear of principal building proposed.
- 
- f. The off-street parking areas are appropriately landscaped and screened with planting beds containing approximately 15 trees, densely arranged shrubs and fencing.
  - g. The plan for the maintenance of common areas and public spaces is sufficient.
  - h. The comments of the Shade Tree Commission, dated September 10, 2013, have been incorporated to decrease the size of certain trees from 3-inches to 2 ½ inch caliper and larger shade trees and more diverse trees have been substituted.
  - i. Trash receptacles are appropriately enclosed and screened.
  - j. The lighting plan ensures that lighting will not adversely impact the adjacent residential properties or create driving or other hazards.

## **ATTENTION APPLICANTS**

**FURTHER COMPLIANCE WITH THE NEWBURGH ZONING ORDINANCE REMAINS YOUR RESPONSIBILITY. A SPECIAL USE PERMIT ISSUED BY THE CITY COUNCIL IS NOT THE EQUIVALENT OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY, BOTH OF WHICH CAN ONLY BE SECURED THROUGH THE NEWBURGH BUILDING DEPARTMENT. PLEASE SEEK THE ADVICE OF THE NEWBURGH BUILDING DEPARTMENT FOR THE PARTICULAR CIRCUMSTANCES.**

**Mayor Kennedy submitted and read the attached comment entitled "A Slippery Slope". (copy attached)**

### A Slippery Slope

Two and half years ago, the previous City Council made an attempt at getting the mid-Broadway property developed. They put out an RFP for a project that would create a tax ratable for the City. That Council turned the project over to this current Council to pursue.

This council put out another RFP and instead of choosing a company with strong finances that could build a project that would increase the tax base in the City, we chose a company that turned the project into subsidized housing project with an undetermined PILOT. Good news for the chosen development company. Not such a good deal for the City who needs more market rate housing to increase the tax base. We start down the slippery slope.

Next, this Council sets itself up as the Lead Agency so we could control the approval process and not have to worry about the Zoning or Planning Boards not approving the project. Another good move which supported the development company. A little further down the slope we slide!

Then we agreed to allowing 40 single bedroom units to be built with majority of the remaining units being 2-bedroom units and a few 3-bedrooms units. A total of 91 units. This certainly helps make the project financially feasible for the developers and good for Orange County Social Services where they can send more Parolees and Sex offenders to fill the units. Not such a good deal for our citizens who need family housing, not single bedroom units. Not such a good deal for the City which needs to STOP the dumping of at-risk people in our City because we have so much subsidized housing. Not so good for our current housing situation since this will create more vacancies and more abandoned buildings. Down the slippery slope we slide.

But since we approved such high density, now we needed to approve more parking, so we agree to tandem parking and to permitting ½ the parking behind the DMV building to be allocated to the project even though the County has strongly objected. Another great decision to support the developers. Not sure how this supports our Residents or our City. The slope gets more slippery.

Then the developers came to us with the idea of using steel for the structure only on the first floor but not in the upper floors. The residential apartments would be a wood structure. Again, steel is too costly so we made it a good deal for the developers. However, best building practices state this size of building should be built with a steel structure. So we continue to slide down the slippery slope.

Then about the month ago, the developers decided to do a test dig on the property on Saturday morning. They dug a trench over 8' deep and about 120' long and about 8-10 feet from another building. Without a permit and without any safety shoring in the trench walls and then did NOT compact the dirt as they refilled the hole. If no one had complained, that's the way it would have stayed. HELP! Is there any way to stop this slide?

And now we are here tonight for a Special Use permit for the number of parking spaces to be reduced, the size of parking space to be reduced.

After reviewing the path we have been on and the trench digging debacle, I am convinced this is NOT a good project for the City or our Citizens. All along the way, we have been making concessions so the developers can afford to build it. But my question is, how have we been making sure this is right for the City and our citizens? I am going to vote no tonight.

