

A regular meeting of the City Council of the City of Newburgh was held on Monday, March 8, 2010 at 7:00 P.M. in the Council Chambers, City Hall, 83 Broadway, Newburgh, NY 12550

The Prayer was led by Rev. Jones 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 February 8, 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 City Clerk's Report, Registrar of Vital Statistics Report and Civil Service Administrator's Report for the month of January be received, filed and made available to the Press.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Bello seconded that the Supplemental Claim and Summons & Verified Complaints 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

Aquanetta Wright, 197 N. Miller St. read the attached letter addressed to Richard Herbek, City Manager. (copy attached)

Lisa Piperato, resident near N.F.A. commented on resolution #41-2010 concerning police officers in the school. The police were instrumental in cleaning up that neighborhood in 2000 but it has gone down hill since then. We need officers in that school because we have drugs, cars being broken into, gunshots and stabbings all in the vicinity of the school. It is imperative that we get officers back into the school and one of them needs to be experienced. Now that the campus is being divided between N.F.A. and N.J.H. there will be a lot more students walking in the neighborhood. It is important that we have someone who can work with the students, administration and the people who live in that neighborhood.

Timothy Hayzill, City of Newburgh said that we have been talking about this for years and because nothing was done this gang violence is now out of hand and no one knows what to do.

MaryAnn Prokosch, City of Newburgh asked for some clarification on resolution #44-2010.

Mayor Valentine answered that it is the Urban Renewal money that we get from the County every year which will be used for street improvements.

Ms. Prokosch said that in regard to the police officers in the school that she felt a little bit insulted by the FBI Officer who was here that made it sound like if we didn't do this and something happened then the blood would be on our hands. What about the hands of the people from the Town of Newburgh and the Town of New Windsor who also have students in the school. This is not only our burden because they are not only our children. She understands why they are needed but feels that this should also be dealt with by the school district and other municipalities.

Charlotte Mountain, Dubois Street asked in regard to the events moratorium if that includes events that require no city services.

Mayor Valentine responded that the moratorium is for events that would have out of pocket costs to the municipality.

Ms. Mountain said in regard to resolution #55-2010 that this program has been accepting applications since December and asked if this will be the final hurdle for people looking to use this program.

Mayor Valentine asked Courtney Kain if this is the last component that they need in place to set up the loan process.

Courtney Kain, Acting Director of Planning & Development responded with a "yes".

Ms. Mountain asked if resolution #54-2010 is for additional properties or are resolutions #50-2010 to #53-2010 the inclusive list.

Mayor Valentine answered said that there are other properties listed on #54-2010 and he will announce them when they vote on it. He believes that this is the group for Habitat.

Denise Ribble, Montgomery Street asked for an explanation on resolution #42-2010. In regard to resolution #45-2010, she feels that it is not very clear. Is all of that going to the Armory or do we have apples and oranges here? It looks like \$196,000 going for planning initiatives and then a separate section that is not clear. As for resolution #49-2010 she recommended that we reach out to the Assembly and Senate members that helped us with this to try to finally get it accomplished. We have a Transportation Traffic & Parking Committee that is there to help with this process. Lastly, in regard to resolution #41-2010 she said that this has been a situation for several years and we used to have the Department of Justice working with us but she is not sure why they stopped. For the services that we are receiving money, she hopes that the Council has seen a contract. She thinks that we should have experienced officers in the school but we shouldn't be footing the bill. The School District should put it in their Budget and share the tax burden with the Town of Newburgh and the Town of New Windsor.

Kippy Boyle, 400 Grand Street said in regard to #45-2010 that she has the same questions as Ms. Ribble. What is the rest of the money marked for? During a presentation at the Work Session on 271 Liberty Street it was unclear if the use of that school has changed. Originally it was to be used for condominiums but at the presentation there was talk about a mixed use. If that has changed, was it cleared through Zoning? As for resolution #58-2010, is this resolution to approve the preparation of a request for proposal of Bond Counselor in the State? In the past we have used Ken Bond, so is this an authorization for him or is it going to be put out to three people.

Michael Curry, 8 Grand Street said in regard to resolution #41-2010 that he is also concerned that the Town of Newburgh and New Windsor are not bearing as much of the burden as we are and that this should be shared by them too. He asked why the extensions to close were being made on some properties.

Mayor Valentine explained that it was title stuff.

Mr. Curry continued in regard to the Home Rule and said that we do have a Transportation Traffic & Parking Committee that he feels would have been happy to have been asked to help with this.

Sean O'Shea, City Terrace North asked for an explanation on resolution #42-2010 because he would like to know the associated costs and policy guidelines that will be used. In regard to resolution #41-2010, you can't help but notice that the violence has spread throughout the City and it is a concern because it is happening when normally violent acts are on the decrease. The weather will start getting warmer and we consistently put ourselves at a disadvantage by not negotiating for a sense of fairness from the other municipalities that have children in the Newburgh Enlarged City School District. His opinion is that the police forces from both the Town of Newburgh and New Windsor should be part of this too and they should have to bear this burden also.

Dr. Benilda Jones asked in regard to the event permits and the request to go into the books of Ferry Godmother Productions if that applies to all of our events in the City? Is part of the process now going to be to look into any/all events?

Mayor Valentine said to clarify, that one individual Council person asked for that. The request that is coming from the City Manager is that if there is an impact financially to the City of Newburgh then we cannot sponsor or lay out any money for any event. That is the moratorium. In the case with the Jazz Festival, it was the insurance that we co-sponsor and that is the only thing that has been discussed overall as a Council. The stumbling block is the fact that with the Waterfront Jazz Festival, we as a city municipality co-sponsor for the insurance which may not directly have a dollar cost but has a liability cost to this municipality. It was recommended by the City Manager that we not co-sponsor events.

Councilwoman Bell noted that this is the most ridiculous thing that she has ever heard of. She cannot understand why we have an insurance policy with an umbrella. What right do we have when she has struggled all of these years to build this Jazz Festival from nothing? All of the work, public relations and artists are things that she has done. She went to Beacon recently and the place was on fire with people walking to the shops and restaurants. This is a person who really breaks her backside to bring that positivity here to Newburgh and she gets harassed? How foolish will we feel if she were to go across the river and say that since she is getting no appreciation or cooperation in Newburgh then she will move it to Beacon.

Dr. Jones said that she would feel awful if we lose this to Beacon. This does not make sense to her. Is there any way to justify this service without going into her books because this is her business? If there is anyone here that thinks she should not be making some kind of profit, then we are poor business people.

Mayor Valentine said that he was only trying to explain where the moratorium came from. He agrees that a festival like that should make a profit and there is no reason why there shouldn't be fifty sponsors paying \$5,000.00 each with their names on banners and at the end of the summer money is made. There is nothing wrong with that. The issue at hand as brought to the Council by the City Manager was that if it is an out of pocket expense then the request right now is a moratorium. We can revisit this later so it is not a personal thing.

There being no one else wishing to speak, this portion of the meeting was closed.

March 8, 2010

Richard Herbek, City Manager  
City of Newburgh  
83 Broadway  
Newburgh, NY 12550

Dear Mr. Herbek:

This has been a difficult letter to write. For the past three years Ferry Godmother Productions, Inc has brought great pleasure and support to this community by creating the Newburgh Jazz Series. Sadly, I have had to make a difficult choice, and it is with deep regret that I must inform you that I will no longer offer the City of Newburgh the opportunity to co-sponsor this event. I feel the city's municipality has forced me to remove its name from this incredibly positive image builder. It is very unfortunate that I have been forced to sever what was a great public-private partnership. My decision to sever all ties with the City of Newburgh was primarily influenced by a lack of cooperation from city officials and the ineptness of some staff members. From the onset of the Newburgh Jazz Series, the city has put forth a number of ridiculous interruptions to our collaboration, and that collaboration must now end.

Starting in July 2007, when the Newburgh Jazz Series was in its infancy, no one anticipated that it would become the phenomenal event that it has. Now beginning its 4th year it has made a substantive impact on the image of the city of Newburgh. The Newburgh Jazz Series has provided the high profile cultural, recreational and tourist infrastructure that is much needed. It has served as a critical bridge for the City of Newburgh, making it a vital opportunity for its residents to reconnect with the waterfront and has allowed local businesses to be showcased. It has created a destination site for outsiders and their dollars. It also gives a sense of pride to the city. The Newburgh Jazz Series attracts over 10,000 attendees to the waterfront each summer and there were over 100 million hits on the official website in one year. We have secured a place in history many times over, by, for example; bringing the US Military Jazz Knights to the City of Newburgh for the first time, arranging for the Newburgh Beacon Ferry to extend its run for leisure activities for the first time and bringing New York's Lincoln Center performers to our waterfront stage. We have had more media coverage than any other Hudson Valley event and have enjoyed our place in the NY Times and the New York City Daily News as #5 of the top 10 destination sites in the Hudson Valley. This project has been successful in drawing the attention to the region and the world as I have brought Richard Pryor Jr. to our city and been contacted by musicians in Russia and Brazil.

