

**A regular meeting of the City Council of the City of Newburgh was held on Monday, April 14, 2014 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.**

**The Prayer was led by Rev. Vonnie Hubbard of St. George Episcopal Church followed by the Pledge of Allegiance.**

**A Moment of Silence was observed in remembrance of Timothy Hayes-el, Maryann Prokosch and Rev. Twyla Cains, each of whom were community partners in this city.**

**Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia - 7**

## **COMMUNICATIONS**

**Councilwoman Mejia moved and Councilwoman Lee seconded that the minutes of the meeting of March 24, 2014 be approved.**

**Ayes-Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Mayor Kennedy-6**

**Abstention- Councilwoman Mejia-1**

**CARRIED**

## **CITY MANAGER HIRING PROCESS: UPDATE**

**Mayor Kennedy updated the audience on the City Manager hiring process.**

**The council has been working on the process very diligently, and it has carried out two rounds of interviews so far. They have taken specific steps, and they are following a clear process so that they may come out with the best results. The council should be coming up with a decision soon.**

## PUBLIC HEARING

Mayor Kennedy called a public hearing to receive comment concerning a local law amending Section C3.00 of the City Charter entitled "Municipal Officers Enumerated" within the Code of the City of Newburgh as it relates to the residency requirement for the City Marshal.

Brenda McPhail questioned why this item is even on the agenda. The current City Marshal is a city resident already.

Christine Bello questioned if the council should even be voting on this. It is not just an amendment, it is a complete policy change. It sets a bad precedent. If the City Council can change the residency requirement for the City Marshal, then what is there to stop the council from changing the residency requirement of a City Judge, a City Manager or even our own City Council members? This is something that should be a *ballot referendum*. The council should consult with its Corporation Counsel, because this is beyond an amendment.

Second, she has heard almost every council member, as well as several audience members proclaim the need for more jobs in the city for residents. So why would we change the residency requirement for one position designated exclusively for a city resident? It is contradictory to the statements that she has heard from council members. We need *more* local residents involved in our city government, not less.

Roxie Royal stated that if we are crying all the time about the need for jobs for residents, then why would we go outside of the city to give a person a job? Even if we give one resident a chance to be able to pay his rent and buy food for his family, then we have started a move in the right direction.

**There being no one else wishing to speak for or against this public hearing, this portion of the meeting was closed.**

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

**Brenda McPhail commented about Resolution #97-2014. She feels that the Port of Newburgh is a dead issue. She warned the council about trying to fool the people into thinking that the port is coming. It is not coming. The people were not receptive to it.**

**This portion of the meeting was closed.**

## COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Lee stated that she did not realize that the candidates for City Manager had been vetted already. Also she pointed out that she is not in support of a new city manager. She feels that we should keep the one that we have now. Even though the rest of the council is working on it, she is not interested in it.

Mayor Kennedy commented that that council has not made a selection yet. The candidates are being vetted. We are following a process and we would like to make sure that during each step along the way we have *dotted our I's and crossed our T's*.

LOCAL LAW NO.:  2  - 2014

OF

APRIL 14, 2014

A LOCAL LAW AMENDING CITY CHARTER SECTION C3.00  
ENTITLED “MUNICIPAL OFFICERS ENUMERATED”  
OF THE CODE OF THE CITY OF NEWBURGH

**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 Charter Section C 3.00 entitled “Municipal officers enumerated” of the Code of the City of Newburgh”.

**SECTION 2 - AMENDMENT**

City Charter Section C 3.00 entitled “Municipal officers enumerated” of the Code of the City of Newburgh is hereby amended to read as follows:

§ C3.00. Municipal officers enumerated. The officers of the City or municipality shall be as follows:

D. The provisions of this section or of § 3 of the Public Officers Law of the State of New York or of any other provisions of law requiring a person to be a resident of the political subdivision or

municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised shall not apply to the appointment of the officers of the City of Newburgh enumerated in Subsections B and C of this section and the City Marshal and Acting City Marshal, except the City Manager; the Plumbing Inspector, as to whom preference shall be given to City residents, but if, after due diligence, no such qualified candidate is found, then such Plumbing Inspector may reside within 25 miles of the City of Newburgh; and the members of the Civil Service Commission, provided that such appointed officers reside within 25 miles of the City of Newburgh or within the County of Orange and the City Marshal or the Acting City Marshal reside within the County of Orange.

### 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 take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Mayor Kenedy stated that while it is true that this council supports local hiring, it is also true that we have an individual who has served this city for free, and on a voluntary basis for many years. It just so happens that he lives outside of city limits. The current person in the position is unable to serve due to illness. We need somebody with experience to step in. Sometimes you have to look at the overall picture and see what is really best for the city.**

**Councilwoman Abrams agrees with some of the previous comments. If we continue to allow a person to serve in this type of position, and who resides outside of the city, then we are *sliding on a slippery slope*. It is more important to have somebody who is a resident of the City of Newburgh, serve as a city officer. She intends to vote against this local law.**

**Councilman Brown pointed out that this position is not a city council appointment. It is a City Judge appointment. It is on the table to open up the process to a wider audience, including one member of the Police Auxiliary force who is really interested in the position. Brown feels that if this person was appointed, then he would do an excellent job for the City of Newburgh. Brown feels comfortable with the change, and having the Judge ultimately make the decision.**

**Councilwoman Holmes remarked that this person was raised in the City of Newburgh, and he has done a lot for the community. He would be an excellent person for the job.**

**Councilwoman Mejia stated that it is always about the bigger picture. She understands the slippery slope, but this particular item warrants the opening up of the position to residents and non-residents alike. As a community we need to combine all of our efforts. We need to make sure we are trained so that when positions like this open up, we will be prepared and ready.**

**Councilwoman Angelo stated that she intends to support the candidate. She has known him for many years. He is at every function serving the community.**

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

**Ayes- Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6**

**No- Councilwoman Abrams-1**

**ENACTED**

**RESOLUTION NO.: 78 - 2014**

**OF**

**APRIL 14, 2014**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND ENTER INTO AN AGREEMENT WITH  
BFJ PLANNING FOR PROFESSIONAL PLANNING SERVICES AT A COST OF \$4,950.00  
RELATED TO THE COMPLETION OF THE  
DRAFT LOCAL WATERFRONT REVITALIZATION PLAN**

**WHEREAS**, the City of Newburgh has determined to revise and update the City's Local Waterfront Revitalization Plan ("LWRP"); and

**WHEREAS**, it is necessary and appropriate to retain professional planning services to assist and advise the City in incorporating the comments of the NYS Department of State in order to complete the draft LWRP; and

**WHEREAS**, after due consideration and evaluation the firm of BFJ Planning has been identified as qualified, able and cost-effective and the preferred firm to provide said services;

**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 accept a proposal and execute an agreement with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh, with BFJ Planning for professional planning services in connection with the revision and completion of the draft Local Waterfront Revitalization Plan of the City of Newburgh at a cost of Four Thousand Nine Hundred Fifty (\$4,950.00) Dollars.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
**ADOPTED**

**RESOLUTION NO.: 79-2014**

**OF**

**APRIL 14, 2014**

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO RAYMOND LaCHANCE AND GORDON LaCHANCE  
TO THE PREMISES KNOWN AS 190 W. PARMENTER STREET  
(SECTION 38, BLOCK 1, LOT 15)**

