

EXECUTIVE SESSION

Councilwoman Bello moved and Councilwoman Angelo seconded that the council enter into executive session, preceding the commencement of the regular meeting, to discuss matters pertaining to employment, performance or qualification of a particular individual. The council unanimously agreed to enter into executive session at 6:30 PM.

Councilwoman Bello moved and Councilwoman Angelo seconded that the council exit out of executive session. The council unanimously agreed to exit out of executive session at 7:10 PM.

CITY COUNCIL MEETING

A regular meeting of the City Council of the City of Newburgh was held on Monday, June 14, 2010 at 7:10 P.M. in the Council Chambers, City Hall, 83 Broadway, Newburgh, NY 12550.

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

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

Councilwoman Angelo moved and Councilwoman Bello seconded that the minutes of the regular meeting of May 24, 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 and the Registrar of Vital Statistics Report for the month of May; and the Civil Service Administrator's Report for the month of May be received, filed and made available to the Press.

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

CARRIED

PROCLAMATION

Mayor Valentine proclaimed a *Summer of Prayer* in the City of Newburgh. The churches of Newburgh under the leadership of Christian Ministerial Fellowship are uniting to pray for our city this summer. Because we are proud to have more than 60 places of worship in our City, we are honored that our clergy and our citizens wish to join in a prayer for the violence, strife and discord among our youth in the city.

Councilwoman Bell pointed out the importance of inclusiveness of all the denominations of worship, including Judaism, Islam and Buddhism. We need every kind of prayer under the sun to occur in the city.

PRESENTATION

A Certificate of Recognition was presented to Ajoni Wheeler, an NFA honor student and member of the Air Force Junior ROTC. Ajoni is one of only 25 students in the nation to be selected to participate in the National Youth Leadership Forum. This program will expose her to the different jobs within the fields of law and crime scene investigation.

Miss Wheeler thanked the council for its recognition. At the completion of the program she will receive one college credit that will help support her in her dream of attending law school.

Mayor Valentine pointed out the need for financial assistance. If anyone either present tonight or watching the meeting on television would like to reach out to Ajoni before she attends the forum later in the year, they can contact her personally or send an email to one of the council members.

COMMUNICATIONS

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

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

CARRIED

City of Newburgh
Proclamation

“A Summer of Prayer in the City of Newburgh”

The City of Newburgh is facing many challenges, including increased crime, particularly among our youth; and

The Churches of Newburgh, with the leadership of the Christian Ministerial Fellowship are uniting to pray for our City this Summer of 2010; and

Because we are proud to have more than 60 places of worship in the City of Newburgh, we are honored that our clergy and our citizens wish to join in Prayer for an end to the violence, strife, and discord in this great City

Now, therefore, I, Mayor Nicholas J. Valentine do hereby proclaim

“A Summer of Prayer in the City of Newburgh,” and encourage

*Our residents to participate in it with the Christian Ministerial Fellowship,
From the beginning, June 27-July 3, 2010,
Through the coming weeks*

NICHOLAS J. VALENTINE, MAYOR
City of Newburgh, New York

**City of Newburgh
Certificate of Recognition**

Presented To:
Ajoni Wheeler

June 14, 2010

In recognition of your many outstanding achievements in
Newburgh Schools and in Air Force Junior ROTC; and

With congratulations and best wishes as you prepare to attend
The National Youth Leadership Forum on Law and CSI.

These many honors reflect
A dedication and commitment to excellence
That makes us proud.

Thank you for being a positive role model
For the youth of the City of Newburgh

Mayor Nicholas Valentine

Deputy Mayor Regina Angelo

Councilwoman Marge Bell

Councilwoman Christine Bello

Councilman Curlie Dillard

ANNOUNCEMENT

Mayor Valentine announced an upcoming open meeting. Scenic Hudson is collaborating with the city to help design a new riverfront park, located at the foot of South Street where the steps lead down to the river. The meeting is scheduled for Wednesday June 16, 2010 at the Newburgh Heritage Center, 123 Grand Street, Newburgh, at 7:00 PM.

UPDATE BY THE CITY ENGINEER

Craig Marti updated us on the Municipal Storm Water (MS4) Annual Report. In accordance with the federal Clean Water Act, the New York State Department of Environmental Conservation (DEC) has adopted a set of regulations requiring the municipalities to comply with financial standards which have been promulgated through the State Pollutant Discharge Elimination System (SPDES), the New York State program under which the Municipal Separate Storm Sewer System Report has to be filed annually. The report includes measures that have been taken to reduce and eliminate storm sewer discharges and pollution associated here. Marti announced that this year's report has been filed with the DEC and copies of the report are available for public review at the City Clerk's Office, the Newburgh Free Library and online on the city's website.

PROPOSED PUBLIC HEARING

RESOLUTION NO.: 125-2010

OF

JUNE 14, 2010

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 12, 2010 TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW ELECTING A 2010 RETIREMENT INCENTIVE FOR ELIGIBLE EMPLOYEES OF THE CITY OF NEWBURGH WITHIN THE CODE OF THE CITY OF NEWBURGH (PART A)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a local law “electing a 2010 retirement incentive for the eligible employees of the City of Newburgh” under Part A of Chapter 105 of the Laws of 2010 within the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 12th day of July, 2010, in the City Council Chambers, 3rd Floor, City Hall, 83 Broadway, Newburgh, New York.

Corporation Counsel commented that there are two proposals under this bill adopted by the State Legislature, Part A and Part B. Part A is a retirement incentive for eligible employees, which allots an extra one month for each year that a person has worked, up to a total of three additional years. The Part B incentive allows retirement at age 55 if you have 25 years in the retirement system. Normally a Tier 2, 3 and 4 employee would have to work until age 62 to be able to receive retirement benefits. Both options have up to a 90-day open period in which the city can elect this.

Councilwoman Bell asked if the City would have to bear the costs for these retirement incentives.

Comptroller Christine Mitchell responded in the affirmative. She suggested that the council have a good estimate of the financial impact before we move forward on this.

City Manager Richard Herbek commented that we struggled with the budget last year. This year we are looking at a \$6.5 million budget gap. We need to evaluate what its impact will be, in terms of shrinking the workforce. We need to look at all of the alternatives. This is one option. The other alternative is layoffs. Most likely there will be additional layoffs in the future. All we are doing tonight is scheduling the public hearings. He will try to provide as much information as he can, in terms of the costs incurred by the city, on or before the public hearings. There are 30 or so employees who could possibly take advantage of either option.

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

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

ADOPTED

PROPOSED PUBLIC HEARING

RESOLUTION NO.: 126-2010

OF

JUNE 14, 2010

**A RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 12, 2010
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW ELECTING
A 2010 RETIREMENT INCENTIVE FOR ELIGIBLE EMPLOYEES OF THE
CITY OF NEWBURGH WITHIN THE CODE OF THE CITY OF NEWBURGH
(PART B)**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a local law “electing a 2010 retirement incentive for the eligible employees of the City of Newburgh” under Part B of Chapter 105 of the Laws of 2010 within the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 12th day of July, 2010, in the City Council Chambers, 3rd Floor, 83 Broadway, Newburgh, New York.

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

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

ADOPTED

PUBLIC HEARING #1

Mayor Valentine called a public hearing to receive public comment concerning a local law adding Chapter 60, entitled "Local and First Source Hiring Ordinance" to the Code of the City of Newburgh.

Acting Director of Planning and Development Courtney Kain presented brief background information. She said that the city has collaborated with community organizations and residents in lengthy discussions about how they can create short-term workforce jobs and how it reaches its long range goals, and then implementing a policy that supports this. She stated the purpose of this- to promote a non-discrimination equal employment for construction contracts, land dispositions and development agreements. It will help to increase the number of skilled workers in an effort to counteract the great economic and social ills associated with the high unemployment that exists in the city. The establishment of a local and first source hiring ordinance is to encourage training, hiring and the retention of city residents. She also mentioned that there will be an advisory committee in place to ensure compliance with the local law. She is noting all of tonight's public comments regarding this and she and her staff will follow-up with an appropriate response accordingly.

Timothy Hayes-El, Community Voices Heard (CVH), remarked (SEE COMMENTS ATTACHED) that he is feeling really good about CVH's accomplishments and the negotiations that have been occurring. It is his desire that this be passed as soon as possible to help eradicate a lot of the nepotism that has occurred in city hiring practices. It is about time that we focus on something positive. Newburgh is one of the most impoverished communities in our State. This is going to help move the city residents forward in the workforce. He hopes that the council will agree with CVH's conclusion.

Susan Smith, Chambers St., urged us to go forward with this ordinance. She commented (SEE COMMENTS ATTACHED) that the sooner we move forward with this, the sooner we can create jobs and revenue for our city. The City is still on the critical list. If it is to survive, we must rebuild and restructure in order to give life back to our city and residents.

Yusef Belford, Newburgh, stated that we should look at this as Newburgh building Newburgh. There have been many corporations that have come into Newburgh and taken money back to other communities. Newburgh is now suffering because of it. CVA is looking at the big picture. The revenues that come in from the jobs that are placed here will help Newburgh thrive again. He reminded us that the community residents are some of the biggest

spenders in the community, especially at the corner stores and the larger department stores. This way we can all have jobs for the future and also for our children.

Maryann Prokosch, Galloway Avenue, asked how we are holding a public hearing tonight if changes are being proposed. Second, she has a company in Newburgh. The only prerequisite to get into the apprenticeship program is a high school diploma or GED. She has urged prospective laborers to go out to the labor unions and get into some of these programs. She has a difficult time making money, if she has to hire people without experience. She does not understand how this is going to work from a contractor's standpoint.

Madelyn Fletcher spoke on behalf of Pathstone, Inc., located in the City of Newburgh. Pathstone is a not-for-profit development company, and she supports this.

Bob Ambrosetti, City resident, spoke on behalf of the Hudson Valley Building Trades Council. The trade council has over 10,000 members. It has worked diligently with many community organizations, such as Community Voices Heard, to develop a "Local and First Source Hiring in Construction" ordinance. It is their goal to ensure that city construction work is done using local labor, including City of Newburgh residents and those who are economically disadvantaged. They want to ensure that workers receive livable and prevailing wages, proper training and guidance, and safe environments so that they can return home to their families unharmed. It is also the trade council's desire to include some of the city residents in their apprenticeship programs, and ultimately into their unions. Part of the goal is to create career opportunities in construction. The ordinance is good, but it needs to be tweaked. Let's include language to ensure that it works.

Elizabeth Soto, Coordinator, spoke on behalf of the Hudson Valley Area Labor Federation. Her organization represents over 115,000 people who belong to the union. She has been working very closely with Community Voices Heard to put forth an ordinance that is squeaky clean to ensure that local hiring occurs. People have to understand that we just can not put people out to work. They are working closely with CVH to put forth the funding necessary to put the program in place. She encourages everyone to look at the changes that are being proposed, which will seek out the hiring of local people who are not currently working.

Barbara Smith, Powell Avenue, remarked that this is something good for the community. She does not want us to get besides ourselves, as there is nothing worse than having the wool pulled over one's eyes. She wants this city to make sure it knows what it is getting itself into. She desired clarification of Section 60-2(d) of the ordinance in question. Though the ordinance consistently refers to it, there are more than just construction jobs in this world. Under these guidelines, why doesn't an RFP for property management fall under this ordinance? She defines the word 'Construction' as building, and not necessarily as clerical or White Collar work. Can we change the wording so that it does not exclude these other types of employment? Second, how do we ensure that the persons administering the program are held accountable with regard to getting people trained? She is only pulling this apart to help it run smoothly.

Rick Milton, Broadway, spoke in favor of utilizing local labor for projects. His concern is with the requirement that 50% of the labor force be city residents. He feels that 50% is too high a threshold. Part of the language is confusing, particularly when it comes to the job hours. Some of the work involved in these projects is specialized. There is asbestos in some of the older buildings and plumbing and electrical work is involved. According to the ordinance he would have to hire a large number of semi-trained people to offset the salaries of persons with specialized training. He feels that we may be setting the bar too high on this. He cautions us not to cripple contractors and developers with this benchmark.

Mayor Valentine interceded in that the ordinance only refers to construction jobs, not services. Property management of that RFP that is out right now is for services. That is not covered by this ordinance.

Mike Curry, Grand Street, remarked that he sees a lot of fault being placed with this ordinance. He has seen many things over the last few years that this [council] body has not followed through on. Like everything else, the people who have interest in this are going to have to watch it like a hawk to ensure that it is working properly. Drafted language is important. He has some concerns that could work to seriously limit the number of bids for projects the city receives if this becomes a mandate. This policy blankets state and federal contracts, which from his experience is very likely to wind the city up in court. He urged them to look at how they draft the language to keep the city out of trouble and out of the courtroom. Also he did not see any small business exemptions in the ordinance. Even EEOC and ADA contain exemptions. He did not see a professional services exemption nor did he see an exemption for commodities, such as paper and equipment. He reminded us that New York State is already a prevailing wage state for public contracts. The language

needs to be tighter. He is concerned that this policy gives the city the right to redact, when state law requires that we get these things already.

Janet Gianopoulos, Newburgh, is unsure why this document reiterates some laws, and excludes other laws. She feels that the reference to Article 23A of New York Correction Law is important, so that there is no misunderstanding of the rights of the prospective employer, particularly the right to review carefully whoever is applying for the job. Yet there is a lack of clarity about who actually does the oversight. She would assume it falls to the contractor. This requires a certain amount of financial risk. If language is modified, particularly in Section 60-5.1.2, we might be able to fly with this. An articulation is missing about who it refers to in Section 60-5.1.1(c) entitled "Apprenticeship Agreements". Is this the same percentages of persons employed in the work force as in the beginning portion of the legislation? She is essentially looking at it as a legal document without prejudice. Unless we do it as a PILOT program with clear articulation, this should be for projects for which we have state and/or federal funds to offset any contingencies regarding the proposed program. She is new to the area, so she is unsure about the data that drove these findings. Additionally she questions the relevance of references, such as absentee parents and unsupervised youth, in the proposed legislation.

Brigidanne Flynn, Norton Street, stated that this is a good step forward. But construction jobs are only going to last 6-12 months. What happens when the contract is over? Are the contractors going to take these workers with them to the next project? We need to look at sustainability in the job market. Training should be offered in other areas such as law, science and clerical. Let's look at other options that will cover all interests. Are there any laws like this drafted in other communities in this state? She asked how this type of ordinance is working out for them. We should have these statistics to back us up so that we don't have to reinvent the wheel.

Drew Kartiganer, New Windsor, remarked that this is very destructive for Newburgh. It will add another layer of complexity for Newburgh, and it will cause developers and contractors to look elsewhere. It is already expensive to do work here. He can appreciate the people who want to secure work. But he has not heard from any homeowners. This will ultimately impact taxpayers. The theory sounds great. But this level of government, no matter how good the Corporation Counsel appears, is not going to be able to come up with a law that makes sense. At this time of economic difficulty, the proposed law will undermine the efforts of this City. You need people to come in here and build this city up again.

Charlotte Mountain, Dubois Street, asked hypothetically if one project is finished within 3 months, then what prevents the next contractor from coming in and hiring the exact same 10 workers for another project? Is this ordinance going to get 10 people working or is it going to get a couple hundred persons working? She does not see this benefitting a huge number of people unless it can be guaranteed that the city is going to be undertaking a large number of projects at one time. She warned that this city does not do advisory committees very well. We need to know exactly what the guidelines are going to be, and in writing, before we put an advisory committee in place. Some of these conditions are already legislated under New York State law. For example, if someone has a complaint under Section 23A of NYS Correction Law, it goes to the Human Rights Commission. It does not go to the advisory committee. We can not create an advisory committee that is going to undermine state law. Can we ask some of the people that are hired from other communities to do our business, to apprentice city residents in their offices? Bringing jobs to our city and having persons do meaningful work would make better sense than having persons solely sweeping at a construction site 8 hours a day. In the end we are going to find many disheartened residents because they have gone through a lot of trouble to get this ordinance passed.

Brian Flannery, Norton Street, pointed out that Drew's comments are significant. He stated that he read the proposed ordinance and attended the informational session. The proposed hiring and training center has the potential to do some good for the community. He was particularly impressed with the concept of pre-apprenticeship training. It provides disadvantaged job-seekers with training before they enter apprenticeship programs. Some skills addressed are talking to others in a workplace environment, dress, attendance and tardiness. He suggests that we take a step back and focus more closely on the training center for now since the potential jobs hinge upon the successful training of individuals anyway. We can revisit the other parts of this at a later date. He suspects that we will see things very differently after firsthand experience with the center.

Gay Lee, Forsythe Place, remarked that from a homeowner's perspective she would rather her taxes go up in knowing that people are employed and are eating and are able to feed their families. She is more concerned with whether she is going to be hit over the head by a hungry person than with the taxes. When people from the outside come into our city and bring their own people with them, leaving the residents of the City of Newburgh unemployed, it is an unfair practice. Jobs are jobs, whether they last for 3, 6 or 8 months. We can not make the assumption that a person who is seasonally employed can not manage his money. A seasonal worker knows what his expenses are better than we do. As long as the person understands he is going to be employed from May through October, then it is up to him to budget his own money.

People who do not want to work in construction, very simply, will not apply for the job.

Michael Gabor, Grand Street, commented that he agrees with Brian Flannery about opening a training center. Skills are very important before people can be placed in jobs. There is already one organization that has taken money from the city to undertake an employment training program. What was the success rate of that program? CDBG funds could be better spent if we did something that would help immediately. He personally collaborated with Big Brothers Big Sisters. It was very invigorating for both him and the person from BBBS who was placed with him. Another program exists where the business actually matches the salary that the program offers. He is currently applying. It would do a lot of good for the community if we could get jobs here quickly. As far as these other restrictions about the construction ordinance, it is just too much for us to handle. Obviously this city can not handle accountability. And yet we are adding another layer of something that is going to have to be watched over.

Lisa Whiteside, Newburgh, asked if the ordinance mandates that larger businesses hire a certain percentage of city residents. She pointed out that this city houses a large hospital and two academic institutions. Is it possible to include them in the ordinance?

Mayor Valentine pointed out that the ordinance does not include these organizations.

A resident on Washington Street stated that he has heard a lot of comments on both sides of this ordinance. He stated it is a step. Let's face it, we need money here. When people who live in the downtown end of the city start working and spending money here, then we can command some of the larger businesses to come and open shop. Rite Aid is not going to come here because the people in the area do not have any money to spend right now. When people start working on this side of town, things will start to change, and we will see larger businesses opening up here. The ordinance is not the answer to everything. Everyone who has been involved in this is all ears about the possibilities. Of course we want it to evolve into trades other than construction. This is a start though. There is a lot of money in the construction arena. There is a lot of potential for federal and state funding also. Long term careers can be attained. You can not just throw it out because it does not fit into everybody's idea of perfection. Let's just start. It will put money into peoples' pockets, it will help get people off of welfare and dependency, and it will help improve every facet of life in Newburgh. Most importantly, it will improve things for the youth in our city.

Denise Ribble, Montgomery Street, remarked that all of tonight's comments are going to be noted. There are some areas of substantive change- both in what was presented by laborers and individuals. It needs to be worked on and brought back to the council with the changes and responses made to these comments. Most likely another public hearing will have to be held to review the proposed changes. She thanked the council and everyone who took the time to read it, comment on it and make suggestions.

There being no one else wishing to speak for or against this public hearing, this portion of the meeting was closed.

PUBLIC HEARING #2

Mayor Valentine called a public hearing to receive comment concerning a local law amending City Charter Section C9.03 entitled "Dumpster User Fees" and C9.33 entitled "User Fees to be Charged for Collections" of the Code of the City of Newburgh.

Corporation Counsel Bernis Nelson explained that there are four pieces of legislation, which are being proposed for adoption. This is going to move all of the fees out of the City Charter and out of extraneous ordinances, and put them all into one fee ordinance. This new ordinance has been reorganized in the order of each of the City Codes. Basically this is what the two local laws entail tonight. But in order to repeal it and replace it with an ordinance it is subject to a public hearing tonight.

Michael Gabor, Grand Street, commented that there is a dumpster situated right outside of City Hall. The Code requires that a dumpster must be enclosed. Private properties in the area have been compelled to follow the law. When they are closed it makes the area look much nicer. And here we have a classic example of the city saying, "Do as I say, but not as I do."

Mike Curry, Grand Street, remarked that he is glad that we are looking into dumpster fees. In his opinion, businesses that have city trash pick-up have been subsidized by the city, especially those that use dumpsters. He pointed out that food wastes for people who are home all day or businesses that are producing food is the heaviest to pick up. When it is picked up and packed onto the truck, we are charged accordingly by the ton to dispose of it. He suggests that we consider a sliding fee scale for those businesses that produce heavier waste. Also he would like us to ensure that dumpsters are in code compliant condition to prevent injury to city workers. Under City Code, the IDA is specifically exempt from the charge of fees. He wants to know that the exemption will continue.

There being no one else wishing to speak for or against this public hearing, this portion of the meeting was closed.

PUBLIC HEARING #3

Mayor Valentine called a public hearing to receive public comment concerning a local law rescinding Chapter 163 entitled "Fees".

There being no one wishing to speak for or against this public hearing, this portion of the meeting was closed.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Jane Johnston, Newburgh, desired to know the owner of 123 Lander Street. Is this the same NCAC property that was demolished? She asked if legal action will be brought to recoup the cost or is the city going to be paying for demolition fees?

Yaakov Sullivan, Overlook Place, pointed out that he is a homeowner in the Heights section of Newburgh. Many of his neighbors have concerns with the future of dilapidated buildings, particularly the Liberty Street School site. The four corners where the site is situated are pivotal. It gives access down the Liberty Street corridor to the downtown area. Renwick Street allows access to the waterfront and also up into the Heights. He goes past the school 7 days a week ever since he moved to Newburgh. He does not understand what is going on. Regarding Resolution No. 144-2010, who owns the property now, and to whom is the title being transferred? Also what has the city done in terms of supervising the work of Bluestone Developers? He has forwarded emails to everyone on the council, and he has followed up with written letters. Only one of his letters was responded to by Courtney Kain. This does not show good accountability on the part of his elected officials. This is a very important issue to the residents of Washington Heights. They would like some answers.

Michael Curry, Grand Street, wanted to know how Resolution No. 127-2010 affects the resolution that was passed at the last meeting. Pertaining to Resolution #128-2010, how similar a state is the city in to the state it was in 1993. He hopes that we can finish the waterfront park, which is the subject of Resolution No. 133-2010, faster than we completed the fishing pier. Next, in Resolution No. 142-2010, is this the same lot that is being used now? Or is this an extension agreement? With all of the MTA tax he is concerned that the MTA is only going to be paying for restaurant and bar traffic. Pertaining to the IDA agreement in Resolution No. 146-2010, he is putting a lot of faith in being able to move this forward. And 147-2010, there is a requirement that there be a public input group in which he is a member. The group was looking to make a couple of recommendations but had been told that the group's input was no longer needed. They noticed that one of the recommendations that the group was going to make was accomplished by the City already. The minimum meter fee was lowered. There are other recommendations that they would like to make, many of which would be low cost to the city.

Deborah Dresser, Newburgh, implored the council not to vote on Resolution No. 144-2010 tonight. She requests that a public hearing be scheduled for the people who are concerned about the Liberty Street School.

She reiterated that the area is a vital entranceway to the Heights, but it is also a historical site in the city. The building is in horrific shape. The bricks have not been re-mortared according to Code. There is a real concern with what is happening with this project. There are a lot of concerned residents who do not have confidence in turning this property over to the developer. It is understood, from the Acting City Manager, the council has to power to hold this from a vote tonight. That is what she is requesting at this time.

Brigidanne Flynn, Newburgh, pointed out that the council is considering a well-deserved extension to rehabilitate property under Resolution #130-2010. There has been good progress made on 72 Bay View Terrace. Why are we considering transferring title of the Liberty Street School to someone who has barely done anything with the property? We should give the school to Presentation Academy. It seems as though Bluestone Developers should have a lot more money as a developer to back a project than an individual would have. If we are going to do something for one type of developer, then we need to do it for every type of developer.

Charlotte Mountain, Dubois Street, stated there needs to be an emergency exemption for the local and first source hiring ordinance; similar to the one that exists in Resolution No. 132-2010. Since this is construction work, we need to put in what the exemptions are going to be for clarity on that particular ordinance. Also she understands that Chief Paolilli is going to be retiring. She thanked him for all of his service. Is there a time limit on the grant that is the subject of Resolution No. 135-2010? Or is this something that the incoming Chief should make a determination on?

Mayor Valentine clarified that this is not a brand new contracting project. This was something that was done in an emergency. Also he confirmed that the New York State Criminal Justice Department grant is time sensitive.

Michael Gabor, Grand Street, wanted to know what the difference is in the Memorandum of Understanding in Resolution No. 127-2010. Why are we faced with this issue again? Second, he asked who is on the financial advisory board. The city needs to find someone who is actually going to do something positive and who has not been part of the problem. Third, he notices that we are discussing local and first source hiring for construction, yet the city does not even have its own ordinance regarding hiring practices. Next, he wanted a detailed explanation of Resolution No. 143-2010. He does not know what is occurring with the Liberty Street School project. Someone obviously does not know what he is doing. It is not prudent to transfer this property to someone who has not proven himself. Last, he hopes that the termination agreement

with McGoey et al. Consulting Engineers includes the receipt of all city project files so that we have copies of them.

