

A regular meeting of the City Council of the City of Newburgh was held on Monday, April 13, 2015 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Pastor Jessie Howard with Cross International Ministries followed by a Moment of Silence for Pastor Brock and 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 March 23, 2015 Council Meeting be approved.

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

CARRIED

CITY MANAGER UPDATE

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

PUBLIC HEARING

Mayor Kennedy called a Public Hearing that was advertised for this meeting to hear public comment concerning the adoption of the revised Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh

Deirdre Glenn, Planning & Development Director gave an updated presentation on the proposed Zoning changes.

Lillie Howard, City of Newburgh, said that she didn't hear any mention of Chamber Street, Johnston Street, Liberty and Dubois Street so she wonders what has been designated for that area.

Dierde Glenn, responded that they are all in the Downtown Neighborhood District.

Ms. Howard said that she was curious because she didn't see them listed and those specific streets are in the heart of the Black communities.

Deirdre Glenn responded that she said North and South of Broadway in the Downtown District and by that she meant the areas from Dubois Street down to Grand Street and Colden and either side of Broadway North and South.

Ms. Howard said it would have been nice to see those streets because they don't know what is going on and she is concerned because in the past those areas have always been left out. Urban Renewal knocked down that whole area where she grew up and she doesn't want to see a repeat of what happened back then. What she sees going on waves a red flag to her because nothing is going on for that area. She would like to know what is planned to uplift those communities and will it allow the residents who are there now to remain. She is very concerned about gentrification which is going on throughout the Nation. It looks to her like a lot of people in those areas area going to have to leave because they won't be able to afford to remain.

Cathy Collins, Executive Director with Habitat for Humanity of Greater Newburgh, said that they have a commitment to maintaining affordable home ownership and Census Tracts 4 and 5 is part of their mission. Work on the Chamber and Lander Street Corridor does involve helping people stay that are already there but it might give them different opportunities. She thanked the Council, the Staff and the GNP for this initiative. As a developer, everything that Deirdre said is absolutely true in terms of the variances and time that it takes. Habitat sticks it out but not every developer will do that to get the projects done. When she looked at Article 15 of this Zoning Ordinance she noticed first of all is that it is practical and when you are a developer you want to know what you are dealing with, what the requirements are going to be and that it is understandable. It also aligns itself with existing landscapes of buildings and seeks to protect the cultural assets that are already there of the community keeping the sense of what is there alive but allows it to come back to its full glory. She can attest to the challenges of having setbacks with parking and lot sizes and to have to get a variance for something that is already there does not seem practical to her.

Lastly, she said that they are very excited because they have a Live/Work Project where they were one of four affiliates from Habitat International to receive a Planning Grant and they were the only one that was selected to receive a one hundred thousand dollar Master Card implementation grant. She submitted a photo (copy attached) to the Council of what this looks like and how it fits in with the cultural aspect of what is already there. It makes complete sense to have a live/work house and these zoning changes will make it a lot easier not just for this project but for all development in general which is what we need. We need lots of people here doing good work and protecting these assets which they are committed to doing in the most affordable manner for homeowners and families in this community.

Nate Litwin, Construction Manager with Habitat for Humanity of Greater Newburgh said that he has reviewed the proposed zoning and as Cathy mentioned they would like to implement the Live/Work plan and noted that without the new zoning this proposal wouldn't even be possible. This new zoning code is very important because that area of Washington Street has five undeveloped lots between the Kimball Building and a Church which are now R1 but they would like it to be mixed use and this will allow for that. In reviewing the Code he was happy to see that there was a large section given over to detailing the responsibilities of the ARC which as a developer he is very excited about. Looking at the form based rules the things that were highlighted such as specific signage for downtown neighborhoods he thought were very easy to understand. Talking about access to the street and how important that is specifically in the downtown neighborhood he highlights because that is where Habitat will be impacted. He is just giving feedback to the City Council on what he sees as a benefit for everyone.

Drew Kartiganer, 30 Meadow Street, thanked the City Council for going through this process. When it was first submitted they thought it was good enough to pass but he and many others felt it was not. Deirdre has done an excellent job and this is an incredibly huge improvement from what was submitted before but he feels that it still needs work. They need at least one more process of a Public Hearing, comments and changes because to him this document isn't quite ready yet. He noted that the R1 Zone no longer exists in this Ordinance and we need that. Warden Heights is a one family area and if they start putting in two-families they will pretty much devastate that little neighborhood. We need to have an R1 single-family zoning district where if someone wants to put in a two-family they have to go through the variance process. He appreciates that they have put in requirements for parking but he feels that they need to review it. He doesn't think that .75 per bedroom is enough parking and it encourages one bedroom apartments over family apartments. He noted that the City of White Plains has a pretty sophisticated zoning ordinance and if someone wants to put in a big project there they put up money for parking. If you want to be a City you have to develop a parking authority of some sort and build some parking garages. The lots on Ann Street and by the Library were specifically set up because the City understood that they needed parking and those are perfect places to build parking garages. An example of a place that needed a parking garage to survive is St. Luke's Hospital and if downtown Newburgh is going to grow in the way that this Ordinance envisions they need to start building a parking garage so they might want to start figuring out how to fund it. He thanked the City Council again for going through this process because it is much improved.

Chuck Thomas, Montgomery Street, representing the Conservation Advisory Council and himself applauded the Council for supporting this process because it will change our World. The changes that have been made since this first started are incredible. They have addressed a lot and he will be submitting comments on behalf of the CAC. He is looking at the Water Body Protection Overlay District which is an incredible place for us to be. One of the true valuable assets of our City is our Waterfronts; the Hudson River and the Quassaick Creek as well as our drinking water shed. If we can look at protecting them it will make a huge difference. The Conservation Advisory Council will continue to look through this in detail. When the Planning Board refers to the CAC there is a thirty day period and on page sixty-seven it talks about the details of that but in the other spots where it's mentioned it is not completely clear so he feels it is important to address that. He thanked the Council for looking at the Viewshed Analysis but one problem he had with that is that in a Visual Impact Analysis if it's not required to go to the Planning Board for Site Plan Approval then it will be evaluated by the Building Inspector. He respectfully suggested that the CAC be brought in to that process when the Planning Board is brought in for Site Plan Approval. He got through about three quarters of this document and submitted copies of his comments to the Council. (copy attached)

Barbara Smith, City of Newburgh, said that she has listened to people who build and are on committees but she is looking at this as a person who just lives here in the City of Newburgh so how does this rezoning affect us as individuals. They are talking about no longer having R1 and R2 Zones and replacing it with High, Medium and Low Density. In a High Density area if you want to build a big building that houses a lot of people it is the parking facilities that bother her because it states "none" or ".75 per bedroom". If there is no parking lot then the tenants will be parking on the street and how is that going to affect the businesses? She doesn't understand that and feels it needs to be looked at more. Another thing that bothers her is the Viewshed because when she looks out her bathroom window she can see the Newburgh-Beacon Bridge but if there is no restriction with height why are the people on Powell Avenue not protected by a Viewshed? She is concerned with this because it is the residents who should be considered and not just the builders. She appreciates the way that this has been redone but there are still things that she thinks should be considered before it is approved. She asked what recommendations the County is submitting.

Deirdre Glenn, Planning and Development Director, responded that she knows one is going to be Green Infrastructure and with the help of the CAC they have a new Green Infrastructure Guide that will soon be presented and adopted by the City Council which is mainly where the County comments are.

Brian Flannery, 5 Norton Street, said to focus on his own neighborhood which is Colonial Terraces which is in a revised zone Residential Density and he is looking for insurance that the single family houses are still protected from being broken up into two-family and more. On the map he couldn't find a definition for the Commercial District Overlay so he doesn't know what it exactly does. There is a store building at Clinton Square and the former Goldback Deli at the Corner of Third Street and Fullerton where he is puzzled why something called a Commercial District Overlay extends over adjacent residential properties. Lastly, the definitions of Front Yard, Rear Yard and Side Yard have

been rewritten and this concerns him because it affects the interpretation of the Colonial Terrace Design Guidelines that uses these terms. In the revised zoning draft three separate definitions have been combined into one streamlined definition that is not clear and contradicts itself. He noted that there is also a typo where the word "front" has become the work "from".

Lisa Daily, City of Newburgh resident, Planning Board and Land Bank member, said that one of the issues that she found is the accepted use of a three or four family dwelling unit within a preexisting building in a Low Density Zone. Her interpretation of that is that a home that has been a single family home forever can now be converted to a three or four family home without anything except a CO so she would like that to be clarified.

Jonathan Jacobson, 25 Pierces Road, feels that this was the first real informational hearing that we have had since this was on the Website and he thinks there should be more. He knows that technically they have had their Public Hearing so they could vote it in but he hopes that they have at least one or two more hearings so that people can ask questions and they can know what is going on. It is important that we know what changes have been made from last years' proposal so he really hopes that they have a couple more informational meetings so that when they have the next Public Hearing people will be able to speak better on it because they will know what is going on. This is an important process.

Kippy Boyle, 400 Grand Street, thanked everyone that was involved with this because the difference between the first one and this one is that it is so readable and she could actually understand it. Simple things like alphabetizing the Bulk Use page was very helpful. The relationship between the definitions and the actual uses in the Bulk pages for example Boarding Houses, Rooming Houses, Cooperative Houses and Dormitories are listed in the definitions but she could only find Cooperative Housing in the Bulk rates so she thinks that needs be consistent. Also there is no mention of special permits needed for Boarding Houses and Rooming Houses although there is a special permit needed for Cooperative Housing so as a resident on Grand Street where this is somewhat of an issue she would like to see more consistency.

Omari Shakur, City of Newburgh, said that we already have a Zoning Code in effect and a few weeks ago on Lander Street there was a single family house where they took thirteen people out and two died. What is going to be different in this new Zoning because they have identified over forty houses that need to be fixed. There are people and children living in these houses and nothing gets fixed. We already have laws in effect and they keep coming up with new ones but if the old ones aren't working what will make this different? He asked the Council what they have planned that will make this different than what we already have.

Mayor Kennedy said that she thinks Mr. Shakur is confusing Zoning with Code Enforcement.

Mr. Shakur asked if Code Enforcement enforces the Zoning?

Mayor Kennedy said that they are two different things but Code Enforcement is another big issue and one that is another project that they are working on.

Mr. Shakur said that he just wants to know what they are putting in place to make sure that it works. The current zoning is obviously not working so why is it not working and what are they going to put in place to make sure it works. They are tired of hearing about these plans when their children are suffering and dying.

Sheila Murphy, City of Newburgh, asked why the community is never involved with these meetings so she agrees that there should be another meeting. A lot of Pastors were saying that in this new zoning a lot of storefront Churches would be closed and in this zoning she knows that parking space is going to be limited. Where she lives on Third Street a lot of St. Luke's workers take up all of the parking spaces and she would like to know if this will affect the project on Broadway for a Supermarket and residential. They need some clarification and a lot of questions need to be asked because she was told that the new one would be better than the old one but the public still needs clarification because like Omari said it sounds good but they have had no input. They don't even know when the meetings were so she thinks that this should not be passed right now and they should hold another Public Hearing. They should also have an advisory board so that the community could be involved in this zoning plan.

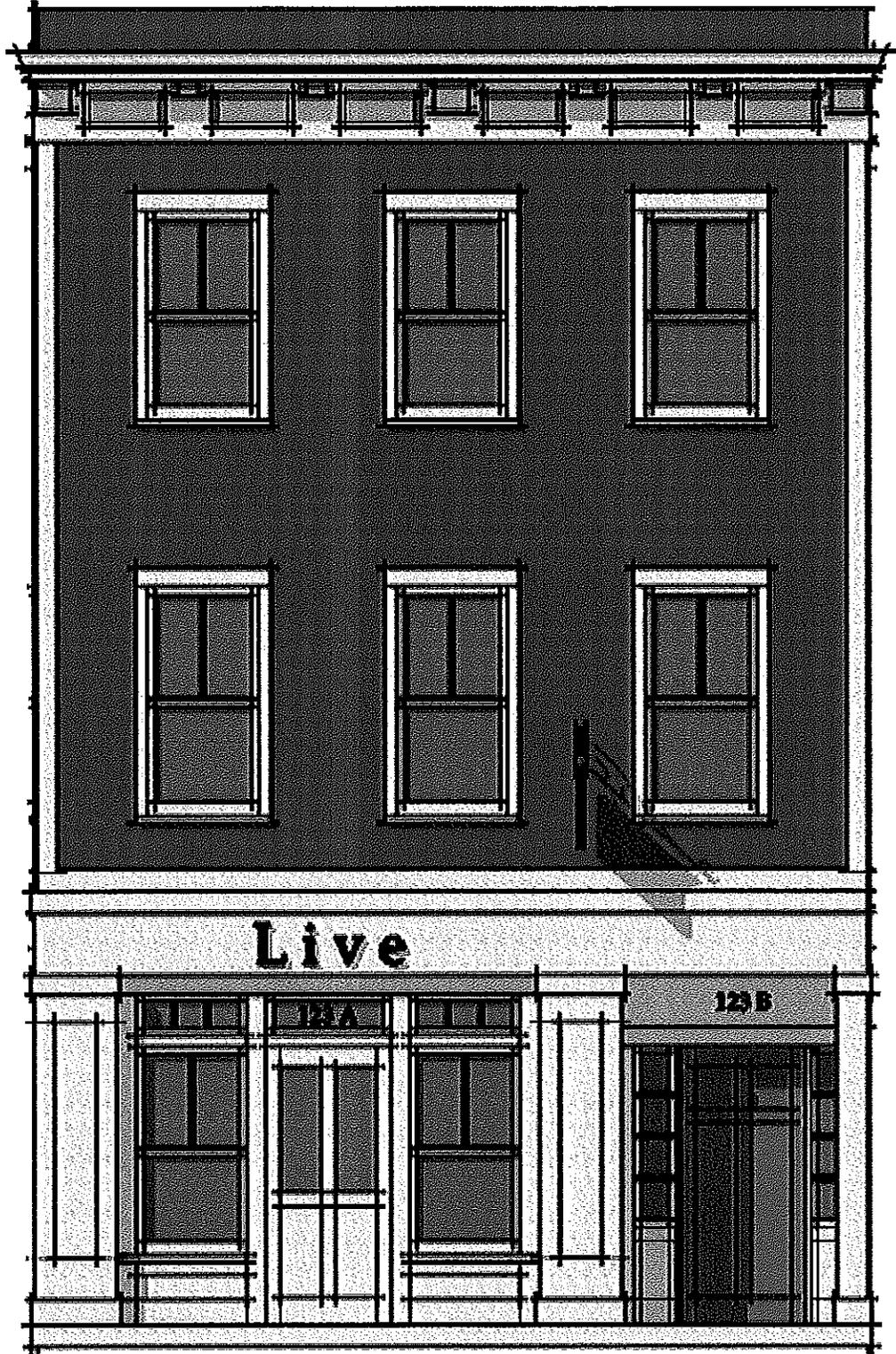
Dorcus Brown, City of Newburgh, said that she was born and raised here but moved away because she wanted her children to grow up with opportunities that she didn't see happening here. Now that they are grown she came back to Newburgh to maybe open a business or buy a home but when she got here she cried because she was so disgusted and she doesn't know what it is going to take to change things but it needs to change. She is not blaming the City Council but something is not right because she sees too many vacant homes which are boarded up and there is trash everywhere and she is told that these buildings are owned by the City of Newburgh. Why is there trash everywhere? That could be thirty to forty more jobs to hire people with sticks and bags to pick that trash up.

Richard Harper, 110 Dubois Street, Chairman of the Conservation Advisory Committee, said that this is a complicated process and a lot of people are intimidated by the terminology, maps and the way things are written but it is very time consuming and not everyone has the opportunity. He suggested maybe they could compile a category of comments and then report how they have been responded to or how the new code addresses them. He thinks that would be very helpful and he doesn't know how much longer this public hearing is going to be open but they should also start thinking about an end date otherwise we could keep on doing this. He told the Council that he appreciates their efforts and that we are right on the threshold of a really fine document so they will be submitting their comments in writing.

Roxie Royal, City of Newburgh, appreciates that something is being done because it is time for a change. But the perception of the residents and what is going on is a concern to her because when people don't know what is going on then they make their own decisions. She asked if the people who are working on this zoning are a reflection of the people who live

here. These are things that should be taken into consideration because many people don't know what is going on so she agrees that there should be some more meetings and they need to get word out to the community. There are a lot of people here tonight but it is not reflective of the population of this City. The vacant space on Marine Drive was once full of homes but they came in and tore it all down and it has been empty for fifty to sixty years now. Naturally everyone is concerned because when Urban Renewal came in everyone was told that when it was rebuilt the people would be able to go back there but that never happened.

Mayor Kennedy thanked everyone for their comments and input and noted that they are all extremely important. She also thanked Deidre Glenn for the huge amount of work she put in to bring this document to the next level. She noted that they are not going to close this Public Hearing at this time as they will continue to collect information to move forward and written comments could be forwarded to dglenn@cityofnewburgh-ny.gov.



4/13/15 Conservation Adv. Council
Chuck Thomas Comments

City of Newburgh, Chapter 300, Zoning

On behalf of the Conservation Advisory Council we applaud the work that has gone into the revisions to the zoning and the attention to the comments and concerns provided by the Citizens of the City.

The following comments are provided on behalf of the Conservation Advisory Council.

Article VII 300-46 Waterbody Protection Overlay (WPO) Districts.

This is perhaps one of the most important changes to the zoning and inclusion of this will promote the environmental conditions of the city and the quality of life in the city. This zoning recognizes the importance of our watersheds.

