

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 25, 2010 at 7:00 P.M. in the Council Chambers, City Hall, 83 Broadway, Newburgh, NY 12550

The Prayer was led by Rev. Brown and the Pledge of Allegiance was led by Councilwoman Bell.

Present: Mayor Valentine, presiding; Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard-5

Councilwoman Angelo moved and Councilwoman Bello seconded that the minutes of the regular meeting of January 11, 2010 be approved.

Ayes-Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine-5

CARRIED

Councilwoman Angelo moved and Councilwoman Bello seconded that the Registrar of Vital Statistics Report and the Civil Service Administrator's Report for the month of December be received, filed and made available to the Press.

Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5

CARRIED

#### PRESENTATIONS

The City Council presented Certificates of Appreciation to City of Newburgh AmeriCorps VISTA volunteers: Kimberly Bersin, Barbara Simon and Ramona Torres.

Councilwoman Angelo moved and Councilwoman Bello seconded that the Notices of Claim be referred to Corporation Counsel with power to act.

Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5

CARRIED

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Jenny Loeb, City of Newburgh said in regard to resolution #30-2010 that the RFP for this consulting service has a deadline for tomorrow so she is confused as to why there is an agreement up for a vote tonight. Although she is pleased with where the whole CDBG program and situation is currently she feels that hiring consultants for this program or any economic development project in the city will be going backwards. If we are going to have a strategy and a vision then we need someone in the department of Planning and Development that will be here long term. We need a permanent Director not more consultants. She hopes that the Council does not vote on this tonight especially since it does not follow the process of an RFP.

Maryann Prokosch, City of Newburgh said ditto to everything that Ms. Loeb said. There is a process for everything. In regard to the fee increases, people would like to know if Little League and Pop Warner will be charged for providing services that we don't provide to our city youth. In regard to water and sewer costs, John Platt deals only with the water. Has anyone checked with the sewer department to see whether or not the increases that the water department needs are also necessary for the sewer department.

Brigidanne Flynn, Norton Street, urged the Council to table Local Law #1-2010 to look at maybe lowering the minimum amount on water. There are a lot of low-income and senior citizens who don't reach anywhere near the minimum usage. If it was lowered to six, then the increase that someone would pay on a quarterly bill would be about \$2.60 whereas if it goes up based on what's proposed in this local law it will be about \$36.00 per quarter. That's a lot of money for people who are trying to make ends meet right now. She would also like to know if anyone consulted the sewer department because they are adding a facility fee of \$7.30 per quarter. If you would encourage people to conserve water, it would result in less maintenance and wear and tear on equipment. She urged the City Council to table this and then get more facts and information.

Judy Flores, on behalf of the Little League, said that she is concerned about the fees to be charged for the recreational fields. They are a non-profit organization and they maintain the fields themselves. What else does the city have to offer the youth in this city? She feels that the council needs to think twice about this.

Denise Ribble, Montgomery Street said that she also urges the Council to table the fee increases or at the bare minimum at least reserve discussion and voting on the sections that have to do with water fees. When Ms. Kelson spoke at the Work Session she did not discuss any change to the language for legal fees which currently allows the City Manager to hire out Corporation Counsel and legal consultants to assist people doing business with the city. There are no parameters on who can and cannot receive these services, what the services are and no hourly fee is set. It is not clear how these fees are collected, accounted for or where they go. She thinks there are some serious concerns about processes that are supposed to protect the citizens that are compromised when we have language like this without any real fee. She added that if we are going to hire out then it would be similar to the Police Chief hiring out city police officers in uniforms and city owned vehicles on voluntary overtime to assist people who are doing business in the City. The Police Chief and former City Manager said that this was legal since these entities paid for this protection but she does not see these fees anywhere in this fee document. If it is legal, there should already be a set fee to charge and she thinks that this should be looked at. Regarding resolution #30-2010, we should be hiring a qualified Director of Economic Development which should be a priority. Consultant hiring must follow proper advertising and recruitment with background checks. There should be special concern with hiring consultants from firms that are reflective of the demographics of the population of the City of Newburgh. There was no discussion about how these people would be paid and from what sources. All this talk about consultants is not in the best interest of the city.

Kerri Bailey, 331 Carpenter Ave., CDBG committee member said in regard to resolution #30-2010 that she means no disrespect to the contractor or his capabilities but there are some important impacts that we should consider prior to making this decision. The CDGB Committee and the Budget approved full funding for the Director to be in charge of programs and staff. A contractor is not going to provide cohesive leadership to the staff that you already have and there is not going to be any accountability. There will also be lost opportunities. She asked the Council not to approve that contract tonight.

Kippy Boyle, 400 Grand Street in regard to resolution #28-2010 for the Robinson Avenue Reconstruction Project she wonders who in the City has been appointed to coordinate the traffic rescheduling which is going to be a very big issue. What team will be handling that and who will be the go to person in the city? On the appointment of Scott Wallingford to the Housing Loan Advisory Committee she thinks this is an excellent choice. On resolution #30-2010 she strongly urged the Council to table this. She attended the Work Session and there was no discussion on the terms of this contract. He did

prepare an enthusiastic presentation on his expertise but there was no discussion of the fees or performance standards. The RFP almost appears as if it was written after the fact so that this firm would be the acceptable firm. There was a phrase in the RFP stating that the only person in the City of Newburgh authorized to make any changes to the terms of the contract would be the Director of Planning and Economic Development which is totally wrong and improper. Who is watching these things? There is no plan to advance the expertise of our internal staff. This may be a fabulous firm but maybe what we should think about is having someone like that come in for a training session to train the staff so that they can become more experienced at dealing with CDBG. CIDC was mentioned and she believes that was Mr. Lowenstein's firm and she would like that looked into.

Michael Gabor, City of Newburgh said that he can see that we are going to get an update on the Corporation Counsel and the City Manager search and we also need someone in the Economic Development position. We don't just need someone to replace these people but we need them to be permanent. He doesn't know how long we will have to wait because it seems like this keeps getting put off. In regard to resolution #30-2010, let's see their track record and what they have done. From his understanding he remembers this name from years ago and he would like to see what the results were. Here we are again consulting things without any parameters. Part of the problem here is that we keep doing the same things and we are going around in circles. You are talking about raising fees and penalizing the people who live here and money is being spent without any parameters yet you are awarding people who have no interest in living here or being a part of this community other than for collecting a paycheck.

Alex Bolorin, Montgomery Street said that he missed all of the previous discussion on resolution #30-2010 and just for clarity he said that we are hiring these consultants to do work that our department currently cannot or is not doing. Wouldn't it make sense to hire a permanent director and have that person have a say in who we hire as a consultant since they would be working together long term.

Sean O'Shea, 22 City Terrace North said that the Certificates of Appreciation for the AmeriCorps volunteers is good but it seems like awards are always given to outsiders and not to the people in this community. The Newburgh Free Academy boys' soccer team won the State title this year and he doesn't know why congratulations weren't given to them.

Mayor Valentine noted that we are planning something on that for February. We are communicating with the soccer team to arrange a time to do that at one of our upcoming meetings.

Sean O'Shea continued that in regard to resolution #30-2010 he asked if we could please stop the consultants. There should be no more consultants for at least a year until the books and records are straightened out. He is tired of consultants because we do not see what the consultants are doing. Many times these consultants are hired based on someone knowing someone else and they get this position. After what we have been through he thinks that we should stop the consultants for a while.

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

## COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Mayor Valentine said that resolution #30-2010 seems to be the topic tonight and it might get tabled so he chose to make his comments now. He doesn't understand the problem with a consultant on CDBG because we have never hired a consultant for CDBG. We had a department head do it for almost twenty years. The consulting firm is not here to run CDBG we are only trying to get HUD all of the information going back to 2005. He appreciates the fact that they would love to have someone come in as the head of Economic Development and be the department head. It could take approximately three months to hire someone so what do you do about HUD during that time. We have an acting Director and a few people working in that office but we do not have someone who has a full background with CDBG experience. If you want us to go backwards, then we won't hire someone. If we don't hire someone, we can try to fill it with who we have on board right now and we will basically be in the same situation that we are in with the Comptroller's Office. The City Manager right now is working at the upmost speed to get a Comptroller. Mr. Lowenstein didn't do CDBG he did a loan program and he wasn't good at it. What is the next step? Hire an Economic Director. Let's put in a full fledged Economic Development Director. Do you know how long it's going to take to get someone? And will the Economic Development Director be good at CDBG? Our previous Economic Development Directors were lousy at it so they had a Community Development Director. The reason for a consultant is that we do not need one forever. CDBG is totally up to speed right now currently. Every report that needs to go to HUD is done within twenty-four hours. They came back and said that we have problems that date back to 2005 and they want answers. You can't have a person handle the current and also all of the other things from the past the same way you can't ask our people working on the fourth floor to do the same thing. Until we have a Comptroller they are basically spinning their wheels in that office and it is not the right way to do things. The misconception that consultants have been running departments in this City for the last umpteen years is not true. If we do not act on someone in that position for an interim time, we are going to fall backwards which would be detrimental right now.

Councilman Dillard said in regard to resolution #30-2010 that it is his position that the people have spoken and we should take this to a vote tonight because he will vote "no" tonight, tomorrow and next week. He believes that we have enough high salaried people in that department to fulfill that job description and those obligations. This is the people's money and the people have asked that we not do this.

Mayor Valentine said that we will take it to a vote tonight. He added that there was a question about the Robinson Avenue Reconstruction and noted that there is an entire mechanism in place for the rerouting of traffic. This will be a two year process and there is a consulting engineer servicing that.

Councilman Dillard said that the only two consultants he would vote for would be to bring back Bob McKenna and Jim Delaune because there is information that is missing.

Mayor Valentine said in regard to the fee increases that in regard to Delano Hitch Recreation Park all of the fees you see on (H) through to (I) are not new fees. Whether or not they were being charged to the individual teams is another story but they are not new fees and have actually been in effect since 2005. Be that as it may, we will be going over the recreation fees as a separate entity.

Acting City Manager, Richard Herbek said that the plan is to take a look at all of the recreation fees but it was something we just couldn't get to while preparing this particular local law. It will take a while longer and we hope to have a recommendation back to the City Council in about sixty days. Concerning the water and sewer fee he believes we did cover the requirements. There are all kinds of capital projects involving the sewage treatment plant which are critical to get completed. Part of what we are doing here is to have funds in place to upgrade the sewage treatment facility. If we don't upgrade it we will be in a position where fines could be applied.

Councilwoman Bell said that she thought the BAN and TAN were to cover the improvements to the sewer so then why do we need these fees.

Craig Marti, City Engineer explained that the bond resolution that was authorized in 2009 was for two projects at the sewer plant. The fee structure within the water and sewer rates will replenish the sewer reserve fund for unforeseen conditions such as equipment breaking down. This past summer a clarifier broke down and there is a second clarifier that is in similar condition and will need maintenance. These types of things should be paid for out of the capital reserve fund if it is solvent which at this time it is not. These rates will help to rebuild and replenish that fund to a comfortable level so that the clarifier can be looked at and there are also electrical problems that are beginning to surface that should also be looked into. He added that he would be happy to review the status of that fund on an annual basis to see whether or not rates could be adjusted but right now the status is that there is no money.

Councilwoman Bell said that this increase then is to put money back into the capital reserve.

Craig Marti, City Engineer responded that this fund was very solvent a few years ago but has been used to plug budget and structural gaps.