**WHEREAS**, on November 28, 2012, the City of Newburgh conveyed property located at 190 W. Parmenter Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 1, Lot 15, to Raymond LaChance and Gordon LaChance; and

**WHEREAS**, Raymond LaChance and Gordon LaChance have requested a release of the restrictive covenants contained in said deed; and

**WHEREAS**, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh to grant such request;

**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 the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

**ADOPTED**

**RELEASE OF COVENANTS AND  
RIGHT OF RE-ENTRY**

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 190 W. Parmenter Street, Section 38, Block 1, Lot 15, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated November 28, 2012, from the CITY OF NEWBURGH to RAYMOND LaCHANCE and GORDON LaCHANCE, recorded in the Orange County Clerk's Office on January 28, 2013, in Liber 13493 of Deeds at Page 1964 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: \_\_\_\_\_, 2014

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
JAMES A. SLAUGHTER,  
Interim City Manager

STATE OF NEW YORK )  
  )ss.:  
COUNTY OF ORANGE )

On the \_\_\_\_\_ day of April in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES A. SLAUGHTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

\_\_\_\_\_

RESOLUTION NO.: 80 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE A LICENSE AGREEMENT WITH  
HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC.  
TO PERMIT ACCESS TO CITY-OWNED PROPERTY  
FOR THE PURPOSE OF PERFORMING CERTAIN PRE-DEVELOPMENT ACTIVITIES

WHEREAS, Habitat for Humanity of Greater Newburgh, Inc. has expressed an interest in acquiring several City-owned properties for redevelopment; and

WHEREAS, Habitat for Humanity of Greater Newburgh, Inc. has requested that the City of Newburgh allow them access to these City-owned properties for the purpose of and to perform certain pre-development activities, including evaluation of structural viability and environmental testing before finalizing an offer of purchase; and

WHEREAS, such access to the properties requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such license and has determined that entering into such license agreement would be in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to enter into the attached license agreement with Habitat for Humanity of Greater Newburgh, Inc., and their contracted agents to allow access to several City-owned properties for the purpose of and to perform structural evaluation and environmental testing.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED



## LICENSE AGREEMENT

This Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, two thousand and fourteen by and between the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as “LICENSOR,” and HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., a private business organization having an address of, 125 Washington Street, Newburgh, New York 12550, and their consultants and contractors as “LICENSEE”;

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to and performing work upon the premises of Licensor, on behalf of itself and its employees, agents and contractors, as described in Schedule “A” attached hereto.

AND WHEREAS, Licensor is willing to give said license or privilege on the following terms and conditions:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and conditions hereinafter contained, it is hereby agreed as follows:

First: Licensor hereby gives to Licensee and Licensee’s employees, agents and contractors, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor’s property as set forth in Schedule “A”, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary; for the purposes of and to perform certain tasks on said property owned by Licensor, including but not limited to structural evaluation, excavating, filling, boring, testing, sampling, restoration and any and all other work appurtenant thereto.

Second: Licensee agrees to do such work and perform such tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, obtaining any and all permits required thereby.

Third: During the term of this Agreement, the parties mutually agree to release and indemnify each other for all claims, damages or expenses resulting from said party’s own negligence. It is hereby acknowledged that Licensor is a self-insured municipality.

Fourth: Licensee will perform the subject work in connection with a site assessment and evaluation of vacant residential property, including walk-through inspection, review of City of Newburgh and other records, review of governmental environmental records and data, and other measures relating to underground tanks, potential contamination issues, demolition of structures and related tasks. In the contract by which Licensee retains consultants and contractors, they shall

name City as additional insured under insurance coverage concerning the performance of the tasks referenced herein.

Fifth: This Agreement and the license or privilege hereby given shall expire and terminate upon the completion of the work by Licensee and its agents, employees and contractors, and the restoration of the property to a clean and orderly state and in the same condition as existed prior to the granting of this license, normal wear and tear excepted.

Sixth: It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this license.

Seventh: Without limitation to the general provisions of this Agreement, it is understood and agreed that said work shall be performed in substantially the location and position shown in the attachments hereto, and in accordance with details and specifications as set forth on map or plan hereto attached and hereby made a part hereof.

Eighth: Licensee shall provide copies of all evaluations, tests, results and reports to Licensor within thirty (30) days of Licensee's receipt of said evaluations, tests, results and reports.

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By:

\_\_\_\_\_  
James A. Slaughter, Interim City Manager

HABITAT FOR HUMANITY OF GREATER  
NEWBURGH, INC.

LICENSEE

By:

\_\_\_\_\_  
Cathy Collins, Executive Director

## SCHEDULE "A"

59 Lander Street, Section 23, Block 6, Lot 16.1  
76 Lander Street, Section 23, Block 2, Lot 12  
78 Lander Street, Section 23, Block 12, Lot 11  
82 Lander Street, Section 23, Block 2, Lot 9  
84 Lander Street, Section 23, Block 2, Lot 8  
85 Lander Street, Section 23, Block 3, Lot 19  
93 Lander Street, Section 23, Block 3, Lot 23  
116 Lander Street, Section 18, Block 10, Lot 5.2  
122 Lander Street, Section 18, Block 10, Lot 3  
62 Campbell Street, Section 23, Lot 2, Lot 13  
61 Campbell Street, Section 23, Block 7, Lot 4  
130 Third Street, Section 18, Block 9, Lot 13  
132 Third Street, Section 18, Block 9, Lot 14  
140 Third Street, Section 18, Block 9, Lot 17  
112 Johnston Street, Section 18, Block 10, Lot 12  
117 Johnston Street, Section 18, Block 10, Lot 14  
118 Johnston Street, Section 18, Block 10, Lot 15  
120 Johnston Street, Section 18, Block 10, Lot 1  
127 Johnston Street, Section 18, Block 2, Lot 21  
143 Washington Street, Section 39, Block 2, Lot 11  
16 Wilkin Street, Section 26, Block 3, Lot 21

RESOLUTION NO.: 81 - 2014

OF

APRIL 14, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL FROM VALUATION CONSULTANTS, INC. FOR  
PROFESSIONAL APPRAISAL SERVICES IN THE AMOUNT OF \$1,000.00  
IN CONNECTION WITH THE SALE OF  
210 MILL STREET (SECTION 43, BLOCK 3, LOT 7.1)**

**WHEREAS**, the City of Newburgh is the owner of property commonly known as 210 Mill Street, being more accurately described as Section 43, Block 3, Lot 7.1 on the Official Tax Map of the City of Newburgh; and

**WHEREAS**, pursuant to Resolution No. 133-2009 of August 10, 2009, the City and Frederick J. Visconti, Jr executed an Option to Purchase Agreement, dated August 11, 2009, which provided for the sale of 210 Mill Street at a purchase price of \$100,000.00 per acre; and

**WHEREAS**, the City has obtained a proposal from Valuation Consultants, Inc. to perform an appraisal of the subject property to confirm market value prior to the completion of the sale; and

**WHEREAS**, to obtain the best purchase price for the sale of City-owned real property, it is necessary and appropriate to retain licensed appraiser;

**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 accept the proposal of Valuation Consultants, Inc. in the amount of One Thousand (\$1,000.00) Dollars with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh to prepare an appraisal in connection with the sale of 210 Mill Street.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

**RESOLUTION NO.: 82 - 2014**

**OF**

**APRIL 14, 2014**

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF AN AGREEMENT WITH LANDMARK ARCHAEOLOGY, INC. IN THE AMOUNT OF  
\$39,873.00 TO PROVIDE ARCHAEOLOGICAL SERVICES  
FOR THE TYRONE CRABB PARK PROJECT**

