



City of Newburgh Council Work Session

6:00 pm

October 6, 2011

AGENDA

1. Procedural Items related to the City Council meeting on October 11, 2011:
 - a. Minutes of the meeting of September 26, 2011
 - b. (Res. 199) Scheduling a public hearing for November 14, 2011 to receive comment concerning the adoption of the 2012 Budget of the City of Newburgh.
 - c. A public hearing regarding the proposed local law relating to collateral loan brokers
 - (Local Law 9) Adding Chapter 137 entitled "Collateral Loan Brokers" to the Code of Ordinances
 - (Ord. 19) Amending Chapter 163 entitled "Fees" as it relates to collateral loan brokers

2. Finance Department:
 - a. (Res. 200) Transfer \$9,000 from Sanitation Fund Balance to Sanitation Department/Repairs to Motor Vehicles and Other Services – Tipping Fees to cover necessary repairs to two sanitation trucks
 - b. (Res. 201) Transfer \$\$25,000 from Gas & Electric to Central Printing and Mailing to cover a postage shortfall in the general fund
 - c. (Res. 202) MOU with PSOA to provide for additional benefits, under Section 242 of the Military Law, for Police Sergeant Christopher Tabachnick while serving active duty effective on or about December 8, 2011.
 - d. Agreement with the Newburgh Enlarged City School District to fund the cost associated with the Community Resource Office at Newburgh Free Academy (resolution to follow)

3. Planning and Development/Real Estate:
 - a. CDBG Budget (information will be provided at the work session)

4. Engineering:
 - a. (Ord. 20) Establishing a 15-minute parking zone at 16 Mill Street.
 - b. Left turn signal at Broadway and Route 9W

5. Discussion Items:
 - a. (Local Law 10) Amending Charter Section C3.00 entitled "Municipal Officers Enumerated".
6. Review of 2012 Tentative Budget
7. Executive Session:
 - a. Pending Litigation

RESOLUTION NO.: 199 - 2011

OF

OCTOBER 11, 2011

**A RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 14, 2011
TO RECEIVE COMMENTS CONCERNING THE ADOPTION OF THE
2012 BUDGET FOR THE CITY OF NEWBURGH**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that pursuant to Charter Section 8.15 a public hearing will be held to receive comments concerning the adoption of the 2012 Budget for the City of Newburgh; and that such public hearing be and hereby is duly set for a special City Council meeting of the Council to be held at 7:00 p.m. on the 14th day of November, 2011, at the Activity Center, 401 Washington Street, Newburgh, New York.

LOCAL LAW NO.: 9 - 2011

OF

OCTOBER 11, 2011

A LOCAL LAW ADDING CHAPTER 137 ENTITLED
"COLLATERAL LOAN BROKERS"
TO THE CODE OF ORDINANCES
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 Adding Chapter 137 entitled 'Collateral Loan Brokers' to the Code of Ordinances of the City of Newburgh".

SECTION 2 - PURPOSE AND INTENT

The purpose of this local law is to promote the public health, safety and welfare of the City of Newburgh by regulating and collateral loan brokers to protect the property rights of its residents and to assist law enforcement in the recovery of stolen property and the identification of suspects.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 137 entitled "Collateral Loan Brokers" to read as follows:

"CHAPTER 137, COLLATERAL LOAN BROKERS

§137-1 Definitions.

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

COLLATERAL LOAN BROKER - Any person loaning money on deposit or pledge of personal property, other than securities or printed evidences of indebtedness; dealing in the purchase of personal property on condition of selling back at a stipulated price; or designated or doing business as furniture storage warehousemen, and loaning and advancing money upon goods, wares or merchandise pledged or deposited as collateral security; a pawnbroker.

PERSON - an individual, corporation, limited liability company, partnership, association, agency, trust, estate, or other entity capable of being sued.

§137-2 License Required.

No person, either as principal, agent or employee, shall within the limits of the City of Newburgh, establish, engage in or carry on the business of collateral loan broker, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as herein provided.

§137-3 Application for License; application fee.