I have coordinated resources to bridge the gaps between what government needs and what businesses can provide. It is imperative to remember the importance of partnerships. Partnerships provide an opportunity to work together towards a common goal. This city like many other cities, villages, and townships are struggling in the wake of reduced state revenue sharing and flat or declining property tax revenues. It is the public-private collaborations that become excellent partnerships; they are effective investments for both parties. Collaborating with the private sector brings to the city the current business,

## **FERRY GODMOTHER PRODUCTIONS**

Aquanetta Wright, Executive Producer

PO Box 333

Vails Gate, NY 12584

Tel. 845.568.0198 email: [FerryGodmother@msn.com](mailto:FerryGodmother@msn.com)

[www.FerryGodmother.com](http://www.FerryGodmother.com) or [www.NewburghJazzSeries.com](http://www.NewburghJazzSeries.com)



market and sector knowledge. This knowledge is invaluable for delivering a quality and professional service. As you partnered with Ferry Godmother Productions, you have been able to present yourself as a municipality of a troubled city that is innovative and willing to work to help bridge knowledge gaps. Ferry Godmother Productions has offered this city the most unique opportunity, to share 100% of center stage, the spotlight and the reward at no cost to the taxpayer. The exact terms of the sponsorship was the city of Newburgh would provide insurance coverage for the event in exchange for co-sponsorship title of the Newburgh Jazz Series, and there would be no other costs to the tax payer. Ferry Godmother Productions is a complete production company which handles all aspects of events, including setup/teardown, cleanup before and after the events. We require no paid police presence and no DPW assistance. We have a full team in place to handle all areas.

Almost as soon as I arrived in Newburgh, I found myself very much in love with this city, its architecture and its greatest assets—the citizens. I also felt the city was in desperate need of help. So as someone who enjoys being part of the solution (not the problem), I went to work sharing my 25 years of knowledge and experience in the marketing, volunteering and event production arena. As a result, I began developing one of the most efficient, effective and sustainable networks in the region. With no one paying attention to the destruction of the city image I created my own action plan and strategies. In the past I have received tremendous support from some of the city council members, including Mayor Nick Valentine, MaryAnne Dickinson, Marge Bell and Christine Bello. I was also very encouraged to develop my ideas by the previous corporation counsel, Geffroy Chanin. These individuals were clear that this is a great thing for Newburgh. And many believed I had the strong referral and support network in place to make it a success.

I continue to work tirelessly to help develop a positive image that interfaces with the general public. It is my goal to bring our community together to help Newburgh grow and become a better place to live, work, raise a family, and conduct business. I will continue to work at showcasing this “All American City”, but, unfortunately, I will do so without you. I am sorry that the vision shared by some, and my hard work is not more welcomed. I feel I have made a real contribution to helping this great city understand that it takes partnerships to build, just like bricks and mortar. This city is in need of strong essential services, strong infrastructure and clear thinking leadership, but what it needs more is a good dose of common sense by some. There is much work to be done to turn this city around; I just hope a better job is done at partnership practices. It has been both a privilege and an honor to help lead the city of Newburgh into the future of the arts and music. But now these city council members must focus on the question, can they do it all or should they accept help to achieve great success? For now the Newburgh Jazz Series 2010 is well underway. The permit was submitted, the insurance has been paid for in full and the certificate of insurance was delivered two weeks ago. See you on the waterfront!

Respectfully,



Aquanetta Wright, Executive producer  
Ferrygodmother Production

Cc: Mayor Nick Valentine  
Councilperson R. Angelo  
Councilperson M. Bell  
Councilperson C. Bello  
Councilperson Curlie Dillard

## COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Acting City Manager, Richard Herbek agrees that from what he can see the Jazz Festival is absolutely wonderful but this is a policy issue. If there is an event on city owned property and the city is co-sponsor then the city is covering this event through its insurance as well as providing some electricity and rest rooms. When the city is a co-sponsor, should the city have the opportunity to know what the revenue stream is?

Councilman Dillard said that this would be across the board for everyone.

Acting City Manager, Richard Herbek added that it is really a policy question. When he asked Ms. Wright to look at her books she responded that she would prefer not to share that information and would obtain her own insurance so that the city would not be a co-sponsor.

Mayor Valentine said that there was a question about resolution #42-2010 regarding the West Street Medical Tech.

Acting City Manager, Richard Herbek said this probably goes back to the 1990's. There was a lot of money that the city applied for over the years which he believes was well over one million dollars for this agreement. It was a good idea at the time and the City was looking to increase development but unfortunately the project has not worked out. The City needs to recover investments that it has made and we are looking to recover \$858,345.00 from the Economic Development U.S. Department of Commerce for this property. There is a limited time to do this so this resolution is necessary to be part of the packet that will be sent.

Mayor Valentine said that there was a question about resolution #45-2010 regarding how we can use the balance of the \$196,000.00.

Acting City Manager, Richard Herbek said that one thing that was discussed was using the balance for the development of the mid Broadway property that the City owns and using some of those funds for evaluations and study purposes on that property. The intention here is not to spend all of the money on this only. This is for \$26,500.00 to assess the environmental condition of the land and building at the Armory property.

Mayor Valentine said that the last question was regarding resolution #58-2010 for deficit financing.

Acting City Manager, Richard Herbek said that this is the identical resolution that was approved back in 1993 when the City had to undertake deficit financing. We know that we have accumulated a deficit and this is making a request to the State of New York for authorization for the City to finance its projected accumulated deficit through the issuance of bonds, and to hire Bond Counsel and a Financial Advisor. It does not list a specific Bond Counsel but this is just to get the ball rolling.

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

## FINANCIAL UPDATE

Dwight Hadley, CPA explained that the 2008 Audit has been underway for the past six weeks and it will show that there is a revenue shortfall. There are reserves set aside for commitments that have already been made by the City that will be liquidated and there are reserves for long term receivables that won't be received until the future. When we are done with the reserves there is 2.1 million dollars of that fund balance that was used to balance the 2009 Budget. Once the 2008 Audit is completed we will need to move forward and get the 2009 Audit completed. At this point in time, without having the opportunity to examine 2009 in detail, based on books and records right now shows a ten million dollar deficit for the year 2009. The City appropriated 5.5 million dollars to balance the 2010 Budget and in reality that 5.5 million dollars is not there so the City will end 2009 with a five million dollar deficit in its reserves and designated fund balance. You take the five million dollars we had in 2009 and add another five million dollars in 2010 which adds up to an accumulated deficit in the neighborhood of ten million dollars. This needs to be addressed and the way to do that is through deficit financing. The resolution for tonight is to give the City Manager permission to go to State Legislature and ask for legislation to be introduced to fund a fund balance. After legislation is passed the Office of the State Comptroller will come in to see exactly what the deficit is and come back to the Council to authorize a Bond issue to finance that deficit. As in 1993, there will be some sort of requirement to establishing a Fiscal Advisory Board comprised of five people to be an advisory to the Council and to the City as we look at 2011 moving forward. The legislature could look at the City and say that this is repetitive so maybe they need to have a stronger oversight board but we don't know what they will decide at this point. The next thing to do is to construct a 2011 Budget but without a fund balance how will you do that without major cuts to expenditures or major increases in revenue to close that gap. We have a new Comptroller and we are looking at reviewing and re-establishing all of the City's financial policies. There has also been a local Financial Advisory Board established and their first primary task is to look at all of the City's policies to see if they can be revised or updated.

Councilwoman Bell asked if this resolution has to be constructed the same way as the one from 1993. Since we are at the stage of asking the State for the authority for deficit financing, why isn't that the resolution at this time and then separate from that would be the issue of the Bond Counsel.

Mr. Hadley answered that the first process is to authorize the City Manager to go to the State representatives to ask that legislation be introduced. Once that legislation is introduced the next step for the Council

will be to ask for that legislation to be enacted. After it is enacted, the State Comptroller's Office will step in to certify the amount and then you can proceed to issue the bonds and a marketing effort will have to be considered as to where these bonds are going to be sold. The resolution also states that the City should determine who will be Bond Counsel and Fiscal Advisory so that those people can get on board and become familiar with the issues to prepare documents. At the same time you have both TAN's and BAN's that are outstanding so we need professional advice as to where to begin. This resolution is to start to obtain the services of Bond Counsel and/or Fiscal Advisory. Whether you use someone you have had in the past or you want to go through a request for qualification is the City's option. His advice is that the process be started as fast as possible.