**WHEREAS**, the City of Newburgh continues to develop Tyrone Crabb Park; and

**WHEREAS**, the Tyrone Crabb Park site is located within the East End Historic District and contains archeological deposits and architectural remains that are considered to be contributing to the EEHD and the Tyrone Crabb Park site is eligible for inclusion in the National Register of Historic Places; and

**WHEREAS**, Phase I and Phase II site investigations have been completed and Phase III fieldwork, archaeological monitoring and site mapping is required in the southwestern area of the site fronting Grand Street and a narrow corridor parallel to South Street; and

**WHEREAS**, Landmark Archaeology, Inc. has submitted contract and a scope of services for the Phase III site investigation; and

**WHEREAS**, the cost for such Phase III site work shall be in the amount of Thirty Nine Thousand Eight Hundred Seventy Three (\$39,873.00) Dollars; and

**WHEREAS**, funding for such services shall be derived from H1.7110.0409.7100.000; and

**WHEREAS**, this Council has reviewed the attached contract and scope of services and determined that entering into such contract for the Phase III site work is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute an agreement in the form annexed hereto with other provisions as Counsel may require with Landmark Archaeology Inc. in the amount of \$39,873.00 to provide archaeological services in connection with the Phase III site investigation of the Tyrone Crabb Park site.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

RESOLUTION NO.: 83 - 2014

OF

APRIL 14, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE AN AGREEMENT WITH HUDSON BAYLOR CORP.  
FOR RECYCLING SERVICES**

**WHEREAS**, the City of Newburgh wishes to enter into an agreement with Hudson Baylor Corp. for recycling services; and

**WHEREAS**, the term of the agreement will begin on April 1, 2014 and shall expire on April 1, 2015; and

**WHEREAS**, the City will deliver to the processing facilities located at Beacon NY all Single Stream (loose) recycling materials which are received from City residents; and

**WHEREAS**, Hudson Baylor Corp. will pay the City of Newburgh the monthly price of Twenty (\$20.00) Dollars per ton; and

**WHEREAS**, this Council has determined that entering into such agreement is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute an agreement, in substantially the same form annexed hereto and subject to approval of the Corporation Counsel with such other terms and conditions as Counsel may require, with Hudson Baylor Corp. for recycling services.

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

Ayes-Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

## RECYCLING SERVICES AGREEMENT

This Recycling Services Agreement (“Agreement”) is made as of April 1, 2014 between the City of Newburgh (“Generator”) and Hudson Baylor Corp. (“Processor”), each individually a “Party” and collectively the “Parties”.

Generator and Processor hereby agree as follows:

### 1. RESPONSIBILITIES OF GENERATOR

- 1.1. Generator shall cause to be delivered to Processor’s processing facilities located at Beacon NY (the “Facility”) all Single Stream (loose ) recycling [which is source separated from all other items] received from each residential, commercial, industrial and institutional recycling customers for whom Generator collects single stream within the City Of Newburgh. Title to the Single Stream shall pass from Generator to Processor upon acceptance at the Facilities. Generator will cause its loads to be delivered in conformance with the Facilities’ operating hours and the delivery routines and standards described in the Hauler’s Rules attached hereto as Schedule B.

Hours of Operation at the Beacon, NY Facility shall be:

Monday through Friday: 7:00 a.m. to 7:00 p.m.

Saturday: 7:00 a.m. to 12:00 p.m.

Holiday Closings: New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day

- 1.2. The Parties expect approximately 100 tons per month of single stream to be generated from all Customers.
- 1.3. Processor may inspect inbound loads and may reject any delivery that appears to contain by volume or weight more than 8% non-Single Stream, or which contains or appears to contain any hazardous, toxic, radioactive or similarly dangerous unacceptable material. Generator shall reimburse Processor for any costs incurred by Processor resulting from Generator’s delivery of any rejected load. Title to Unacceptable Material shall not pass from Generator to Processor.

2. **RESPONSIBILITIES OF PROCESSOR:** Processor will receive, process and market all single stream delivered to the Facility by the Generator from the Customer. Processor will provide Generator with a monthly report which shall indicate the date, time and net weight for each load, a report of the total tons received for that calendar month and a billing summary.

3. **TERM.** The term of this Agreement shall commence on the date hereof and shall expire on April 1, 2015 (the "Term"). The Term shall automatically extend for additional consecutive monthly terms unless either Party, no less than thirty (30) days prior to the end of the then-existing Term, provides written notice to the other Party of its intent to not so extend the Term.
4. **PRICING.** Pricing for single stream delivered by Generator to the Facility shall be as set forth in Schedule A attached hereto. All invoices for single stream delivered by Generator to the Facility shall be due and payable on a strict net thirty (30) days from date of invoice basis. Interest shall accrue on all past-due invoices at the rate of one-half percent (0.5%) per month from the date due until the date paid, and the Party owing such overdue amounts shall pay any and all costs incurred by the other Party for collection of unpaid balances, including without limitation costs of investigation and attorneys' fees.
5. **NOTICES.** All notices to be given under this Agreement shall be in writing and delivered personally or shall be sent by recognized overnight courier, in each case with signature required, as follows:

If to Processor:

with a copy to:

Hudson Baylor Corp.  
809 West Hill Street  
Charlotte, NC 28208  
Attention: Sean P. Duffy

David Sturgess, General Counsel  
Re Community Holdings II, Inc.  
809 West Hill Street  
Charlotte, NC 28208

If to Generator:

with a copy to:

James A. Slaughter  
Interim City Manager  
City Hall, 83 Broadway  
Newburgh, NY 12550

Michelle Kelson, Corporation Counsel  
City Hall, 83 Broadway  
Newburgh, NY 12550

Notices shall be deemed received when actually received.

6. **MISCELLANEOUS.**
  - 6.1 **Termination.** This Agreement may be terminated by either Party in the event of a failure by the other Party to perform a material obligation hereunder (a "Default") if the Default has not been cured by the defaulting Party within thirty (30) days from receipt of notice from the non-defaulting Party.
  - 6.2 **Assignment.** Neither this Agreement nor any of the rights, interests, obligations, and remedies hereunder shall be assigned by either Party, including by operation of law, without the prior written consent of the other, such consent to not be unreasonably withheld, conditioned or delayed, except that no consent shall be

required to assign this Agreement (1) to its parents and subsidiaries or entities under common control with such Party, (2) at its expense to a person, firm, or corporation acquiring all or substantially all of the business and assets of the assigning Party, provided that the assignee assumes the obligations of the assigning Party arising hereunder from and after the date of acquisition, and (3) as security to entities providing financing for the assigning Party or for any of its affiliates or for construction, reconstruction, modification, replacement or operation of any of the facilities of the assigning Party or its parents, subsidiaries or affiliates.

