

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 12, 2015 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Elder Jessie Howard with Cross International Ministries followed by the Pledge of Allegiance.

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

COMMUNICATIONS

Councilwoman Abrams moved and Councilwoman Angelo seconded that the Minutes of the December 15, 2014 Council Meeting be approved.

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

CARRIED

City Manager, Michael Ciaravino gave an update on some key highlights and progress in City departments.

PRESENTATIONS

The City Council presented a Certificate of Recognition to Chief Michael Ferrara for his forty-two years of service in the City of Newburgh Police Department.

The City Council presented a Certificate of Achievement to Deborah Dresser for her work with the Newburgh Girl Power Program.

The City Council presented Certificates of Recognition to the following retailers who voluntarily choose not to sell tobacco products:

Emiliano Asadoro	Paulita's	289-293 Broadway
Manuel Zaccarias	Jhostin Grocery	408 Broadway
Ravikumar Somepalli	ACE Drugs	192 Broadway
Andreas Garcia	Geraci's Market	16 Mill Street
Francisco Martinez	La Amistad	74 Mill Street
Hardip Raval	Harinam Pharmacy	313 South Robinson
Soon Hye Park	Broadway Farms	151 Broadway

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

There were no comments.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

RESOLUTION NO.: 1 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS FOR THE CITY OF NEWBURGH
CONSERVATION ADVISORY COUNCIL**

WHEREAS, various businesses, firms and individuals have made generous contributions for the Conservation Advisory Council; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donations;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations for the Conservation Advisory Council with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 2 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
A DONATION OF SPORTS EQUIPMENT AND APPAREL
FROM GOOD SPORTS, INC. IN THE AMOUNT OF \$4,186.00
FOR USE BY THE CITY OF NEWBURGH RECREATION DEPARTMENT**

WHEREAS, Good Sports, Inc. helps to lay the foundation for healthy, active lifestyles by providing athletic equipment, footwear, and apparel to disadvantaged young people nationwide, and by partnering with sporting goods manufactures Good Sports is able to donate to programs in need; and

WHEREAS, the Recreation Department is actively working towards improving Delano-Hitch Park while providing quality programming for City of Newburgh Residents; and

WHEREAS, Good Sports, Inc. has offered to donate equipment and apparel items in the amount of \$4,186.00; and

WHEREAS, the City will be responsible for the cost of an administration fee in the amount to \$250.00; and

WHEREAS, this Council has determined it to be in the mutual best interests of the City of Newburgh, its young people and their families to accept such donation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a donation of sports equipment and apparel from Good Sports, Inc., in the amount of \$4,186.00 for use by the City of Newburgh Recreation Department; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such donation.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 3 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NEWBURGH EXPRESSING SUPPORT FOR A COMPREHENSIVE
CLEANUP AND REMOVAL OF PCBs FROM THE HUDSON RIVER**

WHEREAS, the Hudson River is an American Heritage River, and the Valley a National Heritage Area, and the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it, as well as the state and the country at large; and

WHEREAS, nearly 200 miles of the Hudson River — from Hudson Falls to New York City — are a federal Superfund site because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants for thirty years, between 1947 and 1977; and

WHEREAS, PCBs are manmade, bioaccumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects, including, among others: cancer, liver, and kidney disorders; reduced birth weight, conception rates, and live birth rates; persistent and significant deficits in neurological development, including visual recognition, short-term memory and learning; and developmental problems due to interference with thyroid hormone levels; and

WHEREAS, PCBs discharged by GE are present throughout the Hudson River ecosystem: in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air; and

WHEREAS, human beings may be exposed to PCBs by a variety of means, including eating PCB-contaminated fish or other contaminated foods, breathing in airborne PCBs, drinking PCB-contaminated water, or skin contact with PCB-laden soils; and

WHEREAS, in addition to posing ongoing health concerns, the continued presence of PCBs in the Hudson River has terminated or significantly damaged a number of formerly robust economic industries, including: the multi-million-dollar-a-year commercial fishing industry, closed below Hudson Falls since 1976; deep draft commercial shipping through the Champlain Canal, effectively closed for the past thirty years by the accumulation of PCB-contaminated sediments in the canal; and tourism, long-impaired by public perception that PCB contamination prevents the Hudson from being a safe or desirable place to visit or recreate; and

WHEREAS, the continued presence of PCBs in the Hudson River has also diminished the use and enjoyment of those who currently use the river, as exemplified by the longstanding NY State Department of Health (DOH) fish advisories against the consumption of recreationally caught fish and the numerous government-posted signs along the river warning of the presence of PCB-contaminated soils and sediments; and

WHEREAS, EPA determined in 2000 as part of its Reassessment Remedial Investigation/Feasibility Study (RI/FS) for the Hudson River Superfund Site that PCBs in the upper

Hudson were a “dominant source” of “the PCB load to the water column of the Upper Hudson River,” and that microbial breakdown (natural attenuation) will not rid the River of PCBs; and

WHEREAS, the EPA’s 2002 Record of Decision for the Hudson River Site selected environmental dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River as the best river sediment remedy to reestablish the ecological and economic health of the Hudson River; and

WHEREAS, since July of 2002, GE has agreed to a series of administrative orders of consent and has entered into a consent decree with EPA, all in which it has agreed to perform activities needed for implementation of the selected remedial action for river sediments; and

WHEREAS, this remedy segmented the Upper Hudson River into three sections by latitude, with a more stringent cleanup standard applied to River Section 1 than to River Sections 2 or 3; and

WHEREAS, GE commenced the first phase of remedial dredging in 2009, and the second and final phase in 2011; and

WHEREAS, in 2011, the U.S. National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service—the two federal agencies, along with the State of New York, entrusted with assessing the cost of GE’s “natural resource damage” liability for public losses incurred as a result of GE’s pollution of the Hudson River (the “Trustees”)—published reports identifying a number of problems with the 2002 river sediment remedy as implemented; and

WHEREAS, these problems included, among others: that failure to apply the more stringent criteria in River Sections 2 and 3, in practice, would leave behind the “equivalent to a series of Superfund-caliber sites” in those sections with average surface concentrations at “five times higher after remediation than predicted by the 2002 remedy;” that “the majority of the elevated post-construction sediment concentrations are adjacent to planned dredge areas” resulting in “the high likelihood of remediated areas becoming recontaminated;” that the rate of decline of PCBs in fish “was significantly overestimated” by earlier EPA models; and that unremediated sediments “will eliminate significant opportunities for restoration of natural resources in precisely those locations where it would be most valuable;” and

WHEREAS, despite these significant concerns, no modification to the scope or implementation of the 2002 river sediment remedy has been made either by EPA or GE; and

WHEREAS, significant amounts of PCBs also remain in the Hudson River floodplains, and portions of the Old Champlain Canal in Schuylerville; and

WHEREAS, GE anticipates it will complete its limited dredging operations in 2015, and presumably will begin dismantling its multi-million dollar infrastructure constructed for the dredging and dewatering of contaminated sediments shortly thereafter; and

WHEREAS, in September of 2014, GE agreed to an administrative order on consent regarding study of the Upper Hudson River floodplains to assist in the creation of an RI/FS for remediating those floodplains; and

WHEREAS, remaining PCB contamination within the river and the floodplains inhibits private and public growth, development, and recreational and business opportunities along the shores of the Hudson River and presents the risk of recontaminating the previously-cleaned areas planned for business or recreational use; and

WHEREAS, the current scope of planned dredging will not restore the Hudson River to its former ecological health, and the continued presence of highly contaminated sediments in the Upper Hudson River will prevent the revival of long-dormant economic opportunities for both the Upper and Lower Hudson communities; and

WHEREAS, these significant economic opportunities can only be unlocked by a robust cleanup of the Hudson that addresses contaminated sediments overlooked by the 2002 Record of Decision as well as other contaminated areas within and around the Hudson River;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby urges a more thorough removal of PCBs from the Hudson River and calls upon GE to: (1) dredge all areas of PCB-contaminated sediments in River Sections 2 and 3 that would require cleanup under the applicable-standards in River Section 1, including, at minimum, the 136 acres identified by the federal Trustees; (2) conduct any additional necessary removal of soils and sediments in PCB-contaminated "hot spots" in and around the Upper Hudson River, including cleanup of the Champlain Canal to ensure full use of the canal by deep draft shipping vessels; and (3) complete a thorough analysis and robust cleanup of the Hudson River, including the floodplains and the Old Champlain Canal, in order to restore the River to its full health and value as a natural and economic resource; and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby directed to send a copy of this resolution to:

- Jeffrey Immelt, Chairman and CEO, General Electric Corporation
- New York State Governor Andrew Cuomo
- NYS Office of the Attorney General
- NYS Department of Environmental Conservation
- NYS Canal Corporation
- National Oceanic and Atmospheric Agency (NOAA)
- US Department of Interior Fish and Wildlife Service
- US Environmental Protection Agency – Region 2 and Hudson River Field Office
- US Environmental Protection Agency - Region 2 and Hudson River Field Office
- Hudson River Congressional Delegation

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.: 4 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO BENJAMIN P. REYNOLDS
TO THE PREMISES KNOWN AS 55 CHAMBERS STREET
(SECTION 30, BLOCK 4, LOT 7)**

WHEREAS, on December 14, 1999, the City of Newburgh conveyed 55 Chambers Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 30, Block 4, Lot 7, to Benjamin P. Reynolds by deed containing restrictive covenants; and

WHEREAS, by deed dated April 2, 2013, the City of Newburgh conveyed the premises to the Newburgh Community Land Bank, Inc. ("Land Bank"); and

WHEREAS, the Land Bank now desires to convey the premises to Habitat for Humanity of Greater Newburgh, Inc. ("Habitat"); and

WHEREAS, Habitat, by their attorney, has requested a release of the restrictive covenants contained in the deed to Benjamin P. Reynolds; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3 and 4 of the aforementioned deed.

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.: 5 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO BETH CONROY
TO THE PREMISES KNOWN AS 30 E. PARMENTER STREET
(SECTION 39, BLOCK 3, LOT 27)**

WHEREAS, on July 1, 1996, the City of Newburgh conveyed property located at 30 E. Parmenter Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 39, Block 3, Lot 27, to Beth Conroy; and

WHEREAS, the premises was subsequently conveyed to Habitat for Humanity of Greater Newburgh, Inc. ("Habitat"); and

WHEREAS, Habitat, by their attorney, has requested a release of the restrictive covenants contained in the deed to Beth Conroy; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3 and 4 of the aforementioned deed.

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.: 6 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LEASE RENEWAL WITH
REPRESENTATIVE SEAN PATRICK MALONEY
FOR A PORTION OF THE SECOND FLOOR OF 123 GRAND STREET
FOR A TERM OF TWO YEARS IN THE AMOUNT OF \$2,000.00 PER MONTH**

WHEREAS, by Resolution No. 12-2013 of January 14, 2013, the City Council of the City of Newburgh authorized the City Manager to execute a lease agreement with Representative Sean Patrick Maloney Committee for a portion of the second floor of 123 Grand Street has offered the City owned premises at 123 Grand Street for rental; and

WHEREAS, Representative Sean Patrick Maloney has expressed an interest in renewing said lease to continue the use of said premises as a Congressional District Office; and

WHEREAS, the renewal term of the lease shall be two years and the rent shall be two thousand (\$2,000.00) per month as set forth in the lease, a copy of which is annexed hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such lease and finds that entering into the same would be in the best interests of the City of Newburgh and the community alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the attached lease agreement with Representative Sean Patrick Maloney Committee for a portion of the second floor of 123 Grand Street on the terms and conditions contained in the subject lease.