## CITY MANAGER'S REPORT

Acting City Manager, Richard Herbek introduced our new City Comptroller, Christine Mitchell, CPA to welcome her to the City of Newburgh. He noted that our last snowstorm created havoc here in the City with about 90% of the community losing power. It was a very difficult storm to tackle and our DPW workers were out constantly dealing with this except for some very brief periods of rest. The storm took its toll on equipment and employees and all of this was managed despite the department having been cut thirteen positions in last year's Budget cuts. He publicly thanked George Garrison and his crews for the wonderful job that they did as well as the police and fire departments for their service. He has been asked what is happening with the search for a Director of Planning and Development. A search was started back in 2009 with fifty-five applications received and out of those there were about six that we thought were worth pursuing. We did additional advertising in January, 2010 and received eighty-two more applications and out of those there are about ten that are good so it looks like we will have about fifteen or sixteen good applicants from both searches. He knows that this position is extremely important to the city and he wants to make sure that we get the very best possible individual that we can find. He will work on putting together a review team to conduct interviews and narrow the group down to three applicants for him to consider. Lastly, he read a letter from John Platt, Superintendent of the Water Department stating that he has decided to retire from the City of Newburgh effective March 31, 2010 after twelve and a half years. He offers to help assist through this transitional period as the City conducts a search for qualified candidates and he is willing to help his replacement become acclimated with the many complex operational procedures, issues and projects that currently exist within the operations of the Water Department. He said that this was a difficult letter for John to write because his heart and soul is in the Water Department and he congratulated John on his service with the City.

**RESOLUTION NO.: 42 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF NEWBURGH TO EXECUTE ANY AND ALL LETTERS, AGREEMENTS, INSTRUMENTS, AND ASSOCIATED DOCUMENTS NECESSARY TO TERMINATE FOR CONVENIENCE AN ECONOMIC DEVELOPMENT GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION OF THE U.S. DEPARTMENT OF COMMERCE**

**WHEREAS**, the City Council of the City of Newburgh, by Resolution No. 103 of 2003, authorized the City Manager to accept an Economic Development Grant from the Economic Development Administration of the U.S. Department of Commerce ("EDA") to support the creation of a Medical Technology Office Park through the construction of an access street and associated water and sewer infrastructure and the construction of a Medical Technology Incubator Building (collectively the "Award") on properties owned by the City of Newburgh and the Newburgh Industrial Development Agency; and

**WHEREAS**, the EDA has determined that the Award should include only the construction of the access street and associated water and sewer infrastructure, that the Award should be terminated for convenience, and that the EDA may participate in reimbursement of any eligible costs incurred by the City of Newburgh and the Newburgh Industrial Development Agency to date in the approximate amount of \$858,345;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Newburgh hereby authorizes the City Manager to execute any and all letters, agreements, instruments, and associated documents necessary to terminate for convenience an Economic Development Grant from the EDA and to obtain reimbursement of any eligible costs incurred by the City of Newburgh and the Newburgh Industrial Development Agency to date in the approximate amount of \$858,345.

**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**

ORDINANCE NO.: 1 - 2010

OF

MARCH 8, 2010

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

Councilwoman Bell asked if we received a definite number as to what this will cost?

Mayor Valentine said that he hasn't seen anything.

Acting City Manager, Richard Herbek estimated that he thinks it was in the \$40,000.00 range as they are not sure how many people will apply.

Councilwoman Bell thinks that it could be calculated by the number of people that are eligible.

Acting City Manager, Richard Herbek said that not everyone will apply.

Mayor Valentine asked Bernis Nelson, Corporation Counsel if it would make a difference if this waited another two weeks.

Bernis Nelson, Corporation Counsel responded that it would not.

Mayor Valentine moved and Councilwoman Bello seconded that the Ordinance be tabled.

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

**TABLED**

**RESOLUTION NO.: 43 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO ISSUE A WARRANT TO THE CITY COLLECTOR  
FOR THE COLLECTION OF SANITATION FEES**

**WHEREAS**, the Finance Department has prepared bills for the quarter ending January 31, 2010 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 City Manager and he is authorized and directed to issue a warrant to the City Collector of the City of Newburgh bearing the date February 1, 2010, and directing said City Collector to receive payments on the first day of February and to collect up to and including the 28<sup>th</sup> day of February 2010, without fees, and to add five percent (5%) on all sums paid to him on and after the 1<sup>st</sup> day of March 2010, up to and including the 30<sup>th</sup> day of April, 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 Acting City Comptroller to be credited by her and to be applied to the General 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.: 44 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN AGREEMENT WITH THE COUNTY OF ORANGE  
TO PROVIDE FOR REIMBURSEMENT OF FUNDS TO  
THE CITY OF NEWBURGH WITH RESPECT TO CERTAIN  
URBAN RENEWAL PROJECTS FOR THE PERIOD  
OF JANUARY 1, 2010 TO DECEMBER 31, 2010  
IN THE AMOUNT OF FIFTY THOUSAND (\$50,000.00) DOLLARS  
AND AMENDING RESOLUTION 185-2009,  
THE 2010 BUDGET OF THE CITY OF NEWBURGH**

**WHEREAS**, the Orange County Department of Public Works (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an agreement, a copy of which is attached hereto and made a part hereof, to provide for the funding of certain urban renewal projects within the City for the year 2010; and

**WHEREAS**, the County shall provide the City a total annual sum not to exceed Fifty Thousand (\$50,000.00) Dollars for the completion of certain urban renewal projects; and

**WHEREAS**, such funds shall be used exclusively for the acquisition, rehabilitation, improvements and otherwise implementing and completion of urban renewal projects within the City's limits; and

**WHEREAS**, this Council has reviewed the attached agreement and has determined that entering into such agreement would be in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the attached agreement with the County of Orange to provide for a total annual sum not to exceed Fifty Thousand (\$50,000.00) Dollars in order to obtain the available funding for certain urban renewal projects; and

**BE IT FURTHER RESOLVED**, that Resolution 185-2009, the 2010 Budget of the City of Newburgh is hereby amended as follows:

Increase Appropriations:           A5110.026 - Highway Resurfacing

Increase Estimated Revenues:    A2389 - Urban Renewal

**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**



44-2010

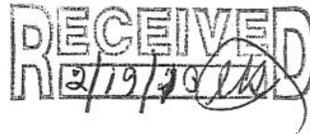
ORANGE COUNTY  
DEPARTMENT OF PUBLIC WORKS

Charles W. Lee, P.E.  
Acting Commissioner

Edward A. Diana  
County Executive

P.O. Box 509, Route 17M  
Goshen, New York 10924-0509  
TEL (845) 291-2750 FAX (845) 291-2778  
www.orangecountygov.com

February 17, 2010



Mayor Nicholas Valentine  
City of Newburgh  
83 Broadway, City Hall  
Newburgh, NY 12550

RE: AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE  
**CITY OF NEWBURGH** FOR THE FUNDING OF CERTAIN  
URBAN RENEWAL PROJECTS - 2010

Dear Mayor Valentine:

Enclosed herewith, is the Agreement between the County of Orange and the **City of Newburgh** for the Funding of Certain Urban Renewal Projects with your municipality.

Please execute and return to our office the following:

- 1.) Original Agreement signed, dated and with corporate seal.
- 2.) Resolution enacted by your municipality to enter into the Agreement. Resolution must be original, and certified by the clerk, with your corporate seal.
- 3.) Proof of Workers' Compensation and Disability Coverage's as required by the New York State Workers' Compensation Board. If your municipality uses the exemption, the new form is CE-200, form WC/DB-100 is no longer accepted.

Thank you for your prompt attention in this matter.