- 6.3 Indemnification. Each Party (each, an “Indemnifying Party”) shall indemnify the other Party and any director, officer, affiliate, partner, member or elected or appointed official of the other Party (each, an “Indemnified Party”) from and against any and all claims, actions, losses and damages, relating to or arising from personal injury, bodily harm or death, property damage or damage to the environment incurred by any Indemnified Party to the extent that such Losses result from (i) (ii) the material breach by the Indemnifying Party of any of its covenants or agreements contained in this Agreement or (ii) the gross negligence or willful misconduct of the Indemnifying Party or any of its agents, employees or subcontractors.
- 6.4 Limitation of Liability. Neither Party shall be liable to the other for special, incidental, exemplary, punitive or consequential damages.
- 6.5 Insurance. Generator shall maintain, and shall require its subcontractors to maintain, workers’ compensation insurance, automobile insurance and commercial general liability insurance in coverage’s and amounts satisfactory to Processor. Upon request of Processor, Generator shall provide Processor with evidence reasonably satisfactory to Processor that Generator is insured against any damage, liability or loss caused by the vehicles that deliver Recyclables to the Facility for the Generator or by the drivers thereof. The minimum required insurance coverage limits that must be in place are as follows:

General Liability	\$1 million
Auto Liability	\$1 million
Workers Comp	Statutory Limit

Processor shall be named as an additional insured on applicable policies. If Processor will be supplying equipment for the use of Generator, Generator must provide proof that the equipment is covered against all perils. Processor shall be named as loss payee for this coverage as it relates to Processor owned equipment placed in the customer’s custody, care and control.

- 6.6 Force Majeure. Neither Party shall be liable to the other for damages without limitation (including liquidated damages) if such Party’s performance is delayed or prevented due to an event of force majeure. In the event of a delay in either

Party's performance of its obligation hereunder for more than sixty (60) days due to a force majeure, the other Party may, at any time thereafter, terminate this Agreement.

7. COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but which together will constitute one and the same instrument.

[balance of page intentionally left blank]

[signature page to Recycling Services Agreement]

IN WITNESS HEREOF, the Parties have executed this agreement as of the Effective Date.

HUDSON BAYLOR CORP.

THE CITY OF NEWBURGH

By: \_\_\_\_\_

By: \_\_\_\_\_

Its

Its

Schedule A

1. Single Stream loads delivered into the Beacon, NY Facility:

Processor will pay Generator the monthly price of \$20.00 per ton.

## Schedule B

### Haulers' Rules

#### Scale House:

1. Driver shall approach scale SLOWLY.
2. Driver shall report to scale house operator and identify origin and material as single stream.
3. Weigh inbound.
4. Weigh outbound and pick up scale ticket.

#### Tip Floor Rules:

1. Wait for operator's OK to enter tip floor for dumping.
2. Safety gear shall be worn when driver exits cab.

#### Yard Rules:

1. Driver shall maintain safe speeds while traveling within the yard.
2. Driver shall not allow litter to be discharged from the body or cab.
3. Driver shall not loiter in the yard.

RESOLUTION NO.: 84 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE AN AGREEMENT WITH ADVANCED RECOVERY INC.  
FOR COMPUTER AND ELECTRONICS COLLECTION EVENT

WHEREAS, the City of Newburgh will hold a computer and electronics collection event for City residents on April 25 and 26, 2014; and

WHEREAS, the City of Newburgh wishes to enter into an agreement with Advanced Recovery Inc. to monitor and staff the collection event and to dispose of accepted electronics covered under the New York State Electronic Recycling Act; and

WHEREAS, said contract will be at no cost to the City; and

WHEREAS, this Council has determined that entering into such agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute an agreement, in substantially the same form annexed hereto with such other terms and conditions as Counsel may require, with Advanced Recycling Inc.

**Mayor Kennedy remarked that this is a good opportunity to prevent old electronics from getting put into the landfill. They can get recycled instead. The event will be held on April 25<sup>th</sup> and 26<sup>th</sup>. The fee is \$10 per carload. It will help clean up the city a little.**

**Councilwoman Angelo pointed out that the collection sites are to be announced. County of Orange comes in once a year to provide a similar service.**

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
ADOPTED

**RESOLUTION NO.: 85 - 2014**

**OF**

**APRIL 14, 2014**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO  
AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE  
NHS CENTER FOR HOPE AND THE CITY OF NEWBURGH POLICE DEPARTMENT  
TO PROVIDE FOR YOUTH POLICE INITIATIVE (YPI) TRAININGS**

**WHEREAS**, the Center for Hope's mission is to provide opportunities for youth to positively engage and develop pro-social activities that nurture their talents and interests; and

**WHEREAS**, the City of Newburgh wishes to enter into a Memorandum of Understanding with the Center for Hope to provide four (4) Youth Police Initiative ("YPI") Trainings in the calendar year of 2014; and

**WHEREAS**, the YPI offers a highly interactive, experiential and structured program based upon evidence-based principles that help youth to overcome their stereotypes and negative histories with police while developing new levels of communication that have engendered sustainable relationships and reduced negative interactions; and

**WHEREAS**, NHS Center for Hope will fully reimburse the police officers for their overtime upon the completion of the trainings; and

**WHEREAS**, a copy of such Memorandum of Understanding is annexed hereto and made a part hereof; and

**WHEREAS**, the City Council has examined such Memorandum of Understanding and determined it to be in the best interests of the City of Newburgh to enter into same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and is hereby authorized to execute and enter into this Memorandum of Understanding between the NHS Center for Hope and the City of Newburgh, in a form subject to approval of Corporation Counsel to provide for Youth Police Initiative Trainings.

**Mayor Kennedy commented that there have been five or six trainings so far. It is an opportunity for our youth to interact with the police department to break down barriers. It helps create communications trust-building so that we can work together as a community.**

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
ADOPTED

RESOLUTION NO.: 86 - 2014

OF

APRIL 14, 2014

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH  
PROCUREMENT CARD (P-CARD) POLICY AND PROCEDURE**

**BE IT RESOLVED**, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Procurement Card (P-Card) Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that this Policy shall take effect on May 1, 2014.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
ADOPTED

RESOLUTION NO.: 87 - 2014

OF

APRIL 14, 2014

RESOLUTION AMENDING RESOLUTION NO: 247-2013,  
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO  
TRANSFER ONE PART-TIME SEASONAL POSITION FROM THE DEPARTMENT OF  
PUBLIC WORKS TO THE DEPARTMENT OF PARKS AND RECREATION

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 247-2013, the 2014 Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
A.7188	Delano-Hitch Park and Stadium		
.0102	Part time	\$ 10,793.00	
A.7140	Recreation		
.0102	Part-Time		\$ 10,793.00

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

RESOLUTION NO.: 88 - 2014

OF

APRIL 14, 2014

**A RESOLUTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO  
TWO AGREEMENTS WITH CONKLIN SERVICES & CONSTRUCTION INC.  
FOR PROFESSIONAL SERVICES IN CONNECTION WITH  
PETROLEUM BULK STORAGE COMPLIANCE  
AT A COST NOT TO EXCEED \$10,320.00**

**WHEREAS**, the City of Newburgh is required to comply with the NYS Department of Environmental Conservation Petroleum Bulk Storage regulations issued under Article 17 of the NYS Environmental Conservation Law; and

**WHEREAS**, the City Engineer has identified one previously unregistered underground storage tank and two previously unregistered above ground storage tanks located at the City's Waste Water Treatment Plant; and

**WHEREAS**, the underground storage tank is no longer in use and must be drained and properly closed down and the above ground storage tanks require certain modification work to be in compliance with the applicable regulations; and

**WHEREAS**, Conklin Services & Construction Inc. has submitted proposals to address the work required for the underground storage tank and the above ground storage tank in an amount not to exceed \$9,120.00 and \$1,200.00, respectively; and