A. Every person desiring to procure a license under this chapter shall file with the City Clerk a written application upon a blank form prepared and furnished by the City which shall provide the following information:

1. The name of the collateral loan broker.
2. The address of the principal office of such collateral loan broker, if any, wherever situated, and the address or addresses of the principal office of such collateral within New York State, if any.
3. The names, residences and business addresses of the principal officers if the applicant is an individual, partnership or firm, or the names, residences and business addresses of the principal officers if the applicant is an association or corporation.
4. A certificate of incorporation and certificate of Good Standing, if the applicant is a corporation, and if the applicant is a foreign corporation, an application for authority to business in New York State.
5. A description of the character of the business in which the applicant desires to engage.
6. The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation or association, has or have resided in the State of New York; his/her or their place of previous residences and employment whether he/she or they or any of them have ever been convicted of a felony or misdemeanor and, if so, what offense, when and in what court.
7. The street address where such business is to be located or carried on.
8. Whether the applicant or applicants or manager have, either alone or with someone else, ever engaged in the business of collateral loan broker.

B. The Application shall be signed and acknowledged before a notary public.

C. The Application shall be accompanied by a non-refundable application fee as set forth in Chapter 163, "Fees" of the Code of Ordinances of the City of Newburgh.

§173-4 Bond Required.

The license application shall be accompanied by a bond to the City of Newburgh, approved as to form by Corporation Counsel, in the penal sum of \$10,000.00, with two responsible sureties or sufficient collateral security, conditioned on the faithful performance of the duties and obligations pertaining to the business so licensed, the due observance during the term of the license of any and all ordinances and laws which are now in force or may be hereafter be adopted or enacted respecting the business of collateral loan broker as defined in Section 173-1 of this Chapter, and the accounting for and paying over of all moneys which the licensee shall be liable to pay as such collateral loan broker to the City of Newburgh.

§ 173-5 Issuance or Denial of License; contents; reapplication after rejection.

A. Upon the filing of the application, bond and information as provided in this Chapter, the City Manager may, upon his/her approval of such application and bond as to the sufficiency of the sureties or collateral securities, and upon the payment to the city of the license fee hereinafter provided, direct the City Clerk to issue to the applicant a license to engage in the business as provided in Section 173-2 of this Chapter. No license shall be denied except for specific reason and for the protection of the public safety or welfare.

B. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the place of business in which the person receiving such license shall be authorized to establish, engage in and carry on the business, the kind of business, the dates of issuance and expiration of the license, the fees paid and the name and address of the licensee.

C. No applicant to whom a license has been denied shall make further or additional application until a period of at least six months shall have elapsed since the last previous denial, unless he/she can demonstrate that the reason for such denial no longer exists.

§ 173-6 License fee; renewal new licenses; non-transferability; duplicate licenses.

A. Every collateral loan broker shall pay an annual license fee as set forth in Chapter 163, "Fees" of the Code of Ordinances of the City of Newburgh.

B. All renewal licenses shall be issued as of January 1 and shall continue in force until the following December 31, unless otherwise revoked by the City Manager in accordance with this Chapter.

C. New licenses shall be issued as of the date of the approval by the City Manager, to be effective until the next succeeding December 31, and the annual fee shall be paid to cover the period of the new license.

D. No license shall be used by any person other than the original licensee; and any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this Chapter.

E. Whenever a license shall be lost or destroyed without fault on the part of the holder or his/her agent or employee, a duplicate license in lieu thereof under the original application and bond may be issued by the City Manager in his/her discretion, upon the filing with it an affidavit by the licensee, setting forth the circumstances of the loss and what, if any, search has been made for its recovery, along with a replacement fee as set forth in Chapter 163, "Fees" of the Code of Ordinances of the City of Newburgh. No person shall destroy, deface or injure a license in any manner, or change the name, number or dates therein.

§ 173-7 Revocation of License.

The City Manager may, at any time, after investigation and hearing before the City Manager or his/her designee at which the licensee may be heard, for violation of this Chapter or for any other proper cause, revoke any license granted under the provisions of this Chapter. Whenever any license shall be revoked, no refund of any unearned portion thereof shall be made, and no license shall be granted to any person whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reason therefor in writing shall be served by the City Manager upon the person named in the application by personal service or by mailing the same to the address given in the application and upon filing of a copy with the City Clerk.

§ 173-8 Change in Location of Business.

If any licensee shall move his place of business from the location designated in the license, he shall immediately give notice to the City Clerk and have the same endorsed on the license.