Very truly yours,

Charles W. Lee, P.E.  
Acting Commissioner

CWL/kw  
Enclosures

**AGREEMENT BETWEEN THE COUNTY OF ORANGE AND  
THE CITY OF NEWBURGH FOR THE FUNDING OF CERTAIN  
URBAN RENEWAL PROJECTS, AS FURTHER DEFINED HEREIN**

This Agreement for funding certain Urban Renewal Projects, hereinafter "Agreement," represents the entire understanding between the parties hereto the **County of Orange**, a municipal corporation organized and existing under the laws of the State of New York, with its principle offices at 255 – 275 Main Street, Goshen, New York 10924, hereinafter referred to as the "**County**" and, the **City of Newburgh** with its principle offices at 83 Broadway, City Hall, Newburgh, New York 12550, hereinafter referred to as the "**City**." Further, the parties hereto agree as follows:

**WHEREAS**, the **County** and the **City** share a commitment to the rehabilitation and revitalization efforts in Orange County, and

**WHEREAS**, the **County** shall provide to the **City** a total annual sum of **FIFTY THOUSAND (\$50,000.00) DOLLARS**, for completing the activities enumerated in this Agreement and performed during the period of **January 1, 2010 to December 31, 2010**. These funds shall be used exclusively for the acquisition, rehabilitation, improvements, and otherwise implementing and completion of urban renewal projects within the **City's** limits and as described herein or by modification hereof. The **County** shall have no obligation to the **City** beyond the payment of these monies in accordance with the terms and conditions of this Agreement, and

**NOW, THEREFORE**, it is mutually agreed by and between the **County** and the **City** that:

1. The **County** will pay to the **City**, for the Capital Improvements, an annual amount, not-to-exceed **FIFTY THOUSAND (\$50,000.00) DOLLARS**. The **City** shall submit any and all documentation in support of such expenditures or the **County** may require fees under this Agreement as so that it may evaluate the reasonableness of the charges. All such requests shall be reasonable in time and scope; and
2. Proceeds shall be paid to the **City** for eligible costs based upon approved requests for payments. All requests for payments shall be directed to the Orange County Department of Public Works. Each request for payment shall include an itemization of all monies due for eligible costs, labor performed and/or materials supplied for the period covered by the request, a statement describing the eligible expenses, work that was performed using such labor and material, and a release of liens by subcontractors, laborers or material suppliers. Other appropriate receipts, invoices, bills or other documentation evidencing the expenditures to be reimbursed shall be appended to the request forms. As a condition of receiving payment, the **City** shall deliver to the **County** complete releases from all relevant

contractor's, laborers, or suppliers. Once the releases have been obtained and the Department of Public Works has certified that all work has been completed or that the total sum made available from the **County** has been expended payment may be made to the **City**. The **County** will not withhold a payment, without cause, for more than **THIRTY (30) DAYS** after a request for payment but, the **County** shall not be restricted from withholding payment for cause, as determined by the Department of Public Works including but not limited to that in the judgement of the Department of Public Works, after consultation with the Orange County Department of Law and the County Executive, the funds available, from all sources whatsoever, to complete the project, are insufficient to do so. The **County** will use its best efforts to make all payments due the **City** within 15 business days of receiving an approved payment request.

3. The **City** agrees to maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this **Agreement**. The **City** agrees to retain all books, records, and other documents relevant to this **Agreement** for six (6) years after the payment or termination of this **Agreement**, whichever occurs later. **County**, State and/or Federal auditors, and any other persons duly authorized by the **County**, shall have full access and the right to examine any of said materials during said period; and
4. All provisions of Federal, State and local laws, rules, regulations and ordinances governing non-discriminatory practices; warranties against collusion; solicitation or procurement; warranties against conflicts of interest and compliance with applicable ethics laws; confidentiality; fair practices and other legally imposed safeguards shall apply; and
5. This **Agreement** shall be subject to such further agreements or amendments, as the parties deem appropriate and necessary. Neither party shall assign or subcontract its duties, practices or responsibilities to a third party without the express written permission of the other. Neither party shall be a subrogee of the other, nor be responsible to defend, indemnify or hold harmless the other as to third parties but for their own errors, acts and omissions which causes the other party to suffer a loss; and
6. The **County** shall have the right to terminate this **Agreement** at any time without recourse and, upon thirty- (30) days written notice to the other. Should the **County** terminate this **Agreement** prior to its expiration date for reasons other than **City's** default, the **County** shall pay unto the **City** the earned portion of the total contract **Agreement**; and

7. The **County** shall have no liability under this **Agreement** to the **City** or, to anyone, beyond funds appropriated and available for this **Agreement**; and
8. The **City** shall provide proof of Workers' Compensation and Disability Coverage's as required by the New York State Worker's Compensation Board and same shall be attached to this **Agreement**; and
9. This **Agreement** shall be governed by the laws of the State of New York. The **City** shall render all services under this **Agreement** in accordance with all applicable provisions of all federal, state and local laws, rules and regulations as are in effect at the time such services are rendered; and
10. The rights and obligations of the parties, and their respective agents, successors and assigns, if any, shall be subject to and governed by this **Agreement** as well as any amendments or attachments thereto; and
11. The acceptance by the **City** or its assignees of the payment under this **Agreement**, whether by invoice, judgement of any court of competent jurisdiction, or administrative means, shall constitute as a general release to the **County** from any and all claims of the **City** out of the performance of this **Agreement**.

IN WITNESS WHEREOF, the **COUNTY** has caused this Agreement to be signed by its County Executive, and the **City** has caused the same to be executed by its Council, pursuant to Resolution of its **City** Council, adopted \_\_\_\_\_.

**CITY OF NEWBURGH**

**COUNTY OF ORANGE**

\_\_\_\_\_  
**NICHOLAS VALENTINE**  
**MAYOR**

\_\_\_\_\_  
**EDWARD A. DIANA**  
**COUNTY EXECUTIVE**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## STATE OF NEW YORK WORKERS' COMPENSATION BOARD

## CERTIFICATE OF PARTICIPATION IN WORKERS' COMPENSATION GROUP SELF-INSURANCE

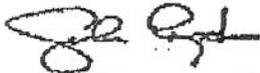
<b>1a. Legal Name and Address of Business Participating in Group Self-Insurance (Use Street Address Only)</b>  City of Newburgh 83 Broadway Newburgh, NY 12550	<b>1d. Business Telephone Number of Business referenced in box "1a"</b>  845-569-7303
<b>1b. Effective Date of Membership in the Group</b> <u>03/01/2008</u>	<b>1e. NYS Unemployment Insurance Employer Registration Number of Business referenced in box "a"</b>
<b>1c. The Proprietor, Partners or Executive Officers are</b>  <input type="checkbox"/> included (only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded	<b>1f. Federal Employer Identification Number of Business referenced in Box "1a"</b>
<b>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as Certificate Holder)</b>  County of Orange C/O Public Works Department P.O. Box 509 Goshen, NY 10924	<b>3. Name and Address of Group Self-Insurer</b>  NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE CLAIMS ADMINISTERED BY: WRIGHT RISK MANAGEMENT 333 EARLE OVINGTON BLVD., SUITE 505 UNIONDALE, NY 11553-3524

This certifies that the business referenced above in box "1a" is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law as a participating member of the Group Self-Insurer listed above in box "3" and participation in such group self-insurance is still in force. The Group Self-Insurer's Administrator will send this Certificate of Participation to the entity listed above as the certificate holder in box "2". The Group Self-Insurer's Administrator will notify the above certificate holder within 10 days IF the membership of the participant listed in box "1a" is terminated. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for a maximum of one year from the date certified by the group self-insurer.

*If this certificate is no longer valid according to the above guidelines and the business referenced in box "1a" continues to be named on a permit, license or contract issued by the certificate holder, the business must provide the certificate holder either with a new certificate or other authorized proof the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.*

Under penalty of perjury, I certify that I am an authorized representative of the Group Self-Insurer referenced above and that the business referenced in box "1a" has the coverage as depicted on this form.

Certified by: JOHN CONGDON 01/01/2009 - 12/31/2009  
 (Print name of authorized representative of the Group Self-Insurer) Date

Certified by:   
 (Signature)

Title: PROGRAM MANAGER

Telephone Number 516-750-9404

**WORKERS' COMPENSATION LAW**

**Section 57 Restriction on issue of permits and the entering into contracts unless compensation is secured.**

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

**Please Note:** This Certificate is valid only through the policy dates indicated above, OR a maximum of one year after this form is approved by the authorized representatives of the Group Self-Insurer. At the expiration of those dates, if the business continues to be named on a permit or contract issued by the above government entity, the business must provide that government entity with a new Certificate. The business must also provide a new Certificate upon notice of cancellation or change in status of the policy.

GSI-105.2 (2-02) Reverse



Certificate of Attestation of Exemption From New York State Workers' Compensation and/or Disability Benefits Insurance Coverage

\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\*

The applicant may use this Certificate of Attestation of Exemption ONLY to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may NOT use this form to show another business or that business's insurance carrier that such insurance is not required.

Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.

In the Application of (Legal Entity Name and Address): CITY OF NEWBURGH 83 BROADWAY NEWBURGH, NY 12550 PHONE: 845-569-7372 FEIN: XXXXX2829

Business Applying For: OTHER: EXEMPTION OF DISABILITY INSURANCE From: ORANGE COUNTY

Workers' Compensation Exemption Statement: The applicant is NOT applying for a workers' compensation certificate of attestation of exemption and will show a separate certificate of NYS workers' compensation insurance coverage.

Disability Benefits Exemption Statement: The above named business is certifying that it is NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE for the following reason: The applicant is a political subdivision that is legally exempt from providing statutory disability benefits coverage.