Acting City Manager, Richard Herbek said in regard to resolution #30-2010 that we have an individual who is well qualified and has been the Director of Economic and Community Development for the City of Middletown from 1986 to the present. He is an expert in CDBG and he has an ongoing relationship with HUD. We do have some severe accounting problems dating back to 2005 that need immediate attention. We have an individual who is immediately qualified and could straighten out the mess. In addition to that we have a Consolidated Annual Performance Evaluation Report (CAPER) that has to be completed by the end of February. Mr. Novesky is an expert on preparing that report for HUD and he believes that for many years the City hasn't even submitted this report and we have probably been cited for that. We thought that we should tap into the expertise of Mr. Novesky who would be doing this as an independent contractor to try to straighten out some of the things that have been ongoing problems for many years in that department. HUD had an audit in 2008 and they noted serious deficiencies in the program which we are working with them to try to straighten out and again Mr. Novesky could help us with that. We have an individual who was asked by the previous Acting City Manager to step into the shoes of helping out the Planning and Development Department. Courtney Kain had been the City's Assistant Administrator and she has a lot of institutional knowledge of the City that right now we are short on. In his opinion he feels that she has been doing an excellent job of keeping things running and at the next Work Session we are planning on having a complete presentation and status report on the ongoing operations. This doesn't mean that we aren't going to recruit for a full-time Economic Development Director. He just finished the recruitment of a new Corporation Counsel and we need a new Comptroller that will take a lot of his time and effort. When he started here we were short a number of key departments heads and we need to be very careful about who we hire so that we bring in the right people with the expertise to help us out. If we don't do that we will keep sliding backwards. We need some help now to keep things together and this comes out of the CDBG program it does not come out of tax funds. We thought this was the best opportunity and we have someone who has the knowledge and expertise. This is similar to what we did with Mr. Hadley by bringing in someone who can help us out on an hourly basis. If this is voted down tonight he would prefer to see it tabled so that we can talk it about some more on February 4<sup>th</sup>.

## CITY MANAGER

Acting City Manager, Richard Herbek, introduced our new Corporation Counsel, Bernis Elizabeth Nelson. From 1997 to 2009 Bernis was the Corporation Counsel for the City of Rochelle. Although their paths only crossed once or twice in their careers in Westchester County he has gotten to know her. He believes that she is a real hard worker and he thinks that she will be particularly helpful in the city with regard to all of the current issues that we have with Economic Development. He would like to see the city move forward in whatever way possible to enhance itself economically and Bernis certainly has the capabilities to do that. On behalf of staff he welcomed Bernis and said that he is sure that she will hit the ground running.

In regard to the City Manager search, he spoke with Mr. Mercer this morning and we are reactivating the search for City Manager. When Mr. Mercer comes back in about seven to eight weeks from now he would like to meet with some local groups and the time frame for getting to some finalists should be about ninety to one hundred and twenty days. This will give everyone a general time frame on where we are with respect to that search. The intent was never to call off the search it was just that we were dealing with all of these huge financial problems. The most important thing that City Council has to do is appoint a City Manager and make sure that they are bringing the right person on board. This will take a little time and effort. He has enjoyed working for the City and will be here as long as the Council wants him and he can be helpful to the City of Newburgh.

**LOCAL LAW NO.: 1 - 2010**

**OF**

**JANUARY 25, 2010**

**A LOCAL LAW AMENDING CHAPTER 163  
ENTITLED "FEES" 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 Chapter 163 entitled 'Fees' of the Code of the City of Newburgh".

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend Chapter 163 of the Code of the City of Newburgh to promote proper governmental administration and to provide for a consolidated schedule of fees involving the administration of City ordinances, local laws, rules and regulations. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend Chapter 163. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

**SECTION 3 - AMENDMENT**

Chapter 163 entitled "Fees" of the Code of the City of Newburgh is hereby amended to read as follows:

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following fees shall be applicable and payable to the City of Newburgh for the following uses, services and licenses.

§ 163-2. Code compliance.

The following code compliance fees shall be charged:

A. Social services:

(1) Pre-rental inspection: [~~\$50.~~] \$75.

(2) Each re-inspection: [~~\$25.~~] \$50.

B. Certificate of occupancy:

(1) Single-family or two-family residence: [~~\$100~~] 120.

(2) Residential accessory structure/residential addition, alteration or renovation: \$50.

(3) Multiple-family residence (three units and above): [~~\$300~~] 360.

(4) Commercial/industrial: [~~\$300~~] 360.

(5) Re-inspection: \$200.

(6) Copy of certificate of occupancy: \$25.

(7) Violation search: [~~\$20~~] \$100, plus copies at \$0.25 per [copy] page.

(8) Street reports: \$20.

C. Trailers:

(1) (Reserved)

(2) Temporary (used by contractors as offices during construction):

(a) One to 10 days maximum: \$50.

(b) Ten to 30 days maximum: \$100.

D. Blasting permit: [~~\$100.~~] \$250.

E. Sign permits: [~~\$100~~] 120.

F. Scaffold permit: [~~\$25~~] \$50 per erection.

[G. Dumpster permit: \$25.]

[H] G. Permit for use of crane (See Chapter 139.):

- (1) Three days maximum: [\$100.] \$300.
  - (2) After three days: \$50 per day.
- [I] H. Wood- or coal-burning stove permit:
- (1) Construction: \$25.
  - (2) After three days: \$50 per day.
- [J] I. Boiler permit: \$25.
- [K] J. Swimming or bathing pool permit: [\$25.] \$50.
- [L] K. Fence permit: \$25.
- [M].L Place of assembly category buildings, annual inspection: [\$100.] \$150.
- [N] M. Commercial buildings (other than public assembly category), annual inspection: [\$50.] \$75.00

§ 163-3. Sewer and water.

The following sewer and water fees shall be charged:

- A. Utility service connection: The following utility connection fees shall be charged for all new connections to water and sewer systems in the City of Newburgh:
- (1) One- and two-family residential: \$100.
  - (2) Multifamily (three and above), commercial, industrial: \$300.
- B. Sewer fees (See Chapter 248.):
- (1) Sewer connections (openings or alteration):
    - (a) Residential (one- and two-family): \$100.
    - (b) Multifamily (three and above), commercial, industrial gravity sewer connection: \$200.
  - (2) Septic systems and other private sewage disposal systems:
    - (a) Residential new system or repair of existing: \$100.

- (3) Inspections and tests (See Chapter 293.):
  - (a) Water: [~~\$5.~~] \$25.
  - (b) Sewer: [~~\$5.~~] \$25.
  - (c) Sewer and water: [~~\$10.~~] \$50.
  - (d) Performance of dye or peppermint test: [~~\$15~~] \$50 plus the cost of the dye or peppermint up to [~~\$14~~] \$20 per pound.
- (4) Minimum sewer charge: \$1 per quarter.
- (5) Permit for the discharge from private sewage disposal system to public sewer:
  - (a) Application fee: \$100.
  - (b) Discharge fee: The rate established by the sewage treatment plant manager based upon the cost of processing the particular type of waste, market conditions, and the risks entailed to the plant by the processing of that particular type of waste so as to provide a reasonable return to the City, provided that such rate shall be no less than \$5 per 1,000 gallons of waste or the sewer use rent as may be established by § 248-1B of this Code multiplied by the rate per 1,000 gallons for outside City water users as may be established in § 163-3C(7) of this Code, whichever is greater.
- (6) Scavenger waste discharge:
  - (a) Annual license fee for vehicles transporting sewage to treatment plant: \$25.
  - (b) Discharge per 1,000 gallons or fraction thereof: \$5.
- (7) Industrial waste discharge permit:
  - (a) Industrial users: \$1,500 per year.
  - (b) Significant industrial users: \$11,500 per year.
- (8) Laundry sewage disposal:
  - (a) Sewage sludge: \$0.13 per gallon.

- (b) Septage: \$0.13 per gallon.
  - (c) Leachate: \$0.13 per gallon.
  - (d) Laundry sewage: \$0.05 per gallon.
- C. Water service fees (See Chapter 293.):
- (1) The charge for maintenance, repair or replacement of the water meter because of improper use, accident, freezing, vandalism, theft or removal without permission of the Superintendent or any other extraordinary cause shall be \$250, plus the actual cost of labor and parts required to repair or replace the meter. The penalty for unauthorized interference with, tampering with, unsealing of or removal of water meters shall be \$500, plus cost of parts and labor for repair, replacement and/or resealing of meter. The charge for replacement of missing water meters shall be \$1,000, plus the actual cost of parts, labor and the cost to purchase a new meter.
  - (2) Connection to City water main:
    - (a) One- and two-family residential: \$100.
    - (b) Multifamily (three and above), commercial and industrial: \$300.
    - (c) Water meters up to two inches in size shall be supplied by the City at no cost. The cost for meters over two inches shall be paid by the owner/applicant and shall be purchased by the owner/applicant from the supplier for the type and manufacturer as indicated by the Superintendent.
    - (d) The owner/applicant shall be responsible for the installation of the connection line from the main to the building, including the tapping valve or corporation stop, curb stop and box, as well as the meter and remote. All connection permit charges shall be paid at the time the application is approved.
  - (3) Charge for restoration of service. When water service to any premises is requested to be turned off or when water service to any premises has been turned off upon the order of the owner/customer or for any of the above reasons and service at any premises is again desired by the same owner/customer, including seasonal customers, it shall be done by a City of Newburgh licensed plumber at the cost to the owner/customer. If the City shuts off the water service at the water main for any violation of Chapter 293, the owner shall be charged the actual cost of the termination which

shall be included on the owner's next water bill. If the owner requests the water service to be turned on after the violation of Chapter 293 has been corrected and lifted by the Superintendent, the reconnection shall be done by a City of Newburgh licensed plumber and contractor with all costs borne by the owner.

- (4) Final/closing reading of meter at customer request: \$35.
- (5) Check reading of water meter fee: \$35; whenever the accuracy of a meter reading is questioned by the owner/customer, a check reading of the meter shall be done by the Water Department. The expense incurred in making such check reading shall be borne by the owner/customer, except on the occasion when the reading was found to be inaccurate, the cost shall be borne by the City.
- (6) Meter test fee (requested by owner):

Meter Size (inches)	Fee
5/8 to 1	\$25
1 1/2 to 2	\$40

- (7) Quarterly metered rates.
  - (a) Quarterly metered rates per 1,000 gallons:
    - [1] First 1,000 gallons:
      - [a] Inside City: \$[3.970.] 5.570.
      - [b] Outside City: \$[5.901.] 8.360.
    - [2] Additional usage will be charged at a flat rate of \$[3.970] 5.570 (\$[5.901] 8.36 outside City) per 1,000 gallons.
  - (b) Minimum quarterly charge.

Meter Size (inches)	Gallons Allowed	New Inside City	Outside City
+5/8	9,000	\$[35.73] <u>50.13</u>	\$[53.11] <u>75.24</u>
3/4	14,000	\$[55.58] <u>77.98</u>	\$[82.61]

	1	24,000	\$[95.28]	<u>133.68</u>	\$[141.62]
<u>200.64</u>					
	1 1/2	42,000	\$[166.74]	<u>233.94</u>	\$[247.84]
<u>351.12</u>					
	2	83,000	\$[329.51]	<u>462.31</u>	\$[489.78]
<u>693.88</u>					
	3	120,000	\$[476.40]	<u>668.40</u>	\$[708.12]
<u>1,003.20</u>					
	4	180,000	\$[714.60]	<u>1,002.60</u>	
\$[1,062.18]					
	6	315,000	\$[1,250.55]	<u>1,754.55</u>	
\$[1,858.82]					
	8	675,000	\$[2,679.75]	<u>3,759.75</u>	
\$[3,983.18]					
					<u>5,643.00</u>

(c) Surcharge. A surcharge shall be added to the above charges for water services in the amount of 14%. This extra charge is made for the purpose of financing the cost of obtaining water from the New York City Aqueduct. Such surcharge shall be effective on October 1, 1981, and shall continue to be made in every quarterly billing period in which any water is taken from the Aqueduct tap.