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

District Office Lease – Instructions

NO LEASE OR ATTACHMENT CAN BE SIGNED BEFORE THEY HAVE BEEN APPROVED BY THE ADMINISTRATIVE COUNSEL.

The term for a District Office Lease for the 114th Congress may not commence prior to January 3, 2015.

Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 114th Congress, leases should end on January 2, 2017, not December 31, 2016.

- A. The preamble has three blank lines to be filled in: (1) Landlord's name; (2) Landlord's address; and (3) Member/Member-Elect's name.
- B. Section 1 has three blank lines to be filled in: (1) square footage of the leased office (optional); (2) street address of the leased office; and (3) city, state and ZIP code of the leased office.
- C. Section 2 has boxes that can be checked on whether any lease amenities (such as parking, utilities, janitorial services, trash removal, etc.) are included in the lease. Note that this checklist is only for convenience and the listed amenities are not required. Some of the options have a blank line to be filled in to provide additional information about an amenity.
- D. Section 3 has two blank lines to be filled in: (1) date lease begins (must be on or after January 3, 2015); and (2) date lease ends (must be on or before January 2, 2017).
- E. Section 4 has one blank line for the monthly rent amount (write "zero" if no rent is to be paid).
- F. Section 5 has one blank line – the number of days' notice required for either party to terminate the lease before the end of the term. A standard period is 30 days, but any figure is acceptable. If the lease may not be terminated early, enter "N/A" in this blank.
- G. Sections 1–9, other than filling in the blanks, may not be altered or deleted.
- H. Section 11 has space provided to list any additional lease provisions.
- I. Prior to either party signing a lease, the Member/ Member-Elect must submit the proposed lease, accompanied by a copy of the District Office Lease Attachment for the 114th Congress, to the Administrative Counsel for review and approval. If the proposed terms and conditions of the lease are determined to be in compliance with applicable law and House Rules and Regulations, the Administrative Counsel will notify the Member/Member-Elect that (s)he may proceed with the signing of the lease. Please submit the proposed lease and District Office Lease Attachment either by e-mail in PDF form (leases@mail.house.gov) or fax (202-225-6999).
- J. **The Member/Member-Elect is required to personally sign the documents. A signed and dated District Office Lease Attachment must accompany this lease.** Once signed by both parties, the Lease and the District Office Lease Attachment must be submitted to the Administrative Counsel for final approval. They may be sent by email in PDF form or faxed to 202-225-6999, but the originals still must be submitted by inter office mail (217 Ford House Office Building, Washington, D.C. 20515) after emailing or faxing.
- K. If approved, Administrative Counsel will send the forms to Finance so that payment can begin. If there are errors on the form, the Member office will be contacted and required to correct them.

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease

(Page 1 of 3 -- 114th Congress)

Pursuant to 2 U.S.C.A. § 4313, and the Regulations of the Committee on House Administration (as modified from time to time by Committee Order) relating to office space in home districts, _____
City of Newburgh, 83 Broadway, Newburgh, NY 12550

(Landlord's name) (Landlord's street address, city, state, ZIP code)
("Lessor"), and Rep. Sean Patrick Maloney, a Member/Member-Elect of the U.S. House of Representatives ("Lessee"), agree as follows:

1. **Location.** Lessor shall lease to Lessee 2,250 square feet of office space located at
123 Grand Street, 2nd Floor
(Office street address)
in the city, state and ZIP code of Newburgh, NY 12550
(Office city, state and ZIP)

2. **Lease Amenities.** Note that this checklist is for convenience only and the listed amenities are not required. However, the interior wiring of a CAT 5e or better and broadband internet access to the building will likely expedite the process for the office to be fully operational.

The Lease includes (please check any and complete all that apply):

- Telephone Service Available. (interior wiring CAT 5e or better)
- Broadband Internet Access to Building. (e.g., COMCAST, COX or like provider)
- Parking. 2 no. of assigned parking spaces no. of unassigned parking spaces
- General off-street parking on an as available basis
- Utilities. Includes: water, sewer and electricity
- Janitorial Services: on public areas of building, including rest rooms, stairwell, elevator, and first floor lobby and maintain grounds of building so that it remains presentable and accessible.
- Trash Removal
- Lobby security provided by Police Department or its Auxiliary Unit.
- Install new key-entry system with changeable code or secure access.
- After Hours Building Access,
- Construction of a wall and lockable door dividing City Council office space from office.

Building Manager. Onsite On Call Contact Name: George Garrison

Phone Number: 845-565-3297 Email Address: ggarrison@cityofnewburgh-ny.g

3. **Term.** Lessee shall have and hold the leased premises for the period beginning January 2, 2015 and ending January 2, 202017. The term of this District Office Lease ("Lease") may not exceed two (2) years and may not extend beyond January 2, 2017, which is the end of the constitutional term of the Congress to which the Member is elected.

4. **Rent.** The monthly rent shall be \$2,000.00, and is payable in arrears on or before the last day of each calendar month. Rent payable under this Lease shall be prorated on a daily basis for any fraction of a month of occupancy.

U.S. House of Representatives

Washington, D.C. 20515

District Office Lease

(Page 2 of 3 – 114th Congress)

5. **Early Termination.** This Lease may be terminated by either party giving 30 days' prior written notice to the other party. The commencement date of such termination notice shall be the date such notice is delivered or, if mailed, the date such notice is postmarked.
6. **Payments.** During the term of this Lease, rent payments under Section 4 of this Lease shall be remitted to the Lessor by the Chief Administrative Officer of the U.S. House of Representatives (the "CAO") on behalf of the Lessee.
7. **District Office Lease Attachment for 114th Congress.** The District Office Lease Attachment attached hereto is incorporated herein by reference, and this Lease shall have no force or effect unless and until accompanied by an executed District Office Lease Attachment for the 114th Congress.
8. **Counterparts.** This Lease may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
9. **Section Headings.** The section headings of this Lease are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.
10. **Modifications.** Any amendments, additions or modifications to this Lease inconsistent with Sections 1 through 9 above shall have no force or effect to the extent of such inconsistency.
11. **Other.** Additionally, the Lessor and the Lessee agree to the following:

The Lessor and Lessee agree that the following work will be completed:

 1. The Lessor will evaluate and repair the HVAC system.
 2. The Lessor will replace lights in the office space.
 3. The Lessor will replace garbage cans with a dumpster which can be locked.
 4. The Lessor will provide a security guard in the lobby of the building.
 5. The Lessor will construct a partition between the Congressman's office space and the remaining office space with appropriate entryways.

[Signature page follows.]

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease

(Page 3 of 3 – 114th Congress)

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease as of the later date written below by the Lessor or the Lessee.

City of Newburgh

Print Name of Lessor/Landlord/Company

Rep. Sean Patrick Maloney

Print Name of Lessee

By: _____

Lessor Signature

Name:

Title:

Lessee Signature

Date

Date

Save

Print

This District Office Lease must be accompanied with an executed District Office Lease Attachment.

District Office Lease Attachment- Instructions

The District Office Lease Attachment is a 4-page document that must accompany *every* Lease or District Office Lease Amendment that is submitted for a Member/Member-Elect's District Office.

NO LEASE, AMENDMENT OR ATTACHMENT CAN BE SIGNED BEFORE THEY HAVE BEEN APPROVED BY THE ADMINISTRATIVE COUNSEL.

The term of a District Office Lease or Amendment for the 114th Congress may not commence prior to January 3, 2015.

Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 114th Congress, leases should end on January 2, 2017, not December 31, 2016.

Four things are required:

1. the signature of the Landlord and date;
2. the signature of the Member/ Member-Elect of Congress and date;
3. contact information for the person in the Member/ Member-Elect's office whom we should call if there are any problems or questions (scheduler, etc.); and
4. the signature from the Office of the Administrative Counsel.

A few things to keep in mind:

- A. The Member/ Member-Elect is required to personally sign the documents.
- B. The Attachment **SHALL NOT** have any provisions deleted or changed.
- C. Even if rent is zero, an Attachment is still required.
- D. Prior to either party signing a Lease or Amendment, the Member/ Member-Elect must submit the proposed Lease or Amendment, accompanied by a copy of the Attachment, to the Administrative Counsel for review and approval. If the Administrative Counsel determines that the proposed terms and conditions of the Lease or Amendment are in compliance with applicable law and House Rules and Regulations, the Administrative Counsel will notify the Member/Member-Elect that (s)he may proceed with the execution of the Lease or Amendment. Please submit the proposed Lease or Amendment and Attachment either by e-mail in PDF form (leases@mail.house.gov) or by fax (202-225-6999).
- E. Once signed by both parties, the Lease or Amendment and the Attachment must be submitted to the Administrative Counsel for final approval. The Attachment should be submitted at the same time the Lease or Amendment is sent to the Administrative Counsel. They may be sent by email in PDF form or faxed to (202-225-6999), but the originals still must be submitted by interoffice mail (217 Ford House Office Building, Washington, D.C. 20515) after emailing or faxing.
- F. Without a properly signed and submitted Attachment, the Lease or Amendment cannot be approved and payments will not be made. The parties agree that any charges for default, early termination or cancellation of the Lease or Amendment which result from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee, and are not reimbursable from the Member's Representational Allowance.
- G. Lessor shall provide a copy of any assignment, estoppel certificate, notice of a bankruptcy or foreclosure, or notice of a sale or transfer of the leased premises to the Administrative Counsel by e-mail in PDF form (leases@mail.house.gov).

District Office Lease Attachment

(Page 1 of 4 – 114th Congress)

1. **Incorporated District Office Lease Attachment.** Lessor (Landlord) and Lessee (Member/Member-Elect of the U.S. House of Representatives) agree that this District Office Lease Attachment (“Attachment”) is incorporated into and made part of the Lease (“Lease”) and, if applicable, District Office Lease Amendment (“Amendment”) to which it is attached.
2. **Performance.** Lessor expressly acknowledges that neither the U.S. House of Representatives (the “House”) nor its Officers are liable for the performance of the Lease. Lessor further expressly acknowledges that payments made by the Chief Administrative Officer of the House (the “CAO”) to Lessor to satisfy Lessee’s rent obligations under the Lease – which payments are made solely on behalf of Lessee in support of his/her official and representational duties as a Member of the House – shall create no legal obligation or liability on the part of the CAO or the House whatsoever. Lessee shall be solely responsible for the performance of the Lease and Lessor expressly agrees to look solely to Lessee for such performance.
3. **Modifications.** Any amendment to the Lease must be in writing and signed by the Lessor and Lessee. Lessor and Lessee also understand and acknowledge that the Administrative Counsel for the CAO (“Administrative Counsel”) must review and give approval of any amendment to the Lease prior to its execution.
4. **Compliance with House Rules and Regulations.** Lessor and Lessee understand and acknowledge that the Lease shall not be valid, and the CAO will not authorize the disbursement of funds to the Lessor, until the Administrative Counsel has reviewed the Lease to determine that it complies with the Rules of the House and the Regulations of the Committee on House Administration, and approved the Lease by signing on page 4 of this Attachment.
5. **Payments.** The Lease is a fixed term lease with monthly installments for which payment is due in arrears on or before the end of each calendar month. In the event of a payment dispute, Lessor agrees to contact the Office of Finance of the House at 202-225-7474 to attempt to resolve the dispute before contacting Lessee.
6. **Void Provisions.** Any provision in the Lease purporting to require the payment of a security deposit shall have no force or effect. Furthermore, any provision in the Lease purporting to vary the dollar amount of the rent specified in the Lease by any cost of living clause, operating expense clause, pro rata expense clause, escalation clause, or any other adjustment or measure during the term of the Lease shall have no force or effect.
7. **Certain Charges.** The parties agree that any charge for default, early termination or cancellation of the Lease which results from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee, and shall not be paid by the CAO on behalf of the Lessee.
8. **Death, Resignation or Removal.** In the event Lessee dies, resigns or is removed from office during the term of the Lease, the Clerk of the House may, at his or her sole option, either: (a) terminate the Lease by giving thirty (30) days’ prior written notice to Lessor; or (b) assume the obligation of the Lease and continue to occupy the premises for a period not to exceed sixty (60) days following the certification of the election of the Lessee’s successor. In the event the Clerk elects to terminate the Lease, the commencement date of such thirty (30) day termination notice shall be the date such notice is delivered to the Lessor or, if mailed, the date on which such notice is postmarked.

