



City of Newburgh Council Work Session
6:00 pm
August 9, 2012

AGENDA

1. Procedural Items Related to the City Council Meeting of August 12:
 - a. Approval of meeting minutes
 - b. Departmental Reports
 - c. Professor John Nolon will give an update on the Newburgh Community Land Bank

2. Upcoming Public Hearings to be held on August 13:
 - a. The 2013 Housing and Community Development Needs
 - b. (Local Law 4) Amendment to Chapter 270 of the Code to provide for the addition of Article XII entitled "Exemption for Conversion of Certain Multiple Dwellings".

3. Community & Economic Development and Real Estate:
 - a. IDA property proposal – Teri Waivada, IDA Executive Director and John Cappello, Esq.
 - b. CDBG update – Courtney Kain, CD Director
 - c. (Res. 125) License agreement with GNP for the clean up of the northeast corner of Montgomery Street and South Street.
 - d. (Res. 126) License Agreement with Mill Street Partners, LLC
 - e. (Res. 127) A resolution rejecting all bids received in connection with the Community Development Block Grant Building Demolition Project
 - f. (Res. 128) Approving the Terms of Sale for the conveyance of City-owned properties sold via sealed bid process
 - g. (Res. 129) Approving the Terms of Sale for the conveyance of City-owned properties sold via auction
 - h. (Res. 130) Release of Restrictive Covenants – 3 Marne Avenue
 - i. (Res. 131) Release of Restrictive Covenants – 65 Liberty Street and 65 Liberty Street (rear).
 - j. Streamlining Newburgh's Land Use Process:
 - (Res. 132) Assuming lead agency under SEQRA, declaring the project unlisted, considering an EAF, referring EAF to County Planning and scheduling a public hearing on the proposed local law.
 - Proposed Local Law: Amendment to Article 158 entitled "Environmental Quality Review", Section 158-2, "Actions Requiring and not Requiring Impact Statements" of the Code of Ordinances.

- Proposed Ordinance: Amendment to Chapter 200 entitled "Zoning" to exempt certain activities from requiring a certificate of appropriateness from the ARC.

4. Finance Department:

- a. Monthly cash report for June
- b. (Res. 133) Amendment to the 2012 Budget to provide for police overtime costs

5. Engineering:

- a. (Res. 134) Award of a bid to Peak Power Systems Inc. for the manufacturing of the WWTP back-up generator upgrade in accordance with the DEC Consent Order
- b. (Res. 135) Contract with TAM Enterprises, Inc. for the emergency replacement of the sewer interceptor.
- c. (Res. 136) Support for the pursuit of intermunicipal agreements for the design and construction of infrastructure

6. Discussion:

- a. (Res. 137) Agreement with the Newburgh Enlarged City School District to fund the salary and benefits of one police officer to service as a Community Resource Officer in Newburgh Free Academy.
- b. (Res. 138) Agreement with Wright Risk Management Company, LLC to perform workers compensation management services
- c. (Res. 139) Authorizing various agreements related to the International Festival
- d. (Res. 141) Resolution approving additional benefits provided for in Section 242 of Military Law for Water Department Superintendent Jeffrey Wynans while serving active duty in the military on or about Aug. 16, 2012
- e. (Res. 142) Resolution approving a memorandum of understanding with the City of Newburgh Unit, Orange County Local 836, CSEA, Local 1000, AFL-CIO to provide for additional benefits provided for in Section 242 of the Military Law for assistant maintenance mechanic Richard Smith while serving active duty in the military on or about August 16, 2012
- f. Notification of possible downgrade from the Insurance Service Organization – Chief Michael Vatter
- g. (Res. 140) Authorizing the City Manager to apply for and accept the Staffing for Adequate Fire and Emergency Response(SAFER) grant from the Department of Homeland Security
- h. License Agreement with Sterling Ponder to run recreation programs
- i. Peddlers and Vendors Law amendments

**Work Session Discussion
August 9, 2012**

**7. Executive Session
a. Pending Litigation**

RESOLUTION NO.: 127 - 2012

OF

AUGUST 13, 2012

3-e

**A RESOLUTION REJECTING ALL BIDS RECEIVED
IN CONNECTION WITH THE CITY OF NEWBURGH
COMMUNITY DEVELOPMENT BLOCK GRANT
BUILDING DEMOLITION PROJECT**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the Community Development Block Grant Building Demolition Project for the demolition of 159 Grand Street, 10 Dubois Street and 113 Washington Street; and

WHEREAS, two (2) bids were received and opened; and

WHEREAS, upon review of the bids it has been determined that all bids received were non-responsive to the bid requirements; and

WHEREAS, this Council has determined that rejecting all bids is in the best interests of the City of Newburgh and the project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that all bids received in connection with the City of Newburgh Community Development Block Grant Building Demolition Project be and are hereby rejected.