(8) Water Facility Charge:

(a) Each single-family dwelling will be assigned one unit.

(b) Each two-family dwelling will be assigned 1.75 units.

(c) Each three-family dwelling will be assigned 2.5 units.

(d) All other properties within the City, other than one, two and three family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying exceptions, abatements, etc.)

(e) Quarterly water facility charge: \$7.30 per unit as determined by subsection 8(a), (b), (c) and (d) above.

(f) Minimum water facility charge: \$1 per quarter.

[(8)] (9) Hydrant charge, outside City: \$64 per hydrant per year.

[(9)] (10) Private sprinkler charge for connection to City mains.

**Size of Lateral**

(inches)	Charge Per Year
2	\$36
3	\$54
4	\$72
6	\$135
8 and larger	\$180

- D. Water system flow test or fire hydrant flow test: \$150 per hour.
- E. Backflow preventer.
  - (1) Application fee: \$100.
  - (2) Administrative processing fee for late filing of annual backflow prevention device testing report: \$25.
- F. Fire hydrants:
  - (1) Permit to use hydrant: \$100 per day.
  - (2) Deposit for connection and wrenches: \$100.

§ 163-4. Streets and sidewalks.

Fees for the various activities associated with streets and sidewalks shall be as follows:

- A. Street opening permit: [~~\$125~~] \$175.
- B. Sidewalk permit: [~~\$50~~] 60.
- C. Curb cut permit: \$75.
- D. Loading zones (See § 288-29.): \$100 per year.
- E. Handicapped parking spaces (See § 288-34D.): \$25.

§ 163-5. Trades, businesses, professions and other activities.

The following fees shall be charged for permits and licenses for the trades, businesses, professions and activities listed below:

- A. Electrical (See Chapter 155.):

- (1) Electrical licenses:
    - (a) Master electrician (Class A).
      - [1] New license: [\$300.] \$350.
      - [2] Renewal: [\$100.] \$300 every two years.
    - (b) Master electrician (Class B).
      - [1] Temporary (one job only): [\$300.] \$750.
    - (c) Special electrician (Class C).
      - [1] New license: \$50.
      - [2] Renewal: [\$25.] \$50.
  - (2) Plate or sign: \$10.
  - (3) Manual of rules and regulations for electrical examiners (See Chapter 30.): \$5 per copy.
  - (4) Electrical permit: [\$15] \$25 per permit.
- B. Plumbing (See Chapter 230.):
- (1) Examinations:
    - (a) Application: \$300 nonrefundable, including one reexamination.
  - (2) License (certificate of competency):
    - (a) Certificate of registration: [\$50.] \$250.
    - (b) Renewal:
      - [1] Within 30 days of expiration: [\$50.] \$100.
      - [2] If renewed after January 1: [\$65.] \$125.
      - [3] Sticker: \$5 per vehicle per year.
  - (3) Plumbing Permit

- (a) 1-5 fixtures: \$30.
- (b) 6 or more fixtures: \$50.

C. Gasoline and petroleum tanks (See Chapter 263, Article IV.):

- (1) Permit for installation of gasoline tanks: [~~\$250.~~] \$350.
- (2) Operation of petroleum dispensers: [~~\$50~~] \$100 per year.
- (3) Gas pump within line of street: \$50 per year.
- (4) Permit for installation of combustible liquid tank:
  - (a) Tanks of 275 gallons (up to two tanks): no fee.
  - (b) Tanks of 550 gallons: \$50.
  - (c) Tanks of 1,000 gallons and larger: [~~\$100~~] \$250 for tanks of 1,000 gallons and \$15 for each additional 1,000 gallons of tank capacity.
- (5) Permit for removal of tank: \$25 per tank.

D. Taxis and vehicles for hire (See Chapter 272.):

- (1) Taxicab license fee: [~~\$150~~] \$400 per year.
- (2) Taxicab driver's license application: [~~\$50 per year~~] \$100.
- (3) Taxicab driver's license: \$100 per year.

E. Peddlers (See Chapter 223.):

- (1) Application fee: [~~\$50~~] \$75, nonrefundable.
- (2) License fees:

Activity	Per Week	Per Month	Per Year
Peddling on foot	\$10	\$25	\$100
Peddling with handcart or pushcart	\$25	\$50	\$200

Peddling with vehicle (1 person)	\$25	\$50	\$200
Each helper to person peddling with a vehicle	\$5	\$40	\$50

- F. Cabaret license (See Chapter 108.):
- (1) Per year: \$100.
  - (2) Per day: \$10.
- G. Bowling alley license: \$25 per year.
- H. Roller-skating rink license (See Chapter 108.): \$75 per year.
- I. Boxing or wrestling match license (See Chapter 108.): \$150 per year.
- J. Motion-picture shows (See Chapter 108.): \$150.
- K. (Reserved)
- L. (Reserved)
- M. Junkyard license (See Chapter 198.): [~~\$100~~] \$250 annually.
- N. Vehicle license for private garbage collectors (See Chapter 183.): [~~\$100.~~] \$200.
- O. Garage sale permit (See Chapter 181.): [~~3~~] 5.
- P. Newsracks (See Chapter 209.):
- (1) Annual permit fee: \$25.
  - (2) Renewal: \$25.
  - (3) Inspection fee: \$10.
- Q. Wreckers and towers (See Chapter 297.):
- (1) Annual license fee: \$150 for the first two vehicles.
  - (2) For each truck or vehicle in excess of two: \$25.
- R. Letter and parcel receptacles (See Chapter 207.):
- (1) Annual permit fee: \$25.

- (2) Renewal: \$25.
- (3) Inspection fee: \$10.
- S. Public assembly:
  - (1) Permit fee: \$[25] 50.

§ 163-6. Planning, zoning and building fees.

- A. Land subdivision (See Chapter 266, Subdivision of Land.):
  - (1) Lot line change and two-lot subdivision of parcel containing an existing residential structure: \$200.
  - (2) Minor subdivision of four lots or fewer: \$200.
  - (3) Major subdivision of five lots or more: \$200 plus \$50 per lot.
  - (4) Cost of professional services required in subdivision review process.
    - (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection A(1) or (2) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:
      - [1] Engineering services.
      - [2] Review during construction, inspection services.
      - [3] Planning services.
    - (b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.
  - (5) Inspection of public improvements: 4% of the value of bonded improvements.
  - (6) Recreation fee in lieu of land at the Planning Board's discretion: \$500 per

lot for a subdivision of four lots or fewer (minor subdivision); provided, however, that if a lot contains an existing single-family dwelling unit, such lot (and only one) shall be excluded from the calculation; \$500 per lot including the first four lots for subdivisions greater than four (major subdivision). For residential site plans, including but not limited to newly created condominiums, multiple dwellings (three and greater) and two-family homes: \$1,000 for each residential unit.

- (7) Public hearing: \$150. Cost for obtaining a public hearing notification list from the City Assessor: \$50.
- B. Site plan review (see Chapter 300, Zoning.):
- (1) Review fees.
    - (a) Residential:
      - [1] Site plan containing four dwelling units or fewer: \$300.
      - [2] Site plan containing five dwelling units or more: \$300 plus \$150 per unit.
    - (b) Commercial: \$1,000 plus \$200 per 1,000 square feet of floor area.
  - (2) Inspection of public improvements: 4% of the approved estimated value of bonded improvement.
  - (3) Cost of professional services required in site plan review process.
    - (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection B(1) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:
      - [1] Engineering services.
      - [2] Review during construction, inspection services.
      - [3] Planning services.
    - (b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular

application. Subsequent deposits shall be required as needed.

C. Building permit applications:

- (1) Upon filing of an application for a building permit for a new residential structure, the following fee shall be charged: [~~\$200~~] \$250, plus [~~\$0.20~~] \$0.25 per square foot of floor area.
- (2) Upon filing of an application for a building permit for a new commercial or industrial structure, the following fee shall be charged: [~~\$300~~] 350, plus [~~\$0.20~~] 0.25 per square foot of floor area.
- (3) Upon filing of an application for a building permit for an addition, alteration, renovation or accessory building, the following fee shall be charged: [~~\$10~~] 12.50 per \$1,000 of construction value. Minimum fee of \$50 for a Building Permit.
- (4) Upon filing of an application for a building permit for demolition, the following fee shall be charged: [~~\$50~~] 75 per story.
- (5) Failing to apply for a building permit prior to the commencement of work, the following fee shall be charged in addition to the amounts charged in Subsection C(1), (2) and (3) of this section: 50% of the application fee for a residential structure or \$200 for a commercial structure.
- (6) Required inspections for building permit applications conducted outside of regular working hours: \$150.
- (7) Informational Report: \$50.

D. Miscellaneous planning, zoning and Building Department fees:

- (1) Zoning Board of Appeals (See Chapter 300.):
  - (a) Variances and requests for interpretation:
    - [1] Residential: \$150.
    - [2] Commercial: \$250.
  - (b) Transcript of proceedings: \$3 per page.
  - (c) Assessor's public hearing notification list: \$50.

- (2) Planning Board (See Chapter 300.):
    - (a) Special use permits:
      - [1] Residential: \$150.
      - [2] Commercial: \$250.
    - (b) Transcript of proceedings: \$3 per page.
    - (c) Assessor's public hearing notification list: \$50.
  - (3) Applicants shall, at the discretion of the particular Board involved, reimburse the cost of professional services required in the review process based on the most current rate. Payment shall be made prior to each stage of submission.
  - (4) All requests for certification letters, including but not limited to flood control, certification, certificates of occupancy, abstract, title search, zoning and road ownership certificates: \$100 per certified letter.
  - (5) Re-inspection, other than for a certificate of occupancy for the same site.
    - (a) Residential site: \$40 per additional inspection of the same site for the same purpose.
    - (b) Commercial site: \$75 per additional inspection of the same site for the same purpose.
  - (6) Inspections requested outside normal business hours: \$150, plus reimbursement of overtime costs.
  - (7) Surcharge for starting work without a permit:
    - (a) Residential: 50% of building permit fee.
    - (b) Commercial/industrial: \$200.
  - (8) Floodplain development permit application: \$100.
  - (9) City street curb cut/driveway permit: \$75.
- E. Subdivision, site plan, architectural review and site preparation application

professional service fees; commercial permit review.