The Council suggests the editorial addition below:

Page 48 e) Any new encroachment into the WPO (that) has been demonstrated to be, in the City Planning Board's opinion, the only practicable alternative

The council is requesting clarification on:

Page 48 f) Any encroachment into the WPO (that) is required so as not to deprive the owner of all reasonable returns on investment relating to the development of their parcel, if said parcel is in an undeveloped condition and in single ownership.

How is a "reasonable return" determined and by who? Does this clause negate all of the positive efforts to preserve our watersheds and essentially allow the degradation of this and all downstream riparian properties?

Page 48 4. The City Planning Board shall refer the site plan application to the Conservation Advisory Council. The CAC has thirty (30) days from the date of referral to provide its comment on the application.

Does this refer to 30 calendar days or business days? What is the mechanism established to convey the referral to the CAC and by whom. If the Board "refers" the application to the CAC at their Board meeting and the Secretary or other to-be-designated individual does not convey same to the CAC promptly, when does the 30 day clock commence? This is imperative to understand as the CAC meets monthly. Please see page 67 5. Referral and CAC recommends to be consistent with this language on page 67.

Article XI - Site Plan Application and Approval

300-87 – Required Information – Page 66

B) Additional Viewshed Analyses for the WG, PWD and portion of the DN districts.

1. Purpose and Intent ... It is the intent of the City of Newburgh to preserve scenic views to and from the Hudson River, the Hudson Highlands and the East Bank of the Hudson River.

2. The views from the following locations are recognized by the City of Newburgh..... The detailed description of the current view is noted specifically, to highlight the character of the current view as emphasis to the importance of its preservation.

a) The Dutch Reformed Church and at Montgomery and South Streets. From this vantage point looking south-southeast, the view is of the Hudson Highlands, Bannerman's island and the Hudson.

These are at least two and maybe three separate locations. Does this refer to the Dutch Reformed Church on Grand Street, looking out over Montgomery Street? Does this refer to Montgomery Street? Does this refer to the corner of Montgomery and South Street? From each of these locations the vantage point is primarily east, southeast or in some instances also northeast. This should be clarified.

d) Newburgh Public Library -- please clarify this as the Newburgh Free Library.

e) Does this description refer to the view from the library? If so it should be revised without a separate clause (e).

Page 67 3. Visual Impact Analysis

b) Visual Impact Analyses for applications requiring Site Plan approval will be evaluated by the Planning B(oard). If the Application does not require Site Plan approval, the Visual Impact Analyses will be evaluated by the Building Inspector.

The Conservation Advisory Council respectfully suggests that the CAC also be brought into this process.

COMMENTS FROM THE PUBLIC REGARDING AGENDA ITEMS

Omari Shakur, City of Newburgh, said that they came down to City Hall today to protest about Resolution #74-2015 because the City is always coming up with all of this money for the Police Department but why don't they have any cameras yet? They are patrolling our community with dogs and people have seen what has been going on across the Nation with cameras. He said that when they were protesting today they were informed that there were several police officers on Lander Street so they went to see what was going on and they started videotaping. There were about twelve police cars and two hundred people there and he didn't say one word but as the police were leaving Officer Loscerbo rolled his window down and said, "*How are you doing, how's your son?*", this is the same Officer who pulled a gun on him and who he put in a complaint about but nothing was done. The only son is the one who the Police Department killed so why is this Officer coming into his face asking that? He told Acting Police Chief Cameron that the Officer's name is Loscerbo and he is a Detective who pulled a gun on him so he has the report and nothing was done about it. Now today in front of one hundred people he rolls down his window and asks how his son is. He said this was the second time but there won't be a third. He sees that we now have a Chief that seems to want to do something so out of respect to him they are going to talk to see if they can get something done. To the Mayor he said that she should have had enough respect to come down to talk to them when they were protesting because we need leaders and he told the Police Chief to put his Officers in place.

Lillie Howard, City of Newburgh, said her concern is that it seems like Newburgh wants to see a Ferguson here and like things are being deliberately allowed to happen to escalate a situation whereby we can have violence in this community and she doesn't understand it. Take into consideration what you see going on throughout the Nation and with the weather getting warmer how much longer do you think you aren't going to see another Ferguson right here in the City of Newburgh. They are hoping and praying that it doesn't come to that because she knows the devastation that could be wielded upon this City that we are trying to bring back again. They don't want the World to see what is going on in Newburgh because of negligence and not addressing the situation that is going on here in the City of Newburgh with the Police Department. Not all of the Police but some of them so something has to be done because if not they are waiting for a tragedy and it almost looks like that is what they want to happen because they are not addressing the problem. Nationwide they are talking about body cameras on the Police but not here in the City of Newburgh. With as many things as we have had happen here they should want to see what is going on to alleviate Newburgh from blowing up. She noted that Newburgh is on the map nationwide and she is hoping and praying that it does not come to what happened in Ferguson and what we see going on throughout this whole Country. It is really sad and she told the Council because they have the authority to make some change to please be men and women who are going to show that they really are concerned about Newburgh.

Sheila Murphy, City of Newburgh, asked in regard to resolution #70-2015 what the Land Bank plans on doing with these properties. Are they going to fix them up and use Section 3 to provide jobs to the residents of the City of Newburgh or are they going to sell them to outsiders to make money off of them. When this Land Bank first started she thought

it was to take the condemned buildings for the residents so that they could have nice affordable housing. She has been going to a lot of meetings concerning the Land Bank and they have changed things four or five times so she thinks that this should just be tabled. If they are going to fix up Newburgh they should fix it up for the residents and not give property to outsiders because we have a lot of property owners who are not from the City of Newburgh and the properties are just sitting there not being taken care of and they are not being held accountable.

Kippy Boyle, Grand Street, in regard to items under Old Business strongly recommended that before the Council considers any kind of a Charter change they refer to the experts that they already have which is the Charter Review Commission. They did a fabulous job a couple of years ago and they know the Charter inside and out so she suggested speaking to them before any changes are made. In regard to Resolution #72-2015, she urged the Council to consider that this is selling five pieces of property on Lander Street to an Architecture Firm. She believes that reasonable metrics must be made part of the purchaser's contractual obligation in order to protect the interest of the City. The way the contract is written now they have already given this Developer his first eighteen month extension. It is being extended to three years to produce something on five properties. The current contract only says that at the thirty six month period they will have an Inspector go do an inspection and if necessary the City Manager can give this Developer another thirty six months. That is six years to develop five properties and they are paying us \$20,000.00. She feels that there is something drastically wrong with this. Once every six months they should have to give the Building Inspector a report. At the end of eighteen months what does the City expect from them? She has been here for twenty years and this eighteen month reverter clause has always done nothing and now they have extended it to three years for five properties on Lander Street. She feels this is not fair to the rest of the people in the City of Newburgh.

Barbara Smith, City of Newburgh, said in regard to Resolution #87-2015 under Old Business that it seems very simple when you read it on the Agenda, however, when you read the Resolution she said that if she was a City Council person she would not sit there and allow someone to lead her into a potential ethics complaint. She read part of the Resolution out loud and said she agrees that they should have an idea of what they want to do to incorporate the residents but she does not agree that they should isolate and fit an individual because that is not the function of her City Council.

Jonathan Jacobson, 25 Pierces Road, thanked the Council for moving forward with Resolution #78-2015 concerning the Charter. This is a step to bring checks and balances to City government. Right now as it stands the City Manager can make appointments without Council approval and he thinks it is important that the Council has the final say in making appointments. This is done in every government and as it stands now the City Manager in our form of government has more power than the President. He feels that this is a very limited but very important Charter Change which he is glad to see on the Agenda and he hopes that they pass it for the Public Hearing.

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

COMMENTS FROM THE COUNCIL REGARDING AGENDA ITEMS

Councilwoman Abrams said that she thinks Resolution #78-2015 is less about checks and balances and more about the separation of powers. The City Council is here to make policy for the City and the City Manager is here to hire all of the other City employees except himself who is hired by the Council. She thinks this would be a violation of our Ethics Code to have Elected Officials involved in the hiring of City employees and Department Heads. She thinks it is very important not to get involved in changing our structure in that way.

Councilwoman Lee said that on March 23rd she introduced legislation for a First Source Agreement for companies, contractors and developers doing business with the City of Newburgh. This legislation mandates employment opportunities for Newburgh residents for City funded projects and the redevelopment of City owned parcels. The legislation targets projects that are budgeted for \$500,000.00 or more. Her legislation requires that companies, contractors and developers doing business with the City of Newburgh hire local residents. There would be an agreement with each firm which could be called a First Source Agreement and this proposed First Source Agreement requires thirty percent of all new construction and permanent jobs be reserved for City residents. These conditions are part of the standard language that would be included in every agreement executed by the City of Newburgh. The agreement requires the following: All job openings created are listed with the City of Newburgh and the County of Orange Civil Service Commission, the Department of Labor and the Department of Social Services. Thirty percent of new hires are Newburgh residents. Small business owners who execute contracts with the City of Newburgh who have a gross income of one million dollars must adhere to these requirements. In the future, the City of Newburgh should consider a tax break for businesses that own locally and whose gross business income is less than one million dollars. If these Firms hire City residents for a minimum of one year, then these companies can receive a property tax credit for local hiring. Her legislation is a two tier approach to revitalizing the City of Newburgh by promoting economic development using City owned properties and the resources of the City of Newburgh on hand. Equal employment opportunities is the most important component of creating home ownership, new commercial and retail business and lowering property taxes. The First Source Legislation is the beginning of the rebirth of the City of Newburgh as we begin to develop Consolidated Iron and Metal, South Water Street and the Mid-Broadway Development Site and our community residents cannot miss out on these opportunities. A First Source Agreement not only assures employment but it is a tool for communities to empower itself. She hopes they will vote on Resolution #87 a resolution of the City of Newburgh supporting the establishment of a jobs development initiative. She added that she neglected to take out Best Resources because we do have other training programs. She looks forward to the comments and just like the legislation to have the City Manager talk to the Council about who he is going to hire we should have legislation that requires the City Manager to hire locally which we don't have. Because we don't have that most of our residents are struggling to make ends meet and about seventy-five percent of the people who work for the City of Newburgh don't actually live in the City of Newburgh and that's a problem. She hopes that passing this legislation will reduce some of the frustration and the tension because part of the problem, at least that she talks about with people, is that

there are no jobs yet there is always hiring going on in the City of Newburgh that is not open to City residents.

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

RESOLUTION NO.: 64 - 2015

OF

APRIL 13, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DETERMINING THAT THE PROPOSED CITY SANITARY SEWER ILLICIT
DISCHARGE IDENTIFICATION STUDY IS A TYPE II ACTION UNDER THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND WILL NOT HAVE A
SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

WHEREAS, on June 9, 2014 through resolution 153-2014 the City Council authorized Barton & Loguidice, D.P.C. to submit a planning grant through the consolidated funding application process to apply for and accept an award in an amount up to \$30,000; and

WHEREAS, Barton & Loguidice D.P.C. prepared and submitted the Wastewater Infrastructure Engineering Planning Grant (EPG) application to the New York State Department of Environmental Conservation/Environmental Facilities Corporation through the consolidated funding application process at no cost to the City; and

WHEREAS, on December 11, 2014, the Governor announced that the City was awarded a \$27,480 EPG administered by the New York State Environmental Facilities Corporation (NYSEFC) for the commissioning of a Sanitary Sewer Illicit Discharge Identification Study (the "Project"); and

WHEREAS, the City has been notified of the award of a \$27,480 EPG by the New NYSEFC for the commissioning of the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, and the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the City desires to comply with SEQRA and the Regulations with respect to the project; and

WHEREAS, 6 NYCRR Section 617.5(c) provides that certain actions are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation reviewed the Project in accordance with the New York State Historic Preservation Act of 1980 and issued an opinion that the Project will have no impact upon archaeological and/or historical resources listed in or eligible for the New York State and National Registers of Historic Places;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby determines that the proposed Sanitary Sewer Illicit Discharge Identification Study is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18) and

(21) which constitutes an engineering study and is therefore not subject to review under 6 NYCRR Part 617.

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.: 65 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
GREEMAN-PEDERSEN, INC. FOR PROFESSIONAL DESIGN SERVICES RELATED
TO THE FINAL DESIGN OF THE SOUTH STREET WATERFRONT PARK
IN AN AMOUNT NOT TO EXCEED \$50,156.00**

WHEREAS, the City of Newburgh has issued a Request for Proposals (“RFP”) No. 1.15 for Professional Design Services related to the South Street Waterfront Park Design; and

WHEREAS, the City of Newburgh received nine (9) responses to the RFP, and after review, the City of Newburgh wishes to accept a proposal and execute an agreement with Greenman-Pedersen, Inc. (GPI) for professional design services related to the final design of the South Street Waterfront Park; and

WHEREAS, the object of the contract is to aid the City of Newburgh in the development of the South Street Waterfront Park located at terminus of the improved roadway section of Front Street; and

WHEREAS, the main tasks for the project include the Schematic Design Phase, the Preliminary Design Phase, and the Final Design Phase which are outlined in the proposal; and

WHEREAS, the cost for these services will be an amount not to exceed \$50,156.00 with 50% of the funding derived from a Newburgh Waterfront Public Access Improvements Grant from the Department of State (State Assistance Contract No. C06953) with a required 50% local match to be derived from H1.5112.0208.5102.2010; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Greenman-Pedersen, Inc. (GPI) for professional design services related to the final design of the South Street Waterfront Park.

Councilwoman Lee moved and Councilwoman Abrams 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.: 66 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE AN AGREEMENT WITH THE CHAZEN COMPANIES
FOR THE STRUCTURAL EVALUATION OF VACANT BUILDINGS
AT A COST NOT TO EXCEED \$15,000.00**

WHEREAS, the City of Newburgh has issued a Request for Proposals (“RFP”) No. 2.15 for Professional Engineering Services related to the Structural Evaluation of Vacant Buildings; and

WHEREAS, the City of Newburgh received thirteen (13) responses to the RFP, and after review the City of Newburgh wishes to accept a proposal and execute an agreement with The Chazen Companies for the structural evaluation of a pre-selected list of 21 vacant properties with known deficiencies located in the City of Newburgh; and

WHEREAS, the proposal includes on-site structural evaluation, assessment report and planning documents, and post assessment meetings and site visits; and

WHEREAS, the cost for these services will be \$15,000.00 and funding shall be derived from CDBG Funds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with The Chazen Companies for structural evaluation of vacant buildings at a cost of \$15,000.00.

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

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

ADOPTED



CITY OF NEWBURGH

Proposal for Structural Engineering Services





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Hudson Valley Office

21 Fox St., Poughkeepsie, NY 12601
P: (845) 454-3980 F: (845) 454-4026
www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

February 27, 2014

John J. Aber
City Comptroller
City of Newburgh
83 Broadway – 4th Floor
Newburgh, New York 12550

Re: *Request for Proposals for Professional Engineering Services related to the Structural Evaluation of Vacant Buildings.
RFP No. 2.15*

Dear Mr. Aber,

The Chazen Companies (Chazen) is pleased to provide the following proposal for structural engineering services to the City of Newburgh. This proposal details the qualifications of Chazen as a firm and the specific qualifications and availability of our staff to perform the scope of services detailed in this proposal. We are currently providing environmental services to the City working with Jason Morris, at the DPW Garage and associated landfill. We would be delighted to expand the services we are providing to the City through this contract.

Chazen has over 60 years of experience providing quality engineering services to municipal and private clients throughout the Capitol Region and Hudson Valley. Included in Chazen's wide range of services is a strong and experienced structural engineering group. The individuals that comprise the project team have over 70 years of experience including many projects within and for the City of Newburgh.

Chazen is pleased to partner with TAP, Inc, a community design and development center that provides design and planning services for area municipalities to restore under-utilized and vacant properties, on this project. Joe Fama and his team at TAP, Inc. are intricately involved in the Albany County Land Bank Corporation and is experienced in developing evaluation criteria and opinions of probable restoration cost for vacant structures.

Our corporate headquarters is located in the Hudson Valley at our Poughkeepsie office. The combination of this proximity as well the resources assigned will allow Chazen to provide rapid evaluation, accurate cost-benefit analysis and professional recommendations regarding the vacant properties. Chazen has worked with the City of Newburgh in the past and we look forward to this opportunity to provide additional professional services.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Lanaro".

Joseph M. Lanaro, PE, M.ASCE
Principal
Vice President, Engineering

Contact Information

The Chazen Companies

Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.

Chazen Environmental Services, Inc.

Saratoga Safety, LLC

Contact: Joseph M. Lanaro, P.E., M.ASCE

Principal, Vice President Engineering

Phone: 518-266-7305

Email: jlano@chazencompanies.com

Hudson Valley Office

21 Fox Street

Poughkeepsie, New York 12601

P: 845-454-3980 F: 845-454-4026

Capital District Office

547 River Street

Troy, New York 12180

P: 518-273-0055 F: 518-273-8391

Saratoga Safety Office

267 Ballard Road, Suite 3

Wilton, NY 12831

P: 518-226-0300 F: 518-226-0303

North Country Office

375 Bay Road

Queensbury, New York 12804

P: 518-812-0513 F: 518-812-2205

Form of Business

Design Professional Corporation

Ownership of Business:

Senior Principals:

Richard H. Chazen, P.E.

Daniel W. Stone, P.E.