District Office Lease Attachment

(Page 2 of 4 – 114th Congress)

9. **Term.** The term of the Lease may not exceed the constitutional term of the Congress to which the Lessee has been elected. The Lease may be signed by the Member-Elect before taking office. Should the Member-Elect not take office to serve as a Member of the 114th Congress, the Lease will be considered null and void.
10. **Early Termination.** If either Lessor or Lessee terminates the Lease under the terms of the Lease, the terminating party agrees to promptly file a copy of any termination notice with the Office of Finance, U.S. House of Representatives, B-245 Longworth House Office Building, Washington, D.C. 20515, and with the Administrative Counsel by e-mail at leases@mail.house.gov.
11. **Assignments.** Lessor shall not have the right to assign (by operation of law or otherwise) any of its rights, interests and obligations under the Lease, in whole or in part, without providing thirty (30) days prior written notice to Lessee, and any such purported assignment without such notice shall be void. Lessor shall promptly file a copy of any such assignment notice with the Administrative Counsel by e-mail at leases@mail.house.gov.
12. **Sale or Transfer of Leased Premises.** Lessor shall provide thirty (30) days prior written notice to Lessee in the event (a) of any sale to a third party of any part of the leased premises, or (b) Lessor transfers or otherwise disposes of any of the leased premises, and provide documentation evidencing such sale or transfer in such notice. Lessor shall promptly file a copy of any such sale or transfer notice with the Administrative Counsel by e-mail at leases@mail.house.gov.
13. **Bankruptcy and Foreclosure.** In the event (a) Lessor is placed in bankruptcy proceedings (whether voluntarily or involuntarily), (b) the leased premises is foreclosed upon, or (c) of any similar occurrence, Lessor agrees to promptly notify Lessee in writing. Lessor shall promptly file a copy of any such notice with the Office of Finance, U.S. House of Representatives, B-245 Longworth House Office Building, Washington, D.C. 20515, and with the Administrative Counsel by e-mail at leases@mail.house.gov.
14. **Estoppel Certificates.** Lessee agrees to sign an estoppel certificate relating to the leased premises (usually used in instances when the Lessor is selling or refinancing the building) upon the request of the Lessor. Such an estoppel certificate shall require the review of the Administrative Counsel, prior to Lessee signing the estoppel certificate. Lessor shall promptly provide a copy of any such estoppel certificate to the Administrative Counsel by e-mail at leases@mail.house.gov.
15. **Maintenance of Common Areas.** Lessor agrees to maintain in good order, at its sole expense, all public and common areas of the building including, but not limited to, all sidewalks, parking areas, lobbies, elevators, escalators, entryways, exits, alleys and other like areas.
16. **Maintenance of Structural Components.** Lessor also agrees to maintain in good order, repair or replace as needed, at its sole expense, all structural and other components of the premises including, but not limited to, roofs, ceilings, walls (interior and exterior), floors, windows, doors, foundations, fixtures, and all mechanical, plumbing, electrical and air conditioning/heating systems or equipment (including window air conditioning units provided by the Lessor) serving the premises.

District Office Lease Attachment

(Page 3 of 4 – 114th Congress)

17. **Lessor Liability for Failure to Maintain.** Lessor shall be liable for any damage, either to persons or property, sustained by Lessee or any of his or her employees or guests, caused by Lessor's failure to fulfill its obligations under Sections 15 and 16.
18. **Initial Alterations.** Lessor shall make any initial alterations to the leased premises, as requested by Lessee and subject to Lessor's consent, which shall not be unreasonably withheld. The cost of such initial alterations shall be included in the annual rental rate.
19. **Federal Tort Claims Act.** Lessor agrees that the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, satisfies any and all obligations on the part of the Lessee to purchase private liability insurance. Lessee shall not be required to provide any certificates of insurance to Lessor.
20. **Limitation of Liability.** Lessor agrees that neither Lessee nor the House nor any of the House's officers or employees will indemnify or hold harmless Lessor against any liability of Lessor to any third party that may arise during or as a result of the Lease or Lessee's tenancy.
21. **Compliance with Laws.** Lessor shall be solely responsible for complying with all applicable permitting and zoning ordinances or requirements, and with all local and state building codes, safety codes and handicap accessibility codes (including the Americans with Disabilities Act), both in the common areas of the building and the leased space of the Lessee.
22. **Electronic Funds Transfer.** Lessor agrees to accept monthly rent payments by Electronic Funds Transfer and agrees to provide the Office of Finance, U.S. House of Representatives, with all banking information necessary to facilitate such payments.
23. **Refunds.** Lessor shall promptly refund to the CAO, without formal demand, any payment made to the Lessor by the CAO for any period for which rent is not owed because the Lease has ended or been terminated.
24. **Conflict.** Should any provision of this Attachment be inconsistent with any provision of the attached Lease or attached Amendment, the provisions of this Attachment shall control, and those inconsistent provisions of the Lease or the Amendment shall have no force and effect to the extent of such inconsistency.
25. **Construction.** Unless the clear meaning requires otherwise, words of feminine, masculine or neuter gender include all other genders and, wherever appropriate, words in the singular include the plural and vice versa.
26. **Fair Market Value.** The Lease or Amendment is entered into at fair market value as the result of a bona fide, arms-length, marketplace transaction. The Lessor and Lessee certify that the parties are not relatives nor have had, or continue to have, a professional or legal relationship (except as a landlord and tenant).
27. **District Certification.** The Lessee certifies that the office space that is the subject of the Lease is located within the district the Lessee was elected to represent unless otherwise authorized by Regulations of the Committee on House Administration.

District Office Lease Attachment

(Page 4 of 4 – 114th Congress)

28. **Counterparts.** This Attachment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
29. **Section Headings.** The section headings of this Attachment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Attachment as of the later date written below by the Lessor or the Lessee.

<p>_____</p> <p><i>Print Name of Lessor/Landlord</i></p> <p>By: _____</p> <p style="padding-left: 40px;"><i>Lessor Signature</i></p> <p>Name: _____</p> <p>Title: _____</p> <p>_____</p> <p style="text-align: center;"><i>Date</i></p>	<p>Rep. Sean Patrick Maloney</p> <p>_____</p> <p><i>Print Name of Lessee</i></p> <p>_____</p> <p style="text-align: center;"><i>Lessee Signature</i></p> <p>_____</p> <p style="text-align: center;"><i>Date</i></p>
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From the Member's Office, who is the point of contact for questions? Name _____ Phone (____) _____ E-mail _____@mail.house.gov

This District Office Lease Attachment and the attached Lease or Amendment have been reviewed and are approved, pursuant to Regulations of the Committee on House Administration.

Signed _____ Date _____, 20____
(Administrative Counsel)

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515. Copies may also be faxed to 202-225-6999.

Save

Print

Open Form

This form is designed to be filled out using Adobe Reader

Print Form Only - No Instructions

Save Form

Print Form & Instructions

U.S. House of Representatives

Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form

Internal Revenue Code 6109, 31 U.S.C. 3322, 31 CFR 210 and the 1996 Debt Collection Improvement Act require all entities that do business with the United States Government to provide a Tax Identification Number (TIN) and Electronic Funds Transfer (EFT) information for payment. PL 93-579 protects your privacy and mandates that the information never be published or used for any other purpose than to pay you. *Please complete all sections below, sign and return via the email or fax number listed.*

RETURN FORM TO: VendorEFT@mail.house.gov

FAX NUMBER: (202) 225-6914

SECTION I UNITED STATES HOUSE OF REPRESENTATIVES INFORMATION

ADDRESS US HOUSE OF REPRESENTATIVES - ACCOUNTING, 3110 O'NEILL FEDERAL BUILDING, WASHINGTON, DC 20515

AGENCY IDENTIFIER SS-6002523

AGENCY LOCATION CODE 4832

TELEPHONE NUMBER (202) 226-2211

SECTION II PAYEE/COMPANY INFORMATION

NAME (AS SHOWN ON YOUR INCOME TAX RETURN)

CHECK APPROPRIATE BOX FOR FEDERAL TAX CLASSIFICATION (required)

- Individual
- Sole Proprietor
- C Corporation
- S Corporation
- Partnership
- Trust/Est/Etc

Limited Liability Company Enter tax classification (C=C corporation, S=S corporation, P= Partnership) Exempt payee

BUSINESS NAME/DISREGARDED ENTITY NAME or DBA, IF DIFFERENT THAN ABOVE

OTHER (Other entities. Enter your business name below as shown on required federal tax documents "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.)

TYPE OF TAX IDENTIFICATION NUMBER ENTER TAX IDENTIFICATION NUMBER
SOCIAL SECURITY NUMBER (or EIN)
ADDRESS/CITY/STATE/ZIP

PURCHASE ORDER ADDRESS/CITY/STATE/ZIP

CONTACT PERSON NAME

EMAIL

EMAIL

TELEPHONE NUMBER

FAX NUMBER

TELEPHONE NUMBER

FAX NUMBER

REMIT TO ADDRESS

SECTION III FINANCIAL INSTITUTION INFORMATION

BANK NAME (Branch City, State)

ACH COORDINATOR NAME

TELEPHONE NUMBER

NINE-DIGIT ROUTING TRANSIT NUMBER

DEPOSITOR ACCOUNT TITLE

DEPOSITOR ACCOUNT NUMBER

LOCKBOX NUMBER

TYPE OF ACCOUNT

CHECKING

SAVINGS

LOCKBOX

SECTION IV SOCIO-ECONOMIC INFORMATION

Clear Section IV

Type of Business

Large Business-No Socio-Economic Designations Minority SmBusiness Sm-Disadv/Minority Sm-Disadv Only Sm/Min Only

Sm-Disadvantaged Business Prog

8 (a) Firm HUBZone Program HUBZone Eligible Emerging Small Business Women-Owned Business

Other Preference Programs

Buy Indian Directed to JWOD Non-Profit No Preference/Not Listed Small Business Set-Aside Very Small Business Set-Aside

Veteran Owned Status

Non-Vet Owned SmBus Other Vet Owned SmBus Serv-Disabled Vet Other Bus Serv-Disabled Vet Owned SB Vet-Owned Other Bus

Size of Business:

(A) 50 or less (B) 51-100 (C) 101-250 (D) 251-500 (E) 501-750 (F) 751-1,000 (G) Over 1,000 (M) 1 million or less

(N) 1.1-2 million

(P) 2.1-3.5 million

(R) 3.1-5 million

(S) 5.1-10 million

(T) 10.1-17 million

(Z) Over 17 million

SECTION V			CERTIFICATION OF DATA BY PAYEE/COMPANY		
NAME		TITLE/POSITION			
SIGNATURE		DATE		TELEPHONE NUMBER	

**Instructions for Completing
U.S. House of Representatives
Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form**

Section I - Agency Information – Includes the name and address, agency identifier, agency location code and telephone number for the House of Representatives.