- (1) Legislative intent. By enactment of this section, the City Council of the City of Newburgh recognizes the need of ensuring that the engineering, planning, technical, environmental, legal and clerical costs incurred by the City in processing and reviewing land use approvals be borne by the applicant/developer and not by the general public. To this end, it is the intent of this section to require the applicant/developer within the City of Newburgh to deposit with the City, in escrow, certain fees which are reasonably related to the complexity of the application and necessitate review by the City through its consultants as a condition precedent to the processing and review of any application. Additionally, this section shall also require the deposit of escrow fees with the City to cover the costs for review of an applicant/developer's environmental impact statement in accordance with Environmental Conservation Law § 8-0113 and 6 NYCRR 617.17.
- (2) Fees for certain actions before the Planning Board.
  - (a) Upon application to the City of Newburgh Planning Board for any planning action or approval, the applicant shall deposit with the Secretary to the Planning Board an escrow to cover the costs being incurred by the City for all consultant services, including but not limited to engineering, planning and legal as well as clerical costs incurred in the processing and reviewing of such application.
  - (b) The City of Newburgh Planning Board shall compute the initial escrow charge in accordance with the following schedule:
    - [1] Residential subdivision: \$500.
    - [2] Commercial subdivision: \$1,000.
    - [3] Multifamily residential site plans and special permits: \$100 per dwelling unit.
    - [4] Commercial or other nonresidential site plans and special permits: \$1,000 plus \$200 per 1,000 square feet of building floor area or part thereof.
    - [5] State Environmental Quality Review Act (SEQRA):
      - [a] Long environmental assessment form: \$1,000.

[b] Environmental impact statement: \$7,500.

[c] Inspection fee for subdivision: 4% of amount of performance bond.

- (c) Planning review fee deposits shall be made to the Secretary to the Planning Board and shall be placed in a separate non-interest-bearing account by the City of Newburgh.
  - (d) No review shall be under taken by the consultants nor shall the matter be scheduled before the Planning Board until the escrow account and all fees as set forth herein are paid.
  - (e) If the escrow account falls below 40% of the initial deposit, the Planning Board may, if recommended by the consulting engineer, planner or attorney, require that the applicant pay additional funds into the escrow account of up to 75% of the initial deposit.
  - (f) In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds after payment of all outstanding charges in the applicant's account shall be either remitted to the applicant within 60 days of final action by the Planning Board or, if so directed by the applicant, shall remain on deposit as the applicant's initial payment during the post-approval inspection requirements.
  - (g) The applicant shall be responsible for the payment of all the consultant services incurred by the Planning Board notwithstanding that the escrow account may be insufficient to pay for said fees or expenses.
  - (h) In the event that the Planning Board in the course of reviewing an application determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the Board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account established pursuant to this subsection within 15 days of said positive declaration, in an amount as set forth in this Subsection E(2)(b).
- (3) Pending applications. All applicants with matters pending before the Planning Board as of the effective date of this section shall be required to post an escrow in the manner and upon the terms and conditions set forth

below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City. Such amount shall be reasonably related to the costs attendant to the City's review of the application as of the effective date of this section. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the City prior to the effective date of this section.
- (b) Once computed and established by resolution of the Planning Board, the applicant shall, within 15 days of said resolution, post the escrow fees with the Secretary of the Planning Board. Failure to deliver said escrow fees may result in delay of the further processing of the application.

F. Rezoning fees.

- (1) Application to amend Zoning Ordinance or Zoning Map.
  - (a) For residential zoning amendments involving a single lot with single-family residences as the primary structures: \$200.
  - (b) For all other residential and for commercial zoning amendments: \$300.
- (2) Costs of professional services required for review of zoning amendment application: at cost of professional services invoiced to City of Newburgh.
- (3) The applicant shall also be required to pay upon presentation the actual costs of publication and mailing of any and all notices required by any provision of this Code and other provisions of law.
- (4) Public hearing: \$150 plus cost of publication and transcription.

G. Professional service fees for rezoning applications, inspections, improvement districts, dedications and agreements.

- (1) Legislative intent. The City Council of the City of Newburgh hereby finds and determines that in order to protect and safeguard the City of Newburgh, its residents and their property, with respect to certain land developments in the City, applications for zoning amendments and rezonings should conform to the City's Comprehensive Plan as it may be amended from time to time and be the subject of such environmental

reviews as are required by law; landscaping installations and erosion and sediment control measures should be designed and installed in a competent and workmanlike manner and in conformity with approved plans and all applicable government codes, rules and regulations; and special improvement district extensions and establishments, outside use agreements and dedications and conveyances to the City should be made in a legally sufficient manner. In order to assure the foregoing, it is essential for the City to have competent professionals retained by the City to review and make recommendations regarding proposed zoning amendments and rezonings, plans and designs to the City Council and Planning Board, inspect landscaping and erosion and sediment control measures, negotiate and draft appropriate agreements with those persons installing or constructing or proposing to install or construct highway, utility, drainage or park improvements to be dedicated or connected to City facilities, obtain, review and approve deeds, easements, securities, insurances and other legal instruments to assure that the City obtains good and proper title and is otherwise adequately protected. The costs of retaining such competent professionals should ultimately be paid by those who seek to profit from such developments rather than from the City general or improvement district funds which are raised by assessments paid by the taxpayers of the City.

- (2) Authority. This subsection is enacted under the authority of Subparagraphs a(12) and d(30) of Municipal Home Rule Law §§ 10(1)(ii) and 22. To the extent that General City Law §§ 83, 27-a, 32 and 33 do not authorize the City Council or City Planning Board to require the reimbursement to the City of professional expenses in connection with the review, inspection and approval of landscaping, erosion and sediment control measures for subdivisions and site plans, review and approval of districts and dedications and amendments to the Zoning Law, it is the express intent of the City Council to amend and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event that such expenses are not paid to the City. It is express intent of the City Council to change and supersede General City Law §§ 83, 27-a, 32 and 33 to empower the City to require such payments as a condition to such approvals.
- (3) The applicant for approval of a zoning amendment or rezoning by the City Council shall reimburse the City for all reasonable and necessary professional expenses incurred by the City in connection with the review, preparation and consideration of such zoning amendment or rezoning and all environmental reviews in conjunction therewith.
- (4) A person who installs landscaping or erosion and sediment control

measures or constructs or proposes to construct highway, drainage, utility or park improvements within or in conjunction with an approved subdivision or site plan in the City shall reimburse the City for all reasonable and necessary expenses incurred by the City in connection with the inspection of the landscaping or erosion and sediment control measures and the acceptance by the City of said highway, drainage, utility or park improvements and the dedication of same to the City.

- (5) Simultaneously with the filing of an application for a zoning amendment or rezoning, the applicant shall deposit with the City Comptroller an escrow to cover the costs being incurred by the City for all professional services incurred in the reviewing of such application.
- (6) Prior to final approval of a subdivision or site plan, the applicant shall deposit an escrow to cover the costs being incurred by the City as described in § 163-6E(2)(b) above.
- (7) The initial deposits required to fund escrow accounts shall be established by the City Council by resolution, and the City Council may increase or decrease said amounts by resolution from time to time.
- (8) Upon receipt of such sums, the City Comptroller shall cause such sums to be deposited in a non-interest-bearing account in the name of the City and shall keep a separate record of all such monies so deposited.
- (9) Upon receipt and approval of itemized vouchers from a professional for services rendered on behalf of the City pertaining to a project, the City Manager shall cause such vouchers to be paid out of the monies so deposited and shall furnish copies of such vouchers to the depositor upon request following their submission to the City.
- (10) All vouchers submitted by professional consultants shall be reviewed and audited by City officials in the same manner as all other charges. The City shall approve payment of only such fees as are reasonable in amount and are necessarily incurred by the City in connection with the review. A fee shall be considered reasonable in amount if it bears a reasonable relationship to fees prevailing in the surrounding geographical area for similar services in similar projects. In determining similarity of services and projects, the City may consider the size of the project and installations, the topography, soil conditions, drainage conditions, surface water conditions, other site constraints, the nature of the improvements to be installed or constructed, the nature of the planning, landscaping, engineering or legal issues arising in the factual context of the application. In determining whether the fees were necessarily incurred, the City may consider, in

addition to the factors listed above, the nature of the materials provided by the applicant, the manner in which the service relates to the issues which must be decided by the City in reviewing the application, whether the service provided reasonably assists the City Council in performing a function required by law or regulation and such other factors as may be relevant in the factual context of the application. Records shall be maintained showing all amounts deposited, and all amounts paid from the escrow account and all bills and vouchers submitted by the City professional consultants. The applicant shall in no case be billed for more than the City has actually expended for consultant review fees, and review fees attributable to environmental reviews under the State Environmental Quality Review Act (SEQR) shall in no event exceed the maximum amounts to be charged pursuant to the SEQR regulations.

- (11) Within 30 days of receiving any voucher for professional consultant fees, whether it has yet been paid or not, an applicant may file a written request to the City Council seeking review of the charges therein to determine whether such fees are reasonable in amount and are necessarily incurred by the City in connection with the review, under the standards set forth in this section.
- (12) When the balance in such escrow account is reduced to 40% of the initial deposit, the applicant shall replenish the amount of the escrow account to the original amount or such reduced amount as the reviewing Council shall determine appropriate. If the applicant for a zoning amendment or rezoning fails to make the escrow deposit, or fails to promptly replenish the amount in the escrow account within 15 days of the City's request, professional reviews shall not begin or continue, as the case may be, until such time as the escrow account is funded or replenished. The reviewing Council may also consider an application abandoned if nonpayment of escrow fees continues for more than two months, and the reviewing Council may deny an application based upon such abandonment.
- (13) In the event that any approval is granted and professional review fees remain to be paid, the reviewing Council shall not take any further administrative action in furtherance of the approval until sufficient provision is made for the payment of these fees. For example, no rezoning amendment at the request of the applicant shall be forwarded for filing with the Secretary of State until the City Comptroller has certified in writing to the City Clerk that all professional review fees actually incurred to date have been fully paid and/or reimbursed, and that sufficient escrow amounts remain to cover any professional review costs which will be incurred thereafter until the conclusion of the matter.

- (14) Issuance of building permits and certificates of occupancy. No building permits or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- (15) Any balance remaining in the escrow account shall be refunded within a reasonable time upon the applicant's request, upon completion of the project, or upon withdrawal of an application, after all fees already incurred by the City are first paid and deducted from the escrow account.
- (16) In the event the applicant fails to reimburse to the City funds expended to consultants as provided herein, the City may seek recovery of billed and unpaid fees by bringing an action venued in a court of appropriate jurisdiction, and the applicant shall pay the City's reasonable attorney fees in prosecuting such action in addition to any judgment.

§ 163-7. Environmental quality review.

Upon a determination that an action may or will have a significant effect on the environment (positive declaration), the applicant shall pay to the lead agency the actual cost to the lead agency of the preparation and review of the draft environmental impact statement under the State Environmental Quality Review Act up to a maximum of 2% of the project cost for residential projects and 1/2 of 1% of the total project cost for nonresidential projects. The lead agency shall require the applicant to deposit what it deems to be a sufficient amount in an escrow account to cover such costs, which sum shall be drawn against in the course of the SEQRA process. Subsequent deposits shall be required as needed. If the applicant elects to prepare a draft environmental impact statement (DEIS), the lead agency may still, at its discretion, collect its costs pursuant to this section in preparing its own DEIS as well as any costs incurred in the review of any DEIS prepared by the applicant.

§ 163-8. Parks and recreation activities.

The various park and recreation fees shall be as follows:

- A. (Reserved)
- B. Swimming pool; operated in two-hour sessions.
  - (1) Children under 18: free.
  - (2) Adults 18 and over: \$1 per session or \$10 for season pass.
- C. Fishing in City reservoirs.