§ 173-9 Record of Loans.

No collateral loan broker shall accept any pledge until the person pawning such pledge shall have adequately proved his/her identity or shall have adequately proved ownership of the article pawned. Every licensed collateral loan broker shall keep in a substantially bound book, which shall be legibly written in ink and in English at the time of making a loan, an account and description of the goods, articles or things pawned or pledged, including the number or numbers and any monogram, inscription or other marks of identification that may appear thereon, the amount loaned thereon, the time and day of the loan and its maturity, the rate of interest paid on such loan and the named, general description and residence of the person pawning or pledging such goods, articles or things and a record of the means of identification of the pledger or of the proof of ownership by the pledger. Such book and all articles pawned or pledged shall at all reasonable times be open to inspection by any police officer, the City Manager, or any person duly authorized in writing for such purpose by the City Manager or Police Chief, who shall exhibit such written authority to the collateral loan broker and to all persons authorized by Section 45 of the

General Business Law of the State of New York. No entry in such book shall be erased, obliterated, altered or defaced.

§ 173-10 Report to City of Newburgh Police Department.

Every collateral loan broker shall, at such times as the Police Chief may prescribe in a written notice, to be served upon such collateral loan broker by a sworn member of the Police Department, report to the Police Department, on blank forms to be furnished by the Police Department, a description of all goods, articles or things, or the identity or proof of ownership of pledgers, such as is required to be kept under Section 173-9 of this Chapter, which have been pawned or pledged in the course of business of the collateral loan broker during the days specified in such notice and, if such notice from the Chief of Police so prescribes, such collateral loan broker shall, at that time and until he/she is so notified to discontinue so doing, keep and furnish on such blank forms such information, as well as a general description of every person depositing such pledge.

§ 173-11 Note Required for Redemption.

Every licensed collateral loan broker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things a memorandum or note signed by him/her containing his/her address and the substance of the entry required to be made or received by any collateral loan broker for any such entry, memorandum or note. The holder of such memorandum or note shall be presumed to be the person entitled to redeem the pledge, and the collateral loan broker shall deliver such article to the person so presenting such memorandum or note upon payment of principal and interest; should such memorandum or note be lost or mislaid, the pawner shall at once apply to the collateral loan broker, in which case it shall be the duty of the collateral loan broker to permit such person to examine his/her books, and upon finding the entry for such memorandum or note so lost and upon giving to the collateral loan broker an exact description of the article pawned, the collateral loan broker shall issue a second or stop ticket for the same. In case such pawner neglects to so apply and examine such books and receive such memorandum or note in the manner above stated, the collateral loan broker shall be bound to deliver the pledge to any person producing such memorandum or note for redemption thereof. This section is not to be construed as in any manner limiting or affecting such collateral loan broker's common-law liability in cases where goods are stolen or other legal defects of title exist in the pledge.

§ 173-12. Rate of Interest.

A. No collateral loan broker shall ask, demand or receive any greater rate of interest than four per centum per month, or any fraction of a month, and a notice containing a list of such rates of interest as herein provided and in accordance with the Act of Congress entitled, "Truth in Lending Act" (15 U.S.C. 1601 et seq.) and the regulations thereunder, as such Act and regulations may from time to time be amended, shall be conspicuously displayed within the premises of such collateral loan broker. A minimum interest charge of \$0.25 per month may be made on any loan.

B. No collateral loan broker shall receive or be entitled to any interest or charges as provided by this section on any loan for any period of time exceeding 15 months from the date of the making of such loan, provided, however, that where a loan is extended at the direct request of the pledger, the collateral loan broker may receive and be entitled to any interest or charges provided by this article on such loan for any period of time not to exceed 15 months from the date of such extension.

C. No such collateral loan broker shall make any charge for packing, storing, keeping or caring for any article, goods or things pledged or upon which a loan has been made.

§ 173-13 Sale of Unclaimed Pledge.

No licensed collateral loan broker shall sell or otherwise dispose of any pawn or pledge unless the interest shall be six months or more in arrears, and all such sales shall be at public auction and shall be conducted by auctioneers licensed with the State of New York. All bids for the purchase of any defaulted pledge offered at such sale shall be expressed in dollars and cents without the use of any special signs, signals or motions if less than 11 people attend such sale.