Section II - Payee/Company Information – Print or type the name of the payee/company and address that will receive payment, social security or taxpayer ID number, contact person name, telephone number and email of the payee/company. Print or type the purchase order and remit to addresses if different from the payee/company address. Check the appropriate boxes for federal tax classification.

Section III - Financial Institution Information – Print or type the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Check the appropriate box for type of account. Payee/Company may include a voided check with this form.

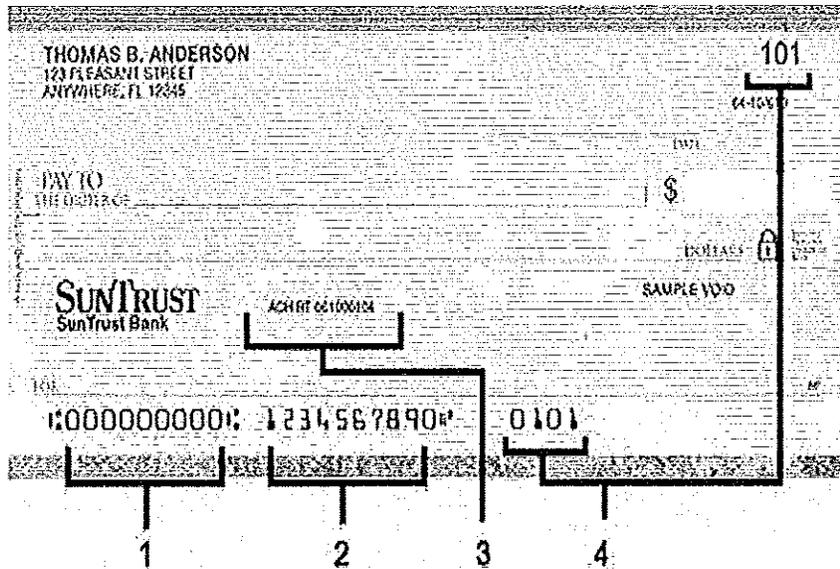
ACH Account Information Located on a Check or Deposit Ticket

FINANCIAL INSTITUTION NAME name of the financial institution to which the payments are to be directed

ROUTING TRANSIT NUMBER (RTN) financial institution's 9 digit routing transit number,
found on the bottom of a check or deposit ticket or from your Financial Institution

ACCOUNT TITLE employee's or vendor's name on the account

ACCOUNT NUMBER account number at the financial institution



1. Routing Transit Number (RTN) – nine digits located between two symbols. This number identifies the bank holding your account and check processing center.
2. Account number – this is your complete account number. Your account number can be up to 17 digits. Please include leading zeros.
3. ACH Routing Transit Number – Automated Clearing House routing number, use this number for your Routing Transit Number (RTN) if you bank with **SunTrust Bank**.
4. Check number – This information is not necessary - do not provide

Section IV - Socio-Economic Information – Check the boxes for each category, if applicable: type of business, small disadvantaged business program, HUBZone program, emerging small business, women-owned business, other preference programs, Veteran owned status and size of business. Detailed information related to Small Business programs can be found at <http://www.sba.gov/>.

Section V - Certification of Data By Payee/Company – Print or type the name, title/position and phone number of the Authorized official. The Authorized official must sign and date the form.

RESOLUTION NO.: 7 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A JOINT APPLICATION WITH
THE CITY OF NEWBURGH INDUSTRIAL DEVELOPEMNT AGENCY
TO APPLY FOR AND ACCEPT IF AWARDED
FUNDS IN AN AMOUNT NOT TO EXCEED \$310,000.00
FROM THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
UNDER THE SHOVEL READY PROGRAM**

WHEREAS, the Orange County Industrial Development Agency ("OCIDA") has developed a Shovel Ready Assistance Program (the "Program") in order to stay ahead of market conditions and provide potential businesses with the best opportunity to quickly begin operating in Orange County; and

WHEREAS, OCIDA has determined that certain risks and costs of the early stages of development have prevented municipalities from developing properties in the County to a shovel ready stage conducive to attracting businesses that would be highly beneficial to the County's continued economic success; and

WHEREAS, under the Program OCIDA will make expenditures for infrastructure and related improvements at sites that are ripe for the development of selected sites in Orange County that are favorable to use as large box and multi-user park sites; and

WHEREAS, the City of Newburgh and the City of Newburgh Industrial Development Agency ("IDA") wish to submit a joint application to the OCIDA for the Shovel Ready Program in an amount not to exceed \$310,000.00; and

WHEREAS, the funding will be used to support the development of 5 Scobie Drive and remedial work at the adjacent Department of Public Works ("DPW") site for tree removal, support of the Landfill Exemption Plan for DPW and grading the two (2) plus acres which adjoin both sites; and

WHEREAS, this Council has reviewed said grant and finds such to 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 City Manager be and he is hereby authorized to submit a joint application with the City of Newburgh Industrial Development Agency to apply for and accept if awarded funds in an amount not to exceed \$310,000.00 from the Orange County Industrial Development Agency Shovel Ready Program and to execute all necessary documents to receive and comply with the terms of such grant and to carry out the programs funded thereby.

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

ORDINANCE NO.: 1- 2015

OF

JANUARY 12, 2015

AN ORDINANCE AMENDING SECTION 288-71, SCHEDULE XIII, PARKING PROHIBITED AT ALL TIMES OF THE CODE OF ORDINANCES

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 288-71, Schedule XIII, and Section 288-74, Schedule XVI, be and are hereby amended as follows:

Section 288-71. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of Section 288-21, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Chamber Street</u>	<u>West</u>	<u>Beginning at a point 353 feet north of the perpendicular projection of the westerly curb line along Broadway and continuing north for a distance of 57 feet.</u>
<u>Chamber Street</u>	<u>East</u>	<u>Beginning at a point 328 feet north of the perpendicular projection of the easterly curb line along Broadway and continue north for a distance of 108 feet.</u>
<u>Lander Street</u>	<u>West</u>	<u>Beginning at a point 279 feet north of the perpendicular projection of the westerly curb line along Broadway and continuing north for a distance of 160 feet.</u>
<u>Lander Street</u>	<u>East</u>	<u>Beginning at a point 361 feet north of the perpendicular projection of the easterly curb line along Broadway and continuing north for a distance of 39 feet.</u>

This Ordinance shall take effect immediately.

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

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

ADOPTED

RESOLUTION NO.: 8 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT FUNDING SUPPORT FROM THE COUNTY OF ORANGE
TO PROVIDE FOR INFRASTRUCTURE REPAIRS IN THE CITY OF NEWBURGH**

WHEREAS, the City of Newburgh has been advised that the County of Orange has awarded funding; and

WHEREAS, the funds will be used for infrastructure repairs in the City of Newburgh, including repairs to the Mill Street Bridge, the Public Safety Building, the Department of Public Works building and other repairs of City owed buildings; and

WHEREAS, this Council has determined that accepting said funding award 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 City Manager be and he is hereby authorized to accept funding support from the County of Orange to provide for infrastructure repairs in the City of Newburgh; and he is hereby further authorized to execute any documents in connection with such funding award and to take all measures as may be appropriate and necessary to carry out such program.

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.: 9 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PROPOSAL WITH BARTON & LOGUIDICE, P.C.
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION
WITH THE DESIGN OF THE REPAIR FOR THE FOOTING SCOUR
UNDER PIER-5 OF THE MILL STREET BRIDGE
AT A COST NOT TO EXCEED \$12,500.00**

WHEREAS, in response to a red flag condition issued by the New York State Department of Transportation, the City's Engineering Department conducted an inspection of the scour condition under the Pier-5 footing on November 10, 2014, which subsequently led to the indefinite closure of the Mill Street Bridge; and

WHEREAS, the City of Newburgh wishes to execute a proposal with Barton & Loguidice, P.C. for professional services associated with repair of the footing scour condition under Pier 5 of the Mill Street Bridge; and

WHEREAS, the proposal includes investigation, design, bidding and part-time construction observation services required to address both the footing deficiency and the red flag condition issued by the New York State Department of Transportation; and

WHEREAS, the cost for these services are not to exceed \$12,500.00 and the funding shall be derived from an Orange County Grant Award; and

WHEREAS, the City Council has reviewed the annexed proposal, terms and conditions, and has determined that retaining such engineering 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 City Manager be and he is hereby authorized to execute the proposal with Barton & Loguidice, P.C. for professional engineering services in connection with the design of the repair of the footing scour condition under Pier-5 of the Mill Street Bridge at a cost not to exceed \$12,500.00.

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



Celebrating over 50 years of service

December 30, 2014

Jason Morris, P.E.
City Engineer
City of Newburgh
83 Grand Street
Newburgh, New York 12550

Re: NYSDOT Red Flag 8L140086
Mill Street Bridge BIN 2223610
City of Newburgh, Orange County, New York

File: P703.2786

Dear Mr. Morris:

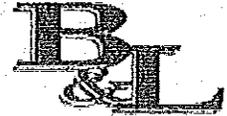
In response to your request, Barton & Loguidice, D.P.C. (B&L) is pleased to provide herewith a revised proposal to the City of Newburgh for professional services associated with red flag #8L140086 of the Bridge Carrying Mill Street over the Quassaick Creek (BIN 2223610) issued by NYSDOT on November 5, 2014. In December, 2013 B&L was requested to provide services to assist the City in developing the details of the repair of the undermining of the stone masonry at the beginning face of Pier 5. This letter proposal reflects revisions due to changed conditions, development of permitting needs, and rate changes.

Scope of Services

Our scope of services for investigation, design, bidding and part time construction services to address the red flag condition includes the following tasks:

1. Initial response to NYSDOT, if not already completed by the City
2. Acquiring of BIN folder information from the City and NYSDOT
3. Investigation of permitting needs/restrictions for necessary in-stream work (required cofferdams and installation of repair below ordinary water levels). Development of said permitting, inclusive of US Army Corp of Engineers Section 404 Nationwide, NYS Department of Environmental Conservation Section 401 Water Quality Certification and NYS Department of State approval.
4. Detail of repair sketches detailing recommended scour repairs. It is assumed that repairs will consist of either a cast in place concrete curtain wall with grout infill, or, the placement of grout bags and grout infill behind for the full length of the beginning face of pier 5. It is further assumed that sketches suitable for bidding will be provided. Sketches will show limits of work and intentions in plan, elevation and section.
5. Engineer's opinion of probable cost based on NYSDOT standard specifications and weighted average bid pricing for similar work.





Mr. Jason Morris, City Engineer

December 30, 2014

Page 2

6. Preparation of Bid documents for one contract using B&L standard front end contractual specifications, and NYSDOT standard specifications. It is assumed that the Bidders will obtain the Documents through the Empire State Bidding Website or through electronic media.
7. Prepare an Advertisement for Bid for publication by the City in accordance with its procurement process and procedures. B&L will assist in the reasonable notification of potential bidders suited for this type of remedial construction.
8. Address contractor questions during the bid phase of the work.
9. Attend the bid opening and tabulate the bids, review of bids from solicited bidders. Provide the City with the recommendation of award to lowest qualified bidder
10. Attend two field meetings and final review meeting.
11. Issuance of Flag Removal Request to the NYSDOT based on the completion of remedial construction.
12. Closeout paperwork with the City.