- (1) Daily permit with use of City-owned boats, one person:
    - (a) City resident: \$6 per day.
    - (b) Non-City resident: \$10 per day.
  - (2) Extra passengers:
    - (a) Two City residents in a boat: \$10 per day.
    - (b) Two non-City residents in a boat: \$18 per day.
    - (c) Three City residents in a boat: \$14 per day.
    - (d) Three non-City residents in a boat: \$26 per day.
  - (3) Senior citizens (persons 60 years of age and older):
    - (a) City residents: free on Monday.
    - (b) Non-City residents: half price on Mondays.
- D. Assemblies in public places.
- (1) Application fee for permit: \$[25] 50.
- E. Docking at Newburgh Landing.
- (1) One-time permit.
    - (a) Permit for recreational vessels over 40 feet in length (by length of boat): \$1 per foot.
    - (b) Permit for all commercial vessels (by length of boat): \$1 per foot.
  - (2) Monthly or annual permit.
    - (a) Vessels with a capacity of fewer than 100 persons: \$[75] 125 per week.
    - (b) Vessels with a capacity of 100 or more persons: \$[100] 200 per week.
- F. Fishing from shore of Frank Masterson Recreation Area (Lockwood's Basin).

- (1) Season use fee:
    - (a) City resident: \$25 per season.
    - (b) Non-City resident: \$50 per season.
    - (c) Organization group rate: \$2 per person per day.
  - (2) City residents who are senior citizens (persons 60 years of age and older) or disabled persons: free.
  - (3) Veterans, whether City residents or nonresidents, who are senior citizens (persons 60 years of age and older) or disabled: free.
  - (4) Daily use fee:
    - (a) City resident: \$6 per day.
    - (b) Non-City resident: \$10 per day.
- G. Launching a boat or launching jet skis at Newburgh Boat Launch.
- (1) All users: \$8 per day per boat.
- H. Delano-Hitch Recreation Park.
- (1) Softball diamonds:
    - (a) Per game: \$200.
    - (b) League fee: \$225 per team.
  - (2) Soccer field:
    - (a) City of Newburgh-based youth teams: \$50 per day game; \$75 per night game.
    - (b) Non-City youth teams: \$200 per day game; \$350 per night game.
    - (c) City of Newburgh-based adult teams: \$125 per day game; \$175 per night game.
    - (d) Non-City adult teams: \$300 per day game; \$350 per night game.

- (e) Adult league: \$800 per team.
- (3) Football field:
  - (a) Non-City youth teams: \$175 per day game; \$200 per night game.
  - (b) City of Newburgh-based adult teams: \$250 per day game; \$350 per night game.
  - (c) Non-City adult teams: \$450 per day game; \$550 per night game.
- (4) Basketball courts:
  - (a) Tournaments: \$200 per day.
  - (b) Leagues:
    - [1] City-based leagues: \$125 per team.
    - [2] Non-City-based leagues: \$175 per team.
  - (c) Use of area for nonbasketball event: \$250 per day.
- (5) Use of multipurpose activity center building: See Chapter 220, Article II.
- (6) Use of Delano-Hitch Stadium: See Chapter 220, Article IX.
- (7) Tennis: no fee.
- (8) Use of parking lot for nonsporting event: \$250.

I. Summer programs.

- (1) Summer playground program for ages six years to 11 years old:
  - (a) Residents: \$60 per two-week session.
  - (b) Nonresidents: \$100 per two-week session.
- (2) Summer teen program for ages 12 years to 14 years old:
  - (a) Residents: \$60 per two-week session.
  - (b) Nonresidents: \$100 per two-week session.

§ 163-9. Copies of documents.

Fees for copies of ordinances and official documents shall be as follows:

- A. Printed copies of codes:
  - (1) Zoning Ordinance: \$25.
  - (2) Subdivision Regulations: \$15.
- B. Photocopies of municipal records, nine inches by 14 inches in size: \$0.25 per page. Photocopies of municipal records in excess of nine inches by 14 inches in size or reproduction of records by methods other than photocopying shall be charged a fee equal to the actual cost of reproduction, such cost to be determined by the City Manager.
- C. Fees of Bureau of Vital Statistics: as set by state statute.
- D. Police Department reports.
  - (1) All reports: \$5.
  - (2) Copies: \$0.25 per page.
  - (3) Certification: \$1.
- E. Fire Department reports.
  - (1) Fire report: \$5.
  - (2) Fire investigation report: \$25.

§ 163-10. Police and Fire Department fees.

- A. Police Department.
  - (1) Police alarm device permit: \$[25] 50 per alarm.
  - (2) False alarms:
    - (a) Any alarm activation to which the Police Department personnel respond which is not the result of an unauthorized entry, fire, smoke or other emergency (i.e., false alarm):

- [1] One to three per calendar year: \$0.
- [2] Four to 10 per calendar year: \$50 per alarm.
- [3] Eleven or more per calendar year: \$125 per alarm.

(b) The above charges shall be paid to the City Clerk by the property owner or lessee upon receipt of an annual billing statement from the City.

(3) Fingerprinting:

(a) Full set:

- [1] City residents: \$25.
- [2] Non-City residents: \$75.

(b) Thumbprint by Clerk: \$5.

(4) BB gun permit: \$5.

B. Fire Department:

(1) Nightclub (licensed premises) inspection: [~~\$100~~] \$250.

(2) Fireworks permit: \$75.

(3) Fire-suppression system fees: Upon filing of an application for a permit for the installation of a fire-suppression system in accordance with Chapter 107 of the City of Newburgh Code of Ordinances, the following fees shall apply: 2% of the approved estimated costs of the system.

§ 163-11. Dogs and other animals.

The following fees shall be charged pursuant to Chapter 150, Dogs and Other Animals:

A. Euthanization and burial:

(1) Dogs:

(a) Under 40 pounds: \$50.

(b) Over 40 pounds: \$65.

- (2) Cats:
  - (a) Cat: \$45.
  - (b) Kitten \$25.
  
- B. Redemption of impounded dog: \$35.
  
- C. License fees. In addition to the fees established by § 110, Subdivision (1), of the Agriculture and Markets Law of the State of New York, the following local fees shall be charged:
  - (1) For each spayed or neutered dog: [~~\$2.50~~] \$5.00.
  - (2) For each unspayed or unneutered dog: [~~\$2.50~~] \$5.00.
  
- D. Boarding.
  - (1) For each animal which is placed in the care and custody of a private boarding facility: the actual cost of such placement.
  - (2) For each animal in the care and custody of the City of Newburgh Animal Control Officer boarded at City facilities: \$25 per day or part thereof.
  - (3) In addition to the above, the City of Newburgh will charge the owner of such animal the actual cost of veterinarian services and medication expenses incurred by the City while caring for such animal.
  
- E. Other fees.
  - (1) Dogs:
    - (a) Spay: \$77.
    - (b) Neuter: \$77.
    - (c) Rabies shot: [~~\$20~~] \$28.
  - (2) Cats:
    - (a) Spay: \$40.
    - (b) Neuter: \$23.

(c) Aids/Fiv combo: \$30.

§ 163-12. Miscellaneous.

Miscellaneous department charges shall be as follows:

- A. License pertaining to games of chance: \$50.
- B. Returned check fee: [~~\$20~~] \$30.
- C. Road dedication: \$250 plus the cost of recording and other incidental expenses to process the application; said fee is not returnable.
- D. City Clerk.
  - (1) Issuance of certification of cancellation of tax lien:
    - (a) First certification: free per tax lot;
    - (b) Replacement certification: \$25 per tax lot.
- E. Dumpster permit for construction, demolition or rehabilitation of property.
  - (1) For the first seven days: \$35.
  - (2) Per [day] week after the first seven days: [~~\$5~~] 35.
- F. For the removal of wastes from a dumpster pursuant to Charter § C9.03: \$120 per month.
- G. City Collector.
  - (1) Search of tax records and calculation of taxes owed: [~~\$50~~] \$75 per tax lot.
- H. Law Department:
  - (1) Preparation and review of documents in connection with the purchase of real property from the City: \$200 per tax lot, payable at closing.
  - (2) Preparation and review of resolutions, documents and related services by the Law Department in connection with requests by private parties to the City for an action, enactment of a resolution or execution of a document in connection with that private party, will be charged an amount equal to the reasonable cost to the City to render such services as established by the Law

Department and approved by the City Manager.

§ 163-12.1. Geographic information systems.

- A. Mapping \$40 per hour (length of time to be determined by the GIS Analyst).
- B. Printing (by paper size):
  - (1) The first eight-inch by eleven-inch copy: \$5; each additional copy: \$3.
  - (2) The first eleven-inch by seventeen-inch copy: \$10; each additional copy: \$6.
  - (3) The first customized paper size up to 36 inches by 40 inches: \$25; each additional copy: \$15.
  - (4) The first copy larger than thirty-six inches by 40 inches: \$30; each additional copy: \$18.
- C. Data:
  - (1) Building footprint data: \$50.
  - (2) Parcel data: \$100.
  - (3) Orthoimagery: \$200.
  - (4) All other data: \$20 per request.
- D. Subscription: \$100 per [war] year for Interactive Mapping Services.
- E. Administrative fee: 15% of the total fee per order.

§ 163-13. Civil service examination fees.

- A. Fees for application for any civil service open competitive exams for the position [for] of police officer or fire fighter for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$40.
- B. Fees for application for all other open competitive exams for civil service positions for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be [~~\$15~~] \$20.
- C. Candidates for [such] promotional examinations who are employees of the City of Newburgh or of the Newburgh Enlarged City School District at the time of

application for the examination shall [be exempt from the City portion of such fee (\$7.50)] pay to the City of Newburgh a fee of \$15.00 and shall pay that portion of the fee mandated by and payable to the State of New York Department of Civil Service (\$7.50).

D. Applicants for civil service examination who satisfy any one of the criteria stated herein shall be entitled to a waiver of the payment of any examination fee(s) upon the provision of certification of their eligibility therefor which is satisfactory to the City as provided hereinbelow in Subsection E hereof:

- (1) Individuals who are unemployed and primarily responsible for the support of a household; or
- (2) Individuals who are eligible for Medicaid, or receiving supplemental security income (SSI) payments; or
- (3) Individuals who are receiving public assistance in the form of temporary assistance for needy families/family assistance or safety net assistance, or are certified eligible for Job Training Partnership Act/Workforce Investment Act programs through a state or local social services agency.

E. Content of waiver form.

- (1) To qualify and be approved for the waiver of examination fees provided herein, applicants must demonstrate to the satisfaction of the City that they qualify. Applicants may do so by submitting a signed and notarized form to the City of Newburgh Civil Service Administrator. The format of such form shall be approved by the Civil Service Commission and shall comply with the legal and regulatory requirements of the state, and shall provide, at a minimum, the following:
  - (a) A reproduction of that portion of Civil Service Law Section 50.5(b) providing the legal authority for the subject waiver;
  - (b) The examination title(s), exam number(s) and examination date(s);
  - (c) Indication of the criteria which qualifies the applicant for the waiver;
  - (d) A certification statement to be signed by the applicant and notarized by a New York State notary public attesting to the applicant's eligibility and stating the possible consequences of false statements;
  - (e) The applicant's name, address, telephone number, social security

number, the date of the application, a place for the notary seal, and such other information as the Civil Service Commission may appropriately require.

- (2) All information which is protected by privacy and security laws and other protections shall be kept confidential by the City and not publicly disclosed.

§ 163-14. Penalties for offenses.