**WHEREAS**, funding for said petroleum storage tank work shall be derived from G.1900.1990; and

**WHEREAS**, this Council has determined that entering into the proposed agreements to ensure the City's compliance with the Petroleum Bulk Storage regulations is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be, and he hereby is authorized to enter into an agreement with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh with Conklin Services & Construction Inc. to drain and closed down the underground storage tank and to complete the modification work to the two above ground storage tanks located at the**

Waste Water Treatment Plant at a cost not to exceed Ten Thousand Three Hundred Twenty (\$10,320.00) Dollars

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

RESOLUTION NO.: 89 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH  
MCLAREN ENGINEERING GROUP FOR DIVE INSPECTION AND  
STRUCTURAL EVALUATION SERVICES RELATED TO REPAIRING  
NEWBURGH LANDING AT A COST OF \$21,263.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with McLaren Engineering Group for dive inspection and structural evaluation of Newburgh Landing in connection with necessary repairs; and

WHEREAS, the services will include an in-depth underwater and above water inspection of the pier, a thorough structural analysis of same and condition assessment report; and

WHEREAS, the cost for these services will be \$21,263.00 and funding shall be derived from 2012 Bond; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with McLaren Engineering Group for dive inspection and structural evaluation services in connection with repairing Newburgh Landing at a cost of \$21,263.00.

**Councilwoman Mejia asked the city engineer to explain Resolutions #89-2014 and #96-2014 since they are intertwined. The important thing about the Newburgh Landing is it is the city's main access point for the waterfront, and it provides recreational opportunities for residents. It took on a lot of damage last winter.**

**Jason Morris explained that Resolution #89-2014 is for the provision of a dive inspection of the pier and the piles to determine structural adequacy. This is necessary to move forward with eventual reconstruction of the pier. Resolution #96-2014 is an emergency contract for the reconstruction of the south side of the pier to make the dock accessible again.**

One of the previous questions Mayor Kennedy had asked was how do we perform the actual emergency repair before we've had the dive team make an assessment? The purpose of the second resolution is to have it in place so that we can act quickly.

Morris pointed out that there is a chance that the dive inspection could reveal other significant deficiencies that could prohibit us from opening the pier. The question at hand is do we want to move forward with this and take the chance of further work being necessary or wait until *after* May when the contractor may not be available to do the work.

James Slaughter remarked that if that is the case then we will have to look at alternate access points along our shoreline to accommodate tour boats and other crafts. If the dive inspection reveals that the dock needs a total replacement, then we will not move forward with the emergency repair.

Councilwoman Mejia continued to address concerns about the Landing opening in time for the season. The residents need recreational opportunities on the waterfront.

Councilwoman Abrams and Councilwoman Holmes both stated that they would take that chance, because they would hate to have the Landing not be open all summer.

Mayor Kennedy commented that we should do the dive and see what the situation is. Safety is paramount. We want people to have the opportunity for recreation, but not at the peril of an accident happening. Yet it is an important aspect of our city, as many people love to do fishing off the pier.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

RESOLUTION NO.:   90   - 2014

OF

APRIL 14, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH  
CSARCH FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO  
THE ROOF REPLACEMENT PROJECT AT THE ACTIVITY CENTER  
AT A COST OF \$14,500.00**

**WHEREAS**, the City of Newburgh wishes to accept a proposal and execute an agreement with CSArch for architectural design and engineering services for the design and construction management in the Roof Replacement Project for the Activity Center located within Delano-Hitch Recreation Park; and

**WHEREAS**, the services will include the design of the new roof, preparing bid documents and specifications, and providing construction administration services; and

**WHEREAS**, the cost for these services will be \$14,500.00 and funding shall be derived from the 2013 BAN; and

**WHEREAS**, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with CSArch for architectural design and engineering services for the Roof Replacement Project at the Activity Center, 401 Washington Street, Newburgh, New York at a cost of \$14,500.00.

**Jason Morris explained that this contract is for architectural services for the design of a new roof at the Activity Center.**

**Mayor Kennedy pointed out that the maintenance of our city buildings has not really occurred over the years when we were in such dire financial straits. There are asbestos and abatement issues. Monies had not really been put aside for maintenance, and now we are playing catch up to keep our buildings in proper condition.**

**Councilwoman Angelo stated that she is keeping the seniors abreast of what is going on at the Activity Center. We are trying to find a site to relocate them at temporarily.**

**The City Manager pointed out that when we begin the abatement, the activity center will be closed. Staff will be removed and there will be no activity while we are cleaning up the asbestos. We are going to try to work with some of the other local facilities to accommodate senior programs and activities.**

**Mayor Kennedy thought that Club 60 could meet on the 2<sup>nd</sup> floor of the building at 123 Grand Street. There is a large and empty room available. Maybe they can move some of the chairs and tables out if the activity center. It is a warm, dry and safe space for the seniors to hold their activities.**

**Councilwoman Abrams pointed out that 104 South Lander Street has an area with a large table too. It is also handicapped-accessible.**

**Councilwoman Holmes moved and Councilwoman Mejia seconded that the resolution be approved.**

**Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7**

**ADOPTED**

RESOLUTION NO.: 91 - 2014

OF

APRIL 14, 2014

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING  
THE INTERIM CITY MANAGER TO EXECUTE A  
STORMWATER AND ACCESS AGREEMENT WITH CRH REALTY VIII  
TO ALLOW THE CITY OF NEWBURGH TO HAVE ACCESS TO THE PROPERTY  
ADJACENT TO WASHINGTON LAKE AT NEW YORK STATE ROUTE 300 IN THE  
TOWN OF NEWBURGH FOR THE PURPOSES OF MONITORING STORMWATER  
DISCHARGES  
IN CONNECTION WITH THE CONSTRUCTION OF A MEDICAL OFFICE BUILDING**

**WHEREAS**, on November 25, 2008, the City of Newburgh granted a permanent easement to Newburgh Town Center, LLC to allow the discharge of treated stormwater onto City-owned lands adjacent to Washington Lake from certain real property located in the Town of Newburgh adjacent to New York State Route 300 consisting of approximately 8.1 acres identified on the tax map as Section 97, Block 3, Lots 6, 7, 8, 28 and Section 4, Block 1, Lot 72.2 (the "Property"); and

**WHEREAS**, CRH Realty VIII (the "Facility Owner") will construct a medical office building on the Property, together with related appurtenances and improvements (the "Project") including a stormwater pollution prevention plan (the "SWPPP") in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001); and

**WHEREAS**, the Town of Newburgh Planning Board served as Lead Agency under the State Environmental Quality Review Act for the Project, and conducted a coordinated review that concluded with the adoption of a negative declaration on November 21, 2013; and

**WHEREAS**, the Project plans include a gate valve located on the 24" diameter outlet pipe from the stormwater pond; the purpose of which shall be to control the release of stormwater from the pond's outlet structure to lands owned by the City of Newburgh in the event that an environmental threat exists on the property; and

**WHEREAS**, the City seeks to have access to the Property to ensure that certain aspects of the SWPPP are functioning properly, and to take certain actions should emergency circumstances require; and

**WHEREAS**, the Facility Owner and the City wish to memorialize their responsibilities with respect to the SWPPP for the Project, the Stormwater Easement and Washington Lake as a

part of the City's reservoir system in a Stormwater and Access Agreement, which is annexed hereto and made part hereof; and

**WHEREAS**, this Council finds that entering into a Stormwater and Access Agreement with the Facility Owner is in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to enter into the Stormwater Agreement, as annexed hereto, with CRH Realty VIII for the purpose of complying with the stormwater pollution prevention plan and protecting Washington Lake in connection with the construction of a medical office building on property located adjacent to the City's reservoir lands.