Principals:

Mark A. Kastner, P.E., President

Steven J. Alex, L.S., Vice President, Land Surveying

Joseph M. Lanaro, P.E., Vice President, Engineering

Christopher Round, AICP, Vice President, Planning Services

Russell Urban-Mead, CPG, LEED® AP, Vice President, Environmental Services

Lauren Gillett, PHR, Vice President, Human Resources

Associates:

James Connors, P.E., Senior Director, Land Development

Roger Keating, P.E., LEED® AP, Director, Land Development

James "Andy" Rymph, RLA, LEED® AP, Director, Landscape Architecture

Peter Romano, P.E., Director, Land Development

Chris Lapine, P.E., Director, Land Development

Eric Johnson, P.E., LEED® AP, Director, Municipal Engineering

Sean M. Doty, P.E., LEED® AP, Senior Project Engineer

chazencompanies.com

Toll Free: 888-539-9073

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3. Project Team
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5. QA/QC Program
6. References
7. Cost Proposal
8. Project Staff Resumes

1. Firm Introduction



Firm Introduction

The Chazen Companies (Chazen) was founded in the historic Hudson Valley region of New York in 1947. We provide engineering, land surveying, planning, environmental and safety consulting and landscape architectural services to clients throughout the Northeast. We focus on creating effective, long-term partnerships while delivering world class levels of performance from our offices in the Hudson Valley, Capital District and North Country of New York.

Chazen is an employee-owned firm representing municipalities, agencies, developers, landowners, utilities, institutions, industries and not-for-profits. Many of our staff are LEED certified. We closely review emerging technologies and practices to ensure that our clients are introduced to high-value, reliable, cost-effective practices.

From project concept to completion, we collaborate closely with clients, taking a customized approach to every project.

Chazen is experienced in assessing the condition of deteriorated building structures. We have the expertise to not only identify structural and building envelope deficiencies, but to identify the source of the symptoms and provide efficient and effective recommendations. In addition to our building condition assessment experience, all of our structural engineers are trained in the emergency evaluation of structures per ATC-45. With a strong project team versed in structural engineering and building envelope science, proximity of our Poughkeepsie office and experience working in the City, we feel Chazen can provide the services detailed in this proposal.

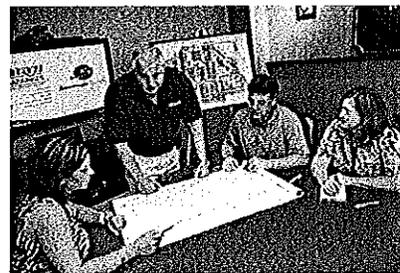
Areas of Practice

- Brownfield Redevelopment
- Civil Engineering
- Code Compliance
- Construction Observation and Inspection
- Ecological Studies
- Environmental Remediation
- Environmental Risk Management and Asset Protection
- Environmental Site Assessments
- Forensic Investigations
- Geographic Information Systems
- Geotechnical Engineering
- Craftsmanship
- Land Surveying
- Land Use and Comprehensive Planning
- Landscape Architecture
- Parks and Recreation Planning and Design
- Public Participation
- Regulatory Compliance and Permitting
- SEORA and NEPA Compliance
- Site Planning and Design
- Solid Waste Management
- Stormwater Management
- Structural Engineering
- Transportation Planning and Engineering
- Utility Engineering
- Visual Impact Assessment and Simulation
- Wastewater Collection, Treatment and Disposal
- Water Resource Development
- Water Supply, Treatment and Distribution
- Wetland Delineation and Permitting
- Zoning Approvals and Permitting

1. Project Team

Chazen staff is our most valuable asset. Most of our professionals are licensed and certified, and we encourage them to continuously advance their skills throughout their careers.

We invest in the most advanced internal infrastructure. Our tools and equipment, for example, include the most sophisticated electronic and robotic instrumentation on the market. The company's computer systems are the newest generation, too. Linking all of our offices, they ensure that we serve clients with maximum speed, ease, and cost-effectiveness.



Chazen engineers work closely with our in-house safety professionals and are well equipped to establish an effective Emergency Action Plan for individual properties and entire municipalities. The primary staff members assigned to this contract are OSHA certified for confined space entry, have OSHA 40 hour HAZWOPER certification and are fit tested for full-face respirators. In addition, members of our project team are trained in the emergency evaluation of structures utilizing ATC-45.

Each team and its members are approved by one of our two company principals to ensure the proper assets are provided to each project. Key members for structural engineering support to the City of Newburgh are as follows. Resumes for project staff in Section 8.

CHAZEN PROJECT TEAM

JOSEPH LANARO, PE
VICE PRESIDENT ENGINEERING SERVICES
ROLE: PRINCIPAL IN CHARGE AND QA/QC (SENIOR PROFESSIONAL)

Mr. Lanaro is the Vice President of Engineering for *Chazen*. With over 27 years of cumulative experience, he brings a wealth of knowledge to the project team. Mr. Lanaro's principal role will be to ensure that the project team has the adequate labor and technical resources to complete work under this assignment and will have direct accountability for *Chazen's* performance and quality control.

MICHAEL BARON, PE
STRUCTURAL ENGINEER
ROLE: PROJECT MANAGER / STRUCTURAL ENGINEER (PROFESSIONAL I)

Mr. Baron will act as Project Manager and Engineer overseeing the investigation and preparation of deliverables by the *Chazen* team. Mr. Baron is experienced in the assessment of existing residential, commercial and industrial structures, the restoration of deteriorated concrete structures, the design of new commercial structures, and performing building code studies.

LANSON COSH, PE
STRUCTURAL ENGINEER
ROLE: STRUCTURAL ENGINEER (PROFESSIONAL I)

Mr. Cosh has experience with multiple aspects of structural engineering including: high rise, commercial, residential, schools, hospitals, DoD, FAA, piers, and transportation hubs. Prior to joining *Chazen*, Mr. Cosh gained valuable experience designing high profile buildings and structures in New York City and Honolulu. In addition, he has experience performing building inspections for the City of New York under their Local Law 11 façade inspection requirements. Mr. Cosh will assist performing structural evaluations and preparing recommendations and deliverables.

1. Project Team

EDWARD LARKIN, PE, LEED AP
MANAGER, CODE COMPLIANCE GROUP
ROLE: ENGINEER (PROFESSIONAL I)

Mr. Larkin has extensive experience in completing projects for municipal clients as a member of the Municipal Engineering Group. In this time Mr. Larkin has worked on a wide range of structural engineering projects from assessment and evaluation to design and construction, and will assist performing structural evaluations and preparing recommendations and deliverables. Mr. Larkin is also responsible for coordinating our code review focusing on municipality support services.

MICHAEL WASICZKO
ROLE: ASSISTANT ENGINEER (TECHNICIAN I)

Mr. Wasiczko assists both the Structural Engineering and Code-Compliance Groups here at Chazen. Mr. Wasiczko has experience in performing building code compliance inspections, overseeing construction projects, performing field quality control inspections and designing new building structures and systems. Mr. Wasiczko will be assisting the field assessment of the subject structures and the preparation of assessment reports.

CHAZEN PARTNERING FIRM – TROY ARCHITECTURAL PROGRAM, PC (TAP, INC.)

Chazen will be partnering with TAP, Inc., a community design and development center established in 1969 which provides design and planning services for area municipalities, to utilize their experience and abilities in assessing under-utilized structures and developing strategies for their renewal.

JOE FAMA, RA
ROLE: EXECUTIVE DIRECTOR OF TAP, INC. (SENIOR PROFESSIONAL)

Mr. Fama is the Executive Director of TAP, Inc. and has extensive experience with the Albany Land Bank and specializes in assessing deteriorated structures, determining their current and potential value to municipalities, and developing innovative methods of restoring under-utilized structures to benefit communities.

Mr. Fama and his team will be assisting Chazen determining the value of these vacant structures and providing recommendations for the City of Newburgh based upon his experience with the City of Albany and other area municipalities.

MICHAEL LOPEZ
ROLE: AFFORDABLE HOUSING AND COMMUNITY PLANNING SPECIALIST (PROFESSIONAL I)

Mr. Lopez is a specialist in affordable housing, neighborhood and community planning and historic preservation at TAP, Inc. Mr. Lopez has coordinates residential and downtown revitalization programs sponsored by the New York State Division of Housing and Community Renewal. He has worked closely with private developers and governments to help plan and market the revitalization of individual buildings and neighborhoods in the Capital Region. Mr. Lopez will assist Chazen in determining the value of these vacant structures and providing recommendations for their renewal.

2. Project Schedule

Availability of Work

The Chazen Companies and our partners at TAP, Inc. are both available to support the City in performing this work in the Spring of 2015.

Our teams are both currently working on engineering and assessment projects and have limited availability in March 2015. Chazen-led teams can be scheduled to perform the on-site assessment work in Early April 2015 and engage the services of our partners at TAP, Inc. in Late April and May of 2015.

Proposed Project Schedule

The following schedule is the projected timeline for development of the project. The project timeframes have been established to work from an assumed award date of March 23, 2015. These timeframes are subject to change depending upon the date of authorization and the availability and needs of City officials. A final project schedule will be developed in consultation with the City upon authorization during our scheduling work in Task 1a.

<u>Task</u>	<u>Description</u>	<u>Anticipated Timeframes</u>
--	Authorization	March 23, 2015 (Assumed)
1a	Coordination with City Officials, Schedule Visits	March 30, 2015 – April 3, 2015
1b	Site Assessments	April 6, 2015 – April 15, 2015
1c	Post Evaluation Discussion with City Officials	April 17, 2015
--	Task 1 Complete	Late April 2015
2a	Discussion with City Officials, Define Report Criteria	Early May 2015
2b	Building Assessment and Recommendation Reports	May 4, 2015 – May 15, 2015
2c	Priority Action List and Planning Document	May 18, 2015 – May 22, 2015
--	Task 2 Complete	Late May 2015
3	Post Assessment Meetings and Site Visits	As requested by City

3. Related Experience

REPRESENTATIVE PROJECTS

CONDITION ASSESSMENT OF SIX RESIDENTIAL PROPERTIES WITHIN THE CITY OF TROY

TROY, NEW YORK

Chazen performed an emergency condition assessment of six residential properties within the City of Troy including 3029 Seventh Ave., 220 Fourth Ave., 878 Third Ave., 425 Williams St., 482 Third Ave. and 111 Mill St. The buildings were in various states of partial collapse and posed a safety concern. Chazen provided immediate inspections and recommendations regarding the stability of the structures.

247 GREEN STREET EMERGENCY BUILDING CONDITION ASSESSMENT

ALBANY, NEW YORK

Chazen performed an emergency condition assessment of the building located at 247 Green Street in the City of Albany. The building had a failure of a portion of the wall at the second floor level as well as two sections of the parapet wall and was evaluated to verify if it was structurally stable or posed an immediate safety concern to the public.

54 CLINTON AVENUE EMERGENCY BUILDING CONDITION ASSESSMENT

ALBANY, NEW YORK

Chazen performed an emergency condition assessment of the building located at 54 Clinton Avenue in the City of Albany. The building was evaluated to determine if it was structurally stable following a structure fire or posed an immediate safety concern to the public. The building was in such poor condition that interior inspection could not be performed. The structure was evaluated from exterior openings as well as adjacent roofs.

NYSOGS - PN44772

EVALUATE AND DEMOLISH UNSAFE BUILDINGS HUDSON RIVER PSYCHIATRIC CENTER

POUGHKEEPSIE, NEW YORK

Chazen performed an existing condition assessment of two building located at the Hudson River Psychiatric Center in the City of Poughkeepsie. Both buildings were significantly deteriorated due to being vacant for a significant period of time and the evaluation was performed to determine if the buildings were structurally stable and safe to perform asbestos abatement. One building, constructed of unreinforced masonry was determined to be unsafe while the second, constructed of wood framed constructed was found to be safe.

NYS OGS MT. MCGREGOR CORRECTIONAL FACILITY DECOMMISSIONING

WILTON, NEW YORK

Chazen provided engineering assessment and project management services to decommission a 64-building, 1200-acre correctional facility in 2014. Working alongside OGS, Chazen provided design coordination of multi-partner teams, prepared and implemented OGS schedules and documentation, and provided construction oversight. Chazen personnel visually assessed the structure and envelope systems for each building, identified deficiencies, prepared concept-level recommendations for each and cataloged our observations for use by our field and OGS personnel.

NYS OGS BEACON CORRECTIONAL FACILITY DECOMMISSIONING

BEACON, NEW YORK

Chazen provided engineering assessment and project management services to decommission a 21-building, 105-acre correctional facility in 2013. Working alongside NYSOGS, Chazen provided design coordination of multi-partner teams, prepared and implemented OGS schedules and documentation, and provided construction oversight. Chazen personnel visually assessed the structure and envelope systems for each building, identified deficiencies, prepared concept-level recommendations for each and cataloged our observations for use by our field and OGS personnel.

3. Related Experience

TERM CONTRACTS

Chazen has been providing municipalities and governmental agencies with professional services for over 40 years. In the last few years we have been providing these services for some of the most significant projects in the Hudson Valley and across New York State. Governmental agencies we have had term assignments with include the following.

STATE UNIVERSITY OF NEW YORK AT ALBANY
CAMPUS ENGINEERING TERM CONTRACT
2007-2011

Chazen has had two successive term contracts



with SUNY Albany spanning six years. The primary focus has been for rehabilitation of pedestrian and parking facilities. Some of the more significant projects we have completed include the construction of the Purple Path as well as major rehabilitation of the Dutch Quad.

NYS OFFICE OF PARKS RECREATION & HISTORIC PRESERVATION
ENGINEERING TERM CONTRACT
2010-2013 D004027, D004028 & D004029



Chazen was awarded a three year term assignment with the NYS Office of Parks, Recreation and Historic Preservation's Saratoga, Palisades and Taconic Regions. Assignments from this contract included project design, phase studies, investigations, assessments, reports and related services in support of the capital program for parks facilities. Discipline specific work has included buildings, MEP building systems, utilities, roads/bridges, dams, water/sewer systems, recreational sites and other supporting infrastructure.

NYS OFFICE OF GENERAL SERVICES
ENVIRONMENTAL ENGINEERING TERM CONTRACT
2006-2011 DOS2412; 2009-2012 DOS4993



Chazen has had the privilege to be awarded three consecutive term assignments with the NYSOGS for environmental engineering services statewide. We have completed over 80 individual projects varying in scope and complexity. The work we have completed has taken us throughout the state and has included assignments for numerous client agencies. We have completed water supply, treatment and distribution, wastewater treatment evaluations and rehabilitation, sewer system evaluations, landscape architecture, SEQRA reviews, highway design, landfill monitoring and compliance monitoring and land surveying.

CHAZEN'S OTHER TERM CONTRACTS:

STATE AGENCY TERM CONTRACTS

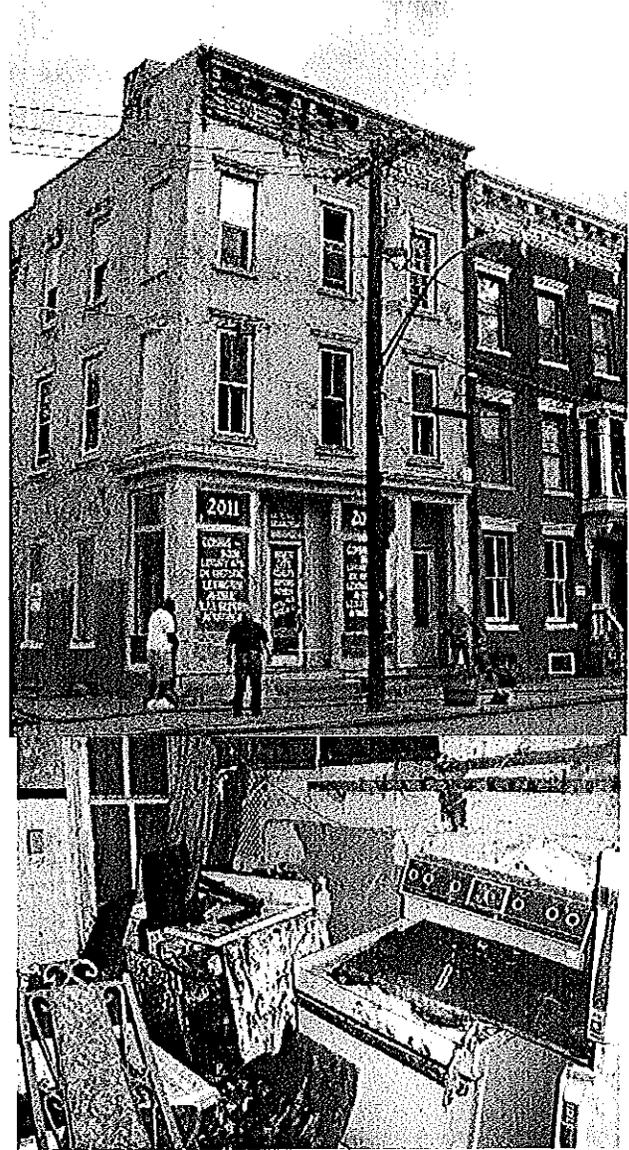
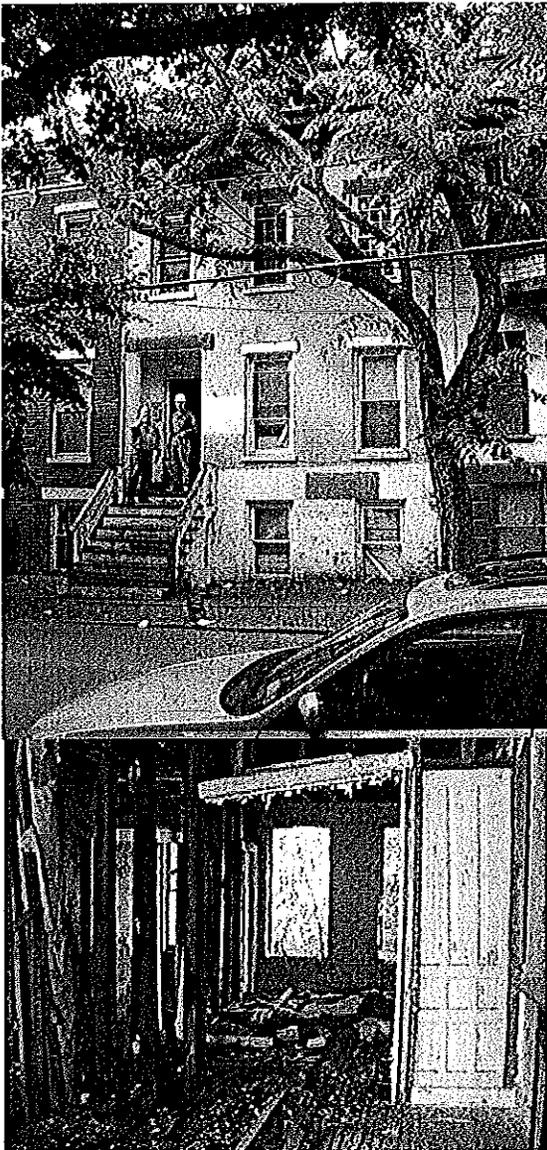
- NYS Office of General Services
OCFS Site / Utility Engineering Term Contract
2012-2017
Contract DOS6871
- NYS Office of General Services
Land Survey Term Contract
2002-2007
Contract DOS8845
2007-2011
Contract DOS2827
- Dormitory Authority of the State of NY
Environmental Consulting Term Contract
2011-2014
- NYS Department of Transportation
Ecological Services Term Contract
2007-2011
Contract DOS15817
- Harriman Development Corp (Empire State Development)
Campus Engineer / Planner
2011-2013

3. Related Experience

CONDITION ASSESSMENT WORK ON BEHALF OF THE ALBANY COUNTY LAND BANK
ALBANY, NEW YORK



Joe Fama and his team at TAP, Inc. are intricately involved with the evaluation and assessment of several under-utilized and vacant building structures through his work with the Albany County Land Bank, in Albany, New York. The Albany County Land Bank is a not-for-profit organization whose goal is the eliminating blight from neighborhoods, re-purposing vacant and abandoned properties, and advising and providing planning services to municipalities by taking a comprehensive view of community needs and assets.