§ 173-14 Notice of Sale.

Notice of every such public sale shall be published for at least six days previous thereto in the official newspapers of the City of Newburgh as set forth in Chapter 20 of the Code of Ordinances of the City of Newburgh, and such notice shall specify the time and place at which such public sale is to take place and a description of the goods or articles to be sold. Every collateral loan broker shall enter in a book kept for that purpose a true account of the sale of all goods sold by him/her at auction or otherwise, stating the day of the month when pledged, the name of the person pledging, the day when and the amount for which each pledge was sold and the name of the auctioneer. Any person who shall have pledged any unredeemed goods, or his/her assigns, administrators and executors, shall at all reasonable times be permitted to inspect such entry book of sale. Every collateral loan broker shall give notice of the expiration of the six months from the date of the loan after which a public sale of the article pledged may take place, by letter directed to the borrower at his/her last known residence at least 10 days and not more than 20 days after the expiration of such six months.

§ 173-15. Disposition of Proceeds of Sale.

A. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same and the expense of advertising and sale shall be paid over by the collateral loan broker to the person who would be entitled to redeem the pledge in case no such sale had taken place, provided that demand therefor is made within one year after such sale shall have taken place.

B. In the event that there is any surplus money due to a pledger after such sale, the collateral loan broker shall give the pledger written notice thereof, by mailing to such pledger, directed to him/her at the address given at the time of pledging or in the event such pledger has notified the

collateral loan broker, in writing, of a change of address, to such new address, within 30 days after such sale, a notice which shall state the name and address of the collateral loan broker, the number of the pledge, the date of sale and the amount of any surplus.

§ 173-16 Posting of Rates.

Every licensee shall cause to be posted in a conspicuous part of his/her office or place where the collateral loan broker business is carried on, so as to be visible to all persons pledging goods, a printed card or table of the rates of interest authorized by this chapter, printed in large type and in both the English and Spanish languages.

§ 173-17 Prohibited Acts.

A. No collateral loan broker shall:

1. Permit the redemption of any article received by him/her in pawn until 48 hours after the same has been received by him/her in pawn.
2. Fail to deliver to the borrower a plain and complete receipt for all payments on account at the time such payments are made.
3. Carry on business at any other place than the one designated in his/her license.
4. Continue to carry on business after his/her license is revoked or shall have expired.
5. Display signage containing the words "pawn," "pawnbroker" or "pawnshop."
6. Operate his/her/its collateral loan business except in conjunction with a retail sales component that comprises at least 75% of the combined retail/collateral loan business.

B. No collateral loan broker or person in the employ of a collateral loan broker shall receive or purchase any goods, chattels, wares or merchandise from, or make any loan or advance or permit to be loaned or advanced to, any child, actually or apparently under the age of 18 years, any money, or in any manner directly or indirectly receive any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever. It shall be no defense to a prosecution for a violation of this section that in the transaction upon which the prosecution is based the child acted as the agent or representative of another or that the defendant dealt with such child as the agent or representative of another.

§ 173-18. Transfer of License.

No license issued under this chapter may be assigned, sold or transferred.

§ 173-19 Penalties for Offenses.

A. Any person who, himself or by his/her clerk, agent or employee, shall establish, engage in or carry on the business of collateral loan broker or shall violate any of the provisions of this chapter, or who, having had his/her license revoked, shall continue to engage in or carry on the business of collateral loan broker, shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

B. In addition to the penalty imposed, the license of the person violating the same shall be canceled or revoked, and the bond upon such license shall be forfeited. Upon such forfeiture, the amount of the bond shall thereupon become due and payable to the City of Newburgh, and the amount thereof may be recovered in a civil action based upon such forfeiture.

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

This Local Law and shall be effective when it is filed in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

ORDINANCE NO.: 19 - 2011

OF

OCTOBER 11, 2011

AN ORDINANCE AMENDING CHAPTER 163
ENTITLED "FEES" OF THE CODE
OF THE CITY OF NEWBURGH

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

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

§ 137-3 Collateral Loan Broker License Application Fee \$200.00 Non-refundable

§ 137-6 Collateral Loan Broker License Annual Fee \$200.00

Collateral Loan Broker Replacement License Fee \$100.00

Section 2. This ordinance shall take effect upon the filing of Local Law No. -2011 of _____, 2011 in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining ____ denotes additions.
Brackets [] denote deletions.