**The City Engineer explained that this is an agreement with the developers of the Crystal Run project. It allows the city engineer and water superintendent to access the site to conduct necessary inspections of storm water facilities. It also allows them to shut off the valves necessary to prevent water from running into our drinking water supply in the event that there is a contamination.**

**Mayor Kennedy complimented Morris, the Conservation Advisory committee and all of the people who have been working on this particular issue. They have been bringing thoughtful questions to the forefront and finding ways to work through the problems in ways that are not combative. The project has been amenable to the changing and agreeing with some of the suggestions that have brought forward by Morris and others. She is pleased with the progress made on it.**

**The City Manager pointed out that both the Water Superintendent and the City Planner have been working on the project too. This has been one of the first initiatives that we have worked together as a team on the issues that are going to impact the city. We now have a process in place to address these types of issues that come up in the future.**

Councilwoman Abrams moved and Councilwoman Mejia seconded that the resolution be adopted.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

**ADOPTED**

RESOLUTION NO.: 92 - 2014

OF

APRIL 14, 2014

A RESOLUTION ACCEPTING THE DONATION OF ONE GERMAN SHEPHERD DOG  
FROM THE PATROLMEN'S BENEVOLENT ASSOCIATION OF NEWBURGH, INC.  
FOR THE CITY OF NEWBURGH POLICE DEPARTMENT K-9 UNIT

WHEREAS, The Patrolmen's Benevolent Association of Newburgh, New York, Inc. ("PBA") has offered the City of Newburgh one German Shepherd dog suitable for employment in the K-9 Unit of the City of Newburgh Police Department; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to accept such dog;

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 accept the donation of one German Shepherd dog suitable for employment in the K-9 Unit of the City of Newburgh Police Department; and

BE IT FURTHER RESOLVED, that the Interim City Manager is hereby further authorized to execute all necessary paperwork in connection with the acceptance of said donation as may be requested by the donor; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh does hereby express on behalf of ourselves and of the citizens of the City of Newburgh our sincere appreciation and thanks for this thoughtful donation.

**Police Chief Michael Ferrara explained that this is at no cost to the City. It is a replacement dog, and it will be mostly done by on-duty training during the day shift. The PBA is donating the cost of the dog, which is quite expensive.**

**Councilwoman Mejia stated that as the council deliberates and plans for the 2015 budget, this is one of the areas that they have discussed. In lieu of hiring new officers, we should contemplate getting additional canines.**

Councilwoman Abrams moved and Councilwoman Holmes seconded that the resolution be adopted.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
ADOPTED

RESOLUTION NO.: 93 - 2014

OF

APRIL 14, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH  
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)  
FOR ASBESTOS ABATEMENT DESIGN SERVICES FOR THE  
ROOF REPLACEMENT PROJECT AT THE ACTIVITY CENTER  
AT A COST OF \$5,800.00**

**WHEREAS**, by Resolution No. 48-2014 of March 10, 2014, the City Council of the City of Newburgh authorized the Interim City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for limited pre-renovation asbestos and lead paint surveys in connection with roof renovations for the Activity Center located within Delano-Hitch Recreation Park; and

**WHEREAS**, the results of the surveys and testing found the presence of asbestos containing material which must be abated and removed in compliance with law, rule and regulation; and

**WHEREAS**, Quality Environmental Solutions & Technologies, Inc. (QUES&T) is a qualified environmental remediation consultant and has submitted a proposal for the planning and design phase of the asbestos abatement in connection with the Activity Center Roof Replacement Project; and

**WHEREAS**, the cost for these services will be \$5,800.00 and funding shall be derived from the 2013 BAN; and

**WHEREAS**, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for asbestos abatement design services for the Roof Replacement Project at the Activity Center, 401 Washington Street, Newburgh, New York at a cost of \$5,800.00.

**This is for QUES&T to do the bid spec for the abatement design and to obtain the waiver from New York State to do the asbestos abatement, which is required as part of the procedure.**

**Councilman Brown asked Morris if the consulting firm could perform the work.**

**Morris responded in that we chose to have QUES&T do it. We could possibly request that CSArch perform the work. Morris imagined that the fees would be similar. He could request their fees if that is something the council would like to look at further.**

**Mayor Kennedy did not understand why we do this separately. She pointed out that sometimes if a prospective company performs more than one service, then we could possibly receive a better price. She knows that we do not want to prolong this. The roof has been a mess for over a year. She is reluctant about it, but we have to get it done. In the future she would like us to look at consolidating services, as a means to be cost-effective.**

**Morris explained that QUES&T did the testing for the asbestos. That is why he had them move in and do the actual bid spec for the asbestos abatement. They are extremely familiar with the process, including the obtaining of the Waiver. We would like to get it out for bid soon, and we are pressed for time.**

**Councilwoman Mejia moved and Councilwoman Abrams seconded that the resolution be adopted.**

**Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6**

**No- Councilman Brown-1**

**ADOPTED**

RESOLUTION NO.: 94 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH  
GOT WILDLIFE? LLC FOR WILDLIFE MANAGEMENT SERVICES FOR THE WATER  
TREATMENT FACILITY, WASHINGTON LAKE AND DAM AND BROWNS POND  
PUMP HOUSE AND DAM AT A COST OF \$995.00 PER MONTH

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Got Wildlife? LLC for wildlife management removal and control at the Water Treatment Plant, Washington Lake and Dam and Browns Pond Pump House and Dam; and

WHEREAS, the cost for these services will be \$995.00 per month and funding shall be derived from F.8320.448; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such services would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Got Wildlife? LLC for wildlife management services for the Water Treatment Facility, Washington Lake and Dam and Browns Pond Pump House and Dam at a cost of \$995.00 per month.

**Councilwoman Abrams hopes the council can obtain an accurate count, and some actual proof of the number of woodchucks being exterminated rather than just accepting the honor system.**

**Councilman Brown stated that the last time we talked about this issue, we talked about getting a price *per animal*. If someone is going to provide a service, then he feels that person should be paid according to what is being done, i.e. if you capture one animal, then you get paid for one animal. Brown stated that the only thing this vendor is going to do is set traps around the lake. He is going to come back, but we do not know his timeframe for checking the traps. He has a problem with someone sitting back and collecting \$995.00 per month, and possibly not catching anything at all. Second, we have an Animal Control person. Why can't we have that**

person do this service? He understands that it is a DEC issue. Yet no one is knocking on anybody's door. Brown is tired of all of the scare tactics, especially when it comes down to spending taxpayers' money. He feels that we have time. The council should not have to *wonder* whether someone is catching animals or not at the city's expense. We should see what we can do in terms of providing our own services.

Chief Ferrara stated that he was at the work session. The guy stated that he has the license necessary to perform this service. Our Animal Control uses the *Have-a-Heart* type trap to catch animals. But we were told that it is illegal to catch them alive and then take them to another location.

Mayor Kennedy agrees with Councilman Brown. The man kept making the point that the animals could put the dam at risk, and that it does have to be a *trap and kill* process. We need to discuss other solutions, as opposed to just using one company's proposal.