Engineers ♦ Land Surveyors ♦ Planners ♦ Environmental & Safety Professionals ♦ Landscape Architects

3. Related Experience



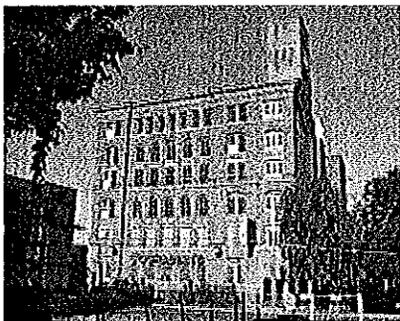
444 River Street



433 River Street

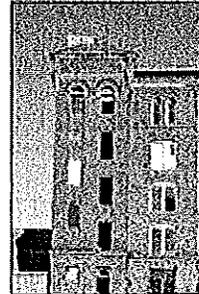


547 River Street



599 River Street

TAP is surveying seven former factories along the Hudson River shoreline in Troy, NY, documenting their history to lay the groundwork for National Register nomination. The National Register listing of these buildings — four of which are empty and ripe for redevelopment — would allow owners to access state and federal tax credits equaling 40 percent of the rehabilitation cost.



701 River Street

The Preservation League of New York State in August 2012 awarded the City of Troy \$5,000 to study the buildings' historic significance; the city in turn hired TAP as consultant, which has since been researching the buildings. Together, they strongly represent 19th century industrial Troy, particularly collar and cuff manufacturing.



621 River Street

For such sizeable projects, the tax credits create upfront equity for developers to invest in the project.



669 River Street

Preserve New York, Factories Study

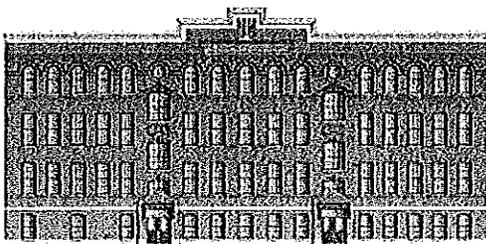
3. Related Experience



The Conservatory

65 Third Street, Troy, New York

Tap was responsible for Part I and II of the tax act application. In addition, TAP prepared Building Permit drawings and code evaluation for the adaptive use of this landmark former department store as 19 apartments. The project was completed and the building is occupied.

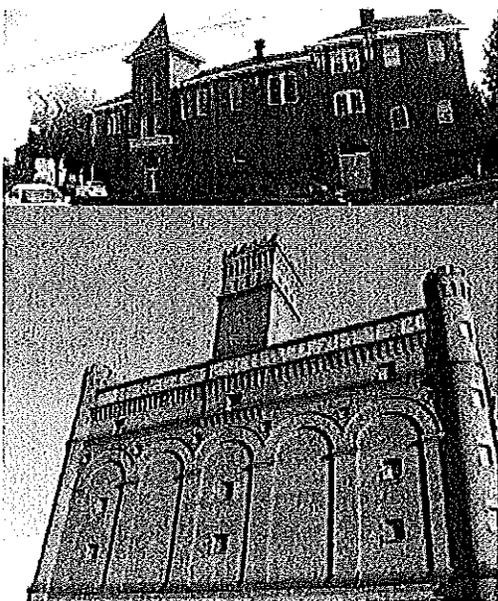


Academy Lofts, 1906

Albany, New York

The former St. Joseph's Academy, a vacant parochial school, is being developed to accommodate 22 affordable apartments with civic space for production of art and community use.

TAP worked on construction documents, then in 2011 secured federal and state



TAP provides historic preservation consulting services to architects and owners on tax act projects in the Capital District. Four recent examples are listed above.

2013

Historic Tax Credit Projects

4. Scope of Services

Project Understanding

- The City of Newburgh has been negatively impacted for financially and socially by the collapse of several vacant, deficient building structures within the city limits. These recent collapses have revealed the need for a comprehensive structural evaluation of the stability of these properties to prevent future impacts to the public's health and safety, and to allow the City to plan financially for the burden of stabilizing and/or demolishing these structures in the future.
- The City is seeking an engineering firm that specializes in structural engineering to perform and subcontract an array of professional services for the purpose of evaluating the structural stability of 21 vacant properties with known deficiencies, to identify potentially unsafe conditions and to recommend a course of action to City Planners.
- While the City does not foresee significant security threats at the vacant properties, the City shall provide Fire Department personnel to accompany the evaluation team during the assessment work. The City shall provide Police personnel, if special circumstances warrant the need. The addresses of these properties are listed in the RFP provided to us by the City.
- While we understand that the City is specifically excluding hazardous material building condition surveys from this proposal, it is Chazen's experience that removal and stabilization of hazardous materials (i.e. asbestos, lead-containing paint, PCBs, etc.) can be a significant cost of the demolition or rehabilitation of vacant structures. Chazen's environmental team is experienced in performing these assessments, and we advise that the City engage Chazen to perform this survey work as an additional service, especially if more accurate opinion of probable construction costs are required.

4. Scope of Services

Scope of Services

Based upon our understanding of the project and our past experiences, the following are the services that we believe are necessary to fulfill the City's objectives:

1. On-Site Structural Evaluation

- a. Coordination with City Officials, Schedule Visits: Chazen will coordinate with City Officials via telephone calls and e-mail to schedule site visits to each of the listed properties. Chazen is intending to schedule three, full days of field assessment work in collaboration with City personnel (i.e. project managers, building inspectors, fire department, police department, etc.).
- b. On-Site Field Assessments: Chazen will travel to each of the subject structures to visually assess the condition of the building structure and to generally evaluate the condition of the property, subject to the limitations provided herein. Our work will be in general conformance with selected portions of: *Structural Engineering Institute/American Society of Civil Engineers Standard 30-00, Guideline for Condition Assessment of the Building Envelope (SEI/ASCE 30-00)* and the *Structural Engineering Institute/American Society of Civil Engineers Standard 11-99, Guideline for Structural Condition Assessment of Existing Buildings (SEI/ASCE 11-99)*, and performed in a manner tailored to the needs of the City and this project.

Chazen understands that access will be provided to the interior of each building by City personnel and that electricity will not be available. Chazen reserves the right not to enter any structure, or any portion of any structure, that we believe are unsafe for our field teams.

Chazen will immediately notify the City of any unsafe condition that we believe poses an immediate threat to the public at large (i.e. risk of portions of the building collapsing onto neighboring buildings or into public right-of-ways). Chazen will assume that the buildings are to remain secure and vacant, and we shall not consider locally deteriorated conditions inside of the building (i.e. loose floor boards, missing interior steps, etc.) a threat to the public at large, unless specifically directed by the City. Chazen is assuming that the Fire Department is currently aware of the deteriorated condition of these buildings and has a plan in-place to respond to emergencies in a safe manner.

Chazen has budgeted one site visit per building and three days of field assessment time for our teams. If our assessment work cannot be performed within this three day window due to scheduling issues with the City or security concerns, Chazen will notify the City and provide an update to our budget estimate for the City's review and approval. Travel expenses such as mileage and tolls shall be billed to the City as a reimbursable expense. Additional visits or assessment work may be provided as an additional service, at the request of the City.

- c. Post Evaluation Discussion with City Officials: Chazen will coordinate with City Officials via telephone calls and e-mail to discuss the assessment work.

4. Scope of Services

2. Assessment Report and Planning Documents

- a. Post Evaluation Discussion with City Officials: Chazen will coordinate with City Officials via telephone calls and e-mail to establish evaluation criteria for each structure and to develop standard reporting templates suitable for City planning purposes. If requested, Chazen can attend an in-person meeting with the City as an additional expense.
- b. Building Assessment and Recommendation Reports: Chazen will prepare an assessment and recommendation report for each subject structure based upon our field survey work. Each report is envisioned to be a three to five page letter report containing the following:
 - i. A general description of the building structural system, intended occupancy and distinguishing features, including representative photographs taken during our assessment;
 - ii. An assessment of the building structure, highlighting any conditions that pose a safety hazard to the public at large and general deficiencies that would prohibit occupancy in the future;
 - iii. A general assessment of the overall condition of the building, including the interior spaces and finishes and the surrounding property, and observed conditions that may complicate the demolition or rehabilitation of the structure;
 - iv. An assessment on the salvagability of the building structure, with supporting opinion of probable costs for the restoration / demolition of the structure vs the current / future value of the property to the community.
- c. Priority Action List and Planning Document: Chazen will prepare a planning document that priorities our recommendations for the City's use. This document shall incorporate the evaluation criteria developed in consultation with the City. Chazen envisions this planning document shall be organized in a spreadsheet-style format for ease of use. If requested, Chazen may also provide the City with a sortable database in Microsoft Excel format for the City's use.

3. Post Assessment Meetings and Site Visits

Chazen will host one conference call / WebEx meeting to review our findings and recommendations with City Officials after submission of the Assessment Reports and Planning Documents prepared in Task 02.

Chazen will be available to attend additional meetings with via telephone, WebEx and/or in-person meetings to share our findings with other municipal officials, and be available to provide additional engineering, planning or survey services, as requested by City Officials as an additional service.

4. Scope of Services

Limitations and Exclusions

Based upon our understanding of the project and our past experiences, we are excluding the following services from our proposed scope. Please let us know if you believe that one of the following tasks should be included and we will prepare a draft scope and fee estimate for your review.

- Evaluation of Building Mechanical, Electrical or Plumbing engineering systems.
- Environmental engineering evaluations and hazardous building condition surveys and testing.
- Entering any buildings, or portions of buildings, that may pose a safety threat to Chazen personnel.
- Destructive investigations, laboratory testing or advanced evaluation methods.
- Structural engineering or design services related to repairing the building structure.
- Providing security services during the field assessments.
- Providing ladders, lifts or other methods of reaching inaccessible portions of the building structure.
- Providing detailed cost estimates or evaluations for concept level repairs or market value of the structure. All opinions of probable cost shall be based upon industry-recognized sources, our past experiences and understanding of the market and are intended to aid in the City's planning purposes only.

Services Provided by Chazen and TAP

At this stage, we envision that Chazen will be self-performing the field evaluation work (Task 1) and assembling the assessment reports and planning documents (Task 2). We envision that TAP, Inc. will be assisting Chazen in developing evaluation criteria, market estimates and re-purposing strategies based upon their past experience during the reporting and planning phase of the work (Task 2).

5. Quality Assurance/Quality Control (QAQC)

Chazen is committed to quality and service at every level. One mechanism that assists us with achieving this goal is the administration of our quality assurance and quality control (QA/QC) program. Chazen's QA/QC program outlines procedures and protocols encompassing the design and document preparation phase through the construction phase of our projects.

All field notes, calculations, mapping, plans and reports are reviewed and verified in detail by experienced and qualified personnel prior to submittal to our clients, regulatory authorities and review agencies. A general review of the overall project approach is also completed by a designated QA/QC professional at multiple project phases to ensure the project progresses in accordance with the appropriate professional standards and practices.

QA/QC Program Components Include:

- A project document review process
- Protocols and calculations review
- Establishment and adherence to standardized plan sheets
- Computer Aided Design and Drafting (CADD) standards
- QA/QC review process tracking and documentation system

When a project is undertaken, a work plan is developed to an appropriate level of detail. Whether large or small, diagrammatic or written, the work plan is an important tool for communication among team members and the client, and a critical first step toward mapping out a strategy for successful work. Typically the work plan contains the following:

"I was extremely impressed with your development and implementation of this multi-faceted QA/QC program. With certainty, I would rank your program as one of the best I have seen, in particular, the approach to consistency, standards and cultural buy-in from the senior staff." Quote from Chazen's professional liability insurance carrier.

Who and Where:

- Client and team identification
- Organization chart delineating lines of communication with the client
- Project directory with addresses, phone and fax numbers, and e-mail information

What and When:

- Scope of work description
- Task lists
- Controlling conditions and technical approaches
- Key contract information
- Project schedule and identification of critical activities

Why:

- These QA/QC procedures ensure that all projects are completed on time and within budget while achieving an optimum level of quality

Chazen requires that all team members perform their work in accordance with our QA/QC procedures

6. References

Please feel free to contact the following references for whom we have provided professional engineering services.

City of Newburgh
Mr. Jason Morris
City Engineer
City Hall, First Floor
83 Broadway
Newburgh, NY 12550
845.569.7448



Poughkeepsie City School District
Mr. Ron Suits
Superintendent of Buildings and Grounds
Jane Bolin Administration Building
11 College Avenue
Poughkeepsie, NY 12603
845.451.4996



City of Peekskill
Mr. Anthony Ruggiero
City Manager
Peekskill City Hall
840 Main Street
Peekskill, NY 10566
914.731.4246



City of Saratoga Springs
Mr. Tim Wales, PE
City Engineer
47 Broadway
Saratoga Springs, NY 12866
518.587.3550



Client Comments

Here is what our clients say about us.

- "VERY THOROUGH, GOOD COMMUNICATION SKILLS, GOOD COORDINATION WITH SUB CONSULTANTS AND CLIENT-MET VERY AGGRESSIVE SCHEDULE."
- "COOPERATIVE AND COMMUNICATIVE THROUGHOUT THE ENTIRE PROGRAM PHASE. I WOULD RECOMMEND THEM FOR FUTURE ASSIGNMENTS"
- "CHAZEN TREATS THE TOWN AS AN "A" CLIENT AND PROVIDES THE RESPONSIVENESS THAT THE TOWN EXPECTS; WE ARE NOT GETTING THAT LEVEL OF SERVICE FROM OUR OTHER CONSULTANTS."
- "THE DATA AND INFO THAT YOU HAVE PROVIDED SHEDS A NEW LIGHT ONTO THIS PROJECT AND HOW WE SHOULD PROCEED. I WISH THAT I HAD YOU ON BOARD YEARS AGO."
- "THE WORK THAT THE CHAZEN COMPANIES AND OUR COMMITTEE VOLUNTEERS HAVE DONE SO FAR IN SERVICE OF THE BEST PLAN OUTCOME IS QUITE LAUDABLE. IT IS A CHALLENGE TO INCORPORATE THE MANY STRANDS THAT COMPRISE A COMMUNITY SUCH AS OURS....AND COME UP WITH A VISION THAT CAN BE DONE IN WORKABLE, AFFORDABLE PIECES. "
- "TEAM DID A GREAT JOB GETTING THE CONTRACT READY FOR BIDDING, INCLUDING AN ESTIMATE THAT WAS ABLE TO BE BROUGHT DIRECTLY INTO OUR SITE SEAMLESSLY."
- "CONSULANT WAS COMMUNICATIVE AND TIMELY IN SUBMISSION. GOOD COORDINATION WITH APPROVING AGENCIES."

8. Cost Proposal

FEE SCHEDULE

Task	Description	Lump Sum Fee	Time and Materials Estimate	Reimbursable Expenses Estimate
1	On-Site Structural Evaluation	\$4,750	\$400	\$250
1a	Coordination with City Officials, Schedule Visits	--	\$200	--
1b	Site Assessments (Assume Three Field Days)	\$4,750	--	\$250
1c	Post Evaluation Discussion with City Officials	--	\$200	--
2	Assessment Report and Planning Documents	\$9,000	\$400	\$100
2a	Discussion with City Officials, Define Report Criteria	--	\$400	--
2b	Building Assessment and Recommendation Reports	\$7,500	--	\$100
2c	Priority Action List and Planning Document	\$1,500	--	--
3	Post Assessment Meetings and Site Visits	--	As Requested	--
Estimate Subtotals:		\$13,750	\$800	\$350
Estimate Total:		\$14,900		

PROJECT STAFF

Name			Employee Title	Municipal Billing Rate
Engineering:				
Lanaro	Joseph	PE	Senior Professional	\$166.50
Fama	Joseph	RA	Senior Professional (TAP)	\$166.50
Baron	Michael	PE	Professional I	\$112.50
Cosh	Lanson	PE	Professional I	\$112.50
Larkin	Edward	PE	Professional I	\$112.50
Rodriguez	Michael		Professional I	\$112.50
Wasiczko	Michael		Technician I	\$65.00

REIMBURSABLE EXPENSES

Reimbursable expenses for which Chazen expects to be reimbursed includes mileage, overnight mailings, photocopying and report binding. We expect to deliver all reports electronically, and therefore any reproduction and creation of hard copy reports shall be expensed directly.