I, CHARLES EMBERGER, am the COMPTROLLER with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

SIGN HERE Signature: [Signature] Date: 2/9/09 Exemption Certificate Number 2009-005177 Received February 9, 2009 NYS Workers' Compensation Board

**RESOLUTION NO.: 45 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION ACCEPTING A \$196,000.00 ECONOMIC DEVELOPMENT INITIATIVE GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PLANNING AND DESIGN EFFORTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A \$26,500 CONTRACT WITH C.T. MALE ASSOCIATES, P.C. TO ASSESS ENVIRONMENTAL CONDITIONS OF THE LAND AND BUILDINGS AT THE ARMORY PROPERTY LOCATED AT 321 SOUTH WILLIAM STREET F/K/A 321-393 SOUTH WILLIAM STREET**

**WHEREAS**, the City of Newburgh has received a \$196,000.00 Economic Development Initiative Grant ("EDI Grant") from the United States Department of Housing and Urban Development for planning and design efforts; and

**WHEREAS**, the City of Newburgh is investigating the possibility of acquiring the Armory located at 321 South William Street f/k/a 321-393 South William Street ("Armory Property") from the State of New York pursuant to Section 34 of the Public Lands Law; and

**WHEREAS**, this City Council wishes to assess the environmental conditions of the land and building at the Armory Property; and

**WHEREAS**, planning and design efforts are exempt from SEQRA and NEPA review;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that this Council accepts the Economic Development Initiative Waterfront, Corridor and Armory Grant, Federal Action Number B-08-SP-NY-0469, in the amount of \$196,000.00 ("Grant") and authorizes the City Manager to execute any and all documentation to effect such acceptance and revenue; and

**BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized to execute a \$26,500.00 contract with C.T. Male Associates, P.C. to assess environmental conditions of the land and buildings at the Armory Property from the proceeds of such Grant.

**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.: 46 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION APPOINTING RAMONA L. BURTON  
TO THE CITY OF NEWBURGH HUMAN RIGHTS COMMISSION**

**WHEREAS**, the City of Newburgh has created the City Human Rights Commission pursuant to Section 239-q of the General Municipal Law; and

**WHEREAS**, this City Council deems it to be in the best interests of the City of Newburgh to appoint members to serve as Commissioners to fill vacancies and to carry on the important work of such Commission;

**NOW, THEREFORE, BE IT RESOLVED**, that the following person be and is hereby appointed to serve as a Commissioner of the City of Newburgh Human Rights Commission:

One (1) year term:

Ramona L. Burton

**BE IT FURTHER RESOLVED**, that said appointment shall take effect as of the date of this Resolution and be for the term stated hereinabove.

**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.: 47 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
FREDERICK LEE V. CITY OF NEWBURGH  
AND POLICE OFFICER MICHAEL PITT  
IN THE AMOUNT OF NINE THOUSAND DOLLARS**

**WHEREAS**, Frederick Lee brought an action against the City of Newburgh and Police Officer Michael Pitt; and

**WHEREAS**, the attorneys for the parties have reached an agreement for the payment of the settlement in the amount of \$9,000.00 in exchange for a release to resolve all claims among them; and

**WHEREAS**, such release has been executed by Frederick Lee; and

**WHEREAS**, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the attorneys for the parties;

**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 Frederick Lee in the amount of \$9,000.00, 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 resolution be adopted.**

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

**ADOPTED**

**RESOLUTION NO.: 48 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION TO EXTEND THE MORATORIUM  
ON EVENT PERMIT APPLICATIONS UNTIL DECEMBER 31, 2010**

**WHEREAS**, this Council, by Resolution No.: 113-2009 of July 13, 2009, adopted a moratorium on event permit applications until January 1, 2010; and

**WHEREAS**, this Council, by Resolution No.: 196-2009 of December 14, 2009, extended said moratorium on event permit applications until March 31, 2010; and

**WHEREAS**, it has been deemed necessary to extend such moratorium for nine (9) additional months;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the moratorium instituted by Resolution No.: 113-2009 of July 13, 2009, and extended by Resolution No.: 196-2009 of December 14, 2009, on permit applications which will necessitate overtime or special services from City Departments be and is hereby extended until December 31, 2010; and

**BE IT FURTHER RESOLVED**, as follows:

That the moratorium will also apply to City-sponsored events, as well as events on City property planned by outside organizations or individuals requesting City co-sponsorship (waiving of insurance and fees). An exception may be made for events planned by City departments or agencies after careful review of possible budget impacts, or events determined by this Council to be in the best interest of the community benefit.

This moratorium does not apply to gatherings protected under the First Amendment; however the City retains the right to determine their time, place and manner.

An individual or organization denied approval or application for an event under this moratorium is entitled to request a hearing and/or submit an amended application for a permit for an event which does not require additional City personnel or 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.: 49 -2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE SUBMISSION  
OF A HOME RULE REQUEST TO THE LEGISLATURE OF THE STATE OF  
NEW YORK REQUESTING THE ENACTMENT INTO LAW OF  
SENATE BILL S.641 AND ASSEMBLY BILL A.6699  
AUTHORIZING THE CITY OF NEWBURGH TO ESTABLISH AN  
ADMINISTRATIVE TRIBUNAL TO HEAR AND DETERMINE  
PARKING, STANDING AND STOPPING VIOLATIONS**

**WHEREAS**, the establishment of a judicial tribunal to hear and decide parking, standing and stopping violations in the City of Newburgh would be of great benefit to the administration of justice and to the enforcement of traffic laws and enhance urban commerce; and

**WHEREAS**, pursuant to Municipal Home Rule Law it is necessary for the New York State Senate and Assembly to enact respectively bills which would establish such a tribunal in the City of Newburgh; and

**WHEREAS**, pursuant to Municipal Home Rule Law Section 30 it is necessary and appropriate to send this Home Rule Request asking that the subject legislation be enacted and said tribunal be thus created;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Newburgh, New York does hereby authorize the submission of this Home Rule Request to the Senate and Assembly of the State of New York requesting the adoption into law of Bills S.641 and A.6699, to authorize the City of Newburgh to establish an administrative tribunal to hear and determine parking, standing and stopping violations.

**Mayor Valentine said that we have been putting this legislation through for as long as he has been in office and beyond but for some reason it does not get through. He thinks that with the economic situation in the City of Newburgh as part of this package that we will be looked at because this is a revenue stream that comes directly to us. It would not cost us any money because the people that sit on the tribunal would be volunteers. These are simple tickets for things that just don't get on the court docket and the amount**

due is up there. Hopefully the way it's being approached this year will finally get it through.

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: 50 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO CLOSE  
TITLE ON SEVERAL CITY OWNED PROPERTIES  
SOLD AT THE OCTOBER 1, 2009 AUCTION**

**WHEREAS**, this Council, by Resolution No.: 164-2009 of October 26, 2009, confirmed the sale of several City owned properties and authorized the execution of deeds to the respective purchasers at Private Sale; and

**WHEREAS**, the following properties have requested an extension of time to close title:

155 Lander Street (18-4-45)	-	William J. Whitehead
502 South Street (6-6-47)	-	Millpond Management
135 Wisner Avenue (13-5-10)	-	Millpond Management

**WHEREAS**, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before February 12, 2010; and

**WHEREAS**, due to unforeseen circumstances, specifically outstanding title issues, the purchasers have requested additional time to close title; and

**WHEREAS**, this Council has determined that granting the requested extensions would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that an extension of time to close title for the properties above-referenced be and is hereby granted until May 7, 2010, that date being sixty (60) days from the date of this Resolution.

**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: 51 - 2010

OF

MARCH 8, 2010

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME  
TO CLOSE TITLE ON THE PROPERTY LOCATED AT 271 LIBERTY STREET  
(SECTION 18, BLOCK 5, LOT 10) SOLD AT THE OCTOBER 1, 2009  
AUCTION AND AUTHORIZING AN AMENDMENT TO THE GRANTEE**

**WHEREAS**, this Council, by Resolution No.: 164-2009 of October 26, 2009, confirmed the sale of 271 Liberty Street (Section 18, Block 5, Lot 10) to Ashley Nealis; and

**WHEREAS**, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before February 12, 2010; and

**WHEREAS**, due to unforeseen circumstances, the purchaser has requested additional time to close title; and

**WHEREAS**, the purchaser has submitted a request to amend the grantee to his corporation entitled 271 Corporation; and

**WHEREAS**, this Council has determined that granting the requested extension and authorizing the amendment to the grantee would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that an extension of time to close title and the amendment of the grantee for the property located at 271 Liberty Street (Section 18, Block 5, Lot 10) from Ashley Nealis to 271 Corporation be and is hereby granted until May 7, 2010, that date being sixty (60) days from the date of this Resolution.