**Councilwoman Lee added that the Mayor's comment is by far the most outrageous she has ever heard and even borders on racism. This is ridiculous; we didn't just start this.**

**THE ROLL CALL VOTE:**

The questions of the foregoing resolution calling for granting the requested Large Scale Mixed-Use Special Permit with conditions was put to a vote on roll call on the 12th day of November, 2013, the results were as follows:

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee - 4**

**Nays - Mayor Kennedy - 1**

**ADOPTED**

## **OLD BUSINESS**

**There was no old business.**

## **NEW BUSINESS**

**There was no new business.**

## PUBLIC COMMENT REGARDING GENERAL MATTERS

Omari Shakur, City of Newburgh, said that he asked at the last meeting about the investigation into the former City Manager and the Mayor asked him what information he has. If the Police Department is called to report a crime, then they should investigate it. When the kids are out on the streets selling drugs they know how to bring the FBI here and do investigations so why can't an investigation be done when there is something wrong within the City's administration? He read a bulletin from the City of Newburgh Police Department dated July 18, 2012 stating that it serves as officer safety information only and such information is confidential and restricted to law enforcement personnel only. Since the incident involving Michael Lembhard occurred in March of 2012, they gathered information regarding threats to law enforcement from family members and associates of the Lembhard family. There are pictures of people stating that they have been confrontational with police and through confidential informants and anonymous callers stated that some family members have said that they will kill a cop. He showed the paper to the Council with photos on it stating that they said they will kill a cop. His picture is on it first and the police shot his son in the back of the head. Ms. Lembhard's picture is on this too and they shot her son fifteen times so now they are the perpetrators because someone said that they said they will kill a cop.

Adrian Mark Coolidge, City of Newburgh, said he hasn't spoke in a long time but in the past year and a half he has been pulled over sixteen times with guns drawn and removed from his vehicle to be searched. He noted that he is one of the people listed on the list the Mr. Shakur was just speaking about and he wouldn't kill a squirrel. He carries tools in his car so one of these times they might mistake a tool for a gun and shoot him and then he would be the victim. He doesn't want to kill anyone so why is he on this wanted list? He thought that you first had to commit a crime to be placed on a wanted list. He has always been the person to keep things calm when others are upset. He just wants to work and earn a living like every citizen here. A copy of this document was mailed to him anonymously about two weeks ago so they just learned about it recently. This has to be looked into. Who issued and approved this? He passed out copies to the Council to see if this can be solved.

A City resident said that he was born and raised here and he grew up skateboarding here. There were only ten of them back in 2003 and now there is over one hundred and there is still no place to go. Even back then there was speculation of a Skate Park but it was never built so he hopes that with the

number of kids who are into it now that they are able to follow through and build the State Park.

Mayor Kennedy noted that it is in the CDBG Budget for next year. It will not be a two million dollar Park but they should be able to put together a fairly decent Park. She asked the City Manager to make sure that they get an Engineering Firm on that so they can start building in the spring.

Wyatt Stevens, City of Newburgh, said that skateboarding is not a fad or the cool thing to do. It is a lifestyle that you embody and a hundred plus kids are embodying that lifestyle. Skateboarding teaches you things; it is not just a way to get around. It creates a sense of community amongst people and that community is bigger than everyone in the room. There are over ten million skateboarders in this Country at the present time and over five hundred thousand of them have their eyes on Newburgh right now. Focus Magazine is the biggest skateboarding magazine on this side of the Country and they just posted an article about Newburgh skateboarding. New York Skateboarding.com; the biggest website in this area for skateboarding just posted a full article about building a Skate Park in Newburgh. Newburgh has a very strong foundation in the skateboarding community and a lot of people don't know that. There was a Skate Park in Newburgh about twenty years ago in the old Avalon building and some of the top skateboarders from this side of the Country skateboarded in that Skate Park on a regular basis. There is something happening in Newburgh right now and he urged the Council to take advantage of what is happening. Don't just give them a place to go to be done with them so that they will stop bothering you because it is more than that. What is happening right now are real opportunities for these kids.

Tamara Stevens, City of Newburgh, said that she is the one who posted the petition online that got put in the skateboard magazine. She works with the inner city youth who are sitting in the audience tonight and each and every one of them is at risk which is why the Skate Park benefits them. They are at risk because she knows all of them are related to someone dealing with drugs, guns or something that could easily be exposed to them. It becomes serious to her when she has friends who have no place to go and all they have is skating. Many of them don't have a place to live so all they have is skating. She hopes that the Council pays attention to the youth more. Not just with skating but with other programs because it is not about the adults anymore.