As an extension of the public authority, we can be subject to FOIL requests, and as such, reimbursable expenses would include administrative and clerical assistance associated with the requests. Costs associated with these FOIL requests are excluded from the fee schedule above and will be provided as an additional service.

RESOLUTION NO.: 67 - 2015

OF

APRIL 13, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING COOPERATION BETWEEN THE CITY OF NEWBURGH AND
CORNELL UNIVERSITY TO PURSUE A RESEARCH PROGRAM THROUGH THE
NATIONAL SCIENCE FOUNDATION TO BE UNDERTAKEN BY CORNELL
UNIVERSITY TO DEVELOP A THEORY OF INTERDEPENDENT CRITICAL
INFRASTRUCTURE SYSTEMS**

WHEREAS, Cornell University has expressed interest in partnering with the City to pursue a National Science Foundation program to conduct a research project addressing Critical Resilient Interdependent Infrastructure Systems and Processes; and

WHEREAS, Cornell University would like to partner with the City and public agencies and utilities that are associated with critical infrastructure systems in Orange County on a study that would apply and test theories and methods concerned with the study of interdependent critical infrastructure systems; and

WHEREAS, the City would provide information, cooperation and feedback to Cornell University in order to achieve measurable goals sought by participation in the program; and

WHEREAS, only non-proprietary information about existing plans for economic or infrastructural developments would be used, and nothing further than information, cooperation and feedback on findings would be requested of the City; and

WHEREAS, the City Council of the City of Newburgh finds that the City's cooperation with Cornell University to conduct a research project addressing Critical Resilient Interdependent Infrastructure Systems and Processes is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, supports cooperation between the City of Newburgh and Cornell University for Cornell University to pursue a research program through the National Science Foundation to develop a theory of interdependent critical infrastructure systems.

Councilwoman Angelo moved and Councilwoman Abrams 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.: 68 – 2015

OF

APRIL 13, 2015

**RESOLUTION AMENDING RESOLUTION NO: 296 - 2014,
THE 2015 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$95,000.00 FROM WATER FUND CONTIGENCY
TO WATER DISTRIBUTION TO COVER THE COSTS OF REPAIRS ASSOCIATED
WITH WATER BREAKS AT VARIOUS LOCATIONS THROUGHOUT THE CITY**

WHEREAS, the Water Department has undertaken emergency repairs to water mains located at Third Street and Richman Avenue, Third Street and Valley Avenue, and Benkard and Liberty Street and has expended funds for those repairs and for leak detection services and parts in connection with those repairs in the amount of \$95,000.00; and

WHEREAS, it is necessary to reallocate funds through a budget amendment to cover the cost of the repairs; the same being in the best interest of the City of Newburgh;

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No: 296-2014, the 2015 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
F.1900.1990 Water Contingency	\$95,000.00	
F.8340.0448 Water Distribution		\$95,000.00

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

Water Department
Emergency Repair on the 16" Main

Location	Cost
Emergency repair on the 16" main on Third St. & Richman Ave.	\$ 49,062.99
Emergency repair on the 16" Main on Third St. & Valley Ave.	\$ 23,688.46
Emergency Leak detection for Tam for work on North Montgomery	\$ 1,200.00
Parts for both repairs on the 16" main at Third St. & Richman Ave. Third St. & Valley Ave.	\$ 16,730.79
<u>Main Break on Benkard Ave. & Liberty St.</u>	<u>\$ 4,165.75</u>
Total Cost:	\$ 94,847.99

RESOLUTION NO.: 69 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK**

WHEREAS, the Newburgh Community Land Bank was incorporated pursuant to Article 16 and Section 402 of the Not-for-Profit Corporation Law and is a Type C Not-For-Profit corporation as defined in Section 201 of the Not-For-Profit Corporation Law; and

WHEREAS, the mission of the Newburgh Community Land Bank is to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, the Newburgh Community Land Bank has requested real property known as 98 Lander Street and 116 Lander Street, more accurately described as Section 23, Block 2, Lot 1 and Section 18, Block 10, Lot 5.2), respectively, on the official Tax Map of the City of Newburgh; and

WHEREAS, this Council has determined that transferring title to 98 Lander Street and 116 Lander Street is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>
98 Lander Street	23 – 2 – 1	Newburgh Community Land Bank
116 Lander Street	18 – 10 – 5.2	Newburgh Community Land Bank

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh the properties are to be transferred to the Newburgh Community Land Bank subject to the Disposition

Policies of the Newburgh Community Land Bank annexed hereto and made part hereof as Schedule A; and

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

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

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

Nays – Councilwoman Lee - 1

ADOPTED

“SCHEDULE A”

**Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank**

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

1. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term "banking" of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

1. Individuals who will own and occupy the residential property.
2. Qualified Landlords or real estate investors.
3. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
4. Businesses that will own and occupy commercial property.
5. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
6. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
2. The transferee must not own any real property that: a) has any un-remediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
3. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
4. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
5. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
6. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
7. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
8. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
9. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.
10. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
11. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be

established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.

12. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
13. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
14. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.

The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

1. The owner-occupant must complete renovations and move into the structure within a time frame negotiated by the Land Bank.
2. The property may not be used solely as rental property.
3. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either: a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or b) repay the land bank the difference between the purchase price and the initial fair market value.

RESOLUTION NO.: 70 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK**

WHEREAS, the Newburgh Community Land Bank was incorporated pursuant to Article 16 and Section 402 of the Not-for-Profit Corporation Law and is a Type C Not-For-Profit corporation as defined in Section 201 of the Not-For-Profit Corporation Law; and

WHEREAS, the mission of the Newburgh Community Land Bank is to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, upon the request of the Newburgh Community Land Bank, this Council has determined that transferring title of the parcels on the attached Schedule "A" is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the properties on the list attached hereto as Schedule "A" to the Newburgh Community Land Bank be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to the Newburgh Community Land Bank; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh the properties are to be transferred to the Newburgh Community Land Bank subject to the Disposition Policies of the Newburgh Community Land Bank annexed hereto and made part hereof as Schedule "B"; and

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

Councilwoman Abrams said that a very good question was asked earlier, what will the Land Bank do with these properties?

Mayor Kennedy asked Councilwoman Mejia as she sits on the Land Bank Board.

Councilwoman Mejia said that she as well as the City Manager and Deirdre Glenn sit on the Land Bank Board. In terms of the strategy that the Land Bank has been using it has

not deviated from its original mission which is to take properties and put them back onto the tax roll. In terms of what is going to be done with these, buyers are identified and they are then given incentives which is money that the Attorney General has designated for the Land Bank. There are some financial opportunities for them to reduce the cost of restructuring. In terms of who can buy property from the Land Bank, anybody can buy properties from the Land Bank in the same fashion that anybody can buy property from the City of Newburgh. The inventory is on their Website and the City's inventory in terms of properties is also on our Website so if there is anyone that has an idea or a plan for any of the City owned properties please draft it and come to discuss it. We have an Economic Development Department that is open to the public and they are willing to help get those plans together. She added that the Land Bank meeting is the third Wednesday of every month which is open to the public so anyone interested can come and join. If you want to hear more of the details regarding each of these properties and what is going to be done with them then that is the place to do it.

Mayor Kennedy commented that when she first began her campaign people in the neighborhood kept asking her what the City is going to do with all of the broken down empty buildings and one of the issues that they discovered is that people could not afford to buy these properties and get them fixed up because they had lead, asbestos and all kinds of stuff. Because of that over the years they just sit and deteriorate and the neighborhoods start going down and then nobody can sell their properties so they just abandon them. It's almost like an infection because they start to spread out so people have lost property values and they attract crime and drugs. Part of what the strategy here is to get people back into these neighborhoods so they have an Affordable Housing Project that is working on those buildings right now with a company and they expect to hear about that very shortly. This will bring properties back on Lander, Johnston and First Street. There is also the strategy of getting home owners back into these properties and one of the things they see is that the Land Bank can do that in a much more effective way than the City. The City is no good at being a Realtor and it hasn't been for fifty years. We need to get these properties back on the Tax Roll to help everyone here who owns a piece of property and bring their taxes under control.

Councilwoman Lee asked if anyone on the Council owns any of these properties going to the Land Bank.

Mayor Kennedy responded with a "no".

Councilwoman Mejia said that as part of the bylaws of the Land Bank she could not own any of these properties and she doesn't currently own any of them.

Councilwoman Lee asked again if anyone on the Council owns any of these properties that are listed.

Mayor Kennedy said that these are City properties.

Councilwoman Lee said that there are more that are going to be City properties. They just had about seventy properties on a tax foreclosure so she just wanted to know if any of these properties belong to anyone on the Council.

Mayor Kennedy responded with a “no”.

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

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

Nays – Councilwoman Lee – 1

ADOPTED

SCHEDULE "A"

SECTION	BLOCK	LOT	STREET NUMBER	STREET
30	5	21.2	10	Chambers Street
48	11	5	61	Courtney Avenue
30	1	47	46	Dubois Street
30	1	48	48	Dubois Street
29	5	7	57	Dubois Street
18	11	10	55	Farrington Street
30	1	3	195	First Street
12	2	22	250	Grand Street
12	2	23.1	250	Grand Street Rear
30	2	19	21	Johnston Street
30	2	18	23	Johnston Street
30	2	17	25	Johnston Street
18	10	15	118	Johnston Street
30	3	20	18	Lander Street
23	6	16.1	59	Lander Street
23	6	18	63	Lander Street
23	2	7	86	Lander Street
18	9	24	121	Lander Street
18	9	1	123	Lander Street
48	11	17	61	Liberty Street WH
48	5	29	82	Liberty Street WH
18	6	42	290	Liberty Street
18	2	37	164	N. Miller Street
30	2	38	22	S. Miller Street
30	2	40	26	S. Miller Street
39	2	11	143	Washington Street

“SCHEDULE B”

**Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank**

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

2. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term "banking" of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

7. Individuals who will own and occupy the residential property.
8. Qualified Landlords or real estate investors.
9. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
10. Businesses that will own and occupy commercial property.
11. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
12. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

15. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
16. The transferee must not own any real property that: a) has any un-remediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
17. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
18. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
19. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
20. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
21. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
22. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
23. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.
24. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
25. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be

established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.

26. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
27. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
28. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.

The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

4. The owner-occupant must complete renovations and move into the structure within a time frame negotiated by the Land Bank.
5. The property may not be used solely as rental property.
6. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either: a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or b) repay the land bank the difference between the purchase price and the initial fair market value.

RESOLUTION NO.: 71 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO MICHAEL THOMAS
TO THE PREMISES KNOWN AS 150 ANN STREET
(SECTION 36, BLOCK 2, LOT 14)**

WHEREAS, on October 12, 1983, the City of Newburgh conveyed property located at 150 Ann Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 36, Block 2, Lot 14, to Michael Thomas; and

WHEREAS, the new owner, by their attorney, has requested a release of the restrictive covenants contained in said deed; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

Councilwoman Mejia 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.: 72 - 2015
OF
APRIL 13, 2015**

**A RESOLUTION AMENDING RESOLUTION NO. 39-2015 OF MARCH 9, 2015
AUTHORIZING TO AUTHORIZE AN AMENDMENT TO THE TERMS OF SALE AND
AN EXTENSION OF TIME TO CLOSE TITLE ON THE CONVEYANCE OF REAL
PROPERTY KNOWN AS 72 LANDER STREET (SECTION 23, BLOCK 7, LOT 6),
76 LANDER STREET (SECTION 23, BLOCK 2, LOT 12), 78 LANDER STREET
(SECTION 23, BLOCK 2, LOT 11), 82 LANDER STREET (SECTION 23, BLOCK 2,
LOT 9) AND 84 LANDER STREET (SECTION 23, BLOCK 2, LOT 8) AT PRIVATE
SALE TO JEFFERY MCKEAN D/B/A MCKEAN ARCHITECTURE
FOR THE AMOUNT OF \$20,000.00**

WHEREAS, by Resolution No. 39-2015 of March 9, 2015, the City Council of the City of Newburgh authorized the sale of 72 Lander Street, 76 Lander Street, 78 Lander Street, 82 Lander Street and 84 Lander Street, being more accurately described as Section 23, Block 7, Lot 6, and Section 23, Block 2 and Lots 12, 11, 9 and 8, respectively, on the official tax map of the City of Newburgh, to Jeffrey McKean d/b/a McKean Architecture upon receipt of the purchase price of \$20,000.00; and that said purchase price must be paid no later than May 8, 2015, and in accordance with certain terms and conditions of sale; and

WHEREAS, the parties have agreed to modify the terms of sale and require additional time to close title and the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to modify the terms of sale and to extend the time to close title;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No. 39-2015 of March 9, 2015 is hereby amended to extend the time to close title on the sale of 72 Lander Street, 76 Lander Street, 78 Lander Street, 82 Lander Street and 84 Lander Street to Jeffrey McKean d/b/a McKean Architecture until June 30, 2015; and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the purchase price of \$20,000.00; and that said purchase price must be paid no later than June 30, 2015, and in accordance with the amended terms and conditions of sale as annexed hereto and made part hereof; and; and

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

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia – 6

Abstain – Mayor Kennedy – 1

ADOPTED

Amended Terms and Conditions Sale
72 Lander Street, City of Newburgh (23-7-6)
76 Lander Street, City of Newburgh (23-2-12)
78 Lander Street, City of Newburgh (23-2-11)
82 Lander Street, City of Newburgh (23-2-9)
84 Lander Street, City of Newburgh (23-2-8)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax years of 2014 and 2015 County Tax and 2014-2015 School Taxes and any subsequent levies. The purchaser shall reimburse the City for 2014 and 2015 County Taxes and 2014-2015 School Taxes and any subsequent levies. Upon the closing, the properties shall become subject to taxation and apportionment of the 2015 City taxes shall be made as of the date of closing. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within thirty-six (36) months of the date of the deed. Within such thirty-six (36) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the thirty-six (36) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the thirty-six (36) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. Notice is hereby given that the property lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and it

is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance with same.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before June 30, 2015. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. A closing of title is subject to the purchaser securing a standard form policy of title insurance. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the purchaser after payment in full of the purchase price, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
14. Upon closing, the City shall deliver a quitclaim deed for each parcel conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

15. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the sale date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 73 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN FIFTY YEAR EXTENSION TO THE MANAGEMENT
AGREEMENT BETWEEN THE CITY OF NEWBURGH AND
THE NEWBURGH ARMORY UNITY CENTER, INC.**

WHEREAS, by Resolution No. 146-2011 of July 11, 2011, the City Council of the City of Newburgh determined that the Newburgh Armory Unity Center, Inc. ("NAUC") was the most capable entity to provide management, operation, and fundraising services for the Newburgh Armory located at 321 South William Street in the City of Newburgh and authorized the City Manager to execute a Management Agreement with the NAUC; and

WHEREAS, the term of the Management Agreement is for twenty-five (25) years from July 19, 2011 through July 18, 2036 and may be extended and renewed for another term upon the mutual, written agreement of the parties hereto; and

WHEREAS, the City recognizes the enormous beneficial impact that the Newburgh Armory has had on the City of Newburgh by providing a home for recreational and educational programs that have greatly benefited the greater Newburgh community; and

WHEREAS, the City wishes to ensure the continued success of the Newburgh Armory for future generations by extending and renewing the term of the Management Agreement for an additional fifty (50) years, and this Council has reviewed the annexed extension agreement and finds that the execution of such agreement is in the best interests of the City of Newburgh and its citizens;

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 a fifty (50) year extension agreement with the Newburgh Armory Unity Center, Inc. in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

Councilwoman Abrams 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

FIRST ADDENDUM TO MANAGEMENT AGREEMENT

THIS FIRST ADDENDUM TO MANAGEMENT AGREEMENT ("Addendum"), made as of this ___ day of _____, 2015, by and between the City of Newburgh, a New York municipal corporation ("City") and Newburgh Armory Unity Center, Inc., a New York not-for-profit corporation ("Manager").

WITNESSETH:

WHEREAS, on July 19, 2011, the City and the Manager executed a Management Agreement for the administration, operation, marketing and management of the building now known as the Newburgh Armory located at 321-393 S. William St., Newburgh, New York; and

WHEREAS, the term of the Management Agreement is for twenty-five (25) years from July 19, 2011 through July 18, 2036 and may be extended and renewed for another term upon the mutual, written agreement of the parties hereto; and

WHEREAS, the City recognizes the enormous beneficial impact that the Newburgh Armory has had on the City of Newburgh by providing a home for recreational and educational programs that have greatly benefited the greater Newburgh community; and

WHEREAS, accordingly, the City wishes to ensure the continued success of the Newburgh Armory for future generations by extending and renewing the term of the Management Agreement for an additional fifty (50) years, and the Manager agrees to the same:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term set forth in Paragraph 4.1 of the Management Agreement shall be renewed for an additional fifty (50) year term commencing on July 19, 2036 and terminating on July 18, 2086 ("Renewal Term").
2. All other terms and conditions set forth in the Management Agreement shall remain in full force and effect during the Renewal Term.

IN WITNESS WHEREOF, the Landlord and the Tenant have duly executed this Lease in duplicate as of the day and year first above written.