Technical Assumptions

B&L's fee is based on the following assumptions:

1. Coordination with NYS Department of State will be required since the project is located in the NYS Coastal Zone and within a LWRP community.
2. A Joint Application for Permit will be required to obtain the NYSDEC and USACE permits. Supporting documentation to address historic/cultural resources (coordination with SHPO) and threatened/endangered species (coordination with NHP, website queries) will be needed to support the permit request.
3. Addendums during the bidding of the work are assumed not to be required.
4. Construction observation will be on part-time basis, to review critical milestone achievements in the scope of work.

Fee for Services

Barton & Loguidice, D.P.C. proposes to provide the scope of engineering services described above based upon the information outlined above for the proposed not-to-exceed fee of \$12,500. These costs are based on our projected 2015 Standard Billing Rates. As services are rendered, they will be invoiced to the City monthly through the invoice date, on a time and expense basis in accordance with our standard billing rates in effect at the time the services are rendered and not to exceed \$12,500 without prior authorization of the City Council.





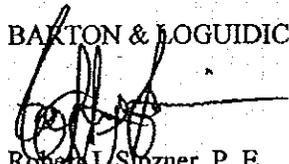
Mr. Jason Morris, City Engineer
December 30, 2014
Page 3

If you agree with our approach and scope of services, and find our proposal acceptable, the work may be authorized by the signatures below. Should services beyond those estimated be requested, B&L will continue to work with the City to identify appropriate responses and provide the services requested.

We are pleased at this opportunity to assist the City addressing the red flag condition and look forward to working with you on this very important project. Should you have any questions or if you would like to discuss the project, please do not hesitate to contact Anthony Eagan or myself.

Sincerely,

BAKTON & LOGUIDICE, D.P.C.


Robert L. Spizner, P. E.
Vice President

RJS/tms

Authorization

Barton & Loguidice, D.P.C. is hereby authorized by the City of Newburgh to proceed with the services described herein in accordance with the attached Terms and Conditions.

RECOMMENDED BY:

Jason Morris, P.E. Date
City Engineer

APPROVED AS TO FINANCES:

John Aber Date
City Comptroller

APPROVED AS TO FORM:

Michelle Kelson Date
Corporation Council

APPROVED:

Michael G. Ciaravino Date
City Manager



STANDARD TERMS AND CONDITIONS
for
PROFESSIONAL ENGINEERING SERVICES
provided by
BARTON & LOGUIDICE, D.P.C. ("ENGINEER")

The OWNER and the ENGINEER, for themselves, their successors and assigns, have mutually agreed and do agree with each other as follows:

1.0 Basic Agreement

Engineer shall provide, or cause to be provided, the services set forth in the proposal to which these terms and conditions are attached (PROPOSAL), and Owner shall pay Engineer for such Services as set forth in PROPOSAL. The PROPOSAL, in conjunction with these terms and conditions, is referred to herein as "Agreement".

2.0 Payment Procedures

Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner. Invoices are due and payable within 30 days of the date of the invoice. If Owner fails to make any payment due Engineer for services and expenses within 30 days after the date of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges.

3.0 Additional Services

If mutually agreed by Owner and Engineer, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth in the PROPOSAL if requested by the Owner. Owner shall pay Engineer for such additional services as follows: (1) as mutually agreed by Owner and Engineer, or (2) an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.0 Termination

If Engineer's services related to the project are terminated for any reason, Engineer shall be compensated for time plus reasonable expenses associated with demobilizing personnel and equipment, and, if requested in writing by the OWNER, for completion of tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.0 Controlling Law

This Agreement is to be governed by the law of the state in which the Project is located.

6.0 Successors, Assigns, and Beneficiaries

Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted herein the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.0 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor, or Supplier, or of any of their agents or employees or of any other persons (except Engineer's own agents, employees, and Consultants) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.

E. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

F. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer pursuant to the PROPOSAL, whichever is greater.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials) except as may be specifically defined in the Scope of Services. If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

I. The services to be provided by Barton & Loguidice under this Agreement DO NOT INCLUDE advice or recommendations with respect to the issuance, structure, timing, terms or any other aspect of municipal securities, municipal derivatives, guaranteed investment contracts or investment strategies. Any opinions, advice, information or recommendations provided by Barton & Loguidice are understood by the parties to this Agreement to be strictly *engineering* opinions, advice, information or recommendations. Barton & Loguidice is not a "municipal advisor" as defined by 15 U.S.C. 78o-4 or the related rules of the Securities and Exchange Commission. The other parties to this Agreement should determine independently whether they require the services of a municipal advisor.

8.0 Dispute Resolution

Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice by either party of the existence of the dispute. If the parties fail to resolve a dispute through negotiation then Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by a mutually acceptable mediator. Owner and Engineer agree to participate in the mediation process in good faith and to share the cost of the mediation equally. The process shall be conducted on a confidential basis, and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

9.0 Accrual of Claims

All causes of action between the parties to this Agreement including those pertaining to acts, failures to act, failures to perform in accordance with the obligations of the Agreement or failures to perform in accordance with the standard of care shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of Substantial Completion for acts, failures to act or failures to perform occurring prior to Substantial Completion, or the date of issuance of the Notice of Acceptability of Work for acts, failures to act or failures to perform occurring after Substantial Completion.

10.0 Total Agreement

This Agreement constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

RESOLUTION NO.: 10 - 2015

OF

JANUARY 12, 2015

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 2013-6080 AND 2014-5701, INVOLVING SECTION 43, BLOCK 1, LOT 22.1 (BULLER LIMITED PARTNERSHIP)

WHEREAS, the Buller Limited Partnership has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2013-2014 and 2014-2015 tax assessment years bearing Orange County Index Nos. 2013-6080 and 2014-5701; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Richard B. Golden, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, the Buller Limited Partnership is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2013-2014 as tax map number 43-1-22.1 be reduced to a market value of \$1,100,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2014-2015 as tax map number 43-1-22.1 be reduced to a market value of \$1,100,000.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Consent Judgment are hereby accepted pursuant to the provisions of the General City Law and other related laws; and

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall execute the attached Consent Judgments on behalf of the City of Newburgh, and Richard B. Golden, Esq., as Special Counsel, and counsel for the Petitioners shall present such Consent Judgments to the Orange County Supreme Court for approval pursuant to the aforesaid laws.

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

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

-----X
THE BULLER LIMITED PARTNERSHIP,

Petitioner,

CONSENT JUDGMENT

- against -

BOARD OF ASSESSORS FOR THE CITY OF
NEWBURGH and CITY OF NEWBURGH,

**Index Nos. 2013-6080
2014-5701**

Respondents.

-----X

PRESENT: HON. CATHERINE M. BARTLETT

UPON THE CONSENT attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2013-2014 and 2014-2015 as follows:

Tax Map No. 43-1-22.1

be reduced in market value from \$1,512,900.00 and \$1,440,900.00, respectively, to market values of \$1,100,000.00 and \$1,100,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2013-2014 and 2014-2015 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

ORDERED, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

ORDERED, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and credited to the Petitioners, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein, with the City of Newburgh and County of Orange to determine the amount and method of payment as appropriate; and it is further,

ORDERED, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: January ____, 2015
 Goshen, New York

ENTER:

HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

Michael G. Ciaravino
City Manager
Dated:
Per Resolution No.: _____ - 2015

JOHN THOMAS, ESQ.
Attorney for the Petitioner
Dated:

HON. JOANNE MAJEWSKI
Assessor
Dated:

BRUCE RESPLER
The Buller Limited Partnership
Dated:

RICHARD B. GOLDEN, ESQ.
Burke, Miele & Golden, LLP
Attorney for Respondents
Dated:

RESOLUTION NO.: 11 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION APPOINTING COREY ALLEN AS CHAIRMAN OF THE
POLICE COMMUNITY RELATIONS AND REVIEW BOARD PURSUANT TO
ORDINANCE NO. 1-2014 OF JULY 14, 2014**

WHEREAS, the City Council of the City of Newburgh adopted Ordinance No. 1-2014 of July 14, 2014 which amended Chapter 72 of the City Code of Ordinances to create a “Police Community Relations and Review Board”; and

WHEREAS, Section 72-3(B)(2) provides for the City Council to appoint a one member of the Police Community Relations and Review Board and that such member shall be designated of the Police Community Relations and Review Board; and

WHEREAS, Corey Allen has expressed an interest in serving as a member and chairman of the Police Community Relations and Review Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Corey Allen be and he hereby is appointed as a member and designated as Chairman of the Police Community Relations and Review Board for a two year term commencing on January 13, 2015 and expiring on January 12, 2017.

Councilwoman Mejia 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.: 12 - 2015

OF

JANUARY 12, 2015

**A RESOLUTION RE-APPOINTING VALARIE E. LARRY
TO THE BOARD OF ETHICS FOR A TWO YEAR TERM**

WHEREAS, Chapter 34 of the City Code, known as the City of Newburgh Code of Ethics, provides for a five (5) member Board of Ethics; members to be appointed by the City Council; and

WHEREAS, Valarie E. Larry has served effectively and well on the Board of Ethics, and her term as member has expired, and she has expressed willingness to continue to serve on such Board for a new two (2) year term; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for the terms indicated:

1. Valarie E. Larry to be re-appointed to serve a new two-year term commencing on January 14, 2015 and expiring January 13, 2017.

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

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

Nays – Councilwoman Abrams – 1

ADOPTED

OF

JANUARY 12, 2015

**A LOCAL LAW AMENDING SECTION C3.00 ENTITLED "MUNICIPAL OFFICERS
ENUMERATED" AND ADDING SECTION C3.12
ENTITLED "RESIDENCY REQUIREMENTS"
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 Section C3.00 entitled 'Municipal Officers Enumerated' and adding Section C3.12 entitled 'Residency Requirements' of the Code of the City of Newburgh".

SECTION 2 – AMENDMENT

§ C 3.00, Paragraph C of the City Charter is hereby amended as follows:

The officers of the city or municipality shall be as follows:

C. One Corporation Counsel, one City Comptroller, one City Assessor, one City Collector, one City Purchasing Agent, one City Engineer, one Superintendent of Public Works, one Superintendent of Water, one Police Chief, one Fire Chief, one Building Inspector, one Plumbing Inspector, one Registrar of Vital Statistics, one Deputy Registrar of Vital Statistics, one Planning and Development Director and one Parks and Recreation Director.

Article III of the City Charter of the City of Newburgh, entitled "Municipal Officers" is hereby amended to add new Section C3.12 entitled "Residency Requirements" as follows:

- A. Purpose. The City Council of the City of Newburgh finds that individuals who are officers and department heads of the City of Newburgh take a greater interest, commitment and involvement in the municipality that employs them by living within that community. The City Council further finds that in order to protect the health safety and welfare of the citizens of the City where emergencies and emergency work arise, it is necessary that the officers and department heads reside in the City. Accordingly, the City Council determines that there is a sufficient public need to require that officers and department heads initially appointed and hired after the effective date of this Section be residents of the City of Newburgh.
- B. Application. This section shall apply to the officers of the City of Newburgh enumerated in Subsection C3.00(B) and (C) of this Article and the City Marshal and Acting City Marshal initially appointed on or after January 13, 2015. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the City Charter and Code of Ordinances of the City of Newburgh found to be contrary to the provisions herein. City Charter Section C3.00(D) is hereby repealed by this local law.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFICER – includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the Traffic and Parking Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the City Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks and Recreation Director, one Planning and Development Director as enumerated in City Charter Section C3.00(B) and (C) initially appointed and hired by the City of Newburgh on or after January 13, 2015 and the City Marshal and Acting City Marshal initially appointed on or after January 13, 2015

RESIDENCY -- a person's usual and customary place of abode where the individual lives and regularly stays, the place where the family of any person permanently resides and the place where any person having no family generally lodges

D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh on or after January 13, 2015 shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial permanent appointment or become a resident within 90 days of permanent appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

E. Verification and documentation.

1. The City Council shall be responsible for verifying the compliance with this residency requirement for the City Manager, Civil Service Commissioners, City Clerk and members of the Traffic and Parking Advisory Committee. The City Manager shall be responsible for verifying the compliance with this residency requirement for the remaining officers, except for the City Marshal and Acting City Marshal. The City Court shall be responsible for verifying compliance with this residency requirement for the City Marshal and Acting City Marshal.