Karen Mejia, Montgomery Street, seeks consistency in terms of how rules and regulations are applied. She urges the council to think of the city's history of giving away property to private and not-for-profit developers. Once the deed is released and ownership of property is handed over, our track record of holding owners accountable for repairs and structural code enforcement is very dismal. Also we should have benchmarks on how Newburgh is progressing. This is not to punish developers, but it allows the city to partner up with them to be useful.

Maryann Prokosch, Galloway Ave, pointed out that the council should offer immediate explanations and responses to public comments. Also she wondered if the language in Resolution No. 142-2010 can be amended so that it only applies during commuting hours. Last, she acknowledges that the Charter states there is only one meeting per month during the summer. However, tonight there are (3) public hearings. There is a lot of work to be done and there are too many issues to be addressed in this city to have only one meeting during the summer months.

Timothy Hayes-El, Newburgh, commented that the developer was hiring young men from the community to do demolition work at \$8.00 per hour. The building was full of asbestos and OSHA had come in and closed the building down. They stood outside of the building and witnessed the asbestos floating around and shut down all operations. The Local and First Source Hiring Ordinance should be implemented so that it protects our youth from unsafe hiring practices. He feels that the developers knew of the asbestos and did nothing to protect the people from it.

Denise Ribble, Montgomery Street, commented that both 1 Liberty Street and the Johnes Street property came before the Waterfront Advisory Board, so she is aware of the history. It is very important to have a full bagging of the information. Some parts of the agreement have not been lived up by the city. And some parts have not been lived up by Dr. Blue. If the city transfers this deed with knowledge of an asbestos problem, then it could be held liable. Pertaining to Resolutions No. 141-2010 and 142-2010, she asked if alternative sites for the ferry service were looked at. Last, she supports agenda item #29 and item #47.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Mayor Valentine noted the agenda items for which the audience had questions. Most of the concerns pertained to explanations on the wording. He suggested that they wait until they get to the resolutions to explain them individually.

CITY MANAGER UPDATE

City Manager Richard Herbek briefed everyone on the tremendous activity that occurs in the police department. The city is going to continue to work with Senator Schumer's Office and the Department of Justice on grant opportunities to help fight crime. He mentioned the recent dedication of the courthouse mural. Tomorrow he is meeting with Pace University Center for Community Progress for a brainstorming session on Newburgh's vacant and distressed property remediation initiative. This has been an ongoing effort. He closed this portion of the meeting by thanking Chief Paolilli for his service to the City. Paolilli started in June 1987 and rose through the ranks to the position of Police Chief. Mr. Herbek wishes him well in his position as Director of Operations in the Orange County Medical Examiner's Office. Mr. Herbek noted that Deputy Chief Michael Ferrara will be the Acting Police Chief until someone is appointed to the position.

LOCAL LAW NO.: 5 - 2010

OF

JUNE 14, 2010

**A LOCAL LAW AMENDING ARTICLE VIII OF THE CITY CHARTER
ENTITLED “FINANCIAL PROCEDURES” SECTION C8.00, “ANNUAL
ASSESSMENT ROLLS” WITHIN THE CODE OF THE CITY OF NEWBURGH**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Article VIII of the City Charter entitled “Financial Procedures” Section C8.00, “Annual assessment rolls” within the Code of the City of Newburgh.

SECTION 2 - AMENDMENT

Article VIII, Section C8.00, “Annual assessment rolls” shall be amended to read as follows:

A. All real property subject to taxation shall be valued as of the preceding first day of ~~January~~ July. The taxable status date of real property in the city shall be determined annually as of the first day of March.

B. All real property shall be assessed in the city according to its condition and ownership as of such date. The annual assessment rolls of the city shall be completed by the City Assessor on or before the first day of May in each year and shall be filed immediately with the Assessor's office. The Assessor shall cause a notice to be published in the official newspaper of the City of Newburgh to the effect that the said annual assessment rolls have been completed, are on file in his office and are open for inspection by any interested person during office hours until a day specified in such notice, such day being not less than fifteen (15) calendar days after the publication of the said notice. During such inspection period, any taxpayer feeling himself aggrieved by the valuation placed on his property by the Assessor may file a written appeal from such assessments with the Assessor. At the close of the inspection period, the Assessor shall present the assessment rolls, together with all written appeals received by him as aforesaid, to the Chairperson of the Board of Review for transmission to the members of the Board of Review, said Board of Review created by appointment and confirmed by the Mayor and

City Council, Said Board of Review shall cause a notice to be published in all official newspapers designated in § 20-8 of the Code of Ordinances of the City of Newburgh to the effect that the assessment rolls are in the hands of the Board of Review and that the said Board of Review will meet in regular session on the ~~third~~ fourth Tuesday in May to consider such rolls and to hear objections thereto. The Board of Review shall, at said regular session on the ~~third~~ fourth Tuesday in May, consider such assessment rolls and all appeals that have been filed in writing with the Assessor or have been presented in person at said meeting. The Board of Review may amend or correct any item on the said rolls and may defer action from time to time, but not later than the first day of July. On or before the first day of July, the Board of Review shall confirm the said annual assessment rolls as prepared by the Assessor or as amended and corrected by the Board of Review. After confirmation by the Board of Review, the annual assessment rolls shall be returned to the Assessor who shall cause a note to be published in all official newspapers designated in § 20-8 of the Code of Ordinances of the City of Newburgh to the effect that the completed assessment rolls have been filed with him as required by law.

SECTION 3 - VALIDITY

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

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

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

ENACTED

| ~~Strikethrough~~ denotes deletions

Underlining denotes additions

LOCAL LAW NO.: 6 - 2010

OF

JUNE 14, 2010

A LOCAL LAW AMENDING ARTICLE VIII OF THE CITY CHARTER
ENTITLED "FINANCIAL PROCEDURES" SECTION C8.85, "WATER RENTS"
WITHIN THE CODE OF THE CITY OF NEWBURGH

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law amending Article VIII of the City Charter entitled "Financial Procedures" Section C8.85, "Water Rents" within the Code of the City of Newburgh.

SECTION 2 - AMENDMENT

Article VIII, Section C8.85, "Water Rents" shall be amended to read as follows:

B. After such roll of water rents has been completed, it shall be filed in the office of the City Clerk, ~~and the City Clerk shall deliver the same to the Council of the City of Newburgh at its next regular meeting for confirmation, and the Council shall then confirm the same and deliver the roll of water rents~~ and delivered to the Collector of Taxes ~~of said city with a warrant, under the Seal of the city annexed thereto, commanding him to~~ who shall collect from the several persons named in said roll of water rents the several sums mentioned in the last column of such roll opposite their respective names, together with the fees for collecting, ~~to be~~ fixed by ~~said~~ the Council of the City of Newburgh, and pay over the same to the Comptroller of said city. Said water rents so charged shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for city purposes of the City of Newburgh; the like notices shall be given by the Collector of Taxes of said city, like fees and penalties shall be fixed by the Council, and in all respects like proceedings shall be had by said Collector, as is or may be provided by law for the collection of taxes for city purposes. If said Collector shall be unable to collect any of such

water rents, he shall make return thereof, under oath, to the Council, and thereupon and thereafter the city shall have power to sue for and collect such rents, together with all fees, penalties and interest and the costs and disbursements of the action. Said water rents shall be liens upon the property in respect to which they are assessed and may be collected by a sale of such property in the manner hereinbefore provided for the collection by sale of taxes and assessments for city purposes.

SECTION 3 - VALIDITY

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

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Mr. Herbek explained that this is to simplify the process of filing water rents.

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

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

ENACTED

RESOLUTION NO.: 127-2010

OF

JUNE 14, 2010

**A RESOLUTION RESCINDING RESOLUTION NO.: 113-2010 OF
MAY 24, 2010 AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE LOCAL 589
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS**

WHEREAS, the City of Newburgh and the Local 589 International Association of Fire Fighters (hereafter “Local 589”), are parties to a collective bargaining agreement; and

WHEREAS, the City and Local 589 are desirous of improving Fire Department services for the benefit of the residents of the City; and

WHEREAS, the City Council of the City of Newburgh wishes to explore Fire Department based Emergency Medical Services and expanding Fire Department based Code Enforcement; and

WHEREAS, this Council, by Resolution No.: 113-2010 of May 24, 2010, approved a Memorandum of Understanding with the Local 589; and

WHEREAS, it has become necessary to rescind such resolution; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 113-2010 of May 24, 2010 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute on behalf of the City of Newburgh, the Memorandum of Understanding annexed hereto, or in substantially the same form.

Councilwoman Bello feels that funding this study using taxpayers' dollars seems to be completely inconsistent with the labor law. She wanted clarification from Corporation Counsel as to why the labor law does not apply.

Corporation Counsel Bernis Nelson pointed out that they went back and looked carefully at the current collective bargaining agreement. They realized that there is already language in it. Article VI entitled 'Productivity', specifically references an EMT training program, inspections and code enforcement. What is being done here is in furtherance of the existing collective bargaining agreement. She has been asked how this applies to the Taylor Law. She has read it herself. Our long term labor employment counsel has looked at it too. This is very much in furtherance of what the intent of the Taylor Law is. It is a collaborative effort between management and the union as they try to work together on these productivity concerns, which are already in an existing collective bargaining range. The amount of money involved in the study is very minimal. Both she and the outside labor counsel feel comfortable with this legislation.

Councilwoman Bell stated she understands that it is stated in the contract that this study can be performed. She has read the contract and there is nothing in there stating that the study is going to be funded by the City. If the cost is minimal, then why isn't the cost factor mentioned in the MOU.

Ms. Nelson remarked that she has been provided an estimated cost differential of \$3600 a year by payroll department. One of the reasons she did not want to state an actual cost is she did not want to have an extraneous standard in the agreement.

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

Ayes- Councilwoman Angelo, Councilwoman Bell, Councilman Dillard, Mayor Valentine-4

No- Councilwoman Bello-1

ADOPTED

MEMORANDUM OF UNDERSTANDING
REGARDING EMS STUDY UNIT

BETWEEN
LOCAL 589 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
AND
THE CITY OF NEWBURGH

WHEREAS, the CITY OF NEWBURGH (CITY) and LOCAL 589 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS ("LOCAL 589"), are desirous of entering into a memorandum of understanding ("MOU") between the parties to provide for the study of possible establishment of an emergency medical service with ambulance transport and for expanding code enforcement within the City of Newburgh Fire Department ("Fire Department") which will be staffed by members of Local 589.

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

1. Certain members of Local 589 IAFF identified below shall be temporarily assigned to assist the Fire Department in the preparations and submissions by the City of all necessary and required documents, applications, specifications and written procedures required by the State of New York and any regulatory agency for the possible establishment and startup of Emergency Medical Services ("EMS") (hereinafter referred to as the "EMS Study Unit") within the Fire Department on or about April 1, 2011.
 - a) Lieutenant William Horton shall lead the Fire Department EMS Study Unit. If necessary, a firefighter shall be assigned to assist Lieutenant Horton.
 - b) The EMS Study Unit shall be covered by the collective bargaining agreement between Local 589 and the City. Any persons performing work in the EMS Study Unit shall be covered under the collective bargaining agreement between the City and Local 589.
 - c) Lieutenant Horton, as leader of the EMS Study Unit, shall receive additional compensation equivalent to that of a Fire Captain for this work. A firefighter, if assigned to the EMS Study Unit, shall not receive any additional compensation. No persons shall lose overtime as a result of being assigned to the EMS Study Unit. No firefighter shall gain overtime as a result of Lieutenant Horton and the firefighter assigned to the EMS Study Unit, if any, performing work in such Unit.

2. The benefits provide in paragraph 1 of this MOU shall be in effect from the first day of the pay period immediately following execution of this MOU, up to and including September 1, 2010, at which time this MOU shall be cancelled unless Local 589 and the City enter into a) a new collective bargaining agreement or b) agree to extend the aforementioned end date.
3. The City and Local 589 agree that in order to operate a fire department based EMS, the staffing levels required for such possible service will be discussed.
4. The City and Local 589 agree to review current code enforcement services within the City with the intent of supplementing said services; increasing code enforcement inspections; and increasing code enforcement operations to seven days per week through the supplemental utilization of uniformed firefighters. This review shall also incorporate the rights of employees represented by other collective negotiation units.
5. The City and Local 589 agree that in order to operate a fire department based code enforcement program seven days per week, fire department staffing levels will be discussed.
6. The review period for the proposed services provided in paragraph 4 of this MOU shall be in effect from May 1, 2010, up to and including September 1, 2010, at which time this MOU shall be cancelled unless Local 589 and the City enter into a) a new collective bargaining agreement or b) agree to extend the aforementioned end date.
7. Nothing contained herein shall be construed as consent by Local 589 to open up the current collective bargaining agreement between Local 589 and the City. All of the terms, conditions and provisions in the current collective bargaining agreement between Local 589 and the City shall remain in full force and effect except as modified herein.
8. The parties agree and acknowledge that this MOU shall not establish any past practice or precedent for the City or Local 589 with respect to EMS Study Unit, EMS, EMT duties, and Code Enforcement duties as described in Article VI of the Collective Bargaining Agreement. In addition, this MOU shall not constitute a precedent for purposes of the parties' rights and obligations under the Taylor Law.

Dated: June , 2010
Newburgh, New York

AGREED TO:

CITY OF NEWBURGH

By: _____
RICHARD F. HERBEK, ACTING CITY MANAGER

LOCAL 589 INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS

By: _____
EDWARD DILLER, PRESIDENT

RESOLUTION NO.: 128 - 2010

OF

JUNE 14, 2010

RESOLUTION AMENDING RESOLUTION 178-2009 OF NOVEMBER 16, 2009
WHICH ESTABLISHED A FISCAL ADVISORY BOARD TO ENSURE
~~INTERNAL CONTROLS IN THE RECEIPT AND DISBURSAL OF PUBLIC~~
~~FUNDS~~
SOUND FISCAL MANAGEMENT IN THE CITY OF NEWBURGH

RESOLVED, by the City Council of the City of Newburgh in regular session on ~~November 16, 2009~~ June 14, 2010 as follows:

WHEREAS, the City Council of the City of Newburgh recognizes that the City has undergone substantial fiscal stress in fiscal years 2007, 2008 and 2009 and ~~anticipates~~ that such fiscal distress will continue through 2010 and thereafter given local, regional and national economic conditions; and

WHEREAS, the City Council of the City of Newburgh recognizes that the Office of Comptroller needs to adopt improved internal controls in the receipt and disbursement of public funds of the City, and the City needs to undertake other financial measures ~~and that such improved internal controls are required~~ to alleviate such fiscal stress and return the City to sound financial management; and

WHEREAS, the City Council of the City of Newburgh has authorized Bond Resolution No. 174-2009 of November 16, 2009 authorizing the issuance of \$5,559,000 aggregate principal amount serial bonds of the City of Newburgh, New York, pursuant to the local finance law to finance (1) the further additional costs of the construction, reconstruction and acquisition of buildings, including the acquisition of land or rights-in-land (\$3,213,000), and (2) the payment of a settled claim (\$2,346,000), for reimbursement to the general fund, including preliminary and incidental costs, interest during construction, and costs of issuance as may be required, in and for the city and Bond Resolution No. 175-2009 of November 16, 2009 authorizing the issuance of \$27,827,789 aggregate principal amount serial bonds of the city of Newburgh, New York, pursuant to the local finance law to finance (1) the construction of an aeration facility at the Waste Water Treatment Plant (\$3,060,000), (2) the construction, reconstruction and acquisition of roads, including at Rte 9W/Robinson Avenue (\$13,260,000), (3) the construction and acquisition of a filter process and related systems at

the Waste Water Treatment Plant (\$1,836,000), (4) a study in connection with removing sewer lines, including on marine drive around waterfront project development property (\$1,530,000), (5) the demotion and removal of buildings and soil testing in connection with Brownfield remediation (\$3,549,600), (6) a study of land use policy for future Brownfield site identification (\$294,215), (7) the reconstruction of streets, including front street to fishing and observation pier (\$416,160), (8) the construction, reconstruction and reconstruction of improvements to parks, including Tyrone Crabb Park (\$510,000), (9) the reconstruction of streets, including Liberty Street (\$2,861,814), and (10) the reconstruction of piers and bulkheading, including Newburgh Landing Dock, in and for the City (\$510,000).

NOW, THEREFORE, be it resolved by the City Council of the City of Newburgh as follows:

1. Notwithstanding anything to the contrary contained in the general laws of the State of New York or the Charter of the City of Newburgh, there is hereby established a Fiscal Advisory Board in the ~~Office of the Comptroller of the~~ City of Newburgh (the "Advisory Board").

2. The duration of the Advisory Board shall ~~be perpetual until terminated~~ terminate on December 31, 2010 unless extended by resolution of the City Council.

3. The members of the Advisory Board shall be a member of the Council of the City, the City Manager, the Comptroller, the Corporation Counsel and three residents of the City of Newburgh. The City Manager shall be the chair of the Advisory Board.

4. The Advisory Board shall meet at least once per month and shall undertake the following duties and responsibilities:

a) monitor the actions of the Comptroller and encourage the Comptroller to install systems and methods to improve internal controls in the receipt and disbursement of public funds of the City;

b) review and comment on monthly expenditure and revenue reports;

c) assist the City Council, City Manager, and Comptroller in evaluating the financial condition of the City, including review of monthly cash reports of the current standing of funds and cash projections; and

d) assist the City Council, City Manager, and Comptroller in such other related tasks as shall be requested by them.

~~Periodically, but not less than every 10 business days, the Advisory Board will review receipts of public funds and review disbursement of public funds proposed by the~~

~~Comptroller to insure that any disbursement is against a valid invoice or purchase order for goods or services ordered by and performed for a public purpose of the City.~~

~~5. The Advisory Board shall report its review of receipts and disbursement of public funds to the City Council periodically, but not less than every 30 calendar days. Such report may be in writing at the request of the City Council. The City Council may direct the Advisory Board to report its review of receipts and disbursement of public funds to the New York State Comptroller, bond counsel to the City, or financial advisor to the City.~~

5. The City Manager shall make monthly report to the City Council regarding the recommendations of the Advisory Board at its next preceding meeting.

6. The actions of the Advisory Board shall in no way diminish the powers and duties of the Comptroller under the general laws of the State of New York ~~or~~ and the Charter of the City. The actions of the Advisory Board shall in no way diminish the powers and duties of the City Manager under the general laws of the State of New York or the Charter of the City, including the power to hire and terminate a Comptroller for the City, and shall in no way diminish the powers and duties of the City Council.

7. The actions of the Advisory Board shall in no way incur any liability, directly or indirectly, against any member of the Advisory Board on account of any act of the Comptroller.

8. The City resident members of the Advisory Board shall be appointed by the City Council and the City Council member shall be appointed by the City Manager.

9. This resolution shall become effective immediately.

Mr. Herbek pointed out that the changes that were made were relatively minor. This is being done to clarify the scope of the fiscal advisory board. This resolution was first prepared during the budget process. Now they have several names of persons who are going to serve. The fiscal advisory board is going to proceed in action tomorrow. These changes are recommended by them and by city staff.

Councilwoman Bell asked if this is the same board that is going to be the civilian arm of the advisory board. And does this change the way the board was set up initially? She believes in the board but not in the scrapping that has been done in the resolution. She just wants to get some clarification.

Mr. Herbek responded in the negative. We may not end up with a control board, we may end up with something different. But even if we end up

with a control board the case can be made that we should still have a fiscal advisory board.

Christine Mitchell, City Comptroller, explained that the redacting of the resolution expands the role of the FAB to do more than just look at the references. This gives the board the opportunity to give its input and help put the city on the road to better financing. This is the end result of what they were doing originally. It does not diminish the council's authority in any way.

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.: 129 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF NEWBURGH AND J. DWIGHT HADLEY, CPA FOR
PROFESSIONAL CONSULTING SERVICES IN THE AREA
OF GOVERNMENTAL ADMINISTRATIVE AND FINANCIAL MANAGEMENT**

WHEREAS, this Council, by Resolution No.: 14-2010 of January 11, 2010, authorized the City Manager to enter into an agreement with J. Dwight Hadley, CPA for professional consulting services which expired on March 31, 2010; and

WHEREAS, this Council, by Resolution No.: 74-2010 of March 22, 2010, which authorized the City Manger to extend the agreement with J. Dwight Hadley, CPA for professional consulting services which will expire on June 30, 2010; and

WHEREAS, the City of Newburgh wishes to enter into an agreement to provide for an additional six (6) months of service; and

WHEREAS, the agreement is for providing assistance in the area of governmental administrative and financial management in the form of consulting services; and

WHEREAS, the rate for these services is \$70.00 per hour with a minimum of sixteen (16) hours per week; and

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

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the agreement with J. Dwight Hadley, CPA, in substantially the same form as annexed hereto with any other provision that Corporation Counsel may require, at a rate of \$70.00 per hour for consulting services in the area of governmental administrative and financial management.

Underlining denotes: additions

~~Strike through~~ denotes: deletions

Councilwoman Bell asked why this has been drawn out until the end of the year when the budget is normally required to be passed by November. We have an extremely competent Comptroller who is a Certified Public Accountant (CPA).

Mayor Valentine responded that they can not put a price tag on the work that Mr. Hadley is doing right now in the Comptroller's Office. It is invaluable. We can not afford to come back in the middle of November and say, "We need him for four more weeks until the end of the year." If the budget work is completed by November, then we simply don't use these monies.

The Comptroller reaffirmed that this is being done on an as-needed basis only. If his assistance is no longer needed, she will call him and tell him not to come to Newburgh. She stated she is the only accountant in the office right now. She is here nights and weekends. She needs support in the office.

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

AGREEMENT FOR VENDOR SERVICES

THIS AGREEMENT is entered into as of this _____ day of June 1, 2010, by and between the **CITY OF NEWBURGH**, a municipal corporation chartered under the authority of the State of New York, hereinafter referred to as the “**CITY**,” with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550; and **J. DWIGHT HADLEY, CPA**, an individual with an address of 14 Mountain Way, Clifton Park, New York 12065, hereinafter referred to as “**VENDOR**.”

ARTICLE 1. SCOPE OF WORK

VENDOR agrees to perform the SERVICES and/or supply the goods identified in Schedule A, (the “SERVICES”) which is attached to, and is part of this Agreement. VENDOR agrees to perform the SERVICES and/or supply the goods in accordance with the terms and conditions of this Agreement. It is specifically agreed that the CITY will not compensate VENDOR for any SERVICES and/or goods provided outside those specifically identified in Schedule A.

Any and all reports, documents, charts, graphs, maps, designs, images, photographs, computer programs and software, artwork, creative works, compositions, and the rights to employ, publish, disseminate, amend or otherwise use same, and/or any other intellectual property to be provided by VENDOR to CITY under the terms of this Agreement shall become the property of the CITY, unless otherwise provided for by the parties. As such, CITY, in its sole discretion, shall have the right to use, copy, disseminate and otherwise employ or dispose of such material in any manner as it may decide with no duty of compensation or liability therefore to VENDOR or to third parties. VENDOR shall have the affirmative obligation to notify CITY in a timely fashion of any and all limitations, restrictions or proprietary rights to such intellectual property and/or materials which may be applicable which would have the effect of restricting or limiting the exercise of the CITY's rights regarding same. VENDOR agrees to defend, indemnify and hold

harmless the CITY for failing to notify CITY of same.

ARTICLE 2. TERM OF AGREEMENT

VENDOR agrees to perform the SERVICES and/or supply goods beginning July 1, 2010, and ending on December 31, 2010 or upon termination as provided under ARTICLE 17 TERMINATION of this Agreement.

ARTICLE 3. COMPENSATION

For satisfactory performance of the SERVICES and/or receipt of conforming goods or, as such SERVICES or goods may be modified by mutual written agreement, the CITY agrees to compensate VENDOR in accordance with the fees and expenses as stated in Schedule B, which is attached to and is part of this Agreement. VENDOR SHALL submit to the CITY a monthly itemized invoice for SERVICES rendered during the prior month, or as otherwise set forth in Schedule B, and prepared in such form and supported by such documents as the CITY may reasonably require. The CITY will pay the proper amounts due VENDOR within fourteen (14) days after receipt of a CITY Claimant's Certification form, and if the Claimant's Certification form is objectionable, will notify VENDOR, in writing, of the CITY'S reasons for objecting to all or any portion of the invoice submitted by VENDOR.

ARTICLE 4. EXECUTORY CLAUSE

The CITY shall have no liability under this Agreement to VENDOR or to anyone else beyond funds appropriated and available for this Agreement.

ARTICLE 5. PROCUREMENT OF AGREEMENT

VENDOR represents and warrants that no person or selling agency has been employed or retained by VENDOR to solicit or secure this Agreement upon an agreement or upon an understanding for a commission, percentage, a brokerage fee, contingent fee or any other compensation. VENDOR further represents and warrants that no payment, gift or thing of value has been made, given or promised to obtain this or any other agreement between the parties. VENDOR makes such representations and warranties to induce the CITY to enter into this Agreement and the CITY relies upon such representations and warranties in the execution hereof.