CITY OF NEWBURGH

NEWBURGH ARMORY UNITY CENTER, INC.

By: _____
Name: Michael G. Ciaravino
Its: City Manager
Per Resolution No.:

By: _____
Name:
Its:

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 74 - 2015

OF

APRIL 13, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE STATE OF NEW YORK DEPARTMENT OF CRIMINAL JUSTICE SERVICES UNDER THE GUN INVOLVED VIOLENCE ELIMINATION ("GIVE") PARTNERSHIP TO ENHANCE LAW ENFORCEMENT IN THE CITY OF NEWBURGH TO ACHIEVE SUSTAINED, LONG-TERM CRIME REDUCTION IN AN AMOUNT NOT TO EXCEED \$431,231.00 WITH NO CITY MATCH

WHEREAS, the City of Newburgh wishes to apply for and accept if awarded a Grant Award in an amount not to exceed \$424,241.00 under the Division of Criminal Justice Services Gun Involved Violence Elimination ("GIVE") Partnership; and

WHEREAS, the GIVE Partnership is an evidenced based program involving the integrated efforts of the key criminal justice agencies and some vital support and service organizations in each funded jurisdiction; and

WHEREAS, if awarded, the City of Newburgh Police Department would use the funding, as a continuation of the current GIVE grant to fund the Crime Analyst Position, Field Intelligence Officer, Detective Difference, Hotspot Patrols, Hotspot Foot Patrols and Equipment including Crime Analyst software; and

WHEREAS, the Program funding shall be for New York State fiscal year 2015-2016 beginning July 1, 2015 and ending June 30, 2016; and

WHEREAS, the Program will enhance enforcement and prosecution efforts against crime in the City of Newburgh and no City matching funds are required, except the City of Newburgh will be responsible for certain fringe benefit costs which are not covered by the grant; and

WHEREAS, this Council has determined that accepting such funding is in the best interests of the City of Newburgh and the safety of its residents and visitors alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to apply for and accept, if awarded, a grant award from the New York State Department of Criminal Justice Services under the Gun Involved Violence Elimination ("GIVE") Partnership, in an amount not to exceed \$424,241.00 with no City match required, to be used to carry out the program and implement the purposes set forth herein; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

Acting Police Chief, Dan Cameron, explained that in New York there is funding for GIVE (Gun Involved Violence Elimination) which in the past years was called IMPACT. With trends in New York and across the Country with gun violence increasing they came up with GIVE. We received our first grant in July of last year and we are still currently using that grant funding. It is used for Hot Spot Policing and YPI is also involved but since July 1st gun violence has gone down thirty three percent in the City of Newburgh so we are continuing that trend. The grant that will start this year on July 1st adds a whole new initiative which is the Group Violence Interdiction so they are going to try to work that aspect which is not necessarily solved through arrests but by bringing people in and offering them services. They have been aligning with several agencies to start this initiative which has already been done in many larger cities. Some of that money also goes to crime prevention through environmental design which is where officers do evaluations on certain areas where environmental design can change crime numbers as well as going into private residences and businesses that invite us in to offer suggestions for crime prevention through environmental design. It increases the Hot Spot Policing and it funds several positions that have been funded by grants for several years which includes our Crime Analyst and several Detective positions so it is for Personnel, overtime and different initiatives.

Mayor Kennedy said that Chief Cameron mentioned YPI and a lot of people don't know what that is.

Chief Cameron responded that it is the Youth Police Initiative which is a week long program where Officers and youth from our community intermingle to establish and build on relationships.

Councilwoman Abrams 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.: 75 - 2015
OF
APRIL 13, 2015

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
EXTENSION UNTIL DECEMBER 31, 2015 TO THE FIRST AMENDED AGREEMENT
OF LEASE WITH MEMORARE REALTY HOLDING CORP. FOR THE CONTINUED
LEASE OF APPROXIMATELY 3.65 ACRES OF VACANT REAL PROPERTY
KNOWN AS SECTION 31, BLOCK 5, LOTS 13.2 AND 14 FOR THE PURPOSE
OF PROVIDING PARKING FOR USERS OF THE NEWBURGH-BEACON FERRY
AND OTHER PARKERS DURING NON-COMMUTING HOURS**

WHEREAS, the City of Newburgh (“City”) and Memorare Realty Holding Corp. (“Memorare”) executed a Lease on July 30, 2004 for the lease and use of approximately 3.65 acres of vacant real property situated on the Hudson River known as Section 31, Block 5, Lots 13.2 and 14, for the purpose of providing parking for users of the Newburgh-Beacon Ferry and other parkers during non-commuting hours, with the City being reimbursed by New York State for the rental payments and improvements provided under such Lease; and

WHEREAS, by Resolution No. 142 - 2010 of June 14, 2010, the City Council authorized the City Manager to execute a First Amended Agreement of Lease with Memorare to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, by Resolution No. 169 - 2014 of July 14, 2014, the City Council authorized an extension of the renewal term of the First Amended Lease for a four month period from August 1, 2014 until November 30, 2014, and by Resolution No. 308-2014 of December 15, 2014, the City Council authorized an extension of the renewal term of the First Amended Lease for an additional six month period from December 1, 2014 to May 3, 2015; and

WHEREAS, the parties desire to continue the lease for parking to be used for ferry service between the City of Newburgh and Beacon and uses associated therewith and the parties agree that it is necessary to further extend the renewal term of the First Amended Lease for the period May 4, 2015 through December 31, 2015; the same being 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 on behalf of the City of Newburgh, be and he is hereby authorized to execute an additional extension from May 4, 2015 to December 31, 2015 to the First Amended Agreement of Lease with Memorare in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

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

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

ADOPTED

THIRD ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE

THIS THIRD ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE ("Addendum"), made as of this 8th day of April, 2015, by and between Memorare Realty Holding Corp., a New York business corporation; having an address of 2 Washington Street, P.O. Box 3231, Newburgh, New York 12550, ("Landlord"), and the City of Newburgh, a New York municipal corporation with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550 ("Tenant").

WITNESSETH:

WHEREAS, the Landlord and Tenant executed a First Amended Agreement of Lease dated as of April 21, 2010, to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, the First Amended Lease expired on July 1, 2013, and the renewal term was duly exercised to extend the Term to July 31, 2014; and; and

WHEREAS, pursuant to the First Addendum to First Amended Agreement of Lease dated as of December 23, 2014 ("First Addendum"), the parties agreed to extend the renewal term of the First Amended Lease for a four month period from August 1, 2014 until November 30, 2014, and pursuant to the Second Addendum to First Amended Agreement of Lease dated as of December 23, 2014 ("Second Addendum"), the parties agreed to extend the renewal term of the First Amended Lease for an additional six month period from December 1, 2014 to May 3, 2015; and

WHEREAS, Tenant desires to continue to lease from Landlord the Premises for use in connection with a project (the "Project") for parking to be used for ferry service between the City of Newburgh and Beacon and uses associated therewith and Landlord desires to lease to Tenant the Premises therefor and the parties agree that it is necessary to further extend the renewal term of the First Amended Lease for the period May 4, 2015 through December 31, 2015:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The renewal term set forth in Paragraph 5 of the First Amended Lease, as amended by Paragraph 1 of the First Addendum and Paragraph 1 of the Second Addendum, shall be extended for an additional renewal term commencing on May 4, 2015 and terminating on December 31, 2015 ("Third Amended Renewal Term").
2. For the balance of the Third Amended Renewal Term, rent shall be payable monthly in advance in equal monthly installments of Twenty-One Thousand Two Hundred SeventyEight (\$21,278) Dollars, provided however that Tenant shall have the right to terminate this lease if the Tenant has not received reimbursement from state sources,

including but not limited to the Metropolitan Transportation Authority, Metro-North Railroad and/or The New York State Department of Transportation, of the full amount of the rent under the First Amended Lease, as amended by the First Addendum, the Second Addendum and this addendum, and in no event shall Tenant's obligation to pay rent to Landlord exceed Tenant's reimbursement from such other sources.

- 3. All other terms and conditions set forth in the First Amended Lease, as amended by the First Addendum and the Second Addendum, shall remain in full force and effect during the Third Amended Renewal Term.
- 4. It is the intention of the parties and their successor(s) in interest to begin negotiations for a long term lease in the month of September, 2015.

IN WITNESS WHEREOF, the Landlord and the Tenant have duly executed this Lease in duplicate as of the day and year first above written.

MEMORARE REALTY HOLDING CORP., Landlord

CITY OF NEWBURGH, Tenant

By 

 Ralph Risio
 President

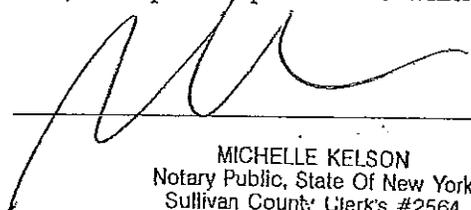
By _____
 Michael G. Ciaravino
 City Manager

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

On the 8th day of APRIL in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH RISIO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.



 MICHELLE KELSON
 Notary Public, State Of New York
 Sullivan County Clerk's #2564
 Commission Expires: March 20, 2018

STATE OF NEW YORK
) ss:
COUNTY OF ORANGE)

On the _____ day of _____ in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

RESOLUTION NO.: 76 - 2015

OF

APRIL 13, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A YOUTH DEVELOPMENT PROGRAM GRANT FROM THE ORANGE COUNTY YOUTH BUREAU IN THE AMOUNT OF \$13,320.00 REQUIRING NO CITY MATCH FOR THE RECREATION DEPARTMENT TO HIRE VENDORS FOR THE CITY OF NEWBURGH ANNUAL SUMMER CAMP

WHEREAS, the City of Newburgh Recreation Department has advised that Youth Development Program Grant funding is available through the Orange County Youth Bureau; and

WHEREAS, the City of Newburgh wishes to apply for and accept if awarded a Youth Development Program Grant in the amount of \$13,320.00 for its annual summer camp; and

WHEREAS, funds will be used to hire expert vendors to teach healthy eating, video production, science and art (Kids Got Talent) for two hours a day, three days a week for the six (6) week camp; and

WHEREAS, no City matching funds are required; and

WHEREAS, this Council has determined that applying for and accepting said grant if awarded is in the best interests of the City of Newburgh and its youth;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a Youth Development Program Grant from the Orange County Youth Bureau in the amount of \$13,320.00 requiring no City match for the Recreation Department to hire vendors for the City of Newburgh's annual summer camp; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

Councilwoman Abrams 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.: 77 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT 25 LIFE GUARD VESTS FROM THE SEA TOW FOUNDATION
FOR USE DURING THE UPCOMING FISHING SEASON AT BROWN'S POND
AND THE NEWBURGH BOAT LAUNCH**

WHEREAS, the Recreation Department has advised that the Sea Tow Foundation has offered to donate 25 life guard vests to the City of Newburgh; and

WHEREAS, the vests are U.S. Coast Guard approved and will be adult size; and

WHEREAS, the vests will be issued to boat renters during the upcoming fishing season at Brown's Pond and the Newburgh Boat Launch; and

WHEREAS, this Council has determined that accepting such donation is in the best interests of the City of Newburgh and the safety of its residents and visitors alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is hereby authorized to accept 25 life guard vests from the Sea Tow Foundation for use during the upcoming fishing season at Brown's Pond and the Newburgh Boat Launch, with the sincere thanks of the City Council on behalf of all of the residents of the City of Newburgh.

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.: 78 - 2015

OF

APRIL 13, 2015

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR APRIL 27, 2015
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING CITY
CHARTER SECTION C5.05 ENTITLED "DUTIES OF CITY MANAGER"
OF THE CODE OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Amending City Charter Section 5.05 entitled 'Duties of City Manager'"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 27th day of April, 2015, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

Councilwoman Abrams said that she registered her objections to this earlier.

Mayor Kennedy said that a comment was made about having the Charter Review Commission who knows our Charter upside down and backwards get involved so she would like to hear their input concerning this. She does have some concerns because our City Manager is not an Elected Official as he is an employee of this City Council so she thinks that they need to have some communication about appointments but she is not sure that this is the right solution.

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

Ayes – Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia – 5

Nays – Councilwoman Abrams, Mayor Kennedy - 2

ADOPTED

LOCAL LAW NO.: _____ - 2015

OF

_____, 2015

A LOCAL LAW AMENDING CITY CHARTER SECTION C5.05 ENTITLED "DUTIES OF CITY MANAGER" TO PROVIDE FOR CITY COUNCIL CONFIRMATION OF CERTAIN CITY MANAGER APPOINTMENTS 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 City Charter Section C5.05 entitled 'Duties of City Manager' to Provide for City Council Confirmation of Certain City Manager Appointments of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

§ C 5.05, Paragraph B of the City Charter is hereby amended as follows:

The City Manager shall be responsible to the Council for the administration of all City affairs. Specifically, it shall be his duty:

B. To appoint and to remove the heads of all departments, the members of all boards and commissions and all subordinate officers and employees of the City, except as otherwise provided herein. The appointment by the City Manager of (a) the members of boards and commissions including advisory boards; (b) the heads of all departments; and (c) City officers and deputies, specified in this Charter, which are appointed by the City Manager, including but not limited to the City Collector, City Assessor, City Comptroller, City Purchasing Agent, City Engineer and Surveyor, Director of Planning and Development, Parks and Recreation Director, Director of Finance, Superintendent of Public Works, Superintendent of Water, Building Inspector, Plumbing Inspector, Police Chief, Deputy Police Chief, Fire Chief, Deputy Fire Chief, Corporation Counsel, Assistant Corporation Counsel and City Historian, shall be subject to confirmation of the City Council by majority vote.

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. .

RESOLUTION NO.: 79 - 2015

OF

APRIL 13, 2015

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 98 BENKARD STREET
(SECTION 44, BLOCK 2, LOT 15)
AT PRIVATE SALE TO STEVEN BERNSTEIN**

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

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

WHEREAS, Steven Bernstein, the former owner of 98 Benkard Avenue, being more accurately described as Section 44, Block 2, Lot 15 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 98 Benkard Avenue, Section 44, Block 2, Lot 15, to Steven Bernstein be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$8,338.33, no later than April 30, 2015; and

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

Councilwoman Angelo moved and Councilwoman Abrams 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.: 80 - 2015

OF

APRIL 13, 2015

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 88 CARPENTER AVENUE
(SECTION 22, BLOCK 2, LOT 40)
AT PRIVATE SALE TO GERALD AND ALICIA JONES**

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

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

WHEREAS, Fay Servicing, on behalf of the former owners of 88 Carpenter Avenue, being more accurately described as Section 22, Block 2, Lot 40 on the official tax map of the City of Newburgh, have requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 88 Carpenter Avenue, Section 22, Block 2, Lot 40, to Gerald and Alicia Jones be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$21,286.28, no later than April 30, 2015; and

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

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

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

ADOPTED

RESOLUTION NO.: 81 - 2015

OF

APRIL 13, 2015

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 43 HUDSON VIEW TERRACE
(SECTION 7, BLOCK 2, LOT 48) AT PRIVATE SALE
TO PHILLIP ANGELO TARALLO AND SANDRA M. TARALLO**

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

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

WHEREAS, Wells Fargo Financial Credit Services by their attorney, on behalf of the former owners of 43 Hudson View Terrace, being more accurately described as Section 7, Block 2, Lot 48 on the official tax map of the City of Newburgh, have requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 43 Hudson View Terrace, Section 7, Block 2, Lot 48, to Phillip Angelo Tarallo and Sandra M. Tarallo be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$35,752.12, no later than April 30, 2015; and

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

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

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

ADOPTED

RESOLUTION NO.: 82 - 2015

OF

APRIL 13, 2015

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 121 WILLIAM STREET
(SECTION 45, BLOCK 15, LOT 16)
AT PRIVATE SALE TO LYDIA RODRIGUEZ**

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

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

WHEREAS, Lydia Rodriguez, the former owner of 121 William Street, being more accurately described as Section 45, Block 15, Lot 16 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 121 William Street, Section 45, Block 15, Lot 16, to Lydia Rodriguez be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$1,251.61, no later than April 30, 2015; and

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

Councilwoman Abrams 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.: 83 - 2015

OF

APRIL 13, 2015

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 119 WILLIAM STREET
(SECTION 45, BLOCK 15, LOT 17)
AT PRIVATE SALE TO CARLOS RODRIGUEZ**

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

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

WHEREAS, Carlos Rodriguez, the former owner of 119 William Street, being more accurately described as Section 45, Block 15, Lot 17 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 119 William Street, Section 45, Block 15, Lot 17, to Carlos Rodriguez be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$309.12, no later than April 30, 2015; and

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

Councilwoman Abrams 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.: 84 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE OF
43 BRIDGE STREET, SECTION 44, BLOCK 4, LOT 1, AND
191 NORTH MILLER STREET, SECTION 11, BLOCK 1, LOT 16**

WHEREAS, the City of Newburgh has commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Numbers 2013-10248 and 2014-8858; and

WHEREAS, the City received notification that the owner filed a bankruptcy petition on July 15, 1996 and which was discharged on September 14, 2001; and

WHEREAS, the owners have advised they would like to pay the delinquent taxes by entering into an installment payment agreement; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter by collecting the delinquent taxes levied after the date of bankruptcy discharge if all such taxes, interest and penalties are remitted to the City of Newburgh in the form of an installment payment agreement;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Director of Finance and Enforcing Officer be and he is hereby authorized to withdraw the liens on the property located at 43 Bridge Street, Section 44, Block 4, Lot 1, and 191 North Miller Street, Section 11, Block 1, Lot 16, in the City of Newburgh, from the Lists of Delinquent Taxes levied prior to September 14, 2001 upon the owner remitting to the City of Newburgh the required down payment and duly entering an installment payment agreement for the full payment of all taxes, interest and penalties for delinquent taxes levied subsequent to September 14, 2001.