RESOLUTION NO.: 136 - 2012

OF

AUGUST 13, 2012

5-C

A RESOLUTION SUPPORTING THE PURSUIT OF INTERMUNICIPAL AGREEMENTS
FOR THE DESIGN AND CONSTRUCTION OF INFRASTRUCTURE

WHEREAS, by Resolution No. 263-2010 of November 22, 2012, the City Council of the City of Newburgh authorized participation in a joint grant application with the Orange County Water Authority and the Towns Newburgh and New Windsor seeking funding for a regional water project and declared its intention to enter into inter-municipal agreements in connection with the project;

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into agreements for the performance among themselves on a cooperative or contract basis for the provision of joint services, including, but not limited to, joint water projects and any other municipal service, activity, project or undertaking; and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP), the County of Orange, the Orange County Water Authority (OCWA), the City of Newburgh, the Town of Newburgh, and, the Town of New Windsor, (the "Municipalities") have an interest in water interconnections; and

WHEREAS, the municipalities recognize and appreciate the need to develop a safe, reliable and adequate water supply to serve the inhabitants of the Northeast Orange County region now and for the foreseeable future; and

WHEREAS, the Municipalities through their technical meetings have identified the priority water interconnection projects as:

1. Installation of approximately 7500 linear feet of water main from the City of Newburgh's Water Treatment Plant (WTP) to the Town of Newburgh's distribution system;
2. Installation of approximately 5600 linear feet of water main from the City of Newburgh's WTP to the Town of New Windsor's distribution system;

3. The construction of a pump station or stations necessary to supply said interconnections;
4. An evaluation of the City of Newburgh's water treatment plant's associated operating costs that will result from the implementation of the priority interconnection projects; and

WHEREAS, the OCWA has secured a grant from the State of New York to implement the priority projects; and

WHEREAS, the County of Orange is negotiating with the NYCDEP to enter into an Intergovernmental Agreement to provide the funds to design and build the priority projects;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby:

1. Supports the implementation of the grant procured by the OCWA and authorizes the City Manager to identify a representative who will attend project working group meetings, as well as share data, documents, and drawings with the consultants implementing the grant, and

2. Will work with the other Municipalities to enter inter-municipal agreements detailing the price, terms and conditions of water sharing by December 31, 2012, and
3. Supports the efforts of the County of Orange in advancing the design of the priority interconnection projects and securing funds from the NYCDEP to design and build the priority projects.

RESOLUTION NO.: 141-2012

6-d

OF

AUGUST 13, 2012

RESOLUTION APPROVING ADDITIONAL BENEFITS PROVIDED FOR
IN SECTION 242 OF THE MILITARY LAW
FOR WATER DEPARTMENT SUPERINTENDENT JEFFREY WYNANS
WHILE SERVING ACTIVE DUTY IN THE MILITARY
EFFECTIVE ON OR ABOUT AUGUST 16, 2012

WHEREAS, certain employees 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;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Water Department Superintendent Jeffrey Wynans shall be entitled to receive the following benefits:

- a) Employees 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) Employees 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 Employee's rate of pay pursuant to the Non-Bargaining Unit Benefits Plan less the compensation received by the Employee as a result of his active duty. The Employee shall provide the city with an "enlisted pay chart" establishing the applicable military rate of pay;
- c) Employee shall receive the same individual or family health insurance benefits provided, as received by such employee prior to his date of activation;

- d) Employees shall accrue sick leave, personal time and vacation leave at the rate set forth in the Non-Bargaining Unit Benefits Plan during the period they receive benefits pursuant to this Memorandum.
- e) The benefits provided for herein shall be in effect from August 16, 2012 to and including August 16, 2013. The term of this benefit may be extended by resolution in the event that the Employee's active duty status extends beyond August 16, 2013; and

BE IT FURTHER RESOLVED, that the Council of the City of Newburgh hereby extends its esteem, gratitude, appreciation and admiration to Jeffrey Wynans and all others called to active duty on behalf of this Country.

RESOLUTION NO.: 142 -2012

OF

AUGUST 13, 2012

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
WITH THE CITY OF NEWBURGH UNIT, ORANGE COUNTY LOCAL 836, CIVIL
SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFL-CIO
TO PROVIDE FOR ADDITIONAL BENEFITS PROVIDED FOR
IN SECTION 242 OF THE MILITARY LAW
FOR ASSISTANT MAINTENANCE MECHANIC RICHARD SMITH
WHILE SERVING ACTIVE DUTY IN THE MILITARY
EFFECTIVE ON OR ABOUT AUGUST 16, 2012

WHEREAS, the City of Newburgh and the City of Newburgh Unit, Orange County Local 836, Civil Service Employees Association, Inc., Local 1000, (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
THE CITY OF NEWBURGH UNIT, ORANGE COUNTY LOCAL 836, CIVIL
SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000,
AND
THE CITY OF NEWBURGH

WHEREAS, the CITY OF NEWBURGH (CITY) and THE CITY OF NEWBURGH UNIT, ORANGE COUNTY LOCAL 836, CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, 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 of the 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 CSEA 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 sick leave, personal time and 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 August 16, 2012 to and including August 16, 2013. The terms of this Memorandum may be extended by resolution in the event that the Member's active duty status extends beyond August 16, 2013.

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: August _____, 2012
Newburgh, New York

AGREED TO:

CITY OF NEWBURGH

By: _____
Richard F. Herbek, City Manager

THE CITY OF NEWBURGH UNIT,
ORANGE COUNTY LOCAL 836,
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.,
LOCAL 1000,

By: _____
James Smith, President