For a breach or violation of such representations or warranties, the CITY shall have the right to annul this Agreement without liability, entitling the CITY to recover all monies paid hereunder and VENDOR shall not make claim or be entitled to recover, any sum or sums otherwise due under this Agreement. This remedy, if effected, shall not constitute the sole remedy afforded the CITY for such falsity or breach, nor shall it constitute a waiver of the CITY'S right to claim damages or otherwise refuse payment or to take any other action provided for by law or pursuant to this Agreement.

ARTICLE 6. CONFLICT OF INTEREST

VENDOR represents and warrants that neither it nor any of its directors, officers, members, partners or employees, have any interest nor shall they acquire any interest, directly or indirectly which would or may conflict in any manner or degree with the performance or rendering of the SERVICES herein provided. VENDOR further represents and warrants that in the

performance of this Agreement, no person having such interest or possible interest shall be employed by it and that no elected official or other officer or employee of the CITY, nor any person whose salary is payable, in whole or in part, by the CITY, or any corporation, partnership or association in which such official, officer or employee is directly or indirectly interested shall have any such interest, direct or indirect, in this Agreement or in the proceeds thereof, unless such person submits a letter disclosing such an interest, or the appearance or potential of same, to the City Manager and a copy to the Corporation Counsel of the CITY in advance of the negotiation and execution of this Agreement.

For failure to submit such letter of disclosure, or for a breach or violation of such representations or warranties, the CITY shall have the right to annul this Agreement without liability, entitling the CITY to recover all monies paid hereunder and VENDOR shall not make claim for, or be entitled to recover, any sum or sums otherwise due under this Agreement. This remedy, if elected, shall not constitute the sole remedy afforded the CITY for such falsity or breach, nor shall it constitute a waiver of the CITY'S right to claim damages or otherwise refuse payment to or to take any other action provided for by law, in equity or pursuant to this Agreement.

ARTICLE 7. INDEPENDENT CONTRACTOR

In performing the SERVICES and/or supplying goods and incurring expenses under this Agreement, VENDOR shall operate as, and have the status of, an independent contractor and shall not act as agent, or be an agent, of the CITY. As an independent contractor, VENDOR shall be solely responsible for determining the means and methods of performing the SERVICES and/or supplying of the goods and shall have complete charge and responsibility for VENDOR'S personnel engaged in the performance of the same.

In accordance with such status as independent contractor, **VENDOR** covenants and agrees that neither it nor its employees or agents will hold themselves out as, nor claim to be officers or employees of the CITY, or of any department, agency or unit thereof by reason hereof, and that they will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the CITY including, but not limited to, Worker's Compensation coverage, health coverage, Unemployment Insurance Benefits, Social Security coverage or employee retirement membership or credit.

ARTICLE 9. ASSIGNMENT AND SUBCONTRACTING

VENDOR shall not assign any of its rights, interest or obligations under this Agreement, or subcontract any of the SERVICES to be performed by it under this Agreement, without the prior express written consent of the City Manager of the CITY. Any such subcontract, assignment, transfer, conveyance, or other disposition without such prior consent shall be void and any SERVICES provided thereunder will not be compensated. Any subcontract or assignment properly consented to by the CITY shall be subject to all of the terms and conditions of this Agreement.

Failure of **VENDOR** to obtain any required consent to any assignment, shall be grounds for termination for cause, at the option of the CITY and if so terminated, the CITY shall thereupon be relieved and discharged from any further liability and obligation to **VENDOR**, its assignees or transferees, and all monies that may become due under this Agreement shall be forfeited to the CITY except so much thereof as may be necessary to pay **VENDOR'S** employees for past service.

The provisions of this clause shall not hinder, prevent, or affect any assignment by **VENDOR** for the benefit of its creditors made pursuant to the laws of the State of New York.

This agreement may be assigned by the CITY to any corporation, agency, municipality or instrumentality having authority to accept such assignment.

ARTICLE 10. BOOKS AND RECORDS

VENDOR 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.

ARTICLE 11. RETENTION OF RECORDS

VENDOR agrees to retain all books, records and other documents relevant to this Agreement for six (6) years after the final payment or termination of this Agreement, whichever later occurs. CITY, or any State and/or Federal auditors, and any other persons duly authorized by the CITY, shall have full access and the right to examine any of said materials during said period.

ARTICLE 12. AUDIT BY THE CITY AND OTHERS

All Claimant Certification forms or invoices presented for payment to be made hereunder, and the books, records and accounts upon which said Claimant's Certification forms or invoices are based are subject to audit by the CITY. **VENDOR** shall submit any and all documentation and justification in support of expenditures or fees under this Agreement as may be required by the CITY so that it may evaluate the reasonableness of the charges, and **VENDOR** shall make its records available to the CITY upon request. All books, Claimant's Certification forms, records, reports, cancelled checks and any and all similar material may be subject to periodic inspection, review and audit by the CITY, the State of New York, the federal government, and/or other persons duly authorized by the CITY. Such audits may include examination and review of the source

and application of all funds whether from the CITY, State, the federal government, private sources or otherwise. VENDOR shall not be entitled to any interim or final payment under this Agreement if any audit requirements and/or requests have not been satisfactorily met.

ARTICLE 13. INSURANCE

For all of the SERVICES set forth herein and as hereinafter amended, VENDOR shall maintain or cause to be maintained, in full force and effect during the term of this Agreement, at its expense, insurance as may be required by law. Such policies are to be in the broadest form available on usual commercial terms and shall be written by insurers of recognized financial standing satisfactory to the CITY who have been fully informed as to the nature of the SERVICES to be performed. Where applicable, the CITY shall be an additional insured on all such policies with the understanding that any obligations imposed upon the insured (including, without limitation, the liability to pay premiums) shall be the sole obligation of VENDOR and not those of the CITY. Notwithstanding anything to the contrary in this Agreement, VENDOR irrevocably waives all claims against the CITY for all losses, damages, claims or expenses resulting from risks commercially insurable under this insurance described in this Article 13. The provisions of insurance by VENDOR shall not in any way limit VENDOR'S liability under this Agreement.

To the extent it is commercially available, each policy of insurance shall be provided on an "occurrence" basis. If any insurance is not so commercially available on an "occurrence" basis, it shall be provided on a "claims made" basis, and all such "claims made" policies shall provide that:

A. Policy retroactive dates coincide with or precede VENDOR'S start of the performance of this Agreement (including subsequent policies purchased as renewals or replacements);

B. VENDOR will maintain similar insurance for at least six (6) years following final acceptance of the SERVICES;

C. If the insurance is terminated for any reason, VENDOR agrees to purchase an unlimited extended reporting provision to report claims arising from the SERVICES performed or goods provided for the CITY; and

D. Immediate notice shall be given to the CITY through the City Manager of circumstances or incidents that might give rise to future claims with respect to the SERVICES performed under this Agreement.

ARTICLE 14. INDEMNIFICATION

VENDOR agrees to defend, indemnify and hold harmless the CITY, including its officials, employees and agents, against all claims, losses, damages, liabilities, costs or expenses (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement), whether incurred as a result of a claim by a third party or any other person or entity, arising out of the SERVICES performed and/or goods supplied pursuant to this Agreement which the CITY or its officials, employees or agents, may suffer by reason of any negligence, fault, act or omission of VENDOR, its employees, representatives, subcontractors, assignees, or agents.

ARTICLE 15. PROTECTION OF CITY PROPERTY

VENDOR assumes the risk of and shall be responsible for, any loss or damage to CITY property, including property and equipment leased by the CITY, used in the performance of this Agreement and caused, either directly or indirectly by the acts, conduct, omissions or lack of good faith of VENDOR, its officers, directors, members, partners, employees, representatives or assignees, or any person, firm, company, agent or others engaged by VENDOR as an expert consultant specialist or subcontractor hereunder.

In the event that any such CITY property is lost or damaged, except for normal wear and tear, then the CITY shall have the right to withhold further payments hereunder for the purposes of set-off in sufficient sums to cover such loss or damage.

VENDOR agrees to defend, indemnify and hold the CITY harmless from any and all liability or claim for loss, cost, damage or expense (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement) due to any such loss or damage to any such CITY property described in this Article.

The rights and remedies of the CITY provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law or by this Agreement.

ARTICLE 16. CONFIDENTIAL INFORMATION

In the course of providing the SERVICES and/or goods hereunder, VENDOR may acquire knowledge or come into possession of confidential, sensitive or proprietary information belonging to CITY. VENDOR agrees that it will keep and maintain such information securely and confidentially, and not disclose such information to any third parties, including the media, nor use such information in any manner publically or privately, without receiving the prior approval, in writing, of the CITY authorizing such use. VENDORS obligations under this clause to maintain the confidentiality of such information and to refrain from using such information in any manner without the prior written approval of the CITY shall survive the termination or expiration of this Agreement.

ARTICLE 17. TERMINATION

The CITY may, by written notice to VENDOR effective thirty (30) days after mailing, terminate this Agreement in whole or in part at any time (i) for CITY'S convenience, (ii) upon the failure of VENDOR to comply with any of the terms or conditions of this agreement, or (iii) upon

the VENDOR becoming insolvent or bankrupt. The VENDOR may, by written notice to CITY effective thirty (30) days after mailing terminate this Agreement in whole or in part at any time (i) for VENDOR'S convenience, (ii) upon the failure of the CITY to comply with any terms and conditions of this Agreement, or (iii) upon the City becoming insolvent or bankrupt.

Upon termination of this Agreement, the VENDOR shall comply with any and all CITY closeout procedures, including, but not limited to:

A. Accounting for and refunding to the CITY within thirty (30) days, any unexpended funds which have been paid to VENDOR pursuant to this Agreement; and

B. Furnishing within thirty (30) days an inventory to the CITY of all equipment, appurtenances and property purchased by VENDOR through or provided under this Agreement, and carrying out any CITY directive concerning the disposition thereof.

In the event either party terminates this Agreement, as provided in this Article, the CITY may procure, upon such terms and in such manner as deemed appropriate, SERVICES similar to those so terminated,

Notwithstanding any other provision of this Agreement, VENDOR shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of VENDOR'S breach of the Agreement or failure to perform in accordance with applicable standards, and the CITY may withhold payments to VENDOR for the purposes of set-off until such time as the exact amount of damages due to the CITY from VENDOR is determined.

The rights and remedies of the CITY provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law or this Agreement.

ARTICLE 18. GENERAL RELEASE

The acceptance by VENDOR or its assignees of the final payment under this Agreement, whether by Claimant's Certification form, judgment of any court of competent jurisdiction, or administrative means shall constitute and operate as a general release to the CITY from any and all claims of VENDOR arising out of the performance of this Agreement.

ARTICLE 19. SET-OFF RIGHTS

The CITY shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but are not limited to, the CITY'S right to withhold for the purposes of set-off any monies otherwise due VENDOR (i) under this Agreement, (ii) under any other agreement or contract with the CITY, including any agreement or contract for a term commencing prior to or after the term of this Agreement, (iii) from the CITY by operation of law, the CITY also has the right to withhold any monies otherwise due under this Agreement for the purposes of set-off as to any amounts due and owing to the CITY for any reason whatsoever including, without limitation, tax delinquencies, fee delinquencies or monetary penalties or interest relative thereto.

ARTICLE 20. NO ARBITRATION

Any and all disputes involving this Agreement, including the breach or alleged breach thereof, may not be submitted to arbitration unless specifically agreed thereto in writing by the City Manger of the CITY, but must instead only be heard in the Supreme Court of the State of New York, with venue in Orange County or if appropriate, in the Federal District Court with venue in the Southern District of New York, White Plains division.

ARTICLE 21. GOVERNING LAW

This Agreement shall be governed by the laws of the State of New York. VENDOR shall render all SERVICES under this Agreement in accordance with applicable provisions of all federal, state and local laws, rules and

regulations as are in effect at the time such SERVICES are rendered.

ARTICLE 22. CURRENT OR FORMER CITY EMPLOYEES

VENDOR represents and warrants that it shall not retain the SERVICES of any CITY employee or former CITY employee in connection with this Agreement or any other agreement that said VENDOR has or may have with the CITY without the express written permission of the CITY. This limitation period covers the preceding three (3) years or longer if the CITY employee or former CITY employee has or may have an actual or perceived conflict of interests due to their position with the CITY.

For a breach or violation of such representations or warranties, the CITY shall have the right to annul this Agreement without liability, entitling the CITY to recover all monies paid hereunder and VENDOR shall not make claim for or be entitled to recover, any sum or sums otherwise due under this Agreement. This remedy, if effected, shall not constitute the sole remedy afforded the CITY for such falsity or breach, nor shall it constitute a waiver of the CITY'S right to claim damages or otherwise refuse payment or to take any other action provided for by law or pursuant to this Agreement.

ARTICLE 23. ENTIRE AGREEMENT

The rights and obligations of the parties and their respective agents, successors and assignees shall be subject to and governed by this Agreement, including Schedules A and B, which supersede any other understandings or writings between or among the parties.

ARTICLE 24. MODIFICATION

No changes, amendments or modifications of any of the terms and/or conditions of this Agreement shall be valid unless reduced to writing and signed by the party to be bound.

Changes in the scope of SERVICES in this Agreement shall not be binding, and no payment shall be due in connection therewith, unless prior to the performance of any such SERVICES, the City Manager of the CITY, after consultation with the Department Head and Corporation Counsel, executes an Addendum or Change Order to this Agreement, which Addendum or Change Order shall specifically set forth the scope of such extra or additional SERVICES and the amount of compensation and the extension of the time for performance, if any, for any such SERVICES. Unless otherwise specifically provided for therein, the provisions of this Agreement shall apply with full force and effect to the terms and conditions contained in such Addendum or Change Order.

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

THE CITY OF NEWBURGH

VENDOR

BY: _____
RICHARD F. HERBEK
ACTING CITY MANAGER

BY: _____
J. DWIGHT HADLEY
TITLE: CPA

DATE: _____

DATE: _____

APPROVED AS TO FORM:

BERNIS E. NELSON,
Corporation Counsel

CHRISTINE MITCHELL,
City Comptroller

SCHEDULE A

SCOPE OF SERVICES

“SCHEDULE A”

J. Dwight Hadley, CPA

SCOPE OF SERVICES (July – Dec 2010)

I shall be available a minimum of sixteen (16) hours per week and will provide the City professional consulting services focused on the following areas:

- Provide assistance to Finance Department staff in preparation of the financial records required for the independent audit of the City’s December 31, 2009 Annual Financial Statements.
- Provide coordination with independent auditors for their audit of the December 31, 2009 Annual Financial Statements including the drafting of narrative components.
- Provide assistance on identifying revenue enhancements and cost reductions that can be implemented during 2010 and 2011.
- Provide assistance of preparing operating and capital budgets for 2011.
- Provide input regarding legislative efforts to create Newburgh Fiscal Stability Authority (NFAS).
- Provide assistance in developing budget and financial documents necessary for meeting reporting requirements to NFSA, assuming legislation is adopted.
- Provide oversight, training and instruction to the Finance Department staff in recording financial transactions, establishing appropriate internal controls, and preparing timely budget and financial statements.
- Such other financial services mutually agreed to with the City Manager.

RESOLUTION NO.: 130- 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
GRANT A ONE YEAR EXTENSION OF TIME TO REHABILITATE
PREMISES OWNED BY PRESENTATION EDUCATIONAL FOUNDATION,
INC. KNOWN AS 72 BAY VIEW TERRACE (SECTION 48, BLOCK 7, LOT 2)
IN THE CITY OF NEWBURGH**

WHEREAS, the City of Newburgh did convey the premises located at 72 Bay View Terrace, more accurately described as Section 48, Block 7, Lot 2 on the official Tax Map of the City of Newburgh by deed dated December 18, 2006; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about June 18, 2008; and

WHEREAS, Presentation Educational Foundation, Inc., the owner of property located at 72 Bay View Terrace in the City of Newburgh has been unable to comply with the deadline, but has made substantial progress to rehabilitate 72 Bay View Terrace for use as the Nora Cronin Presentation Academy, a middle school for girls in grades 5 through 8 from low-income families in the City of Newburgh, which establishes a good faith effort and intent to complete the project; and

WHEREAS, by Resolution No.: 120-2008 of July 21, 2008, the Council of the City of Newburgh, New York authorized a one (1) year extension of time to rehabilitate said premises; and

WHEREAS, by Resolution No.: 95-2009 of June 15, 2009, the City Council of the City of Newburgh, New York authorized a one (1) year extension of time to rehabilitate said premises; and

WHEREAS, Presentation Educational Foundation, Inc, despite their diligent efforts to complete the rehabilitation of the premises, has been unable to comply with the deadline, and has made a good faith effort and intends to complete the rehabilitation, and has requested a further extension of time to complete said rehabilitation; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to grant said extension;

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 grant Presentation Educational Foundation, Inc. a one (1) year extension to rehabilitate the premises known as 72 Bay View Terrace in the City of Newburgh; and

BE IT FURTHER RESOLVED; that such rehabilitation must be completed on or before July 21, 2011, from the date previously authorized by Resolution No.: 95-2009 of June 15, 2009.

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.: 131 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL
ENVIRONMENTAL/ENGINEERING SERVICES IN CONNECTION
WITH THE REQUIRED SITE MANAGEMENT PLAN FOR THE
CONSOLIDATED IRON AND METAL SITE**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the preparation of the Site Management Plan for the Consolidated Iron and Metal Site, as required under the Consent Judgment with the Environmental Protection Agency (“EPA”); and

WHEREAS, bids have been duly received and opened; and

WHEREAS, upon such review of the submitted bids it has been determined that Stantec Consulting Services, Inc. and C.T. Male Associates, P.C. are the lowest responsible and qualified bidders based on their qualifications, experience, references and project history; and

WHEREAS, the cost for such project shall be in an amount not to exceed Eight Thousand Nine Hundred Eighty Five and 00/100 (\$8,985.00) Dollars; and

WHEREAS, funding for such project shall be derived from the Bond Anticipation Note which was authorized by Resolution No.: 179-2009 of November 16, 2009;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager, in consultation with the Environmental Protection Agency, be and he is hereby authorized to enter into an agreement with either Stantec Consulting Services, Inc. or C. T. Male Associates in an amount not to exceed \$7,400.00 and \$8,985.00, respectively, for professional environmental/engineering services in connection with the required Site Management Plan for the Consolidated Iron and Metal Site.

Mayor Valentine explained that (2) different bids had come in. Both were the lowest proposals the city received.

Craig Marti remarked that since there was a potential for an appearance of a conflict-of-interest they have asked the EPA for an opinion. The agency insists there is no conflict-of-interest because of the nature of the work to be performed. However, in the event that the EPA's counsel comes back to this concern about a conflict-of-interest, the city has put this in place to contract with the second lowest bidder. In this manner, the resolution covers either scenario in regards to the lowest proposal.

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.: 132 - 2010

OF

JUNE 14, 2010

**A RESOLUTION CERTIFYING EXPENSES INCURRED
IN CONNECTION WITH THE EMERGENCY DEMOLITION OF
123 LANDER STREET (SECTION 18, BLOCK 9, LOT 1)**

WHEREAS, the City of Newburgh has incurred expenses in connection with the emergency demolition of property located at 123 Lander Street known as Section 18, Block 9, Lot 1 on the tax assessment rolls of the City of Newburgh (“Premises”); and

WHEREAS, the owner of the premises, Newburgh Community Action Committee, Inc., was duly noticed and provided a hearing prior to demolition of the building; and

WHEREAS, Section 129-11 provides that “. . .upon the refusal or neglect of the owner to demolish the building, the Building Inspector may take down, remove or make safe or secure said buildings...;” and

WHEREAS, the City of Newburgh has expended \$ 40,255.23 for such demolition including related water turnoff costs; and

WHEREAS, Section 129-11 further provides that the Director of Finance certify such expenses to the City Council; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the expenses incurred in the amount of \$40,255.23, in connection with the emergency demolition of 123 Lander Street be and are hereby certified; the Comptroller is hereby directed to bill the owner for such expenses; and, in the event the owner does not reimburse such costs incurred by the City, the cost of same shall be placed on the 2011 City tax bill for the premises and shall be collected and enforced in the same manner as such 2011 City taxes.

Mayor Valentine pointed out that Newburgh Community Action Committee (NCAC) currently owns the building. Also he clarified that the resolution states that the Comptroller is directed to bill the owner for such expenses. In the event the owner does not reimburse the city for incurred expenses, they shall be rolled into the 2011 property tax bills.

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.: 133 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH WILLIAM B. HILDRETH
LAND SURVEYING, P.C. TO PERFORM PROFESSIONAL SURVEY
SERVICES
FOR THE DEVELOPMENT OF A WATERFRONT PARK FOR A
PARCEL OF REAL PROPERTY CONSISTING OF THAT PART OF SOUTH
STREET WHICH EXTENDS TO THE SHORE OF THE HUDSON RIVER**

WHEREAS, the City of Newburgh owns a parcel of real property consisting of that part of South Street which extends to the shore of the Hudson River; and

WHEREAS, the City of Newburgh is desirous to improve said parcel as a waterfront park; and

WHEREAS, Scenic Hudson, Inc. has agreed to provide professional landscape design services to complete preliminary design of the park improvements; and

WHEREAS, a property boundary, planimetric and topographic survey of the area is necessary in order to facilitate the preliminary design of the park improvements

WHEREAS, William B. Hildreth Land Surveying, P.C. has submitted a quote for said project for the total amount of \$5,560.00; and

WHEREAS, funding for such project shall be derived from the City Engineering Budget Line A.1440.0455 "Consulting Services"; and

WHEREAS, this Council has determined that entering into such agreement is in the best interests of the City of Newburgh and its residents;

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 an agreement, in substantially the same form annexed hereto and subject to approval of the Corporation Counsel with such other terms and conditions as Counsel may require, with William B. Hildreth Land Surveying, P.C. to perform professional survey services for the development of a waterfront park for a parcel of real property consisting of that part of South Street which extends to the shore of the Hudson River.

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.: 134-2010

OF

JUNE 14, 2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR THE PROVISION OF TELEPHONE MAINTENANCE SERVICE FOR FIRE DEPARTMENT ENGINE 3 AT A CHARGE OF \$1,997.44 FOR A TWO YEAR TERM

WHEREAS, Fire Department Engine 3 requires the provision of effective and cost-competitive telephone services; and

WHEREAS, Consolidate Technologies, Inc. can provide effective telephone maintenance services to meet the needs of Fire Department Engine 3 of the City of Newburgh at competitive prices so as to provide telephone service over the term of the contract; and

WHEREAS, this Council has reviewed the agreement and finds that the execution of such agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with Consolidated Technologies, Inc., in substantially the same form as annexed hereto and subject to such other terms and conditions as may be required by Counsel, to retain their services to provide a system of telephone services and satisfy the operational needs of Fire Department Engine 3 at a charge of \$1,997.44 for a two year term.

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.:135 - 2010

OF

JUNE 14, 2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE STATE OF NEW YORK DEPARTMENT OF CRIMINAL JUSTICE SERVICES WITH NO CITY MATCH FOR THE OPERATION IMPACT VII PROGRAM TO ENHANCE LAW ENFORCEMENT IN THE CITY OF NEWBURGH TO ACHIEVE SUSTAINED, LONG-TERM CRIME REDUCTION THROUGH CONTINUATION OF THE CRIME ANALYST POSITION, EXPANSION OF THE FIELD INTELLIGENCE OFFICER POSITION, FOCUSED ENFORCEMENT ON GANG CRIME PATTERNS AND RELATED STRATEGIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS AND TAKE SUCH ACTIONS REQUIRED TO CARRY OUT SUCH PROGRAM

WHEREAS, the City of Newburgh wishes to apply for and accept if awarded a Grant Award in an amount not to exceed \$950,050.30 under the Operation IMPACT VII Program; and

WHEREAS, Operation IMPACT VII is part of a comprehensive strategy to reduce crime in New York State by enhancing law enforcement by enabling local police agencies to better analyze crime patterns and data, expand the scope of the positions of Crime Analyst and Field Intelligence Officer, expand focused enforcement on Gang related activity and crime; and

WHEREAS, the Program will enhance enforcement and prosecution efforts against crime in the City of Newburgh and no City matching funds are required;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to apply for and accept, if awarded, such Grant award, from the New York State Department of Criminal Justice Services under the Operation IMPACT VII Program, in an amount not to exceed \$950,050.30 with no City match required, to be used to carry out the program and implement the purposes set forth herein; and to execute all such further contracts and documentation, and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

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.: 136 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE COUNTY OF ORANGE
CONFIRMING CITY OF NEWBURGH PARTICIPATION
IN THE STOP-DWI PROGRAM
FOR THE PERIOD OF MARCH 12, 2010 TO JUNE 1, 2010 PROVIDING
THE CITY WITH AN AMOUNT NOT TO EXCEED \$1,768.00**

WHEREAS, the County of Orange (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an agreement, to provide for the funding of the STOP-DWI Program within the City of Newburgh for the period of March 12, 2010 to June 1, 2010; and

WHEREAS, the County shall provide the City of Newburgh with an amount not to exceed One Thousand Seven Hundred Sixty Eight (\$1,768.00) Dollars for increased patrol and court time in connection with enhanced enforcement of laws prohibiting driving while intoxicated; and

WHEREAS, this Council has determined that entering into such agreement would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manger be and he is hereby authorized to execute an agreement with the County of Orange confirming the City's participation in the STOP-DW Program in order to fund the additional cost of stepped-up police patrols and related court appearances for the period of March 12, 2010 to June 1, 2010 for an amount not to exceed One Seven Hundred Sixty Eight (\$1,768.00) Dollars.