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

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

ADOPTED

RESOLUTION NO.: 85 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS IN SUPPORT OF THE
CITY OF NEWBURGH'S ANNUAL MEMORIAL DAY AND FOURTH OF JULY
OBSERVANCES, NATIONAL NIGHT OUT,
THE ANNUAL INTERNATIONAL FESTIVAL,
THE HALLOWEEN EVENT FOR 2015**

WHEREAS, the City of Newburgh annually holds Memorial Day and Fourth of July Observances, National Night Out, the Annual International Festival over the Labor Day holiday, and the Halloween Event; and

WHEREAS, various businesses, firms and individuals have made and are willing to make contributions of money and in-kind assistance to support these 2015 events; 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 with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens, for their support and sponsorship of the City of Newburgh's annual Memorial Day and Fourth of July Observances, National Night Out, the Annual International Festival, and the Halloween event.

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

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

ADOPTED

RESOLUTION NO.: 86 - 2015

OF

APRIL 13, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE A STIPULATION OF AGREEMENT AND
APPROVING A COLLECTIVE BARGAINING AGREEMENT
WITH THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
LOCAL 1000, AFSCME, AFL-CIO**

WHEREAS, the City of Newburgh and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO ("CSEA") are parties to a collective bargaining agreement which expired on December 31, 2010; and

WHEREAS, the City Manager and negotiators representing the City of Newburgh and CSEA have engaged in collective negotiations for a successor agreement pursuant to the requirements of the Taylor Law; and

WHEREAS, the City Council has reviewed the terms negotiated as set forth in the Stipulation of Agreement between the City of Newburgh and the CSEA, a copy of which is attached hereto, which sets forth the terms and conditions of employment for the term January 1, 2011 through December 31, 2016 and has consulted with the representatives of the City who have recommended that the City Council approve the negotiated changes and new collective bargaining agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the terms of the attached Stipulation of Agreement are ratified; and

BE IT FURTHER RESOLVED, that the City Manager is directed and authorized to enter into a complete collective bargaining agreement incorporating the terms of the Stipulation of Agreement into a complete collective bargaining agreement with the CSEA for the term January 1, 2011 through December 31, 2016.

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

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

ADOPTED

OLD BUSINESS

RESOLUTION NO.: 87-2015

OF

MARCH 23, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
SUPPORTING ESTABLISHMENT OF THE NEWBURGH
JOBS DEVELOPMENT INITIATIVE**

WHEREAS, the City of Newburgh values a strong and diverse local economy which provides jobs and training opportunities for the City residents; and

WHEREAS, the City of Newburgh wishes to stimulate economic development and job creation in the City of Newburgh with an emphasis on hiring City residents; and

WHEREAS, unemployment and lack of job opportunities are one of the most pressing and insidious problems facing our City, with 37% of eligible people not in the labor force; and

WHEREAS, the City's Master Plan Plan-It Newburgh advocates the creation of new opportunities that support hiring locally; and

WHEREAS, the City participates in various land developments either through the disposition of City owned land and/or provision of tax incentives; and

WHEREAS, the City hires numerous firms to provide various services for the City;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh hereby authorizes drafting of legislation to codify the Newburgh Jobs Development Initiative, with such legislation to include:

- 1) For real estate projects involving City owned land or projects which secure a PILOT or other real estate incentive, a requirement that 30% of all new jobs created by the project are reserved for City residents;
- 2) For contractual agreements for services, develop a sliding scale (based on the amount of the contract) for the number of jobs that need to be awarded to Newburgh residents;
- 3) For all projects and agreements, mandate coordination with Best Resources Center, Inc. to create an individualized job training program for each project or agreement;
- 4) For all bids and proposals issued by the City, inclusion of specific requirements for hiring City residents as part of those projects or agreements.

Councilwoman Lee moved and Councilwoman Angelo seconded to remove the table on this resolution.

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

TABLE REMOVED

Corporation Counsel, Michelle Kelson said that this is a resolution it is not legislation so it is defining goals and setting parameters within which to draft legislation. It is not requiring or mandating that anybody from the outside do anything. The resolution essentially is asking for the drafting of legislation to codify the specified items in the *“BE IT RESOLVED”* paragraph. By passing this resolution you are just authorizing somebody to continue to draft further legislation that would achieve these goals.

Councilwoman Abrams said do we not already have such goals as a City Council to hire City residents as employees of any building projects?

Councilwoman Lee said *“No we don’t have that”*.

Councilwoman Holmes said, *“With Civil Service we do”*.

Councilwoman Angelo said that she will be supporting this.

Councilman Brown that he feels bad that Councilwoman Lee brought this piece of legislation to the table because the Council as a whole took time out of their busy lives to have a Town Hall meeting with the young men who came with a list of things that they wanted from this Council and at that meeting we agreed that we would help them and draft a piece of legislation that would work for not only them but for the City. Because if you are going to do something it has to work for both parties and this piece of legislation doesn’t do that which is the problem that he has with it. Since he got on this Council he has said that he wants to help the residents of the City of Newburgh and he has been trying to do that. This same piece of legislation or similar legislation that we are talking about now he talked about three years ago but he didn’t have the support of the other Council members at that time to push it through. He learned a valuable lesson then that you bring nothing to the table unless you have that support. She has derailed this whole process because this piece of legislation that they are voting on tonight could have been a piece of legislation that this whole Council agreed on and these young men could have had an opportunity to say that this Council is supporting the community because they want to see us work. He said that he was born and raised in this community and he wasn’t born with a silver spoon in his mouth. He has not forgotten who he is or where he came from and he never will. Unfortunately tonight he is not going to be able to vote yes to this legislation but he has given those young men his word that he will bring a piece of legislation to the table that works for the City.

Councilwoman Lee said that the Council had an opportunity to introduce whatever legislation they wanted and whether it was three years ago or today it's on the table. The only thing she wanted to ask is that they vote on it because the voters need to see that for whatever reason they didn't come to the table with anything. She also asked that they take out Best Resources and add Training Center and like Ms. Kelson said this resolution is only asking to introduce legislation. Since Councilman Brown has ideas about what we should do and how we should do it to bring jobs then perhaps he will be working on this project.

Councilwoman Mejia said that she fully supports a hiring first source methodology which the City is in desperate need of. That is one concrete way to ensure that public investment and private development benefits low income communities. In order to do that, we have to establish these targeted hiring requirements. She thinks that having targeted hiring programs that have the strongest legal footing will also give the most meaningful outcomes and in order to do this from her perspective is the ones that yield the most meaningful outcomes have to be rooted in efforts that reduce poverty rather than just merely hire residents. In order to do, that something which is lacking from what is currently on the table, in her opinion, is that we need to have a strong policy language which sets the stage for success by clearly defining responsibilities of all stakeholders that include developers, Lawyers, Contractors and the first source referral system. She thinks that we have started to make some head way on that but more is needed. Jobs and hiring outcomes that show the program works and is at work is required which she doesn't believe is included right now in what is on the table. Implementation and incite that provide some quick guide posts for creating and maintaining the first source referral system she thinks are also required. For the people who were at the Work Session on Thursday they met Nora Yates who is a representative from Governor Cuomo's Administration and they talked about their workforce methodology. She thinks that is something that the City is engaged in and that that is our most rational next step if we want to do that. She noted that this has to go beyond just local residents and we have to target the other causes of poverty that we are experiencing here in the City of Newburgh.

Mayor Kennedy said that she and Corporation Counsel have had some lengthy conversations about what can and can't be put into a law in terms of Municipal Law 103 so she asked for a legal opinion on what they can and cannot put in as far as requirements are concerned as they push forward. Every member of this Council, that she is aware of, is very interested in working with our local population to help them get and keep jobs. They have discovered that getting a job and keeping a job are two different issues so they have to work on both of those problems if they are going to make a difference.

Corporation Counsel, Michelle Kelson, said that in December, 2013 the Council adopted a Procurement Policy that was put into effect in January, 2014 which sets up your criteria for your purchases of goods and services as well as requirements for bidding out what we call "*Public Work*" which is work undertaken by the local government for a public purpose. In the Procurement Policy there are certain things that you are allowed to vary based on local need and other things you are required to follow state law on. One of the key pieces of legislation that is something that we cannot alter without exposing us to other

lawsuits would be those bidding requirements that fall under the auspices of General Municipal Law Section 103. Where you are purchasing services or equipment that is in excess of \$20,000.00, or \$35,000.00 for your public work, you have to issue bids and specifications that would allow you to identify the lowest responsible bidder for undertaking those services or providing that work. You are not going to be able to graft onto those bids and specifications local hiring or targeted hiring goals without risking a losing bidder trying to undo the award of the bid for failing to follow the criteria that is set forth in General Municipal Law 103. That being said, there are types of procurement that don't fall under the General Municipal Law 103 criteria which you could set up targeted hiring goals, if applicable, local and first source opportunities for your local businesses so there are things within the Procurement Policy that could address some of the goals that you are trying to achieve. Other municipalities also have struggled with trying to get their residents hired and get them good paying jobs keeping this type of business in the community. One of the things sent to the Council for review is something that the City of Rochester did which was to create an incentive program for the lowest responsible bidder under General Municipal Law 103 bid to get a bonus or a rebate at the end of the project if they meet the targeted hiring goals. Other things they could do to meet the targeted hiring and local source goals are things that have already been mentioned. In their land development deal, the next time they have a developer who wants to come in to purchase city owned properties for a bid construction project and those type of land disposition agreements you could also set forth obligations with the developer to meet those hiring goals, sourcing obligations to use your local labor and businesses. In certain situations they could also condition some of their PILOT agreements on those types of criteria but they need to better identify what the actual criteria is. They need to sit down and look at the Procurement Policy and go over each of the categories to see what we can and cannot vary and look at some other municipality's best practices to come up with a comprehensive review of our own Procurement Policy. She thinks this would be one of the best ways to get a comprehensive set of goals, requirements and responsibilities from small procurements for very small amounts of money for bids, goods and services to requests for professional services to emergency procurements and even to look at creative options for what you need to achieve for a bid on a General Municipal Law 103 Project. They have talked about it a little bit internally, she has talked to the City Comptroller about it and she has done quite a bit of research so what she thinks would be helpful is to really do some research on what our needs and statistics are and identify the needs and realistic goals and to come up with an amendment to the Procurement Policy that addresses all of these things that the City Council has expressed a support and a need for and they can move forward in that regard.

Mayor Kennedy said that she knows there is a draft piece of legislation following the Rochester example and suggested that be sent out to everyone to take a look at as a discussion point.

Councilwoman Lee asked for clarification from Corporation Counsel that this resolution only asks that you look into developing legislation. Is that accurate?

Corporation Counsel, Michelle Kelson, said it appears that the intent is to authorize someone to draft legislation to codify the specific goals that are there.

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

Ayes – Councilwoman Angelo, Councilwoman Lee, Councilwoman Mejia – 3

Nays – Councilwoman Abrams, Councilman Brown, Councilwoman Holmes, Mayor Kennedy – 4

DEFEATED

ORDINANCE NO.: 4 - 2015

OF

APRIL 13, 2015

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN CHAPTER 34, ARTICLE III OF THE CODE OF THE CITY OF NEWBURGH ENTITLED "SEXUAL HARASSMENT POLICY" AND AMENDING SAME BY SUBSTITUTING THEREFOR A NEW CHAPTER 34, ARTICLE II ENTITLED "EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICY"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Chapter 34, Article III entitled "Sexual Harassment Policy" of the Code of Ordinances of the City of Newburgh be and is hereby repealed and that the same is hereby amended to read as follows:

SECTION 1. Chapter 34, Code of Ethics, Article III

Equal Employment Opportunity and Anti-Harassment Policy

§ 34-17 Council Intent

The City of Newburgh continues to have a zero tolerance for unlawful discrimination, harassment or retaliation in the workplace.

All employees are required to comply with the City's policy. Any employee who violates this policy will be subject to the full weight of disciplinary sanctions, up to and including discharge. Any department head or supervisor violates this policy if, having been made aware of conduct by an employee that violates this policy, that department head or supervisor knowingly allows the conduct to continue.

§ 34-18 Individuals and Conduct Covered

This policy applies to all applicants and employees, and prohibits unlawful harassment, discrimination and retaliation, whether engaged in by or with fellow employees, a supervisor or someone not directly connected to the City (e.g., an outside vendor, contractor, consultant or resident). Conduct prohibited by the policy is unacceptable in the workplace and in any work-related setting outside the workplace, including during business trips, business meeting and business-related social events. It is the responsibility of supervisory personnel to be aware of and sensitive to conditions, situations or circumstances which, left unresolved, could potentially rise to the level of unlawful harassment, discrimination or retaliation in the workplace, and to take appropriate remedial action to address the conditions, situations or circumstances as soon as possible.

The City Manager will carry out those duties necessary to ensure compliance with this policy. The City Manager will designate, in writing, one or more Harassment Complaint Officers, to receive

and investigate complaints of violations of this policy. Copies of this policy and the written designation of Harassment Complaint Officer (including their contact information) will be posted in conspicuous places and be available to employees and applicants for employment.

§ 34-19 Equal Employment Opportunity

The City is committed to a policy of ensuring equal employment opportunity to all employees and applicants for employment without unlawful discrimination with regard to race, color, religion, creed, gender, national origin, age, disability, marital status, citizenship status, military or veteran status, sexual orientation, domestic violence victim status, genetic information, or any other characteristic protected by applicable law. In accordance with all applicable federal, state and local laws, this commitment to equal employment opportunity extends to all employment decisions including, but not limited to, recruitment, hiring, compensation, benefits, training, promotion, demotion or downgrading, transfer, layoff and recall, termination, and all other terms and conditions of employment. The City prohibits and will not tolerate this kind of discrimination.

§ 34-20 Anti-Harassment Policy

A. Sexual Harassment

1. Sexual harassment constitutes discrimination, and is illegal pursuant to federal, state and local laws. For the purposes of this policy, sexual harassment pursuant to the Equal Employment Opportunity Commission Guidelines, as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to the conduct is made either explicitly or implicitly a term or condition of the individual's employment; (ii) submission to or rejection of the conduct by an individual is used for the basis for employment decisions affecting the individual or; (iii) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, the behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body; sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually explicit objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Gender-based harassment – that is, harassment not involving sexual activity or language (e.g. when a male supervisor yells only at female employees and not males) – may also constitute discrimination if it is severe or pervasive and directed at employees because of their gender. The City prohibits and will not tolerate all of these types of sexual harassment.

B. Harassment on the Basis of any other Protected Characteristic

1. Harassment on the basis of any other protected characteristic is also strictly prohibited by the City. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion,

creed, gender, national origin, age, disability, marital status, citizenship status, military or veteran status, sexual orientation, genetic information, or any other characteristic protected by applicable law and that: (i) has the purpose or effect of creating an intimidating, or hostile work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

2. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail). The City prohibits and will not tolerate all of these types of harassment.

§ 34-21 Retaliation is Prohibited

The City prohibits retaliation against any individual who in good faith reports discrimination or harassment or participates in an investigation of those reports. Retaliation against an individual for in good faith reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy. Violators will be subject to disciplinary action up to and including termination.

§ 34-22 Complaint Procedure

A. Reporting an incident of Prohibited Harassment, Discrimination or Retaliation:

The City strongly urges the reporting of all incidents of harassment, discrimination or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe to be contrary to the City's policy or who have concerns about these matters should file their complaints before the conduct becomes severe or pervasive. The complaint may be filed with the employee's immediate supervisor or any individual designated in writing by the City Manager as a Harassment Complaint Officer. If the complaint involves one of the Harassment Complaint Officers, it may be filed with the City Manager. If the complaint involves the City Manager, it may be filed with the Mayor. Individuals should not feel obligated to bring their complaints to their immediate supervisor before bringing the matter to the attention of the Harassment Complaint Officer, the City Manager or the Mayor. Employees can submit claims in writing, by e-mail or by meeting in person. All oral complaints or reports must be documented in writing by the City. A department head or supervisor who observes harassment, discrimination or retaliation, or receives a complaint of same, must immediately make a report to the Harassment Complaint Officer, the City Manager or Mayor, respectively.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of prohibited harassment. Therefore, while no fixed reporting period has been established by this policy, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcomed and requesting that it be discontinued.

§ 34-23 The Investigation

- A. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly, and impartially pursuant to the direction of the City Manager or, if the complaint involves the City Manager, pursuant to the direction of the Mayor. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. No individual who is the subject of a harassment, discrimination or retaliation complaint will play a role in the decision-making process with respect to the resolution of the complaint.

- B. The City Manager (or Mayor) will make best efforts to ensure the investigation of all complaints of harassment, discrimination or retaliation, preparation of written findings of the results of each investigation and the remedial actions proposed. This report will be considered an internal memorandum and one protected by personal privacy rights so as to not be subject to disclosure pursuant to the Freedom of Information Law. The City Manager (or Mayor) will communicate with the complaining party about the results of the investigation and remedial actions taken, if any, all within a reasonable period of time consistent with the circumstances of the complaint.

- C. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. If, after investigating any complaint of harassment or discrimination, it is determined that an employee has intentionally made a false claim of harassment or has intentionally provided false information regarding a harassment or discrimination complaint, disciplinary or legal action may be taken against that individual.

- D. No record of a complaint will be kept in the complaining employee's personnel file, unless the investigation concludes that the employee intentionally made a false claim of harassment or intentionally provided false information regarding a harassment or discrimination complaint.

§ 34-24 Responsive Action

Misconduct constituting prohibited harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action including, but not limited to, a warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes to be appropriate given the circumstances, and in accordance with applicable law.

Individuals who have questions or concerns about these policies should contact the City Manager.