2. All relevant sources of verification or documentation must be considered in determining an officer's residence. Where the officer's family permanently resides is a significant factor in determining the officer's residence. The following sources of verification or documentation also should be considered:

Voter's registration
Driver's license
Motor vehicle registration
Utility bills and receipts
Deed
Tax bills and receipts
Contract for sale
Lease or rental agreement
Landlord's affidavit
Insurance policies
Visual verification

- F. Waiver. In the event that the provisions of Subsection D of this Section will prevent the City from filling the officer positions, one sixty (60) day extension may be granted as follows:
1. By the City Council for the Civil Service Commissioners, the City Clerk and the Traffic and Parking Advisory Committee members;
 2. By the City Manager for the remaining officers, except for the City Marshal and Acting City Marshal; and
 3. By the City Court for the City Marshal and Acting City Marshal.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City as of January 12, 2015 and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.
2. Nothing herein shall change the residency requirement for any elected City official.
3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.00(C).

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.

Councilwoman Lee asked if they could add all unskilled laborers to this law. They are not looking for special licenses in those positions so people from the City of Newburgh should be given priority to be hired.

Mayor Kennedy said that she is going to vote for this law with some fear and trepidation. She thinks about our 3.8 square miles and that we are the City center because the Town of Newburgh and the Town of New Windsor are the suburbs of the City of Newburgh. Someone told her just recently that one of the main reasons they moved out of the City of Newburgh is because they wanted to build a new house and there wasn't any place to do that here. Unless you really want to live in older homes or an apartment there are some restrictions and options that are not available here in the City. She also would really like our City management team to be here in the City so it is sort of a double edged sword. She hopes that we don't have to make a lot of adjustments for this because she thinks there could be some issues with this particular law.

Councilwoman Lee asked if her request could be added.

Mayor Kennedy said that it couldn't be added because they are talking right now about the management team and she believes it is already in our Civil Service to give priority to local residents so they have to vote on the law as it stands.

Councilwoman Lee asked Corporation Counsel, Michelle Kelson, if a clause could be added.

Michelle Kelson, Corporation Counsel, said not the way she has drafted it to amend the City Charter. To add "*Employees*" it would involve other sections of the Code.

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

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

ENACTED

OF

JANUARY 12, 2015

**A LOCAL LAW ADDING CHAPTER 276 OF THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED "TOBACCO" AND ENACTING ARTICLE I
ENTITLED "TOBACCO RETAIL LICENSE"**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 276 "Tobacco" be and is hereby added as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding Chapter 276 entitled 'Tobacco' and Enacting Article I entitled 'Tobacco Retail License' to the Code of Ordinances of the City of Newburgh".

SECTION 2 - PURPOSE AND INTENT

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, and according to the 2014 Surgeon General Report, causes over 480,000 deaths in the United States each year; and

WHEREAS, tobacco companies sell products that are addictive and inherently dangerous, causing cancer, heart disease, and other serious illnesses; and

WHEREAS, the City of Newburgh has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescents from tobacco dependence and the illnesses and premature death associated with tobacco use; and

WHEREAS, an overwhelming majority of Americans who use tobacco products begin using such products while they are adolescents and become addicted to those products before reaching the age of 18 and the 2014 Surgeon General Report states that more than 3,200 young people under the age of 19 smoke their first cigarette each day in the United States; and

WHEREAS, the prevention of adolescent tobacco product use is detailed in Article 13-F of the New York State Public Health Law, known as the Adolescent Tobacco Use Prevention Act (ATUPA) which expressly prohibits the sale of tobacco products to minors; and

WHEREAS, although it is unlawful to sell tobacco products to minors, New York State Department of Health, The New York Youth Tobacco Survey 2008 finds that 8.4% middle school and 28% of high school students in the Hudson Valley Area who use cigarettes report that they usually purchase their cigarettes from a retail store; and

WHEREAS, research has found that higher tobacco retail outlet density is significantly associated with higher rates of youth smoking initiation and experimentation; and

WHEREAS, The New York State Tobacco Control Evaluation Program Tobacco Retail Outlet Density by Proximity to Schools and in Low Income Areas Orange County, New York Findings, a report by the Department of Health Behavior, Division of Cancer Prevention and Population Sciences, at Roswell Park Cancer Institute found that in 2012 of the 319 validated tobacco retail outlets located in Orange County, 110 or 34.5% are located in the Newburgh area and in Orange County, 16.3% (n=52 of 319) are located within a distance of 1,000 feet of a school; and

WHEREAS, research shows that a high concentration of tobacco outlets near schools provides our most vulnerable populations with ready access to tobacco and increases their exposure to tobacco retail marketing, which may increase their uptake of tobacco usage and creates an environment that promotes the social acceptability of tobacco use; and

WHEREAS, City of Newburgh has a substantial and important interest in reducing the illegal sale of tobacco products to minors; and

WHEREAS, studies have found a higher prevalence of current smoking at schools with more tobacco outlets within walking distance, and researchers suggest that limiting the proximity of tobacco outlets to schools may be an effective strategy to reduce youth smoking rates; and

WHEREAS, licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors; and

WHEREAS, restricting the number and the location of tobacco retailers and the associated marketing of tobacco products within those retail stores in the City is necessary to protect the public health, safety, and welfare of our youth; and

WHEREAS, a local licensing system for tobacco retailers is necessary and appropriate to protect the public health, safety, and welfare of our residents, particularly children, and will help ensure that retailers comply with the ATUPA, other tobacco control laws, and the business standards of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED THAT, it is the intent of the City of Newburgh to implement effective measures through this Chapter to reduce the number of its tobacco retail outlets, regulate the location of its tobacco retail outlets, stop the sale of tobacco products to its youth, prevent the sale or distribution of contraband tobacco products in Newburgh, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 276 entitled "Tobacco", Article I entitled "Tobacco License" to read as follows:

ARTICLE I. TOBACCO LICENSE

§ 276-1 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE HEARING means a hearing by the City Manager or his designee.

ADULT-ONLY ESTABLISHMENT means a facility where the operator ensures or has a reasonable basis to believe (such as checking identification of any person appearing to be under the age of 26) that no person under the age of 21 is permitted entrance.

AGE-VERIFIED CUSTOMER means any individual who has presented a driver's license or other photographic identification card issued by a government entity or educational institution indicating that the individual is of Legal Age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided however that such appearance shall not constitute a defense in any proceeding alleging a violation of this Chapter. It shall be an affirmative defense to a violation of this Chapter that the Tobacco Retailer successfully performed a Transaction Scan of an individual's identification as defined by New York Public Health Law Section 1399-cc and that a Tobacco Product or Tobacco-Related Product was provided to such individual in reasonable reliance upon such identification and transaction scan.

APPLICANT means an individual, partnership, limited liability company, corporation, or other business entity seeking a Tobacco Retail License.

CITY CLERK means the City Clerk or Deputy City Clerk.

FIRE DEPARTMENT means the City of Newburgh Fire Department including the Bureau of Fire Prevention and the Bureau of Code Compliance

LEGAL AGE means the minimum age at which individuals are permitted to legally purchase tobacco products or tobacco-related products.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

POLICE DEPARTMENT means the City of Newburgh Police Department.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous year.

SCHOOL means a public or private pre-kindergarten, kindergarten, elementary, middle, junior high or high school or alternative school.

TOBACCO PRODUCT or TOBACCO-RELATED PRODUCT means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, liquid nicotine and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. However, "Tobacco Product" or "Tobacco-Related Product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

TOBACCO RETAILER means any Person who sells or offers for sale any Tobacco Product or Tobacco-Related Product or any employee of such a Person.

TOBACCO RETAIL LICENSE means a license issued by the City Clerk to a Person to engage in the retail sale of Tobacco Products or Tobacco-Related Products in the City of Newburgh.

§ 276-2**Tobacco Retail License**

A. Starting March 1, 2015, no Person shall sell, offer for sale, or permit the sale of Tobacco Products or Tobacco-Related Products to consumers in the City of Newburgh, without a valid Tobacco Retail License issued by the City Clerk. A Tobacco Retail License is not required for a wholesale dealer who sells Tobacco Products or Tobacco-Related Products to retail dealers for the purpose of resale only and does not sell any Tobacco Products or Tobacco-Related Products directly to consumers.

B. All Tobacco Retail Licenses issued pursuant to this section are nontransferable and non-assignable and are valid only for the Applicant and the specific address indicated on the Tobacco Retail License. A separate Tobacco Retail License is required for each address at which Tobacco and Tobacco-Related Products are sold or offered for sale. Any change in business ownership or business address requires a new Tobacco Retail License.

C. All Tobacco Retail Licenses issued pursuant to this section are valid for no more than one year and expire on February 28 following the effective date of the Tobacco Retail License. As set forth in Section 276-8, a Tobacco Retail License may be revoked by the Police Department prior to its expiration date for cause.

D. Applications for a New Tobacco Retail License shall be made on a form specified by the City Clerk, at least 30 days prior to March 1, 2015. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

E. Applications for a Renewed Tobacco Retail License shall be made on a form specified by the City Clerk at least 30 days prior to the expiration of the current license. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

F. Applications for a new or renewed Tobacco Retail License shall be accompanied by the fee set forth in Section 276-7.

G. The issuance of any Tobacco Retail License pursuant to this Chapter is done in the discretion of the City of Newburgh and shall not confer upon licensee any property rights in the continued possession of such a license.

§ 276-3**Issuance of Licenses**

A. Upon the receipt of a completed application for a New or Renewed Tobacco Retail License and the fee required by Section 276-7, the Police Department and the Fire Department upon the showing of proper credentials and in the discharge of his duties, may enter to inspect the location at which tobacco sales are to be permitted. The Police Department also may ask the Applicant to provide additional information that is reasonably related to the determination of whether a license may issue.

B. At the request of the Police Department or Fire Department, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The Police Department or Fire Department may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.

C. No Tobacco Retail License shall be issued by the City Clerk to an Applicant if one or more of the following bases for denial exists:

- (1) The information presented in the application is incomplete, inaccurate, false, or misleading;
- (2) The fee for the application has not been paid as required;
- (3) The Applicant does not possess a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance at the location for which an application is requested;
- (4) The Applicant seeks a New Tobacco Retail License at a location for which this Chapter prohibits the issuance of a New Tobacco Retail License;
- (5) The Applicant has previously had a Tobacco Retail License issued under this Chapter revoked;
- (6) A Tobacco Retail License issued under this Chapter for the same address or location previously has been revoked;
- (7) The Applicant has been found by a court of law or administrative body to have violated any federal, state or local laws pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs; (b) the payment or collection of taxes on Tobacco Products; (c) the display of Tobacco Products or of health warnings pertaining to Tobacco Products; or (d) the sale of Tobacco Products;
- (8) The Applicant is not in compliance with all applicable New York State Uniform Building Code, Fire Prevention Code, Property Maintenance Code, Electrical Code and Plumbing Code and the Code of Ordinances of the City of Newburgh; and
- (9) The Applicant has not paid to the City of Newburgh outstanding fees, fines, penalties, or other charges owed to the City of Newburgh.