- A. Failure to pay the fees as stated in this chapter of the Code of Ordinances of the City of Newburgh shall be punished as provided in § 1-12 for violation of this chapter of the Code of Ordinances of the City of Newburgh.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense.

§ 163-15. Exemptions from fees.

Notwithstanding any other provisions of this Code of the City of Newburgh, the Newburgh Industrial Development Agency shall be exempt from the payment of any and all fees to the City of Newburgh as established in this chapter or in the Code of the City of Newburgh.

§ 163-16. Architectural Review Commission.

The following fees shall be charged for all applications made to the Architectural Review Commission:

- A. Application for certificate of appropriateness:
  - (1) With public hearing: \$100.
  - (2) Without public hearing: \$25.
- B. Application for advisory review of an application for a variance or special permit which does not involve issuance of a certificate of appropriateness: free.
- C. Application for a certificate of appropriateness only in connection with the erection of a sign subject to a sign permit fee, provided that such sign is to be either a wall sign not exceeding 25 square feet of surface area or a projecting sign not exceeding nine square feet of area on one side: \$50.

§ 163-17. Service charges for handling funds.

The City Comptroller shall impose the following service charges for receiving, handling and disbursing the following funds and coupons substituted by contractors in lieu of a retained cash percentage:

- A. Coupon bonds. Five percent of the matured coupon amount shall be paid to the Comptroller as a condition precedent to releasing the matured coupons to the owner.
- B. Other interest-bearing securities without coupons. Five percent of the interest payable on such security during the period held by the Comptroller as a condition precedent to the release of such securities.
- C. Non-interest-bearing securities. No fee shall be charged.

§ 163-18. Sanitation and garbage collection.

(Reserved)

#### 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 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.

Brackets] denote deletions

Underlining denotes additions

**Acting City Manager, Richard Herbek said that he has pointed out to the City Council that this is extremely important being that it goes back to the 2010 Budget. These fees were incorporated into the Budget as revenue and we still have a long way to go although this will help us to rectify the gap that we have.**

**Councilwoman Bello said that it was just stated that these fees were incorporated into the 2010 Budget as anticipated revenue. That process is not**

correct because in order to raise these fees it required a policy change and in order to have a policy change the Council must vote on it and you must have a public hearing. By incorporating these ahead of time into the 2010 Budget you took away the choice of the Council and the public hearing that we had was essentially an effort in futility. Her opinion is that the water fees are incredibly excessive with residents paying around \$156.00 more per year for water but the non-homestead properties will be hammered. These are your business properties and it is just outrageous to her so she was hoping that we could have come to more of a compromise as far as water rates go.

Councilwoman Angelo said that she would like to see this tabled.

Councilwoman Angelo moved and Councilwoman Bello seconded that the local law be tabled.

Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello - 3

Nays - Councilman Dillard, Mayor Valentine - 2

**TABLED**

**RESOLUTION NO.: 19 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION SCHEDULING A PUBLIC HEARING  
FOR FEBRUARY 8, 2010 TO HEAR PUBLIC COMMENT  
CONCERNING AN ORDINANCE AMENDING  
SECTION 270-18 A (1), ARTICLE II,  
SENIOR CITIZENS TAX EXEMPTION**

**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 an Ordinance providing for an amendment of Section 270-18 A (1), Article II, Senior Citizens Tax Exemption; 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 8th day of February, 2010, in the 3<sup>rd</sup> Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**AN ORDINANCE AMENDING SECTION 270-18 A (1),  
ARTICLE II, RESTRICTIONS, SENIOR CITIZENS TAX EXEMPTION  
OF THE CODE OF ORDINANCES**

**BE IT ORDAINED**, by the Council of the City of Newburgh, New York that Section 270-18 A (1), Restrictions; increase in eligibility levels, be and is hereby amended as follows

**§ 270-18. Restrictions; increase in eligibility levels.**

A. No exemptions hereunder shall be granted:

- (1) If the income or the combined income of the owners of the property for the income tax year immediately preceding the date of application for exemption exceeds the sum of [~~\$24,000.00~~] \$29,000.00. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset, which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

[Brackets] denote deletions

Underlining \_\_\_\_\_ denotes additions

**RESOLUTION NO.: 20 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN  
THE CITY OF NEWBURGH AND WRIGHT RISK MANAGEMENT  
COMPANY LLC  
TO PERFORM WORKERS' COMPENSATION CLAIMS RUNOFF  
SERVICES**

**WHEREAS**, the City of Newburgh wishes to enter into the annexed agreement with Wright Risk Management Company LLC; and

**WHEREAS**, the agreement is for providing for the Plan Manager, Wright Risk Management, to provide workers' compensation claims runoff management services for the period of January 1, 2010 to December 31, 2010; and

**WHEREAS**, Wright Risk Management will perform workers' compensation claims runoff services for City claims that arose prior to March 1, 2008, when the City joined the New York State Municipal Workers' Compensation Alliance; and

**WHEREAS**, the rate for these services is \$500.00 per Claim per year or portion thereof; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the agreement with Wright Risk Management Company LLC, in substantially the same form as annexed hereto with any other provision that Counsel may require, for providing workers' compensation claims runoff management services.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 21 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ISSUE A  
WARRANT TO THE CITY COLLECTOR FOR THE  
COLLECTION OF WATER RENTS**

**WHEREAS**, the Water Department has prepared bills for quarter ending December 31, 2009, and a roll of the same has been filed with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, that the said roll be and the same is hereby confirmed by the Interim City Manager and he is authorized and directed to issue a warrant to the City Collector of the City of Newburgh bearing the date January 1, 2010, and directing said City Collector to receive payments on the Fourth day of February, 2010, and to collect up to and including the Fourth day of February, 2010, without fees, and to add five percent (5%) on all sums paid to her on and after the Fifth day of February, 2010, up to and including the 31st day of March, 2010, after which date two and one half percent (2 ½%) is added for each quarter thereafter, and

**BE IT FURTHER RESOLVED**, that the sums of money collected be transmitted daily to and deposited with the Comptroller to be credited by him and to be applied to the Water Fund Account.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 22 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ISSUE A  
WARRANT TO THE CITY COLLECTOR FOR THE COLLECTION  
OF SEWER USE RENTS AND SEWER FACILITIES RENTS**

**WHEREAS**, the Water Department has prepared bills for the quarter ending December 31, 2009, and roll of the same has been filed with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, that the said roll be and the same is hereby confirmed by the Interim City Manager and he is authorized and directed to issue a warrant to the City Collector of the City of Newburgh bearing the date of January 1, 2010 and directing said City Collector to receive payments on the Fourth day of January, 2010, and to collect up to and including the Fourth day of February, 2010, without fees, and to add five percent (5%) on all sums paid to her on and after the Fifth day of February, 2010, up to and including the 31st day of December, 2010, after which date, two and one half percent (2 ½%) is added for each quarter thereafter, and

**BE IT FURTHER RESOLVED**, that the sums of money collected be transmitted daily to and deposited with the City Comptroller to be credited by him and to be applied to the Sewer Fund Account.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 23 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION AUTHORIZING THE APPLICATION TO  
N.Y.S. ARCHIVES FOR A LOCAL GOVERNMENT RECORDS  
MANAGEMENT IMPROVEMENT FUND GRANT  
IN THE AMOUNT OF \$56, 929.00 FOR THE PURPOSE OF  
INSTALLING THE "LASERFICHE" ELECTRONIC DOCUMENT  
SCANNING AND FILING SYSTEM, AND SCANNERS  
IN TWELVE ADDITIONAL DEPARTMENTS**

**WHEREAS**, the City has begun to invest in the electronic document scanning and filing system "Laserfiche" through General Code as a result of a prior RFP process for two departments; and

**WHEREAS**, the City has implemented a data warehouse through two prior N.Y.S. Archives Local Government grants which can be integrated with the "Laserfiche" document scans and folders; and

**WHEREAS**, the "Laserfiche" system provides standardization of document and electronic record filing, as well as thorough key-word searching and retrieval; and

**WHEREAS**, N.Y.S. Archives provides a grant for electronic imaging through the Local Government Records Management Improvement Fund; and

**WHEREAS**, the City is interested in the most effective management of its documents and electronic records; and

**WHEREAS**, this grant does not require a match from the City;

**NOW, THEREFORE, BE IT RESOLVED**, that the application be submitted to the N.Y.S. Archives Local Government Records Management Improvement Fund in the amount of \$56,929.00 for the purpose of installing the "Laserfiche" electronic document scanning and filing system, and scanners in twelve additional departments, and if awarded, the City Manager be hereby authorized to accept said grant if awarded and execute an agreement with N.Y.S. Archives.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 24 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION RE-APPOINTING BRIAN J. BURKE  
AS A MEMBER OF THE  
WATERFRONT ADVISORY COMMITTEE**

**WHEREAS**, the Code of Ordinances of the City of Newburgh, Section 296-4, provides for the appointment of members, all of whom shall be residents of the City of Newburgh, to the Waterfront Advisory Committee; and

**WHEREAS**, Brian J. Burke was appointed to the Waterfront Advisory Committee by Resolution No. 191-2007 of October 10, 2007 and has expressed his interest in continuing to donate his time and effort to this Committee;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that Brian J. Burke be and hereby is re-appointed to the Waterfront Advisory Committee for a term of three (3) years retroactively commencing on April 1, 2009 and expiring on March 31, 2012.

**Councilwoman Angelo moved and Councilwoman Bell seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 25 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
RAYMOND A. BRYANT V. CITY OF NEWBURGH  
IN AN AMOUNT NOT TO EXCEED \$65,000.00**

**WHEREAS**, Raymond A. Bryant brought an action against the City of Newburgh; and

**WHEREAS**, the attorneys for the parties are desirous of entering into a settlement agreement for the payment of the settlement amount of \$65,000.00 in exchange for a release to resolve all claims among them; and

**WHEREAS**, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the settlement amount.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Raymond A. Bryant for an amount not to exceed \$65,000.00, and that City Manager be and he hereby is authorized to execute a written settlement agreement and general release, and any other documents as the City's attorneys may require, to effectuate the settlement as herein described.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 26 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO ANGELO BENINATI  
TO THE PREMISES KNOWN AS 177 FIRST STREET  
N/K/A 185 FIRST STREET (SECTION 30, BLOCK 2, LOT 4)**

**WHEREAS**, on September 7, 2001, the City of Newburgh conveyed property located at 177 First Street n/k/a 185 First Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 30, Block 2, Lot 4, to Angelo Beninati; and

**WHEREAS**, the owner of record is deceased; and

**WHEREAS**, John Poggioli Esq., the attorney representing the Estate of Angelo Beninati, the record owner, has requested a release of the restrictive covenants contained in said deed; 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, 5 and 6 of the aforementioned deed.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**



**RESOLUTION NO.: 27 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
A SATISFACTION OF MORTGAGE BY ELIZABETH MARSHALL  
TO 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 hereby is authorized to execute the annexed Satisfaction of Mortgage releasing a mortgage lien held by the City of Newburgh on property owned by James Holmes and Elizabeth Marshall located at 52 Bay View Terrace - Section 48, Block 6, Lot 18, Newburgh, New York in that the amount of the rehabilitation loan secured by said lien as been repaid in full.