RESOLUTION NO.: 200 - 2011

OF

OCTOBER 11, 2011

RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$9,000.00 FROM SANITATION FUND BALANCE
TO SANITATION DEPARTMENT
TO COVER NECESSARY REPAIRS OF TWO (2) SANITATION TRUCKS

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
Sanitation Fund Balance	S.0000.0911	\$9,000.00	
Sanitation Department			
Repairs to Motor Vehicles	S.8160.0442		\$6,000.00
Other Services-Tipping Fees	S.8160.0448		\$3,000.00

RESOLUTION NO.: 201 - 2011

OF

OCTOBER 11, 2011

RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$25,000.00 FROM ARMORY, GAS AND ELECTRIC
TO CENTRAL PRINTING AND MAILING
TO COVER A POSTAGE SHORTFALL IN THE GENERAL FUND

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
Armory			
Gas and Electric	A.1625.0422	\$25,000.00	
Central Printing and Mailing			
	A.1670.0400		\$25,000.00

RESOLUTION NO.: 202-2011

OF

OCTOBER 11, 2011

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
WITH THE POLICE SUPERIOR OFFICERS ASSOCIATION
OF NEWBURGH, NEW YORK, INC. TO PROVIDE
FOR ADDITIONAL BENEFITS PROVIDED FOR
IN SECTION 242 OF THE MILITARY LAW
FOR POLICE SERGEANT CHRISTOPHER TABACHNICK
WHILE SERVING ACTIVE DUTY IN THE MILITARY
EFFECTIVE ON OR ABOUT DECEMBER 8, 2011

WHEREAS, the City of Newburgh and the Police Superior Officer's Association of Newburgh, New York, Inc. (hereinafter "the Union"), are parties to a collective bargaining agreement; and

WHEREAS, certain members of the Union serving in the military reserve have been or are liable to be called to active duty as a result of the ongoing conflicts overseas to defend American freedom and protect our people from their declared enemies, and will continue to be required to interrupt regular City employment; and

WHEREAS, the City Council of the City of Newburgh wishes to grant certain additional benefits to such employees; and

WHEREAS, the City Council has reviewed the terms of the Memorandum of Understanding, a copy of which is annexed hereto, and has consulted with the representatives of the City, who have recommended that the City Council approve the agreement;

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 on behalf of the City of Newburgh, the Memorandum of Understanding annexed hereto, or in substantially the same form; and be it further

RESOLVED, that the Council of the City of Newburgh hereby extends its esteem, gratitude, appreciation and admiration to every member of the Union and all others called to active duty on behalf of this Country.

MEMORANDUM OF UNDERSTANDING

BETWEEN
POLICE SUPERIOR OFFICERS ASSOCIATION OF NEWBURGH, INC.
AND
THE CITY OF NEWBURGH

WHEREAS, the CITY OF NEWBURGH (CITY) and POLICE SUPERIOR OFFICERS ASSOCIATION OF NEWBURGH, INC. (PSOA), are desirous of entering into an agreement between the parties to provide for extended military benefits for members who are military reservists and are federally activated to military duty as a result of the events of September 11, 2001 and the ongoing conflicts overseas beyond the benefits mandated by New York State Military Law.

IT IS HEREBY UNDERSTOOD AND AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Members of the PSOA ordered to active military duty (including ordered service in the reserve force) as a result of the events of September 11, 2001, and the ongoing conflicts overseas, shall be entitled to receive the following benefits:
 - a) Members who have exhausted their entitlement to paid military leave under Section 242 of the Military Law shall be entitled to an additional thirty (30) calendar days or twenty-two (22) working days of supplemental military leave at full pay, whichever is greater, in any one calendar year, not exceeding in total sixty (60) calendar days for any one continuous period of absence;
 - b) Members who have exhausted their entitlement to the paid leave set forth in paragraph (a) above shall be entitled to military leave at a rate of pay equal to the Member's rate of pay pursuant to the Collective Bargaining Agreement less the compensation received by the Member as a result of his or her active duty. The Member shall provide the city with an "enlisted pay chart" establishing the applicable military rate of pay.;
 - c) Members shall receive the same individual or family health insurance benefits provided pursuant to the Collective Bargaining Agreement, as received by such members prior to their date of activation;
 - d) Members shall accrue vacation leave at the rate set forth in the Collective Bargaining Agreement during the period they receive benefits pursuant to this Memorandum.