**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.: 52 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE  
EXTENSION OF TIME TO CLOSE TITLE  
ON THE PROPERTIES SUBJECT TO SEALED BID SALE  
LOCATED AT 214 BROADWAY (SECTION 29, BLOCK 8, LOT 6)  
AND 206 SOUTH STREET (SECTION 11, BLOCK 1, LOT 22)**

**WHEREAS**, the Council of the City of Newburgh, New York, by Resolution No. 153-2009 of September 29, 2009, authorized the Sealed Bid Sale of 214 Broadway (Section 29, Block 8, Lot 6) and 206 South Street (Section 11, Block 1, Lot 22) to Rafiq Majeed; and

**WHEREAS**, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before February 12, 2010; and

**WHEREAS**, due to unforeseen circumstances, specifically outstanding title issues, the purchaser has requested additional time to close title; and

**WHEREAS**, this Council has determined that granting the requested extension would be in the best interests of the City of Newburgh.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that a sixty (60) day extension of time to close title for the properties above-referenced be and is hereby granted until May 7, 2010, that date being sixty (60) days from the date of this Resolution.

**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.: 53 - 2010  
OF  
MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE  
EXTENSION OF TIME TO CLOSE TITLE  
ON PROPERTY SOLD THROUGH THE SEALED BID PROCESS  
LOCATED AT 83 ANN STREET (SECTION 37, BLOCK 8, LOT 3)**

**WHEREAS**, the Council of the City of Newburgh, New York, by Resolution No. 153-2009 of September 29, 2009, authorized the Sealed Bid Sale of 83 Ann Street (Section 37, Block 8, Lot 3) to Newburgh Spectrum Developers, Inc.; and

**WHEREAS**, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before February 12, 2010; and

**WHEREAS**, due to unforeseen circumstances, specifically outstanding title issues, the purchaser has requested additional time to close title; and

**WHEREAS**, such outstanding issues shall not be detrimental to closing title two years from July 31, 2008, that being the date of the deed into the City of Newburgh; and

**WHEREAS**, the two year term is provided for in Section 1137 of the Real Property Tax Law of the State of New York; and

**WHEREAS**, this Council has determined that granting the requested extension would be in the best interests of the City of Newburgh and its future development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that a further extension of time to close title on 83 Ann Street (Section 37, Block 8, Lot 3) be and is hereby granted until August 31, 2010, that date being 176 days from the date of this Resolution and, in accordance with Section 1136 of the Real Property Tax Law, two (2) years from July 31, 2008, being the date of the deed into the City of Newburgh.

**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.: 54 - 2010  
OF  
MARCH 8, 2010**

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO CLOSE  
TITLE IN CONNECTION WITH SEVERAL CITY OWNED PROPERTIES  
SOLD THROUGH THE SEALED BID PROCESS**

**WHEREAS**, this Council, by Resolution No.: 153-2009 of September 29, 2009, confirmed the sale of several City owned properties and authorized the execution of deeds to the respective purchasers; and

**WHEREAS**, Habitat for Humanity was awarded the sealed bids in connection with the following properties:

10 Catherine Street	-	Section 18, Block 6, Lot 22
28 Courtney Avenue	-	Section 48, Block 3, Lot 24
29 Liberty Street, W.H.	-	Section 45, Block 7, Lot 20
65 Courtney Avenue	-	Section 48, Block 11, Lot 3
68 Benkard Avenue	-	Section 45, Block 2, Lot 9; and

**WHEREAS**, by Resolution No.: 193-2009 of December 14, 2009, this Council authorized an amendment to the grantee from Habitat for Humanity of Greater Newburgh, Inc. to Orange County Housing Development Fund Corporation; and

**WHEREAS**, due to the amendment to the grantee the parties have requested additional time to close title on said properties; and

**WHEREAS**, this Council has determined that granting such extension is in the best interests of the City of Newburgh and its further development;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that a sixty (60) day extension of time to close title for the properties above-referenced be and is hereby granted until May 7, 2010, that date being sixty (60) days from the date of this Resolution.

**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.: 55 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE A CONTRACT WITH EQUIFAX, INC. FOR CREDIT REPORTS  
IN CONNECTION WITH THE DEPARTMENT OF PLANNING AND  
DEVELOPMENT REHABILITATION LOAN PROGRAM**

**WHEREAS**, the City of Newburgh has received funding for a rehabilitation loan program through the United States Department of Housing & Urban Development through the CDBG-R and 2010 CDBG Programs; and

**WHEREAS**, the Department of Planning & Development has obtained three quotes from credit agencies to perform credit services for the City in connection with such loans; and recommends that the quote from Equifax, Inc. is most advantageous to the City;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute a contract with Equifax, Inc. on the following terms and conditions and such others as shall be acceptable to the Corporation Counsel.

Membership:           \$200 one time initiation fee

Monthly fee:           \$0, no monthly fee

Cost/report:           \$3 for each single and \$6 for each joint report

Other fees:            \$0.11 regulatory recovery fee per report  
                              \$0.74 surcharge per person for individuals that live or have  
                              lived in Colorado.

**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.: 56 - 2010

OF

MARCH 8, 2010

A RESOLUTION AMENDING RESOLUTION NUMBER 185-2009,  
THE 2010 BUDGET OF THE CITY OF NEWBURGH  
REGARDING SALARIES OF THE MAYOR AND CITY COUNCIL

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 285-2009, the 2010 Budget of the City of Newburgh, regarding salaries of the Mayor and City Council, is hereby amended as follows, in accordance with Section 23 of the Municipal Home Rule Law:

TO RESTORE MAYOR & COUNCIL SALARY PLUS BENEFITS  
BUDGET ADJUSTMENT

			<u>INCREASE BUDGET</u>	<u>DECREASE BUDGET</u>
<u>A1010 CITY COUNCIL</u>				
4@ \$450	SALARY	A.1010.0101	\$1,800.00	
	RETIREMENT	A.1010.0810	234.00	
	SOC. SECURITY	A.1010.0830	138.00	
<u>A1210 MAYOR</u>				
1@\$450	SALARY	A1210.0101	450.00	
	RETIREMENT	A1210.0810	59.00	
	SOC. SECURITY	A1210.0830	35.00	
<u>A1900 SPECIAL ITEMS</u>				
	CONTINGENCY	A.1900.1990		\$2,716.00
	TOTAL ADJUSTMENT		\$2,716.00	\$2,716.00

Mayor Valentine asked if they do not want to take this then what is the process in which they can return it to the City of Newburgh?

Acting City Manager, Richard Herbek said that they can submit a separate check to the City.

Councilwoman Bell said that we asked everyone to take a 5% pay cut and we agreed that we would take that cut also. As it turns out, we can't make that change to our salaries because of the Charter so she will definitely be writing a check for \$450.00 to give back to the City of Newburgh. In good conscience she can't ask the employees to take 5% and then put that money in her pocket.

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

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

Nays - Mayor Valentine - 1

ADOPTED

**RESOLUTION NO.: 57 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO AN AGREEMENT WITH THE NEWBURGH SPCA  
TO CARE FOR DOGS IN THE CUSTODY OF THE  
CITY OF NEWBURGH**

**WHEREAS**, the City of Newburgh Animal Shelter was closed down on September 15, 2003; and

**WHEREAS**, as mandated by New York State law, the Animal Control Unit must have caregivers for the dogs taken into the custody of the City of Newburgh; and

**WHEREAS**, the Newburgh SPCA is willing to undertake such care in compliance with the Agricultural and Markets Law of the State of New York, pursuant to the attached Request for Proposals, Scope of Services, and Fee Schedule; and

**WHEREAS**, this Council has determined that entering into a contract with the Newburgh SPCA would be in the best interests of the City of Newburgh, its citizens and the animals alike;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with the Newburgh SPCA in form in general conformance with the attached Request for Proposals, Scope of Services, and Fee Schedule, and upon such other terms and conditions as shall be satisfactory to the Corporation Counsel, with the Newburgh SPCA to care for the dogs in the custody of the City of Newburgh.

**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.: 58 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO SEEK AUTHORITY FOR DEFICIT FINANCING AND  
TO HIRE BOND COUNSEL AND A FINANCIAL ADVISOR  
IN RELATION THERETO**

**WHEREAS**, it appears that the City of Newburgh will require the authority of the State of New York to finance a projected accumulated deficit and such other issues as may be approved by the Council;

**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 undertake the making of a request to the State of New York for authorization for the City to finance its projected accumulated deficit through the issuance of bonds, and to hire Bond Counsel and a Financial Advisor in connection with such proposed bond issue and to take such other action as may be necessary so as to obtain from the State of New York authorization for said Bond issue, provided that any actual issuance of bonds, notes or other obligations of the City or commitment to make such issue shall be subject to the future approval of this Council.