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.: 137 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT FOR VENDOR SERVICES WITH
KELLY KANE TO SERVE AS A TEMPORARY PART-TIME GRANTS
COORDINATOR
TO ASSIST THE CITY OF NEWBURGH POLICE DEPARTMENT
FOR THE PERIOD OF JULY 1, 2010 THROUGH DECEMBER 31, 2010
AT THE RATE OF \$25.00 PER HOUR NOT TO EXCEED 20 HOURS PER
WEEK**

WHEREAS, pursuant to Resolution No. 225-2006 of November 13, 2006, the City Manager was authorized to retain the services of Kelly Kane to serve as an administrator and coordinator of grants and grant-funded programs; and

WHEREAS, Kelly Kane can continue to provide the coordination and management skills, as set forth in the Scope of Services section of the annexed agreement, that will assist the City of Newburgh Police Department in organizing and managing its grant funding; and

WHEREAS, funding to retain such services for the period July 1, 2010 through December 31, 2010 shall now be secured through the Police Department Personnel Line which will be reimbursed through the Evidence Management System Legislative Grant Award Skartados Funds; and

WHEREAS, retention of such services requires the execution of an agreement in substantially the same form attached hereto; and

WHEREAS, continuing the retention of such service is deemed to be in the best interests of the City of Newburgh Police Department and of the City and its citizens generally;

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 Kelly Kane, in substantially the same form as annexed hereto to retain Ms. Kane's services as a part time grants coordinator to provide management assistance with respect to the Police Department's grant funding for the period of July 1, 2010 through December 31, 2010; Ms. Kane is to be paid at the rate of \$25.00 per hour for a work week not to exceed 20 hours per week.

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

AGREEMENT FOR VENDOR SERVICES

THIS AGREEMENT is entered into as of this _____ day of _____, 2010, by and between the **CITY OF NEWBURGH**, a municipal corporation chartered under the authority of the State of New York, hereinafter referred to as the “**CITY**,” with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550; and **KELLY KANE**, an individual consultant with principal offices at 297 Hudson Street, Cornwall on Hudson, New York 12550, hereinafter referred to as “**VENDOR**.”

ARTICLE 1. SCOPE OF WORK

VENDOR agrees to perform the SERVICES and/or supply the goods identified in Schedule A, (the “SERVICES”) which is attached to, and is part of this Agreement. VENDOR agrees to perform the SERVICES and/or supply the goods in accordance with the terms and conditions of this Agreement. It is specifically agreed that the CITY will not compensate VENDOR for any SERVICES and/or goods provided outside those specifically identified in Schedule A, without prior authorization, evidenced only by a written Change Order or Addendum to this Agreement executed by the City Manager of the CITY after consultation with the City Department Head responsible for the oversight of this Agreement (hereinafter “Department Head”).

Any and all reports, documents, charts, graphs, maps, designs, images, photographs, computer programs and software, artwork, creative works, compositions, and the rights to employ, publish, disseminate, amend or otherwise use same, and/or any other intellectual property to be provided by VENDOR to CITY under the terms of this Agreement shall become the property of the CITY, unless otherwise provided for by the parties. As such, CITY, in its sole discretion, shall have the right to use, copy, disseminate and otherwise employ or dispose of such material in any manner as it may decide with no duty of compensation or liability

therefore to VENDOR or to third parties. VENDOR shall have the affirmative obligation to notify CITY in a timely fashion of any and all limitations, restrictions or proprietary rights to such intellectual property and/or materials which may be applicable which would have the effect of restricting or limiting the exercise of the CITY's rights regarding same. VENDOR agrees to defend, indemnify and hold harmless the CITY for failing to notify CITY of same.

ARTICLE 2. TERM OF AGREEMENT

VENDOR agrees to perform the SERVICES and/or supply goods beginning July 1, 2010 and ending on December 31, 2010, unless extension expressly authorized by the City Council.

VENDOR shall perform twenty (20) hours of service per week hereunder, unless additional hours are expressly authorized by the Chief of Police.

ARTICLE 3. COMPENSATION

For satisfactory performance of the SERVICES and/or receipt of conforming goods or, as such SERVICES or goods may be modified by mutual written agreement, the CITY agrees to compensate VENDOR in the amount of twenty-five (\$25.00) and NO/Dollars per hour worked not to exceed

20 hours per week. VENDOR SHALL submit to the Chief of Police a weekly invoice for SERVICES rendered during the prior week, or as otherwise required by the Chief of Police and prepared in such form and supported by such documents as the CITY may reasonably require. The CITY will pay the proper amounts due VENDOR within sixty (60) days after receipt of a CITY Claimant's Certification form, and if the Claimant's Certification form is objectionable, will notify VENDOR, in writing, of the CITY'S reasons for objecting to all or any portion of the invoice submitted by VENDOR.

ARTICLE 4. EXECUTORY CLAUSE

The CITY shall have no liability under this Agreement to VENDOR or to anyone else beyond funds appropriated and available for this Agreement.

ARTICLE 5. PROCUREMENT OF AGREEMENT

VENDOR represents and warrants that no person or selling agency has been employed or retained by VENDOR to solicit or secure this Agreement upon an agreement or upon an understanding for a commission, percentage, a brokerage fee, contingent fee or any other compensation. VENDOR further represents and warrants that no payment, gift or thing of value has been made, given or promised to obtain this or any other agreement between the parties. VENDOR makes such representations and warranties to induce the CITY to enter into this Agreement and the CITY relies upon such representations and warranties in the execution hereof.

ARTICLE 6. CONFLICT OF INTEREST

VENDOR represents and warrants that neither it nor any of its directors, officers, members, partners or employees, have any interest nor shall they acquire any interest, directly or indirectly which would or may conflict in any manner or degree with the performance or rendering of the SERVICES herein provided. VENDOR further represents and warrants that in the performance of this Agreement, no person

having such interest or possible interest shall be employed by it and that no elected official or other officer or employee of the CITY, nor any person whose salary is payable, in whole or in part, by the CITY, or any corporation, partnership or association in which such official, officer or employee is directly or indirectly interested shall have any such interest, direct or indirect, in this Agreement or in the proceeds thereof, unless such person submits a letter disclosing such an interest, or the appearance or potential of same, to the City Manager and a copy to the Corporation Counsel of the CITY in advance of the negotiation and execution of this Agreement.

ARTICLE 7. INDEPENDENT CONTRACTOR

In performing the SERVICES and/or supplying goods and incurring expenses under this Agreement, VENDOR shall operate as, and have the status of, an independent contractor and shall not act as agent, or be an agent, of the CITY. As an independent contractor, VENDOR shall be solely responsible for determining the means and methods of performing the SERVICES and/or supplying of the goods and shall have complete charge and responsibility for VENDOR'S personnel engaged in the performance of the same.

In accordance with such status as independent contractor, VENDOR covenants and agrees that neither it nor its employees or agents will hold themselves out as, nor claim to be officers or employees of the CITY, or of any department, agency or unit thereof by reason hereof, and that they will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the CITY including, but not limited to, Worker's Compensation coverage, health coverage, Unemployment Insurance Benefits, Social Security coverage or employee retirement membership or credit.

ARTICLE 8. ASSIGNMENT AND SUBCONTRACTING

VENDOR shall not assign any of its rights, interest or obligations under this Agreement,

or subcontract any of the SERVICES to be performed by it under this Agreement, without the prior express written consent of the City Manager of the CITY. Any such subcontract, assignment, transfer, conveyance, or other disposition without such prior consent shall be void and any SERVICES provided thereunder will not be compensated. Any subcontract or assignment properly consented to by the CITY shall be subject to all of the terms and conditions of this Agreement.

ARTICLE 9. BOOKS AND RECORDS

VENDOR agrees to maintain and retain 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.

ARTICLE 10. AUDIT BY THE CITY AND OTHERS

All Claimant Certification forms or invoices presented for payment to be made hereunder, and the books, records and accounts upon which said Claimant's Certification forms or invoices are based are subject to audit by the CITY. VENDOR shall submit any and all documentation and justification in support of expenditures or fees under this Agreement as may be required by the CITY so that it may evaluate the reasonableness of the charges, and VENDOR shall make its records available to the CITY upon request.

ARTICLE 11. INSURANCE AND INDEMNIFICATION

VENDOR shall be responsible for securing such insurance coverage for itself as VENDOR shall deem necessary and appropriate. CITY shall be in no way responsible for insuring VENDOR against any losses, damages or claims by third parties arising out of VENDOR's performance of services under this Agreement.

VENDOR agrees to defend, indemnify and hold harmless the CITY, including its officials, employees and agents, against all

claims, losses, damages, liabilities, costs or expenses (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement), whether incurred as a result of a claim by a third party or any other person or entity, arising out of the SERVICES performed and/or goods supplied pursuant to this Agreement which the CITY or its officials, employees or agents, may suffer by reason of any negligence, fault, act or omission of VENDOR, its employees, representatives, subcontractors, assignees, or agents.

ARTICLE 12. PROTECTION OF CITY PROPERTY

VENDOR assumes the risk of and shall be responsible for, any loss or damage to CITY property, including property and equipment leased by the CITY, used in the performance of this Agreement and caused, either directly or indirectly by the acts, conduct, omissions or lack of good faith of VENDOR, its officers, directors, members, partners, employees, representatives or assignees, or any person, firm, company, agent or others engaged by VENDOR as an expert consultant specialist or subcontractor hereunder.

ARTICLE 13. CONFIDENTIAL INFORMATION

In the course of providing the SERVICES and/or goods hereunder, VENDOR may acquire knowledge or come into possession of confidential, sensitive or proprietary information belonging to CITY. VENDOR agrees that it will keep and maintain such information securely and confidentially, and not disclose such information to any third parties, including the media, nor use such information in any manner publicly or privately, without receiving the prior approval, in writing, of the CITY authorizing such use. VENDOR's obligations under this clause to maintain the confidentiality of such information and to refrain from using such information in any manner without the prior written approval of the CITY shall survive the termination or expiration of this Agreement.

ARTICLE 14. TERMINATION

Either party may, by written notice to the other effective upon mailing, terminate this Agreement in whole or in part at any time (i) for convenience, (ii) upon the failure of the other party to comply with any of the terms or conditions of this agreement, or (iii) upon the VENDOR becoming insolvent or bankrupt.

Upon termination of this Agreement, the VENDOR shall comply with any and all CITY closeout procedures.

ARTICLE 15. GENERAL RELEASE

The acceptance by VENDOR or its assignees of the final payment under this Agreement, whether by Claimant's Certification form, judgment of any court of competent jurisdiction, or administrative means shall constitute and operate as a general release to the CITY from any and all claims of VENDOR arising out of the performance of this Agreement.

ARTICLE 16. GOVERNING LAW

This Agreement shall be governed by the laws of the State of New York. VENDOR shall render all SERVICES under this Agreement in accordance with applicable provisions of all federal, state and local laws, rules and regulations as are in effect at the time such SERVICES are rendered.

ARTICLE 17. CURRENT OR FORMER CITY EMPLOYEES

VENDOR represents and warrants that it shall not retain the SERVICES of any CITY employee or former CITY employee in connection with this Agreement or any other agreement that said VENDOR has or may have with the CITY without the express written permission of the CITY. This limitation period covers the preceding three (3) years or longer if the CITY employee or former CITY employee has or may have an actual or perceived conflict of interests due to their position with the CITY.

ARTICLE 18. ENTIRE AGREEMENT

The rights and obligations of the parties and their respective agents, successors and

assignees shall be subject to and governed by this Agreement, including Schedules A and B, which supersede any other understandings or writings between or among the parties.

ARTICLE 19. MODIFICATION

No changes, amendments or modifications of any of the terms and/or conditions of this Agreement shall be valid unless reduced to writing and signed by the party to be bound. Changes in the scope of SERVICES in this Agreement shall not be binding, and no payment shall be due in connection therewith, unless prior to the performance of any such SERVICES, the City Manager of the CITY, after consultation with the Department Head and Corporation Counsel, executes an Addendum or Change Order to this Agreement, which Addendum or Change Order shall specifically set forth the scope of such extra or additional SERVICES and the amount of compensation and the extension of the time for performance, if any, for any such SERVICES. Unless otherwise specifically provided for therein, the provisions of this Agreement shall apply with full force and effect to the terms and conditions contained in such Addendum or Change Order.

{THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK}

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

THE CITY OF NEWBURGH

VENDOR

BY: _____
RICHARD F. HERBEK
ACTING CITY MANAGER

BY: _____
KELLY KANE

DATE: _____

DATE: _____

APPROVED AS TO FORM:

BERNIS E. NELSON
CORPORATION COUNSEL

CHRISTINE MITCHELL
COMPTROLLER

SCHEDULE A

SCOPE OF SERVICES

1. The Vendor shall coordinate and manage all grant funding received through the City of Newburgh Police Department.
2. The Vendor shall act as liaison between the City of Newburgh Police Department and the City of Newburgh Office of the Comptroller for all financial matters concerning grant funding.
3. The Vendor shall review all new grant applications for accuracy and confer with the Chief of Police to ensure that he is aware of the exact terms and conditions of the application.
4. The Vendor shall forward all grant applications to the City Manager's Office, Corporation Counsel and Comptroller.
5. The Vendor shall ensure that a resolution is drawn up by the Corporation Counsel to be forwarded to the City Council for approval.
6. The Vendor shall ensure that contracts are executed by all parties under all grants awarded to the Police Department.
7. The Vendor shall voucher the New York State or Federal government for reimbursement of monies paid out by the City of Newburgh.
8. The Vendor shall ensure that all quarterly, semi-annual and annual progress reports are completed by the property grant administrator within the Police Department.
9. The Vendor shall meet with each grant administrator bi-weekly to update them on the financial status of each grant.
10. The Vendor shall seek further grant funding and assist in writing new grants as time permits.

RESOLUTION NO.: 138 - 2010

OF

JUNE 14, 2010

**A RESOLUTION ACCEPTING THE DONATION OF A
BLACK AND TAN BLOODHOUND DOG FROM
BLOODHOUNDSRUS FOR THE CITY OF NEWBURGH
POLICE DEPARTMENT K-9 UNIT**

WHEREAS, Bloodhoundsrus has offered the City of Newburgh a fully trained Black and Tan Bloodhound Dog suitable for employment in the K-9 Unit of the City of Newburgh Police Department; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to accept such dog;

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 the donation of a bloodhound dog suitable for employment in the K-9 Unit of the City of Newburgh Police Department; and

BE IT FURTHER RESOLVED, that the City Manager is hereby further authorized to execute all necessary paperwork in connection with the acceptance of said donation as may be requested by the donor Bloodhoundsrus; and

BE IT FURTHER RESOLVED, that We, the City Council of the City of Newburgh do hereby express on behalf of ourselves and of the citizens of the City of Newburgh our sincere appreciation and thanks for this thoughtful donation; and we direct the City Clerk to forward a certified copy of this Resolution to Bloodhoundsrus as an expression of our gratitude.

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

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

ADOPTED

RESOLUTION NO.: 139-2010

OF

JUNE 14, 2010

**RESOLUTION ESTABLISHING A STANDARD WORK DAY FOR ELECTED
AND APPOINTED OFFICIALS WHICH WILL BE REPORTED TO THE NEW
YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED, that the City of Newburgh hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked on the attached Schedule A to the New York State Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

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

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

ADOPTED

LOCAL LAW NO.: 7 - 2010

OF

JUNE 14 2010

**A LOCAL LAW AMENDING CITY CHARTER SECTIONS C9.03 ENTITLED
“DUMPSTER USER FEES” AND C9.33 ENTITLED “USER FEES TO BE
CHARGED FOR COLLECTION” OF THE CODE OF THE CITY OF NEWBURGH**

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

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending User Fees to be Charged for Sanitation Collection as Set Forth in City Charter Sections C9.03 entitled “Dumpster User Fees” and C9.33 entitled ‘User Fees to be Charged for Collection’ of the Code of the City of Newburgh”.

SECTION 2 - PURPOSE AND INTENT

The City Council finds that it is necessary to have a consolidated schedule of fees and to bill refuse collection fees at the beginning of the collection calendar quarter to promote proper governmental administration. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend City Charter Sections C9.03 and C9.33 to provide that the fees for the collection and disposal of garbage, trash, refuse and recyclables be removed from the City Charter and be relocated in Chapter 163, entitled “Fees”, and that the billing schedule be amended for these purposes. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

SECTION 3 - AMENDMENTS

Subsections A and D of City Charter Section C9.03 entitled “Dumpster User Fees” of the Code of the City of Newburgh are hereby amended to read as follows:

§ C9.03. Dumpster User Fees

A. The owners of all properties where dumpsters are serviced by the city, within

the City of Newburgh, shall be charged for the removal of wastes generated by such properties at a rate [of one hundred twenty dollars (\$120.) per month per dumpster for waste generated at said property] as set forth in Chapter 163, "Fees" of this Code. A dumpster is defined as having a volume not exceeding two (2) cubic yards. Dumpsters exceeding two (2) cubic yards will not be serviced by the city.

- D. The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services [offered to commercial properties] together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund [the] collection operations [related to commercial properties], all under the Sanitation Fund.

Subsections D and E of City Charter Section C9.33 entitled "User fees to be charged for collection" of the Code of the City of Newburgh are hereby amended to read as follows:

§ C9.33. User fees to be charged for garbage collection.

- D. Fees defined and set.

(1) Stop fee. A stop fee is the fee for the garbage truck making a stop in front of a property. The stop fee shall be computed as set forth in Chapter 163, Fees, of this Code. [is set at ten dollars (\$10) per month for each tax lot within the city, whether or not a building is erected thereon.]

(2) Dwelling unit fee. A dwelling unit fee is the fee charged for collection of garbage from one (1) dwelling unit for a period of one (1) month. The dwelling unit fee shall be computed as set forth in Chapter 163, Fees, of this Code. [twelve dollars (\$12.) per month per dwelling unit.]

(3) The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund collection operations, all under the Sanitation Fund.

- E. Bills for sanitation user fees. Bills for sanitation user fees shall be prepared and sent to each owner on a quarterannual basis, starting on August 1, 1991, in the same manner as

water and sewer charges are now billed and distributed, except that sanitation user fees shall be billed and paid during the first month of the calendar quarter in which sanitation removal services are performed, in the months of January, April, July and October. Bills for user fees shall be payable within the same time limits as may be prescribed in the Charter for the payment of water bills.

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, except that sanitation fee billings for the months of May through August 2010 shall be billed in August 2010 and sanitation fee billings for the months of September through December 2010 shall be billed in November 2010.

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

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

ENACTED

[Brackets] denote deletions

Underlining denotes additions

LOCAL LAW NO.: 8 - 2010

OF

JUNE 14, 2010

A LOCAL LAW RESCINDING CHAPTER 163
ENTITLED "FEES" OF THE CODE
OF THE CITY OF NEWBURGH

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Rescinding Chapter 163 entitled 'Fees' of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

Chapter 163 entitled "Fees" of the Code of the City of Newburgh is hereby rescinded in its entirety:

[§ 163-1. Applicability.

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

§ 163-2. Code compliance.

The following code compliance fees shall be charged:

A. Social services:

- (1) Pre-rental inspection: \$75.
- (2) Each re-inspection: \$50.

B. Certificate of occupancy:

- (1) Single-family or two-family residence: \$100.
- (2) Residential accessory structure/residential addition, alteration or renovation: \$50.
- (3) Multiple-family residence (three units and above): \$300.
- (4) Commercial/industrial: \$300.
- (5) Re-inspection: \$200.
- (6) Copy of certificate of occupancy: \$25.
- (7) Violation search: [\$20] \$100, plus \$0.25 per copy.
- (8) Street reports: \$20.

C. Trailers:

- (1) (Reserved)
- (2) Temporary (used by contractors as offices during construction):
 - (a) One to 10 days maximum: \$50.
 - (b) Ten to 30 days maximum: \$100.

D. Blasting permit: \$250.

E. Sign permits: \$100.

F. Scaffold permit: \$50 per erection.

G. Dumpster permit: \$25.

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

- (1) Three days maximum: \$300.
- (2) After three days: \$50 per day.

I. Wood- or coal-burning stove permit:

- (1) Construction: \$25.
- (2) After three days: \$50 per day.
- J. Boiler permit: \$25.
- K. Swimming or bathing pool permit: \$50.
- L. Fence permit: \$25.
- M. Place of assembly category buildings, annual inspection: \$150.
- N. Commercial buildings (other than public assembly category), annual inspection: \$75.00.

§ 163-3. Sewer and water.

The following sewer and water fees shall be charged:

- A. Utility service connection: The following utility connection fees shall be charged for all new connections to water and sewer systems in the City of Newburgh:
 - (1) One- and two-family residential: \$100.
 - (2) Multifamily (three and above), commercial, industrial: \$300.
- B. Sewer fees (See Chapter 248.):
 - (1) Sewer connections (openings or alteration):
 - (a) Residential (one- and two-family): \$100.
 - (b) Multifamily (three and above), commercial, industrial gravity sewer connection: \$200.
 - (2) Septic systems and other private sewage disposal systems:
 - (a) Residential new system or repair of existing: \$100.
 - (3) Inspections and tests (See Chapter 293.):
 - (a) Water: \$25.

- (b) Sewer: \$25.
 - (c) Sewer and water: \$50.
 - (d) Performance of dye or peppermint test: \$50 plus the cost of the dye or peppermint up to \$20 per pound.
- (4) Minimum sewer charge: \$1 per quarter.
- (5) Permit for the discharge from private sewage disposal system to public sewer:
- (a) Application fee: \$100.
 - (b) Discharge fee: The rate established by the sewage treatment plant manager based upon the cost of processing the particular type of waste, market conditions, and the risks entailed to the plant by the processing of that particular type of waste so as to provide a reasonable return to the City, provided that such rate shall be no less than \$5 per 1,000 gallons of waste or the sewer use rent as may be established by § 248-1B of this Code multiplied by the rate per 1,000 gallons for outside City water users as may be established in § 163-3C(7) of this Code, whichever is greater.
- (6) Scavenger waste discharge:
- (a) Annual license fee for vehicles transporting sewage to treatment plant: \$25.
 - (b) Discharge per 1,000 gallons or fraction thereof: \$5.
- (7) Industrial waste discharge permit:
- (a) Industrial users: \$1,500 per year.
 - (b) Significant industrial users: \$11,500 per year.
- (8) Laundry sewage disposal:
- (a) Sewage sludge: \$0.13 per gallon.
 - (b) Septage: \$0.13 per gallon.
 - (c) Leachate: \$0.13 per gallon.
 - (d) Laundry sewage: \$0.05 per gallon.

C. Water service fees (See Chapter 293.):

- (1) The charge for maintenance, repair or replacement of the water meter because of improper use, accident, freezing, vandalism, theft or removal without permission of the Superintendent or any other extraordinary cause shall be \$250, plus the actual cost of labor and parts required to repair or replace the meter. The penalty for unauthorized interference with, tampering with, unsealing of or removal of water meters shall be \$500, plus cost of parts and labor for repair, replacement and/or resealing of meter. The charge for replacement of missing water meters shall be \$1,000, plus the actual cost of parts, labor and the cost to purchase a new meter.
- (2) Connection to City water main:
 - (a) One- and two-family residential: \$100.
 - (b) Multifamily (three and above), commercial and industrial: \$300.
 - (c) Water meters up to two inches in size shall be supplied by the City at no cost. The cost for meters over two inches shall be paid by the owner/applicant and shall be purchased by the owner/applicant from the supplier for the type and manufacturer as indicated by the Superintendent.
 - (d) The owner/applicant shall be responsible for the installation of the connection line from the main to the building, including the tapping valve or corporation stop, curb stop and box, as well as the meter and remote. All connection permit charges shall be paid at the time the application is approved.
- (3) Charge for restoration of service. When water service to any premises is requested to be turned off or when water service to any premises has been turned off upon the order of the owner/customer or for any of the above reasons and service at any premises is again desired by the same owner/customer, including seasonal customers, it shall be done by a City of Newburgh licensed plumber at the cost to the owner/customer. If the City shuts off the water service at the water main for any violation of Chapter 293, the owner shall be charged the actual cost of the termination which shall be included on the owner's next water bill. If the owner requests the water service to be turned on after the violation of Chapter 293 has been corrected and lifted by the Superintendent, the reconnection shall be done by a City of Newburgh licensed plumber and contractor with all costs borne by the owner.
- (4) Final/closing reading of meter at customer request: \$35.

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

(6) Meter test fee (requested by owner):

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

(7) Quarterly metered rates.

(a) Quarterly metered rates per 1,000 gallons:

[1] First 1,000 gallons:

[a] Inside City: \$5.570.

[b] Outside City: \$8.360.

[2] Additional usage will be charged at a flat rate of \$5.570 (\$8.3690 outside City) per 1,000 gallons.

(b) Minimum quarterly charge.