Barbara Smith, City of Newburgh, said that they are taking them seriously because we love our children. We know that they want a place to skate but it is not that easy when it comes to funding and building something that will be safe and useful that they will want to come to. Today she went to Senator Larkin's office asking for whatever they could give us to help build a decent Skateboard Park. It takes a lot of money and a lot of planning to get it

done, to get it done right and to get it done safely. She told them to be patient and know that it's on the way.

Brenda McPhail, City of Newburgh, hopes that the decision made tonight on the Mid-Broadway site was the right decision. She heard that we are supposed to have a City Manager by the end of this year and she hopes that we do. We have had so many City Manager's in the City of Newburgh which is part of the problem. She is promoting James Slaughter because she believes in her heart that he is a man who will make the right decisions. That is the kind of City Manager we need. One who will be concerned about the whole City and not just a particular class or race. She believes that Mr. Slaughter will be the right choice and she hopes that everyone else feels the same well.

Pastor Thomas, City of Newburgh, said that she will believe the Council is for the youth if they grant them the things that are needed. It has been years with nothing done about having a place for them until now so if they want to implement *I Am Newburgh* to teach children character she suggested that we start with ourselves. You cannot teach what you do not have. If they are for the youth, they will make sure that they are taken care of just as you would your home. For too long they have listened to politician's lies and their rederick so it's time to put a stop to it. You cannot expect children to have respect, commitment, integrity, charity, compassion and team work along with responsibility when none is forthcoming from the adults that can make it happen for them. Anyone can talk but action is needed to prove that you are behind them.

Pebbles, City of Newburgh, asked in regard to Resolution #233-13 why that is being installed. Who pays for that and who will continue to pay for it at the Activity Center.

Interim City Manager, James Slaughter, said that is for the Boxing Club who will pay for the services. The reason it is installed is because they are going to be videotaping their practices and boxing matches. In addition, they have been helping the kids that participate with homework so they need to access the Internet to use those resources. They will pay for this themselves so it will not be charged to the City.

Sheila Monk, City of Newburgh, said that the reason she supported the project on Broadway is because she deals with a lot of the parents who are getting thrown out of their apartments and are now homeless. It was stated that this project is going to be for low-income people which is why she wants to see it here in Newburgh. It's a nice thing for people who don't have the money to go to the other Supermarkets in the Town of Newburgh by being

able to just walk around the corner. Every time something comes along to benefit the Community the Mayor is against it but they have to work together.

Kippy Boyle, Grand Street, said in regard to the parking that she wants to wait until the new Ward System starts next year. She is hoping that the new people will have the courage to look honestly and objectively at Waterfront parking. What she heard tonight was completely inadequate and she thinks that everyone here knows the reality that the big elephant in the room is that nobody wants to disturb the private owners down at the Waterfront. The reality is that the private owners can exercise their right to charge for valet parking whenever they want to so what is wrong with us that we don't want to exercise our right to receive income? Along Martin Luther King Blvd. there are sixty-five to seventy parking spaces. Whatever businesses are down there people will spend a couple of dollars more to spend a few more hours. She believes that the Interim City Manager gave a very soft answer to the Waterfront parking issue and she doesn't think that we need to be creating more parking on some strip of land like the Mayor was talking about. We need to start getting revenue from the property that we own and have access to right now. She doesn't understand why this analysis hasn't been done already because it was started several years ago. We will end up charging families to go to the Library before we will charge people to go to the Waterfront. She would also like to know if when a private owner is collecting fees can there be additional sales tax revenue from that.

Interim City Manager, James Slaughter, said to clarify that if you look at the Ordinance, Front Street and Water Street are in the package for permits. In addition they will look in terms of what the return investment is on meters. They are looking city wide at parking and taking a comprehensive approach to deal with parking both on short and long term basis.

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

## COUNCIL COMMENNTS

Councilwoman Angelo told the skateboarders that she is going to contact Port Jervis about the race they had a few weeks ago and she wanted to caution them because on her way down to the meeting tonight there was someone in the middle of Broadway on a skateboard. She will find out more details but urged them to be cautious and careful. She added that she has a few Christmas Trees to look at and will be proceeding with that. She thanked everyone for their condolences and prayers for her sister.