2. The benefits provided in paragraph 1 of this Memorandum shall be in effect from December 8, 2011 to and including April 15, 2012. The terms of this Memorandum may be extended by resolution in the event that the Member's active duty status extends beyond June 8, 2012.

3. The parties agree and acknowledge that this agreement shall not establish any past practice or precedent for members called for active military duty for any reason other than the events of September 11, 2001, and currently ongoing overseas conflicts in Iraq, Afghanistan and related areas.

Dated: October _____, 2011
Newburgh, New York

AGREED TO:

CITY OF NEWBURGH

By: _____
Richard F. Herbek, Acting City Manager

POLICE SUPERIOR OFFICERS
ASSOCIATION OF NEWBURGH, INC.

By: _____
Michael LoScerbo, President

COMMUNITY RESOURCE OFFICER AGREEMENT

AGREEMENT MADE THIS _____ DAY OF OCTOBER, 2011 by and between the Board of Education of the Newburgh Enlarged City School District, having its principal place of business at 124 Grand Street, Newburgh, New York 12550 (hereinafter "the Board of Education") and The City of Newburgh having its principal place of business at City Hall, 83 Broadway, Newburgh, NY 12550 (hereinafter referred to as "the City").

WHEREAS, the City and the Board of Education agree to establish the position of Community Resource Officer (hereinafter "CRO"), to be filled by a police officer from the City of Newburgh Police Department, at the Newburgh Free Academy; and

WHEREAS, the School Board has agreed that they will reimburse the City for its expense in participating in the CRO Program in the amount of One Hundred Thousand (\$100,000.00) Dollars for the period of September 1, 2011 through August 31, 2012 school year and, the City of Newburgh Police Department will assign one officer, at the school specified above, each day that school is open for the hours of 7:30 a.m. - 3:30 p.m. during the school year and during the summer months on such days and times that summer school or the extended year program is being held in the buildings, on the terms and conditions set forth herein;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The School Board and the City of Newburgh by and through the City of Newburgh Police Department have established the following goals and objectives with regard to the CRO Program in the Schools: (a) to maintain a safe campus environment that will be conducive to learning, (b) to create a relationship based upon cooperation and mutual support between law enforcement and school officials; (c) to improve relationships between law enforcement, school, community and the youth of the school; (d) for Police Department officers and command to serve as consultants to school staff, parents, and youth on safety matters and any other matters which will provide a better environment for the students and the teachers in which to pursue their respective tasks; (e) for police officers to serve as role models to students; (f) to provide a continuum of youth services between the school and the community with the support of the Police Department and other City staff and agencies.
2. The City agrees that with the City of Newburgh Police Department shall provide two officers as CROs during the term of this agreement. The CROs shall be subject to the administration, supervision and control of the City of Newburgh Police Department at all times as well as the School Board's policies, regulations and procedures when performing functions at the District's schools; unless otherwise provided in this agreement.

3. The officers assigned as the CROs' will be selected by the Chief of Police based upon the Police Chief's judgment and discretion, taking into consideration among other criteria the officer's training, qualifications, experience, interest in the position and the officer's ability to effectuate the goals and objectives set forth in paragraph 1.
4. The Board of Education shall have the right to request the removal of any CRO and have an officer substituted in his or her place by communicating such request to the Chief of Police at any time during the school year, which request will not be unreasonably denied.
5. The City of Newburgh agrees to provide and pay the CROs' salaries and employment benefits in accordance with the current Newburgh PBA contract.
6. It is understood and agreed that the City of Newburgh Police Department, in its sole discretion, shall have the authority to discharge and discipline an officer assigned as a CRO as provided under the terms of any agreement between the City of Newburgh and the applicable collective bargaining unit, and/or by law. The City shall indemnify and hold harmless the Newburgh Enlarged City School District from any claims, suits, or causes of action arising out of allegations of unfair or unlawful employment practice brought by an officer assigned as a CRO.
7. The following named police officer shall be initially assigned by the Chief of Police of the City of Newburgh Police Department to act as CRO's as follows:

Newburgh Free Academy - Officer Andres Arestin

It is understood that such assignments may be changed by the Chief of Police or other commanding officers as in their judgment circumstances may require.