Meter Size (inches)	Gallons Allowed	New Inside City	Outside City
+5/8	6,000	\$33.42	\$50.16
3/4	14,000	\$77.98	\$117.04
1	24,000	\$133.68	\$200.64
1 1/2	42,000	\$233.94	\$351.12
2	83,000	\$462.31	\$693.88
3	120,000	\$668.40	\$1,003.20
4	180,000	\$1,002.60	\$1,504.80
6	315,000	\$1,754.55	\$2,633.40
8	675,000	\$3,759.75	\$5,643.00

(c) Surcharge. A surcharge shall be added to the above charges for water services in the amount of 14%. This extra charge is made for the purpose of

financing the cost of obtaining water from the New York City Aqueduct. Such surcharge shall be effective on October 1, 1981, and shall continue to be made in every quarterly billing period in which any water is taken from the Aqueduct tap.

- (8) Water Facility Charge:
 - (a) Each single-family dwelling will be assigned one unit.
 - (b) Each two-family dwelling will be assigned 1.75 units.
 - (c) Each three-family dwelling will be assigned 2.5 units.
 - (d) All other properties within the City, other than one, two and three family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying exceptions, abatements, etc.)
 - (e) Quarterly water facility charge: \$7.30 per unit as determined by subsection 8(a), (b), (c) and (d) above.
 - (f) Minimum water facility charge: \$1 per quarter.
- (9) Hydrant charge, outside City: \$64 per hydrant per year.
- (10) Private sprinkler charge for connection to City mains.

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

D. Water system flow test or fire hydrant flow test: \$150 per hour.

E. Backflow preventer.

- (1) Application fee: \$100.
- (2) Administrative processing fee for late filing of annual backflow prevention device testing report: \$25.

F. Fire hydrants:

- (1) Permit to use hydrant: \$100 per day.
- (2) Deposit for connection and wrenches: \$100.

§ 163-4. Streets and sidewalks.

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

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

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

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

- A. Electrical (See Chapter 155.):
 - (1) Electrical licenses:
 - (a) Master electrician (Class A).
 - [1] New license: \$350.
 - [2] Renewal: \$300 every two years.
 - (b) Master electrician (Class B).
 - [1] Temporary (one job only): \$750.
 - (c) Special electrician (Class C).
 - [1] New license: \$50.
 - [2] Renewal: \$50.

- (2) Plate or sign: \$10.
 - (3) Manual of rules and regulations for electrical examiners (See Chapter 30.): \$5 per copy.
 - (4) Electrical permit: \$25 per permit.
- B. Plumbing (See Chapter 230.):
- (1) Examinations:
 - (a) Application: \$300 nonrefundable, including one reexamination.
 - (2) License (certificate of competency):
 - (a) Certificate of registration: \$250.
 - (b) Renewal:
 - [1] Within 30 days of expiration: \$100.
 - [2] If renewed after January 1: \$125.
 - [3] Sticker: \$5 per vehicle per year.
- C. Gasoline and petroleum tanks (See Chapter 263, Article IV.):
- (1) Permit for installation of gasoline tanks: \$350.
 - (2) Operation of petroleum dispensers: \$100 per year.
 - (3) Gas pump within line of street: \$50 per year.
 - (4) Permit for installation of combustible liquid tank:
 - (a) Tanks of 275 gallons (up to two tanks): no fee.
 - (b) Tanks of 550 gallons: \$50.
 - (c) Tanks of 1,000 gallons and larger: \$250 for tanks of 1,000 gallons and \$15 for each additional 1,000 gallons of tank capacity.
 - (5) Permit for removal of tank: \$25 per tank.

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

(1) Taxicab license fee: \$150 per year.

(2) Taxicab driver's license: \$50 per year.

E. Peddlers (See Chapter 223.):

(1) Application fee: \$50, nonrefundable.

(2) License fees:

PerYear	Activity	Per Week	Per Month	
	Peddling on foot	\$10	\$25	\$100
	Peddling with handcart or pushcart	\$25	\$50	\$200
	Peddling with vehicle (1 person)	\$25	\$50	\$200
	Each helper to person peddling with a vehicle	\$5	\$40	\$50

F. Cabaret license (See Chapter 108.):

(1) Per year: \$100.

(2) Per day: \$10.

G. Bowling alley license: \$25 per year.

H. Roller-skating rink license (See Chapter 108.): \$75 per year.

I. Boxing or wrestling match license (See Chapter 108.): \$150 per year.

J. Motion-picture shows (See Chapter 108.): \$150.

K. (Reserved)

L. (Reserved)

M. Junkyard license (See Chapter 198.): \$250 annually.

N. Vehicle license for private garbage collectors (See Chapter 183.): \$200.

O. Garage sale permit (See Chapter 181.): \$3.

P. Newsracks (See Chapter 209.):

- (1) Annual permit fee: \$25.
- (2) Renewal: \$25.
- (3) Inspection fee: \$10.

Q. Wreckers and towers (See Chapter 297.):

- (1) Annual license fee: \$150 for the first two vehicles.
- (2) For each truck or vehicle in excess of two: \$25.

R. Letter and parcel receptacles (See Chapter 207.):

- (1) Annual permit fee: \$25.
- (2) Renewal: \$25.
- (3) Inspection fee: \$10.

S. Public assembly:

- (1) Permit fee: \$50.

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

A. Land subdivision (See Chapter 266, Subdivision of Land.):

- (1) Lot line change and two-lot subdivision of parcel containing an existing residential structure: \$200.
- (2) Minor subdivision of four lots or fewer: \$200.
- (3) Major subdivision of five lots or more: \$200 plus \$50 per lot.
- (4) Cost of professional services required in subdivision review process.
 - (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection A(1) or (2) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the

following services which may be reasonably required by the Planning Board in the processing of the application:

- [1] Engineering services.
- [2] Review during construction, inspection services.
- [3] Planning services.

(b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.

(5) Inspection of public improvements: 4% of the value of bonded improvements.

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

(7) Public hearing: \$150. Cost for obtaining a public hearing notification list from the City Assessor: \$50.

B. Site plan review (see Chapter 300, Zoning.):

(1) Review fees.

(a) Residential:

- [1] Site plan containing four dwelling units or fewer: \$300.
- [2] Site plan containing five dwelling units or more: \$300 plus \$150 per unit.

(b) Commercial: \$1,000 plus \$200 per 1,000 square feet of floor area.

(2) Inspection of public improvements: 4% of the approved estimated value of bonded improvement.

- (3) Cost of professional services required in site plan review process.
 - (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection B(1) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:
 - [1] Engineering services.
 - [2] Review during construction, inspection services.
 - [3] Planning services.
 - (b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.

C. Building permit applications:

- (1) Upon filing of an application for a building permit for a new residential structure, the following fee shall be charged: \$240, plus \$0.24 per square foot of floor area.
- (2) Upon filing of an application for a building permit for a new commercial or industrial structure, the following fee shall be charged: \$300, plus \$0.20 per square foot of floor area.
- (3) Upon filing of an application for a building permit for an addition, alteration, renovation or accessory building, the following fee shall be charged: \$10 per \$1,000 of construction value.
- (4) Upon filing of an application for a building permit for demolition, the following fee shall be charged: \$50 per story.
- (5) Failing to apply for a building permit prior to the commencement of work, the following fee shall be charged in addition to the amounts charged in Subsection C(1), (2) and (3) of this section: 50% of the application fee for a residential structure or \$200 for a commercial structure.
- (6) Required inspections for building permit applications conducted outside of regular working hours: \$150.

D. Miscellaneous planning, zoning and Building Department fees:

- (1) Zoning Board of Appeals (See Chapter 300.):
 - (a) Variances and requests for interpretation:
 - [1] Residential: \$150.
 - [2] Commercial: \$250.
 - (b) Transcript of proceedings: \$3 per page.
 - (c) Assessor's public hearing notification list: \$50.
- (2) Planning Board (See Chapter 300.):
 - (a) Special use permits:
 - [1] Residential: \$150.
 - [2] Commercial: \$250.
 - (b) Transcript of proceedings: \$3 per page.
 - (c) Assessor's public hearing notification list: \$50.
- (3) Applicants shall, at the discretion of the particular Board involved, reimburse the cost of professional services required in the review process based on the most current rate. Payment shall be made prior to each stage of submission.
- (4) All requests for certification letters, including but not limited to flood control, certification, certificates of occupancy, abstract, title search, zoning and road ownership certificates: \$100 per certified letter.
- (5) Re-inspection, other than for a certificate of occupancy for the same site.
 - (a) Residential site: \$40 per additional inspection of the same site for the same purpose.
 - (b) Commercial site: \$75 per additional inspection of the same site for the same purpose.

- (6) Inspections requested outside normal business hours: \$150, plus reimbursement of overtime costs.
 - (7) Surcharge for starting work without a permit:
 - (a) Residential: 50% of building permit fee.
 - (b) Commercial/industrial: \$200.
 - (8) Floodplain development permit application: \$100.
 - (9) City street curb cut/driveway permit: \$75.
- E. Subdivision, site plan, architectural review and site preparation application professional service fees; commercial permit review.
- (1) Legislative intent. By enactment of this section, the City Council of the City of Newburgh recognizes the need of ensuring that the engineering, planning, technical, environmental, legal and clerical costs incurred by the City in processing and reviewing land use approvals be borne by the applicant/developer and not by the general public. To this end, it is the intent of this section to require the applicant/developer within the City of Newburgh to deposit with the City, in escrow, certain fees which are reasonably related to the complexity of the application and necessitate review by the City through its consultants as a condition precedent to the processing and review of any application. Additionally, this section shall also require the deposit of escrow fees with the City to cover the costs for review of an applicant/developer's environmental impact statement in accordance with Environmental Conservation Law § 8-0113 and 6 NYCRR 617.17.
 - (2) Fees for certain actions before the Planning Board.
 - (a) Upon application to the City of Newburgh Planning Board for any planning action or approval, the applicant shall deposit with the Secretary to the Planning Board an escrow to cover the costs being incurred by the City for all consultant services, including but not limited to engineering, planning and legal as well as clerical costs incurred in the processing and reviewing of such application.
 - (b) The City of Newburgh Planning Board shall compute the initial escrow charge in accordance with the following schedule:
 - [1] Residential subdivision: \$500.

- [2] Commercial subdivision: \$1,000.
- [3] Multifamily residential site plans and special permits: \$100 per dwelling unit.
- [4] Commercial or other nonresidential site plans and special permits: \$1,000 plus \$200 per 1,000 square feet of building floor area or part thereof.
- [5] State Environmental Quality Review Act (SEQRA):
 - [a] Long environmental assessment form: \$1,000.
 - [b] Environmental impact statement: \$7,500.
 - [c] Inspection fee for subdivision: 4% of amount of performance bond.
- (c) Planning review fee deposits shall be made to the Secretary to the Planning Board and shall be placed in a separate non-interest-bearing account by the City of Newburgh.
- (d) No review shall be under taken by the consultants nor shall the matter be scheduled before the Planning Board until the escrow account and all fees as set forth herein are paid.
- (e) If the escrow account falls below 40% of the initial deposit, the Planning Board may, if recommended by the consulting engineer, planner or attorney, require that the applicant pay additional funds into the escrow account of up to 75% of the initial deposit.
- (f) In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds after payment of all outstanding charges in the applicant's account shall be either remitted to the applicant within 60 days of final action by the Planning Board or, if so directed by the applicant, shall remain on deposit as the applicant's initial payment during the post-approval inspection requirements.
- (g) The applicant shall be responsible for the payment of all the consultant services incurred by the Planning Board notwithstanding that the escrow account may be insufficient to pay for said fees or expenses.

- (h) In the event that the Planning Board in the course of reviewing an application determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the Board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account established pursuant to this subsection within 15 days of said positive declaration, in an amount as set forth in this Subsection E(2)(b).
- (3) Pending applications. All applicants with matters pending before the Planning Board as of the effective date of this section shall be required to post an escrow in the manner and upon the terms and conditions set forth below:
 - (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City. Such amount shall be reasonably related to the costs attendant to the City's review of the application as of the effective date of this section. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the City prior to the effective date of this section.
 - (b) Once computed and established by resolution of the Planning Board, the applicant shall, within 15 days of said resolution, post the escrow fees with the Secretary of the Planning Board. Failure to deliver said escrow fees may result in delay of the further processing of the application.

F. Rezoning fees.

- (1) Application to amend Zoning Ordinance or Zoning Map.
 - (a) For residential zoning amendments involving a single lot with single-family residences as the primary structures: \$200.
 - (b) For all other residential and for commercial zoning amendments: \$300.
- (2) Costs of professional services required for review of zoning amendment application: at cost of professional services invoiced to City of Newburgh.

- (3) The applicant shall also be required to pay upon presentation the actual costs of publication and mailing of any and all notices required by any provision of this Code and other provisions of law.
 - (4) Public hearing: \$150 plus cost of publication and transcription.
- G. Professional service fees for rezoning applications, inspections, improvement districts, dedications and agreements.
- (1) Legislative intent. The City Council of the City of Newburgh hereby finds and determines that in order to protect and safeguard the City of Newburgh, its residents and their property, with respect to certain land developments in the City, applications for zoning amendments and rezonings should conform to the City's Comprehensive Plan as it may be amended from time to time and be the subject of such environmental reviews as are required by law; landscaping installations and erosion and sediment control measures should be designed and installed in a competent and workmanlike manner and in conformity with approved plans and all applicable government codes, rules and regulations; and special improvement district extensions and establishments, outside use agreements and dedications and conveyances to the City should be made in a legally sufficient manner. In order to assure the foregoing, it is essential for the City to have competent professionals retained by the City to review and make recommendations regarding proposed zoning amendments and rezonings, plans and designs to the City Council and Planning Board, inspect landscaping and erosion and sediment control measures, negotiate and draft appropriate agreements with those persons installing or constructing or proposing to install or construct highway, utility, drainage or park improvements to be dedicated or connected to City facilities, obtain, review and approve deeds, easements, securities, insurances and other legal instruments to assure that the City obtains good and proper title and is otherwise adequately protected. The costs of retaining such competent professionals should ultimately be paid by those who seek to profit from such developments rather than from the City general or improvement district funds which are raised by assessments paid by the taxpayers of the City.
 - (2) Authority. This subsection is enacted under the authority of Subparagraphs a(12) and d(30) of Municipal Home Rule Law §§ 10(1)(ii) and 22. To the extent that General City Law §§ 83, 27-a, 32 and 33 do not authorize the City Council or City Planning Board to require the reimbursement to the City of professional expenses in connection with the review, inspection and approval of landscaping, erosion and sediment control measures for subdivisions and site plans, review and approval of districts and dedications

and amendments to the Zoning Law, it is the express intent of the City Council to amend and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event that such expenses are not paid to the City. It is express intent of the City Council to change and supersede General City Law §§ 83, 27-a, 32 and 33 to empower the City to require such payments as a condition to such approvals.

- (3) The applicant for approval of a zoning amendment or rezoning by the City Council shall reimburse the City for all reasonable and necessary professional expenses incurred by the City in connection with the review, preparation and consideration of such zoning amendment or rezoning and all environmental reviews in conjunction therewith.
- (4) A person who installs landscaping or erosion and sediment control measures or constructs or proposes to construct highway, drainage, utility or park improvements within or in conjunction with an approved subdivision or site plan in the City shall reimburse the City for all reasonable and necessary expenses incurred by the City in connection with the inspection of the landscaping or erosion and sediment control measures and the acceptance by the City of said highway, drainage, utility or park improvements and the dedication of same to the City.
- (5) Simultaneously with the filing of an application for a zoning amendment or rezoning, the applicant shall deposit with the City Comptroller an escrow to cover the costs being incurred by the City for all professional services incurred in the reviewing of such application.
- (6) Prior to final approval of a subdivision or site plan, the applicant shall deposit an escrow to cover the costs being incurred by the City as described in § 163-6E(2)(b) above.
- (7) The initial deposits required to fund escrow accounts shall be established by the City Council by resolution, and the City Council may increase or decrease said amounts by resolution from time to time.
- (8) Upon receipt of such sums, the City Comptroller shall cause such sums to be deposited in a non-interest-bearing account in the name of the City and shall keep a separate record of all such monies so deposited.
- (9) Upon receipt and approval of itemized vouchers from a professional for services rendered on behalf of the City pertaining to a project, the City Manager shall cause such vouchers to be paid out of the monies so

deposited and shall furnish copies of such vouchers to the depositor upon request following their submission to the City.

- (10) All vouchers submitted by professional consultants shall be reviewed and audited by City officials in the same manner as all other charges. The City shall approve payment of only such fees as are reasonable in amount and are necessarily incurred by the City in connection with the review. A fee shall be considered reasonable in amount if it bears a reasonable relationship to fees prevailing in the surrounding geographical area for similar services in similar projects. In determining similarity of services and projects, the City may consider the size of the project and installations, the topography, soil conditions, drainage conditions, surface water conditions, other site constraints, the nature of the improvements to be installed or constructed, the nature of the planning, landscaping, engineering or legal issues arising in the factual context of the application. In determining whether the fees were necessarily incurred, the City may consider, in addition to the factors listed above, the nature of the materials provided by the applicant, the manner in which the service relates to the issues which must be decided by the City in reviewing the application, whether the service provided reasonably assists the City Council in performing a function required by law or regulation and such other factors as may be relevant in the factual context of the application. Records shall be maintained showing all amounts deposited, and all amounts paid from the escrow account and all bills and vouchers submitted by the City professional consultants. The applicant shall in no case be billed for more than the City has actually expended for consultant review fees, and review fees attributable to environmental reviews under the State Environmental Quality Review Act (SEQR) shall in no event exceed the maximum amounts to be charged pursuant to the SEQR regulations.
- (11) Within 30 days of receiving any voucher for professional consultant fees, whether it has yet been paid or not, an applicant may file a written request to the City Council seeking review of the charges therein to determine whether such fees are reasonable in amount and are necessarily incurred by the City in connection with the review, under the standards set forth in this section.
- (12) When the balance in such escrow account is reduced to 40% of the initial deposit, the applicant shall replenish the amount of the escrow account to the original amount or such reduced amount as the reviewing Council shall determine appropriate. If the applicant for a zoning amendment or rezoning fails to make the escrow deposit, or fails to promptly replenish the amount in the escrow account within 15 days of the City's request, professional reviews shall not begin or continue, as the case may be, until

such time as the escrow account is funded or replenished. The reviewing Council may also consider an application abandoned if nonpayment of escrow fees continues for more than two months, and the reviewing Council may deny an application based upon such abandonment.

- (13) In the event that any approval is granted and professional review fees remain to be paid, the reviewing Council shall not take any further administrative action in furtherance of the approval until sufficient provision is made for the payment of these fees. For example, no rezoning amendment at the request of the applicant shall be forwarded for filing with the Secretary of State until the City Comptroller has certified in writing to the City Clerk that all professional review fees actually incurred to date have been fully paid and/or reimbursed, and that sufficient escrow amounts remain to cover any professional review costs which will be incurred thereafter until the conclusion of the matter.
- (14) Issuance of building permits and certificates of occupancy. No building permits or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- (15) Any balance remaining in the escrow account shall be refunded within a reasonable time upon the applicant's request, upon completion of the project, or upon withdrawal of an application, after all fees already incurred by the City are first paid and deducted from the escrow account.
- (16) In the event the applicant fails to reimburse to the City funds expended to consultants as provided herein, the City may seek recovery of billed and unpaid fees by bringing an action venued in a court of appropriate jurisdiction, and the applicant shall pay the City's reasonable attorney fees in prosecuting such action in addition to any judgment.

§ 163-7. Environmental quality review.

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

this section in preparing its own DEIS as well as any costs incurred in the review of any DEIS prepared by the applicant.

§ 163-8. Parks and recreation activities.

The various park and recreation fees shall be as follows:

- A. (Reserved)
- B. Swimming pool; operated in two-hour sessions.
 - (1) Children 5 and under: free.
 - (2) Children 6 to 17 Season Pass:
 - (a) City resident: \$15.00.
 - (b) Non-City resident: \$40.00.
 - (3) Adults 18 and over:
 - (a) City resident: \$40.00.
 - (b) Non-City resident: \$80.00.
 - (4) Summer Camp Programs: \$2.00 per child per day.
- C. Fishing in City reservoirs.
 - (1) Daily permit with use of City-owned boats, one person:
 - (a) City resident: \$6 per day.
 - (b) Non-City resident: \$10 per day.
 - (2) Extra passengers:
 - (a) Two City residents in a boat: \$10 per day.
 - (b) Two non-City residents in a boat: \$18 per day.
 - (c) Three City residents in a boat: \$14 per day.
 - (d) Three non-City residents in a boat: \$26 per day.
 - (3) Senior citizens (persons 60 years of age and older):
 - (a) City residents: free on Monday.
 - (b) Non-City residents: half price on Mondays.
- D. Assemblies in public places.
 - (1) Application fee for permit: \$50.
- E. Docking at Newburgh Landing.

- (1) One-time permit.
 - (a) Permit for recreational vessels over 40 feet in length (by length of boat): \$1 per foot.
 - (b) Permit for all commercial vessels (by length of boat): \$1 per foot.
 - (2) Monthly or annual permit.
 - (a) Vessels with a capacity of fewer than 100 persons: \$125 per week.
 - (b) Vessels with a capacity of 100 or more persons: \$200 per week.
- F. Fishing from shore of Frank Masterson Recreation Area (Lockwood's Basin).
- (1) Season use fee:
 - (a) City resident: \$25 per season.
 - (b) Non-City resident: \$50 per season.
 - (c) Organization group rate: \$2 per person per day.
 - (2) City residents who are senior citizens (persons 60 years of age and older) or disabled persons: free.
 - (3) Veterans, whether City residents or nonresidents, who are senior citizens (persons 60 years of age and older) or disabled: free.
 - (4) Daily use fee:
 - (a) City resident: \$6 per day.
 - (b) Non-City resident: \$10 per day.
- G. Launching a boat or launching jet skis at Newburgh Boat Launch.
- (1) All users: \$8 per day per boat.
- H. Delano-Hitch Recreation Park.
- (1) Softball diamonds:
 - (a) Per game: \$200.
 - (b) League fee: \$225 per team.
 - (c) All games played by the City of Newburgh Little League Baseball Program shall be approved pursuant to a separate license agreement between the Program and the City Manager.
 - (2) Soccer field:
 - (a) City of Newburgh-based youth teams: \$50 per day game; \$75 per night game.
 - (b) Non-City youth teams: \$200 per day game; \$350 per night game.

- (c) City of Newburgh-based adult teams: \$125 per day game; \$175 per night game.
 - (d) Non-City adult teams: \$300 per day game; \$350 per night game.
 - (e) Adult league: \$800 per team.
- (3) Football field:
- (a) Non-City youth teams: \$175 per day game; \$200 per night game.
 - (b) City of Newburgh-based adult teams: \$250 per day game; \$350 per night game.
 - (c) Non-City adult teams: \$450 per day game; \$550 per night game.
 - (d) All games played by the City of Newburgh Pop Warner Football Program shall be approved pursuant to a separate license agreement between the Program and the City Manager.
- (4) Basketball courts:
- (a) Tournaments: \$200 per day.
 - (b) Leagues:
 - [1] City-based leagues: \$125 per team.
 - [2] Non-City-based leagues: \$175 per team.
 - (c) Use of area for nonbasketball event: \$250 per day.
- (5) Use of multipurpose activity center building: See Chapter 220, Article II.
- (6) Use of Delano-Hitch Stadium: See Chapter 220, Article IX.
- (7) Tennis: no fee.
- (8) Use of parking lot for nonsporting event: \$250.

I. Summer programs.

- (1) Summer camp for ages six years to 13 years old:
 - (a) Residents: \$100 per two-week session.
 - (b) Nonresidents: \$200 per two-week session.

§ 163-9. Copies of documents.

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

A. Printed copies of codes:

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

§ 163-10. Police and Fire Department fees.

- A. Police Department.
 - (1) Police alarm device permit: \$50 annual permit fee.
 - (2) False alarms:
 - (a) Any alarm activation to which the Police Department personnel respond which is not the result of an unauthorized entry, fire, smoke or other emergency (i.e., false alarm):
 - [1] One to three per calendar year: \$0.
 - [2] Four to 10 per calendar year: \$50 per alarm.
 - [3] Eleven or more per calendar year: \$125 per alarm.

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

(3) Fingerprinting:

(a) Full set:

[1] City residents: \$25.

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

(b) Thumbprint by Clerk: \$5.

(4) BB gun permit: \$5.

B. Fire Department:

(1) Nightclub (licensed premises) inspection: \$250.

(2) Fireworks permit: \$75.

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

§ 163-11. Dogs and other animals.

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

A. Euthanization and burial:

(1) Dogs:

(a) Under 40 pounds: \$50.

(b) Over 40 pounds: \$65.

(2) Cats:

(a) Cat: \$45.

(b) Kitten \$25.

- B. Redemption of impounded dog: \$35.
- C. License fees. In addition to the fees established by § 110, Subdivision (1), of the Agriculture and Markets Law of the State of New York, the following local fees shall be charged:
 - (1) For each spayed or neutered dog: \$5.00.
 - (2) For each unspayed or unneutered dog: \$5.00.
- D. Boarding.
 - (1) For each animal which is placed in the care and custody of a private boarding facility: the actual cost of such placement.
 - (2) For each animal in the care and custody of the City of Newburgh Animal Control Officer boarded at City facilities: \$25 per day or part thereof.
 - (3) In addition to the above, the City of Newburgh will charge the owner of such animal the actual cost of veterinarian services and medication expenses incurred by the City while caring for such animal.
- E. Other fees.
 - (1) Dogs:
 - (a) Spay: \$77.
 - (b) Neuter: \$77.
 - (c) Rabies shot: \$20.
 - (2) Cats:
 - (a) Spay: \$40.
 - (b) Neuter: \$23.
 - (c) Aids/Fiv combo: \$30.