Councilman Brown said that he voted in favor of Resolution #234-13 tonight. A while ago a few developers came in talking about developing properties here in the City of Newburgh and one of them said that they were afraid to be the first one in. We now have a business who is willing to be the first one in and that's important because the first one in will bring other developers. If anyone wanted to derail this project or throw it off track, they should have started back when this began. Mill Street Partners is willing to be the first one in the City of Newburgh so when they get in and get that property developed you will see other developers come in and do the same. That is why he supports that project until it is completed. In regard to the parking fines he was pretty big on this. One person got up saying that they don't always have a quarter in their pocket but taxpayers plan to make their taxes. If you are coming to the City of Newburgh and you know that you will be parking at a meter, plan to have a quarter in your pocket. Meters are not put in place for you to park there all day. He is trying to generate new revenue sources here in the City of Newburgh and he is tired of going to the taxpayers for that revenue. We have a resident here who went to Senator Larkin's Office asking for money to support a Skateboard Park but the City needs to not have to worry about that. We need to figure out new revenue sources to support that Skateboard Park and any other expenses that may come up. If Senator Larkin does have some money for us, however, please send it. In regard to CDBG and the Skateboard Park, he grew up in an apartment and one of his friends came to visit with a skateboard. They were all in awe of that skateboard and developed their skills on one. They didn't have ramps but they built their own with plywood and they were always in someone's parking lot. He remembers the Skateboard Park in the old Avalon building but he never went in it. He understands what these kids are talking about and he supports them wholeheartedly. He won't let this Council forget about what they are talking about with the Skateboard Park. They will find a way to fund it and a way to put it together to make it work. He thanked everyone for coming tonight.

Councilwoman Dillard said in regard to the photos of people stating that they would kill a cop that it is very serious. It is targeting people who have not done anything and putting their lives in jeopardy. If this is supposed to be confidential, how did it get out? There are a lot of questions to be answered and he plans to get to the bottom of it before he leaves this Council. He thanked everyone for coming tonight.

Councilwoman Lee wished Wyatt congratulations on his acceptance to College. She told him that she is very proud of him because that is a wonderful accomplishment. In regard to his plight for a Skateboard Park, she said that he might not believe it but she had a skateboard herself. She supports the Skateboard Park and thanked Barbara Smith for going to see Senator Larkin. If there is anyone who would like to make a donation to the Skateboard Park, they are welcome to do so. She noted that the City has some jobs listed on the Website and she hopes that people take advantage of them because that is the one sure way that we can keep jobs in the City for people who live here. She thanked everyone for coming.

Mayor Kennedy said in regard to the Skateboard Park that she is one hundred percent in the same place that Councilman Brown is. She has been talking to some non-profit organizations and other folks who support youth to see if they can find funding for the Skateboard Park to build something bigger. She is looking for funding for the Youth Empowerment Center also so she is trying to find more funding for our youth and to help them move forward. We need to work with our young people because it breaks her heart to see that there are children in Kindergarten who are already marked for failure. They come in behind and they don't get caught up by the Third Grade. We are building Prisons for a child who can't read by the Third Grade and that is the most obnoxious and criminal thing she can fathom. She said that she can't fix the World but we in this City can help our children be literate in the early years. We have start reading to children and she is encouraging the High School students to be part of that. You have to catch this in the early stages so that our little ones have the opportunity to succeed. There are several things here that they really need to work on. They need to help the little ones learn to read and the older ones with things to do. They also have to help our young adults get the jobs and the training that they need so there are many things that need to be worked on. She knows that at the Youth Empowerment Center there are lots of little kids looking for food and she is working on someone that has some donations for that. She wanted to add about skateboarding down Broadway and she asked the youth in the audience if that hill is too much temptation. She bets that we could build the best Skateboard Park around and we will still have kids coming down Broadway anyway because it's too much temptation. She encouraged them to be careful and not do it because she witnessed one who was almost hit by a car which was very

scary. She noted that she is shocked by the police bulletin and there are some names on it that she doesn't understand. Something needs to be done about it very quickly.

There being no further business to come before the Council the meeting adjourned at 9:45 p.m.

LORENE VITEK  
CITY CLERK