Councilman Brown moved and Councilwoman Angelo seconded that the resolution be tabled.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy-6

No- Councilwoman Lee-1

TABLED

RESOLUTION NO.: 95 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE A PAYMENT OF CLAIM  
WITH THOMAS BOWIE IN THE AMOUNT OF \$6,629.56

WHEREAS, Thomas Bowie brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Six Thousand Six Hundred Twenty-Nine and 56/100 Dollars (\$6,629.56) in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager is hereby authorized to settle the claim of Thomas Bowie in the total amount of Six Thousand Six Hundred Twenty-Nine and 56/100 Dollars (\$6,629.56) and that the Interim City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

ADOPTED

RESOLUTION NO.: 96 - 2014

OF

APRIL 14, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH  
PARROTT ENTERPRISES, INC. FOR EMERGENCY TEMPORARY REPAIRS  
TO THE NEWBURGH LANDING DOCK AT A COST OF \$33,250.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Parrott Enterprises, Inc. for emergency temporary repairs to the south side of the Newburgh Landing dock; and

WHEREAS, the proposed repairs will include removing broken timber and replacement of same, as well as replacing decking and the south handrail; and

WHEREAS, the cost for these services will be \$33,250.00, plus any applicable taxes and funding shall be derived from 2012 Bond; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and execute an agreement with other provisions as Corporation Council and the City Engineer require with Parrott Enterprises, Inc. for emergency temporary repairs to the Newburgh Landing dock at a cost of \$33,250.00.

**Jason Morris clarified that if the council wanted to go this route, then the emergency repair work would begin next week before we even get the structural analysis report back.**

**John Aber pointed out that the declaration of emergency allowed us to avoid the procurement policy. If the council would like to wait until after it has received the analysis report, then he recommends that we reject it and then bid it out when we receive the full study. From what he understands, this vendor is not going to be able to do the work after May 1<sup>st</sup> anyway. So the council is better off putting it out for bid to get a better price. The issue is that this vendor wants to do the work now, because**

he can start it before May 1<sup>st</sup>. By the time the study is completed, he will no longer be able to do the job.

Councilwoman Mejia explained that for her, this has nothing to do with the vendor. It has to do with ensuring that the residents have a close to on-time opening of the landing. If this goes out for bid, then we are looking at a late June to early July opening season.

Councilman Brown is concerned that we have a vendor who is telling us that he is unable to do the work after May 1<sup>st</sup>. Is he going to be rushing to get the work done? Or does he short us and do a job less than what he should do, all because he has another obligation? Brown stated that he is in full support of having the landing open for our residents. Yet he is in support of making sure it is done correctly. If part of it being done right means that we should find out what is going on underneath the water, then he feels we should do *that* first. Then we can move forward to get it repaired completely, without problems or issues.

Mayor Kennedy agreed with Councilman Brown. She would like to take a more thoughtful approach on it before making a decision.

James Slaughter remarked that it is important to realize that since we are tabling the resolution until after we've received the study, he strongly advises people to stay off the landing. Even though it has been cordoned off, people are still going on the landing. At this point we do not know what the real condition of the landing is.

Mayor Kennedy pointed out that more restrictive barriers are necessary to ensure the safety of the residents.

Councilman Brown moved and Councilwoman Abrams seconded that the resolution be tabled.

Ayes- Councilwoman Abrams, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Mayor Kennedy-5

Noes- Councilwoman Angelo, Councilwoman Mejia-2

TABLED

**RESOLUTION NO.: 97 - 2014**

**OF**

**APRIL 14, 2014**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) PLANNING GRANT FROM THE U.S. DEPARTMENT OF TRANSPORTATION IN AN AMOUNT NOT TO EXCEED TWO MILLION (\$2,000,000.00) DOLLARS FOR THE FURTHER DEVELOPMENT OF THE CITY'S WATERFRONT INCLUDING THE PORT OF NEWBURGH PROJECT**

**WHEREAS**, by Resolution No. 19-2014 of January 27, 2014, this Council expressed its conceptual support for the Port of Newburgh Project and its potential benefits; and agreed to further explore these opportunities and all necessary agreements and documents required for its implementation; and

**WHEREAS**, the Port of Newburgh Project has the potential to create a significant and positive impact on the City of Newburgh with regards to job opportunities, revenue and economic development; and

**WHEREAS**, the costs and expenses to finance the Port of Newburgh will be derived from private, Federal, State and County resources; and

**WHEREAS**, the City Council remains committed to ensuring the recreational access to the public, and working with partners to solidify solutions; and

**WHEREAS**, the City and the Port of Newburgh Project sponsors, along with the assistance of the Greater Newburgh Partnership, propose to submit a joint application for funding to the U.S. Department of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Program, for a planning grant in an amount not to exceed Two Million (\$2,000,000.00) Dollars to develop an integrated plan for the entire City waterfront and connection to the City's Broadway business corridor and the Port of Newburgh Project; and

**WHEREAS**, there is no City match required with the acceptance of this grant;

**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 apply for and accept if

awarded a FY2014 Transportation Investment Generating Economic Recovery (TIGER) Discretionary Planning Grant from the U.S. Department of Transportation in support of the further development of the City's waterfront and the Port of Newburgh Project in an amount not to exceed Two Million (\$2,000,000.00) Dollars; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh that the Interim City Manager be and he is hereby authorized to engage professional consulting services as necessary and appropriate to administer the grant proceeds and facilitate the management of the Project.

**Mayor Kennedy did not know if further explanation was necessary since two members of the council were absent from previous discussion.**

**Councilwoman Lee responded that she sits on the committee, therefore further discussion is not necessary.**

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Mayor Kennedy-6

Abstention- Councilwoman Mejia-1

ADOPTED

## OLD BUSINESS

Councilwoman Holmes asked Assistant Corporation Counsel Timothy Kramer if someone in his office had a chance to review the resolutions regarding the apprenticeship.

Kramer did not know the answer at this time, but stated that he would follow up with Michelle Kelson.

## **NEW BUSINESS**

**There were no comments at this time.**

## **PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS**

**Margarita Knox stated that she forwarded her resume to Councilwoman Lee. This is the third time that she has applied for a position in the City of Newburgh. Yet she has not heard anything. Knox is a NYS licensed and certified security guard. She is also a kennel technician, so she knows how to deal with animals. She is saddened when she hears comments that local people are not qualified to fill certain positions. She feels that it is easier to get approved for welfare than it is to find work in this city. Last, she spoke in support of the city manager. He is doing a great job. She does not see the point in trying to fix stuff that is not broken.**

**Councilwoman Lee responded that she gave Knox's resume to John Aber.**

**Aber remarked that every resume he received he forwarded directly to PEC. He explained that he actually received only one resume. And then he received another resume, but it was after the position was already filled. He stated that he would recheck his emails.**

**Brenda McPhail commented about the director of the Recreation Department not living in the City of Newburgh. Someone needs to check that, because you would be unable to get a job in Wallkill if you are not a resident there. Second, she stated that we have a chance for change. The person sitting in the city manager position now is doing an excellent job. She feels that we are good enough to clean toilets, take out the garbage and work on the back of sanitation trucks, yet we are not good enough to run a city. Something is wrong with that picture. We would rather bring in people from outside of the area, than to push our own. If you do not have any valid reason for not making Slaughter the city manager, then he needs to be appointed to the position.**

**Sean O'Shea remarked about the loss of fellow citizens Maryann Prokosch and Tim Hayes-el, both of whom regularly came to the council meetings. Second, he is very concerned about the Washington Lake development. This is something that is not going to help the City of Newburgh, rather it is something that is going to benefit**

the Town of Newburgh. They are doing it at the expense of our water resource, the place where we get our drinking water. We get no benefit out of this.