§ 163-12. Miscellaneous.

Miscellaneous department charges shall be as follows:

- A. License pertaining to games of chance: \$50.
- B. Returned check fee: \$20.

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

§ 163-12.1. Geographic information systems.

- A. Mapping \$40 per hour (length of time to be determined by the GIS Analyst).
- B. Printing (by paper size):
 - (1) The first eight-inch by eleven-inch copy: \$5; each additional copy: \$3.

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

§ 163-13. Civil service examination fees.

- A. Fees for application for any civil service position for police officer or fire fighter for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$40.
- B. Fees for application for all other civil service positions for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be [~~\$15~~] \$20.
- C. Candidates for such examinations who are employees of the City of Newburgh or of the Newburgh Enlarged City School District at the time of application for the examination shall pay to the City of Newburgh a fee of \$15.00 and shall pay that portion of the fee mandated by and payable to the State of New York Department of Civil Service (\$7.50).
- D. Applicants for civil service examination who satisfy any one of the criteria stated herein shall be entitled to a waiver of the payment of any examination fee(s) upon the provision of certification of their eligibility therefor which is satisfactory to the City as provided hereinbelow in Subsection E hereof:

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

E. Content of waiver form.

- (1) To qualify and be approved for the waiver of examination fees provided herein, applicants must demonstrate to the satisfaction of the City that they qualify. Applicants may do so by submitting a signed and notarized form to the City of Newburgh Civil Service Administrator. The format of such form shall be approved by the Civil Service Commission and shall comply with the legal and regulatory requirements of the state, and shall provide, at a minimum, the following:
 - (a) A reproduction of that portion of Civil Service Law Section 50.5(b) providing the legal authority for the subject waiver;
 - (b) The examination title(s), exam number(s) and examination date(s);
 - (c) Indication of the criteria which qualifies the applicant for the waiver;
 - (d) A certification statement to be signed by the applicant and notarized by a New York State notary public attesting to the applicant's eligibility and stating the possible consequences of false statements;
 - (e) The applicant's name, address, telephone number, social security number, the date of the application, a place for the notary seal, and such other information as the Civil Service Commission may appropriately require.
- (2) All information which is protected by privacy and security laws and other protections shall be kept confidential by the City and not publicly disclosed.

§ 163-14. Penalties for offenses.

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

§ 163-15. Exemptions from fees.

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

§ 163-16. Architectural Review Commission.

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

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

§ 163-17. Service charges for handling funds.

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

- A. Coupon bonds. Five percent of the matured coupon amount shall be paid to the Comptroller as a condition precedent to releasing the matured coupons to the owner.

- B. Other interest-bearing securities without coupons. Five percent of the interest payable on such security during the period held by the Comptroller as a condition precedent to the release of such securities.
- C. Non-interest-bearing securities. No fee shall be charged.

§ 163-18. Sanitation and garbage collection.

(Reserved)]

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

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

ENACTED

[Brackets] denote deletions

Underlining denotes additions

ORDINANCE NO.: 9 - 2010

OF

JUNE 14, 2010

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

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

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

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following schedule of fees is hereby established with respect to licenses, permits, registrations, applications, subscriptions and activities required or regulated under the provisions of the Code of the City of Newburgh. Specific requirements and regulations shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall remain in effect until rescinded or amended.

Code Section	Type of Fee	Amount
§ C9.03	Removal of wastes from a dumpster	\$120.00 per month
§ C9.33(D)	Sanitation Stop Fee tax lot	\$20.00 per month per

		whether or not a building is erected thereon
	Dwelling Unit Fee	\$15.00 per month per dwelling unit
§ 30-8	Manual of Rules and Regulations For Electrical Examiners	\$5.00 per copy
§ 103-7	Police alarm device permit	\$50 annual permit fee
	Fire-suppression system installation application	2% of the approved estimated costs of the system
§ 103-21	False alarms: any alarm activation to which the Police Department personnel respond which is not the result of an unauthorized entry, fire, smoke or other emergency	
	[1] One to three per calendar year:	\$0.00
	[2] Four to 10 per calendar year:	\$50.00 per alarm
	[3] Eleven or more per calendar year:	\$125.00 per alarm
	Payable to the City Clerk by the property owner or lessee upon receipt of an annual billing statement from the City	
§ 108-7	Cabaret license	\$100.00 per year \$10.00 per day
	Bowling alley license	\$25.00 per year
	Roller-skating rink license	\$75.00 per year
	Boxing or wrestling match license	\$150.00 per year
	Motion-picture shows	\$150.00

§ 110-3	Public assembly permit	\$50.00
§ 114-13	License pertaining to games of chance	\$50.00
§ 121-3(B)	Vacant building annual registration fee	\$900.00
§ 122-14	Upon the filing of a building permit application for	
	New residential structure	\$250.00, plus \$0.25 per square foot of floor area
	New commercial or industrial structure	\$350.00, plus \$0.25 per square foot of floor area
	An addition, alteration, renovation or accessory building	\$12.50 per \$1,000 of construction value
	Minimum fee	\$50.00
	Building permit for demolition	\$75.00 per story
	Failing to apply for a building permit prior to the commencement of work, the following fee shall be charged in addition to the amounts set forth above	50% of the application fee for a residential structure or \$200 for a commercial structure
	Required inspections for building permit applications conducted outside of regular working hours	\$150.00
	Informational Report	\$50.00
	Surcharge for starting work without a permit	Residential: 50% of building permit fee.

		Commercial/industrial: \$200.00
§ 122-21	Certificates of Occupancy	
	Single-family or two-family residence	\$100.00
	Residential accessory structure/residential addition, alteration or renovation	\$50.00
	Multiple-family residence (three units and above)	\$300.00
	Commercial/industrial	\$300.00
	Re-inspection	\$200.00
	Copy of certificate of occupancy	\$25.00
§ 125-4	Demolition Permit:	
§ 139-8 \$300.00	Crane permit	Up to three days: Four or more days: \$300, plus \$50.00 per day
§ 139-11 \$100.00	Temporary trailers used as Offices	Up to 10 days: \$50.00 Eleven to 30 days:
	Scaffold permit	\$50.00 per erection
§ 150-9 \$50.00	Euthanization and burial of Dogs	Under 40 pounds: Over 40 pounds: \$65.00
	Euthanization of Cats	\$45.00
	Euthanization of kittens	\$25.00

§ 150-18(B)	Redemption of impounded dog	\$35.00
	Boarding:	
	For each animal which is placed in the care and custody of a private boarding facility	Actual cost of such placement, plus cost of veterinarian services and medication expenses incurred by the City while caring for such animal
	For each animal in the care and custody of the City of Newburgh Animal Control Officer boarded at City facilities	\$25.00 per day or part thereof; plus cost of veterinarian services and medication expenses incurred by the City while caring for such animal
§ 150-19	Dogs	Spay: \$77.00 Neuter: \$77.00 Rabies shot: \$28.00
	Cats	Spay: \$40.00 Neuter: \$23.00 Aids/Fiv combo:
		\$30.00
§ 150-22	In addition to the licensing fees established by § 110, Subdivision (1) of the Agriculture and Markets Law of the State of New York, the following local fees shall be charged	For each spayed or neutered dog: \$5.00

		For each unspayed or unneutered dog: \$5.00
§ 155-6	Electrical Permit	\$25.00 per permit
§ 155-15	Master Electrician License (Class A)	New license: \$350.00 Renewal: \$300.00 every 2 years
	Master Electrician License (Class B)	Temporary (1 job only): \$750.00
	Special Electrician License (Class C)	New license: \$50.00 Renewal: \$50.00 per year
§ 155-23	Plate or sign	\$10.00
§ 158-5	Environmental Quality Review	
	<p>Upon a determination that an action may or will have a significant effect on the environment (positive declaration), the applicant shall pay to the lead agency the actual cost to the lead agency of the preparation and review of the draft environmental impact statement under the State Environmental Quality Review Act up to a maximum of 2% of the project cost for residential projects and 1/2 of 1% of the total project cost for nonresidential projects. The lead agency shall require the applicant to deposit what it deems to be a sufficient amount in an escrow account to cover such costs, which sum shall be drawn against in the course of the SEQRA process. Subsequent deposits shall be required as needed. If the applicant elects to prepare a draft environmental impact statement (DEIS), the lead agency may still, at its discretion, collect its costs pursuant to this section in preparing its own DEIS as well as any costs incurred in the review of any DEIS prepared by the applicant.</p>	
§ 166-3	Fence permit	\$25.00
§ 172-7	Blasting permit:	\$250.00
§ 172-10	Nightclub (licensed premises) inspection	\$250.00

	Fireworks permit	\$75.00
§ 175-13	Floodplain development permit application	\$100.00
§ 181-6	Garage sale permit	\$3.00
§ 183-17	Vehicle license for private garbage collectors	\$200.00
§ 183-19	Sanitation permit for commercial properties	\$15.00
§ 190-27 page	Violation search	\$100, plus \$0.25 per
	Street reports	\$20.00
	All requests for certification letters, including but not limited to flood control, certification, certificates of occupancy, abstract, title search, zoning and road ownership certificates letter	\$100.00 per certified
§ 198-10	Junkyard license	\$250 annually
§ 207-4 \$25.00	Letter and parcel receptacles	Annual permit fee: Renewal: \$25.00 Inspection fee: \$10.00
§ 209-5 \$25.00	Newsracks	Annual permit fee: Renewal: \$25.00 Inspection fee: \$10.00
§ 220-12	Use of Downing Park	
	Application fee	\$50.00
	Usage fees (per hour/per event)	\$80.00 for events with 40 participants or less; \$150.00 for events with 41 to 100 participants;

		\$250.00 for events with 101 to 300 participants; \$400.00 for events with 301 participants or more
	Refundable damage fee	\$500.00
§ 220-17	Delano-Hitch Recreation Park	
	Use of multipurpose activity center building	
	Application fee	\$50.00
	Usage fees	Organizations whose membership 50% or more City of Newburgh residents: [a] \$200 for four hours or less; [b] \$50 for each additional hour, or part thereof; Organizations whose membership is less than 50% residents: [a] \$400 for four hours or less; [b] \$100 for each additional hour, or part thereof; Usage fees shall be reduced by 25% for any group or organization sponsoring 10 or more events in any calendar year.
	Use of facility's kitchen	\$100.00
	Refundable damage fee	\$500.00

§ 220-19

Use of Aquatic Center and Athletic Fields

free

Swimming pool; operated in two hour sessions

Children 5 and under:

Children 6 to 17

Season Pass:

City resident: \$15.00

Non-City resident:

\$40.00

Adults 18 and over:

City resident: \$40.00

Non-City resident:

\$80.00

Summer Camp

Programs: \$2.00 per
child per day.

Softball diamonds

Per game: \$200.00

League fee: \$225 per

team

All games played by
the City of Newburgh
Little League Baseball
Program shall be
approved pursuant to
a separate license
agreement between
the Program and the
City Manager

Soccer field

City of Newburgh-
based youth teams:
\$50 per day game; \$75
per night game

Non-City youth teams:
\$200 per day game;
\$350 per night game

	<p>City of Newburgh-based adult teams: \$125 per day game; \$175 per night game</p> <p>Non-City adult teams: \$300 per day game; \$350 per night game Adult league: \$800 per team</p>
Football field	<p>Non-City youth teams: \$175 per day game; \$200 per night game</p> <p>City of Newburgh-based adult teams: \$250 per day game; \$350 per night game</p> <p>Non-City adult teams: \$450 per day game; \$550 per night game</p> <p>All games played by the City of Newburgh Pop Warner Football Program shall be approved pursuant to a separate license agreement between the Program and the City Manager</p>
Basketball courts per day	<p>Tournaments: \$200</p> <p>Leagues: [1] City-based leagues: \$125 per team [2] Non-City-based leagues: \$175 per team</p>

		Use of area for non-basketball event: \$250 per day
	Summer camp for ages six years to 13 years old	Residents: \$100 per two-week session Nonresidents: \$200 per two-week session
§ 220-21	Launching boat or jet skis at Newburgh Boat Launch boat/jet ski	\$8.00 per day per
§ 220-23	Docking at Newburgh Landing One-time permit Monthly or annual permit	Permit for recreational vessels over 40 feet in length (by length of boat): \$1 per foot Permit for all commercial vessels (by length of boat): \$1 per foot Vessels with a capacity of fewer than 100 persons: \$125 per week. Vessels with a capacity of 100 or more persons: \$200 per week
§ 220-34	Use of Delano-Hitch Stadium Non-Sporting Event Application fee	\$50.00

Usage fees

For each event and/or program sponsored by New York State, not-for-profit

organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's

membership: \$100.00

For each event and/or program sponsored by New York State, not-for-profit

organizations in which residents of the City of Newburgh comprise less than 50% of such group's or organization's

membership: \$200.00

For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise 50% or more of such group's or organization's

membership: \$250.00

For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise less than 50% of such group's or organization's

membership: \$700.00

Usage fees shall be reduced by 25% for any group or organization sponsoring 10 to 20 events in any calendar year

Any group or organization sponsoring more than 20 events in any calendar year shall pay usage fees set by the City Manager with the approval of the City Council

Security deposit

For organizations in which City of Newburgh residents comprise 50% or more of such organization's membership: \$500.00

For organizations in which City of Newburgh residents comprise less than 50% of such organization's membership: \$1,000.00

Sporting events

City-of-Newburgh-based youth teams, where 50% or more of the team's roster is comprised of City of Newburgh residents: no charge

Non-City youth teams:
\$100 per day game;
\$125 per night game

City-of-Newburgh-
based adult teams:
\$100 per day game;
\$150 per night game

Non-City-based adult
teams: \$125 per day
game; \$175 per night
game

All fees and charges
referred to in this
subsection may, upon
the approval of the
City Council, be
deemed satisfied, in
whole or in part, by
labor performed by
the members of the
group or organization
in the maintenance of
the field at Delano-
Hitch Stadium and
the grounds of the
Delano-Hitch
Recreation Park as
may be deemed
appropriate by the
City Manager or the
City Manager's
designee

Use of parking lot for non-sporting event

\$250.00

§ 223-6

Peddler's License

Non-refundable application fee

\$75.00

License fees

Per Year	Activity	Per Week	Per Month
	Peddling on foot	\$10	\$25
	\$100		
\$200	Peddling with handcart or pushcart	\$25	\$50
\$200	Peddling with vehicle (1 person)	\$25	\$50
\$50	Each helper to person peddling with a vehicle	\$5	\$40
§ 230-10	Plumbing Examinations		
	Non-refundable application fee (includes 1 re-examination)		\$300.00
§ 230-15 registration:	License (certificate of competency)		Certificate of \$250.00
§ 230-16	Renewal expiration:		Within 30 days of \$100.00 If renewed after January 1: \$125.00 Sticker: \$5.00 per vehicle per year
§ 230-32	Plumbing Permit		1-5 fixtures: \$30.00 6 or more fixtures:
\$50.00			
§ 235-7 day	Renting Space in Public Market		\$10.00 per space per
§ 239-8	Public Records		
	Photocopies of municipal records (9 inches by 14 inches)		\$0.25 per page
	Photocopies of municipal records in excess of		

9 inches by 14 inches in size or reproduction of records by methods other than photocopying Actual cost of reproduction, as determined by the City Manager

Inspection of records, search for records or any certification pursuant to Chapter 239 of this Code No fee

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

Printed copies of codes: Zoning Ordinance:
\$25.00

Subdivision
Regulations: \$15.00

Fees of Bureau of Vital Statistics: as set by state statute.

Police Department reports: All reports: \$5.00
Copies: \$0.25 per page

Certification: \$1.00

Fire Department reports: Fire report: \$5.00
Fire investigation report: \$25.00

§ 240-9 Change in rental property registration statement \$25.00

§ 242-4 Fishing in City reservoirs

Daily permit with use of City-owned boats, 1 person day City resident: \$6 per day
Non-City resident: \$10 per day

	Extra passengers	Two City residents in a boat: \$10 per day. Two non-City residents in a boat: \$18 per day Three City residents in a boat: \$14 per day Three non-City residents in a boat: \$26 per day
		Person 60 years of age and older: City residents: free on Monday Non-City residents: half price on Mondays
§ 248-1	Minimum sewer charge	\$1.00 per quarter
§ 248-7	Septic systems and other private sewage disposal systems system or	Residential new repair of existing:
	\$100.00	
§ 248-8	Sewer connections (openings or alteration) two-	Residential (one- and family): \$100.00
		Multifamily (three and above), commercial, industrial gravity sewer connection: \$200.00
§ 248-19	Permit for the discharge from private sewage disposal system to public sewer	
	Application fee	\$100.00

Discharge fee

The rate established by the sewage treatment plant manager based upon the cost of processing the particular type of waste, market conditions, and the risks entailed to the plant by the processing of that particular type of waste so as to provide a reasonable return to the City, provided that such rate shall be no less than \$5 per 1,000 gallons of waste or the sewer use rent as may be established by § 248-1B of this Code multiplied by the rate per 1,000 gallons for outside City water users as may be established in this Chapter of this Code, whichever is greater.

§ 248-43
vehicles

Scavenger waste discharge

Annual license fee for transporting sewage to treatment plant:
\$25.00

Discharge per 1,000 gallons or fraction thereof: \$5.00

Laundry sewage disposal

Sewage sludge: \$0.13 per gallon

		Septage: \$0.13 per gallon
		Leachate: \$0.13 per gallon
		Laundry sewage: \$0.05 per gallon
§ 248-44 \$1,500.00	Industrial waste discharge permit	Industrial users: per year Significant industrial users: \$11,500.00 per year
§ 249-5	Sidewalk Café permit	\$100.00 annually.
§ 250-8	Sign permit	\$100.00
§ 257-3	Wood- or coal-burning stove permit Construction	\$25.00
	After three days	\$50.00 per day
§ 263-5	Sidewalk permit	\$50.00
	Curb cut permit	\$75.00
§ 263-12	Permit to use fire hydrant	\$100.00 per day
	Deposit for connection and wrenches	\$100.00
§ 263-15	Street opening permit	\$175.00
§ 263-24	Permit for installation of gasoline tanks	\$350.00
	Permit for installation of combustible liquid tank	
	Tanks of 275 gallons (up to two tanks)	no fee
	Tanks of 550 gallons	\$50.00

	Tanks of 1,000 gallons and larger	\$250 for tanks of 1,000 gallons and \$15 for each additional 1,000 gallons of tank capacity
	Permit for tank removal	\$25.00 per tank
§ 263-26	Operation of petroleum dispensers	\$100.00 per year
	Gas pump within line of street	\$50.00 per year
§ 266-22	Subdivision of Lands	
	Lot line change and two-lot subdivision of parcel containing an existing residential structure	\$200.00
	Minor subdivision of four lots or fewer	\$200.00
	Major subdivision of five lots or more lot	\$200.00 plus \$50 per lot

Cost of professional services required in subdivision review process

On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Chapter 266 and in addition to any fees established by Chapter 158 of this Code, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:

- [1] Engineering services
- [2] Review during construction, inspection services
- [3] Planning services

The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.

	Inspection of public improvements	4% of the value of bonded improvements
	Recreation fee in lieu of land at the Planning Board's discretion	\$500 per lot for a subdivision of four lots or fewer (minor subdivision); provided, however, that if a lot contains an existing single-family dwelling unit, such lot (and only one) shall be excluded from the calculation; \$500 per lot including the first four lots for subdivisions greater than four (major subdivision). For residential site plans, including but not limited to newly created condominiums, multiple dwellings (three and greater) and two-family homes: \$1,000 for each residential unit.
	Public hearing	\$150.00, plus \$50.00 for obtaining a public hearing notification list from the City Assessor
§ 272-5	Taxicab driver's license application	\$100.00
§ 272-7	Taxicab driver's license	\$100.00 per year
§ 272-11	Taxicab license fee	\$400.00 per year
§ 272-19	Taxicab vehicle license transfer fee	\$100.00

§ 272-20	Replacement license, permit, card, badge or tag	\$25.00
	Taxicab driver's license replacement photograph application	\$2.00
§ 275-3	Telephone booth permit	
	Application fee telephone	\$25.00 per pay
	Renewal application fees location: \$10.00	No change in Change in location:
\$25.00		
§ 288-29	Loading zone designation	\$100.00 per year
§ 288-34	Handicapped parking space designation	\$25.00
§ 293-22	Backflow preventer	
	Application fee	\$100.00
	Administrative processing fee for late filing of annual backflow prevention device testing report	\$25.00
§ 293-34	Tap fees	
	The following utility connection fees shall be charged for all new connections to water and sewer systems in the City of Newburgh	One- and two-family residential: \$100.00 Multi-family (three and above), commercial, industrial: \$300.00

Water meters up to two inches in size shall be supplied by the City at no cost. The cost for meters over two inches shall be paid by the owner/applicant and shall be purchased by the owner/applicant from the supplier for the type and manufacturer as indicated by the Superintendent.

The owner/applicant shall be responsible for the installation of the connection line from the main to the building, including the tapping valve or corporation stop, curb stop and box, as well as the meter and remote. All connection permit charges shall be paid at the time the application is approved.

Charge for restoration of service. When water service to any premises is requested to be turned off or when water service to any premises has been turned off upon the order of the owner/customer or for any of the above reasons and service at any premises is again desired by the same owner/customer, including seasonal customers, it shall be done by a City of Newburgh licensed plumber at the cost to the owner/customer. If the City shuts off the water service at the water main for any violation of Chapter 293, the owner shall be charged the actual cost of the termination which shall be included on the owner's next water bill. If the owner requests the water service to be turned on after the violation of Chapter 293 has been corrected and lifted by the Superintendent, the reconnection shall be done by a City of Newburgh licensed plumber and contractor with all costs borne by the owner.

Private sprinkler charge for connection to City mains

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

§ 293-35 Check reading of water meter fee \$35.00

Whenever the accuracy of a meter reading is questioned by the owner/customer, a check reading of the meter shall be done by the Water Department. The expense incurred in making such check reading shall be borne by the owner/customer, except on the occasion when the reading was found to be inaccurate, the cost shall be borne by the City.

Meter test fee (requested by owner):

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

Inspections and tests

Water: \$25.00

Sewer: \$25.00

Sewer and water:
\$50.00

Performance of dye or
peppermint test:
\$50.00 plus the cost of
the dye or peppermint
up to \$20.00 per
pound

Water system flow test
or fire hydrant flow
test: \$150.00 per hour

§ 293-36 The charge for maintenance, repair or replacement of the water meter because of improper use, accident, freezing, vandalism, theft or removal without permission of the Superintendent or any other extraordinary cause shall be \$250, plus the actual cost of labor and parts required to repair or replace the meter. The penalty for unauthorized interference with, tampering with, unsealing of or removal of water meters shall be \$500, plus cost of parts and labor for repair, replacement and/or resealing of meter. The charge for replacement of missing water meters shall be \$1,000, plus the actual cost of parts, labor and the cost to purchase a new meter.

§ 293-37 Final/closing reading of meter at customer request \$35.00

§ 293-38 Quarterly metered water rates

Quarterly metered rates per 1,000 gallons

First 1,000 gallons

Inside City: \$5.570

Outside City: \$8.360.

Additional usage will be charged at a flat rate of \$5.570 (\$8.3690 outside City) per 1,000 gallons.

Minimum quarterly charge.

	Meter Size (inches)	Gallons Allowed	Inside City	Outside City
	+5/8	6,000	\$33.42	\$50.16
	3/4	14,000	\$77.98	
\$117.04	1	24,000	\$133.68	
\$200.64	1 1/2	42,000	\$233.94	
\$351.12	2	83,000	\$462.31	
\$693.88	3	120,000	\$668.40	
\$1,003.20	4	180,000	\$1,002.60	
\$1,504.80	6	315,000	\$1,754.55	
\$2,633.40	8	675,000	\$3,759.75	
\$5,643.00				

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

Water Facility Charge

Each single-family dwelling will be assigned one unit

Each two-family dwelling will be assigned 1.75 units

		Each three-family dwelling will be assigned 2.5 units
		All other properties within the City, other than one, two and three family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying exceptions, abatements, etc.)
	Quarterly water facility charge	\$7.30 per unit as determined above
	Minimum water facility charge	\$1.00 per quarter
year	Hydrant charge, outside City	\$64 per hydrant per
§ 297-6	Wreckers and towers	
	Annual license fee	\$150 for the first two
	vehicles	
		For each truck or vehicle in excess of two: \$25.00
§ 300-14	Swimming or bathing pool permit	\$50.00
§ 300-26	Architectural Review Commission	
	Application for certificate of appropriateness	With public hearing:
	\$100.00	
		Without public hearing: \$25.00
	Application for advisory review of an application for a variance or special permit	

	which does not involve issuance of a certificate of appropriateness	Free
	Application for a certificate of appropriateness only in connection with the erection of a sign subject to a sign permit fee, provided that such sign is to be either a wall sign not exceeding 25 square feet of surface area or a projecting sign not exceeding nine square feet of area on one side	\$50.00
§ 300-36	Planning Board	
	Special use permit application	Residential: \$150.00 Commercial: \$250.00
	Transcript of proceedings	\$3.00 per page
	Assessor's public hearing notification list	\$50.00
§ 300-51	Planning Board	
	Site Plan application	Residential (4 or fewer dwelling units): \$300.00 Residential (5 or more dwelling units): \$300.00, plus \$150 per unit Commercial: \$1,000.00 plus \$200.00 per 1,000 square feet of floor area
	Inspection of public improvements	4% of the approved estimated value of bonded improvement
	Cost of professional services required in site plan review process	

On all applications for site plan approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Chapter 300 and in addition to any fees established by Chapter 158 of this Code, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:

- [1] Engineering services
- [2] Review during construction, inspection services
- [3] Planning services

The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.