§ 276-4 Limitation on Number of Licenses Issued

A. In the first year subsequent to the effective date of this Chapter, a Tobacco Retail License shall only be issued to an Applicant for the same location at which the Applicant possessed a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance 180 days prior to the effective date of this Chapter.

B. Except for the first year subsequent to the effective date of this Chapter, the total number of New and Renewed Tobacco Retail Licenses issued by the City Clerk in a given year shall not exceed the number of Tobacco Retail Licenses that were issued in the previous year.

C. Starting on March 1, 2016, the City Clerk shall issue only one New Tobacco Retail License for every two Tobacco Retail Licenses that were revoked during the previous year or for which no renewal application was submitted.

D. Whenever the number of valid applications for a New Tobacco Retail License exceeds the number of New Tobacco Retail Licenses that may be issued under this Section, licenses shall be granted using the following priorities:

- (1) New Tobacco Retail Licenses shall be granted, first, to any Applicant who will sell Tobacco Products or Tobacco-Related Products at an Adult-Only Facility.
- (2) New Tobacco Retail Licenses shall be granted, second, to any Applicant that held a valid Tobacco Retail License in the prior year for an establishment within 1,000 feet of the nearest property line of a school and who is not seeking renewal of that license. If there are more valid applications from such Applicants for New Tobacco Retail Licenses than the number of available New Tobacco Retail Licenses, the New Tobacco Retail Licenses shall be granted to those Applicants by lottery.
- (3) Any remaining available New Tobacco Retail Licenses shall be granted to eligible Applicants by lottery.

§ 276-5 Certain Locations

A. No Tobacco Retail License shall be issued to any seller of tobacco products or tobacco-related products that is not in a fixed, permanent location.

B. With the exception of the first year subsequent to effective date of this Local Law, no New Tobacco Retail License shall be issued to any establishment within 1,000 feet of the nearest point of the property line of a School.

§ 276-6 Required License Display

A. Any Tobacco Retail License issued pursuant to this Local Law shall be displayed prominently at the location where the Tobacco Products or Tobacco-Related Products are sold so that it is readily visible to customers.

B. Selling, offering for sale, or permitting the sale of any Tobacco Product or Tobacco-Related Product without a valid Tobacco Retail License displayed in accordance with Section 276-6(A) constitutes a violation of this Local Law.

§ 276-7 Required Fee

A. Each application for a New or Renewed Tobacco Retail License shall be accompanied by a fee as set forth in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh.

B. Starting two years after the effective date of this Chapter, the City Council may, on an annual basis, modify the fee required pursuant to Section 276-7(A). The fee shall be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

§ 276-8 Revocation or Suspension of Licenses

Any Person who is found to be in violation of the terms and conditions of this Local Law or for violation of any federal, state, or local law or regulation pertaining to (a) the display of Tobacco Products or Tobacco-Related Products or of health warnings pertaining to Tobacco Products or Tobacco-Related Products, or (b) the sale of Tobacco Products or Tobacco-Related Products shall have their City of Newburgh License suspended for up to 3 months for a first offense, 6 months for a second offense, or revoked for a third offense, after notice and an opportunity to be heard at an administrative hearing before the City Manager or his designee.

§ 276-9 **Violations and Enforcement**

A. The Police Department shall enforce the provisions of this Chapter. The Police Department and the Fire Department may conduct periodic inspections in order to ensure compliance with this Chapter. Nothing in this Chapter shall preclude the Fire Department and its Bureau of Fire Prevention and Bureau of Code Compliance from enforcing the New York State Uniform Fire Prevention and Building Code in accordance with all other New York State and local laws, rules and regulations.

B. In addition to the penalties provided for in Section 276-8, any Person found to be in violation of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$500.00 for the first violation; not more than \$1,000 for a second violation; and not more than \$2,000.00 for the third and each subsequent violation within a two-year period or by imprisonment for a period not exceeding 1 year, or by both such fine and imprisonment. Each day on which a violation occurs shall be considered a separate and distinct violation.

§ 276-10 **Severability**

The provisions of this Local Law are declared to be severable, and if any section or subsection of this Chapter is held to be invalid, such invalidity shall not affect the other provisions of this Chapter that can be given effect without the invalidated provision.

SECTION 4 - 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 5 – EFFECTIVE DATE

This Local Law and shall be effective on March 1, 2015 and upon the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

Councilwoman Angelo read a letter aloud to the audience members that the Council received from the President of Convenience Stores. The last paragraph of the letter reads, “NYACS is deeply concerned that this legislation has been developed without appreciation of how severely legitimate law abiding small businesses would be impacted and that it contains numerous provisions that are excessive, unfair, confusing and unconstitutional. While we strongly oppose the adoption of Chapter 276 in its present form we would welcome the opportunity to help the City Council develop more targeted legislation that would achieve the assured goal of preventing youth access to tobacco”. She said that she feels a little dismayed now that we lost Smokes 4 Less on Broadway which is the fifth business to leave the City.

Councilwoman Abrams said that with this legislation everyone who is now selling cigarettes can continue to sell cigarettes. It will prevent future stores from selling cigarettes if they are within one thousand feet of a School. This is a watered down Bill and it is the least they can do to prevent the sale of cigarettes to our kids.

Councilman Brown said that the original purpose of this legislation was to discontinue the sale of tobacco products within one thousand feet of a School and they have compromised

to get this legislation to where it is today. There was a suggestion that they should maybe give the retailers a second chance if they got caught one time but he is absolutely not on board with that because they have to do their due diligence to make sure that they are not selling to minors. If they want to keep their Cigarette License within one thousand feet of a School, they must due their due diligence. One and done is his thing with this so they need to pass this and move on to other legislation.

Councilwoman Lee said that she thought they said it would read no one under the age of eighteen but is says twenty-one.

Corporation Counsel, Michelle Kelson, said that the only reference to age twenty-one in this legislation is in a definitional section referring to Adult Only establishments. It does not change the minimum age to purchase tobacco products within the City of Newburgh which will still be the same as the State mandatory minimum age which is eighteen.

Mayor Kennedy said that they have struggled for a long time to get the Bodegas and small stores to take these signs down and out of their windows as well as to clean up their act and make things more visible. This Law actually puts a little teeth into that so that if they don't do it they will lose their License to sell cigarettes. She thinks that this is probably one of the strengths to help clean up the City center which has been their focus.

Councilwoman Abrams moved and Councilwoman Lee seconded that the local law be enacted.

Ayes – Councilwoman Abrams, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 6

Nays – Councilwoman Angelo – 1

ENACTED

OLD BUSINESS

There was no old business

NEW BUSINESS

Mayor Kennedy said that she would like to see the next Council Meeting focused on strategy. It is the start of 2015 and this would be the perfect time to have a discussion of goals. The vision for the City is this Council's job and there has been some discussion that the City Manager should put forth a vision which is really not the case. This Council has the diligence to put forth a vision for the City and the goals that they want to accomplish this year. She suggested that each of the members could bring maybe three prime goals that they want to see happen. The other thing that they really need to do is have a strategy session with the entire Council on property in terms of how do we get first time home buyers. She has had Key Bank and other lenders ask how we can get more homeowners here in the City of Newburgh. As a Council, what do we want to see happen with these properties? We have a lot of people interested in investing in the City of Newburgh and they need direction from us so we are not just spinning our wheels. She hopes that they can spend some time on these two items at the next meeting. She knows that there is going to be a presentation by Jim Taylor on Biomass because three of our Council members haven't heard it and we need to renew a contract.

Councilwoman Holmes asked if a representative of Key Bank could present to the entire Council.

Mayor Kennedy said that he could be part of this discussion.

Councilwoman Holmes added that Councilwoman Lee received a call that the entire Council needs to be involved with.

Councilwoman Lee said that she received a call from the head of Greenetrack and they would like the City to send a letter to the Gaming Commission but she thinks before they make any decisions about that that they should come in and talk to the full Council. She spoke to Mr. King who she thinks should be invited to talk with us and she would also like the Mid-Broadway Project back on the Agenda. In regard to Greenetrack, there was supposedly some sort of agreement starting to be broken and she didn't know anything about it so they need to get back to that kind of business.

Mayor Kennedy said that she just received a call from Greenetrack. The Governor opened up a can of worms by saying that he wants a fourth Casino License delivered and pointed them in the direction of the Southern Tier. Greenetrack has initiated the step to go back for Orange County and they are actually going to go to Albany tomorrow to petition for that so they want to know if we would support it. She has written a draft letter that she plans to give to all of the Council members to see what they want to do with this. She said that this is a new deal and if there is any kind of opportunity for this to happen it spins around the City of Newburgh. She doubts that this is going to work but if there is even a one percent chance that it could work then we can sign a letter of support with the idea that they would agree to put some money in the City of Newburgh's coffers.

Councilwoman Abrams asked if the Gaming Commission said that the first thing they decided was that they didn't want one in the County of Orange.

Mayor Kennedy said that is exactly what they said so to that point she called Saratoga and asked if they were interested in fighting this and their statement was that they didn't think that this would go anywhere. The idea is that it won't hurt and there could be a small chance.

Councilwoman Lee thinks that Mr. King's concern was that no one else knew. She knows of the Saratoga match and she thinks that if we are going to work with them then everyone should be involved in crafting a better plan than Saratoga's. She thinks they should all be involved so they should come to the table and talk with the Council.

Mayor Kennedy said that they are going to Albany tomorrow so the call was made at sort of an urgent state. More conversation can happen afterward and yes the entire Council needs to be involved. She said that they are willing to support the idea.

There being no further new business to come before the Council this portion of the meeting was closed.

PUBLIC COMMENTS ON GENERAL MATTERS

Johnathan Jacobson, 25 Pierces Road, said it was nice to see the certificates being given out tonight. He said that with changes made a few years ago they traded accountability for stability and he thinks one thing that has to be changed is that in our form of government the City Manager has more power than the President and the Governor because appointments do not have to be approved by the City Council. He thinks that when it comes to department heads and Boards that the appointments should be approved by the Council. Right now the City Manager can appoint whoever he or she wants with no Council approval. He thinks this would make a lot of sense and that the Council should think about that.

Martin Colavito from Team Newburgh said that he appreciated the Council's vote tonight on Tobacco Legislation. One thing that is always in the front of his mind is the fact that he doesn't look at it as winning or losing but as future allies. He hopes that whoever was affected nonproductively in their hearts by this legislation realizes that they will always be at their service in regard to anything they can do to help them market things and develop different strategies that would benefit the community. He believes that the City is better off because of this legislation and that it is an opportunity for Team Newburgh and the people who disagreed respectfully with what was proposed to get together and start something better. He added that fair is fair. He attended the last City Council meeting during the demonstrations and he wondered if things would escalate but he was impressed with the temperance and constraint that night. The people demonstrating were heard and he wanted to applaud people like Jessie Howard and his partner who were there that night.

Pastor Austin, City of Newburgh, said that the unsung heroes are often the ones who go unrecognized and unappreciated so she wished to say thank you to Councilwoman Lee, Councilwoman Brown and Deputy Mayor Angelo for the beautiful Christmas tree and the gifts. Councilwoman Angleo took five hundred dollars out of her own pocket to give gifts to the children. When she told Officer Cameron that their sponsor had been hijacked he told her that the kids would have gifts and they delivered two checks. Because of this twenty-seven children shared turkey dinners with their families and each child received two gifts. All because our newly appointed Acting Chief thought well enough about the children of this City. These are the unsung heroes who work in the background and step up to the plate but they are not recognized. She thanked them all and said that the children in the Heights thank them too.