**Councilwoman Bell said that she still thinks these should be two separate resolutions but she knows that we have to get going with this.**

**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**

**OLD BUSINESS**

**RESOLUTION NO.: 41 - 2010**

**OF**

**MARCH 8, 2010**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT \$156,453.00 FROM THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT TO FUND THE SALARY AND BENEFITS OF TWO ENTRY-LEVEL POLICE OFFICERS TO BE HIRED TO BACKFILL POLICE DEPARTMENT PERSONNEL CURRENTLY SERVING IN THE CITY'S SECONDARY SCHOOLS AS COMMUNITY RESOURCE OFFICERS**

**WHEREAS**, the City of Newburgh and the Board of Education of the Newburgh Enlarged City School District have agreed to establish the position of Community Resource Officer ("CRO") to be filled by police officers from the City of Newburgh Police Department at two schools within the NESCD - Newburgh Free Academy and North Junior High n/k/a NFA Campus North; and

**WHEREAS**, the NESCD has offered to reimburse the City for these CROs at the rate of entry level police officers so as to continue to have the CROs in Newburgh Free Academy and North Junior High n/k/a NFA Campus North of the NECSD within the City of Newburgh; and

**WHEREAS**, such monies in the amount of \$156,453.00 are already a revenue in Police Fees, Line 1520; and

**WHEREAS**, this Council has determined that accepting such funds 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 accept funds from the NESCD in the amount of \$156,453.00 Dollars for the assignment of two City of Newburgh Police Officers as CROs in the NESCD.

**Councilman Dillard asked to table this resolution for two weeks for further research that needs to be done.**

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

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

**TABLED**

## PUBLIC COMMENTS

Timothy Hayzill, City of Newburgh said that after the storm Farrington, Lander, Chambers and Johnston Streets were not plowed and electrical wires were on the ground. As for the gangs, we have been talking about this for years and the City had their chance to deal with it before now but nobody listened or did anything.

Cesare Vacca, 132 William Street said that there is a log of drug dealing and shooting near his building. Someone tried to sabotage his Laundromat with nails. He also has a problem with his water bills with one being \$1900.00 and the second being \$2000.00 and he is going broke. He feels that it is unfair that the Water Department is charging him 100% because he can't stay in business this way. This is too much money and he would like to meet with the City Council to discuss these issues.

Aquanetta Wright, 197 N. Miller Street said that the letter she submitted and read stemmed from Councilman Dillard's inquiry as to her presenting her books to see if she was making money off of the events. She noted that she has acquired insurance which as been forward to City Hall.

A representative of Safe Harbors submitted and read the attached letter concerning handicapped parking spaces. (copy attached)

Mayor Valentine said that handicapped parking spaces are not designated because anyone with a handicapped plate or permit can use that handicapped parking space. Hopefully during an event those spaces would be freed up and he thinks that on the Broadway side there is a lot of space that could possibly be used for some handicapped parking spaces.

Pauline Dillard, 350 N. Water Street said that there was a factory at the corner of Liberty and Clinton Street that caught on fire years ago and there is a very high wall still standing there that is dangerous to children playing in that area. She would like to see it taken down before something happens and asked the City Manager to please follow up on that. She feels sorry for the gentleman that spoke earlier about his water bill and would like to know who is responsible.

Brian Flannery, 5 Norton Street said that he is not comfortable with the advice that the Corporation Counsel gave at the Work Session about abolishing the Newburgh Community Development Agency. What happened to the plan to meet with the representative from the Authorities Budget Office which was supposedly being set up? As far as he can see, there is not enough

information to make an informed decision so they should let the State guide them. This is the kind of legal and fiscal sloppiness that is causing us so much misery and if he were on the Council he would not rush into this.

Corporation Counsel, Bernis Nelson responded that she is not sloppy and she is not suggesting that it be abolished at this time. The problem is that there are many people here who have loans that were taken out through the Community Development Agency and there is no structure in place to deliver satisfactions. We have to come up with a strategy to do this as quickly as possible and the way to do that is to assign that duty to the City Council.

Denise Ribble, Montgomery Street said that there were three things discussed regarding the NCDA and the transfer of liabilities to them and she thinks that two of those three warrant consideration by the Council. There were eight individuals that had specific loans that needed to have some action taken immediately and then there was another group of people that she doesn't believe need immediate attention as it wasn't clear. The third was a transfer of properties but it was said that they were mostly waterfront properties. It seems to her that with all of the Audits going on and the things that are happening that it might be beneficial to take care of the immediate matters and hold off on some of the other issues until training and take an opportunity to look at what all of the options are. She submitted copies of documents that looks at processes that had to do with the waterfront in 2004; a resolution authorizing Mayor Nicholas Valentine, as Chairman of the NCDA, to execute a Land Purchase Agreement with BCM Land, LLC for the sale and development of property located on Water Street along with a letter from BCM, assessments of those properties and some of the concerns raised by citizens. She went back to 1986 and found an article in the newspaper about this exact same thing. She told John Platt that she is sad to see him go and that they should sell the water. (copy attached)

A resident on South Lander Street said that she is concerned with the problems with the youth and she would like to revisit the curfew. She feels that a curfew is badly needed here in the City since there are no funds to hire more police officers. The youth are destroying this City and she is asking for help to find out what the process is to put a curfew in place.

Lisa Piperato, City of Newburgh thanked George Garrison for cleaning up all of the trees on her street that came down in the storm and having their street passable by Saturday. In regard to the senior citizen tax exemption, the City is suffering financially but we also need to think about disabled people who need help. There are no tax exemptions for them and they may be more affected by financial constraints than the senior citizens. She asked the Council if at some point in time they could consider an exemption for the

disabled. Lastly, half of the houses for sale in her neighborhood are being rented and this is not the same thing as owning. With the schools in the neighborhood they need help and she agrees that a curfew is needed to put order back on the streets so they can feel safe in their homes.

Charlotte Mountain, Dubois Street said that she thinks DPW did a good job following the storm and acknowledged her neighbors on Dubois Street that did an equally good job. During the storm tree branches fell into the road and she watched her neighbors go out into the street to remove those branches so that ambulances could get through to the Hospital. She also saw one of her neighbors clear the snow away from the fire hydrants and she thinks that the people in Newburgh have a wonderful spirit to do the right thing for each other. In regard to the bond and trying to close this budget gap is going to be a huge undertaking. She has suggested in the past that someone who is an expert in efficiency and organization needs to go into each and every department in the City and take a look at our processes.

Michael Curry, 8 Grand Street said that during the storm the service by DPW was excellent. He said that he will be sad to see John Platt go. As for the bond, they could put out an RFQ and have responses within three days to a week so he suggested that the City do that. Regarding the CDA he submitted some documents to the Council one of which is the fiduciary responsibility which each and every board member must sign. The failure of a board member to sign the form will be considered violation of law and possible breach of fiduciary responsibility.

Michelle Basch, 87 Broad Street, Warehouse Restaurant agreed that DPW, Fire and Police all did a wonderful job during the storm. The two issues that everyone talks about is violence and finances and she thinks that if we fix the finances we can fix the violence also. Since Newburgh is a City why do we have laws that restrict businesses from opening up because of parking issues? If you can't find a parking space, you park and walk which is what we want. To stop development and businesses because we can't get parking just doesn't make sense to her.

Mary Ann Prokosch, City of Newburgh agrees with the curfew and said that she will miss John Platt also. She has always admired his professionalism and how that department has grown. During conversations about revenue he kept saying that we have all of this water to sell and she thinks that the City of Newburgh should go into the bottled water business. We have some of the best water in the area and she really thinks that we should think about this. She thanked DPW for cutting up all of the tree limbs and removing them from her street because she knows that's hard work. In regard to the deficit

financing, she said that she will be writing letters to the State asking them to put in a full control board.

Jane Johnston, City of Newburgh said in regard to the Community Development Agency that if you transfer waterfront property there is a stipulation in the Charter that says that a public vote must ratify that decision. This needs to be looked at very carefully. To abolish the NCDA she does not think is a bad idea but if you lose the NCDA you also lose the entity that issues debt and we will be limited to whatever the City issues. In regard to a lawsuit that is due to go to trial, there is a great deal of confusion as to whether the property that the injury supposedly happened on is NCDA property and she thinks that this should be looked into further.

Kippy Boyle, 400 Grand Street, on behalf of the Shade Tree Commission thanked DPW for all of their hard work with the disposal of tree limbs and the citizens for taking brush to DPW. Our city suffered enormous tree devastation during this storm and we don't know if the City or the County is applying for any kind of funding for this damage but if they are there is a storm assessment of tree damage. She spoke to the DEC Region 3 and it is a very involved process but they can do an evaluation of our trees which is why we did the tree inventory several years ago. There are limited funds that the Shade Tree has to replace any trees and everything has changed because of the storm so we will have to reassess where the priorities are. If we are applying for any federal funds for this please make sure that the trees have a monetary value too. Lastly, she noted that they have a dedicated phone number for the Shade Tree Commission and an e-mail address where they can be contacted.