§ 300-80 Zoning Board of Appeals

Application for variances and requests for interpretation	Residential: \$150.00 Commercial: \$250.00
Transcript of proceedings	\$3.00 per page
Assessor's public hearing notification list	\$50.00

§ 300-83 Miscellaneous planning, zoning and Building Department fees

Applicants shall, at the discretion of the particular Board involved, reimburse the cost of professional services required in the review process based on the most current rate. Payment shall be made prior to each stage of submission.

Re-inspection, other than for a certificate of occupancy for the same site	Residential site: \$40.00 per additional inspection of the same site for the same purpose
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Commercial site:
\$75.00 per additional
inspection of the same
site for the same
purpose

Inspections requested outside
normal business hours

\$150.00, plus
reimbursement of
overtime costs

Subdivision, site plan, architectural review and site preparation application
professional service fees; commercial permit review.

(1) Legislative intent. By enactment of this section, the City Council of the City of Newburgh recognizes the need of ensuring that the engineering, planning, technical, environmental, legal and clerical costs incurred by the City in processing and reviewing land use approvals be borne by the applicant/developer and not by the general public. To this end, it is the intent of this section to require the applicant/developer within the City of Newburgh to deposit with the City, in escrow, certain fees which are reasonably related to the complexity of the application and necessitate review by the City through its consultants as a condition precedent to the processing and review of any application. Additionally, this section shall also require the deposit of escrow fees with the City to cover the costs for review of an applicant/developer's environmental impact statement in accordance with Environmental Conservation Law § 8-0113 and 6 NYCRR 617.17.

(2) Fees for certain actions before the Planning Board.

(a) Upon application to the City of Newburgh Planning Board for any planning action or approval, the applicant shall deposit with the Secretary to the Planning Board an escrow to cover the costs being incurred by the City for all consultant services, including but not limited to engineering, planning and legal as well as clerical costs incurred in the processing and reviewing of such application.

(b) The City of Newburgh Planning Board shall compute the initial escrow charge in accordance with the following schedule:

[1] Residential subdivision: \$500.00

[2] Commercial subdivision: \$1,000.00

[3] Multifamily residential site plans and special permits:
\$100.00 per dwelling unit.

[4] Commercial or other nonresidential site plans and
special permits: \$1,000.00 plus \$200.00 per 1,000 square
feet of building floor area or part thereof.

[5] State Environmental Quality Review Act (SEQRA):

[a] Long environmental assessment form:
\$1,000.00

[b] Environmental impact statement: \$7,500.00

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

(c) Planning review fee deposits shall be made to the Secretary
to the Planning Board and shall be placed in a separate non-interest-
bearing account by the City of Newburgh.

(d) No review shall be under taken by the consultants nor shall
the matter be scheduled before the Planning Board until the escrow
account and all fees as set forth herein are paid.

(e) If the escrow account falls below 40% of the initial deposit,
the Planning Board may, if recommended by the consulting
engineer, planner or attorney, require that the applicant pay
additional funds into the escrow account of up to 75% of the initial
deposit.

(f) In the event that an applicant shall withdraw his application
at any stage of the proceedings or when the application review and
approval process has been completed, the balance of funds after
payment of all outstanding charges in the applicant's account shall
be either remitted to the applicant within 60 days of final action by
the Planning Board or, if so directed by the applicant, shall remain
on deposit as the applicant's initial payment during the post-
approval inspection requirements.

(g) The applicant shall be responsible for the payment of all the consultant services incurred by the Planning Board notwithstanding that the escrow account may be insufficient to pay for said fees or expenses.

(h) In the event that the Planning Board in the course of reviewing an application determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the Board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account established pursuant to this subsection within 15 days of said positive declaration, in an amount as set forth in this Subsection E(2)(b).

(3) Pending applications. All applicants with matters pending before the Planning Board as of the effective date of this section shall be required to post an escrow in the manner and upon the terms and conditions set forth below:

(a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City. Such amount shall be reasonably related to the costs attendant to the City's review of the application as of the effective date of this section. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the City prior to the effective date of this section.

(b) Once computed and established by resolution of the Planning Board, the applicant shall, within 15 days of said resolution, post the escrow fees with the Secretary of the Planning Board. Failure to deliver said escrow fees may result in delay of the further processing of the application.

Rezoning fees

(1) Application to amend Zoning Ordinance or Zoning Map.

(a) For residential zoning amendments involving a single lot with single-family residences as the primary structures: \$200.00

(b) For all other residential and for commercial zoning amendments: \$300.00

- (2) Costs of professional services required for review of zoning amendment application: at cost of professional services invoiced to City of Newburgh.
- (3) The applicant shall also be required to pay upon presentation the actual costs of publication and mailing of any and all notices required by any provision of this Code and other provisions of law.
- (4) Public hearing: \$150.00 plus cost of publication and transcription.

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

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

- (2) Authority. This subsection is enacted under the authority of Subparagraphs a(12) and d(30) of Municipal Home Rule Law §§ 10(1)(ii) and 22. To the extent that General City Law §§ 83, 27-a, 32 and 33 do not authorize the City Council or City Planning Board to require the reimbursement to the City of professional expenses in connection with the review, inspection and approval of landscaping, erosion and sediment control measures for subdivisions and site plans, review and approval of districts and dedications and amendments to the Zoning Law, it is the express intent of the City Council to amend and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event that such expenses are not paid to the City. It is express intent of the City Council to change and supersede General City Law §§ 83, 27-a, 32 and 33 to empower the City to require such payments as a condition to such approvals.
- (3) The applicant for approval of a zoning amendment or rezoning by the City Council shall reimburse the City for all reasonable and necessary professional expenses incurred by the City in connection with the review, preparation and consideration of such zoning amendment or rezoning and all environmental reviews in conjunction therewith.
- (4) A person who installs landscaping or erosion and sediment control measures or constructs or proposes to construct highway, drainage, utility or park improvements within or in conjunction with an approved subdivision or site plan in the City shall reimburse the City for all reasonable and necessary expenses incurred by the City in connection with the inspection of the landscaping or erosion and sediment control measures and the acceptance by the City of said highway, drainage, utility or park improvements and the dedication of same to the City.
- (5) Simultaneously with the filing of an application for a zoning amendment or rezoning, the applicant shall deposit with the City Comptroller an escrow to cover the costs being incurred by the City for all professional services incurred in the reviewing of such application.
- (6) Prior to final approval of a subdivision or site plan, the applicant shall deposit an escrow to cover the costs being incurred by the City as described above.

- (7) The initial deposits required to fund escrow accounts shall be established by the City Council by resolution, and the City Council may increase or decrease said amounts by resolution from time to time.
- (8) Upon receipt of such sums, the City Comptroller shall cause such sums to be deposited in a non-interest-bearing account in the name of the City and shall keep a separate record of all such monies so deposited.
- (9) Upon receipt and approval of itemized vouchers from a professional for services rendered on behalf of the City pertaining to a project, the City Manager shall cause such vouchers to be paid out of the monies so deposited and shall furnish copies of such vouchers to the depositor upon request following their submission to the City.

- (10) All vouchers submitted by professional consultants shall be reviewed and audited by City officials in the same manner as all other charges. The City shall approve payment of only such fees as are reasonable in amount and are necessarily incurred by the City in connection with the review. A fee shall be considered reasonable in amount if it bears a reasonable relationship to fees prevailing in the surrounding geographical area for similar services in similar projects. In determining similarity of services and projects, the City may consider the size of the project and installations, the topography, soil conditions, drainage conditions, surface water conditions, other site constraints, the nature of the improvements to be installed or constructed, the nature of the planning, landscaping, engineering or legal issues arising in the factual context of the application. In determining whether the fees were necessarily incurred, the City may consider, in addition to the factors listed above, the nature of the materials provided by the applicant, the manner in which the service relates to the issues which must be decided by the City in reviewing the application, whether the service provided reasonably assists the City Council in performing a function required by law or regulation and such other factors as may be relevant in the factual context of the application. Records shall be maintained showing all amounts deposited, and all amounts paid from the escrow account and all bills and vouchers submitted by the City professional consultants. The applicant shall in no case be billed for more than the City has actually expended for consultant review fees, and review fees attributable to environmental reviews under the State Environmental Quality Review Act (SEQR) shall in no event exceed the maximum amounts to be charged pursuant to the SEQR regulations.
- (11) Within 30 days of receiving any voucher for professional consultant fees, whether it has yet been paid or not, an applicant may file a written request to the City Council seeking review of the charges therein to determine whether such fees are reasonable in amount and are necessarily incurred by the City in connection with the review, under the standards set forth in this section.

- (12) When the balance in such escrow account is reduced to 40% of the initial deposit, the applicant shall replenish the amount of the escrow account to the original amount or such reduced amount as the reviewing Council shall determine appropriate. If the applicant for a zoning amendment or rezoning fails to make the escrow deposit, or fails to promptly replenish the amount in the escrow account within 15 days of the City's request, professional reviews shall not begin or continue, as the case may be, until such time as the escrow account is funded or replenished. The reviewing Council may also consider an application abandoned if nonpayment of escrow fees continues for more than two months, and the reviewing Council may deny an application based upon such abandonment.
- (13) In the event that any approval is granted and professional review fees remain to be paid, the reviewing Council shall not take any further administrative action in furtherance of the approval until sufficient provision is made for the payment of these fees. For example, no rezoning amendment at the request of the applicant shall be forwarded for filing with the Secretary of State until the City Comptroller has certified in writing to the City Clerk that all professional review fees actually incurred to date have been fully paid and/or reimbursed, and that sufficient escrow amounts remain to cover any professional review costs which will be incurred thereafter until the conclusion of the matter.
- (14) Issuance of building permits and certificates of occupancy. No building permits or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- (15) Any balance remaining in the escrow account shall be refunded within a reasonable time upon the applicant's request, upon completion of the project, or upon withdrawal of an application, after all fees already incurred by the City are first paid and deducted from the escrow account.
- (16) In the event the applicant fails to reimburse to the City funds expended to consultants as provided herein, the City may seek recovery of billed and unpaid fees by bringing an action venued in a court of appropriate jurisdiction, and the applicant shall pay the City's reasonable attorney fees in prosecuting such action in addition to any judgment.

§ 163-2. Miscellaneous fees.

Code compliance

Pre-rental inspection: \$75.00
each re-inspection:
\$50.00

Boiler permit \$25.00

Place of assembly category buildings,
annual inspection: \$150.00

Commercial buildings
(other than public assembly category),
annual inspection: \$75.00

Road dedication: \$250.00, plus the cost
of recording and other
incidental expenses to
process the
application; said fee is
not returnable

Dumpster permit for construction,
demolition or rehabilitation of property
\$35.00 For the first 7 days:

Per week after the first
7 days: \$35.00

Police Department

Fingerprinting Full set: City
residents: 25.00
Non-City
residents:
\$75.00

Thumbprint by Clerk:
\$5.00

BB gun permit: \$5.00

City Clerk

Issuance of certification of cancellation
of tax lien
First certification: free
per tax lot
Replacement
certification: \$25.00
per tax lot

City Collector

Search of tax records and calculation
of taxes owed \$75.00 per tax lot
Returned check fee \$20.00

Law Department:

Preparation and review of documents
in connection with the purchase of
real property from the City \$200.00 per tax lot,
payable at closing

Preparation and review of resolutions, documents and related
services by the Law Department in connection with requests by
private parties to the City for an action, enactment of a resolution
or execution of a document in connection with that private party,
will be charged an amount equal to the reasonable cost to the City
to render such services as established by the Law Department and
approved by the City Manager.

Geographic information systems

Mapping	\$40.00 per hour (length of time to be determined by the GIS Analyst)
Printing (by paper size)	The first eight-inch by eleven-inch copy: \$5.00; each additional copy: \$3.00
	The first eleven-inch by seventeen-inch copy: \$10.00; each additional copy: \$6.00
	The first customized paper size up to 36 inches by 40 inches: \$25.00; each additional copy: \$15.00
	The first copy larger than 36 inches by 40 inches: \$30.00; each additional copy: \$18.00
Data	Building footprint data: \$50.00
	Parcel data: \$100.00
	Orthoimagery: \$200.00
	All other data: \$20.00 per request
Subscription	\$100.00 per year for Interactive Mapping Services

Administrative fee
per order

15% of the total fee

Civil service examination fees

Fees for application for any civil service open competitive exams for the position of police officer or fire fighter for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$40.00

Fees for application for all other open competitive exams for civil service positions for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$20.00

Candidates for promotional examinations who are employees of the City of Newburgh or of the Newburgh Enlarged City School District at the time of application for the examination shall pay to the City of Newburgh a fee of \$15.00 and shall pay that portion of the fee mandated by and payable to the State of New York Department of Civil Service (\$7.50).

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

Individuals who are unemployed and primarily responsible for the support of a household; or

Individuals who are eligible for Medicaid, or receiving supplemental security income (SSI) payments; or

Individuals who are receiving public assistance in the form of temporary assistance for needy families/family assistance or safety net assistance, or are certified eligible for Job Training Partnership Act/Workforce Investment Act programs through a state or local social services agency

Content of waiver form:

To qualify and be approved for the waiver of examination fees provided herein, applicants must demonstrate to the satisfaction of the City that they qualify. Applicants may do so by submitting a signed and notarized form to the City of Newburgh Civil Service Administrator. The format of such form shall be approved by the Civil Service Commission and shall comply with the legal and regulatory requirements of the state, and shall provide, at a minimum, the following:

A reproduction of that portion of Civil Service Law Section 50.5(b) providing the legal authority for the subject waiver;

The examination title(s), exam number(s) and examination date(s);

Indication of the criteria which qualifies the applicant for the waiver;

A certification statement to be signed by the applicant and notarized by a New York State notary public attesting to the applicant's eligibility and stating the possible consequences of false statements;

The applicant's name, address, telephone number, social security number, the date of the application, a place for the notary seal, and such other information as the Civil Service Commission may appropriately require.

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

§ 163-3. Penalties for offenses.

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

§ 163-4. Exemptions from fees.

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

§ 163-5. Service charges for handling funds.

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

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

Section 2. This Ordinance shall take effect immediately.

Mayor Valentine explained that they are putting all of this in order so that it will be more efficient. City of Kingston had been trying to do a crackdown in terms of code enforcement. Kingston aggressively pinpointed two blocks. On one particular day they issued 122 violations on abandoned buildings; problems similar to those we face in Newburgh. The landlords were alerted and fined accordingly. We have similar laws on the books. But it takes enforcement. And it has to have a fair shake when it goes to court. Even though the municipalities put these laws together the courts ultimately have the last say. We could have the last say if we had some other type of court system in place to adjudicate these matters, such as a tribunal. Right now, though, these matters go before our judges, who are often lax.

Councilwoman Bell wondered if they could possibly get together with the city judges. She would like to meet with them face to face. She wants to know what often drives their decisions.

Mayor Valentine responded that Corporation Counsel is aware of the need to discuss these matters with the judges. A public session is not the proper forum to discuss it though.

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

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

ADOPTED

ORDINANCE NO.: 10- 2010

OF

JUNE 14, 2010

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH TO CONSOLIDATE ALL FEES
TO CHAPTER 163 OF THE CODE OF ORDINANCES**

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the following sections of the City Code of Ordinances of the City of Newburgh be and are hereby amended as follows:

Section 1. Chapter 110, Mass Gatherings and Public Events, shall be amended as follows:

§ 110-3. Permit required.

E. Waiver or Reduction of fees, insurance and/or security deposit requirements.

(2) Applications for permits to hold events other than spontaneous or similar events or exercises of free speech such as those in response to a contemporaneous occurrence shall be accompanied by an application fee as set forth in Chapter 163, Fees, of this Code [of \$25] representing the administrative costs to the City for processing same.

Section 2. Chapter 121, Buildings, Vacant, shall be amended as follows:

§ 121-3. Responsibility of owner.

B. Vacant building fees.

(1) The information set forth in Subsection A above shall be filed on forms provided by the Office of Code Compliance together with an annual fee [in the amount of \$900] as set forth in Chapter 163, Fees, of this Code on or before the 31st day of January of each year, to cover the cost of biweekly inspections of the property.

(2) Where a building becomes vacant after the enactment of this chapter, the first annual fee shall be prorated [to \$75 per month] on a monthly basis for each month remaining during the same year, and the

total fee for the remaining portion of the year shall be paid no later than 30 days after the building becomes vacant. Each year thereafter that the building remains vacant, the provisions of Subsection B(1) above shall apply.

Section 3. Chapter 139, Construction Operations, shall be amended as follows:

§ 139-11. Fees.

Whenever a permit is required by this chapter, the application shall be accompanied by the fee set forth in the city fee schedule as set forth in Chapter 163, Fees, of this Code [, or, if no fee is set forth in said schedule a fee of \$25 shall be charged for said permit].

Section 4. Chapter 183, Waste Management, Handling and Disposal, shall be amended as follows:

§ 183-19. Sanitation permit required for commercial properties.

C. A fee as set forth in Chapter 163, Fees, of this Code [of \$15] shall be submitted with each application for such permit.

Section 5. Chapter 220, Parks and Recreation Areas, shall be amended as follows:

§ 220-12. Scheduling Use of Downing Park.

A. Written requests for use; fees.

(1) All requests to use Downing Park, except by City departments, boards or agencies, shall be submitted in writing to the City Manager or the City Manager's designee no less than 30 days prior to the date requested and shall be accompanied by the following fees set forth in Chapter 163, Fees, of this Code:

(a) A nonrefundable permit application fee [of \$50.00];

(b) Usage fees.

[(1) A usage fee of \$80.00 per hour/per event for events with 40 participants or less;

(2) A usage fee of \$150.00 per hour/per event for events with 41 to 100 participants;

(3) A usage fee of \$250.00 per hour/per event for events with 101 to 300 participants; or

(4) A usage fee of \$400.00 per hour/per event for events with 301 participants or more.]

(c) A refundable damage fee [of \$500.00] to be used for any necessary replacement and/or repair costs of Downing Park and its facilities beyond normal wear and tear. Within a reasonable time after completion of an event and/or program, the City Manager or the City Manager's designee

shall provide to the applicant an invoice of hours, supplies and equipment expended in the cleaning and repair of Downing Park necessitated by such event and/or program. In the event such invoice demonstrates costs in excess of the security deposit paid, the applicant shall pay the total cost of such excess within 30 days of the presentment of the invoice. In the event such invoice demonstrates costs less than the security deposit paid, the City shall refund the overage within 30 days of the presentment of the invoice.

§ 220-17. Scheduling of use of building.

A. Written requests for use; fees.

(1) All requests to use the facility, except by City departments, boards or agencies, shall be submitted in writing to the City Manager or the City Manager's designee no less than 30 days prior to the date requested and shall be accompanied by the following fees set forth in Chapter 163, Fees, of this Code:

(a) A nonrefundable permit application fee [of \$50];

(b) Usage fees.

[(1) Usage fees for organizations whose membership is more than 50% residents.

[a] A usage fee of \$200 for four hours or less of use by organizations in which residents of the City of Newburgh comprise 50% or more of such organization's membership;

[b] A usage fee of \$50 for each additional hour, or part thereof, of use requested in excess of four hours by organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership;

(2) Usage fees for organizations whose membership is less than 50% residents.

[a] A usage fee of \$400 for four hours or less of use by organizations in which residents of the City of Newburgh comprise less than 50% of such organization's membership;

[b] A usage fee of \$100 for each additional hour, or part thereof, of use requested in excess of four hours by organizations in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership;

(3) The above usage fees shall be reduced by 25% for any group or organization sponsoring 10 or more events in any calendar year.

(4) An additional usage fee of \$100 in the event a request for use of the facility's kitchen is made part of the application;]

(c) A refundable damage fee [of \$500] to be used for any necessary replacement and/or repair costs of the building and its equipment beyond normal wear and tear. Within a reasonable time after completion of an event and/or program, the City Manager or the City Manager's designee

shall provide to the applicant an invoice of hours, supplies and equipment expended in the cleaning and repair of the building necessitated by such event and/or program. In the event such invoice demonstrates costs in excess of the security deposit paid, the applicant shall pay the total cost of such excess within 30 days of the presentment of the invoice. In the event such invoice demonstrates costs less than the security deposit paid, the City shall refund the overage within 30 days of the presentment of the invoice.

§ 220-19. [(Reserved)] Aquatic Center and Athletic Fields.

A. Use of the City's Aquatic Center shall be by season pass at the rates set forth in Chapter 163, Fees of this Code.

B. All requests to use the athletic fields, except by City departments, boards or agencies, shall be submitted in writing to the City Manager or the City Manager's designee no less than 30 days prior to the date requested and shall be accompanied by the following fees set forth in Chapter 163, Fees, of this Code.

§ 220-21. [(Reserved)] Fees.

A. Fees for launching watercraft shall be as set forth in Chapter 163, Fees, of this Code.

§ 220-34. Scheduling of and charges for use of stadium - non-sports events.

A. All requests to use the stadium shall be submitted in writing to the City Manager or the City Manager's designee no less than 30 days prior to the date requested for such use. All such requests shall be on a form to be provided by the City Manager or the City Manager's designee and shall be accompanied by the following fees set forth in Chapter 163, Fees, of this Code:

(1) A nonrefundable permit application fee [of \$50];

(2) A usage fee [in the following amounts];

[(a) For each event and/or program sponsored by New York State, not-for-profit organizations in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership: \$100.

(b) For each event and/or program sponsored by New York State, not-for-profit organizations in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership: \$200.

(c) For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise 50% or more of such group's or organization's membership: \$250.

(d) For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh comprise less than 50% of such group's or organization's membership: \$700.

B. The above stated usage fees shall be reduced by 25% for any group or organization sponsoring 10 to 20 events in any calendar year.

C. Any group or organization sponsoring more than 20 events in any calendar year shall pay usage fees set by the City Manager with the approval of the City Council.]

[D] B. In addition to the usage fee set forth above, there shall be a fee for the use of the multi-purpose building as required by § 220-17 of the Code.

[E] C. All requests by the Greater Newburgh City School District, or the individual schools thereof, shall be approved pursuant to a separate agreement between such school district and the City of Newburgh.

[F] D. For purposes of such usage fees, each calendar day that an event and/or program is held shall be considered a separate event and/or program requiring a separate usage fee. The usage fee shall be refunded if the request for use is denied, but shall not be refunded if the request for use is approved but the stadium is not used for the period of time requested. City departments, boards and agencies shall be exempt from these fees.

[G] E. Any organization requesting to pay the usage fees set forth in Subsection A(2)(a) and (b) above shall, at the time of their request to use the facility, submit to the City Manager or the City Manager's designee, in a form acceptable to him/her, proof that the organization is one in which residents of the City of Newburgh comprise 50% or more of such organization's membership. The City Manager or the City Managers designee's written findings on such issue shall be included in the permit issued for use of the facility. Any person aggrieved by the decision of the City Manager or the City Manager's designee on this issue may appeal such decision, in writing, to the City Manager within 10 days of the issuance of such permit. All decisions, of the City Manager shall be final.

[H] F. Security deposits.

(1) All requests to use the stadium, except by City departments, and boards, must also be accompanied by a security deposit[:].

[(a) For organizations in which City of Newburgh residents comprise 50% or more of such organization's membership: \$500.

(b) For organizations in which City of Newburgh residents comprise less than 50% of such organization's membership: \$,1000.]

§ 220-36. Scheduling of and charges for use of stadium - sports events.

C. Fees for baseball games shall be as [follows] set forth in Chapter 163, Fees, of this Code:

- (1) City-of-Newburgh-based youth teams, where 50% or more of the team's roster is comprised of City of Newburgh residents: no charge.
- (2) Non-City youth teams: \$100 per day game; \$125 per night game.
- (3) City-of-Newburgh-based adult teams: \$100 per day game; \$150 per night game.
- (4) Non-City-based adult teams: \$125 per day game; \$175 per night game.
- (5) All fees and charges referred to in this subsection may, upon the approval of the City Council, be deemed satisfied, in whole or in part, by labor performed by the members of the group or organization in the maintenance of the field at Delano-Hitch Stadium and the grounds of the Delano-Hitch Recreation Park as may be deemed appropriate by the City Manager or the City Manager's designee.]

Section 6. Chapter 223, Peddlers, Vendors and Solicitors, is amended as follows:

§ 223-4. Application information; health regulations; fee for application.

C. At the time of filing the application, a nonrefundable application fee as set forth in Chapter 163, Fees, of this Code [of \$75] shall be paid to the City Clerk to cover the cost of investigation and other City administrative costs relating to same.

Section 7. Chapter 235, Public Market, is amended as follows:

§ 235-7. Renting of spaces; fee.