Roxie Royal commented about the memory of Timothy Hayes-el. Regardless of how he felt about the issues, he spoke it from the heart. We all have a right to our own feelings. Second, she stated that she has been around for a long time, and she has seen a lot of things through the years. Through the years African-Americans have educated and prepared themselves for certain jobs that at one time, people said we were not prepared for. Yet today we still have problems attaining certain positions. She hopes that we will search our hearts and our minds and search Slaughter's qualifications and his record of working in this city, before we come to a decision. Perhaps it may turn out that Slaughter is not the only African-American applicant while we go through the search process.

Richard Harper commented that every time he meets and speaks to Mr. Slaughter, he becomes more encouraged. Just the other day he read an article in the publication *Scenic Hudson*. Mr. Slaughter was one of the authors of the article. The entire publication is about the development of waterfronts along the Hudson River. Harper stated that he is certain Slaughter would do an excellent job as the planning director, but Harper has been very impressed with the work that Slaughter has done as City Manager.

This portion of the meeting was closed.

## FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Abrams wished everyone health, happiness and joy not only as we celebrate Passover, but forever too. Let's continue to work for economic and social freedom for all.

Councilwoman Angelo remarked that they had the first skateboard park meeting last week. Almost every skateboarder was present. The kids got to view the location. They were excited. Second, she mentioned that the council received a letter about the Tenant Responsibility Act, which was recently passed in Kingston, New York. The Act places more responsibility on tenants for the upkeep of the properties in which they reside. She often wondered why the landlords never made a list of their demands about upkeep of their properties in the first place. She forwarded the letter to the City Manager and Corporation Counsel for review.

Third, Angelo mentioned that participants need to get their applications in for the parade. Next, upcoming classes for citizenship classes are going to be held at the Newburgh Free Library. You would be surprised how many people come out for these sessions. Last, she wished everyone a Happy Easter.

Councilman Brown stated that he does not mind when people come up to the microphone to speak. But he has a problem when individuals quote stuff that no one except the council should know. He feels that one or two councilmembers are trying to derail the process. He states that he is looking for a city manager that is going to work with this council and move this city in the right direction. He does not feel that we've had that kind of momentum since he has been on the council. He is yearning for that. His vote will *not* be for Mr. Slaughter. Brown feels that one of the other two candidates would be worthy of the position, creating jobs, enforcing good policing and all of the other issues on the table that he constantly hears about. These things are unable to occur unless we build a team. Part of team building is putting the right person in the position.

Second, he was sorry to hear about the passing of Maryann Prokosch. She was a pillar in the community. She worked tirelessly on the creation of the Ward System

in Newburgh. He is sorry that she will not be around to actually see it working. He stated that he will miss her. Brown also gave his condolences for the passing of Timothy Hayes-el. You can say what you want to say about the young man. But when he came up to the microphone he was only arguing about what should have been corrected in this city. He wanted jobs and housing for the residents. Brown stated that he heard him loud and clear. He is going to continue to fight for those social and economic issues that Hayes came to the meetings and fought about for years.

Councilwoman Holmes remarked that a lot of people misunderstood Timmy. He is going to be a great loss to many. All he wanted is for this city to grow. He also wanted people to know who they are. Holmes offered her condolences for the loss of Maryann Prokosch. She was a wonderful person, who did a lot for the city. Second, she addressed Knox and said she was not aware that she had security experience. Holmes worked with city staff and fought to ensure that a city resident got the position. She commented about the Recreation Director. He has experience in sports management. There were other candidates, but they were not qualified. He had the qualifications so he got the job. Holmes hopes to be here for more than two years. She needs to be able to work collectively with a team to move this city forward. She has to select the person who is going to work with *her*.

Third, she mentioned that she has learned more about Washington Lake than anything else. Peter Smith and Jason Morris gave her a 3-hr class on the subject of our drinking water. They are very knowledgeable. Our drinking water is an asset to the city. Holmes pointed out that Morris is doing everything he possibly can to protect our drinking water from Crystal Run.

Councilwoman Lee stated that the city need continuity. She feels that we need to work with the people we have, and work with the city manager that we have. He is not responsible for the problems that we have. She has sat on the council for over two and a half years, and those problems were here before she arrived. She pointed out that we have had some good accomplishments. If we continue to blame Mr. Slaughter for everything and not own up to our own responsibility as a city council, then we are doing an injustice to essentially everyone.

Lee remarked that the city manager never gets any credit. It's the people he hires who receives the credit. She is not interested in another relationship. She is interested in making *this* relationship work. You can't just throw people away because they don't agree with you. She feels that Newburgh has not had this much calm since she moved here. A new city manager will come here with only five (5) votes, because two of them do not want new leadership. If this happens, then we are moving into dangerous territory.

Lee does not know how information leaked out, but she feels that we have a council that is notorious for sending out emails. She takes issue with being accused of leaking information though.

Councilwoman Mejia stated that she feels confident that the entire council is determined to protect the city's water. It is one of our most precious assets. Kudos to the entire staff for making this an instrumental part of this administration. Second, she attended the skateboard park meeting with Councilwoman Angelo. It was endearing to see a group of young people giving shape and advocating for an idea that they desire, and then making it a reality. She knows that it is only one segment of the youth population that we have, but it is encouraging to see.

Next, she mentioned that the Community Cleanup is going to be held on Saturday April 26<sup>th</sup>. Also she mentioned that the initial 1<sup>st</sup> Ward meeting will be held tomorrow evening at 123 Grand Street. Mejia is extremely excited about all of the different initiatives that this council, along with city staff, is embarking on. It is a great time to be in the City of Newburgh. She encouraged us to reflect on 2014: a year of making change and a year in which we lost two integral community members. We need to best figure out how to come to a middle ground and honor their souls.

Mayor Kennedy commented that she came to know Maryann Prokosch, Timothy Hayes-el and Twyla Cains. Each of them had a passion for this city, as well as a passion for change and making something good happen. Second, she is proud of our entire city team in the protection of our drinking water. It has been a very good process, and one in which she believes sets a new tone for how we can work together to make things happen.

Kennedy wanted to set the record straight. She stated that Mr. Slaughter was hired to be the Economic Director of this city. No one has any intention of removing him or firing him. We had an incident in the city, in which the previous city manager had gotten into some trouble. She pointed out that some of the same people who are in favor of Slaughter are some of the same people who came up to the podium and campaigned for the previous city manager, not knowing all of the facts. She personally thanked Slaughter for stepping in and acting as city manager. She thanked him for keeping things on track. She appreciates his service, and has never spoken words otherwise. Generally interim managers of any kind return to their original positions. Usually this is how it works in the business world. We are following that process in the City of Newburgh.

Indeed the council is seeking stability, yet we are looking for changes. We are looking for a certain set of skills and talents. Instead of us fighting about it, she would really like to see us be able to work with whoever the next city manager is. She asked us to please consider this as we move this city forward. She pointed out that she is looking forward to having Slaughter remain part of the team.

There were no additional comments at this time.

## EXECUTIVE SESSION

Councilman Brown moved and Councilwoman Holmes seconded that the council enter into an executive session at 9:10 P.M.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7  
CARRIED