Michael Gabor, City of Newburgh, said that it is unfortunate what happened here tonight. He doesn't think that they really believe in their hearts that these kids in the City of Newburgh who smoke won't find access to cigarettes because they will now be purchased outside the City. He noted that six local people are losing their jobs due to one of our businesses closing because of this law. In addition to the sales taxes, which are significant, the property taxes and the additional business that this brought in it is just amazing that the Council would think that they are doing something good when they are actually stepping on how this City operates. This is a corporation which runs on money which will buy the idea of having more police officers, DPW staff and services that we are losing from lack of taxes. The Council spent six months on this when there are much more important issues to be settled and they can argue it all they want but it is a shame and he is embarrassed. He added that this is the two hundredth year of the birth of Andrew Jackson Downing who is responsible for what is Central Park in New York City. The cheapest room for a Hotel looking over Central Park is \$1200.00 per night and the cheapest apartment is two million dollars a bedroom. We have buildings that are empty around our City Park which was designed by exactly the same people and the Council takes

six months to determine how they are going to chase businesses away from this City. He told the Council that they don't have any conscience.

Virginia Diorio, Health Education Associates, thanked the Council and congratulated them for passing the Tobacco Law. She said that there is a school right here in the City of Newburgh called the Hudson Valley Counseling School where they teach and prepare students to take the Counselor of Alcohol and Substance Abuse Education Counseling Program exam run by New York State. That program has started their new year and they are training people who live here in the City of Newburgh to become employable and gain good employment. She noted that on Monday, January 26th, Planned Parenthood has a bus going to Albany to talk to Legislators about women's health equality and there is a Coalition that has formed in the City of Newburgh that consists of four Churches with more getting involved in the planning of a Youth Parade in June. There will be a lot more information and more outreach over the next few months about this Parade which is to celebrate the anniversary of the Incorporation of the City of Newburgh.

Megan Dubois-O'Connor, Power Against Tobacco, thanked and congratulated the City Council and the Mayor this evening for being a trail blazer in tobacco control. She appreciates this law because it is something that we have done locally and it is also becoming a movement State wide. She is looking toward other cities in our County and she thinks that the City of Newburgh has set the correct example for the way our County and State needs to shift. This will make a great environmental change and she looks forward to seeing what this change is going to mean for our youth. She added that she has learned a lot about the City of Newburgh and she carries that education with her so she appreciates the partnership here and many of her partners have asked her how we did this so she looks forward to sharing that with them. She noted that if the City is interested in making our Parks smoke free that they also provide free signage for that.

Dawn Wilkin, Catholic Charity Community Services and Team Newburgh Coalition, thanked everyone and said that this has been a long haul and it took a lot of rewriting and time to come to some kind of compromise. It is a shame that some still feel that they will be affected because all they have to do is be up to code and they can sell their products so she is really a little bit baffled about the anger she has heard. On behalf of the Coalition, the people who have come to them and who still contact her regularly about what is going on with this she wanted to be their voice and just say, "*Thank you*".

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

COUNCIL COMMENTS

Councilwoman Abrams said that she is glad that the Council passed this tobacco law because it is a good first step. She wished everyone a Happy New Year.

Councilwoman Angelo thanked the team who worked on the tobacco law but it was her feeling that she wanted to vote no. She doesn't feel like she can go into a store and tell them that they can't sell this or that. She noted that they are planning the Memorial Day Parade for May and she heard a rumor that they were trying to take the Memorial Day Parade away. This is a tradition every year for the Veterans and she heard they want to take that away for the Holiday Parade.

Mayor Kenney asked Councilwoman who is trying to take it away.

Councilwoman Angelo said that she doesn't know who the Chairman is but she would like to get in touch with them. Washington Headquarter's should be planning a program and the Library is going to plan a program which are the kind of things that have to happen but the Parade can't be just with kids. There has to be bands, which cost \$5,000.00, floats and a community division with flags and banners. She suggested that they do this on July 4th because with the fireworks this could be a tribute to Newburgh as well as a celebration for Independence Day and they could even have vendors down at Unico Park.

Mayor Kennedy said that she thinks Councilwoman Angelo is referring the Parade that is scheduled for the last week in June not on Memorial Day. That is the only one that she knows about.

Councilwoman Angelo said she heard there was one planned for March 25th.

Mayor Kennedy said that she doesn't know anything about that.

Councilwoman Angelo wished everyone a Happy New Year and thanked them for coming tonight.

Councilman Brown said, "*Go Girl Power*". That is what this City should be about. It should be about the youth of this City doing good things. As far as the tobacco legislation, the resident who came up and spoke about what would be lost in revenue is an untrue statement. It would be probably less than one percent or something that you couldn't measure in terms of what would be lost in revenue from the sale of cigarettes. The legislation is a good one and he is happy that they passed it and that they had the cahoots to stand up and do so. He mentioned that on January 24th Pitcher Wade Davis from the Kansas City Royals, who was in the World Series, will be at the Newburgh Armory. If you have any children who love baseball and they want to come out and have a good time, bring them to the Armory on the 24th to meet Wade Davis who is a local guy from the Marlboro area. He wished everyone a Happy New Year and a good night.

Councilwoman Holmes thanked everyone for coming out and for their comments. In regard to the unskilled laborers she believes that in Civil Service they do that with DPW but she agrees that it should be written as a resolution. She thinks that the smoking legislation is a start for all of the paraphernalia that is being sold which is the main point. She has battled smoking all her life and she doesn't want to see anyone else die from smoking. She thanked Pastor Austin for mentioning the unsung heroes which was very nice. She told her for future

reference that if she needed assistance with Toys for Tots she could help her with that. She thanked everyone for coming tonight and wished them a Happy New Year.

Councilwoman Lee thanked everyone for coming out and Happy New Year. She is glad that we passed the tobacco legislation and her reason for agreeing with this is that all too often the low income community is encouraged to smoke, drink and get into trouble. These things happen in low income communities more than they do in affluent communities. The City of Newburgh has been plagued with poverty for eons and it is time to move forward, make some changes and stand up and demand that some things end. One of the things that she would like to see end is the tendency to look at poor people and assume that it's alright to sell cigarettes to minors, paste beer signs all over the windows, sell drugs and not sell milk. This is not uncommon in low income areas throughout the United States but she thinks the movement is that change is going to come and there is going to be less crime, less pot shots at young black men and poor people and more opportunities. What she looked at over the past few months is a whole rainbow coalition coming out against poverty and disenfranchisement which she thinks is a wonderful thing. She added that far too many times a community resident has come here to tell us what idiots we are but what we did tonight is going to make history. We stood up and said, *"No more pimping"* which is what this legislation means. No more pimping the low income community and the City of Newburgh. If you have a business and it's established in the City of Newburgh, everybody has to know about it. Airbnb has 5 Grand Street listed as a Hotel but there is something wrong with us not wanting to sell cigarettes to minors. Cigarettes don't bring enough money into this City to make any kind of difference. If she had a one family house and she was renting rooms, she would be paying taxes on the one family house. She said that she has a two-family house but she does not have a two-family income and she doesn't have another family living in her house but she does have the option of renting. She also has the option of going to the Assessor and saying that she doesn't want her house to be a two-family house anymore and convert it to a one-family but she hasn't done that so she still pay taxes on a two-family house. She doesn't rent rooms in her house and she is not listed as "renting rooms" so she does not use her property like it is a Hotel for \$25.00 a night. Standing up and saying *"You can't sell cigarettes to minors and you can't sell near the Schools"* is a greater problem than saying *"I am going to let the Assessor know that I am running a business out of my house"*. What this Council has tried to do is be fair. *"It's alright to say that I missed a mark or neglected to do something but when you point your finger at me with all of the things that you are doing that takes money out of this City that is a problem"*. She said that she doesn't mind being called an idiot because it doesn't matter to her and it is not important but what is important is that this City has been starving for a long time. She thinks that they need to bring in more police officers and focus on public safety and those people who are shooting off their mouths need to stand up and pay taxes and be grown up like the rest of us. Renting your house and pimping the City has to stop and we need Codes to stand up and demand that this stops. She thanked everyone for coming and wished them a good night.

Councilwoman Mejia thanked everyone for coming and wished them a Happy New Year. She is looking forward to the strategy discussions that are going to be coming up and wanted to flag two additional meetings that they need to have. One is with our County Legislators to talk about what our agenda items are in connection with the County and the other one is with the Board of Education. Those are two additional arms of governance that exist within our realm that we need to be creatively engaging as well as leveraging one another in support. To the team members who are stretching into new positions she wanted to say thank you and good luck. Know that your legislative body is here to give you support in whatever you need. To the team members in other departments she said that the same applies. She thanked them for the work that was done last year and she is looking forward to the work that is going to be done this year. This legislative body is here to make sure that we have a work environment that is safe and free from harassment which is what they are going to focus

on for 2015. She added that she is very proud that they passed the Municipal Officers Enumerated law because she thinks it is important. She has no trepidations about it because they are taking a leap of faith that says we want to have the best workers here and we want to encourage them, especially the department heads, to live here. Other cities do it and it works really well for them. To the people watching on the live stream she said it is very different to come in person so she encouraged them to come to the meetings because nothing can replace the one to one person contact.

Mayor Kennedy said Happy New Year and thanks for coming tonight. She thinks that they have passed an important piece of legislation with this cigarette/tobacco law and she looks forward to seeing we enforce it and demand that these small convenient stores uncover their windows. She agrees with Councilwoman Lee on the fact that poor communities and poor families are targeted. We really have to look out for the folks here because she believes that our children are being used so we have to stand up and fight for them. She added that we have a lot of youth programs and unsung heroes are all over. The Youth Empowerment Center is another unsung hero and she thanked them for the job that they are doing over there. Girl Power is doing it too. She has been over at the Girls and Boys School and the things that they are doing over there with the young people is absolutely amazing. She has been to the youth program at the Hope Center, 280 Broadway where they have some great things going on and YPI has things going on weekly with the police officers in terms of creating some connections there. She recently talked to a young man who is passionate about teaching and getting advanced soccer training here to take our kids into the leagues. Our children deserve that kind of excellence and there is a lot of movement about helping our children right now so she encouraged anyone watching this meeting who has something that they want to do with the children to please step up and do it. She noted that she went to a program at the Armory on Saturday called DAPA (Deferred Action For Parental Accountability) which comes under the executive order of President Obama about the children. She was impressed with how much work people had done to help the people in our City understand what this Deferred Action For Parental Accountability Program is. She said that she is going to copy the information and she will have it here for anyone who has children that were perhaps born here but the parents were not. They might be here illegally but we cannot have parents being taken away and leaving their children. She encouraged everyone to go to the Armory to get this information and there are people there to help for free as well as Counselors there who will help with Immigration laws. Anyone struggling with immigration issues and problems should go to the Newburgh Armory Unity Center at 321 South William Street and let them help you do the right thing the quickest and cheapest way. Lastly she said that there will be another Swearing In Ceremony for William Larkin on Wednesday, Jan. 22nd at the Newburgh Free Academy, North Campus on Robinson Avenue.

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

EXECUTIVE SESSION

Councilwoman Lee moved and Councilman Brown seconded that the Council enter Executive Session to discuss matters pertaining to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

All in favor the Council entered Executive Session at 8:50 P.M.

Councilwoman Holmes moved and Councilwoman Abrams seconded that the Council exit Executive Session.

All in favor the Council exited Executive Session at 10:03 P.M.

There being no further business to come before the Council the meeting adjourned at 10:03 P.M.

**LORENE VITEK
CITY CLERK**