§ 34-25 Additional Rights

Nothing in this policy will be construed in any way in order to limit an employee's rights before the United States Equal Employment Opportunity Commission, the New York State Division of

Human Rights or the Orange County Human Rights Commission, or to take any other legal action which the employee may deem advisable to pursue.

§ 34-26 Severability

If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. This Equal Employment Opportunity and Anti-Harassment Policy takes effect on April 14, 2015.

Councilwoman Abrams 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

PUBLIC COMMENTS REGARDING GENERAL MATTERS

Vern Bell, Stewart Avenue, said that we need to "Ban the Box" in Newburgh because Newburgh has long been troubled by a cycle of violence passed on from one generation to the next. The group she works with, Exodus Newburgh Extension, focuses on Prison re-entry and making the way a little easier for those returning to the community from Prison and deserving of a fresh start who are looking for work. The job application for the City of Newburgh has the question, "*Have you been convicted of any crime within the last seven years? If so, explain*". In most places this means that the chance of an interview is nil and it's usually thrown into the garbage if a person answers "yes". That is why in more than one hundred cities across the Country including Woodstock, New York City, Buffalo, Rochester, Syracuse and Yonkers in our State questions like this have been removed. This is called "Ban the Box" or removing the question if you don't have a box. Although she knows that Newburgh does hire released prisoners, the released person does not know this in advance and often looks at the application and walks away defeated fearing that if the truth is told there is no chance of getting a job. Remember, that the returning person may also be a father or mother often responsible for contributing to family support so those with jobs are less likely to return to Prison and contribute to a more stable community. Removing this sentence still permits the employer to ask the question later after a relationship has been established with an interview which is then the time for a background check. Removing the question does not prevent employers to carefully screen people who work with children, the elderly or the disabled when it is relevant to the job. She asked the Council to consider this deeply and when the time is right put a resolution on the Agenda to remove the question so that Newburgh can join these other cities.

Lillie Howard, City of Newburgh, said that we are talking about a job situation being adopted so she asked why is it that this Council has not implemented Section 3 from HUD which has been in existence since 1968 which is a program that would create jobs for the very people who are the residents of this City. If they don't want to do this other thing that they are talking about then she doesn't understand why they haven't implemented Section 3 as it has been throughout the Country to address the job situation. Poverty leads to crime and the reason there is so much crime here is because there are no jobs. She asked why it is so hard for them to put something together that will bring jobs into this City. They already had an opportunity with Section 3 which they never implemented so what is the real deal here. She said that she is sick of this mess to the point that she just might run for Mayor again.

Omari Shakur, City of Newburgh, said that Elections are coming up and if the Council doesn't want to do their job then they will put people in there because the community is watching. He and the Police Chief were talking earlier about the cameras which they want but they also want a "*No Excuse Policy*". It makes no sense to have cameras that they turn off and on when they have interaction with the community so there are some things that need to be worked out. It doesn't matter if we have cameras and all of the training in the world because if these police don't love us then they are just trained killers. What we need is some empathy and he told the Police Chief that he is willing to work with his Officers. If you look

at what happened in South Carolina with that shooting and the interview with the mother of the Police Officer he said that he empathizes with her because she said that is not her son so he wonders what happens to these guys when they go to the Police Department. Why do they have so much hate in our community? One of the problems is that you have guys coming from Iraq and Afghanistan who think that we are the enemy but we are people who are willing to work for our children and we want the Police. Some people are afraid to call the Police because when we call them we don't know what is going to happen so he again said that he is willing to work with the Police Chief. He said that he is committed to Newburgh because he cares, he loves his community and his people.

Donald Fryar, City of Newburgh, said that he is also in favor of "Ban the Box". He lives on Fullerton Avenue by the Goldback Store and there are people there who are seeking employment but this is making it very difficult. We can't be afraid to approach a young person who has his head cocked to the side or his pants hanging down and ask them how they are doing today because we have to build a repore with our people. We have to talk and communicate and he agrees with Ms. Howard in regard to Section 3 because we need a break. Language is also very important to communicate what we need and what we want done for our City.

Phillip, City of Newburgh, said that he also supports banning the box. He heard tonight about job creations but by having this box on your application doesn't prove that. The notation on the application states that you don't discriminate and granted there are areas where it is a no brainer and there must be background checks but do you need a background check to rake leaves or paint? It is intimidating when you are asked if you have been arrested in the past seven years but how about someone who has had a traffic ticket? You have to "Ban the Box".

Eric Walker, City of Newburgh, said that he is disappointed with the Council tonight because we need Section 3 and Resolution #87. He doesn't know what the problem is with this Council and why they don't want to see this community work and get jobs. Why can't they come together and give this City what it needs? He is from this community and he wants to see it grow. Ms. Best of Best Resources is doing a good job and she has shown us things that if they had shown us years ago we would be in a Union, have good jobs and be home owners. A lot of people wouldn't have gone go Prison but yet they want to take this resolution off the table so he asked them what is going on and where are their hearts at? Election time is coming up and we are the people who put you in these chairs yet you are not trying to help anyone. He told them to please do something or he will let his people know who to vote for.

Hilary Rayford, City of Newburgh, said that she applied for a position of the Director of the Summer Camp for this year in which she was hired last year and she worked very hard. She was not only the Director but also the Head Camp Counselor and she had Counselors who were asleep or came to work with alcohol on their breath when they needed to be watching the children. She was told that they couldn't fire them because they were needed there yet they weren't involved with the youth as they sat down during every physical activity and Mr. Kaplan witnessed this and told her that if they worked for him they would have been fired. Now she has applied for the position again and hears that there is no position

this year although it is listed on the Website. She submitted her information and resume to hear that they are not hiring for this Director's position where she managed sixteen Counselors and fifty children who she knew all by first and last names as well as their parents. She doesn't know what is going on with this job but she sees that \$13,000.00 is going to the Summer Youth Program and wonders what that is for. She added that she hears that through Habitat and everyone else that they want to build here in the City of Newburgh but first we have to rebuild the people who have been torn down. She noted that she will be running for City Council but if she has enough power behind her she might run for Mayor.

Barbara Smith, City of Newburgh said that it is not that the Council does not want a jobs program or something to help the City residents become employed and the purpose of her Council should be to legislate. It is up to the Legal Department and the City Manager to give them the job stating that we need a program that addresses these particular situations. When you sit here and write legislations you might not be writing it according to the law and we have to be patient even though it is hard to do so. Let the Council legislate after the law has been written and let them vote on it.

James, City of Newburgh, said that since they shot down Resolution #87 what does the Council have in place for jobs. They have waited four years now and there are still no jobs. There are people being hired under the table to remove asbestos for \$10.00 per hour which is illegal and the Council knows about this. What type of tangible job plan do they have for the residents of the City of Newburgh? Can we get some dates and deadlines? They keep telling us to wait but we have been waiting for four years now so when is it going to happen? He asked the Council when would be a good time for them to answer these questions. They keep hearing that there are jobs but the people he knows aren't working and when they go to apply they get turned away. He asked what was wrong with Resolution #87 and why did they shoot it down?

Sheila Murphy, City of Newburgh, said that when the Mayor was running for Election she asked what she could do for the community and we told her to just create jobs for people. There are a lot of people here who are looking for work and they don't want to be on Social Services and depend on income and food stamps once a month. She said that they need to get together and come up with a plan because our City is the only one that is struggling to help our people economically, financially and socially. This is sad because there is a lot of money that comes through the City of Newburgh and we have a lot of nonprofit organizations that people here in the City are qualified to do but they won't give them a job because they are from the City of Newburgh. She was fortunate to retire from a state job at the age of 41, which a lot of people would like to have. Her daughter looks around Newburgh and tells her that it is depressing here and she feels sorry for these people. The Mayor and the Council have their hands full but we really need to work together and stop fighting to put our City together because if we don't it won't get any better. If we have no jobs then they are going to rob, kill and steal and with that comes destruction. Election time is coming up and they will make sure that the best candidate is going to win because this is not a game.

Roxie Royal, 57 Farrington Street, said that we have the first full Democratic Council that she can remember here in the City of Newburgh and she implored them to work together and put their personalities aside for the betterment of this community.

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

COUNCIL COMMENTS

Councilwoman Abrams said that she totally supports the "Ban the Box" initiative. It has taken hold as a nationwide movement and will go a long way to helping our own unemployment situation here. People are definitely dropped off for consideration of a job just because they had to check a box asking if they have been imprisoned in the past seven years. This will not prevent us from screening people who are working with children so she is definitely looking forward to voting to have that box removed from our applications.

Councilwoman Angelo said that there were a lot of comments about the zoning but she thought that there would be more people tonight and wonders if we still have time before the next Council meeting to have a public meeting at the Activity Center to bring more people in from all over the City. She noted that "What to Do When a Disaster Strikes" will be held on Wednesday morning, April 15th at 35 Cerone Place and she thinks it would be advantageous for a lot of us to attend. She added that we have always had Unions come in to train people who want to learn a profession. The Laborers Union, the Bricklayers and Electricians so whatever you want to do you could go to the Union Hall and talk to them. The Library is going to have a program soon on how to find a job but it doesn't matter if you are unskilled and don't know what to look for.

Councilman Brown said that when he first got on this Council he heard about Section 3 and it was talked about like it was the best thing since sliced bread. He was always encouraged that when they put a bid out that we would hire locally but one thing he learned about Section 3 is that there are loopholes. Contractors have moved around those loopholes in order not to hire locally and Timmy Hayes was the only one that he knows of since he was on the Council that was every hired under the Section 3 guidelines. He felt that they needed to put something in place to change that and make sure that we do get local hires so he started talking about putting something on RFP's stating that they have to hire a percentage locally based on the amount of the contract. That fell on deaf ears with the previous Council and he received no support but he knows that he is only one vote so there was nothing else he could do because he couldn't move. Through that whole process he talked about creating a department in the City of Newburgh to address all of these guys who have been trained in Asbestos Abatement. We have a ton of houses that we own which are full of asbestos and those guys could clean them up and we could get them back on the market and sold for a decent value as opposed to selling them for \$2,000.00 or \$5,000.00. He thought that this could be a revenue generator and that fell on deaf ears but again he is only one vote so when people come here saying that he is not trying to help they forget the past. He told everyone to look at previous meetings which are online to see what support he didn't get and from which Council members. He thinks that now they have an opportunity here because at least the majority of this Council wants to help. They are not trying to turn their backs on the community because he won't allow that. As he said earlier, he is sorry that Councilwoman Lee brought this legislation forward because it only derailed the process that they were in the midst of having and set them back. He is going to move forward because he believes that is the right thing to do and all he asks is to be patient. They have time and they can get this

right so that Section 3 is not a joke because right now it is one. It is in our contracts and RFP's right now and it is a joke because they haven't hired anybody. There is a process and we just can't bring legislation to the table and vote on it because it doesn't happen that way. He said that you have to understand the process and moving forward he will push this Council to move towards something that works for the entire Council and the entire community. He thanked everyone for coming and wished them a good night.

Councilwoman Holmes thanked everyone for coming and said in regard to "Ban the Box" that we have a HR Consultant looking at that. She is trying to research more information about it and knows that we have hired people who have been in Prison because when she was on the Civil Service Commission back in 2010 she made sure that was done. In regard to jobs, she said that they are not trying to turn people away and again when she was on the Civil Service Commission twenty people that she knows came to her and she referred them to different jobs and right now six of them still work for the City. When you go into an interview and when it comes to drug testing it is up to the person but when there are jobs she always refers people. She did some research last week and had Michelle Mills put job postings for Woodbury Commons and Central Hudson on the board downstairs. Also Anheuser-Bush, Pepsi and St. Luke's Hospital are hiring so there are different jobs in the area. She wants to help but she is not an employment agency. If there is something that she can do and work with the Council as a team to implement jobs, then she will but she is not going to just pass something that she knows nothing about. She needs to be on board with it and what is going on with it as well as all of the parameters that Michelle Kelson talks about. She wants everyone to know that they are trying and they want everyone to get jobs because we know that where poverty is there will be crime and they want to try to make it better. There is a lot on everybody's plate and they are trying.

Councilwoman Lee said that she is glad that the Council almost pleaded for forgiveness and since everybody wants to bring jobs here we have a Work Session in two weeks and their plan should be on the table for everyone to hear. If she were a betting woman she could have make a lot of money tonight because she knew that Resolution #87-2015 wouldn't go anywhere. The Resolution said that we were going to work towards developing legislation and the Council said that they don't want to work towards that with their vote. She did tell the group that stopped the City Council meeting over at the Armory that she would put something together so that they could see who their leaders are. She is very proud that she was right and to Councilman Brown she said that she has sat here and listened to him take three or four pot shots at her but she is willing to work with him on whatever legislation you want to put together. *"You really have to attend the meetings as you have missed almost forty of them in less than three years. If you want to work on legislation it is important for you to come to the meetings and work with us"*. She thanked everyone and wished them a good night.

Councilwoman Mejia said there was a comment made and it resonated a lot because that is not what she sees in her City. We are not Ferguson and we are not Brooklyn. We are the City of Newburgh and this is the City that gave birth to the Nation when Washington rejected the proposal to be a King. This is the City that has stood for one hundred and fifty years surviving Urban Renewal and the housing crises. This administration is trying to dig

us out of four decades of neglect at best and corruption at worst. Statements like, "*Some people aren't from here*" have to stop because whether you own or rent you are a Newburghian. Whether you came here one hundred and fifty years ago, whether you were here with the Native Americans or whether you just closed on your house yesterday you are a Newburghian. She supports the "Ban the Box" concept but like all of our policies it needs to be flushed out. She is cautiously encouraged to see all of the movement that is taking place at the Waterfront with all of the open projects that we have but she would like to make sure that they have a clear work plan with funding sources, deadlines and benchmarks. The last thing she wants is to make promises to a community that we are going to build and construct things without a work plan or benchmarks attached to it. She applauded the City's Administration for successfully negotiating and approving a Collective Bargaining Agreement with the Civil Service Employees Association. That is a huge accomplishment for us. She also commended our Codes Department, DPW and everyone involved with the Distressed Property Task meetings taking place with the lead from the City Manager. We are actively discussing, attacking and have a work plan attached to making sure that the vacant registry and rental registry of our buildings gets implemented to move the City forward. She thanked everyone for coming and again said that we are not Ferguson and we are not Brooklyn. We are the City of Newburgh. As a survivor of a Civil War in Central America, this is not about displacing anybody. This is about working together and making sure that we are all collectively attacking and addressing all of the social, political and economic issues that this City suffers from.

Mayor Kennedy said that there is a lot of passion here because everybody cares and wants things to be working better in this City. Some of the comments were mad about coming together and working together and she agrees with that. The issue here is that so many people see so many different things in different ways and everybody sees it through their own experience. She noted that she was not born with a silver spoon in her mouth either. She grew up with parents who had an eighth grade education and everyone working two jobs including her from the time she was twelve years old. In regard to the jobs, she said that they all have a lot of passion about this and someone put a spin on this Resolution #87 by saying that since we didn't pass it that means we don't want jobs and that is not the fact. We sent one hundred people to training for asbestos but do you know how many asbestos jobs there are? Maybe five. We have to identify the jobs and there are a lot of them out here as Councilwoman Holmes said. We have people saying that they don't want to go to Fishkill to work but wait a minute this whole Country moves all over the place to work. Who is telling the story that you have to have a job inside this City? Where did everyone get an idea like that? People go all over to get jobs and they are where you find them. There are jobs and there are a lot of them the issue is to get people to them we have to identify the problem correctly so that we can solve it properly. Also, someone has the notion that this City Hall creates jobs. We run on a very tight Budget and we are trying everything not to raise city taxes yet someone commented that we should hire twenty-five people to go pick up trash but where is the money going to come from for that in the Budget? They walk the edge every day trying to figure out how to do things with very little money and she doesn't think that anyone who owns property wants their taxes to go up. In regard to the Land Bank, they are doing everything they can to fill up six hundred empty buildings which is property that we are not getting any taxes on. We have to find ways to bring additional income into this City

if we are ever going to really make it. We have to increase the revenue so we work on that every day trying to find ways to develop the properties and get them into hands that pay taxes so that we can increase the revenue coming into the City so that everyone's taxes are affordable. When it comes to jobs and this idea of creating a team inside of the City we have all of these renovation projects. There is a model up in Montgomery County that she and Councilman Brown talked about a few years ago and even that construction team or demolition team that could do this work and could also hire out. There is a possibility here of creating a model that actually generates revenue with a team that becomes well qualified. Remember that if we do create such a team that would be five or six jobs not one hundred jobs so people have to understand that this City Hall and this government is not going to create two hundred jobs for anybody. Whoever is saying that is leading people down a rosy path to nowhere. We need to figure out how we are going to take care of these buildings and get people in them to generate taxes and at the same time keep within a Budget and create jobs which is not an easy task. She said that nobody is blowing anybody off because they are all racking their brains and we have a State government that has all kinds of parameters, laws and rules that binds you in ways that you are constantly trying to figure out how to get around. She added that she supports "Ban the Box" one hundred percent and she wrote it with the help of input from other cities throughout the state that have passed this. To Councilwoman Holmes' point we also want to make sure that we get input from our HR Representative as sometimes we pass legislation and then don't have a way to implement it. Behind every piece of legislation there has to be an implementation plan and she feels that they are working very hard to do that. Concerning the zoning meeting a lot of people stepped up saying that we need to have another community meeting so she thinks that they should plan that. We should get one together as quickly as possible so that we can have this informal discussion before another hearing. To Ms. Rayford she said that she will find out what this issue is in regard to the Youth Program and thanked everyone for coming tonight.

There being no further business to come before the Council the meeting adjourned at 10:30 P.M.

LORENE VITEK
CITY CLERK