8. It is understood and agreed that the Board of Education shall not be responsible for any overtime pay earned by an Officer serving as a CRO in connection with his or her duties as a CRO and that the cost of same shall be borne solely by the City of Newburgh. The entire extent of the obligation of the School District to compensate the City for CRO services as provided herein shall be as provided hereinabove.
9. It is understood and agreed that, should a CRO be unable to perform his or her duties as a result of illness or injury or other reason causing the CRO to be absent from work, the City of Newburgh Police Department shall assign another officer to fill the CRO position at the affected building on each such day.
10. It is understood and agreed that the CROs to be appointed by the City of Newburgh Police Department shall have the following qualifications:

- (a) The CRO shall be a full time police officer with a minimum of two (2) years of law enforcement experience;
- (b) The CRO shall possess sufficient knowledge of applicable Federal, State and County laws and Town ordinances as well as the School Board's policies and regulations;
- (c) The CRO shall be capable of conducting in depth criminal investigations;
- (d) The CRO shall possess an even temperament and set a good example for students;
- (e) The CRO shall possess good communication skills, which would enable the CRO to function effectively within the school environment.

11. The following are the duties of the CRO:

- (a) Consult with and coordinate activities as requested by a school principal;
- (b) Abide by School Board policies to the extent that such compliance does not interfere with or impede the CRO in the performance of his or her duties as a law enforcement officer;
- (c) The CRO shall develop an expertise in presenting various subjects; including in meeting Federal and State mandates in drug abuse prevention education and shall provide these presentations at the request of school personnel in accordance with the established curriculum;
- (d) Encourage group discussions about law enforcement with students, faculty and parents;
- (e) Under no circumstances shall a CRO be a school disciplinarian. The CRO will not be involved in the enforcement of disciplinary infractions that do not constitute violations of law;
- (f) Attend meetings with parents and faculty groups to solicit their support and understanding of the CRO school program and to promote awareness of law enforcement functions;
- (g) Where possible, serve as a member of the school student services committee, familiarizing students with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc. Where necessary, the CRO may make recommendations for referrals;

- (h) To confer with the principal of the school to which the CRO is assigned to develop plans and strategies to prevent and/or minimize dangerous situations on or near campus or involving students at school related activities;
 - (i) Perform such duties as determined and requested by a given school principal. However, such duties shall not include things normally assigned to school personnel such as lunchroom or hall duty. Nothing herein shall preclude the CRO from being available in areas where interaction with students is expected;
 - (j) The CRO shall familiarize himself/herself with and shall abide by School Board policy and applicable law concerning interviews with students should it become necessary to conduct formal law enforcement interviews with students or staff on school property or at school functions under the jurisdiction of the School Board insofar as same shall be in harmony with standard police practices and standing general orders;
 - (k) Initiate law enforcement action as necessary and notify the school principal as soon as possible, and, whenever practicable advise the principal before requesting additional law enforcement assistance on campus and undertake all additional law enforcement responsibilities as required by standard police practices and standing general orders;
 - (l) The CRO shall act as a liaison for other law enforcement officers in matters regarding School Board policies while on school grounds;
 - (m) The CRO shall affirm the role of law enforcement officer by wearing the City of Newburgh Police uniform, unless doing so would be inappropriate for scheduled school activities. The uniform shall be worn at events where it will enhance the image of the CRO and his/her ability to perform his/her duties;
 - (n) The CRO shall patrol and maintain a safe corridor within the ½ mile radius directly surrounding the school to which he or she is assigned, including, but not limited to, other school buildings within that radius. The CRO shall be dispatched, as available, to calls for service emanating from within such a radius related to juvenile criminal activity.
12. It is understood and agreed that while the CRO will be stationed at one of the schools within the School Board's jurisdiction, the CRO shall remain an employee of the City of Newburgh Police Department, adhering to all policies and procedures of the Police Department.