**Councilwoman Angelo moved and Councilwoman Bell seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 28 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION TO AUTHORIZE THE AWARD OF A BID AND  
THE EXECUTION OF A CONTRACT FOR THE  
ROBINSON AVENUE RECONSTRUCTION PROJECT**

**WHEREAS**, the City of Newburgh has duly advertised for bids for the Robinson Avenue Reconstruction Project; and

**WHEREAS**, bids have been duly received and opened and Argenio Brothers of Newburgh, New York is the low bidder.

**WHEREAS**, funding for such project shall be derived from the Bond Authorization Notes authorized pursuant to Bond Resolution No. 180-2009 of November 16, 2009.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the bid for the Robinson Avenue Reconstruction Project be and it hereby is awarded to Argenio Brothers for the base amount of \$9,616,616.00 and that the City Manager is hereby authorized to enter into a contract for such work in these amounts.

**Councilman Dillard said that he mentioned at an earlier meeting that language should be in this contract specifically to bring about jobs for City of Newburgh residents.**

**Craig Marti, City Engineer said that he reviewed the contract and it prohibits preferences in the open market.**

**Councilman Dillard said that this is a stimulus project and he will be very dissatisfied if he goes by that project and doesn't see any Newburgh residents working on it.**

**Craig Marti, City Engineer said that he would support any outreach efforts to work toward that.**

Councilwoman Bell said that because this is federal stimulus money the community benefits agreement could not be negotiated as a part of this but we have to make it our goal whenever large contracts are awarded in the City of Newburgh that we get the folks that live here working. We have people here who are ready and willing to go to work. She thinks that we are missing a significant opportunity to have this kind of money and no assurance that some people who are residents here could work on the project and we should push for that whenever possible.

Mayor Valentine said in defense of Argenio Brothers that he is a local contractor that hires locally and he thinks that we could speak with him and say that we have a work force that wants to work so let's use them. This is not a stranger to our community as he has done work here before so we have a better chance with this company than one that isn't local. We just need to have a dialogue with him which he is willing to help with when the time comes. This is a two year project so even if someone needs to learn a trade there is plenty of time for that person to have a job.

Councilwoman Bell said that this would be a great opportunity for some of the youth that are coming out of school but aren't graduating.

Mayor Valentine said that the construction project that is at NFA works hand in hand with Local 17 on creating jobs for people. Argenio Brothers is a union provider so he will hire from that workforce we just need to get them to get the training.

Councilwoman Angelo that these youth should get into the bricklayers union because they are looking to hire apprentices and are willing to train people.

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

Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5

**ADOPTED**

**RESOLUTION NO.: 29 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION APPOINTING SCOTT WALLINGFORD TO  
THE CITY OF NEWBURGH HOUSING LOAN ADVISORY COMMITTEE  
FOR THE PURPOSES OF FILLING A VACANCY**

**WHEREAS**, under the 2009-2010 Federal Stimulus Program the City of Newburgh granted CDBG-R funds with which the City will establish a home loan program; and

**WHEREAS**, to aid in the administration of this program a Housing Loan Advisory Committee was established, with membership thereof to be specified as follows:

- Two as banking representatives;
- Two as not-for profit and/or real estate representatives;
- One as a community representative; and

**WHEREAS**, by Resolution No. 149 - 2009 of September 14, 2009, the Council appointed Vincent Van Voorhis as banking representative to the Housing Loan Advisory Committee; and

**WHEREAS**, Vincent Van Voorhis (a banking representative) is unable to continue with his commitment to the Committee; and

**WHEREAS**, Scott Wallingford (a banking representative) has expressed interest in donating his time and efforts to this Committee to fill such vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that Scott Wallingford be and is hereby appointed to immediately fill the vacancy on the Housing Loan Advisory Committee and to complete the two (2) year term previously held by Vincent Van Voorhis, which commenced on September 14, 2009, and will expire on September 14, 2011.

**Councilwoman Angelo moved and Councilwoman Bello seconded that the resolution be adopted.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine - 5**

**ADOPTED**

**RESOLUTION NO.: 30 - 2010**

**OF**

**JANUARY 25, 2010**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN  
THE CITY OF NEWBURGH AND NOVESKY CONSULTING FOR  
PROFESSIONAL CONSULTING SERVICES RELATED TO THE CITY OF  
NEWBURGH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, the City of Newburgh administers the Community Development Block Grant ("CDBG") Program with funding from and according to the rules and regulations of the United States Department of Housing and Urban Development ("HUD"); and

**WHEREAS**, the City of Newburgh wishes to enter into the attached agreement with Novesky Consulting; and

**WHEREAS**, the agreement is for providing assistance in the review of the City's CDBG program and program compliance in the form of consulting services; and

**WHEREAS**, the rate for these services is \$75.00 per hour for Neil Novesky and \$55.00 per hour for Elizabeth Novesky, not to exceed a total of \$60,000.00 annually; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the agreement with Novesky Consulting, in substantially the same form as annexed hereto with any other provision that Counsel may require, at a rate of \$75.00 per hour for Neil Novesky and \$55.00 per hour for Elizabeth Novesky for consulting services in the area of review and regulatory compliance of the City of Newburgh Community Development Block Grant Program.

Councilwoman Bello pointed out once again that they were handed a contract this evening and asked to vote on it but no one has read this contract and motioned to table.

Councilwoman Bello moved and Councilwoman Angelo seconded that the resolution be tabled.

Ayes - Councilwoman Angelo, Councilwoman Bello - 2

Nays - Councilwoman Bell, Councilman Dillard, Mayor Valentine - 3

DEFEATED

Councilwoman Bell said that the reason she voted against the table is because she will not vote to hire this company so for her to table it and bring it back later is just forestalling the inevitable. She honestly believes that we need an Economic Development Director not another consultant. She spoke with Mr. Herbek earlier and told him that we need a Human Resource person. How can a municipality of this size function without a Human Resource person? All of the searches are backed up and this is serious. She knows that we did an Economic Development Director search in the past and that we received about ninety resume's a dozen of which were considered to be qualified. She suggested that letters be sent out to those dozen people asking if they are still interested and maybe place an ad. We have to get moving because there is no way around it. The Economic Development Director will hopefully have CDBG experience and if not would have the expertise to know who to bring in. She is not going to make any disparaging comments about Mr. Novesky because everyone has the ability to go to Google and get the information. There has been some significant controversy around this individual and she doesn't want to bring someone in with a cloud because we need a fresh start.

Councilwoman Bello moved and Councilwoman Bell seconded that the resolution be adopted.

Ayes - Mayor Valentine - 1

Nays - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilwoman Dillard - 4

DEFEATED

**RESOLUTION NO.: 201 - 2009**

**OF**

**DECEMBER 14, 2009**

**A RESOLUTION TO AMEND THE TERMS AND CONDITIONS OF THE PUBLIC AUCTION AND TO CONFIRM THE INTERNET AUCTION SALE OF 7 FORSYTHE PLACE (SECTION 9, BLOCK 2, LOT 15) TO YASMIN AZHAR FOR THE PURCHASE PRICE OF \$75,000.00**

**WHEREAS**, this Council did, by Resolution Nos.: 107-2009 and 107(a)-2009, respectively, of July 13, 2009, authorize the sale of several properties at public auction; and

**WHEREAS**, said public auction was duly held on October 1, 2009; and

**WHEREAS**, subsequent to said public auction certain parcels for which no successful bids were received and were offered in an internet auction; and

**WHEREAS**, the Terms and Conditions of the Public Auction required that a closing of title take place on or before December 11, 2009; and

**WHEREAS**, due to the time-frame in which the internet auction was held, it is now necessary to amend the Terms and Conditions of the Auction to provide for additional time to close;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Terms and Conditions of the Auction be and are hereby amended to allow a closing of title on or before February 12, 2010, that date being sixty (60) days from the original date of December 11, 2009; and

**BE IT FURTHER RESOLVED**, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is hereby authorized and directed to execute and deliver a deed to said purchaser upon receipt of the indicated purchase price in cash, money order or bank check, made payable to **THE CITY OF NEWBURGH**, on or before February 12, 2010, subject to the annexed **Terms and Conditions of the Auction**; and

**BE IT FURTHER RESOLVED**, that the following property was sold subject to the owner-occupancy provision set forth in paragraph number eleven (11) of the Terms of Sale and the deed thereto shall contain a restrictive covenant to effectuate such provision of the Terms of Sale.

<b><u>Property</u></b>	<b><u>S - B - L</u></b>	<b><u>Purchaser</u></b>	<b><u>Purchase Price</u></b>
7 Forsythe Place	9 - 2 - 15	Yasmin Azhar	\$75,000.00

**Councillman Dillard asked when this has to be closed by.**

**Acting Corporation Counsel, Michelle Kelson said that it has to be closed by February 11, 2010 but they can ask for an extension for up to sixty days.**

**Councilman Dillard moved and Councilwoman Bello seconded that the resolution be tabled.**

**Ayes - Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard - 4**

**Nays - Mayor Valentine - 1**

**TABLED**

## PUBLIC COMMENTS

Maryann Prokosch, City of Newburgh said that the work of record keeping and forms is the job of an Administrator's Assistant not the CDBG head or Economic Director. You don't have to pay someone \$100,000.00 per year to fill out forms you just need a good Administrative Assistant. In regard to fees, she doesn't think we should charge the Little League, Pop Warner or anybody else who provides a service to the youth in the City of Newburgh and let them know if they are going to be charged or not. As for Route 9W, she said that if Argenio is a union contractor that he has to hire from his union. He can't just hire anybody

Karen Mejia, City of Newburgh said that key positions need to be filled in our city offices. She suggested that job descriptions to be posted online and agrees that we need the right person with the right skills. She welcomed the new Corporation Counsel and asked her if she lives here in the city. If she doesn't, she knows that there are a lot of houses available because her dream is to have department heads live in the City of Newburgh. There was a mention earlier about hiring former employees as consultants and she thinks they should look at how they exited. These are places where a Human Resource Department would be useful. Communication to the citizens is needed and maybe a simple e-mail blast would help to facilitate with transparency. In terms of fees for programs at the Recreation Park, she feels that there should be a discount for programs for city residents.

Denise Ribble, Montgomery Street encouraged the Council to consider passing a local hiring ordinance. In regard to the Robinson Avenue reconstruction project, she believes that Councilwoman Bell brought up the importance of a public transportation system as one of the larger economic development priorities for the City of Newburgh. She thinks that it would be wonderful if the community organizers that Councilman Dillard proposed could work with the Police Department that was doing community policing. She was very disturbed when the resume's for the Fiscal Advisory Board were brought up and it became clear that each member of the Council and the City Manager had a different number of these resume's. RFP's, RFQ's and bids should all be following a process. No one should be sitting in front of the Council circumventing the process.

Mayor Valentine noted that all of the resume's were given the next day following the Work Session. They didn't even know that someone didn't have all of them until they met on Thursday night. It wasn't some secret process where only two would have nine and others would have four so he wants to correct that. By Friday, mid-day, all five of the Council members had nine and

were asked to get back to the Executive Office with their top three. We need to sit this Board by our first meeting in February so we are actually a little bit late. All of us have all nine and the obligation to get our top three back and then hopefully we will then come to a consensus on who will sit on that Board.