B. A charge as set forth in Chapter 163, Fees, of this Code [of \$10 per space per day] may be made and collected by the Market Director of said market from each producer to whom such space may be allotted. Said funds are to be placed in the general fund of the city.

Section 8. Chapter 239, Records, Public Access To, is amended as follows:

§ 239-8. Fees.

Fees for the reproduction of records shall be as set forth in Chapter 163, Fees, of this Code.

- [A. There shall be no fee charged for:
 - (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to this chapter.
- B. Photocopies of records nine inches by 14 inches or less in size are \$0.25 per page.
- C. Photocopies of police accident reports are \$3.50.
- D. Reproduction of records by photocopying, if those records are in excess of nine inches by 14 inches in size or reproduction of records by methods other than photocopying shall be charged a fee equal to the actual cost of reproduction, said cost to be determined by the City Manager.]

Section 9. Chapter 240, Rental Properties, is amended as follows:

§ 240-9. Fees; exemptions.

- A. Commencing on January 1, 2009, a fee [of \$25] as set forth in Chapter 163, Fees, of this Code is required where there is a change in the registration statement previously filed or where a reregistration is required due to a change in ownership as set forth in § 240-6 above.
- B. Exemptions. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth [herein] in Chapter 163, Fees, of this Code.

Section 10. Chapter 272, Taxicabs, is amended as follows:

§ 272-5. Photograph and fingerprints required; application fee; approval of Chief of Police.

- A. Each applicant for a taxicab driver's license shall file with his application clear images, inked prints or other impressions of the fingers of his right and left hands to the satisfaction of the Chief of Police. Such impressions shall be placed upon forms furnished by the City Police Department, the impressions to be taken under the supervision of the Chief of Police or someone designated by him, at such place or places as may be designated by such licensing official. Each applicant shall also file two unmounted, unretouched photographs of himself, size 2 1/4 inches by 2 1/4 inches, taken within 30 days preceding the filing of the application. The filing required by this section shall be accompanied by a nonrefundable application fee as set forth in Chapter 163, Fees, of this Code [of \$100]. The Police Department is hereby authorized to submit such fingerprints to any agency of the State of New York, or subdivision thereof, for the purpose of conducting a criminal history and background check for such applicant, which

shall be used to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder.

§ 272-7. Renewal of taxicab driver's license; fee.

A. When applying for a renewal of a taxicab driver's license, every applicant shall make such application at least 30 days prior to its expiration upon a form to be furnished by the City Clerk entitled "Application for Renewal of Taxicab Driver's License," which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which the original license was granted and the number thereof and such other information as the Chief of Police and other City licensing official may deem necessary. Such application for renewal shall be accompanied by a nonrefundable fee as set forth in Chapter 163, Fees, of this Code [of \$100]. The Driver shall submit with such application the results of a drug screening test performed within 10 days of the date of the application's submission in accordance with the requirements of § 272-4A(3)(a) above.

§ 272-11. Taxicab vehicle license required; fee.

B. The fee for each vehicle so licensed shall be as set forth in Chapter 163, Fees, of this Code [on or before December 31, 2008, shall be \$150; and for each vehicle so licensed between January 1 and December 31, 2009, shall be \$250; and for each vehicle so licensed on or after January 1, 2010, shall be \$400, until further amended by the City Council].

§ 272-16. Taxicab vehicle markings, safety and equipment; owner, operator and/or driver responsibilities.

E. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab driver operating within the City of Newburgh shall at all times remain in compliance with each of the following driver requirements:

(4) In the event a driver's appearance changes substantially, he shall provide the Chief of Police with a new photograph and shall accompany such photograph with an application fee as set forth in Chapter 163, Fees, of this Code [of \$2]. [The fee charged for a replacement license shall be \$15].

§ 272-19. Return of licenses, cards and permits; transfer of vehicle license; exception; fee.

Every person to whom a license card, license or permit has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the City Clerk unless such card, license or permit has been lost or for other reason cannot be restored. Such card, license or permit shall not be assigned or

transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license, permit or card to be used by any other person or for any vehicle other than the one for which same was issued and any person who uses such license, permit or card granted or given to any other person or who uses such permit or license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this chapter. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this chapter may take such vehicle out of service as a taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the Chief of Police for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall meet all the requirements applicable to taxicabs, as required by this chapter. Such application to transfer such taxicab vehicle license shall be accompanied by a nonrefundable transfer application fee as set forth in Chapter 163, Fees, of this Code [of \$100].

§ 272-20. Duplicate license, permit or card.

Whenever a license, permit, badge or card shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof, under the original application, may be issued by the City Clerk upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate license, permit, card, badge or tag. The replacement fee for a lost, stolen or destroyed license, permit, badge or card shall be as set forth in Chapter 163, Fees, of this Code [\$25]. Notice of the issuance of such duplicate with a copy thereof and a copy of the affidavit required hereunder shall be provided by the City Clerk to the Chief of Police.

Section 11. Chapter 275, Telephone Booths, is amended as follows:

§ 275-3. Application for permit.

C. Each application must be accompanied by a permit fee as set forth in Section 163, Fees, of this Code [of \$25] per pay telephone covered by such application.

E. A renewal application shall be filed no later than 60 days prior to the expiration date and must be accompanied by a fee as set forth in Chapter 163, Fees of this Code [of \$10 for each pay telephone covered thereby if no change is to be made in the location of said pay telephone or \$25 per pay telephone for which a change of location is requested].

Section 12. Chapter 297, Wreckers and Towers, is amended as follows:

§ 297-6. License fees.

The annual license fee for the first two vehicles licensed hereunder for 12 months or any part thereof, payable to the City Clerk, and for each such license or renewal thereof shall be [\$150, plus an additional \$25 for each vehicle thereafter; and such fees shall be] as set forth in Chapter 163, Fees, of this Code. Such fees shall be payable to the City Clerk.

This Ordinance shall take effect immediately.

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

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

ADOPTED

Underlining ____ denotes additions.

Brackets [] denote deletions.

RESOLUTION NO.: 140 - 2010

OF

JUNE 14, 2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DONATIONS IN SUPPORT OF THE CITY OF NEWBURGH'S FOURTH OF JULY CELEBRATION AND FURTHER AUTHORIZING THE EXECUTION OF A CONTRACT WITH LEGION FIREWORKS CO, INC. FOR THE DISPLAY OF JULY 4, 2010 IN THE AMOUNT OF \$7,250.00 SUBJECT TO THE TOTAL AMOUNT OF \$7,250.00 BEING RAISED FOR SUCH EVENT

WHEREAS, various businesses, firms and individuals have made contributions of money and in-kind assistance to fund the City of Newburgh's Fourth of July Celebration; and

WHEREAS, the City of Newburgh wishes to enter into the annexed contract with Legion Fireworks Co., Inc. to conduct fireworks displays at the Newburgh Waterfront on July 4, 2010 at a cost of Seven Thousand Two Hundred Fifty (\$7,250.00) Dollars; and

WHEREAS; should there be a rain event, or other circumstances beyond the City's control which prevent such fireworks to be launched on July 4, 2010, the rain date will be July 11, 2010; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to accept such donations and enter into such contract and;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to accept donations in support of the City's Fourth of July Celebration and further authorize the execution of a contract with Legion Fireworks Co, Inc. in the amount of \$7,250.00, subject to the total amount of \$7,250.00 being raised for such event.

Councilwoman Angelo pointed out that the city has received \$3,770 in donations as of now. A few anonymous persons in the audience have donated \$500 a piece. The total goal amount is \$7,250.

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.: 141 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO PROVIDE FEDERAL ASSISTANCE AS RELATED TO FERRY SERVICE
BETWEEN THE CITIES OF NEWBURGH AND BEACON**

WHEREAS, the City Council, by Resolution No.: 196-2004 of August 9, 2004, authorized the City Manager to enter into an agreement with the New York State Department of Transportation (“NYSDOT”) which provided Federal Funding assistance in support of Ferry Service between the Cities of Newburgh and Beacon; and

WHEREAS, NYSDOT has submitted Supplemental Agreement No. 2; and

WHEREAS, entering into such Supplemental Agreement will require amendments to the existing reimbursement agreement with the NYSDOT; and

WHEREAS, this Council has determined that entering into the attached agreement with the NYSDOT is in the best interests of the City of Newburgh, its taxpayers, residents and visitors, and of all persons wishing to avail themselves of such ferry service;

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 Supplemental Agreement No. 2 with the New York State Department of Transportation to provide Federal Assistance as related to Ferry Service between the Cities of Newburgh and Beacon.

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.: 142 - 2010

OF

JUNE 14, 2010

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

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

WHEREAS, the City and Memorare wish to supercede and replace the Lease with a First Amended Agreement of Lease to accord with the amended reimbursement agreement with New York State effective April 21, 2010; and

WHEREAS, the City Council has reviewed such lease and has determined that entering into the same would be in the best interests of the City of Newburgh, its residents and visitors, and of all persons wishing to avail themselves of such ferry service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager on behalf of the City of Newburgh, be and he is hereby authorized to execute a First Amended Agreement of Lease with Memorare, in the general form attached hereto.

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.: 143-2010

OF

JUNE 14, 2010

**A RESOLUTION APPROVING THE CONSENT JUDGMENT AND
AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT
IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST
THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT
BEARING ORANGE COUNTY INDEX NOS. 5950-2006, 6011-2007, 7668-2008 AND
8008-2009, INVOLVING SECTION 34, BLOCK 2, LOTS 2.1 AND 2.12 (BANK OF
AMERICA)**

WHEREAS, Bank of America (Bank of America #27520 and Fleet Bank c/o Bank of America) has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2006-2007, 2007-2008, 2008-2009 and 2009-2010 tax assessment years bearing Orange County Index Nos. 5950-2006, 6011-2007, 7668-2008 and 8008-2009; and

WHEREAS, it appears from the recommendation of the City Assessor, Fernando Gonzalez and Robert M. Miele, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Bank of America (Bank of America #27520 and Fleet Bank c/o Bank of America) is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax years 2006-07 and 2007-08 as tax map number 34-2-2.12 be reduced to a market value of \$ 1,131,000.
- 2- That the proceedings brought in connection with the property described on the City of Newburgh tax roll for the tax years 2006-07 and 2007-08 as tax map number 34-2-2.1 be discontinued with prejudice.
- 3- That the real property of Petitioners described on the City of Newburgh tax roll for the tax year 2008-09 as tax map number 34-2-2.12 be reduced to a market value of \$1,131,000. That the real property of Petitioners described on the City of

- Newburgh tax roll for the tax years 2008-09 as tax map number 34-2-2.1 remain with a market value of \$ 119,400.
- 4- That the proceedings brought in connection with the property described on the City of Newburgh tax roll for the tax year 2009-10 as tax map numbers 34-2-2.1 and 34-2-2.12 be discontinued with prejudice.
 - 5- That any tax savings benefits to be realized upon the execution of this Stipulation be realized as a credit against the next tax payment due on the properties herein involved.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above and the attached Consent Judgment is hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Richard F. Herbek, City Manager of the City of Newburgh; Fernando Gonzalez, Assessor of the City of Newburgh; and Robert M. Miele, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

Mr. Herbek explained that this involves an action involving the assessment of property that Bank of America owns. This is the settlement agreement as a result of that action.

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.: 144 - 2010

OF

JUNE 14, 2010

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AMENDMENT TO THE LAND PURCHASE AGREEMENT BY AND
BETWEEN
THE CITY OF NEWBURGH AND BLUESTONE DEVELOPERS, INC.
DATED JUNE 19, 2008, AS AUTHORIZED BY RESOLUTION NO.: 30-2008,
AND AUTHORIZING THE CITY MANAGER TO CLOSE TITLE AND
DELIVER
THE DEED FOR THE LIBERTY STREET SCHOOL PROPERTY KNOWN
AS 1 LIBERTY STREET AND SECTION 45, BLOCK 5, LOT 18**

WHEREAS, the City of Newburgh ("City") and Bluestone Developers, Inc. ("Bluestone") executed a Land Purchase Agreement dated June 19, 2008 ("LPA") for redevelopment of the Liberty Street School property known as 1 Liberty Street and Section 45, Block 5, Lot 18 on the tax assessment maps of the City of Newburgh ("Liberty Street School"); and

WHEREAS, the City and Bluestone wish to execute an amendment to the LPA in the form attached hereto and to set a date for closing thereunder; and

WHEREAS, this Council feels it would be in the best interests of the City of Newburgh and its continuing development to execute an amendment to the LPA;

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 an amendment to the LPA in the form attached hereto, and to close title and deliver the deed for the Liberty Street School on or before June 9, 2010.

Councilwoman Bell suggested a table of this resolution due to all of the commentary on it.

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

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

No- Mayor Valentine-1

TABLED

RESOLUTION NO.: 145 - 2010

OF

JUNE 14, 2010

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH ORANGE COUNTY EMPLOYMENT
AND TRAINING ADMINISTRATION IN PARTNERSHIP WITH
ORANGE COUNTY FOR THE TRANSITIONAL JOBS PROGRAM**

WHEREAS, Orange County Employment and Training Administration (ETA) in partnership with Orange County is offering an adult summer program called the Transitional Jobs Program; and

WHEREAS, the Transitional Jobs Program is subsidized employment opportunities for up to six (6) months working within the Department of Public Works; and

WHEREAS, the City of Newburgh will receive 100% salary reimbursement from the ETA and Orange County for said program; and

WHEREAS, this Council has reviewed such agreement and finds that the execution of such agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with the Orange County Employment and Training Administration in partnership with Orange County for the Transitional Jobs Program, in a total amount not to exceed \$45,355.80.

Assistant Planning Director Courtney Kain explained that this is a partnership between Newburgh and Orange County. The county receives funds each year to fund temporary jobs in Newburgh for up to 6 months. The city becomes the employer; and 16 additional property maintenance jobs will be created that will include graffiti removal. There is a training component to this as well. This particular program offers a 100% salary reimbursement to the city. The workforce jobs offer a salary of \$10/hr; not to exceed a total cost of \$45,355.

Councilwoman Bell likes the idea of graffiti removal. She asked if this could be done as an apprenticeship program on how to reset bluestone sidewalks. The uneven sidewalks cause a problem city-wide. Once an individual gains expertise in this field this is something that can be transmitted into meaningful work for years to come. There are so many tripping hazards on the sidewalks.

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

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

ADOPTED

RESOLUTION NO.: 146 - 2010

OF

JUNE 14, 2010

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A SUPPLEMENTAL LETTER AGREEMENT WITH THE
CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
IN FURTHERANCE OF THE INTER-AGENCY AGREEMENT
WHICH WAS EXECUTED PURSUANT TO AUTHORITY
GRANTED UNDER RESOLUTION NO.: 201-2005 OF SEPTEMBER 26, 2005**

WHEREAS, by Resolution No.: 201-2005 of September 26, 2005, the City Council authorized the City Manager to enter into an agreement with the City of Newburgh Industrial Development Agency authorizing the mutual cooperative exercise of their respective municipal and lawful powers for projects and purposes in the best interests of the City of Newburgh; and

WHEREAS, it has become necessary to supplement said agreement for calendar year 2010; and

WHEREAS, this Council has determined that entering into a supplemental letter agreement is in the best interests of the City of Newburgh and the City of Newburgh Industrial Development Agency;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is authorized to enter into a supplemental letter agreement with the City of Newburgh Industrial Development Agency in furtherance of the Inter-Agency Agreement which was executed pursuant to authority granted under Resolution No.: 201-2005 of September 26, 2005.

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.: 147 - 2010

OF

JUNE 14, 2010

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A TERMINATION AGREEMENT WITH MCGOEY HAUSER AND
EDSALL, CONSULTING ENGINEERS P.C.**

WHEREAS, McGoey Hauser and Edsall, Consulting Engineers P.C. (“MHE”) has since 1978 performed services for the City of Newburgh (“City”), its boards, commissions, and affiliated public authorities, as an independent contractor; and

WHEREAS, the City and MHE wish to terminate their arrangement and to satisfy all outstanding issues pertaining to contracts between them, other than all of those pertaining to the City of Newburgh Broadway School Courthouse Project (“Courthouse Project”) and some of those pertaining to the City of Newburgh Drinking Water State Revolving Fund Project #2;

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 Termination Agreement with MHE in the general form attached hereto, including but not limited to the payment of Two Hundred Seventy-Five Thousand Four Hundred Twelve and 79/100 (\$275,412.79) Dollars to MHE, in full payment and satisfaction of all bills for services and disbursements performed by MHE, except those pertaining to work on the Courthouse Project.

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

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

ADOPTED

RESOLUTION NO.: 148-2010

OF

JUNE 14, 2010

**A RESOLUTION REAPPOINTING CINDY HOLMES TO THE
MUNICIPAL CIVIL SERVICE COMMISSION
OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Cindy Holmes be and she is hereby re-appointed to a six (6) year term which shall have begun on June 1, 2010 and shall expire on May 31, 2016.

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

NEW BUSINESS

There was no new business to discuss at this time.

OLD BUSINESS

There was no old business to discuss at this time.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Brigidanne Flynn, stated her desire for the July 4th Committee to begin the planning process for next year. She does not see why we don't solicit donations for fireworks. We could seek \$1.00 from individuals to raise money. She has seen committee members in other municipalities do the same thing. We could start now so that we would be ready, and also so that we are never faced with this possibility of not having fireworks again. She also suggested window restoration as a consideration for summer employment. It is a great skill and a good opportunity for individuals to learn. She is a member of the ARC, so she knows there are plenty of old windows that need replacing.

Yakkov Sullivan pointed out that the lovely, old clock located in front of City Hall has been stuck at 10:07 for the last six months. Perhaps the city could consult with Ebenezer Baptist Church, which has a similar and functioning clock, as to how it could be repaired.

Denise Ribble implored the council to seriously consider holding a second work session and subsequent meeting in June. There is too much work to be done. She asked if there has been any word on financial stability. She desired to be informed of the progress of the city manager and economic development director searches. There does not appear to have been a search for the assessor, and she would like to know if there is going to be one for the Police Chief. Is it possible to talk to NYS Unified Courts about the opening of a 3rd courtroom for the adjudication of code citations? Are we going to recoup the losses that the city sustained on the courthouse project? Last, she would like to offer the City Clerk a digital recorder for minute-recording. The Waterfront Advisory Committee currently has two machines. This would allow the Clerk to record the minutes directly onto a CD.

A member of *Mothers and Others For a Better Newburgh* (MO' BETTER) spoke. On behalf of their petition the group filed, she would like to know the status update of the search for a Director of Planning and Development. If they can not get an update now, then when could they expect one? On a separate note, she feels that it is incomprehensible to have only one meeting for July and August. It is not responsible government with all of the city's budget issues, the filling of key staff positions and the crime rate. She realizes that this has been past policy, yet we need a new policy. She does not have the luxury of having one month off.

Mayor Valentine took exception with these comments. Every single item of business has been carried out tonight in a professional manner. Does anyone think that if the city council comes back here two weeks later they are going to do any better of a job? It is very insulting for persons to say that the council is not doing its job. He has his own opinion about this and he did not want to wait until the end to address it.

Karen Mejia spoke on behalf of MO'Betta. She pointed out that the people simply want more interaction, communication and more updates with the council. She respects the work that the council does. She thanks the council each and every time she comes up to the microphone for the service the members provide. She knows that they only receive a stipend for their work in the city. It is similar to volunteering. However in the summer she does not want communication to be lost. Second, if Councilwoman Angelo needs assistance with outreach at the waterfront businesses, she would be interested. The waterfront restaurants profit a lot from the fireworks that occur.

Debra Dresser thanked the council for tabling Resolution #144-2010. Is there a way for the Council, Codes and ARC to sit down and discuss what the next step will be with Liberty Street School before it gets back on the table? The residents are feeling a little uncomfortable with what has not happened in the past. She requested that this be done in a partnership so that everybody wins.

Gay Lee handed out copies of a draft proposal to the council regarding youth at risk (SEE ATTACHED). She believes that this draft could be used to assist the advisory committee. She stated that deeper problems with misappropriation of funding speak to a lack of policy. In order to meet the growing needs of our inner-city youth, we must first describe the targeted youth population in the form of an RFQ using specific guidelines. She would like the council to review her draft proposal to use as a template for when grant opportunities for youth arise. The reason she is participating is that in the 6 years she has been here as many as 5 children have died. But equally important is the fact that recently 78 children have been arrested. There is a problem here that needs to be addressed. Since the CDBG is offering funding, these monies could be earmarked to help those families help their children. Ultimately the children are our future.

Jane Johnston inquired about the suit against NCAC for non-payment of rent at 123 Grand Street. Was something actually filed or have there been negotiations? Second, she has outstanding FOIL requests that include issues that Mr. Hauser has worked on over the years. Several years have passed since she made the request. And she has not received a response since the new Corporation Counsel came into office. She is concerned with records retention

before all hands are washed of the firm. Next, in a previous job at a law firm she recalled that one week she worked 110 hours. She can assure us that when people work long hours, the quality of the work suffers. Perhaps the council would not face the same scrutiny meetings if they did not go so late into the night. She advocated that the city conduct a second meeting during the summer period. Last, she would like to see peoples' questions answered as they are made. She thinks it is much more efficient this way. By the time they are answered procedurally during the resolutions portion of the meeting, there is no avenue for the public to respond to the council.

Mike Curry remarked that the last two RFPs drafted for the IDA were personally drafted by him. Second, it should be noted that Senator Schumer was not here to provide the city with a good governance award. Shame on us if we let the U.S. Attorney General and our Senator fade away someday without showing huge progress in crime, jobs and the whole entrenched mess that we find ourselves in. Next, he is not objecting to days off. But he has suggested that the city pass a proxy ordinance. It is not acceptable that city business gets moved around for personal agendas. Also he would like city staff to put together an email list when a public hearing is scheduled.

A resident of the Town of Newburgh commented. He pointed out that when Tom Kirwan was a senator he tried to push for a sex offender law. A business owner located in Newburgh performed a background check on a prospective employee. It had been discovered that the prospective employee raped a child. He was fired immediately. He was from Albany County and the State dumped him here in Orange County. His own county did not want him. Is there anyway that we could enact a local law that could bar predators from living in our city?

Councilman Dillard commented that the council met with David Jolly, Orange County Commissioner of Social Services, three months ago. It appears as though Newburgh is the dumping ground for these types of offenders. In order to remedy the situation, we must do a better job of putting the pressure on our elected officials, including higher elected officials in Albany. But as a person who carries the same concerns, he promises to follow up on this issue.

Maryann Prokosch remarked that the city needs to actively look for someone to fill the position of Assistant Director of Planning and Development. The city sent out an RFP last July and before that the position was vacant. Also she hopes that we get the money to cover the fireworks. Yet in the Town of Newburgh and Town of New Windsor the fireworks are paid from private donations. It is not put on using taxpayers' dollars. Last, she pointed out that when the police dog was present in the room she noticed that we all smiled- something we have not been able to do in a long time.

Dr. Blue pointed out that he would like to sit down and have a discussion with city staff and community residents about their concerns. He announced an upcoming presentation on the status of the Liberty Street School, which is scheduled for Saturday June 26, 2010.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Bell loves the fact that this represents participatory-based government in action. She has been told that there is not a lot of public participation at the meetings in other neighboring communities. We are all demonstrating the power of becoming the change that we wish to see. She would like to see a youth council created. The youth often feel that they are never heard. Let's set up a table and let them sit down and let's talk with them. We've been waiting for this. She apologized for appearing closed about the possibility of increasing the number of council meetings. She does not want anyone to feel sorry for her, but she is a full-time social worker in the school system. Then she comes here to the meetings for citizen involvement. She is also a business owner. She gets a little offended when people say that she does not deserve to take time off to recharge.

Councilwoman Bello thanked the Police Chief for his years of service. She wishes him well in all of his future endeavors.

Councilman Dillard is disturbed that during the Local and First Source Hiring public hearing no one asked, "Can I help you?" There were a lot of comments and a lot of expertise in the field. Yet it gives him reason to believe that some people don't want this to occur. If Todd D'Orio can come down and help us by getting his hands dirty, then why can't other people offer a helping hand? This is one of the reasons why our city can not grow. And if we are not careful with our youth something very bad is going to happen this summer. We need to take heed and work together.

Mayor Valentine commented that there has been a 100% collaborative effort with all of the community organizations. It is remarkable. It is a step up and it says that it is not up to other people, but it is up to us as a community. Next, he left us with a couple of words about Chief Paolilli. When he became the Police Chief, he got to know him not only as a friend, but as a true professional. The Chief's job has been thankless, because there is seldom a time when compliments are given. The work that the police department did in Mark Bookal's case showed him what kind of man he is and what kind of professional he is. Mayor Valentine, himself, could not believe how exhausted the team looked at the end of the day after going out there to search for the missing boy. You really got a true sense of who Paolilli is, and the leadership that he shows. Also the leadership he exuded during the recent gang raids was remarkable. There was a lot of coordination involved. And yet we really won't know the number of hours he put into it to make it not only successful, but to do so safely without harm to his own officers or anybody else. Much of the

gratitude came from fellow law enforcement officers, who all had such high praise for his work. Mayor Valentine thanked him for being our chief. He wishes him well in his endeavors. It is important that the Chief leave Newburgh knowing that he is a good person.

There being no further business to come before the council, the meeting adjourned at 10:40 P.M.

KATRINA COTTEN
DEP. CITY CLERK