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

## Section 163.2

A.(2) - Reinspection - Reinspection due to Failure or for any reason?

B.5. - Same as above

\* B.7. - Per Copy? - Should be per page  
25¢ a copy (section 163-9)

B.8. Street Report - What is it? (curious)

C.2 a/b - Check number of Days?  
Trailer on spot      expiration date

\* E. - How do you know when out in field which signs have permits and which do not?  
Enforcement - go hand in hand w/sign regulations.

✓ G. Dumpster Permit Conflicts w/ section 163-12 E. Dumpster permit fees

✓ K. Swimming pool permit - higher Fee w/ some type of Biennial Re-inspection esp. of Above ground pools.

M and N - Question as to if annual occupancy inspections are occurring esp in Commercial apartments.

## Section 163.3

F. use of fire hydrant - Charged for water used?

Section 163.5 -

A. 2 Sign/Plate - for license why not a sticker for them like plumbers.  
~~additionally addition~~

A. 3. \$5 per Copy or 25¢ per page  
(Standardize fee for Copies)

License Registration and renewal  
Should be same for Plumbers and electricians (regardless of class)

E. 2 - again who is checking time  
Peddlings or expiration dates

\* O - garage sale permits - who regulating?  
must take place on Sat. when no city personnel are around to check.

Section 163-6

F. (3) and (4) Conflict

Does Applicant to pay actual costs  
of publications and mailing of notices  
and Public Hearing fee is \$150 plus cost  
of Publication and transcription

Why is Public Hearing fee \$150<sup>00</sup>  
transcription should be a set fee  
\$3. per page (under fees section)

Section 163-8

<sup>Boats</sup>  
E - Rec. Vehicle over 40 ft should be  
more than \$100 under 40 ft length - 35<sup>00</sup>

launch boat/Jet Ski  
G - Should be more - \$20<sup>00</sup>

Delano Hitch -

use of all field should be  
same cost structure for all  
regardless of spot.

\* Section 163-10

A(1) - to make Alarm driver  
Systems regardless of Res or Comm  
a \$50<sup>00</sup> annual fee. From 25 one time  
permit. - Enforcement?

A(2) False alarms also fire Dept  
but listed under Police.

Section 163-11

B. Redemption of impounded dog  
plus costs. - under boarding.

C. 1/2 - <sup>Should</sup> State annual fee

E. <sup>under</sup> other Fees - should be the actual  
cost. to Spay/Neuter, & of shots.

Section 163-14 -

- add similar to Section 163-6. C.S.  
for COA.



111 Broadway  
Newburgh, NY 12550  
P. 845.562.6940  
www.safe-harbors.org

March 8, 2010

BOARD OF DIRECTORS

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*Founder & Executive Director*

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City of Newburgh Council Members  
83 Broadway  
Newburgh, NY 12550

Dear Mayor Valentine, City Manager and Council Members:

Safe Harbors of the Hudson, Inc. and The Ritz Theater-Newburgh Inc. respectfully request the City of Newburgh to take immediate action to designate handicapped parking spaces on Broadway. In particular, we are seeking to accommodate those individuals that are coming for concerts and special events at the Ritz Theater and would like to see two designated handicapped spaces in front of 107 Broadway (Ritz Theater).

Our organization strives to be sensitive to the needs of our tenants, patrons and visitors and in order to do so, need to improve the convenience and accessibility to everyone regardless of any disabilities. Currently without any handicapped parking designated on Broadway, the City of Newburgh is not in compliance with the parking regulations addressed in Part 36, Appendix A, Section 4.6 of the Americans with Disabilities Act (ADA) of 1990.

This is an important initiative for the City of Newburgh to take action on and one that Safe Harbors and The Ritz Theater fully support.

Thank you in advance for your response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'THWenz', is written over the typed name and title of the sender.

Tricia Haggerty Wenz  
Executive Director

## COMMENTS FROM THE COUNCIL

Councilwoman Angelo thanked everyone for coming and announced that there will be a Blood Drive held on March 24<sup>th</sup> at the Activity Center from 9:00 a.m. to 2:00 p.m. On March 25<sup>th</sup> the Citizens Advisory Committee will be meeting and presenting a Weatherization Program that many citizens should take advantage of and it is based on income. Tomorrow evening there will be a meeting at the Cantonment with the State Historic Sites Committee and we will discuss what will happen with Washington's Headquarters. We have to fight to keep this open because it affects the whole City of Newburgh. She thanked Richard Peterson for his artwork that was displayed in City Hall and hopefully we will have an exhibit by a photographer from Haiti. She added that she has a copy of the 1868 City Charter and while skimming through it came across the section about cleaning your sidewalks of snow and said that it is very interesting and available if anyone wishes to look at it.

Councilwoman Bell commended the DPW and other services for their work done and she feels that there was a super human effort put forward. She wonders if maybe the guys who worked so hard during this storm could be given a day with pay as a real thank you. She told Mr. Platt that it gets a little rough some times but we all have the best interests of Newburgh at heart and she is sorry that at such a crucial time he has decided to leave. She will miss his expertise and honesty. As for the Jazz Festival, she knows that Kippy Boyle promotes Art on the Hudson and others that work hard. What is it that keeps Newburgher's going? You would think that people would get discouraged like when she goes to Beacon on a Saturday and everything is alive and bustling and then she comes back to Newburgh and it is empty with vacant store lots. We talk about attracting business and anyone who has started a small business knows that the big issue in your first year is trying to balance the expenses and make the rent. Poughkeepsie has done programs to help people subsidize that first year to get the empty places filled. We have talked about running a shuttle around from the waterfront and making things as vibrant as it can be. Hopefully we can get a new Economic Development person with the determination to make some things change. She thanked everyone for coming tonight and noted that the Newburgh Artisans in tribute to Women's History Month is having a series of workshops on Saturdays. This Saturday will be with Consuela Hill and her daughter "Finding Your Voice" to help us find a way to vocalize and get things out. It will begin at 2:00 p.m. and it is a free service so she welcomed everyone to stop by.

Councilwoman Bello said that she fully supports the curfew. It works just fine on Halloween and we have nothing to lose at this point by trying it for a six month period. She thinks that it is a means to keep our children safe

and a tool for our police to make their jobs easier. Our police need to have every possible edge to fight the violent crime in our City. She thanked all of the departments that worked during the storm but most especially DPW because they lost the most employees during the Budget process. They did so much with a skeleton crew and she wanted them to know how much it is appreciated. She thanked John Platt for his service dedication to the City and told him that he is much too young to retire. She ended by thanking everyone for coming tonight.

Councilman Dillard asked if there are cameras in place throughout the City.

Police Chief, Eric Paolilli said that many are in place and they are waiting on grant funding for others.

Councilman Dillard said that in regard to the lot on Clinton and Liberty Street he received a complaint on February 16<sup>th</sup> concerning that lot and immediately contacted Steve Hunter to investigate. He would like to see a fence erected there because he is concerned about children being hurt. He thanked John Platt for his service and asked if there would be an exit interview to pass on information to his replacement.

Acting City Manager, Richard Herbek said that John has offered to continue to help beyond March 31<sup>st</sup> to make sure that the Water Department functions as well as it possibly can during the transition period.

Councilman Dillard thanked everyone for coming tonight and said to bring a friend next time.

Mayor Valentine commented that a large amount of trees came down during this last storm and he means no disrespect to the Shade Tree Commission or anyone else but he thinks that some of those trees are just too big. Our guys at DPW did a great job in trying to clean the streets up just so they could plow it. All of our emergency services were at the ready to meet with us all weekend long. A comment was made as to whether we can be reimbursed for some of our expenditures and there is a mechanism in place that we are working with the County on and will make sure that we are a part of. To John Platt he said that he knew how that Water Department was run before he came here. He put that department in such a professional state over these last few years that we can be proud of not only the water quality but of the sheer stature of the buildings and the professionalism of that department. He will be missed and you can't just replace someone like that. It is not magic. The department heads of this City take on a tremendous amount of responsibility and they do it each and every year now with a smaller staff than

the year before. They are still expected to do the work that we expect. We can't operate without the essential services and we have a responsibility to give our citizens the services that they deserve. It is going to be a big challenge in the upcoming months to provide that; to find the money and have the manpower to carry it out. He thanked John personally for all of his service and the times that he has helped and assisted this City.

There being no further business to come before the Council, the meeting adjourned at 9:35 p.m.

LORENE VITEK  
CITY CLERK