Jenny Loeb thanked the Council for voting down resolution #30-2010. She said that she is on the CDBG Advisory Committee and has worked closely with the Acting Director and following the process of the CDBG money, etc. While there is still some accounting that needs to be done as far as clearing up money from past years, a lot of it has been tracked down. There is no one in the office that can do the CAPER Report right now and she doesn't think that anyone has to worry and that with what we have now we can figure it out until we hire someone. Nothing will fall apart in the meantime. At the Work Session on Thursday there was talk about hiring a consultant to do studies on the Armory site and she feels like the longer we wait to hire a Director the more we will have to hire consultants. She is hoping that with the hiring process that perhaps it could not be solely on the City Manager. Maybe the Council could have a role as well as the CDBG Committee and other staff or residents to find someone that we all agree on. As for the Robinson Avenue project, the issue is that any legal language about hiring local residents would have had to go in the RFP so it's true that legally right now we can't put any restrictions on the developer although she hopes that we can work with him.

Brigidanne Flynn, Norton Street thanked the Council for tabling the fees. She thinks that the Council should thank Assistant Corporation Counsel, Michelle Kelson who stepped up and worked really hard. This is a huge job and it's good to see that she is getting some help.

Michael Gabor, City of Newburgh said that the Mayor commented about the fees not passing that there goes one million dollars. He thought that these fees would just raise about \$165,000.00. As for the recreation fees being on the books since 2005 but not enforced, what are we paying the people on those jobs to do? Why bother having these laws if you are just going to pick and chose who to charge these fees to. The way that they are structured he thinks needs further discussion. A comment made by Councilman Dillard to hire back Mr. McKenna and Mr. DeLaune he thought was interesting. We need to obtain information from them and if we need to sue them then let's do it. They left without providing information from that job. He agrees that there are times when consultants are necessary; however, because of the past and the consultants that we have hired without getting results is why we question every move that is made.

A representative of Thruway Builders said that they didn't hear about the bid. He recommended that the City should be accepting of bids that include minorities in the community and there should be a way for the people and contractors in this city to be considered.

Kippy Boyle, 400 Grand Street said that she is concerned to hear that the contract for the consultant was just received by the Council tonight. In a prior meeting there was discussion about changing the days of Work Sessions so that there would be more business days in between meetings to review documents on time. She suggested that the council rethink this. As for hiring an Economic Development department head, she said that there are rumors going around that the Interim City Manager stated that he wasn't impressed with the resume's that were left. Rather than have these rumors circulating let's get it out to the public what you are specifically looking for. She attended a CDBG Committee meeting last week and they very clearly expressed their concerns and the direction they thought the City should be going in with this hiring process but it was not relayed to the Council at the Work Session. Had it been relayed, then the Council might have made the decision to take it off the agenda for tonight so there seems to be some type of communications gap. As for the Armory site, she heard that there was discussion to possibly hire Dwight Douglas to do consulting on that and she would like to know more about that.

Sherman Carrington, Carrington's Consulting & Engineering, partnered with Thruway Builders said that he has invested in this community for the past few years and thinks that they should be included in these bids. They had no knowledge of this reconstruction project at all and would like some inclusion in the process. Any company that comes to the City and says that they will hire locally can't if they are in violation of the local law. They must also have a minimum of ten hour OSHA training and he is willing to offer to do six months training free of charge if the City will work out an agreement that they will match this.

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

## COMMENTS FROM THE COUNCIL

Councilwoman Angelo said that last weekend was wonderful in the City of Newburgh with three Martin Luther King celebrations. The Stop the Violence Talent Show and Fundraiser was very successful with over two hundred people attending and vendors. They hope to do this again in a month or so and maybe they could get flyers out to the schools. She added that they did a blood drive today at the Library which was very disappointing with only four people donating. She would like to hold one at the Activity Center because we need to get people to donate. Last summer the Acting City Manager, Dwight Douglas created a seven point plan that she will pass on to Richard Herbek so he can see how each department is doing. When she was going to work this morning it was so windy that garbage cans were blowing into the streets and a police officer stopped and picked up all the cans. She wanted to thank him and perhaps he should get a little something for that. There was an article in the paper recently that said that people who owe back taxes can get a break. It applies to taxes and debts accrued prior to December 31, 2006.

Councilwoman Bell acknowledged that Ms. Dickinson said that she would continue to come to the meetings and it is good to see her here tonight. She would like to know if the local law regarding fees could be separated by sections and approved individually because she thinks it is just too big. She thinks that this would make things a lot easier because there are parts of it that she can't say yes to. Finding the money for a Human Resources person is going to be a trick but she knows that part of the TAN and BAN contained projects to be done and she doesn't know what the legality would be but would a Human Resources Director take priority over for instance the Tyrone Crabb Park. We have to be intelligent about our spending and what is the most important thing to spend the money on. If we use our heads and come together she thinks we can work something out that will work. She thanked everyone for coming tonight and her new saying for 2010 is "Be the change that you wish to see in the world".

Councilwoman Bello wished to speak about the increase in the water fees. When she started on the Council a couple of years ago she was told that there was a multi million dollar surplus in the water and sewer fund and now two years later it's depleted. Regardless of the issues regarding misuse of those funds her point is that what took two years to deplete they now want to make up in one year on the backs of the taxpayers which she thinks is fundamentally unfair and unrealistic when we have this in addition to the high rate of taxes that our residents just incurred. To put this further on the people she thinks may work out on paper but it is not based realistically on

the economic situation of most of our residents. It is very troubling to her that the Council and many residents put forward some wonderful revenue generating ideas and not one of them has been explored. They certainly merit looking into and she would hope that raising taxes and fees would be a last resort after we explore all of the other possibilities. The Council is charged with a tremendous responsibility to represent the people as a legislative body and to provide oversight. She cannot stress the importance of process. We have to have our contracts well ahead of time so that we can do the best job that we can for the people. When that ability is taken away from us then our ability to do our best is thwarted so she hopes that in the future they receive all contracts more timely. She added that almost every week she hears from people about the increase in taxes and fees and that they are having difficulty paying their bills so she would like to request maybe at the next Work Session that they have a discussion to make the amount due payable over more installments. Tax payments are high and it might be easier to come up with \$200.00 rather than \$600.00 at one time. The other problem that she would like to see addressed is that many people when they fall way behind in their taxes have told her that they go to pay a portion of what they owe and the City will not accept it. This just doesn't make good business sense to her but if there is a legal reason why we can't accept a partial payment on back taxes she would like to hear about that maybe at our next Work Session. If there isn't a legal reason for that then she thinks that they need to explore changing that policy. With regard to the recent murder of a young man by another teenager in our City she said that everyone has to do their part. We have our educators that teach and our ministers that preach. We need our parents to guide and love and our youth after school initiatives but our government has got to do their part also. We are limited because we cannot legislate parenting but we have to do what we can. The anti-violence rallies and round table discussions certainly have their merit but they only seem to come after the fact. We have to recognize the change in times because when mischief turns to murder then she feels it is time to look into the curfew. Not as a means to limit our kids but at this point it is becoming a means to protect their lives and she thinks that this is very important. She thanked everyone for coming tonight.

Councilman Dillard wished to clarify a comment he made earlier about hiring back two former employees as consultants. He said that he just wanted to make a point that these employees should be brought back to talk to the Inspector General or the FBI so that they could be questioned about what happened in the Community Development Office. It is beyond him that anyone would assume that he would bring these employees back as consultants for hiring. As for the contractors and the Robinson Avenue reconstruction, we will be pursuing that. He asked Rev. Brown to let the people know what the ministers are doing for the Haiti disaster.

Rev. Brown said that they will be holding a prayer vigil and fundraiser at Baptist Temple on Sunday the 31<sup>st</sup> at 5:00 p.m. The purpose is to let the Haitian community know that we are praying for them and that we sympathize with them. We are trying to help their families that are still in Haiti with supplies and money so that the hospitals can help those that need medical attention. They are working with the NAACP from Newburgh and Highland to keep this initiative going starting on Sunday the 31<sup>st</sup> and continuing throughout the year. We want to show that the community, the Clergy and the NAACP is behind them and that we will be working with them to do whatever we can.

Councilman Dillard thanked everyone for coming tonight and said to keep coming and bring a friend because we need everyone's help.

Mayor Valentine said in answer to getting a Human Resource person that there is some money on the table tonight if we can hopefully in February pass resolution #201 for the sale of 7 Forsythe Place for \$75,000.00. The work that is done for CDBG is a lot more than just bookkeeping. It is incredibly complex. As for the fees, if the money is not eventually raised by fees there is going to be a hole in this Budget of two million dollars. We already are looking for approximately five million that was financed by going out and borrowing so add that to the two million which brings us back to seven million. It has to come from somewhere. We need to look at revenue that is outside the City of Newburgh and one of them that our City Manager has been working on already is a water agreement with the Town of Newburgh. The Town of Newburgh desperately needs a water supply which they have needed for a very long time. They rely on the Aqueduct which is going to be shut down for an extended period of time and when it's reopened they don't know if the same offer will be extended. The City of New York is losing so much water each day and they don't know where the breaks are. They are losing almost a billion gallons a day. We have a very receptive partner with the Town of Newburgh and have successfully put together an inter-municipal agreement with the Town of Newburgh for sewer. When we are looking at money we have to not overlook what is right in front of our face. With that in mind, he agrees that we need a full-time City Manager but when we restart the search the current City Manager is a point person in negotiations with a limited time limit. When you are talking to another municipality you want to know that you are talking to the same person through an entire negotiating schedule. He is hoping that we can move this quickly enough to get it finalized before another City Manger is seated. He has said many times before that last year we had five City Manager's, which was not very successful. We need to show the residents, the employees and other municipalities that we are working in conjunction with that this is a professional person they are getting on a day to day basis. Lastly, Councilwoman Bell has brought up a couple

times the collection of large water fees and he agrees that we need to aggressively go out there and collect the money that is owed. The people that owe that money have it and they just don't want to pay it. There is a big difference between raising somebody's taxes and saying that someone is a hardship case and it is a whole different picture when somebody is making money day after day and month after month on rental apartments for commercial uses and not paying their fair share. If you combine both of these aggressive actions, we can develop funding that can help us in this particular fiscal year. Along with that it is going to be the finishing of these two audits that are going to be the most critical. They are the core on where you get your information on how you can move from 2010 to 2011. The thing that held up our reporting on the one we got a negative for 2007 came from CDBG. They could not find the accurate records in that department and that was not done with consultants. It was done with employees that were here. In order for these audits to get done, we need to make sure that all of this information is in to our auditors so that they can put it all together and go back in time to make it work. As we found out when Mike Genito was here, some of those accounts had funds but you can't get to the information because you need a Comptroller's set of eyes to do it. It could be there and we just don't know it. As we look at these short term gaps, we need to make sure that we don't overlook the fact that in order to get the long term some of these are going to have to be enacted in some way shape or form otherwise we are not going to get it. People will be asking why we don't have these things but you can't have it both ways. That is why he was so adamant that hiring a consultant on a temporary basis with a limited contract to do a task does serve a purpose. The Armory will be another one because we can't do this in-house and an opportunity like this can pass us by. If we don't give an answer by May of this year, then that property is gone because we have to be able to demonstrate the use. You can't do that with the people that are in-house right now. Physically it is not possible. The expertise is not there because this is a once in a lifetime opportunity where you get a piece of property handed to you with the stipulation of what are you going to do with it and how are you going to use it. We talk about being penny wise and dollar foolish but what are you going to do with this twelve acres of property if we ask someone who is already on salary to come up with a plan. He doesn't see that but we will see what happens at our meeting if February. He thanked everyone for coming and said to have a great evening.

There being no further business to come before the Council the meeting adjourned at 9:25 p.m.

LORENE VITEK  
CITY CLERK