13. The CRO shall report to the Main Office at the start of each work day and shall sign in on a log provided by the school. The CRO shall sign out at the end of each work day using the same log.
14. It is understood and agreed that the CRO in pursuing the performance of his/her duties shall coordinate and communicate with the school principal or the principal's designee.
15. The City of Newburgh Police Department shall provide the appropriate in-service training for the CRO, to enable the CRO to function efficiently. The School Board may also provide training in school policies, regulations and procedures, or additional training in other matters relating to students and their safety.
16. The City of Newburgh Police Department shall provide a standard marked patrol vehicle for the CRO, which vehicle shall be maintained by the City of Newburgh Police Department, providing among other things, fuel, tires, etc. and all expenses associated with the operation of the vehicle including insurance. The Police Department will also provide the CRO with a service weapon and ammunition and the usual and customary office supplies and forms required in the performance of the CRO's duties as a police officer. The CRO is authorized to carry a service weapon on school grounds.
17. Should the CRO program continue into future school years, it is understood and agreed that the School District shall evaluate annually the CRO Program and the performance of the CRO on forms to be developed jointly by the parties to this Agreement. Such evaluation by the School Board and the City of Newburgh Police Department shall be performed in order to evaluate the performance of the CRO in accordance with the Department rules and regulations and also to ascertain what may be done to improve the CRO Program.
18. The City agrees to maintain at all times during the term of this Agreement a general comprehensive liability insurance policy for a minimum of a \$1,000,000 and agrees to indemnify and hold harmless the School Board and the Newburgh City School District, its agents and employees from and against any and all claims, suits or causes of actions arising from the City of Newburgh and City of Newburgh Police Department from any injuries or losses occasioned to the CRO by the negligence of the City.
19. The School Board agrees to compensate the City for services rendered in connection with the CRO Program, in the amount of \$200,000.00. Such compensation shall be paid by the School Board to the City of Newburgh monthly.
20. The terms of this agreement are for the period commencing with the provision of such services and ending on the 31st day of August, 2011.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above-written:

BOARD OF EDUCATION OF THE NEWBURGH
ENLARGED CITY SCHOOL DISTRICT

DAWN M. FUCHECK
BOARD OF EDUCATION PRESIDENT

THE CITY OF NEWBURGH

RICHARD F. HERBEK
ACTING CITY MANAGER
CITY OF NEWBURGH

APPROVED AS TO FORM:

MICHELLE KELSON,
Corporation Counsel

CHERYL GROSS,
City Comptroller

ORDINANCE NO.: 20 - 2011

OF

OCTOBER 11, 2011

AN ORDINANCE AMENDING SECTION 288-77
OF THE CODE OF ORDINANCES
TO ESTABLISH A 15-MINUTE PARKING ZONE
AT 16 MILL STREET

BE IT ORDAINED, by the Council of the City of Newburgh, New York, that Section 288-77, Schedule XIX, be and is hereby amended as follows:

Section 1. Section 288-77. Schedule XIX: Time Limit Parking, be and it hereby is amended by the addition of the following location:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit: Hours/Days</u>	<u>Location</u>
<u>Mill Street</u>	<u>West</u>	<u>15 min</u> <u>8:00 a.m. to 6:00 p.m./</u> <u>Monday through Saturday</u>	<u>From a point at the northwest</u> <u>corner of Ann Street and Mill</u> <u>Street to a point 85 feet north</u>

Section 2. This Ordinance shall take effect immediately.

Underlining ____ denotes additions.

Brackets [] denote deletions.

LOCAL LAW NO.: 10 - 2011

OF

OCTOBER 11, 2011

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

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Charter Section C 3.00 entitled "Municipal officers enumerated" of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

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

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

D. The provisions of this section or of § 3 of the Public Officers Law of the State of New York or of any other provisions of law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised shall not apply to the appointment of the officers of the City of Newburgh enumerated in Subsections B and C of this section and the City Marshal, except the City Manager; the Plumbing Inspector, as to whom preference shall be given to City residents, but if, after due diligence, no such qualified candidate is found, then such Plumbing Inspector may reside within 25 miles of the City of Newburgh; and the members of the Civil Service Commission, provided that such appointed officers reside within 25 miles of the City of Newburgh or within the County of Orange.

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.

Underlining denotes additions

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.